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OF THE



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CONGRESSIONAL RECORD,

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brethren. What we have seen to-day enables us to felicitate the gentleman now in charge of the majority side upon that wise discretion which they have observed in acting upon the suggestion given to "Little Bo-Peep" in the old nursery rhyme which many of them may have heard—

Leave them alone
And they will come home—

[Laughter.]

A MEMBER. Why do you not give the rest?

Mr. BOUTELLE. I will leave the completion of the verse to the vivid imagination of the Democratic members of the House. Now, Mr. Chairman, I was not particularly surprised that the solemn tone of the gentleman from Kentucky should have had so depressing an effect upon my usually versatile and jocose friend from Mississippi as to send him to a graveyard to refresh his sense of humor.

Mr. CARUTH. Does it take all the Representatives from Maine to answer the gentleman from Kentucky? [Laughter.]

Mr. BOUTELLE. Well, I think if the other gentleman from Kentucky [Mr. CARUTH] were thrown into the scale we might have to send to Rhode Island for our colleague [Mr. REED] in order to fairly balance the scales.

[Here the hammer fell.]

[Cries of "Go on!"]

Mr. BOUTELLE. I would like to have a few minutes more.

The CHAIRMAN. If there is no objection, the gentleman will be permitted to proceed.

There was no objection.

Mr. BOUTELLE. Now, Mr. Chairman, I wish to say a word in regard to this bill [laughter]—this free-wool bill. The gentleman from Kentucky was pleased to say that the principle of the tariff had a different effect—

Mr. SCOTT made an undertone remark.

Mr. BOUTELLE. I wish to say to my friend from Illinois [Mr. SCOTT] that if he will only keep up this running commentary it will assist me very much—

Mr. SCOTT. I will not treat the gentleman as he did me the other day when I was trying to speak.

Mr. BOUTELLE. I hope the gentleman will continue to stimulate me with his remarks.

Mr. SCOTT. I am going to be a little more polite than you were.

Mr. BOUTELLE. I think you are succeeding admirably.

Mr. SCOTT. Thank you!

Mr. BOUTELLE. As has been remarked by the gentleman from Kentucky, the operation and application of the tariff vary under different circumstances, and its effects may be viewed differently from different standpoints. I have heard gentlemen on the Democratic side in this debate charge that the protective system is an invention of the Republican party; that it is contrary to the fundamental idea of our Government—a violation of the theory and practices of the fathers; and I wish to present an authority that I think will be received here with some respect, although I am constrained to admit that a son of the statesman from whom I am about to quote has gone off in these later days to follow false gods, having, like some other of our modern New England youth, persuaded himself that he knows more than his own father or the forefathers of the country. Edward Everett, in one of his most important speeches, delivered in New York City October 14, 1831, stated that the whole issue involved in the system of the tariff is the question whether a people shall submit to foreign extortion or should endeavor to establish independence by a temporary sacrifice of advantage for the purpose of permanent benefit. He says:

In 1775, on economical principles, it was madness for our fathers to go to war for the sake of independence. It would have been infinitely cheaper for that generation to remain under the British Government than to incur, first, the expense of war; and, second, of all the establishments following a state of independence.

He further says:

The letters of Gen. Washington in the Revolutionary war show the calamitous straits to which the Army was reduced for want of clothing, an article for which they were principally dependent on France. It is the opinion of competent judges that the enhanced price of clothing during the war of 1812 amounted to a larger sum than has been paid for duties on imported cloths from that day to this.

And that was in 1831. He makes another point to which I desire to call attention, because I have not heard it adverted to thus far in this discussion. This eminent authority makes the distinct statement (and it is unequivocally borne out by facts) that the prime cause of the Revolution, the fundamental purpose of the fathers in resisting British oppression, was to free themselves from those conditions which had repressed the development of our own resources in this country.

[Here the hammer fell.]

Mr. BOUTELLE. I trust the House will indulge me for a few moments longer. [Cries of "Go on!"]

The CHAIRMAN. If there be no objection, the gentleman will proceed.

There was no objection.

Mr. BOUTELLE. I will not weary the House much longer. I wish to add the following extract from this same history:

It has been within a few years stated by Mr. Huskisson, and with truth, that the real causes of the Revolution are to be found not in the irritating measures that followed Mr. Granville's plan of taxation, but in the long-cherished discontent of the colonies at this system of legislative oppression. Accordingly, the first measures of the patriots aimed to establish their independence on the basis of the productive industry and the laborers' arts of the country. They began with a nonimportation agreement nearly two years before the Declaration of Independence. This agreement with the exception of the addresses to the people of America and Great Britain, was the only positive act of the First Congress that met in Philadelphia in 1774; and it is signed by every member of that body. The seventh article provides that we will use our utmost endeavors to improve the breed of sheep, and increase their numbers to the greatest extent; and the eighth, that we will in our several States encourage frugality, economy, and industry, and promote agriculture, arts, and the manufactures of this country, especially those of wool.

That was the first legislation of the Congress of 1774 and it is along that line, Mr. Chairman, with frequent halts, with more or less divergence, but along that line of developing the resources, of building up the industries, and of securing the industrial independence of our own country that we have advanced with a degree of prosperity unknown elsewhere amongst the civilized nations of the earth.

Now, this matter of wool, as has been stated, is an important one to every individual in our country. The question of clothing does come home to each and all of us, and the most eloquent and effective tariff speech that I ever heard in my life, from my point of view, was delivered a few years ago in my presence by an aged shoemaker in Massachusetts, who, at the close of a meeting, which had been devoted to detailed and exhaustive arguments on the theories and practices of protection and tariff reform, advanced to the front of the platform and in a few brief sentences, giving his own experience, stated the case of the purchasing power of wages with a cogency that I have never heard excelled in argument since. He said:

I was a Democrat and a free trader, both by inheritance and prejudice, until I began to look into this question for myself and study my own experience. I became converted by looking into this very question of the relative effects of protection and free trade upon wages, and the cost of living to the working people of this country. I simply say to you to-night what each and every one of you know, that every man can earn more money to-day by his labor than ever before in the history of this country; and we are able to buy everything that we need of better quality and at cheaper prices. Fifty years ago, in an adjoining town, I worked in a shoe factory and my average rate of wages was \$1.05 per day. I bought my Sunday suit of clothing from our village tailor, and paid him from \$27 to \$30 for the suit. I had to go to my labor, and put in from twenty-five to twenty-eight days of hard work to buy that suit of clothes. To-day I can earn enough in five or six days by my wages to buy a better suit of clothing than I was able to purchase forty years ago with a month's labor.

And that, Mr. Chairman, covers the whole question involved in this controversy.

[Here the hammer fell.]

Mr. MALLORY. Mr. Chairman, Nero fiddled while Rome burned. We are engaged, sir, upon the consideration of a matter that is of the most vital importance to the people of this country, a matter that affects every man and every woman in the country in every relation of life. We stand here, on the Democratic side of this House, to-day, honestly, earnestly, devotedly undertaking to diminish the burdens that have been imposed by the Republican party upon the shoulders of the people of this land.

In response to our earnest, honest efforts, we are met by jibes and quips and jokes that have no bearing upon this great and important subject. In referring to this matter, Mr. Chairman, I beg leave to call the attention of the House to a fact that has not been broached before, that there is embodied in this bill not merely a question of the reduction of the tariff upon wool, but upon almost every woollen article that goes into the use of civilization as it is in this country to-day. And right now we are upon the consideration of that particular paragraph that relates to a reduction of the tariff upon that which, in my judgment, bears most heavily upon the shoulders of the unprotected people of this country.

The bill itself, in the language which it employs, does not disclose its whole import or meaning. The paragraph beginning on the third page, in line 23, says very succinctly and tersely:

Upon the articles enumerated in paragraphs 396 and 397 the duty shall be 45 per cent ad valorem.

What does that mean to the ordinary observer? What are the articles enumerated in paragraphs 396 and 397?

I can tell you what they are. They are the wool hats, the woollen goods, the woollen underwear of a cheap quality, the ready-made clothing that go into the use of every man, woman, and child in this country engaged in labor. Yet when they come to the question of reducing that burden that has been imposed on the shoulders of the people by the last Congress, in spite of the fact that the gentlemen on the opposite side who are advocating

the keeping up of these high duties do not say that they are necessary for the protection of the manufacturer, notwithstanding the fact that we have manufacturers all around us here who declare that they are willing to adopt that schedule, yet we have gentlemen on the opposite side contending that this rate of tariff should be kept up, that it should be imposed upon the wage-earners of this land, simply because it is necessary to protect the industries of this country.

Mr. Chairman, when we are confronted with a matter of this character, when we are confronted with the fact that the passage of this bill will reduce the price of the clothing that is worn by every laboring man and woman in this country by at least 50 per cent, they not being people who can go to tailors and have their suits made to fit them, but who unfortunately have to take what they can get in the stores of the ready-made clothiers, when we are confronted, I say, with the question of whether we shall reduce this, and whether we shall do it without imposing any burden upon the manufacturer, what possible objection can there be to it? Yet upon the opposite side, when we bring this question before them and confront them with the fact that the manufacturers themselves say they do not want this protection, we are nevertheless told that it is absolutely necessary in order to preserve the system of taxation that was prescribed by the Fifty-first Congress that this thing should be kept up, and that if necessary they will go to any length to prevent the reduction of that taxation.

On motion of Mr. WISE, the time of Mr. MALLORY having expired, it was extended five minutes.

Mr. MALLORY. I do not care to continue to any great length, but merely desire to express my views upon what I consider this most momentous subject. In this debate I have heard no reference to the fact that hundreds of articles that are covered by the tariff are included in this bill. The fact that it is a bill to reduce the tariff on wool seems to have taken possession of the minds of gentlemen of this House, and they have given no consideration to the fact that it is not only a reduction of the duty upon crude, raw wool, but that it is a reduction on almost every woolen article that goes into use in our civilization.

And therefore, believing as I believe, and as I have no hesitation in saying what I believe upon this matter—and I speak for no one but myself—believing as I believe that the tariff is unjust and wrong; that it is a system of taxation the most unjust that could be devised by the human intellect; that it is unequal in its bearings upon individuals; that it throws its burdens upon those who are least able to bear them; that it relieves from burdens those who are best able to bear them—believing as I believe, that it is iniquitous and wrong, therefore I say that I am ready to vote for any bill that will reduce anything under the tariff. And right on this point, before I close my remarks, I would like to say what I believe would be the system of revenue that should be adopted in this country.

We have heard from year to year of the immense extravagance of Congress, and we have as an illustration the last Congress, which is known among Congresses as the billion-dollar Congress. If the people of this country could directly feel the burden imposed upon them by this Congress, if there were a direct tax imposed upon the people of this country or if it were a tax imposed upon their incomes, they would very soon realize that \$100 per capita, which is about the figure required to-day, was something more than a free people could bear, and we would soon learn the fact that the Congress of the United States would be compelled to restrain itself within legitimate limits or else change the personnel of its body.

Therefore, Mr. Chairman, believing as I do that a tariff being unjust and unequal and absolutely impossible to equalize, inasmuch as you can not, under any system that you may choose to adopt, impose it with equality upon the different members of society, it being wrong in principle and unjust in application, why not abandon it, or at least why not let us make up our minds to reach a conclusion for its abandonment by gradual steps?

I stand here a representative of the people of my district, a Democrat representing Democrats, and I believe that I represent them when I say that it is the policy of the Democratic party, it is the policy of the patriotic people of this country, to make up their minds to abandon this iniquitous system and devise some other which will be more just and equal, and which will ultimately reach a result that will cast the burdens of government upon those best qualified to bear them. [Loud applause on the Democratic side.]

Mr. DINGLEY. I would like to ask the gentleman who has just taken his seat a question?

The CHAIRMAN. The time of the gentleman has expired, and the gentleman from Alabama [Mr. HERBERT] is recognized.

Mr. DINGLEY. Just one minute, if there be no objection. I would like to ask the gentleman from Florida a question. [Cries of "Too late!"]

Mr. MALLORY. Very well.

Mr. DINGLEY. I would like to ask the gentleman from Florida a question. I understand the gentleman to denounce all protective duties, and to say that he is ready to wipe them out of existence. I want to know if he is ready to wipe out the protective duty on oranges?

Mr. MALLORY. I am. [Great applause on the Democratic side.]

I want the gentleman to understand that I am not rabid, nor wild. I want to reduce the tariff gradually. I want to protect the manufacturing industries in this country, but also to reduce the tariff gradually.

Mr. DINGLEY. Now, Mr. Chairman, I have gotten an answer to that—

Mr. MALLORY. Permit me to go on and say, as the gentleman from Nebraska [Mr. BRYAN] said the other day, when the time comes I will not ask individuals from other States to give me concessions which I am not willing to give to them; and should I do that I would no longer be qualified to represent the people of my district. [Renewed applause on the Democratic side.] I would not only do that, but I would take the duty off sugar and lumber. I am speaking for myself. [Applause and cries of "Maple sugar!"]

Mr. DINGLEY. I simply desire to say that the predecessor of the gentleman appeared before the Committee on Ways and Means of last Congress and insisted, in behalf of the people of Florida, that the duty on oranges should be increased, and demanded a protective duty.

A MEMBER. Perhaps that is the reason why he is not here now.

Mr. MALLORY. Who did that? Does the gentleman say I did that?

Several MEMBERS. Your predecessor.

Mr. MALLORY. While I am responsible for myself, I will say to the gentleman from Maine that I do not know what my predecessor did, but I am willing to go before my people on that. I am willing to say that I have not the face to come to this Congress and ask the committee to put a duty upon oranges and take it off everything else. I am willing to take it off everything.

Mr. HERBERT. As the House seems disposed to adjourn, I am quite willing to yield to a motion that the committee rise.

Mr. McMILLIN. It is my purpose to try to get the bill out of committee this evening.

Mr. HERBERT. Mr. Chairman, I hope the House will give me its attention for five minutes.

Mr. McMILLIN. I hope that order will be restored.

Order was restored.

Mr. HERBERT. Mr. Chairman, I desire to answer very briefly the speech made by the shoemaker, quoted by my friend from Maine [Mr. BOUTELLE]. The pith of that story, as I understand it, was that this shoemaker said his wages had increased under protection, that he got better wages at the time he was speaking, and was therefore in a better position than he had ever been before. That speech, I take it, was made recently, since hides were put upon the free list, which was in 1871.

By some chance it happened that a bill to put hides on the free list slipped through a Republican Congress. The results were magical. Immediately the leather industries of this country received an extraordinary impulse. Immediately the wages of labor in the manufacture of all kinds of leather goods began to rise. Immediately we began not only to supply our own wants, but within the course of some fifteen years after the passage of that bill, if I recollect right—I have not the statistics at hand—it turned out that we exported, after supplying most of our wants, \$16,000,000 or perhaps \$20,000,000 of leather goods. It happened that in 1887 I was inquiring in Paris of an experienced American traveler about buying shoes there. Clothing I found was very much cheaper there than at home and I was buying some to bring home. But as to shoes he said: "Don't buy any more than you need, for you can get shoes as cheaply in America as you can get them here. You can get leather goods of all kinds as cheap in America as you can get them here; trunks you can get just as cheaply and a better article in America than you can get here."

Mr. BRECKINRIDGE of Kentucky. If it does not interrupt my friend, I have some facts about the leather trade. When hides were put upon the free list we bought \$13,000,000 worth; last year we bought \$27,000,000 worth. Then we exported about a million dollars' worth of manufactured leather; last year we exported \$13,000,000 worth. We have never imported since that time more than we did then. So that we have gone ahead and occupied the entire trade of the 25,000,000 or 30,000,000 that are in America now more than there were then; and we now import only such leather goods as we do not manufacture, such as kid gloves, morocco sides, and Russia leather, articles that only the rich use, and which we do not expect to make.

Another fact, if it does not interrupt the gentleman. That was the only manufacturing business in this country that actually

increased in the number of establishments and in the product of those establishments from 1873 to 1890.

[Here the hammer fell, indicating the expiration of Mr. HERBERT'S time while Mr. BRECKINRIDGE of Kentucky was speaking. Laughter.]

Mr. BRECKINRIDGE of Kentucky. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama be extended for five minutes more plus the portion of his time which I have consumed. [Laughter.]

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Chairman, I am much obliged to my friend from Kentucky for furnishing me in concise form the figures the substance of which I was endeavoring to give from memory. He, having recently examined them, has given them more accurately than I could have done. Now, Mr. Chairman, these figures mean that the putting of hides upon the free list has vastly increased our leather industries, has given employment to an increased amount of labor in those industries, and has enabled us to export where we formerly had to import. What is the reason that like results should not follow from putting wool upon the free list?

When the McKinley bill was up two years ago, the Republicans, then in control of this House, first reported, if I remember aright, a bill putting hides back upon the dutiable list. It was a part of their purpose then, as it always is, to strengthen the protective ring by adding as many interests as possible. Every robber that can be induced to join the ring will be just that much help to vote down the people who are crying for relief. Upon that idea the McKinley bill, when first reported, put hides back upon the dutiable list. The thought was in that way to catch the votes of the farmers who now and then furnish a few hides for the market, just as they have been able for years to gull a great many of those who now and then carry a few pounds of wool to market.

But, sir, the proposition to put back a tax on hides was withdrawn as soon as it was made. The facts were so clear, the country was so well satisfied with having hides upon the free list, the results which had followed putting them upon the free list were so evidently beneficial to the people and the interests which had grown up under that law were so strong that our Republican friends did not dare to bring that bill before the House in that shape. They struck out the proposition.

Hides are still on the free list, and they will stay there; and let me make the prediction that if once we succeed in putting wool on the free list it is absolutely certain that it never can go back on the dutiable list, because the people of this country will see that just the same results will follow free wool in all the woolen industries that have followed free hides in all the leather industries.

Mr. MILLIKEN. Is there not this difference: We do not raise cattle for the sake of the hides. The hides are comparatively a small matter, while wool is a very large and important matter in the sheep industry.

Mr. HERBERT. Wool is a very large and important matter to the people of this country. More people are interested and interested to a greater extent in free wool than in free hides. In just the proportion that the cost of the shoes on the gentleman's feet bears to the cost of the other raiment that he wears is the interest of the people in free hides less than their interest in free wool. And the people of this country, when once we succeed in getting wool upon the free list, will keep it there, for this is the only civilized country, the only country in the world, the only country that does anything at all in the way of manufacturing, that does not have free wool. France has a system of protection, but she has free wool. Germany has a system of protection, but she has free wool. Why is it that we have not free wool here? It is because the system of protection that has prevailed in America has not been so intelligent, has not been founded upon even as good reasons, has not been as systematic as the protection existing elsewhere.

[Here the hammer fell. Cries of "Vote!" "Vote!"]

Mr. BUCHANAN of New Jersey. Mr. Chairman, I have occupied just eight minutes altogether in this discussion, and I propose now to take five minutes more. [Laughter.]

I listened with great interest and pleasure to the gentleman from Kentucky [Mr. BRECKINRIDGE] as he depicted in that glowing language of his and with that eloquent manner for which he is noted throughout the world—I had almost said the universe—the great benefits which would follow to the country from the action of this House. Now, brethren, what have you done? We have been together for four months. This sprightly little periodical (the CONGRESSIONAL RECORD), which we issue every morning to a waiting, I will not say a weary world, containing the words of the wise and the otherwise, has already acquired an amplitude of 3,190 pages. What have you done but talk?

We heard in the last Congress about the tremendous power that was being exercised by the national banks, how they were a gigantic monopoly that was sapping the energies and the industries of this country. You have here a two-thirds majority. What have you done?

We heard a great deal about the currency of this country not being sufficient for the transaction of its business. You have over a two-thirds majority in this House. What have you done?

We heard a great deal about the awful enormity of the demonetization act of 1873 and the necessity for the remonetization of silver. You have over a two-thirds majority in this House. What have you done? Brother BLAND, what have you done? Where is your silver bill? [Laughter.]

Mr. BLAND. If we had had your help we would have got it through. [Laughter.]

Mr. BUCHANAN of New Jersey. Ah! this is your House, not ours. What have you done? The silver bill has "gone where the woodbine twineth;" and the silver men have "fled to the mountains of Hepsidam, where the lion roareth and the whang-doodle mourneth for her first-born." [Laughter.]

We heard a great deal about the influence of "trusts" in this country. We were told the other day by the distinguished leader upon the other side who is in charge of this bill [Mr. McMILLIN] that since this discussion began the sugar trust of this country has taken within its all-embracing folds the last independent sugar refinery in the United States. Well, if the gentleman wanted to strike a blow at that trust why did he not, when the first paragraph of this bill was under consideration, rise and propose an amendment putting upon the free list sugars of every grade. He maintained a silence that was as inscrutable as it was continued and dense.

Mr. STOUT rose.

Mr. BUCHANAN of New Jersey. My friend will excuse me; I have but five minutes; and those I had a hard time to get.

We heard also a great deal about the iniquities of the McKinley bill. That bill covers 2,500 items. You are now punching the first hole in that bill at the end of the fourth month of this session; and you have not got it punched yet. Out of the 2,500 items the only item that you have touched so far is the item in which the agricultural interests of this country are especially interested. Your first blow is struck at the farmer.

Now, it is easy when you are in the minority to criticise. I noticed in the last Congress that you were a party of criticism. Everything that we did or attempted to do you cried down as unrighteous. Brethren, the responsibility now is upon you. You have been intrusted with power at the hands of the American people, and they will demand of you a return of your stewardship. Ay, as the news comes flashing over the wires from Michigan and Ohio and other States, we find they have demanded the return, and not finding it they have passed the sentence, "Weighed in the balance and found wanting."

Excuse this little brotherly exhortation; but I wanted to spur you up to do something to redeem yourselves. [Laughter.]

Mr. STOUT rose.

Mr. McMILLIN. Let the next section be read.

The Clerk read as follows:

SEC. 4. And all imported articles enumerated, described, and provided for in said paragraphs, respectively, which may be in public store or in warehouse on the said 1st day of January, 1892, shall be subjected to the same duties when withdrawn for consumption, and no others, as if said articles had been imported on or after said 1st day of January; and only the ad valorem duties as herein provided shall thereafter be levied, collected, and paid upon the articles mentioned in said paragraphs.

Mr. SCOTT. In connection with the remarks which have been made by the gentleman from New Jersey [Mr. BUCHANAN] as well as those of the gentleman from Illinois [Mr. HENDERSON] this morning, I wish to have read a resolution bearing upon the sugar trust and the sugar question.

Mr. BUCHANAN of New Jersey. That trust, I want to say, is organized under the laws of the Democratic State of New Jersey.

The Clerk read as follows:

Whereas, the duties levied by the McKinley law on sugar of over No. 16 Dutch standard of color is a burden of taxation borne solely by the consumers of refined sugar and prevents the price of sugar to the people being reduced to that which it should bring; and

Whereas, the free sugar provision of said bill applying only to No. 16, and under, gives the great, grasping monopoly known as the sugar trust free raw materials; and

Whereas, said sugar trust being composed of less than twenty refineries has succeeded in completely stifling and destroying competition by its unholty, unjust, and cruel exactions, has by increase and manipulation of its capital stock, lately adding \$25,000,000 thereto, absorbed all outstanding competitive refining of sugar; has by this made but one buyer for the free raw sugar and practically but one seller of the protected refined product, the only sugar of consumption; and

Whereas, this consolidation has enabled the giant sugar trust to force down the price of raw sugar from the cane plantations of the South and the best farmers of the West, and thus crippled two useful industries of the country and also has made it possible for said trust to oppress the people by increasing the price of refined sugar, changing the relative prices of raw and refined, as

shown by the current markets to such an extent as to enable this stupendous corporation to absorb millions of money from the producers of raw and consumers of refined sugars: and

Whereas, this advance and others contemplated were made possible only by the present tariff duties left by the McKinley law on refined sugars coming from abroad; and

Whereas, the report of the Commissioner of Internal Revenue for the year ending June 30, 1891, shows that there was consumed during the year preceding 3,946,490,995 pounds of sugar on which the sugar trust was enabled to increase the price to the full amount of the tariff thus taking from the consumers of the country \$19,782,454; and as this greedy monopoly by depressing the price of raw sugar has been and will be able to realize a far greater sum, the same not being far from \$40,000,000 per annum; and

Whereas the sugar schedule in the present tariff law simply remains as a safeguard protecting one of the most gigantic and conscienceless monopolies of this age; and

Whereas the abolition of all sugar duties would admit free and thus cheapen sugar to the people, and prevent the trust from depressing cane and other raw sugars produced here: Therefore,

Be it resolved, That the Committee on Ways and Means of this House be, and hereby is, instructed to report a bill removing all duties on sugar and place the same on the free list, in order that over 60,000,000 of people may no longer be compelled to pay tribute to one of the most prodigious monopolies of modern times and that this article of consumption in every household may be cheapened and the burdens of the people relieved.

Mr. COOMBS. I offer as an amendment to the pending section the proviso which I ask the Clerk to read.

The Clerk read as follows:

Provided, That all wool which is not shipped to the United States directly from the country within which it is produced shall pay an ad valorem duty of 5 per cent until January 1, 1896, when it shall be free.

Mr. COOMBS. Mr. Chairman, those who may remember my speech in advocacy of the policy of removing the duty from wool will remember that I mentioned as one of the benefits that it would enable us to reestablish our mercantile marine by giving us return cargoes from the wool-producing countries. I pointed to the fact that very few of the vessels which went out with cargoes of our manufactured goods returned to our ports directly, but, on account of lack of return cargoes, were diverted to Europe, and that we were brought thereby into serious disadvantage with our European competitors; that at times it was impossible to obtain vessels to deliver the goods sold to our foreign customers. This I hope and expect will be remedied in a great measure by the admission of wool free of duty.

The bad policy of a generation or more in which we have assisted Europe in gaining control of the machinery of trade can not be remedied without wise action on our part. It is the object of this amendment to, for a time, discriminate against wool coming to us free of duty through European distributors, and I believe that it is necessary, as the channels of trade between those countries and Europe have become so smooth that without this check it will continue to come in that way for a long time. Something must be done to break up the trade habit. We want to, and must, become independent of Europe for our supplies of raw material, and this will help us do it more speedily.

While it may for a time force the woolen manufacturer to pay 5 per cent duty on such wool as he gets from Europe, it will assist in making him more quickly independent, and will also benefit him, in common with every other manufacturing interest, by establishing more firmly our commercial relations with countries which will become consumers of his goods.

This small concession in the interests of commerce and the carrying trade of the country is not a large one to ask. I ask it in the interest of our manufacturers, in the interest of our mercantile marine, and in the interest of commerce.

I regret that the Committee on Ways and Means did not act upon this suggestion and embody it in the original bill; for I am satisfied that at this late hour of the discussion, when all are anxious to come to a vote on the main bill, that it can not receive the consideration that it merits; neither can I consent to embarrass the committee by insisting upon a vote, but satisfy myself by putting it upon record for their future consideration, and withdraw it from the Committee of the Whole and ask its reference to the Committee on Ways and Means.

The next section of the bill was read as follows:

SEC. 5. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed; but this section shall not take effect until the first day of January, 1893.

Mr. McMILLIN. I move now that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 6007) to place wool on the free list and reduce the duties on woolen goods, had directed him to report the same back with a favorable recommendation.

Mr. McMILLIN. It is now late, and I will not press this bill to a vote to-night, but will ask a vote in the morning. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ROCKWELL, from the Committee on Military Affairs: A bill (S. 859) for the relief of Capt. James Regan. (Report No. 996.)

By Mr. COBB of Missouri, from the Committee on War Claims: A resolution referring the bill (H. R. 7660) for the relief of the executors of Lewis Thompson, deceased, to the Court of Claims. (Report No. 997.)

By Mr. WILSON of Missouri, from the Committee on Pensions: A bill (H. R. 7095) granting an increase of pension to Addison M. Copen. (Report No. 998.)

By Mr. SHELL, from the Committee on War Claims: A bill (H. R. 7868) for the relief of Charles V. Neidlinger. (Report No. 1007.)

Also, a resolution referring the bill (H. R. 1690) for the relief of Lewis Deems to the Court of Claims. (Report No. 1008.)

Also, a resolution referring the bill (H. R. 4026) for the relief of Florence A. Brown, administrator of the estate of John A. Brown, deceased. (Report No. 1010.)

By Mr. HOUK of Tennessee, from the Committee on War Claims: The bill (H. R. 3549) for the relief of W. A. Quarles, administrator of Mary Quarles, deceased, of Jefferson County, Tenn., as found due by the Court of Claims under act March 3, 1883. (Report No. 1009.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 7861) for the relief of Anna Ella Carroll and to place her name on the pension rolls—the Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BRICKNER: A bill (H. R. 7921) to enable the Secretary of Agriculture to collate information relative to the nutritive economy of food—to the Committee on Agriculture.

By Mr. JOHNSON of North Dakota (by request): A bill (H. R. 7922) for preventing the making of special gold contracts hereafter and to prescribe penalties for exacting them—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 7923) to amend sections 280 and 283 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. CADMUS: A bill (H. R. 7924) for the disposal of abandoned and useless military reservations at Eastport, Me.—to the Committee on Military Affairs.

By Mr. ALLEN (by request): A bill (H. R. 7925) to provide for the creation of a board of regents of education for the Indian and Oklahoma Territories, for the promotion of the industrial and academic education of Indians, and other purposes—to the Committee on Indian Affairs.

By Mr. BAILEY: A bill (H. R. 7926) to amend section 2124 of the Revised Statutes—to the Committee on Indian Affairs.

By Mr. BUCHANAN of Virginia: A bill (H. R. 7927) to repeal so much of the act approved October 1, 1890, entitled "An act to reduce the revenue and equalize duties, and for other purposes," as imposes a duty on sugar imported into the United States—to the Committee on Ways and Means.

By Mr. BROSIUS: A bill (H. R. 7928) for the erection of a public building in Columbia, Lancaster County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. KRIBBS: A bill (H. R. 7929) to permit certain applicants for pensions under the general pension laws to prosecute their claims under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 7974) to authorize the construction of a bridge over the Tennessee River at or near Deposit, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A concurrent resolution to print extra copies of list of documents—to the Committee on Printing.

By Mr. MCRAE: A resolution for the immediate consideration of the bill H. R. 5892—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 7930) for the relief of Jesse Padon—to the Committee on Pensions.

Also, a bill (H. R. 7931) for the relief of James Cosgrove, of Navarro County, Tex.—to the Committee on War Claims.

By Mr. BACON: A bill (H. R. 7932) for the relief of Charles Backman—to the Committee on Claims.

By Mr. BUTLER: A bill (H. R. 7933) granting a pension to Ivy Stiers—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 7934) for the relief of B. Y. Pippet & Co., of New York—to the Committee on Claims.

By Mr. CHIPMAN: A bill (H. R. 7935) for the relief of Thomas McCauley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7936) for the relief of Edward Morris—to the Committee on Invalid Pensions.

By Mr. COX of Tennessee: A bill (H. R. 7937) for the relief of Alfred A. Young, for himself, and as executor of Joseph Young, deceased, of Giles County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. CRAIG of Pennsylvania: A bill (H. R. 7938) for the relief of John W. Cocain—to the Committee on Military Affairs.

By Mr. EDMUNDS (by request): A bill (H. R. 7939) for the relief of Mrs. Letitia S. Elliot—to the Committee on Claims.

By Mr. FOWLER: A bill (H. R. 7940) granting a pension to Mary C. Matthews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7941) for the relief of Mary C. Matthews—to the Committee on Naval Affairs.

By Mr. FUNSTON: A bill (H. R. 7942) for the relief of John M. Giffin—to the Committee on Claims.

By Mr. GOODNIGHT: A bill (H. R. 7943) granting a pension to Elizabeth Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7944) for relief of D. M. Payne, of Nobob, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 7945) granting a pension to L. A. Waggoner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7946) granting a pension to Sarah S. Rather—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7947) placing Dorcas Ann Neal on the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7948) placing Seeborn Kinnaird on the pension roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7949) for relief of George W. Woosley, Big Reedy, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7950) for relief of George W. Woosly, Big Reedy, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7951) granting a pension to Bird Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7952) for relief of James A. Hodges, of Alva-ton, Ky.—to the Committee on Claims.

Also, a bill (H. R. 7953) for the relief of Dr. T. J. Jones, of Cloud, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7954) granting a pension to Robert Gower—to the Committee on Invalid Pensions.

By Mr. HARVEY: A bill (H. R. 7955) granting a pension to John Benson—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 7956) to remove the charge of desertion from the record of William H. Taylor, of Rockcastle County, Ky.—to the Committee on Military Affairs.

By Mr. PARRETT: A bill (H. R. 7957) for the relief of Seaton Norman—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNTER: A bill (H. R. 7958) increasing the pension of Alexander Williamson—to the Committee on Pensions.

By Mr. PEEL: A bill (H. R. 7959) for the relief of A. J. Maxwell, administrator of Samuel P. Woods, deceased—to the Committee on War Claims.

By Mr. POST: A bill (H. R. 7960) for the relief of John Shotzell—to the Committee on Military Affairs.

By Mr. REYBURN: A bill (H. R. 7961) granting a pension to James D. Gay—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 7962) for the relief of James L. Chatfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7963) for pension to Joseph N. Nash, late corporal Company A. Thirty-seventh Regiment Iowa Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 7964) to increase the pension of Rebecca La Due—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 7965) for the relief of Joseph B. Johnson, of Lincoln County, Tenn., formerly of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 7966) granting a pension to Rebecca Livingston—to the Committee on Pensions.

Also, a bill (H. R. 7967) granting a pension to John Floyd—to the Committee on Pensions.

By Mr. WILSON of Washington: A bill (H. R. 7968) for the relief of L. M. Flournoy—to the Committee on the Public Lands.

Also, a bill (H. R. 7969) referring the Indian depredation claim of Helen McNanney to the Court of Claims—to the Committee on Claims.

By Mr. WILSON of West Virginia: A bill (H. R. 7970) for the relief of Solomon H. Lough—to the Committee on Invalid Pensions.

By Mr. O'NEILL of Missouri: A bill (H. R. 7971) for the relief of Jacob Theby—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 7972) correcting the military record of Theo. Haaser, deceased—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 7973) to refer the claim against the United States of Mahala H. Portlock to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON: Petition of the Woman's Christian Temperance Union of the Eighteenth Pennsylvania district, bearing 189 signatures, against opening any exposition on Sunday where Government funds are expended—to the Select Committee on the Columbian Exposition.

By Mr. BACON: Petition of associated churches of Newburg, N. Y., favoring bill preventing loss of life among railroad employes—to the Committee on Railways and Canals.

By Mr. BEEMAN: Petition of citizens of the county of Lauderdale, State of Mississippi, remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. BERGEN: Seven petitions of granges as follows: Sweedsboro, No. 5; Center Grove, No. 57; Hopewell, No. 16; Mullica Hill, No. 51; Course Landing, No. 60, and Vinlan Grange, No. 11, to dealing in options or futures—to the Committee on Agriculture.

By Mr. BOWERS: Petitions of the National Woman's Christian Temperance Union, asking that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Fresno County, Cal., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRETZ: Petition and proof to accompany House bill 7892, for pension of B. W. Patterson—to the Committee on Pensions.

By Mr. BROOKSHIRE: Petition of J. N. Fullenwider and 22 other citizens of Montgomery County, Ind., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. BROSIUS: Petition of the National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUCHANAN of New Jersey: Two petitions as follows: Of citizens of Ocean County, N. J., and of Bordentown, in favor of legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BUCHANAN of Virginia: Petition of B. F. St. Clair and 11 others of Bane, Giles County, Va., in favor of pure-lard bill—to the Committee on Ways and Means.

Also, Petition of P. F. St. Clair and 11 others of Bane, Giles County, Va., for pure-food bill—to the Committee on Agriculture.

Also, petition of B. F. St. Clair and 11 others of Bane, Giles County, Va., in favor of the increase of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. CAINE: Petition of 193 citizens of Salt Lake City, Utah, in favor of House bill 291, to increase and equalize the pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. CLOVER: Petition of the Woman's Christian Temperance Union and others, from the third district of Kansas, asking that no exposition or other institution of like character be kept open on Sunday, when such exposition has received aid from any appropriation of public moneys—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Alabama: Resolution of inquiry to the District Commissioners—to the Committee on the District of Columbia.

By Mr. COOLIDGE: Petition of the Woman's Christian Temperance Union of the Eleventh Massachusetts district, bearing 729 signatures, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. COWLES: Petitions of citizens of places in North Caro-

lina, as follows: Moorsboro County, Boiling Springs, Camp Call, Byarsville, Knob Creek, Waco, Ola, Stubbs, Elbethel, Beamsy Mills, Evansville, Nicholsonville, and Stices Shoal, all asking for better remuneration to the postmasters at their respective places—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAIG of Pennsylvania: Petition of the United Presbyterian Church of Pigeon Creek, Washington County, Pa., representing 160 persons, in favor of closing the gates of the World's Fair on the Sabbath; also, against the sale of intoxicating liquor on its grounds; also, asking that its art department be conducted according to American standard of purity—to the Select Committee on the Columbian Exposition.

By Mr. DUNGAN: Petition of R. L. Morris and others, of Morgan County, Ohio, in favor of what is designated the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. GREENLEAF: Petition urging the passage of an act making certain issues of money a full legal tender in payment of debts—to the Committee on Banking and Currency.

By Mr. HARTER (by request): Petition of citizens of Richland County, Ohio, for passage of the Hatch bill—to the Committee on Agriculture.

Also, petition of the Congregational Church of Ruggles, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Knox County, Ohio, asking for the passage of the Hatch bill—to the Committee on Agriculture.

By Mr. HATCH: Petition of citizens of New Jersey, for the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of the National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Petition of citizens of Multnomah County, Oregon, for passage of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

Also, petition of 101 citizens of Jackson County, Oregon, favoring the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of people of Lane County, Oregon, for passage of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. KEM: Petition of Andrew Christensen and 16 others, of Herman, Washington County, Nebr., in favor of the Butterworth option bill—to the Committee on Agriculture.

Also, three memorials as follows: one by Peter W. Peterson and 16 others, of Washington County, Nebr., the second by J. M. Souder and 27 others, and the third by Peter W. Peterson and 18 others in favor of House bill 395, for pure lard—to the Committee on Agriculture.

Also, petition of J. M. Souder and 22 others, in favor of the Hatch option bill—to the Committee on Agriculture.

By Mr. LIVINGSTON: Petition of citizens of the Fifth district of Georgia, respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. McDONALD: Petition of citizens of Jersey City, N. J., in regard to House bill 584—to the Committee on the Judiciary.

By Mr. McKEIGHAN: Petition of citizens of Hayes City, Nebr., praying for free delivery of mails, and that more frequent mails be provided for country districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Webster County, praying for the passage of the antioption bill—to the Committee on Agriculture.

By Mr. MCKINNEY: Petition of the faculty of Dartmouth College, for a more perfect organization for the United States Naval Observatory—to the Committee on Naval Affairs.

Also, petition of Loren L. Hunt and others, for amendment to the various acts relative to immigration and importation of aliens, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. MCRAE: Petition of Pleasant Johnson and 31 others, of Hempstead County, Ark., for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of D. S. Dollarhide and 64 others, of Little River County, Ark., for passage of the antioption bill—to the Committee on Agriculture.

By Mr. MARTIN: Petition of William Cammack and 22 others, of Marion, Ind., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Christian Church, of Decatur, Ind., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MONTGOMERY: Two petitions of citizens of the Fourth Congressional district of Kentucky, for the passage of bill regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. MUTCHLER: Two petitions of Star Grange, No. 993, of Pennsylvania; one to prevent gambling in farm products, and the other for pure food—to the Committee on Agriculture.

Also, petition by the same body, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. OTIS: Petition of numerous citizens of Toronto, Woodson County, Kans., asking for the passage of the Washburn-Hatch antioption bills, or some measure of a similar character to prevent speculation in farm products—to the Committee on Agriculture.

By Mr. OUTHWAITE: Petition of Rev. H. L. Whitehead and many others, of Columbus, Ohio, in favor of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Petition of the National Woman's Christian Temperance Union, of Tennessee, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAYNE: Petition of Post No. 159, Grand Army of the Republic, Department of New York, praying for the preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. PEEL: Resolution of the General Council of the Choctaw Nation, Ind. T., asking for more courts and to enlarge their jurisdiction—to the Committee on the Territories.

By Mr. POST: Papers in case of John Schotzell—to the Committee on Military Affairs.

Also, three petitions of Southfort Grange, as follows: One for pure food, the second for silk culture, and the third to prohibit gambling in farm products—to the Committee on Agriculture.

Also, petition by the same body, for pure lard—to the Committee on Ways and Means.

Also, petition by the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. RIFE: Three petitions of Prospect Grange, No. 938, of Pennsylvania, as follows: One to prevent gambling in farm products; the second in favor of House bill 395, defining lard and imposing a tax thereon, and the third, in favor of silk culture—to the Committee on Agriculture.

Also, petition by the same body, in favor of free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition by the same body, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. SHONK: Petition of Ashley Camp, No. 245, Patriotic Order Sons of America (80 citizens of Ashley, Pa.), for amendment to the naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Ashleyborough, Luzerne County, Pa., for amendment to the Constitution of the United States, prohibiting any State from passing any law establishing any form of religion—to the Committee on the Judiciary.

Also, petition of citizens of Parsons, Luzerne County, Pa., for amendment to the Constitution prohibiting any State from passing any law establishing any religion, etc.—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of citizens of Ishpeming, Mich., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Oakley and others, of Michigan, to increase the internal-revenue tax on paper-wrapped cigarettes, to accompany House bill 5956—to the Committee on Ways and Means.

Also, petition of Stone-Cutters' Association of North America, against the employment of convict labor on public buildings—to the Committee on Labor.

Also, petition of the National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STEWART of Illinois: Two petitions of Pentland Grange, No. 973, of Illinois, one against gambling in farm products and the other for pure lard—to the Committee on Agriculture.

Also, petition by the same body, for silk culture—to the Committee on Ways and Means.

By Mr. SWEET: Petition of Knights of Labor Assembly, No. 1543, of Idaho, in favor of electing United States Senators by the

people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, two petitions of certain citizens of Idaho, in favor of electing United States Senators by the people—to the Select Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of the Woman's Christian Temperance Union of Idaho, 180 signatures, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

Also, petition of National Woman's Christian Temperance Union of Idaho, against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

Also, petition of certain citizens of Idaho, in favor of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Idaho, against speculation in futures on certain farm products—to the Committee on Agriculture.

By Mr. TERRY: Petition of citizens of Paris, Logan County, Ark., in favor of the Butterworth bill against options and dealing in futures—to the Committee on Agriculture.

Also, memorial of council of the Choctaw Nation, against bill to enlarge jurisdiction of United States courts in the Indian Territory—to the Committee on the Territories.

Also, petition of A. Quessemberry and others, of Franklin County, Ark., in favor of the Butterworth bill against options and dealing in futures—to the Committee on Agriculture.

By Mr. TOWNSEND: Petition of citizens of Arapahoe County, Colo., in favor of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

Also, petition of the Methodist and Presbyterian Churches of Fort Collins, Colo., constituting 400 citizens, against liquor selling at the National Columbian Exposition, to close the Exposition on Sunday, and for the management of the art gallery to accord with the American standard of purity in art—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of over 200 citizens of Albany County, N. Y., asking that the law for retirement of enlisted men be amended—to the Committee on Military Affairs.

By Mr. TUCKER (by request): Petition of William D. Brooks and 16 other citizens, of Union Hall, Va., for pure-lard bill—to the Committee on Ways and Means.

Also, petition of W. D. Brooks and 16 others, of Union Hall, Franklin County, Va., favoring pure-food bill—to the Committee on Agriculture.

By Mr. WATSON: Petition of Pine Grove Alliance of Haralson County, Ga., for passage of the subtreasury bill—to the Committee on the Judiciary.

By Mr. WHEELER of Alabama: Petition of ex-soldiers and sailors, E. M. Stanton Post, No. 68, Grand Army of the Republic, Department of Arkansas, praying for preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. WIKE: Protest of Farmers' Alliance and Industrial Union, No. 88, of Cass County, Ill., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. WILLIAMS of North Carolina: Resolution for the relief of the heirs or representatives of Israel G. Lash—to the Committee on Accounts.

By Mr. WILLIAMS of Massachusetts: Petition of Reno Post, No. 9, Grand Army of the Republic, of Massachusetts, praying for the passage of the bill providing for preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

SENATE.

THURSDAY, April 7, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling the attention of Congress to the evil resulting from the present method of selecting candidates for vacancies in the offices of local inspectors of steam vessels under the existing law, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

LISTS OF GOVERNMENT EMPLOYÉS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Labor, transmitting, in response to a resolution of the 24th ultimo, information in regard to employes in that office not specifically appropriated for; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HARRIS. I present a petition of the members of the Nashville (Tenn.) Academy of Medicine and practicing physicians of Nashville, signed by Dr. Briggs and some 40 others, praying for the establishment of a department of health, with a cabinet officer at its head. I move that the petition be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. HARRIS. I present the petition of Mosby & Hunt, of Memphis, Tenn., praying compensation for the sinking of one of their coal boats by collision with a Government vessel. I move that the petition be referred to the Committee on Claims to accompany Senate bill 674, for the relief of the petitioners, now pending before that committee.

The motion was agreed to.

Mr. DAWES. I present a petition of 800 citizens of the United States and of Massachusetts, praying Congress to provide by law for the naturalization of such Chinamen as came into this country before the first exclusion act for the purpose of making this country their home and identifying themselves with its institutions. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. DAWES presented two petitions of Dalton Grange, No. 23, Patrons of Husbandry, of Massachusetts, praying for the passage of the bill to prevent gambling in farm products; which was ordered to lie on the table.

He also presented a petition of Dalton Grange, No. 23, Patrons of Husbandry, of Massachusetts, praying for the passage of the bill to prevent the adulteration of food and drugs; which was ordered to lie on the table.

He also presented a petition of Dalton Grange, No. 23, Patrons of Husbandry, of Massachusetts, praying for the passage of the bill making certain issues of money full legal tender in payment of all debts; which was referred to the Committee on Finance.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union, containing 750 individual signatures of citizens of Massachusetts, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented a memorial of the Congregational Church of Harvey, Ill., remonstrating against the opening of the World's Columbian Exposition on Sunday and the sale of intoxicating liquors thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Pina Grange, Patrons of Husbandry, of Illinois:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH presented a petition of citizens of Lane County, Oregon, praying for the enactment of a law that shall impose a tax upon all transactions whereby parties contract or agree to sell and deliver at a future time any of the articles, and under the circumstances mentioned in the bills now pending in Congress, and sometimes designated as the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. FELTON presented a petition collected by the National Woman's Christian Temperance Union, signed by 1,027 individual signatures and 402 representative indorsements of citizens of California, and a petition collected by the National Woman's Christian Temperance Union, containing 44 individual signatures and 3,567 representative indorsements of citizens of California, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PEPPER presented a petition of citizens of Pawnee County,

Kans., praying that the homestead right be restored to citizens who have lost such right under the homestead laws of the United States; which was referred to the Committee on Public Lands.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union, containing 216 individual signatures, of Kansas, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BARBOUR presented a memorial of the Board of Trade of Hampton, Va.; a memorial of the Board of Trade of Lynchburg, Va., and a memorial of the members of the council of West Point, Va., indorsing the resolutions recently adopted by the Chamber of Commerce of Norfolk, Va., remonstrating against the passage of any legislation changing the existing pilot laws; which were referred to the Committee on Commerce.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union of Virginia, containing 216 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BATE presented a petition of citizens of Lincoln County, Tenn., indorsed by 70 members of Hopewell United Presbyterian Church of Tennessee, praying that no exposition or exhibition where United States funds are expended be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Sumner County, Tenn., praying for the enactment of a law imposing a tax upon all transactions whereby parties contract or agree to sell and deliver at a future time any of the articles and under the circumstances mentioned in the bills now pending in Congress and sometimes designated as "the Washburn-Hatch antioption bills;" which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented sundry petitions of citizens of Arkansas, numerous signed, praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

Mr. QUAY presented the petition of George Spittler and 29 other citizens of Pennsylvania, praying for the passage of the bill defining lard and imposing a tax thereon; which was ordered to lie on the table.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union of Pennsylvania, containing 360 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 46 citizens of Fayette County, Pa., praying for the passage of House bill No. 401, supplementary to various acts relative to immigration and importation of aliens under contract or agreement to perform labor; which was referred to the Committee on Immigration.

Mr. CALL presented the petition of John Gilmore and other citizens of Pensacola, Fla., praying that their title to the lands on the United States live-oak naval reservation, lying between Pensacola Bay and Santa Rosa-Sound, be granted and approved by Congress; which was referred to the Committee on Public Lands.

Mr. COCKRELL presented a petition of the Central Labor Union of Springfield, Mo., signed by H. A. W. Juneman, secretary, praying for the passage of House bill 257, making eight hours a day's work; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 469) granting an honorable discharge to William Mackey;

A bill (S. 513) to muster into the service of the United States, as second lieutenant of infantry, Joseph B. Samuels; and
A bill (S. 1261) for the relief of Nancy Wallace.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 2260) for the relief of the trustees of Isaac R. Trimble, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2151) to perfect the military record of Capt. Jacob H. Hay, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1877) for the relief of William

H. Nave, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 1129) for the recognition of Henry O. Kent as colonel of the Seventeenth New Hampshire Volunteers, reported it with an amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5119) to prevent the building of houses along certain alleys in the city of Washington, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1203) to exempt improvements to real estate in the District of Columbia from taxation, reported adversely thereon, and the bill was postponed indefinitely.

PORT OF MARQUETTE, MICH.

Mr. SAWYER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise, to report it favorably without amendment. I ask for immediate action, as it is a short bill and is recommended by the Department.

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 1789) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise, to report it back adversely. I move that the bill be indefinitely postponed.

The motion was agreed to.

HEARING BEFORE JUDICIARY COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. HOAR March 31, 1892, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Judiciary be authorized to employ a stenographer, to be paid from the contingent fund of the Senate, to report the evidence and arguments at the hearing with regard to pending measures for the relief of the supreme court of the District of Columbia.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2861) to authorize the Secretary of War to purchase for governmental and industrial use at Rock Island Arsenal, Rock Island, Ill., a testing machine for tension and compression; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 2862) granting a pension to George Phillips; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PEPPER (by request) introduced a bill (S. 2863) for the relief of Mrs. Lititia S. Elliott; which was read twice by its title.

Mr. PEPPER. By reason of the fact that the claim arose out of a matter alleged to have occurred in the District of Columbia, it would be better to have the bill referred to that committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. CARLISLE introduced a bill (S. 2864) for the relief of Elizabeth Fulwiler; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAULKNER introduced a bill (S. 2865) authorizing the construction of a building for the accommodation of the United States Patent Office; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 2866) granting a pension to E. C. Trowbridge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 2867) for the relief of Mrs. Mary L. Roderick; which read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 18) for the relief of Edward S. Armstrong; and

A bill (S. 440) to authorize the construction of a bridge across the Missouri River, between the city of Chamberlain in Brule County and Lyman County, in the State of South Dakota.

The message also announced that the House had passed without amendment the following concurrent resolutions of the Senate:

A resolution to print 8,000 copies each of the eleventh and twelfth annual reports of the Director of the Bureau of Ethnology; and

A resolution to print 50,000 copies of the eighth and ninth annual Reports of the Bureau of Animal Industry for the years 1891 and 1892.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2056) to repeal the provisions of an act entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers," approved March 2, 1889, so far as they relate to steamers plying exclusively upon any of the lakes, bays, or sounds of the United States; and it was thereupon signed by the Vice-President.

WITHDRAWAL OF PAPERS.

On motion of Mr. DAVIS, it was

Ordered, That the papers on file in the office of the Secretary of the Senate, in the case before the Committee on Claims, in the Fiftyeth Congress, of H. K. Belding, be, and the same are hereby, withdrawn, there having been no adverse report thereon.

PURCHASE OF SILVER BULLION.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a statement of the amount of silver bullion offered to the Government each month since the passage of the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," under the provisions of said act, and by whom and at what prices; and also the amount of silver bullion purchased each month during said period, and from whom and at what place, and the prices paid therefor; the number of days given such seller or person offering silver for sale in which to deliver the silver.

SANITARY CONDITION OF THE CAPITOL.

Mr. VEST submitted the following resolution; which was read:

Resolved, That the necessary expenses incurred by the Committee on Public Buildings and Grounds in making the examination of the sanitary condition of the Capitol, and especially the structure recently built on the terrace of the Capitol, and the tunnels through which the air is pumped through the two wings of the buildings, etc., adopted March 22, 1892, be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VEST. I ask for its present consideration.

Mr. HARRIS. I suggest to the Senator from Missouri that I think under a statute such resolutions must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VEST. Let it go, then, to the Committee on Contingent Expenses.

The VICE-PRESIDENT. The resolution will be so referred.

PERSONAL EXPLANATION.

Mr. STEWART. Mr. President, I ask leave to have business suspended for a moment while I make a short statement.

I find, in the New York Evening Post of April 5, 1892, a list of mortgages in Alameda County, Cal., made to me, wherein it is charged, and I suppose truthfully, that they contain an obligation to pay in gold coin.

These mortgages to me resulted from several sales made at auction through a firm of brokers in San Francisco, Easton Eldridge & Co., in the usual way, and were made for deferred payments. The mortgages undoubtedly were made on the ordinary blanks used in that country. I never examined the mortgages myself. I signed some of the deeds, but most of the deeds, however, were signed by my agent. Undoubtedly in making the mortgages the ordinary printed form was used, which contained an obligation to pay in gold. That has existed since about 1863, when there was passed in California what was known as the specific contract law, by which the gold standard was maintained during the war. Greenbacks, as they are called, Treasury notes, never circulated on the Pacific coast previous to the resumption of coin payments. In consequence of that specific contract law all the printed forms for mortgages and notes contain an obligation to pay in gold, and I presume my agent used the ordinary form in taking mortgages. I have no doubt of that at all, though I gave no directions in regard to it. I do not recollect that I ever saw one of the mortgages, but take for granted they were the usual forms. That is the established practice there, as is well known on that coast.

Mr. HALE. The Senator will see to it that no such forms of mortgage are used hereafter. [Laughter.]

Mr. STEWART. I shall see to it, because money is so scarce now that I shall be glad to get any kind of legal-tender money.

This business was conducted without any directions from me, and in the usual form of doing business there. I have always been opposed to the specific contract law, as is well known, and believe that it was always a great detriment to the Pacific coast. During the war, and for years afterwards, until the resumption of specie payments, immigration to that country was absolutely shut out because the people would not stand the discount in taking their money from here and investing it there. It even kept travelers away. For a time a man who had \$100 had to reduce it to \$50 when he got to California. I have always been opposed to that law, but the business referred to in this article has been done in the usual way, for which I am not responsible, and I make no apology.

Mr. FELTON. You still survive.

Mr. STEWART. Yes; I still survive, notwithstanding I have seen some hard times.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 6th instant approved and signed the following acts:

An act (S. 808) establishing a port of delivery at Des Moines, Iowa;

An act (S. 2315) to protect foreign exhibitors at the World's Columbian Exposition from prosecution for exhibiting wares protected by American patents and trade-marks; and

An act (S. 2643) changing the time for holding the circuit and district courts in the district of West Virginia.

DISTRICT APPROPRIATION BILL.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed and the Calendar under Rule VIII is in order.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 6746) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes.

The motion was agreed to.

Mr. CALL. I ask the Senator from Iowa to consent to allow me to call up for consideration a pension bill to grant a pension to a very old man. It is a very meritorious case, and I think will only require the reading of the bill. It was favorably reported by the committee yesterday while I was absent. The man is nearly 90 years old.

Mr. CAMERON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. ALLISON. I will yield for an inquiry, to see what the Senator desires.

Mr. CAMERON. I was about to make a motion that the Senate proceed to the consideration of executive business. I did not know that the morning business had been finished. I intended when it was completed to ask the Senate to proceed to the consideration of executive business, but it seems that the Senator from Iowa made a motion to take up the District appropriation bill.

Mr. ALLISON. Does the Senator desire to make some other motion?

Mr. CAMERON. I desire to make a motion to go into executive session. I have been wanting to do that for a week past, but the Indian appropriation bill was delayed so long that I put it off until now.

Mr. HOAR. Why not wait until after the District appropriation bill is concluded?

Mr. CAMERON. The executive session will probably take some time. It will be a long session.

Mr. ALLISON. I hope the Senator from Pennsylvania will not interpose that motion at this moment. I desire very much, I will say to the Senator and to the Senate, for reasons that are personal to myself, to dispose of this appropriation bill, and in addition to that the public business, I think, would be best promoted by going on with the bill now.

Mr. CAMERON. I have no objection to the appropriation bill being considered to-day, but I now give notice to the Senate that to-morrow immediately upon the conclusion of the morning business—

Mr. ALLISON. Or immediately after the appropriation bill is disposed of, I suggest.

Mr. CAMERON. No, I do not want to do that. I want the executive session early in the day. I shall make the motion to-morrow morning immediately upon the completion of the morning business.

Mr. ALLISON. Very well. Then I hope the Senate will sit with me until we can conclude this bill to-day.

I ask the Senator from Florida [Mr. CALL] not to interpose

this morning. I think we can finish this bill to-day if we go on carefully with it.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that in the consideration of the bill the formal reading be dispensed with and that the amendments of the Committee on Appropriations may be first disposed of and acted on as the reading progresses.

The VICE-PRESIDENT. That course will be pursued if there be no objection.

The Chief Clerk proceeded to read the bill, and read to line 21, on page 2.

Mr. ALLISON. On behalf of the committee, I move to strike out all after the word "dollars" in line 21 down to and including the word "dollars" in line 22, being the words:

Three laborers, at \$1 per day each. #939.

And to insert:

One laborer, at \$1 per day. \$313; two laborers, at \$380 each, \$720.

The amendment was agreed to.

The reading of the bill was resumed. The first amendment of the Committee on Appropriations was, in the appropriations "for salaries and contingent expenses, executive office," in section 1, on page 3, line 3, before the word "assistant," to strike out "two" and insert "three;" so as to read:

Three assistant inspectors of plumbing, at \$1,000 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, line 6, to increase the total amount of the appropriations "for salaries and contingent expenses," executive office, from "\$44,047" to "\$45,047."

Mr. ALLISON. I move to strike out "forty-seven" before "hundred" and to insert "one hundred and forty-one;" so as to read "\$45,141," to agree with the amendment just adopted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for assessor's office," in section 1, on page 3, line 8, after the words "assistant assessors," to strike out "until January 1, 1893, at the rate of," and insert "at;" so as to read:

For assessor's office: for one assessor, \$3,000; three assistant assessors, at \$2,500 per annum each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 3, line 20, after the word "law," to insert "in the assessment of real and personal property;" so as to read:

And perform such other duties as may be assigned to them by the assessor not inconsistent with existing law in the assessment of real and personal property.

The amendment was agreed to.

The next amendment was in the same clause, in section 1, on page 3, line 23, after the word "dollars," to insert:

Two clerks, at \$1,400 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 3, line 24, after the word "each," to strike out "one clerk, \$1,200," and insert "two clerks, at \$1,200 each."

The amendment was agreed to.

The reading of the bill was continued to line 7, on page 4.

Mr. ALLISON. In line 6, on page 4, I move to strike out the words "and messenger;" so as to read, "one clerk, \$900."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, on page 4, line 7, to increase the total amount of the appropriations "for assessor's office" from "\$22,250" to "\$30,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 11, after the word "dollars," to strike out "four" and insert "two;" in line 12, after the word "each," to strike out "three" and insert "two;" in line 13, after the word "each," to insert "one clerk and bank messenger, \$1,000;" and in line 15, after the word "all," to strike out "seventeen" and insert "fourteen;" so as to make the clause read:

For collector's office: For one collector, \$4,000; one cashier, \$1,800; one bookkeeper, \$1,600; two clerks, at \$1,400 each; two clerks, at \$1,200 each; one clerk and bank messenger, \$1,000; one messenger, \$600; in all, \$14,200.

The amendment was agreed to.

The next amendment was in the appropriations "for auditor's office," in section 1, on page 4, line 22, after the word "each" to insert "one clerk, \$1,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 5, line 20, to increase the total amount of the appropriations "for auditor's office" from "\$16,700" to "\$17,700."

The amendment was agreed to.

The next amendment was, in the appropriations "for engineer's office," in section 1, on page 6, line 17, after the word "each," to insert:

One clerk and stenographer, \$1,000.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 6, line 24, after the word "dollars," to insert:

One general inspector of streets, \$1,800.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 7, line 2, after the word "dollars," to strike out "one inspector of lamps, at \$900," and insert "two inspectors of lamps, at \$900 each."

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 7, line 13, to increase the total amount of the appropriations "for engineer's office" from "\$41,530" to "\$45,230."

The amendment was agreed to.

The next amendment was in section 1, on page 9, line 15, after the word "exceeding," to strike out "three" and insert "four;" so as to read:

That the register of wills of the District of Columbia shall not, hereafter, retain of the fees and emoluments of his office for his personal compensation, over and above his necessary clerk hire and the incidental expenses of his office, certified to by the supreme court of the District of Columbia, or by one of its justices appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$4,000 a year or exceeding that rate for any time less than a year; and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 9, line 19, after the word "clerks," to strike out "copyists;" in line 20, after the word "increased," to insert "except that additional copyists may be employed for temporary service as the necessities of the office may require;" in line 23, after the word "salary," to insert "or compensation;" in the same line, before the word "clerks," to strike out "said" and after the word "clerks," to strike out the word "copyists;" and in line 24, after the word "salaries," to strike out "rates" and insert "or compensation;" so as to read:

Provided, That the number of clerks and others employed in the office of the register of wills shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation of clerks and others be increased beyond the salaries or compensation paid during the fiscal year 1891.

The amendment was agreed to.

The next amendment was, in section 1, on page 10, line 1, after the date "1891," to insert the following proviso:

Provided further, That a deputy register of wills, at a salary of \$1,500, to be paid out of such fees and emoluments, is hereby authorized to be appointed by the register of wills, who shall hereafter, in the necessary absence or inability of the register from any cause, perform his duties without additional compensation.

The amendment was agreed to.

The next amendment was, in section 1, on page 10, line 15, after the word "exceeding," to strike out "three thousand and six hundred" and insert "four thousand;" so as to read:

That the recorder of deeds of the District of Columbia shall not hereafter retain of the fees and emoluments of his office for his personal compensation, over and above his necessary clerk hire and the incidental expenses of his office, certified to by the supreme court of the District of Columbia, or by one of its justices, appointed by it for that purpose, and to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding \$4,000 a year, or exceeding that rate for any time less than a year, and the surplus of such fees and emoluments shall be paid into the Treasury to the credit of the District of Columbia.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 10, line 19, after the word "clerks," to strike out "copyists;" in line 21, after the word "increased," to insert "except that additional copyists may be employed for temporary service as the necessities of the office may require;" in line 23, after the word "salary," to insert "or compensation;" in the same line, before the word "clerks," to strike out "said;" in line 24, after the word "clerks," to strike out "copyists;" in line 25, before the word "paid," to insert "or compensation;" and on page 11, line 1, after the date "1891," to insert "and the salary of the deputy recorder of deeds shall hereafter be \$1,800 per annum;" so as to make the clause read:

Provided, That the number of clerks and others employed in the office of the recorder of deeds shall not be increased, except that additional copyists may be employed for temporary service as the necessities of the office may require, nor shall the salary or compensation of clerks and others be increased beyond the salaries or compensation paid during the fiscal year 1891, and the salary of the deputy recorder of deeds shall hereafter be \$1,800 per annum.

The amendment was agreed to.

The next amendment was, in section 1, on page 11, line 5, to increase the appropriation for compensation of "superintendent of charities" from "\$2,500" to "\$3,000."

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," in section 1, on page 11, line 11, after the word "records," to strike out "books and repairs of books for register of wills;" in line 18, after the words "sinking-fund office," to insert office of superintendent of charities;" and in line 19, before the word, "thousand," to strike out "twenty-four and insert "twenty-five;" so as to make the clause read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, stationery, detection of frauds on the revenue, repairs of market houses, painting, binding, rebinding, repairing, and preservation of records, maintaining and keeping in good order the laboratory and apparatus in the offices of the inspector of gas and meters and inspector of asphalt and cement, damages, care of horses, not otherwise provided for, horseshoeing, fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of superintendent of charities, health department, and police court, \$25,000; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall be used only for official purposes.

The amendment was agreed to.

The next amendment was, in section 1, on page 12, after line 9, to insert:

For rent of attorney's office, \$100.

The amendment was agreed to.

The next amendment was, in section 1, on page 13, to strike out the clause from line 1 to line 11, inclusive, as follows:

That whoever intends to present to Congress a petition or bill for an act of incorporation, or for an alteration or extension of the charter of a corporation in the District of Columbia, or for any special privileges in said District, shall give notice of such intention by publishing a copy of the petition or bill at least once a week for four successive weeks, in a newspaper published in the District of Columbia, the last of said publications to be made at least fourteen days prior to the presentation of such petition or bill. Such newspaper shall be designated by the petitioner and approved by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 1, on page 13, line 15, before the word "dollars," to strike out "five thousand five hundred," and insert "eight thousand;" so as to make the clause read:

For advertising notice of taxes in arrear July 1, 1891, as required to be given by act of March 19, 1890, \$8,000, to be reimbursed by a charge of \$1.20 for each lot or piece of property advertised.

The amendment was agreed to.

The next amendment was, in section 1, on page 13, in line 23, after the word "taxes," to insert "on real property;" and in line 24, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

To enable the assessor to continue account of arrears of taxes on real property due the District of Columbia, including the payment of necessary clerical force, \$2,000.

The amendment was agreed to.

The next amendment was, in the appropriation for "improvements and repairs," in section 1, on page 14, line 10, before the words "hundred thousand," to strike out "two" and insert "four;" so as to make the clause read:

IMPROVEMENTS AND REPAIRS.

For work on sundry streets and avenues named in Appendix Cc, Book of Estimates, for the fiscal year 1893, \$400,000, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely, etc.

The amendment was agreed to.

The next amendment was, in section 1, on page 14, line 15, to increase the appropriation for "Georgetown schedule" from "\$18,000" to "\$36,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 14, line 16, to increase the appropriation for "Northwest section schedule," from "\$73,150" to "\$146,300."

The amendment was agreed to.

The next amendment was, in section 1, on page 14, line 19, to increase the appropriation for "Southwest section schedule," from "\$27,220" to "\$54,440."

The amendment was agreed to.

The next amendment was, in section 1, on page 14, line 22, to increase the appropriation for "Southeast section schedule," from "\$38,070" to "\$76,140."

The amendment was agreed to.

The next amendment was, in section 1, on page 14, line 24, to increase the appropriation for "Northeast section schedule," from "\$48,560" to "\$97,120."

The amendment was agreed to.

The next amendment was, in section 1, on page 15, line 2, after the word "dollars," to insert the following proviso:

Provided, That the streets and avenues shall be completed in the order in

which they appear in said schedules, except High street, so far as the amount of money herein appropriated shall suffice for the work, and the cost of widening High street, named in the Georgetown schedule, shall be charged to the Georgetown and Tennallytown Railway Company of the District of Columbia and collected from said company in the same manner as the cost of laying down pavements, sewers, and other works, or repairing the same, lying between the exterior rails of the tracks of street railways, and for a distance of 2 feet from and exterior to such track or tracks on each side thereof, are collectible under the provisions of section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878; and the act of August 22, 1888, entitled "An act to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia," is hereby altered and amended so as to authorize and require such charge and collection.

Mr. MORGAN. I move to amend that amendment, in line 6, by inserting, after the word "schedule," the words "one-half of which."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 6 of the amendment of the committee, after the word "schedule," it is proposed to insert the words "one-half of which;" so as to read:

And the cost of widening High street, named in the Georgetown schedule, one-half of which shall be charged to the Georgetown and Tennallytown Railway Company, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. I ought to say in respect to this subject that when the committee had it under consideration they thought the whole of this expense should be charged to the Georgetown and Tennallytown Railroad Company. Since that time I have ascertained that the company has made absolutely nothing in the way of income, and as far as I am concerned I am willing to let the matter go.

Mr. CULLOM. I hope it will be allowed, because my opinion is that the company is losing from \$600 to \$700 a month regularly.

Mr. HALE. Mr. President, the thing that ought to be done is to require this company to take up its tracks and place them where they will not be the constant nuisance and menace which they are to-day to everybody who travels this great thoroughfare into the country. The right which this company got to spoil this road was gained in an insidious fashion, and some of us remember that when we returned to Washington one winter a few years ago the Tennallytown road had been occupied by this company and its uses destroyed under a bill which none of us knew anything about. Since that time no man can send his family, his wife, or his children into the country by this road without the greatest danger of accident and loss of limb or life.

The intent of these companies, Mr. President, is by constant importunities before the committees of the House and the Senate to gradually absorb and occupy every avenue from this city into the country. They do not recognize any public rights in these great thoroughfares, and the Senate has been remiss in its duty in not watching and guarding the public interests against these corporations. I do not hold myself wholly free from blame in this regard, although I have sometimes, as Senators may think, "in season and out of season," protested against the gobbling up of the great streets and thoroughfares leading into the country by these companies, but it goes on from year to year, and although Washington is to be the great winter resort, the pride and satisfaction and comfort of a great people, soon to be one hundred millions in number, we are going to be encircled by these street railroad corporations so that it will not be possible for men or women or children to get into the country without great danger, as I have said, to life and limb from these railroads.

Senators know that already there are schemes here for cutting off the few avenues that remain to ourselves, to our friends, and our constituents; that the determination is to occupy and possess them all. I am glad to be able to say that the Committee on the District of Columbia has been awakened to the importance of this matter, and is looking to these things, and I commend to the chairman of that committee, who is a vigilant business man, and who knows what business is, the necessity for eternal vigilance on his part against the encroachments of these corporations. If he does not look out these matters will be smuggled through the committee, and will get through the Senate and the House at hours when nobody is paying attention, and we shall find every year the rights of the public curtailed and at last destroyed.

Now, this company is a chief sinner. It got its privileges and proceeded in a way that nobody knew anything about. It has got the most valuable franchise of all the roads that run into the country.

There are other roads that have put out thousands and tens of thousands and hundreds of thousands of dollars, who have been obliged to lay their tracks in such a way that it would not be unsafe to the public, because somebody had found out that the intention was to restrict them by amendments to their charters, which have to a degree prevented their doing this mischief; but this company has no such restriction. They went onto that road,

a great thoroughfare, and destroyed it, and now because for a short distance—what is the distance they are required to pave?

Mr. STEWART. A little over a thousand feet.

Mr. HALE. A little over a thousand feet, a fifth of a mile; and because, without having paid a dollar for their franchise and contributed nothing to the public revenues, we ask that they shall be compelled to pave this thousand feet, which is only a small fractional part of their line, they come in with a declaration that they are not making money and that they only ought to pave half. Mr. President, they not only ought to be obliged to pave the whole of this, but they ought to be obliged to take their track up and lay it as some other companies that we have been watching and guarding are obliged to do.

But nobody asks that; no committee reports that; and when an amendment is put on here compelling them to do this little paving, all that they have ever done for the public and all that they have ever paid, then we are beset and importuned by agents and lawyers and lobbyists lurking in the pathway of Senators, who clamor at their doors and meet them at their committee rooms and in the corridors, and Senators are persuaded to give way, to yield to them.

Well, the Senate can do that, Mr. President, if they choose. I have done my duty in informing the Senate what this situation is. If the Senate choose to give up to this company and cut the amount down which the committee reported this company should pay, I can not hinder it. I have done what I think is right in notifying the Senate, and I certainly, for one, shall not vote to reduce this amount one-half, whatever may be the action of the Senate.

Mr. MORGAN. Mr. President, it has been about thirty years since the people in that neighborhood and on that road have been clamoring for some conveniences in the way of a street railroad leading from Georgetown out towards Rockville, in Maryland. Some gentlemen who had more intrepidity about this matter than they had money, I suppose, to back them with, induced a large number of citizens of this city to make contributions in the way of subscriptions to the stock for getting this railway established. They came to Congress; they have been here twice; two bills have passed upon this subject, having gone before the Committee on the District of Columbia and been thoroughly examined, and their charter has been amended since it was first granted, and no provision has been inserted of the kind that is now presented on a bill of appropriations.

Well, I think that after all this is rather a harsh way of legislation. The legislation of itself is simply destructive of the railroad. We have granted the privilege; these people have put their money in there; and now, upon a bill of appropriations, to take this subject up and give no chance for consideration, and no chance to answer at all, and bring in an amendment of this kind to the bill, is harsh legislation. I think that the whole provision ought to go off this appropriation bill and go to the Committee on the District of Columbia and let them investigate it.

I am not prepared to accept the very earnest and intense statement of the Senator from Maine [Mr. HALE] on this question. I think the Senator is very widely mistaken about it. I think he is very much mistaken in respect of the men who are concerned in this road, or of their having in any degree or at any time insidiously got an act of Congress passed for their benefit. The truth is, they were making a very risky venture in putting any money in the enterprise at all. This matter has been twice investigated by the Committee on the District of Columbia. The company have got their charter, and this proposition is merely to amend or repeal the charter on a bill of appropriations.

Now, the company can live at one-half of this cost, but they can not live if they have to pay it all. It is pretty bloody sort of work to get a set of people to invest their money in a railway of this kind, and then come in on a bill of appropriations and destroy them. This is going to be the effect of it. I am informed that the railroad company can get along with one-half of this, having to tax their own pockets for the purpose of doing it, and having no chance to get it out of the community.

So I think the Senator from Maine ought not to make the objection after bringing in this amendment here. He ought to be satisfied with one-half now. If that is not enough, let the Committee on the District of Columbia take up the subject and amend the charter. That is the way to do it. The only power we have got over them is to amend it or repeal it, and let the matter come up in some form where these gentlemen can have a chance to be heard.

The Senator complains that lobbyists and lawyers and friends of railroad schemes are around the Capitol. Who else have they got to represent them in this place? What government have they got to represent them? What voice have the people here got in any government of theirs? If the right of petition and the right to see Senators and to talk with them and explain to the Committee on the District of Columbia and the Committee

on Appropriations is cut off from them, then they are helpless, they have no chance to say a word or do anything. They can not make an appeal through any local authority at all. The local authorities in the city of Washington are not under the control of the people in the slightest degree and not responsible to them. They sit in judgment upon their rights and destroy them at will and pleasure; they carry out their own schemes and purposes of government doubtless with good intent, but at the same time it is a cruel method of administering law in an American community.

I hope the Committee on Appropriations will not take upon itself now to amend all the charters of railway companies in the District of Columbia. I have noticed here in the last four or five years that whatever has been done in respect of the amendment of railroad charters or a change of plan, traction, and the like of that, has been done by the Committee on Appropriations, and we have to submit to it because we can not get any appropriation unless we take the wishes of that committee in regard to a proposed improvement or the repeal or the amendment of a charter.

So I think we ought to go moderately about this. While the Senator from Maine doubtless has some good reason for every statement he has made here, I think it would appear that the men who are concerned in this railroad are about as honorable a set of men as there are in this country, just about as good as Washington City can afford, and if they have to be urgent and attentive to their interests it is only because they have got no other chance in the world of being heard.

I hope the amendment will be allowed to stand.

Mr. VEST. Mr. President, as a matter of course, whenever the District of Columbia appropriation bill comes up we have the same old discussion in regard to self-government here and corporations. It is hardly necessary to observe that there are two very distinct sides to this question.

I never belonged to the class of legislators who believe that corporations deserve no consideration at the hands of Congress or Legislatures, but I believe they ought to be treated exactly like private individuals, made to observe the law, to assume their portion of the public burdens, and also receive their portion of the public benefits. But it seems to me that, in regard to this matter, it makes no difference what we say here in this bill; the railroads will do exactly as they please, and our experience in the past shows it.

Here is a provision that if the company do not comply with this law, the amount necessary shall be "collectible under the provisions of section 5 of the act entitled 'An act providing a permanent form of government for the District of Columbia, approved June 11, 1878,'" and the legislation in regard to laying down pavements, etc., between the external tracks of the railroads. I remember very distinctly some years ago that we had a protracted contest over the question of forcing these railroads in the city of Washington to put their tracks down level with the surface of the streets, which is required in every other city in the United States, in order that their rails should make no obstruction to vehicles. It was finally passed here after a long debate, and I call the attention of the Senate to-day to the fact that the Belt Line in this city has paid no more attention to it than if the act had never been passed.

Two of the railroad companies have complied with it so far as I know, but the Belt Line, that runs entirely around the city, so far as my knowledge extends—and I ride upon it every day going to and coming from my residence—has paid no more attention to it than if Congress had never passed the law, and the officers of the District of Columbia have made no attempt, so far as I am informed, to enforce the law at all, just as if, in so many words, they were saying the railroad company cares nothing for an act of Congress, and will do as it pleases. My experience teaches me that they do not propose to obey the law unless they see proper to do it.

If we continue in this line of legislation, as I have noticed here for the last ten years, there will not be a street in this entire city that will not be in possession of some railroad company. The chairman of the Committee on the District of Columbia informed me this morning that there were over twenty bills now pending before that committee for constructing street railroads here, all of them speculative enterprises, and the railroad tracks proposed to be laid down upon streets from 30 to 32 feet wide, where the construction of such railway tracks absolutely destroys the street for any other purposes than the purposes of the railroad, making property upon both sides of it almost untenable; and yet these bills slip through Congress in some sort of way, and the first thing those of us who own property here or live here know is that we wake up some morning and find the street torn to pieces and a railroad being constructed of which we never heard before. So it seems to me that it is "mere leather and prunella" whether we pass this provision of the present bill or not.

I shall take the course indicated by the Senator from Maine

[Mr. HALE], with my present information, being under the impression that the railroad company afterwards, no matter what we do, will do exactly what it pleases.

Mr. HALE. Does not the Senator think it is worth while for the Senate, before adopting that fatalistic view, to make a few more efforts, or one more effort at least, to see if we can not stand up against the corporations?

Mr. VEST. I will stay with the Senator from Maine to the last ditch, but I do not expect any other result than what we have had.

Mr. CULLOM. I agree with the Senator from Missouri [Mr. VEST] and with the Senator from Maine [Mr. HALE] on the question of legislation. I desire to say that on one occasion since the road in question has been built, I became very much outraged by finding myself involved almost in a runaway with a carriage team, on account of an electric car on that road. I felt that certainly the track had been put there without authority. I could not imagine that the Congress of the United States would deliberately pass a bill authorizing any railroad company to put a track down in the middle of the ordinary traveled road. Hence I felt that the railroad company was greatly to blame for the condition; but on inquiry and examination it turned out that we had authorized all this, and if there is anybody to blame about it it certainly is the Congress of the United States. I have two of the acts which have been passed—I do not know whether these are all or not—first the act incorporating the Georgetown and Tennyaltown Railway Company of the District of Columbia. After reciting the names of the corporators, the act proceeds:

Created a body corporate under the name of the Georgetown and Tennyaltown Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power for carrying passengers in the District of Columbia, from the Potomac River near High street, to, and along High street in Georgetown to the Tennyaltown road, but wholly outside of the limits of said road, and along the side of the said road to the District line.

Now, whether the track was put down under that act or under another act that was passed on the 24th of March, 1890, I am not advised.

Mr. ALLISON. Will the Senator yield to me a moment?

Mr. CULLOM. Yes.

Mr. ALLISON. The original act from which the Senator has just read provided for a track on High street. High street is a very narrow street, the roadway between Georgetown and Tennyaltown.

Mr. VEST. What is the width?

Mr. ALLISON. It is a very narrow street. I do not remember what is the width of it. I do not think it exceeds 60 feet, perhaps not over 54 feet. It is a narrow street, extending entirely through the city of Georgetown and beyond that to the summit of the hill, where it intersects the Tennyaltown road.

By that first act the company was authorized to build in the middle of that street or anywhere they saw proper, and they did construct a railroad in the center of the street until they reached the Tennyaltown road. Then the original act required that when they reached the Tennyaltown road, they should build their track outside of the Tennyaltown road. The subsequent act which the Senator from Illinois now has in his hand, was passed on the 24th of March, 1890, which authorized them to build, not outside of the Tennyaltown road, but in the Tennyaltown road. So the charter was modified in their interest from the point of intersection of High street and the Tennyaltown road.

The point in question here is a little portion of the road between the Tennyaltown road and the city of Georgetown, wherein the Commissioners of the District of Columbia have discovered that, as a matter of fact the road is, as they believe, 120 feet wide, but it is fenced up, so that it is a narrow lane. Now, the Commissioners of the District of Columbia desire to widen so much of High street as will bring High street to the point of Thirty-fifth street, which is now a paved road through its entire length, a road that has asphalt up to the point where this intersection is proposed by this amendment. It will cost a considerable sum of money to widen that road, and the Committee on Appropriations believed, after such examination as they were able to give it, that the Georgetown and Tennyaltown Railroad Company should pay the whole expense, because they had placed their tracks in such a way as to destroy this road practically, as they have.

Mr. MORGAN. They placed the track according to law.

Mr. ALLISON. Undoubtedly the law authorized them to do just what they have done.

Mr. HALE. The Senator will bear in mind that in the organic law specific provision is made that the charter may be changed at any time.

Mr. MORGAN. I know that.

Mr. CULLOM. I have only a word more to say.

Mr. ALLISON. I beg the Senator's pardon. I believe he has the floor.

Mr. CULLOM. It is all right. The chairman of the committee has said much of what I intended to say myself, and has said it better than I could have done, and I am very glad of it.

I confess when this subject was up in committee I voted that the railroad company should pay the whole cost of that provision in the bill, but I was not as familiar then with the law that controlled the subject under which the tracks were built as I am now. I confess that it would seem to me a little hard, perhaps, for a company that has not violated any law that I know of, and which is losing money, as this company seems to be doing, to be required to incur the whole expense provided in the amendment reported by the Committee on Appropriations; and while I shall go with the committee, I am perfectly willing myself that the Senate shall adopt the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, the Senator from Missouri [Mr. VEST] has a general complaint to make about railroad legislation and railroad procedure here in this town. I expect it is very just; but at the same time a great deal of the fault of this matter rests upon Congress, and I do not know but that the whole of it rests upon Congress. But the Senator from Missouri, I think, has not stated, and perhaps he will not state, that this railroad company has not complied exactly with the statutes of the United States upon this question.

If the people who took stock in the railroad company to enable the company to build the road had known that Congress, after the railroad had been laid down, would place upon that company or upon that road a burden which would be impossible for it to bear, they certainly never would have put their money in there; and it is the people who have built the railroad by taking stock and paying for their subscriptions who are affected by this legislation. It is very harsh and very wrong. It is true we have the power to amend or repeal this charter, and this provision in this appropriation bill proposes to do that. But we know that that is not a fair way of proceeding, to repeal charters or to amend charters. Men have no notice: they can not bring forward the facts or the circumstances to the attention of the proper committee, the Committee on the District of Columbia, to look into this matter and to ascertain what were all the circumstances.

Now, I am not advised, while I am advocating this amendment, whether this road, or any part of it, is upon an embankment, or whether it is through a cut, or on a level. My impression is that that part of High street, in the center of the street through which this road passes, according to the provision of the act of Congress, is precisely in the location we authorized the company to put it. The widening of a street, either by making a deep cut or a fill is a very difficult work, and I am not certain but both have to be done. Perhaps some Senator can inform me about that.

Mr. McMILLAN. Mr. President, I have given this matter some little attention; in fact I introduced a bill here for the opening of Thirty-seventh street for the purpose of enabling people driving in carriages with their families to escape this dangerous track that had been built there on High street. When the chairman of the Committee on Appropriations spoke to me about the arrangement which he proposed to make to widen this street so as to connect with Thirty-fifth street and avoid to a great extent the travel on this narrow part of the road, I thought it was a very fair proposition to ask this company to pay this small amount. It is only for a short distance, and it does not affect their main line down in the city. It can not cost a great deal of money. The charter is a very valuable charter, and, though the road may not pay now, it will pay hereafter.

Mr. VEST. How much will it cost to do this work?

Mr. McMILLAN. I can not tell exactly, because they have to widen the street, but there is no heavy work to be done there. After this company obtained its charter, built the road on this narrow street and built the road up High street, they never fixed the street at all, but they left it just as it was. They never leveled the street at all. The result is that a man driving there has to go right into a ditch to get rid of the cars. If the company had treated the public a little differently, leveled the road and made it possible for carriages to pass over it, I have no doubt the people of Georgetown and the people of Washington would not have had so much fault to find with it. But now it is actually impassable. This piece of road provided for in the bill is not a very great distance. I do not think it will be a very great hardship for this company to be asked to pay the expense.

Mr. MORGAN. I understand under the provisions of the bill it will cost \$25,000.

Mr. ALLISON. That is the estimate.

Mr. McMILLAN. I would say in that connection that the District Committee have decided that hereafter these country

roads shall be protected and that no company shall be chartered, if the committee can prevent it, unless it has its right of way entirely free from the roadway which has been laid out.

Mr. HALE. That is right.

Mr. CULLOM. I hope the District Committee will protect the streets somewhat, as well.

Mr. McMILLAN. We are going to do that if we can.

Mr. CULLOM. That has not been done heretofore.

Mr. MORGAN. There is another question about this matter. The private owners, I am informed, on either side of this street have been permitted for thirty or forty years to encroach upon it, and perhaps to the extent of 40 or 50 feet have appropriated the public land of the city of Georgetown to their own private purposes, and yet we find these men are to escape entirely from all the punishment which we are inflicting upon the Tennytown Railroad, and the whole matter is to be dumped upon that corporation, I suppose, because it is a corporation; but that corporation represents only the people of this District who have subscribed their money to it, and I insist again that it is a very great hardship to require them to take upon themselves the whole expense of rectifying that which the Congress of the United States has permitted to take place there in the way of the encroachment of private owners upon that street.

If the encroachments of these private owners had been removed, or if they had been compelled to go back to their proper lines heretofore, there would have been no difficulty, perhaps, about this street at all, but it would have been wide enough and good enough for the accommodation of the public. They are the people who brought this hardship upon the railroad company and upon the community. I think the committee ought to proceed at least now on the line that I suggest, and if Congress think proper let them put one-half the expense upon this railroad company, but let us see if, on a proper adjustment of this matter, the owners of the adjacent lots, who have made these encroachments, ought not themselves to bear at least one-half of this burden.

Mr. HALE. Mr. President, the Senator from Michigan [Mr. McMILLAN], who is chairman of the Committee on the District of Columbia, and largely intrusted by the Senate to see that the rights of the public are maintained, and also that the corporations shall have their fair treatment, has told the whole story about this matter.

Mr. MORGAN. He has not said anything about these encroachments of private owners on that road, I understand. Has the Senator from Michigan made any mention of that?

Mr. McMILLAN. No; I have not.

Mr. MORGAN. That is a very important matter.

Mr. HALE. The railroad company, when it got this charter, which nobody would father, built the road in the most reckless defiance of public rights, ran its track through the center of the narrow street, and did not even look to the care and safety of the street. Whoever has gone along since over this way has been obliged to run into the ditch, as the Senator from Michigan has said.

Now, it is found that this road, over which this company got its charter, has a width ample to protect the public. It is to be opened and paved, and all that is asked here is that this company with this valuable franchise shall do now precisely what, if any attention had been called to it at the time, it would have been compelled to do at first, that is, pave this street. Can anybody give any reason why it should not?

All that has been said is that it seems hard that it should pay the whole, and that therefore we had better let up on it; because it is not making any money now that we should ask it to pay but half. If it is hard that these corporators should pay the whole, it is hard that they should pay half. They have got, as the Senator from Michigan has said, a very valuable franchise, and whether they are making money or not now, they were glad to put their money in there, and in the end it will be one of the most valuable properties about Washington.

Mr. MORGAN. I will state to the Senator from Maine that, while it may be true that it may hereafter be very valuable property, it will be after these people have been driven out who are not able to hold it and pay \$26,000, and a new company can come in and absorb this, and perhaps that is the bottom of the whole business.

Mr. HALE. Contrast the treatment which this company has had which is now importing Congress that it shall not pave this little part of the road which it occupies—contrast its treatment with that of some other companies. When the Rock Creek Railroad Company was chartered, we obliged that company to find its own right of way, to condemn lands, to pay the value of them, do its own grading, let the public streets alone, and gave them no avenues, and we put upon that company burdens of hundreds of thousands of dollars compared with what this company has had to bear.

Mr. McMILLAN. If the Senator will allow me, the bridge alone that that company has built at Rock Creek must have cost \$130,000 or \$140,000.

Mr. HALE. I am obliged to the Senator.

Mr. McMILLAN. We granted a charter at the last Congress to build a railroad from the other side of the Potomac at Arlington, near the Three Sisters, in which we compelled the company to build a bridge across the Potomac that will cost \$200,000 at least.

Mr. HALE. Precisely. Any one of these items that we have obliged other companies to expend in the way of bridges will six times swamp the little sum that is asked of this company now for paving this street which it has destroyed; and yet this company comes in and finds its advocates here to declare that it is hard that we should oblige it to pay the whole of this sum of \$26,000, when we oblige other companies to build bridge after bridge, costing from \$100,000 to \$200,000 each.

Mr. MORGAN. I wish to call the attention of the Senator from Maine to the concluding proviso in the act of March 24, 1890:

And provided further, That said railway shall be located on such side of the roadway as may be indicated by the Commissioners of the District of Columbia.

The whole jurisdiction was placed in the hands of the Commissioners. What have the Commissioners been doing?

Mr. HALE. All of these acts have that provision. They followed the letter of the law. There is no doubt about that. As somebody has said here, why should we oblige this company to pay this money when they have not violated the law? They got this law through to the surprise of everybody, and nobody will father it. They then come in and want to take advantage of their own wrong. Undoubtedly the provisions of the bill that Congress passed looked out for these people, because they drew the bill themselves; and it is no answer, when we are seeking to subject them, not to hardship but to an ordinary burden in the course of the transaction of public business, that we shall take this matter in hand, as we are permitted to do by the terms of the act, and vary this charter at any time.

It is to me a wonder, Mr. President—like the Senator from Missouri I ought to be more fatalistic and cease to wonder—that whenever any attempt is made to make a railroad corporation in the District of Columbia contribute its portion to the public burdens, it finds advocates here who declare it is not fair, when here are a thousand feet or less of road that this company has heretofore ruined, which we seek to make it put in order, so that the public can travel over it, and Senators declare that it is hard on this company to oblige them to do it.

Instead of discussing this question we ought to be discussing the question of whether this company shall not be obliged to take up its tracks entirely and find its roadway outside of the street, as we have obliged other companies to do. This has been a favorite company. No company has had the favors that this has. It was allowed to select its avenues, the choicest and best leading into the country, run its line through them, destroy their use, and oblige men to go off elsewhere so as to get out into the country. Here is an opportunity to make the evil less, and this great company is asked to pave part of the roadway to the extent of twenty-five or twenty-six thousand dollars.

Senators say it is hard to make them pay more than \$13,000. I do not see the difference. If we are going to exempt this company, if we are going to wait until they begin to make money, and do not ask them to pay anything until then, let us do all the paying for them. If they are not paying dividends, when their track needs repairs, let Congress furnish the new rails, and if their funds are not enough to pay their officers and employees, then let Congress pay them, because it is hard for them to pay their employees! Let us help them! There is no end to this. The truth is it ought to end here. The company ought to be glad to get off with paying this small sum.

The Senator from Michigan, who is vigilant in looking after these things, and who knows all about this matter, voices his committee in saying what ought to be done here. I hope the Senate will stand by the action of the committee.

Mr. MORGAN. I do not think that there is any more impropriety in advocating what a Senator thinks is a just thing on this floor than there is for a Senator to get up here and lampoon Congress and plead the baby act on what we have enacted solemnly and deliberately. I think Congress is perhaps able to take care of the District of Columbia; at all events it has been compelled to do it very much against what I think is the best policy to be adopted in regard to the government of this city, at least the American policy, if not the best.

The Committee on Appropriations seems to have taken charge of all this business of reforming all the laws of corporations, charters, and the like, in the District of Columbia. Why not leave it to the Senator from Michigan [Mr. McMILLAN] and his

committee, allow that matter to come before that committee, and let it have a fair investigation and debate on this floor without voting it on appropriation bills?

Mr. HALE. The Senator knows, by the rules of the Senate, that the question of appropriations for these streets, the paving of them, and all that, is found and settled upon the District appropriation bill.

Mr. MORGAN. Not always.

Mr. HALE. That is the rule, and in this case the Committee on Appropriations is backed up by the chairman of the Committee on the District of Columbia.

Mr. MORGAN. Let the chairman of the Committee on the District of Columbia bring his bill in here and let us have a proper discussion of it without the embarrassment of its being attached to an appropriation bill. That is the fair way to do the thing, not proposed to amend or alter the charter upon accusations which, I am informed, are not correct. I am so informed by gentlemen of very high respectability, and I know personally many persons in this city have taken stock in this railroad company because they thought it was a fair investment. It has never paid a cent of dividends, may never pay a cent of dividends, and the result of this legislation, I think, will be simply to break up this company and transfer it into the hands of some speculators. That is not infrequently done here.

The harsh legislation of Congress prohibits men to make fair and just investments upon the merits of property like this, and prohibits them from enjoying the benefits of their investment by putting burdens upon them that they can not afford, by reason of which they are compelled to sell out their stock, go into bankruptcy and liquidation, and the property passes into the hands of somebody else.

This seems to be, according to the opinion of the Senator from Maine, a very valuable corporation, and yet it will be in the hands of people who can not hold it if these enormous burdens are put upon it. Here is a judgment of condemnation; here is a fine, and nothing but a fine, imposed upon this company for some dereliction that the Senator from Maine thinks he has discovered, perhaps when his carriage horses may have been scared in passing over this road.

The Senator from Missouri [Mr. VEST] is very much distressed because some morning he may wake up and find a street-car line progressing through the city of Washington. That may be, Mr. President, but after all there is nothing that contributes as much to the happiness and comfort and health and welfare of the common population of this city and of the great number of visitors, too, who do not happen to have large sums of money in their hands, as this street-railway system. While it is a system to be regulated, it is nevertheless a system to be encouraged.

It is the poor man's way of getting through the town, and I think there is scarcely a road, not even that Belt line that the Senator from Missouri says has its tracks above the level of the streets, that could be dispensed with without inconvenience to a very large number of people who need this assistance. I have never seen a community in my life where there was as few enormously rich men and such a vast mass of poor people as there are in Washington City. They are drawn here by the invitation of the Government to hold minor offices and the like, in the employ of the Government of the United States, to educate their children, etc., and we have a very large number of impecunious people. They are an industrious people, a good people, for I do not believe that the streets of any city of America, or in the world, present as little that is offensive to the people who pass along them at any time of the night or day as Washington City. According to the outside appearance of it, according to what happens here night and day, we would call it one of the best regulated and one of the most moral cities in the world. There is no question of that.

It is the most orderly city I ever saw. So then, in contributing to the welfare and the happiness and the comfort of this people, we are not violating any of the great laws of government or the proprieties of legislation. Congress has to give due consideration to all these measures. This subject has been twice before Congress, and these provisions have been put into the statutes with care, and I maintain that they have been put into them without lobbying and without any incorrect operations on the part of the persons interested.

The fact is I do not believe any bill of this character or any bill of any other character passes through the Senate of the United States in consequence of its being lobbied. I have never seen a bill passed here that I thought had the least touch of dishonesty about it, and it does not become us to get up here and plead that an act has been surreptitiously passed, then surreptitiously amended, that lobbyists have been about, that Congress has been asleep, and that Senators have not been paying attention to the public interests, have not been taking care of the general welfare of the people. I can not be induced to vote upon a

hypothesis of that sort against or for any measure. I must take what is recorded in the statutes of the United States as having been honestly and honorably put there.

These people have built there, they have spent their money upon the foundations that we have laid for them. Here are your Commissioners of the District of Columbia, who are authorized expressly by the proviso to this last act of 1890, to indicate where this line of road shall be put. Now, what have they been doing? I do not hear that they are arraigned here for neglect of duty. Doubtless their attention was called to this subject. Senators say that that provision is in every such bill.

Mr. ALLISON. That discretion given to the Commissioners applies to that portion of the road lying west of the junction of the Tennytown road, and does not include the portion of the road that is now under debate.

Mr. MORGAN. Well, Mr. President, if I am incorrect about the part of the road to which this proviso refers—

Mr. ALLISON. I am speaking about the act of the 24th of March, 1890.

Mr. MORGAN. At the same time the Commissioners have made no complaint here of this company. They have had the duty resting upon them. I do not hear of any report of the Commissioners condemning it or saying that the company has placed the road in the wrong place, that it obstructed the highway or is impeding travel. Nothing of that sort has been done, and I claim this is very harsh and surprising legislation. If this had come in the form of a bill reported and placed upon the Calendar, somebody would have attended here, evidence would have been produced to have brought the correct information before the Senate of the United States, but the first we hear of it, it originates in the Appropriations Committee room.

No amendment was offered to this bill in the Senate and sent to the committee, but it is the work of the committee itself, with no notice given, no opportunity for defense; and yet because I arise here and say in my opinion this is harsh legislation and unjust in its character, the Senator from Maine rather impeaches me for being always ready to cry out hardship in favor of a corporation.

No, Mr. President, I have as little to do with corporations as any man in the world. I have as much desire and have as frequently tried to put the hand of control upon them as any man in this body, according to my feeble ability. I have been instant "in season and out of season" to try to control the corporations here. I have not been hand in glove with any of these great arrangements by which this city or any part of the United States is controlled, with national banks, or any of the plans of the great corporations of this country.

On the contrary, while I have been willing to do them justice, I have been in a sense inimical to them; that is to say, I have been always anxious that they should have no more power than was absolutely necessary to carry on such part of their functions as made for the general welfare of the people. I feel no embarrassment in the world in getting up here and asking the committee who have originated in this appropriation bill this new measure of appeal, which has never been before the legitimate committee of the District of Columbia for a hearing—I feel no embarrassment in saying that this is a harsh fine to place upon a company that is unable to bear it, and I merely ask that the committee, with all their great powers, will have a little mercy, and at all events postpone one-half of this amendment, one-half of this fine, one-half of this penalty, until the subject can be looked into. I have only had an hour to study it, or less time even than that. At the same time my information comes from sources that I do not discredit in the slightest degree. I believe just as much in the statements made to me about this as in the statements of any person in the world.

Mr. HALE. Has the Senator the act from which he was reading a moment ago?

Mr. MORGAN. I have.

The PRESIDING OFFICER (Mr. PLATT in the chair). The present occupant of the chair understands that the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the committee was announced as agreed to.

Mr. MORGAN. It was.

The PRESIDING OFFICER. And the announcement was made that the amendment of the committee as thus amended was agreed to.

Mr. HALE. The discussion has proceeded upon the assumption that no vote had been taken.

The PRESIDING OFFICER. If it is the desire of the Senate that the amendment of the committee shall be considered open, as well as the amendment of the Senator from Alabama, the Chair will so rule; otherwise there is nothing before the Senate.

Mr. HALE. The discussion has proceeded, as I said, upon the assumption that the subject was still open. I did not know that any vote had been declared.

The PRESIDING OFFICER. If there is no objection, the amendment of the Senator from Alabama will be regarded as pending to the amendment of the committee, and both will be considered open.

Mr. HARRIS. Both amendments remain open, the committee amendment and the amendment proposed to it.

The PRESIDING OFFICER. It will be so considered.

Mr. HALE. Mr. President, this is no question between the people who use these roads and anybody else. The company has got its charter and built its road in a way that has been described, and now, as an incident to this privilege, finds not suddenly—for this company is not taken unawares; it is not fighting for the people—it finds, as an incident to the great privilege which it has got, that a certain portion of its track needs to be paved for the convenience of the whole public. There is no surprise to this company in this. This condition might occur at any time. The company all the time must take notice. If next year it should be found that another piece of the road that this company occupies needs to be paved and the company has neglected to pave it, the Committee on Appropriations would have to put it on the bill, because by the rules of the Senate that committee takes charge of roads and appropriations for paving, and always decides what part shall be paid by the public and what part by the companies, what part by the nation and what part by the District.

So there is no surprise here. I do not need to repeat and I do not want to repeat what has already been said. It is a small sum. It is not to be compared with what we put upon other companies. The company ought to be glad to get off as cheaply as this.

Mr. FAULKNER. I will ask the Senator, who is a member of the Committee on Appropriations, whether there has been any consideration by that committee of the cost of this work and the probable effect upon this corporation if the entire amount of this liability is thrown upon it.

Mr. HALE. The committee has no expectation or fear from its investigation that the payment of this small sum of anywhere from \$15,000 to \$25,000 (it has been stated at \$26,000, but I do not think it will cost that) will be any serious mischief to these people. It is not a large sum compared with their plant and compared with their resources. It is not a burdensome thing. If we were putting a half million dollars on this company, or if we were obliging them to take up their trucks and find their own right of way, as the Rock Creek Company had to do, it might be said we were interfering with their existence and that we were seeking to stamp the breath of life out of the company; but it is not anything of that kind.

It is an incident of their occupation and their privilege, and I notify the committee that next year if it is found that another portion of the road that they occupy ought to be paved, it is within the jurisdiction of Congress to provide that they shall pave it. It will not be very hard if they have to do it. This other road had to do all its grading, buy its land, and spend hundreds of thousand of dollars. It had to build bridges. They did not come in and ask that we should build them. They paid the bills.

Mr. FRYE. Do you require here that they shall pave anything more than the roadway?

Mr. HALE. Nothing more than in the midst of the street.

Mr. FAULKNER. I think the Rock Creek road, as the Senator has said, has done an immense service to this city.

Mr. HALE. And has spent an immense amount of money.

Mr. FAULKNER. It has spent, I think, thus far, between \$400,000 and \$500,000 in its improvements. But the Senator must take into consideration also, when he examines into the question, that where these companies spend large amounts which would not be justified by reason of the patronage that they receive in the transportation of passengers, they have ulterior ends which necessarily affect private interests of their own. They own large bodies of land there, and they could afford probably to make a very large expenditure which would not be reimbursed by the return from the passenger travel of the road but in the building up and enhancement in value of the property through which the road runs, which is owned mostly by themselves. At the time the Rock Creek road was chartered there was no road laid out.

I am perfectly willing to vote for what is fair and just in reference to this matter, but I think that we ought to be satisfied that we are not doing an injustice to this corporation. I think in some instances we have done injustice to them. We have required corporations, and I voted myself in favor of it, to pay judgments which were declared null and void by the Supreme Court of the United States. We required them to pay a large amount of money, and yet I thought the equities were in favor of the District, and I voted even in a case of that kind to require them to pay it. We have also required the Washington and Georgetown Railroad Company to expend, I suppose, not less than \$3,000,000 to give greater facilities to the people by a better road

along Pennsylvania avenue and connected with it. Wherever the expenditures are at all equal to the receipts or will benefit the road and also the District and will not operate too harshly upon them I am in favor of perfecting the service of street railways. I believe that the Metropolitan and the Washington and Georgetown Railroad Companies have complied with the law in reference to laying the rails on a level with the surface of the street, and in every other respect I believe those roads are complying with the provisions of law.

Mr. HALE. Now, let me ask the Senator a question. He has large familiarity with the management of this District from his valuable service on the District Committee. Will the Senator inform the Senate, while Congress has been obliging these other roads to pay thousands and tens of thousands and hundreds of thousands and millions of dollars for the public convenience up to this day, what has Congress required this company to pay?

Mr. FAULKNER. I know of no instance in which Congress has required any railroad company to pave a street except between the rails and two feet on either side. I do not know of any instance in which Congress has required any corporation to which it has granted a privilege similar to this, to grade a street if the grade was established at the time the corporation was granted the privilege of using the street.

Mr. HALE. No; but it has obliged them to do other things in the way of adopting a certain method of motive power. It has obliged them to build bridges entirely at their own expense, involving sums of money, ten and twenty and thirty times larger than this amount, and this is the first that has been asked of this company.

Mr. FAULKNER. In the case of the Rock Creek road that was not required by Congress, but it was asked as a privilege by the corporation when it applied to Congress for the franchise which it obtained. The bill which was presented on behalf of that corporation had all those provisions in it. There was no street then laid out through which they desired to run, and they had to grade the street in order to accomplish the purposes which they had in view. They had provided in that very bill when it was presented that the bridge over Rock Creek should be paid for by the company. I do not know of an instance in which, after the franchise has been granted, a regrading even has been charged to the corporation that had the privilege of running upon the street.

Yet that consideration will not affect my vote. If this matter has been properly investigated and it is not too severe a tax upon this corporation, I should be willing to go with the Committee on Appropriations; but when we required the Washington and Georgetown road to lay down the cable system, to change its motive power, to change its rails, as we did the Metropolitan road, we investigated thoroughly as to the ability of both those corporations to do it, as to their capacity to stand under the tax to be imposed upon them; and having once become satisfied of that we then determined to bring up the roads to the very highest state of efficiency.

Mr. HALE. That involved some millions of dollars.

Mr. FAULKNER. Three million dollars, at least, in the case of the Georgetown road.

Mr. VEST. While we are upon this question I should like to have some information from the District of Columbia Committee. I wish to ask the Senator from West Virginia, while the committee has made this and that road comply with the law, why it is that the Belt Line have never been compelled to do it? They have never observed that law any more than if they were not under the jurisdiction of Congress.

Mr. FAULKNER. I do not know anything in reference to the Belt Line. I never travel over it, and I do not know whether they have complied with the law or not. I assume that they have not done so from what the Senator from Missouri has said.

Mr. VEST. I travel on it every day.

Mr. FAULKNER. But I desire to state for myself and not for the Committee on the District of Columbia that it is our province and duty to pass legislation, not to execute the laws. There are other persons whose function it is to see that the laws passed by Congress are properly executed. That does not belong to the District Committee. I did not know there was any violation of the provisions of law in reference to that question by the Belt Line, but I assume that it is true from what the Senator says.

Mr. President, before I am willing to vote for this amendment of the Committee on Appropriations I should like to be satisfied, as that question has been raised by the Senator from Alabama, whether it would really be almost equivalent to the confiscation of this company's property.

Mr. HALE. Let me ask the Senator whether he supposes that the expenditure of anywhere from \$15,000 to \$25,000 by this corporation would be in anyway a death blow to the company? It seems to me that the Senator himself, who is a lawyer, a man of business, and an experienced legislator, can not have in his mind

any fear lurking about that this provision is intended or will result as a serious mischief to this company's organization.

Mr. FAULKNER. I am frank to say that I can not answer that question to my satisfaction or that of the Senate.

Mr. MORGAN. I can answer that question upon the information of a gentleman in whose veracity I have perfect reliance, that it would be what the Senator from Maine has said, a death blow to the present organization.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdictions of the courts of the United States, and for other purposes."

Mr. ALLISON. I ask that the unfinished business be laid aside informally for the purpose of proceeding with the appropriation bill.

The PRESIDING OFFICER. If there be no objection, the unfinished business will be informally laid aside, and the consideration of the appropriation bill will be proceeded with. The Chair hears no objection.

Mr. FAULKNER. I think, when the Committee on Appropriations come forward with this amendment, they ought to be ready themselves to answer specific questions put by Senators who have examined to some extent at least into this matter, and who assert that it will be equivalent to the confiscation of the franchise and rights of this company. They ought to be able to state to the Senate that it will not prejudicially affect the company.

Mr. HALE. I have no doubt whatever upon that subject. The committee had no belief that it was going to interfere seriously with the company.

Mr. FAULKNER. But has the Senator from Maine examined into the financial condition of this corporation to ascertain that fact?

Mr. HALE. If this company is in a condition now where this slight burden for the public use is going to bankrupt it and throw it out of business, it will be bankrupted and go out of business from other cause. If this simple item is going to destroy it, then it is a failing company and can not maintain itself, and Congress will never find itself able to deal with a corporation to put a reasonable burden upon it without being confronted by the declaration of somebody interested in the company that that very act will cause the ruin of the company. This is a chimera. It is not an actual fear. I do not say that the Senator from West Virginia and the Senator from Alabama do not have these doubts about it; I am not impugning their sincerity, but the officers of the company have no fear of it. This company that is running the cars and getting public benefits increasing its property every year, which will be a great corporation with valuable property, is not going to be harmed by being obliged to pave these few hundred feet. It is not in that condition, and I repeat, if it is in that condition we can not help it.

Mr. FAULKNER. I wish to say that I know nothing about this matter. My only information is what the Senator from Alabama and the Senator from Maine have stated. I have no other information whatever. But I desire, in justification of myself and also of the District Committee, to say that any imputation by the Senator from Maine that the act was lobbied through originally, or that there was any improper course adopted either in committee or in the Senate in the passage of the bill originally, is an entire misapprehension upon his part as to the condition under which that act was passed.

Mr. HALE. All I said, which I firmly believe, is not that there was anything improper or any shade or approach of corruption, but that there was negligence on the part of the Senate generally in not looking into it. I know when we came back here and found that this company had taken possession of the street we had a discussion of it, and I could not find any Senator who knew that they had a right to do that; and they had afterwards to get an act through giving them authority to go into the middle of the street, as they claim, although the very act that they got through here to enable them to do this says at the close that—

Said railway shall be located on such side of the roadway as may be indicated by the Commissioners of the District of Columbia.

I think it was the impression—I think the chairman of the committee had that impression—that this road would not be built right through the middle of the street, but that it would be on one side, out of the way. The Senator himself may have known about this, and may have followed it up, but if so he is the first Senator I have ever found who was ready to take the responsibility of saying that he knew what this company was going to do with that street. We could not find anybody at the time who knew.

Mr. McMILLAN. I wish to try and answer the question which the Senator from West Virginia has just now asked. Everybody who is familiar with the building of street railroads knows that there is a period of time when the road does not pay very much to the stockholders; that they have to wait until the road develops the country round about. This road is built out from the populous part of Georgetown. It is the only road running in the direction of Tennallytown. Senators here know that Tennallytown and its vicinity are growing very rapidly and that that is a portion of the District where property is bound to increase in value. These gentlemen undoubtedly have a valuable franchise. The last report which we have in our committee shows that their receipts amounted to the neighborhood of \$35,000 or \$36,000.

Mr. FAULKNER. Gross?

Mr. McMILLAN. Their gross receipts, from their earnings from passengers, and their expenses were about \$30,000. I have not any hesitation in saying, as one who has had some experience in these matters, that this road will undoubtedly be a good investment. The stockholders may have to wait a year or two for the development of the region tributary to the road, but it is bound to be a valuable franchise, and I do not believe, looking at it in that light, that this is a very great hardship to that company.

Mr. FAULKNER. I wish to answer the question in regard to negligence, because, if I recollect aright, the original bill was reported by me from the District Committee. I do not know about the amendment to the charter, but the original bill, I am satisfied from my recollection, was reported by me, though I have not referred to the matter since the passage of the bill.

Mr. HARRIS. I will say to the Senator from West Virginia that I have just looked at the history of the legislation. The original bill was introduced in the Senate by the then Senator from Kansas, Mr. Ingalls, but that bill was indefinitely postponed. However, a bill having been introduced in the other House, the bill introduced in the Senate by the Senator from Kansas was adopted in the House as a substitute for the bill introduced there. It was passed there and came to the Senate and was reported by the Senator from West Virginia [Mr. FAULKNER] from the District Committee of the Senate, and was so passed.

Mr. FAULKNER. I remember that I had some connection certainly with the passage of the original bill, having reported it from the Committee on the District of Columbia. It was the universal practice of that committee, whenever a bill affecting the interests of the city of Washington was before it, to refer it to the Commissioners of the District and to get their report either for or against the bill, or with suggestion of any amendments that they deemed proper.

I have not the slightest belief that any member of the Committee on the District of Columbia or its chairman was guilty of any negligence in reference to this matter. If the bill was not referred to the District Commissioners by the Committee on the District of Columbia of the Senate, it was because the bill had come from the other House and had been passed on there by the District Committee and the District Commissioners. It has been the universal practice to do that, so as to bring the attention of those who necessarily have their minds constantly directed to all these local matters to the bills that are before the District Committee so that they may suggest any amendment and give their opinion as to the advisability of the passage of the bill.

Then the bill is considered by a subcommittee and discussed fully by the whole committee, because I can say right here from my experience of five years in the District Committee that I know of no subcommittee that has ever been authorized to report bills that have not been passed upon before the whole committee.

Mr. HARRIS. Never.

Mr. FAULKNER. We have adopted that rule, believing that it is essential to the interests of this city and to good legislation that no subcommittee, even one composed of half the committee, shall have the power to pass on bills and report them to the Senate on behalf of the committee, but that every bill, before being reported by that committee, shall be voted upon when a quorum of the committee is present. I do not know of any exception to that rule. I do not think there has been any negligence on the part of the committee or on the part of those who reported the bill from that committee to the Senate. Perhaps if I had known the road as well as I do now I might have made some objection to its going up High street, but at that time, not knowing it personally, I did not see any reason to object to the bill when it had been passed by the House of Representatives and approved by the District Commissioners.

Mr. McPHERSON. I should like to ask the chairman of the committee who has charge of the bill if this street called High street was an open street in the city of Georgetown? I understand that it is located there. Was it an open street at the time

the authority was given to the railroad company to lay their tracks?

Mr. ALLISON. It was.

Mr. MCPHERSON. What was the width of the street?

Mr. ALLISON. That I do not know. It is a very narrow street. Senators who have driven over it will know that it is the narrow street that turns towards Tennallytown right by the aqueduct.

Mr. MCPHERSON. It is not the street then that is used for a carriage drive between the ferry and the Tennallytown road?

Mr. ALLISON. Oh, yes; I will ascertain the width of the street.

Mr. MCPHERSON. I have heard somewhere mentioned in the debate that the carriage way is about 20 feet wide.

Mr. HALE. It is about 30 feet wide.

Mr. MCPHERSON. The citizens of this city and Georgetown had a right, an easement, in 20 feet of carriage-way room on that road when the permission was granted to this railroad company to lay down their tracks. I understand that the effect of laying the tracks in that street has simply been to deprive the people of the use of the street and confer it upon a railroad company; and that there is authority in the act incorporating the railroad company to amend that act and to compel the railroad company to provide a wider street.

I want to know what there is in that proposition which ought to receive the condemnation of any Senator. In the first place the street belonged to the citizens of the city. They paid for it. The street had been opened perhaps by public condemnation and by tax upon the property on the line, or upon the whole city; but it was proposed to permit the railway company to lay down a railroad track on the street, from which they were to derive a private benefit; and in granting that permission Congress simply deprived the people of their right to the use of the street because, as I understand, the railway company occupy the whole street.

We have granted railroad franchises in the city of Washington as they have been granted in many other cities, that could be sold to-day for millions of dollars. These people invested their money in this railroad property with the full knowledge that the Congress of the United States sitting here and acting as a board of aldermen or councilmen for this city, because it practically has no other lawmaking power, have the right at any time to require this railway company to give better railway facilities for the transit of people over their line, and in giving better facilities they may require them at the same time to occupy only so much or such portions of a public road as will not deprive the people of the right to use it.

I say the franchises granted here could to-day be sold for millions of dollars. It is a gift, a right of way to a railroad, where the business of the road is assured for all time, and is unlike any other railroad property where you undertake to build a line of railroad across an unpopulated country. Here the population exists; it is contributing to the profits and the business of the road; and I think that this railway company should be compelled at their own private cost and expense to widen the road, retaining the rights which have been granted them, and to widen the road in order that the public benefit may not be entirely lost from it; and that the tax should be imposed upon the company instead of anybody else. I have no sympathy with any argument—and I hear it often made in the Senate—in which we approach one of these railroad companies very gingerly, and the question is asked, Can the railway company afford all this? After granting them the free franchise upon a graded road, the street graded at public expense, then the question is, after they have invested their money in this kind of property, whether we have a right to make any exaction upon them with respect to surrendering some portion of the value of that right which we have granted to them for nothing to enable the people to have some rights upon that street.

It would seem to me as though it was about time that we began to deal with railroad companies in the District of Columbia as they ought to be dealt with. If I invest my money in a railroad property in the District of Columbia, believing it to be a good investment, as I presume these people have done, I do it at my own peril. I do it with the full knowledge that the Congress of the United States may amend that law and require some exaction from me provided it be made to appear that it is a just and equitable and reasonable one. I can see no inequity in this requirement. We require these railroad companies, if I am correctly informed in respect to the law, to pave inside their tracks and outside their tracks, and to maintain the trackway; and we have just as much right to say to them, "You shall widen this street." The Congress of the United States did not grant to this railroad company the exclusive right to use that street. The public have some rights there.

Mr. KYLE. May I ask how many tracks there are on the street?

Mr. MCPHERSON. I do not know. There are enough, I understand, to completely occupy it and blockade it so that travel is very difficult, if not dangerous, in going through the street.

Mr. HARRIS. Mr. President, I am inclined to think myself that justice demands that this railroad company should pay either the whole or a large proportion of the expenditure necessary to make that way what it ought to be, and I shall so vote.

I rose, however, chiefly for the purpose of saying that inferentially the Senator from Maine, the Senator from Missouri, and the Senator from New Jersey, criticize the action of the Committee on the District of Columbia in a way that seems to me hardly fair, and not kind nor just. I have for fourteen years, not in accordance with my wishes but in obedience to a duty, served on that committee, and I want to say frankly that in respect to chartering railroad companies in the District of Columbia I do not know of one single instance where the committee has consented to report a bill granting such a charter until the bill that had been introduced was referred to the Commissioners of the District of Columbia, and their scrutiny invited, and their report received as to the public necessity for the railroad, and as to the best method and the best location for such road.

In the light of the report of the District Commissioners and in the further light of all the information the committee could obtain from the localities to be served, the committee have responded invariably not to the demand of the people who asked the act of incorporation, but to what they understood to be the public demand and the public necessity.

I want to say further that in my fourteen years' experience on that committee, as organized at the various periods, I have served on no committee in this body that has given more careful attention to all the questions which have been submitted to it for its action. Like any other committee, it may commit errors and make mistakes, but it has been as vigilant, it has been as careful in scrutinizing the various propositions that have been submitted to it for its consideration and report as any other committee upon which I have had the honor of serving since I have been a member of this body.

I do not quite think the tone of criticism that has been indulged in here to-day is fair to the committee; nor is it such as I would be willing to make in respect of any one of the standing committees of this body.

Mr. MCPHERSON. It is due to the Senator from Tennessee and the members of the Committee on the District of Columbia that I should disclaim any intention in any manner to criticize either the Senator from Tennessee or any member of that committee. I have done this: I have found fault with the methods that we have pursued with respect to railroads since the time that railroads were first organized in this District. I commend the committee for very much that it has done. It has, I understand, imposed a tax, which I think is perfectly right and proper, upon the receipts of these railroads, and in that way the city is benefited to the extent of that tax.

Speaking for myself, I believe that upon railroad property, wherever it is located, and especially if located within the limits of a city, if franchises are granted and a right of way is given without any purchase of property for right of way or even for making the roadbed, the tax should be very heavy. It should equal at least the tax of any private citizen's property in the city.

I do not criticize the committee with respect to this bill. I think, considering the plan that has always been followed (and I have been a member of that committee myself), I would have voted to grant this railroad company the power to lay its tracks upon High street; I would have done just as the committee have done, and therefore there is no ground for criticism by me upon the Senator from Tennessee or other members of the committee. Congress reserved the right to amend the act, and now it is proposed to amend it. Congress is simply exercising its reserved right under the original franchise, and proposes to say now to that railroad company: "Your road is laid upon High street. The street should be widened, and we demand of you that you shall pay the expense of widening it." The committee are not censured by me. I have no intention to censure them. We have reserved all the rights that we need and require with respect to this railroad company in their charter, and we are asking to-day to exercise those rights; that is all.

Mr. CALL. Mr. President, the Committee on Appropriations have done nothing in this provision but what this railroad company obligated itself to perform, and that is that whatever the public necessity should require should be done, and that all its franchises should be held subject to this requirement; that is the tenure and the conditions on which all corporate rights are granted.

The railroad corporations of the District of Columbia have been immensely profitable. They have received, I am told, five or

six times above their original stock valuation, and their original stock, as that of all railroad companies, is largely beyond the cost of construction. The value of a street railroad franchise in all municipalities is necessarily very great, and the prospective value is as much a part of the consideration value of the property as its present receipts.

The demand which has been made upon this company can not be regulated by its capacity to pay but by the necessity of the public. I do not think it was ever before heard of that while the citizen was taxed the corporation should be considered as exempt from the necessity of contributing to the public policy in the interest of the people.

Whether this corporation is able to perform this public duty, which is part of the consideration of its franchise, is somewhat immaterial. If they can not perform their obligations to the public, then some other persons must be found to take their place. All over this country it is a fact well known that corporations have been stocked far beyond their original cost; and that with this franchise as all other franchises of transportation there is granted a power of taxation of the people quite as direct and far more oppressive than that which is reserved to the people and their representative bodies.

As to whether this trifling imposition upon this corporation, possessing a franchise which of necessity must grow in value with the increase in population of this District, is to crush it out, it seems to me that there is nothing whatever to sustain this objection. The value of this franchise does not depend upon its receipts of to-day, which have been shown by the Senator from Michigan [Mr. McMILLAN] to be large and to be growing, but it depends upon the prospective value, the prospective increase in population. The Committee on Appropriations could not have done otherwise in respect to the impositions which have been made upon other corporations in this District than to have recommended this provision.

Mr. MORGAN. Will the Senator from Florida inform me what the width of that road is there where complaint is being made?

Mr. CALL. I do not know with accuracy.

Mr. MORGAN. Does the Senator know at all, with accuracy or without accuracy?

Mr. CALL. The Senator from Alabama should not ask me the question; he should know himself. His propositions are well founded. I know this about it. It was discussed in committee, and it was agreed by every one to be too narrow for public convenience.

Mr. MORGAN. The road?

Mr. CALL. The road.

Mr. MORGAN. As it originally stood?

Mr. CALL. It was said that there was necessity for widening it and for creating these additional facilities, and upon that subject the committee were all united. What the specific width is I do not undertake to say.

Mr. MORGAN. Mr. President, we are going in the dark about this business, and the reason of it is that the case has not come from a committee that is in the habit of making reports upon bills. If the facts could be spread before the Senate in the form of a report from the Committee on the District of Columbia we should find a different state of case from that which has been presented here this morning. I have searched around and got some private information from some Senators on this floor about what the question is and what the facts are. I understand now that they amount about to this: This part of High street was perhaps not originally called that, but it was the Tennallytown road. According to the map it had a certain width, which the Senator from Iowa perhaps has ascertained and can inform me of. I have been trying for an hour to find out what the width of the street is, and I can not find anybody who can tell me. It may be 22 feet or it may be 50 feet; we do not know. The Senator from Florida does not know. The Senator from Iowa, the chairman of the committee, does not know.

We do not know what the proper legal width of that street is, but one thing we do know, that for twenty or thirty or it may be for fifty years, or longer even than that, encroachments have been made upon what is now esteemed to be or supposed to be the east and west lines both of that street or that road, whatever you please to call it. Many other things have encroached there. There is a cemetery. That cemetery has a great many feet of frontage on the road, and I am informed that before the District of Columbia can tear up that road and make its proper width according to law they have to get the consent of the cemetery company to remove the graves and build a wall.

I suppose that is part of the expense that is to be put upon this railroad company. The expense is entirely indefinite. There is no sum fixed whatever. The sum the Commissioners may see proper to expend there, if it is a million dollars, this bill imposes upon the company. The tearing down of the cemetery, the re-

moval of the dead bodies, if you can get the consent of the people to do it, or if the law compels them to consent to it, is part of this scheme. Does the Senator from Florida know anything about that?

Mr. CALL. That was discussed in the committee.

Mr. MORGAN. I know it was discussed, but where is the report.

Mr. CALL. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. CALL. There is no reason to suppose that there is any very immense cost involved, or that anything like a million dollars are to be expended in the removal of a few graves.

Mr. MORGAN. We do not know the situation at all. Here is a measure proposed that brings in an indefinite charge against this railroad company, when the Commissioners of the District of Columbia see proper to improve High street, to widen it out to its original boundaries, whatever they are; we do not know what they are at all. They can go on and widen it in accordance with their own will and judgment as to what work ought to be done there. It may cost \$26,000 or \$260,000 it makes no difference, and we saddle the whole of it by this bill on this corporation. Yet that committee have not furnished us, and in the debate now on the floor of the Senate we are not furnished with the facts. We are mulcting this company in what could not be less than \$25,000 or \$26,000, and we are doing it really without any knowledge of what the facts are. We do not know what it is going to cost.

Private owners, in addition to the cemetery company, or the cemetery corporation, or whatever it is there, have also encroached upon this road or this street, and they must be gotten rid of in some way or other through some process of law. Actually the boundaries of the street are not now ascertained, and nobody knows whether it can be done or not. No person knows whether the original measurement of this road has not been obliterated by adverse holdings of citizens who have built their improvements down to the line of the road, so supposed to be, and even by the dead who are buried on its side.

Mr. GORMAN. Mr. President, I supported this amendment in the committee which reported it, requiring the railroad company to pay the whole of the cost of this improvement in widening the street. I am in entire sympathy with what the Senator from Maine [Mr. HALE] has said in regard to the looseness of Congress in granting charters to these various railroads, and when the proposition shall come in a few days before the body for granting another charter creating another means of destroying another one of the great boulevards here, I shall have something to say upon that matter.

As I said a moment since, when the proposition was presented to require this railroad company to pay the entire amount of this improvement of widening the street it met with my approval, and I voted for it. Since then I have examined the matter more carefully, and I am rather inclined to think that the proposition will be a hardship upon this company; that we are applying to them a rule we do not apply to any of the other existing railroad companies; that in the very bill which we are considering, in the amendments which were reported from the committee, we have adopted an entirely different measure, that is, to make the railroad company pay one-half of the amount.

As the Senator from Tennessee [Mr. HARRIS] has said, and said well, in the case of the charter of this railroad company, as in all others, the District Commissioners, or the engineer officer of the District, it coming immediately under his charge, but with the approval of the whole board, recommended the location of this railroad on High street and then upon the road leading thence to Tennallytown; that when they located it on High street and on this road at the particular juncture here designated I understand that they knew that the street would not be wide enough to accommodate the railroad and leave sufficient room for carriages in the highway, but they had in mind and had perfect knowledge of the fact that the street had been encroached upon by private parties, and that more than one-half of the width of the street was occupied, as it is to-day, by private parties. Now the proposition comes to widen it.

The fault of locating the road is the fault of the District Commissioners as well as of the railroad company; and it seems to me that the only question is what amount we should make the railroad company bear. If it was a mistake, and I believe it was, in the location, Congress has determined that matter in all cases heretofore and in this bill by making the amount one-half.

Mr. McPHERSON. Will the Senator from Maryland allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. McPHERSON. If what he states is true, and I presume it is, that private parties have taken possession of the street, they certainly have no right there; and if the Commissioners will

force them to move back their improvements on the fence line it certainly would not cost the railroad company much to have the street opened.

Mr. GORMAN. That is all there is in the proposition. It is not one improvement. Under the charter they are required to pave between the tracks and 2 feet beyond; but it is proposed to widen the street, to make private individuals remove their fences and buildings and what not, and put them back to the building line, and to make this railroad company pay the entire cost of grading it and putting it in the form of a street.

Mr. MCPHERSON. If the street has been encroached upon by owners of property along the line unlawfully, certainly the Commissioners could have the property moved back without any expense to the public.

Mr. GORMAN. But it is proposed to make the railroad company pay the entire amount of that improvement.

Mr. MCPHERSON. Oh, no.

Mr. GORMAN. Yes; that is the whole proposition. There is nothing else in it. It is not a payment for making pavements.

Mr. President, what do we find upon an examination of the bill? Take the F street line of railroad, a rich corporation. They pay their dividends, and are able to make the improvements. They are thoroughly able, for the road has been in operation for a great many years, and runs through the center of the city. They were permitted to occupy the bridge across Rock Creek, on P street. They took the whole of that bridge for their use, except a small walkway on each side of the railroad. Public interest requires that there shall be a new bridge put up, the railroad company occupying the present structure almost solely. On page 24 of the bill we find the provision for the construction of a new bridge across Rock Creek at P street, and it is provided that the Metropolitan Company shall pay one-half of the cost of that construction and the District one-half. If that is the right measure, as I suppose it is, upon the recommendation of the Commissioners, then it does seem to me that the same rule should be applied to this smaller railroad.

We have this great railroad with a franchise on Pennsylvania avenue from Georgetown to the Navy Yard, the most valuable franchise I suppose to-day, certainly in this part of the country, paying 20 per cent dividend upon the capital stock and with a surplus nobody knows how much, with their six per cent bonds selling upon this market at 150. They occupy the bridge across Rock Creek at M street. They occupy at least the greater portion of it; but a new bridge is to be constructed. It is necessary for their change of motive power from horses to a cable line that there should be a new bridge, and on page 24 of the bill we provide that that bridge must be reconstructed for the public convenience and for the railroad. The District pays one-half and we require the railroad company to pay one-half.

Mr. McMILLAN. Will the Senator allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. McMILLAN. It is true that the recommendation came from the District Committee that the Washington and Georgetown Railroad should pay one-half and the District one-half, but that was because we have required the bridge to be the whole width of the street. It is now about half of the width of the street, and, as the Senator says, it deprives the public of the proper use of it. So we have compelled the bridge to be built the full width of the street, giving room enough for a street railway, room enough for a carriage way, and room enough for sidewalks, and then we ask the railroad company to pay one-half.

Mr. GORMAN. That is precisely as I understand the case.

Mr. McMILLAN. But in this other case the paving is only for a short distance, and the company do not pay for the street. They simply pay for improving one side of the street.

Mr. GORMAN. The distance has nothing to do with this case. In one case you want to make a small railroad company pay the entire cost of widening the street, if it is but for 1,000 feet, and the provision with reference to the Washington and Georgetown Railroad and the F Street Railroad is 300 feet. The principle is the same. The District Committee have come to the conclusion that one-half is the right allotment. If that be true, then we must apply it to all the roads and to this small road.

That is what has convinced me since the adjournment of the committee that we were in error. The Committee on Appropriations went beyond the recommendation of the District Committee, and it does not seem to be fair in the one case. There is no question about this new road. I have, like the Senator from Alabama in front of me, received this morning a statement from a gentleman as to whose integrity and knowledge of the affair I have no question. He says it is a new road and that the owners have not been able to make a dollar. They hope and expect to do so; and I believe, as the Senator from Maine says, that it will be a great charter in the future; but at present it would em-

barrass them. The point I insist on, however, is that we should not compare them with the Georgetown Railroad, the richest company in the District of Columbia, whose dividends are 20 per cent.

Mr. HALE. Does not the Senator remember that we have just put upon the Georgetown Railroad Company an immense burden in compelling them to change their entire plant and motive power and to spend, somebody said, \$3,000,000? We have never put anything on this company whatever.

Mr. GORMAN. I have no doubt, from my knowledge of the condition of these companies, that the Georgetown company, with its franchise running for twenty-five or thirty years, with a monopoly of the business, is more abundantly able to pay \$5,000,000 than this company would be able to pay \$50,000. I have no question about that. Left as it is to-day, requiring the Georgetown Railroad to have this new motive power, it is the most valuable franchise in this entire section of the country. It pays 20 per cent upon the capital stock, and I have no doubt that within a year I shall stand with the Senator from Maine in imposing upon them the additional burden of reducing their fare to 3 cents, which they can do and yet make 10 or 15 per cent upon their capital invested.

Mr. HALE. The Senator and I have always agreed in the policy of watching and restricting these railroads and putting proper burdens upon them, and the only way he and I will ever reach it is when the question comes up, as it does here, to make these roads contribute to the public burden. If whenever a case comes up we find reasons for letting them off, as the Senator is now finding reasons, he and I will find our work here in restraining and restricting them all the harder.

Mr. GORMAN. No, Mr. President, I am ready to go now, if the rule is a right one, and I am not certain that it is not, and apply the same requirement to all three of these roads in this very bill, making each of them pay for the whole improvement, if that is the right rule. But I do insist, since looking at the matter, that it is unjust to this company to make them pay the entire amount of the charge and only charge the other two great corporations one-half.

Mr. HALE. Does the Senator believe that anywhere in this city a selection can be made of a more valuable franchise than this company have in this very road? It is an exceptional case. There have been no burdens put upon them. This is the first time we have undertaken to make them contribute in any way. They are not like other roads. They have had everything their own way. It is a small matter we are asking from them.

Mr. GORMAN. I will go further than that, and join the Senator in the statement with regard to the recommendation of the District Commissioners in permitting this road to be located where it is that it was a great outrage. It ought never to have been permitted. It has destroyed one of the great drives out of this city, and they are nearly all destroyed. Begin in the eastern section of this city, and you have not built a bridge over the Eastern Branch but that there is a charter for a railroad to be constructed over it; there is not a drive out to any section of the city that there is not a horse railroad or an electric railroad on it, I think.

Mr. McMILLAN. I should like to correct the Senator from Maryland. We have not granted any charter to build a road on the two bridges, the Bennings bridge and the Eastern Branch bridge. There are applications for half a dozen roads to go over them, but we have not granted any such charter. In the case of the Bennings street road we have recommended that they build a bridge for themselves and that they shall not interfere at all with the highway. There have been no charters granted to go over the bridges.

Mr. GORMAN. There is a railroad across the Eastern Branch bridge, near the navy-yard.

Mr. McMILLAN. I am speaking of the new bridge.

Mr. GORMAN. I am speaking of the old one. There is one in the direction of Blandesburg; there is one in the direction of the Soldiers' Home on Seventeenth street, and on Fourteenth street. Then there is the road that is referred to here, that was built by a private corporation, on which they spent \$500,000, the Woodley Lane road, which goes out towards Georgetown, and the sharp angle there at the top of the hill almost destroys it for a drive. Then comes another project, to take the Aqueduct bridge and use that. There are one or two steam roads projected, crossing at right angles and on grade, or running along the side of the river. So we shall be hemmed in and bound down by these roads on every street leading out until every drive will be practically destroyed.

I am ready to restrict them whenever we have the opportunity; but the point I make, after consideration of this matter, is that it is not fair in the same bill to have a different rule for these roads. If we are to make them pay for the whole cost of improvements and widening the streets (for these bridges are

nothing but a widening of the streets), then let us apply that rule to all, but if one-half the expense is to be considered fair and is charged on the two great railroads, then one-half ought to be applied to this road.

Mr. CALL. Mr. President, the proposition of the Senator from Maryland does not sustain his conclusions. There is no principle involved in this matter as to the rate of charge or the burdens to be imposed on either road. You can not make a principle out of that. It is a question that must be determined by the public convenience and the necessity for improvement, and whether the railroad company in the specific instance ought to perform that duty. It is true that the matter may be regulated somewhat by the financial condition of the company, but the Senator from Michigan has well discriminated in this case. In the one case there is a bridge to be constructed because of a new public necessity. In the other case there is a street already made and dedicated to the public use, and the question whether the use of that street shall be destroyed by this franchise or privilege given to a few private individuals is the only question to be decided.

In the case of the bridge, there is an artificial structure to be made new. In the other case there is a public property already created and ready for use. Upon what possible ground it can be said that when the use of this public property is granted to individuals they should not be required to keep it in a condition in which the public may make use of it I can not conceive. This is a private interest granted to individuals in a public property and a public use, and the proposition of the Committee on Appropriations, as I understand it, is that this private interest should not be permitted to destroy the public use.

Mr. GORMAN. Will the Senator from Florida permit me to interrupt him?

Mr. CALL. Certainly.

Mr. GORMAN. If the Senator will examine the question he will find that that is the identical case of the P street bridge. It is in the exclusive use of the railroad tracks. They occupy the whole bridge except two little walks on the sides. The improvement is not for the purpose of accommodating the public travel or to make width enough there to allow a carriage to pass, as is the case with this road.

Mr. CALL. So I agree; but a public bridge is required not only by the use of the corporation and its franchise but by the public convenience in connection with it for other purposes; and in that case we provide that the bridge to be built, not the old bridge, shall be made of the same width with the street in order that it may accommodate the public uses, and at the same time that the use of the corporation shall be provided for, and that they shall pay one-half. It seems to me that that is a very proper discrimination, and in that case a proper rule, because the new structure to be built is to be used conjointly for the two uses. But in the case of the street already built, already used by the public, and which has been destroyed by this franchise to private persons, the committee simply ask that the corporation shall put the street which has thus been rendered incapable of use in a condition in which it may subserve the purposes of a highway.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the committee.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 16, line 24, before the word "thousand," to strike out "four" and insert "five;" so as to make the clause read:

Plats of subdivisions outside of Washington and Georgetown: To pay the expenses of such surveys as may be necessary to enable the Commissioners of the District to determine if plats of subdivisions of land within the District offered for record have been made in conformity to the "Act to regulate subdivision of land within the District of Columbia," approved August 27, 1888, §5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 16, after line 24, to insert:

Plan for extension of highways: To enable the Commissioners of the District to prepare a plan for the extension of a permanent system of highways over all that portion of the District of Columbia not included within the limits of the cities of Washington and Georgetown, \$30,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for "sewers" in section 1, on page 17, line 7, to increase the appropriation "for cleaning and repairing sewers and basins," from "\$40,000" to "\$45,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 17, line 9, to increase the appropriation "for replacing obstructed and insufficient sewers" from "\$20,000" to "\$25,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 17, line 11, to increase the appropriation "for main and pipe sewers" from "\$65,000" to "\$75,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 17, line 14, after the words "intercepting sewer," to insert:

As a part of, and in accordance with, the general plan for sewers recommended by the Board of Sanitary Engineers, appointed by the President of the United States, pursuant to the provisions of an act of Congress approved March 2, 1889, and whose report is published in House Executive Document numbered 445, first session, Fifty-first Congress.

Mr. GORMAN. I wish the Secretary to read the rest of the paragraph without action upon any amendment.

The VICE-PRESIDENT. The Secretary will state the amendments to the entire paragraph.

The SECRETARY. Also, on page 17, line 22, after the word "northwest," the committee report to strike out "sixty thousand" and insert "one hundred and twelve thousand five hundred;" so as to read:

To run from the Potomac River near Easbys Point to near the intersection of Fifteenth and E streets northwest, \$112,500.

Also, on page 18, line 9, the committee report to add the following proviso:

Provided further, That the plans for said sewer shall be approved by a consulting civil and sanitary engineer, who shall be appointed by the President, and whose services shall be paid for from this appropriation; and who shall also make personal inspection of the work in detail as it progresses.

So as to make the paragraph read:

For commencing the construction of a main intercepting sewer as a part of, and in accordance with, the general plan for sewers recommended by the Board of Sanitary Engineers, appointed by the President of the United States, pursuant to the provisions of an act of Congress approved March 2, 1889, and whose report is published in House Executive Document No. 445, first session, Fifty-first Congress, to run from the Potomac River near Easbys Point to near the intersection of Fifteenth and E streets northwest, \$112,500: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to enter into contract for the construction of the whole of the said sewer, at a cost not to exceed \$25,000, to be paid for as appropriations may from time to time be made by law. And the said Commissioners are hereby authorized to construct the said sewer where necessary across lands and reservations belonging to the United States: *Provided*, That after the construction of the said sewer the excavated portions of the said lands and reservations shall be restored to their original condition from the appropriations herein provided for: *Provided further*, That the plans for said sewer shall be approved by a consulting civil and sanitary engineer, who shall be appointed by the President, and whose services shall be paid for from this appropriation; and who shall also make personal inspection of the work in detail as it progresses.

The VICE-PRESIDENT. If there be no objection, the amendments of the committee to the paragraph will be treated as one question.

Mr. ALLISON. Before that is acted upon, in line 13, on page 18, in the last proviso, after the word "appropriation" I move to insert—

At a rate fixed by the President.

That relates to the compensation of the consulting engineer. These are amendments to perfect the text. I suppose there will be no objection to them.

Mr. GORMAN. None in the world.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. After the word "progresses," in line 14, at the close of the paragraph, I move to insert:

And shall forward all approved plans, and report the result of all inspection, to the Commissioners of the District of Columbia.

So as to read:

And who shall also make personal inspection of the work in detail as it progresses, and shall forward all approved plans, and report the results of all inspection, to the Commissioners of the District of Columbia.

Mr. GORMAN. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. ALLISON. Does the Senator object to any part of the amendment?

Mr. GORMAN. No, I only wish to ask the chairman of the committee, for I have not had an opportunity to read carefully the amendment until this moment, whether it is the intention of the amendment to follow out the plan recommended by the commission, consisting of Messrs. Hering, Gray, and Stearns, found in Executive Document No. 445, of the first session of the last Congress, or whether by the last provision, on page 18, in which "the Commissioners of the District of Columbia shall cause to be made the needful surveys and investigations, and cause to be prepared all the detailed plans, specifications, and estimates necessary for constructing in the District of Columbia a system of works for

the disposal of the sewage," etc., it is intended to place in the hands of the Commissioners and their engineers who may be employed the power to change this plan or to make a new one.

Mr. ALLISON. It certainly was not our intention, and if the words are not there I think they should be inserted. I am obliged to the Senator for calling my attention to it. I think, in line 10, on page 18, it should read, "that the detailed plans for said sewer," that is to say, the working plans for said sewer shall be approved by this consulting engineer. The general plan has been marked out by the sanitary commission or sanitary board; and our own purpose in the committee was—and I endeavored to execute that purpose in framing the amendment—

Mr. GORMAN. I am aware of that.

Mr. ALLISON. To provide that this sewer should be a part of this general plan, and that when the detailed plans for this portion should be made by the Engineer of the District of Columbia they should receive the approval of this consulting engineer. So I think the word "detailed" before "plans" should be inserted.

Mr. GORMAN. So I understood the intention of the Senator, as it was of the committee, and I thought it well to call attention to it, so that we may have no mistake about the construction of the language.

Mr. ALLISON. In line 10, after the word "the," I move to insert the word "detailed;" so as to read:

Provided further, That the detailed plans for said sewer shall be approved by a consulting civil and sanitary engineer, who shall be appointed, etc.

Mr. HALE. I had not noticed the print before. I thought it was the understanding that that was to be in.

Mr. ALLISON. I prepared the amendment with that understanding. The Senator from Maryland raises the point that the words as they appear here may not cover just what we intended.

Mr. GORMAN. That is all.

Mr. ALLISON. I intend to put words in that will.

Mr. HALE. That will exactly cover what the committee intend.

Mr. ALLISON. So I understand. I ask that the amendment to the amendment may be agreed to.

The amendment to the amendment was agreed to.

The amendment was amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 18, after line 14, to insert:

That the Commissioners of the District of Columbia shall cause to be made the needful surveys and investigations, and cause to be prepared all the detailed plans, specifications, and estimates, necessary for constructing in the District of Columbia a system of works for the disposal of the sewage of said District, and for the protection of the low portions of the city of Washington against damage by local flooding and freshets, which system of works shall be in accordance with the general plan recommended by the Board of Sanitary Engineers appointed by the President of the United States, pursuant to the provisions of an act of Congress approved March 2, 1889, and whose report is published in House Executive Document No. 445, first session Fifty-first Congress, and may employ all requisite assistance for said purpose, which said plans, specifications, and estimates shall be approved by the consulting civil and sanitary engineer hereinbefore provided for. And for the purpose of carrying into effect the provisions of this paragraph there is hereby appropriated the sum of \$25,000, or so much thereof as may be necessary.

Mr. ALLISON. On page 19, line 6, after the word "approved," I move to insert the words "from time to time." Otherwise it might be inferred that this whole detailed plan should be completed before it is presented to the consulting engineer.

The amendment to the amendment was agreed to.

Mr. GORMAN. Mr. President, this is a very important provision in the bill. The matter of sewerage in this District is one of the greatest concern to everybody who has had occasion to examine into it. The Senator from Iowa, the chairman of the Committee on Appropriations, and his committee two years ago inserted a provision in the appropriation bill providing for the appointment of a commission of three sanitary engineers to take this whole matter into consideration and report to Congress. The result of their examinations is before us in the document referred to in the pending amendment; but in that report they have three or four or half a dozen suggestions, practically all on the same plan, differing in character as to the size of the sewers and the outlets and the pumping arrangement.

Mr. HALE. And location sometimes.

Mr. GORMAN. And locations. Either of these, they claim, would perfect the sewerage system. Their description of it in its present condition is alarming. It was constructed, I think principally, by army engineers who had had no special training and knowledge of that class of work, and the result I think is that we are simply living in the lower section of this city over a great cesspool, with no way at all to carry off the sewage. It is marvelous that the health of the town is as good as it is.

But what I want to get at, and I do it for the purpose of having the opinion of the Senator from Iowa that it may guide the gentlemen who are to do this great work, having disposed of the commission of scientists and provided for the employment of

someone to be appointed by the President, is whether they are at liberty to take any one or all of these systems which have been proposed. I understand that it is to be in accordance with the recommendations made in Executive Document No. 445. Has the Senator in his mind, after consultation with the engineers, any knowledge as to which of the recommendations will be acted upon?

Mr. ALLISON. Does the Senator want an answer now?

Mr. GORMAN. I do, and that is all I want to know.

Mr. ALLISON. I take it that the consulting engineer may adopt not any new plan, but that he may adopt suggestions respecting the general plan. For example, this board of consulting engineers suggest that the sewage of this city may be thrown into the Potomac at two or three different points. Then they suggest (I so regard it) that the best is a point crossing the Eastern Branch by a tunnel or pipe having the pumping station at the foot of New Jersey avenue, and emptying the material into the Potomac River below Giesboro Point, which is, I believe, the narrowest point in the river between here and its mouth, with a quick and rapid current, and with deep water.

So the Commissioners think that ultimately the whole sewage of this city should be thrown into the river by means of pumping machinery, etc., at that point. They have said, however, that it might be done at what is called Gravelly Point, which is a point, I believe, on the Virginia side. They say it might be thrown in there, but they think it would be only a question of time when that should be changed. I have no doubt that any consulting engineer will adopt what might be regarded as the plan suggested by these three eminent engineers.

So far as I am concerned as a member of this body, when that matter is brought to my attention for action I shall be in favor of appropriations of money that will put this city and this District into the best possible condition of sewerage. I believe that that is the best economy. If Senators will examine the details of this bill they will see, as the Senator from Maryland very well knows, that the increases we have made here have been made chiefly for the purpose of supplying this city with additional sewerage and additional water and conveniences for securing health. If I had supposed it could have passed the ordeal of another coordinate body, I should have been willing to double the appropriation this very year for this sewerage.

This sewerage system when completed will be completed upon the best modern plans and methods. They have been prepared by three of the best sanitary and mechanical engineers in the United States, and we have provided here that one of them, as we supposed, is to be employed as the consulting engineer to execute this work. It will cost when completed a very large amount of money, but it is so devised that it can be completed in detachments, as it were. The first sewer is the most important one of all for present construction.

Mr. MCPHERSON. May I ask the Senator if this plan involves the pumping of the sewage?

Mr. ALLISON. It does eventually, a portion of the time.

Mr. MCPHERSON. Are we to have the continual expense of pumping the sewage for all future time? Is it not possible to cast the sewage into the river here in front of the city?

Mr. ALLISON. We certainly are to have it. The annual cost of that pumping of sewage is given here. It will not exceed \$21,000, and there is no doubt, at least I think there is no doubt, as a layman having no special knowledge upon this subject, that the project and plan of these engineers is absolutely necessary to the future health of this city. If the Senator from New Jersey will take up House Executive Document No. 445, Fifty-first Congress, first session, and will read it carefully, as I have read it, and if he will examine as I have examined the maps accompanying this statement, I think he will readily agree with me that the plan here is a plan that should be entered upon and prosecuted with as much vigor as the condition of the finances of the District of Columbia will justify.

The first sewer under this plan is the sewer provided for in the bill. It will cost in round numbers \$228,000. It empties into the Potomac River at what is known as Easby's Point, a point where the river is comparatively narrow, and the channel of the river is on the Washington side, where the flow of the river is such that except perhaps during a very few weeks in the year, perhaps only two weeks, there will be an active flow of the sewage down the Potomac. During extreme low water there may be some trouble. When that is completed it will dispense with an open sewer which runs down Seventeenth street, and which is an absolute disgrace to this city and to this country.

The next important sewer that is to be built, and that one I should be perfectly willing to provide for myself in this bill, is a sewer which is called the Rock Creek connecting sewer, which also will cost about \$228,000, and that is the sewer into which empty two-thirds of the pipes of this city. The first sewer I have named extends as far as the Patent Office and the Post-Of-

five buildings, and this sewer comprehends the entire north-western portion of this city.

I will say to the Senator from Maryland that I do not believe there is any probability that the general plan which has been laid down here with such clearness by this board will be diverged from in any material particular by any sanitary engineer who may be consulted, because I think it will be seen that this general plan is practically the only effective plan whereby the people of the District of Columbia can have sewerage such as should be had here.

Mr. HALE. Mr. President, I am very glad that the Senator from Maryland has called the attention of the Senate to this most important matter which has evoked this discussion. The committee, which took a good deal of pains in this matter, was, as the Senator from Iowa has said, greatly impressed with the strength and wisdom of the report of these sanitary engineers. They were three of the most eminent in their profession throughout the country selected by the President and appointed on the 17th day of August, 1889—Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederic P. Stearns, of Massachusetts. They gave much time and attention to this great subject, coming upon the ground, employing all the assistance needed, and they mapped out this great work in which we are all and in which the whole country are interested. A short summary of their conclusions is found at the bottom of page 50 of their report, where they say:

The more important features and the merits of the recommended project may now be summarized as follows:

The proposed plan includes deeply-laid intercepting sewers to carry practically all the sewage of the city to a suitable outlet in deep water of the Potomac River, storm-water sewers to drain the low districts and to intercept the waters which would otherwise reach it from the higher districts, dikes to prevent the entrance of river water during freshets, and pumps to lift the sewage at all times and the storm water of the low district when the river is unusually high. The pumps for both purposes are to be at one station near the foot of New Jersey avenue. The large sewers designed primarily for storm water removal, serve also as sewage interceptors.

They estimate the cost of this great work at \$3,598,003.

Mr. President, it is most important, if the scheme of the committee which rests upon the report of these engineers is carried out, that it should be carried out in complete harmony with that original project. That is why the committee have provided for this sanitary engineer. I should hope, and I think that is the feeling of the committee, that if it is practical one of the gentlemen who were engaged in the work of making this report shall be appointed for this purpose. The committee have given money enough so that it can be made an object for one of these great sanitary engineers to devote, if not the whole of his time, enough of it to take charge and supervision of the work. Then we may feel when we are appropriating from year to year, as we shall be reaching at last the sum of \$3,000,000, that if not for ourselves for others who will come soon after us there will be a city here at the national capital with as good a scheme for water and sewerage as the wit of man can devise.

Mr. GORMAN. My only object in interrupting the Senator in charge of the bill was to call attention, first, to the report under which we are acting and under which this scheme is proposed, so that there might be some expression from him as the representative of the committee immediately in charge of the bill, and we would have no trouble hereafter with a new scheme to be presented by the Commissioners of the District of Columbia, or the sanitary engineer, who may be appointed by the President, but to show that the intention of Congress in making this appropriation was to follow out the recommendations of the commission; and I am very glad to have had his expression.

There is one other thing that I desire to say. While the bill came here from the House of Representatives appropriating \$4,987,580.27, the recommendations of the Committee on Appropriations have been to increase it \$746,110, and of that amount of increase two hundred and seventy odd thousand dollars, I understand, are embraced in this one item of sewerage. While I am in favor of economy and of making the appropriations as small as they can possibly be made with due regard to the management of the affairs of the Government, I do express the hope that in paring down, if that shall be necessary, the appropriations we are making in this bill when it comes to be considered elsewhere, this one item will not be abandoned by the Senate conferees.

We have had complaints in this body of the bad ventilation of the Hall, and we have had them for years. There have been complaints in both Houses of Congress. When we come to take into consideration the facts stated in this report by the sanitary engineers that the sewerage from the building in which we are, emptying into the tide sewer, which is one-third of the time closed by high water or by high tides in the Potomac River, and driving the noxious gases back into this building and into all the buildings whose sewerage empties into the old Tiber Canal, we can

not afford, in my judgment, to abandon the worthy project we are now entering upon to correct that great defect.

I trust there will be no opposition here or elsewhere to the appropriation, and I again express the hope that if there is opposition to the appropriations we intend to make, the Senator from Iowa, in the interest of humanity and good health, will insist upon this appropriation being retained in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 19, line 12, to increase the appropriation "for suburban sewers" from "\$58,300" to "\$75,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 19, after the words "public sewers," to strike out "three thousand five hundred" and insert "five thousand;" so as to make the clause read:

For condemnation of rights of way for the construction, maintenance, and repairs of public sewers, \$5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for streets, in section 1, on page 20, in line 1, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

Repairs county roads: For current work of repairs of county roads and suburban streets, \$60,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, after line 20, to insert:

For the extension of Kenesaw avenue to the Zoological Park, \$1,000: *Provided*, That no part of this sum shall be expended until the owners of the land shall dedicate a street at least 90 feet wide for said purpose, nor until a street is dedicated by the owners of the land 60 feet wide from Quarry road around the east side of the Zoological Park to the Rock Creek National Park and connecting said Quarry road with Kenesaw avenue extended.

Mr. McPHERSON. Before agreeing to this amendment I should like to make an inquiry of the chairman of the committee: What disposition is being made in appropriations at this session of Congress to supply the Zoological Park or the grounds with animals; in other words, to complete the park in the manner intended and provided for in the original act? If nothing is to be done what is the particular necessity of improving the streets leading to the Zoological Park at a vast expense? I understand that there is a great deal of dissatisfaction, and justly, as I think, manifested on the part of the citizens of Washington against the plan which was adopted of charging one-half of the cost upon the people of the city of Washington for the Zoological Garden—one-half the cost of its maintenance, and even the purchase of the property as well. I should like to know if any change is contemplated by the committee with respect to that matter?

Mr. ALLISON. The appropriations for the Zoological Park are generally made, as the Senator is aware, in the sundry civil bill. That bill has not yet passed the other house. It has been reported by the Committee on Appropriations of the House of Representatives. It has not been considered by the Senate Committee on Appropriations. So I am not able to state what will or will not be done in that regard. I will say, however, as respects this particular appropriation, that it is an easy method of reaching the Zoological Park, and inasmuch as we own the ground, although we may not be able in the future to feed the animals, a good many people will want to go out there for recreation, I have no doubt.

Mr. CULLOM. While, as the Senator from New Jersey states, there is a good deal of complaint on the part of the citizens here on account of the division of the expense necessary to establish and maintain the park, yet I think in the other branch of Congress there will be an appropriation made probably in the line of taking care of the park, and it is only a question of amount as to what sum will be appropriated, so far as I now know. I am aware that there are a number of gentlemen who are taking quite an interest in the subject, and I think it may be reasonably expected that some reasonable appropriation will be made to maintain the park.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in section 1, on page 21, after line 3, to insert:

In regulating and macadamizing the street connecting Columbia road with Connecticut avenue extended toward the District line, \$10,000, and the appropriation of \$10,000 made by the District appropriation act approved March 3, 1891, for graveling said street is hereby authorized to be used for regulating and macadamizing the same: *Provided*, That the sum of \$20,000 shall be contributed by the abutting owners for the same purpose.

the disposal of the sewage," etc., it is intended to place in the hands of the Commissioners and their engineers who may be employed the power to change this plan or to make a new one.

Mr. ALLISON. It certainly was not our intention, and if the words are not there I think they should be inserted. I am obliged to the Senator for calling my attention to it. I think, in line 10, on page 18, it should read, "that the detailed plans for said sewer," that is to say, the working plans for said sewer shall be approved by this consulting engineer. The general plan has been marked out by the sanitary commission or sanitary board; and our own purpose in the committee was—and I endeavored to execute that purpose in framing the amendment—

Mr. GORMAN. I am aware of that.

Mr. ALLISON. To provide that this sewer should be a part of this general plan, and that when the detailed plans for this portion should be made by the Engineer of the District of Columbia they should receive the approval of this consulting engineer. So I think the word "detailed" before "plans" should be inserted.

Mr. GORMAN. So I understood the intention of the Senator, as it was of the committee, and I thought it well to call attention to it, so that we may have no mistake about the construction of the language.

Mr. ALLISON. In line 10, after the word "the," I move to insert the word "detailed;" so as to read:

Provided further, That the detailed plans for said sewer shall be approved by a consulting civil and sanitary engineer, who shall be appointed, etc.

Mr. HALE. I had not noticed the print before. I thought it was the understanding that that was to be in.

Mr. ALLISON. I prepared the amendment with that understanding. The Senator from Maryland raises the point that the words as they appear here may not cover just what we intended.

Mr. GORMAN. That is all.

Mr. ALLISON. I intend to put words in that will.

Mr. HALE. That will exactly cover what the committee intended.

Mr. ALLISON. So I understand. I ask that the amendment to the amendment may be agreed to.

The amendment to the amendment was agreed to.

The amendment was amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 18, after line 14, to insert:

That the Commissioners of the District of Columbia shall cause to be made the useful surveys and investigations, and cause to be prepared all the detailed plans, specifications, and estimates, necessary for constructing in the District of Columbia a system of works for the disposal of the sewage of said District, and for the protection of the low portions of the city of Washington against damage by local flooding and freshets, which system of works shall be in accordance with the general plan recommended by the Board of Sanitary Engineers appointed by the President of the United States, pursuant to the provisions of an act of Congress approved March 2, 1889, and whose report is published in House Executive Document No. 445, first session Fifty-first Congress, and may employ all requisite assistance for said purpose, which said plans, specifications, and estimates shall be approved by the consulting civil and sanitary engineer hereinbefore provided for. And for the purpose of carrying into effect the provisions of this paragraph there is hereby appropriated the sum of \$25,000, or so much thereof as may be necessary.

Mr. ALLISON. On page 19, line 6, after the word "approved," I move to insert the words "from time to time." Otherwise it might be inferred that this whole detailed plan should be completed before it is presented to the consulting engineer.

The amendment to the amendment was agreed to.

Mr. GORMAN. Mr. President, this is a very important provision in the bill. The matter of sewerage in this District is one of the greatest concern to everybody who has had occasion to examine into it. The Senator from Iowa, the chairman of the Committee on Appropriations, and his committee two years ago inserted a provision in the appropriation bill providing for the appointment of a commission of three sanitary engineers to take this whole matter into consideration and report to Congress. The result of their examinations is before us in the document referred to in the pending amendment; but in that report they have three or four or half a dozen suggestions, practically all on the same plan, differing in character as to the size of the sewers and the outlets and the pumping arrangement.

Mr. HALE. And location sometimes.

Mr. GORMAN. And locations. Either of these, they claim, would perfect the sewerage system. Their description of it in its present condition is alarming. It was constructed, I think principally, by army engineers who had had no special training and knowledge of that class of work, and the result I think is that we are simply living in the lower section of this city over a great cesspool, with no way at all to carry off the sewage. It is marvelous that the health of the town is as good as it is.

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So far as I am concerned as a member of this body, when that matter is brought to my attention for action I shall be in favor of appropriations of money that will put this city and this District into the best possible condition of sewerage. I believe that that is the best economy. If Senators will examine the details of this bill they will see, as the Senator from Maryland very well knows, that the increases we have made here have been made chiefly for the purpose of supplying this city with additional sewerage and additional water and conveniences for securing health. If I had supposed it could have passed the ordeal of another coordinate body, I should have been willing to double the appropriation this very year for this sewerage.

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The first sewer under this plan is the sewer provided for in the bill. It will cost in round numbers \$228,000. It empties into the Potomac River at what is known as Esby's Point, a point where the river is comparatively narrow, and the channel of the river is on the Washington side, where the flow of the river is such that except perhaps during a very few weeks in the year, perhaps only two weeks, there will be an active flow of the sewage down the Potomac. During extreme low water there may be some trouble. When that is completed it will dispense with an open sewer which runs down Seventeenth street, and which is an absolute disgrace to this city and to this country.

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five buildings, and this sewer comprehends the entire north-western portion of this city.

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Mr. HALE. Mr. President, I am very glad that the Senator from Maryland has called the attention of the Senate to this most important matter which has evoked this discussion. The committee, which took a good deal of pains in this matter, was, as the Senator from Iowa has said, greatly impressed with the strength and wisdom of the report of these sanitary engineers. They were three of the most eminent in their profession throughout the country selected by the President and appointed on the 17th day of August, 1889—Rudolph Hering, of New York, Samuel M. Gray, of Rhode Island, and Frederic P. Stearns, of Massachusetts. They gave much time and attention to this great subject, coming upon the ground, employing all the assistance needed, and they mapped out this great work in which we are all and in which the whole country are interested. A short summary of their conclusions is found at the bottom of page 50 of their report, where they say:

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They estimate the cost of this great work at \$3,598,003.

Mr. President, it is most important, if the scheme of the committee which rests upon the report of these engineers is carried out, that it should be carried out in complete harmony with that original project. That is why the committee have provided for this sanitary engineer. I should hope, and I think that is the feeling of the committee, that if it is practical one of the gentlemen who were engaged in the work of making this report shall be appointed for this purpose. The committee have given money enough so that it can be made an object for one of these great sanitary engineers to devote, if not the whole of his time, enough of it to take charge and supervision of the work. Then we may feel when we are appropriating from year to year, as we shall in reaching at last the sum of \$3,000,000, that if not for ourselves for others who will come soon after us there will be a city here at the national capital with as good a scheme for water and sewerage as the wit of man can devise.

Mr. GORMAN. My only object in interrupting the Senator in charge of the bill was to call attention, first, to the report under which we are acting and under which this scheme is proposed, so that there might be some expression from him as the representative of the committee immediately in charge of the bill, and we would have no trouble hereafter with a new scheme to be presented by the Commissioners of the District of Columbia, or the sanitary engineer, who may be appointed by the President, but to show that the intention of Congress in making this appropriation was to follow out the recommendations of the commission; and I am very glad to have had his expression.

There is one other thing that I desire to say. While the bill came here from the House of Representatives appropriating \$4,987,580.27, the recommendations of the Committee on Appropriations have been to increase it \$746,110, and of that amount of increase two hundred and seventy odd thousand dollars, I understand, are embraced in this one item of sewerage. While I am in favor of economy and of making the appropriations as small as they can possibly be made with due regard to the management of the affairs of the Government, I do express the hope that in paring down, if that shall be necessary, the appropriations we are making in this bill when it comes to be considered elsewhere, this one item will not be abandoned by the Senate conferees.

We have had complaints in this body of the bad ventilation of the Hall, and we have had them for years. There have been complaints in both Houses of Congress. When we come to take into consideration the facts stated in this report by the sanitary engineers that the sewerage from the building in which we are, emptying into the tide sewer, which is one-third of the time closed by high water or by high tides in the Potomac River, and driving the noxious gases back into this building and into all the buildings whose sewerage empties into the old Tiber Canal, we can

not afford, in my judgment, to abandon the worthy project we are now entering upon to correct that great defect.

I trust there will be no opposition here or elsewhere to the appropriation, and I again express the hope that if there is opposition to the appropriations we intend to make, the Senator from Iowa, in the interest of humanity and good health, will insist upon this appropriation being retained in the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 19, line 12, to increase the appropriation "for suburban sewers" from "\$58,300" to "\$75,000."

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Repairs county roads: For current work of repairs of county roads and suburban streets, \$60,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, after line 20, to insert:

For the extension of Kenesaw avenue to the Zoological Park, \$4,000: *Provided*, That no part of this sum shall be expended until the owners of the land shall dedicate a street at least 90 feet wide for said purpose, nor until a street is dedicated by the owners of the land 60 feet wide from Quarry road around the east side of the Zoological Park to the Rock Creek National Park and connecting said Quarry road with Kenesaw avenue extended.

Mr. McPHERSON. Before agreeing to this amendment I should like to make an inquiry of the chairman of the committee: What disposition is being made in appropriations at this session of Congress to supply the Zoological Park or the grounds with animals; in other words, to complete the park in the manner intended and provided for in the original act? If nothing is to be done what is the particular necessity of improving the streets leading to the Zoological Park at a vast expense? I understand that there is a great deal of dissatisfaction, and justly, as I think, manifested on the part of the citizens of Washington against the plan which was adopted of charging one-half of the cost upon the people of the city of Washington for the Zoological Garden—one-half the cost of its maintenance, and even the purchase of the property as well. I should like to know if any change is contemplated by the committee with respect to that matter?

Mr. ALLISON. The appropriations for the Zoological Park are generally made, as the Senator is aware, in the sundry civil bill. That bill has not yet passed the other house. It has been reported by the Committee on Appropriations of the House of Representatives. It has not been considered by the Senate Committee on Appropriations. So I am not able to state what will or will not be done in that regard. I will say, however, as respects this particular appropriation, that it is an easy method of reaching the Zoological Park, and inasmuch as we own the ground, although we may not be able in the future to feed the animals, a good many people will want to go out there for recreation, I have no doubt.

Mr. CULLOM. While, as the Senator from New Jersey states, there is a good deal of complaint on the part of the citizens here on account of the division of the expense necessary to establish and maintain the park, yet I think in the other branch of Congress there will be an appropriation made probably in the line of taking care of the park, and it is only a question of amount as to what sum will be appropriated, so far as I now know. I am aware that there are a number of gentlemen who are taking quite an interest in the subject, and I think it may be reasonably expected that some reasonable appropriation will be made to maintain the park.

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The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in section 1, on page 21, after line 3, to insert:

In regulating and macadamizing the street connecting Columbia road with Connecticut avenue extended toward the District line, \$10,000, and the appropriation of \$10,000 made by the District appropriation act approved March 3, 1891, for graveling said street is hereby authorized to be used for regulating and macadamizing the same: *Provided*, That the sum of \$30,000 shall be contributed by the abutting owners for the same purpose.

Mr. FAULKNER. I desire to offer an amendment as a substitute for the one reported by the committee. I believe it is satisfactory to the committee. I move to strike out the amendment of the committee and insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed to strike out the paragraph and in lieu thereof to insert:

For regulating and macadamizing the street connecting Columbia road with Connecticut avenue extended, and thence along said avenue extended to the District line, \$30,000, which said amount shall be assessed upon the property fronting on said street and avenue in proportion to the number of front feet of each lot or parcel of land so fronting. Such assessment shall be collected in the same manner as other taxes on real estate in the District of Columbia. And the \$10,000 appropriated by the act of March 3, 1874 for graveling said street and avenue shall be used for regulating and macadamizing the same, and both of said sums shall be immediately available.

Mr. ALLISON. That amendment was prepared by some gentleman and shown to me. The difference between that and the amendment proposed by the committee is, that I believe the whole sum is assessed upon the property. I certainly see no objection to it if the property is worth enough to pay the cost of improvements. It seems to be assessed against the property.

Mr. FAULKNER. According to the front foot.

Mr. ALLISON. I suppose there is no doubt about the fact that the property is valuable enough to pay the cost of the improvement.

Mr. MCPHERSON. I should like to inquire what has been the custom in regard to the opening and improving of streets in the District of Columbia heretofore? Has any portion of the expense heretofore in the opening, regulating, grading, and paving of the streets, been paid by the District, or has it all been paid out of the Treasury by taxes levied upon the whole people?

Mr. ALLISON. Mr. President, recently, as a rule, the cost of paving has been paid, under an arrangement we have made, one-half out of the Treasury of the United States and the other out of the taxes levied upon the people of this District; but that rule has been varied from in various ways and at various times. This is the best variation that I have seen. The amendment practically assesses the whole of the tax upon the abutting property-holders, except that \$10,000 of this sum is to be paid out of the general revenue and \$30,000 is to be assessed upon the property; that will be three-fourths to one.

Mr. MCPHERSON. Right in the line of my previous inquiry, I now ask if the practice heretofore has been to make payments for these improvements out of the District Treasury, of which this property has paid its share to complete by way of taxes paid into the public Treasury? By what right do you vary the rule now, and because this property is to be improved and developed, compel the owners to pay the whole cost of the improvements, when they have already paid their share of the cost of all other improvements in the city of Washington? Is there any equity in that?

Mr. ALLISON. Well, Mr. President, to thoroughly go into that question would require considerable time, and it would be necessary to inquire why it was that the cost of improving and paving streets in this city and in Georgetown has been paid out of the general revenues.

I will state the case briefly as I understand it. It will be borne in mind that during the system of Government which prevailed here from 1871 to 1875 abutting property-holders were required to pay one-third of the cost of the grading and of the paving of the streets and alleys in the cities of Washington and Georgetown, and the cost was assessed against those property-holders.

The pavements that were laid were wooden pavements that rotted out, as we all know, in the course of five or six years. The people owning land in this city were taxed, of course, to pay for those pavements. When the readjustment was made, all these sums were thrown into the 3.65 bonds of the District of Columbia as respects the pavements not paid for by the city. Therefore, there was an equity in the Government of the United States by appropriations paying for these pavements, because they had once been paid for, or at least one-third of them had been, and they had proved to be of no value. That was within the cities of Washington and Georgetown.

Now, we go outside of the cities of Washington and Georgetown, and we find enterprising and energetic people who contribute their pittance of revenue and income to the purchase of land. They lay that land out into city lots and property, and they having paid a portion of the taxes that were assessed for the purposes of paving in this city, have no equity, in my judgment, that will justify us in paving outside of the city in the District as we have paved within the limits of the city. Therefore, for one, I wish to say that when the question comes up for my consideration I shall apply what I regard as an equitable rule outside of this city in any vote I may cast here, and that will be a rule which will put upon a par the people outside of the cities of Washington and Georgetown with the people inside the cities.

If we are to pave the new portions of this District that are carried

into our expenditures, I do not think it is wise, or even just, for us to pave these portions of the District outside of the city out of the general revenue. Hence I, for one, welcome this proposition which proposes to have three-fourths paid by the proprietors.

Mr. MCPHERSON. I wish to say that I am in entire sympathy with the amendment. I see the distinction now which the Senator draws between the city of Washington and the District of Columbia. If I understand him aright, the rule which had been applied to the city of Washington was a rule which had not been enforced outside of the city within the District.

I believe street improvements should be assessed upon the property benefited, and whenever the people along a proposed street line desire the opening of a street, the regulating, the grading, the paving, or the sewerage of that street, they may petition the District Commissioners to do it, and, when it is done, the cost of the entire improvement should be paid by them.

I supposed that the same rule was enforced outside of the city within the District which had been enforced within the city proper, and that was why I propounded the inquiry.

Mr. FAULKNER. I desire to say in reference to condemnation that, after a most thorough examination by the District Committee, as to the extension of streets here, the committee adopted the plan which seems to carry out the views of the chairman of the Committee on Appropriations, that, after first ascertaining by a jury the difference between the damages to the property taken and the benefits to the residue of the tract, say for a space of a thousand feet or any particular tract of land, after ascertaining and setting off the benefits against the damages of taking, then the bill provides that one-third of those damages shall be assessed upon the property, having already deducted from the damages the benefits received—one-third of the damages shall be assessed on the property so benefited and taken, and of the other two-thirds, one-third shall be paid by the District and the other third by the Government of the United States, carrying out, to some extent at least, the view of the chairman of the Committee on Appropriations.

Mr. MCPHERSON. This amendment is right in the same line.

Mr. FAULKNER. This amendment goes further.

The VICE-PRESIDENT. This question is on the amendment of the Senator from West Virginia, which is offered as a substitute for the amendment of the Committee on Appropriations.

Mr. MCPHERSON. Now, I wish to make another inquiry. I do not understand the Senator from West Virginia. If I understand him aright, he says the rule applied heretofore to property outside of the city within the District, has not been to assess the benefits entirely upon the property, which his amendment now proposes to do, if I understand the amendment.

Mr. FAULKNER. That is right.

Mr. MCPHERSON. If the streets outside of the city limits and within the District line have been improved by other methods, and if other property outside of the city has been taxed a portion of the expense, and the public to-day have the benefits of those improvements, which they have not paid for in toto, but paid for in part, why adopt this rule in respect to that class of property?

If the Senator from West Virginia will give me his attention a moment, I understand him to say that this is a new rule and that it has not been applied to other property outside of the city limits within the District.

Mr. FAULKNER. Not to the extent that this amendment proposes.

Mr. MCPHERSON. The improvements heretofore made are public improvements, and all the people of the District have the benefit of them. Why adopt a new rule, then, in respect to the people who own this property and compel them to pay a larger share of the expense of improvements than we have compelled other people to pay for like improvements of which they are now receiving the benefit?

Mr. FAULKNER. Because the parties who have to pay this I think are more benefited by these public improvements than others which have been made outside of the city limits. I do not think there is any objection on the part of the persons against whose land this amount would be assessed.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from West Virginia as a substitute for the committee's amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ALLISON. On behalf of the Committee on Appropriations I offer an amendment to be inserted on page 21, after line 12.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 21, after line 12, it is proposed to insert:

For grading North Capitol street between T street and the Soldiers' Home, \$5,000, to be expended only when the land is donated: *Provided*, That the sum

of \$5,000 shall be contributed by the parties directly interested in the grading of said street for the same purpose.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 21, in line 14, to increase the total amount of the appropriations for "streets" from "\$41,500" to "\$55,500."

The amendment was agreed to.

Mr. ALLISON. I ask that the Secretary may be authorized to change the footings so as to correspond with the amendments which have been made.

The VICE-PRESIDENT. It is customary to do that after the bill has been passed.

Mr. ALLISON. That is all right.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 21, line 17, after the word "alleys" to strike out "two thousand five hundred" and insert "ten thousand;" so as to make the clause read:

Condemnation of streets, roads, and alleys: For condemnation of streets, roads and alleys, \$10,000

The amendment was agreed to.

The next amendment was, in section 1, on page 21, line 21, before the word "thousand," to strike out "three" and insert "fifteen;" and in line 22, after the word "dollars" to strike out the following proviso:

Provided, That no expenditure hereunder shall be made at a price higher than 24 cents per 1,000 square yards for improved streets and avenues—so as to make the clause read:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, \$115,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 5, before the word "thousand," to strike out "eighteen" and insert "nineteen;" so as to make the clause read:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree-boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, \$19,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 23, line 17, after the word "scales," to strike out "fifty" and insert "one hundred;" so as to read:

For public scales: For repair and replacement of public scales, \$100.

The amendment was agreed to.

The next amendment was, in section 1, on page 24, beginning in line 1, to insert:

Rebuilding bridges: For rebuilding the bridge across Rock Creek at K street NW, to be rebuilt in such manner that the bridge shall be substantially a part of the street as to width, paving, and sidewalks, \$30,000: *Provided*, That no street railway shall be constructed over said bridge.

Mr. McMILLAN. I move to amend the amendment, in line 4, by striking out "twenty" and inserting "forty," before "thousand."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the amendment of the committee, on page 24, line 4, before the word "thousand," it is proposed to strike out "twenty" and insert "forty;" so as to read: "\$40,000."

Mr. McMILLAN. The amendment is offered for the reason that the District Committee and the Commissioners believe that it is now proper to rebuild a number of bridges, and among others the K street bridge. Instead of having flimsy, narrow bridges, it is intended to build them as wide as the streets, pave them, and have proper sidewalks. The engineer in making up the estimate made a mistake in regard to the cost of this bridge across Rock Creek. He estimated that it could be done for \$20,000. He writes me now that it will require \$40,000, and I ask the Committee on Appropriations to allow that amendment to be made.

Mr. ALLISON. I have a letter of a similar character from the Engineer Commissioner.

Mr. GORMAN. I should like to ask the chairman of the Committee on the District of Columbia in regard to that bridge, for I know it is important, being on one of the principal streets in the city. On the west side of it, the Georgetown side, coming right up to the bridge, by a charter which has been granted, there is a steam railroad, with the right to construct a road, to lay tracks, but with no engines or cars yet running. There is a measure now pending before this body, reported from the Senator's committee, to permit the use of steam right across the creek where this bridge is to be constructed. It is true that there is a proviso that the bridge itself shall not be used for railroad purposes, but if that railroad is permitted to be operated there by steam, coming right up to the bridge, then the bridge will be practically of no earthly use for travel, and the \$40,000 proposed to be appropriated will be thrown away.

Mr. McMILLAN. I do not understand that to be the case, but the Board of Commissioners recommended that this bridge, being out of repair, should be rebuilt. They themselves prepared a bill. It was done under the charge and control of the engineer, and I suppose there is a necessity for this bridge.

Mr. GORMAN. I have no question but that the engineers are right. I am perfectly familiar with the bridge, and have been since its construction. It is in a very bad condition.

Mr. ALLISON. Do I understand the Senator from Maryland to say that there is authority now to run steam cars right above this bridge on the Georgetown side?

Mr. GORMAN. I do, and the tracks are down. The charter has been granted, and there is pending now in this body a bill providing for the extension of that road across Rock Creek. I have no doubt that but for this provision, which the Senator himself has inserted here, that the bridge shall not be used for railroad purposes, it would have been constructed for a steam railroad.

Mr. HALE. What bridge is that?

Mr. GORMAN. The K street bridge across Rock Creek.

Mr. HALE. Is it the bridge that we cross in driving out to Georgetown along Pennsylvania avenue?

Mr. GORMAN. No; below that.

Mr. HARRIS. Away below.

Mr. GORMAN. It is on the street below the Aqueduct bridge, where the water pipes are.

Mr. HALE. At the line of Rock Creek, and it is below Pennsylvania avenue?

Mr. GORMAN. It is below Pennsylvania avenue. I suggest to the chairman of the committee that this appropriation is, I think, a very proper one and a very necessary one, but he ought to move to recommit the bill which has been reported to this body providing for the extension of the line of that steam railroad. If this appropriation is to be of value, the railroad certainly ought not to be permitted to use the bridge or to come within 40 feet of it.

Mr. FAULKNER. I do not know of any railroad that has authority to use this bridge or cross it. I know of no such bill that ever came from the District Committee.

Mr. GORMAN. No, I did not say they had authority to use this bridge, but they occupy the street up to the bridge on the west side, and a bill is pending now permitting them to cross Rock Creek, and as a matter of course they will cross right at this proposed bridge to come over on the Washington side. There is no question about that at all.

Mr. FAULKNER. To what company does the Senator refer?

Mr. GORMAN. The Georgetown Barge, Dock, and Elevator Company.

Mr. FAULKNER. That bill requires the company to go south of this bridge in coming over as far as Twenty-sixth street. That is not involved in this question at all.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. McMILLAN] to the amendment of the committee.

Mr. McPHERSON. Let it be reported.

The CHIEF CLERK. On page 21, line 4, in the amendment of the committee, before the word "thousand," it is proposed to strike out "twenty" and insert "forty;" so as to make the clause read:

Rebuilding bridges: For rebuilding the bridge across Rock Creek at K street northwest, to be rebuilt in such manner that the bridge shall be substantially a part of the street as to width, paving, and sidewalks, \$40,000: *Provided*, That no street railway shall be constructed over said bridge.

Mr. HALE. I think it ought to be understood that the action of the Senate here, so far from being an encouragement that this road shall use this bridge or cross Rock Creek at the particular place where this bridge is to be rebuilt, shall be notice to them that they are not to have that privilege. Otherwise, with their tracks laid and coming squarely against the end of this bridge, unless we take such action here as would negative it, the presumption would be that they would ask us to run over this bridge, and permission would be given them. It ought to be understood that they must build somewhere else, that they must divert their track either below or above.

Mr. CULLOM. We could not afford to have engines standing at the other end of the bridge.

Mr. FAULKNER. If the Senator will examine either of the bills now pending in the Senate in relation to this subject he will see at once that they do not in any way interfere with this bridge.

Mr. HALE. The track should be taken away from the end of the bridge and there should be no railroad over the bridge.

Mr. FAULKNER. There is no railroad over this bridge.

Mr. HALE. No, but the Senator from Maryland says the track comes up square to the end of the bridge. That must be taken away, of course.

Mr. FAULKNER. It comes, I suppose, to within 50 or 100 feet of the bridge.

Mr. HALE. Below it?

Mr. FAULKNER. Yes, down by Water street, which is used entirely for warehouses and foundries.

Mr. HALE. That is below.

Mr. FAULKNER. No, it is on the same street. This bridge is right near Water street.

Mr. HALE. That is the river street, the lower street.

Mr. FAULKNER. Yes, there is nothing on either side of that street, except warehouses and foundries, and the railroad was put there originally for the purpose of supplying and accommodating those foundries and warehouses. That is the purpose for which it is used, entirely and exclusively.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ALLISON. I move in line 5 of the amendment, after the word "street," to insert "or steam."

Mr. McPHERSON. I have not heard any reason for increasing this appropriation from \$20,000 to \$40,000.

Mr. ALLISON. I will state to the Senator that the Engineer Commissioner of the District of Columbia in making the original estimate for \$20,000, did not estimate for the full width of the street, and the Commissioners now recommend that it shall be built with sidewalks, etc., to go with it.

The VICE-PRESIDENT. The amendment of the Senator from Iowa to the amendment of the committee will be stated.

The CHIEF CLERK. In line 5, of the amendment, after the word "street," it is proposed to insert the words "or steam;" so as to read:

Provided, That no street or steam railway shall be constructed over said bridge.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 24, after line 6, to insert:

For rebuilding the bridge across Rock Creek at M street northwest, to be rebuilt in such manner that the bridge shall be substantially a part of the street as to width, paving, and sidewalks, \$40,000, one-half of which sum shall be paid by the Washington and Georgetown Railroad Company.

Mr. McPHERSON. Here comes that question again. I wish to submit just this one proposition, and I think it is an exceedingly fair and proper one. The Washington and Georgetown Railroad Company have the free use of the streets of the city of Washington, I understand, from the navy-yard clear across to Georgetown, for which they pay nothing whatever, which is a most valuable franchise. They have had the free use of this bridge in the past. Now, adopting the same principle which was adopted with reference to another line of railroad in a former amendment, I think this company should be compelled to rebuild the M street bridge at their own expense. I think the same rule should apply to this amendment and the one which follows in relation to the Metropolitan Railroad Company.

The District has furnished them trackways through the streets of the city and a bridge across Rock Creek up to the present time. Now the railroad company should furnish to the District, reserving, of course, its right to cross this bridge, as it has its right under the charter, a free bridge across Rock Creek as a partial equity for the advantages they have in this city and for the great revenues they are deriving from the contributions of the people who patronize their cars. I move that the word "one-half" be stricken out.

Mr. HALE. "One-half of."

Mr. McPHERSON. The amendment reads:

One-half of which sum shall be paid by the Washington and Georgetown Railroad Company.

I propose to strike out the words "one-half of."

Mr. McMILLAN. I introduced a bill on behalf of the District Committee proposing that the amount to be paid by the Washington and Georgetown Railroad Company and by the Metropolitan Railroad Company should be divided in that way.

In reply to the Senator from New Jersey, I would say that the Washington and Georgetown Railroad Company pays a large tax for its privileges, upwards of \$30,000 a year to the revenues of this District. They were originally given by Congress the right to use the M street bridge. The bridge is a weak and narrow one, not fit for the purposes for which it was originally built, but the policy at that time seemed to be a cheap policy, to build anything that would take across a team.

To-day on all these bridges there are notices that you must walk your horses across the bridges, because they are not safe. A bridge could be built on M street for a very small amount of

money that would answer the purposes of the railroad company, but it was thought desirable by the committee that a proper bridge should be constructed, as wide as the street itself, properly paved, and with paved sidewalks, as if it was part of the street. Under those circumstances the committee thought it was only right and fair that the District government should pay one-half the cost, and I believe that is a fair division of the amount expended there, considering that the people of the District are going to use this bridge with their carriages and teams and as foot passengers, and it is intended for the public. If the railroad was not there, the public would have to have the bridge just the same. I therefore think the provision in the bill as reported by the Committee on Appropriations is a fair division of the amount that should be paid.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 24, in line 10, in the amendment of the Committee on Appropriations, after the word "dollars," it is proposed to strike out "one-half of;" so as to read:

Which sum shall be paid by the Washington and Georgetown Railroad Company.

Mr. McPHERSON. If it be the decision both of the District Committee and the Committee on Appropriations that this is equitable, and only equitable to the railroad company, I do not wish to press my amendment, although I think the railroad company at this time should be compelled to build the entire bridge and to give the easement over the bridge to the citizens of Washington, the same as the railroad company has been enjoying from the District government.

The VICE-PRESIDENT. Does the Senator withdraw his amendment to the amendment?

Mr. McPHERSON. I withdraw it.

The VICE-PRESIDENT. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 24, after line 12, to insert:

For rebuilding the bridge across Rock Creek at P street northwest, to be rebuilt in such manner that the bridge shall be substantially a part of the street as to width, paving and sidewalks, \$30,000, one-half of which sum shall be paid by the Metropolitan Railroad Company.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment to be inserted on page 24, at the end of line 17:

Provided, That the control of bridges in the District of Columbia is hereby conferred on the Commissioners of the District of Columbia, and they are hereby required to make such proper regulations as they may deem necessary for the safety of the public using said bridges, and for the lighting and police control of the same.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriation for "Washington Aqueduct," in section 1 on page 24, line 20, before the word "thousand," to strike out "twenty" and insert "twenty-one," and in the same line, after the word "dollars," to insert:

Provided, That all appropriations for the Washington Aqueduct shall be available until expended.

So as to make the clause read:

WASHINGTON AQUEDUCT.

For engineering, maintenance, and general repairs, \$21,000: *Provided*, That all appropriations for the Washington Aqueduct shall be available until expended.

The amendment was agreed to.

The next amendment was, in the appropriations for "officers of public schools," in section 1, on page 25, line 4, after the word "dollars," to insert:

One clerk to superintendent of the first six divisions who shall also have charge of the accounts of all personal property pertaining to the school, \$900.

The amendment was agreed to.

The next amendment was, in section 1, on page 25, line 11, to increase the total amount of the appropriations for salaries of officers of public schools from "\$8,050" to "\$8,950."

The amendment was agreed to.

The next amendment was, in the appropriations "for teachers of public schools," in section 1, on page 25, line 18, after the word "for," to strike out "one" and insert "three," and in the same line, after the word "dollars," to insert "each," so as to read:

For three, at \$1,400 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 25, line 20, after the word "for," to strike out "fourteen" and insert "twelve," so as to read:

For twelve, at \$4,200 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 24, to increase the total amount of the appropriations for salaries of teachers of the public schools from "\$612,400" to "\$612,800."

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 22, before the word "thousand," to strike out "ten" and insert "eight;" so as to make the clause read:

For the purchase of tools, machinery, material, and apparatus, to be used in connection with instruction in manual training, \$8,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 5, before the word "grades," to strike out "four" and insert "six;" and in line 10, after the word "supplies," to strike out "twelve" and insert "thirty-five;" so as to make the clause read:

For text-books and school supplies for use of pupils of the first six grades, who at the time are not supplied with the same, to be distributed by the Superintendent of Public Schools under regulations to be made by the Commissioners of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, \$35,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 30, after line 3, to insert:

The Commissioner of Education is hereby authorized and directed to examine and report to Congress, on the first day of its next session, on the schools of the District of Columbia, as respects their organization, efficiency, methods, and cost, and, with said report, make such recommendations as to him may seem advisable; and for this service he shall receive \$500, which sum is hereby appropriated, as compensation in addition to the compensation now received by him.

The amendment was agreed to.

The next amendment was, in the appropriations "for Metropolitan police," in section 1, on page 31, line 2, before the word "privates," to strike out "five" and insert "twenty;" so as to read:

Two hundred and twenty privates, class 1, at \$900 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 31, before the word "drivers," in line 16, to strike out "ten" and insert "thirteen;" so as to read:

Thirteen drivers of patrol wagons, at \$360 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 31, line 18, to increase the total amount of the appropriation for salaries of the Metropolitan police from "\$468,090" to "\$482,660."

The amendment was agreed to.

The next amendment was, in section 1, on page 32, line 6, to increase the appropriation "for miscellaneous and contingent expenses, including stationery, books, telegraphing," etc., from "\$16,000" to "17,500."

The amendment was agreed to.

The next amendment was in section 1, on page 32, line 8, to increase the total amount of the miscellaneous appropriations for the Metropolitan police from "\$21,700" to "\$23,200."

The amendment was agreed to.

The next amendment was, in the appropriations "for the fire department," in section 1, on page 33, after line 10, to insert:

For one new engine and house and lot for same, \$31,530.

The amendment was agreed to.

Mr. ALLISON. Mr. President, the Senate having agreed upon the amendment just reported by the committee, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 32, line 25, it is proposed to insert:

For one new engine, and house and lot for same, \$31,530.

The amendment was agreed to.

Mr. ALLISON. On page 32, after line 25, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The proposed amendment will be stated.

The CHIEF CLERK. On page 32, after line 25, it is proposed to insert:

For the following additional force from the 1st day of January, 1893, namely: One foreman, at the rate of \$1,000 per annum; one engineer, at the rate of \$1,000 per annum; one hostler, at the rate of \$840 per annum; six privates, at the rate of \$800 each per annum: in all, \$7,640.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 33, line 16, to increase the total amount of the miscellaneous appropriations for the fire department from "\$32,600" to "\$64,120."

The amendment was agreed to.

The next amendment was, in the appropriations for "telegraph and telephone service," in section 1, on page 34, line 9, before

the word "thousand," to strike out "eight" and insert "fifteen;" so as to make the clause read:

For general supplies, repairs, new batteries and battery supplies, telephone rental, wire, extension of the telegraph and telephone service, repairs of lines, purchase of poles, insulators, brackets, pins, hardware, cross-arms, gas, fuel, ice, record books, stationery, printing, office rent, purchase of harness, washing, blacksmithing, forage, extra labor, new boxes, and other necessary items, \$15,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the "health department," in section 1, on page 34, line 19, after the word "dollars," to insert "five inspectors of garbage, at \$900 each."

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 5, to increase the total amount of the appropriations for salaries of officers and employes of the health department from "\$25,740" to "\$30,240."

The amendment was agreed to.

The next amendment was, in the miscellaneous appropriations for the health department, in section 1, on page 35, after line 9, to insert:

For chemical laboratory for food inspection, \$900.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 13, at the end of the clause appropriating \$24,400 "for collection and removal of garbage and dead animals," to add the following proviso:

Provided, That the Commissioners of the District of Columbia may, in their discretion, allow, in addition to the above sum, \$2,500 in case said garbage is removed in inclosed steel tanks and immediately destroyed, which is hereby appropriated for the purpose.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 22, after the date "1890," to strike out "one thousand five hundred" and insert "five thousand;" so as to make the clause read:

For the enforcement of the provisions of an act entitled "An act to prevent the spread of scarlet fever and diphtheria in the District of Columbia," approved December 20, 1890, \$5,000.

The amendment was agreed to.

The next amendment was, in the appropriation for "courts," in section 1, on page 36, line 12, to increase the appropriations "for witness fees" from "\$4,500" to "\$8,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 38, line 21, to increase the total amount of the miscellaneous appropriations for courts from "\$29,300" to "\$32,800."

The amendment was agreed to.

The next amendment was, in section 1, on page 37, after line 5, to insert:

Compilation of the laws of the District of Columbia: For clerical assistance and incidental expenses for the commission on the compilation of the laws of the District of Columbia, authorized by the act approved March 2, 1891, for completion of the work, \$600, to be immediately available.

The amendment was agreed to.

The next amendment was, in the appropriations "for Washington Asylum," in section 1, on page 38, line 15, before the word "overseers," to strike out "five" and insert "six;" so as to read:

Six overseers, at \$600 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 38, line 18, before the word "watchmen," to strike out "five" and insert "six;" so as to read:

Six watchmen, at \$365 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 38, before the word "cooks," to strike out "three," and insert "four;" so as to read:

Four cooks, at \$120 each.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 38, line 25, before the word "dollars," to strike out "sixty" and insert "seventy-five;" so as to read:

Five nurses, at \$75 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 39, line 2, to increase the total amount of the appropriations for the salaries of officers and employes of the Washington Asylum, from "\$13,875" to "\$15,035."

The amendment was agreed to.

The next amendment was, in section 1, on page 39, after line 13, to insert:

For renewing and repairing the plumbing in the almshouse, \$2,500.

The amendment was agreed to.

The next amendment was, in the appropriations "For Reform

School," in section 1, on page 39, line 22, after the word "dollars," to insert "each;" so as to read:

Three foremen of workshops, at \$600 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 41, beginning with line 1, to insert:

For instruction of the deaf and dumb: For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section 4864 of the Revised Statutes, \$10,500, or so much thereof as may be necessary; and all disbursements for this object shall be accounted for through the Department of the Interior.

The amendment was agreed to.

The next amendment was, in the appropriations "For charities," in section 1, on page 41, line 10, to reduce the appropriation "for relief of the poor" from "\$16,000" to "\$14,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 41, after line 10, to insert:

For a municipal lodging house and wood and stone yard, \$5,000, or so much thereof as may be necessary; and the Commissioners of the District are authorized to employ a superintendent of the same and to rent or otherwise secure suitable premises for carrying on the work.

The amendment was agreed to.

The next amendment was, in section 1, on page 41, line 18, after the words "five thousand," to strike out "four" and insert "nine;" and in line 20, after the word "exceeding," to strike out "two thousand five hundred" and insert "three thousand;" so as to make the clause read:

For temporary support of indigent persons, male and female, to be expended in such manner as the Commissioners of the District may deem best, \$5,900, and from this sum the Commissioners may allot not exceeding \$3,000 to the board of management of the Temporary Home for Soldiers and Sailors, Grand Army of the Republic, District of Columbia, and not exceeding \$1,000 to the Young Woman's Christian Home, and not exceeding \$1,000 to the Hope and Help Mission, and not exceeding \$400 to the Washington Night Lodging House Association.

The amendment was agreed to.

The next amendment was, in section 1, on page 42, line 4, after the word "dollars," to insert "for reimbursement of cost of construction a retaining-wall to alley, \$250; in all, \$4,250;" so as to make the clause read:

For the Woman's Christian Temperance Association, maintenance, \$4,000; for reimbursement of cost of constructing a retaining-wall to alley, \$250; in all, \$4,250.

The amendment was agreed to.

The next amendment was, in section 1, on page 42, line 8, after the word "dollars" to strike out—

Provided, That as vacancies occur among the trustees, other than members of Congress, they shall be filled by the District Commissioners.

So as to read:

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, \$20,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 42, after line 13, to insert:

For Central Dispensary and Emergency Hospital, maintenance, \$6,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 42, line 21, before the word "thousand," to strike out "two" and insert "three;" so as to read:

For the German Orphan Asylum, maintenance, \$3,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 43, line 8, after the word "dollars," to insert "for indispensable repairs, \$500; in all \$2,500;" so as to make the clause read:

For Association for Works of Mercy, maintenance, \$2,000; for indispensable repairs, \$500; in all, \$2,500.

The amendment was agreed to.

The reading of the bill was continued to the end of the following clause beginning in line 14, on page 43:

For St. Joseph's Asylum, maintenance, \$500.

Mr. VEST. Mr. President, I desire to move an amendment in line 14, on page 43, in the clause which has just been read.

Mr. ALLISON. I will state to the Senator from Missouri that by the understanding when the bill was taken up the committee amendments were to be first considered. I ask the Senator to postpone his amendment until they are all disposed of.

Mr. VEST. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 43, line 22, after the word "Senator," to insert "as such trustee or director;" so as to make the clause read:

That in all cases where Members of Congress or Senators are appointed to represent Congress on any board of trustees or board of directors of any corporation or institution to which Congress makes any appropriation, the term of said Members or Senator as such trustee or director shall continue

until the expiration of two months after the first meeting of the Congress chosen next after their appointment.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Industrial Home School," in section 1, on page 44, after line 2, to insert:

For reconstructing the garret of the old central building so as to make it into a story of the regular height, \$4,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 44, line 6, to insert the subhead "Reform School for Girls;" in the same line, after the words "For the," to insert "purchase of ground, not to exceed 20 acres, at a cost not to exceed \$5,000, and the;" in line 8, after the word "completion," to insert "on the land so purchased;" in line 12, after the word "buildings," to strike out "on the United States Reform School farm in said District;" in line 13, after the word "girls," to strike out "the sum of thirty-five" and insert "forty;" so as to read:

Reform School for Girls: For the purchase of ground, not to exceed 20 acres, at a cost not to exceed \$5,000, and the erection and completion on the land so purchased, according to plans and specifications to be prepared by the inspector of buildings and approved by the Commissioners of the District of Columbia, of a suitable building or buildings, to be used as a reform school for girls, \$40,000, to be expended under the direction of said Commissioners.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 44, line 15, after the word "Commissioners," to strike out:

Said building shall be erected on a site to be selected by said Commissioners and the trustees of the Reform School of the District of Columbia: *Provided*, That not more than 50 acres of said Reform School farm shall be appropriated for the Reform School for Girls herein provided for.

The amendment was agreed to.

The reading of the bill was continued to the end of the following clause, beginning in line 21, on page 44:

For the St. Rose Industrial School, maintenance, \$2,500.

Mr. BLACKBURN. Mr. President, I do not desire to interrupt the consideration of the bill, but simply ask the chairman of the committee to note that after it shall have been finished I shall offer an amendment to this paragraph.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, to strike out the clause from line 23, on page 44, to line 4, on page 45, inclusive, as follows:

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section 4864 of the Revised Statutes, \$10,500, or so much thereof as may be necessary; and all disbursements for this object shall be accounted for through the Department of the Interior.

The amendment was agreed to.

The next amendment was, in section 1, on page 45, after the date "1880," to strike out "four thousand three," and insert "three thousand four;" so as to make the clause read:

To enable the Secretary of the Interior to provide for the education of feeble-minded children belonging to the District of Columbia, as provided for in the act approved June 16, 1880, \$3,400, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in the appropriations for "the militia of the District of Columbia," in section 1, on page 46, after line 2, to insert:

For expenses of camp of instruction, \$5,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "revenue and inspection branch of water department," in section 1, on page 46, line 15, after the word "each" so strike out "one clerk, \$1,000," and insert "two clerks, at \$1,000 each."

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 46, line 20, after the word "dollars," to insert—

One assistant engineer, \$1,500.

The amendment was agreed to.

The next amendment was, in the same clause, in section 1, on page 47, line 18, after the word "thousand," to strike out "two" and insert "five;" so as to read:

And for not to exceed at any time two inspectors on manufacture of cast-iron pipe, at a maximum rate of \$1.50 per day for such periods as their services may be actually necessary, \$1,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 47, line 19, to increase the total amount of the appropriations for salaries of officers and employes of "War Department" from "\$40,656" to "\$43,156."

The amendment was agreed to.

The next amendment was, in section 1, on page 48, line 4, after the word "hydrants" to strike out "eighty-five" and insert "one hundred;" so as to make the clause read:

For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and

lowering mains, laying new mains and connections, and erecting and repairing fire plugs and public hydrants, \$100,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 48, after line 21, to insert:

For extending the high-service system of water distribution, to include all necessary land, machinery, buildings, reservoirs, standpipes, mains, and appurtenances, \$100,000, or so much thereof as may be available in the water fund after providing for the expenditures hereinbefore authorized; and the Commissioners of the District of Columbia are hereby authorized and empowered to acquire by purchase, condemnation, or otherwise, the land, including necessary portions of public roads, required for the said extension, and the right of way, where necessary, for the construction, maintenance, and repair of the requisite water mains and their appurtenances for the said extension.

Mr. ALLISON. In line 23, I move to strike out from the amendment the word "reservoirs" before "standpipes."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 3, as follows:

SEC. 3. That the Treasurer of the United States is hereby directed and authorized to apply such portion as may be deemed expedient of any surplus which may remain at the close of the fiscal 1893, and of each fiscal year thereafter, of the general revenues of the District of Columbia in excess of one-half of those appropriations payable equally out of the revenues of the District and the United States, together with any surplus revenues of the water department, to the payment of the balances yet remaining unpaid of the debts of the District of Columbia created by the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes," and of section 2 of the District of Columbia appropriation act, approved March 3, 1891: *Provided*, That the amount of said surplus shall be first reported to the Commissioners of the District of Columbia and the Treasurer of the United States by the First Comptroller of the Treasury when called upon to do so.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. McMILLAN. I offer the amendment which I send to the desk, recommended by a majority of the Committee on the District of Columbia. Then I have a substitute to offer on my own account.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 46, after line 8, it is proposed to insert:

That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated to pay the proper and legitimate expenses attending the reception and entertainment of such honorably discharged Union soldiers, sailors, and marines who served in the war of the rebellion as may attend, as delegates or otherwise, the twenty-sixth national encampment of the Grand Army of the Republic, in the city of Washington, in the District of Columbia, and attending the preparation for such reception and entertainment.

SEC. 2. That one-half of the sum hereby appropriated shall be paid out of any money in the Treasury not otherwise appropriated, and the remainder out of the revenues of the District of Columbia.

SEC. 3. That the sum hereby appropriated shall be paid to, and be disbursed by, the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of the Treasury: *Provided*, That no part of the above appropriation shall be available until the sum of \$60,000 shall have been raised by popular subscription for a like purpose, and said money so subscribed shall first be expended.

Mr. McMILLAN. I now offer a substitute for the amendment just read.

The VICE-PRESIDENT. The substitute will be stated.

The CHIEF CLERK. On page 46, after line 8, it is proposed to insert:

National encampment of the Grand Army of the Republic: To pay the proper and legitimate expenses attending the reception and entertainment of such honorably discharged Union soldiers, sailors, and marines, who served in the war of the rebellion, as may attend as delegates or otherwise the Twenty-sixth National Encampment of the Grand Army of the Republic in the city of Washington, D. C., and attending the preparation for such reception and entertainment, \$100,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. The question is on the substitute.

Mr. HARRIS. Mr. President, I desire to say that the amendment reported from the Committee on the District of Columbia was not authorized by the unanimous committee. It is a report of a majority.

I have stood here for fifteen years objecting to and voting against all appropriations which proposed to take money out of the Treasury and appropriate it to any mere charitable purpose, for any mere donation. I am one of the few who believe that Congress has no constitutional power or authority to levy taxes and collect money from the earnings of the people for any other than a public and legitimate governmental purpose. This can not be considered as a public or a governmental purpose. It would be a graceful charity if Congress should take \$100,000 or \$75,000 of the moneys of the people out of the Treasury and give a magnificent entertainment to our distinguished visitors, but I deny the right of the Senate to appropriate moneys out of the Treasury, obtained by taxation, to any such purpose or to any purpose other than that of defraying the necessary expenses of the Government itself.

Upon that narrow, but as I think constitutional, ground I have stood for the fifteen years that I have had the honor of occupy-

ing a seat upon this floor, and upon that ground I shall continue to stand.

It would not have mattered with me, sir, whether this were proposed as a fund to honor the visitation of a Confederate reunion any more than for the persons to whom it is proposed to be appropriated. My point is that it does not fall within the line of any duty of the Government; that we have no right to levy and collect taxes for any such purpose; and when you take the revenues out of the Treasury already collected, you superinduce the necessity of levying and collecting a similar amount to replace them.

I shall be for that reason compelled to vote against the amendment, and against any appropriation for the object suggested.

Mr. VEST. Mr. President, in addition to what has been said by the Senator from Tennessee [Mr. HARRIS], I desire to add that this seems to me the most extraordinary movement in the way of particular appropriation which I have encountered during my public service. In defiance of all sorts of misconception arising from the fact that I was not a Federal soldier, I simply want to appeal to the justice of the Senate in regard to appropriating this amount of money, not out of the treasury of the District of Columbia, not out of the municipal funds of the city of Washington, but from the tax-money of the whole people of the United States.

If, Mr. President, Congress had invited this association here, then, under the rights of hospitality and the generous liberality that characterizes the American people in regard to all such occasions I should be the last Senator to oppose an appropriation twice or three times as large; but Congress has not been consulted in regard to this matter at all. The invitation was extended by the citizens of the city of Washington alone, and a brief résumé of the facts will show how palpably unjust would be the appropriation of this amount of money from the general treasury of the people.

It is very well known that it has been the custom for years of rival cities extending invitations to the Grand Army of the Republic to hold their national encampments from year to year in those cities, and it is very well known that the merchants, hotel-keepers, saloon-keepers, and others reap a rich harvest from the assembling of this large number of old soldiers upon these occasions. When this annual encampment was about to occur, during the last year the city of Washington, as a municipality, sent its citizens, with large promises of hospitality and entertainment, to attract this encampment to their midst. Was it the action of Congress? Was it the action of the representatives of the people, or was it the action of the citizens, shop-keepers, hotel-keepers, and others in the city of Washington alone? Now, under this promise of obtaining this encampment the people of the whole country are called upon to defray one-half of the expense of it.

Mr. President, these exorbitant demands, for they are nothing else, by the people of Washington upon the General Government are becoming disgusting to the people of the whole of the United States. We have built up with the money of all the people of the country the most beautiful city almost in the world. There is not a city in the United States that would not to-day give \$20,000,000 in order to obtain the location of the capital of this great country of 65,000,000 people and it would pay all the taxes besides. But we are now building magnificent edifices here; we are paying one-half the taxes; we are making this city the favorite amongst all the municipalities of the country. They are not satisfied with this, but come here now and propose to make us pay one-half of the expenses of entertaining their guests, when they know at the same time that Congress has not been consulted in regard to the matter at all. It surpasses all that I have ever known in the exorbitant demands that are made upon the Congress of the United States because it is located here in this city of Washington.

As to what has been said by the Senator from Tennessee in regard to the constitutional objections, if the right were so clear under the Constitution that it could be seen of all men at a distance, I should not vote for this appropriation. When Washington City and its people are reaping all the results and all the benefits, when they are their guests and not ours, when the Treasury to-day is not in a condition to sustain this sort of expenditure for any such purpose, it would, with my convictions, be a criminal act upon my part to sit here silent at the risk of any such misconception and permit any such appropriation to go through.

Mr. COCKRELL. I offer an amendment to the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to add to the proposed amendment:

And the whole of said amount shall be paid exclusively out of the revenues of the District of Columbia.

Mr. McMILLAN. Mr. President, the objection to that in my mind is, that all the expenses of the District of Columbia are governed by Congress. The amount expended here for every purpose is divided between the Government of the United States and the District. The United States Government own practically one-half of the property in this District, and, therefore it pays one-half of the taxes. It seems to me in a matter of this kind that it is only right and proper that this amount of money should be divided between the two, just as everything else is, just as it is suggested to me as the Zoological Park is, which is a national matter, though we make the District pay one-half, and for the Rock Creek Park, which is practically for the use of the whole country, Congress has made the citizens here pay one-half of the expense not only of the land, but of supporting it.

I hope the amendment will not prevail.

Mr. HIGGINS. Mr. President, the annual encampments of the Grand Army of the Republic have been held at one and another city of the country always upon the invitations of such cities, and upon them has fallen, as a part of their municipal functions, the duty of hospitality. In every case the fund for such entertainment, as has been stated by the Senator from Missouri [Mr. VEST], has been made up in part by the subscriptions of citizens, and invariably in part by contributions from the municipality and from the State in which the encampment is held.

This year the invitation has been extended by citizens of Washington, it has been accepted by the Grand Army of the Republic, and their encampment is to be held in this city. So we are met by this question under the particular exigencies of the government of this city. We have taken from the people of Washington the right of self-government. We have, I will not say usurped, but we have absorbed that authority and that duty. This call comes upon us with precisely the same force and is of just the same character as the call which has been made to the municipal governments of the cities and to the Legislatures of the States where this encampment has been held in other cities. The constitutional authority that we have is precisely the authority which the Legislatures of the States have, and our duty is no larger nor other than their duty.

Shall it be said that it does not belong to the municipality to exercise the function of hospitality? Have the Legislatures of the States no power to make such appropriations? If they have, certainly we have. So, Mr. President, it comes to the other question as to what the amount shall be. The committee, in the first instance, placed the amount at \$75,000, the representation having been made to the committee that the citizens would raise \$50,000, and \$100,000 having been asked for from the Government.

The committee first recommended an amendment to the bill placing the amount of the appropriation by Congress at \$75,000, of course one-half of that sum to be paid, like all others raised by taxation, from the revenues of the District and one-half from the revenues of the General Government. But that has elicited and called forth from the committee of citizens having charge of this matter, and from the public press and other representatives of public opinion and those having charge of the subject the claim that \$100,000 is needed for the proper exercise of the function of hospitality in this instance.

I wish to ask if this Government is going to put a narrow limit upon the amount that will properly be appropriated for this patriotic subject? It is perfectly clear that the occasion of the meeting of the Grand Army of the Republic in this capital and historic city is going to call forth a larger number of visitors, a larger encampment than has ever before been held in the history of that organization or in the history of the Government. I shall not expect that Congress, representing the people of the United States, will stint their allowance to less than the exigencies of the occasion may require.

Neither can I see that this appropriation differs from any other as to the fund from which it should be drawn. It falls upon the municipality properly, and how are all of these obligations met? Upon the principle by and large that the Government, owning one-half of the property, shall assume one-half of the taxes, obligations, and duties that fall upon the District.

It seems to me, therefore, that the amendment suggested by the committee is just and ought to pass, and that the amendment to the amendment offered by the Senator from Missouri just before I rose to submit these remarks should not be adopted.

Mr. VEST. Mr. President, if the proposition of the Senator from Delaware be correct, then both as a matter of law and equity our wards in the city of Washington should assume the position of wards, and not undertake to bind us by extending even hospitable invitations to anybody. The fallacy of the argument is that when the people of Washington propose to exercise the functions of a municipal government they do so and then come to Congress to make good the liability they assume themselves.

The Senator says that an enormous encampment will be held here. Every soldier or ex-soldier who comes here will pay so

much money to the people of Washington. Every one of them who spends a dollar here will pour it into the coffers of the people of this city. Why do the cities of the United States scramble for this encampment year by year exactly as they do for the conventions of the great political parties? It is to put money in their pockets, and for no other purpose.

When the Senator says that we occupy the position of a State Legislature relatively to this matter I would be glad for him to show me the custom that has sprung up in this country of the State Legislatures paying the expenses of these encampments invited by cities.

Mr. DAWES. The encampment was held last year in Boston. The State Legislature appropriated \$50,000, the city of Boston \$25,000, and the citizens raised thirty-odd thousand dollars.

Mr. VEST. Exactly, and that was the State of Massachusetts. When this encampment was held in the State of Missouri, the city of St. Louis paid the expenses, as it ought to have done and the General Assembly of Missouri paid nothing.

Mr. DAWES. The Legislature of Massachusetts paid \$50,000.

Mr. VEST. I understand, and they had the right to do it; and I do not question that; and if this was the Legislature in that sense of the people of the city of Washington, if we had authorized them to extend this invitation, if we were at all responsible for it, as a matter of course it would be in the nature of a contract. The Legislature of Massachusetts represented the people of the State. The Congress of the United States represents the people of the whole Union, not of the District of Columbia alone.

I say no such custom has prevailed. It may have been done in the State of Massachusetts. It was not done in the State of Missouri, and if there are other States in which the Legislature has been called upon to do it, it furnishes no precedent for us. The whole thing rests at last upon the single question whether if the people of the city of Washington acted without consulting Congress, Congress is bound in any way to pay the expenses of the guests whom they have invited.

Mr. PEPPER. Mr. President, the argument in favor of this appropriation is based upon an assumption that Congress is under an obligation in some way to pay at least a certain amount of money to entertain the soldiers when they come here this fall. I do not agree with that assumption. I do not believe that the people of the United States are under any obligation to pay for entertaining the old soldiers when they come to Washington. If that were true, the same obligation would rest upon Congress no matter where the Grand Army should hold its national encampment.

At the outset permit me to say that I was a Federal soldier. I served in the army three of the best years of my life. I have some recollections of that great war that I shall carry with me to the bivouac at the other side. I do not believe that the old boys who wore the blue are beggars. I do not believe that they are going about the country asking for the hospitalities of the people either of a particular locality or of the country in general. But I do believe that when a city or a State, or, if it might be, the nation, invite the Grand Army to come and partake of their hospitalities the city or the State should pay the expenses. I think that the old boys will feel just that way about Washington City.

I understand that the people of the capital city have invited the soldiers to come and hold their national encampment here. I understand that they bid for their coming, and that they promised them entertainment; but they were not authorized by this body to say that the people of the whole nation would pay the expenses.

Now, another thing, Mr. President. This custom is one that is growing in the country; and it seems to me that if we are not able to stop it now, those of us who are thinking about the growing custom ought to interpose at least one mild objection to it. First the citizens of a particular town, and only a small portion of those citizens, the real estate dealers, the bankers, the hotel-keepers, and other classes who expect to profit by the coming of the people extend an invitation. They pledge their own people.

Perhaps they are authorized to do that, and it may be well enough; but when they come to pledge the money and the resources of a larger body, of a whole State or a whole nation, they go far beyond their authority. First, these pledges will be made to the Grand Army, and then as soon as the invitation is accepted and arrangements are made for the encampment, immediately a system of begging—if I am not using too harsh an expression—is indulged, asking somebody else to come in and to pay the burdens that may be imposed upon a particular people, when as a matter of fact all that is gained, in a pecuniary view, from the coming of these men goes into the coffers of the people of the particular city.

The people of the country will not be benefited by the coming of the old soldiers here. If any personal or pecuniary bene-

fit is derived from their coming it will be to the citizens of Washington and to no other class of people.

In making these remarks I know that I am treading upon tender ground; I know that I am arousing tender feelings in the hearts of many members of this body and of others who are listening, and I want to give my reasons for my position before I conclude. It seems to me, sir, it is time that we, the old soldiers, should cry out against this practice of first inviting the boys to come and then asking other people to pay for their dinners. I do not believe in it, and I think it is time that some one at least who was connected with the Grand Army should have the courage to say so before the people.

There is another point to be considered. We have no authority even to pledge ourselves to grant this money. Whatever money we agree to pay is the people's money; it is not ours. We are here as the custodians of the people's money, to use it in their interest and not to appropriate it for private uses.

I was surprised when I heard of the amendment being proposed to this bill, that the people of the country should be asked to pay an obligation that the citizens of Washington have voluntarily assumed.

Having said this much, I will now take one night to consider. I think that we will hardly dispose of this measure finally until to-morrow. I will take one night to consider what my old soldier friends in Kansas would ask me to do in voting upon this question. There are many of them here in this city. I say I will take time to think about that; and if my vote should in the end be in favor of the appropriation, it will be under my own personal protest and in obedience to the wishes of those who stand behind me.

Mr. HIGGINS. Mr. President, it seems to me quite indifferent whether we regard the Congress of the United States as standing here as the city council or municipal government of Washington and the District of Columbia or as the State Legislature. It seems that in Massachusetts the State Legislature appropriated a part of the fund for the entertainment of the Grand Army at Boston. We are told by the Senator from Missouri that the State of Missouri did not contribute to the entertainment of the Grand Army in St. Louis, but it was done by the municipality of St. Louis alone.

However, the Congress of the United States is virtually the municipal government of the District of Columbia, and that District is not a State. Originally it was but 10 miles square. After that Alexandria was taken off of it, and virtually the city of Washington is coterminous with the District of Columbia. It therefore comes before Congress, virtually acting for this municipality, and the reason why we have to act upon it is that we have taken away from this people the power and right of municipal government. So our obligation is precisely equivalent to what it would be if we were the city council of the city of Washington.

The Senator from Missouri has said that we are called upon to pay the bill of an entertainment which we have not asked for, but which was asked for by the citizens of Washington on their own motion before they came to Congress in the first instance. I would ask if that has not been the course in every instance of the kind? I would ask whether in any city of this country where the Grand Army has held its encampment an invitation was not extended in the first place by the citizens before they had support from their city council or from their State Legislature? They go forward upon the expectation that they are speaking for all the people of the city, and that the citizens will be perfectly willing to expend their money on that behalf.

Neither can it be said in this case that we are voting the money of the people of the United States in any different sense from what we do in the payment of all our appropriations for the District of Columbia. The duty to pay one-half of this tax, like that of every other, rests upon the fact that the United States is the half owner of the property here, and therefore has to meet one-half of its obligations.

Mr. COCKRELL. I do not know that we can dispose of this question this evening, and therefore I should like to suggest one or two amendments. I propose to strike out "\$100,000" and insert "\$80,000." In connection with that I propose to make it payable by the District. I want that to come in with my amendment, and I hope that it will be agreed to.

Mr. CULLOM. Pending that I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I ask the Senator from Illinois to yield to me.

Mr. HAWLEY. I wish to offer an amendment.

Mr. CULLOM. I yield to the chairman of the committee and to the Senator from Connecticut.

Mr. HAWLEY. I wish to submit an amendment to the amendment, which I shall propose to-morrow to the paragraph under consideration. There is already an amendment to the amendment pending, so I can not offer it now, but I submit it so that it can go into the RECORD. I propose to add, after the words sub-

mitted by the chairman of the Committee on the District of Columbia:

And the sum hereby appropriated shall be paid to and disbursed by the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of War.

I shall offer that amendment to the amendment when it will be in order.

Mr. ALLISON. I omitted to propose one amendment in behalf of the committee, which I ask may be disposed of now, and then I will yield to the motion of the Senator from Illinois for an adjournment or an executive session. On page 21, after line 12, I move to insert;

For Harewood road, widening, grading, and extending to Bates' road, \$5,000: *Provided*, That there is dedicated to the District of Columbia enough of the abutting land on each side of said Harewood road to make said road 80 feet wide (the cost of removing and rebuilding the Soldiers' Home east gate lodge and the fencing, to be paid for out of said appropriation); and the board of commissioners of the Soldiers' Home is hereby authorized to dedicate its share of the abutting land and to allow the said road to be so widened, graded, and improved where it abuts on the Soldiers' Home grounds; *Provided further*, That the extension of the Bates' road shall be dedicated along such line as may be approved by the Commissioners of the District of Columbia. *And provided further*, That nothing herein contained shall apply to that portion of the Harewood Road between the Soldiers' Home and the National Cemetery.

I desire to have the amendment acted upon now. It relates to the narrow road between the Soldiers' Home grounds and the University grounds, in the eastern part of the District.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Iowa [Mr. ALLISON]. The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 6007) to place wool on the free list and to reduce the duties on woolen goods; in which it requested the concurrence of the Senate.

LIST OF TREASURY EMPLOYEES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of March 24, 1892, a list of the employees of that office not specifically authorized or appropriated for by law, but appointed or employed according to the discretion of the Secretary of the Treasury, and paid from some general or special fund subject to his control; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 6007) to place wool on the free list and to reduce the duties on woolen goods was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 8, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 7, 1892.

JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the District of Columbia, to be assigned to the city of Washington, vice John Evans, whose term will expire April 9, 1892.

POSTMASTERS.

Lee McLaughlin, to be postmaster at Sanger, in the county of Fresno and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Sylvester S. Bookhammer, to be postmaster at Lewes, in the county of Sussex and State of Delaware, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

John W. Hallenbeck, to be postmaster at Auburn Park, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Henry Schrage, to be postmaster at Whiting, in the county of Lake and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

William F. Judiesch, to be postmaster at Holstein, in the county of Ida and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Mary F. Trump, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa, in the place of Dorsey W. Trump, deceased.

David Vail, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Henry Vaupel, to be postmaster at Morganfield, in the county of Union and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

James I. Weaver, to be postmaster at London, in the county of Nobles and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Charles E. Gorham, to be postmaster at Great Barrington, in the county of Berkshire and State of Massachusetts, in the place of Julia E. Seeley, removed.

Simon J. McKenzie, to be postmaster at Adrian, in the county of Lancaster and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

William H. Hyler, to be postmaster at Port Chester, in the county of Westchester and State of New York, in the place of James S. Logan, removed.

George B. Tripp, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York, in the place of Thomas Murphy, whose commission expires April 12, 1892.

George W. Stetson, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1891.

John B. S. Zeller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania, in the place of Jacob W. Shrite, whose commission expires April 6, 1892.

William F. Albright, to be postmaster at Eaton, in the county of Preble and State of Ohio, in the place of William F. Jones, whose commission expires April 12, 1892.

Richard L. Templin, to be postmaster at Calla, in the county of Mahoning and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Charles S. Doubleday, to be postmaster at Hico, in the county of Hamilton and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Fulgence De Bordenave, to be postmaster at Franklin, in the county of Southampton and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

William L. Bachelder, to be postmaster at Durand, in the county of Pepin and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. Samuel R. Jones, Fourth Artillery, to be assistant quartermaster, with the rank of captain, with rank from April 13, 1891, vice Chase.

Capt. Constantine Chase, assistant quartermaster, to be captain of artillery, with rank from April 13, 1891, vice Jones, Fourth Artillery.

Infantry arm.

First Lieut. Arthur L. Wagner, Sixth Infantry, to be captain, April 2, 1892, vice Groesbeck, Sixth Infantry, who resigns his line commission on accepting appointment as major and judge-advocate.

Second Lieut. Robert L. Ballard, Tenth Infantry, to be first lieutenant, April 2, 1892, vice Wagner, Sixth Infantry, promoted.

CONFIRMATION.

Executive nomination confirmed by the Senate, April 7, 1892.

REGISTER OF LAND OFFICE.

Franklin P. Phillips, of Watertown, S. Dak., to be register of the land office at Watertown, S. Dak.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 7, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SECTION 4415, REVISED STATUTES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting draft of bill to amend section 4415 of the Revised Statutes; which was referred to the Committee on Interstate and Foreign Commerce.

HEATING APPARATUS IN PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, requesting an additional appropriation to enable the Department to furnish heating apparatus in public buildings at Greenville, S. C., Los Angeles, Cal., Statesville, N. C., and Vicksburg, Miss.; which was referred to the Committee on Appropriations.

THOMAS THATCHER.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting copy of the findings in the case of Thomas Thatcher; which was referred to the Committee on Claims.

EDWARD S. ARMSTRONG.

The SPEAKER also laid before the House the bill (S. 18) for the relief of Edward S. Armstrong.

Mr. NORTON. Mr. Speaker, I ask unanimous consent that this bill be now considered, a bill relating to the same subject having been reported by the House committee.

The SPEAKER. The bill will be read subject to objection. The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,673.14 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay Edward S. Armstrong, of Ralls County, Mo., it being the one-eighth part of a judgment rendered by the Court of Claims on the 22d of November, 1890, against the United States, in favor of the estate of James B. Armstrong, deceased.

Mr. BURROWS. Has this bill been considered by the House committee?

Mr. NORTON. Yes, and unanimously reported.

Mr. BURROWS. How much does it carry?

Mr. NORTON. The sum of \$1,663.

There being no objection to the consideration of the bill, it was ordered to a third reading, and was accordingly read the third time, the question being on its passage.

The question was taken; and on a division there were—ayes 96, noes 6.

Mr. BAILEY. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BAILEY and Mr. NORTON were appointed tellers.

The House again divided; and the tellers reported—ayes 167.

Mr. BAILEY. Mr. Speaker, a quorum having voted, I withdraw the point.

So the bill was passed.

On motion of Mr. NORTON, the motion to reconsider the last vote was laid upon the table.

The House bill of the same purport was ordered to lie upon the table.

PRIVILEGE OF THE FLOOR.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I rise to submit a question, and am not certain whether it be a question of privilege or a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of New Jersey. In the first session of the Fiftieth Congress a resolution of thanks, directing that a medal be prepared was voted to Joseph Francis, the inventor so prominently known in connection with the founding of the Life-Saving Service. Our rules, I believe, admit such gentlemen to the privileges of the floor; but I am not advised whether it is necessary to make a motion to that effect or not.

The SPEAKER. If the rule provides for the admission a card is issued on application to the Speaker.

Mr. BUCHANAN of New Jersey. I desire that Mr. Francis be admitted.

The SPEAKER. If the gentleman will call the attention of the Chair to the matter the Chair will cause a card to be prepared.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows: To Mr. VINCENT A. TAYLOR, for one week, on account of important business.

To Mr. HOAR, for two weeks from to-morrow, on account of important business.

To Mr. NORTON, indefinitely, on account of important business.

To Mr. WILLIAM A. STONE, for two days, on account of important business.

To Mr. COWLES, indefinitely, on and after to-day, on account of sickness.

To Mr. LIVINGSTON, indefinitely, on account of business.

CONTESTED-ELECTION CASE, NOYES VS. ROCKWELL.

Mr. COBB. Mr. Speaker, I now submit the views of the minority in the contested-election case of Noyes vs. Rockwell.

The SPEAKER. Leave having been granted to file the minority views, they will be printed with the report of the committee and appropriately referred.

IMPROVEMENT OF HARBOR OF PHILADELPHIA, PA.

Mr. WILLIAM A. STONE. Mr. Speaker, I ask unanimous consent to call up for present consideration the joint resolution (S. R. 23) relative to the improvement of the harbor of Philadelphia, Pa., and I ask that it be put upon its passage.

The SPEAKER. The joint resolution will be read subject to objection.

The joint resolution was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. O'NEIL of Massachusetts. I object.

Mr. McMILLIN. I demand the regular order.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 2056) to repeal the provisions of an act entitled "An act to amend sections 4483 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers," approved March 2, 1889, so far as they relate to steamers plying exclusively upon any of the lakes, bays, or sounds of the United States; when the Speaker signed the same.

UNITED STATES COURT, BINGHAMTON.

Mr. RAY, from the Committee on the Judiciary, reported, as a substitute for the bill H. R. 6258, a bill (H. R. 7975) to provide for the holding of the term of the circuit court and district court of the United States at the city of Binghamton, in and for the northern district of New York; which was referred to the House Calendar.

The bill (H. R. 6258) was ordered to lie upon the table.

RECORDS OF THE VOLUNTEER ARMIES.

Mr. PATTON, from the Committee on Military Affairs, presented the views of the minority upon the bill (H. R. 6483) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes; which were ordered to be printed.

PAY OF SOLDIERS MUSTERED AS OFFICERS AFTER MARCH 3, 1865.

By Mr. PATTON, from the Committee on Military Affairs: A bill (H. R. 3937) concerning the pay of soldiers who were mustered as officers after March 3, 1865—to the Committee of the Whole House on the state of the Union.

LAREDO, TEX., A SUBPORT OF ENTRY.

By Mr. CRAIN of Texas, from the Committee on Interstate and Foreign Commerce: A bill (S. 1646) making Laredo, Tex., a subport of entry—to the House Calendar.

BRIDGE ACROSS THE RIO GRANDE RIVER, BROWNSVILLE, TEX.

By Mr. CRAIN of Texas, from the Committee on Interstate and Foreign Commerce: A bill (S. 1644) authorizing the Continental Bridge Company to construct a bridge across the Rio Grande River at or near Brownsville, Tex.—to the House Calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 5974) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1893; in which concurrence was requested.

It also announced that the Senate had passed without amendment the bill (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise.

It also announced that the Senate had passed the bill (S. 901) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania; in which concurrence was requested.

THE FREE-WOOL BILL.

The SPEAKER. The Clerk will report the title of the bill which was reported last evening from the Committee of the Whole.

The Clerk read as follows:

A bill (H. R. 6007) to place wool on the free list and to reduce the duties on woolen goods.

Mr. WILSON of West Virginia withholds his remarks for revision. [See Appendix.]

Mr. McMILLIN. Mr. Speaker, I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The SPEAKER. The question is upon the passage of the bill. The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. BURROWS. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 60, not voting 74; as follows:

YEAS—194.

Abbott,	Cockran,	Haynes, Ohio	Patterson, Tenn.
Alexander,	Cooldige,	Heard,	Patton,
Allen,	Coombs,	Hemphill,	Paynter,
Amerman,	Cowles,	Henderson, N. C.	Pearson,
Andrew,	Cox, Tenn.	Herbert,	Peel,
Arnold,	Craig, Pa.	Hoar,	Pendleton,
Bacon,	Crahn, Tex.	Holman,	Price,
Baker,	Crawford,	Hooker, Miss.	Reilly,
Bailey,	Crosby,	Houk, Ohio	Richardson,
Bankhead,	Culbertson,	Johnstone, S. C.	Robertson, La.
Barwig,	Cummings,	Kem,	Rockwell,
Beeman,	Davis,	Kilgore,	Rusk,
Bentley,	De Armond,	Kribbs,	Sayers,
Bentley,	De Forest,	Kyle,	Scott,
Blanchard,	Dickerson,	Lane,	Seerley,
Bland,	Dixon,	Lanham,	Shell,
Blount,	Donovan,	Lawson, Va.	Shively,
Bowman,	Dungan,	Lawson, Ga.	Simpson,
Branch,	Dunphy,	Lester, Ga.	Snow,
Breckinridge, Ky.	Durbin,	Lewis,	Sperry,
Bretz,	Edmunds,	Little,	Stevens,
Brickner,	Elliott,	Livingston,	Steward, Ill.
Brookshire,	Ellis,	Lockwood,	Stewart, Tex.
Brown,	English,	Long,	Stone, Ky.
Brunner,	Enloe,	Lynch,	Stout,
Bryan,	Epes,	Mallory,	Stump,
Buchanan, Va.	Everett,	Martin,	Tarsney,
Bullock,	Fellows,	McAleer,	Terry,
Bunting,	Fitch,	McClellan,	Tillman,
Busey,	Fithian,	McCreary,	Tracey,
Bushnell,	Forney,	McGann,	Tucker,
Butler,	Fowler,	McKaig,	Turner,
Bynum,	Fyan,	McKelghan,	Van Horn,
Byrns,	Gantz,	McKinney,	Warner,
Cable,	Geary,	McMillin,	Washington,
Cadmus,	Geissenhauer,	McRae,	Wadock,
Caminetti,	Goodnight,	Meredith,	Wheeler, Ala.
Caruth,	Gorman,	Meyer,	Wheeler, Mich.
Castle,	Grady,	Mitchell,	White,
Catchings,	Greenleaf,	Montgomery,	White,
Cate,	Hall,	Moore,	Wike,
Causey,	Halowell,	Mutchler,	Williams, N. C.
Chapman,	Halvorson,	Newberry,	Williams, Ill.
Clancy,	Hamilton,	Norton,	Wilson, Mo.
Clarke, Ala.	Hare,	O'Neil, Mass.	Wilson, W. Va.
Clover,	Harries,	O'Neil, Mo.	Wise,
Cobb, Ala.	Harter,	Outhwaite,	Youmans,
Cobb, Mo.	Hatch,	Page, Md.	
Coburn,	Hayes, Iowa	Parrett,	

NAYS—60.

Babbitt,	Grout,	Loud,	Scul,
Bartine,	Harmer,	Miller,	Shonk,
Belden,	Haugen,	Milliken,	Smith,
Belknap,	Henderson, Ill.	O'Donnell,	Stephenson,
Bergen,	Hermann,	O'Neill, Pa.	Stone, C. W.
Boutelle,	Hitt,	Otis,	Stone, W. A.
Bowers,	Hopkins, Pa.	Perkins,	Storer,
Brosius,	Hopkins, Ill.	Pickler,	Sweet,
Buchanan, N. J.	Huff,	Post,	Taylor, J. D.
Clark, Wyo.	Hull,	Powers,	Townsend,
Curtis,	Johnson, Ind.	Quackenbush,	Wadsworth,
Cutting,	Johnson, N. Dak.	Ray,	Walker,
Dingley,	Jolley,	Reyburn,	Wever,
Dick,	Ketcham,	Rife,	Wilson, Wash.
Funston,	Lodge,	Robinson, Pa.	Wright,

NOT VOTING—74.

Alderson,	Compton,	Houk, Tenn.	Owens,
Atkinson,	Cooper,	Johnson, Ohio	Page, R. I.
Bingham,	Covett,	Jones,	Pattison, Ohio
Boutner,	Cox, N. Y.	Lagan,	Payne,
Brawley,	Dalzell,	Lapham,	Pierce,
Breckinridge, Ark.	Daniell,	Layton,	Raines,
Broderick,	Doan,	Lester, Va.	Randall,
Bunn,	Dockery,	Lind,	Rayner,
Burrows,	Dolliver,	Magner,	Reed,
Caldwell,	Enochs,	Mansur,	Russell,
Campbell,	Forman,	McDonald,	Sanford,
Capehart,	Gillespie,	Morse,	Snodgrass,
Cheatham,	Griswold,	Moses,	Springer,
Chapin,	Henderson, Iowa	Oates,	Stackhouse,
Cogswell,	Hooker, N. Y.	O'Ferrall,	Stahlnecker,

Stockdale.	Taylor, V. A.	Whiting.	Winn.
Taylor, Ill.	Turpin.	Willcox.	Wolverton.
Taylor, Tenn.	Warwick.	Williams, Mass.	
Taylor, E. B.	Waugh.	Wilson, Ky.	

So the bill was passed.

Mr. STEPHENSON. Mr. Speaker, I wish to state that I have been paired with Mr. JONES, but I understood that that pair expired last night, and accordingly I voted "no."

Mr. EZRA B. TAYLOR. Mr. Speaker, being paired with the gentleman from Alabama [Mr. OATES], I did not vote. If he were here I should have voted "no" and he would have voted "aye."

Mr. DOAN. I am paired with the gentleman from Virginia [Mr. O'FERRALL]. If he were here he would vote "aye" and I would vote "no."

Mr. ATKINSON. I am paired with the gentleman from North Carolina [Mr. BUNN]. If he were present he would vote for the bill and I would vote against the passage of the bill.

Mr. BINGHAM. I am paired with the gentleman from South Carolina [Mr. BRAWLEY]. Had he been present he would have voted "aye" and I would have voted "no."

The Clerk announced the following pairs:

Until further notice:

Mr. SPRINGER with Mr. REED.

Mr. LAYTON with Mr. TAYLOR of Illinois.

Mr. RAYNER with Mr. RUSSELL.

Mr. LAGAN with Mr. CALDWELL.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. WHITING with Mr. BURROWS.

Mr. HENDERSON of Iowa with Mr. DOCKERY.

Mr. COMPTON with Mr. BUCHANAN of New Jersey.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. JOHNSON of Ohio with Mr. RAINES.

Mr. COVERT with Mr. CHEATHAM.

Mr. COOPER with Mr. VINCENT A. TAYLOR.

Mr. COX of New York with Mr. GRISWOLD.

Mr. WILLIAMS of Massachusetts with Mr. RANDALL.

Mr. WOLVERTON with Mr. BRODERICK.

Mr. MAGNER with Mr. PAYNE.

Mr. BRAWLEY with Mr. BINGHAM.

Mr. GILLESPIE with Mr. DALZELL.

Mr. WINN with Mr. MORSE.

Mr. CAMPBELL with Mr. WILSON of Kentucky.

Mr. OWENS with Mr. ENOCHS, from April 2 to 12, inclusive.

Mr. SNODGRASS with Mr. HOUK of Tennessee, from April 6 to April 21 inclusive.

Mr. TURPIN with Mr. HOOKER of New York.

Mr. PIERCE with Mr. LIND, on all political questions and wool bill. If present Mr. PIERCE would vote for the wool bill and Mr. LIND would vote against it.

Mr. EZRA B. TAYLOR with Mr. OATES, March 14 to April 7.

Mr. BUNN with Mr. ATKINSON, until canceled by consent of both.

Mr. O'FERRALL with Mr. DOAN. If present Mr. O'FERRALL would vote for the wool bill; Mr. DOAN would vote against it.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. JONES with Mr. STEPHENSON, from April 5 until the close of April 7.

Mr. MOSES with Mr. WAUGH, on wool tariff bill.

Mr. DANIELL with Mr. SANFORD, for this vote.

Mr. BUCHANAN of New Jersey. I am announced as being paired with the gentleman from Maryland [Mr. COMPTON]. That is correct. The pair was made about ten days ago, when he was compelled to leave the city on committee work by order of the House. I have refrained from all votes from that day until the present time, but at the time the pair was made I reserved the right to vote on the final passage of this bill. I will therefore allow my vote to stand. Mr. COMPTON, if present, would have voted for the bill.

Mr. CAPEHART. Mr. Speaker, I supposed I was paired and refrained from voting, but I did not hear my pair announced with the gentleman from Massachusetts [Mr. RUSSELL]. I now understand that my pair was transferred to some one else, and I desire to vote.

The SPEAKER. If the gentleman comes within the rule the Chair will cause his name to be called. The Chair will ask the gentleman if he was in the Hall of the House and if he failed to hear his name called?

Mr. CAPEHART. I was in the Hall of the House and heard my name called on the first call and supposed I was paired and that was the reason I did not vote.

The SPEAKER. The Chair can not entertain the gentleman's request.

Mr. CAPEHART. I desire to make the statement that the pair was transferred without my knowledge. If I had known it was transferred, I would have voted "aye."

Mr. BURROWS. I am paired with my colleague, Mr. WHITING. If he were present I would vote "no."

The result of the vote was then announced as above recorded. On motion of Mr. McMILLIN, a motion to reconsider the last vote was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. FUNSTON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FUNSTON. I send to the Clerk's desk a paragraph from the New York Voice, which I desire to have read. [Laughter.]

The paragraph was read at length; but subsequently, by order of the House, was excluded from the RECORD.

Mr. FUNSTON. From this article it will be observed that I with others am charged with drinking intoxicating liquors in the restaurant of the House.

Now, Mr. Speaker, I am delighted to find that the House of Representatives is disposed to take this as a matter of merriment; but in my opinion some one who has been lied about should notice this article.

I want to say to you that this article, in my opinion, has been gotten up in a large degree for my own benefit. It is well known that I have upon this floor advocated prohibition and voted for prohibition; and if I am in the habit of going into the saloon below and taking a drink, certainly my conduct upon this floor and my conduct upon the floor below do not correspond. [Laughter.]

Mr. CRAIN of Texas. You are exercising a Congressional privilege.

Mr. FUNSTON. Now, Mr. Speaker, if there were nothing more than this simple charge in this paper I would not notice it, because so far as that is concerned it amounts to but little; but it must be known that the primaries of my district are to be held next Saturday [laughter], and this article, in my opinion, has been manufactured solely for that occasion, as thousands of this number of the Voice have been sent to my district. Now, I want to say here that I have never taken a drink inside of that restaurant, or anything that would intoxicate a man or a child.

Now, Mr. Speaker, I desire to say, in addition to this, that the name of Mr. STAHLNECKER is used. I have asked the keeper of the cloakroom when Mr. STAHLNECKER was here, and he informed me that that gentleman was at home sick, and the last time he was in this House was on the 29th of February. This article purports to have been written on the 28th of March, and the paper was published on the 1st day of April. [Great laughter.]

Mr. BURROWS. Has not the day something to do with it. [Laughter.]

Mr. FUNSTON. In addition to this, Mr. Speaker, I want to say here that the correspondent of the Voice is a liar from awayback. [Laughter.] He is a slanderer, a lock-breaker, a destroyer of character, and loans himself for a few dollars for the purpose of defeating me at the primary elections, which he will not do. [Laughter.]

Mr. CUMMINGS. Mr. Speaker, I rise to a question of personal privilege.

Mr. BOUTELLE. Mr. Speaker, I suggest that they be taken in alphabetical order.

Mr. CUMMINGS. I wish to say that I have seen the gentleman in the restaurant, and his name comes before mine. But, Mr. Speaker, I find my name mentioned in the article in the Voice. Now, I have no recollection of the circumstance to which the Voice alludes. I do not like to be accused of taking what I did not get. At the time specified I was sick in my room and had not been in the House for days. I patronize the restaurant and have no objection to "cold tea."

Mr. DUNGAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNGAN. Would it be proper to entertain a motion for the printing of 1,000 copies of the certificate of character for circulation in the district of the gentleman from Kansas. [Laughter.]

The SPEAKER. That is hardly in order.

Mr. FUNSTON. It would go further than the certificate of the gentleman would go for him in his own district. [Laughter.]

Mr. SCOTT. Mr. Speaker, I rise to a question of personal privilege. The gentleman from Kansas [Mr. FUNSTON] was correct enough to say that this statement should be made by somebody who had been lied about, but he failed to take his seat so as to allow the statement to be made. I desire, therefore, to say, Mr. Speaker, as my name appears in the list, that I have not at any time, at the bar or elsewhere, drunk intoxicating liquors in the House restaurant. The statement in the article read is wholly without foundation and utterly false.

Mr. FELLOWS. Mr. Speaker, I rise to a question of personal privilege. I simply wish to say in behalf of the correspondent of the Voice that he guessed right in one instance. I am guilty. [Laughter.]

Mr. FITCH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FITCH. For the purpose of declaring myself guilty with my friend Col. FELLOWS. [Renewed laughter.]

Mr. MILLIKEN. I do not usually care about anonymous communications of this kind, but I desire to say that so far as I am concerned this statement is absolutely false.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of revenue bills.

Mr. TURNER. Mr. Speaker, pending the motion made by the gentleman from Tennessee, I ask unanimous consent that when the House resolves itself into Committee of the Whole it shall pass over the bill introduced by the gentleman from Nebraska and proceed to consider House bill No. 6006, which proposes to place cotton-ties and cotton-bagging on the free list.

THE ARTICLE IN THE VOICE.

Mr. HATCH. Pending the motion of the gentleman from Tennessee, Mr. Speaker, I desire to submit to the House a privileged matter. Inasmuch as there are embodied in the article sent up by the gentleman from Kansas to be read at the Clerk's desk the names of Senators as well as the names of Members of this House who are not present at this time, I move that all of the article except that which refers to the gentleman from Kansas himself be stricken from the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HENDERSON of Illinois. I object to that, Mr. Speaker, most undoubtedly.

Mr. HATCH. I hope the gentleman will not object. He will see the position in which the printing of the article in the RECORD places gentlemen who are not members of this body, and also members of this House who are not present.

Mr. HENDERSON of Illinois. So far as Senators are concerned, I have no objection.

Mr. HATCH. Mr. Speaker, then I make it as a motion.

The SPEAKER. The gentleman has the right to make that as a privileged motion.

Mr. CARUTH. Mr. Speaker, why should not members have an opportunity to submit affidavits on this subject? [Laughter.]

The SPEAKER. The House will be in order. The gentleman from Missouri will please repeat his motion.

Mr. HATCH. I move, Mr. Speaker, that the names of Senators and Members of the House, other than the gentleman from Kansas [Mr. FUNSTON], that are contained in the article which he sent up to the Clerk's desk be expunged from the RECORD. The motion, I suppose, would not apply to gentlemen who have voluntarily addressed the Chair on the subject. I wish to include in the motion the names of Senators and of Members of the House who are not present, but not such members as have made explanations.

Mr. COCKRAN. Mr. Speaker, I have made it a practice to ignore statements of this character, but the motion of the gentleman from Missouri [Mr. HATCH] rather forces every person whose name is mentioned in this article to take the floor and make an explanation.

Mr. HATCH. I hope the gentleman will not put that construction upon my motion, for it is very far from the object I have in view.

Mr. COCKRAN. I am perhaps the only man mentioned in that article who can afford to treat it with entire contempt, because it is twelve years since I have touched liquor, either at that bar or anywhere else. It has not been my practice, and I do not want to make it my practice, to take notice of such publications, nor do I think it ought to be the practice of this House. If gentlemen who are mentioned there think it proper to dignify this matter by making it a subject of debate in this House they are welcome to do so, but I object to any motion which compels members either to appear to admit the truth of the statements by their silence or to dignify the matter by making personal explanations here. I think this publication has already received a great deal more attention than it deserves, and that it would be more conducive to the satisfaction of the members whose names are mentioned and to the character of this House to let the matter drop into the oblivion where it belongs.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. HATCH] to strike out the portion of the article which contains the names of Senators and Members who have not taken notice of it on the floor.

Mr. BURROWS. Mr. Speaker, the article having been read

would, under the rules, go into the RECORD, so I move to amend the motion of the gentleman from Missouri [Mr. HATCH] by excluding the article entirely from the RECORD.

Mr. HATCH. I will accept that amendment.

Mr. FUNSTON. Mr. Speaker—

Mr. BURROWS. And on that, Mr. Speaker, I demand the previous question.

Mr. FUNSTON. Mr. Speaker, I had been recognized before the demand for the previous question.

The SPEAKER. The gentleman is mistaken. The Chair had not recognized the gentleman, although it was his intention to do so if the previous question had not been demanded by the gentleman from Michigan [Mr. BURROWS].

Mr. FUNSTON. Then I make the point of order that the question of the erasure of this matter from the RECORD has not been debated, and that therefore we are entitled to debate on each side.

The SPEAKER. That question will arise after the House takes action on the motion for the previous question.

The Chair will state the question. The gentleman from Missouri [Mr. HATCH] moves that in the publication of the article read at the desk the names of Senators mentioned and of the Representatives who have not risen to personal explanations upon the subject be omitted from the RECORD. The gentleman from Michigan [Mr. BURROWS] moves to amend that motion by omitting from the RECORD the entire publication; and on that he demands the previous question.

The previous question was ordered.

Mr. FUNSTON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FUNSTON. To address the Chair on this subject, if the gentleman from Michigan does not want the floor.

The SPEAKER. It seems to the Chair that there has been some debate on this question. The gentleman from New York [Mr. COCKRAN] debated it—

Mr. FUNSTON. Not on the question of erasing this matter from the RECORD.

Mr. BURROWS. And the gentleman from Missouri—

Mr. FUNSTON. Their remarks related to another matter. This is a new question altogether; and under the rules, after the previous question has been ordered on any measure which has not been debated, we are entitled to thirty minutes of debate.

Mr. BURROWS. On the motion made by the gentleman from Missouri there has been considerable discussion. My proposition was simply to amend. But there has been debate upon the motion of the gentleman from Missouri.

The SPEAKER. That is the way it seems to the Chair—that there has been debate on the question.

Mr. FUNSTON. There has not been a word of debate upon the subject now under consideration.

The SPEAKER. As the Chair understands the rule, if there has been debate on the original proposition, the fact that an amendment has been presented which has not been debated does not affect the question of order.

Mr. BURROWS. I understand that the gentleman from Kansas [Mr. FUNSTON] desires only five minutes, and I ask consent that he be allowed that time.

Mr. SEERLEY. I object.

Mr. FUNSTON. Then I insist on my right to fifteen minutes under the rule.

The SPEAKER. The Chair holds that there has been debate.

Mr. FUNSTON. Upon this question? No, sir.

The SPEAKER. There has been debate upon the proposition submitted by the gentleman from Missouri, and the motion of the gentleman from Michigan is simply an amendment to that proposition.

Mr. FUNSTON. I beg pardon of the Chair, but the gentleman from Missouri simply asked consent to offer a motion, and it has not been debated.

The SPEAKER. Oh, yes, it has. The gentleman first asked unanimous consent and afterward put the proposition in the form of a motion.

Mr. HATCH. Mr. Speaker, I hope the gentleman from Kansas may have any reasonable time that he desires to make an explanation. I ask this as a matter of courtesy to him. In making my motion my object was simply to protect gentlemen who are not members of this body, and who can not speak here for themselves. I hope the gentleman from Iowa [Mr. SEERLEY] will withdraw his objection, and allow the gentleman from Kansas to have five minutes to make the statement that he desires to make. I presume no one desires here to do any injustice.

The SPEAKER. The Chair will again submit the request. The gentleman from Michigan asks unanimous consent that the gentleman from Kansas [Mr. FUNSTON] be allowed to speak upon this matter for five minutes.

Mr. BURROWS. I hope there will be no objection.

Mr. SEERLEY. I object.

The SPEAKER. The question is now upon the amendment of the gentleman from Michigan.

The question having been put,

The SPEAKER said: The ayes seem to have it.

Mr. FUNSTON. I call for a division.

The question being again taken, there were—ayes 116, noes 26.

Mr. FUNSTON. I ask for tellers.

Mr. BUCHANAN of New Jersey. What were the figures announced by the Chair?

The SPEAKER. Ayes 116, noes 26.

Mr. FUNSTON. No quorum.

Tellers were ordered; and Mr. FUNSTON and Mr. BURROWS were appointed.

The House again divided; and the tellers reported—ayes 153, noes 15.

Mr. FUNSTON. No quorum.

The SPEAKER. A quorum has voted; and the ayes have it.

Mr. FUNSTON. I demand the yeas and nays.

The SPEAKER (having put the question on ordering the yeas and nays). Only 20 gentlemen have arisen; not a sufficient number.

Mr. FUNSTON. I call for a count of the other side.

The other side having been counted, the result was announced—ayes 20, noes 111—less than one-fifth voting in the affirmative. So the yeas and nays were refused.

Mr. FUNSTON. I move that the House do now adjourn.

The SPEAKER (having put the question on the motion to adjourn). The yeas seem to have it.

Mr. FUNSTON. I call for a division.

The question being again taken, there were—ayes 5, noes 108.

Mr. FUNSTON. No quorum.

The SPEAKER. A quorum is not necessary on a motion to adjourn. [Laughter.] The yeas have it, and the House refuses to adjourn. The question is now on the motion of the gentleman from Missouri [Mr. HATCH] as amended.

The motion as amended was agreed to.

On motion of Mr. HATCH, a motion to reconsider the last vote was laid on the table.

Mr. BURROWS. I now ask again that the gentleman from Kansas be allowed to occupy the floor for not exceeding five minutes. He says he does not care to occupy more than two.

The SPEAKER. Is there objection to permitting the gentleman from Kansas to speak for five minutes?

Mr. SEERLEY. I object.

Mr. FUNSTON. Then I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. FUNSTON. If the gentleman had allowed me three or five minutes to make a brief explanation I should have given way long ago and you could have gone on with business. The remarks that I desired to make related to the subject of striking out this whole article taken from the newspaper which I had read, and leaving me, if that is done, as it were, like Mohammed's coffin, suspended between heaven and earth. [Laughter.]

Mr. McMILLIN. Mr. Speaker, I must insist, in the interest of the progress of public business, that the gentleman is submitting no question of privilege so far.

Mr. FUNSTON. If the gentleman will permit me, I will decide what is personal to myself. That is what I am talking about now. I will show why it is personal to myself. I repeat, if you had given me two or three minutes you could have had the whole afternoon for yourselves.

Mr. HEARD. We have it now.

Mr. FUNSTON. And you could have had the floor at any time you desired it. But I was refused.

I wanted to say, sir, that in striking out this paragraph you leave me suspended with my remarks, having no possible basis on which to stand.

A MEMBER. Then withdraw them.

Mr. FUNSTON. Now, I am rising to a question of personal privilege, absolutely personal to myself, because striking out that paragraph makes me look silly, for the reason that there was no foundation on which to make them. [Laughter.] You strike out the article and make it necessary for me to take the floor again.

Now, Mr. Speaker, in all earnestness, I enjoy this fun just as much as anybody else and I have enjoyed it from the beginning. It has been a pleasure to me. [Laughter.] But looking the matter fairly and squarely in the face, I ask if this House has no rights and its members no privileges, no personal character, no honor which is to be respected by the correspondent of an obscure paper? That is the question to be decided here to-day. It is a matter affecting not only my personal rights and privileges, but the rights, privileges, and character of the whole House.

Here is a paper holding itself up as the great moralist of this whole country. It is the representative of what is called the Prohibition party, a party which has called on the members of the Democratic party who are in favor of prohibition to come out of the ranks of the Democratic party and go with them; a paper which has called upon the Republicans who are in favor of prohibition to come out and join them. It is then the great moral paper of this country, the great temperance advocate. And yet it hires an irresponsible person to come here and fictitiously represent men as having been down in the saloon in the basement of this House.

Mr. McMILLIN. Mr. Speaker, I rise to a question of order. I was inclined to allow the gentleman from Kansas to proceed in making what he calls his personal explanation, but I must insist that he has no right to make the records of this House the sewer through which to carry his vituperative language; and it is to that I object. I desire simply to call the attention of the House to the matter.

Mr. FUNSTON. I think that paper—the Voice—has been made to serve the purposes of the sewer to carry the filth that has been gathered by a miserable falsifier here in the capital of the nation; and it is in defense of myself, who have been chucked into the sewer, that I am making this defense. [Laughter.]

I say to you that I have not a word of reflection upon newspaper men; not a word to say against newspaper men generally. As a rule newspaper men are honorable men; and I can say that I have been treated honorably by them if any man in this body has ever been treated honorably by any class of men. It is due to the newspaper correspondents that we expose this scoundrel. They are honorable, but here is a dishonorable man, who abuses the privilege of a correspondent, who misrepresents the members of this House, and these correspondents ought to know it and kick him down the back stairs and out of the city of Washington for their own credit.

Mr. LEWIS. Do you know whether this was a woman who wrote the article or not? [Laughter.]

Mr. FUNSTON. A woman! I do not believe it was a woman. It makes no difference whether it is a lady or anybody else as far as that is concerned; the effect on me and other members is the same. It makes no difference who did it.

I am standing here to-day in my own defense, in the defense of my character, and the defense of my own family.

Mr. WHEELER of Alabama. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WHEELER of Alabama. My point of order is that this language is not proper to be used on the floor of the House.

Mr. FUNSTON. I want to say to you that I am making these remarks myself.

Mr. WHEELER of Alabama. The gentleman ought to confine himself to proper language, and I insist on a ruling on the point of order.

Mr. FUNSTON. I have made my remarks, and you could have made your point against them long ago if you had wished to.

The SPEAKER. The gentleman will confine himself to the question of privilege.

Mr. FUNSTON. I am confining myself to it, sir, but I want to say that this correspondent is not a woman, and the name of the man who wrote this article has been given to me. And now, with these remarks, I thank you for your kind attention, gentlemen.

Mr. WHEELER of Alabama. I move that these improper remarks be stricken from the RECORD, and that they be not allowed to go into the RECORD.

The SPEAKER. The gentleman will have to put his motion in form.

INDIAN APPROPRIATION BILL.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 5974) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1893; which were ordered printed, and referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Wyoming, for two weeks, on account of important business.

To Mr. BROSIUS, for five days, on account of important business.

To Mr. COVERT, for one week, on account of important business.

FREE COTTON-TIES, ETC.

Mr. McMILLIN. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole House on

the state of the Union for the purpose of considering revenue bills.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins, with Mr. BLOUNT in the chair.

The CHAIRMAN. The House having directed that the binding-twine bill be passed over and that the committee first take up the bill H. R. 6006, the Clerk will report that bill.

The Clerk read as follows:

A bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following articles, when imported, shall be exempt from duty, namely: Bagging for cotton, gunny cloth, and all similar material suitable for covering cotton, composed in whole or in part of flax, jute, or jute butts; cards, roving frames, winding frames, softeners, and other machinery, purchased abroad and used in the manufacture of bagging for cotton, gunny cloth, and all similar materials suitable for covering cotton; cotton-gins; and also hoop or band iron, or hoop or band steel cut to length, or wholly or partially manufactured into hoops or ties for baling purposes, and hoop or band iron or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings.

Mr. TURNER. Mr. Chairman, I would like to inquire of gentlemen belonging to the minority whether by unanimous consent we can make any arrangement as to the limitation of the debate.

Mr. BURROWS. I would say to the gentleman from Georgia [Mr. TURNER] that it would be quite impracticable to do that at this time. I think we will have no trouble about the general debate, but I can not yet tell how long we will want to occupy. I know several gentlemen who desire to speak upon our side, but we will have no difficulty about arranging general debate, which had better proceed perhaps for the time being, and by to-morrow we can arrange in regard to that.

Mr. TURNER. I know that can only be arranged at this time by unanimous consent, and I ask any gentleman who desires to be heard on this bill to indicate it now, as I am myself hardly in condition to speak to-day.

Mr. DINGLEY. We should hear from the affirmative first, to know what the reasons are in favor of the passage of the bill.

Mr. EZRA B. TAYLOR. Does the request of the gentleman extend to those upon our side who wish to be heard? If so, I should like to be heard.

Mr. BURROWS. If the gentleman from Georgia does not care to proceed now—

Mr. TURNER. I would prefer to postpone my remarks until to-morrow, but if it will inconvenience any other gentleman, as the House is proceeding somewhat to oblige me, I will nevertheless proceed to-day.

Mr. BURROWS. Personally I would be very glad to accommodate the gentleman from Georgia, and I think the gentleman from Ohio [Mr. EZRA B. TAYLOR] would be glad to address the committee if the Chair will recognize him.

Mr. TURNER. Then I will yield the floor for that purpose.

The CHAIRMAN. The gentleman from Ohio [Mr. EZRA B. TAYLOR] is recognized.

Mr. EZRA B. TAYLOR. Mr. Chairman, I have been desirous ever since the bill last disposed of was first considered in the House to make some remarks pertinent to that bill, but I was unable to get an opportunity to do so, and now I take the earliest opportunity of saying some few words in regard to the general subject before the committee; but I shall omit those facts and statements which I had particularly cared to suggest concerning the bill that has occupied our attention for some time.

The regret has often been expressed that the tariff question was not distinct from political action, or the action of political parties. However, in this country that always has been and must be impossible. It is an important question, to which the interested attention of the people is continually drawn. And, Mr. Chairman, it is one that gives the opportunity to cry "tax," and that arrests the attention of people like a cry of fire at midnight. It is too valuable for certain people who meddle in politics to omit. For one hundred years or more this Government has continued to exist under a protective system. Every moment of its life has been under that system. Theories have been advanced against it, the quality and extent of that protection has been changed, but it has always existed.

At this time, I think, more than at any previous time, the opinion of the people has become crystallized into distinct ideas concerning the subject of protection. There have always been theoretical free traders; there have always been practical protectionists; and even to-day, while every speaker that I have heard address the committee during the discussion which has preceded, seemed to make no distinction of sentiment in the ranks of those who oppose protection, there is nevertheless one to which I wish to call the attention of the committee for a little while.

I regret, and that regret I think will be shared by every fair man, that the discussion of the tariff question has not taken and has not kept the lines of candid discussion which a matter of so much importance would suggest to be proper. It seems to me that undertaking to instruct the people in regard to this question of great complexity, no speaker should stand for a single moment before the House or the committee for the purpose of advancing his own interest or his party interest by an uncandid statement of facts or a partial statement of facts. If he has an opinion or an argument that is valuable, it should come from an honest man to honest men without party coloring and without demagoguery.

On this side of the House, so far as I know, and in the Republican party, I may say, there is no substantial division of sentiment or of opinion on this question. We are protectionists. If you call us robbers on that account, we shall remain protectionists; not because we desire to be robbers or think we are such, but because we believe that that which we call protection is better for our people than that which you call free trade.

On that side of the House there are classes, and how many I do not know. They join in the assaults on the McKinley bill and protection; but among themselves there is division, and many divisions. I know of some members there who believe that all taxation of every kind should consist in a single tax, a tax upon land. Those gentlemen join in the crusade against protection. I know gentlemen belonging to that side of the House who are in favor of abolishing our custom-houses and raising our revenue internally in some form or another. I know men on that side of the House who are in favor of a tariff for revenue only. I know some gentlemen on that side of the House who are in favor of a revenue tariff with incidental protection.

All these parties unite as one, however, when the question arises between them and us. I make no complaint of this. I am willing that it should be so. I care not how hard the blows are that are struck at protection, so that they be fair blows. I care not how many they are, nor how swiftly they fall, so that they be honest blows. But I have been indignant, Mr. Chairman, at the dodges and the fetches which have appeared in this discussion.

I question no gentleman's motives or his intention to be fair; but I do, I must say, with all deference to every gentleman who has entered the discussion upon that side of the House to any trenchant purpose, that there have been statements made and arguments urged that were unfounded and improperly presented. Improperly presented because not worthy of presentation. The gentleman [Mr. McMILLIN] who opened the discussion upon the bill preceding this made the statement that the McKinley law was more protective and carried a higher rate of taxation than any law that had ever existed before.

I am not aware as to the manner in which these gentlemen get up these percentages, which are the basis of such a statement. I am not certain whether the gentleman who made that statement understood that upon the dutiable articles the percentage was higher than ever before, or whether when he spoke of the per cent of taxation, as he is pleased to call it, he simply meant the taxation upon all importations. Allow me to suggest that you may take a single article, rice, which now bears a tariff of 100 per cent. Put every other article on the free list, and what will be the per cent of the tariff? Will it be 100 per cent, the tariff on the single article, no other tariff being imposed upon anything, or would the real percentage be found by comparing the duties paid upon rice with the entire value of importation? If the tariff rate is based alone on the dutiable articles the rate in the supposed case would be 100 per cent and would be 55 per cent higher than that of the law of 1890, rated upon all dutiable articles, and yet only a trifling revenue would be realized.

This tariff law of 1890 is not higher than the preceding one. Even in that view of the matter, and taken in connection with the long extended list of articles that are free, it is very much less. The percentage of the tariff of 1890 on imported articles is just 21½. It is not more. It is not 45; it is not 47; it is not 60; it is not as high as the Walker tariff was; it is not as high as the Mills bill.

I got at that in this way. We had imported into this country on the 30th day of September, 1891, for the year previous to that eight hundred and some odd million dollars' worth of goods. The collections of duties on those importations amounted to \$193,000,000. Divide the one set of figures by the other and you get the per cent. It is not 60 per cent, but 21½ per cent. This, I submit, is the only fair way of calculating the per cent of a tariff tax, if you call it a tax.

Mr. Chairman, all the divisions of the Democracy represented here unite in the severest condemnation of this McKinley law. They will be astonished, if they do not know it now—and they do know it now, if they have ever dared to make the computation—that this abused, traduced tariff law of 1890 is less burden-

some, less of a tariff "tax," imposing a less percentage of duties than the Mills bill, which is the basis of the Democratic platform of 1888 on the tariff question. You, gentlemen on the other side, take to yourselves the idea that you are advancing in behalf of freedom of trade, and you stand higher in your own estimation than we do, because you are capable, as you think, of rising to that position, and yet to-day you stand upon the foundation of the Mills bill through the declaration of your own last-assembled national convention, and the Mills bill, as I have said, is a higher tariff bill than the McKinley bill. I say this without making any mistake. I say it upon my basis of calculating the percentages. I say it upon the basis of the percentage of duties upon all the importations, and not upon one item.

If you take the importations of 1891, all of them, and compute the amount of "tariff tax" or customs duties that would have been paid upon the same goods if they had been imported under the Mills bill, you will find that the tariff upon the importations of that year would have amounted to \$38,000,000 more than it amounted to under the McKinley law. Yet you claim that you are free traders and we are "tariff robbers."

Mr. Chairman, there is a great deal of pretense in regard to this subject of the tariff. There is not, in my judgment, a fixedness of opinion upon that question among the people such as is supposed to exist. I believe I state the truth—I believe I am justified in the statement—that had Grover Cleveland, instead of sending in that free-trade message, declared for Samuel J. Randall's platform, the Democratic party of Ohio would be to-day shoulder to shoulder and side by side in favor of American protection. In my own little city I can not find a man of intelligence who is not as much a protectionist as I am, yet many of them vote the Democratic ticket. In fact, that seems to be the test as to whether a man is a Democrat—not what he believes or what he does in any other regard, but simply, Does he vote the Democratic ticket?

There is one class of people in this country who are very earnestly in favor of free trade, and I give them credit for the constancy with which they stand by it. I mean the Southern Democracy. They took it from John C. Calhoun. They did not take it from Jackson or from Jefferson, and if any of them think that they follow Mr. Jefferson they are mistaken. They took it from Calhoun. It was urged by him in the interest of slavery. It was connected with the right of buying and selling babies. It was connected with the right of dissolving the marriage relation when money considerations demanded it. It came down through their traditions. It became attached to the Confederate cause. It went into the Confederate constitution. They believe in it yet, and they are in earnest about it.

There is another class, a class of doctrinaires, a class of educated gentlemen, who get their views from books, and who think that 2 and 2 make 4, no matter how you place them [laughter]. They are unable to understand that conditions change theories. They can not be made to understand that if you put 2 and 2 side by side the result is 22 instead of 4. [Laughter and applause.]

There is still another class, the importers, who are largely foreigners. Many of them, it is true, are natives and citizens, but they all have large interests involved. But when you get outside of these classes there are very few men except politicians who take the subject of "free trade" to heart or are much in earnest about it.

Now, Mr. Chairman, in 1890 a Republican Congress, understanding right well the probable effect upon itself and its following, passed what it believed to be a just and necessary tariff law. It intended to include within the scope of that law, directly or indirectly, all the interests of the country. That the law was perfect can not be said, but where or how its imperfections can be remedied I do not know. That Congress acted bravely. It submitted the law to the people late in the fall of that year. The measure met with misunderstanding, misrepresentation, misapprehension, and the Republican party, as they had expected would be the case, were defeated.

An immense majority of the succeeding House were "tariff reformers." They came here under a pledge to the people that they would work out a "reform" in the tariff law. They told the people that every line of the McKinley bill was vicious, and they came here to set it right. The organ of the majority, the Committee on Ways and Means, have introduced three tariff bills, one of them the bill that was disposed of this morning, which takes from the farmer the protection that has been given to him on his wool. And in connection with that measure there is a point on which I have listened to the arguments on the other side with a great deal of regret.

It will not, I trust, be taken unkindly if I say that whilst upon the other side of the House gentlemen who addressed the Committee of the Whole upon that bill argued, many of them, that the McKinley tariff upon wool tended to lessen the price of wool, or else had no effect on the price, there is not a man in this

House or elsewhere who believes that statement or argument when he looks at it and reflects upon it calmly.

Why, gentlemen, what are you doing? You say to us that the tariff is a tax—that the tax is equal to the tariff imposed; yet on this question of wool you say that the tariff of 11 cents a pound upon such wool as is raised in my district has either made the price of wool less than it would otherwise have been, or has had no effect upon it at all. You do not mean to say that the tariff reduces prices at once before competition can come in. You do not mean to destroy the whole Democratic argument. You want free wool for the sake of having cheap clothing; and when that is suggested to the people you say the farmer will receive more for his wool than he does now.

Why? Because it will be mixed. Mixed with what? How is the mixture going to raise the value? Gentlemen, you know—everybody knows—that that is simply a falsehood; it is not true; there is no sense in it. Yet in that bill, while you strike down the farmer's protection, you strike down the barrier that was raised by the McKinley bill against the dirty stuff which is not wool, but is called such, and used as such. The McKinley bill put 30 cents a pound tariff on shoddy. You put 25 per cent tariff on shoddy—equivalent to 2 cents a pound. The gentleman who opened this discussion said that we had invited shoddy and mungo and rags to this country. He spoke of "the rags of the beggar, the rags of the pesthouses of Europe."

We put upon those rags a tariff of 10 cents a pound, more than they would sell for in New York—more than they are worth anywhere. You have taken that off and invited the dirty rags, the filthy beggar's rags, and the disease-laden rags of Europe to come in uncleaned, unmanufactured, and free of duty. Is the wool of the farmer to be raised in price by mingling with it mungo, shoddy, and the rags of Europe?

Mr. SHIVELY. The gentleman is aware that rags of all other kinds were put on the free list by the McKinley bill.

Mr. EZRA B. TAYLOR. All other kinds of what?

Mr. SHIVELY. All other kinds except woolen rags were put upon the free list.

Mr. EZRA B. TAYLOR. What harm was there in that?

Mr. SHIVELY. Was it not interfering with the rag-picking industry of this country?

Mr. EZRA B. TAYLOR. I am speaking of wool. By your bill you leave all kinds of rags free which are left free by the bill that you denounce. Why, sir, the rags of the market are woolen rags, rags out of which shoddy is made, rags out of which the clothing of the poor is made, rags that are to be mingled with the wool of the farmer of this country. That is what we are talking about.

Now, Mr. Chairman, leaving that matter with those suggestions, allow me to take issue with the statement made by Grover Cleveland, that all tariff is a tax to the extent thereof, and the statement made by the gentleman from Minnesota [Mr. LIND], the other day, that all tariffs are necessarily a tax. Denying both those statements, I wish to consider this question a moment. The tariff on cut nails to-day is no tax upon anybody, because there are no importations. A tariff law may be so framed that from beginning to end there will be no tax on anybody. So when it is broadly stated that a tariff is necessarily a tax, it is a mistake. If it operates, however, it is a tax; but upon whom is it a tax? Is it always a tax on the consumer, or is it sometimes a tax on the producer of the commodity?

I know that the illustration I am going to give now will be forgotten in five minutes; it may have no effect, but still I will give it. Under the McKinley bill there was a heavy tariff put on tin plate. Tin plate continued to come into the country with the same and even increased volume. Six million dollars were paid into the Treasury from that source alone in one year. Yet the price of tin plate did not rise in the market. Who paid that tax? You gentlemen who are so much interested in the welfare of the farmer answer me that. Here on a single item \$6,000,000 came into the Treasury of the United States; yet our people paid not one farthing of that. Who did? Let no man say that I make a mistake as to my figures and facts in this matter. I know whereof I speak. I am interested in this subject, and I know the price of tin.

Now who paid that tax? "A tariff is a tax." This is the parrot-like cry of the politician. But the tariff on tin plate was paid by the foreign maker and by him alone. But, Mr. Chairman, he suffered no loss except in the diminution of profits, because for years the combination of the tin-makers in Wales—a syndicate and trust such as would make you Democrats and Alliance men crazy if it existed in this country—has made from 20 to 35 per cent clear gain every year out of you; for more than half of the tin plate of the world is consumed in the United States. You had no disturbance of feeling when you were paying to the syndicate in Wales a 35 per cent profit. But when we compel that same syndicate to pay \$6,000,000 of that profit into the Treasury of the

United States in a year, you propose to repeal that law. Yet that \$6,000,000 takes the place of necessary taxes which would otherwise fall upon the farmer and producer in this country. Everyone of you knows that these statements are true; and everyone of you insists that that provision in the law was a wrong to the people of this country.

The bill now pending before this committee is another illustration of the same fact. When the McKinley bill went into operation cotton-ties which are used in the South were made abroad and imported. For the year 1890 almost the entire consumption was imported, as had been the case previously. A tax was put upon them equal at least to the tax upon barrel hoops, a duty which you pay and which you do not propose to disturb.

This is an article that requires more labor to make than the common hoop iron, because it has a button and a slot at the respective ends. Now we used to make these ties and made them altogether in this country, but by a mistake of the tariff law of 1883 they were not protected, and as a result England made them all. In 1890 they became protected, and now look at the report of this committee and you will see that they do not claim that the cotton-ties have increased in cost. They say that it is a matter of tardy justice to the farmers of the South that this bill should pass.

But, Mr. Chairman, what do they mean? They say also that there was no importation of this article from abroad. The fact is that every cotton-tie is made at home, and in fifteen days after the President had signed the bill, the cotton-tie industry of this country was in brisk operation. The mills that make hoop iron can make cotton-ties and the mills in my district went to work at once, also in Pittsburg, in Pomeroy, in Youngstown, and in Atlanta, Ga. All of these mills proceeded to make them. Nay, they did not content themselves by making as good ties as had been imported, but they made a better tie; they made a tie out of steel and they sold it for what? Was the tariff a tax to increase the price? Why they sold it for less than before the McKinley bill went into operation.

Gentlemen, you will to-morrow insist that the tariff was a great wrong to the farmers of the South. A gentleman from Georgia, speaking with me in the cloakroom, complained of the McKinley bill as affecting the South, and said that it struck them hard. Said I, "In what respect; in what article?" He replied, "the cotton-tie." I said, "Is that so? How does the price differ from what it was before the McKinley law went into operation?" He responded, "I do not know." Said I, "I do, and I will tell you. They are 8 per cent cheaper than they were, and they were cheaper within fifteen days after the McKinley bill passed."

Mr. EVERETT. Will the gentleman yield for a question?

Mr. EZRA B. TAYLOR. Yes.

Mr. EVERETT. Did you ever pack a bale of cotton or buy any cotton-ties for any purpose? I want to state to you as a matter of fact that ties are sold at a higher rate to-day in Georgia than I have ever known them before, and the most worthless tie I ever knew.

Mr. EZRA B. TAYLOR. That, I suppose, is the Atlanta tie. Mr. EVERETT. And I want to denounce the Atlanta tie, if that is where I got mine.

Mr. EZRA B. TAYLOR. What price do you pay now for cotton-ties?

Mr. EVERETT. And I wish to ask the gentleman another question.

Mr. EZRA B. TAYLOR. And I decline to yield to the gentleman further. I yielded to ask one question and he has asked three or four, but does not answer mine.

Mr. EVERETT. Are you afraid to be questioned about the very integrity of the position you occupy?

Mr. EZRA B. TAYLOR. Mr. Chairman, the courtesy of that remark is such that I will answer any question the gentleman sees proper to ask.

Mr. EVERETT. Then I wish to ask what excuse you can give for putting a greater tax on hoop iron when cut into lengths of 11 feet than when cut in any other lengths?

Mr. EZRA B. TAYLOR. I make no excuse for any such thing, because it does not exist in this connection.

Mr. EVERETT. Then you do not know what the McKinley bill touches.

Mr. EZRA B. TAYLOR. Mr. Chairman, I was speaking on the subject of cotton-ties. I know where they make them; at what place they are sold. I know that they are made at Pomeroy, and I know what they make; but I do not know what they make in Atlanta, although I saw a Democratic paper from there which stated precisely what I have alleged on the floor to-day as to the value and the quality of the ties and as to the fact of their being made there, and said that it was only fair to say that we have to thank the McKinley bill for this.

Now, I do not know what the price is as far as the location the gentleman represents is concerned, but I do know—

Mr. WATSON. Will the gentleman yield for a question?

Mr. EZRA B. TAYLOR. Yes.

Mr. WATSON. What do you quote as the price?

Mr. EZRA B. TAYLOR. Oh, I am not quoting this morning. I said I would not quote the price list, but state generally. I will say to the gentleman that I have the list published from month to month, the price lists showing that these ties were sold on board the railroad trains at the place of manufacture, and my statement corresponds with these lists. Now, I do not know what the middleman does, but I know that the ties will be the same price that is fixed on board the cars at the place of manufacture; and I know that it is the same at Pittsburg, Youngstown, and at Pomeroy—that the prices of cotton-ties to-day are less than they were prior to the McKinley bill, and I know that the quality of the tie is superior.

Now, I am not mistaken in that. I do not know what you gentlemen of the South have to pay. I do not know but that the middlemen of the South get your farmers by the throat and they may be selling cotton-ties there as they tried to sell tin cups in Ohio in 1890, at 25 cents apiece, because of the McKinley bill.

Mr. STOCKDALE. Will the gentleman allow me to ask him a question, merely for information?

Mr. EZRA B. TAYLOR. I will even sacrifice my time for such a purpose as that.

Mr. STOCKDALE. Will you furnish the names of any factories where we can get cotton-ties cheaper now?

Mr. EZRA B. TAYLOR. I will be glad to do so at any time. I have them in my desk and will furnish them to the gentleman after I get through with my speech. Cartwright, McCurdy & Co., of Youngstown, Ohio, is the name of one firm, and I will guarantee they will be of the kind I speak of. I will guarantee that they will be cheaper than they were before the McKinley bill passed; and I say, this being so, there is nothing under heaven in this bill but injury to our manufacturers and to the cotton-grower.

Mr. Chairman, I shall not be able, as I was intending, to pursue my remarks in the order which I had intended to do it, nor upon certain subjects to which I wished to call the attention of the committee, but I wish to suggest one or two other things.

I feel, sir, that this attack upon the wool-growers' interest that has just been completed so far as this House is concerned has been severe and injurious to them and to the interests of the country. I believe that the reason why wool was cheaper before the tariff law of 1867 than afterwards was because, first, there was little wool produced in this country and the market was made abroad. It was less years afterwards because the production in this country had so greatly increased, from 60,000,000 to 300,000,000 pounds. The market was then made here instead of abroad.

I think I know what I say when I say to this committee that the kind of wool that is raised in Ohio, the combing wool, the kind of wool that comes from my country, and which is of the same kind that comes from Western Pennsylvania, from West Virginia, and from Michigan, can not be produced if unprotected.

It is the result of labor, care, and invested capital. It is no more raw material to the farmer as it leaves his hand than cloth is when it comes to the manufacturer of clothing.

When the wool-growing interests of this country have succumbed, as succumb they will if free trade attaches to it, and no man must make any mistake in regard to this matter—the loss of the tariff in 1883 on this kind of wool amounting to a cent and a quarter a pound, sent millions of the sheep to the shambles, reduced the number of them, and it is a matter of demonstration to-day that that kind of wool can not be grown at the prices of to-day in the absence of a tariff. And when that time comes, instead of having cheaper wool to mix, or cheaper wool to use, you will have wool the price of which will be fixed in London by the syndicate that handles every pound of foreign wool that ever comes to this country. It comes through London as waters pour out through the narrowest part of a funnel. It is all owned there, and when the competition at home ceases you will pay for that as you paid for your tin plate, as you pay for everything that is made abroad without competition here.

You will go on and say from theory that the tariff is a tax and the consumer pays it. You will put your hand in your pocket and you will find the money, that ought by your theory to be in the Treasury, is still there, but that will make no difference. You will say that this tariff is a burden on everything that the poor man uses. You look at the price list and nothing has increased in value, but it will not change your opinion. The gentleman who opened this discussion said that everything that covers a poor man costs more than before, and when the gentleman from Maine [Mr. DINGLEY] referred to the fact that everything a poor man had need for was as cheap or cheaper, he finally fell back upon the fact that tin roofs were dearer. Most of the poor people in my country do not live in mansions covered by

tin roofs, and even as to that article the gentleman was hardly correct.

There is one thing else I wish to say. There has got to be a system of argumentation in this House that was applied upon the silver bill, to which I wish to call the attention of the committee. A majority of this House, so far as they could be pledged, were pledged in behalf of free coinage. They came here with that understanding, and they debated the bill that was presented. No argument against the wisdom of free coinage changed the position of a single friend of the measure.

But this argument set them thinking: "If you pass the free coinage bill you will not elect your next President." They came here for business, pledged in the interest of the people, the people that are groaning for the lack of sufficient money to do their business as they aver, and as I do not believe in their estimation; and yet, not because the proposed law was unjust, but admitting it to be just and beneficial, it was killed by their permission because of a want of that courage that seems to have died out of the Democratic party when Gen. Jackson drew his last breath. [Applause on the Republican side.] The Fox of Kinderhook seems, personally, and by his successors, to have taken possession of the party since then, and now they are looking to see when and how they can most cunningly vote on a measure and not at the merits of the measure itself.

The lack of straightforward courage on the part of the majority here is as conspicuous in its action on the tariff as it is on the currency question. Denouncing the existing law as a monster of iniquity they merely nibble at a few of its details; condemning protection as a crime they protect manufactures.

They talk about entering wedges, and boast of destroying existing law and the system of protection on the sly, as the Irishman who had taken the pledge wanted whisky put in his soda water "unbeknownst" to himself.

They are afraid to act lest they lose their places and the elections. Think of Gen. Jackson attacking the United States bank with "entering wedges," chopping corners of the building in which its vaults are located!

The old-fashioned sturdy Democracy is dead. Cunning stands for conviction, policy for conviction.

Cunning and policy, however, have made a mistake. The attack on the wool-growing interest is as fatal as an attack on Wall street would have been.

Let me give them a pointer. In 1888 the wool men of this country elected a President. In 1892 the wool men of this country will elect another. [Applause on the Republican side.]

Mr. LANE. Mr. Chairman, the power of taxation is the greatest power possessed or exercised by the Government. If this power is fairly and honestly exercised the people will have liberty and happiness, but if unjustly used, then slavery and wretchedness. The causes that led to the formation of this Government grew out of the power and right of the English Government to tax the people of this country, and some reflections connected with that event I deem not out of place in a discussion of tariff reform.

Our Pilgrim Fathers, in laying the foundation of this great Republic, began this work on a broad and comprehensive principle, which has gone forth to bless the world. As the eye wanders about the extent of our country it beholds the labors of brave and good men who have lived and toiled for their country. The founders of this Government, the resolute conquerors of the lakes and forests of the New World, occupied in the first period of their social existence the depressed position of a European colony; but the spirit of liberty which had led them to these wild regions and the gifts of a magnificent and fertile nature were sufficient to prepare them for this high destiny. This degraded condition lasted for more than one hundred and fifty years before the time of deliverance came, which was on the 18th day of April, 1775, when the cannons of Lexington called a new-born nation to regenerate the world.

The farmers of the country rose in their might and beat their plowshares that tilled the soil into swords to defend it, and in that memorable struggle they finally proclaimed at Philadelphia the immortal principles of self-government which was supposed to forever drive tyranny from this land and cause every generous heart to beat with joy. At that moment a new national star took its position among the nations of the earth which was destined to outshine them all and to exercise a great moral influence on the world. The mother country at that time was overwhelmed with debt and she wished to transfer a portion of the burden to her colonies and attempted to infringe their rights by the imposition of the celebrated stamp tax in order to pay the expenses of a war that they had been engaged in, as they claimed, for the protection of the colonies, but the colonies refused to bear the expense of a war with which they had nothing to do, or to support a luxurious court, which was equally repugnant to their repose and American simplicity.

A second attempt was made, but with equal firmness the Pilgrim Fathers repelled this attempt to violate their liberties, and England became offended at this unexampled audacity and caused the port of Boston to be closed, and this kindled the flames of war. Then appeared the host of blazing meteors, among whom were Patrick Henry and Josiah Quincy, who illuminated the path of our Revolution, and who have ever since watched in their high spheres over our safety. The war broke the chains of thirteen colonies and offered to an astonished world the most perfect example of self-government ever established on earth. The Declaration of Independence found thirteen States and 3,000,000 people; now there are forty-four States and a population of 63,000,000.

The whole exterior commerce of the Republic in 1780 amounted to about \$8,500,000, now our annual exports exceed \$700,000,000. From this small beginning we have grown to be the greatest nation known to history or that ever occupied a place on this globe. What was the cause of this great revolution at that time? In 1774 Josiah Quincy, in an address to the people of Massachusetts, among other things, said:

Blandishments will not fascinate us, nor will the threats of a halter intimidate, for under God we are determined that whosoever, whensoever, or howsoever we shall be called to make our exit, we will die free men.

In 1775, in the Virginia convention, Patrick Henry, among other things, made that memorable statement so familiar to every school boy—

Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!

Can it be true that these men were slaves and that we are descendants of a race of slaves?

Clearly they were not, but the slavery they referred to was the slavery of taxation. The English Government placed a tariff tax of 3 pence a pound on tea, for certain protection they claimed they rendered the colonies, and this more than any other cause produced the Revolution. Unjust taxation unsheathed the sword of Washington and inspired the pen of Jefferson.

Each year for one hundred and fifteen years we have celebrated the achievements of the fathers in Fourth of July orations, bonfires, and general rejoicing, and yet, when we consider what they accomplished, it was simply successful resistance to unjust taxation. This is what they regarded as liberty, and they were right.

For them and for us and for every people the question of taxation is the supreme question. It means either freedom or slavery. The people who formed this Government realized this great truth, that the power to tax carries with it the power to destroy, and to destroy not only property but, what is a thousand times more valuable, liberty also. And for this reason our fathers firmly and stubbornly resolved that, come what might, death or the dungeon, they would not pay an unjust tax. Their motto was, "Millions for defense, but not one cent for tribute." And now, my countrymen, in heaven's name, I will ask you, if a tax of 3 pence a pound on tea was slavery, what is a tax on all the necessities of life of 62 per cent under the McKinley bill? What consummate fools our forefathers were to engage in a seven-year war about a trifling tax of 3 pence a pound on tea. No, gentlemen, let us not deceive ourselves. Unjust taxation is the antipode of liberty, and in fact is slavery.

Without taxation armies could not be raised and maintained, and without armies the liberties of the people can not be taken from them. It is therefore true that the revenue of a state is the state, and that out of the question of taxation grows the liberties of the state. If our fathers had submitted to unwarranted taxation in their day we would be serving as slaves of England now, and if we fail in our duty in regard to taxation to-day, our children will be serving in slavery to some other nation hereafter.

The very fundamental principle of slavery is that there exists in the government the right to take the labor of one man and give it in benefits to another. The English Government thought for the so-called protection which they had rendered the colonies therefore they had a right to tax our people and transfer their labor to support royalty and a corrupt court.

The Declaration of Independence was a protest against such practices, and the Constitution under which we live was enacted to secure the rights of the people against unlawful and oppressive taxation.

But scarcely was the Constitution ratified before there appeared a difference of opinion among men as to the powers of the United States and of the several States themselves. But in regard to no provision of the Constitution was there such a contrariety of opinion among men as to the power of the Government respecting taxation. The Constitution in plain terms announces the power of Congress in regard to taxation. It declares that "Congress shall have the power to lay and collect taxes,

duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States." This is the grant of power and the limitation as well. The courts of the country, from Maine to California, have held that taxation can only be for public purposes, and the Supreme Court of the United States has repeatedly so held and decided.

Yet, notwithstanding that it has been so held by the highest courts in the land, our political opponents construe the Constitution to mean that they can levy a tax for private purposes also, which they see proper to call a protective tariff, and for the purpose of euphony they say it is for the protection of American labor and to secure a home market to our farmers.

Now, what is this so-called protection? It is simply a penal statute which lays a certain duty on imports so as to require those who need certain goods to purchase them at prices fixed not alone by the laws of supply and demand, but in part by the provisions of the statute itself. This simply means that the Government has a right to tax one class of persons for the benefit of another, and they justify this on the theory that thereby the community at large may be benefited and that in the end each citizen may receive individually some compensation.

But it is perfectly absurd to insist that protection benefits alike all persons residing within the jurisdiction of the statute. The tariff is higher on some articles than on others, so it must of necessity benefit some more than others. Thus those who are enriched by the statute must grow richer and those from whom something is taken must in the end grow poorer. But the constitutional objection to the whole system is that there is no authority in law or good morals for the Government to take one man's labor and give the benefit of it to another.

In a free government every man is entitled to the rewards of his own labor. Slavery once existed in the South, and that slavery was evidenced by the fact that the law gave the wages of the slave to the master. It was slavery according to law. The Government recognized the right of one man to take the fruits of the labor of another, and this was slavery. But we were informed that at the close of the rebellion in 1865 slavery was forever abolished in this country, yet if there still exists in the Government the power to take the reward of the labor of some and give to others without just compensation, then slavery still exists. If, then, under any system of taxation the Government has the right to take by legislation the entire proceeds of the labor of any class of men and give it to another class, the class from whom their wages are taken are absolute slaves, but if only one-half of their wages be taken then they are but one-half slaves, and if one-fourth then they are in slavery but one-fourth of their time.

If the principle be once admitted that the Government has the right to levy a tax solely for the purpose of protecting some particular industry or business or class, then such Government can no longer be free. The charter of our independence declares "that all men are created equal;" that is, they are not equal morally, socially, physically, or mentally, but that all men are equal before the law. If, then, a tax is laid to protect a class, then we are not equal, for no one will insist for a single moment that protection protects all alike. It never can be so, never was, and never will be. The very boast of protection is to protect infant industries, although some of these industries are hoary with age.

If a tax is levied for protection some persons must pay that tax, and some persons receive the benefits of it. It is clearly not the same person who pays the tax that receives it, for this would be simply nonsense. Our protective tariff is in the interest of manufacturers, and therefore they receive the benefits, while the farmers and laborers of the country pay it. It is in the interest of a class and against the masses. It is a violation of the Constitution, which declares that duties and imports shall be uniform throughout the United States; it is subversive of the principle of freedom. The founder of the State of Pennsylvania, a greater thinker than whom never lived, said, "That is a free country where laws rule and where the people are parties to the making of the laws." The people formed the Constitution of this country, and by virtue of that instrument we are assembled here to-day.

It is the measure of our power, and when laws are passed within its provisions the people are parties to such laws, for we were sent here to make laws within the power granted to us.

But if laws are made outside of the provision of the Constitution, then the people are not parties to the making of any such laws. Nor can it be insisted for a single moment that the people themselves, if they were here and could act as we are acting, would pass laws to tax themselves into slavery in order to build up manufactories so that some may become millionaires, and spend their time hobnobbing in Europe with the nobility there.

No, the people of this country think more of their liberties than they do of trade and commerce.

Patrick Henry voiced the sentiment of the people of this

country in the Virginia convention in 1787, when he said, "You are not to inquire how your trade may be increased nor how you are to become a great and powerful nation, but how your liberties are to be secured." Taxation for any other purpose than the maintenance of the Government is, to that extent, slavery. Popular or free government must always rest on the consent of the governed and to secure the continuation of such consent it is necessary that the laws which bind such people together should be just and equitable, securing to all the greatest freedom consistent with civilization. Of all known institutions, free government has been the slowest in its growth. When we reflect on the struggles for personal liberty for three thousand years and look into the heroic conduct of the fathers of the Republic and their efforts in behalf of liberty, we must be persuaded that the attainment of perfect liberty is no easy task.

Such is not the teachings of human experience. If experience teaches any lesson more forcibly than another it is that liberty has cost oceans of blood, rivers of tears, and mountains of treasures. Liberty is vastly more important to us than blazing furnaces manned and operated by a tax ridden-race of slaves, for liberty can only exist as the result of free individual action, energy, and independence. Liberty is essential to human happiness and those who have once enjoyed its heaven-born blessings when truly aroused to its dangers they would rather part with life itself, for where liberty is there slavery can not exist, and what truly brave man would not rather die than remain in bondage? "A day, an hour of liberty is worth a whole eternity of slavery." No address on tariff reform is complete that omits from consideration the question of personal and industrial liberty.

The difference between just and unjust taxation is the difference between freedom and slavery. Our people are free to write, to speak, free to think and to worship; we have a free gospel and a free press, but our people are not free to sell their labor or the product of such labor to whom and where they please, and while these restraints remain we are a free people only in name. There is no question but the Government must have a revenue. No Government can exist without money, and the means the Government employs to get money is called taxation. Taxation is therefore necessary, and against a just tax no good citizen should complain; but in order that a tax may be just it should be uniform and should be necessary for the maintenance of the Government. Under our Government, as held by the judicial power of the States, taxes can only be levied for public purposes, and when the Government goes beyond this the Constitution of our country is violated and the taxpayer has just ground for complaint.

When the citizen feels that more money is collected of him than is necessary for the support of the Government, that extravagance and not economy characterizes public expenditures, that money is collected from him for private purposes and given to private persons who have now more than they can use, and that the taxing power is used to build up certain industries at the expense of others and at the expense of the general public and to make some millionaires and others paupers, the citizen has a right to complain. The true interpretation of our laws is equality. Laws which are unequal and impose burdens upon some in order that others may be benefited; laws which exact a tribute from the labor of others and which grant privileges to certain lines of business or to individuals engaged in certain lines of business and deny such privileges to all others, are unjust and un-American, and they should have no place in our system. Equal rights to all and special privileges to none is the true American system, and any law that violates this principle, no matter under what pretense it secured its enactment, is unjust and in violation of our Constitution and the spirit of our free institutions and the rights of the masses of the people.

As I said before, no good citizen will find any fault with a fair system of taxation. Taxes we must have, if we have government, but these taxes should be fair and just. Every fair system of taxation should look both to the manner of laying burdens and to the purpose for which they are laid. If taxes are to be laid so as to oppress some and favor others, that is not a just system of taxation. If taxes are not laid for public use, but for private benefit, then that is not a just system of taxation. In either case discriminations are made in the treatment of citizens; some are forced by law to pay tribute to others, and thereby the Government becomes a class government. Our present tariff system is gross class legislation. It puts the chief burden of supporting the Federal Government on those who work for their daily bread, and sparingly on those who own the accumulated wealth of the country.

But its greatest iniquity is that it costs those who bear its chief burden three or four times more than the great sum it carries into the Federal Treasury. That is, taxes are not laid for the purpose of getting revenue, enormous as the demands for

revenue now is, but primarily for the purpose of protecting manufacturers by raising the price of what they make to sell to all the rest of the people. This is done by putting a heavy tax or fine, which nearly amounts to prohibition, on all articles brought from abroad that might compete with articles manufactured in this country. To express it in different language, while nine out of ten of our people must take all the chances and all the risks of home and foreign markets, the strongest power of the Government, its power of taxation, is put behind the great manufacturers so that their business may prosper beyond all contingencies and their dividends be piled up no matter how others lack for them. Manufacturers must have a profit, is the shibboleth of the Republican party. For many years past all legislation has been partial to large manufacturers and correspondingly oppressive on the rights of farmers and laborers. To what pernicious extent this system has been carried no language can adequately express.

It can not and will not come to good. Artificial regulations by the Government of this character has never, since the beginning of the world, had any effect but a bad one on the general condition of the society that tried them. It is true that the Republican party insists that they have changed the nature of things and have enriched the masses of the people by the simple process of robbing them of the fruits of their toil. They loudly cry out that the country is a boundless state of prosperity. They get this buncombe inserted in the their platform and then thunder it from every stump on which they speak, and state as proof of what they assert that this is the richest country in the world; that the national wealth exceeds sixty billions of dollars. This last fact is true, but that wealth is not distributed among the people.

The manufacturers are indeed superabundantly rich, and invested, as they are, by the Republican party, with the privilege of plundering their fellow-citizens, why should they not be rich? But for every millionaire they have made they have also made a thousand paupers. If we estimate the prosperity of the country only by the overgrown fortunes of individuals specially favored by law, then Ireland is prosperous as well as America, for they have the same legal machinery in perfect order which makes the rich richer, while it grinds the poor down to the deepest poverty.

There are 800,000 men engaged in railroading in this country. The track hands get \$1.10 a day on an average. I ask, gentlemen, here how can any man support a wife and five children on an average compensation of \$1.10 a day? Taking out rainy days it does not amount to \$250 a year.

Mr. MILLIKEN. Will the gentleman permit a question?

Mr. LANE. Yes, sir.

Mr. MILLIKEN. If the gentleman's proposition is correct, why is it that the laboring men are coming here from Great Britain and all parts of Europe and that in very few instances do manufacturers come? Another question: Does the gentleman believe that there is a tariff tax of \$10 upon any laboring man's suit of clothes?

Mr. LANE. I believe that if there is eighty per cent tariff on woolen goods it is put on for that purpose, and it must necessarily raise the price of the goods that much. The gentleman's second question is an old "chestnut" which has been answered here over and over and over again. The protectionists have tried to take away the credit from the Dicty and to say that everything good in this country is due to the protective tariff. I know it is true that people come here from the Old World to work, and I know also that your protective tariff has brought a great many of them here. That tariff has brought much of the pauper labor of Europe to this country, and if it was not for the tariff you would not have so many immigrants of that class. You put a premium on pauper labor to the injury of the labor of our own people.

Mr. MILLIKEN. If the protective tariff is crushing the laboring men in the way you say it is, how does it come that, as you say also, the protective tariff is bringing workmen here from Europe?

Mr. LANE. Because you are stimulating the market here for the time being, but it must ultimately be clogged. From 1870 to 1880 we had so many industries started in this country that if they had all been run at their full capacity they would have destroyed the entire manufacturing business of the country. But those factories have been closed down, a good many of them, and wages have been cut down one-half. Now, I will ask the gentleman a question. I tell him that these laboring men of whom I have spoken are earning \$1.10 a day, and I ask the gentleman whether he regards that as a fair compensation for a man with a wife and four or five children to support? Yet that is what the railroads are paying all over this country.

Mr. MILLIKEN. Does the gentleman want an answer?

Mr. LANE. Certainly.

Mr. MILLIKEN. I will state that so far as my own State is concerned, there is no good laboring man there who works for \$1.10 a day, and if I had my way no good man should work in this country anywhere for \$1.10 a day: I would rather give him \$3 a day.

A MEMBER on the Democratic side. But your system does not permit it.

Mr. MILLIKEN. One word further. I wish to say this, and it is just as much an established fact as the gentleman's existence is, that to-day the laboring man in the United States is earning more money than he is earning anywhere else on the globe; that he is earning more here to-day than he ever did before, and that he can buy more for the proceeds of his labor than he ever could before.

Mr. LANE. Oh, that has been exploded time and again.

Mr. MILLIKEN. No; it is true.

Mr. LANE. It has been exploded time and again. There is free-trade England that pays more wages than they do in protective Germany. The purpose of a tariff is to raise the price of goods; and when you raise the price of goods you always reduce the price of wages. That is a law as universal as the law of gravitation.

Mr. MILLIKEN. Does my friend think that the tariff raises the price of wool?

Mr. LANE. I say that it raises the price of goods.

Mr. MILLIKEN. Does it raise the price of wool?

Mr. LANE. In some cases it does and in some cases it does not; it depends upon circumstances. But the purpose of a tariff is to raise the price of goods; and when you raise the price of goods you reduce the price of wages. By means of your protected industries you take from the working people one-third of the value of their labor; and when you do that you practically put them in a condition of slavery.

Mr. MILLIKEN. I will simply say to the gentleman that if the laboring men whom he speaks of as being in a condition of slavery were citizens of my district, he could not get one inch toward Congress or any other place of respectability.

Mr. LANE. I speak the truth in saying that when you take from me my wages by law against my will, I am a slave to you. [Applause on the Democratic side.]

Mr. MILLIKEN. The gentleman's remarks may apply to his State; they do not to mine.

Mr. LANE. They apply to yours as well as mine. You deceive your people; that is all; you do not tell them the truth. When any man has a portion of his wages taken from him by law against his will so that he gets no return for that much of his labor, he is to that extent a slave.

Mr. MILLIKEN. I am willing the gentleman should go into the RECORD as saying that the laboring men of this country are "slaves."

Mr. LANE. I say that they are slaves so far as your tariff takes from them the wages of their labor; and you do take from the laboring people one-third of their earnings to give the proceeds to the great monopolies of this country to build up great castles, and whenever you build one castle you make a thousand hovels.

Mr. MILLIKEN. Will the gentleman allow me—

Mr. WILLIAMS of Illinois. I hope my colleague [Mr. LANE] will yield, as the gentleman from Maine [Mr. MILLIKEN] so seldom asks a question. [Laughter.]

Mr. MILLIKEN. Perhaps if my friend from Illinois [Mr. WILLIAMS] asked more questions he would have more wisdom.

Now, I wish to say this to my friend from Illinois [Mr. LANE]: As a matter of course wealth will never be equally distributed, because the gifts of Providence are never distributed with entire equality anywhere. But is not wealth in this country to-day more equally distributed than it is in free-trade Great Britain?

Mr. LANE. That is not the question.

This nation is rich, but the masses of the people are poor. More than \$1,000,000 go daily into the Federal Treasury, and because of the vicious system by which that sum is collected \$4,000,000 go daily into the pockets of rich manufacturers, while millions of industrious, hard-working people find unremunerative the legitimate and proper business in which they are engaged. The wealth of the country is consolidated in the hands of a few. With a population of 62,500,000, one-half of our national wealth is owned by not over 25,000 persons, and this is largely due to unjust tariff laws. Protection builds up classes at the expense of the masses; it takes from one and gives to another.

Mr. McMILLIN. Will the gentleman allow me a moment at this point that I may read what some of the laboring men themselves say about this matter?

Mr. LANE. I am pleased to yield to the gentleman.

Mr. McMILLIN. I had published yesterday in the RECORD a petition of the Kensington Reform Club of Philadelphia, an organization embracing workers in woolen and other fabrics, asking

Congress to pass the free wool bill, which we passed this morning. Among other things they say—

If, as has been asserted in Congress recently, the manufacturers do not need or want a high tariff, and that it is solely for the benefit of labor, which never gets any of them, then there is not the slightest impediment to a mutual agreement for its abolition. But since the gentlemen who make this assertion still oppose a reduction, the workmen, who do not want it either, are certainly justified in praying that these kindly souls may stop their benevolent endeavors to raise wages by law, which they can not do, and set about raising them in the mills, which they can do, and if they will only divide with their workmen that which they usually give to the party machine it will make a perceptible difference in the workers' pay rolls.

[Applause.]

That is what the laboring men say about this question; and I might read a whole page of such comments upon the protective policy which has been pursued.

Mr. MILLIKEN. Now, I hope my friend from Illinois [Mr. LANE] will allow me to put a question to my friend from Tennessee. I would like the gentleman from Tennessee to state the name of the Democratic free-trade reformer who drew up that petition and went around to get some ignorant people to sign it.

Mr. McMILLIN. It is prepared by a club of practical workmen and comes here signed by the secretary of that organization. His name is appended to it. And as my friend from Maine does not seem to be still satisfied with the kind indulgence of my friend from Illinois [Mr. LANE], I will read another paragraph.

Mr. MILLIKEN. I am always glad to hear you read, for you do it so well.

Mr. McMILLIN. But this man talks better than I can read.

Mr. MILLIKEN. Then he must be an exceedingly great man.

Mr. McMILLIN. He says:

The labor in the woolen mills has never been in so depressed a condition as in the past year; the carpet industry was never so demoralized. Wages have been reduced both in a direct way and by the various subterfuges called adjustments, readjustments, and fines, and yet the cost of living has been perceptibly increased until the condition of labor is well-nigh unbearable. Employment has grown more unsteady, many mills working but partial time, some closed entirely, while in others the waiting for warp and filling amounts to a loss of from one-quarter to one-half time.

Mr. MILLIKEN. I know, Mr. Chairman, that it is exceedingly mean for the gentleman from Tennessee and myself to take up so much of the time of my friend from Illinois; but I would like to be permitted to ask the gentleman if he does not know that it is an absolute fact, notwithstanding the reasoning that he gives and his communications, that labor is better employed to-day than it was two years ago, that it was never better paid than it is to-day, and that the people were never buying so much for so little labor as they can buy to-day?

Mr. McMILLIN. I do not know anything of the kind. On the contrary, I show here facts that have not been and can not be controverted; and within less than six months after the bill went into effect—

Mr. MILLIKEN. What bill?

Mr. McMILLIN. The McKinley bill—within less than six months after that bill went into effect, a bill where all was given to the iron industry that they chose to ask, 14,000 employes were on a strike and many others had their wages reduced. I have the evidence here, if the gentleman wants it, and not only that, but the evidence in various other branches of business, showing reductions in wages all along the line, reductions everywhere, but not a single instance of increase.

Mr. MILLIKEN. But my friend knows also that two or three years ago there were many times 14,000 men on strike in this country, and within a much shorter period in free-trade Great Britain there have been strikes which will equal that in magnitude.

Mr. LANE. Well, Mr. Chairman, whether wages are nominally larger in this country than in England—

Mr. BRECKINRIDGE of Kentucky. If my friend from Illinois will allow me a moment—

Mr. LANE. Certainly.

Mr. BRECKINRIDGE of Kentucky. I have the good fortune of knowing the gentleman whose name is signed to this paper to which my friend from Tennessee has just called attention, and after having heard him speak—he is a day laborer, working with his hands in a woolen mill—but excepting the gentleman from Maine there is nobody on this floor who is more intelligent or more captivating as a speaker on this subject than this very person who signs this communication. [Laughter and applause on the Democratic side.]

Mr. MILLIKEN. Well, Mr. Chairman, I have had some very great compliments paid for the few good things in this life, but never so great a compliment as to have the gentleman from Kentucky make a favorable exception as between himself and me.

Mr. LANE. Mr. Chairman, this hydra-headed monster, a protective tariff, existed for nearly five centuries in England in the nature of corn laws. These corn laws restricted exports and imports by a tariff tax, and were passed, as claimed by their

friends, for the purpose of procuring abundance and cheapness. In other words, the same Satanic falsehood was then uttered in regard to the passage of the corn laws that is now stated in regard to the passage of our protective tariff, namely, that it was done for the benefit of the farmers and laborers.

Experience, however, proved that this was not true, but in fact the landholders reaped the benefits of the corn laws, which resulted in a landed aristocracy, and instead of producing abundance and cheapness, as was predicted, they produced destitution and scarcity. This tariff curse was retained in England until it drove thousands of farmers and laborers to seek homes in foreign lands, and others were driven into exile. The poorhouses were crowded and thousands died of actual starvation. History informs us that the poor rates in the city of London alone in 1842 amounted to nearly \$150,000,000. England had her protective tariff, but millions of her children prayed in vain for their daily bread. For ten years active and aggressive measures were used by the people for the repeal of this infamous statute, but to no avail. The Anti-Corn Law League was organized and a letter or paper sent every week to each of its 300,000 members, at a cost of \$5,000 per week. That was truly a campaign of education, the most memorable the world ever beheld, and it brought deliverance to the people.

Parliament, although backed by a heartless aristocracy, could not withstand the piercing cries of the famishing for bread; the torch of the mob lit up the lurid skies and their cries shook the very walls of Parliament itself; so it became necessary to call the assistance of the army, as we are informed in history, to protect the lives of those who had so grievously wronged the people. Sir Robert Peel, some years before this, as the potential head of the English Government, was an advocate of protection, but having been convinced of his error by the arguments of his opponents he gave the English people the cheap loaf, which was the noblest act of his whole official life.

He said of the passage of this measure:

I shall leave a name execrated by every monopolist, who from less honorable motives clamors for protection because it conduces to his own individual benefit, but it may be that I shall leave a name sometimes remembered with the expressions of good will in the abode of those whose lot it is to labor and to earn their daily bread by the sweat of their brow, when they shall recollect their exhausted strength with abundant and untaxed food, the sweeter because it is no longer leavened by the sense of injustice.

The repeal of the corn laws was the grandest victory for the laboring classes that has occurred in any age of the world's history. It was grand because it was bloodless and the result of pure reason. The argument of starvation had a logic that could not be resisted. During the time of the corn laws Lord Macaulay, in his History of England, says that—

The price of the necessities of life, of shoes, of ale, of oatmeal rose fast. The laborer found that the bit of metal which, when he received it, was called a shilling, would hardly, when he purchased a pot of beer or a loaf of rye bread, go as far as a sixpence.

No wonder there was starvation and wretchedness among the farming and laboring classes in England at that time, for the corn laws struck directly at the daily toilers for daily bread and aggrandized the wealth of the landed proprietors in England, while protection in this country enriches the manufacturers. The repeal of the corn laws doubled the wealth of England and enlarged her borders. Liberty of trade annexed to her soil the entire world, and the people of England are to-day luxuriating in the consumption of untaxed wheat from India, untaxed corn from the Mississippi Valley, and other untaxed food products from all parts of the civilized globe, and England has in turn blessed mankind by making her markets free to the world.

The laws of God are always wiser than the laws of man. It is perfectly evident that the various human races were not created to live in isolation and to depend upon themselves for subsistence. Shall the inhabitants of Arabia, Java, and Brazil live on coffee alone, the inhabitants of China on tea, and the Cuban on sugar, while the resident of Illinois and Iowa is to live on wheat and corn, and the dweller of California and Florida are to subsist on tropical fruits? If so, what means the great oceans, seas, and rivers, the highways of nations, for what were they created? Why can the free winds of heaven be used to transport the product of one clime to that of another, to bless and enrich both the exporter and importer?

Is it true that the laws of trade are without meaning and a violation of the laws of nature? If not, then why should trade be restrained or prohibited? If one man living in one country desires to exchange the fruit of his labors with a person living in another what right has the Government to levy a fine or tax on such persons? Where is the authority? It is true that in the eighth century the Moorish pirates exacted a tariff at the mouth of the cannon from all ships passing through the Strait of Gibraltar, which was then regarded as robbery, but what authority is there that we should allow it in the enlightened last quarter of the eighteenth century? What law writer of

distinction or eminence on national or international law holds that the General Government has the power to tax one of its citizens and give it in benefits to another? Can a government that will do this be called free, wise, or frugal?

Thomas Jefferson, nearly a century ago, in his inaugural address to Congress, said of this Government:

A wise and frugal government is one which restrains men from injuring one another and shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

This is democratic, and to it I fully and freely subscribe. I believe that no enduring progress or real civilization can be built on any other governmental foundation than that laid down by Mr. Jefferson, being the true basis of liberty and justice.

No lesson is more impressively taught by the ages of human history than that when a government intermeddles in the private business of the citizen, this leads to a subversion of liberty. I have no faith in any theory of government that prevents the citizen from pursuing the bent of his own inclinations and receiving the reward of his own labor. In the shadow of paternalism liberty has ever withered, freedom has been a fugitive, and civilization in the end a glorious failure. There is no justice in a law that takes the earnings of one man and gives it in benefits to another. Now, is there any constitutional authority for such a law under our form of government?

Justice requires that you should not place the burdens of one man on the shoulders of another, even though he is better able to bear them. If this rule be once disregarded it simply reduces politics to a universal scramble in which the most selfish will have the most success. It turns might into right, and proclaims that each man may rightfully possess whatever he can vote into his pocket. Justice is as strictly due between political parties as between individuals. A man is as much a robber when he plunders with his party in passing unjust laws to acquire the property of others as if he had acquired that property by theft, and a party that makes unjust laws to benefit themselves by taking the property of others without consideration can not be justified.

To be more explicit I will quote the very language of the Supreme Court of the United States in a late case before that tribunal where they say:

To lay with one hand the power of the Government on the property of the citizen and with the other bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation, it is a decree under legislative form, nor is it taxation; beyond a cavil there can be no lawful taxation which is not laid for public purposes.

This is the true Democratic doctrine, and is in perfect harmony with the views of Gen. Jackson when he said:

Congress has no right under the Constitution to take money from the people unless it be required to execute some one of the specific powers intrusted to the Government, and if they raise more money than is necessary for such purposes it is an abuse of the power of taxation and unjust and oppressive.

Mr. Chairman, I am not attacking the protective system because the duty may be too high on one article or too low on another, but I assail the system because it is a crime against organized society and a wrong to every farmer and laborer in this country. Mr. Blaine said that the McKinley bill did not open a new market for another barrel of pork or a bushel of wheat to the farmers of this country, and what is true of the McKinley bill is equally true of all other tariff bills. That is not the object of a protective tariff. The object of all protective tariffs is to raise the price of goods, and this it always does. If this is not the purpose, there can be no other.

The fact that some goods can be purchased now cheaper than they could a few years ago is in no manner due to a protective tariff, as the Republican party would have us believe. Cheapness is rather due to competition and the use of improved machinery than to the tariff. Not many years ago it required a man two days to make a pair of boots; now with machinery he can make twenty pairs a day, and this is true of many other branches of industry. Nor does the tariff raise the price of labor. As the price of goods advances the price of labor declines, for the cost of living is thereby increased to the laborer. This law is as universal as the law of gravitation.

Nor is the prosperity of the farmer of this country due to our protective system, as claimed by the advocates of protection. To so insist is blasphemy against Heaven.

Whatever happiness our farmers possess is not due to a tariff, but rather to a virgin soil, a salubrious climate, generous rains, and their own manly exertions. There is nothing just in a protective tariff.

I attack the system as being unsound in principle, iniquitous in its operations, and subversive of personal liberty. The Democratic contention is that to lay a tariff or tax on imports except for the purpose of raising a needed revenue to defray the expense of the Government economically administered is at once

unconstitutional, unwise, unjust, indefensible, and destructive of personal liberty; while on the other hand the Republican party insists on the exact reverse, insisting that the Government may not only levy a tax with reference to revenue, but may also lay a tax to protect home industries as well. The Democratic party insist that the inevitable result of a tariff levied for the purpose of protection is to exact tribute of the many for the benefit of the few, and the direct tendency of the whole system is to found and foster monopoly, to make the rich richer and the poor poorer, and that these results are the legitimate outgrowth of the system, and that, this being so, the whole system should be destroyed.

The protective system must necessarily be unjust. Why should one man in one trade be taxed to give it to another man in another trade? Why should one man be compelled to pay a bounty to his neighbor when his neighbor pays no bounty to him? And if his neighbor does pay an equal bounty to him, where is the benefit? The blacksmith gives a dollar a year to the carpenter to foster the carpenter trade, and the carpenter responds with a dollar a year to foster the blacksmith trade. Where is the gain, where is the sense? It is not obvious that a tax to be protective must be unjust; it must take from one class to give to another without return.

That is what protection means, that is what bounties signify. When the protective system was first proposed in this country it seemed an entirely simple and fair proposition that when a little assistance was asked in behalf of a new industry struggling for existence in a new country, such assistance to come from all the citizens of the Republic, it ought readily to be given, if thereby it was possible to aid that industry to establish itself and produce a new activity through the development of our material resources. But when we examine this proposition we discover that the class which receive such assistance are made up of individuals or of private corporations; that their enterprises consist of industries in the management of which the personal profit of the owner is the definite and prevailing motive not the public good; that the contribution which furthers these industries is a public contribution. The assumed object as claimed by the Republican party is the public welfare, but the motive which actuates the individual and the private corporation engaged in the fostered industry is not necessarily patriotic, whatever the pretense may be to the contrary. It is essentially a motive of self-interest, and the enterprises are enterprises which are embarked in for gain. There are none of the protected industries carried on in this country for disinterested patriotism.

The irresistible tendency of the owners of private interests which derive assistance from contributions from the general public is a tendency to lean upon the support received and, as far as possible, to perpetuate that support even to corrupting the voter by returning to him for his vote a part of the money of which he was robbed by this so-called protective system. We find, further, that the different members of the protected classes, varied as their special industrial aims are, that as recipients of Government aid they all possess a common purpose in seeking this assistance, and therefore there is an inherent tendency among them towards political consolidation, so they have grown each year more coherent, more organized, more united, and therefore more difficult to deal with by the people who are not thus held together by the cohesive power of public plunder.

The Republican party proclaims that the permanent well-being of the nation rests upon our protective system, and that this is not an expedient or a policy, but a principle. It is under this delusion or pretense that the emotional and sentimental statesmen of that party hide the question of personal liberty under the vague political generalities which deal only with the material prosperity of the country by an array of figures which shows the total of the nation's wealth and growth and which conceals the misdistribution of the wealth, a misdistribution by which the industries of a part of the citizens are depressed in order that the industries of a class may be overstimulated. This so-called protective system is the leprosy of our age, which if not staid will ultimately destroy our liberties. Our system of government should have no higher or nobler mission than to multiply the number of happy homes in this country. The strength of this nation is in the happy and well-ordered homes of our people.

The home is the best security for civilization, and upon properly appointed and becoming homes depends more than anything else the improvement of mankind; such homes are the nursery of all domestic virtues, and without becoming homes the exercise of those virtues are impossible. Many wealthy and luxuriant homes we have in this country. Some of them surpassing in their embellishments the palaces of kings; their owners toil not neither do they spin, yet Solomon in all his glory never lived as well as our uncrowned tariff barons. But how about the homes of a great majority of the common people; go if you will to the great Northwest, the garden spot of the world, there you will find a soil more productive than the Delta of the Nile, a sun

brighter than ever rose on Italy, a climate more genial than ever gladdened the Orient, and this soil with the least touch of the plow will yield a most abundant harvest, and yet in the homes in that section of the country poverty sits by the cradle, not because of idleness, intemperance, or carelessness, but because of our protective system, which takes from the mouth of labor the bread it has earned.

The iniquitous protective system should be abandoned or our industrial and personal liberties are gone. Let us hope that it will pass away while there still lingers some pretensions to patriotism, and while there is still some chance that the Constitution of our country can be preserved.

Why should this country, the proud child of liberty, forget its mission and engage itself exclusively in building private fortunes for the few, while it enslaves the masses?

The liberty for which our Pilgrim Fathers were willing to die, the liberty from unjust taxation, is what the Democratic party demands. Take the taxes from our goods and wherever there is a sea there will be our flag and wherever there is a port there will be our commerce. In such commerce there will not only be liberty and riches but also the more just distribution of wealth. Out of the destruction of the iniquitous tariff system there will come to all people a prosperity, a civilization and manhood now to us unknown, and the flag of our country will stand for the equal rights of all men, for liberty, for law, for right and justice, and freedom will be established in all this land. [Applause.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the samples of tin plate which I presented here to-day are not what the gentleman said they were, imported from some foreign country. Now, my good-looking friend from Ohio who stands in the aisle [Mr. OUTHWAITE] has a pretty fair acquaintance in Ohio, and I have no doubt that he is acquainted with the firm of Wallace, Banfield & Co., in Eastern Ohio.

Mr. OUTHWAITE. No, but I am acquainted with one in Piqua, Ohio, that made tin plate during the last campaign by dipping sheet iron into hot lead.

Mr. BURROWS. Let us see whether that is so or not.

Mr. JOSEPH D. TAYLOR. That is not true in this case. This Mr. Banfield is a member of a firm that made tin plate in Demmler, Pa., away back in 1872 or 1873. I do not remember the exact date. I have talked with him since he came to Ohio and he gave me his experience in Pennsylvania. He said that the best quality of charcoal tin plate, at the time they began to build the factory at Demmler, was worth about \$14 a box, and that before they entirely abandoned the industry the importers of tin plate had reduced the price to \$5 per box on the very best quality of charcoal tin plate.

Mr. OUTHWAITE. Will the gentleman permit a question right at that point?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. OUTHWAITE. Had not tin plate been reduced more in England at that time than it had been in this country?

Mr. JOSEPH D. TAYLOR. Perhaps they had to reduce it there when they reduced the price here. I do not know as to that.

Mr. OUTHWAITE. But had it not been reduced in price by virtue of improved methods of manufacture?

Mr. JOSEPH D. TAYLOR. I know that after they quit making tin plate in this country the price of that same kind of tin plate went up to eight or nine dollars per box.

Mr. OUTHWAITE. And you also know that it went down again in the due course of the market.

Mr. BURROWS. Whenever we attempted to make it.

Mr. JOSEPH D. TAYLOR. Whenever we attempted to make tin plate the tin-plate syndicate put the price down. That is the reason and the only reason why the men who were making tin plate in Ohio and Pennsylvania quit the business. Their business was crushed out by the English manufacturers, and when the price went so low as \$5 per box our people had to quit, and the fires had scarcely gone out of the American tin plate mills when the prices were put up.

Mr. OUTHWAITE. Right here let me say to you that that is incorrect, and that tin plate went down no more than the constituent elements and the labor in it.

Mr. JOSEPH D. TAYLOR. Do you believe that?

Mr. OUTHWAITE. I know it; and that iron throughout the world went down at the same time. You claim that tin plate went up again when it suited these people. It only went up as iron went up or as steel went up.

Mr. BURROWS. Oh, no.

Mr. JOSEPH D. TAYLOR. Now, Mr. Chairman, men of character and integrity, and men who are not partisans, at Wells-ville, Ohio, and at Demmler, Pa., engaged in the manufacture of tin plate in good faith, I think in 1873. They had tin-plate mills at both places, and they made tin plate. They made as

good tin plate as any that was then imported into this country, as was shown by a committee that investigated the tin plate at that time. They went along struggling against a reduction from time to time in the price of tin plate, and were also embarrassed by the decision of the Secretary of the Treasury, which resulted in admitting foreign tin plate at a lower price than the law had provided as it had been understood. They went on from year to year, but the price of imported tin plate continued to fall and they were compelled to abandon the industry.

Mr. Banfield came to Ohio and with others bought one of the largest rolling-mills on the Ohio River. They have been there many years making sheet-iron; and they make the best kind of Russia iron, so called, made in this country. When the McKinley bill became a law, they began at once to prepare for the manufacturing of tin plate. They bought machinery, put up buildings, and have been making arrangements to make tin plate. Although I have not been very familiar with the progress they have been making, I have been advised from time to time that they were making every preparation to make tin plate. They are now making 120 boxes of tin plate per day.

That is what these gentlemen tell me. I had a letter from this firm last week and they stated in the letter how many boxes of tin plate they are now making and how many they are preparing to make, and they state that they will soon increase the number, that they will soon make a greater number of boxes than they are making now. There is no humbug about this matter. For years and years they have been making galvanized iron along the Ohio River, and it is nearly as difficult a matter to make galvanized iron as it is to make tin plate. It costs a great deal of money to make a single mixture, and if the mixture in which the iron is dipped is not just what it ought to be there is always a total loss.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. BUTLER. I want to be sure how you get at your figures. You say they are making 120 boxes of tin plate a day.

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. BUTLER. Two hours ago you said they were making 240 boxes a day. Now, I do not know which is right.

Mr. MILLIKEN. He said the same thing.

Mr. BUTLER. Well, he said 240 boxes, as the notes of the reporter will show.

Mr. JOSEPH D. TAYLOR. I will tell you in a minute. I was not expecting that this tin-plate matter would come up here to-day. [Laughter.]

Mr. OUTHWAITE. You brought it up.

Mr. JOSEPH D. TAYLOR. I have a lettersomewhere giving me the facts in regard to the quantity of tin plate which they make per day, but I have left it at my hotel and can not refer to it just now. The tin-plate matter was not brought up by me. The gentleman from West Virginia [Mr. WILSON] in his eloquent address ridiculed the making of tin plate in this country as a matter of moonshine, and I produced the samples of tin plate which had been sent me by Messrs. Wallace, Banfield & Co., and hence I have given the number of boxes from memory.

Mr. BURROWS. Do you mean 120?

Mr. JOSEPH D. TAYLOR. I mean 120. That is my recollection of the number.

Mr. BURROWS. You said 20.

Mr. JOSEPH D. TAYLOR. They describe it in the letter. I may be mistaken as to the number and have spoken to the Reporter about making the correction in case I find that I am wrong. I have the letter, and I am sure that the number is not less than 120, and I have already given these figures to the Reporter, as I would rather be under than over. At the time I interrupted Mr. WILSON I did so without a moment's thought; and I now think that I then stated the number too high. My recollection now is that the number is 120 boxes.

Mr. SCOTT. Will the gentleman permit me to ask him a question?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. SCOTT. Does this letter which you say you have state whether these were the tin plates which you have heard were made by Maj. McKinley at Piqua during the Ohio campaign?

Mr. JOSEPH D. TAYLOR. I will answer the gentleman when he asks me a proper question. This is no joke.

Mr. BUCHANAN of New Jersey. Where is that factory that you are speaking about?

Mr. JOSEPH D. TAYLOR. At Irondale, Jefferson County, Ohio, a short distance from the city of Steubenville. It is in my district, and Wells-ville, Ohio, where they made tin plate in 1873 or 1874 is also in my district.

Mr. BUCHANAN of New Jersey. What is the name of this firm guilty of the great crime of making tin plate in these United States?

Mr. JOSEPH D. TAYLOR. Messrs. Wallace, Banfield & Co. They are men of large means, and have been engaged in manufacturing for many years, and are well known in Eastern Ohio and in many other parts of the country.

Mr. BUCHANAN of New Jersey. Do you not think they ought to be banished for introducing an English manufacture in this country?

Mr. JOSEPH D. TAYLOR. I have no doubt some of the gentlemen here think they ought to be. I called the attention of the gentleman from West Virginia to the firm, because I knew he must know these men by reputation. They are well known in Wheeling and Pittsburg, Cincinnati and elsewhere.

Mr. SCOTT. Are these tin plates that you speak about those that were made by Maj. McKinley at Piqua during his campaign for governor?

Mr. JOSEPH D. TAYLOR. Do you ever use a tin pail or a bucket?

Mr. SCOTT. No; I use a gourd.

Mr. JOSEPH D. TAYLOR. I expect you do. [Laughter.]

I can not understand, Mr. Chairman, for my life, why it is that these gentlemen insist over and over again that we are not manufacturing tin plate in this country. They really think that it is a mere electioneering dodge, something to bolster up the McKinley bill. We make almost everything else in the world. We make the best watches in the world, and watchmaking has always been regarded an intricate industry. We make a good many things in this country that are difficult, and I wish to say to these gentlemen that if they have any doubt about this matter here is the address of the firm on this envelope I hold in my hand. This is the envelope in which these specimens of tin plate were sent. I will give it to any gentleman, and he can write out there to the common pleas judge, or to the probate judge of that county, or to some Democrat.

My friend from Columbus [Mr. OUTHWAITE] can give you the names of a good many Democrats out there, and Mr. McConville, who is now in Washington, is one of the most prominent Democrats in Ohio; he lives in that county, and although he is a Democrat, he will tell you that they are making tin plate at Irondale, Jefferson County, Ohio. I refer you to Mr. McConville. He lives in this city, and is here now.

Mr. SIMPSON. Will the gentleman yield to me for a question?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. SIMPSON. The gentleman, I understand, is very well posted upon the tin-plate question, and therefore I will ask him if he knows where the tin deposits are in this country and who owns them?

Mr. JOSEPH D. TAYLOR. I did not say anything about tin deposits. Tin is on the free list, just where the Democrats want to put wool. They import tin into Wales and make tin plate, and I do not see any objection to our importing it into this country and making tin plate here.

Mr. SIMPSON. But I understand that the tariff is intended to protect the tin-producing and tin-manufacturing interests, the men who mine the tin as well as the manufacturers. Is not that so?

Mr. JOSEPH D. TAYLOR. No, sir; this duty was simply put on to protect the men that make the tin plate in this country. It is like the wool bill, it has no compensatory duty on it, and I suppose that tin plate in the McKinley bill is about in the position where the Democrats put wool in the Springer free-wool bill.

Mr. SIMPSON. Then I understand that pig tin is on the free list, put there by the McKinley bill; now, is not that against the interests of the men who mine tin in this country?

Mr. JOSEPH D. TAYLOR. We are not sure how much tin there is in this country. If we can make the tin plate that we use in this country, we shall build up a great industry and keep at home twenty-five or thirty million dollars a year. Does not the gentleman think that would be a good thing?

Mr. SIMPSON. I have understood that all the tin deposits of this country, so far as discovered, are owned by an English syndicate.

Mr. JOSEPH D. TAYLOR. Oh, you do not know whether that is so or not.

Mr. SIMPSON. I am credibly informed that that is the fact, and the gentleman being well posted upon this tin question, I have come to him for information.

Mr. JOSEPH D. TAYLOR. I do not know anything about that. I have heard such statements made in regard to almost every industry in this country, that they are controlled by syndicates or a trust or something of that kind.

Mr. OUTHWAITE. I know it is true as to the Harney's Peak tin mines, that the stock is owned by an English syndicate.

Mr. MILLIKEN. If the tin deposits in this country are owned by an English syndicate, inasmuch as there is no duty on pig tin, it is evident that that syndicate is not protected.

Mr. OUTHWAITE. When does the duty upon tin begin under the McKinley bill?

Mr. BUCHANAN of New Jersey. July 1, 1893.

Mr. SIMPSON. Inasmuch as the tariff is for the protection of American labor, one would think the framers of the tariff bill would protect the tin miners as well as the tin-plate makers.

Mr. JOSEPH D. TAYLOR. If we find after awhile that the tin miners need protection we will protect them. The Republican party stands always ready to do what is right. The Republican party is not wedded to free trade or to any other hide-bound policy. The Republican party has controlled this country for a quarter of a century, and has controlled it in such a way that we have grown more in wealth and have had greater prosperity during Republican rule than ever before.

We have accumulated more wealth in the last thirty years than we did in the last three hundred years, including the period of Democratic control.

Mr. SIMPSON. Does the gentleman count the two billions and a half of mortgages on the farms and homes of the United States as evidence of that progress?

Mr. JOSEPH D. TAYLOR. There are not near so many mortgages on the homes and farms as there were when I was a boy. [Laughter.]

Mr. SIMPSON. I am afraid the census returns will not bear out that statement.

Mr. JOSEPH D. TAYLOR. I can remember very well when I was a boy that the neighbors used to gather around my father's fireside and talk about their mortgages and debts. He did a good deal of business, and it was a very common occurrence for them to come there and talk about such matters. There was more poverty among the people, more property sold by the sheriff, more suffering and want in those days than I have ever seen since. Eggs sold at 4 cents a dozen, oats at 12½ cents a bushel, corn at 25 cents, wheat at 37½ cents, and vegetables would not sell at all.

When I was a boy we hauled wheat to the canal, a distance of 40 miles, and sold our wheat at 37½ cents a bushel, and I can remember the time when there was absolutely no market at all for wheat. I know that my father had a very large crop of wheat, several hundred bushels, and was absolutely unable to sell it at any price, and many farmers let their wheat rot in the field. It was the same with apples and potatoes; there was absolutely no market for them. We had two large orchards on my father's farm, very good ones, too, and I remember that at one time we picked one hundred barrels of splendid apples, the choicest that we could select, and put them in new, clean barrels, but we could not sell them anywhere, and those apples rotted. I think a few of them were used in making vinegar.

A MEMBER. Why didn't you eat them? [Laughter.]

Another MEMBER. Why didn't you make cider of them? [Laughter.]

Mr. JOSEPH D. TAYLOR. There was no market whatever for them. Do not talk to me about mortgages and debts. In that part of the country at that time everybody was in debt. When a man went to church on Sunday he often went in his shirt sleeves. [Laughter.] He and his wife would ride the same horse and sometimes carry one or two of the children. I have no sort of patience with this talk about the depression of agriculture as compared with the times when we had a revenue tariff. The farmers are having a hard time, and I think they will have a harder time when wool is on the free list. But they are not having as hard a time as they had thirty or forty years ago when the Democratic party was in power. I remember too well the sad condition of the country under Democratic rule.

Mr. Chairman, these older men who lived in the rural districts know that I am telling the truth. The farmers know it. The farmers now have carriages, spring wagons, carpeted floors, papered walls, comfortable homes, comfortable clothing, and a thousand conveniences and comforts which they did not have then.

There was not a young man in my neighborhood who had a good overcoat before he was 21 years of age. The first one I ever had I bought when I was about that age; and I bought that on credit. At that time everything was bought on credit, and debts and wages were paid by orders to the stores.

Mr. BUTLER. The gentleman will allow me to make a little correction. I said that the gentleman two hours ago had stated there were 240 boxes of tin made each day, and that later he stated the number at 120. I have since examined the reporter's notes, and I find that he said 210, not 240. I can easily see that in the reading "120" he may have accidentally transposed the figures into 210, and thus fallen into the error.

Mr. MALLORY. I would like to put a question to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR]. He certainly has been very amiable and generous in yielding to these inquiries with which gentlemen have badgered him. [Laughter.] He has shown no disposition to become irritated, although some of the questions, I think, were not pertinent. Now, I would like to ask him a ques-

tion pertinent to the bill. I ask it for information; for no other purpose. Can the gentleman tell me how much revenue has been brought into the country by the tariff on cotton-ties since the McKinley bill has been in operation?

Mr. JOSEPH D. TAYLOR. I am not discussing cotton-ties. [Laughter.] I only know that in my country we use this same kind of iron for bands or hoops on buckets, tubs, barrels, etc., and my objection to the bill is that you propose that all of this iron which is used by the planter in baling cotton shall be put on the free list, while you propose to leave the tariff upon the same kind of iron when used for baling hay and making hoops for barrels, buckets, etc. I complain of that. I do not think it fair.

Mr. McRAE. That can be corrected by an amendment. Will you vote to add to the free list the kind of iron you have just mentioned?

Mr. JOSEPH D. TAYLOR. No, sir. I believe it ought to be made in America.

Mr. BURROWS. And you will not vote for this bill?

Mr. JOSEPH D. TAYLOR. No, sir. I will not.

Mr. McRAE. What the gentleman complains of, then, is no fault of this bill.

Mr. JOSEPH D. TAYLOR. I had no objection to the other bill so far as the protection of woolen goods were concerned. My objection was to putting wool on the free list. I am against free trade in any shape or form.

Mr. BUCHANAN of New Jersey. Is it possible that this Ways and Means Committee has reported a bill to put cotton-ties on the free list while the hoops which encircle the washerwoman's washtub must still pay duty? [Laughter.]

Mr. JOSEPH D. TAYLOR. Certainly; that is just what they are proposing to do.

Mr. OUTHWAITE. Can not the manufacturers of tubs, buckets, and other articles which my colleague has mentioned use for their purpose the same kind of iron which we propose to put on the free list? Can not the material which is used for baling cotton be used for baling hay?

Mr. JOSEPH D. TAYLOR. No; my colleague knows it can not. He knows that cotton-ties come in certain given lengths; they are prepared in a certain way, which entitles them to the name of cotton-ties. And in the McKinley bill the tariff on cotton-ties is different from what it is on these other kinds of iron. The cotton-tie is a kind of completed iron band.

Mr. OUTHWAITE. This iron is made of a certain thickness, a certain width, a certain length; and it could be used for baling hay if it can be used for baling cotton.

Mr. JOSEPH D. TAYLOR. The fact of its being cut into given lengths adapts it to use in baling cotton and renders it unsuitable for baling hay or for making hoops for barrels, tubs, or anything else for the farmer's use, as the gentleman very well knows.

But, Mr. Chairman, I did not rise for the purpose of indulging in this discussion. I rose for the purpose of satisfying my friend from Iowa that as a matter of fact this piece of tin which I hold in my hand was made in Ohio, in my district. There are half a dozen other samples here. I have given the name of the firm which made this tin plate; I have given references also—Democratic references; I have furnished every opportunity for inquiry; and if my Democratic friends would look into this matter it would be a most delightful inquiry. I think the result would surprise them; but I do not know whether they will be in a frame of mind to do this before the election or not.

A gentleman from the other side of the House came over to me awhile ago and took a seat by my side and in a low tone of voice inquired whether as a matter of fact this tin plate was made in this country. I will not name him, but he is a Democrat and a friend of mine. He was perfectly honest in making the inquiry. He took a seat by my side and confidentially asked me whether it was made here or whether it was imported. He says, "Do they really make the iron out there and roll it into sheets and make the tin plate out of it?" [Laughter.] He wanted to know seriously whether there was not some deception about it.

Mr. ENLOE. Do you call this tin plate? [Holding up Mr. JOSEPH D. TAYLOR's sample.] [Laughter.]

Mr. JOSEPH D. TAYLOR. Why, certainly that is tin plate. Do you not recognize it?

Mr. BOUTELLE. Mr. Chairman, if my friend from Ohio will permit me to reinforce what he says by a citation, I will read a little article from the Baltimore American of date April 3.

Mr. JOSEPH D. TAYLOR. Certainly; I yield to my friend from Maine.

Mr. BOUTELLE. It says:

TIN MILL'S FIRST TURN—ITS Ponderous and intricate machinery tested—a success from the very start—THE MANUFACTURE OF PLATES WILL BEGIN ON THURSDAY NEXT—AN OLD AND EXPERIENCED HAND ITS DIRECTING GENIUS—INJURED IN A FIRE—COURT PROCEEDINGS. The machinery in the new tin-plate mill of Coates & Co., Beason and Andre streets, Locust Point, was started and tested yesterday morning at five min-

utes past 9 o'clock, as indicated in the American, by Mr. Charles Reeder, the builder, and ran for more than an hour, proving a great success. At last Baltimore is about to manufacture her own tin plate, and demonstrate at the same time that she can give employment to a large number of people who, while the tinware manufacturers had to buy their tin plate in Wales, had nothing to do.

There were quite a number of persons present to witness the starting of the mammoth and complicated machinery, some of whom were good judges of that kind of plant, and they were emphatic in their assertions that the machinery was far better than any they had ever seen in the great tin-plate manufactories of Wales.

Mr. SIMPSON. Mr. Chairman, I ask unanimous consent that the gentleman from Maine be permitted to print his remarks in the RECORD.

Mr. JOSEPH D. TAYLOR. I yielded to the gentleman from Maine.

Mr. BOUTELLE. I believe I am not indebted to the courtesy of the gentleman from Kansas for the opportunity of occupying the floor. This article then goes on:

Mr. J. R. Davis, who designed all the machinery at the mill of Coates & Co., and has superintended the entire work of placing the immense plant, said yesterday that he expected to be rolling tin plate by the yard not later than next Thursday.

Mr. Davis expects to have some experts in tin-plate making under his supervision, and with that end in view will go to Virginia on Tuesday for his men, who are in that State doing temporary work and awaiting orders to come to Baltimore. Mr. Davis is one of the most experienced men in his particular line, and has seen the making of the plate in all its forms and made it a deep study.

Since the Messrs. Coates undertook their present stupendous task, and which promises such a successful culmination, Mr. Davis has been their right-hand man. His varied experience in the great mills of Wales has been of vast use to him and his employers here. For more than fifteen years Mr. Davis was connected with Maj. P. S. Phillips, of Glamorganshire, Wales, the owner of forty-two mills, that daily roll out thousands of sheets of tin plate, and for over ten years he had been with various other English and Welsh firms in the same line.

There is an item of intelligence. Of course it will not be accepted by the Democratic party because it is intelligence [laughter], but it is the current news from a neighboring city within a very few miles of the national capital.

Mr. CASTLE. Will the gentleman permit me a question? I would like to ask him where the laborers are going to come from that are to be employed in that mill?

Mr. BOUTELLE. I can not give you the information.

Mr. JOSEPH D. TAYLOR. Now, Mr. Chairman, I wish to finish what I have to say on this question.

Mr. MILLIKEN. If I can be permitted to answer the question just propounded in reference to these laborers I will say that they will come from the Caucasian race.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the matter to which the gentleman from Maine has just referred reminds me that the president of the Iron and Steel Roofing Association, which has a factory in my own town and another in Chattanooga, Tenn., told me very recently that he had made an arrangement with some firm in Pennsylvania which is to furnish American tin in large sizes for roofing purposes. He said that he had made that sort of an arrangement, and that they were going to use much more tin for roofing than formerly. Heretofore they have been using iron and steel to a large extent. That looks like making tin in the United States, the dire predictions of the gentlemen on the other side to the contrary notwithstanding.

Mr. CASTLE. At what cost? Will the gentleman from Maine who has just referred to a newspaper article in reference to the tin-plate establishment in Baltimore have the goodness to inform us what additional amount of expense, to that already imposed on account of the McKinley bill, this tin is to prove to the people of the United States?

Mr. BOUTELLE. It is to cost them no more than it costs them now. How much has the price gone up? Can the gentleman show an instance where it has been increased?

Mr. CASTLE. Yes, sir; I can give you a hundred instances.

Mr. BOUTELLE. Just give one, if you please.

Mr. CASTLE. I will give you ten or a hundred articles, if the gentleman really desires it, where the price is raised 25 per cent.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I understand that it is the desire of a number of gentlemen that the committee rise, and I will reserve the remainder of my time to be used hereafter.

Mr. ENGLISH. Mr. Chairman, I oppose this bill merely because of two items it contains.

Mr. BURROWS. Will the gentleman from New Jersey give way for a motion that the committee rise, as it is now quite late?

Mr. ENGLISH. I will yield for that motion, as I would greatly prefer to proceed in the morning.

Mr. BURROWS. Mr. Chairman, the gentleman from New Jersey desires to address the committee in opposition to the bill. It is now 5 o'clock, and I trust the gentleman from Georgia will move that the committee rise, that we may proceed to-morrow when the members are present in larger numbers than now.

Mr. TURNER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPERRY, until Thursday of next week, on account of important business.

To Mr. CAUSEY, for five days, on account of death in his family.

To Mr. HARTER, for one week, on account of important business.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WHEELER of Alabama. Mr. Speaker, before the House went into the Committee of the Whole I offered a resolution upon a subject affecting the dignity of this House. By direction of the Chair I reduced the resolution to writing, and while doing so the House went into committee. I now offer the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That for the dignity and good name of the House of Representatives the language of the gentleman from Kansas, Mr. FUNSTON, which in any way referred to a woman, or in any manner connected a woman or the word "woman" or "lady" with his remarks, be not permitted to appear in the RECORD.

Mr. WHEELER of Alabama. Mr. Speaker—

Mr. BURROWS. Mr. Speaker, I trust the gentleman from Alabama will withhold action upon that resolution, for I am assured by the gentleman from Kansas [Mr. FUNSTON] that in revising his remarks everything that can in any way be criticised will be eliminated, so that it will be all right.

Mr. WHEELER of Alabama. With that assurance—

Mr. BURROWS. Oh, there is no doubt about it.

Mr. WHEELER of Alabama. I am willing that no action should be taken upon the resolution with that understanding, but I think the dignity of the House requires that the resolution should go into the RECORD.

Mr. BURROWS. Very well; let it lie over until after the remarks appear.

Mr. McMILLIN. Until the RECORD comes out.

Mr. WHEELER of Alabama. I am willing to do that.

Mr. McMILLIN. Without seeking to take the gentleman from Alabama off the floor, I move that the House do now adjourn.

The SPEAKER. Pending the consideration of the resolution, the gentleman from Tennessee [Mr. McMILLIN] moves that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COBB of Missouri, from the Committee on War Claims: A resolution referring the bill (H. R. 7547) for the relief of the legal representatives of Zachariah J. White, deceased. (Report No. 1011.)

By Mr. DOLLIVER, from the same committee: A bill (H. R. 3394) for the relief of C. C. Taggart. (Report No. 1012.)

By Mr. ENLOE, from the same committee: A bill (H. R. 3181) for the relief of Mary Barron. (Report No. 1017.)

By Mr. STONE of Kentucky, from the same committee: A bill (H. R. 1696) for the relief of loyal citizens therein named of Loudoun County, Va. (Report No. 1018.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BRUNNER: A bill (H. R. 7976) to establish an educational fund to aid in the support of the public schools in the several States and Territories—to the Committee on Education.

By Mr. WILLIAMS of North Carolina: A bill (H. R. 7977) to provide for the deposit of standard dollars in the United States Treasury with the several States—to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: A bill (H. R. 7978) to promote the efficiency of the public service—to the Select Committee on Reform in the Civil Service.

By Mr. STOCKDALE: A bill (H. R. 7979) in relation to the Court of Claims—to the Committee on the Judiciary.

By Mr. BEEMAN: A memorial of the General Assembly of the State of Mississippi, urging the Representatives of that State in Congress to secure an appropriation to extend the navigation of Pearl River—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BULLOCK: A bill (H. R. 7980) to grant a pension to Mrs. Mima A. Read—to the Committee on Pensions.

By Mr. COBB of Missouri: A bill (H. R. 7981) amending the military record of Cornelius Maguire—to the Committee on Military Affairs.

By Mr. FELLOWS (by request): A bill (H. R. 7932) for the relief of the legal representatives of Robert Cornell White—to the Committee on War Claims.

By Mr. HALVORSON: A bill (H. R. 7983) granting a pension to Louisa, widow of Louis Scott—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 7984) granting a pension to Milton Campbell—to the Committee on Invalid Pensions.

By Mr. HARE: A bill (H. R. 7985) granting a pension to Pauline M. Poole—to the Committee on Invalid Pensions.

By Mr. HOUK of Tennessee: A bill (H. R. 7986) for the relief of Margaret Freels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7987) for the relief of James W. Day—to the Committee on War Claims.

By Mr. HOUK of Ohio: A bill (H. R. 7988) for the relief of Rush Carley—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 7989) to purchase the painting of the house at Mount Vernon from Robert Fulton Ladlow—to the Committee on the Library.

By Mr. LESTER of Georgia: A bill (H. R. 7990) for the relief of George Wagner, administrator of H. Mastick—to the Committee on War Claims.

Also, a bill (H. R. 7991) for the relief of Francis Tillman—to the Committee on War Claims.

By Mr. MCKAIG: A bill (H. R. 7992) for the relief of James Anderson, Mary E. Rogers, Thomas Anderson, Frances V. Rogers, Edward Anderson, and George M. Anderson—to the Committee on War Claims.

By Mr. MCRAE: A bill (H. R. 7993) to pension Hansford Sanders—to the Committee on Pensions.

Also, a bill (H. R. 7994) to pension David T. Tollett—to the Committee on Pensions.

Also, a bill (H. R. 7995) to pension James G. Ellis—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 7996) to increase the pension of William R. Blakeslee, late surgeon One hundred and fifteenth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. SHONK: A bill (H. R. 7997) for the relief of James Wilcox—to the Committee on Invalid Pensions.

By Mr. STUMP: A bill (H. R. 7998) for the relief of William L. Winans—to the Committee on Patents.

By Mr. WILLIAMS of Illinois: A bill (H. R. 7999) granting a pension to Ninian Young—to the Committee on Pensions.

Also, a bill (H. R. 8000) to increase the pension of Claiborn Shadowens—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition of Benjamin Franklin and others, of the county of Rawlens, Kans., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. BERGEN: Petition of Carlos B. Allen and 26 others, of Gloucester, N. J., that the Constitution be amended to exclude an established religion—to the Committee on the Judiciary.

Also, petition of Oscar M. Panoast and 27 other citizens, of Millville, N. J., that the Constitution be amended to exclude an established religion—to the Committee on the Judiciary.

By Mr. BUCHANAN of New Jersey: Petition from the Second New Jersey district in regard to a constitutional amendment—to the Committee on the Judiciary.

By Mr. BUSEY: Petition of Samuel A. Richmond, of Tuscola, Ill., favoring the passage of House bill 584, providing penalties for violating laws relating to trade-marks—to the Committee on Patents.

By Mr. BULLOCK: Petition of C. L. Hart and others, asking the closing of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CABLE: Protest of the Alliance and Industrial Union,

No 261, and others, of Schuyler County, Ill., against the passage of the Brosius lard bill and praying the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. COCKRAN: Petition of citizens of New York, in regard to international American conference—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: Petition of 477 manufacturers of furniture in 38 States employing 30,000 workmen asking German looking-glass plate to be put on the free list—to the Committee on Ways and Means.

By Mr. COVERT: Petition of John S. Edwards for the promotion of, and the efficiency of, the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIN of Texas: Claim and petition of Emily W. Booth of Aransas County, Tex.—to the Committee on War Claims.

By Mr. DAVIS: Petition of citizens of Oketo, Kans., asking that all expositions aided by Government be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DINGLEY: Two petitions of Canton Grange, No. 110; one to prevent gambling in farm products and the other to encourage silk culture—to the Committee on Agriculture.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the members of sundry churches of Lewiston, Me., to grant aid to the exposition only on certain conditions—to the Select Committee on the Columbian Exposition.

Also, petition of the students of Cobb Divinity School of Lewiston, Me., praying for the closing of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GANTZ: Petition of residents of Christiansburg, Ohio, asking for the Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Holdeman Post, No. 608, Grand Army of the Republic, of Rossville, Hagaman post-office, Ohio, asking for the passage of a bill for the purpose of preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Appropriations.

By Mr. GOODNIGHT: Evidence to accompany bill for Sarah Rother, of Mount Aerial, Ky.—to the Committee on Pensions.

Also, petition and evidence in the matter of Dorcas Ann Neal, for restoration to pension—to the Committee on Invalid Pensions.

Also, evidence to accompany bill for relief of Dr. T. J. Jones, of Kentucky—to the Committee on War Claims.

Also, evidence to accompany bill for pension of S. Kinniard, of Bowling Green, Ky.—to the Committee on Invalid Pensions.

Also, evidence to accompany bill for relief of T. T. Romp, of Bowling Green, Ky.—to the Committee on War Claims.

Also, evidence to accompany bill for L. A. Wagoner, of Burksville, Ky.—to the Committee on Invalid Pensions.

Also, evidence and petition to accompany bill for relief of D. M. Payne—to the Committee on Invalid Pensions.

Also, petition to accompany bill for relief of James A. Hodges, of Bowling Green, Ky.—to the Committee on War Claims.

Also, evidence to accompany bill for George W. Woosley, of Big Reedy, Ky.—to the Committee on War Claims.

Also, evidence to accompany bill for pensioning Bird Weaver, of Kentucky—to the Committee on Invalid Pensions.

Also, evidence to accompany bill for benefit of Mrs. Elizabeth Austin, of Scottsville, Ky.—to the Committee on Invalid Pensions.

By Mr. GORMAN: Petitions of 127 citizens of the townships of Scipio, Fayette, and Jonesville, Hillsdale County, Mich., asking for the passage of the antiopium bill—to the Committee on Agriculture.

Also, petition of 56 citizens of Riga, Lenawee County, asking for the passage of the bill for rural delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of 104 citizens of Madison Township, Lenawee County, asking for the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of 23 citizens of Chelsea, against speculation in fictitious farm products—to the Committee on Agriculture.

Also, petition of 18 farmers' societies of the Second Congressional district of Michigan, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of 13 farmers' societies of the same district, asking for the passage of the pure-lard bill—to the Committee on Ways and Means.

Also, petition of 14 farmers' societies of the same district, asking for the passage of the pure-food bill—to the Committee on Agriculture.

Also, petition of 8 farmers' societies of the same district, favoring silk culture; and 16 farmers' organizations of Lenawee, Hills-

dale, and Washtenaw, for the passage of a law against gambling in farm products—to the Committee on Agriculture.

Also, petition of 11 farmers' societies of the same district of Michigan, asking for the passage of a bill prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of citizens of Genesee County, Mich., in regard to speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. HARTER: Petition of students and faculty of Ashland University, for proper regulation of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian church of Savannah, Ohio, asking to have the World's Fair closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Petition of 750 citizens of New York, for passage of bill similar to the Hisecock bill (S. 391)—to the Committee on Agriculture.

Also, petition of citizens of South Dakota, for passage of anti-opium bill—to the Committee on Agriculture.

By Mr. HERMANN: Petition of Highland Grange, No. 296, favoring pure lard—to the Committee on Ways and Means.

Also, petition of the same body, favoring free mail delivery in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, in regard to pure food, silk culture, and gambling in farm products—to the Committee on Agriculture.

Also, petition of Salt Creek Grange, No. 197, favoring free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, in favor of pure lard—to the Committee on Ways and Means.

Also, petitions of the same body, in favor of pure food, against gambling in farm products, and favoring silk culture—to the Committee on Agriculture.

By Mr. HOLMAN: Three petitions of Saltwell Grange, No. 1879, of Indiana, as follows: To encourage silk culture, for pure food, and against gambling in farm products—to the Committee on Agriculture.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same body, favoring free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, three petitions of Jefferson Pomona Grange, Indiana, as follows: Against gambling in farm products, for pure food, and to encourage silk culture—to the Committee on Agriculture.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. KYLE: Petition of O. E. Oakley and others, of Benton County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, petition of A. W. Hull and others, of Benton County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, memorial of W. H. Wall and others, of Sardis, Miss., praying that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MUTCHLER: Petition of 256 citizens of Pennsylvania, for amendment to the Constitution preventing any State from granting the right of suffrage to anyone not a citizen of the United States—to the Committee on the Judiciary.

By Mr. NORTON: Papers and petition in matter of claim of A. J. Vanaredel, House bill 7906—to the Committee on Invalid Pensions.

Also, affidavit and petition in matter of claim of Joseph Vogt, House bill 7907—to the Committee on Invalid Pensions.

Also, petition and affidavit in the matter of claim of Annie E. Bird House bill 7908—to the Committee on Invalid Pensions.

By Mr. O'NEILL of Missouri: Petition of Theodore Haaser, late of Company B, First Louisiana Cavalry Volunteers, for a bill to amend his military record—to the Committee on Military Affairs.

By Mr. PATTERSON of Tennessee: Papers in claim of Dudley G. Johnston of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. PAYNE: Petition of North Scriba Grange, No. 100, of New York, to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

Also, petition of Grange No. 100, of New York, in regard to pure lard—to the Committee on Ways and Means.

Also, petition of citizens of Oswego County, N. Y., in regard to speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. PEEL: Petition of Henry Davey, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of A. J. Maxwell, administrator of Samuel P.

Woods, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of William Boling, for pension—to the Committee on Invalid Pensions.

Also, petition to prevent change of jurisdiction in United States court in the Indian Territory—to the Committee on the Territories.

Also, petition of Francis M. Monks, Company E, First Regiment Arkansas Infantry, for muster and discharge—to the Committee on Military Affairs.

Also, petition of John A. Brown, for pension—to the Committee on Invalid Pensions.

Also, papers in the case of J. S. Herrison for pension—to the Committee on Invalid Pensions.

Also, three petitions to suppress dealing in futures—to the Committee on Agriculture.

Also, papers in claim of Samuel P. Woods, of Benton County, Ark.—to the Committee on War Claims.

By Mr. PICKLER: Petition of 80 citizens of Brown County, S. Dak., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 25 citizens of Marshall County, S. Dak., asking that no intoxicating liquor be sold at the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 20 citizens, by individual letter, of South Dakota, asking to have the World's Fair closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. POWERS: Petition of Dr. C. F. Crane and 468 others of Fenisburg, Vt., praying that the World's Columbian Exposition be closed on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of the First Baptist Church of Jericho, Vt., praying that the Columbian Exposition be closed on Sundays and that no intoxicants be sold on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of the following granges of New York, North Colesville, No. 518, and De Ruyter, No. 651, in favor of a law to prevent contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions by the same bodies, in favor of a law to prevent gambling in farm products; and by De Ruyter Grange to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of De Ruyter Grange, for the passage of House bill 395, defining lard, etc.—to the Committee on Ways and Means.

By Mr. REILLY: Resolution of the Industrial Council of Orwigsburg, Pa., in favor of a law amending the naturalization laws—to the Committee on the Judiciary.

By Mr. ROBINSON of Pennsylvania: Petition of citizens of Malvern, Pa., in regard to a sixteenth amendment of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. ROBERTSON of Louisiana: Petition of citizens of Pointe Coupee, La., asking for the passage of the antioption bill—to the Committee on Agriculture.

By Mr. SAYERS: Petition of 127 citizens of San Antonio, Tex., asking for the adoption of an amendment to the Constitution of the United States prohibiting any State passing any law granting any aid to any church, etc.—to the Committee on the Judiciary.

By Mr. SCULL: Petition of citizens of Cambria County, Pa., in favor of House bill 401 in relation to immigration of aliens, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of Post No. 677, Grand Army of the Republic, of Creal Springs, Ill., requesting action by Congress to preserve and mark lines of battle at Gettysburg—to the Committee on Military Affairs.

Also, petition of Farmers' Alliance and Industrial Union, No. 7, and citizens of Jackson County, Ill., against the Brosius lard bill (H. R. 395) and for general food law—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of residents of Peekskill, N. Y., in favor of the proposed sixteenth amendment to the Constitution providing that no State shall pass laws restricting the establishment or free exercise of religion, nor establish any form, nor make any appropriation for any church, society, or institution wholly or in part under sectarian control—to the Committee on the Judiciary.

By Mr. STOCKDALE: Petition of Jane R. Stanton, administratrix of Robert Stanton, deceased, asking reference of her claim to the Court of Claims under the Bowman act—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: Petition of National Grand Lodge of the United States, Loyal Knights of America, in favor of amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of 27 citizens of Venango County, Pa., in favor of the passage of the Paddock pure-food bill—to the Committee on Agriculture.

Also, petition of citizens of the same county, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. WILLIAM A. STONE: Petition of the United Presbyterian Congregation of Oakdale Station, Pa., asking that the World's Fair be closed on Sunday, etc.—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Allegheny County, for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny, asking for an amendment to the Constitution prohibiting passage of any law establishing religion, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Allegheny County, for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STUMP: Petition of citizens of Halls Cross Roads, Md., praying for passage of a law regulating speculations in fictitious farm products—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Resolution of Grand Army of the Republic Post of Columbus, Ohio, against passage of the free-silver bill—to the Committee on Coinage, Weights, and Measures.

Also, three petitions of 131 citizens of Columbia County, Ohio, for passage of House bill 401, introduced by Hon. WILLIAM A. STONE, of Pennsylvania—to the Select Committee on Immigration and Naturalization.

By Mr. TOWNSEND: Affidavit of Joseph N. Nash, late corporal Company A, Thirty-seventh Regiment Iowa Volunteer Infantry, to accompany bill for his relief—to the Committee on Invalid Pensions.

By Mr. TRACEY: Petition of Melvill Dwyer, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WATSON: Petition of Lee Alliance, of Georgia, asking passage of subtreasury bill—to the Committee on Ways and Means.

By Mr. WEADOCK: Petition of Earnest Schutz and others, protesting against the passage of Senate bill 685—to the Committee on Agriculture.

SENATE.

FRIDAY, April 8, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 28th ultimo, a list of the vessels of the Revenue Marine, their tonnage, stations, distance cruised for the protection of the customs revenue and other purposes, during the fiscal year ended June 30, 1891, the number of guns, small arms, officers, and crews of each, etc.; which, on motion of Mr. SHERMAN, was, with the accompanying papers, ordered to lie on the table and be printed.

EXECUTIVE SESSION FOR MONDAY.

Mr. CAMERON. I gave notice yesterday that I intended to ask the Senate to-day for an executive session, but I am informed by the chairman of the Committee on Appropriations that he will not probably get through with the District appropriation bill until late in the afternoon. As we shall adjourn over until Monday, I will postpone my request for an executive session until Monday morning, after the routine morning business.

PETITIONS AND MEMORIALS.

Mr. COLQUITT presented a petition of the faculty and students of Gammon Theological Seminary, of Atlanta, Ga., praying that appropriations for the World's Columbian Exposition be made only on condition that it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HAWLEY presented the petition of Mrs. F. Scott and 150 other residents of Watertown, Conn., praying for the enactment of a national Sunday law and for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of C. H. Gilber, Mrs. H. E. Bates, and 300 other citizens of Thomaston, Conn., praying for the passage of legislation prohibiting unnecessary work in the mail, military, and interstate-commerce services on Sunday, and also for the closing of any exposition or exhibition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of E. F. Burr and other citizens of Lyme, Conn., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Newington, Colebrook, East Hampton, Farmington, Quinnetisset, Manchester, Woodbridge, Somers, East Windsor, Watertown, and Suffield Granges, Patrons of Husbandry, of Connecticut:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. TELLER presented a petition of citizens of Douglas County, and a petition of citizens of Logan County, in the State of Colorado, praying for the passage of legislation regulating speculation in fictitious farm products; which were referred to the Committee on the Judiciary.

He also presented a memorial of the Methodist and Presbyterian Churches of Fort Collins, Colo., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Salida (Colo.) Free Coinage Club, praying for the free coinage of silver; which was ordered to lie on the table.

He also presented the following petitions of Dry Creek Valley Grange, Patrons of Husbandry, of Colorado:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of the Central Labor Union of Springfield, Mo., praying for the passage of House bill 257, making eight hours a day's work; which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented a petition of the Woman's Christian Temperance Union of Ohio, containing 265 individual signatures; a petition of the Methodist Episcopal Church of Ripley, Ohio; a petition of the Congregational Church of Ruggles, Ohio; a petition of the Christian Church of Enon, Ohio; a petition of 72 citizens of Ohio, and a petition of the Hugh Avenue Congregational Church of Cleveland, Ohio, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of L. B. Ritter and 27 other citizens of South Bethlehem, Pa., the petition of C. B. Maxwell and 38 other citizens of Hartzdale, Pa., a petition of 13 citizens of Leipsic, Ohio, and a petition of 48 citizens of Cleveland, Ohio, praying for the adoption of a constitutional amendment prohibiting the States from passing laws respecting the establishment of religion, etc.; which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Howard Lake, Minn., praying for the passage of what is known as the Dolph Alaska liquor license bill; which was referred to the Committee on Territories.

He also presented a petition numerously signed by citizens of Ohio, praying for the enactment of certain amendments to the naturalization and immigration laws; which was referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of 32 citizens of Manville, Wyo., praying that the World's Columbian Exposition be closed on Sunday, and that no intoxicating liquors be sold thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO presented the memorial of L. M. Merritt, vice-president of the American Shipping League, and 25 other busi-

ness men of Pensacola, Fla., representing the shipping interests of that port, remonstrating against the passage of the bill abolishing compulsory pilotage; which was ordered to lie on the table.

Mr. MITCHELL presented a memorial of citizens of Oregon, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Charity Grange, No. 103, of Harrisburg, Oregon, praying for the passage of legislation placing binding-twine on the free list; which was referred to the Committee on Finance.

He also presented a petition of the Republican county convention of Wasco County, Oregon, held March 23, 1892, praying the extension of time to two years for payment for forfeited railroad lands; which was referred to the Committee on Public Lands.

He also presented the following petitions of Hillsboro, Charity, Mayville, Salt Creek, Mount Hood, Highland, and Multnomah Granges, Patrons of Husbandry, of Oregon:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented a petition of a mass meeting of churches of Cannonsburg, Pa., and a petition collected by the National Woman's Christian Temperance Union of Pennsylvania, praying that the sale of intoxicating liquor be prohibited at the World's Columbian Exposition and that the Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of C. B. Maxwell and 38 other citizens of Houtzdale, Pa., and the petition of L. D. Ritter and 27 other citizens of South Bethlehem, Pa., praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

Mr. QUAY presented resolutions adopted at a meeting of Farmers' Institute held at Mooresburg, Pa., praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Pittsburgh (Pa.) Chamber of Commerce, praying for the passage of legislation to establish a public telegraph system in the post-offices of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the First Lutheran Church of Chicora, Pa.; a petition of the Presbyterian Church of Manor Station, Pa.; a petition of the Union United Presbyterian Church of Butler County, Pa.; a petition of the Presbyterian Church of Bruin, Pa.; a petition of the Presbyterian Church of Petrolia, Pa., and a petition of the Presbyterian Church of Summit, Pa.; a petition of the Pigeon Creek Presbyterian Church, of Pigeon Creek, Pa.; a petition of the Presbyterian Church of Claysville, Pa., and a petition of the Presbyterian Church of Oakdale, Pa., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petitions of Security Council, Mahanoy City Council, Central Council, No. 61; Gen. Taylor Council, No. 398; Pennfield Council, Hemmings Mill Council, Shanksville Council, No. 729; Hunter Council, No. 596; Lescallete Council, No. 442; Bessie Council, No. 302; Springfield Council, No. 657; Jenkintown Council, North Star Council, No. 67; Dawson Council, Iron Council, Kensington Council, Integrity Council, High Spire Council, No. 155; Washington Camp, No. 102; Washington Camp, No. 106; Washington Camp, No. 517; Littlestown Council, No. 386; United Council, No. 482; Washington Camp, No. 450; Washington Camp, No. 478; Coalstown Council, No. 438, and Industrial Council, No. 437; Patriotic Order United American Mechanics of the American Defense Association, of Pennsylvania, praying for the passage of the bill to amend the naturalization laws as agreed upon and reported by the Judiciary Committee of the House of Representatives; which were referred to the Committee on the Judiciary.

Mr. BERRY presented the petition of J. T. Hannaford and 65 other citizens of Morrilton, Ark., and a petition of citizens of Arkansas, praying for the passage of what is known as the Butterworth option bill; which were referred to the Committee on the Judiciary.

Mr. HISCOCK presented the petition of Irving Schmitz and 6 other citizens of New York City, the petition of Walter Gillis and 4 other citizens of New York City, praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or appropriating any money for sectarian purposes; which were referred to the Committee on the Judiciary.

He also presented a petition of Sinclairville Grange, No. 461, Patrons of Husbandry, of New York, praying for the passage of the bill to prevent the adulteration of food and drugs, and the bill (H. R. 395) defining lard and imposing a tax thereon; which were ordered to lie on the table.

He also presented the petition of Miles N. Smith and 18 other citizens of Chautauqua County, N. Y., praying for the passage of the Washburn-Hatch antiopium bills; which was referred to the Committee on the Judiciary.

Mr. SAWYER presented a petition of members of Sawyer Post, No. 7, Grand Army of the Republic, of Wisconsin, praying for the passage of Senate bill 897, providing for the preservation and to properly mark the battle lines at Gettysburg; which was referred to the Committee on Military Affairs.

Mr. DUBOIS presented a petition of the Democratic Club of Pocatello, Idaho, praying for the passage of legislation providing for the election of United States Senators by direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. GORMAN presented the petition of William Anthony and other citizens of Solomons, Md., praying for the passage of a sixteenth amendment to the Constitution of the United States, providing that no State shall pass any law respecting an establishment of religion or prohibiting the free exercise thereof or making an appropriation of money for sectarian purposes; which was referred to the Committee on the Judiciary.

He also presented the petition of William A. Cowen, late of Company D, Fifth Maryland Infantry Volunteers, praying for the removal of the charge of desertion now standing against him; which was referred to the Committee on Military Affairs.

He also presented the following petitions of Glencoe Grange, Patrons of Husbandry, of Maryland:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. McPHERSON presented a petition of the faculty and students of the Chicago Theological Seminary, of Chicago, Ill.; a petition of students of the Drew Theological Seminary of the Methodist Episcopal Church, of Madison, N. J.; a petition of the faculty and students of the Gammon Theological Seminary, of Atlanta, Ga.; a petition of the faculty and students of the Allegheny United Presbyterian Theological Seminary, of Allegheny, Pa.; and a petition of the students of the Newton Theological Institution, of Newton Center, Mass., praying that the World's Columbian Exposition may be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select.)

He also presented the petition of Margaret Solly, of Camden, N. J., formerly the widow of John Barr, who was a member of Company C, First Regiment Pennsylvania Volunteers, during the Mexican war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PEPPER presented a petition of the Wage-workers' Political Alliance of the District of Columbia, praying that an appropriation of \$75,000 be made for supplying the children in the District of Columbia with free schoolbooks; which was referred to the Committee on the District of Columbia.

Mr. PALMER presented the following petitions of Rutland Grange, Patrons of Husbandry, of Illinois:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Mr. TURPIE presented the following petitions of Owen Grange, Patrons of Husbandry, of Indiana:

Petition praying for the enactment of legislation to prevent

gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. MILLS presented a petition of 23 citizens of Goliad County, Tex., praying for the passage of the Washburn-Hatch antiopium bills; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. Res. 47) authorizing the resubdivision of square 673 in the city of Washington, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1077) relieving the personal representatives of John Sherman, jr., late United States Marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 484) to amend an act entitled, "An act relating to tax sales and taxes in the District of Columbia," reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1885) to amend an act entitled, "An act relating to tax sales and taxes in the District of Columbia," reported adversely thereon, and the bill was indefinitely postponed.

Mr. WOLCOTT, I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1308) to prevent the building of houses along certain alleys in the city of Washington, and for other purposes, to report it adversely and move its indefinite postponement, a similar bill from the other House being on the Calendar.

The report was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2838) to regulate the practice of medicine in the District of Columbia; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1236) to regulate the practice of medicine in the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MANDEKSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1962) granting an honorable discharge to William Pierce, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 2159) in regard to a monumental column to commemorate the battle of Princeton, and appropriating \$30,000, reported it without amendment.

MARTELLO TOWER, ON TYBEE ISLAND.

Mr. HAWLEY. I report back favorably, without amendment, from the Committee on Military Affairs, the joint resolution (H. Res. 69) authorizing the use of the martello tower, on Tybee Island, Georgia, for a signal station. It is a simple matter of consent to a disposition of that property which will be valuable to the commercial interests of Savannah, and I hope the Senate will immediately concur with the other House in the passage of the joint resolution. I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes to permit the use of the martello tower, on Tybee Island, Georgia, by telegraph or telephone companies for a signal station, to report passing vessels, under such conditions as the Secretary of War may deem proper to protect the interest of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

BILLS INTRODUCED.

Mr. DOLPH. I should like to have the attention of the chairman of the Committee on Indian Affairs. I introduce a bill to provide for the reservation of certain timber lands upon the Siletz Indian Reservation for the benefit of the Indians. I wish to say that this is a bill attempting to put into practical operation upon the Siletz Indian Reservation in Oregon the suggestion made by me in discussing the Indian appropriation bill, to have the Government provide upon the reservations employment

for the Indians by which they can be made to work and earn what is necessary to support them, rather than to be supported by the Treasury. The proposition is to withdraw from sale out of the lands not needed for allotment among the Indians five sections of timber land near the saw-mill, and to allow the Indians to cut the timber for their own use and to market it under regulations to be provided by the Secretary of the Interior. I ask the present and earnest attention of the committee to the proposition, and if it appears to be a practical and a good one, I suggest whether some similar measure should not be adopted for other reservations.

The bill (S. 2869) to provide for the reservation of certain timber lands upon the Siletz Indian Reservation for the benefit of the Indians was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 2870) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. QUAY introduced a bill (S. 2871) granting an increase of pension to Mary E. Mason, widow of late Julius W. Mason, major Third Regiment, United States Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2872) for the relief of James Wilcox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VILAS introduced a bill (S. 2873) for the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAREY introduced a bill (S. 2874) to authorize the Secretary of the Interior to make leases in the Yellowstone National Park; which was read twice by its title, and referred to the Committee on Territories.

Mr. TELLER introduced a bill (S. 2875) for the relief of George B. Stimpson, late postmaster at South Pueblo, Colo.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL introduced a bill (S. 2876) granting a pension to James H. Mandeville; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2877) granting an increase of pension to James T. Hood, late of Company I, Forty-third Indiana Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 2878) to enable the Ottawa Indians, the Indiana Miami Indians, and Western Miami Indians to bring suit in the Court of Claims for settlement of claims against the United States; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McPHERSON introduced a bill (S. 2879) for the relief of Margaret Solly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2880) to provide for a medal in commemoration of the services of Haym Salomon during the war of the Revolution, and to express recognition of the same; which was read twice by its title, and referred to the Committee on the Library.

Mr. BLACKBURN (by request) introduced a bill (S. 2881) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. COCKRELL introduced a bill (S. 2882) for the relief of John M. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. WILSON submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. FRYE, it was

Ordered, That John Cowdon have leave to withdraw from the files of the Senate a memorial relating to the improvement of the Mississippi River signed by him.

TARIFF COMPILATION OF 1891.

Mr. COCKRELL. I offer a concurrent resolution for printing the Tariff Compilation of 1891, and I hope that very early action may be had upon it. It will be remembered that the Finance Committee made a report to the Senate giving a history of tariff legislation, a tariff compilation, up to 1891; but the document has never been printed for distribution. A resolution was passed I think by the Senate ordering it to be printed, and it went to

the other House and there failed of action in the last Congress; It is a document that is often called for.

The concurrent resolution was read and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 15,000 copies of Senate Report No. 2130, Fifty-first Congress, second session, being Tariff Compilation of 1891, prepared by the Senate Committee on Finance under authority of the act of Congress of August 30, 1890, of which number 5,000 copies shall be for the use of the Senate, and 10,000 copies for the use of the House of Representatives.

DISTRICT STREET RAILWAYS.

Mr. VEST. I offer a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Commissioners for the District of Columbia be directed to inform the Senate what railroad companies operating their roads in said District have failed for the period of two years from March 2, 1889, to exercise the powers and privileges given them in regard to changing the motive power of their roads, by the provisions of the District appropriation act approved on the date aforesaid. And if the companies so failing have complied with the requirements of said act as to causing the rails and roadbeds used by them to be level with the surface of the streets upon each side of said track or roadbeds. And if the said companies have not complied with the law, whether the Commissioners have taken the steps required by them by the act aforesaid to compel the observance of the provisions hereinbefore set forth.

And if no steps have been taken by them to enforce the law, as they were directed to do, what is the cause of such failure—

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. VEST. Mr. President, I had occasion yesterday to make the statement that an act of Congress had been disregarded entirely by certain railroad companies in the District of Columbia. I was under the impression at the time, because I had made no examination outside of what was necessitated by the line of travel that I pursue myself in coming to the Capitol and returning to my residence, that the Belt Line was the only company in the District that had failed to comply with the law. But I am informed, in fact I may say I know, that other companies on their branch lines have utterly disregarded the statute, and in order that it may be seen that I make no willful attack upon these companies (and I have no disposition to oppress them in any way) I ask the Secretary to read the law, which seems to have passed out of the memory of the public generally and especially of these corporations.

The VICE-PRESIDENT. The law sent up by the Senator from Missouri will be read.

The Chief Clerk read as follows:

That any company authorized by law to run cars propelled by horses within the District of Columbia is hereby authorized to substitute for horses electric power by storage or independent electrical batteries or underground wire, or underground cables moved by steam power, on the whole or any portion of its roadway, with authority to purchase and use any terminal grounds and facilities necessary for the purpose; and any such street railway company electing to substitute such power on any part of its tracks or roadbeds on the streets of the District of Columbia shall, before doing so, cause such part of its roadbeds to be laid with a flat grooved rail and made level with the service of the streets upon each side of said tracks or roadbeds, so that no obstruction shall be presented to vehicles passing over said tracks: *Provided*, That in the event said companies or either of them shall fail for the period of two years from the passage of this act to exercise the powers and privileges hereinbefore given, such companies are hereby required to cause said rails and roadbeds to be relaid with the flat-grooved rail hereinbefore mentioned, so as to be level with the surface of the streets upon each side of said tracks or roadbeds and the cost of making the changes hereinbefore required shall be paid by the corporations or persons owning or operating said street railroads, and if, after being notified by the Commissioners of the District of Columbia in writing to comply with the terms of this act, the said corporations or either of them shall not within ninety days thereafter begin the work required and complete the same within a reasonable time, not more than twelve months from the expiration of said period of ninety days, it shall be the duty of the Commissioners to cause the necessary changes in said rails and roadbeds to be made as soon as practicable; and shall issue certificates of indebtedness against the property, real or personal, of said railway company, which certificates shall bear interest at the rate of 10 per cent per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued, together with the franchise of said company; and if the said certificates are not paid within one year the said Commissioners of this District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be sold at public auction to the highest bidder: *Provided further*, That after the passage of this act no other rail than herein mentioned shall be laid by any street railway company in the streets of Washington and Georgetown, and all companies granted franchises or extensions by the Fiftyth Congress shall have extension of one year's time within which to lay their tracks. So much of the charters of the street railway companies of the District of Columbia as is inconsistent with this section is hereby repealed: *Provided further*, That the foregoing requirements as to motive power, rails, and roadbed shall not apply to street railroads outside the city of Georgetown and the boundary limits of the city of Washington: *And provided*, That the authority hereinbefore granted in each and every particular shall be exercised only with the approval of the Commissioners of the District of Columbia, expressed by resolution of said board.

Mr. VEST. That is a part of the District appropriation act of March 2, 1889, and although certain railroad companies in the District failed to avail themselves of the provisions of the preceding part of what has been read from the desk and have not changed their motive power, and the limitation of two years expired on March 2, 1891, no steps have been taken to enforce the

law whatever. That is all I desire to say about it. I ask for the passage of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

TREASURY ACCOUNTS.

Mr. ALLISON. I move that the Senate proceed to the consideration of the District of Columbia appropriation bill.

Mr. CHANDLER. I ask the Senator from Iowa to allow a resolution of inquiry to pass that comes over from yesterday. It is a part of the morning business.

The VICE-PRESIDENT. If the Senator from Iowa will withhold his motion for a moment, the Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. CHANDLER on the 6th instant, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what applications have been or may be presented to the accounting officers of the Treasury to reopen accounts or claims settled by said officers or paid by disbursing officers under a construction of law subsequently declared erroneous by the Supreme Court, stating briefly the grounds of any such decisions of the court, the circumstances and amount involved in each case decided, the number of all similar cases, and the amounts covered thereby, and the full history of each class of such accounts or claims.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

JOHN B. MEIGS.

Mr. ALLISON. I now renew my motion that the Senate proceed to the consideration of the District appropriation bill.

The motion was agreed to.

Mr. CALL. I ask the Senator from Iowa if he will allow the appropriation bill to be suspended for a moment, until I can have a pension bill passed for a very aged man in very destitute circumstances, who will probably live but a short time?

The VICE-PRESIDENT. Does the Senator from Iowa yield?

Mr. ALLISON. The Senator from Florida appealed to me yesterday for this aged man, and I will yield now if it takes no time.

Mr. CALL. I ask the Senate to proceed to the consideration of a bill (S. 2351) granting a pension to John B. Meigs.

Mr. ALLISON. I reserve the right to object if it takes time. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of John B. Meigs, a soldier of the United States volunteer forces in the Seminole Indian war in Florida in 1835, on the pension roll, at the rate of \$20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The pending question is on agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment proposed by the Senator from Michigan [Mr. McMILLAN].

Mr. PADDOCK. I was not in the Senate yesterday evening when this matter was under consideration, and I should like to have the amendment read. I do not know what the proposition is.

The PRESIDING OFFICER. The Secretary will report the amendment to the amendment.

The CHIEF CLERK. It is proposed to add to the amendment: And the whole of said amount shall be paid exclusively out of the revenues of the District of Columbia.

Mr. KYLE. Do I understand that the amendment before the Senate is the one offered by the Senator from Michigan [Mr. McMILLAN]?

The PRESIDING OFFICER. The amendment now pending is the amendment of the Senator from Missouri, which has just been read, to the amendment of the Senator from Michigan.

Mr. KYLE. I will wait until that is passed on.

Mr. COCKRELL. I thought the amendment of the Senator from Connecticut [Mr. HAWLEY] was pending.

The PRESIDING OFFICER. The Chair understood that the amendment of the Senator from Connecticut was simply read as an amendment intended to be offered by him, but not yet offered and not in order at the time.

Mr. CULLOM. I think it would not be in order until the pending amendment to the amendment is disposed of.

Mr. HAWLEY. The Senator from Missouri offered his amendment before that, being an amendment to an amendment, and there being no door open to me I gave notice that I would offer mine as soon as there was an opportunity.

Mr. PADDOCK. I should like to have the provision stated as it will be with this amendment. I did not hear the original proposition. I was not here when it was under consideration.

The PRESIDING OFFICER. The Secretary will read the amendment offered by the Senator from Michigan as a substitute for the amendment reported by that Senator from the Committee on the District of Columbia.

The CHIEF CLERK. On page 46, after line 8, it is proposed to insert:

National encampment of the Grand Army of the Republic: To pay the proper and legitimate expenses attending the reception and entertainment of such honorably discharged Union soldiers, sailors, and marines, who served in the war of the rebellion, as may attend as delegates or otherwise the Twenty-sixth National Encampment of the Grand Army of the Republic in the city of Washington, D. C., and attending the preparation for such reception and entertainment, \$100,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The Secretary will now read the amendment offered by the Senator from Missouri to the amendment.

The CHIEF CLERK. Add to the amendment:

And the whole of said amount shall be paid exclusively out of the revenues of the District of Columbia.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the Senator from Michigan [Mr. McMILLAN].

Mr. PADDOCK. Mr. President, I am myself heartily in favor of the amendment proposed by the Senator from Missouri to the amendment; but, in the first place, I am inclined to be opposed to the whole thing. I do not believe this proposition ought to be here. The city of Lincoln, the capital of my State, was a competitor with Washington to secure the location of the encampment for this year. A fund by individual contribution was guaranteed, as I remember, of \$50,000 by that young city of 60,000 people, where one dollar in the legitimate enterprises is worth two dollars in such uses here, where the people, although prosperous and the city which they have built up by their pluck and enterprise, one of the best and strongest and most rapidly improving and developing, are not in a condition to contribute in any such degree as the citizens of Washington are. Yet they offered to make up whatever sum should be required by their own individual contributions there and in that section to defray the expenses of the encampment if it should be located there. Because of the superior financial ability of the citizens of Washington and because of the superior facilities for entertaining these ex-soldiers here their competitor—Lincoln—was beaten by a few votes.

Now, I think it is presumptuous in the highest degree for the citizens of this wealthy town, where the people are able to contribute a million dollars if necessary to entertain the ex-soldiers, to come to the Congress of the United States and ask the people of Lincoln and all the other people of the United States to contribute in order that they may make a good demonstration and provide good facilities for the entertainment of the ex-soldiers whom they ought to and can easily entertain strongly, liberally, and most hospitably by their own individual contributions, according to their agreement.

This encampment will be worth hundreds of thousands of dollars in the matter of business to the city of Washington. The hotel and boarding house people of this town, considering the enormous business that will come to them alone on account of the encampment, could well afford to pay every dollar that it will cost to provide the proper means for the entertainment of our ex-soldiers.

So far as I am concerned I am strongly inclined to vote against this proposition unamended. I want to see the people here do what they understood and admitted would be their requirement to do and the expectation to do if they secured the encampment. Here are men of great wealth interested in valuable and rapidly appreciating real estate who are in a situation where they can afford and ought to contribute; who are abundantly able to and should contribute in order to entertain these old soldiers as they should be entertained, and as they deserve on all such occasions. I am for the best entertainment that can be commanded for them; but I want the citizens of Washington to go into their pockets and take their own money out and pay these expenses.

Mr. FRYE. Mr. President, I can understand a strict constructionist of the Constitution like the Senator from Missouri [Mr. VEST] and the Senator from Tennessee [Mr. HARRIS] finding difficulty about an appropriation of this kind, but I must confess I am amazed at the line of argument of the Senator from Nebraska [Mr. PADDOCK]. The only objection which seems to be entertained by him is that a town in his State called Lincoln

failed to obtain the necessary votes as the location of this encampment, and therefore he proposes to vote against any proposition allowing the city of Washington even—for that is all there is in it if the amendment is adopted—

Mr. PADDOCK. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. FRYE. The Senator will pardon me; in a moment, not at present.

If the amendment of the Senator from Missouri is adopted, it is simply authorizing the city of Washington to appropriate a certain amount of money to entertain the old soldiers of the Grand Army of the Republic, and the Senator interposes the objection that Lincoln did not get it.

Mr. PADDOCK. No, sir, I simply interpose this objection, that the citizens of Washington, who were there represented, proposed and agreed that they themselves would raise or had raised or were ready to raise whatever money might be required to entertain these ex-soldiers. Therefore I do not believe that they ought to come here for any appropriation. They put themselves on that plane and secured the location of the encampment, and after making such a proposition as they did, they ought to adhere to it without any demand whatever on Congress.

Mr. FRYE. There has never been an encampment of the Grand Army that was sustained and taken care of by voluntary contributions, and there never will be one. There would not have been one in Lincoln. The city council of Lincoln would have been compelled to have made an appropriation. Even in the city of Boston, where there is one hundred times more wealth than there is in the city of Washington, the city was compelled to make an appropriation, and the State—both the State and the city were compelled to make appropriations. No city will be found, in my judgment, on the face of the earth that will entertain the Grand Army of the Republic simply on voluntary contributions.

Then, there is no great private wealth in the city of Washington. They have obtained contributions now to the extent perhaps of thirty or forty thousand dollars. It may be that \$50,000 has been subscribed, but, Mr. President, the city of Washington, the capital city of the country, presents an entirely different plane from any other city in the United States. This capital next September is to be the Mecca of the Grand Army of the Republic. Every surviving soldier who took part in the parade at the close of the war through the streets of this capital city of Washington expects to be here once more, and this is his time. There is not the slightest question but that at least 100,000 old soldiers will be in Washington to engage in this great encampment. Now, what will it cost? It will cost at least \$1.25 for quarters for soldiers who come here. There is \$125,000. The other expenses will be at least \$50,000 more, making \$175,000; and yet the Senator from Nebraska insists that the people of Washington shall subscribe the entire amount, and that even the city shall not be permitted to make an appropriation.

Why, Mr. President, I am surprised. I did not suppose that it would come from this side of the house. I admit I can understand objections that come elsewhere, but I can not understand such an objection as that.

Mr. President, I am in favor of the United States appropriating out of the Treasury \$100,000, without charging it to the city of Washington or the District of Columbia, or \$125,000 or \$150,000 if in the judgment of the Senate it will take that amount to entertain the soldiers when they come here to the capital of the country, and I hope that no amendment will be made cutting down this amendment of the Senator from Michigan [Mr. McMILLAN] for \$100,000. Not a dollar less would I consent to take, for, in my judgment, it is not enough to serve the purpose which it is intended to serve. As to whether the District of Columbia shall pay it or not it is entirely immaterial to me, and it is equally immaterial to my constituents.

Mr. PADDOCK. Mr. President, the Senator from Maine does not state my position correctly at all. I started with the declaration that I was for the amendment of the Senator from Missouri [Mr. COKRELL], and that I should vote for it. I am perfectly willing that that amendment shall be adopted, and I desire, if any legislation is to be had, that that shall be the legislation.

I spoke of the matter of individual contributions. I do not think the citizens here, who would be benefited enormously by this encampment, ought to come to Congress at all. I do not think this question ought to have been obtruded here considering what was understood and what is a matter of record in the newspapers as to their ability and their determination to make provision themselves as citizens of Washington.

Of course, if the city government, through such methods as it may adopt, may make this appropriation, that is all right, and I shall vote for it. That is what I want to do; but what I said, in

addition to that proposition, was simply that I did not think, as a matter of taste, it was a proper thing for the citizens of Washington to come here at all about.

As to the city of Lincoln, the Senator says that if the encampment had been held there its common council would have had to appropriate; but there probably would not have been power to do this. It probably would not have been competent for the common council of the city of Lincoln under its charter to make any such appropriation. It would have been necessary to obtain individual contributions from the loyal people there, and every Democrat as well as every Republican is a loyal man when it comes to entertaining the ex-soldiers under such circumstances and at such times, in the West—and that vigorous, plucky town would have found the money.

I can not consent to be placed in the position in which the Senator from Maine undertakes to place me in respect to this thing.

Mr. FRYE. I did not wish to place the Senator in any position he did not occupy. I understood him that he would have voted against any appropriation.

Mr. PADDOCK. I did not say that I would vote against the proposition of the Senator from Missouri.

Mr. FRYE. Did not the Senator say he would vote against any appropriation?

Mr. PADDOCK. No, sir.

Mr. FRYE. Then I misunderstood him; and if he is going to vote for it I will take back every word I said.

Mr. PADDOCK. I said I was not in favor of any appropriation out of the Federal Treasury chargeable to the Government of the United States as such for the payment of the expenses of this encampment.

Mr. FRYE. I am glad the Senator is going to vote for it. I thought he would.

Mr. PADDOCK. I am not willing to vote for any appropriation to be charged to the Government of the United States. I am willing to vote for an appropriation to be paid by the people of the District of Columbia, as provided by this amendment.

Mr. HAWLEY. Mr. President, when in the Grand Army encampments the question is discussed "Where shall we meet next," of course there are always competing cities. Those who go there to represent those cities and urge the encampment to adopt this or that place as the next place of meeting, have as a rule previously talked with some of their leading citizens, ascertained the temper of the city, and whether it will be generally acceptable to the railroads, hotels, and public-spirited people of all descriptions, and they make an estimate of what they can possibly raise for the entertainment of the soldiers, and the Grand Army chooses then, not only according to the pecuniary estimate, but upon their fancy in general as to where they would like to go.

I am very glad they chose this place. There are a great many of them at every encampment who will never attend another. The great majority of them are getting so far along in years now that they certainly will never come to Washington again. A great majority of those who will be here next September have never been here since they passed through this city during the stormy times of war, and there will be a majority of them, probably, soldiers who have been through Washington in one way or another, ten or twenty thousand of those who went through here in Sherman's great final review.

Now, Washington as a city must not be behind Detroit or Boston or any other public-spirited or patriotic city. It must even do better, for it is not only an American city, but is the American capital city, and it must not deal with this thing in any narrow spirit.

We ought not to saddle this whole expense upon the citizens of this town. It is ungenerous; it is not a broad and manly and generous treatment of the question at all. We have made mistakes enough in that direction. We have imposed upon the people here the cost of a zoological garden upon a scale that a city of 250,000 inhabitants elsewhere would never have thought of undertaking. We have ordained the park in the gratification of national pride and for national cultivation. We had no right, I say, to impose the expense on this community. I regard that action of Congress as a very great mistake and an ungenerous imposition. Now, do not let us follow it up in a case so peculiar as this with another attempt to tell them how much these people shall spend upon patriotic and hospitable intent.

It is quite wrong, in my judgment. I would rather that whatever we gave should be given out and out entirely by the United States as its share of the contribution. We are carrying on here a large number of charitable institutions, and in accordance with that understood rule of partnership between the Government and the city, we pay half the expenses of those charitable institutions. The constitutional argument against that sort of expenditure is just as strong precisely as the constitutional argument against this appropriation for this coming entertainment,

and yet nobody has been troubled about what we give towards these charities.

Mr. President, this is not a wealthy city in the true sense, if you carefully think of it. There is a colored population, I do not know how large, but probably from sixty to eighty thousand here. We know that is not a wealthy population. Then, there is the great population that is dependent, directly or indirectly, upon Government employment, and the pay given Government employes. Most of them are not wealthy people. Many of them are saving some money to support families elsewhere, and to buy themselves little homes about here. The wealthy population referred to is largely a population that comes here as it goes to Saratoga and Long Branch. They are temporary residents, and many of them have homes elsewhere, where they have calls for public purposes and charitable purposes. This is not a wealthy city. I should be glad if this appropriation could be a generous sum directly from the Treasury of the United States, without asking anybody else to assist, and without imposing any share of it upon the District of Columbia.

I wish to say a word more, which I came very near omitting. For this District the Congress of the United States is the municipal government, the State government, the National Government, all in one. The people of the District have no representation here. We are absolute masters of the situation. We have put the government of this town in the hands of three receivers, being dissatisfied with the democratic experiment here. We have assumed all the duty, I say, of the city, the state, and the national relation toward these people; and where we are supreme in this way, we have the perfect power to do anything that any municipality can do, for we can create and we can destroy municipal government here. We have all these powers reposed in us; we have all the national powers reposed in us; and we can do what becomes a gentleman among gentlemen in a matter of this sort.

Now, take the city of Detroit. The citizens there raised \$50,000 and the city gave \$20,000. In Boston it was similar, except that the State of Massachusetts gave something, the city of Boston gave something, and the citizens gave something. We must do as well by this matter certainly as anybody else did, and we ought to do just a little better.

This is not wasted money, gentlemen. You will have here 100,000 men whom you asked to go out and save the nation in a time of trouble. You are giving a great object lesson in patriotism, and the whole country will look at this extraordinary march of the men who left here long, long, years ago, and are now near the end of their term of life.

Mr. McPHERSON. Mr. President, I am in hearty sympathy with this appropriation and the objects it has in view. What so becoming in a great Government as to enable the soldiers who fought in her defense to meet in the shadow of this Capitol, which, owing to their courage and sacrifices, still remains the capital of a reunited, prosperous, and happy country? I am sure the people of this city, which bears the name of our first patriot, will gladly welcome the Grand Army to this city, and will be more than willing to make the necessary expenditure to receive them in the spirit and after the manner of other great cities heretofore honored by their presence. The attempt to shift the expense from the national Treasury to the city of Washington for a great national tribute to the nation's defenders is too nigardly to satisfy the people of this great country, whatever we may say of the representatives of the people.

Mr. DAWES. Mr. President, I shall not vote for the amendment proposed by the Senator from Missouri [Mr. COCKRELL], to charge this whole appropriation upon the District of Columbia. I should much rather vote for the proposition of the Senator from Connecticut [Mr. HAWLEY], that the National Government itself should do whatever is done in the way of providing for this encampment here.

The true significance of the encampment is its national character; the purpose of it is national; the origin of it is national; the benefit, if any shall arise out of it, is national in all its phases and in all its results. The fact that there is to be one is a great national fact. There is no side of it, there is no inspiration in it, there is nothing that stimulates the old soldier to come here which is not national in all its phases and all its colors and all its emotions.

It would not be fair for us, having the power here, to turn around and say we will saddle the expense upon the city of Washington. Washington has no more interest in this than the nation has, nor as much. All that there is in Washington peculiar in this matter is national itself, and it does not become us here, it seems to me, to undertake to compel the city of Washington to do that which the whole nation ought to do.

If there is anything sad about it, it is because every part of the nation and every individual in the nation can not participate in it with the same feeling. I wish all might. If anything will contribute to a unity of feeling in this respect it will be a great and generous and noble provision on the part of the United

States as united States for this one celebration of the great incidents connected with the war.

Mr. HARRIS. Will the Senator allow me to ask him who invited this encampment to this city? Was it the Government, or was it the people of Washington City?

Mr. DAWES. Why, Mr. President, the Senator threw that out yesterday as a reason why we should shirk this whole thing. It seems a very small reason why we should. It was not the city of Washington in its corporate capacity that did this thing; it was citizens of Washington, who are citizens of the United States and not having any voice at all in the administration of public affairs here. It ill becomes us to take advantage of that fact and saddle upon them the whole expense. It was not the city of Washington that extended the invitation to the Grand Army. The city of Washington in that respect has no corporate existence, no method of speaking as a city, and can not speak except through the Congress of the United States. The Constitution has devolved upon the United States all the functions that pertain to the city of Washington, and the Congress of the United States are to-day debating the question whether it is not best for them, availing themselves of this constitutional power, to shirk participation in this one great and grand occasion.

Mr. HARRIS. Mr. President, I was quite aware of the fact that the city of Washington as a corporation had not extended any invitation, nor can it extend any except through Congress; but my question looked to the answer that the Senator has given. The invitation was extended by the people of Washington, and if the encampment is here, they are the guests of the people of Washington, and not the guests of the Government.

Mr. DAWES. Does the Senator suppose that the amount of money made out of this grand encampment is the object or purpose of it; that there is nothing beyond the amount of money to be put into the pockets of the population around here, hack-drivers and hotel-keepers and saloon-keepers? Is that the object of this great encampment here? If it is, we had better not have anything to do with it, and all others had better keep clear of it. If there is not something better, higher, and nobler coming out of this encampment by which all the people of the United States are to be benefited, then we had better not have anything to do with it.

Mr. PALMER. Mr. President, as a question of power, an appropriation from the national Treasury can as easily be justified as can be the vote of the Senate imposing the expense contemplated by this amendment upon the city of Washington. That is to say, I can as easily, with my views of the powers of Congress under the Constitution, vote to assume the whole burden that this appropriation would impose, or a part of it, as I could impose it upon the people of the District of Columbia.

Mr. President, if this appropriation is intended merely for the benefit, or if its results are to be limited to such benefits as may be derived from the presence of a large number of persons who will spend a great deal of money in Washington, if the people here are to be alone benefited, then they ought to pay this expense; and if I believed that, I would agree with those who say that Congress ought not to interfere at all. That is to say, if I believed it was purely a grand gathering from which Washington would derive all that is beneficial, I should say make no appropriation, but let the people of Washington—if there are any people in Washington, for I confess, although there are a great many citizens here, it has not been my good fortune to meet many of them; it seems to be the habitation of strangers—but if that were so I would say to them "arrange your own matters in your own way."

But, sir, that is not the view I take of this matter. I realize what in my own person I observe in the persons of many thousands of the Union soldiers in the North and in the South, that the number is becoming less and less; time is doing its work upon these men. That they deserve well of the country is admitted. They do not possess all the spirit of patriotism that is in the country, but they have evinced their patriotism under exceedingly trying circumstances. This gathering will be a gathering of peace; it will be promotive of important national results, for I incline to believe that this grand gathering of soldiers will not be confined alone to the men who wore the blue. I have no doubt when the grand encampment takes place during the next fall that thousands of men who live across the river will be present and they will be taken by the hands as brave men shake the hands of each other.

It will be a grand assemblage of men who were soldiers in war, but who are now citizens in peace. It will be a meeting of the men who have done more to promote the peace of this country after the civil war than any others, because it is a fact that if, at the close of the war, the settlement of the terms of peace had been confided to the soldiers of the two armies there would have been very little controversy in the country after actual hostilities ceased.

It is in that view that I favor this appropriation, and I confess

I do not want the people of Washington to regard it as their occasion at all. I do not want them to understand that they are expected to pay this expense. There is a sort of partnership between the District and the Federal Government, so that appropriations for objects like this and others may be imposed upon the Federal Treasury and upon the District equally; but I desire from my standpoint that this shall be supported by an appropriation dictated by the Congress of the United States, and that it shall be controlled in the interest of the old men who will gather here at the capital of their country for the last time, who will, in passing from the West and the North and the South, see how marvellous this country has grown since the great struggle that involved the existence of the Union, men who will see what this capital has come to be, and will realize by seeing what has been accomplished that they have served the country well, and that North and South and East and West have grown and prospered as the result of the great struggle in which they were engaged.

Let them come, old men that they are; they will be here but a little time longer; time is dealing with them; their heads are gray; their limbs are palsied, and they will desire to come for the last time to visit the capital of their country, which has grown so much since the great hours of sorrow that spread over the whole land.

I will vote for charging this upon the District treasury or upon the property here, with reluctance I confess, but if it will insure the passage of the amendment I will favor it, and in one point of view it will be just, but I prefer that the appropriation shall be made from the National Treasury, and that the Congress of the United States shall say to these old tottering men, "come and share in the hospitality offered you by your country and not by this paltry city." I say "paltry," though it is a grand and beautiful city, but what is it compared with this Republic of which it is the mere capital?

I trust, therefore, that the Committee on the District of Columbia will control this appropriation. I am not disposed to enter into any terms. I shall vote for the amendment proposed by my friend from Missouri [Mr. COCKRELL] if it is necessary to insure the passage of the measure; but I would rather that it should not be adopted. I would rather it had not been proposed. I should have been glad, waiving all constitutional difficulties and waiving everything else, that this appropriation of \$100,000 had been passed without a single word of dissent or comment as the voluntary tribute of this country to this great carnival of peace, which will take place here during the coming fall.

Mr. VEST. Mr. President, since the Senator from New Jersey [Mr. MCPHERSON] has relieved this side of the Chamber of all suspicions of disloyalty, I suppose that I may venture to let fall a few desultory observations further in this discussion.

I have not seen since my early experience at a Fourth of July barbecue in my own native State of Kentucky, when I could smell the barbecued meat, as much unalloyed patriotism as I heard from that Senator this morning. It reminds me somewhat of my early history, of a performance that I once witnessed in which the lines and words of the play were not particularly noticeable, but the act concluded with the principal performer wrapping himself in the American flag, rushing to the footlights, firing off a horse-pistol, and screaming like the American eagle. [Laughter.]

Mr. President, that Senator thought proper to refer to those of us who had scruples about this appropriation as being niggardly. I resent that epithet, there is nothing in my public career which justifies it. I would not have thought of mentioning it, but the fact is that in looking back upon my career here as a Senator, I think I have been the author of more public-buildings bills, with the exception of those fathered by the Senator from Vermont [Mr. MORRILL], now absent on account of sickness, than any other Senator of equal service here, and very many of these buildings have been constructed in the city of Washington, and have added to the beauty and to the growth and to the population of this capital.

The Senator from Maine [Mr. FRYE] says that the Senator from Tennessee [Mr. HARRIS] and myself on this side of the Chamber oppose this appropriation on constitutional grounds. I made no such argument against this amendment. I said if the Constitution was so clear that it could be viewed at a distance and understood as having no objection to this legislation, I would not vote for this appropriation.

I understood that Senator to remark that no similar meeting of the Grand Army had ever been held in this country where there had not been other than private contributions. The Grand Army assembled in the city of St. Louis, and the expenses were defrayed by the voluntary contributions of citizens alone, and not by an appropriation on the part of the municipal assembly or by the Legislature of the State of Missouri.

The ground upon which I oppose this appropriation is simply

because it is a municipal or private affair—no, not even a municipal one. It was originated by individuals, who pledged themselves to the Grand Army when it met at Detroit that they would defray these expenses and extend to them the hospitalities of the national capital; and now it is proposed that \$80,000 shall be paid by the taxpayers of this city.

Mr. CULLOM. One hundred thousand dollars.

Mr. VEST. Eighty thousand dollars I understand to be the amendment—\$80,000 to be taken out of the poor people of this capital, who have nothing to do with this matter; who were not consulted in regard to it, but whose tax money is to be coerced out of them in order to make good the promises of the gentlemen who got up this thing originally. That is just as objectionable to me as the original proposition. What right had these gentlemen to put this charge upon all the people of the District of Columbia? What is the benefit to any poor man in this city, who is barely able to support his family upon his income, and whose taxes to-day, even when he pays one-half of them, are onerous—what right have they to place upon him any portion of this burden?

Mr. President, if we are to act upon enlarged and patriotic national grounds, of which we have heard so much this morning, if this is to be an occasion in which to build up patriotism and to do away with all the acrimonious feeling of the war, why not go further and let the Congress of the United States make appropriations for the next ecumenical or ecclesiastical council that is held here in the city of Washington? Why, when the Episcopalians or the Presbyterians or the Catholics see proper to call a great ecclesiastical convention, a national convention, as they have done in the past, should not Congress step in and pay the entire expense and relieve the public of their duty? If patriotic feeling is to be the basis, the salvation of souls is a much higher object. If we are to support an organization of private gentlemen who have been soldiers upon either side, why not appropriate money for the soldiers of Christ?

Mr. President, to go a little further, why should we not, as Democrats and Republicans, pay the expenses of our national conventions if they are held here? If I had the constitutional opinions of the Senator from Maine [Mr. FRYE] I should have no scruple. He believes that under the general welfare clause Congress can do anything, and I have heard him declare in this Chamber that he was in favor of imposing any amount of tariff duties even if the Government did not need a cent of revenue. I am obliged to the Senator for his criticism upon my strict-construction opinions. He ornaments me more than I deserve. If I entertained his opinions I would have no constitutional scruple about Congress doing anything. Under the blanket clause of the Constitution they can make a two-year-old mule out of a yearling or make any appropriation in the world which they see proper. [Laughter.]

Mr. GALLINGER. Mr. President, in the discussion of this question, the Senator from Nebraska, who spoke so earnestly a moment ago, should not forget that probably five times as many old soldiers will come to Washington as would have gone to any town or city in that great State, and he ought to recognize the fact that they acted wisely in making the selection they did. They will come here not only for the reason that they desire once more to see this magnificent capital, on the streets of which that grand review was had when the war ended, but they will come for the reason that many of the battlefields of the war of the rebellion, in which some of them participated, are in the vicinity of Washington, which they will wish once more to revisit.

I feel, Mr. President, that we should be generous to the surviving soldiers of the Union armies, and that whatever money is needed to make this encampment a great success should be given by Congress with an unstinted hand.

It is argued that in addition to what may be appropriated from the revenues of the District of Columbia we should not take \$50,000 out of the Treasury of the United States for this purpose. Do Senators stop to reflect that \$50,000 will be only four-fifths of 1 mill for each man, woman, and child in this great country? I do not believe that there is a citizen of the United States who measures his patriotism by that standard. Certain I am that the people whom I have the honor in part to represent do not measure their patriotism in that way.

Mr. President, the constitutional argument which has been raised on this question has no terrors for me, nor should it be allowed to influence a single vote.

I recall to mind the fact, as the patriotic people of the nation recall to mind the fact, that there was a time when the Congress of the United States would have given all the revenues of this Government if those soldiers could have promised to save the Union and to restore the nationality which was trembling to its fall. By their valor and sacrifices they did save the Union, they did restore the nationality, they did preserve the Constitution,

they did bring back that old flag without a single star erased, the flag, Mr. President, that floats over every capital of every State in this great Republic to-day.

Shall the Constitution now be invoked against them? Shall the remnants of our brave armies not be honored by a grateful people? Can the nation afford to forget or be indifferent to their claims? Surely we ought not to weigh with the apothecary's scales the appropriation that Congress may make for the encampment that is about to be held in this great city. To many of them it will be the last reunion with their comrades, and it is fitting that their eyes once more behold the flag floating over the nation's Capitol, which they helped to save in the days that tried men's souls.

Mr. President, I am heartily in favor of the appropriation recommended by the District Committee as modified by the amendment proposed by the Senator from Michigan, and I trust, in view of the past, as well as in view of the future of this great country, that the amendment offered by the Senator from Missouri may be voted down, and that the appropriation of \$100,000 to aid in the proper observance of what will be a grand historic occasion may be made with practical unanimity. Any other result would be unjust to ourselves, ungrateful to the defenders of the Union cause, and a blot upon the fair name and fame of a patriotic and liberty-loving people.

Mr. HISCOCK. Mr. President, I had not intended to speak upon this question, though I warmly favor the largest appropriation to defray the expenses of this encampment, and the payment of the entire sum by the General Government. After a period of almost thirty years, the soldiers of the Republic have concluded to hold a reunion here in the city of Washington, and I would not have it under any circumstances characterized, as it has been when held in other places, as being put up to the highest bidder, or of its being supported and the expenses of it defrayed by private charity or by private contributions.

I suppose that I, for these views, will be understood as holding extremely liberal notions in the construction of the Constitution, but there are such ample precedents for a Government appropriation in this case that I am quite willing to add another.

Pass out, sir, in front of the Capitol and your eye meets the monument of Washington piercing the clouds. The monument was reared to Washington's memory, to perpetuate it. The appropriation of the money for that purpose must also have been an infraction of the Constitution, and strained it as severely as the appropriation proposed by the Senator from Michigan.

Pass through the streets of this city, and everywhere your eye greets monuments to our gallant generals, many of them reared at the expense of the General Government, or which contributed in some way to them—infractions of the Constitution; but I cite them as precedents for this one that you again propose to furnish.

Look across the river and your eye greets Arlington, where sleep the immortal dead, interred at Government expense; and, except for that expenditure, those bones would be scattered upon the battlefields upon which the heroes fell—an unconstitutional appropriation of money from the Federal Treasury.

I say, Mr. President, appropriations like these and for these purposes are not for a moment to be illustrated away by the question "Why do you not appropriate money for a religious convention and to defray the expenses of political conventions?"

The appropriations may be unconstitutional, but I say to you they promote a great educational purpose. Patriotism is educated and developed by money expended in this manner, and I have no hesitation in saying that if the battlefields of the Revolution and of the war of 1812 and the grave of every hero of that heroic age had been immortalized through the North and South by a monument reared to mark the first as holy ground, and to the memory of the others, to perpetuate the glories of American patriotism and American soldiers, and of their heroic services for their country upon the field of battle, there never would have been a war to dissolve the Union.

I am willing that these veterans shall come here as the guests of the nation, and that in no sense shall they come here aided by private contributions because this petty trader or that hotel-keeper can make something from the money that they will spend. By the pensions that we have granted, by the decorations that we have bestowed, by the monuments that we have reared to the honor of those who served the country in its greatest need and necessity, we have demonstrated that it is not the object, or rather it is not the purpose, of this nation to impose upon the soldiers of the Grand Army of the Republic, in their reunion at the national capital that they saved, the necessity of defraying their expenses by contributions solicited or paid as a matter of personal pecuniary interest or by a contribution from the District of Columbia.

Mr. President, I am in favor of the larger appropriation that has been proposed here, and of its being paid from the Treasury of the United States.

Mr. PERKINS. Mr. President, I hope the amendment offered by the Senator from Missouri [Mr. COCKRELL] to the amendment proposed by the Senator from Michigan [Mr. McMILLAN] will not prevail. This subject was considered by the Committee on the District of Columbia, and the question naturally suggested itself whether the District of Columbia should meet this entire expense, or whether the Government of the United States should share in this entertainment. It was the judgment of a majority of the committee that whatever was appropriated should be appropriated as other appropriations are made for the District of Columbia, and that the Government should assume its fair share of the appropriation. As has been suggested, the reason therefor was because it was looked upon as a national gathering, a national entertainment, rather than a local one.

I was at the encampment in Detroit when this invitation was extended to ex-soldiers of the Republic to meet here in this national encampment, to enjoy the hospitalities of this beautiful city and to revive again the associations which are historic, and which naturally cluster about this nation's capital, and I am very sure that no assurance was given there by the representatives of this city that no appropriation would be asked from Congress. I am very sure that no representation was made by that delegation that the entire expense would be met by the people of this city. Those who were gathered at that encampment in Detroit were assured that, if the invitation was accepted and this national encampment was held here, those who gathered here to participate in its felicities and its pleasures, would be royally entertained and hospitably received. They were assured that the doors of the city would be opened to them and that they would be received with royal hospitality; but there was no assurance given that Congress might not be called upon to contribute in some fair measure to this great national gathering.

The District of Columbia was represented at that encampment by two of the Commissioners and the city of Washington was represented by some of its most conspicuous citizens. Upon the representations made and the invitation extended, it was decided that this encampment should be held here, not only because of the associations which cluster about the city, but because of the historic fields that are so accessible to it. As has been suggested, it is the judgment of all who have had occasion to investigate it or to give it a moment's thought, that this will be the largest encampment ever held in the history of this organization. The historic fields of Virginia are so accessible, to say nothing of the points of interest in this city and the associations connected with it, that comrades will gather here in greater numbers than ever before in a national encampment.

I think with those who favor this proposition that it is too much to ask of the people of the city of Washington to bear the burden of this entire entertainment or to share its entire expense. The veterans will gather here in numbers the like of which has never been seen in other encampments. In Detroit \$50,000 was appropriated from the municipal fund and \$60,000 was raised by private contributions. They had exposition buildings there and other accommodations that could be used for the entertainment of the old soldiers without any considerable expense to the city or to the citizens. No such advantages exist here. Provision must be made for this entertainment; accommodations must be secured; lodging houses must be created or provided for, and so the entire expense of this entertainment must be met.

As has been suggested, in Boston it was found that the State of Massachusetts ought to make a contribution, and it did it liberally and patriotically. So the city of Boston made its municipal contribution in addition to the contributions made by private citizens. This is not a wealthy city, and yet it is urged here that the people of this city ought to meet this entire expense.

It has been suggested that if we make an appropriation for this purpose, we must make an appropriation for other gatherings, and perhaps it is but fair to suggest in this connection that during the last year fifty different conventions have been held in this city, and the people here have met the expenses very largely. The people have secured and provided accommodations generously; they are taxed almost weekly for this purpose, and they do not complain of it.

Mr. PADDOCK. Have the people here not received the benefit in every case?

Mr. PERKINS. There has been very little benefit accruing, except that it has given the delegates attending these conventions the advantages of seeing this city, its grandeur, and its beauty, and of sharing in its hospitality; but in a financial way I question whether it has been of any benefit to this city; but the people have been called upon from week to week to make these contributions, and they have done it cheerfully and uncomplainingly.

But in view of the thousands who are to gather here at this encampment they have thought it was but fair that Congress should, at least in part, assist in this great entertainment. We are appropriating each year for our monuments here, for the

decoration of our public buildings, and for the beautifying of the city, and in all this the Government of the United States bears its full share of the appropriation. So it was thought by a majority of the committee having jurisdiction of this subject that the Government of the United States should share with the people of this District in meeting this expense and in making the appropriation.

I hope, and I know it is the wish of the majority at least of the members of the Committee on the District of Columbia, that the amendment offered by the Senator from Missouri will not prevail, but that Congress will in its wisdom direct that this appropriation shall be made with such conditions accompanying it that the Government of the United States will share in the obligation and in making this encampment the most hospitable and enjoyable in the history of the country. Let the defenders of our nation's unity and power be received in the nation's capital with a royal welcome that will give evidence of a nation's gratitude and of a country's appreciation of their services as soldiers and of their worth as citizens.

Mr. CULLOM. Mr. President, I had not expected to say anything upon this subject, and will say but a word.

The appropriation proposed to be made by the Congress of the United States for the purpose of the entertainment of the soldiers when they come here to attend the encampment of the Grand Army of the United States, it seems to me, should be an appropriation from the national Treasury. I believe that for the reason that, whatever may have been done elsewhere, the encampment of the Grand Army of the Republic here in Washington will be regarded in some degree, at least, as a national encampment, recognized by the National Government, and the Government of the United States can not afford not to make it a national encampment in the fullest sense of the word.

Sir, the suggestion that was at first made by some of the Senators upon this floor that the Constitution was in the way, is certainly met by hundreds of appropriations made for purposes no more within the purview of the Constitution than would be the appropriation proposed now to be made. For instance, take the action of the Congress of the United States in passing the following act, which is a very brief one, and which I will read:

That the President be, and is hereby, authorized and requested to extend to the Government and people of France and the family of Gen. La Fayette a cordial invitation to unite with the Government and people of the United States, on the 19th day of October, 1881, in a fit and appropriate observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown. And for the purpose of carrying out the provisions of this resolution the sum of \$20,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same or so much thereof as may be necessary to be expended under the direction of the Secretary of State.

That was an act passed by the Congress of the United States directing the President to invite these foreign gentlemen, and when they came here to entertain them, and an appropriation for that purpose was made. That was followed subsequently by another act making provision in an appropriation bill as is proposed to be done here:

For the additional amount required to carry out the provisions of the joint resolution of February 18, 1881, authorizing and requesting the President to extend to the Government and people of France and the family of Gen. Lafayette an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Va., including the expenses of the officer of the War Department detailed to take charge of the military ceremonies at Yorktown, and the liabilities incurred by the Yorktown Centennial Commission, \$32,328.92, including \$300 additional compensation to William S. Gilman for acting as disbursing officer of the commission, or so much thereof as may be necessary, payable upon accounts specifically stated, and to be audited and paid by the Secretary of State.

So I might look through the statute books and find perhaps one hundred acts of Congress providing for appropriations on a level with the appropriation which is proposed to be made to-day, except that in this instance the proposition is to provide for the entertainment of the men who fought for the Union and for the flag and who saved the integrity of the nation. I say that if there was ever an appropriation proposed to the Congress of the United States upon the line of appropriations that may be said not to have been specifically named in the Constitution, the one before the Senate of the United States is above all of them in consequence and entitled to consideration.

Sir, there has been much talk about the District of Columbia. So far as I have observed, there are few people in Washington who have money; it is a city of boarding houses. Except, as my colleague suggested, there are a very vast number of strangers here within our gates. To impose upon the District of Columbia the necessity of raising, I have no doubt, \$150,000, if not more, to entertain the soldiers who may come here—I speak of them as soldiers, although they are now citizens—would almost bankrupt the people who would have to raise the money. So far as I am concerned, I do not believe that it would be fair to them; and if it were fair to them it would take away from this movement the character of nationality which it should have by the Congress of the United States making the necessary appropriations and being responsible for it?

Sir, it has been twenty-seven years, I believe, since the Army of the United States, or a great part of it, came home with their tattered flags and banners and rags, if you please, and marched through the streets of the city of Washington, and I do not know that I can contribute anything better than to read a portion of the description of that great event, in the following language:

Meanwhile the victorious armies of the Union had been congregated at Washington, where they passed in review before President Johnson and Gen. Grant, and then marched home and into history. On the 23d of May the "Army of the Potomac" and on the 24th the "Division of the Mississippi" swept through the metropolis for hours, the successive waves of humanity crested with gleaming sabers and burnished bayonets, while hundreds of bands made the air ring with patriotic music. Loyal voices cheered and loyal hands applauded as the heroic guardians of the national ark of constitutional liberty passed along. Neither did the legions of imperial Rome, returning in triumph along the Appian Way, or the conquering hosts of Napoleon the Great, when welcomed back from their Italian campaign by the Parisians, or the British guards when they returned from the Crimea, receive a more heartfelt ovation than was awarded to the laurel-crowned "boys in blue."

Great expectation concerning this review was indulged throughout the nation. The home-coming of the "boys in blue" was a matter interesting every hamlet of the North and almost every home. But more than the welcome was clustering about the scene. These grand armies and their famous leaders had become historic, and worthily so, for they had endured and achieved, and victory now was theirs. The newspapers proclaimed the grandeur of the coming event, the railroads extended their best accommodations to travelers, and the people responded in immense numbers. With the soldiery and civilians Washington was densely packed, but cheerful enthusiasm appeared on every side.

Two hundred thousand veteran troops, trained on a hundred battlefields and commanded by the leading generals of the service, were there to be reviewed by the Lieutenant-General who commanded them all, by the President of the United States, by his Cabinet, etc.

Mr. President, in my opinion the gathering together of the Grand Army of the Republic in this city this year will be a scene much like that, but instead of 100,000 there will be nearer 200,000 of those scarred veterans coming to the national capital, where many of them were mustered out, and where they then for the last time visited the capital of the United States, which they had helped to save.

I contend that this should be made, so far as Congress can do in preparing for this great event, a national affair—not for the purpose of rekindling animosities between the sections; far from it. I would not make a suggestion of that sort; but they will come here to meet their comrades, to see the capital of the nation, and to mingle again together as they do in a small way in their several localities, and if they come, as I believe they will, they will come under the old flag, singing again the Star Spangled Banner, and they will rekindle a flame of patriotism in this country which can be done in no other way as well.

The Senator from New York [Mr. HISCOCK], I believe, suggested that we build monuments. So we do. When the old soldiers come here they will find a monument, a very modest one it is true, to Mr. Lincoln, a statue of Gen. Scott, one to Gen. Thomas, a modest one above the remains of Gen. Sheridan, statues to McPherson, to Rawlins, to Farragut, to Dupont, to Logan, and I do not know how many more scattered over this city, making it the most interesting of any place on the American continent in which the veteran soldiers can assemble.

Therefore, without further taking the time of the Senate, I hope that the amendment of the Senator from Missouri may be voted down, if it is not withdrawn, and that Congress will vote an appropriation of \$100,000 for the veterans of the late war.

Mr. COCKRELL. Mr. President, when I offered this amendment yesterday evening, a very simple one, merely providing that "the whole of this amount shall be paid exclusively out of the revenues of the District of Columbia," I did not anticipate such a glorious outpouring and revival of patriotism and eloquence; I did not anticipate that I was furnishing a stage scene for all the Presidential aspirants to enter upon and show themselves before the people of the United States. [Laughter.] I did not anticipate that my good friend from Illinois would be so far carried away that he would believe in his heart that the great city of St. Louis was a State of the Union and had a United States Senator upon this floor. [Laughter.]

Mr. CULLOM. I do not know to whom the Senator alludes.

Mr. COCKRELL. The distinguished Senator from Illinois [Mr. CULLOM] in his burning patriotism and eloquence referred to the "Senator from St. Louis."

Mr. CULLOM. The Senator will pardon me. I knew that he represented a greater area than that.

Mr. COCKRELL. Certainly. I do not even reside in the city of St. Louis. [Laughter.]

Now, Mr. President, this has all passed away very pleasantly. It has given an occasion for patriotism and sentimentality and eloquence and all that; but it is a practical question whether half of the proposed appropriation shall come out of the Treasury of the United States and half out of the District of Columbia or whether it shall all come out of the treasury of the District of Columbia. That is the practical question.

Has the Congress of the United States invited the Grand Army of the Republic to hold an annual encampment here? No, sir;

not all. How did it agree to come here? How did it happen to consent to be located here? It has not been here for years. There is an annual encampment held every year, and at the last annual encampment various cities of the United States competed for the location of the coming encampment in September next. They do that every year. St. Louis competed for it and obtained it; Chicago competed for it and obtained it; San Francisco, I believe, obtained it once, and Boston obtained it, and so it has assembled in different parts of the country, in cities offering the best accommodations and advantages, all things considered.

Now, the good people of Washington wanted this encampment. There are persons in Washington besides boarding-house keepers. There are business men here; men of wealth in Washington. There are private citizens in Washington who are developing the city and making it what it is. It is not the boarding-house mistresses nor the occupants of boarding houses that make Washington City what it is. It is true that we have some 25,000 Government employes here, and a great many of them, when their terms of service expire, remain here, become citizens, and go into business. It is the citizens of the District of Columbia who sought and obtained this encampment to arrange to come here, without any kind of authority from the United States—no more authority from it than Boston had when that great city obtained the encampment; no more authority than the citizens of St. Louis had to bind the United States when that city obtained the encampment.

Mr. President, this is not the only organization in the United States whose encampments or whose annual meetings are sought for by various cities in the United States. We have various national organizations who hold their annual sessions here and there, this city and that city competing for them. It is an advantage and an advertisement to the city; it is an advantage to all kinds of business in this city. Enterprising citizens, real-estate owners, real-estate brokers, merchants, and others, all make efforts to bring people to the city, to show them its beauties, its advantages, its future, and all that. So it is with all the cities.

Mr. President, I say that if we pay the expenses of this encampment out of the Treasury of the United States and of the District of Columbia equally, as the amendment offered by the chairman of the Committee on the District of Columbia proposes, then the time is coming when every association that meets in Washington will expect Congress to treat its members as the guests of the nation and their expenses to be paid by the United States as well as by the District of Columbia.

This is only an entering wedge; it is only a stepping stone; it is the foundation for all these national organizations to hold their sessions in this city upon the invitation of the citizens of this city, and then to have the expenses paid out of the Treasury of the United States.

I warn Senators of what will be the effect of this; and I warn the citizens of the District of Columbia that the time may come when forbearance will cease to be a virtue and the people of the United States their sovereignty will say to their Senators and Representatives, "You shall no longer vote upon us one-half of the burdens of the District of Columbia." That time is rapidly coming, and we are only adding fuel to the flames that will bring it.

I am a friend of the people of the District of Columbia, and I want to see them fairly treated, but I do not want to see them do damage to themselves. There are many persons in this country who do not believe it is right that the whole people of the United States should be taxed to pay the expenses of the local government of the District of Columbia. An agitation of that question before the people of the various Congressional districts would be a popular one, and it would send many a Representative here. We are simply laying the foundation in this proceeding to make Congress acknowledge its responsibility for all invitations to national organizations which may be given by the District of Columbia to be held in this District.

It is not a question of constitutional power that is involved in this amendment; it simply proposes that the whole amount shall be paid exclusively out of the revenues of the District of Columbia. It does not even affect the amount to be appropriated. It is true I offered another amendment proposing to reduce the amount to \$80,000, but that is not now pending. This is simply that the amount, whatever it is, that is appropriated shall be paid out of the revenues of the District of Columbia.

Mr. President, I can vote for this amendment to the amendment. I believe it is right; I believe it is just. It is what every other city in the United States has done and will do in the future for these encampments and for the various national organizations and societies that may be held in their midst. I can not vote to tax the people of Missouri, my constituents, to pay one-half of this expense, and if Senators insist that it shall be imposed upon both the United States and the District of Columbia, I desire now

to record my vote against it and my opposition to it. It is a proper thing to be paid by the District of Columbia; it is not a proper thing to be paid by the taxpayers of the United States.

Mr. SANDERS obtained the floor.

Mr. HIGGINS. I should like to ask a question of the Senator from Missouri.

Mr. SANDERS. All right.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The SECRETARY. A bill (S. 2729) to amend an act entitled

"An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Mr. HIGGINS. With the consent of the Senator from Montana, I should like to ask the Senator from Missouri one question, and that is whether he considers that one-half of the regular and general taxes paid out of the revenues of the United States for the uses of the District of Columbia are paid by the people of Missouri and the rest of the country or are a proper tax upon the property of the United States in this District?

Mr. COCKRELL. No, sir; I do not. I do not think that the basis of division is equal or honest or fair or just, but as it was settled before I came into the Senate, I have acquiesced in it. I am not trying to agitate it. I think it will be a dangerous question to agitate before the people of the United States—the humbuggery that the United States owns the streets of Washington.

What are the streets of Washington for? For the benefit of the people of the District of Columbia who are living here. To undertake such a pretense, such a sham, such a fraud upon the people of the United States as to hold that they own the streets of Washington and therefore must keep them in repair and pay all the expenses of this District!

It is a mockery, Mr. President, it is an insult to the intelligence of the honest taxpayers of the United States to say that they own them. They belong to the District of Columbia just as much as the streets of St. Louis belong to the city of St. Louis, or of Baltimore to the city of Baltimore.

And our public buildings, what are they? An ornament and a glory to the city of Washington. They have helped to make it what it is. They have increased the value of the real estate here, and Washington City would not part with them for all of its worth. Any city in the Union would give millions of dollars and leave the public buildings untaxed to have the public buildings erected in their midst that have been erected in the city of Washington, and would pledge themselves for all eternity, until Gabriel's trumpet should blow, that they would never tax them.

It is nonsense to talk about such things. I do not want to agitate the question. I say the amount paid by the taxpayers of the United States is out of all proportion. It should not be 50 per cent.

The PRESIDING OFFICER. The Chair desires to know whether it is the pleasure of the Senate that the unfinished business shall be temporarily laid aside and that the Senate proceed with the consideration of the appropriation bill.

Mr. ALLISON. I hope it is, and to that end I ask that the regular business may be informally laid aside.

The PRESIDING OFFICER. The Senator from Iowa asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the appropriation bill. If there be no objection, the same will be considered as agreed to. The Senator from Montana [Mr. SANDERS] has the floor.

Mr. SANDERS. Mr. President, I believe in a strict construction of the Constitution; or, in other words, I believe that it means what it says, and I do not believe that plain English words, even if found in a constitution, are mere playthings. That being the case, I am brought face to face with the proposition whether this appropriation is within the constitutional authority of Congress or not. While I do not contemplate a legal argument upon that proposition, I find abundant authority in the precise words of the Constitution (abandoning that clause which authorizes us to promote the general welfare) to grant rewards to the soldiers who have fought in their country's wars without reference to the particular contract that was made when they enlisted. I find that from the beginning of this Government until now such an authority has been asserted by everybody who comprehended English speech and had occasion to deal with such an instance.

The cemeteries in which repose the hallowed dust of our soldiers do not tell of infractions of the Constitution. The bones of the 2,000 nameless soldiers that we gathered up between the Potomac and the Rappahannock after the war and deposited over here at Arlington, and over which we erected a monument that told their history, do not speak of an infraction of the Constitution. No act or event that intensifies in the public heart patriotism, that rewards those men who do the highest service which

their country calls upon her fellow-citizens to do, is beyond the purview of the Constitution. We may not only promote the general welfare, but we may provide for the common defense. I know every Senator upon this floor, as we have have passed through the vicissitudes and excitements and exigencies of the last year when we were confronted by the possibility of foreign war, felt more secure in the patriotic impulses of the people that we had discharged every duty that we owed to those who heretofore had fought in the wars of the Republic.

Now, for myself, I am like the Senator from Nebraska [Mr. PADDOCK] in that I live in a town or represent a State that was also a candidate for this great convention of ex-soldiers of the Republic, but because my town did not finally secure the location there I am not going to imitate the ancient spinster who said that she was prejudiced against matrimony because she had been once disappointed herself. [Laughter.] I acquit the Senator from saying or from making as the basis of his argument the proposition that because the soldiers did not conclude to meet at Lincoln therefore he would oppose this appropriation.

Mr. PADDOCK. I only intended by that—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska.

Mr. SANDERS. I thought I was explaining his position with so much more perspicacity than he did, and I undertake to say with as much as he could, that I do not think he ought really to ask me to yield just now. I shall do so cheerfully in a moment.

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. PADDOCK. I agree fully with the Senator as to his perspicacity. I simply used an illustration. I used Lincoln as an illustration; that was all.

Mr. SANDERS. But I wish to call the attention of the Senator from Nebraska to the manifest injustice of the provision which he thinks he favors. The grounds on which it stands it is not necessary at this stage of what I have to say to examine. If the United States was not the possessor and the occupant of a large portion of the property in the District of Columbia there would be something of justice in the argument which he made and the position which he undertook to maintain.

I regret exceedingly that a question of constitutional law must arise upon a contention like the one before us now, and I regret equally that the determination of a question of fact as to what is the relative value of the properties belonging to the United States and belonging to the citizens of the District of Columbia must arise in a somewhat heated discussion of this character. I had supposed from what I had seen and heard in this Hall that it had been agreed, not over the question of an appropriation to pay the expenses of the Grand Army of the Republic, but through a long period of discussion illuminated by a great many instances, that it was about fair between this District and the United States that each of the municipalities should pay one-half of such expenses as this. I am now informed by the Senator from Missouri not only that that is not so, but that he really does not want that question raised because, forsooth, it is the foundation or source of a cyclone that is going to wipe Senators off from the footstool and the District of Columbia out of existence.

When our forefathers put into the Constitution the provision that the Congress of the United States might exercise exclusive jurisdiction over such district, not exceeding 10 miles square, as might be selected for the seat of Government, and when we accepted that seat of Government here there was imposed upon the Congress of the United States a duty which they can not abdicate. I do not myself undertake to enter into a discriminating determination of what proportion of the taxes should be paid by the people resident here and what proportion should be paid by the Government of the United States that has from twenty to twenty-five thousand employes here upon a salary, whose residence is in other places, whose personal property and the taxation consequent upon it is under the authority of law rightly collectable in the States where they reside and not here.

When we contemplate the further fact that about one-third of the population of this District is of colored people who were brought here by a civil commotion and who are not themselves as a rule large property holders, I do not know what precise proportion of the property and of the funds is rightly to be attributed to one of these municipalities and what proportion to the other. I am content so far as that matter is concerned to accept the determination of gentlemen upon this floor who have made it the subject of investigation time and time again in a multitude of instances that have passed away, when their prejudices or their preconceived opinions, if you please, were not excited by a discussion of this character.

But I protest that that question simply illustrates the injustice of this amendment. It does not touch the proposition as to where this money that we here propose to appropriate should come from.

While it was true that the town of Helena, in which I happen to live, did not secure the meeting of the Grand Army of the Republic, another patriotic organization, the sons of the men who fought in that war, did select that town as an appropriate place where they might meet at their annual session this year, and that town, without question or doubt or inquiry, and its citizens and the citizens of the surrounding country are engaged in building a large auditorium and in other ways providing for the accommodation of that vast throng of young and patriotic men, the Sons of Veterans, who will assemble there in memory of the deeds that their fathers performed during our recent civil commotion.

No question arises as to the propriety of doing that. No matter what may be the political views of gentlemen there, with a unanimity that is absolute, with one heart and one mind and one effort, they intend to make that gathering a magnificent success.

I say that when we are charged with the duty of governing this District it is as lawful for us to make this appropriation as it is to care for the insane that are across the Eastern Branch of the Potomac, as it is to care for the Soldiers' Home up here, and so far as it concerns these soldiers who were discharged from the service of the United States, so far as caring for these two cemeteries that are within the sight of this Capitol.

There being no constitutional objection to this, the question arises whether anything has transpired that makes it unpatriotic, that makes it profligate that we should make an appropriation of an hundred thousand dollars.

The honorable Senator from Nebraska says that these gentlemen came down there to Detroit, where his town of Lincoln was a competitor with Washington, and promised if the Grand Army of the Republic would assemble here at Washington they would pay all the expenses consequent thereon by private contributions. I should like to inquire of him where he got that information?

Mr. PADDOCK. I got it from the statements of reliable citizens of Nebraska who were there present. There was no intimation there of any kind or nature whatever on the part of anybody who represented the city of Washington that the Congress of the United States would be called upon to make an appropriation to defray the expenses of the encampment; none whatever, as I was told.

Mr. SANDERS. Mr. President, a philosopher who put his wisdom into forms of wit once said that it was a great deal better to know a little that was true and to know it well than to know a great deal that was not so. I am authorized to state by the gentlemen who constituted the committee who went to Detroit that they never pledged, nor promised, nor encouraged anybody to hope, first, that they would not expect the United States Congress to do that which its wisdom approved by way of an appropriation, and that they did not assume to promise in behalf of the municipality of Washington or the liberal-minded citizens of Washington that all the expenses that they would hope to expend for this meeting of the Grand Army at its twenty-sixth encampment would be paid by contributions of private citizens here.

Mr. PADDOCK. I should like to ask the Senator if he is able to state that there was any intimation whatever on the part of representatives of Washington at that competitive moment that the Congress might be expected to make an appropriation of any kind or nature? Did they not occupy exactly the same attitude in respect to this competitive performance that all of the representatives from other towns, including the great city of Helena, as well as that of Lincoln and others, occupied at the time?

Mr. SANDERS. I decline to go off in a quest of that kind or in search of other inquiries than those which the Senator by his statement made. It is enough for me to say that the statements that these gentlemen went down there and made the promises of which they are accused are not so.

I possibly outside of this Chamber might agree with the Senator from Nebraska that our respective towns were not fought fair; but so far as that proposition is concerned I will say, first, that these gentlemen did not promise that out of the private generosity of the citizens of Washington all these expenses should be paid; and, second, I say if they did, the Congress of the United States is not thereby estopped from doing that which it believes patriotism requires to be done with reference to these soldiers of the Republic.

Mr. PADDOCK. Mr. President, I do not propose to say anything about the doctrine of estoppel in this matter, but nobody is able to state, as I believe at least, as was the understanding of the citizens of my State who were there that there was any intimation or expectation that the Congress of the United States would be called upon to appropriate; but the understanding was that the citizens of Washington who were to receive the enormous benefits that would necessarily flow in a business direction

from the location of the encampment would take care of it by making the necessary contributions for the entertainment of the encampment.

Mr. SANDERS. I have had occasion heretofore to be deeply pained at the understandings of the people of Nebraska, or their misunderstandings in recent years, and I would not undertake to maintain and prove a tangible and palpable and probative fact by saying it was the understanding of my people. If anything was to be deduced from that argument it was that the particular contract that was entered into when the twenty-fifth encampment of the Grand Army of the Republic fixed its next meeting in Washington, such things were said there by men authorized to say them, that prohibit or forbid or make it unjust or unpatriotic for the Congress of the United States to appropriate such a sum of money as it thinks the patriotism of the country dictates to make happy in this capital of their country the 100,000 men who fought our battles and won our great victories.

Mr. President, it seems to me that we had better defer the question of appropriations to soldiers who have fought in our wars for favors or for comfort or for necessities of life or for educational purposes, or for purposes of observation, to some controversy which will not divide us upon lines which unfortunately seem to some extent to have obtruded themselves here. It is a misfortune that such a controversy as this shall arise over a question like this, for men of a mean and coarse cast of mind will attribute the views of constitutional law that are here put forth to some other purpose or to some other consideration than a mere comprehension of the plain English speech in which the Constitution of the United States is framed.

For myself, believing an hundred thousand dollars cordially, unanimously, without question appropriated as a compensation for services rendered, and for perils endured, would not only have had a wholesome effect upon public opinion and thought North and South to-day, but would have been a potential influence so long as time endured in showing that those who thus discharge the highest duties that can be rendered to a country will never be forgotten, and that fighting its battles, protecting its flag, redeeming and rescuing its Constitution, and making it a power honorable among the nations of the earth, is a service that secures to every actor in it the abiding gratitude of the Republic, and that this gratitude does not continue to diminish as the years pass away, but grows brighter and brighter, and seeks new forms and methods of expression as the events themselves go into the perspectives of history, and that such heroism thus recognized becomes a part and parcel of the treasures of the Republic, unifying it, crystallizing it, and making it a power and an authority among the nations of the earth, and excites a gratitude which exists from generation to generation. I trust the appropriation will be made. It would be a wholesome spectacle, and I do hope that the amendment that is offered by the Senator from Missouri will be voted down, and that the amendment proposed by the chairman of the Committee on the District of Columbia will be unanimously passed by this body.

Mr. PADDOCK. Mr. President, I desire to say simply a word. In the first place, I want to say that so far as the city of Washington is concerned no desire nor thought of doing it an injustice was in my mind. I have never had a desire other than to do those things which are helpful in the upbuilding of this great national capital. There never has been a proposition here looking to the development, the adornment of this capital that I have not voted for. I have always voted freely and cheerfully for all propositions deemed necessary for beautifying and making Washington more attractive and prosperous.

And there is another thing. As far as the ex-soldier is concerned there is no one who has uttered a word here to-day whose record is clearer as to friendship and services for him than mine. It is true I did not share with him the fatigues and hardships of the march nor the vicissitudes and discomforts of the camp, or stand with him at the front and take the storm and stress of battle, but I have always been his friend from the beginning to the end. So far as the ex-soldiers have knowledge of my dealings towards them there is not one who will not acquit me of a desire at any time or anywhere to do anything which would operate in any possible way to their detriment or to their disparagement in any respect whatever. No patriotic expression has been uttered here to-day which has not found a ready and an earnest responsive in my heart.

But this proposition seemed to me, as it seemed to the citizens of our State, who were interested in another location, to be purely a business matter on the part of the citizens of the town who were to be benefited and improved by its location, whose business was to be helped, who were to receive vast sums of money on account of this encampment from the multitude of visitors who were sure to come, through their hotels, etc., and that it was their interest and their duty to defray whatever expense might be necessarily incurred to make the encampment a success.

It was with that view only that I have expressed the sentiments I have here, and that I have thought it my duty to vote for the amendment of the Senator from Missouri [Mr. COCKRELL], as I have indicated, because, as I have said, I believe that it is an injustice to call upon all the people of the United States to do that which is specially and particularly for the interest and benefit of the citizens of the town where the encampment is to be located, wherever it might happen to be.

Mr. ALLISON. Mr. President, I should be glad to make some observations upon this subject, but it has been debated so fully and so thoroughly that if we can have a vote now I shall waive my opportunity. I hope we may have a vote on the pending question.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the Senator from Michigan [Mr. McMILLAN].

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VOORHEES. Let the amendment to the amendment be reported.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. It is proposed to add at the end of the amendment:

And the whole of said amount shall be paid exclusively out of the revenues of the District of Columbia.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BLODGETT]. If he were present I should vote "nay."

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is paired with the Senator from Oregon [Mr. DOLPH]. If my colleague were present he would vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. Not knowing how he would vote, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "yea."

The roll call was concluded.

Mr. WOLCOTT. I am paired with the Senator from West Virginia [Mr. KENNA]. I have no idea how he would vote, and I withhold my vote. If he were present I should vote "nay."

Mr. WARREN. I am paired with the junior Senator from Georgia [Mr. GORDON]. Were he present I should vote "nay."

Mr. DAVIS (after having voted in the negative). I am paired with the Senator from Indiana [Mr. TURPIE], and I withdraw my vote.

Mr. DOLPH. Is the senior Senator from Mississippi [Mr. GEORGE] recorded?

The VICE-PRESIDENT. The pair of the Senator from Oregon with the Senator from Mississippi [Mr. GEORGE] has been announced by the latter's colleague.

Mr. DOLPH. I am paired with him, and I withhold my vote.

Mr. McMILLAN. My colleague [Mr. STOCKBRIDGE] is unavoidably detained away. If he were present he would vote "nay."

Mr. BRICE. I am paired with the Senator from California [Mr. FELTON]. I have no knowledge as to how he would vote on this question. If he were here I should vote "nay."

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "yea" upon this amendment to the amendment, and then vote against the amendment as amended.

Mr. QUAY. I desire to announce the pair of my colleague [Mr. CAMERON] with the Senator from South Carolina [Mr. BUTLER]. If my colleague were present he would vote "nay."

The result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Bate,	Faulkner,	Morgan,	Voorhees,
Berry,	Gorman,	Paddock,	Wilson.
Cockrell,	Irby,	Peffer,	
Colce,	Kyle,	Pugh,	
Colquitt,	Mills,	Vilas,	

NAYS—32.

Allen,	Gallinger,	Jones, Ark.	Sanders,
Allison,	Gray,	McPherson,	Sawyer,
Blackburn,	Hale,	Manderson,	Sherman,
Carey,	Hansbrough,	Mitchell,	Shoup,
Cullom,	Hawley,	Palmer,	Stewart,
Dawes,	Higgins,	Perkins,	Teller,
Dubois,	Hiscock,	Power,	Vest,
Frye,	Hoar,	Quay,	Washburn.

NOT VOTING—33.

Aldrich,	Daniel,	Hill,	Squire,
Barbour,	Davis,	Jones, Nev.	Stanford,
Blodgett,	Dixon,	Kenna,	Stockbridge,
Brice,	Dolph,	McMillan,	Turpie,
Butler,	Felton,	Morrill,	Vance,
Call,	George,	Pasco,	Walthall,
Cameron,	Gibson, La.	Pettigrew,	Warren,
Carlisle,	Gibson, Md.	Platt,	White,
Casey,	Gordon,	Proctor,	Wolcott.
Chandler,	Harris,	Ransom,	

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Michigan [Mr. McMILLAN].

Mr. HAWLEY. I offer now the amendment of which I gave notice yesterday.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment:

And the sum hereby appropriated shall be paid to and disbursed by the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of War.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut to the amendment of the Senator from Michigan.

The amendment to the amendment was agreed to.

Mr. QUAY. I desire to offer a further amendment to the amendment, to which I think there will be no objection. I move to strike out in the amendment of the Senator from Michigan in the third line the words, "the proper and legitimate expenses attending the reception and entertainment" and insert in lieu thereof "for the subsistence and quarters," in the fifth line, before the word "union," to insert the word "nonresident," and to strike out in the ninth line the words "and attending the preparation for such reception and entertainment," the effect of the amendment being to restrict the appropriation to the actual necessary expenses of board and lodging of the visiting delegation, leaving the ceremonial and social expenditures to be paid from the subscriptions of the citizens of the District.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out, in line 3, after the word "pay," the words "the proper and legitimate expenses attending the reception and entertainment" and insert "for subsistence and quarters;" at the beginning of line 5, to insert the word "nonresident," and in line 9, after the word "Columbia," to strike out the words "and attending the preparation for such reception and entertainment;" so that the amendment would read:

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

To pay for subsistence and quarters of such honorably discharged nonresident Union soldiers, sailors, and marines who served in the war of the rebellion as may attend, as delegates or otherwise, the Twenty-sixth National Encampment of the Grand Army of the Republic, in the city of Washington, in the District of Columbia, \$100,000, or so much thereof as may be necessary. And the sum hereby appropriated shall be paid to and disbursed by the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of War.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Michigan.

Mr. QUAY. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Several Senators having responded to their names—

Mr. MORGAN said: What is the question before the Senate?

The VICE-PRESIDENT. The question is on the amendment of the Senator from Pennsylvania [Mr. QUAY] to the amendment of the Senator from Michigan [Mr. McMILLAN]. As there seems to be a misunderstanding as to the pending question, the Chair suggests that it should be again stated. Is there objection? If there be no objection, the amendment as proposed to be amended will be again read.

The Secretary read the amendment as it would read if amended.

The VICE-PRESIDENT. The question is on adopting the amendment of the Senator from Pennsylvania to the amendment of the Senator from Michigan. The roll call will be continued, unless there is a misunderstanding as to the question. If so, it will be begun anew.

Mr. PALMER. I should like to inquire whether the amend-

ment to the amendment affects that provision which gives to the Secretary of War the control of the fund.

Mr. FRYE. That has already been adopted as a part of the amendment.

Mr. PALMER. If it does not affect that provision, it strikes me that the amendment proposed by the Senator from Pennsylvania is an exceedingly proper one.

Mr. PERKINS. It does not interfere with that at all.

Mr. QUAY. It does not interfere with it.

The VICE-PRESIDENT. The roll call will be continued.

The Secretary resumed the call of the roll.

Mr. DOLPH (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. FAULKNER (when Mr. KENNA's name was called). My colleague [Mr. KENNA] is detained from the Senate by indisposition. He is paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORGAN (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. CASEY].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

The roll call was concluded.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR].

The result was announced—yeas 43, nays 5; as follows:

YEAS—43.

Allison,	Dubois,	Kyle,	Sawyer,
Bate,	Faulkner,	McPherson,	Stewart,
Berry,	Frye,	Manderson,	Teller,
Blackburn,	Gallinger,	Mitchell,	Turpie,
Brice,	Gray,	Paddock,	Vest,
Carey,	Hale,	Palmer,	Vilas,
Chandler,	Hansbrough,	Peffer,	Voorhees,
Coke,	Hawley,	Perkins,	Warren,
Colquitt,	Hiscock,	Power,	Washburn,
Cullom,	Irby,	Pugh,	Wilson.
Davis,	Jones, Ark.	Quay,	

NAYS—5.

Allen,	Sanders,	Sherman,	Shoup.
Mills,			

NOT VOTING—40.

Aldrich,	Dawes,	Higgins,	Platt,
Barbour,	Dixon,	Hill,	Proctor,
Blodgett,	Dolph,	Hoar,	Ransom,
Butler,	Felton,	Jones, Nev.	Squire,
Call,	George,	Kenna,	Stanford,
Cameron,	Gibson, La.	McMillan,	Stockbridge,
Carlisle,	Gibson, Md.	Morgan,	Vance,
Casey,	Gordon,	Morrill,	Walthall,
Cockrell,	Gorman,	Pasco,	White,
Daniel,	Harris,	Pettigrew,	Wolcott.

So the amendment to the amendment was agreed to.

Mr. KYLE. At the request of the Department of the Potomac of the Woman's Relief Corps of this city, I move to add at the close of the amendment as amended:

Provided, That \$5,000 of this sum shall be placed at the disposal of the Department of the Potomac of the Woman's Relief Corps.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota to the amendment as amended.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Michigan as amended.

The amendment as amended was agreed to.

Mr. VOORHEES. The amendment has not been made part of the bill yet. There is another amendment, is there not?

Mr. HARRIS. The amendment of the Senator from Michigan was an amendment to an amendment that he reported from the Committee on the District of Columbia. So the question now is, I take it, on the amendment reported from the committee as amended.

Mr. BERRY. Upon that I ask for the yeas and nays.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan [Mr. McMILLAN] as amended to the amendment reported by the Committee on the District of Columbia. Upon that question the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. ALLISON. As I understand the situation, the amendment of the Senator from Pennsylvania [Mr. QUAY] has been inserted as a substitute for all these amendments.

Mr. CULLOM, Mr. HARRIS, and Mr. HAWLEY. Oh, no.

Mr. ALLISON. Senators say "no." Let us consider for a

moment. That amendment having been adopted, the question is upon placing that amendment in the bill.

Mr. HARRIS. Yes, upon agreeing to the amendment as amended.

Mr. PERKINS. As perfected.

Mr. ALLISON. Certainly, upon agreeing to the amendment as amended. So when Senators said "no" they were mistaken, I submit.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Michigan as amended.

Mr. HAWLEY. Which is an amendment to an amendment.

Mr. ALLISON. As I understand the matter, the Senator from Michigan reported an amendment from the Committee on the District of Columbia, and then himself offered an amendment to that amendment.

Mr. HARRIS. A substitute for it.

Mr. ALLISON. Very well, an amendment to that amendment in the nature of a substitute, and thereupon the Senator from Pennsylvania [Mr. QUAY] moved to strike out all that had been inserted by way of amendment.

Mr. BERRY and Mr. FRYE. No, no.

Mr. HARRIS. Only a part of it.

Mr. SHERMAN. Only a few words.

Mr. ALLISON. Very well; when I am mistaken of course I yield gracefully. Now I ask that the amendment be read as it stands, and that the Chair state upon what we are to vote.

Mr. HAWLEY. If the Senator will allow me, I will try to make the history of it a little clear.

Mr. ALLISON. I understand it. I only ask to have it read.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 46, after line 8, it is proposed to insert:

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC.

To pay for subsistence and quarters of such honorably discharged non-resident Union soldiers, sailors, and marines who served in the war of the rebellion as may attend, as delegates or otherwise, the Twenty-sixth National Encampment of the Grand Army of the Republic, in the city of Washington, in the District of Columbia, \$100,000, or so much thereof as may be necessary. And the sum hereby appropriated shall be paid to and disbursed by the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of War.

The VICE-PRESIDENT. The question is on the amendment, which has just been read, to the amendment reported by the committee.

Mr. HARRIS. The amendment of the Senator from Michigan, as reported from the Committee on the District of Columbia, was the pending question, but the Senator, in his character of Senator, offered a substitute for it, and the Senate, by vote, has adopted the substitute. Now the question is upon the amendment as amended.

The VICE-PRESIDENT. That is just the position of the question that the Chair intended to state.

Mr. ALLISON. And that was just the position I endeavored to state, but it seems when I stated it it was entirely wrong.

Mr. SANDERS. Is an amendment in order?

The VICE-PRESIDENT. The Senator is in order to offer an amendment to the original text.

Mr. SANDERS. I move to strike out the last eight words, "or so much thereof as may be necessary."

Mr. ALLISON. That is the usual phrase.

Mr. HAWLEY. It is the common phrase.

Mr. SANDERS. I propose that we shall appropriate \$100,000 and quit.

Mr. HAWLEY. But, if it is worth while to argue that question at all, that being the usual and proper phrase, I make this suggestion to the Senator, that when the Secretary of War comes to make his regulations for the disbursement of this fund he will make them in such a manner that nothing shall be wasted, and the money will be given only to those who actually come and sleep and eat here. I think there will be something saved. If there should be \$10,000 saved it will go back into the Treasury. There is nobody to give it to if it is not used for subsistence and quarters.

Mr. SANDERS. I thank the Senator from Connecticut for his suggestion.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana is not in order, as the Senate has already passed upon the first amendment as amended. The roll will be called upon agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BLODGETT].

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. I do not know how he would vote and I withhold my vote.

Mr. HARRIS (when his name was called). I am paired upon

all questions with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. If he were present I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present I should vote "yea."

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE]. If he were present I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "nay."

Mr. WARREN (when his name was called). I am paired with the junior Senator from Georgia [Mr. GORDON] upon political questions, but by the votes on the other side I observe that this is not taken to be such, and I therefore vote "yea."

The roll call was concluded.

Mr. MORGAN. I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were here I should vote "nay."

Mr. QUAY. I desire again to announce the pair of my colleague [Mr. CAMERON] with the Senator from South Carolina [Mr. BUTLER]. If my colleague were present he would vote "yea."

Mr. WALTHALL. I wish to announce that my colleague [Mr. GEORGE] is paired with the Senator from Oregon [Mr. DOLPH]. My colleague would vote "nay" if present and at liberty to vote.

The result was announced—yeas 41, nays 10; as follows:

YEAS—41.

Allen,	Gorman,	Paddock,	Teller,
Allison,	Gray,	Palmer,	Turpie,
Brice,	Hale,	Peffer,	Vilas,
Carey,	Hansbrough,	Perkins,	Voorhees,
Cullom,	Hawley,	Proctor,	Warren,
Davis,	Higgins,	Quay,	Washington,
Dubois,	Hiscock,	Sanders,	Wilson,
Faulkner,	Kyle,	Sawyer,	Wolcott,
Frye,	McPherson,	Sherman,	
Gallinger,	Manderson,	Shoup,	
Gibson, Md.	Mitchell,	Stewart,	

NAYS—10.

Bate,	Coke,	Jones, Ark.	Vest,
Berry,	Colquitt,	Mills,	
Blackburn,	Irby,	Pugh,	

NOT VOTING—37.

Aldrich,	Daniel,	Hoar,	Ransom,
Barbour,	Dawes,	Jones, Nev.	Squire,
Blodgett,	Dixon,	Kenna,	Stanford,
Butler,	Dolph,	McMillan,	Stockbridge,
Call,	Felton,	Morgan,	Vance,
Cameron,	George,	Morrill,	Walthall,
Carrisles,	Gibson, La.	Pasco,	White,
Casey,	Gordon,	Pettigrew,	
Chandler,	Harris,	Platt,	
Cockrell,	Hill,	Power,	

So the amendment as amended was agreed to.

Mr. McMILLAN. On page 22 of the bill, line 23, after the word "hour," I move to insert:

And the Commissioners of the District of Columbia are hereby authorized, in their discretion, to provide for lighting, by means of incandescent lamps instead of gas and oil lamps, any of the streets, roadways, and avenues outside of the cities of Washington and Georgetown; *Provided*, That the said incandescent lamps shall be of at least 25-candle power; that the price paid per lamp per year shall not exceed the existing contract price for lighting the oil lamps; and that the lamps shall each be burned not less than three thousand hours per annum; and the sum of \$1,500 is hereby appropriated, or so much thereof as may be necessary, for that purpose.

Mr. ALLISON. I understand that to be a unanimous report of the Committee on the District of Columbia. If so, I do not interpose the point of order, which otherwise I think I should make.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Michigan [Mr. McMILLAN].

The amendment was agreed to.

Mr. HANSBROUGH. On page 37, after line 11, I am authorized by the Committee on the District of Columbia to move the insertion of the following words:

For bathing beach: For remodeling the bathing beach in the tidal reservoir into the form of pools, also the adjacent grounds, dressing-houses, etc., in accordance with designs and specifications, to be approved by the Commissioners of the District of Columbia, \$10,000.

The proposed amendment meets with the unanimous approval of the Committee on the District of Columbia, and I present it as coming from the Committee.

The amendment was agreed to.

Mr. VEST. On page 43, line 14, before the word "dollars," I move to strike out "five hundred" and insert "two thousand;" so as to read:

For St. Joseph's Asylum, maintenance, \$2,000.

Mr. ALLISON. I make the point of order on the amendment that it is not estimated for, and that it increases an appropriation in the bill without the report of any committee.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken.

Mr. CALL. I move to strike out all under the head "for charities" from line 9, on page 41, to line 10, on page 45.

My purpose is to endeavor to get this question of charities into a conference with the other House. The subject of provision for the meritorious poor is one that is deserving of grave consideration; it has become a question of great importance in the industrial and social economy of the country. The most deserving of the charities in the District of Columbia are entirely left out in the appropriations contained in the bill. Under the rules of the Senate no amendment can be moved to add any of these charities to those already in the bill unless an estimate has been made or upon the recommendation of a standing committee of the Senate, and the only manner in which we can obtain any consideration of the claim of charities which have been omitted is by striking out the entire provision and leaving it to be remodeled and brought before the attention of the Senate by a conference committee. I have here a communication—

The VICE-PRESIDENT. The Chair would remind the Senator from Florida that his amendment is not in order as in Committee of the Whole. It will be in order when the bill is reported to the Senate.

Mr. CALL. Very well.

The VICE-PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

Mr. MORGAN. I have an amendment to offer to the text of the bill. On page 21, after line 18, I move to insert:

And provided further, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to open by condemnation and extend Thirty-seventh street between Back street and Tenth street road, so called, so soon as the ground necessary therefor shall have been donated for that purpose or money to pay for such ground shall have been provided.

The object of this amendment is to have a straight, broad, elegant street on what is now termed Thirty-seventh street. It is believed that the owners of the property through which that street would run would donate the right of way, or if not that the citizens in the vicinity thereof would raise the amount of money necessary to make the improvement.

Mr. ALLISON. I do not know that I have any special objection to this amendment. The Committee on Appropriations thoroughly considered the very question now proposed by the Senator from Alabama. This Thirty-seventh street extended is a diagonal street running across the lots for 600 or 700 feet, entirely destroying the plat of ground over which the street would go. It passes through valuable property, I am told, and it will not be donated, but must be condemned, and it may cost \$12,000 or \$15,000. So the committee concluded that it was wiser and better to provide for the proper widening of High street down to Thirty-fifth street.

Mr. MORGAN. Now let us have both. Do not let us make fish of one and flesh of the other.

Mr. ALLISON. Very well. I do not seriously object to the amendment, but I want—

Mr. COCKRELL. Let the amendment be read.

The Chief Clerk read Mr. MORGAN's amendment.

Mr. COCKRELL. That runs right through lots some two hundred odd feet in length and practically destroys them. There are some houses there, and the amendment authorizes their condemnation.

Mr. MORGAN. So soon as—

Mr. COCKRELL. It is so guarded that there is to be no condemnation and liability on the part of the Government until the parties have paid in the money?

Mr. MORGAN. That is what it says.

Mr. COCKRELL. If so, it is all right.

Mr. MORGAN. Now, I want to know whether we are going to make fish out of one and flesh out of another. I want to know whether that lot is to be staked off out there when these people are willing to have a street go through, and others say that whatever the condemnation money is they will raise it and pay it.

Mr. COCKRELL. That is all right if that is the way of it.

Mr. MORGAN. That is the way of it.

Mr. COCKRELL. I want to hear the amendment read again to see whether that is the language. We got caught at the last session in this way to the tune of \$13,000. I want to know whether the same promise is made here, and I want the language to be plain and unmistakable.

Mr. MORGAN. If the Senator will excuse me, I am not trying to catch him. I am not a fowler to spread my net in the face of such a bird. I do not try to catch such old game in a trap, or anything of the kind. I present a fair, straight proposition here, that Thirty-seventh street shall be extended if the land is do-

nated or if private persons go there and pay the money to buy the right of way, and I hope there will be no objection to it.

Mr. COCKRELL. No, none in the world if that is the case and nobody is deceived, as in the other case. The same kind of a promise and the same request was made before.

Mr. MORGAN. What case does the Senator refer to?

Mr. COCKRELL. I refer to the extension of Sixteenth street.

Mr. MORGAN. I do not know anything about that.

Mr. COCKRELL. I do.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk again read Mr. MORGAN's amendment.

Mr. COCKRELL. That is all right.

Mr. SHERMAN. I know something about that street, and I am in favor of opening it; but it seems to me that the last clause of the amendment is rather indefinite. If the money must be provided it ought to be paid into the Treasury, or it ought to be placed in some bank, if the condemnation is made, as a matter of course.

Mr. MORGAN. I do not know whom that lot does belong to. Somebody has got it there who has a pretty hard pull on the Senate. I should like to know who the owner is.

Mr. SHERMAN. I do not know who the owner is, but I know the locality.

Mr. MORGAN. Somebody does.

Mr. SHERMAN. I am in favor of the proposition, but I think the money should be paid into the Treasury or paid into some bank.

Mr. MORGAN. I suppose somebody on the floor of the Senate knows whom that property belongs to, and I wish he would rise and tell who the owner is.

Mr. COCKRELL. I suppose that no Senator on this floor knows, unless it is the Senator from Alabama.

Mr. MORGAN. I do not know.

Mr. SHERMAN. I will agree to the amendment if provision is made as to where the money shall be paid.

Mr. MORGAN. There are several guardians there, *ad litem* or *pro hac* or *ad hoc*, or whatever you please, who are taking care of the property. It is very nicely and closely guarded and provided for. I will add to the amendment "and paid to the District Commissioners."

Mr. ALLISON. The Treasury is the proper place to pay it. All the moneys of the District go into the Treasury.

Mr. MORGAN. Here are two members of the Committee on Appropriations differing about it—the Senator from Maryland [Mr. GORMAN] and the Senator from Iowa [Mr. ALLISON]. I do not know which way is right.

Mr. ALLISON. In view of the situation of the Senator as respects the Appropriations Committee, I will waive any view I have on the subject and let it be paid wherever he thinks it ought to be. I think it ought to be paid into the Treasury, where everything else is paid.

Mr. MORGAN. I think so, too. I will put it that way.

The VICE-PRESIDENT. The modification of the amendment will be stated.

The CHIEF CLERK. Add to the amendment:

And paid into the Treasury of the United States.

So as to read:

So soon as the ground necessary therefor shall have been donated for that purpose or money to pay for such ground shall have been provided and paid into the Treasury of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama as modified.

The amendment was agreed to.

Mr. BLACKBURN. On page 44, in line 22, I move to strike out before the word "dollars" the words "two thousand five hundred," and insert "five thousand." In making this motion, I beg permission to say that I have a personal knowledge of the history of this institution. I have known its work and its results for many years. In the year 1887 Congress gave it \$5,000, what I propose to make it now; again in 1888; again in 1889; again in 1890; and I appeal to the chairman of the committee and to the other members of the committee and to the Senate to concur in this amendment that I propose. For reasons which I need not state here, but which I could not control, I was called away from the city whilst this bill was being considered by our Committee on Appropriations. Otherwise I am sure that the bill would have been reported as I now propose to amend it in this item.

Mr. CULLOM. The Senator's amendment has not yet been read.

Mr. BLACKBURN. My amendment is to strike out from line 22, on page 44, the words "two thousand five hundred dollars" and insert "five thousand dollars," the former old-time appropriation for the maintenance and aid of the St. Rose Industrial School, where there are now seventy-odd inmates, and this is all the assistance that has ever been given as the years have gone by. I trust that the committee will consent to the amendment,

for I feel that I am myself at fault, or if not at fault that I am responsible though without fault, having been not able to be with the committee when the bill was being prepared.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 44, line 22, before the word "dollars," strike out "two thousand five hundred" and insert "five thousand;" so as to read:

For the St. Rose Industrial School, maintenance, \$5,000.

The amendment was agreed to.

Mr. PUGH. I have a general pair with the junior Senator from Massachusetts [Mr. HOAR]. On the roll call upon the appropriation for the entertainment of the Grand Army in the District I did not observe that he was absent and had failed to vote, and I voted "nay." I make this statement to show that I ought to have announced my pair.

Mr. HOAR. I was absent from the Senate, engaged in business pertaining to the Senate on a subcommittee while the vote was taken. I should have voted for the provision for entertaining the soldiers if I had been present.

Mr. CALL. As the Senator from Kentucky has just put in an amendment, I will move, after line 22, on page 44, to insert:

For the Little Sisters of the Poor, \$5,000.

Mr. ALLISON. Mr. President—

Mr. CALL. I ask the Senator to listen for a moment to me before he makes any point of order.

Mr. ALLISON. I will withhold my point of order. Of course I have a right to make the point of order at any time.

Mr. CALL. I have a paper which has been sent to me from Mr. William F. Downey and Mr. S. H. Shock in behalf of this charity, which is as follows:

WASHINGTON, D. C., April 2, 1892.

DEAR SIR: As a member of the Senate Appropriations Committee will you kindly give the following your considerate attention:

To make many needed improvements at the Home for the Aged, the Little Sisters of the Poor have humbly asked for \$25,000. In support of their appeal your sub-Appropriation Committee on the District of Columbia has an itemized statement of what is necessary, the estimate for which aggregates \$30,500.

Since the establishment of the Home in 1871 private charity has given the Little Sisters more than eight times the total of your public aid. Yet every man and woman in their Home, in all these twenty years, was a public pauper, and, by reason of age and infirmity, far more justly entitled to Government care than half the inmates annually clothed and fed at the Washington Almshouse.

Strip their home and their work of all suspicion of sentiment and the indisputable fact confronts you that this very day the number of persons cared for by the Little Sisters—200 destitute, infirm whites and blacks, and every one over sixty years of age—is a greater number than the daily average of paupers of all classes fed and housed in your overcrowded Washington Almshouse, for which you annually appropriate \$20,000.

As almoners of your gifts and those of the generous people of the District they respectfully submit, in support of their present appeal, that since 1871 the national appropriation, if averaged, would annually have been \$2,730, a total of \$55,000 for construction purposes only. The Federal gift was \$42,500, and the District gift only \$12,500.

What have the people of the District done? They have given nearly a square of ground, costing \$50,000 in cash. They have added to the Home improvements, costing not less than \$70,000, and making the institution capable of housing nearly three hundred persons. The building with its furniture to-day is valued at \$125,000. They have given \$5,000 to defray the expense of Christian burial to three hundred persons, a total of \$125,000.

The annual care of the Sisters since 1871 has aggregated three thousand persons. The Almshouse reports show that to feed, clothe, and take care of the public paupers costs the Federal and District Treasury over \$100 annually for each person. This service at the Home, therefore, had a cash value of more than \$300,000 to the Government even on an Almshouse basis. A fair estimate then shows the money value of the people's gift at \$425,000 and that of Congress only \$55,000.

If two hundred persons now overcrowd the Almshouse, then to accommodate the number in the Home for the Aged, would have compelled the building of another public institution. This simply adds to the explicit showing that the people have saved the Government a sum, compared with which all that is now asked is but the merest fraction.

Perhaps these statements and arguments are unnecessary. The Little Sisters sincerely hope they are. May they not also hope that the magnitude of their humane work, and the generous coöperation of the citizens of Washington will plead with you more eloquently than even a cash value to the Treasury of such disinterested labor and charity at the nation's capital.

The exclusion of the Little Sisters from most of the public buildings has cut off fully \$3,000 in cash from their annual revenue and added to their labor in begging for necessities of life. The improvements required will be helpful to the Sisters, by enlarging their field of charity, in utilizing the labor of the inmates, and make the Home capable of caring more economically for the poor, even to the fullest capacity of the institution.

It is hardly necessary to tell your committee that the Sisters will continue to relieve the Government of an annual expense of \$20,000 for many years to come, and that not one dollar is wanted for food, clothing, or even a nominal salary for a single person.

A community that has cheerfully given the Sisters money, goods, provisions, and property, amounting to nearly half a million of dollars, will not diminish their interest if Congress, once in seven years, gives \$25,000, that being the period of time since your last gift of \$25,000.

We have had the seal of the "Home for the Aged" attached to this statement, as evidence of its approval by the incorporators who are the Little Sisters of the Poor, and in their behalf we respectfully submit it for your generous action.

[SEAL.]

WM. F. DOWNEY.
S. H. SHOCK.

HON. WILKINSON CALL,
United States Senate.

I desire to submit to the chairman of the committee that here is an application which will save the Government a great many thousand dollars. Over two hundred persons, paupers over the

age of 60 years, destitute and infirm, are cared for by this charity, by these Little Sisters of the Poor, by daily begging alms from house to house. I submit that in all points of view, as a matter of public economy and as a matter of the encouragement of a most beautiful and beneficent charity, he ought not to object to this amendment being incorporated in the bill.

Mr. ALLISON. I make the point of order on the amendment.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, no estimate having been made for the appropriation and the item not having been reported from any standing committee. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. CALL. I ask leave to reserve all the amendments under the head of charities for a vote in the Senate.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. MORGAN. I desire to reserve for a separate vote the amendment I offered yesterday about High street.

Mr. HARRIS. That amendment was not agreed to. The Senator will have to renew it in the Senate.

Mr. MORGAN. All right.

Mr. ALLISON. The Senator from Florida reserves the amendments respecting charities. I understand that there are no other amendments to be reserved. Therefore, I ask that the amendments may be concurred in.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole with the exception of the amendments reserved by the Senator from Florida.

The amendments were concurred in.

Mr. CALL. Now, I move to strike out all under the head "For charities," as stated before, the whole chapter.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. From page 41, line 9, strike out all down to and including line 10, on page 45.

Mr. CALL. Mr. President, I hope the Senate will agree to this motion for the purpose of enabling this whole subject to be brought to the Senate through the conference committee. I have read a paper here which exhibits the fact that this is a charity capable of accommodating three hundred persons, which has saved the Government \$300,000 within the last twenty years, estimated upon the basis of the present expenditure for alms and for paupers. They have collected, as I have been informed, over \$350,000 from private charity by begging daily from house to house in this city. The paupers who are there now who have been relieved (three hundred having been buried by this charity during its existence, saving all expense to the Government) are to be cared for, and they are aged people, over 60 years of age, infirm, and destitute, of all races and of both sexes. There is no more beautiful charity in the world.

There is no class of people, no order, no society that have labored more persistently than these Little Sisters of the Poor. At this day there are two hundred aged and infirm people over 60 years of age who are comfortably cared for by these people. All that they ask is a small appropriation to extend their buildings and assist them in their good work. Every one of the two hundred persons would cost the Government \$100 annually to be cared for.

As it is impossible to get this matter before the consideration of the Senate in any other way I move to strike out the whole chapter on charities in order that it may come back from the committee of conference with this provision remodeled.

Mr. ALLISON. I desire to say a few words respecting this matter of charities before it passes from the consideration of the Senate.

I agree to every word that has been uttered by the Senator from Florida. It so happens that I have been familiar with this charity known as the Little Sisters of the Poor for more than twenty years. I know of their methods, and how well and how carefully they take care of the aged and infirm in the District. They have done so for many years without respect to race or color. There is no more deserving charity than the house of the Little Sisters of the Poor. They have never, however, been placed within the list of those appropriated for, except that the Government has from time to time aided them in the construction of their buildings, to the extent, I think, of over \$50,000.

Mr. CALL. If the Senator will allow me, I will state that this appropriation is asked for for that purpose only.

Mr. ALLISON. So I understand. They desire now to enlarge their buildings. So with the charity the appropriation for which the Senator from Missouri [Mr. VEST] proposed to increase a moment ago, and so with other charities in this District; there are a number of them, perhaps ten to twelve; and if we add to or

enlarge the items here we shall be obliged to place upon this bill nearly or quite \$50,000 in addition to what is already appropriated in the bill for charities. There is a larger sum in the bill now for charities in the District of Columbia than has ever been in any bill for the District of Columbia at any previous session.

These charities are being enlarged from time to time and appropriations are being increased. There are direct appropriations of \$184,000 in this bill, and if you take the amount of money that comes out of the Treasury of the United States, including one-half of the \$184,000, there is now more than \$300,000 expended by the Government of the United States from its own Treasury in the District of Columbia for charities. With all the disposition found in these bodies to gradually increase these charities, it seems to me that we ought not in this bill to propose any further appropriation than is found in it, at least as reported by the Committee on Appropriations.

Therefore, I trust Senators will not press these appropriations respecting charities which have hitherto never been appropriated for in the District of Columbia appropriation bill or in the sundry civil bill.

Mr. VEST. Mr. President, the Senator from Iowa has alluded to an amendment I offered here, in regard to which I suppose I am powerless, but I want to submit a remark about it.

I have never favored extravagant appropriations, but I hope the time will never come when I shall feel myself called upon to oppose an increase of appropriation of \$1,500 to a lot of foundling boys, homeless, houseless, fatherless, and motherless, whom these noble women have taken out of the streets in order that they may not be pressed into the criminal classes of the country.

Here is this St. Joseph's Asylum, the only item in the bill about which I have concerned myself at all and in which I have not the slightest interest except that of the religion of humanity. I am a Protestant by education and belief; I have no religious affinities with the Catholic Church at all; but in my visitations to the market places of the city I have noticed one of these nuns standing upon each market day with poor little boys and with her basket, literally complying with the scriptural injunction, "Give us this day our daily bread."

For thirty-six years this noble charity has been in existence in this city. It has never received one dollar from the municipal government or from the Government of the United States—never one dollar in thirty-six years. They had during the last year one hundred and thirty-one orphans. They take them out of St. Ann's Foundling Asylum and they keep them until they are 7 or 8 years old, when they put them out to learn trades. They are relieving this Government of the care of these unfortunates, who would go to the jails and penitentiaries but for their action.

Mr. President, upon a mercantile and commercial basis alone they are entitled to this appropriation. They are saving human lives and souls. Besides that, they are preventing the criminal classes of the country from being swelled by these poor creatures, who would otherwise be cast into the streets with no friends, no homes, no families.

What I object to in this bill—and I have attempted to make it as good a bill as I could—are provisions such as the one just immediately preceding the one upon which the chairman of the committee raised this point of order:

For maintenance of the National Temperance Home, \$2,000.

Now, who are the people who go to this National Temperance Home? They are grown men who have broken themselves by vicious habits, who have violated all the rules that should govern sensible and intelligent human beings.

Here is another item in the bill—I do not want anybody to suspect me of any political prejudice about it, for it is not true—here is \$3,000 to be given to "the board of management of the Temporary Home for Soldiers and Sailors, Grand Army of the Republic, District of Columbia." Who are these people? They are very gallant old soldiers, but they are men; they all have pensions; they are receiving the bounty of the Government; and if I had my choice between these old, broken-down drunkards and these pensioned soldiers and seamen, and these poor unfortunate foundling boys, I would give the money to the boys. I would try to save them and make good men, industrious men, and honest men out of them.

But here all these items go through unchallenged. Why? Because the Senator says they are estimated for, and the House put in \$2,500.

Mr. President, this is an era of economy. There are 65,000,000 people in the United States, two and a half million in the State of Missouri, and I do not know what infinitesimal fraction would be charged to each one of these if this increase of \$2,500 a year is given to these orphan boys. If I had a constituent that objected to my action here to-day, I would thank him never to vote for me again, and I would consider myself dishonored by the support of any such man.

Mr. CALL. I hope very much the Senate will adopt this motion and strike out these charities in order that we may have this revision. The Senator from Missouri has abundantly proved the necessity for it and these two provisions, one for the boys and the other for these old people over 60 years of age, two hundred of whom are already in this home, which has the capacity to accommodate three hundred with a little assistance from the Government, having collected \$350,000 by personal solicitations in the last twenty-five years as against \$50,000 which the Government has paid, thus having saved to the public Treasury by the estimate of the amount of \$100 now paid for each public pauper, having saved the taxpayers of this country over \$300,000, it seems to me it is in the interest of economy and of the taxpayers as well as of charity that this should be done.

I ask the Senator to withdraw the point of order.

Mr. SHERMAN. I should like to ask the Senator from Florida whether there is any provision in the bill for the Little Sisters of the Poor?

Mr. CALL. None whatever.

Mr. SHERMAN. Mr. President, it seems to me that the best thing to be done is to adopt the suggestion made by the Senator from Florida. I think the appropriations for this line of charities, which must appeal to every Senator, every member of the other House, and every citizen of the District, are entirely insufficient.

There are a great multitude of charities in this city, some of which are of the very highest degree of merit, which are not provided for in this bill. Indeed, I think it has been the fashion of the Government to throw the poor, the sick, the feeble, and the diseased upon the charity of the people, rather than for the Government of the United States to do its share. I do not think the Government of the United States has ever done its share. I regard it as one of the most pleasant recollections of my life that I aided in founding the Providence Hospital, which has now grown to be a great and very valuable institution. It was founded upon an appropriation to pay for forty people without distinction of color, in the old times, when the color question was very rife. That charity was founded in that way.

If this whole clause should be stricken out, that would leave all these items open and the members of the committee of conference entirely at liberty to add others which are more meritorious. If the Senator wants to avoid the point of order, all he has to do is to move to strike out the whole paragraph, and that will leave the whole to go into the committee of conference. There is no doubt about that.

Mr. CALL. That is my motion.

Mr. VEST. What paragraph does the Senator allude to?

Mr. FRYE. All the charity items.

Mr. SHERMAN. Beginning in line 9, on page 41, and going down to the appropriation for the Reform School for Girls, on page 44, line 6.

I think the committees of conference of the two Houses of Congress can probably settle the details much better than we can here, because if we should attempt to put on an amendment for any particular charity, other charities will be named which are equally meritorious, and it would be very difficult to settle the details, while if the whole is stricken out, we may be very certain that these here will be preserved and perhaps some others added afterwards.

Mr. HOAR. It strikes me that that is a pretty large discretion and authority to give to a committee of conference.

Mr. SHERMAN. There is not much danger of its being used on the side of liberality.

Mr. HOAR. I understand the proposition of the Senator from Ohio is this: There being a provision for Congressional grant to two or three designated objects of charity, designated corporations or institutions in the House bill, if the Senate strike them out, the committee of conference will have authority to add any number of such objects of public appropriations that they see fit. I desire to express my dissent from that proposition.

Mr. ALLISON. Mr. President, I think it is rather a dangerous precedent to strike out the entire chapter relating to charities. I should be afraid that the other House might take us at our word and agree to strike out all of them, or most of them.

The truth is that a great many of these charities, some of them designated by the Senator from Missouri [Mr. VEST] and others, have grown up from year to year. We have added one or two charities in nearly every District appropriation bill for the last ten years. It may be true, as the Senator from Ohio says, that we do not do our full share here as respects these charities.

The Senator alluded to one of the pleasant incidents in his Congressional career of having been instrumental in having provided for the establishment of Providence Hospital. That is certainly one of the most beneficent charities in this District. The Government has paid, and is paying, \$19,000 a year to that charity, and the government of the District of Columbia pays

nothing to it. The appropriation for it is found in the sundry civil bill, and no part of that charity is paid for by the taxpayers of this District.

There is another beneficent charity in another portion of this city where the Government pays a total of \$60,000 per annum, no portion of which is paid by the taxpayers of the District of Columbia, known as the Freedman's Hospital, which is now one of the best hospitals in this city. So you may take the Garfield Hospital, so called. The Government of the United States pays from its Treasury \$15,000 per annum for that charity, and no part of it is charged to the District of Columbia. There are other charities in this District which have never received one dollar either from the government of the District of Columbia or from the Government of the United States, which are most beneficent charities. Here is the St. Joseph's Asylum, suggested by the Senator from Missouri [Mr. VEST]. There stands side by side with it St. Vincent's Asylum, which has never received a dollar, and yet it is a school for girls, and those who manage that institution insist, and I think they insist with great force, that if we provide for St. Joseph's Asylum we ought also to provide for St. Vincent's, and I can see no rule to apply to one that will not equally apply to the other.

Mr. COCKRELL. And the Washington Asylum.

Mr. ALLISON. The Senator from Missouri [Mr. COCKRELL] calls my attention to the Washington Asylum, an asylum in this District, which has been performing charitable work here for more than fifty years, and now has within its walls two hundred or three hundred young children, and they take all who come. They have never received from either the District of Columbia or the United States a single dollar. This institution is sustained by the beneficence of the people of this District and elsewhere.

Mr. VEST. I said nothing about the Washington Asylum.

Mr. ALLISON. So I understand. I am only speaking of the charities. If we go into enlarging in this matter we shall be obliged in equity to take care of all.

There is another charity in this District, known as the Associated Charities, which goes about these streets and picks up young girls and young boys day by day and hour by hour, and takes care of them as best they can, either in this District by assigning them to some one or the other of these charities or by providing them transportation to other portions of our country.

There is in this District a charity known as the Children's Aid Society, like the Associated Charities composed and comprised of the best people in this city, who go about from day to day picking up the waifs of this District and those who come here.

We can not put upon this bill all these charities without swelling it and enlarging it beyond what will be deemed reasonable when the bill comes to its final conclusion and solution. Therefore, it is, Mr. President, with every disposition to appropriate money for these charities—they are all useful, they are all performing a noble and splendid and beneficent work in this District—we must stop at some point. If we put on one, what answer shall we make to all those who have made the same request of us who do not find themselves provided for in this bill? It is for that reason that the Committee on Appropriations have not very much enlarged the charities in this bill; they have enlarged them somewhat, but they have placed on this bill no new charities.

We found the St. Joseph's Asylum in this bill for \$500; we found another small charity, a new one, in this bill for \$250. We did not disturb either of them, but we did not think it wise to enlarge the appropriations for them. This matter was fully and thoroughly discussed in the Committee on Appropriations, and I think this was the conclusion deliberately arrived at by the committee.

Mr. PLATT. I should like to ask the chairman of the committee one question, and that is, if he does not think that there might be danger of losing these charities when they go into conference if we strike them all out now?

Mr. ALLISON. So I suggested to Senators, that these charities then will come again under the supervision of the House of Representatives, if I may speak of that properly. They may be quite willing to strike out these provisions if we say we are not for charities at all, because that is what a vote striking out means. It means to say that this Senate is against all charities because it strikes out all those which have been inserted by the House, and the House may say "Very well, if the Senate is opposed to these charities we quite agree with them, and we will strike them all out."

Mr. HARRIS. Mr. President, I am inclined to think if the amendment of the Senator from Florida shall be agreed to, that it will defeat the very object he has in view.

The limit of the jurisdiction of a committee of conference upon a legislative enactment is upon the disagreeing votes of the two

Houses. The House of Representatives sends to the Senate a bill containing sundry provisions for charities. The Senate has added other objects of appropriation and in some instances has increased the amount; but if the motion of the Senator from Florida should be agreed to, it strikes out all the original text as it came from the House and every amendment that the Senate has incorporated in that chapter, and the bill returns to the House simply with the original text of the House bill stricken out.

Then, the only question which it is legitimate for the committee of conference to consider is as to whether these provisions shall be reinstated as they came from the House or reinstated with diminished amounts, but as there is no disagreeing vote between the two Houses involving any larger amount of appropriation, I take it for granted the committee of conference could not exceed the amount in any instance fixed by the House, because the only disagreement would be as to whether or not that appropriation or some smaller appropriation should be made.

Mr. CULLOM. We would either get nothing or get back what we have in the bill now.

Mr. HARRIS. At least you jeopardize what you have in the bill now, and the danger is that you would get nothing but a smaller amount than the House originally appropriated.

Mr. VOORHEES. I do not know that anything I can say will be of importance to anyone except perhaps myself. I have nothing to say in regard to the parliamentary question raised by the Senator from Tennessee [Mr. HARRIS] as to the effect of this motion. I have great respect for the Senator from Iowa [Mr. ALLISON], and I have listened with interest to his statement in regard to the charities of this District. I am impressed, however, with this idea. This District has no other legislature than Congress; there is no other legislative body to look after their wants. Were we at home in our several Commonwealths, and it was demonstrated that there was a pressing want for a small sum of money upon a very important question to care for the morals and training of the rising generation, we should not pause to consider how many charities we had already established.

When the Senator from Iowa stated that we were appropriating some \$300,000 for charities in this District, it sounded somewhat imposing; but if more is needed, then more is right. This Government can not afford to stop because it can not spare the money to do what is right for the welfare of its people, and if a line is to be drawn anywhere in regard to establishing charities in this District, let it be drawn at some other place than upon the children. After the statement made by the Senator from Missouri I should feel vastly uncomfortable unless some provision was made for these children.

I know something of the facts besides the statement of the Senator from Missouri, and I know that noble women have been giving their time, their substance, and their care on this subject to what properly belongs to bearded men, to the governing power of this country, to care for its own. I for one am not willing to shirk this question on a mere matter of \$1,500 or \$2,000, and on a question of order at that. As to the question of order, sir, it is always in order to care for the helpless and the poor; it is always in order to care for the children of the rising generation, to take them in out of the streets, to take them in out of temptation, out of the storms of vice and trouble that beset them on every hand. One hundred and thirty-one of these young souls, the Senator from Missouri has told us, are cared for now by private charity, and on a question of whether this Government shall step forward and take care of these helpless ones a question of order is interposed!

The VICE-PRESIDENT. There is no question of order pending at the present moment.

Mr. VOORHEES. I am glad to know that. I was under the impression, Mr. President, that the Senator from Iowa [Mr. ALLISON]—and I certainly shall not criticize him with the slightest degree of censure—but I was under the impression that his question of order coming from the committee was still pending. I am glad to know that it is not.

The VICE-PRESIDENT. The Senator from Iowa raised the point of order on an amendment previously offered by the Senator from Florida [Mr. CALL], but has not raised any point of order on the amendment to strike out.

Mr. VEST. If the Chair please, the Senator from Iowa raised the point of order on my amendment in regard to the St. Joseph Asylum, and it was sustained. I want to say now that I never should have offered that amendment if I had not been of the impression that the committee would not raise the point of order against it. I went to the chairman of the committee—I know it was a misconception, that I misunderstood him and he probably misunderstood me—but I told him I knew the amendment was subject to the point of order, and if the committee insisted upon it, I would have nothing to do with it, for I was bound, and he

told me he would simply state the facts and leave the question to the Senate. That is the reason I offered the amendment.

Mr. VOORHEES. I was to a certain extent, Mr. President, correct in speaking of the point of order, though it is not now pending, having been disposed of, and against the amendment.

Mr. President, the Senator from Florida is entirely correct in speaking of these Little Sisters begging for the poor. They are all around us; they go from door to door soliciting charity. They are doing their duty. Sir, it is a grave question whether we are doing ours.

I repeat, if the line is to be drawn on charity, let it be drawn on some other kind of people than these. Let it be drawn upon the inebriates or those who are better able to care for themselves, or those who have had their chance in life and have thrown it away. Let it be drawn on them if somebody has to go to wreck. Let those who are rising in the world have their chance. We are responsible for them. We are not responsible for those who have passed through their career and are closing the day of their existence.

Therefore, Mr. President, I did not feel at ease until I had said this much in behalf of what I deemed to be just and right. A point of order on the part of the committee can prevail, I am aware of that, and we are talking, as it were, in vain, as long as questions of order are raised.

The Senator from Missouri offered a little amendment, I believe, of \$2,000, an increase of \$1,500, and we have been talking here \$1,500 worth since it was offered. We should have made money for the Government if we had adopted it at once and let the children have the money that we are talking and caviling about. I say the same in regard to the amendment of the Senator from Florida. There is no economy in this course of procedure, none in the immediate present, none in the long run, worse than none in the long run; for, as the Senator from Missouri has well said, charity expended as his amendment proposes to expend it is for the future welfare of society, for the safety of the home, for the suppression of vice, and the establishment of order and virtue.

Mr. CULLOM. Mr. President, as a member of the Committee on Appropriations when the item in the bill was reached that was proposed to be amended by the Senator from Missouri [Mr. VEST], I felt very strongly inclined to the idea that that appropriation should be raised to \$3,000, and I still feel, knowing something more about that charity than almost any other charity in the city, that if anything is done to increase the appropriation in this bill, that is as meritorious as any one can possibly be. When the subject was under discussion in committee, however, we found that there was a vast number of these charities that were not yet proposed to be placed in any legislative bill, and that if we began on that line it would result in a very large number of other appropriations which were sought for getting into the bill, because they stood largely upon the same platform.

Mr. VEST. This is in the bill.

Mr. CULLOM. This is in the bill, put in by the House, a small sum of \$500 it is true, and which I understand those who are interested in the institution regard as a damage to the establishment rather than a benefit, because it may make the people who have been in the habit of supporting it heretofore believe that now as a little appropriation is made, it will not be necessary for them to give anything hereafter. But, I came to the conclusion, in view of the large appropriations we were making in the bill, increasing it over \$700,000 above what the House had made it, that we ought to perhaps call a halt. I therefore felt that I would give up the desire I had that the St. Joseph's Asylum should get an increased appropriation. We might as well face the question if we are going to open the subject, and make up our minds to recognize every one of these charities which has been talked about here to-day, and which has sought to secure appropriations in this bill.

My judgment is that we have got more in the bill now than we shall be able to keep there, and that we had perhaps better hesitate before opening the doors further and allowing additional appropriations to be incorporated in the bill.

Mr. MANDERSON. Mr. President, the Senator from Iowa, in charge of this bill, must realize that this is a very familiar subject. I doubt if any appropriation bill appropriating for the District of Columbia has been considered in the Senate but what there has been an effort on the part of members of the Senate to increase appropriations for specific charities, and I think it was this course, pursued for many years, that prompted Congress in 1890 to create a new office known as the superintendent of charities. This official, I understand, a very excellent man, qualified in every way for the performance of his functions, has been on duty since some time in the year 1890. I should like to ask whether these appropriations for charities are based upon any report as to the distribution made by him, and whether his views as expressed in a report constitute any guide to the Committee on Appropriations in dividing the sum that is to be appropriated

in gross for this purpose? I see and have heard nothing of any action based upon that report, and I should like some information from the Senator upon that subject.

Mr. ALLISON. Mr. President, the Committee on Appropriations had the Commissioner of Charities before them two or three times respecting these charities. The Commissioner of Charities does not recommend any new charities to be placed on the subsidized list. He believes that these charities should have more direct Government supervision as respects admission to the list and as respects control over them. There is now pending, I understand, in the Committee on the District of Columbia, a bill looking to a more careful regulation of these charities. I understand that bill has received the approval of the Commissioners of the District.

If the Senator will allow me, while I am up I will say in respect to this officer that he made a fine impression upon those who had the pleasure of hearing him, as a painstaking, conscientious, intelligent officer, and thoroughly devoted to the work in which he is engaged.

Now, I want to say one word in response to the Senator from Indiana [Mr. VOORHEES].

Mr. MANDERSON. Before the Senator departs from that subject, if he will permit me to call his attention to the peculiar wording of this law, it would seem to me on looking at it as though we had thrown upon this officer a very important and at the same time a very onerous duty.

That for the purpose of securing a more equitable and efficient expenditure of the several sums appropriated "for charities" there shall be appointed by the President, by and with the advice and consent of the Senate, as soon as may be after the passage of this act, some thoroughly experienced and otherwise suitable person, not a resident of the District of Columbia, to be designated superintendent of charities for the District of Columbia, whose duty it shall be to formulate for the purposes of the expenditures for charities in said District such a system or plan of organized charities for said District as will by means of consolidation, combination, or other direction, in his judgment, best secure the objects contemplated by the several institutions and associations for which such appropriations are made.

Has there been anything in the direction of the performance of this particular duty which if properly performed would relieve Congress from very much of this detailed investigation as to the merits of particular charities?

Mr. ALLISON. The commissioner of charities, I think, took his office in April, 1891, not quite a year ago, and I have no doubt that he has faithfully devoted himself to the duties imposed upon him by the statute. He has formulated and prepared one bill, which is now, I think, before the Committee on the District of Columbia, and he has other bills in preparation in connection with the Commissioners of the District of Columbia. He made a most valuable report, but that report was made of course in October of last year and before he had full time to examine into these charities. I want to say, however, that in that report the commissioner commends favorably the management and control of every charity in this city without exception; he speaks of them as all and each one of them doing a charitable and beneficent service.

The Senator from Indiana criticises me somewhat because it becomes my duty as the chairman of the Committee on Appropriations, having in charge this bill, to make points of order upon amendments which are offered by individual Senators, the theory of our organization being here that it is wiser and better that amendments offered should have the consideration of committees rather than that they should be adopted without much consideration on this floor.

Now, I sympathize, as the Senator sympathizes, with the waifs who are found upon these streets; but the Senator must not forget that the Government, as respects boys, has provided for all these waifs at the expense of the government of the District of Columbia. That expense is provided for in this bill. So these boys who may have been or are unfortunate are already provided for in this bill if they choose to go where this bill provides they may go, namely, to the Reform School of the District of Columbia.

Mr. VEST. Oh, Mr. President, I beg the Senator's pardon, but he certainly does not intend to use that argument. Of the 95 boys now in the St. Joseph's Asylum 35 or 36 come from the Foundling Asylum.

Mr. ALLISON. I am not saying that the boys in St. Joseph's Asylum ought to go to the Reform School.

Mr. VEST. If the Senator will permit me, I thank him for having made the suggestion, because it enables me to say that next to allowing them to go upon the street and from there to the penitentiaries and jails, I would put them in the Reform School, where they would meet boys already lost and hardened and so thoroughly vicious that they would contaminate by association any boy who is brought in contact with them. The very object of the women who are at the head of such institutions as the St. Joseph's Asylum is to prevent that very state of the case and to furnish them with the influences of family, of religion,

and of home until they are self-sustaining and can resist temptation. If I had, and I repeat it, my choice between a jail and the Reform School, I should hesitate.

Mr. ALLISON. I might not disagree with the Senator from Missouri. He has stated the case strongly, but perhaps properly. Here are these Sisters of Charity devoting themselves to the training of such boys and such girls who are unfortunate as they can gather into their asylum, and keeping them there until they go out into the world and are prepared for its contests and its battles. They struggle there without compensation.

Mr. VOORHEES. May I ask the Senator from Iowa a question?

Mr. ALLISON. Yes, sir.

Mr. VOORHEES. Is it not true before one of these boys can be sent to the Reform School he has to be arrested and put in jail?

Mr. ALLISON. That is not true.

Mr. VOORHEES. And sentenced by the police court? In other words, the Reform School is a penal institution, and the boy goes there under a sentence.

Mr. ALLISON. That is not always the case. They are sent there either by the Secretary of the Interior or by a proper officer of this District.

But the Senator from Indiana and the Senator from Missouri seem to think that I am hostile to what they propose. Here is this charity which the Senator from Missouri speaks of. It was organized here as a church charity thirty-six years ago, and its managers have never until this very year and month for a single moment thought of asking the Government of the United States or the District of Columbia to contribute to them.

Mr. VEST. I beg the Senator's pardon. He is misinformed in regard to that entirely. These sisters have repeatedly considered the propriety of applying to Congress, and they have always been met with exactly the argument made by the chairman of the committee now, that Congress was giving \$300,000 to charities and the amount could not be increased.

Mr. ALLISON. Mr. President, I do not like to be making these contests with my friend from Missouri; but the very argument used to the committee by Sister Euphrasia, who presented her case, and very properly and very modestly and very truthfully, I have no doubt, stated that it was because we were giving largely to other charities that she thought, and her society thought, that they were entitled to the same consideration. I believe it, and I have no doubt that I led her to believe that I would favor her charity, because she made an impression upon me. I will say to the Senator from Missouri; but when I discovered that there were a large circle of other charities equally meritorious, not only in the church to which she belongs, but elsewhere outside of it, all claiming that they had the same right to appropriations that those charities have which are mentioned in this bill—when we found that a large addition must be made to this bill, we had some regard for the general situation respecting it, and left them all off.

Mr. MCPHERSON. If I may interrupt the Senator—

Mr. ALLISON. Yes, sir.

Mr. MCPHERSON. I understood him to say that provision had been made by taxation upon the District for certain charities, which included boys, but that no provision had been made for like charities for girls. Now, is it not entirely competent for the Committee on Appropriations to require that certain sums of money shall be raised by the District to cover all these charities, and not confine them to one or to a half dozen, if more be needed, for I think I understand pretty correctly that the people of the city of Washington will be very glad to have their property taxed for all these worthy charities. Therefore it is that I see no way that a tax can be levied, except it is through some action by Congress.

Mr. ALLISON. Mr. President, the Senator from New Jersey is now stating what the Committee on Appropriations provided in a bill they reported here two years ago, namely, that there ought to be a coordination of these charities, and that there ought to be a board of charities here. The first step was the provision made for a commissioner of charities in order that he might see what they are and what they are doing.

Mr. MCPHERSON. If the Senator will bear with me a single moment further, I will simply add a word more.

The Senator knows full well, as far as regards private subscription to these charities, if it can be understood by the public that they are on a firm and substantial basis and that the government of the city recognizes the importance of them, it would be a very great encouragement to private subscribers to these charities; whereas if they are going along from day to day half dead and half alive, there is nobody who feels much encouragement, because he has no confidence in the result.

Mr. ALLISON. The very reverse of what the Senator states is true. Wherever the Government of the United States has made appropriations—there are exceptions, I agree—but where-

ever the Government of the United States has made appropriations, as a rule all private contributions cease. Last year there was expended in this District for charitable purposes by the government of the District of Columbia and by the Government of the United States more than \$300,000, and yet, so far as the private subscriptions are concerned to the subsidized charities, or the charities which receive aid from the Government, they were only a little over \$32,000.

What we want to do, and what I think we ought to do here, is to have a board of charities of the best and most responsible citizens of this city, consisting of men and women, give them the charge of these charities, let us devote a certain portion of the revenues to these charities, and let them be distributed here by a responsible charitable organization of this District. As it is now, it is a scramble, first with the Commissioners of the District of Columbia, each seeking to get as much as possible, and then a scramble in this Chamber and in the other for precedence on the appropriation bills.

I must say that I regret that the Senator from Missouri, and especially the Senator from Indiana, undertook to put me in the position of being hostile to these charities or any of them in the District of Columbia.

Mr. VEST. I beg the Senator's pardon. I have done nothing of the sort.

Mr. VOORHEES. And I wish to disclaim any purpose of that kind to the Senator from Iowa.

Mr. ALLISON. I accept the disclaimer.

Mr. VOORHEES. I make it with pleasure to the Senator from Iowa.

Mr. VEST. I made no such intimation; but I say to the Senator from Iowa frankly that I was misled in regard to one matter. When I went to him in regard to this amendment, I received the impression that this point of order was not to be made, and I so reported to these ladies who had come to me in regard to it. It is a misconception. That is all I have said about it.

Mr. VOORHEES. A single word more. I know the Senator from Iowa is acting under the force of a rule which prevails in this body and prevails in the committee and governs him as the representative of the committee, and that he is not acting from the very good heart that is in him when he is coerced by that rule.

Mr. ALLISON. Now, I want to say a word to the Senator from Missouri. I did not mean to say or to be understood by the Senator that I would not make the point of order, although I have no doubt he so understood me. Mr. President, as respects this charity and this amendment which the Senator from Missouri offers which is on this bill, so far as I am concerned I do not make the point of order on him in view of what he has said.

Mr. VEST. I am obliged to the Senator.

Mr. ALLISON. And I leave to the Senate to say whether or not, as respects to this particular charity, where the Senator from Missouri says that he was misled by observations that I made and that he misled others thereby, if he states that on this floor, I withdraw the point of order I made on the amendment.

Mr. VEST. Then I ask for a vote upon that amendment.

Mr. ALLISON. Let the amendment be stated.

Mr. VEST. The amendment is to increase the appropriation for the St. Joseph's Asylum \$1,500, increasing it from \$500 to \$2,000.

I want to make a single remark.

The Senator from Iowa stated what is actually a potent argument for this proposed increase. He stated here that whenever the Government made an appropriation private charity generally ceased. That is so; because when application is made to an individual in such a case the reply is the Government is giving you so much money; go to the Government. To give these people \$500, when their report shows that they actually consume in provisions \$2,700, is simply to stop private charity and then give them an inadequate sum for maintenance. It would be better for them not to have anything than to give them \$500.

I ask for a vote upon the amendment.

Mr. CALL. I want to correct a statement of the Senator from Missouri. To the charity I have proposed to have inserted here, the Little Sisters of the Poor, the Government has given \$42,000, and they have collected from private charity \$350,000.

The VICE-PRESIDENT. The amendment of the Senator from Missouri will be stated.

The SECRETARY. In line 14, on page 43, it is proposed to strike out "five hundred" and insert "two thousand;" so as to read:

For St. Joseph's Asylum, maintenance, \$2,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment offered by the Senator from Florida [Mr. CALL].

Mr. ALLISON. I hope the Senator from Florida will not insist upon that amendment. I will say to him that the first paragraph, namely, that appropriating \$16,000 for the relief of the poor, has been amended so that there is an opportunity of getting what he desires in conference, and if there is any power to do that, I think that can be done.

Mr. CALL. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. COCKRELL. Mr. President, I have been requested to offer the amendment which I send to the desk, to come in at the end of line 8, on page 42.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42, line 8, after the word "dollars," it is proposed to add the following:

Provided, That from and after the passage of this act the term of office of all of the members of the board of directors, except the Commissioner of the District of Columbia, the United States Senator, and the two members of the House of Representatives, shall expire on the 1st day of January in each year, and their successors shall be chosen on the second Monday in December of each year, one-third of which number shall be nominated and appointed by the Commissioners of the District of Columbia and the other two-thirds elected by a majority of the directors then in office: *Provided further*, That one-third of the number of said directors oldest in service as such directors shall not be reelected nor be appointed by the Commissioners as aforesaid, nor shall they be eligible for such reelection or appointment for the period of two years next after the expiration of their term of office: *Provided further*, That the term of office of the Senator and Representatives in said board of directors shall continue as provided in the act of Congress of June 10, 1872, and the term of office of the Commissioner of the District of Columbia shall continue so long as he shall remain such Commissioner.

Mr. COCKRELL. Mr. President, I have no personal knowledge in regard to this matter, and I ask that the memorandum may be read which was sent to me to accompany the amendment.

Mr. ALLISON. Why not let it be printed in the RECORD?

Mr. COCKRELL. It will only take a moment to read it.

Mr. ALLISON. I may want to make the point of order on the amendment.

The VICE-PRESIDENT. The memorandum presented by the Senator from Missouri will be read.

The Secretary read as follows:

Memorandum relating to the proposed amendment of the appropriation bill relating to the Columbia Hospital.

1. Under the charter and by-laws all the members of the board of directors except the Senator and two Representatives and the Commissioner of the District of Columbia hold their office for life: while the representatives of the Government, the Senator and Representatives and the Commissioner, hold only for a limited time.

2. The board of directors is not elected by the corporation. By the charter, the first twelve of the corporations were made directors, and they elect those to fill vacancies caused by death, resignation, or by the increase in the number.

3. By reason of this situation, and the fact that the Government's representatives are in a hopeless minority (4 to 14), and that these life members elect their own successors, the Government is a mere feeder, furnishing money to a strictly private corporation in the management of whose affairs and in the election of whose officers it has practically no voice.

4. During the recess of Congress the Government has no representation at all, because of absence of members of Congress, and from March 4 to December of every two years, by reason of the expiration of Congress, according to the rule adopted by the board, Congress has no membership, because its representatives are appointed only for the life of Congress, and a member, though reelected, is not regarded as a director, because the Congress from which he is appointed has expired.

5. The corporation is really a Government institution because it is supported not by contribution of these directors, but by appropriations by Congress and the profits derived from pay patients.

6. The only way to remedy this condition and give the Government a real control is by limiting the term of office of directors to one year and having a substantial number, one-third, appointed by the Government, by its representatives, the Commissioners, leaving the entire board to elect the balance of the members and thus secure a real representation by all concerned.

Mr. ALLISON. I make the point of order on the amendment.

Mr. COCKRELL. What is the point?

Mr. ALLISON. That it is legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken.

Mr. MORGAN. Mr. President, I intended to offer an amendment to this bill relating to the High Street Railway, or the railway from Georgetown to Tennallytown, but after conference with several members of the committee and other Senators I have concluded that it is better to leave that matter to the conference committee, who, I think, are now prepared to consider it, and to do justice to all concerned.

The VICE-PRESIDENT. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

On motion of Mr. HALE it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

CIRCUIT COURT OF APPEALS.

Several SENATORS addressed the Chair.

Mr. HOAR. I rise to a question of order. What is the business now before the Senate?

The VICE-PRESIDENT. The Chair lays before the Senate

the unfinished business, being the bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Mr. HOAR. Now, Mr. President, I desire to take the floor on that bill, but I yield to any Senator who wishes to make any motion.

REMOVAL OF GARBAGE IN THE DISTRICT OF COLUMBIA.

Mr. BLACKBURN submitted the following resolution; which was referred to the Committee on the District of Columbia:

Whereas there was appropriated by the last Congress the sum of \$24,000 for the removal of garbage in the District of Columbia for the year ending June 30, 1892; and

Whereas it is stated by the Commissioners for the District of Columbia in their last annual report now before Congress that said appropriation is already "practically exhausted," and an additional appropriation is asked for: Therefore,

Be it resolved by the Senate of the United States in Congress assembled, That the Committee of the Senate on the District of Columbia is hereby instructed to investigate the manner and methods by which said appropriation has been expended, and to report to the Senate at an early day the result of their investigations.

Also, that said committee is directed to report what changes have been made in the official management of the health department of the District of Columbia, and for what reasons; and if any unusual or unfair means have been used to accomplish such changes.

Also, if the present contractor for the transportation of garbage and the collection and transportation of dead animals in the District of Columbia is carrying out his contract according to the specifications thereof.

Also, if said contractor is an employé of the War Department, drawing a salary from the United States; and if so, why he is allowed to occupy such a double position.

Also, if said contractor has been awarded a five years' contract for the collection of garbage and dead animals in the District of Columbia; and if so, the amount of said contract; and if said contractor has been allowed to sublet said contract; and if so, to whom, and what consideration he received for the same.

BUILDING OF WAR SHIPS ON THE GREAT LAKES.

Mr. McMILLAN submitted the following resolution:

Whereas it is alleged that the iron and steel shipbuilding plants along the Great Lakes of the Northwest exceed in combined facilities, in magnitude, and in capital the interests of all other shipbuilding plants of the country combined; and

Whereas it is further alleged that these great inland shipbuilding interests have been denied an opportunity to bid for the construction of torpedo boats and the smaller class of war ships which can be taken by the water route through the St. Lawrence to the sea: Therefore,

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether any bids for the construction of certain types of war ships have been received from any of said shipbuilding companies, and whether such bid or bids have been refused or rejected by his Department for any reason or reasons other than such as follow from the usual rule in accepting or rejecting bids for such class of work, and if so, the reasons therefor.

Mr. HALE. I do not know that there is any objection to that resolution; but I want to examine it. Let it lie over.

The VICE-PRESIDENT. The resolution will lie over and be printed.

NAVAL FORCE ON THE GREAT LAKES.

Mr. McMILLAN submitted the following resolution:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year 1817, covering the question of the naval force to be maintained by the two Governments on the great lakes of the United States is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, 1861, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and of the ratification of said notice by the act of Congress of February 9, 1865.

Mr. HALE. Let that lie over, Mr. President.

The VICE-PRESIDENT. The resolution will lie over, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 418) to change the times for holding the circuit and district courts of the United States for the western district of Missouri.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6788) to establish supports of entry and delivery at Superior, Wis., and at Ashland, Wis., in the Superior collection district of Michigan and Wisconsin; and

A bill (H. R. 5640) to increase the pension of Cassie A. Davis.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise.

ORDER OF BUSINESS.

Mr. CAREY. I ask to call up for present consideration Order of Business 448, being the bill (S. 577) for the relief of W. H. Ward. It is a short bill.

Mr. DOLPH. Mr. President, I rise to a question of order. I want to know if the general agreement to go to the Calendar for two days after we disposed of the Indian appropriation bill is not now the order of the Senate and if the Calendar is not in order under that agreement?

The VICE-PRESIDENT. The Chair understands that was the understanding reached some days ago.

Mr. CULLOM. I think, besides the unfinished business, there are several special orders pending.

Mr. HOAR. I was not aware that the consent was now in force. I hope the Senate will be willing to take up the bill to amend the court act, the discussion of which I think will be very short indeed.

Mr. DOLPH. Mr. President, the agreement was that after the disposition of the Indian appropriation bill we should go to the Calendar for two days under Rule VIII, and the agreement was made subject to the understanding that if the Committee on Appropriations desired to take up the District appropriation bill that bill should take the place of the consideration of the Calendar. I suppose a fair construction of the agreement would be that we should now go to the Calendar for two days. However, that is a matter for the Senate to decide.

Mr. HOAR. I shall not interpose.

Mr. DOLPH. I think if we do that we shall reach in two days' time all these bills.

Mr. COCKRELL. I hope that either now or on Monday next we shall carry out that agreement. It ought to be done.

The VICE-PRESIDENT. The title of the bill called for by the Senator from Wyoming [Mr. CAREY] will be read.

The CHIEF CLERK. A bill (S. 577) for the relief of William H. Ward.

Mr. COCKRELL. I do not think Senators should call up special bills from the Calendar at this time. If we are to proceed with business, let us go to the Calendar regularly.

Mr. CULLOM. We want two whole days for the Calendar.

Mr. COCKRELL. I understand we want two whole days, and this is not the time now to go to passing bills out of their order.

NEW YORK AND NEW JERSEY BRIDGE COMPANY.

Mr. FRYE. I move that the bill (S. 455) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey be recommitted to the Committee on Commerce.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, April 11, 1892, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 8, 1892.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Richard T. Yeatman, Fourteenth Infantry, to be captain.

Second Lieut. John Little, Twenty-fourth Infantry, to be first lieutenant.

Capt. Thomas E. Rose, Sixteenth Infantry, to be major.

First Lieut. William C. McFarland, Sixteenth Infantry, to be captain.

Second Lieut. George S. Cartwright, Twentieth-fourth Infantry, to be first lieutenant.

POSTMASTERS.

Henry Vaupel, to be postmaster at Morganfield, in the county of Union and State of Kentucky.

James I. Weaver, to be postmaster at London, in the county of Laurel and State of Kentucky.

William F. Albright, to be postmaster at Eaton, in the county of Preble and State of Ohio.

Richard L. Templin, to be postmaster at Calla, in the county of Mahoning and State of Ohio.

James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia.

William L. Bachelder, to be postmaster at Durand, in the county of Pepin and State of Wisconsin.

Henry Schrage, to be postmaster at Whiting, in the county of Lake and State of Indiana.

David Vail, to be postmaster at New Sharon, in the county of Mahaska and State of Iowa.

Charles S. Doubleday, to be postmaster at Hico, in the county of Hamilton and State of Texas.

Fulgence De Bordenave, to be postmaster at Franklin, in the county of Southampton and State of Virginia.

John B. S. Zeller, to be postmaster at Mount Joy, in the county of Lancaster and State of Pennsylvania.

William F. Judiesch, to be postmaster at Holstein, in the county of Ida and State of Iowa.

Mary F. Trump, to be postmaster at Maquoketa, in the county of Jackson and State of Iowa.

Sylvester S. Bookhammer, to be postmaster at Lewes, in the county of Sussex and State of Delaware.

John W. Hallenbeck, to be postmaster at Auburn Park, in the county of Cook and State of Illinois.

George W. Stetson, to be postmaster at Cambridgeboro, in the county of Crawford and State of Pennsylvania.

George B. Tripp, to be postmaster at Mechanicsville, in the county of Saratoga and State of New York.

Charles E. Gorham, to be postmaster at Great Barrington, in the county of Berkshire and State of Massachusetts.

Lee McLaughlin, to be postmaster at Sanger, in the county of Fresno and State of California.

Mrs. Dora Clow, to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas.

Simon J. McKenzie, to be postmaster at Adrian, in the county of Nobles and State of Minnesota.

William H. Hyler, to be postmaster at Port Chester, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 8, 1892.

The House met at 12 o'clock m., and was called to order by the Speaker. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D. The Journal of the proceedings of yesterday was read and approved.

INVESTIGATION OF LEASES, YELLOWSTONE NATIONAL PARK.

Mr. McMILLIN. Mr. Speaker, I desire to call up from the Speaker's table a privileged resolution heretofore reported from the Committee on Rules, authorizing an investigation of certain leases in the Yellowstone National Park.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. MCRAE submitted the following, which was referred to the Committee on Rules:

Resolved, That the Committee on the Public Lands be instructed and directed to examine and report, by bill or otherwise, as to the circumstances under which certain leases for parcels of grounds in the Yellowstone National Park were made on or about March 20, 1889, by the Secretary of the Interior to the Yellowstone Park Association, and also why the privilege given to said association in said leases to transport passengers into and through said park was afterwards rescinded and forfeited, and the same granted to one S. S. Huntley, together with all the facts concerning such transaction; that the committee make full inquiry into the manner of administering the affairs of said park, touching leases and privileges therein, and the management of said park generally by the Interior Department; that the committee, or any subcommittee it may designate to prosecute the inquiry and examination have power to send for persons and papers, and to employ a stenographer; and that the expenses shall be paid out of the contingent fund of the House, and the chairman of said committee, or of such subcommittee, if one be designated, is authorized to draw for the same on the Clerk of the House in sums not to exceed \$300 at any one time.

Mr. McMILLIN. I demand the previous question, Mr. Speaker. That will give fifteen minutes' debate on either side, if desired.

The previous question was ordered.

Mr. McMILLIN. There is an amendment authorized, striking out the words "and to employ a stenographer." This is in order that the official stenographers to committees of the House may be employed.

The SPEAKER. Without objection that amendment will be considered as agreed to.

There was no objection.

Mr. BURROWS. Mr. Speaker, I have forgotten whether a special committee was ordered by the House to make this investigation.

Mr. McMILLIN. Not a special committee. It simply authorizes one of the standing committees of the House.

Mr. BURROWS. What committee?

Mr. McMILLIN. The Committee on Public Lands.

The resolution as amended was agreed to.

WILLIAM M. BLACKFORD.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of William M. Blackford against the United States; which was ordered to be printed, and referred to the Committee on War Claims.

PUBLIC BUILDING, ALLENTOWN, PA.

The SPEAKER laid before the House the bill (S. 109) to provide for the purchase of a site and the erection of a public building thereon at Allentown, in the State of Pennsylvania; which was referred to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENS, for two weeks, on account of important business.

To Mr. CAMINETTI, for the balance of the week, on account of a death in his family.

CASSIE A. DAVIS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5640) to increase the pension of Cassie A. Davis.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Cassie A. Davis, of Morrisville, Vt., widow of James P. Davis, of Company E, Third Regiment Vermont Volunteers, at the rate of \$2 per month in addition to the pension now allowed to her; said sum of \$2 per month to be paid to her during the life of her permanently helpless daughter, Mary T. Davis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HARRIES. I would like to have the report read.

The report (by Mr. CURTIS) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5640) to grant an increase of pension of \$2 per month to Cassie A. Davis on account of a permanently helpless child, Mary T. Davis, and submit the following report:

James P. Davis served from June 1, 1861, to March 4, 1866, when discharged as a second lieutenant; his widow is in receipt of a pension of \$12 per month on account of his death. It appears from evidence on file in the Pension Bureau and with this committee that the daughter of this soldier, Mary T. Davis, about 20 years of age, is wholly dependent on others, has never spoken, and suffers from general paralysis, almost complete, so that she can walk but little and that only with a tottering gait.

This is evidently such a case as was contemplated by the act of June 27, 1890, so far as it relates to permanently helpless children, but as that act is construed to apply only to such children as were under the age of 16 years at the passage of the act, relief can not be obtained through the Pension Bureau.

Your committee therefore return the bill with the recommendation that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

R. A. SPALDING.

Mr. WILLIAMS of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 2503) for the relief of R. A. Spalding, administrator of estate of Solomon Blue.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to R. A. Spalding, administrator of the estate of Solomon Blue, deceased, the sum of \$15,000 for cattle taken and used by the Army of the United States, August, 1864.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. The report had better be read.

Mr. BURROWS. That had better be inquired into a little.

The SPEAKER. The Clerk will read the report, subject to objection.

The report (by Mr. SCOTT) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. H. 2503) for the relief of R. A. Spalding, administrator of Solomon Blue, deceased, submit the following report:

This measure was considered by this committee in the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report. Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

[House Report No. 2864, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3707) for the relief of the heirs of Solomon Blue, respectfully submit the following favorable report:

The evidence shows that Solomon Blue lived in Union County, Ky., during the war of the rebellion, and at all times was entirely loyal to the Government; that in August, 1864, Brig. Gen. E. A. Paine, of the Union Army, then commander of the Western District of Kentucky, seized and took from the possession of Solomon Blue, from his home in said Union County, 10 head of horses and 90 head of beef cattle, took them to Paducah, Ky., and turned them over to the proper departments of the Government, and that said property was taken and used for the benefit of the Government; that said claim has been examined by the Quartermaster-General and the horses have been paid for, but the claim for cattle was refused on the ground that it was not a proper charge against the Quartermaster's Department. The horses and cattle were taken at the same time, and the proof as to both is the same. The cattle have never been paid for.

Upon consideration of all the evidence in the case your committee believe that the sum of \$6,050 is a fair compensation for them. One R. A. Spalding is administrator of the estate of Solomon Blue. Your committee recommend the passage of the bill with the following amendments: First, Amend the title so as to read "A bill for the relief of R. A. Spalding, administrator of the estate of Solomon Blue, deceased." Second, Strike out from and including the word "heirs" in line 4 of the bill to and including the words "horses and" in line 7 of the bill, and insert in lieu thereof "R. A. Spalding, administrator of the estate of Solomon Blue, deceased, the sum of \$6,050 for."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Mr. Speaker, I hope there will be some further explanation of the bill. The report is not very full, and I could not understand from the reading why it was this claim was not paid years ago.

Mr. WILLIAMS of Illinois. I will state to the gentleman from Indiana that the bill has been reported favorably to the House several times. The property taken, as shown by the affidavits on file, including that of the Union general who took the property, was taken for the use of the Army, and that the claimant was loyal. There were 10 head of horses and 90 head of cattle taken at the same time.

Mr. HOLMAN. Taken for the use of the Government?

Mr. WILLIAMS of Illinois. Taken for the use of the Government. An application was made to the Quartermaster-General for pay for the property. The Quartermaster-General, on the proof, paid for the horses, but decided that the charge for the cattle was not a proper one against his department, and he refused to pay for them on that account. The evidence shows that the property was all taken at the same time. The claim as filed was for \$15,000; but it has been amended, and reduced to \$6,050. Of course at the time the cattle were taken that class of property was a great deal more valuable than it is now.

Mr. HOLMAN. What reason did the Quartermaster-General give for not allowing for the cattle while he allowed for the horses?

Mr. WILLIAMS of Illinois. The reason he gave was that it belonged to a different Department, and was not a proper charge against his Department.

Mr. HOLMAN. It involves a charge against the Commissary Department, if taken for the use of the Army.

Mr. WILLIAMS of Illinois. That was the ground on which he decided. The property was all taken at the same time and all turned over at the same time to the Union Army.

Mr. HOLMAN. What was done with the cattle?

Mr. WILLIAMS of Illinois. The evidence shows that the cattle were taken and used by the Union forces. They were beef cattle.

Mr. COBB of Alabama. Was any application made to the proper Department for payment for the cattle?

Mr. WILLIAMS of Illinois. I do not know that any application was made to any other Department than the Quartermaster-General's Department.

Mr. COBB of Alabama. Why?

Mr. WILLIAMS of Illinois. I do not know why. I only know that the claim was made to the Quartermaster-General's Department.

Mr. BURROWS. Mr. Speaker, I do not know that I have any objection to the bill, but I really think it should be considered in committee. I think, therefore, I shall have to object.

The SPEAKER. The gentleman from Michigan objects.

Subsequently

Mr. WILLIAMS of Illinois said: Mr. Speaker, the gentleman from Michigan withdraws his objection to the bill I called up.

Mr. BURROWS. Mr. Speaker, I am advised that the cattle mentioned in this bill were taken at the same time that the horses were taken, and under the same circumstances, and that there is no question about the merit of the claim. I therefore withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill called up by the gentleman from Illinois?

Mr. HOLMAN. I believe the amendment reducing the amount to \$6,050 has not been submitted.

Mr. WILLIAMS of Illinois. I ask that the two amendments be considered.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the question is on agreeing to the amendments proposed.

The amendment was read, as follows:

Strike out from and including the word "heirs" in line 4 of the bill to and including the word "horses and" in line 7 of the bill, and insert in lieu thereof "R. A. Spalding, administrator of the estate of Solomon Blue, deceased, the sum of \$6,050."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended, so as to read: "A bill for the relief of R. A. Spalding, administrator of the estate of Solomon Blue, deceased."

Mr. WILLIAMS of Illinois moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 69) authorizing the use of the martello tower on Tybee Island, Georgia, for a signal tower.

It also announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 114) making an appropriation for the benefit of the estate of William Moss, deceased; and

A bill (S. 2351) granting a pension to John B. Meigs.

CIRCUIT AND DISTRICT COURTS, WESTERN DISTRICT OF MISSOURI.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 418) to change the times for holding the circuit and district courts of the United States for the western district of Missouri.

The bill was read as follows:

Be it enacted, etc., That from and after the 1st day of July, 1892, the terms of the circuit and district courts of the United States for the western district of Missouri shall begin and be held as follows:

At Kansas City, on the fourth Monday in April and the first Monday in November annually.

At St. Joseph, on the first Monday in March and the third Monday in September annually.

At Springfield, on the first Monday in April and the first Monday in October annually.

At Jefferson City, on the third Monday in March and the third Monday in October annually.

Sec. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TARSNEY, a motion to reconsider the last vote was laid on the table.

PORTS OF ENTRY AND DELIVERY, SUPERIOR AND ASHLAND, WIS.

Mr. HAUGEN. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 6788) to establish supports of entry and delivery at Superior, Wis., and at Ashland, Wis., in the Superior collection district of Michigan and Wisconsin.

Be it enacted, etc., That there be, and are hereby, established two supports of entry and delivery in the Superior collection district of Michigan and Wisconsin, namely, one at Superior, Wis., and one at Ashland, Wis., and that the privileges of the first and seventh sections of the act approved June 10, 1889, governing the transportation of merchandise without appraisement, be, and are hereby, extended to each of said supports of Superior and Ashland.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I wish to inquire whether this measure is recommended by the Secretary of the Treasury?

Mr. HAUGEN. It has been, and the amendments are made on the recommendation of the Secretary of the Treasury.

Mr. McMILLIN. I desire to know whether the bill increases either the salaries or the number of officers?

Mr. HAUGEN. It does not. The officers are already provided for these new places.

Mr. McMILLIN. There is no additional expense attached to it?

Mr. HAUGEN. There is not.

Mr. McMILLIN. None for rents for buildings to be used by officers, etc.?

Mr. HAUGEN. Not that I know of. There are officers now at these places, and there is necessarily now some expense to the Government for those purposes.

Mr. McMILLIN. Does this make any increase?

Mr. HAUGEN. No, sir.

Mr. McMILLIN. There are certain sections referred to the provisions of which are not stated, and I do not know what they are, but from the statement of the gentleman I will not object.

The SPEAKER. The Chair hears no objection to the request for unanimous consent for the present consideration of the bill.

The amendments were read, as follows:

In line 4 strike out after the word "entry" the words "and delivery."

In line 6 strike out all after the word "Wisconsin" to the end of the bill.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering business on the Private Calendar.

The SPEAKER. Before the Chair recognizes the gentleman

for that purpose, the gentleman from Virginia [Mr. JONES] desires to make a correction in reference to a pair.

CORRECTION.

Mr. JONES. Mr. Speaker, I was absent from the House when the vote on the free-wool bill was taken. I was paired with the gentleman from Michigan [Mr. STEPHENSON], but I find, upon examining the RECORD, that he is recorded as voting against the bill, and stating that he had been paired with me, but understood that the pair had expired the night before, and therefore voted.

I have had a conversation with the gentleman from Michigan this morning, and he has said to me very frankly that he was mistaken about the matter, and that what he had intended to say was that if he had not been paired with me he would have voted no. He evidently could not have been aware that he had been recorded as voting, and he so states now. I was in fact paired with the gentleman from Michigan, as he has acknowledged this morning, and if I had been present and not paired I should have voted for the bill.

ORDER OF BUSINESS.

Mr. LONG. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

NATIONAL-BANK NOTES LOST OR STOLEN.

Mr. DICKERSON, from the Committee on Banking and Currency, reported back with a favorable recommendation a bill (H. R. 6183) to amend the national-bank act in providing for the redemption of national-bank notes stolen from or lost by banks of issue; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MILITARY RESERVATION, OKLAHOMA CITY.

Mr. MITCHELL, from the Committee on Military Affairs, reported, as a substitute for House bill 523, a bill (H. R. 8004) donating the military reservation at Oklahoma City, in Oklahoma Territory, to said city for the use and benefit of the free public schools thereof, and for other purposes; which was read twice, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 523) was laid on the table.

ROAD TO NATIONAL CEMETERY, LITTLE ROCK.

Mr. MITCHELL also, from the Committee on Military Affairs, reported back adversely a bill (H. R. 3738) to construct a road from Little Rock, Ark., to the national cemetery adjacent thereto; which was laid on the table, and the accompanying report ordered to be printed.

INTERSTATE CANALS.

Mr. BERGEN, from the Committee on Railways and Canals, reported, as a substitute for the bill (H. R. 5175) for sharing with the several States the expense of State canals, providing free transportation to interstate and foreign commerce, a resolution requesting the Secretary of the Treasury to ascertain and report to the House, on or before January 1, 1893, the length of canal mileage in the several States respectively owning canals upon which interstate commerce is borne free of tolls, the annual cost of maintaining the same, and the amount of foreign and interstate freights, and of the local or State freights transported upon each thereof; and also like information in regard to all other canals within the United States.

The resolution was referred to the House Calendar, and the original bill (H. R. 5175) was laid on the table.

SHIP CANAL FROM THE LAKES TO THE HUDSON.

Mr. BENTLEY, from the Committee on Railways and Canals, reported back with a favorable recommendation a bill (H. R. 283) for ascertaining the feasibility and probable cost of constructing a ship canal from the Great Lakes to the navigable waters of the Hudson River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

On motion of Mr. BENTLEY, by unanimous consent, it was ordered that 2,500 copies of the report upon the above bill (H. R. 283) be printed, 500 copies for the use of the committee and 2,000 for the use of the House.

MADISON AND Y STREETS, BURLEITH.

Mr. HEARD, from the Committee on the District of Columbia, reported back with amendments a bill (H. R. 6658) to vacate Madison street and extend Y street, in Burleigh, in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, re-

ported that they had examined and found truly enrolled a bill with the following title; when the Speaker signed the same:

A bill (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise.

ORDER OF BUSINESS.

Mr. ENLOE. Mr. Speaker, before making the motion that the House resolve itself into Committee of the Whole to consider business on the Private Calendar, I wish to submit a proposition with reference to the Sibley bill, as I think we can probably get it disposed of by agreement. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1466) for the relief, etc., of the heirs and personal representatives of Henry H. and Charlotte K. Sibley, that the previous question be ordered on the amendments proposed in the Committee of the Whole, and on the bill to its engrossment and third reading, and that a yea-and-nay vote be had in the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. ATKINSON. I understand the gentleman from Tennessee to say that that is the result of an agreement. I should like to know who are the parties to the agreement.

Mr. ENLOE. I did not say that. I said I thought that this proposition might result in an agreement.

The SPEAKER. Is there objection?

Mr. BRETZ. I object.

Mr. BYNUM. I trust that my friend will withhold his objection until I can make a short statement.

Mr. BRETZ. I withdraw the objection temporarily, Mr. Speaker.

Mr. BYNUM. Mr. Speaker, I simply desire to say that while, of course, I can make no agreement for anybody, my opposition to the bill in its present shape being simply that of an individual member of the House, not even a member of the committee, yet so far as I am personally concerned I would be willing that the amendment should be considered as adopted by the committee, that the Committee of the Whole be discharged from the further consideration of the bill, and that a final vote be taken on the amendment in the House. Of course I speak for myself, and not for anybody else.

Mr. TUCKER. Is that the proposition of the gentleman from Tennessee?

Mr. BYNUM. No. His proposition is that the amendment be recommended to the House by the committee, and that the previous question be ordered on the amendment as on the bill. I would not like to agree to that, because that would give the friends of the bill the right to fight the amendment in the House.

Mr. ENLOE. Mr. Speaker, I will modify my request in accordance with the suggestion of the gentleman from Indiana [Mr. BYNUM].

Mr. BRETZ. I renew my objection, Mr. Speaker.

A MEMBER. Regular order.

Mr. ENLOE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. TURNER. And I give notice, Mr. Speaker, that if that motion should not prevail, I shall ask the House to go into Committee of the Whole on the state of the Union, to consider the tariff bill in relation to cotton-ties.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. ENLOE.]

Mr. McMILLIN. I suggest that we might substitute a day next week for to-day, giving the same privileges that the Private Calendar has now—

Mr. BURROWS. Is this debatable?

The SPEAKER. It is not. Does the gentleman object?

Mr. BURROWS. I understand the ruling of the Chair to be, recently, that there is no proposition in order pending this motion.

The SPEAKER. If the gentleman objects, of course that ends the matter.

Mr. BURROWS. The gentleman does not object, but is amazed that the Chair does not call the gentleman from Tennessee to order.

The SPEAKER. The Chair will manage its own business in that regard. If the gentleman objects—

Mr. BURROWS. If the Chair does not see fit to conform to its own ruling the other day the gentleman from Michigan will not object.

The SPEAKER. The gentleman from Michigan can have no controversy with the Chair. [Cries of "Regular order!"]

Mr. HOOKER of Mississippi. I want to ask the gentleman from Tennessee to yield to me for a moment.

The SPEAKER. The regular order has been demanded, which the Chair understands to be equivalent to an objection. The question is on the motion of the gentleman from Tennessee.

The question was taken; and on a division there were—ayes 74, noes 78.

Mr. ENLOE. I demand tellers.

Tellers were ordered.

Mr. TURNER. Mr. Speaker, I think it will save time perhaps to have the yeas and nays at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 104, not voting 132: as follows:

YEAS—92.

Abbott.	Edmunds.	Jolley.	Post.
Alexander.	Ellis.	Jones.	Powers.
Arnold.	Enloe.	Ketcham.	Quackenbush.
Bartine.	Epes.	Kribbs.	Ray.
Belknap.	Fithian.	Lanham.	Richardson.
Bergen.	Flick.	Lapham.	Robertson, La.
Boutelle.	Funston.	Lodge.	Scull.
Bowers.	Gorman.	Long.	Smith.
Branch.	Grout.	Loud.	Stephenson.
Buchanan, Va.	Hare.	McKaig.	Stewart, Tex.
Bushnell.	Harner.	Meredith.	Stone, Ky.
Butler.	Haugen.	Meyer.	Storer.
Byrnes.	Hayes, Iowa.	Miller.	Sweet.
Cable.	Haynes, Ohio.	Mitchell.	Taylor, J. D.
Cadmus.	Henderson, Ill.	Moore.	Townsend.
Caminetti.	Hermann.	O'Donnell.	Tucker.
Chipman.	Hooker, Miss.	O'Neill, Mo.	Wadsworth.
Crain, Tex.	Hopkins, Pa.	Olis.	Walker.
Cuberson.	Houk, Ohio.	Page, Md.	Wever.
Curtis.	Huff.	Patton.	Wheeler, Mich.
Cutting.	Hull.	Pearson.	Williams, Ill.
De Forest.	Johnson, Ind.	Perkins.	Wilson, Mo.
Durbin, W.	Johnson, N. Dak.	Pickler.	Wise.

NAYS—104.

Babbitt.	Coburn.	Heard.	Reilly.
Bailey.	Coolidge.	Hemphill.	Rockwell.
Bankhead.	Coombs.	Henderson, N. C.	Sayers.
Barwig.	Cox, Tenn.	Herbert.	Scott.
Beitzhoover.	Craig, Pa.	Holman.	Seerley.
Bentley.	Crosby.	Johnstone, S. C.	Shell.
Bland.	Cummings.	Kem.	Simpson.
Blount.	Daniell.	Kyle.	Snodgrass.
Breckinridge, Ky.	Davis.	Laue.	Snow.
Bretz.	De Armond.	Lawson, Ga.	Steward, Ill.
Brookshire.	Dickerson.	Lewis.	Stockdale.
Brunner.	Dixon.	Little.	Stout.
Bullock.	Donovan.	Lockwood.	Tarsney.
Bunting.	Everett.	Mallory.	Terry.
Busey.	Fellows.	McCreary.	Tillman.
Bynum.	Forney.	McKinney.	Tracey.
Capehart.	Fowler.	McMillin.	Turner.
Caruth.	Fyan.	McRea.	Van Horn.
Castle.	Geary.	Montgomery.	Warner.
Catchings.	Gillespie.	Mitchler.	Warwick.
Cate.	Grady.	O'Neil, Mass.	Watson.
Clancy.	Greenleaf.	Outwaite.	Waugh.
Clarke, Ala.	Harrell.	Parrott.	Weadock.
Clover.	Halvorson.	Patterson, Tenn.	Wheeler, Ala.
Cobb, Ala.	Hamilton.	Pendleton.	White.
Cobb, Mo.	Harries.	Rayner.	Wike.

NOT VOTING—132.

Alderson.	Covert.	Layton.	Reyburn.
Allen.	Coxles.	Lester, Va.	Rife.
Amerman.	Cox, N. Y.	Lester, Ga.	Robinson, Pa.
Andrew.	Crawford.	Lind.	Rusk.
Atkinson.	Dalzell.	Livingston.	Russell.
Bacon.	Dingley.	Lynch.	Sanford.
Baker.	Doan.	Magner.	Shively.
Beeman.	Dockery.	Mansur.	Shonk.
Belden.	Dolliver.	Martin.	Sperry.
Bincham.	Duncan.	McAker.	Springer.
Blanchard.	Dunphy.	McClellan.	Stackhouse.
Boatner.	Elliott.	McDonald.	Stahnecker.
Bowman.	English.	McGann.	Stevens.
Bravley.	Enochs.	McKeighan.	Stone, C. W.
Breckinridge, Ark.	Fitch.	Milliken.	Stone, W. A.
Brickner.	Forman.	Morse.	Stump.
Broderick.	Gantz.	Moses.	Taylor, Ill.
Brosius.	Geissenbainer.	Newberry.	Taylor, Tenn.
Brown.	Goodnight.	Norton.	Taylor, E. B.
Bryan.	Griswold.	Oates.	Taylor, V. A.
Buchanan, N. J.	Hallowell.	O'Ferrall.	Turpin.
Bunn.	Harter.	O'Neill, Pa.	Washington.
Burrows.	Hatch.	Owens.	Whiting.
Caldwell.	Henderson, Iowa.	Page, R. I.	Wilcox.
Campbell.	Hitt.	Pattison, Ohio.	Williams, Mass.
Causey.	Hoar.	Payne.	Williams, N. C.
Cheatham.	Hooker, N. Y.	Paynter.	Wilson, Ky.
Chapin.	Hopkins, Ill.	Peel.	Wilson, Wash.
Clark, Wyo.	Houk, Tenn.	Pierce.	Wilson, W. Va.
Cockran.	Johnson, Ohio.	Price.	Winn.
Cogswell.	Kilgore.	Raines.	Wolverton.
Compton.	Lagan.	Randall.	Wright.
Cooper.	Lawson, Va.	Reed.	Youmans.

So the motion was rejected.

The following pairs were announced:

Until further notice:

Mr. MOSES with Mr. CLARK of Wyoming.

Mr. SPERRY with Mr. SANFORD.

Mr. SPRINGER with Mr. REED.

Mr. BACON with Mr. HENDERSON of Illinois.

Mr. LIVINGSTON with Mr. DINGLEY.

Mr. HARTER with Mr. BOWERS.

Mr. LAYTON with Mr. TAYLOR of Illinois.

Mr. RAYNER with Mr. RUSSELL.

Mr. LAGAN with Mr. CALDWELL.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. WHITING with Mr. BURROWS.
 Mr. HENDERSON of Iowa with Mr. DOCKERY.
 Mr. COMPTON with Mr. BUCHANAN of New Jersey.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. COVERT with Mr. CHEATHAM.
 Mr. PIERCE with Mr. LIND.
 Mr. COOPER with Mr. VINCENT A. TAYLOR.
 Mr. COX of New York with Mr. GRISWOLD.
 Mr. STEVENS with Mr. RANDALL.
 Mr. WOLVERTON with Mr. BRODERICK.
 Mr. MAGNER with Mr. PAYNE.
 Mr. BRAWLEY with Mr. BINGHAM.
 Mr. GILLESPIE with Mr. DALZELL.
 Mr. WINN with Mr. MORSE.
 Mr. CAMPBELL with Mr. WILSON of Kentucky.
 Mr. OWEN with Mr. ENOCHS.
 Mr. SNODGRASS with Mr. HOUK of Tennessee.
 Mr. TURPIN with Mr. HOOKER of New York.
 Mr. EZRA B. TAYLOR with Mr. OATES.
 Mr. BUNN with Mr. ATKINSON.
 Mr. O'FERRALL with Mr. DOAN.
 Mr. HOAR with Mr. BROSIUS, for one week.
 Mr. MANSUR with Mr. TAYLOR of Tennessee.
 Mr. CAUSEY with Mr. O'NEILL of Pennsylvania, until April 13.
 For this day:
 Mr. BRYAN with Mr. HOPKINS of Illinois.
 Mr. WASHINGTON with Mr. RIFE.
 Mr. JOHNSON of Ohio with Mr. REYBURN.
 Mr. NORTON with Mr. MILLIKEN.
 Mr. BOWMAN with Mr. WILLIAM A. STONE.
 Mr. GANTZ with Mr. WRIGHT, on this vote.

Mr. REILLY. Mr. Speaker, my colleague, Mr. AMERMAN, is confined to his room by illness, and I ask that he have leave of absence.

There was no objection.

Mr. HENDERSON of Illinois. I am paired, Mr. Speaker, with the gentleman from New York [Mr. BACON] on political questions only. This not being a political question, I have voted in the affirmative.

Mr. O'NEIL of Massachusetts. My colleague, Mr. ANDREW, is ill, and I ask that he be excused for this day.

There was no objection.

The result of the vote was then announced as above recorded.

FREE COTTON TIES AND BAGGING.

Mr. TURNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending revenue bill; and pending that motion I desire to give notice that we expect to finish the consideration of the bill in Committee of the Whole this afternoon.

The motion of Mr. TURNER was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins. The gentleman from New Jersey [Mr. ENGLISH] had the floor when the committee rose on yesterday and is now recognized.

Mr. ENGLISH. Mr. Chairman, the currents of air in this Hall yesterday have, I find, very much impaired my voice, and I shall ask the kind indulgence and attention of my colleagues to supply any deficiency in my utterances.

I oppose this bill, and I am somewhat in the position of the gentleman from Ohio who spoke yesterday [Mr. JOSEPH D. TAYLOR], a gentleman somewhat younger than myself, he being by the record eleven years my junior, who said, that he was not talking much on cotton-ties. I am not going to talk on cotton-ties at all. The objection I have to the bill lies in the fact that it places jute bagging upon the free list; and I intend to show, if possible, that such a measure is in violation of those principles of adjusting a tariff upon which I was elected, which have been for years part of the policy of the Democratic party—against the tariff plank in the platform of 1888—unwise, unjust, and calculated to do injury both to the cotton-planters of the South and the millers of the Northwest, who are interested in this question.

In order to prevent any gentleman from making a rash statement which he might be obliged to retract, I will state that I have no interest, direct or indirect, in any jute-bagging manufactory or in anything in which bagging machinery is involved; that in my district we do not make a yard of jute bagging; and if we have ever made any jute-bagging machinery I am entirely ignorant of the fact. My opposition to this measure lies on the

points I have already given, and because as an independent member of this House I take what action I think best for the public good.

If gentlemen will give me their ear I will state very briefly my views upon the adjustment of duties on imports, commonly called the tariff. There is no government that does not require money. A private corporation has its capital, and if that fails it falls to assessments upon stockholders. In a public corporation, a sovereign political community, whether it be a state or an aggregation, league, or union of states, its capital is the wealth of the people, and upon that they draw in the shape of assessments called taxes.

If we governed people according to perfect and just rules—that is, if the people were capable of such government—it would unquestionably be best to adopt the view of the philosophers who tell us that the perfect way is to open the whole channels of trade, to abolish custom-houses, and to rely for public revenue upon a direct tax assessed upon the individual, according to the protection which he or his property receives from the Government. But while I admire the writings of Bastiat and others on this subject, while I look upon their works as something pleasant to read, yet I know, and every member of this House in his heart knows, that free trade between the peoples and a direct tax in this country are impracticable.

The statesman, if he be in truth a statesman, governs men by their habits and prejudices, and even takes into account their passions and frailties. We can not make impracticable laws for an impossible community. There is no government in the world that has free trade. I heard gentlemen yesterday on the other side of the House talk of "free-trade England." I fancy the British lion when he hears one of his whelps calling England a "free-trade country," must curl his lip, twinkle his eye, and tap the floor with his tail in silent enjoyment. [Laughter.]

England raised last year, as you will find by referring to the Almanach de Gotha, which you will find in the Library, a slight fraction less than \$100,000,000 by a tariff upon leading articles—a revenue tariff strictly. That was one-eighth of her entire receipts; one-fifth of her ordinary expenses. France, which calls herself a protective country, raised by tariff taxation 378,000,000 francs out of total receipts of three milliard one hundred and sixty-six million francs. One-eighth again. Mark it, the free-trade country and the tariff country raised the same proportion of their revenue out of duties on imports.

You can not have in this country such a thing as free trade and direct tax. Our municipal and State governments impose direct taxes. You gentlemen all know, especially those of you who are now looking after your "fences," you know very well that the sovereign people will not stand much addition to the direct tax. When a municipality is imposing \$2 on the hundred upon property, if the party in power raise the tax 5 cents it is apt to go out at the next election. The people would rather see—well, that respectable gentleman whom we name with reverence, because we do not know what may happen to us—than they would the taxgatherer. [Laughter.]

Now, I do not care how economical you may be, you may have a "billion-dollar Congress" or a skinflint Congress, but you will have to collect about \$450,000,000 a year. Now, recollect that the great mass of the taxpayers who pay this money in their sweat and toil—the masses—do not handle the money to pay the taxes. There are other men who disburse the bills and recoup themselves from the toll of the people. If you will calculate carefully you will find that there are not more than three millions of people in the United States who foot the tax bills. Now, if you should add to your direct taxation an average of \$150 a year to each of those gentlemen's tax bills, what a howl you would have! And you can not collect such Federal taxation at the point of the bayonet; and you know it, gentlemen on both sides.

We have then to resort to that indirect taxation which the people bear quietly, because every government endeavors to get that mode of taxation which will make the people least discontented and by which it can collect the money with least trouble. We resort therefore to indirect and costly taxation, and we have to fall back upon an excise or upon duties upon imports. Now, the excise tax we submitted to during the war; but no one likes it, and it has to go down sooner or later. We have to fall back, then, for a revenue, upon our importations and the taxes we impose upon them, a tax which falls on the man who pays the last dollar and not the first.

Now, there are two or three modes of grading this tariff or scale of duties. One is the protective system, as it is called, in which they tell you that taxes are imposed to protect American industry; that is, to subsidize certain favored interests. Because it is a notorious fact that no matter how high your duties are, no matter how costly you make the product thereby, the mass of the people, those who work, do not receive any better wages after the imposition of high duties than they did before; and you

will notice in the history of this country that after the enactment of every high tariff you find strikes continually around you because wages have been lowered.

It is a protection, then, to certain interests, and there is a certain ground in its favor, because they tell you, and they tell you truly, that following high duties very frequently you have a reduction in the cost of manufactured articles, and from that they insist that this reduction was caused by the high duties; but there is the mistake. The deduction does not follow from the premises. I recollect in 1846, when the tariff act of Mr. Walker was passed, I met an iron manufacturer in Pennsylvania, a man who had several furnaces and forges, and I said to him:

"Well, you are ruined now, I suppose, by this change in the duties on iron?"

He said, "Oh, no; we can stand it. We trim our sails accordingly."

I said, "Don't you want high duties on iron?"

He said, "No."

"Why not? Don't you make money?"

"Well, there are two or three reasons, sir, why I do not like an excessive duty upon iron. In the first place, iron enters into all industries, and if we have very high duties we have a combination against us of all other industries; and after we have graded our business according to those duties and employed our capital they may remove the duties and we go down in ruin. But there is another reason and a stronger one why I do not like a high duty, and that is this: That when any interest is thoroughly protected, as they say, by a high duty, everyone supposes the parties engaged in it are making money very fast. Unemployed capital rushes in. Then you have competition, overproduction, and reduction of prices and the ruin of the manufacturer, which involves the ruin of thousands of operatives."

"That is the reason," he said, "why I do not want an excessive duty. Give me a duty that will stand for some time and I can make money; I can meet it."

Now you will find frequently competition does lower prices, and a protective tariff has that amount of good in its favor, but this does not compensate for its injustice. Sometimes an industry fostered in that way will lower prices, as in this very industry about which I speak to-day. I have in my hand a list which I prepared with great care, and which I would ask the Clerk to read. One is the prices of jute bagging, and I take it now without looking at the other points, because I want to show you what competition does. I will show you the prices of jute bagging from 1866 to 1870, and the prices from then to 1890 and 1891, and I hope gentlemen will pay attention to it. It is short.

The Clerk read as follows:

The following are prices of bagging from 1866 to 1892:
GUNNY CLOTH.

September 15—	Grade.	Per yard.
IMPORTED.		
1866	Standard weight	33 to 36
1867	do	24 to 24
1868	do	21 to 22
1869	do	23 to 23
1870	do	31 to 31
1871	do	30
DOMESTIC.		
1872	Standard weight	13
1873	do	12
1874	do	13
1875	do	12
1876	do	11
1877	do	11
1878	do	11
1879	do	10
1880	do	12
1880 to 1890	do	9
1891	do	6

COTTON BAGGING, ETC.

The Bureau of Statistics of the Treasury Department furnishes the following:

Statement showing the price of domestic bagging in the New York market for each month of the years 1890 and 1891.

[New York Shipping and Commercial List.]

Months.	Two pounds.		Months.	Two pounds.	
	1890.	1891.		1890.	1891.
	Cents.	Cents.		Cents.	Cents.
January	8	6	July	6	7
February	8	6	August	6	6
March	7	6	September	6	6
April	7	6	October	7	6
May	7	6	November	7	6
June	7	6	December	7	6

Mr. ENGLISH. Now, Mr. Speaker, you will see how competition among the manufacturers on jute-bagging reduced the price. The price has now risen. I will attend to that presently.

The next mode of raising revenue by a tariff was what was known as a tariff for revenue only. That is the English tariff. They select the fewest articles possible on which they lay taxes—leading articles as they are called—among the rest coffee. These gentlemen from the South and West who are supporting this bill, and who talk continually of a revenue tariff, and a tariff for revenue only, I want to ask them what chance they would have of gracing this Hall again with their presence if they voted for a tax on coffee here. They know that a revenue tariff solely is impracticable in this country for any length of time.

We had it during the war, coupled with subsidies to favored interests, a sort of amalgamation of protective and revenue tariff; but that was a necessity which made them tax everything, even a tax on raw materials, and yet we have gentlemen who want a tariff for revenue only, taxing articles that are not manufactured in this country, that are the materials of our own industries. They do it probably under the delusive idea that is felt on the other side in regard to tin plate, that there will be begotten in time an infant industry to nurse. There are two articles in my district that pay a heavy duty of which we do not make one yard in this country. You gentlemen who adorn yourselves with plug hats remember the fine feeling of the silk outside. That is called hatters' silk plush. The gentleman from Iowa [Mr. DOLLIVER], I think it was, spoke of the fine plushes we make in this country.

Why we do make some fine furniture plushes, but we do not make a yard of hatters' silk plush, nor have we been able to make it, because we have not been able to secure the dye, and the American hatters' plush when on the hat has the disagreeable habit of getting brown; and brown hats are not so fashionable as black hats. There was in the Mills bill a duty of 30 or 35 per cent on hatters' plush, and about the same now; and yet we have twenty or thirty years been trying to nurse the infant industries, but it has never been born. You know the lining of your hat is apparently satin, but it is an article called cotton-black satin.

Our manufacturers will not make it. It does not pay them. Every bit of it is imported here, and therefore by the present tariff there is a tax on that of 60 per cent. So that you pay a dollar to a dollar and a half more for your hat in order to benefit some industry, not even born, not conceived, not begotten. [Applause.]

Now, a revenue tariff, a tax on raw materials of goods, when there is another mode of adjusting a tariff, and that is the true Democratic doctrine, that was put forth by James K. Polk; and I remember it well, for I fought for that tariff, and was a tariff reformer at that time, as I have been ever since; and that resulted in the famous tariff of Mr. Walker, that of 1846, which was adjusted upon right principles; and while some of the details would not suit us now, the principles are as sound as ever.

That tariff lasted until 1857, when they began tinkering with the tariff just at a time of financial disaster. There comes upon this country in the course of every twenty years financial disaster and disturbances; the same as that which came in 1815, a period of expansion, and then in 1817; that came in 1835, followed by the wildcat enterprises of 1836, then the depression of 1837; the same thing in 1855, terminating in that of 1857; and in 1875 and in 1877 we had a pretty hard pinch of it. At that time they had this tariff, and then the necessities of the war made them have the Morrill tariff. It was not protective, except where some favored interests came in and got their subsidy.

The true mode, then, in my judgment, of creating a tariff of duties upon imports is, first, with a view to revenue, but in doing that to afford as much incidental protection to any struggling industry as you can give without heavy subsidies that unduly tax the consumer. There are two modes of that incidental protection, and the main one is free raw material from all duty; and when I say raw material I mean not only that which is not produced in this country, but that which is produced here in insufficient quantities, as in the case of wool, or which is produced here at a disadvantage. But note, in your wool bill you have incidentally protected the woolen manufacturers, and thus indorsed my position.

That is one of the heaviest protections, incidentally, that any industry can get. I will give you an object lesson from my own district. The patent leather and enameled leather industry first came there through the genius of Seth Boyden. It has remained there, and to-day we make more of that product than all the rest of the United States combined. In the McKinley tariff, for the benefit of some old gentlewoman who had lost her cow, they proposed putting a tax upon hides. Down here came Mr. George Halsey and Mr. Sullivan, and other gentlemen engaged in the leather trade, gentlemen of the Republican persuasion [laughter]; they came down here and raised a howl and the duty was taken off. It was a very good thing for Newark and for the people of the country.

What has been and what is the result? Instead of being confined to the home market, obliged to hedge in our labor and confine our product to the demand of this country, the employers there keep their men busy all the time because they know that any surplus product which they may have they can sell abroad. We export those products to the amount of five or six millions annually. The patent and enameled leather of Newark not only competes with the foreign product in the neutral market, but we have orders from France, Germany, and England. [Applause.] That is an object lesson which I think gentlemen should heed.

There is another point, too, in the adjustment of the tariff. We have got to look somewhat to the cost of labor.

When gentlemen tell me that the labor of England, Belgium, and France can interfere with us, I laugh. We can compete with those countries at any time if we have free raw materials. The difference in wages does not amount to so much. The workman there is paid very nearly as much in proportion to his cost of living and his habits as our workman is. Our workmen not only have as much skill, to put it mildly, as those of other countries, but they are notorious for being faithful workers; they never scant their work; they do not idle.

One American workman is worth in that respect nearly two of the ordinary workmen abroad, and the foreign workman coming here gets in a little while the shop habit and works like the American. That is why we are not afraid of foreign labor when it is near our price. But in regard to this product now under consideration, jute bagging, the case is different. In Calcutta, where there are thirty-two jute mills located almost in the jute fields, with the best British machinery, the maximum cost of the cooly labor which is trained to work that machinery is 14 cents a day, while the minimum wages in our mills is \$1.25 a day.

That is a competition which we can not possibly stand. Now, here is the platform of the Democratic party in 1888 in relation to this matter of labor. I ask the Clerk to read the extract from it which I send to the desk.

The Clerk read as follows:

Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, with due allowance for the difference between the wages of American and foreign labor, must promote and encourage every branch of such industries and enterprises by giving them assurances of an extended market and steady and continuous operation.

Mr. STOCKDALE. May I ask the gentleman a question for information?

Mr. ENGLISH. Yes, sir.

Mr. STOCKDALE. How many people are engaged in the jute-bagging manufacture in this country?

Mr. ENGLISH. It is impossible for me to say. There are sixteen manufactories in the United States, nine in the South and seven in the North. They employ a capital of over \$27,000,000. I can not tell you how many people are employed in the industry. I have never inquired about that because, as I have said, I am not interested in any bagging factory. I am opposing the removal of this duty on general principles. I have not thought it necessary to inquire how many individuals are employed in the industry here, nor do I care whether it is one or a hundred or a thousand, for I am looking at the principle and not at the number of men or the amount of money involved.

Mr. RAINES. In this one item, then, the gentleman does not believe in buying where you can buy cheapest?

Mr. ENGLISH. You can buy this cheapest here. In 1866 you had an inferior article of jute cloth, called gunny cloth, and you paid for it 35 cents a yard. That was the foreign cloth imported. It was not until 1870, when they began to manufacture, or threatened to manufacture here, that it fell to 12 cents, and it never fell to 6 cents a yard, the price at which it was put in the market in St. Louis last year, until the manufacture was established here. But that was a handicap, not a subsidy. When you go to a horse race—I have never been to one, but I presume some of the gentlemen present have attended them [laughter]—when you go to a horse race you find that they sometimes have what is called a handicap race. As I understand it, certain new colts that have not raced before are brought out, and the judges decide to put weight on them so as to equalize the chances, but they never put enough on the back of any one to break it. [Laughter and applause.] They handicap them to equalize the chances, and so we should do under a revenue tariff.

Mr. STOCKDALE. There are not over 10,000 people engaged in the manufacture of jute bagging, are there?

Mr. ENGLISH. I do not know, and therefore I do not attempt to answer the gentleman on that point.

Mr. STOCKDALE. And there are 6,000,000 engaged in the cotton industry.

Mr. ENGLISH. Very good, wait awhile—

Mr. STOCKDALE. And you would tax the 6,000,000 in the interest of the 10,000?

Mr. ENGLISH. Wait, sir; I am talking in the interest of the cotton-planter.

Mr. STOCKDALE. I think we had better have some one else do that.

Mr. ENGLISH. That may be your opinion, sir, but I am a member of this House and I have a right to exercise my privilege as such.

Mr. STOCKDALE. I am not attempting to curtail the gentleman's privilege at all.

Mr. ENGLISH. You are endeavoring to interrupt me, which is not a very mannerly proceeding. I will not discuss anything with you. Any proper question which you may choose to put I will try to answer, but I will not enter into a discussion with you.

Mr. STOCKDALE. Well, I ask you is it fair to tax the 6,000,000 for the benefit of the 10,000?

Mr. ENGLISH. I don't propose to do it.

Mr. STOCKDALE. Well, let us see why you don't.

Mr. ENGLISH. If you will allow me to get to it, sir; but you have a very bad habit of interrupting. [Laughter.] I never interrupt any gentleman in this House, because there are certain rules of conduct which bind me and which I never infringe.

Mr. STOCKDALE. They ought to be observed in speeches as well as in asking questions.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. ENGLISH] yield for an interruption?

Mr. ENGLISH. I would have no objection; but is this interruption to be taken out of my time? Is that the design?

Now, I wish to say this: You will find it was only at the very last moment, when the manufacture was begun in this country, that the price of this foreign and inferior cloth lowered; and now you have it down as low as 6½ cents a yard.

Now, there are two points in the report of the committee to which I wish to call attention: One is that the price has risen recently, and that this is the result of a combination. A gentleman goes to his tailor and says, "Make me a coat of \$6 broadcloth." If the tailor be not one of the "importing tailors"—if he be a man who just wants to make an honest dollar—he will say, "Well, it is worth \$36." The man gets his coat for \$36. Again he goes to his tailor, and meanwhile that same broadcloth has risen to \$10 a yard. The tailor charges him \$45 because of the \$9 difference in the material. That does not imply any combination among the tailors. It is a matter of business for the tailor to recoup himself.

Now, the McKinley bill did this: It took the duty off raw jute and lowered the duty upon the manufactured article, just what we have done, and properly, in the wool bill, which is a revenue tariff with incidental protection varying from 25 to 40 per cent. There was that much of sense in the McKinley bill. Now, when you take these raw materials and free them, you sometimes have to meet two contingencies, or one of the two. If the article be produced in one country only, any combination there may raise the price; if it be produced in several, that can not so well be done; but the Government, as in the case of coffee, may impose an export duty and thus defeat your benevolent intentions.

Now, if you will look at the report of the Bureau of Statistics you will find that there were imported into the port of New York in the month of January last 1,834 tons of jute butts, at a declared home value of 79,787. The value the year before was about thirty-six thousand and some odd dollars. The jute trust at Calcutta—one of the most powerful combinations in the world—had raised the price, and instead of having the jute laid down in New York at 2 cents a pound it was laid down, taking the long journey, the home price, the handling, and the commission, at 3½ cents a pound. As a matter of course the maker of jute bagging can not put two pounds of that to the yard at a cost of 7 cents and then sell it for 6½. It required nothing more than the laws of trade to account for that—not a phantom of a combination, which seems to have entered the mind of the gentleman from Georgia [Mr. TURNER], or whoever drew up this report.

Then there is another thing which is extremely misleading and which is stated in the report; and the gentleman from Nebraska [Mr. BRYAN], who made a very clever campaign speech the other day, to which I listened with great delight, spoke also, as does the report, of the "simple machinery" of the jute mill. Why, sir, the jute mill is in appearance something between a silk mill and a cotton mill; but it requires much stronger machinery to tear the jute to pieces and render it textile than it does for silk or cotton. "Simple machinery!" Well, I recollect once I heard a little poem; and I do not want to invade the province of the gentleman from Pennsylvania [Mr. BROSIUS] and the gentleman from Georgia [Mr. LIVINGSTON] by quoting Shakespeare. I will take a bard much less known to give you an idea how this notion of simplicity arises in the minds of men in regard to machinery. Fifty years ago there was a poet and improvisator by the name of Rice, who sang a song, and jumped it, called Jim Crow. He improvised his verses; and on one occasion he was asked in public to give a description of the simple machinery of

a steamboat. I shall never forget his sublime lines, that were imprinted on my memory and have never passed away. He said:

Fus you see a big ting that's gwine up and down,
Den you see another ting gwine round and round,
Den you see a long ting jes like a pair of tongs,
And it shoves agin de other tings and shoves the boat along.

That is the idea that these gentlemen apparently have of the "simple machinery" of jute manufacture. Possibly they think the hand loom and ordinary spinning-wheel will turn out, scattered among the plantations, the 55,000,000 yards that are consumed every year in this country. Now, I asked an expert to draw up an accurate estimate of the cost of a very small mill. I said I wanted him to give me an estimate of something very simple; and he gave me the cost of the least mill that could profitably be maintained. I do not know whether my eyes will enable me to read it—oh, yes; I can read it. Here it is:

I will give you the items of machinery required for such a mill, with their weight and cost:

Machines.	Cost.	Weight.
		Pounds.
One opener.....	\$750	5,000
One softener.....	750	7,500
One breaker card.....	1,750	10,000
One second breaker card.....	1,750	10,000
One finisher.....	1,750	10,000
Four spinners, \$1,750 each.....	6,880	56,000
One cop-winder.....	600	3,000
Five looms, \$350 each.....	1,750	7,500
Total.....	15,080	108,500

*Fourteen thousand pounds each.

Now, Mr. Chairman, you are compelled to have a building which is capable of holding that "simple" machinery, a building that is substantial, and inasmuch as a jute mill is almost as inflammable as a malt house, in order to get a fair rate of insurance you must have your elevated tanks, your automatic sprinklers, your fire engines, your lines of hose, and all of the appliances that are supposed to be a protection against fire. Then you want your bobbins, your shuttles, your pulleys, and your shafting, and all of the other materials and requirements necessary for the operation of breaking up the fabric and spinning it, to say nothing of your steam engine for power.

Mr. BURROWS. If it will not interrupt my friend from New Jersey, I should like to ask him a question just there.

Mr. ENGLISH. Very well.

Mr. BURROWS. I wish to ask whether any portion of the machinery to which the gentleman has referred is manufactured in the United States?

Mr. ENGLISH. I do not know of any. Possibly at Paterson they may make some, but I have no information. None is made in my district.

Mr. COOMBS. Some is made at Paterson, I think.

Mr. ENGLISH. Possibly; but, Mr. Chairman, it is a complicated machinery. Now, it strikes me in rather a peculiar way; a sort of vision came on my ravished eyes when I considered this question. I thought I could see the gentleman from Georgia and the gentleman from Nebraska, having obtained a portion of that simple machinery for a jute mill, determined to carry it around to the plantations of the South and to the mills of the Northwest, to go as missionaries to show the results of this beneficent and merciful work to the people there.

I thought I saw a glorious vision in fancy, headed by a small negro boy ringing a bell and calling out, "Bagging to weave," and then the gentleman from Georgia and the gentleman from Nebraska with 25 short tons each of this "simple machinery" on their backs followed the boy, and behind them a long row of wagons filled with jute butts and drawn by horses with bells on them, and then closing up the procession was a wagon containing the bobbins and the shuttles, the pulleys and the shaftings of the factory, and drawn by four ex-army mules. I saw that magnificent vision passing through the land, and the colts in the pastures that had their necks in the fences, alarmed at the strange sight, turned around, kicked up their heels and scampered across the field, while the little dogs barked and the little boys in troops followed shouting, "The circus is coming," and the women and children ran to the windows to see the sight, and the grand procession passed finally out into the dim distance, leaving—and I beg pardon of the gentleman from Pennsylvania for quoting Shakespeare—

Like the baseless fabric of a vision,
Not a rack behind.

Mr. Chairman, we can not with any justice pass this bill. What would be the result?

I told this House the other day, in speaking of another and kindred matter, of that old maxim in the *Gesta Romanorum*,

"At the beginning consider well the end." You have that jute trust in Calcutta, powerful, holding millions upon millions of capital, absolutely controlling the output of the raw material throughout the world. The moment you withdraw that protection of less than 2 cents a yard that day you will crush out the manufacturers here, and then you will get exactly what you are after, gentlemen; you will get your bagging at 6 cents a yard, and they will furnish it at that price until they have entirely driven out the manufacturing industries in this country engaged in that line, and you will get back to the 35-cent gunny-cloth system. That is what will happen if you succeed in doing that. And as some gentleman has said, you can not expect that manufacturers in the future will be induced to embark in this business again. Capital is not a shuttlecock to be knocked up and down, and if you crush this out do you think you can ever induce capital to go into the business again?

Mr. GRADY. Will the gentleman permit me to ask him a question?

Mr. ENGLISH. Certainly.

Mr. GRADY. Did not the quinine manufacturers make that same threat, when the proposition was made to take the tariff off quinine, that German and French quinine would come in here and ruin their business; and did they do it?

Mr. ENGLISH. Yes; I have no doubt they did.

Mr. GRADY. Why, they have six or eight factories now, and they only had three then.

Mr. ENGLISH. Yes; so they have. That is not a parallel case in any way.

Mr. GRADY. It seems to me parallel.

Mr. WHEELER of Alabama. Why, the gentleman from Pennsylvania [Mr. BINGHAM] stood right by his seat over there in the Forty-seventh Congress, and said if we took the duty off quinine and put it on the free list, that the Europeans would raise the price, and we would have to pay double; whereas we are now paying only about one-fourth as much as before.

Mr. ENGLISH. But the difference is this: In the quinine manufacture there was a colossal profit, by reason of the high duty, and here in this case the margin of profit is very slight. That is the difference, and you know it, and it is an unfair illustration, and you know that.

Mr. WHEELER of Alabama. The gentleman from Pennsylvania [Mr. BINGHAM] stood there and said in his speech in the Forty-seventh Congress that they made hardly any profit at all.

Mr. GRADY. The plea was that they made no profit. I received their circulars, plenty of them.

Mr. ENGLISH. I have not heard distinctly what has been said, and I do not know whether it is pertinent to the matter or not; but my answer is that quinine, as you call it, the salt of the bark, had a very high duty—

Mr. GRADY. It had only 20 per cent. That is all the duty there was.

Mr. ATKINSON. But does not the gentleman from Alabama know that the price of quinine was reduced because the bark is now cultivated, and has been reduced very much in price because of that cultivation?

Mr. ENGLISH. Cultivated in Ceylon and elsewhere.

Mr. WHEELER of Alabama. The price is only about one-fourth what it was before the duty was taken off.

Mr. ENGLISH. I want to be fair, and that would not be fair to the quinine manufacturers at all to consider the cases as parallel. In Ceylon and other places they are cultivating the bark, and the price of the raw material is vastly cheaper.

Mr. GRADY. The duty on quinine was only 20 per cent.

Mr. ENGLISH. Two dollars and fifty cents per ounce is my recollection. But I do not propose to occupy the time of this House much longer; but before I give way to any other gentleman I have this to say, something that has no connection directly with the bill. During the time that we were debating the silver bill here I was not very much impressed by the arguments on either side, and as I was not feeling very well I took a walk around this building. In the corridor I overheard one gentleman saying: "These fellows are on the brink of breaking up. They are fighting each other, a regular cat fight, and they have no leader." It impressed me very much; but I want to say that if any gentleman in a remote corner of this House has an idea that because Democrats differ on this or any other subject, free coinage or what not, that there is any danger of disruption of the Democratic party thereby, he had better get out of his rosy dreams or he will be rudely awakened.

A cat fight in the Democratic party is not to be deplored by Democrats. I remember distinctly on one occasion when a gentleman spoke of a similar fight in a convention, and a third man standing by him said it was no matter, that after a cat fight a great many more cats appeared in the neighborhood. [Laughter.] You may tell them this, that we at the present time are simply practicing thrust and parry among ourselves in order to get

better ready to confront the common enemy, and whenever the bugle blast blows you will find these discordant ranks standing together, shoulder to shoulder, in defense of those principles and that policy which alone can prevent the tide of centralism that overwhelmed the olden republics, and that threatens ours; and as to the want of a leader—well I admit that we have not as yet had our Moses. I have not seen him. We are somewhat like sheep without a shepherd; and the opposite side are well supplied in that way. In fact, I think they have three leaders, as far as my observation goes.

Mr. MCRAE. They are all leaders.

Mr. ENGLISH. They have a sort of triple-headed Kerberos to guard them in that region to which the wrath of the American people consigned them. Yes, they have three leaders, and each of them able. There is the gentleman from Maine [Mr. BOUTELLE], who drew such a ravishing picture of Dotheboys Hall at the beginning of the session, that I never look at him that I do not see Mrs. Squeers with her mobcap, her lanky petticoat, and her long spoon.

And there is another gentleman whom I have observed, who is also a leader. He comes, I think, from South Dakota [Mr. PICKLER], and he is ready to stand up with courage and decision in behalf of his party, ever ready to raise his melodious and pleasant voice to the delight and instruction of this House, that sits at his feet as at those of a second Gamaliel; and last of all, *facile princeps*, standing head and shoulders, Saul-like, among his fellows, is the gentleman from Maine [Mr. REED], who at one time held the scepter there [pointing to the Chair], a ruler of his subjects on the floor, but now deposed, and with his imperial robes around him sits over there again, and, magnificent in his intellect and generalship, he reminds me very much of Marius brooding over the ruins of Carthage. [Laughter.]

Now, sir, we have no leader, but when the time comes the leader will be here. The hour will bring the man. Now, whom? It may be the gentleman from Tennessee [Mr. McMILLIN], who conducted the debate on the wool bill so splendidly, and who made a good bid for leadership, or it may be some other; but whoever he is, he will be a man of long experience in this Congress, and with the experience, courage, and capacity, who takes care first to consult the wishes of his colleagues before he acts. Such a man will find the majority of this House around him like a phalanx, and no one will follow him more loyally than I. He will consult and confer with the members of the House, and will act as they think best in the interest of the whole people. Meanwhile the Democratic members will act as they think best, and be responsible only to their consciences and their constituents.

Mr. GRADY. Would he not be following in that way, anyhow?

Mr. ENGLISH. Yes; because I know my leader will consult me and other members of the House, and will not act on his sweet will, and not come to grief as other gentlemen have already.

Now, sir, I have said that I was a tariff reformer; that in the days of the Walker tariff I was a tariff reformer, and that I am a tariff reformer now. But I am not a tariff destroyer, and therein, Mr. Chairman, lies a distinction and a difference.

I yield the rest of my time to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. How much time is there remaining to the gentleman from New Jersey?

The CHAIRMAN. The gentleman from New Jersey has ten minutes remaining.

Mr. HEMPHILL. I would like to have twenty-five minutes. I have put myself down upon the list, and if I can get twenty-five minutes I will not consume any more than that.

Mr. BURROWS. If the Chair will recognize me as a member of the committee I will yield fifteen minutes to my friend from South Carolina.

The CHAIRMAN. The gentleman from South Carolina is recognized for twenty-five minutes.

Mr. HEMPHILL. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] yields to me five minutes; he will give that much of his time as was reserved on yesterday. If that will be satisfactory to the House, I would be perfectly willing to yield him ten minutes now, and he will yield me that much time out of his time reserved yesterday.

Mr. JOSEPH D. TAYLOR. That is right.

Mr. HEMPHILL. If that is satisfactory to the House, I will agree to that, to follow the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. BURROWS. Do you want any more time from me?

Mr. HEMPHILL. No, I thank you.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, there were some inquiries made yesterday in regard to a letter which I had received from the firm of Wallace, Banfield & Co., who live at Irondale, Ohio, in my district, and who are engaged in the manufacture

of tin plate. I have the letter now, and wish to have it read by the Clerk.

The Clerk read as follows:

IRONDALE, OHIO, March 28, 1892.

DEAR SIR: Your favor by wire to hand. We send you by this mail samples of our bright tin plate. We have at present two stacks working on this grade of plates and one stack working onterne plates; the product of each of these stacks is forty boxes per day, making our product of bright plates eighty boxes per day and that of terne plates forty boxes per day. We will have two more stacks in operation in a short time, which will make our product in total 240 boxes per day. Our branch of the tin-plate industry is quite domestic, as we roll the plates for tinning on our own mills and roll them from steel, which is made in our own county, viz, Jefferson County, Ohio.

Bidding you Godspeed in the interest of the tin-plate industry.

We are, most respectfully yours,

WALLACE, BANFIELD & CO., LIMITED.
Per T. A. WHITE.

Hon. J. D. TAYLOR,
Washington, D. C.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, when this question was up yesterday, some gentleman inquired whether I called that which I now hold in my hand tin plate. This morning, when in the room of the Committee on the Census, I met Mr. J. D. Weeks, of Pittsburg, Pa., a gentleman who is well known in this country for his scientific knowledge in regard to these subjects. He is quite an experienced expert in this direction, and is now employed by the Government in making inquiries of various kinds. For ten years he was the editor of the Iron Age. That of itself would indicate his ability to give an opinion. He said to me that there is no better tin plate made in the world to-day than is made by Wallace, Banfield & Co., at Irondale, Ohio.

Now, Mr. Weeks is here in the city attending to certain business in connection with the Census Bureau, and was before the Committee on the Eleventh Census this morning. This letter indicates that these men are in the business. They have an office at Irondale and a branch office at Pittsburg. I spoke yesterday of the character of the men. Now, I hope these gentlemen will be satisfied of two things. First, that this is a specimen of genuine tin plate which I hold in my hand of the very best quality; and, secondly, that it was made at Irondale, Ohio. Now, to show the good faith of these people on the Ohio River, I desire to send up another letter and have it read. This is an industry which was started for the purpose of making steel bars, and those steel bars are made with a view to the manufacture of tin plate, and are made for tin-plate manufacturers.

The Clerk read as follows:

BRIDGEPORT, OHIO, April 6, 1892

DEAR SIR: We desire to direct your attention to the inclosed letter received from the Tinned Plate Manufacturers' Association, of which we are members. The letter is self-explanatory.

In this connection we desire to urge upon you the necessity of increased vigilance in looking after the interests of the manufacturers of this valley who are engaged in the manufacture of sheet steel, particularly that part of the business relating to tin plate industry.

This company does not make tin plate, but we have expended \$10,000 to \$50,000 in a plant necessary for the production of steel bars from which the plates are rolled, and for which we expect to find a market from the producers of tin plate.

We are therefore thoroughly interested in seeing the infant industry protected until fairly on its feet, and we trust that your efforts will be untiring towards thwarting the purpose of the so-called Tin Plate Consumers' Association, who are busying themselves to have the present tariff repealed on taggers iron and terne plate.

Respectfully,

ÆTNA IRON AND STEEL COMPANY,
By JNO. A. TOPPING, Sec. and Treas.

Col. JOSEPH D. TAYLOR,
House of Representatives, Washington, D. C.

Mr. JOSEPH D. TAYLOR. These steel bars are made for the purpose of being first rolled into sheets and then tinned. It will be seen from the letter I have had read that these manufacturers will in a few days make 240 boxes per day, the greater part of it being bright tin plate and the residue terne plate. I suppose gentlemen know what terne plate is. This tin plate is about 95 or 96 per cent steel, the finest steel plate that can be rolled, and then it is tinned with pure tin. The terne plate, as the name indicates, is made of three ingredients; first, steel, then a mixture of tin and lead. The liquid in which the sheet is dipped in the process of manufacture is a mixture of tin and lead, so that the completed product is composed of three things, steel, tin, and lead, and therefore is called terne plate.

Mr. BUNTING. Do I understand the gentleman to say that this tin plate is made of steel which is made in this country?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. BUNTING. Where was the steel made which forms a part of this product?

Mr. JOSEPH D. TAYLOR. If the gentleman had listened to the letter which I had read a few minutes ago he would have learned that it was made by Wallace, Banfield & Co. They first made the sheet and then the tin.

Mr. BUNTING. How many establishments are there in the United States that make these plates?

Mr. JOSEPH D. TAYLOR. I will refer the gentleman to the

census reports for that information. A bulletin has just been issued, in which he will find an immense amount of information about these matters. I have not seen it, but I am so informed.

Mr. BUNTING. The gentleman has stated that a factory is making fifty boxes a week.

Mr. JOSEPH D. TAYLOR. I have not stated that.

[Here the hammer fell.]

Mr. BUNTING. I want to ask the gentleman how much labor is included in that amount of production. I say that two men will turn out 70 boxes a day with a Welsh tin-pot. Does not the gentleman know, further, that Mr. Swank, who is the most reliable man on this continent in matters of computation in connection with these subjects, has recently exposed about three-fourths of the entire lists of these phantom tin-plate manufacturing in this country, showing them to be mere pretenses?

Mr. HEMPHILL. I can not yield for a speech at my back, but I will yield sufficient time to the gentleman on my right [Mr. JOSEPH D. TAYLOR] to answer the question that has been asked him.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I do not understand exactly what the gentleman from New York [Mr. BUNTING] wishes to know. The amount of labor involved is not the question I was discussing. I was trying to show that tin plate was made in this country and that this tin plate was made at Irondale, Ohio, in my district. I do, however, remember a fact which may be of interest in connection with the gentleman's question. Between the time when Congress attempted several years ago to put a tariff of 2½ cents a pound upon tin plate and the time when the Mills bill was pending in this House, in 1888, I found upon an examination of the figures that we had sent abroad \$225,000,000 in payment for tin plate, and that the tin-plate industry had paid out in wages in Great Britain during the same period \$80,000,000. That was the labor element in the tin plate which was imported into this country during that period. It took sixty-six tin-plate mills to make the amount of tin plate that was consumed annually in this country at that time.

Mr. BUNTING. I would like to ask the gentleman how many boxes of tin plate are made—

The CHAIRMAN. The time of the gentleman [Mr. JOSEPH D. TAYLOR] has expired. The gentleman from South Carolina [Mr. HEMPHILL] is recognized.

Mr. HEMPHILL. Mr. Chairman, I ask the committee to turn away from the consideration of the interest of the manufacturers, who seem to be so popular on one side of this House, to consider briefly the interests of the great agricultural community that I in part represent. This bill providing for taking the taxes off cotton-bagging and cotton-ties is not one so general in its scope as to warrant a very long speech.

But the question is of such interest to the Southern planters that I think something ought to be said in behalf of this bill and that it ought to be passed if possible. The tax on cotton-ties as fixed by the McKinley bill is 100 per cent. The tax on cotton-bagging, according to the minority report, is 1.6 and 1.7 cents per square yard—equivalent to about 1 cent per pound. The cotton-ties of this country annually bought by the farmers to bind their cotton cost them upon an average about \$2,000,000. If the cotton crop is 8,000,000 bales the cotton-ties cost at least \$2,000,000.

A tax of 100 per cent upon these cotton-ties will run up, it is very easily calculated, to \$1,000,000. On cotton-bagging the duty is about 1 cent per pound, or between 1.6 cents and 1.8 cents per square yard, making the tax about 10 cents per bale. If the cotton crop of this country is 8,000,000 bales, and the tax upon cotton-bagging is 10 cents a bale, the total tax to the farmers of this country every year for the materials for wrapping up their cotton is \$800,000. So that a law which levies upon one set of people of this country an annual tribute of \$1,800,000 is a matter worthy of our consideration.

I have looked around a good deal for some reason why we should not reduce the taxes upon cotton-bagging and cotton-ties. So far as I have been able to discover, no good reason has been assigned by the gentlemen on the other side and none has been set out in the minority report, so far as I am able to see.

It should be remembered that the value of the cotton crop of this country has been reduced since the McKinley bill was passed at least \$125,000,000. Eight million bales, at \$40 per bale, which it was worth when the McKinley bill was passed in 1890, would amount to \$320,000,000. It is well known that cotton is to-day well sold at \$25 a bale. A reduction of \$15 per bale upon the total crop of this country amounts to \$120,000,000 or \$125,000,000.

Mr. Chairman, if there be no other reason why this tax should be no longer gathered the immense loss that has come upon one great body of the American people is sufficient. The minority in their report do not go into this matter of the reduction of the price of cotton at all; but they state that there is now invested in this country in the cotton-bagging industry at least \$8,000,000.

The tax of 1 cent per pound on the cotton-bagging consumed in this country amounts to \$800,000. So that the cotton planters of the Southern States are taxed 10 per cent upon every dollar invested in the cotton-bagging industry of the country which must be paid over and above the ordinary profits that manufacturers receive.

The minority further state that the cotton-tie industry in the country has been giving partial employment to about eleven thousand men. The tax of 100 per cent upon cotton-ties means a million dollars, and if the total amount of this is collected, the result would be that the Southern cotton-growers would be paying more than \$90 for each one of these eleven thousand men over and above the usual wages he would be entitled to in a free and open market. The question then growing out of this bill is not one that affects the country at large so much as it does a limited number of manufacturers on the one side and the cotton-growers of the Southern country as a whole on the other, and each member of this House who casts his ballot upon this bill must decide for himself whether or no he will vote in favor of a few manufacturers who are taxing the people upon cotton-bagging at the rate of 10 per cent on all the money invested, and upon cotton-ties at the rate of more than \$90 per head for every man who is partially employed in the business; or give his vote to those interested in and dependent upon the cotton crop of the Southern country which by reason of the low price of the product, is the most depressed of all the industries of this country.

The minority of the committee state that there are sixteen mills in the United States conducting business independently of each other and in full competition. There is no combination say these gentlemen, to dominate the product or fix prices, or for any other purpose. Sir, it does not require a very long memory to go back to the time when there was such a combination in this country. And all this talk about the combinations of Calcutta, thousands and thousands of miles away, seems to me to be entirely impertinent to this subject when we remember that right in our own midst, in this favored land, the manufacturers of cotton-bagging formed a combination in 1889 and 1890 by which they ran the price of cotton-bagging from 6 and 7 cents up to 13 and 14 cents a yard.

If they make a profit at the present figures their profits must have been enormous when the price was 100 per cent more than this article is now selling for.

But we do not owe it to the McKinley bill or any law of Congress that this combine was broken up. It is well known that the alliance among the agricultural people of this land, in the Southern States especially, by a degree of pecuniary and personal sacrifice probably never surpassed by any people in time of peace, broke the back of this combination and brought these manufacturers to their senses. And, sir, it comes with ill grace from gentlemen who are endeavoring to continue this tax upon the farmers of the Southern country to say that there is no combination between these sixteen mills, when they are fresh from this very operation by which they laid an enormous additional burden upon a portion of the taxpayers of this country. And I want to know whether the mills of this country and those who own them are such favorites with the legislators of this land that they can not be disturbed, although they have willingly and in violation both of the laws of God and man formed a combination by which they undertook ruthlessly to oppress the people.

Some of the members of this combination of the bagging-mill owners of this country were examined before a committee of the United States Senate. In the coolest and most insolent manner they declared that their purpose was to form a combination to make money out of the farmers, stating that they had examined the mills of all other countries and had ascertained that it was impossible for them to supply bagging to our farmers for the crop then about to be gathered; that the farmers would be obliged to have bagging in order to put their crop upon the market at all, and that there would be no escape for them but to buy the bagging of this combination at whatever price they saw fit to put it at. They thought that they had the farmers of the country absolutely at their mercy, and but for the spirit, independence, and the love of liberty which inspired the agriculturists of the country, it would have been impossible to break the power of this combination. It will never be known what sacrifice the farmers underwent in order to relieve themselves of this burden, and they are entitled to the thanks of the whole American people for demonstrating clearly that when wrong is attempted by any body of men, there still remains in this country enough independence and courage and love of fair dealing to unite the people in opposition to it.

Mr. Chairman, criminals are punished, first, to restrain them from doing evil, and second, to teach other people that under like circumstances they may expect the same severe treatment. It seems to me that this law should pass this Congress and receive the approval of the President, if for no other reason, to teach

these cool and impudent manufacturers and all others who under like circumstances would be tempted to imitate their example, that the representatives of the American people will not see the honest, hard-working citizens of this country imposed upon, without visiting upon the perpetrators of the wrong a just and merited punishment. When it comes to a question of preserving the interests of a class of people such as these as distinguished from that of the good, hard-working, taxpaying citizens of this country, no man ought to hesitate for a moment.

There is another statement in this minority report:

If the policy of protection heretofore pursued, and under which the cotton-bagging industry has been naturalized in our midst, is to be destroyed, as it will be if this bill becomes a law, some very cogent reason ought to be advanced to justify such destruction.

Sir, from the time when the tariff was first laid upon any citizen of any country on earth the friends of taxation as against the people have held up this great specter of the industries of the country being destroyed. When they go into a discussion of the tariff they speak of representatives of the people who depict the impoverished condition of their constituents as "calamity screamers."

I would like to know who is a worse "calamity screamer" than the man who signs this report, stating that those who favor this bill are proposing to destroy this American industry.

What industry have we destroyed? Why should we destroy any industry? These gentlemen know perfectly well that we do not intend to destroy any industry. They are going about as "calamity screamers" themselves, always pointing out things that are going to happen, and drawing dire predictions of the results of legislation. They are not only calamity screamers, but they are calamity-screamer prophets. And, Mr. Chairman, of all the men that were ever put on this earth, it seems to me that the most useless is the "calamity-screamer prophet," the man who does nothing except hold up to the people some imaginary wrong, some terrible prediction, some misfortune that is to come to them and to this country, with its teeming millions, provided the people who work in the cotton fields of the South and other laboring men have the poor privilege of buying their goods without paying a tax for them.

The minority of the committee give the prices of cotton-bagging from 1872 to 1878, each year separately. When they come to 1880, however, they do not give the price of that year separately, but they skip over to 1890, and make a kind of conglomerated average of the ten years. This is a bad omission, for you remember about that time the great combination was made by which the manufacturers were enabled to run the price of cotton-bagging up something like a hundred per cent. But they state that in 1891 cotton-bagging was sold at 6½ cents per pound.

Now, if cotton-bagging can be sold at 6½ cents per yard it certainly must have been an enormously profitable business when they were selling it at 9½, 12, and 13 cents. And if, under the tariff law which Mr. McKinley framed, which reduced the tariff from 1½ and 2 cents to 1 cent a pound, the market price of this article goes from 11 cents down to 6½ cents, it shows that if you reduce the tariff on the article you reduce the price of the article to the consumer; whereas, our friends on the other side of the House contend that if you increase the tariff you reduce the price. That is the old-time, well-worn argument of our friends, and it is set forth right here in their report in plain language. They say:

To encourage home manufacturers is to encourage competition, as experience shows, and thus to reduce prices to a minimum.

It is a very strange thing that the farmers of this country, who are fairly intelligent people, have not in these gentlemen's opinion sense enough to know what they need or what is good for them in reference to this question of cotton-bagging and cotton-ties. If the high tariff is to reduce the price of their ties and bagging, why is it that the only men who come here asking for the tariff on these commodities should be the manufacturers themselves?

It is the manufacturers who are clamorous for it. The farmers are not asking for it. If the argument be true as embodied in this report, then you place the manufacturers in the peculiar position of coming here, as has been shown by the gentleman from West Virginia [Mr. WILSON] in his argument on yesterday, and writing into the tariff laws exactly what they want by way of protection on their manufactures, and they do this when, according to your argument, they know in advance that it will have the effect of reducing the prices to the minimum cost to the consumer. Where then is the advantage to the manufacturer?

Mr. Chairman, we all know that the manufacturers of this country have not piled up great fortunes by reducing prices to a minimum, and when the time comes to reduce the tariff in any way they are always the first to oppose it. If the increase of the tariff reduces prices, certainly the contrary doctrine should also

prevail, and the diminution of the tariff ought to increase the prices. Therefore the manufacturers, in place of being clamorous for an increase of the tariff, should in their own interest, according to your argument, be the very ones who favor a reduction. But the manufacturers are the people who are continually asking an advance of rates.

Will any of our friends on the other side have the temerity to get up here and say in the presence of this country that they do it only for the purpose of reducing the prices of the articles that they manufacture? If that be true what is to become of the wage-earner who is employed by the manufacturer, the man whom you gentlemen are so anxious to protect in everything that you do? How is he to get his daily wages when the price of the commodity that his employer is making is coming down all the time? And what justice or propriety is there in the representatives of the people passing a law which is to diminish the value of the factories and the other methods of making money in this country?

The argument, Mr. Chairman, is an absurdity on its face. If prices are reduced by the tariff, why does the manufacturer ask for it? Where does the higher wages of American workmen come from? If the manufacturer can not make a profit under your system of laws he can not pay his wage-earners for their labor; and if he can not make a profit he will not operate his factory. If our friends on the other side are really in earnest about wanting to care for the manufacturer and the laborer in this country, they ought to quit passing laws to reduce their profits. They must shift, turn around, and walk in the other direction, and then we can all go together, and the real interest of the people will be subserved by both parties.

The whole number of articles taxed under the McKinley bill is 2,500. Considering the fact that the products of the Southern farmers are not mentioned in the McKinley bill, it certainly seems to me that it is not asking too much that they should be relieved at least of the burden imposed upon cotton bagging and ties. If the farmers were given anything under the law it would not be unjust to pay something. But the only position they occupy in relation to these 2,500 articles on our tax list under the McKinley bill is as consumers and taxpayers.

The truth of it is that the farmers consume the articles and the tax consumes the farmers. The outcome is that the agricultural interests of the Southern people to-day are probably in a more depressed and less lucrative condition than they have been at any time since the foundation of the Government. There has not been a day in fifty years when the chief product of the Southern country has brought as low a price as it brings to-day. There has not been a time during our years of peace when the people of that land were in as great distress and as great need as they are to-day; and to say that no relief can be given to them simply and only because these eight millions of money are invested in this enterprise is to deny to the great body of these people, who are suffering to-day beyond those of any other part of our country, the simplest measure of justice.

Mr. HOPKINS of Illinois. Do you not think it would benefit the farmers of your section if they would diversify their industries?

Mr. HEMPHILL. Oh, yes, sir; it would help them very much indeed. There is no doubt about that. But, on the other hand, Mr. Chairman, the farmers of the Southern country must rely for many years upon cotton. It has been the staple there and it must be the staple there during the lifetime of the gentleman from Illinois and myself at least; and therefore we appeal to these gentlemen to-day, in behalf of that great body of people, to give us this relief.

Mr. HOPKINS of Illinois. The gentleman understands that the theory and principle of protection is that it diversifies industries and interests, and thus relieves the people from the very burdens that the gentleman speaks of, that exist there to-day.

Mr. HEMPHILL. Yes, I know that is the theory of protection, and no doubt my friend believes in it honestly, as he does in some other erroneous principles of political economy. [Applause on the Democratic side.]

Mr. HOPKINS of Illinois. It is not an error.

Mr. HEMPHILL. The trouble is that we have been taxed in every way for over one hundred years, and yet the diversity which has been promised to us has not been reached. Take the matter of the cotton crop. We export more than three out of every five bales of cotton that are raised. We have been paying taxes to the manufacturers of this country, year in and year out, for more than an hundred years, and yet all they do is to buy about one-third of our crop at the price that is fixed in Liverpool, so that if we are to wait until diversity comes we will long have survived the time when adversity comes.

Mr. HOPKINS of Illinois. If the gentleman will allow me, I can remember the time, in the State of Illinois, where I live, when we raised nothing but wheat; but we found as the Western

Territories developed, they could raise wheat cheaper than we could, and that drove us into a diversity of interests there, and the result is that Illinois to-day is the third State in the Union as a manufacturing State, and this has not only enhanced the value of the State from its State standpoint, but it has enhanced the value of the interest of the farmer, of the manufacturer, and the laborer.

Mr. HEMPHILL. That is all right—

Mr. HOPKINS of Illinois. Why can you not do that in the South?

Mr. HEMPHILL. The answer is very simple. It is not the province of government to force people to stop growing wheat or to stop growing cotton. Let them grow what will grow naturally in this country. That is what they ought to do; and if we are to have industries created by taxation which we would not have without it, it simply means that the business that we would have, that would pay naturally, is to be surrendered in order to establish a business that will not pay. Now, my friend, so far as manufacturing is concerned, we do manufacture in the Southern country. The State that I represent in part manufactured more cotton a year ago than any other Southern State, and the manufacturers are making money, some of them from 25 to 30 per cent, but the large body of the Southern people have been and must for years be agriculturists and nothing else. And it does not follow that because they must be agriculturists that therefore they are to be taxed in order to be run into some other occupation.

Mr. JOSEPH D. TAYLOR. If the gentleman will allow me, what effect would it have upon the rice industry in your State if rice were placed upon the free list?

Mr. HEMPHILL. I doubt very much if it would have any effect whatever, for the simple reason that the rice that is grown on the coast of South Carolina and Georgia is the best rice known to the civilized world, and therefore there is no competition with it.

For that reason I say that so far as that is concerned, I do not believe it would affect it at all. But it is very poor compensation for us to get a little tariff on rice, even if it is 100 per cent, for that is a very small crop, when we are taxed on all the other articles, in order to keep the tariff upon that. And if the gentleman will go with me and vote for a reduction on all articles mentioned in the McKinley bill, I will move to take rice in with them, and will let it take its chance with the others.

Mr. JOSEPH D. TAYLOR. Do the rice-planters agree with you in that?

Mr. HEMPHILL. If they do not, they can vote against me when they get an opportunity.

Mr. JOSEPH D. TAYLOR. Now I want to say a rice-planter—

Mr. HEMPHILL. If all the implements they use for farming, with all they eat and wear is to be taxed, they naturally want the duty on rice, but when you give them a chance by taking the tax off other things, they will go with you upon the question of rice; and if they do not, then they will have to submit, like the balance of us.

Mr. JOSEPH D. TAYLOR. A rice-planter in your State told me—

Mr. HEMPHILL. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HOPKINS of Illinois. Mr. Chairman, I ask unanimous consent—

Mr. HEMPHILL. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] yielded to me twenty minutes of his time.

The CHAIRMAN. Then the gentleman has five minutes more.

Mr. HEMPHILL. And the gentleman from Michigan [Mr. BURROWS] yielded me fifteen minutes.

The CHAIRMAN. The Chair understood that the gentleman was recognized for twenty-five minutes.

Mr. HEMPHILL. And then I had ten minutes from the gentleman from New Jersey [Mr. ENGLISH].

The CHAIRMAN. The understanding of the Chair was that the gentleman had twenty-five minutes. He yielded a portion of his time to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. HEMPHILL. I think I had thirty-five minutes from these two gentlemen, the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] and the gentleman from Michigan [Mr. BURROWS], and then I had ten minutes from the gentleman from New Jersey [Mr. ENGLISH], making in all forty-five minutes.

The CHAIRMAN. The gentleman has already consumed twenty-five minutes. That was the limitation of his time, as the Chair understood.

Mr. HEMPHILL. Then I have twenty minutes remaining, which I will not take in full.

Mr. JOSEPH D. TAYLOR. A large rice-planter in your

State who had, with his brother, 1,200 acres in rice told me that three-fourths of a cent reduction on clean rice and one-fourth of a cent on uncleaned rice would drive them into bankruptcy; and he was a Democrat, too.

Mr. HEMPHILL. I have no doubt that when a man has the Government helping to hold him up, he thinks that if the Government were to withdraw from his support he will be ruined. A great many people have thought that, and have found that it was not so, as is well illustrated by the tariff on raw hides, and the leather industries, which has been so often stated in this House. But to come back to the cotton business. Last year, up to December 31, the value of our cotton exported was \$277,000,000. The average export of cotton from this country is from \$250,000,000 to \$300,000,000 a year.

If there is any importance whatever to be attached to the question of the balance of trade in this country, then I say that the cotton industry, above everything else, ought to be encouraged. If the imports which we receive in this country were not paid for by the exports of cotton, breadstuffs, etc., they would have to be paid for either in securities or in cash. We are therefore interested in exporting as much as we possibly can, so as to meet the balance of trade for imports between the United States and foreign countries.

To see a great industry reduced from \$325,000,000 down to \$200,000,000 in value, and then hear it said that nothing can be done for its relief because a change may effect eleven thousand men who partly earn a livelihood from the manufacture of cotton-ties, and the \$8,000,000 that is invested in sixteen manufacturing establishments sounds very strangely coming from a party that professes to be the special friends of the industrial interests of the country. The farmers of the South pay on every single thing that they buy. They pay a tax upon their wagons, their plows, their trace chains, and on the implements of every kind with which they farm.

All that we ask is that these things which are essential to the marketing of our crops may be bought by us free from the additional cost that the manufacturers have induced the Government to lay upon them.

Something has been said about jute bagging machinery by our friend from New Jersey [Mr. ENGLISH], who accidentally made an argument here for the friends of protection by mistake. [Laughter.] He figures up an immense amount as the cost of that machinery.

Why, sir, we might know that the gentleman is a literary man and a poet from his making such a statement as that. Everybody who knows anything about the subject knows that the machinery by which this article is manufactured is not costly. You can not figure up any very large amount of expense for that kind of machinery, and the very fact that a Democrat should use such an argument shows that he has a very weak case.

Mr. Chairman, it is not often that I make any special appeal here for the workingman, because I believe that every citizen of this country is as good as any other citizen if he is honest, and that if he makes his living by the labor of his hands he is not on that account any better or entitled to any more consideration or privileges than the man who makes his living by the labor of his brains or by both combined. In this country all should be treated alike. Therefore, I say that I am not here to appeal for the workingman over everybody else; but I do say that if anything is due to any particular class of laborers in this country the men who work in the cotton fields of the Southern country during the storms of winter and the heat of summer, from the time the sun rises until it sets in the heavens, are entitled to as much consideration as these people who sit in the shade and turn out these cotton-ties and cotton-bagging. And I appeal to my Republican friends to aid us to relieve the agricultural people of the Southern country from this additional burden in order that the cotton industry may be once more revived, that some hope and strength may be put into the people, so that they may go to work to build up that Southern land with new life and new inspiration. Give them this relief, and I believe they will get more benefit from the encouragement and the good spirits it will bring them than even from the actual money it will save to them. [Applause.]

Mr. SIMPSON. Mr. Chairman, in the discussion of this question I presume it is right and proper that one who represents farmers and who is a farmer himself, and a laborer, should have something to say about it. I have been identified with the laboring class all my life. For the last fourteen years I have been a farmer, and have tried as hard and as honestly as any man to make a living at that business. Therefore, I think I can speak with some authority in regard to the benefits of this protective tariff system to the agricultural class of the American people. I have sat here patiently listening to the arguments on both sides, the Republican and the Democratic side, and I have been instructed and sometimes amused.

I have listened attentively to the speeches from the Republican side, and I am free to say that I have been surprised to find the Republican party represented here by men having such indistinct ideas in regard to the system of trade and the laws which govern it. I listened to the apostle of the protective tariff on the Republican side; I listened to the silver-tongued orator from Michigan [Mr. BURROWS], and to his grand appeal to the people, as represented here, to support and foster the special privileges of which he is the champion, but I am free to say that I did not get much information out of his appeal. [Laughter.] He started out with the proposition that a system of protection increased the price of everything, and that it yielded a great benefit to labor because the manufacturers, getting high prices for their goods, would be enabled to pay high wages to their laborers.

Then he turned around and told us that to put wool on the free list would be to strike a deadly blow at the wool interest of this country by cheapening wool. And yet, when he concluded his speech he concluded it with the statement that the intention of the McKinley bill and the intention of a protective tariff generally was to cheapen everything. His speech was a contradiction from the beginning to the end. Now, if the McKinley bill and the protective tariff system have the effect of cheapening everything, where are these grand and good manufacturers going to get the surplus money to pay high wages to labor? That is the question, gentlemen. If the tariff has the effect to cheapen everything, and make prices low, then I ask any gentleman on the Republican side to tell me where the employers, the manufacturers, are going to get the money to pay high wages?

Mr. WALKER rose.

Mr. SIMPSON. I shall be very glad to yield to the gentleman from Massachusetts, because I shall have something to say about his State later on.

Mr. WALKER. I want to say to the gentleman that in any series of ten years in the last thirty not a dollar has been made by manufacturers of this country as a class in any staple industry that has not been gotten out of nature by invention. Not a cent of profit has been made by increased prices; it has all come from nature by means of the inventions of manufacturers and mechanics—every dollar of it.

Mr. HEMPHILL. Well, then, we ought to pay them for it, not you.

Mr. SIMPSON. I understood it was the McKinley bill which was going to enrich everybody, and produce wealth in this country; and now the gentleman from Massachusetts says there is no increase of wealth except that coming from the inventive genius of the American people applied to manufacturing machinery, and thereby increasing the productive power of the country. Then it is not the protective tariff at all that has helped the manufacturers. [At this point Mr. WALKER started to leave the Hall.] I hope the gentleman will not go away; I propose to have something to say about Massachusetts later on. [Laughter.]

Now, Mr. Chairman, I am a free trader—absolute. I am not one of those men who are ready to compromise with wrong. Either a thing is right or it is wrong. I learned my Republicanism when the Republican party meant something—when it stood for a principle—when old William Lloyd Garrison and Wendell Phillips said they would have no compromise with wrong; that slavery was “an agreement with death and a covenant with hell.” They refused to compromise with wrong. That is the time when I was a Republican. But when the Republican party became the champion of special interests, when the money power and the manufacturing class got control of it to use it as a vehicle through which to foster their special interests I left the Republican party, and to-day I stand for absolute free trade in every sense of the word.

Now, gentlemen, what is free trade? Is it a natural or an unnatural condition? Are not human beings so constituted that they must trade? No matter how primitive the state of society, men must trade. With the developments of human progress the inventions of machinery and the division of labor, different classes and different countries producing separate and distinct articles, we must have a system of trade. In olden times this cropped out because the settlements were along public highways or water courses, by means of which the people could communicate with one another. Trade is a natural condition. What do these protectionist gentlemen propose? To protect against trading, to prevent people from trading with one another? Is it not obvious to every man that a protective tariff law has for its object to prevent some one from trading with some one else? It is evident that there must be men in this country who wish to trade with those in some other country or you would not pass a law to prevent this trading. Here, then, is a country where men are prevented by law from trading.

I say, Mr. Chairman, that trade is natural. If left to take care of themselves men will trade with other men who will give them good bargains. When I produce anything on my farm—grain

or hogs or cattle—I produce a larger quantity than I can use myself, because I hope to trade the surplus with other men who have articles that I want; and I want to trade with the man or the people or the nation who will give me the best bargains. I want to trade where I can get rich instead of getting poor. But the law steps in to prevent this. The protective-tariff law confines me to a particular section of country. It assumes that the people, if left at liberty to trade, will make bad bargains. Is that the history of the American people? Is not the Yankee particularly noted all over the world for making smart trades and good bargains?

The protective tariff goes on the theory that a nation gets rich by keeping out wealth, by sending out its products and bringing nothing in. It assumes that the more wealth you send out and the less you bring in the richer the country becomes; and gentlemen quote here statistics showing that the “balance of trade” is in our favor; that we sent out last year \$120,000,000 worth of products more than we brought in; and it is argued that for this reason we are getting rich.

Sir, when I was down in Florida a little over a year ago, as I stood on the deck of a steamer passing out through the magnificent harbor of Pensacola I saw sixty-five ships in that harbor, all except two flying a foreign flag. I inquired of the collector of the port, “How many of these vessels come into this port laden?” He said, “Not a single one enters this port with a cargo; they bring only ballast.” Those vessels were loading up with the productions of the great State of Florida; they were preparing to carry out the wealth of the United States; but not a single one brought anything in but old ballast and dirt gathered from foreign countries and unloaded over at Quarantine Island. Now, how does such a business benefit this nation? Every ship taking out a cargo was forced to charge double freight because she brought no cargo in. How did that benefit the country? Why should we be sending out our wealth and bringing nothing in?

The gentleman from Michigan [Mr. BURROWS], in one of the eloquent passages of his magnificent speech in favor of the tariff, referred to the great nation of Holland that built a dike around the country in order to keep out her enemy, the ocean. As the ocean, roaring in front of that dike and trying to reclaim the realm that man had won from her, is regarded as an enemy to mankind, so the gentleman assumed that the goods the people of the foreign nations of the world would flood us with would be a great injury to us. I tell you, gentlemen, that if foreign nations want to flood us with goods—if they want to give us good things and to let my part of the people have good things, I am perfectly willing to tear down the dikes and everything else that stands in the way.

Mr. JOSEPH D. TAYLOR. Will the gentleman yield for a question?

Mr. SIMPSON. Certainly.

Mr. JOSEPH D. TAYLOR. If they carry out our cotton have not they something to bring back in return? Now, if they do not bring goods, must they not bring gold; and is not that just as good for us as anything else? That is brought back in return for the cotton.

Mr. SIMPSON. Ah, that is just a very part of the protective-tariff scheme. It is the old theory. They first get a protective tariff and prevent you from trading for goods of any kind by fining you 50 cents on the dollar if you undertake to bring them in, the object being to compel you to trade for their gold, on which there is no tariff, and bring the country to the single standard. That is one of the efforts of the great gold monopoly of the country. You will be compelled, under this law, to trade for this commodity which the monopoly controls, gold, and that is a part of the hard-money scheme which has been worked in this country for so many years, my friend from Ohio, Mr. TAYLOR. Has the gentleman another question? [Laughter.]

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. SIMPSON. Very well; what is it?

Mr. JOSEPH D. TAYLOR. Why you have not answered the question I asked you yet, I say if they carry a cargo of cotton aboard, is it not true that they must bring back some equivalent?

Mr. SIMPSON. If they carry out a load of cotton and trade it off for a lot of silk, that some of our people here use occasionally, and of which we produce but little but which some of our people do want, they will fine the man 50 cents on every dollar's worth of silk he brings back in return for his cotton. Is he making a good trade under such circumstances? What can he trade his load of wheat or his load of cotton or his load of corn off for upon which he will not be fined as he brings it into the country?

Mr. JOSEPH D. TAYLOR. But if you can raise the goods here out of our own lands and make them by our own labor, are we not in a better condition than to purchase them from abroad?

Mr. SIMPSON. But it so happens that this is an agricultural country. It so happens that we have a very large agricultural

surplus here that must seek a market somewhere because of the inability of consumers in our own manufacturing districts to purchase what they need. The Secretary of Agriculture in his report a year or so ago said that if the consumers of wheat bread had eaten but an ounce and three-quarters each more of wheat bread we would have had no wheat for export. We have no market here. The farmers must of necessity seek a foreign market. Seeking that foreign market, they must trade for goods in that country, and as soon as they make that trade you set your custom-house officers upon them and levy a tribute of 52 cents on every dollar's worth that they trade for. How does that benefit agriculture? How does it benefit the agricultural laborer of the country?

Why, Mr. Chairman, we are driven from the markets of the whole world. It is a well-known fact that there was a great failure of the crops on the other side of the Atlantic, nearly all over Europe recently. Millions of people are dying—starving or about to die of starvation—at least they told us so when they wanted to get a hundred thousand dollars or so for the purpose of hiring some good Republican's ship to carry over a cargo of flour to relieve them [laughter], and yet, sir, because we can not trade the products of our farms for the products of labor in foreign countries, we are restricted to the markets of this country by the tariff monopoly, and although there is a demand for these products abroad they are sinking lower and lower in price every day, until to-day they are away below the cost of production. How does this benefit the farmers of America?

Why, the Western and the Southern farmers have been driven into the cities and the towns of manufacturing States for their market where you promised the farmers you would build them an exclusive market. We are obliged to go there; there is no help for it, and to-day Kansas corn is selling in Massachusetts and Ohio, and driving out the very farmers whom you promised protection and a home market, because you have confined us to this local market, and because of the inability of the laboring classes to employ themselves in the production of wealth which they could and would exchange for the products of the farm—for these reasons we find the products of our farms thrown upon an ever-cheapening market for want of consumption. Mr. Chairman, I want to read an extract here from a great man, the governor of a Republican State, and himself a Republican, to show you the effect of this policy upon the farmers of a great agricultural State, and I know that my Republican friend from Ohio will take this extract as good evidence.

I will read an extract from the speech of the governor of the State of Illinois, Governor Fifer. In a speech delivered to the farmers of the Eighth Congressional district, he gave utterance to sentiments which I think are worthy of consideration.

Speaking of this, the Chicago Evening Post says:

GOVERNOR FIFER AND THE FARMERS.

In a speech delivered to the farmers of the Eighth Congressional district, Governor Fifer gave utterance to some sentiments which sound oddly enough, coming from the lips of the governor of a great commonwealth, who, if report be true, aspires to continue in that important office for at least one more term. We extract the following from the reports of the governor's speech:

"We have some very serious problems to face. Our country is filled up. There is no west to go to. We are full, and we will have to acquire Canada, British America, and Mexico, or overflow."

Mr. HENDERSON of Illinois. Mr. Chairman, will the gentleman yield to me for a question?

Mr. SIMPSON. Yes, sir.

Mr. HENDERSON of Illinois. Do you not know that the governor repudiated that publication the very next day after it was made? Has not your attention been called to that?

Mr. SIMPSON. I have the speech here as it was published; and I know it is becoming a common practice in this country when gentlemen find they have told the truth, and people are startled by hearing it from them, to spend the next two or three months in denying that they have told the truth. [Laughter.] We had an exhibition of that here in this House last evening. One gentleman went so far as to deny that he ever took a drink of whisky, which everybody knew was not true. [Laughter.]

Mr. HOPKINS of Illinois. Will the gentleman yield right there?

Mr. SIMPSON. Yes, sir.

Mr. HOPKINS of Illinois. Is that what purports to be a report of a speech that was made by Governor Fifer, at Joliet, Ill.?

Mr. SIMPSON [referring to the clipping]. This was made by Governor Fifer to the farmers of the Eighth Congressional district.

Mr. HOPKINS of Illinois. That was at Joliet, Ill.?

Mr. SIMPSON. I do not know.

Mr. HOPKINS of Illinois. That is where it was, and Governor Fifer not only repudiated that, but Mr. Chairman, I can state that there were farmers there who were worth \$250,000. In that convention there were ten farmers from my district as delegates. One of them was worth \$250,000, and the poorest

man there was a Democrat, who to-day owns more than 400 acres of land in my county and is worth easily \$75,000.

Mr. SIMPSON. Those farmers are of the sort who earn their bread in the sweat of some other fellow's brow; they were not farmers at all. They were speculators. They were landlords. I am speaking of the working farmer when I say "farmer."

I will read the balance of Governor Fifer's speech:

The farmers are always poor and always will be poor. They can not concentrate wealth as in the corporate industries. There is no danger from the farmers. We never hear of election frauds among them. They are easily governed; but in large cities the republican form of government is a practical failure and so admitted by the framers of the State constitution of 1870, who gave powers to the governor to hold them in check.

If we ever lose our liberties it will come through the evils of municipal misrule. I ask you to go to Chicago to see where we are drifting. There you will see the climax. Look across the ocean, study the institutions of the Europeans who have been civilized for centuries. What is the spectacle? We are of the same blood. Are things not being driven along the same line here? Will we lose our republican form of government and take on a stronger one? Just so certainly as I stand here this Government will fall. All things tend to wealth, wealth to luxury, luxury to weakness, and weakness to lapse.

Mr. SCOTT. Will the gentleman yield for a moment to me?

Mr. SIMPSON. Yes, sir.

Mr. SCOTT. I desire to say that what the gentlemen from Illinois [Mr. HENDERSON and Mr. HOPKINS] say about the retraction of Governor Fifer's speech related to the latter part of the speech, the part the gentleman has just read, referring to corruption in the Republican city of Chicago. This was done in order to square himself with Chicago, and it did not relate to the part in reference to the condition of the farmers.

Mr. HENDERSON of Illinois. Oh, no; that is not my understanding of the fact at all.

Mr. SIMPSON. The gentleman from Illinois [Mr. SCOTT] states that Governor Fifer took back the part that related to the city of Chicago; but the condition of the city of Chicago to-day demonstrates that he spoke the truth, for to-day they have hauled up their aldermen before the court, and are trying to convict them of swindling the city out of money, and of boodling. So, Mr. Speaker, there is every evidence that the governor understood the question and stated it plainly; and probably being afraid of the vote in the city of Chicago, to secure his election in the next campaign he, like a prudent politician, withdrew it. [Laughter on the Democratic side.]

Mr. SCOTT. That is about right.

Mr. HENDERSON of Illinois. If the gentleman will allow me to say it—I do not wish to interrupt him—I wish to say that Governor Fifer retracted the whole speech as being misreported.

Mr. SCOTT. I desire to say in reply to that that Governor Oglesby, a Republican ex-United States Senator and three times elected governor by the Republicans of Illinois, said that the speech was correct as first reported.

Mr. LANE. And he heard it?

Mr. SCOTT. And he heard it.

Mr. SIMPSON. Mr. Chairman, I do not care to be further interrupted upon a question of veracity between two gentlemen from Illinois. When my time has expired they can settle that between themselves. I shall address myself to the tariff question now—

Mr. HOPKINS of Illinois. Will the gentleman allow another interruption right there?

Mr. SIMPSON. I do not wish to be interrupted.

The CHAIRMAN. The gentleman from Kansas declines to yield.

Mr. SIMPSON. I want to say to you, Mr. Chairman, that I am in favor of this bill, because it will place certain articles on the free list, because it will help the Southern farmers. Every bill that takes a tax off from their energies, off from the products of their labor, is in the interest of every other man in the United States, whether he lives in the North or in the South. I want to say to the Southern cotton-planter that I want to see him relieved from every tax upon his industry, simply from a selfish interest, if from no other cause. For cotton we trade corn and wheat; and the Southern planter is a large buyer of Kansas corn, and the less he is robbed, the less money is taken from him by a robber tariff, the more he will have left to buy Kansas corn with. So, from a selfish point of view, if for no other reason, I am in favor of this bill.

I want to say further that I am in favor of this bill, because it takes a step toward putting everything else on the free list finally. I want to say to you that every time you take protection off from any favored industry you place the man interested in that industry in the ranks of those who are fighting against protection. I want to say to you that this is the way protection was built up. As one man got protection on his article, the man that had to consume his article saw that the only way to balance himself and to even himself up with the other fellow was to have protection put on the product of his labor; and thus we went to logrolling, and put a tariff on different things, until we got them all into the ring. My friend from Iowa [Mr. DOLLIVER], one of

the most brilliant men in the House, in his speech the other day let the cat out of the bag and showed how protective tariffs are built up by grants of special privileges; how, whenever you get them, when any community is benefited by this system, they at once fall into the ranks of those who battle for protective tariffs to help the other fellows out.

I will read you an extract from his speech which may explain the whole matter:

No people in the United States see more clearly the relation of the farm to its customers than the people of Iowa and Nebraska. Last summer the contract of building a little torpedo cruiser was awarded to the Dubuque Iron Works. We were agreeably surprised to find a shipyard in Iowa equipped for such a contract. The Dubuque newspapers were filled with rejoicing over the building of that one little cruiser costing \$112,000. The Democratic newspaper opened its account with the headline in flaming capitals: "Hallelujah!"—the first time that old Hebrew expression ever found its way in a Democratic newspaper in that section of the country. [Laughter.] It pointed out how every citizen of the town and the whole adjacent community would share in the bounty of that expenditure of money.

Turning over to the editorial page the reader found an argument very like that delivered a week ago by my friend from Nebraska, in effect advising us, whenever we wanted anything else, to go to England for it, and I said to myself that if the Democracy of the West would only take into their politics a little of the common sense that they apply to their business, instead of winning new victories on the free-trade platform, as predicted by my friend from Nebraska, there would not be enough of them left to call the caucus to order [laughter]; for the principle to which I refer is recognized by the wise and simple alike.

They were going to have \$112,000 distributed among the people of the city of Dubuque; and this will explain how you can make even a Democrat a defender of the "robber tariff." Every Democrat and Republican of that town saw that they had gotten their hands into the public pocket to the extent of \$112,000, which the people of the United States were paying in taxes, and that there was that much money to be distributed in that little town. They were to get part of the boodle. I can readily conceive what rejoicing there was in the camp, just as I can imagine what a rejoicing there was in the home of the feudal baron who built his castle on a hill and made his forays down upon the plain to rob the husbandmen who tilled the soil or grazed his herd in the valley.

Under this modern system of robbing the people, you can readily conceive how Democrats and Republicans would rejoice in their robbery of the citizens of the United States, inasmuch as they were getting \$112,000 to be distributed among them.

Let us follow that out a little, Mr. Chairman. Here is a manufacture built up at the expense of the people. The people are taxed for the benefit of Dubuque. At once it becomes a good city to live in. Labor finds a new field of employment and receives better wages. Idle labor seeks the city of Dubuque. Others say at once "it is a good place to keep a store." Business begins to revive in that city. Storekeepers go in there, and then there is another gentleman comes along who makes the discovery that it is a good place to buy land. Land values are advancing all the time in Dubuque; and so the town boomer and the land grabber get there and buy up all the vacant land.

Then what happens? Prices begin to go up. Men hold the land out of use. The rents begin to increase and the laborer who was getting a fair profit out of his labor finds that what he gets in extra wages he is forced to pay out in extra rent. The merchant finds his rent going up and is obliged to raise the price of his goods, and the burden of extra rents and extra taxes is shifted from shoulder to shoulder until at last it rests upon the farmer, and when you figure it all up at last, the lion's share of the profits growing out of this special privilege goes to the land speculator and to the protected monopolist, and not to the farmer or the laborer.

And what is true of Dubuque in this case is true of every city in the United States whose industries are built up by a legalized spoliation, by special privileges secured from Government by their paid attorneys in Congress.

Then an era of speculation sets in. We continually have these speculative periods. Prices go up beyond their normal condition, then reaction ensues, and panics follow. I have listened to men in this Hall who told us how prosperous we were under a low tariff; I have heard men say how prosperous we were under a high tariff, but I have failed to hear a single member satisfactorily explain the cause of the panic of 1873 under one of the highest tariffs we have ever had in this country. The protective tariff stimulates certain businesses beyond their normal condition and the requirements of trade, there results apparent overproduction, and in order to maintain prices combinations and trusts are organized, the output is cut down, labor is locked out to become a criminal or a tramp, and all grows out of what I believe to be an unnatural system of trade which in the last analysis is the distribution of the products of labor.

How does it come, Mr. Chairman, that labor needs protection? How does it come that some men in this country are in a position to grant to labor protection? What is labor? Is not labor the factor that produces all the wealth of the world? Whether it be on the farm or in the factory, is not labor the force that

produces the wealth? How is it, then, that some gentlemen are in a position to grant privileges to labor? How does it come that labor needs protection in this country?

Did you ever think of that? In this country, that has but nineteen people to the square mile, this new and undeveloped country, not a State in the Union that has yet half its land occupied; with all its inventive genius and machinery, with all its great means of transportation for effecting the exchange of the products of the labor, with its untold and unmeasured resources in every form, how comes it that labor is insulted by having those who live upon it offer a tariff law to "protect" it. Does it not follow, gentlemen, that somebody has deprived labor of its natural rights?

Does it not follow, gentlemen, that labor, the king, labor, the sovereign, has been pushed from his throne where capital now reigns, a bastard monarch, in his stead? Does it not follow that the people have been deprived of their natural rights? We all know that in the first settlement of this country it was settled by men who came here to escape the protection of a ruling class, people made criminals by a bad state of society, not so bad probably as we have to-day, but still bad enough to produce criminals by law; but, coming here and finding a new continent undeveloped, with land free to all, developed into a higher state of society than that of any nation in the world, developed men of such genius that they produced apparently without effort a government which will yet lead to the highest state of individual liberty.

Again, take the history of Australia, which was originally largely settled by a criminal class. These people going there and having free access to the natural opportunities—the mines and forests and streams—for the production of wealth, finding no monopolies there, being left free to develop the resources of the country, to have their own homes and enjoy the rewards of their own industry, they gradually developed into the most advanced community on the face of the earth, and to-day that nation which originated out of a criminal class is furnishing you a ballot law with which to fight against the same kind of legislation that made criminals of them in the past.

How does it happen, then, that we, after this long period, are gradually falling back into the same old conditions of society, and that we to-day are filling the whole land with criminals? Why, in the city of New York alone last year there were eighty-one thousand arrests of criminals, many of them made criminals by law. Why? Simply because they were deprived of their natural and inalienable right of access to the great storehouse of wealth, the earth: because of the monopolies built up under this iniquitous system of protection. My friend from Michigan [Mr. BURROWS] "let the cat out of the bag" in regard to this system. Speaking in favor of the protective tariff, and showing how disastrous it would be to put certain articles on the free list, he read a dispatch dated at Ottawa, Ontario, March 10, as follows:

OTTAWA, ONTARIO, March 10.

Anticipating a removal of duties from coal imported into the United States, a syndicate of American capitalists have bonded several valuable coal areas in Cape Breton and Pictou, Nova Scotia, to enable them to compete with the Pennsylvania mines in the New England market, if coal is put on the free list.

That shows you what grows out of this protective-tariff system. Under that system these monopolies have grown up and capitalists have bought up the mineral deposits of this country everywhere that they could discover them. Over in the neighboring Commonwealth of Virginia there are 200,000 acres of the best iron deposits in the United States, but those deposits are not developed, they are not used, because they would come into competition with the iron mines of Lake Superior and Pennsylvania. And that land is assessed at the low valuation of \$2.50 an acre. That is the system of monopoly which the protective tariff tends to foster.

Under the system of protection competition from abroad is shut out. The capitalists buy up the coal deposits, the iron deposits, all the mineral deposits of the land, and hold them out of use, and thereby labor is denied access to those resources of nature, and so a surplus of labor arises; a fierce struggle for existence among laborers sets in and then it is proposed to cure that evil by a protective-tariff system, which so far from opening up new avenues of production really enables the few to still further monopolize the natural resources of wealth.

I speak in the interest of the laborer. I can properly speak for him, because I have been a laborer all my life; having come in contact with laboring people I think I know their views and wishes as well as any lawyer or manufacturer. It appears to me that when the laborer exchanges his labor, although directly he may exchange it for money, he in fact exchanges his labor for the product of the farm or the factory. He wants something to live on; he wants something to eat, something to drink, something to wear. Now, when you put a protective tariff on those articles what do you do but increase their cost to him? And how

do you benefit the laborer by increasing the cost of the products of the factory or the farm or anything else for which he must exchange his labor? Some good Republican will please tell me how the wages of the laborer are increased by increasing the cost of the articles for which he exchanges his labor? [Mr. SIMPSON paused for a reply. No one venturing to speak, he proceeded.]

Furthermore, we hear a good deal said on this [the Republican] side of the House about protecting American labor against the "pauper labor of Europe." Now, will some Republican tell me what nation do you want protection against? Do not all speak at once. There is surely some Republican who can tell me what nation in Europe he wants to protect our laborers against.

Mr. DOLLIVER. The gentleman from New Jersey [Mr. ENGLISH], in referring an hour or two ago to Calcutta, indicated one country against which our labor should be protected.

Mr. SIMPSON. Will the gentleman tell me what nation he wishes to protect our laborers from?

Mr. DOLLIVER. I have called the attention of my friend to the speech of the gentleman from New Jersey.

Mr. SIMPSON. After all this gush over the laborer, can not any of you tell me what nation in Europe you want to protect the American laborer against? [Applause on the Democratic side.] Well, gentlemen, if you were frank you would say Great Britain. Is not that right? Great Britain is the nation that you fear. But, gentlemen, the facts are against you. The cheap labor of Europe is not in Great Britain. The highest wages paid in Europe to-day are paid in Great Britain, the nation that comes nearest to free trade. Oh, no; if you were not conscienceless hypocrites, trying to impose on the laborers of the country, you would say that you want protection from China.

China that has had a protective tariff for thousands of years—China that built a wall around her country cutting off all intercourse with the outside world—China under a protective tariff such as you are building up, pays the lowest wages in the world. You can not get away from the facts. Yet you passed a law here the other day that would be a disgrace to any civilized nation—to protect this country against the laborers of that high protective tariff country. Why did you do that? It was in the interest of the laborers of the State of California—California, one of the grandest States in this Union, although her resources are nowhere near development, a State with the grandest climate and most productive soil—in the interest of the people of such a State you come here asking protection against the Chinese laborer.

Why, because under this policy of protection you have allowed monopolies to buy up, to close in and hold out of use the larger portion of that grand State, denying labor access to that storehouse of wealth, so that in self-defense we are compelled to pass laws restricting immigration from other countries; and I, in defense of the laboring people, was compelled to vote for that bill. Oh, you protect labor! In Kansas we protect cattle and hogs—we feed and fatten them that we may eat them. That is the way you protect labor. [Laughter and applause.]

Mr. HENDERSON of Illinois. Did I understand the gentleman to say that he voted for a law which was a "disgrace to civilization?"

Mr. SIMPSON. I did say that I was compelled to vote for that bill in view of the conditions which the Republican party has forced upon the country, and in defense of the laboring classes. Because there has been adopted in that State under our system of government a land monopoly which, in connection with a protective tariff, denies to labor access to the sources of wealth production, I was compelled, in defense of labor, to vote for that law which I know in principle is bad in every way.

Now, Mr. Chairman, I regard agricultural labor as the great ocean, in accordance with which every other form of labor must seek its level. If agriculture, more ancient than all other forms of labor, is not profitable, so that men seek the cities in order that things may reach a level, you may dam up the rivers, you may back up the creeks, you may undertake to hold back the flood, but finally there will be an overflow, and labor, like water, will seek its level in this great ocean. All other trades and professions are the bays and rivers. To raise their level it is only necessary to raise the level of the ocean.

You have placed a great burden upon agriculture. Why? Simply because under the existing system of indirect taxation the manufacturer, when you undertake to tax him shifts his burden to the middleman; in many cases the middleman can shift his burden to the consumer, but at last the shifting process must stop, and when it does, the burden rests upon the back of the agriculturists of this country. The statistics of the census report will bear me out in what I say. I quote from the Eleventh Census of the United States on farms, homes, and mortgages:

In ten Kansas counties out of nine farms two are owned free of debt; three are worked by tenants, and four are occupied by owners, subject to an

incumbrance of 38 per cent of their value. In the Kansas counties out of ten homes three are owned free of debt; five are hired, and two are occupied by owners subject to an increase of 39 per cent of their value. This is not only true of Kansas, but taking ten Ohio counties—Ohio, which is the great manufacturing State, and the farmers ought to be prosperous if they are prosperous anywhere—in ten Ohio counties out of eight farms four are owned free of debt; three are worked by tenants, and one is occupied by owners subject to an incumbrance of 37 per cent of its value. In the Ohio counties out of fifteen homes four are owned free of debt; ten are hired, and one is occupied by owners subject to an incumbrance of 43 per cent of its value. In the Ohio counties outside of Cincinnati, out of twelve homes five are owned free of debt, and six are hired, and one is occupied by owners subject to an incumbrance.

And now I appeal to you gentlemen on both sides of this Chamber if these are not alarming conditions? I appeal to you if it is not time that we should address ourselves to these conditions, and see if there is not a road out of the difficulty. I appeal to you to cease your bickerings and quarrelings about party success. See if there is not some way to help the people of this country. We have seen the example of Ireland. We know what that means. When a nation becomes a nation of tenants and landlords, let us while it is time apply the remedy. You may call us calamity howlers. It is time that we had calamity howlers in this country. You can not afford to pass by and disregard the cry of the people.

I have here some facts that are startling, showing that we are a nation of borrowers; that this system intended to enrich the people, as its advocates claimed, has succeeded in impoverishing them.

And now, Mr. Chairman, to show you how protection protects the laborer, how it protects the farmer, I will quote some facts from the twenty-first annual report of the Massachusetts bureau of statistics and labor, page 177 to 258. This is in the manufacturing district; it is from the State where my friend Mr. WALKER is from, the gallant protector of the protective tariff. I will quote some facts and figures there to show how this has helped agriculture in the great State of Massachusetts, in the cradle of liberty, where the first gun that was fired in the defense of liberty that was heard all around the world, that first gun in defense of liberty fired by the farmers' sons; to show you how this protective tariff has helped the farmer I will quote the amount of abandoned farms in the great Commonwealth of Massachusetts.

The extent of the abandonment is indicated in part in the recapitulation on pages 192 and 193, showing the total number of abandoned farms of the State by counties. From it we learn that there are 1,461 such farms, 689 of which are without buildings, while 772 are supplied with buildings. The aggregate acreage is 126,509½ acres, the assessed valuation being \$1,076,328. Farms with buildings aggregate 66,650 acres, the total value of property being \$690,000, while the farms without buildings aggregate 59,859½ acres.

Mr. WALKER. Does the gentleman care for the exact facts?

Mr. SIMPSON. The facts are what the people want, no matter what the gentleman from Massachusetts wants. [Laughter and applause.]

Mr. WALKER. Are you anxious for a statement of the facts? Do you want me to state it?

Mr. SIMPSON. If the gentleman does not take too long.

Mr. WALKER. The persons employed in agriculture in Massachusetts have increased one-sixth in twenty years. The acres in cultivation have increased one-sixth. The value of agricultural lands have increased about one-half, and the agricultural products have doubled within that period. [Applause on the Republican side.] It is true that the old farms on the tops of the hills are abandoned, many of them—

Mr. SIMPSON. I am quoting from the bureau of labor statistics. I knew the gentleman from Massachusetts could answer better than anybody else. [Laughter.] But I think that this report will have a little more weight than the statement of the gentleman from Massachusetts.

Mr. WALKER. Both statements are entirely reconcilable with each other. Certain lands have been abandoned.

Mr. SIMPSON. This report to which I have referred, and to which the gentleman can refer, for it is accessible to him, shows that these people have abandoned their lands because it was not profitable to live upon them any longer.

Mr. WALKER. Will the gentleman allow a word?

Mr. SIMPSON. Certainly, on this subject.

Mr. WALKER. There is not a Western man who would take a New England farm as a gift if he knew the difficulties that beset farming in that climate.

Mr. SIMPSON. There is not a man with any sense in this country who would take a farm as a gift to-day either in New England or anywhere else while this iniquitous tariff is in existence, because he could not make a living upon it. [Applause and laughter on the Democratic side.] I have given the statistics in this table to which reference is made from the State of Massa-

chusetts. But I understand that in New Hampshire the condition is still worse. This report, I will state to the gentleman from Massachusetts, shows that many of the abandoned farms are the best in his State.

These figures are from Massachusetts. I can assure gentlemen if they will look over the reports of other States they will find all the New England States in much the same condition and some of them much worse. These conditions have grown up right under the shadow of the factory, within the sound of the whistle and the bell, and while the manufacturing interests have grown, while the men who have had the benefits of protective tariff have grown rich and built mansions and live in grand style, the farmer has been driven from his farm, the sturdy agriculturist has been forced to become a tramp or a machine who works in those factories and surrenders the products of his labor to the protective-tariff baron. There are some 1,600 abandoned farms in the State of New Hampshire, and I understand that in the State of New Jersey the report of the commissioner of labor shows the same condition of affairs; that the abandoned farms are so numerous that the governor, looking over the figures of the statistician, would not allow the report to go out to the country; it was so damaging.

Mr. DOCKERY, in his speech in the House, quoted from the July report of the Superintendent of the Census, giving the amount of mortgage debt of the farms and homes of the country at \$2,555,000,000. It is well understood that these figures have been kept as low as possible, because the present Administration, the defenders of this tariff system, did not want to make it appear that the farmers are getting in debt, and we can well suppose that those figures are very conservative, if they tell the truth. I will quote here some figures taken from the St. Louis Republic, which I suppose are nearly accurate. It says:

If all the real and personal property of Missouri, all its lands, houses, railroads, cattle, grain, stocks, farms, bonds, promissory notes, merchandise, and other property of all kinds was sold at auction for its total assessed value in 1890 it would take more than three times as much to pay this debt. In taking the States in alphabetical order in 1890, if they had been sold for the total assessed value of all their real and personal property, the proceeds of the sale of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, and Georgia would have been only \$2,545,000,000; \$20,000,000 less than the amount of this mortgage debt imposed upon the farms and homes of the country under the past legislation of the Republican party. The annual interest on this debt at 10 per cent would be \$256,000,000. If the State of Alabama had been sold at its assessed value in 1890, including all personal property, there would still have been a shortage of \$50,000,000 on the interest of this single year, and throwing in Idaho at \$25,000,000 and Arizona at \$21,000,000, the total value of the two States and one Territory would have been still \$13,000,000 short of the year's interest debt. Now, nearly all of this debt is on the States of the Mississippi Valley, nearly all of the interest is paid by the labor of the people of the Mississippi Valley, who are at the same time bearing the enormous burden of the Republican tax on trade.

We are not repudiators out there. The Republican party drove us into this debt, but we borrowed that money and we will repay it, principal and interest, all that is named in the bond. But we must have a system of trade that will allow us to exchange the products of our labor for the products of other people's labor; trade it, not in a restricted market, but in a free market. We must have a system of transportation which will enable us to get the goods to market without paying tribute to Jay Gould and Vanderbilt and the other robbers that stand at the head of the railroad organizations of this country. The Republican party, through its leaders, has poured out copious streams of sympathy for poor, down-trodden Ireland, and I quote the following from the National Tribune, which I hope the Republicans will consider good Republican authority. It says:

England has mortgages on Irish lands to the amount of eight hundred million, at an average interest of 5 per cent. This would make an annual tribute of forty million a year from the little island to the English capitalists. As the population of Ireland is 5,000,000, this would make an annual interest charge of \$8 per head or \$40 per family. No wonder at all that the people of Ireland are poor.

Now, Kansas can beat this all to pieces. According to the last United States census Shylock has mortgages on Kansas lands to the amount of \$243,146,226. The population is but 1,427,096. At an average interest of 10 per cent this would make an annual tribute of \$24,314,681.60 a year from the people of Kansas to Shylock, or an annual interest charge of \$17 per head or \$85 per family. And yet we are told by the old parties that we are the most prosperous people on the face of the earth.

I want the Republican leaders, when they meet in annual convention again, to save some of their sympathy for the citizens of this country. Thirty years ago the people of Kansas received that grand State fresh from the hands of nature. It is peopled by the most industrious class, I say, in America, the most frugal, sober, and industrious, and yet, under present laws and present conditions, they have seen themselves sinking into debt from year to year, until now they are about to lose their homes and surrender everything they have got to the cormorants who have besieged legislation and passed laws in the interest of corporate powers.

I want to read now a statement showing about how much our

foreign obligations are, and then I am going to quote a little from my friend from Massachusetts [Mr. WALKER]. The English income-tax returns, which are considerably below the true mark instead of over it, for no man exaggerates his income for taxing purposes, show that in 1890 English taxpayers admitted the receipts of a hundred and fifty millions from foreign governments and railroads, and a hundred millions more from other foreign investments.

Mr. WATSON. If my friend will allow me, I will remind him that Dr. Norvin Green, of the Western Union Telegraph Company, testified that we owed foreign countries \$2,000,000,000 on which we were paying about \$80,000,000 a year.

Mr. SIMPSON. This is what we pay Great Britain. According to the table published in the Journal, one-fourth of the foreign investments by English capitalists is made in the United States, and it follows that we pay to Great Britain alone sixty millions as annual interest on our large debt. This condition of things is so far from showing any signs of change that it threatens to become permanent.

The foreign investments of English capitalists are reported to have increased 50 per cent in volume since 1885. Robert Giffen, England's greatest statistical authority, estimates them at five thousand million. The inference is that England now has from fifteen to eighteen hundred millions in American investments and that she actually levies to-day a tax upon the incomes derived by her citizens through American investments more than ten times greater than that other historic tax which she once attempted to impose upon the colonies.

Now, Mr. Chairman, that shows where the surplus of this country is going. That shows where the stream of wealth that the laborers and producers of this country are creating is flowing to. England has adopted this policy, that comes by free trade: When she sends out a shipload of goods to any foreign country she endeavors to trade it off for a shipload of goods that is worth more than the one she sent out. She has based her policy upon this principle, that a nation gets richer and gathers more wealth by bringing goods into her territory instead of sending goods out, and when she sends out a shipload of goods it is sent out on the principle that she must get another shipload of goods that is worth more than the one that she sent out.

It is by pursuing this policy that England has been able to gather to her shores a great part of the wealth of the world, that she is trading all over the world; her ships are found in every port, and she has become the mistress of the world because she has adopted this true policy of trade, while we who have adopted the protective tariff and are sending out more wealth than we bring in are laying up a loss every year, and this will account for the sixty odd millions in gold that went abroad in the last year, and that have failed to come back. We are sending a steady stream of wealth out of this country instead of bringing it in. What we want, gentlemen, is more goods. We want to trade for things that we need; and in opposition to what my friend from Michigan [Mr. BURROWS] says, instead of calamity coming from a flood of good things, I apprehend that what we want is to have the world flood us with good things.

Did you ever hear of any country sending things into another country when she did not take something out in return? During the arguments on the silver bill we heard from the Republicans and the Democrats both—because they are a unit on that question, so to speak—that great danger would come to us from European nations flooding this country with silver. They were going to send silver into our country. I said, "Let it come." It is not reasonable to suppose they will give us silver for nothing. I apprehend that when they send silver, they will take our surplus wheat and corn and cotton in pay for it; and taking our surplus out will increase the wealth of this country, because they will leave some of the things that we want and that will be of greater value to us. Our debts are payable in dollars, not in 10-cent corn and 6-cent cotton.

The same thing is true of other countries. If they bring in their goods here, it is evident that they are not going to give them to us for nothing; and in exchanging them they must take out such things as wheat, corn, and cotton; and having a large surplus of those goods, they are the things we want to get rid of, and the goods they have are the ones we want. My friend from Michigan [Mr. BURROWS] says if we were to tear down this protective wall it would flood us with disaster. Why, gentlemen, it would be about as reasonable to suppose that the Israelites when they were wandering in the wilderness would have roofed themselves over for fear the manna would fall upon them to sustain them. [Laughter.]

This protective-tariff wall that the gentleman speaks of is keeping good things out, and not bad things. The wall that he spoke about, I remember, has been compared with that great wall the patient Dutchman built around Holland to reclaim it from the ocean. The Hollanders devote a certain number of days every

year to repairing the dikes. With his willow basket filled with sand he repairs it and puts back all the earth that has been removed. So he watches and guards against the tyrant that is continually wearing down the wall to reclaim the realm that man has won from him.

But, gentlemen, there was a time in the history of Holland when the Prince of Orange saw Louis XIV flooding his land with troops to enslave the people, and he said: "Break down the dikes; give Holland back to the flood." Why? Because he would rather have the sea, enemy as it was, than have the despotism of the French king's rule over the people of that country. I say to-day, "Break down this tariff wall." I would rather have this flood of goods, even if it brings in the products of cheap labor of Europe. I would rather have that system than to have the present system of high protective tariff, a tariff that is bringing the American people to bankruptcy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATSON. I move, Mr. Chairman, that the time of the gentleman be extended, so that he may be allowed to finish his remarks.

The CHAIRMAN. How much time does the gentleman desire?

Mr. SIMPSON. I desire ten minutes more.

There was no objection.

Mr. SIMPSON. Mr. Chairman, I want to call the attention of gentlemen here to this free-trade theory, that has never been adopted by any nation in the world. The statesmen of Great Britain have come nearer to it than any other statesmen. Universal bankruptcy and poverty were staring the people of Great Britain in the face. They adopted this system of free trade, or near to it, and to-day she has become one of the richest nations in the world.

To the British statesman belongs the glory of having thus far applied the deductions of science to the art of government. But in so doing they have to take on themselves the risk of failure and confront the possible disgrace of having adopted and acted upon false instead of true principle. Free trade before them had been an idea. They made it a policy. Their action formed a turning point in the commercial history of the whole world, and out of that we should learn a lesson. It would be well enough therefore to look over the history of England for the last fifty years and see what effect this policy has had upon her. I quote from Mongredien Free-Trade Movement in England the following:

In 1840 the population of the United Kingdom was 26,487,000; in 1878 it was estimated at 33,799,000; increase, 7,312,000. In the former year London contained 1,700,000 inhabitants; in the latter, 3,800,000; increase, 2,100,000. So that the growth of London during the last thirty-eight years alone largely exceeded the total growth it had attained during the previous thousand years. In 1878 the emigration of British subjects to America, Australia, and all other places comprised 112,902 persons. The number who embarked at our ports for those places was much greater; but it consisted largely of emigrants from Germany and other Continental states, who took their way through this country for the convenience of passage. On the other hand the number of immigrants in 1878 was 77,951, many of them being returned emigrants; so that, on the balance, the yearly exodus from the United Kingdom is much smaller than is generally imagined.

Trade.—In 1840 the foreign trade of the United Kingdom (combined exports and imports) amounted to £172,133,000, equivalent to £6 9s. 11½d. per head of the population. In 1878 it amounted to £614,255,000, or £18 3s. 6d. per head, a marvelous rate of increase. In the United States the proportion of foreign trade to the population is £4 13s. per head. In France it was, in 1876, £8 3s. per head. In Russia it was, in 1876, £1 9s. per head.

Revenue.—The public revenue for the year 1840 was £51,850,000; for the year 1878, £21,508,000 pounds; and the latter sum presses far less heavily on the people now than did the former sum on the people then. The income tax in 1843 (the first year of its incidence) yielded for every penny in the pound £201,000. In 1878 the taxable incomes had so increased that every penny in the pound of income tax yielded £1,917,000.

Consumption per head.—Of those articles which are partly produced at home and partly imported the consumption per head can not be exactly ascertained, because the extent of the home production can not be accurately defined. But of those articles consumed by the people which are wholly imported from abroad the consumption per head is easily calculated, and it is as follows for the two years which we have taken for comparison:

Consumption per head of the population of the United Kingdom in 1840 and 1878 of the following articles:

Articles.	1840.	1878.
	Pounds.	Pounds.
Tea.....	1.22	4.66
Sugar (raw).....	15.20	48.56
Coffee.....	1.08	.87
Rice.....	0.90	7.50
Currants and raisins.....	1.45	4.49
Tobacco.....	.66	1.45

The immensely improved condition of the working classes of this country is clearly shown by the above table; for the wealthy and middle classes must have consumed nearly as much per head of tea, sugar, etc., in 1840 as they do now, and therefore it is chiefly among the wage-receivers of the community that the largely increased consumption has been distributed.

Savings banks.—The deposits in these banks, which are national institutions, consist of individually small sums, being savings invested volunta-

rily by the wage-earners of the community. In 1841 the amount of these deposits (after deducting withdrawals) was £24,475,000; in 1878 it was £75,967,000. This large increment has been gradual and continuous, and affords another distinct proof of the enhanced prosperity of the working classes since the advent of free trade.

Pauperism.—The number of adult able-bodied paupers who were receiving relief in England and Wales on the 1st of January, 1849, was 201,644, out of a population of 17,565,000. On the 1st of January, 1878, the number had diminished to 97,927, out of a population of 24,854,000. We have been obliged to take the year 1849 for comparison, because it is the first year for which the actual number of persons receiving relief on a given day was returned, and the comparison is confined to England and Wales, because no returns exist for Scotland and Ireland. The number of paupers from age, infirmity, sickness, etc., had also largely decreased in proportion to the population.

Crime.—In 1840 the convictions for criminal offenses of all kinds throughout the United Kingdom were 24,000, with a population of 24,487,000. In 1873 they were 17,038, with a population of 33,799,000; that is to say, that during those thirty-eight years crime had diminished in this country by one-half, while the population had increased by 7,300,000. Could there be a stronger proof of the vast moral as well as material progress of the people? Note also that this decrease of crime was no sudden, fitful, or accidental circumstance, but was the gradual result, year after year, of permanent influences.

Wealth.—An eminent statistic, Mr. R. Giffen, has by a series of elaborate calculations arrived at the conclusion that in 1878 the total capital of the people of the United Kingdom might be reckoned as a minimum at £25,000,000,000. "This," he says, "is the capitalized value of the income derived from capital, using as far as possible the data of the income-tax returns as the basis of the estimate, and with the addition of an estimate of the amount of capital in use not yielding an income." By a similar process he has made out that the total capital of the country in 1865 was £16,103,000,000, and, consequently, that during the intervening ten years the national estate had improved at the rate of £2,100,000,000 per annum. In 1875 the amount assessed to the income tax was £571,000,000; in 1865 it was £396,000,000. Now, in 1843, when the income tax was imposed, the amount assessed to it was only £251,000,000.

Let us then take the proportion between the taxable income and the national capital as given by Mr. Giffen for the two periods, 1865 and 1875, and apply it to the £251,000,000 taxable income of 1843, and we shall find that it gives £3,890,000,000 as the total capital of the country in 1843. This, of course, is only an approximate valuation, but it can not be far wrong, and it leads to the conclusion that the capital of the country has far more than doubled since 1840, while the increase of the population has only been 28 per cent. This enormous mass of wealth makes our national debt an easy burden compared with its pressure in 1840, and the process of accumulation is still going on at the average rate of at least £200,000,000 per annum.

Commercial marine.—The fluctuations in our progress under this head are curious and characteristic. In 1840 the tonnage of the registered vessels of the United Kingdom was 2,571,000 tons. In 1849, when our protective navigation laws were repealed, tonnage was 3,095,000; an increase under the old system of £523,000 tons in nine years. In 1849 our trade was thrown open to the shipping of all the world and our shipowners and shipbuilders were told that they would be swept away by the competition. What happened? In 1858, nine years after the repeal of the navigation laws, the tonnage of the registered vessels of the United Kingdom was 4,325,000, an increase of 1,229,000 tons over the tonnage of 1849. So that while during the nine years of protection the tonnage of the registered vessels of the United Kingdom increased by 523,000 tons, the increase during the nine years of unrestricted competition that followed 1849 was 1,229,000 tons; and the expansion of our mercantile navy has been going on ever since. In 1878 the tonnage of the United Kingdom was 6,236,000 and the greatest part of the entire international trade of the world is conducted in British bottoms.

To afford some insight into the present distribution of the carrying trade, we may state that the total tonnage of the vessels that discharged and unloaded cargoes in 1878 at the various ports of the United Kingdom was 42,900,000 tons, of which 30,257,000 were British and 12,643,000 were foreign. These 12,643,000 tons of foreign shipping were distributed as follows:

	Tons.
Norwegian.....	2,444,000
German.....	2,270,000
Swedish.....	1,133,000
Danish.....	1,058,000
United States of America.....	988,000
Italian.....	981,000
All other countries.....	3,729,000
Total.....	12,603,000

Thus we have taken stock, as it were, of the material condition of the people at the two periods referred to, viz. 1840, under protection, and 1878, under free trade. The progress that the nation has made in wealth and prosperity during these thirty-eight years seems almost incredible, and one is tempted to think that the picture that has been traced of that progress is the work of a heated imagination. But no! The statements made rest on the solid foundation of attested facts and the unimpeachable testimony of official records. Their truth may be tested by everyone who chooses to inquire.

But, Mr. Chairman, Great Britain has not adopted a system of free trade; neither do the Democrats advocate it, as they are charged by the Republicans. Why, Mr. Chairman, they do not understand what free trade means. Free trade means that the products of labor shall not be taxed either in production or exchange. Whether it comes from a foreign nation or whether it is produced at home the product of labor should escape taxation. Taxes should never be levied upon the products of labor. The good things which labor produces are what you want in this world, and you should never discourage the production of wealth.

Furthermore, free trade means relief from taxation on personal property. It means free access to the natural storehouses of wealth to produce something on which to trade. Labor can not produce anything out of the air. It can produce but very little from the sea. It must have access to land, and any system which places the land of the country in the hands of the few is fatal not only to production but to trade, for without easy access to land the laborer can produce nothing to exchange.

This brings on the transportation question, which is really a part of the question of trade. For example: When the tariff was taken off sugar and sugar was being reduced in price, the Western railroads formed a combination and raised their tariff

on sugar, so that what we escaped in duties to the custom-house we paid to the railways.

Mr. Chairman, we have built up by special privilege great lines of transportation throughout this country, which, under our modern system of division of labor, each man must use in getting his product to the consumer.

We have granted special privileges to railroad corporations whereby they can levy a toll on every man who uses them in sending their goods to the public markets. They lay in wait and levy a tariff upon the products of labor, a tribute which amounts to more than \$350,000,000 per annum more than a reasonable profit upon the capital invested in the roads and rolling stock. The right to tax is admitted by everybody, but we believe all taxes should foster production and trade and not speculation and monopoly. We would put a tax upon those who buy up and hold out of use the mineral deposits, the coal deposits, the iron deposits, and the copper deposits. They hold these things out of use so that their increased value can go into their pockets. We would take that value to the community and give it back to the people who made the value; and this would open up new fields for the laborer, and instead of going around to the manufacturer begging for the privilege of producing wealth, he could go and produce it without being robbed by the capitalists. This is what we mean by free trade: Access to opportunities to produce wealth and perfect freedom of exchange.

We say that this is another tax upon labor which cripples it, which absorbs the wealth that it produces. It is a part of the grand scheme of protection, and never will the laborer be free from the oppression of his master, never will the farmer be free from the oppression of these monopolies, until the Government resumes its natural functions, takes charge of these great public highways, and says to the people: "This railway is the evolved dirt road, and is to be controlled by us." And then, instead of spending millions of dollars upon the rivers that have now become useless as means of transportation, we shall say to the people: "These iron roads have now become the great highways of the country; we will run them under Government supervision and let him that wants to, run his train upon them." [Laughter and applause.]

There remains, Mr. Chairman, another great factor in trade. To my mind money is one of the greatest factors in exchange. In the development of society we have come to the use of money instead of barter. We say that it is a function of the Government to furnish the necessary currency of the country, and to relieve us from the grasp of the national-bank system. We believe it is the function of government to furnish this essential medium of exchange at cost without the intervention of the national banks. We believe that the money question is a part of the great question of trade, or so mixed up with it that you can not separate them.

We believe that gentlemen here are honest in their advocacy of the protective tariff, some of them at least, all except those who have personal interests involved. [Laughter.] We believe that the Democrats are honest but a little timid, afraid, just now, of doing anything that will hurt their party. [Laughter.]

Mr. Chairman, I was very much gratified when I had the privilege of coming into this Hall and sitting here with the great statesmen of the country, and I can assure you that I had a very high and exalted opinion of those statesmen until as time went on I came to learn more about them and their proceedings here. [Laughter.] Then there came back to my mind a story told by Lucian, the Roman writer, of a man who had gotten a lot of monkeys and educated them to perform on the stage till at last they went through their performances just like human beings, until one day some wag in the audience threw a handful of nuts and raisins on the stage, whereupon the performers went down at once on all fours scrambling for the nuts and raisins. [Laughter.] They were no longer men but monkeys. [Laughter.]

I saw here exalted statesmen advocating great policies of state, and I had an idea that they were truly interested in this great country, until all at once some special privilege was thrown upon the stage, and then they suddenly got down on all fours scrambling to see who should first get his little special privilege through this great body of lawmakers. [Laughter.]

We believe, Mr. Chairman, that that is what is behind this protective-tariff system. We believe that once you begin to take off the special privileges you will rapidly recruit the ranks of the reformers until finally you will entirely overthrow this bad system of trade, and we shall be able to take our place by the side of the greatest nations or ahead of the greatest nations in the world. There is no good reason why the people of this country should be poor. There is no reason why the farmers of this country should be in debt. There is no reason why there should be two and a half billion dollars of mortgage indebtedness upon the farms and homes of this country.

With our productive capacity, with our steam power and water power, and our improvements in machinery sufficient to do the work of 22,000,000 men per annum, there is no good reason why there should be 1,000,000 tramps in this country. There is no reason why there should be 100,000 people in the city of New York living upon charity. There is no reason that 7,000 paupers should be buried in the potter's field of the city of New York every year. There is no reason why the farmers and farmers' wives of the West and the South should go clothed in rags, but there is every reason why this should be the greatest nation, the wealthiest nation, the happiest nation on the face of the globe. [Applause.]

[Mr. COBB of Alabama addressed the committee. See Appendix.]

Mr. TURNER. Mr. Chairman, I ask unanimous consent that the committee now proceed to consider the bill by paragraphs.

Mr. CLOVER. Mr. Chairman, I desire to offer an amendment to this bill.

The CHAIRMAN. That will not be in order until the bill is being considered by paragraphs. The gentleman from Georgia [Mr. TURNER] asks unanimous consent that general debate upon this bill be closed and that it be now considered under the five-minute rule.

There was no objection, and it was so ordered.

Mr. TURNER. Mr. Chairman, before the committee resumes consideration of the bill, and in order to move to add thirty minutes to the length of this day's session, I ask unanimous consent that the committee do now rise.

Mr. BURROWS. Mr. Chairman, the gentleman from Georgia [Mr. TURNER] desires to dispose of this bill to-morrow, and Mr. DALZELL, the member of the committee who had in charge the preparation of the minority report, is absent to-day; but I have telegraphed him, and he will be here in the morning. It is understood that the bill may be reported back to the House this evening, and that to-morrow, before a vote is taken upon its passage, the gentleman from Georgia [Mr. TURNER] shall speak for an hour, and the gentleman from Pennsylvania [Mr. DALZELL] for an hour.

The CHAIRMAN. The Chair would suggest that that matter had better be arranged in the House.

Mr. BURROWS. If the committee agree to it, I suppose there will be no objection in the House.

The CHAIRMAN. The committee can not regulate the proceedings of the House.

Mr. TURNER. The gentleman from Michigan [Mr. BURROWS] and I will probably have no difficulty in arranging the matter. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins, and had come to no resolution thereon.

Mr. TURNER. I move that the House again resolve itself into Committee of the Whole for the consideration of revenue bills, and pending that motion I ask unanimous consent that the hour fixed by the rule for the recess be extended to-day for half an hour.

There being no objection, the hour for the recess was extended until half past 5 o'clock.

And then, on motion of Mr. TURNER, the House again resolved itself into Committee of the Whole (Mr. BLOUNT in the chair) and resumed the consideration of the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins.

The bill was read, as follows:

Be it enacted, etc., That the following articles, when imported, shall be exempt from duty, namely: bagging for cotton, gunny cloth, and all similar material suitable for covering cotton, composed in whole or in part of flax, jute, or jute butts; cards, roving frames, winding frames, softeners, and other machinery purchased abroad and used in the manufacture of bagging for cotton, gunny cloth, and all similar materials suitable for covering cotton; cotton gins, and also hoop or band iron, or hoop or band steel cut to length, or wholly or partially manufactured into hoops or ties for baling purposes, and hoop or band iron or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings.

Mr. TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 12 and 13, the words, "And hoop or band iron or hoop or band steel, flared, splayed, or punched."

Mr. TURNER. Mr. Chairman, I desire to state that this amendment is offered in response to some suggestions made by gentlemen who are interested in the items included in the amendment, which constitute the raw material out of which hoops are made. I wish to state further that the Committee on Ways and Means, in instructing me to report this bill, meant to confine it

to the single item of ties used for the packing or baling of cotton or whatever could be used for that purpose. I myself would have been willing to allow the materials covered by the amendment to enter into the bill; but it is due to my colleagues on the committee to say that the purpose of the bill was as I have stated. Therefore I have offered the amendment.

Mr. ELLIOTT. Mr. Chairman, in considering this bill, so far as cotton-bagging is concerned, we ought to go back to the summer of 1888—nearly four years ago—when the country was startled by the announcement that this material, so important to the cotton-planter of the South, had been increased in price (without any notice being given and without any known cause for the increase) from about 7 cents to 14 cents a yard. Very soon afterward it was discovered that the reason for this sudden and enormous increase was that a powerful trust had been organized to control the bagging industry.

During that summer three investigations of that trust were made by Congress, and the testimony elicited in those investigations throws the very strongest light upon the merits of this bill. I will read a few extracts from that testimony to illustrate the power which, under the prohibitory tariff existing previously to the McKinley bill, the manufacturers of bagging were by means of this trust enabled to exercise. I read from testimony before the Senate committee:

The CHAIRMAN. I see those contracts bear the date of April 14.

Mr. STURGIS. April 14 and 16.

The CHAIRMAN. You were before us on the 11th of June?

Mr. STURGIS. Yes, sir.

The CHAIRMAN. These contracts were in existence then?

Mr. STURGIS. Yes, sir.

The CHAIRMAN. And fully perfected?

Mr. STURGIS. Yes, sir; as they are now.

Senator BECK. The foreign manufacturers could not make bagging for the cotton raised in America, could they?

Mr. STURGIS. They could not, under the present tariff laws.

Senator BECK. I am speaking of the laws as they exist. They could not make it under the present laws, and therefore they only make the bagging that is needed for the other one-quarter?

Mr. STURGIS. Of course.

Senator BECK. Therefore you caught them without any supplies.

Mr. STURGIS. Yes.

Senator BECK. This contract was made in April, was it not?

Mr. STURGIS. Yes.

Senator BECK. And you were here in July?

Mr. STURGIS. In June.

Senator BECK. And you kept the fact concealed from the committee, then?

Mr. STURGIS. I did, and from everybody else I could.

Senator BECK. And you did it on purpose to keep the people of the country from ascertaining the existence of your pool, so that no bagging could be made anywhere else?

Mr. STURGIS. Most certainly. We were in to make money, as I have testified.

Later on we have the evidence of Mr. Gratz, a prominent member of this bagging trust. I read from his examination:

The CHAIRMAN. Who was the active person to manage this?

Mr. GRATZ. It was done principally through the office of Warren, Jones & Gratz, and some part of it at the office of L. Waterbury & Co. I think we made eight or ten leases or contracts to close mills, and probably twenty contracts of purchase of material; and L. Waterbury & Co. made four contracts with mills, one contract for the purchase of material; and Nevins & Co., of Boston, made one contract with a mill.

The CHAIRMAN. So that your concern and Waterbury & Co. did the active work?

Mr. GRATZ. We did the active work. We think to-day we could get 25 cents a yard for bagging as easily as 12 cents, but we do not care to put up the price so high, as it would look like extortion. The additional price now being charged amounts to about 35 cents a bale on cotton, and as the average cotton planter raises about five bales annually, the additional tax on the average planter amounts to \$1.75 a year; somewhere in the neighborhood of the same amount of money he spends per month for tobacco.

The CHAIRMAN. That is, if he uses it?

Mr. GRATZ. He mostly uses it, and mixes it with whisky.

There is the idea entertained by these gentlemen—that they have the right to extract from the cotton-planter just so much of his spare money as they think they can squeeze out of him under an operation of this sort. Farther on Mr. Gratz says:

After buying enough bagging and securing control of enough mills to get two-thirds of all the bagging required for this year's crop, we waited to see whether the Mills bill would give us a rate of protection sufficient to enable us to continue in business another year. It was agreed that in case there was protection sufficient to insure us the continuance of our business the price of bagging would not be materially raised; that, however, in case no sufficient protection was left, we would advance the price of bagging from time to time as much as was deemed advisable, in order to get out of the business this year as nearly as possible enough money to pay for our machinery. This policy has been pursued to this day, and we hope and expect to continue it.

Now, the gentleman from Connecticut who spoke sometime ago on this floor laid stress upon the fact of the enormous amount of capital invested in this bagging industry. Here is one of the leaders of this business, one of the chief organizers of the trust, declaring that if they were allowed to have their way during that one season by increasing the price from 7 to 14 cents a yard, they would be enabled to obtain in that way enough to pay for their whole investment.

I read further from the testimony of Mr. Gratz:

We believe it will be impossible to produce any sufficient quantity of bagging in time so as to interfere materially with the sales of our bagging, no

matter what the prices should be. We investigated that point very carefully and found the mills abroad were so full of contracts for other goods that they had but very few looms which could make this particular kind of bagging set up in their mills, and that it would take so long a time to get the mills ready to manufacture this bagging that they could not wait these other contracts for the other goods.

Then he says, alluding to some previous arrangements made by the manufacturers:

The others were contracts covering proper and exactly legitimate business, and these are contracts to control production, as well as to divide the profits. Therefore they might be called illegitimate contracts.

Here one of the leaders of the trust admits that their combination was an "illegitimate" one, and yet the Republicans in both Houses of Congress have never ceased to deny that there was any trust formed.

Before the House committee Mr. Gratz testified:

Q. What was the price of 2-pound bagging before this association went into operation—say the last of March or the first of April?

A. From the last of February until the middle of March a large amount was sold at prices South from which, if the freight was deducted, the prices in New York would have been from 5½ to 6½ cents for 2-pound bagging.

Q. Let us see what the increase would be. Bagging last spring was 7½ cents, how much higher now do you say it is than 7½ cents?

A. It was 7½ cents, and it is 12½ now.

Q. That is 5 cents a yard from the mill to the merchant?

A. Six and a half by five would be 32½ cents a bale.

Q. Without the merchant's profits having been added to it, however?

A. He would charge a profit on the 7½ cents, being what you would call probably a legitimate profit, but he would also charge a proportionate profit on the 5 cents, which would probably make an increased cost to the planter, say of 5½ cents, bagging being sold in the South on very close margins. It would be 6½ times 5½ cents, which would be 35½ cents a bale.

Q. That would be \$350.00 per million bales, and seven times that would be \$2,450,000. Have you a definite idea of the amount of capital invested in bagging mills?

A. It is very hard to say the amount of capital, because the real estate in some instances would be necessarily measured with the bagging mill as part of the institution, and in others it would be difficult to divert the other business, some buildings being made especially for this and fit for nothing else, and some property being applicable for this and for nothing else, so I could not estimate exactly the amount of capital invested.

Q. You have seen an estimate?

A. I have not seen an estimate except in the rough. As far as our own institution is concerned, our calculation is, that if we could secure in this year's business 60 per cent of the profits you talk about here we would have gotten pretty much our whole investment, but that would not apply to others, because we own more real estate, and that estimate covers nothing except bare bagging machinery.

I hope gentlemen on the other side will listen to this frank admission:

Our calculation is that if we could secure in this year's business 60 per cent of the profits you talk about here we would have gotten pretty much our whole investment.

What a complete condemnation of a prohibitory tariff to place it in the power of a few manufacturers by a stroke of the pen to exact in one season from the cotton producers of the South more than enough to pay for their entire investment in machinery!

The CHAIRMAN. What is the price of bagging now? I believe I have not asked that?

Mr. GRATZ. Twelve and one-half cents a yard to-day; will be one-fourth of a cent higher Monday.

The CHAIRMAN. What is occurring to advance the price?

Mr. GRATZ. We thought we could get that much more.

Senator BECK. You have the market effectually cornered?

Mr. GRATZ. We have it effectually cornered, and there is no power on earth can stop us except some of us die or turn thieves on the rest.

Now, Mr. Chairman, that was before the passage of the McKinley law. But that law really gave to the bagging manufacturers an equally prohibitory rate, because the duty on jute was removed; jute now comes in free. As in other cases quoted here yesterday, so in this case, these gentlemen went before the McKinley committee two years ago; and just the protection which they asked for they got—they themselves fixed the rate of duty. So that to-day under existing law, with the rate of duty which these bagging manufacturers themselves asked for, we see that it is entirely in their power to control absolutely the manufacture of the article in this country. They can put up the price whenever they see fit to do so.

Four years ago they ran it up nearly 100 per cent. There is nothing in the world to prevent them from doing the same thing to-day. Thus this great industry, so valuable to the country, is completely under their control if they choose to exercise their power. Is it consistent with free institutions that any set of people in this country should have such dominion over the business of others?

Now, of how much importance is the cotton industry? During last year the cotton planters of the South shipped to foreign countries \$290,712,898 worth of cotton—about one-third of our entire export. And they receive no protection from the Government—none whatever. If they can compete with the world in the markets of Liverpool, why are not these gentlemen who manufacture this bagging able to do the same thing in this country? The farmer's market is 300 miles away, the manufacturer's market is here at home, at their very doors. For the year ending June 30 last we shipped to foreign countries 5,783,101 bales of cotton, Great Britain alone taking 3,359,846 bales. The home

market, of which so much is said on the other side of the House, is of small consequence to the cotton farmer.

Not only is this so, but another danger confronts the farmer. Through some extraordinary movement a large amount of cotton is being imported into this country. Let me give the figures for a few years past. In 1887 the importation of cotton into the United States was \$533,000 in value; in 1888 it was \$744,000; in 1889, \$1,194,000; in 1890, \$1,392,000, and in 1891 it more than doubled, increasing to a total of \$2,825,000. So not only, Mr. Chairman, have these cotton farmers to contend with all the difficulties that already surround them, but they must meet this foreign importation, small to be sure, but rapidly increasing.

Now, when we contrast the importance of these industries—the production of the cotton on the one side, and the manufacture of bagging on the other—how can the House hesitate what course it shall pursue in this matter?

Mr. Chairman, it is impossible for Congress to do anything for the cotton-planter except relieve him of some of the heavy burdens placed upon him by unjust laws. I have no time to discuss that greatest outrage of increasing the duties on cotton-ties to over 100 per cent. It is a well-known fact that the price of cotton has never been lower than it is now. We would be false to every duty not to do all in our power to help the farmer. We mean no harm to the bagging manufacturer and are sure he will suffer none. Jute is already free, and this bill which gives to the farmer free bagging, free ties, and free gins, gives also to the manufacturer free machinery. [Applause on the Democratic side.]

Mr. TOWNSEND. Mr. Chairman, the State of Colorado has vast resources for the manufacture of iron and steel. An immense plant has already been established near the city of Pueblo, and is now employing from 1,500 to 2,000 workmen. It is in successful operation, and has been for some years. It is rapidly increasing its business. The vice-president of this Colorado Coal and Iron Company writes to me that this bill will seriously injure their line of business, and I desire to send to the desk and ask to have read a letter bearing upon this particular question.

The Clerk read as follows:

PUEBLO, COLO., March 14, 1892.

DEAR SIR: I beg to call your attention to a bill before the Ways and Means Committee called the "Turner bill," which we understand is introduced before the House on the representation that the same is intended to provide free cotton-ties for Southern cotton-raisers. The wording of the bill, however, makes hoop and band iron free, and as band iron technically includes everything from a foot wide and an inch thick down, it would make free of duty a large proportion of the merchant bar iron now receiving protection under the McKinley bill, and our interests as manufacturers of this iron in the State of Colorado would be seriously injured by the passage of such a measure.

It is a well-known fact that the Rocky Mountains contain large quantities of iron ore and the coal and coke necessary for utilizing the same, and there is no doubt within a few years this region will absorb the investment that goes on from year to year in the production of steel and iron manufactures, and it will be a serious blow to the State should the present protection be reduced in any way.

Kindly give this matter your attention, and greatly oblige,

Yours respectfully,

THE COLORADO COAL AND IRON COMPANY,
By HENRY S. GROVE, Vice-President.

HON. HOSEA TOWNSEND,
Member of Congress, Washington, D. C.

Mr. TOWNSEND. Now, in the city of Denver—

Mr. TURNER. If the gentleman will pardon me, the amendment which I have offered will strike from the bill the item to which reference is there made.

Mr. TOWNSEND. I think that is probably true. I have noticed the amendment.

Mr. Chairman, the people of Colorado are exceedingly enterprising and progressive, and they are endeavoring to build up the iron and steel industry, amongst others. In the city of Denver there have been efforts progressing for some time to establish a steam rolling mill, which proposes to manufacture, amongst other things, steel cotton-ties. I have a letter from a gentleman representing this company bearing upon this subject, and showing the effect of the passage of this bill, that it will most seriously injure if it does not entirely stop that industry; and I send it to the desk and ask to have it read.

Mr. CLARKE of Alabama. Is this for manufacturing cotton-ties?

Mr. TOWNSEND. Yes, sir.

Mr. CLARKE of Alabama. Where?

Mr. TOWNSEND. At Denver. I ask the Clerk to read this letter.

The Clerk read as follows:

DENVER, COLO., March 7, 1892.

DEAR SIR: Inclosed herewith you will find copy of H. R. 6005. Associated with a number of gentlemen in this city I have been persistently at work for the past six months to establish a steel rolling mill which should manufacture, among other steel products, steel cotton-ties, which could be sold in Texas, and which are now sold from Cleveland, St. Louis, and other points to the extent of six to eight hundred cars annually.

I need not say to you that these goods ought to be manufactured and sold from Colorado; neither need I say that if not protected as at the present time we can not make a success of our enterprise. We have succeeded in

getting a freight-tariff rate established that will protect us against any point so that when established we reach any point in Texas as cheaply as can St. Louis.

I need not say to you, this enterprise has cost at the present time a vast amount of steady, patient work, and we most earnestly request that you will lend your assistance toward the defeat of any resolution of such purport as the one inclosed.

Yours, very truly,

E. H. WEBB,

For the Denver Steel Rolling Mill Company.

HON. HOSEA TOWNSEND,

House of Representatives, Washington, D. C.

Duplicates to Hon. H. M. TELLER, Hon. E. O. WOLCOTT.

Mr. TOWNSEND. I simply desire to say, Mr. Chairman, representing as I do those interests, and the people desiring to build up those industries, I most emphatically, in their behalf, protest against the passage of any such bill.

[Here the hammer fell.]

Mr. CLOVER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "fastenings," in the fourteenth line, insert the following:

"For the purpose of supplying any deficiency in the revenues of the Government that may arise from the passage of this bill it is herein provided that the unit of value in the United States shall be the standard silver dollar as now coined, consisting of 412½ grains standard silver, or the gold dollar of 23.8 grains standard gold; that the standard gold and silver coins of the United States shall be a legal tender in payment of all debts, public and private. Any holder of gold or silver bullion of the value of \$100 or more, of standard fineness, shall be entitled to have the same struck into any authorized standard coins of the United States, free of charge, at the mints of the United States, or the owner of the bullion may deposit the same at such mints and receive therefor coin notes equal in amount to the coinage value of the bullion deposited, and the bullion thereupon shall become the property of the Government. That the coin notes so issued shall be in denominations not less than \$1 nor more than \$1,000, and shall be a legal tender in like manner and invested with the same monetary uses as the standard gold and silver coins of the United States.

"That after the passage of this act it shall not be lawful to issue or reissue gold or silver certificates or Treasury notes provided for in the act of July 14, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.' That all such certificates and Treasury notes when received in the Treasury shall be canceled and destroyed and coin notes provided for in the first section of this act shall be issued in lieu of the certificates and Treasury notes so canceled and destroyed: *Provided*, That nothing herein shall be construed to change, modify, or alter the legal-tender character of such certificates or notes now issued.

"That the coin notes herein authorized may be reissued, but the amount at any time outstanding shall not be greater than four times the value of the coin and the bullion at coinage value held in the Treasury.

"That the said coin notes shall be redeemed in coin on demand at the Treasury or any subtreasury of the United States; and the bullion deposited shall be coined as fast as may be necessary for such redemption.

"That any holder of full legal-tender gold or silver coins of the United States, to the amount of \$10 or more, may deposit the same at the Treasury or any subtreasury of the United States and receive therefor coin notes herein authorized.

"That the act of July 14, 1890, hereinbefore cited, be, and the same is hereby, repealed.

"That so soon as France shall reopen her mints to the free and unrestricted coinage of silver at her present ratio, namely, 15½ pounds of silver to be worth 1 pound of gold, troy, it shall be the duty of the President of the United States to immediately make public proclamation of that fact, whereupon the said ratio shall be the legal ratio in the United States, and thereafter the standard silver dollar shall consist of 400 grains of standard silver, and the laws relating to the standard silver dollars of 412½ grains standard silver shall be applicable to the new dollar of 400 grains standard silver.

"That the silver dollars of 412½ grains then in the Treasury or thereafter coming into the Treasury shall immediately and as fast as practicable be coined into dollars of 400 grains standard silver. Any gain or seigniorage arising therefrom shall be accounted for and paid into the Treasury.

"That the Secretary of the Treasury is hereby authorized and required to make such rules and regulations as may be necessary to carry into effect the provisions of this act."

Mr. TURNER. I make the point of order that this amendment is not germane. I did not hear the reading of the first paragraph of the amendment offered by the gentleman from Kansas [Mr. CLOVER], because my attention was occupied, but I understand it to be the free-coinage bill, and I submit that it is not germane to this bill. I hope, therefore, the gentleman will not, by offering it here, produce the obstruction which will necessarily ensue to the passage of the bill under consideration.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CLOVER. I will appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question being taken, the Chairman announced that the ayes seemed to have it.

Mr. CLOVER demanded a division.

The committee divided; and there were—ayes 87, noes 2.

Mr. CLOVER. I demand the yeas and nays.

Mr. RICHARDSON. I make the point of order that it is not in order in the committee.

Mr. CLOVER. It gives this reform Congress another chance to kick the free-silver bill, that is all.

The CHAIRMAN. The gentleman calls for the yeas and nays, which are not in order in the committee. The ayes have it, and the decision of the Chair is sustained.

Mr. MILLIKEN. Mr. Chairman, I rise to a question of privilege. I have never been accustomed, during my life, to appropriate to myself that which belongs to others—

Mr. RICHARDSON. I think the point of order should be made that the gentleman's matter of privilege should come up in the House and not in the Committee of the Whole.

Mr. MILLIKEN. There is no question but that the gentleman is right, if he makes that point.

Mr. RICHARDSON. I think it had better come up in the House. I do not object to it.

The CHAIRMAN. The Chair sustains the point of order. The amendment offered by Mr. TURNER was agreed to.

Mr. TURNER. Mr. Chairman, if there is no other amendment offered, I will move that the committee rise and report the bill.

[Mr. MCRAE withholds his remarks for revision. See Appendix.]

Mr. CLARKE of Alabama. Mr. Chairman, there is no other product of this country, either agricultural or manufactured, that deserves so well of the National Legislature, from the standpoint of the protectionist, as does the cotton crop.

Mr. ALLEN. Deserves so much and gets so little.

Mr. CLARKE of Alabama. I was about to add that there is no other product of the country that has been so uniformly the subject of unfriendly Congressional legislation.

From the year 1864 to the close of the year 1891, the total exports of this country in value were \$15,798,037,495. The net of such exports over imports were \$799,863,809. Of the total exports, our raw cotton contributed \$5,485,536,034. But for the cotton so exported, the balance of trade against this country during that period would have been over \$4,600,000,000. From the standpoint of the Republican party, which regards the prosperity of the country as depending upon a balance of trade in its favor, into what depths of bankruptcy would this country have been plunged but for the cotton crop? The value of the raw cotton exported during that period exceeded by 50 per cent the value of the exports of breadstuffs, and by 15 per cent the combined values of the exports of provisions, comprising meat and dairy products, and cattle, sheep, and hogs combined.

By its side exported manufactured articles cut a sorry figure. In 1891, a year of extraordinary distress with the cotton-growers, they sent abroad to pay the foreign debt of this country, to stop the drain of gold from the Treasury, and to preserve our balance of trade, raw cotton of the value of \$290,712,898, besides feeding half as much to the mills of the country. During that year, the pampered, stimulated manufactories of the country contributed to our foreign commerce only \$168,927,355; and breadstuffs, provisions, comprising meat and dairy products, and cattle, sheep and hogs, all combined \$298,992,115.

Now, from the standpoint that I have mentioned, should not every burden placed upon that product be lessened, especially if the industry has become unprofitable? How has it been treated? During the war a tax was levied upon every pound of cotton. That tax was continued for several years after the war, the tax-gatherer, enforcing the most burdensome provisions of an exceedingly harsh law, affixed his tag to every bale. It was continued until it became evident that the Supreme Court was about to pronounce the tax unconstitutional, and then the law was hastily repealed in order to cut off from the cotton-planter the opportunity of enforcing the return of the tax, and to-day \$68,000,000 of that cotton tax lies in the Treasury of the United States, and half as much more was stolen by the tax gatherers. Of all the exports, making up the values I have quoted, cotton is the sole one unprotected.

That is all right. The cotton-grower must sell two-thirds of his product in the free markets of the world, and any attempt to protect him, or to raise the price of his product as a whole, would be futile.

Yet, Mr. Chairman, while there is produced in this country a long staple cotton in small quantity, which could be wholly absorbed by our own mills, the McKinley bill allows Egyptian cotton to be brought in free to compete with it.

It ostentatiously placed cotton on the free list when there were over \$1,000,000 worth of cotton imported the year before; it placed a duty upon wheat, although there had not been over \$110,000 worth of that product brought in from abroad during the same year. It also provided a protective duty on corn, although the amount imported the same year had been wholly insignificant, not \$2,000 in value. It reduced the tax upon binding-twine and gave, as it should have done, to the prosperous farmer of the Northwest a cheaper tie for his wheat; in the same breath, to compensate the manufacturing interests, it increased the tax upon cotton-ties and thereby wrung—

[Here the hammer fell.]

On motion of Mr. MONTGOMERY, Mr. CLARKE's time was extended for five minutes.

Mr. CLARKE of Alabama. Mr. Chairman, I have just called

attention to the fact that by the McKinley bill the duty was reduced upon binding-twine while it was increased upon cotton-ties. We are told that the cotton-grower was thereby benefited. Was the wheat-grower then injured by the adoption of just the opposite policy?

The minority report upon the bill intimates, while it does not assert positively, that the price of cotton-ties to the planter has not been increased by the McKinley bill. I have taken the trouble to examine the daily and monthly quotations in the New Orleans papers as to the prices of baling-stuff and cotton-ties for a period of two years before the McKinley bill was enacted, and since that time. The crop immediately preceding the enactment of the law was tied at a cost of \$1.15 per bundle for ties.

Immediately upon such enactment the price bounded to \$1.40 a bundle, and remained at that figure during the months of October, November, and December, 1890, during which time the bulk of the crop of 1890 was packed; after that, for the next eight or ten months, the price was \$1.35 a bundle, and since that time it has never been less than \$1.25 per bundle. Therefore, while the crop immediately preceding the enactment of the McKinley law was packed at a cost of \$1.15 a bundle; that which first fell under the operation of that law was put up with ties costing more than \$1.35 a bundle; making a difference of 20 cents per bundle in the price.

The second crop since the law went into effect, that now being marketed, has been packed at an increased cost as to ties of 15 cents a bundle; that is, of \$225,000 upon the crop of 9,000,000 bales.

Mr. BURROWS. The gentleman is giving the price of cotton-ties at what place?

Mr. CLARKE of Alabama. I take these quotations from the New Orleans daily papers which I have examined.

Mr. MILLIKEN. And which are not reliable.

Mr. BURROWS. If it will not disturb my friend I should like to give him some figures that I have here in relation to the price of cotton-ties.

Mr. CLARKE of Alabama. It will not disturb me if I shall have enough time.

Mr. BURROWS. I will yield the gentleman my time. It appears from the statement which I hold in my hand that in February, 1892, the Bristol Rolling Mill Company gave the prices per bundle of standard arrow cotton-ties in 1890, 1891, and 1892. The price in June, 1890, according to these figures, was \$1.10; in July, \$1.12; in August, \$1.12; in September, \$1.12; in October, \$1.17. That was the time the McKinley bill was passed. In November it was \$1.20, and in December, \$1.20. In the following July it was \$1.22; in August, \$1.20; in September, of last year, \$1.18; in October, \$1.15; in November, \$1.12; in December, \$1.10, and in January, of this year, \$1.07. I wish to know whether these figures are correct?

Mr. CLARKE of Alabama. If my friend will consult with me the files of the New Orleans Times-Democrat and the New Orleans Picayune, he will find in them daily commercial quotations, showing that on September 1, 1890, cotton-ties were \$1.25 a bundle for jobbing lots in the city of New Orleans; on October 1, 1890, \$1.40; on November 1, 1890, \$1.40; on December 1, 1890, \$1.40; on January 1, 1891, when more than three-fifths of the crop had been packed, \$1.35 to \$1.37; and that they were not less than \$1.35 from that time up to the last day of November, 1891, since when they have been at \$1.25 the whole time.

Mr. BURROWS. Will the gentleman allow me just a moment, because I have no desire except to be correct in this matter. According to my information—

Arrow ties ruled at about \$1.05 per bundle until about the 1st of August, 1891, when the price advanced to \$1.07.

Mr. CLARKE of Alabama. My friend is reading from the report of the committee, but he has taken the statement of the manufacturers, while I have taken the quotations of great commercial papers of New Orleans.

[Here the hammer fell.]

Mr. BURROWS. If I can be recognized, I yield my time to the gentleman from Alabama [Mr. CLARKE]; and I wish to say just here that the price of these ties in January, 1892, as appears by this report, was \$1.07 per bundle. The prices stated in this report are the reports from the mills, embracing the markets of New Orleans and Galveston. In 1889 the average price was \$1.18; in 1890, \$1.16; in 1891, \$1.09; and in January, 1892, \$1.07. I wish to know whether these figures are correct.

Mr. CLARKE of Alabama. No, they are not, as applied to the markets mentioned.

Mr. MOORE. I would like to call attention to a portion of the report of the committee showing a confusion in reference to these figures.

Mr. CLARKE of Alabama. I should be very glad, indeed, to yield to the gentleman, but—

The CHAIRMAN. Does the gentleman yield?

Mr. CLARKE of Alabama. I regret not to have time to do so.

I will say to the gentleman from Michigan that, as a matter of fact, the price of cotton-ties to the cotton-planter has been very much higher since the passage of the McKinley bill than it was before, and that, at last, is the issue we are now discussing. The price has been not less than 3 cents on the bale higher, and indeed has been more than that. Upon a crop this year of nine million bales there is a difference of \$225,000 in the cost of cotton-ties alone.

Now, the testimony of a manufacturer which has been taken on this subject, and which I understand is in the hands of the gentleman from Georgia [Mr. TURNER]—I have not time to ask him to read it—shows that four hundred men can make in one hundred days all the cotton-ties needed to cover the crop of the country.

Mr. TURNER. The statement was that three hundred men making each one ton a day, could in one hundred days make 30,000 tons of ties, the amount estimated to be necessary for the crop of that year, the year when the tariff commission was sitting.

Mr. CLARKE of Alabama. Now, suppose four hundred men to be engaged one hundred days in making the ties required for our present larger crop, I ask my friend from Michigan [Mr. BURROWS] what would be a fair wage per day for each man? Shall we say \$1.75 per day?

Mr. BURROWS. I am not speaking of that matter. What I want to get at is whether the wholesale price of cotton-ties has not gradually gone down since the passage of the McKinley bill.

Mr. CLARKE of Alabama. By no means. It is higher to-day. Taking the quotations of the New Orleans papers and from my own personal knowledge of the price at which the cotton-planter gets his ties, I can inform the gentleman that the price is a great deal higher for the crop just packed, not less than 2½ cents a bale higher, than it was before the passage of the McKinley bill.

Mr. BURROWS. Are you speaking of the retail price or the wholesale price?

Mr. CLARKE of Alabama. I am speaking as to the retail price from my personal information derived from cotton-growers. I also speak from the quotations of commercial papers of New Orleans, where more cotton-ties are sold than anywhere else in this country. Those quotations are for jobbing lots and at wholesale prices.

Mr. BURROWS. Are not the present prices, both wholesale and retail, lower than the prices in 1889?

Mr. CLARKE of Alabama. On the contrary, they are higher; at least 2½ cents a bale higher.

Now, let me go on. There was an increase of \$258,000 in the cost of putting ties around the cotton crop of one year, that packed from the fall of 1890 to the spring of 1891. Now, take four hundred men working for one hundred days in making all the necessary ties; give each one \$1.75 a day, which I believe it will be conceded is a good wage.

Mr. BRETZ. Make it \$2 a day.

Mr. CLARKE of Alabama. Then, making it \$2 a day, we have \$80,000 as the total wages of those men for making the ties for a 9,000,000-bale crop.

It has been time and again declared upon this floor that the McKinley bill laid a protective tariff for the benefit of the workman alone, never in the interest of the manufacturer; that the great underlying principle in fixing the rate of such a duty is to have it just cover the difference between the liberal wages paid to the American workman and the pittance dealt out to the pauper labor of Europe engaged in producing the same article.

Let us see how far this principle was observed by the framers of the McKinley bill in fixing the cotton-tie duty now under consideration. The result will throw some light upon the good faith of the assertion that the principle stated was the controlling influence in the adjustment of the other schedules of that bill. As I have stated, the higher rate increased the cost of ties for the crop of 1890—8,600,000 bales—more than 3 cents per bale, or in the aggregate, more than \$258,000. As the total of wages paid the workmen for making all the ties for the crop did not exceed \$80,000, the McKinley bill levied upon that single cotton crop of 1890, an increase of tax which paid all the wages of all the men engaged in the production of the ties, and paid besides \$178,000, in a single year, into the pockets of the manufacturers.

Mr. ALLEN. That is, increased by the McKinley bill?

Mr. CLARKE of Alabama. That was the increase of cost of ties for the crop of one year brought about by the operation of the McKinley bill.

In the face of these facts, let the cotton-tie manufacturers be silent while other combines prate of "a protective tariff for the workmen only."

Now, Mr. Chairman, let us turn to cotton-bagging for a moment. The fact is that the combination formed in 1888 for the

purpose of putting up the price of that article—and I ask the attention of my friend from Michigan to this—the fact is that in one night, or rather between Saturday night, July 27, 1888, and the following Monday morning, that cotton trust advanced the price of bagging in the market of New Orleans 1½ cents a yard.

It takes 6 yards to cover a bale of cotton; so that they increased the cost of covering each bale 7½ cents, an aggregate of over \$500,000 on the crop. They then rapidly advanced the price until it reached on the 11th of August 12 cents a yard for 1½ pound bagging, the grade generally used, an increase of 3 cents a yard within two weeks, or over \$1,250,000 on the crop. Still the "squeezers" pushed the price on from 12½ cents per yard on the 25th of August to 12½ on the 20th of October, at which price it ruled to the 30th of December.

Bear in mind that not 100 bales of cotton of the whole crop had been packed when the mine was sprung; that the bulk of the crop was put up in September, October, November, and December; that the increased cost to the cotton-grower was even greater than the advances indicated by the wholesale quotations I have given, since each middleman between him and the jobber had his interest and profit on the advance, as well as on the original price. It must, on these facts, be conceded that the trust wrung \$1,500,000 from the cotton-producers on the crop of 1888.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRYAN. I ask unanimous consent that the gentleman may be permitted to proceed.

There was no objection.

Mr. CLARKE of Alabama. It is true that the price of cotton-bagging has gone steadily down since January, 1889, and that is now very low as compared with its then price. But what brought about that decrease? Did the gentleman from Michigan [Mr. BURROWS] hear the testimony read by the gentleman from South Carolina [Mr. ELLIOTT] during the course of his remarks—the testimony of the cotton-bagging conspirators before the Senate Committee in 1888? Did he listen? Why, one of them said:

The needs of the farmers are absolute and imperative, and they must have the bagging, no matter what the cost is.

The excuse was that the manufacturing interest was threatened by the Mills bill, whereas, as a matter of fact, they did not put their plundering scheme in operation until after that bill passed the House, and when they knew perfectly well that it could never pass the Senate. After so testifying before the investigating committee, these bagging manufacturers came before the McKinley committee and had from it *carte blanche* to fix their rate.

My friend, Mr. WILSON of West Virginia, spoke of the manufacturers of the country being allowed by that committee to fill up blank commissions with rates satisfactory to their respective interests. No more striking example of that license exists than in the case of these jute-bagging "stranglers." The McKinley bill adopted the very words of the request of the cotton-bagging manufacturers. When Mr. Pearce was before the House committee, as will be seen by reference to pages 547 and 548 of the hearings of 1889-'90, he said the manufacturers asked one or the other of the following provisions: "If jute butts are placed on the free list then either of the following:"

Bagging for cotton, gunny cloth, and all similar material suitable for covering cotton, composed in whole or in part of hemp, flax, jute, or jute butts, valued at 6 cents or less per square yard, 1.6 cents per square yard.

Such is the identical language of the McKinley bill. But it went even further than the bagging manufacturers asked, and made provision for bagging valued at more than 6 cents per square yard. The manufacturers asked protection only on bagging valued at 6 cents or less, knowing that none imported into this country is valued at over that price. So, the bill gave them not only exactly what they asked, in the exact language framed by them, but gave them something additional, supposing, I presume, they did not understand exactly what protection they needed, or were too modest to ask it.

That provision increased the rate on cotton-bagging over the then existing law, if the estimate made by the clerk of the committee is correct. I have before me his official comparison of the rates of the then tariff duties and those laid by that bill. He states the equivalent ad valorem rates on the bagging specified in the schedule I have quoted as 44.49 per cent under the existing law, and 47.04 per cent under the McKinley bill. However that may be, it handed the cotton-growers over to the trust combine bound hand and foot, so far as the committee was able to tie them.

The Fiftieth Congress prated of its enmity to trusts!

A leading protectionist Senator warned the manufacturers of the country, when the McKinley bill was under consideration, that they must organize no more trusts, for he was in favor, whenever a combination should be organized to advance the price of any protected article, of throwing the doors open to its free

import as a punishment. Yet here were men who, with as cruel a trust as was ever organized and put into execution, with their perfidy then exposed by their own testimony before investigating committees of Congress, dictated their own rates, and were taken to the arms of the committee as worthy exemplars of American enterprise and disinterested friends of the American laborer.

Mr. HOPKINS of Illinois. Does not the gentleman understand that there is a law against trusts and combines. [Derisive laughter on the Democratic side.]

Mr. OUTHWAITE. What use was ever made of it?

Mr. HOPKINS of Illinois. The gentleman from Ohio [Mr. OUTHWAITE] asks what use—

Mr. CLARKE of Alabama. I decline to yield—

Mr. HOPKINS of Illinois (continuing)—was ever made of it: when one of the greatest trusts—

Mr. CLARKE of Alabama. I repeat, I wish not to be interrupted—

Mr. HOPKINS of Illinois (continuing)—combinations this country has ever known has been disbanded by virtue of just such legislation as this.

Mr. OUTHWAITE. Not by any means, but by the action of the Ohio supreme court.

Mr. HOPKINS of Illinois. Not at all, but by legislation of this kind.

Mr. CLARKE of Alabama. This illustrates the whole protection theory. The gentleman from Illinois seizes upon my time against my consent, just as his party wrings from my people their hard and scanty earnings against their protest. [Laughter.]

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CLARKE] has expired.

Mr. HOPKINS of Illinois. I ask that he have five minutes more because of my interruptions.

Mr. MILLIKEN. The gentleman has had five minutes, and then five minutes more, and then makes objection to any one interrupting him.

Mr. HOPKINS of Illinois. I trust that he may have five minutes more.

Mr. CLARKE of Alabama. While the gentleman from Maine [Mr. MILLIKEN] might very well consent to my retaining the floor, since he would be very sure, with his customary interruptions, to take the greater portion of my time, I am conscious that the nearness of the hour for conclusion of this debate precludes my going on now. But I shall hope upon some other early occasion to pay my just tribute to the manly resistance which the cotton-growers made to the exactions of the bagging trust; a resistance which finally brought oppression to temporary terms, but could not crush it. That can only be done by the just legislation of this bill.

Mr. BYNUM. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows.

Strike out the word "purposes," in line 12, and insert instead the word "cotton."

Mr. BYNUM. Mr. Chairman, members of the committee will readily perceive by an examination of the bill that this amendment does not change the purpose of the bill. It simply makes it more specific in its terms. I will read it as it stands, and as it would be when amended:

And also hoop or band, iron, or hoop or band steel, cut to length, or wholly or partially manufactured into hoops or ties for baling purposes.

Now, my amendment would simply make it read:
For baling cotton, etc.

I am in favor of this bill so far as its scope was intended, that is, to give relief to the great cotton industry. I believe that all these materials ought to be upon the free list, so far as they affect that industry, for the reason that every other industry which imports an article and then exports it has the advantage of receiving a drawback, which is 99 per cent. For instance, the Standard Oil Company receives a million and a quarter dollars in drawbacks upon tin plate; but the growers of cotton do not get the benefit of this drawback. They buy the cotton-ties and then sell the cotton to the shippers or the exporters; and of course they not only lose the duty they pay upon the ties and the duty they pay upon the bagging, but they lose the entire cost, so that, as a matter of justice to that industry, I am in favor of placing these articles upon the free list; but this may go further. It may go so far as to let hoop iron used for other purposes come in free. Now, this question of a reduction of the tariff is not a selfish one with me; it is purely a question of principle. Whatever is done in the way of a reduction of duties should be harmonious and in view, at all times, of the question of principle. Certainly those in favor of a reduction as well as those in favor of protection would not justify the placing of a manufactured prod-

uct upon the free list while high duties were left upon the raw or partially manufactured material. So that while I might favor a reduction upon hoop iron, I do not want it to go on the free list while its basis is taxed, except where it is exported and where the exporter fails to get the drawback.

Therefore I would like to have this word stricken out, so that the bill may be confined specially to the cotton industry, and I can not see that there should be any objection to the amendment.

Mr. HOPKINS of Illinois. If you wish simply to cover that part which is exported it ought to be still further limited.

Mr. BYNUM. You can not make that distinction. The bulk of it is exported, and you can not make any arrangement by which that distinction could be carried out.

Mr. MONTGOMERY. I do not know that it is very important whether the amendment of the gentleman from Indiana [Mr. BYNUM] is rejected or adopted, but I think it is proper that the committee should understand the reasons why the Committee on Ways and Means have presented the bill in this form and why that committee changed the bill by striking out that portion covered by the amendment adopted on motion of the gentleman in charge of the bill [Mr. TURNER]. The reason that we made the bill broad enough to cover ties for other baling purposes, was that it might benefit those engaged in raising and baling hay, straw, or other farm products. We thought the same need for cheap hoops existed as to those farm products that applied to cotton. The principle that we had in view was to give the benefit of cheaper covering and hoops to those farmers who raise products that the tariff did not and could not benefit.

The tariff on hay can benefit none of the producers of that article except perhaps a few farmers in the Eastern States who are protected against a small importation. Hence, we thought this bill ought to be broad enough to cover the hoops for that product as well as for cotton. We therefore provided free hoops for baling purposes, so as to give the same benefit to all farmers who raise products that require baling in their preparation for market. We might with justice have gone further than this bill, and given bagging for grain. But there can be no doubt I think that this provision ought to remain as it is and not be limited to cotton.

It makes no difference to me or to my constituents, as in baling hay we use only wire. Still, hoops are sold and used to some extent for that purpose, and the committee thought in framing this bill that they ought to give it scope enough to cover hay and straw as well as cotton. I merely make these remarks that this committee may know what influenced the Committee on Ways and Means to use the language in this bill which the gentleman from Indiana proposes to amend—our purpose being that the hoops for hay and straw, or other farm products which must be baled for market, should be put on the same footing as hoops used in baling cotton. Farm products that can receive no benefit from protection should, if possible, bear none of its burdens.

Mr. MILLIKEN. Mr. Chairman, the whole discussion of this question convinces me of one fact, and that is, that after our friends on the other side have put the Northern farmers' wool on the free list—

Mr. OUTHWAITE. And the Southern farmers' also.

Mr. MILLIKEN. The gentleman from Ohio can give me no information, or I would be glad for him to do so; but he always talks and never says anything. [Laughter.]

At the same time they are endeavoring to relieve our Southern farmers of a little duty upon cotton-ties, they keep the duty upon the ties which binds the hay of the North. While they relieve our Southern friends—

Mr. COBB of Alabama. Relieve them! Is the tariff a tax?

Mr. MILLIKEN. Now, Mr. Chairman, I am entirely in favor of having a fair deal, and I only mention this, not because I care very much about it, but to indicate the direction in which the Democratic majority of this House are going. In other words, the entire effort on their part is to attack and cripple the industries of the North—

Mr. COX of Tennessee. Will the gentleman pardon me if I ask him one question?

Mr. MILLIKEN. No, I will not pardon you. [Laughter] [Continuing:] And at the same time to relieve their own friends at home.

Mr. COX of Tennessee. You decline to answer one question?

Mr. MILLIKEN. I do not blame them for seeking to relieve their friends down there, but at the same time I do not think, while they come here and ask that their section have all the advantages of tariff reduction when they can help themselves, that they ought at the same time to take \$27,000,000 out of the pockets of the Northern farmers who are raising wool.

Mr. SAYERS. What about the Texas wool-growers?

Mr. ALLEN. Is not that in conflict with your remarks that appear in the RECORD this morning? [Laughter.]

Mr. MILLIKEN. Mr. Speaker, the gentleman from Mississippi has asked me a question. I think if he had started in his early childhood and kept on asking questions all the way down to the present of people who knew he probably would be a man of very much greater information than he is now. [Laughter.]

Mr. ALLEN. It does not seem to have improved you much, and you have been at it all the time. [Laughter.]

Mr. MILLIKEN. That is why I can give information to my friend from Mississippi. [Laughter.]

Now, in my remarks up to this time my friend will notice this, that I desire to be absolutely fair. [Laughter.] I do not want to have anything attributed to me that does not belong to me. There is a law in my State under which the receiver of stolen goods is as bad as the thief. Now, somebody has attributed to me the remarks made by my friend from Illinois [Mr. LANE].

Mr. CARUTH. You say that you did not say that?

Mr. MILLIKEN. You ask the gentleman from Illinois [Mr. LANE] whether I did.

Mr. CARUTH. Did you say it or not?

Mr. MILLIKEN. No.

Mr. CARUTH. Then where is your affidavit? [Laughter.]

Mr. MILLIKEN. I hope that my friend from Missouri will find this distinction between him and my friend from Kentucky, when he notices that in order to be believed in his country he has to make an affidavit.

Mr. CARUTH. No, no.

Mr. MILLIKEN. I am not required to make one. Now, I say, Mr. Chairman, that I entirely disclaim all right or title to the remarks made by my friend from Illinois [Mr. LANE].

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'NEILL of Missouri. Give the gentleman another minute.

Mr. TURNER. There are only five minutes remaining of the time, or I would be glad to do so. I desire that the committee finish this bill, and I ask that the committee rise so that the House may extend the time.

The CHAIRMAN. Does the gentleman from Georgia make any motion?

Mr. TURNER. Let us vote on the amendment.

Mr. TERRY. I have an amendment to offer.

The Clerk read as follows:

Amend by adding, after the word "gins," in line 10, the words "saw, brushes, and screws used in making cotton-gins."

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. BYNUM. Mr. Chairman, I have an amendment pending.

The CHAIRMAN. The Chair will submit that later.

Mr. BYNUM. My amendment is first.

The CHAIRMAN. The Chair thinks the suggestion of the gentleman is correct. Really the amendment of the gentleman from Arkansas does not affect the amendment of the gentleman from Indiana; and the question is on the amendment of the gentleman from Indiana.

Mr. TERRY. I just want to state in a few minutes—

Mr. TURNER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, and cotton-gins, and had come to no resolution thereon.

Mr. TURNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the pending tariff bill; and pending that motion I ask unanimous consent that the time for taking the recess be extended for ten minutes.

Mr. HOOKER of Mississippi. I submit to my friend that we can not finish this to-night, and he had better let it go over until morning.

The SPEAKER. Is there objection to the request of the gentleman from Georgia, that the time for taking the recess be extended until twenty minutes of six o'clock?

Mr. KILGORE objected, under the impression, as he stated, that the extension asked was for twenty minutes, but subsequently withdrew his objection.

The session was accordingly extended as requested.

The motion of Mr. TURNER was then agreed to.

The House again resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

Mr. TURNER. Now, Mr. Chairman, I hope the committee will vote on the amendment of the gentleman from Indiana [Mr. BYNUM].

The question was taken, and the Chairman declared that the yeas seemed to have it.

Mr. BYNUM. Let us have a division.

The committee divided; and there were—ayes 11, yeas 50; so the amendment was rejected.

Mr. TERRY. Mr. Chairman, in regard to my amendment, I simply desire to say this: In this bill you propose to put cotton-gins upon the free list. Now the amendment provides that certain materials used in the making of cotton-gins shall be put upon the free list, to-wit: Saws, brushes, and screws. [Laughter.]

The question was taken on the amendment of Mr. TERRY, and the Chairman declared that the yeas seemed to have it.

Mr. TERRY. I ask for a division.

The committee divided; and there were—ayes 16, yeas 40; so the amendment was rejected.

Mr. TURNER. Mr. Chairman, I move that the committee rise and report the bill as amended to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT, from the Committee of the Whole, reported that they had had under consideration the bill to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties and cotton-gins, and had directed him to report the same back to the House with an amendment.

The amendment was adopted.

Mr. TURNER. Now, Mr. Speaker, I give notice that by arrangement between the gentlemen who represent the minority of the Committee on Ways and Means and myself we will finish the consideration of this bill in the House to-morrow, with the understanding that the vote shall be taken before the special order is reached, and, at the suggestion of the gentleman from Michigan [Mr. BURROWS], I will add that the gentleman from Pennsylvania [Mr. DALZELL], who has prepared the minority report and who is now absent, will be heard to-morrow if he desires.

CORRECTION.

Mr. WILLIAMS of Illinois. Mr. Speaker, in the bill (H. R. 2503) for the relief of R. A. Spaulding, passed this morning, there was an error committed in the second amendment adopted by the committee, on account of the old report having been used. I ask unanimous consent to have the amendment corrected so as to read "strike out the words 'fifteen thousand' and insert 'six thousand and fifty,' so that it will read 'six thousand and fifty dollars.'"

Mr. BAILEY. Is that merely a verbal amendment?

Mr. WILLIAMS of Illinois. Yes.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BYNUM, for two days, on account of important business. To Mr. KRIBBS, for one week, on account of important business.

To Mr. BUNTING, until Monday next, on account of important business.

To Mr. WILLIAMS of North Carolina, for one week, on account of important business.

To Mr. BACON, indefinitely, on account of important business.

To Mr. HOUK of Tennessee, for thirty days, on account of important business.

To Mr. CAPEHART, for ten days, on account of important business.

To Mr. MONTGOMERY, for this evening's session.

Mr. McMILLIN (at 5 o'clock and 40 minutes p. m.). I now move that the House take a recess.

The SPEAKER. If there be no objection, the Chair will now declare the House in recess under the rule till 8 o'clock this evening. The Chair hears no objection. The gentleman from Tennessee [Mr. RICHARDSON] is designated to discharge the duties of the Chair this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. RICHARDSON in the chair as Speaker *pro tempore*.

Mr. MARTIN. I move that the House resolve itself into Committee of the Whole to consider under the standing order business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. McCREARY in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the consideration of business under clause 3 of Rule XXVI.

AARON J. OLIVER.

The first business on the Calendar was the bill (H. R. 2049) for the relief of Aaron J. Oliver.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to relieve from the charge of dishonorable discharge the name of Aaron J. Oliver, formerly a member of Company E, Ninety-first Regiment New York Volunteers.

The report by (Mr. ROCKWELL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2949) for the relief of Aaron J. Oliver, having considered the same, respectfully report:

Aaron J. Oliver was mustered into service December 10, 1861, as second lieutenant of Company E, Ninety-first New York Volunteers, and is reported present with his regiment to March 9, 1863, when, on the recommendation of his regimental, brigade, and division commanders, he was dishonorably discharged for "having three times offered his resignation in the presence of the enemy."

From a careful examination of the evidence offered on behalf of Lieut. Oliver, your committee are of the opinion that the said charge was false. It appears from the testimony of his fellow officers that he was a capable, faithful, and efficient officer, and that his dismissal was cruel and unjust, and was the result of malice toward him on the part of his commanding officer, Col. Jacob Van Zandt, who was himself, in the following November (1863), tried by general court-martial for "conduct unbecoming an officer and a gentleman," conduct "to the prejudice of good order and military discipline," and "disrespectful language towards his superior officers," and sentenced to be dismissed the service.

Said sentence was mitigated by the President to six months' suspension, but he was afterward, and on February 2, 1865, dishonorably dismissed the service.

We append hereto as a part of this report letter from the War Department of date June 6, 1890, affidavit of Gen. John Palmer, commander-in-chief of the Grand Army of the Republic, and a letter of Col. J. Tarbell, late First Deputy Comptroller of the Treasury, both fellow officers of Lieut. Oliver.

Your committee therefore recommend that the bill pass.

Tioga County, State of New York, ss:

The undersigned, being duly sworn according to law, deposes and says: That he was formerly a lieutenant of E Company, Ninety-first New York Volunteer Infantry; that he was dishonorably discharged the service of the United States in March, 1863, by reason of a misrepresenting indorsement of Van Zandt, colonel Ninety-first New York Volunteers, then acting brigade commander; and he now, under oath, offers for the first time the true reasons and circumstances connected with his case.

He first offered his resignation as such lieutenant while his regiment lay at Key West, Fla., and with no enemy opposing or threatening it, and with absolutely no prospect of an engagement with such enemy. This resignation was offered, together with the resignations of ten other officers of the regiment, because military life with Van Zandt was unbearable, owing to his ignorance, gross intemperance, and partiality among the officers and men, encouraging and building up cliques and strife by marked and offensive partiality of favors or oppression.

Col. Van Zandt sought to persecute particularly several officers of the regiment, myself among them, who had belonged to an organization known as "Cole's Columbia County Regiment." This battalion was consolidated with another fraction recruited by Van Zandt, and thus the Ninety-first New York Volunteers was formed.

It will be noticed that this was the first time resignation was offered by me. The next and the last time my resignation was offered was in March, 1863. I had tried repeatedly to secure leave of absence from duty for a limited time in order to attend to some pressing, imperative business at the North, so important that only myself could attend to in person, and each time I had been met with prompt refusal, offered in a contemptuous and insulting manner. These applications failing of success, I was, owing to the urgency of the business alluded to, finally forced to offer my resignation, and did so.

It was accepted, with the indorsements of all the commanders procured by Van Zandt's vile and scurrilous misrepresentations of me, made and procured without my knowledge, and with no opportunity offered me either in defense or denial.

I repeat that I never offered my resignation in the face of the enemy, nor "when about to move against the enemy;" that it was offered twice only as above explained; that I at no time while in the service was moved to offer my resignation by reason of cowardice, as is intimated by the indorsement of Van Zandt; that my loyalty, my personal courage, my love of country and of duty, my zeal as a soldier, stood all unchallenged until March, 1863, and they have never been questioned since.

AARON J. OLIVER.

Dated at Oswego, Tioga County, New York, this 3d of May, 1890.
Sworn to and subscribed before me, by Aaron J. Oliver, this 3d day of May, 1890.
[SEAL.]

JNO. C. GRAY.

Clerk of Tioga County, State of New York.

WAR DEPARTMENT, Washington City, June 26, 1890.

SIR: In reply to your communication of the 29th instant, received in this Department on the 23d instant, requesting the military record of Col. J. Van Zandt, late of Ninety-first New York Volunteers, I am directed by the Secretary of War to inform you that the records show that Jacob Van Zandt was mustered in as colonel Ninety-first New York, December 16, 1861; that he was tried by general court-martial, convened in the Department of the Gulf, in November, 1863, for "conduct unbecoming an officer and a gentleman," conduct "to the prejudice of good order and military discipline," and "disrespectful language toward his superior officers," of all of which he was convicted and sentenced to be dismissed the service; but the sentence was mitigated by the President to suspension from rank and emoluments for six months.

He was dishonorably dismissed the service February 2, 1865, in orders from this Department, for "interfering with the discipline of the Ninety-first New York Volunteers, by ordering enlisted men thereof, who were undergoing punishment, to be released, and advising a noncommissioned officer not to obey the orders of lieutenant-colonel commanding the regiment, pleading drunkenness as an excuse therefor."

"This whilst said Van Zandt was not on duty nor in command of his regiment."

Very respectfully,

F. C. AINSWORTH.

Captain and Assistant Surgeon, United States Army.

Hon. T. S. FLOOD,
House of Representatives.

STATE OF NEW YORK, City and County of Albany, ss:

John Palmer, being duly sworn, deposes and says that he served in the Ninety-first Regiment New York Volunteers from September 10, 1861, to

July 3, 1865, at which date the regiment was mustered out of service at Albany, N. Y.; that this deponent distinctly remembers Lieut. A. J. Oliver, of said regiment, as a capable officer and a man of character and good habits; that this deponent does not now remember the exact details of the case that led to his dismissal; he does remember that it was the general opinion amongst officers and men of said regiment that the dismissal of said Oliver was cruel and unjust, and the result of a personal feeling against him on the part of the commander of said regiment; that the deponent further says that he served in said regiment in the several grades from private to captain, and since the war he has been located at No. 25 Washington avenue, Albany, N. Y., in business; that since the close of the rebellion he has been twice elected department commander of the Grand Army of the Republic of New York State, and in 1879 was elected senior vice-commander-in-chief, Grand Army of the Republic; for the past nine years has been one of the trustees of the New York State Soldiers' Home, and is at present chairman of the executive committee of said home; that the only interest this deponent has in this matter is to render an act of justice to a faithful officer and a good citizen.

JOHN PALMER.

Sworn to before me this 25th day of June, 1890.

WILLIAM SERVISS,
Commissioner of Deeds.

ALBANY CITY AND COUNTY, ss:

John S. Hutman, being duly sworn, deposes and says that he was a first lieutenant in the Ninety-first New York Volunteers, and served in said regiment from its organization and until the regiment was mustered out; that he has read the foregoing affidavit of Capt. John Palmer, and the same is true in every particular.

JOHN S. HUTMAN.

Sworn to before me this 26th day of June, 1890.

WM. SERVISS,
Commissioner of Deeds.

ALBANY CITY AND COUNTY, ss:

Charles O. Herman Loeper, being duly sworn, deposes and says that he served in the Ninety-first Regiment New York Volunteers, from its muster into service in 1861, and was mustered out with the regiment July 3, 1865; that he held the rank of second lieutenant in said regiment; that he read the foregoing affidavit of Capt. John Palmer, and that the same is true in every particular.

CHAS. O. HERMAN LOEPER.

Sworn to before me this 26th day of June, 1890.

C. H. ZEILMAN,
Notary Public.

STATE OF NEW YORK, County of Albany, ss:

George W. Hobbs, being duly sworn, deposes and says that he served as second and first lieutenant and captain of company in the Ninety-first Regiment New York State Volunteers, between September 24, 1861, and July 3, 1865.

Has read Capt. John Palmer's affidavit, and to the best of his knowledge and belief knows same to be true in all particulars.

GEORGE W. HOBBS.

Sworn to before me this 27th day of June, 1890.

FRANK A. TREADWELL,
Notary Public.

STATE OF NEW YORK, County of Albany, ss:

James A. Shattuck, being duly sworn, deposes and says, viz, he served as second and first lieutenant, Ninety-first New York Veteran Volunteer Infantry, between August, 1861, and July 1865; have read Capt. John Palmer's affidavit as above, and to the best of his knowledge and belief the same is true in all particulars.

JAMES A. SHATTUCK.

Sworn to before me this 1st day of July, 1890.

[SEAL.] CHARLES E. WOLFE,
Notary Public, Albany County, N. Y.

STATE OF NEW YORK, County of Albany, ss:

Edward G. Sherley, being duly sworn, deposes and says that he served in the Ninety-first Regiment, New York Volunteers, as quartermaster-sergeant, second and first lieutenants, between December, 1861, and May, 1865; that he was acquainted with Lieut. Oliver, and that he knew of there being some personal feeling between Oliver and the colonel commanding; that he believes Oliver to have been a capable and conscientious officer. The deponent further says that he has now in his possession a letter written by himself on the 10th and 11th of March, 1863, from Baton Rouge, La., to his parents, and that this paragraph occurs in that letter: "Second Lieut. Oliver has been dismissed by Gen. Banks for persisting in offering his resignation."

Deponent further says that the records show that Oliver was dismissed March 10, 1863.

EDWARD G. SHERLEY.

UNITED STATES OF AMERICA.

State of New York, County and City of Albany:

On this 1st day of July, 1890, before me, a notary public in and for said county and city, personally appeared Mr. Edward G. Sherley and declared the above a true statement, and subscribed and signed by him in my presence.

In witness whereof I have signed my name and affixed my official seal, at the year and date above mentioned.

[SEAL.]

WM. A. FREY,
Notary Public.

OCTOBER 27, 1864.

Aaron J. Oliver, of Albany, N. Y., was formerly lieutenant in the Ninety-first New York Volunteers, dismissed the service upon a false statement made against him which he had no opportunity to disprove, having been dismissed the service without a hearing, now desires to be restored or have a trial, so that he may wipe out the disgrace of dismissal.

It affords me great pleasure to certify to Lieut. Oliver's character as an officer and a gentleman; to his good conduct, his fidelity, and his correct deportment at all times.

A capable, faithful, zealous officer, his dismissal was unjust to him and a loss to the service. I hold myself in readiness at all times to testify under oath as to Lieut. Oliver's merits and claims to favor, hoping he may be relieved from an unmerited stigma and the service receive back a valuable officer. The accusation against him was not merely false but based on personal hostility.

J. TARBELL.

Lieut. Col. Ninety-first N. Y. Vols.

I fully concur with the above statement and will testify to the truth of it.

J. W. FELTHOUSEN,
Capt., Ninety-first N. Y. V.

The foregoing statements with reference to Lieut. A. J. Oliver, made in 1894, are renewed and repeated, and, if necessary, will be made under oath. His case is earnestly recommended to favorable action.

J. TARBELL,
Late Col. Ninety-first N. Y. V. Bt. Brig. Gen., U. S. V.

There being no objection, the bill was laid aside to be reported favorably to the House.

CURTIS P. WISE.

The next business on the Calendar was the bill (H. R. 3844) for the relief of Curtis P. Wise.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove from the record of Curtis P. Wise, late a member of Company I, One hundred and twenty-eighth Regiment of Illinois Volunteer Infantry, any charge of desertion that may exist against him, and grant him an honorable discharge.

The report (by Mr. PATTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 3844) removing charges of desertion against Curtis P. Wise, late a member of Company I, One hundred and twenty-eighth Regiment of Illinois Volunteer Infantry, having considered same, respectfully report:

Curtis P. Wise was enrolled September 6, 1862, at Camp Butler, Illinois, as a private in Company I, One hundred and twenty-eighth Illinois Volunteers, to serve three years. He served faithfully until the last days of March, 1863, at which time he was sent home sick from Cairo, Ill., by his captain, William A. Fry, and told that his discharge would be sent him. Said Curtis P. Wise remained at home, but secured no discharge, and was sick and unable to do service during the entire remainder of time for which he was enlisted, and no charge of desertion was ever made against him.

In view of all the facts the committee would recommend that the bill do pass.

Case of Curtis P. Wise, late of Company I, One hundred and twenty-eighth Illinois Volunteers.

Curtis P. Wise was enrolled September 6, 1862, at Camp Butler, Illinois, as a private in Company I, One hundred and twenty-eighth Illinois Volunteers, to serve three years, and was mustered into service November 4, 1862.

The muster-roll of the company is the only one on file and no record of the soldier is found subsequent to his muster in.

This regiment was organized at Camp Butler, Illinois, from November 4 to December 18, 1862, to serve three years, and within the period of five months lost 700 men, principally by desertion.

Applying for a discharge the soldier testified, under date of July 12, 1863, that he served in Company I, One hundred and twenty-eighth Illinois Volunteers, until the organization was disbanded and its officers mustered out of service, at which time he was absent on a sick furlough and failed to get his discharge.

Marble D. Camden, of Stone Fort, Ill., aged 53 years, in an affidavit executed in Johnson County, Ill., July 12, 1863, declared that he was with the claimant some time at Camp Butler, Illinois, and knows that the claimant was on duty in Company I, One hundred and twenty-eighth Illinois Volunteers; that after the regiment moved to Cairo claimant came home on a sick leave and remained, unable to be present when the officers of his company were mustered out; that he was at claimant's house (they were neighbors) the greater part of the summer of 1863, and was in bad health; that he (affiant) was acquainted with the claimant until the end of the war, and knows that he was unable to do duty as a soldier.

Wyatt C. Ferrell, of Creal Spring, Ill., declares, under date of July 10, 1863, that he was a sergeant in the same company and regiment, and did duty with the claimant at Camp Butler, Illinois, up to the last of December, 1862, when the claimant was sent home on a sick furlough, and that he was unfit for duty until after the regiment had been disbanded, in the spring of 1863; that a short time before the dissolution of the regiment the colonel, Lieutenant-colonel, and Capt. Fry told affiant that the claimant was then in hospital at Cairo, very sick, and should be discharged when "they" returned to Cairo; that after claimant came home, in the spring of 1863, affiant saw him and he was hanging between life and death, being sick from camp fever and diarrhea.

William A. Fry, of Christopher, Ill., who signs himself as captain Company I, One hundred and twenty-eighth Illinois Volunteers, in an affidavit (not dated) executed in Franklin County, Ill., declares that the claimant served in said company and regiment until January 1, 1863, that he contracted diarrhea, mumps, and sore legs, and was sent home during the last of March, 1863; that he was not able to be with the regiment when it was consolidated by order of Gen. Buford, commanding post at Cairo, Ill.; that they were all reexamined and all who were not able for service were to be discharged, and the claimant was entitled to a discharge, for he was not able to be present at that time.

The records show that this regiment was reorganized April 1, 1863, and continued under a battalion formation until September 1, 1863, when it was broken up and the men were transferred to the Ninth Illinois Volunteers, which remained in service until the summer of 1865. Many of the absentees returned to the One hundred and twenty-eighth Battalion, or to the Ninth Illinois Volunteers, but the name of the applicant has not been found on the rolls of either of those organizations, nor has any record been found that he was under medical treatment or that he was granted a furlough.

On the 19th day of October, 1869, the application of the soldier for discharge was denied, the evidence submitted being deemed insufficient to warrant a removal of the implied charge of desertion.

Under date of December 30, 1889, Nathan J. Rushing, of Carmen Mills, Ill., aged 54 years, declares that the claimant, when affiant saw him, about April, 1863, was suffering from diarrhea, rheumatism, and what affiant thought to be frozen feet and legs, and from that time until the close of the war (affiant saw him often during that period) he did not recover from either of said disabilities, and was not able to return to his company.

R. V. Grace, M. D., of Newcastle, Ill., aged 43 years, in an affidavit dated January 1, 1890, declares that he has been a regular practicing physician for more than twenty-four years, ever since he was 18 years of age, and has well known the claimant since the spring of 1862; that claimant was, when affiant saw him in the spring of 1863, in very feeble health, using (he thinks) crutches, and suffering from rheumatism and the results of frozen feet and legs, as affiant considered from his diagnosis of the case; that the physical condition of the claimant, whom affiant has known intimately since 1863, was such as to render him wholly unfit for military duty, or to return to his company from the spring of 1863 to the close of the war; and affiant further declares that when claimant enlisted in the Army he was a sound, able-bodied man, and free from disease.

R. H. Wise, of New Burnside, Ill., aged 54 years, a brother of the ap-

plicant, in a sworn statement dated January 25, 1890, declared that he was a member of Company F, One hundred and twenty-eighth Illinois Volunteers; that his brother, the claimant, was taken sick at Cairo, Ill., in the winter of 1863, and was still sick when the regiment moved to Mound City; that affiant told the colonel that he had better have the boy discharged and sent home; the colonel replied that claimant was ordered to be discharged and would be sent home, and that his discharge papers would be sent to him; that the claimant was sent home on the next day, in February or March, 1863, but never received a discharge.

C. T. Hunter, of Springerton, Ill., late first sergeant Company I, One hundred and twenty-eighth Illinois Volunteers, in an affidavit executed on January 28, 1890, declares that he subsequently became captain of Company F, same regiment; that the claimant was taken sick in the winter of 1862-63, and was sent to the military hospital at Cairo, Ill., where he remained, affiant thinks, until about the last of March, 1863, when he returned to the regiment at Mound City with orders, as affiant understood, to be discharged; that claimant was still sick, and, according to affiant's recollection, was told to go home and that his discharge would be sent to him as soon as completed; that about April 4, 1863, most of the officers were mustered out, the men were consolidated into a detachment, and the claimant, as affiant learns, never received his discharge.

J. E. W. Reid, of Ozark, Ill., aged 55 years, declares under oath, January 21, 1890, that the claimant, whom he well knew, returned home in February or March, 1863, in very bad health and unable to do any kind of hard service; that the father of claimant said that the latter should not return to the Army even if he ever should get able to do so; that he (affiant) has known claimant ever since the war, and does not think that he has ever been able to do the duty of a soldier, and that he thinks that claimant's health was ruined in the service.

On February 6, 1890, the Department again denied the application, on the ground that nothing was found in the additional testimony to warrant a reversal of its former adverse decision in the case.

Since that date the status of the case has not been changed, either by the introduction of new testimony or by legislation.

Respectfully submitted.

F. C. AINSWORTH,
Major and Surgeon, United States Army

RECORD AND PENSION DIVISION, January 26, 1892.

THE SECRETARY OF WAR.

STATE OF ILLINOIS, Saline County, ss:

Curtis P. Wise, of said county, after being duly sworn, on his oath says, that he was a member of Company I, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, that while in said company and in line of duty and during the latter part of 1862 and the early part of 1863 he incurred the following disabilities, to wit: Frozen feet and legs, chronic diarrhea and mumps, resulting in injury to testicles; that in consequence of said disabilities he was placed in the hospital at Cairo, Ill.; that about the last of March, 1863, Col. R. M. Hundley, who was then commanding said regiment, and his captain, William A. Fry, and the physician then in charge of said hospital, pronounced him then wholly unfit for military duty or that he ever would be, and ordered him to be honorably discharged from the Army; that immediately after said order, and by the assistance of Col. R. M. Hundley and his captain, William A. Fry, he was placed on the train and sent home, and ordered by them to stay there, and at the same time was informed by them, and each of them, that an honorable discharge would be forwarded him at his home in Johnson County, Ill.; that on arriving at his home, and in consequence of said disabilities he was confined to his bed and room; that he was never able at any time after his return home in the spring of 1863 to the close of the war in 1865 to have returned to his company; that he was never ordered or even requested by his superior officers or anyone else so to do; that he did not desert nor intend to desert his company, but was acting honestly and in good faith; that being only 19 years of age at the time he came home he did not know, nor was he ever informed or advised, that any other and further effort was necessary to obtain an honorable discharge until after the close of the war; that his discharge never reached him as promised, and that he is now justly entitled to the same.

CURTIS P. WISE,

Late of Company I,

One hundred and twenty-eighth Regiment Illinois Volunteers.

Subscribed and sworn to before me this 7th day of December, 1891, and I hereby certify that the foregoing affidavit was fully explained to said affiant before swearing to the same, and that said affiant is respectable and entitled to full credit; that I am not related to affiant and have no interest in the prosecution of this claim.

[SEAL.]
(Clerk's certificate on file.)

H. R. HAYES, Notary Public.

STATE OF ILLINOIS, Franklin County, ss:

William A. Fry, of said county, after being duly sworn on his oath, says that he was captain of Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, from its organization to April 4, 1863; that he was well acquainted with Curtis P. Wise, who was a member of said company and regiment; that about the last days of March, 1863, the said Curtis P. Wise was sent home from Cairo, Ill., on account of disability, with the understanding that he be discharged, and that his discharge would be forwarded to him when made out; that the said Curtis P. Wise was an honorable and good soldier and at no time either willfully or impliedly deserted his company; that he is not related to soldier, and has no interest in this claim.

WILLIAM A. FRY,

Late Captain of Company I,

One hundred and twenty-eighth Regiment Illinois Volunteers.

Subscribed and sworn to before me this 28th day of April, A. D. 1891. Further I certify that the affiant, William A. Fry, is a good moral citizen, a credible person, and entitled to full credit, and that he was acquainted with the contents of the foregoing affidavit before swearing. Further, I am in nowise related to either the affiant, William A. Fry, nor the applicant, Curtis P. Wise, nor am I concerned in the prosecution of the foregoing claim.

MARTIN V. B. DIAL,

Justice of the Peace of said County and State of Illinois.

STATE OF ILLINOIS, County of Johnson:

In the matter of the application of the claim of Curtis P. Wise, late of Company I, One hundred and twenty-eighth Regiment of Illinois Volunteer Infantry, personally comes before me, a notary public in and for the county of Johnson, State of Illinois, Wyatt C. Ferrell, a citizen of the county of Williamson, in the State of Illinois, whose post-office is Creal Springs, county of Williamson, State of Illinois; who being duly sworn, is personally known to me to be reputable and entitled to credit. Being by me duly sworn as above stated, declares as follows:

"I became acquainted with Curtis P. Wise almost from his infancy, and

that he enlisted in Company I, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, in the latter part of the summer or early fall of 1862; that I was orderly or first sergeant of said company and Curtis P. Wise was a duty sergeant of above-said company. The above-named regiment arrived at Camp Butler, Springfield, Ill., about the 9th of October, 1862. That said Curtis P. Wise was a good and dutiful soldier and bid fair for future prominence. That some time in, I think about the last of November or first of December, 1862, during a very cold spell of weather, I took said Curtis P. Wise out with me to look up some boys that had overstayed their leave of absence, and while out after night Curtis P. Wise accidentally got into a hole of water, from which before we got to camp his feet and legs were badly frozen or frostbitten.

Soon after this occurrence I too became in bad health and was furloughed home. I was only with my company and regiment a few days at Cairo, Ill., from that time until the spring of 1863, but found said Curtis P. Wise suffering with his feet and legs, also with chronic diarrhea. That being in bad health myself through the winter and spring of 1863 I was sent home by Col. R. M. Hundly on special service, the object being to try to induce many of the boys that were absent at that time to return to duty. That while preparing to discharge last said duty I was notified by Col. Hundly that there was an arrangement made to discharge said Curtis P. Wise, he being at that time at home on a sick leave.

That while at home on above-stated business I saw and talked with Curtis P. Wise, and from his appearance he was in feeble health. The One hundred and twenty-eighth Regiment Illinois Volunteer Infantry was disbanded some time in the spring of 1863, and then formed into a detachment. I don't remember seeing said Wise any more till after the close of the war, perhaps in 1866, and still heard him complain of his old referred-to injuries. Curtis P. Wise was a healthy, stout young man up to his injuries above referred to. I think, perhaps, I could make further statements, but my mind and memory is somewhat disturbed over the loss of my dear wife a few days ago. My age is near 62 years; post-office address as above. I further state I have no interest in the prosecution of above claim.

WYATT C. FERRELL.

Sworn to, subscribed before me by the above-named affiant, and I certify that he wrote the body of this affidavit and acquainted himself with its contents before he executed the same. I further certify that I am in no wise interested in this case, and am not concerned in its prosecution, and the words interlined was done before he executed the same.

Given under my hand and official seal this April 30. A. D. 1891.

R. H. WISE. [SEAL.]

STATE OF ILLINOIS, Saline County, ss:

In pension claim No. 723830, of Curtis P. Wise, personally appeared before me, a notary public in and for said county, Edward Teal, who, being duly sworn on his oath, says that he is 65 years of age, and his post-office is Stonefort, Ill.; that he is well acquainted with the said claimant, and has been since his claimant's boyhood; that at date of claimant's enlistment in the Army, in 1862, he was a stout, healthy boy; that he served in same regiment with claimant, from date of enlistment in 1862 to the last of March, 1863, at which time claimant was sent home on account of disability; that he, claimant, was then suffering from diarrhea and the effects of frozen feet and legs; that he saw claimant and talked with him while in the hospital at Cairo, Ill.; just before he was sent home; he was then in a very bad condition; that his understanding, at the time, was that the claimant was then to be discharged; that he knows as a matter of fact that claimant's condition was such as to entitle him to a discharge.

That he next saw claimant in the summer of 1863; he was still suffering from said disabilities, and so continued to suffer for two or three years; most of his time was confined to his bed and room, and was not at any time, after his return home, able to have traveled or left his home and reported to his company before it was discharged from the service; that he has lived in the same neighborhood with said claimant each and every year since in the summer of 1863 to the present time, and has the means of knowing his physical condition; that he has never recovered from said disability to the present time, and has not been able to perform any kind of manual labor during any year since his return from the army; he is not related to claimant and has no interest in this claim.

EDWARD (his x mark) TEAL.

Attest:
W. R. STALIONS.

Subscribed and sworn to before me this 30th day of March, 1891, and I certify that the foregoing affidavit was read and explained to affiant before swearing to same; that he is entitled to credit; I have no interest in this claim.

[SEAL.]

W. R. STALIONS, Notary Public.

STATE OF ILLINOIS, Saline County, ss:

In the matter of pension claim No. 723830, of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, personally appeared before me, a notary public in and for said county, Nathaniel Gunter, who, being duly sworn, on his oath says that he is 49 years of age, and his post-office is Stone Fort, Ill.; that he is well acquainted with said claimant prior to his enlistment in the Army; he was then a stout and able-bodied boy; that he saw claimant in May, 1863, when he, affiant, was at home on furlough; claimant had also just come home from the Army; well remembers that claimant was at that time in bad health—was suffering from diarrhea and frozen feet and legs, or said his feet and legs had been frozen; well remembers that claimant was not able for the performance of any kind of duty, and did not look at the time like he ever would be; that he next saw claimant in the fall of 1865, after his, affiant's, discharge, at which time claimant was still suffering from diarrhea, and also from sore feet and legs, and was wholly unable for the performance of any kind of duty; that he has been well and intimately acquainted with claimant each and every year and lived in same neighborhood with him since discharge to the present time, except the years 1869 and 1873; all of which time claimant has suffered from said disease, in consequence of which he has not been able, during any year since 1865, for the performance of manual labor more than one-fourth of his time; that he is not related to claimant, and has no interest in the prosecution of this claim.

NATHAN GUNTER.

Subscribed and sworn to before me this 30th day of March, 1891, and I certify that the foregoing affidavit was read and explained to affiant before swearing to the same, and that said witness is entitled to credit; that I have no interest in the prosecution of this claim.

[SEAL.]

W. R. STALIONS, Notary Public.

STATE OF ILLINOIS, Saline County, ss:

James W. Fletcher, of said county, after being duly sworn, on his oath says he is 45 years of age, and his post-office is Harrisburg, Ill.; that he was well acquainted with C. P. Wise, of Company I, One hundred and twenty-eighth

Regiment Illinois Volunteers, and served in same regiment with him; that at date of enlistment said C. P. Wise was a sound man, free from disease of any kind; that while in the Army and in line of duty said soldier became disabled by frozen feet and legs, and diarrhea and mumps; that he was with said soldier in the hospital at Cairo, Ill., about March, 1863; that he knows as a matter of fact that said soldier was ordered discharged from said hospital; that he heard their colonel and the physician in charge make the order; that Col. Hundly took said soldier to the train and helped to put him on the car and sent him home, telling him at the time that his discharge should be forwarded to him; that he further states as a matter of fact that the said C. P. Wise did not desert his company at any time during his term of service.

He further declares that he has no interest in said case and is not concerned in its prosecution, and is not related to said applicant.

JAMES W. (his x mark) FLUTCHER.

Sworn to and subscribed before me [by] the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in this case and not related to claimant, nor am I concerned in its prosecution.

JAMES F. GAYLORD, Notary Public.

This the 28th day of April, 1890.
I have a certificate on file.

STATE OF ILLINOIS, Salem County, ss:

In the matter of pension claim No. 723830 of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, personally appeared before me, a notary public in and for said county, Thomas Dixon, who, after being duly sworn, on his oath says that he is 59 years of age, and his post-office is Carrier Mills, Ill.; that he was well acquainted with the said Curtis P. Wise at and prior to his enlistment in said company; that he was then a sound and able-bodied man; that during the winter of 1862 or early part of 1863 said soldier became affected with frozen feet and legs, which rendered him totally disabled for any kind of military duty; he thinks the disability was incurred in December, 1862, near Camp Butler, Illinois; that he, affiant, was a member of Company K, of same regiment, and was in the hospital at Cairo, Ill., with said soldier for a long time; that soldier was suffering in the extreme from frozen feet and legs; that he frequently saw soldiers' feet and legs dressed, and well remembers the offensive and bad odor caused by the same in the hospital; that about the last of March, 1863, said soldier was sent home, by order of his captain, William A. Fry, and Col. Hundly and the physician in charge of hospital, with the understanding that his discharge be forwarded him at his home, for the reason that he was then adjudged to be unable to ever perform military duty again; that he was taken out of said hospital by the assistance of his captain and put on the train at Cairo, Ill., which was the last time he ever saw said soldier until after the close of the war; that he, affiant, left said hospital and was sent to Company A, Ninth Illinois Regiment Infantry.

That on his return home from the Army in 1865 he again saw said soldier, at which time he was still suffering from said disability; that he is not related to said soldier; and has no interest in the prosecution of this claim.

THOMAS (his x mark) DIXON.

J. W. C. PEMBERTON.
MOSES WEST.

Subscribed and sworn to before me this 7th day of November, 1891; and I certify that the foregoing affidavit was read to and explained to said affiant before swearing to the same; and that said affiant is respectable and entitled to credit; that I am not related to claimant, and have no interest in the prosecution of this claim.

[SEAL.]

J. F. FERGUSON,
Notary Public.

STATE OF ILLINOIS, Saline County, ss:

In the matter of pension claim No. 723830, of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, personally appeared before me, a notary public in and for said county, Jacob Teal, who, being duly sworn, on his oath says that he is 59 years of age, and his post-office is Stone Fort, Ill. That he is well acquainted with Curtis P. Wise, the above-named soldier, and has been since he (soldier) was a boy. Well remembers when said Curtis P. Wise enlisted in the Army in the fall of 1862, at which time he was a sound and able-bodied man. That he also remembers when said Curtis P. Wise came home from the Army in the spring of 1863, at which time he was very low, and was suffering from diarrhea and the effects of frozen feet and legs. That he continued to suffer from said disease for several years after his return home as aforesaid. That he lived in the same neighborhood with said Curtis P. Wise from and before his return home in 1863, to the present time, and has had the means of knowing his physical condition each year to the present. That he knows as matter of fact that there was no time between the spring of 1863 and the close of the war in 1865 that the said Curtis P. Wise was able to have returned to his company, for the reason that he was confined to his bed and room and was so confined at the close of the war. That he made frequent visits to see said soldier, in fact, saw him almost weekly from his return home in 1863 to 1865, and often assisted in waiting on him. That he was treated by Dr. John Whitnel, who often called on him to assist him when dressing said soldier's legs and feet. That said soldier has not recovered from said disabilities or either of them to the present time. That he is not related to Curtis P. Wise and has no interest in the prosecution of this claim.

JACOB (his x mark) TEAL.

Attest:
JACOB HAYES.

Subscribed and sworn to before me this 23d day of May, 1891; and I certify that the contents of the foregoing affidavit was fully made known to said witness before swearing to the same, and that said witness is respectable and entitled to full credit. I am not related to soldier, and have no interest in this claim.

[SEAL.]

W. R. STALIONS, Notary Public.
Clerk's certificate on file in Pension Office.

STATE OF ILLINOIS, County of Saline:

In the matter of the application of Curtis P. Wise, late of Company I, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, personally came before me, in aforesaid county and State, N. J. Rushing, a citizen of the town of Carrier Mills, county of Saline, State of Illinois, who is personally known to me to be reputable and entitled to credit, and who, being by me duly sworn, declares as follows: That he was well acquainted with said claimant at and prior to his enlistment in 1862, at which time he was a sound and able-bodied man; that he saw claimant in the spring of 1863, immediately after he came out of the Army; he was then suffering from sore feet and legs, which he is well satisfied was caused by being frozen; he was also complaining of mumps, which had injured his left testicle; remembers seeing his tes-

ticle at the time; that he knows he was in very bad health; very much emaciated; that he has been very well acquainted with claimant each year since 1863 to present time and knows that from some cause he (claimant) has not been able for the performance of manual labor during any year since 1863 to present time sufficient to obtain his sustenance more than one-fourth of his time or ability, and some parts of his time not so much; age, 54 years; that he knew said statement to be true of his own personal knowledge, derived from personal acquaintance and being in claimant's company each year from 1863 to present time; he further declares that he has no interest in said case, and is not concerned in its prosecution, and is not related to said applicant.

N. J. RUSHING.

Attest:

D. O. ALLEN.

Sworn to and subscribed before me the above-named affidavit, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in this case and not related to claimant, nor am I concerned in its prosecution.

Witness my hand and seal this 26th day of March, 1890.

[SEAL.]

D. O. ALLEN, Notary Public.

STATE OF ILLINOIS, Johnson County, ss:

In the matter of pension claim No. 723830, of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Infantry Volunteers, personally appeared before me, a notary public in and for said county, J. E. W. Reid, who, being duly sworn, on his oath says he is 56 years of age, and his post-office is Ozark, Ill.; that he is well acquainted with Curtis P. Wise, the above-named soldier; well remembers when he enlisted in Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, in the fall of 1862; that he was at that time a stout and able-bodied boy; that he well remembers when said soldier came home from the Army in March, 1863, at which time he was in very bad health, almost in a helpless condition, suffering from diarrhea and results of frozen feet and legs; that he lived in the same neighborhood with said soldier from his return home in March, 1863, to the close of the war in 1865, and made frequent visits to see him, and some of the time waited on him; that he knows as a matter of fact that said soldier was not able at any time or during any year between March, 1863, and the close of the war in 1865, to have returned to his company, for the reason that he never recovered from said disabilities and was confined to his bed and room; that he has been well acquainted with the said Curtis P. Wise each and every year since 1865 to the present time, and has the means of knowing that he has never recovered from said disabilities to the present time, and has not been able during any year since 1865 to the present time to perform manual labor sufficient to obtain his subsistence; that his means of knowing the above facts are that he has seen said soldier and been in his company almost every year since 1865 to the present time; that he is in no way related to said soldier, and has no interest in the prosecution of this claim.

J. E. W. REID.

Subscribed and sworn to before me this 30th day of April, A. D. 1891, and I certify that the foregoing affidavit was fully explained to said affiant before swearing to the same, and that said affiant is respectable and entitled to credit; that I have no interest in the prosecution of this claim.

[SEAL.]

F. M. BARNWELL, Notary Public.

STATE OF ILLINOIS, Williamson County, ss:

In the matter of pension claim No. 723830, of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, personally appeared before me, a notary public in and for said county, Marbel D. Camden, who, being duly sworn, on his oath says he is 55 years of age, and his post-office is Stone Fort, Ill.; that he is well acquainted with Curtis P. Wise, the above-named soldier, and has been since their boyhood; that he well remembers when said soldier enlisted in said Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, which was in the fall of 1862, at which time he was a stout, healthy boy; that he well remembers when said soldier came home from the Army in the latter part of March, 1863, at which time he was suffering in the extreme from what he then understood was result of frozen feet and legs, and diarrhea; that he lived in same neighborhood with soldier and made frequent visits to see him and assist in waiting on him; that he knows as a matter of fact that said soldier never at any time recovered from said disabilities between the time he came home in March, 1863, and the close of the war, so as to have been able to have returned to his company; that he was near neighbor, as aforesaid, and saw said soldier almost weekly during that time, and knows he was confined to his bed and room during the time aforesaid; that he has lived near neighbor to said soldier and been in his company almost every year since the close of the war in 1865 to the present time, and knows that said soldier has not at any time or during any year since 1865 to the present time recovered from said disabilities, and has not at any time since he came home, or since 1865, been able to perform manual labor sufficient to obtain his subsistence; that he is not related to said soldier and has no interest in the prosecution of this claim.

MARBEL D. CAMDEN.

Subscribed and sworn to before me this 29th day of April, 1891; and I certify that the foregoing affidavit was fully explained to said affiant before swearing to the same, and that said affiant is respectable and entitled to credit; that I have no interest in the prosecution of this claim.

[SEAL.]

THOMAS A. BOREN, Notary Public.

(Clerk's certificate on file.)

STATE OF ILLINOIS, Saline County, ss:

In the matter of pension claim No. 723830, of Curtis P. Wise, of Company I, One hundred and twenty-eighth Regiment Illinois Volunteers, personally appeared before me, a notary public in and for said county, T. J. Osburn, who, after being duly sworn, on his oath says, that he is 51 years of age, and has been since 1855. That in the fall of 1865 he commenced treating the said claimant for chronic diarrhea; also treated him for frozen feet and legs, which diseases, he was then informed by claimant, were contracted while in the Army, which he then had and still does have every reason to believe is true.

Judging at the time (1865) from the appearance of said claimant, and his knowledge and experience in such disease, that claimant was at the time in bad condition, wholly unable for any kind of duty or manual labor; that he was also informed by claimant that he had contracted said disabilities during the winter of 1863 and the latter part of 1862; that he would now give it as his opinion that if said disabilities were so contracted at the time aforesaid, that said claimant would have not at any time between the contracting of said disabilities and the time he first saw him in 1865 been able to have performed any kind of military duty, or to have traveled from his home and reported to his company; that he has seen claimant and treated him almost every year or gave him medical advice since 1865 to the present time; that he has not recovered from said disabilities, or either of them, at any time since he first treated him; that he regards the injuries to his feet and

legs as the result of being frozen, and that the same is permanent and incurable, as it frequently breaks out in sores; that claimant may at times partially recover from diarrhea, but would again relapse; that he has all of the time aforesaid been very much debilitated and very weak, and never able to perform manual labor and do justice to his health; that he would consider him now wholly unable for the performance of any kind of manual exercise; that he is not related to claimant, and has no interest in the prosecution of this claim.

T. J. OSBURN, M. D.

Subscribed and sworn to before me this 23th day of March, 1891; and I certify that the foregoing affidavit was fully explained to affiant before swearing to the same, and that affiant is respectable and in good professional standing; that I have no interest in the prosecution of this claim.

[SEAL.]

W. R. STALLIONS, Notary Public.

(Clerk's certificate on file in Pension Office.)

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. KILGORE. I do not think this a proper way to do business. I object.

The CHAIRMAN. As the gentleman from Texas objects, the question is, Shall the bill be laid aside to be reported favorably to the House?

Mr. KILGORE. Mr. Chairman, the Clerk read this report with a great deal of rapidity; and I did not understand from the reading the character of the case except that the bill is for the relief of some man who deserted in the presence of the enemy.

Several MEMBERS. Oh, no.

Mr. KILGORE. If I am mistaken in that view of the matter, the member in charge of the bill can correct me.

Mr. RAY. I think the gentleman has in mind the first report which was read. As I understood the reading of the last report, this is the case of a man who went home sick, under the promise that his discharge should be sent him, which was never done, and who continued sick until the close of the war. I think I am not mistaken in this regard.

Mr. KILGORE. Well, I did not know that the other case had been disposed of. I heard the reading of the report as I came into the Hall.

Mr. ALLEN. May I ask you a question?

Mr. KILGORE. Certainly.

Mr. ALLEN. Suppose this man did desert in the presence of the enemy, did you not at that time approve the act? [Laughter.]

Mr. KILGORE. Well, sir, times have changed; and with the changes which time has wrought men have changed. In the days to which my friend from Mississippi refers I have no doubt I would have been glad, as he would have been, to see all the men on that side desert; but they did not do it. [Laughter.]

Now, I do not know but that it may be well enough to relieve the charge of desertion in some cases, particularly where the circumstances attending the absence without leave are such as do not make the case strictly one of desertion. When a man deserts the Army in time of war, instead of his being relieved by act of Congress, the requirement of military law is that he should be shot. That, at any rate, was the law on our side.

Mr. DAVIS. A man may desert to keep from being shot.

Mr. KILGORE. Well, as suggested by my friend from Kansas [Mr. DAVIS] sometimes men desert to keep from being shot.

Now, as to the statement made by my friend from New York, if that is the condition of the case, I perhaps ought not to make any objection. If the man is a good citizen now, and has borne himself bravely in voting the Republican or the Democratic ticket—

Mr. DAVIS. Or the People's ticket.

Mr. KILGORE. Yes, or the People's ticket since the close of the war.

Mr. ALLEN. I think the restaurant people would be willing to give him a certificate of character. [Laughter.]

Mr. KILGORE. But the point that I would like to inquire about relates to the proof; that is to say, how all of these facts are secured; what is the source of the testimony, the affidavit of the party himself or his comrades? Is there anyone present who can enlighten the committee on that point?

Mr. WHEELER of Alabama. It does not seem to appear from the report that the charge of desertion was ever entered against this soldier. It seems that he served faithfully until the last days of March, 1863, at which time he was sent home sick from Cairo by the captain of his company, and told that a discharge would be sent to him at his home. That discharge, it appears, was never sent or never received, and the purpose of this bill is to grant him the discharge which the captain said would be sent to him.

Mr. KILGORE. What time in the war was this?

Mr. WHEELER of Alabama. In the latter part of March, 1863. The evidence on file with the case is a certificate from Maj. Ainsworth, the affidavit of Capt. Wise, commanding his company, the affidavit of Capt. Fry, who apparently succeeded afterwards in command of the company—

Mr. KILGORE. I suppose that will be sufficient.

Mr. WHEELER of Alabama. And several affidavits from privates and comrades. The facts seem to be well substantiated. It does not seem to come within that class of cases where the soldier was guilty of willful desertion. The discharge was never sent to him, although it is claimed that he was entitled to it. At that time a discharge was not regarded of so much importance as subsequently. If soldiers now desire to have their records perfected and the facts show they are entitled to it we should not hesitate to grant the request.

Mr. KILGORE. Was he sent home by reason of disability?

Mr. WHEELER of Alabama. Yes; sent home sick.

Mr. KILGORE. Who is the chairman of the committee that reports this?

Mr. WHEELER of Alabama. The gentleman from Ohio, Mr. OUTHWAITE.

Mr. KILGORE. I have a bill to remove a charge of desertion from a Maine volunteer who lives in my State now pending before that committee, and I can not get it reported.

Mr. ALLEN. I make the point of order on the gentleman from Texas that he must confine himself to the case under discussion. [Laughter.]

Mr. WHEELER of Alabama. Well, we have about a thousand bills before that committee; it is a very diligent and laborious committee, and I have myself reported as many as twenty bills in one day. Probably the case of the Maine man now in Texas may be among the last of that thousand.

Mr. KILGORE. That is a good case.

Mr. WHEELER of Alabama. I assure the gentleman that it will be attended to when it is reached. There never was a committee that attended to its business better than the Military Committee.

Mr. KILGORE. Accepting the statement of the gentleman, I will not make any further row now.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM STIMSON.

* The next business on the Private Calendar was the bill (H. R. 1424) for the relief of Hiram Stimson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Hiram Stimson, a late private in Company D, One hundred and fifty-fourth Regiment of New York Volunteer Infantry, and substitute therefor "absent without leave" from July 15, 1863, to September 30, 1864, when he enlisted in Company M in the Twelfth Regiment New York Cavalry Volunteers, and served faithfully under the name of Arnold Bennett until mustered out and honorably discharged on the 23d day of June, 1865; and the Secretary of War is further authorized, upon the surrender of the discharge issued to the said Hiram Stimson under the name of Arnold Bennett, or proof of its loss or destruction, to cause to be issued to the said Hiram Stimson, as a member of Company M, Twelfth Regiment New York Cavalry Volunteers, an honorable discharge in his proper name and to correct the official records to show his service under that name.

The committee recommend the adoption of the following amendment:

Add to the end of the bill: "Provided, however, That no pay or emoluments shall become due by virtue of this act."

Mr. ALLEN. I would like to have the report read. The report was read at length.

Mr. ALLEN. I would like to make an inquiry about this case in all good faith. As I recollect something of the history of those times, there were very large bounties paid to men who enlisted in the Army at about that period, and I desire to know if there is any gentleman present who can give us information as to whether or not this soldier, by enlisting in the Army under an assumed name, got an additional bounty. If he did, I shall feel constrained to vote against the passage of the bill.

Mr. MEREDITH. And also whether he gets a pension under his assumed name. That is another pertinent fact.

The CHAIRMAN. The first question is on agreeing to the amendment recommended by the committee.

The question was taken; and on a division there were—ayes 73—

Mr. GRADY. I make a point of no quorum.

The CHAIRMAN. The count of the House has not been completed yet.

Mr. BOWERS. Mr. Chairman, I would like to ask permission to withdraw this bill from consideration for the present and allow it to retain its place on the Calendar.

Mr. ALLEN. I think the gentleman should adopt this suggestion: Permit the bill to go back to the Committee on Military Affairs and to allow them to inquire into the suggestion I have just made, whether or not this man secured an additional bounty by changing from one regiment to another. It will be more satisfactory to the House to know that fact.

Mr. WHEELER of Alabama. The report does not say anything about it.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There being no objection, the bill was withdrawn.

MARGARET CHRISTIEN.

The next business on the Private Calendar was the bill (H. R. 4886) to pension Leon Christien.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Christien, mother of Leon Christien, late of Company I, First Regiment United States Artillery. Amend the title so as to read: "A bill to pension Margaret, mother of Leon, Christien."

Mr. YOUNG. Mr. Speaker, I would like to inquire why this lady can not obtain her pension through the Pension Department under the pension laws?

Mr. MCKINNEY. I will explain that at the proper time. If this is a proper time I will make the explanation now.

The CHAIRMAN. The gentleman is entitled to do that.

Mr. MCKINNEY. In this case of Leon Christien it is claimed that he was shot while he was attempting to run the guards. The evidence makes it appear that he did nothing of the kind. The man had been sick in the hospital for many months and at that time was convalescent. He was walking out, and the evidence goes to show that another man was trying to run the guard who was shot at but was not touched, but Leon Christien was killed.

Now, his mother has no means of getting a pension from the Department on that account, and the whole evidence, the fact that he was sick and convalescent from the hospital, and was in such a condition that he had no disposition or desire to run the guard, convinced the committee that it was an error, that he was not the man who was doing the wrong; and another man has already testified in a letter that he was the one who was running the guard, who was shot at and was not touched, while Leon Christien was killed.

Mr. TARSNEY. If that be the case, why has not the Pension Department granted the pension?

Mr. MCKINNEY. Because he did not die in the line of duty.

Mr. TARSNEY. But he received his wound in the line of duty.

Mr. MCKINNEY. He was killed there, but the charge was made against him that he was shot while attempting to run the line.

Mr. TARSNEY. The Pension Office must have found that to be true, or they would not have denied the pension.

Mr. MCKINNEY. There is no positive evidence, but there is cumulative evidence.

Mr. TARSNEY. Then you gave him the benefit of the doubt?

Mr. MCKINNEY. Yes, because the cumulative evidence convinced the committee that the Department was wrong. The guard had no right to shoot him anyhow, even it were true, but we believed it was not true.

[Mr. COBB of Alabama withholds his remarks for revision. See Appendix.]

Mr. CROSBY. Mr. Chairman, I know very little about the merits of this claim, except as I get it from gentlemen on the Committee on Invalid Pensions, and also from the report they have made to this House. It seems to me that this pension claim, being a claim for the relief of a mother more than 90 years of age, ought not to be treated as a laughing matter by this House. It seems to me that a question of this importance ought to receive the serious consideration of every Representative in this Hall. And, sir, it seems to me that no gentleman, from whatever section of this country he may come, ought to stand upon the floor and consume an hour in reiterating arguments which would seem to have no bearing upon the merits of this question. [Applause.]

Now, sir, I wish that I had the grace and the ability of the gentleman from Michigan [Mr. CHIPMAN], who stood upon this floor a few nights ago and discussed this question in a dispassionate and fair manner, concerning the way in which every pension claim should be treated by this House, by every member of it. Now, sir, I asked the gentleman from Alabama [Mr. COBB] if he intended to-night to carry out his threat which he made last Friday night. He denied that he made any such threat. Now, Mr. Chairman, I desire to call the attention of the House to the statement which the gentleman made, and to leave it to this House to say whether or not he did make a threat and whether he is mistaken or whether I am.

Mr. COBB of Alabama. Will the gentleman allow me? Does he not know—

The CHAIRMAN. Does the gentleman yield?

Mr. CROSBY. Not now. I will read what he said last Friday night.

Mr. COBB of Alabama. No sir; I will not give any such promise. I here and now give fair warning (and therefore you gentlemen who are interested

in pension matters had better vote to excuse me) that if I come here regularly (and I will do so if it be the pleasure of the House) I will come here for the purpose of discussing these pension bills one at a time; and I will claim an hour on each bill.

[Applause and laughter.]

Mr. COBB of Alabama. Now, will the gentleman yield for a question.

Mr. CROSBY. Not yet. I say that I stated the truth about it, and that by the action of the gentleman to-night he is carrying out the threat which he made last Friday night. So much for that. Now, I will yield.

Mr. COBB of Alabama. You were here that night?

Mr. CROSBY. Yes, sir.

Mr. COBB of Alabama. Do not you know that that whole matter was stated humorously, and was so taken by the House?

Mr. CROSBY. No; I do not.

Mr. COBB of Alabama. The very language used shows it.

Mr. CROSBY. I say, Mr. Chairman, if there is anything that would lead the House to believe that he was in all earnestness, it is the fact that he has carried out to the letter the threat he made last Friday night. Now, sir, there is on this Calendar pension bill after pension bill; but I submit that there are a hundred private war claims upon the Calendar where there is one pension claim; and I find that on one page of the Calendar, though I have not the exact page, there are twenty-eight private war claims in one resolution. I would like to ask the gentleman if he will vote against any one of those claims?

Now, I say, that this thing is all wrong. I am here to do my duty in these pension claims, and as a member of the Committee on Military Affairs, I would not give any man or any woman a pension if I believe he or she were not justly entitled to it. From day to day in our committee I am glad to be able to sit down upon desertion cases which are not meritorious. As you all know, that committee has jurisdiction of these desertion cases, and where we find a man deliberately deserted in the face of the enemy, he will get no relief from that committee, so far as I can help it, while I am a member of it. But when we find a deserving case, an honest case, it seems to me that we ought to act upon it conscientiously and seriously, and not jokingly.

I submit that it is hardly fair to the other members of this House that the time be taken up here in discussing for an hour a small bill of this character where the facts are within a very narrow compass. We should dispose of it and pass to the next bill. Yet what is the result? We get no result whatever, and as has been said here to-night, we have been in session for four months and not a single pension bill has passed on a Friday night, although a large number of pension cases have been passed in the House during the day sessions.

Mr. COBB of Alabama. Will the gentleman allow me to ask him one question?

Mr. CROSBY. Certainly.

Mr. COBB of Alabama. Have you ever known me to obstruct the passage of any bill? You have complained of what has been done in the past.

Mr. CROSBY. I want to answer, Mr. Chairman, that I do not want to do injustice to the gentleman. I have never known him to object to any claim except this one since I have been a member of the House or to appear in the rôle of an obstructionist in this or any other kind of legislation.

Now, Mr. Chairman, that is all there is about it. Let us go on and consider these cases fairly, give them fair treatment, not pass over them hurriedly, but after a fair and reasonable amount of discussion, let us have a vote taken and pass on to the next bill. Consider them on the merits, if they have any merits, and if they have no merits reject them. [Cries of "Vote!" "Vote!"]

Mr. SMITH of Illinois. Mr. Chairman, I have not taken up the time of the House during the three years I have been here exceeding twenty-five minutes. [Cries of "Vote!"] Well, we will vote in a few minutes.

Mr. KILGORE. Do I understand that the gentleman is not going on with his speech?

The CHAIRMAN. The gentleman from Illinois has been recognized and is entitled to the floor.

Mr. KILGORE. I was going to say that if the gentleman from Illinois was not going to make a speech I would make a speech myself.

Mr. SMITH of Illinois. I have been serving for the last three years, Mr. Chairman, along with the gentleman from Texas [Mr. KILGORE] in one committee, and I have found him very gentlemanly and a very elegant gentleman; but I have always found him, when it comes to these Friday-night sessions, somewhat opposed to the legislation which is supposed to be debated and passed on Friday nights. Now, as I said in the first place, I have never, during my whole term here, occupied exceeding thirty minutes on all the Friday nights put together.

Mr. O'DONNELL. You spoke in behalf of the ladies one night.

Mr. SMITH of Illinois. I believe in the character of legislation which is sought to be passed at these Friday-night sessions. It is a character of legislation that meets a certain class of people who can not be reached by the general law. During the last term of the Fifty-first Congress I know that it was said by some gentlemen on this floor, and their faces I see now, and they are gentlemen whom I will see in the next Congress, as I expect to be here. [Laughter.] I know it was said that this character of legislation was not agreeable to them; but I will say it is with the masses of this House, as I believe when a special bill comes up to pension some old soldier or some army nurse the majority of this House, whether on the Democratic or Republican side, if it is a worthy bill, are in favor of passing it. [Applause.]

I will give to my friends on that side of the House the credit to say that I believe they are honest and honorable in reference to these matters, but I will also take occasion this one time to say that I believe there are those in this House at present, and they have been here ever since I have had a seat on this floor, who prefer rather to hear their own voices and the plaudits of the galleries than to do justice to an honorable cause. [Applause.]

Mr. Chairman, we have committees appointed by the Speaker of this House. Whether he be Democrat or whether he be Republican, he is supposed to select his committees with proper judgment and with due regard to the transaction of the business of this great country. In the last Congress we had our committees, as we have in this. And I am willing to accept the reports of our Committees on Pensions and pass the bills they recommend. It was complained that "Czarism" was exercised by our Speaker, but I believe that a majority of this House to-day would agree with me in saying that they would favor the Czarism, as they call it, of the last House in comparison with the loose rules of this House.

I was in favor of the rules of the last House, and I would be willing to be governed by them now and to cut off all filibustering which the small Republican minority here might see fit to indulge in. I have never favored filibustering. I believe that when any measure comes up before the Congress of the United States it should be carefully, candidly, and fully discussed by such members as choose to discuss it, and then should be promptly disposed of.

But, I am wandering from the subject of these Friday night sessions. [Laughter.]

Mr. COBB of Alabama. Will the gentleman allow me a question there?

Mr. SMITH of Illinois. No; not at this time. You have had an hour. I beg pardon for the abruptness of that remark. In a few minutes I will yield. I was not in the Army myself. Sometimes when talking with my colleagues on the committee, several of whom were in the Confederate service, and when I hear them talking over those dark and bloody days I feel like saying: Thank God I was not old enough to see the blood and the suffering which those on that side of the House as well as gentlemen on this side have seen.

But I desire to say here and now, Mr. Chairman, that while I was not in the Army myself, while too young then, I am neither too young nor too old to-day to remember the grand services that were rendered by the boys in blue, who stood by the flag of their country and maintained the Constitution and the institutions of our Government, and who, by their services and their sacrifices, have preserved to us, as has been said hundreds of times on the other side of the House as well as on this, the grandest Government that this earth has ever seen. [Applause.]

I trust I shall never be too old to remember the services of those men. To those who see fit to come here—and I would not trespass upon the time of the House to say this but for the fact that it seems, from the course of this evening's proceedings, as well as the proceedings at these pension sessions during the last four months, that nothing is intended to be done—to those who have come here night after night, week after week, month after month, for the purpose of obstructing the business of pension legislation, I can only say: For God's sake, gentlemen, do something to put yourself in touch with mankind and the better emotions of the nature of your fellowman.

It is said that the milk of the cocoanut has a wonderfully soothing effect on a soured nature or an irascible disposition. To you, gentlemen, without naming you, I say, try it, drink deep from that milky fountain, and see if it will not be of some benefit to you. [Laughter.]

I doubt not that your hearts are in the regular locality and properly placed in your physical anatomy [laughter], but, judging from the course of your conduct in this and the preceding Congress, I greatly fear that your digestive organs are tremendously disarranged. [Laughter and applause.] Do something to improve their condition. Or, if that principle is not congenial with your own ideas and dispositions, then for God's sake do nothing, and give to those of us who are willing and anxious to

work an opportunity of doing so. [Applause.] To better fit yourselves for the day's duty try this remedy.

Mr. MEREDITH. Will the gentleman yield for a question?

Mr. SMITH of Illinois. Not at present.

Mr. MEREDITH. I only wanted to ask the gentleman if the speech that he has written was prepared for this occasion, as it does not seem to be germane to the subject. [Laughter.]

Mr. SMITH of Illinois. I will say to my friend from Virginia that this was not prepared for this occasion. [Laughter.]

Mr. MEREDITH. I imagined not.

Mr. SMITH of Illinois. I have never yet prepared a speech, but during the last four months I have from time to time jotted down a few points to use on such an occasion as this, and I have determined to use them now, as I suppose from your course this evening that you gentlemen do not intend to do anything except to keep us here until half past 10 o'clock.

Mr. MEREDITH. That is exactly what you are doing. [Laughter.]

Mr. POWERS. Mr. Chairman, I understood my friend from Illinois to say the speech which he is now delivering was not prepared for this occasion.

Mr. SMITH of Illinois. Nor for any other occasion. I have no speech prepared.

Mr. POWERS. That being so, if it would be in order, Mr. Chairman, I would make a motion that the gentleman have leave to present this speech on some other occasion. [Laughter.]

Mr. SMITH of Illinois. Mr. Chairman, with the extreme courtesy which I can exercise I extend to my friend on this side of the House [Mr. POWERS] my thanks for the uncourteous remarks which he has just made. [Laughter and applause.] I supposed that possibly he was in sympathy with the character of the remarks I am making. If he is not, I do not desire to have the short time which I shall occupy broken in upon by any further interruptions.

Mr. POWERS. Mr. Chairman—

Mr. SMITH of Illinois. I do not desire to be further interrupted, although I will at any time yield for a gentlemanly question which requires an answer.

Mr. POWERS. I thought I might be permitted to make a personal explanation.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. SMITH of Illinois. Now, Mr. Chairman, to continue, let me say to the gentlemen who have been obstructing pension legislation here for four months that, as has been said on that side of the House to-night, we have not during that period passed one single private pension bill—I simply take the statement of the Democratic side upon that subject and reiterate it, supposing it is true—to those who are disposed to interrupt these proceedings on Friday nights let me give (and I hope you will take it in the proper spirit) a little advice. Tear yourselves loose—

Mr. FITHIAN. Will my friend allow me to ask him a question?

Mr. SMITH of Illinois. Not at present, Brother FITHIAN.

Mr. FITHIAN. I want to remind the gentleman—

Mr. SMITH of Illinois. Oh, I will get through before half past 10; but you will not pass any bills, I know, before that time.

The CHAIRMAN. The Chair hopes gentlemen will observe order.

Mr. SMITH of Illinois. To those obstructionists, Mr. Chairman, let me say by way of advice, tear yourselves loose from the soothing breath and the tender embraces of the goddess of sleep. [Derisive laughter on the Democratic side.] Rise from your downy beds in dreamland with the earliest notes of the lark. [Laughter.] Gentlemen, this is good advice, whether you see fit to take it or not.

Mr. KILGORE. I rise to a point of order. I insist that the gentleman from Illinois [Mr. SMITH] has the floor, and is entitled to a hearing. I think order ought to be preserved.

The CHAIRMAN. The point of order made by the gentleman from Texas [Mr. KILGORE] is sustained. The gentleman from Illinois is entitled to proceed without interruption.

Mr. SMITH of Illinois. Rise from your downy beds in dreamland with the earliest notes of the lark. [Laughter.] Gentlemen, I do not care to have you listen to this. I do not suppose you will be benefited by it, or that you will improve by the advice which I am giving you. It is only for the benefit of the country; that is all.

Get out into the fresh air. [Laughter and applause.] Well, it seems from the applause that but very few have been indulging in this character of exercise. Look around you on nature as she smiles on the opening buds of spring. Look over the calm and placid face of the broad and beautiful waters of the Potomac. Listen to the music of the murmuring brooks. [Derisive laughter.] That, Mr. Chairman, is a different kind of music, according to the reports of yesterday's proceedings in the House, from

that to which many gentlemen here have been accustomed to listen.

Mr. WILLIAMS of Illinois. Will my colleague allow me a moment?

Mr. SMITH of Illinois. Drink in the pure and exhilarating—[laughter]—not the kind of exhilaration that you get in the restaurant here, as appears from the report of yesterday, but drink in the pure and exhilarating breath of nature's God. [Laughter and applause.] Listen to the twittering notes of the forest songsters as they warble forth from their tiny throats their simple songs of praise to the Great Unseen but all-seeing spirit which moves and rules the universe. [Applause.] Stand beside that beautiful white monument erected by a grateful people to the memory of him—[laughter and derisive applause.] Well, gentlemen, your demonstrations can not stop me until half past 10. [Cries of "Goon!"]

Stand beside that beautiful white monument, gentlemen on the Democratic side, erected by a grateful people to the memory of him who was "first in war, first in peace, and first in the hearts of his countrymen." Draw from that spirit of departed greatness some laudable inspiration to guide your course while acting as the accredited representatives of a portion of this great people. Gaze on the beautiful orb of day. [Derisive applause and laughter.] I presume there are not many here who have ever seen his smiling face.

The CHAIRMAN. The gentleman from Illinois will please suspend a moment, until the House comes to order.

Mr. WILLIAMS of Illinois. My colleague is making an argument in favor of the pending bill, and I think he ought to be heard.

The CHAIRMAN. The Chair asks gentlemen to take their seats and preserve order.

Mr. SMITH of Illinois. I thank my colleague from the Nineteenth district [Mr. WILLIAMS] who canvassed my district against me the last time.

The CHAIRMAN. The gentleman from Illinois will suspend. Mr. SMITH of Illinois. Gaze on that beautiful orb of day. [Loud laughter and applause.]

The CHAIRMAN. The gentleman from Illinois will suspend until order is restored.

Mr. SMITH of Illinois. Mr. Chairman, I have no objection to gentlemen having their fun and enjoying themselves. I have no objection whatever to it. I do not desire to curtail them, if they think this amusing.

The CHAIRMAN. The gentleman is entitled to be heard, and the Chair hopes that members will resume their seats and preserve order upon the floor.

Mr. SMITH of Illinois. I beg of the Chair that he will not interfere with the pleasure of any gentleman. It is entirely agreeable to me if they choose to applaud or laugh.

The CHAIRMAN. The gentleman will now resume his remarks.

Mr. SMITH of Illinois. Well, then, to begin again on a sentence on which I was stopped, I will say to my friends on the other side of the House, gaze on that beautiful orb of day [laughter and applause] as he lifts his smiling face above the mountains in the eastern horizon, and with his genial rays—

Mr. CROSBY. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Illinois. I do not yield for an interruption.

The CHAIRMAN. The gentleman from Massachusetts rises to a question of order, and will state it.

Mr. CROSBY. The point of order is this, if the gentleman will allow me to state it, that inasmuch as we came here to transact pension business, it seems to me that we ought to transact it. The gentleman has consumed a large part of an hour with remarks that are by no means germane to the pending bill.

Mr. SMITH of Illinois. I am coming to that part of it immediately.

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. CROSBY. I make this point of order because the gentleman has spoken nearly an hour from the Republican side, and has not touched the merits of the bill.

The CHAIRMAN. The Clerk will report paragraph 1 of Rule XIV.

The Clerk read as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The CHAIRMAN. The Chair can only suggest to the gentleman from Illinois that it hopes he will proceed in order, in accordance with the rules of the House.

Mr. SMITH of Illinois. I will say, Mr. Chairman, that I rose

and respectfully addressed the Chairman of this House, we being in Committee of the Whole, and not, as the rule specifies, in the House with the Speaker in the Chair.

Mr. CROSBY. Mr. Chairman—

Mr. SMITH of Illinois. I do not desire to be interrupted.

Mr. CROSBY. Mr. Chairman, with all respect for the gentleman, I ask a ruling of the Chair on the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CROSBY. I have stated the point of order, that the gentleman having spoken nearly an hour, and not having touched the merits of this bill, further remarks are not germane.

The CHAIRMAN. The gentleman is entitled to an hour if he chooses to occupy the floor.

Mr. SMITH of Illinois. I will not occupy that length of time.

The CHAIRMAN. And the Chair hopes the gentleman will confine his remarks to the question.

Mr. SMITH of Illinois. I am coming directly to the point at issue.

Mr. Chairman, as some gentlemen have spoken about that beautiful orb [laughter], I will say to them, look upon him as he rises above the mountains in the eastern horizon and with his genial rays kisses away the tears of night [laughter and applause] which still linger on the beautiful flowers and tremble in the dewdrops as they hang upon the tiny blades of grass. [Laughter and applause.] Do this, gentlemen on that side of the House—and I am not talking to this side now—do that on Friday morning next, and I feel—yes, I know—that you will be better men, better citizens [applause], more patriotic, more impressed with the great duties of our short lives and the utter insignificance of man when at his best. [Applause.]

It will put you in touch with your fellow-men, stimulate your spirits [applause] for the business of life, and soften your natures towards the suffering and needs of those who are now standing so near the border line 'twixt this and the great unknown, that the shimmering rays of eternity's sunshine, mingling and blending with the gathering shadows of age, have formed around them the twilight of life. [Laughter and applause.] They need some help from us. It would cheer their spirits ere they take their flight to the embrace of those who, with shadowy hands, are beckoning them on to the future of their existence in the unseen world. [Applause.]

Gentlemen, try this prescription—I give it to you free. [Applause.] Try it on Friday morning next; you will do nothing to-night, and it may be that you will then come to the House in the evening with smiling faces, and resolution and determination to aid in passing some of the many bills now on our Calendar to pension some old veteran soldier, who is not sufficiently provided for by the existing general law; or some deserving woman who served as an army nurse, who wiped the death damp from the fevered brow of some brave boy in blue, or kindly bore his last sad message of love to sorrowing ones at home; and when his quivering pulse was stilled and "death had kissed his eyelids down," lovingly and tenderly folded upon his breast the Stars and Stripes and bade his spirit a fond but sad farewell. [Applause.]

Mr. MARTIN. Mr. Chairman, without intending to reflect upon the arguments made by any members of this committee this evening, I beg leave to say on behalf of the Committee on Invalid Pensions that it is not the purpose of that committee, so far as its individual members are concerned, to consume the time of the House or of the committee with lengthy speeches upon various bills that may come before this committee. I beg leave to present to you just this one square question to-night.

We have now fifty minutes of the two hours and a half left of this evening for the consideration of this one bill, and I beg leave to say to you that the question is squarely this: Here is this old mother, 90 years of age, living in a poverty in which she can not help herself, the mother of a boy who lost his life after two years and more than four months of honorable service, who lost his life by a gunshot wound—whether it was by his mistake or however it may have come—and the question squarely comes, upon the evidence in this case, will we vote "yea" or "nay" upon laying aside this bill with a favorable report?

Am I, Mr. Chairman and gentlemen of this committee, assuming too much—I beg you will believe that I do not so intend it—if I ask this committee, without further discussion, to come to a vote upon the question presented by the motion to lay aside the bill with a favorable report? And I am sure, gentlemen of this committee, that you will receive the thanks of the Committee on Invalid Pensions, who have examined this matter carefully, and who have presented their report upon their consciences. [Cries of "Vote!" "Vote!"]

Mr. KILGORE. Mr. Chairman, I did not intend to engage in this discussion to-night, and I will not detain the committee very long in the few observations I have to make. We have lost sight of the case which is before the committee in our effort

to "soar among the stars and gaze upon the bright and burning orb of day." Now, Mr. Chairman, here is the case before the House: A young man seems to have been slain while in the commission of an unlawful act, as the records of the War Department disclose. That record has stood for twenty-five years or more. Now, his representative comes before Congress with a bill to correct that record. The record as it stands makes a *prima facie* case against him. It is conclusive against him as to any right he might have in the Pension Office.

Now, if this soldier was slain in the discharge of his duty, if the facts exist as they have been stated upon this floor, the surviving and dependent mother can go to the Pension Office and secure a pension. They say she can not do that for the reason that he was slain in the commission of an unlawful act, an attempt to run the guard. That is the charge in the Department. They seek to escape the effects of that charge by a theory which they admit upon this floor is not supported by proof. The committee and those who have spoken to this question, say that there is some evidence to the effect that he was not running the guard, and that some one else was violating the army regulations on that subject, that the guard fired at the offender, and that this young man was slain accidentally. There is some proof to that effect.

Well, now, in no court under the sun, in the presence of no jury that could be impaneled in this country, could you recover on such a case. Here you have a *prima facie* case to rebut, and you undertake to rebut it by a theory which is not supported by the proof, according to your own confession. Now, they say, we ought to consider these measures. That is not the question. You do not care anything about considering them; that is a great majority of the members present do not. You want to vote upon them and to pass them without consideration; and I have seen it done a hundred times in this House.

As I said here on a recent occasion, I have seen bills passed in this House which came from the committee with an adverse report. I have never seen one defeated on a square vote since I have been here, and I have seen thousands of them passed.

Now, in the argument of my friend from Illinois [Mr. SMITH] I presume he intended to address to me a lecture for the course which I have chosen to pursue with reference to legislation of this character.

These gentlemen who are urging this case and who are rebuking other members who insist that business ought to be transacted in this House in a business-like way have said the Congress has been in session four months and that no single pension bill has passed this House. That is accurate to this extent. It has been in session, so far as legislation of this kind is before it, a little over a month and a half; but that is about as near the fact as my friends have come to-night in the discussion of this question on the other side.

I have never, since I have been a member of this House, from the 4th day of December, 1887, to this blessed moment, resisted the passage of a pension bill in the House of Representatives at a Friday night session—never. Now, I know that my friend from South Dakota, if he were out behind a tree, would say, "That is a whopper." I have never, since I have been a member of this House, seen a lawfully constituted House of Representatives in this Hall on a Friday evening at a pension session.

Mr. PICKLER. Now, will my friend allow me right there?

Mr. KILGORE. No, sir; not for a minute.

I never have seen the House of Representatives assembled here on a Friday night. The Constitution says that a majority of the members of this House shall constitute a quorum. It takes 167 members to constitute a majority. There never has been a time within my recollection in this House when a quorum has been present to transact business on a Friday-night session.

I do not believe much in the merit of the bills that pass this House, or that passed the last Congress, or the Congress before. I believe that nearly every individual in this country who earned the bounty of the Government, and who needs it, can under the pension laws, which are liberal and liberally construed, get all he or she is entitled to. [Applause.]

Well, if you encourage me I will talk all night. [Laughter.]

I say that I am not impressed with the merits of a great majority of these private bills that are considered in this House on Friday nights, or in the private bills that come into the House at any time. I have antagonized all such legislation, because it does not meet the sanction of my judgment.

Now, if these bills were ever so meritorious, if they were such as to meet the support of every member of this House, which is composed of 332 members, I believe it to be my duty, and that is a sufficient warrant for my conduct, to see that this House is properly constituted before it undertakes to enact legislation of that kind. So believing, I have chosen to demand that a quorum shall be present on these occasions, and I have that right. Why, the Democrats have a majority of fifty or sixty above a quorum.

And it is the right of any member to demand a quorum. However we may consider this legislation, however much demand there may be for it, it ought to be enacted in accordance with law, and in accordance with the rules which have been prescribed by this House for its government.

Mr. BUTLER. Mr. Chairman, I do not know that the provocation was ever greater than it is now to say a few words, and yet I must not say more than this: I want it to go on the record that every man who is opposing this legislation here to-night is a man who will get up and make a long speech, and every man who has made such a lengthy address is opposed to this pension. By his very act of long speaking he has consumed time that would have resulted in the passage of bills for the relief of old veterans.

Mr. SMITH of Illinois. If the gentleman's observation has reference to me—

Mr. BUTLER. It had reference to you.

Mr. SMITH of Illinois. Then I denounce it as untrue, and my record so shows.

Mr. BUTLER. The record is wind, instead of voting.

Mr. SMITH of Illinois. On your side it is.

The CHAIRMAN. The question is on agreeing to the amendments. As many as are in favor of the adoption of the amendments will say aye—

Mr. KILGORE. Mr. Chairman, I do not think that the gentleman from Iowa has any right to dictate to me, or to reflect on me for the course I have pursued. I do not accept his lecture, and when I want to be lectured I would like to have something to do with the choice of the man who is to lecture me.

Mr. BYNUM. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BYNUM. The Chair was taking a vote, and a gentleman can not take the floor when the House is voting.

Mr. BUTLER. Mr. Chairman, I just wish to say in regard to my remarks that the gentleman from Texas [Mr. KILGORE] had already stated that he opposed such legislation. The gentleman from Alabama [Mr. COBB] had already said that he opposed such legislation. There was only one other left, and I wanted to apply it to him as well, because it was intimated that men who wished to kill time killed it because they were not favorable to such legislation.

Mr. SMITH of Illinois. Mr. Chairman, I rise to a personal explanation. [Cries of "Vote!"]

Mr. PICKLER. Mr. Chairman, am I recognized?

The CHAIRMAN. The gentleman from South Dakota is recognized. [Cries of "Vote!"]

Mr. SMITH of Illinois. Mr. Chairman, I desire to say—

The CHAIRMAN. The gentleman from South Dakota has been recognized.

Mr. SMITH of Illinois. I rise to a question of personal privilege.

The CHAIRMAN. The gentleman from Illinois rises to a question of personal privilege, which he will state.

Mr. PICKLER. I do not yield the floor. I believe I have the floor, as I understood the Chair.

Mr. HARRIES. I rise to a question of order.

The CHAIRMAN. Unless the gentleman from South Dakota yields the floor, he is entitled to it.

Mr. PICKLER. I do not yield.

Mr. HARRIES. I rise to a question of order. We were taking a vote. The affirmative vote was taken, and I do not think there is anything in order until that vote is completed.

Mr. PICKLER. Since that time—

The CHAIRMAN. The Chair was taking a vote, but the gentleman from Texas rose and addressed the Chair, and the Chair then stopped taking the vote and recognized the gentleman, who was in order. The gentleman from South Dakota is now entitled to the floor.

Mr. PICKLER. I only wish to say a few words as a member of the House who has attended these Friday-night sessions regularly for the past four months. I make no reflections upon the gentleman from Texas [Mr. KILGORE] or any other gentleman as to his course upon this floor. He answers only to his own conscience and his own constituents, and I am not here to upbraid him.

But, as a member who has not the time to lose, if we are simply to lose these Friday nights, and in behalf of the Committee on Invalid Pensions, composed of gentlemen who, I believe, are working earnestly and faithfully in this business and also in behalf of members of the House on both sides, I wish to say this: If gentlemen feel it to be their conscientious duty to come here and raise this question of the Constitution and of a quorum night after night, will they not be kind enough to their fellow-members to announce it plainly and let us do away with these Friday night sessions? Is not this boys' play? Is it worthy of the Representatives of the American people to come here as we have

come Friday night after Friday night during these four months though never up to this moment have we passed a single bill through the House at a Friday night session.

Mr. KILGORE. Will the gentleman yield for a correction?

Mr. PICKLER. Yes, sir.

Mr. KILGORE. The gentleman says that this has been going on for four months. These Friday evening sessions were not provided for until the rules were adopted, and that was in February, and since then two or three of these sessions have been vacated by unanimous consent; so that there have not been more than four or five of these Friday evening sessions altogether in this Congress.

Mr. PICKLER. I did not say how many of them there had been, but we have been here a good number of nights, as all members know who have attended these pension sessions. Now, Mr. Chairman, I suppose the gentleman from Texas takes this course in the interest of economy. I understand that he claims it is in the interest of economy; but I am here to say that the gentleman, by his course here, has caused the expenditure of more of the people's money, by retarding the business of this House, than would have pensioned every soldier for whom there is a bill on the Calendar for his natural life. [Applause.] It is the gentleman's privilege to do that if he pleases. All that I wish to say is that if gentlemen on the other side, two or three or half a dozen of them, have determined to keep this business up they ought to so state and let us govern ourselves accordingly. [Applause.]

Mr. COOPER. The gentleman speaks of "the other side of the House." There is a gentleman on the Republican side who has occupied a good deal of time to-night. Does the gentleman answer for him also?

Mr. SMITH of Illinois. I will answer for myself.

Mr. PICKLER. The gentleman from Illinois is probably able to answer for himself.

Mr. SMITH of Illinois. Entirely so.

Mr. PICKLER. There is one thing, Mr. Chairman, that stands out conspicuously, and I say it with no purpose to make reflections upon a great many gentlemen on the other side of this House. That one thing is that the point of "no quorum" at these Friday night sessions has never originated on this side of the House. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the adoption of the amendments proposed by the committee.

The amendments were adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH R. CRAWFORD.

The next pension business on the Private Calendar was the bill (H. R. 3838) to pension Elizabeth R. Crawford, widow of C. A. Crawford, soldier in the Creek war, 1836; reported from the Committee on Invalid Pensions with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to at once place on the pension roll the name of Elizabeth R. Crawford, widow of C. A. Crawford, soldier in McMillan's regiment, Capt. George Patrick's company, Alabama Volunteers, in the Creek war, 1836, and that she is hereby allowed a pension of \$20 per month, payable monthly.

SEC. 2. That this act take effect and be in force from and after its passage.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3838) granting a pension to Elizabeth Crawford, have considered the same, and report:

The records show that the claimant's late husband, C. A. Crawford, was enrolled June 19, 1836, as a private in Capt. Patrick's company, Alabama Mounted Volunteers, subsequently Capt. Patrick's company, First Battalion, McMillan's Fourth Regiment, Alabama Volunteers, to serve three months, and mustered out of service, with the company, July 21, 1836.

Jeremiah Hackett and Thomas H. McMurtrey, citizens of Sebastian County, Ark., testify to the identity of the claimant as the widow of the above-named soldier; that she is 78 years old, of very feeble health, and has no support, only charity.

Your committee, believing the bill to be a meritorious one, recommend its passage with an amendment fixing the rate of pension at \$12 per month.

The amendment recommended by the committee was adopted.

Mr. KILGORE. Mr. Chairman, I should like to know why this bill should especially provide that the pension shall be payable monthly, when the rule is that pensions shall be payable quarterly. Is there any special reason for the change in this case? I understand that it is not convenient for the Pension Bureau to make these payments monthly.

Mr. WILSON of Missouri. Mr. Chairman, I move to amend the bill by striking out the words "payable monthly," at the end of ninth line. The retention of those words was an oversight on the part of the committee.

The amendment was agreed to.

The CHAIRMAN. If there is no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. KILGORE. Mr. Chairman, the objection I have to this

bill is that it is private special legislation in a case which ought to be provided for by a general law. I suppose there are a thousand or fifteen hundred survivors of the Indian wars from 1836 to 1840. They live mostly in the South—in Georgia, Alabama, South Carolina, Florida, Texas—and some have emigrated to the Western States. They are all very old, and as a class they are poor. I am not in favor (and that is one of the grounds on which I have resisted legislation of this character) of singling out one case among a thousand which are just as meritorious, and conferring special favor in that case to the exclusion of others.

Now, Mr. Chairman, my friend from South Dakota [Mr. PICKLER], I believe he repudiated North Dakota or North Dakota repudiated him, I am not certain what his remark was, made a remarkable statement in his speech just now. He said that in the course I had pursued here during the four or five Friday nights when we have attempted to transact business I had wasted more money than it would take to pay all the soldiers whom it is proposed to pension by special laws. He made that broad statement, and I believe he went farther and said that in the course I have pursued I have wasted more money than it would take to pay all the pensions of all the soldiers on the pension roll.

A MEMBER. Oh, no, "on the Calendar."

Mr. KILGORE. Well, then I will correct that statement. He said that by the course I have pursued I had wasted more money than it would take to pay the pensions of all the claimants whose bills are now on the Calendar. That, I am told, is the statement he made. Well that is a wild statement. How or when or under what circumstances I can have wasted a dollar by the course I have pursued I can not understand. The salaries of members of Congress do not stop when the House adjourns or when the House is not transacting business. The salaries of the employés in and about this House go on night and day, summer and winter, seed-time and harvest, Sundays and all other days.

Now, I can not understand how so remarkable a statement could have been made by anybody except the gentleman from South Dakota. It may cost the members of Congress the expenditure of some shoe leather in walking up here, or 10 cents to pay their car fare, or a dollar and a half or \$2 to pay their carriage fare; but how it costs the Government any more for me and the few gentlemen who are associated with me in this movement to come into this House on a Friday night and "kick up a row" than to let things go on smoothly I can not comprehend; and nobody else can, I reckon.

I do not think the gentleman from South Dakota can make that matter clear. I observe that the gentleman is now out of the House; I am sorry; I thought he was present. I simply wanted to make that statement; and I want to emphasize my objection to private legislation like this in cases which can be and ought to be provided for by general legislation.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

NOAH STALEY.

The next business on the Calendar was the bill (H. R. 2496) granting a pension to Noah Staley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Noah Staley, who was a soldier in the Black Hawk war, and pay him a pension at the rate of \$12 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2496) granting a pension to Noah Staley, have considered the same, and beg leave to report as follows:

Relative to the service of the claimant the War Department reports as follows:

"The muster-out roll of Capt. McCoun's company, Spy Battalion, Second Brigade Illinois Mounted Volunteers, dated August 15, 1832 (the only record of the company on file in this Department), reports Noah Staley, a sergeant, enrolled May 12, 1832, to serve ninety days, with remark: 'Horse and equipments left, having broke down on a forced march to the battle ground on the Mississippi River; furloughed at Prairie du Chien.'"

In his petition for relief the claimant states under oath that he was discharged from the above-named organization September 12, 1832; that he is now 81 years old, in very bad health, so crippled up by injuries and rheumatism that he can not walk without a crutch and stick, and in needy circumstances, owning no real estate and but little personal property.

E. L. Stewart and Thomas K. Wilson, citizens of Carmi, Ill., testify to the claimant's identity, and that he is a truthful, honorable man, and one whose statements are worthy of belief.

Mr. Staley resides at Carmi, Ill.

The bill is returned with a favorable recommendation.

There being no objection, the bill was laid aside to be reported to the House with a favorable recommendation.

ANDREW J. JONES.

The next business on the Calendar was the bill (H. R. 3123) to pension Andrew J. Jones for services in the Indian wars.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension rolls of the Government the name of Andrew J. Jones, of Capt. James Brown's Spy Company, Second Regiment of Oregon Mounted Volunteers, for meritorious services, and for severe wounds

received in March, 1856, while engaged in battle with the hostile Rogue River and Cow Creek Indians in Cow Creek Valley, in the then Territory, now State of Oregon, and allow him a pension at the rate of \$25 per month.

The amendments proposed in the concluding paragraph of the report were read.

Mr. KILGORE. I do not understand the effect of those amendments.

Mr. WILSON of Missouri. With the amendment, the concluding language of the bill will be: "and allow him a pension for said wounds, subject to the provisions and limitations of the general pension laws."

Mr. KILGORE. I wish to inquire whether the report has been read.

The CHAIRMAN. It has not been.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3123) granting a pension to Andrew J. Jones, have considered the same and report:

The muster roll of Capt. James Barnes's spy company, Oregon Volunteers, organized for service in the Rogue River Indian war of 1855 and 1856, reports service of Andrew Jones as private from February 23 until July 3, 1856.

Accompanying the bill is a sworn statement by the claimant to the effect that he is 69 years old and has been a resident of Douglas County, Oregon, ever since 1852; that in the latter part of 1855 the Rogue River and Cow Creek Indians broke out in open hostilities against the whites, and he enlisted in the above-named organization to aid in its suppression; that during the all-day battle of Cow Creek on March 27, 1856, he received a wound in the back of the neck from an Indian bullet, and that from the effects of said wound he remained in hospital under treatment until the 8th of July following, and that he had suffered more or less in consequence ever since; that said wound interferes with the pursuit of his trade (that of carpenter); he dare not trust himself any great distance from the ground, as his head grows dizzy, and he suffers from throbbing pains in the back part of his neck and head.

He further states that he has been subject to rheumatic and neuralgic pains ever since said war, which he believes to have been contracted by exposure during said winter campaign, assisted and aggravated by said wound.

John Kelsey, a citizen of Burton County, Oregon, and late colonel of the regiment in which the claimant served, corroborates under oath the applicant's allegations relative to receipt of said wound; this witness states he saw the claimant lying on the ground where he had fallen when wounded, and he (witness) believed the wound to be a dangerous one. He further testifies that the claimant was a good and brave soldier and has always been regarded as a worthy, honorable, and deserving citizen.

Dr. N. P. Bunnell, of Roseburg, Oregon, gives a detailed description of the wound in question, and states that the same causes constant and severe pains when the claimant is exposed to the heat of the sun.

Isaac Boyle, of Douglas County, Oregon, testifies to being a member of the same company with the claimant, and has personal knowledge that the claimant was wounded as alleged.

It is further reliably shown that the claimant has never recovered from said wound, and that he is in reduced circumstances and an extremely poor man. These facts are certified to by the gentleman who introduced the bill.

After a full and careful consideration of the case, your committee recommend that the bill do pass.

Amend by striking out after the word "pension," in line 11, and substituting in lieu thereof the words "for said wounds, subject to the provisions and limitations of the general pension laws;" also amend by spelling the name of the captain under whom the claimant served, "Barnes" instead of "Brown."

Mr. KILGORE. Mr. Chairman, I understand from the reading of the report in this case that the service was performed in 1855 or 1856.

Mr. HERMANN. Yes, sir.

Mr. KILGORE. What I want now to inquire about is this: Was this man in the service of the United States, or in the service of the State or Territory of Oregon?

Mr. HERMANN. Mr. Chairman, if the gentlemen from Texas will permit me, I will state that these companies engaged at that time in this Indian war were provided for by the Territorial government of Oregon—Oregon being a Territory at the time. They were subsequently, however, paid by the United States, and this gentleman whose name is mentioned in the bill was at that time in the actual service of the Government under the command of the colonel of his regiment, a regiment which was provided for by the laws of the Territory as then organized.

Mr. KILGORE. I would be very sorry indeed to interfere with my friend from Oregon on this subject or any other, but I do not think that those persons who have been soldiers in the service of a State or Territory are entitled to pensions from the United States Government. I do not believe that it has been the custom in the past to grant pensions in such cases, and I should be under the painful necessity of antagonizing this measure to-night. I might, some time hereafter, on looking into the matter with more care, be induced to change my mind.

Mr. HERMANN. If the gentleman will permit me to interrupt him further—

Mr. KILGORE. Certainly.

Mr. HERMANN. I wish to state that these volunteers were recognized by the United States Government, were received into the service, and that Gen. Wool, with whom the gentleman from Texas was probably personally acquainted, a major-general in the regular Army of the United States, assumed command of these volunteers after they were mustered in pursuant to the laws of the Territory, took charge of the command, issued his orders to them, and they were absolutely under his control and direction as members of his command after having offered their

services to the Territory. Let me state further that they received their compensation from the United States Government. They received bounty-land warrants, and they did good service all over the Pacific coast.

Mr. KILGORE. That is the rule, I will state to the gentleman from Oregon, in all cases in which the State or Territorial troops coöperated with the Federal troops in any operation against the common enemy. They report to the commanding officer of the United States service at the point where their services are required. They are under his command, and if they do service under his command they are paid for it by the Government. They are entitled also, perhaps, to the bounty under any law which may be specially provided for them. But I do not think that Congress has ever yet undertaken to give pensions to soldiers engaged in the service of a State, although acting under command of a Federal officer.

Mr. HERMANN. If the gentleman will permit me to interrupt him again, I desire to state that it is within my own personal knowledge that a number of cases of this character have been passed since my participation in the proceedings of Congress. We have passed quite a number of just such bills. I have several in mind now, and can give the gentleman from Texas the names if he desires.

Mr. KILGORE. Some cases which you got through yourself?

Mr. HERMANN. Not only myself, but other gentlemen too; and I want to say that they were no more meritorious than this. And I know the gentleman's good heart, and that he will probably give me a moment's opportunity to state something of my own personal knowledge in regard to this case.

Mr. KILGORE. Certainly.

Mr. HERMANN. I am personally acquainted with the applicant in this case; I have known him for the past thirty-three years. Shortly after the Indian hostilities, mentioned in the report, I formed his acquaintance. He is now old; one of the best citizens in the community; he is poor, disabled, having received a wound at the time of which the report speaks, which has disabled him from that time to the present. Now, there being no legislation of a general character, he is prevented from obtaining relief which is granted to the soldiers of the late war, of the Mexican war, or any other war in which this Government has been engaged.

Mr. MALLORY. Will the gentleman yield for a question?

Mr. HERMANN. Certainly.

Mr. MALLORY. Were the Territorial troops to which the gentleman has referred ever mustered into the Army of the United States?

Mr. HERMANN. Not regularly mustered, I think.

Mr. MALLORY. Was not an officer sent there to muster them in?

Mr. HERMANN. I think so, though I can not say that they were regularly mustered.

Mr. MALLORY. Does the gentleman know whether or not a roll of them is filed in the War Department?

Mr. HERMANN. The rolls were filed in the War Department, that I know to be a fact.

Mr. MALLORY. How did they get there?

Mr. HERMANN. By legislation on the part of Congress.

Mr. MALLORY. I think from the fact that the rolls were on file they must have been mustered in.

Mr. HERMANN. Gen. Wool, who was commanding on the Pacific coast, was authorized, I understand, to supervise the volunteers as they were mustered in; and the roll is on file in the Auditor's Office. The Committee on Pensions, I understand, submitted this bill to the War Department and received a certificate setting forth the facts narrated here.

Mr. WILSON of Missouri. If my friend from Oregon [Mr. HERMANN] will permit me, I will state for the benefit of my friend from Texas [Mr. KILGORE] that this case stands upon exactly the same ground as these other cases that have been passed upon to-night. In all those old Indian wars the troops were State troops. In this case they were State troops.

Mr. HERMANN. Territorial troops.

Mr. MILLER. Territorial troops.

Mr. WILSON of Missouri. In this case they were Territorial troops. They were under command of United States officers as Florida troops, Georgia troops, or Alabama troops. They were State troops, but they were under command of United States officers.

Mr. HERMANN. And they were under pay of the United States.

Mr. KILGORE. But, if the gentleman will allow me, these troops that were enlisted in Georgia for the war in Florida were mustered into the United States service.

Mr. WILSON of Missouri. They were State troops.

Mr. KILGORE. They were commanded by Gen. Scott, many of them.

Mr. MALLORY. A great many of them were mustered into the United States service, and it was the intention to muster them all in.

Mr. WILSON of Missouri. They were called out by the State, but afterward they were under the command of United States officers, precisely as in this case.

Mr. HERMANN. I will state furthermore, Mr. Chairman, that I should not ask the kind attention of this committee to-night as earnestly as I have did I not know the circumstances connected with this case and the honorable character of the gentleman who is applying for the pension.

Several MEMBERS. Let us have a vote.

The CHAIRMAN. The question is on the proposed amendments.

The amendments were agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MARTIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly arose; and Mr. RICHARDSON having resumed the Chair as Speaker *pro tempore*, Mr. MCCREARY reported that the Committee of the Whole House had had under consideration sundry private bills, and had directed him to report the same back to the House with various recommendations.

The SPEAKER *pro tempore*. The Clerk will report the title of the first bill on the Calendar.

Mr. MARTIN. Mr. Speaker, it is evident that not enough time remains to-night for the passage of any bill, even if there be a quorum here, and I therefore ask unanimous consent of the House that the previous question be considered as ordered on these bills, and that they then go over.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the previous question be considered as ordered on the bills which have been considered in the Committee of the Whole to-night, to their engrossment and third reading—

Mr. MARTIN. And also upon their passage.

The SPEAKER *pro tempore*. And also upon their passage.

Mr. KILGORE. I am willing to agree to the bulk of that proposition; that is, that the previous question may be ordered on the bills which have passed the Committee of the Whole to-night, to their engrossment and third reading. I am not willing that you should accumulate the previous question upon these bills by stretching it to cover their passage.

Mr. MARTIN. I am willing to accept the suggestion of the gentleman.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent then that the previous question be considered as ordered on the amendments on the bills which have been reported from the Committee of the Whole to-night, and to include the engrossment and third reading of the bills. Is there objection?

There was no objection.

Mr. MARTIN. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 10 o'clock and 27 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SHELL, from the Committee on War Claims: A resolution referring to the Court of Claims the bill (H. R. 7807) for the relief of Daniel T. Pope; (H. R. 7808) for the relief of Robert G. Lamar; (H. R. 7809) for the relief of the heirs of Joseph J. Pope, sr.; (H. R. 7810) for the relief of the heirs and devisees of John J. T. Pope; (H. R. 7814) for the relief of the heirs of Robert W. Fuller, deceased; (H. R. 7813) for the relief of the heirs of John A. P. Scott; (H. R. 7812) for the relief of John W. K. Pope and the heirs of F. P. Pope; (H. R. 7811) for the relief of the heirs of James B. Seabrook, deceased. (Report No. 1025.)

By Mr. PATTON, from the Committee on Military Affairs:

A bill (H. R. 1044) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry. (Report No. 1026.)

A bill (H. R. 1687) to correct the military record of Calvin Daniel, deceased. (Report No. 1028.)

By Mr. SNOW, from the Committee on Invalid Pensions: A bill (H. R. 5972) to increase the pension of Capt. Henry S. La Tourette, late a captain in Company G, Eighty-fifth Regiment Illinois Volunteer Infantry. (Report No. 1029.)

By Mr. COBB of Missouri, from the Committee on War Claims:

A bill (H. R. 6586) for the relief of the Christian Church in the city of Savannah, Mo. (Report No. 1030.)

A bill (H. R. 5546) for the relief of the Presbyterian Church and the Masonic Lodge at Platte City, Mo. (Report No. 1031.)

A bill (H. R. 4506) for the relief of the heirs of Joseph Kulage, deceased. (Report No. 1033.)

By Mr. CLANCY, from the Committee on War Claims: A bill (H. R. 275) to refund duties paid by the State of New York on arms imported in 1863. (Report No. 1034.)

ADVERSE REPORTS.

Under clause 24 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

By Mr. VAN HORN, from the Committee on Invalid Pensions: A bill (H. R. 5868) to increase the pension of Caroline Smith. (Report No. 1032.)

By Mr. PATTON, from the Committee on Military Affairs: A bill (H. R. 891) for the relief of Elisha McColment. (Report No. 1027.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were severally discharged from the consideration of the following bills; which were re-referred, as follows:

A bill (H. R. 5647) for the relief of Margaret Davis—the Committee on Invalid Pensions discharged, and the same referred to the Committee on War Claims.

A bill (H. R. 7769) granting a pension to Joseph M. Hull—the Committee on Pensions discharged, and the same referred to the Committee on Invalid Pensions.

A bill (H. R. 7607) granting a pension to Jacob W. Eastman—the Committee on Invalid Pensions discharged, and the same referred to the Committee on Pensions.

A bill (H. R. 1310) to increase the pension of Riley Rains—the Committee on Invalid Pensions discharged, and the same referred to the Committee on Pensions.

BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HOPKINS of Illinois: A bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition—to the Committee on Banking and Currency.

By Mr. KRIBBS: A bill (H. R. 8002) to indemnify the sender of registered domestic mail matter lost or destroyed in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUK of Tennessee (by request): A bill (H. R. 8003) in relation to the collection of revenue—to the Committee on Ways and Means.

By Mr. SPRINGER: A bill (H. R. 8005) to authorize the holding of an international monetary congress—to the Committee on Foreign Affairs.

By Mr. HARVEY: A bill (H. R. 8006) to authorize the Sapulpa and Oklahoma City Railroad Company to construct and operate a railroad through the Indian and Oklahoma Territories, and for other purposes—to the Committee on Indian Affairs.

By Mr. BRICKNER: A bill (H. R. 8007) providing for sundry light-houses and other aids to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: A bill (H. R. 8008) to provide for the forfeiture of the quadrant lands within the grant of the Oregon Central Railroad Company in the State of Oregon—to the Committee on the Public Lands.

By Mr. WHEELER of Alabama: A resolution asking the appointment of a Select Committee on the Smithsonian Institute—to the Committee on Rules.

By Mr. O'NEIL of Massachusetts: A resolution that the Committee on Printing be directed to examine and report on the merits of the Workman patent for binding books—to the Committee on Rules.

By Mr. MCKAIG: A joint resolution of the General Assembly of Maryland, requesting the Senators and Representatives of Maryland in Congress to use every effort to secure the passage of Senate bill No. 67, transferring Revenue Marine Service from the Treasury Department to the Naval Department—to the Committee on Naval Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ALEXANDER: A bill (H. R. 8009) for the relief of Thomas McBryde, of Robeson County, N. C.—to the Committee on War Claims.

By Mr. BANKHEAD: A bill (H. R. 8010) for the relief of John

W. Black, Halesville, Winston County, Ala.—to the Committee on War Claims.

By Mr. BELKNAP: A bill (H. R. 8011) granting a pension to Lodusky Thompson—to the Committee on Invalid Pensions.

By Mr. BRANCH: A bill (H. R. 8012) for the relief of J. E. Merriam—to the Committee on Claims.

By Mr. BYRNS: A bill (H. R. 8013) granting a pension to Pinckney Huddleston—to the Committee on Pensions.

Also, a bill (H. R. 8014) amending the military record of Charles Barry—to the Committee on Military Affairs.

By Mr. COX of Tennessee: A bill (H. R. 8015) for the relief of Snowden B. Herbert, of Lawrence County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 8016) for the relief of John M. Bryan—to the Committee on War Claims.

By Mr. HAYES of Iowa: A bill (H. R. 8017) granting a pension to Elizabeth Voss—to the Committee on Invalid Pensions.

By Mr. HARVEY: A bill (H. R. 8018) for the relief of Horace J. Rowell, alias Morris Rowe, late a private of Company G, Thirty-first New York Volunteers—to the Committee on Military Affairs.

By Mr. HOOKER of Mississippi: A bill (H. R. 8019) for the relief of Lewis Jones, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. LITTLE (by request): A bill (H. R. 8020) for the relief of Marie Damainville—to the Committee on Invalid Pensions.

By Mr. MCKAIG: A bill (H. R. 8021) for the relief of John A. Lemaster, of Washington County, Md.—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8022) for the relief of the estate of Mathew Brown, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8023) for the relief of William J. Bishop, of Fayette County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8024) for the relief of John D. Ussery, of Hardeman County, Tenn.—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 8025) for the relief of William A. Franklin, executor of J. B. Franklin, deceased, of Hardeman County, Tenn.—to the Committee on War Claims.

By Mr. SHIVELY: A bill (H. R. 8026) granting a pension to William H. Loyd—to the Committee on Invalid Pensions.

By Mr. WRIGHT (by request): A bill (H. R. 8027) for the relief of John W. Raley—to the Committee on War Claims.

Also (by request), a bill (H. R. 8028) for the relief of St. Mary County, Md.—to the Committee on War Claims.

Also (by request), a bill (H. R. 8029) for the relief of George L. Raley—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8030) for the relief of the heirs of Lieut. Commander Wilson McGunnegle, United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 8031) for the relief of Thomas M. Hobbs, of Limestone County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of 29 citizens of Boston, Mass., in favor of a sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BELKNAP: Petition in support of House bill 5956, to increase tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

By Mr. BELTZHOVER: Petition of Riverside Council, No. 87, Junior Order United American Mechanics, for amendment to the Constitution against passage of State laws regulating establishment of any religion, etc.—to the Committee on the Judiciary.

Also, petition of Valentine Sauppe, to have his claim referred to the Court of Claims under the Bowman act—to the Committee on War Claims.

Also, petition of citizens of Oakville, Pa., asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOWERS: Petition of 56 citizens of California, against exportation of alcoholic liquors to Africa—to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKSHIRE: Papers to accompany House bill 6192, to pension J. A. Walters—to the Committee on Invalid Pensions.

By Mr. BUCHANAN of New Jersey: Petition of citizens of New Jersey, in regard to the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPEHART: Petition of Wolf Post, No. 102, Grand Army of the Republic, of West Virginia, asking for the passage

of the Wheeler bill for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. CATE: Papers in claim of Mary E. Whitehead and others, heirs of A. G. Clements, of Helena, Ark.—to the Committee on War Claims.

By Mr. CHILMAN: Petition of J. H. Munro and others, of Detroit, Mich., in favor of an amendment to the Constitution prohibiting the appropriation by States to religious sects—to the Committee on the Judiciary.

By Mr. COOLIDGE: Petitions praying for the enactment of a law by Congress, subjecting oleomargarine to the provisions of the laws of the several States; which were referred to the Committee on Agriculture, as follows:

Lucien Gove and 24 other citizens of East Templeton, Mass.

J. E. Seacord and 20 other citizens of Lenox, Mass.

O. E. Tyler and 25 other citizens of Hubbardston, Mass.

A. E. Hawkins and 22 other citizens of Lancaster, Mass.

A. C. Stodard and 35 other citizens of New Brookfield, Mass.

A. H. King and 11 other citizens of Brookfield, Mass.

F. A. Howland and 25 other citizens of South Westport, Mass.

J. B. Harlow and 16 other citizens of Howard, Mass.

G. L. Clemence and 23 other citizens of Southbridge, Mass.

Charles A. Judd and 28 other members of M. C. V. Grange, South Hadley, Mass.

E. D. Howe and 23 other citizens of Marlboro, Mass.

C. A. Demer and 16 other citizens of Peppenville, Mass.

H. W. Nichols and 35 other citizens of Massachusetts.

By Mr. CRAIG of Pennsylvania: Petition of 18 citizens of Washington County, Pa., of the Reformed Presbyterian Church of Millers Run, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 21 citizens of Fayette County, Pa., favoring amendment to the Constitution prohibiting any State from passing any law establishing religion—to the Committee on the Judiciary.

Also, petition of 230 citizens of Washington County, Pa., in favor of House bill 401, known as the Stone immigration bill—to the Select Committee on Immigration and Naturalization.

Also, petition of churches of Cannonsburg, Pa., representing 1,200 members, in favor of closing the gates of the Columbian Exposition on the Sabbath, and in favor of prohibiting the sale of intoxicating liquors on its grounds, and in favor of having its art department conducted according to the American standard of purity—to the Select Committee on the Columbian Exposition.

Also, petition of Layton Council, No. 343, Order of United American Mechanics, of Fayette County, Pa., favoring law recommended by the Committee on the Judiciary, to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CRAIN of Texas: Papers in claim of Emily W. Booth, of Jefferson County, Miss.—to the Committee on War Claims.

By Mr. CROSBY: Petition of the Congregational Church in Hinsdale, Mass., praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of Chamber of Commerce of Pittsburg, Pa., for establishment of a Government telegraph system in the post-offices of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. DE FOREST (by request): Two petitions of citizens of Watertown, Conn., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Bethlehem Grange, No. 121, of Connecticut, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, for free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, for defining pure lard—to the Committee on Ways and Means.

Also, three petitions of the same body, against adulteration of food, against gambling in farm products, and favoring encouragement of silk culture—to the Committee on Agriculture.

Mr. FITHIAN: Petition of Friendship Grange, No. 697, of Illinois, in regard to pure lard—to the Committee on Ways and Means.

Also, two petitions of the same body, in favor of pure food and against gambling in farm products—to the Committee on Agriculture.

By Mr. GILLESPIE: Petition of Charles Butler and others, of Lawrence County, Pa., praying for passage of act amending the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of Grange No. 126, of Pennsylvania, asking legislation in regard to pure lard—to the Committee on Ways and Means.

Also, petition of the same body, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, against gambling in farm products—to the Committee on Agriculture.

Also, petition of Grange No. 370, of Pennsylvania, asking definition of pure lard, etc.—to the Committee on Ways and Means.

Also, petition of the same body, in favor of free mail delivery to rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, two petitions of the same body, for encouragement of silk culture and against gambling in farm products—to the Committee on Agriculture.

By Mr. HALVORSON: Papers to accompany House bill 7969—to the Committee on Claims.

By Mr. HARE: Petition of Thomas S. Falkner and 45 others, of Tiffin, Ohio, for passage of House bill 401, amending the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of J. S. Blair and 50 others, of Rushsylvania, Ohio, in regard to the National Exposition—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Petition of people in Lane County, Oregon, for passage of the Washburn-Hatch antioption bill—to the Committee on Agriculture.

Also, petition of Hillsboro Grange, No. 73, of Oregon, for free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, in regard to pure lard—to the Committee on Ways and Means.

Also, three petitions of the same body, in favor of silk culture, for pure food, and against gambling in farm products—to the Committee on Agriculture.

By Mr. HOOKER of Mississippi: Petition of William Whitaker, of Warren County, Miss., to have his claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. HULL: Petition of Hon. George W. Crozier and 33 others, of Marion County, Iowa, against passage of a general bankruptcy act—to the Committee on Banking and Currency.

By Mr. JOHNSON of North Dakota: Petition of O. C. Olsen and 40 other citizens, of Hope Township, Cavalier County, N. Dak., to regulate option trading in agricultural products—to the Committee on Agriculture.

By Mr. KRIBBS: Petition of 37 citizens of Houtzdale, Pa., for a constitutional amendment prohibiting States from establishing any form of religion, etc.—to the Committee on the Judiciary.

By Mr. KYLE: Petition of J. N. Brown and others, of De Soto County, Miss., against the Brosius bill (H. R. 395)—to the Committee on Agriculture.

By Mr. LOCKWOOD: Petition of vessel-owners and others, regarding the Chicago River—to the Committee on Rivers and Harbors.

By Mr. LODGE: Petition of 39 citizens of Wakefield, Mass., for the passage of the bill to pension Mrs. C. R. Hamilton—to the Committee on Invalid Pensions.

Also, petition of Mrs. C. R. Hamilton, of Wakefield, Mass., and physician's certificate, to accompany House bill 7572 for relief—to the Committee on Invalid Pensions.

By Mr. LONG: Petition for encouragement of silk culture, from Grange No. 12, of Minneapolis, Minn.—to the Committee on Agriculture.

Also, petition of J. F. Odom, Jessie A. Jones, and 26 others, of Cherokee County, Tex., in favor of Ocala demands—to the Committee on Indian Affairs.

By Mr. MCKINNEY: Petition of citizens of South Newmarket, N. H., in regard to the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. MEREDITH: Petition of John W. Martin, Loudoun County, Va., praying that his claim for stores and supplies taken by the military forces of the United States may be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MILLER: Petition of citizens of Winnebago, Wis., in regard to duty on barley—to the Committee on Ways and Means.

By Mr. MILLIKEN (by request): Claim of Cyrenus B. Downes—to the Committee on War Claims.

By Mr. O'NEILL of Pennsylvania: Petition of citizens of Philadelphia, Pa., asking for an amendment to the Constitution of the United States preventing States from passing laws on religion, etc.—to the Committee on the Judiciary.

Also, petition of the Ninth Presbyterian Church of Philadelphia, Pa., against appropriation to the World's Fair unless closed

on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OUTHWAITE: Petition of Henry C. Burr Post, No. 711, Grand Army of the Republic, Department of Ohio, to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. OWENS: Petition of citizens of Muskingum County, Ohio, in regard to national expositions, etc.—to the Select Committee on the Columbian Exposition.

By Mr. PATTERSON of Tennessee: Eight petitions of citizens of Hardeman County, Tenn., against the Brosius lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. PEARSON: Petition of the Woman's Christian Temperance Union, of the Seventeenth district of Ohio, bearing 124 signatures, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. RAYNER: Petition for relief of Airhart Winters, under act of March 3, 1883—to the Committee on War Claims.

By Mr. ROBINSON of Pennsylvania: Petition of 21 citizens of Pennsylvania, for enactment of law subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. ROCKWELL: Petition of Stephen Brunner and 125 others, of Ithaca, N. Y., in favor of an amendment to the Constitution, for prohibiting the States from passing any law respecting the establishment of religion or prohibiting the free exercise thereof—to the Committee on the Judiciary.

By Mr. RUSK: Petition of the Board of Trade of Baltimore in regard to the Life-Saving Service, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. SIMPSON: Petition of Grange No. 521, of New York, in favor of pure lard—to the Committee on Ways and Means.

Also, petition of the same body, in regard to legal-tender currency—to the Committee on Banking and Currency.

Also, two petitions of the same body, favoring pure food and against gambling in farm products—to the Committee on Agriculture.

Also, petition for appropriation for irrigation in Western Kansas—to the Select Committee on Irrigation of Arid Lands in the United States.

Also, petition of 600 members of the Methodist Episcopal Church, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SNODGRASS: Petition of the Woman's Christian Temperance Union from Tennessee, bearing 949 signatures, in favor of closing expositions on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Petition of citizens of Crawford County, for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Crawford County, for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition for passage of act to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania, for amendment to the Constitution prohibiting the establishment of religion, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Pennsylvania, for the passage of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania, for the passage of an act restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. TOWNSEND: Petition of Dry Creek Valley Grange, No. 90, of Colorado, for free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, for pure lard—to the Committee on Ways and Means.

Also, three petitions of the same body, for pure food, for encouragement of silk culture, and against gambling in farm products—to the Committee on Agriculture.

By Mr. WALKER of Massachusetts: Petition of Grand Army of the Republic Post No. 28, of Massachusetts, in regard to battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WHEELER of Michigan: Petition of the Woman's Christian Temperance Union of Marion, Mich., against any exposition being opened on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Washington: Petition of Seattle Branch, Stonecutters' Association of North America, relative to construction of public buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of West Virginia: Papers in the claim of David S. Pinnell, for pension—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 9, 1892.

The House met at 12 o'clock m. The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O, Eternal God, we are again come to pay mournful tribute of our respect and affection to the memory of a late member of this House, who has passed behind the veil which hides the invisible world. We commend to thy fatherly compassion and tenderness the wife and children bereaved by this death. Comfort and provide for them in their extremity, and let them find Thee a husband to the widow and a father to the fatherless. Bring home to the hearts of all upon this floor a solemn sense that somewhere in the waste of years ahead there lurks the solemn shadow which shall carry us to the same world of reality and substance beyond this world of fleeting shadows. Help us wisely, faithfully, and reverently to look towards Thee with a keen and vivid consciousness as to our duty, with large and kindly charity to our fellow-men, and to walk this earth so that at the last we shall come to Thine eternal kingdom in heaven, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BINDING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

The SPEAKER laid before the House a letter from the Secretary of State, recommending an amendment to the bill (S. 1549) providing for the public printing and binding and the distribution of public documents; which was referred to the Committee on Printing, and ordered to be printed.

LIGHT STATION AT CEDAR RIVER, MICH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, stating that the engineer of the ninth light-house district reports that he will have a balance of \$9,000 left from the construction of the light station at Cedar River, Mich., and recommending that this balance be used for additional expenditures for the light stations at Seul Choix Pointe and Chicago, Ill., also that an additional appropriation of \$10,000 be made for the latter; which was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting copies of the findings of the court on the French spoliation claims arising out of the seizure of the vessels the brig Caroline and the schooner Phoenix; which was referred to the Committee on Claims, and ordered to be printed.

JOHN B. MEIGS.

The SPEAKER also laid before the House the bill (S. 2351) granting a pension to John B. Meigs; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. HARTER, for one week, on account of important business.

To Mr. HAYNES of Ohio, for ten days, on account of important business.

STATUE OF PÈRE MARQUETTE.

Mr. WEADOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 107) authorizing the State of Wisconsin to place in Statuary Hall at the Capitol the statue of Père Marquette.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection.

The joint resolution was read, as follows:

Resolved, etc. That the State of Wisconsin be, and is hereby, authorized and granted the privilege of placing in Statuary Hall at the Capitol the statue of Père Marquette, the faithful missionary, whose work among the Indians and explorations within the borders of said State in early days are recognized all over the civilized world.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was agreed to.

On motion of Mr. WEADOCK, a motion to reconsider the last vote was laid on the table.

INTERNATIONAL MONETARY CONGRESS.

Mr. MCCREARY. Mr. Speaker, it is known that our colleague the Hon. WILLIAM M. SPRINGER is prevented from being present in the House of Representatives on account of ill-health. By his request I yesterday introduced a bill to authorize an international monetary conference, to be held at Chicago in the year 1893. I have received from Mr. SPRINGER a written argument in regard to his bill, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. The gentleman from Kentucky [Mr. McCREARY], in behalf of the gentleman from Illinois [Mr. SPRINGER], asks unanimous consent that a statement respecting the international monetary conference may be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

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AN INTERNATIONAL MONETARY CONFERENCE.

[By the Hon. WILLIAM M. SPRINGER, chairman of the Ways and Means Committee of the House of Representatives.]

Commerce between nations is increasing rapidly every year. The foreign commerce of the United States now amounts to nearly \$2,000,000,000 annually, while that of Great Britain exceeds \$3,500,000,000. The prodigious number of transactions which comprise such enormous aggregates can hardly be realized. The increased facilities for transportation, the constant opening of new markets, the quick communication of intelligence by telegraphs, the publication of newspapers, trade reports, and commercial statistics have brought all nations into one commercial family and established relations of mutual interest and profit.

The greatest hindrance at this time to international exchanges, next to restrictive legislation, is the want of uniformity in monetary systems and in weights and measures. The advantages of uniformity in these respects can not be overestimated. In view of the intelligence which prevails in every part of the civilized world, and of the readiness with which all new inventions are adopted and employed, it is remarkable that there is at this time such a diversity as to coinage, weights, and measures between the various governments of the earth. Each nation seems to adhere to the systems of finance and domestic commercial exchanges which have prevailed heretofore, and which served every purpose of commerce in a state of isolation. If we consider the enormous volume of trade between all nations which has grown up in modern times, it is scarcely credible that so little advance should be made in the direction of securing uniformity of monetary systems and of weights and measures. The time is coming when the interests of business and of international exchanges will demand of the lawmaking powers of the respective nations the adoption of systems of uniformity in these respects.

The celebration of the four hundredth anniversary of the discovery of America is a most appropriate occasion for the assembling of an international congress in the city of Chicago during the World's Columbian Exposition, which should have for its object, and whose duty it should be, to formulate and submit for the approval of the governments sending representatives thereto, uniform systems and nomenclatures of coinage, of weights, and of measures. At this Exposition will be exhibited the products of chief commercial importance of every civilized nation in the world. As one passes through the various buildings and beholds those products, he will find their value, their weight, and their measure expressed in different terms, so as to make comparisons almost impossible. The products in most cases will be familiar objects, but to compare them in price and quantity with the products of other countries will require a greater amount of intelligence than any one man will possess.

There will be a perfect confusion of tongues, a modern commercial tower of Babel. This difficulty, however, must serve a useful purpose, and may perhaps result in the greatest advantage which will be secured by such an exposition of the products of the world. If out of this chaos of diversity should come complete systems of uniformity by which all commercial transactions could be expressed in the same terms, the Exposition would prove the most important ever held, and the benefits to mankind would be as enduring as time itself. If an earnest effort shall be made on the part of the United States and all other governments whose products will be represented at this Exposition, it is reasonable to hope, at least, that some good result will follow, if not the complete success of this much-needed reform.

The Congress of the United States should make proper provision for the assembling of such a congress. It should be in every sense a congress—a great, open, deliberative body, composed of the ablest citizens of the respective nations of the earth. Its proceedings should be published, the same as the proceedings of our Congress, and the press should be furnished with every facility for the reporting of the debates and proceedings. It should not be limited as to the time during which its deliberations are to take place. Ample time and opportunity should be afforded for the most thorough discussion of all the topics which may come before the body.

The President should be authorized, in behalf of the United States, to invite the governments with which we maintain diplomatic relations to send representatives to this international congress. The United States should be represented by at least twenty-one delegates, seven of whom should be appointed by the President and an equal number by the President of the Senate and by the Speaker of the House of Representatives. Not more than four to be appointed by each should be members of the same political party, and they should represent as far as possible all shades of opinion upon the subject of coinage. Those appointed by the President of the Senate and the Speaker of the House of Representatives should be members of this Congress who may be members of the Fifty-third Congress also.

The President of the United States should be instructed to inform the governments with which the United States maintains diplomatic relations, that the Government of the United States earnestly desires to secure uniform systems of coinage and of weights and measures, so as to facilitate, as far as possible, exchanges of commodities and to simplify monetary transactions; that this Government especially desires an international agreement as to the relation which should be maintained between gold and silver, and uniformity in weight and fineness of the coins of each metal, and the adoption of a coin or coins that would be current at the same value in all countries of the world.

The President should be further instructed to call the attention of all such governments to the advantages which would accrue from the adoption of such uniform systems, and to say that the Government of the United States would await with deepest concern the deliberations and conclusions that might be reached by this international congress, with the earnest hope that these efforts might be crowned with success. He should further inform such governments that, in the event that no conclusion is reached which would meet the approbation of this country, the lawmaking power of the United States will then be free to adopt such measures in reference to the subjects named as may be most conducive to the welfare of the people of this country.

The calling of such an international congress will not necessarily prevent the United States from legislating upon the subject of silver coinage in the mean time. It is universally conceded, however, that, owing to the present condition of the lawmaking power of the United States, no free-coinage bill can become a law during this Congress. It is possible that a bill having this object in view could pass the House of Representatives; it is barely possible that it might pass the Senate; but here the possibilities end. The President would undoubtedly return it with his veto to the House in which it originated,

and there is no possibility of passing such a bill over Executive disapproval by the necessary two-thirds majority. Hence there will be no legislation on this subject by this Congress, which expires by limitation of law on the 3d day of March, 1893. The next Congress will not assemble in regular session until December of that year. This is the earliest period, then, at which it is possible to consider legislation which may thereafter be enacted into law in reference to the coinage of silver.

However desirable the free coinage of silver may be in the estimation of those in favor of legislation to secure that object, all efforts in that direction by this Congress will be futile. All legislative experience teaches that that which is most desirable can not always be accomplished. Therefore that which is desirable, and which at the same time may be attained, ought to be the prime object of all legislators. What, therefore, is attainable by this Congress so far as silver coinage is concerned?

The calling of an international monetary congress and the discussion which such a congress would provoke would result in the greatest benefit possible to this country and to all other countries. Such a congress would not result in suppressing silver as a political issue, but would make it a great national and international question, to be settled at the earliest time practicable upon lines as broad as possible. All persons must concede that an international agreement upon this subject, which would secure uniformity of coinage throughout the world, is the object most to be desired. With such an international agreement and uniformity all apprehensions for the future would be dispelled, and there would be perfect security as to the value of each of the metals in all parts of the world and for all time to come. Those who favor the largest use possible of both metals will recognize at once the supreme importance of such an agreement as this.

In view of the fact that this country can not secure free coinage of silver for itself, even if that were desirable, prior to the time at which such a congress would assemble and conclude its labors, what objection can any bimetalist offer to making one last and determined effort to bring about a result which would be so beneficial to mankind? But if such a congress should fail to reach a conclusion, or if the conclusion reached should not be acceptable to this country, the discussion which will have taken place will so enlighten the people of this country that when the Federal Congress assembles in December, 1893, it can enter upon the consideration of the subject with the light of the century thrown upon it. A campaign of education, as it were, will have been carried on, which must result in pointing the way to a proper solution of the question at that time.

There have been several international conferences held on the subject of coinage. There was one held at Paris in August, 1878. There were three commissioners on the part of the United States, Messrs. Reuben E. Fenton, William S. Groesbeck, and Francis A. Walker. Only nine governments were represented, namely: Austria-Hungary, Belgium, France, Italy, the Netherlands, Russia, Sweden and Norway, Switzerland, and the United States. The proceedings were conducted almost exclusively in the French language, but the secretary of the American commissioners obtained a stenographic report of the few English addresses, and these, with the journal of the conference, were transmitted to the Secretary of State of the United States.

Congress has caused the report of the commission and the journal of the conference to be printed, together with an appendix, which contains much useful information on the subject. Another international monetary conference was held in Paris in 1881. The same governments, with the exception of Russia and Italy, were represented in this conference, and also Denmark, Germany, Greece, Portugal, and Spain. The delegates on the part of the United States were William M. Everts, Allen G. Thurman, and Timothy O. Howe. The journal of the conference and report of exhibits were printed by the Secretary of State.

The Pan-American Conference, which assembled in Washington in 1890, recommended the appointment of a commission, composed of one or more delegates from each nation represented in that conference, to consider the quality and kind of currency, the uses it shall have, and the value and proportion of the international silver coin or coins, and their relations to gold. The commission met in the early part of 1891. Three commissioners were appointed on behalf of the United States, namely, Nathaniel P. Hill of Colorado, Lambert Tree of Illinois, and William A. Russell of Massachusetts. The delegates from the United States recommended that the governments represented unite in inviting a monetary conference of all the powers of the world, to be held in London or Paris, "to consider bimetalism and the equalization of gold and silver, to be fixed by international agreement, and the universal assimilation of monetary types both of gold and silver, and their legal international circulation for all purposes." A committee representing the Spanish-American Republics reported a similar recommendation.

Mr. Romero, the president of the commission and Mexican minister at Washington, submitted an amendment to both propositions, to the effect that the Government of the United States should be requested to "invite a universal conference of all civilized nations, to be held at the time it may deem desirable, to reach, if possible, an agreement upon a fixed ratio between gold and silver and the adoption of a common coin for all of said nations." After a prolonged discussion of all these propositions, the commission adopted a series of resolutions setting forth the great benefit to the commerce of the world which such an agreement would secure, and expressing the opinion that the object could be accomplished by an international agreement; but, doubting whether the desired ends could be attained at present, the concluding resolution merely expressed "the wish that before long another commission may meet, which shall reach an agreement that will secure the adoption of a uniform monetary system between the nations of America advantageous to each and all."

It remains to be seen whether the United States will make any further effort in the direction indicated.

These conferences have not brought about the objects contemplated, but they were not without beneficial results. Much more important results undoubtedly would have followed if, instead of these small conferences, there had been a great international congress, composed of two or three hundred delegates, whose deliberations would have been conducted openly, where the representatives of the press would have been present and where the widest publicity would have been given to the discussions and proceedings.

Objection to such an international congress has been made upon the ground that the great governments of Europe will oppose any agreement which will give silver a place in the coinage of the world, and that it will be impossible to attain success. It is possible that some countries may decline to send representatives to such a congress, or refuse to enter into any agreements upon the subject of coinage, of weights, or of measures. But that fact should not prevent other governments from sending such representatives or from earnestly desiring to secure uniformity in these matters. If the Latin nations of this hemisphere and of Europe should reach a conclusion satisfactory to them, it would not be many years until all the other nations of the earth would adopt their system. In any event, success will never be attained unless great and earnest efforts are made in that direction. The time has arrived, the opportunity is offered, and the holding of such an international congress ought to be favored by all who desire to promote the commercial interests of the world.

If international agreements could be reached upon the subjects indi-

cated in this article, and if such agreements should receive the approval of the great commercial nations, this achievement would be the crowning glory of the nineteenth century. But if no agreement should be reached, the education which would result from the holding of such a congress would be worth all the expense and effort that would be put forth, and would enable the representatives of our own country, when it is possible to secure results, to deal with the question of coinage in such a manner as would best promote the welfare of our own people.

WILLIAM M. SPRINGER.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate has passed with amendments the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes; in which concurrence was requested.

RIVER AND HARBOR BILL.

Mr. BLANCHARD. Mr. Speaker, I rise to make a privileged report. On behalf of the Committee on Rivers and Harbors, I report the bill (H. R. 7820) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. I ask, Mr. Speaker, that this bill be referred to the Calendar of the Committee of the Whole House on the state of the Union, and that it and the accompanying report be printed.

The Clerk read as follows:

The bill (H. R. 7820) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The bill was referred to the Calendar of the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

FREE COTTON TIES AND BAGGING.

Mr. TURNER. Mr. Speaker, I call up for consideration the tariff bill, in the consideration of which the House was engaged on yesterday.

The SPEAKER. The Chair will state to the gentleman that the regular order is the call of committees for reports. Does the gentleman ask unanimous consent to dispense with the call?

Mr. WILSON of Washington. I shall object.

Mr. TURNER. I move to dispense with the call of committees for reports.

The SPEAKER. That requires a two-thirds vote.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. WILSON of Washington. Division.

Thé House proceeded to divide, but pending the division—

Mr. TURNER said: Mr. Speaker, at the instance of and on the appeals of gentlemen on the other side I withdraw the motion to dispense with the call of committees for reports.

The SPEAKER. The regular order is the call of committees for reports, and the Clerk will call the committees.

INDIANS ON COLVILLE RESERVATION.

Mr. WILSON of Washington, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 7557) to ratify and confirm an agreement with the Indians residing on the Colville Reservation in the State of Washington, with certain modifications, and to make appropriation to carry into effect the same; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE FOR PER DIEM EMPLOYÉS.

Mr. MCCLELLAN, from the Committee on Expenditures in the Navy Department, reported back with a favorable recommendation the bill (H. R. 577) providing for leaves of absence to certain per diem employés of the Government; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title, when the Speaker signed the same:

A joint resolution (H. Res. 69) authorizing the use of the martello tower on Tybee Island, Georgia, for a signal station.

FREE COTTON TIES AND BAGGING.

Mr. TURNER. Mr. Speaker, I now call up the bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins.

The SPEAKER. The question is upon the engrossment and third reading of the bill.

Mr. TURNER. Mr. Speaker, I desire to offer one more amendment, which I send to the desk.

The amendment was read, as follows:

Amend by adding in the tenth line of the printed bill, after the word "gins," the words "and parts thereof."

Mr. ATKINSON. Mr. Speaker, I move to amend that by striking out the word "cotton-gins."

The SPEAKER. The gentleman from Georgia [Mr. TURNER] has the floor.

Mr. TURNER. Mr. Speaker, in pursuance of the arrangement which was made between the gentleman from Michigan [Mr. BURROWS] and myself on yesterday, I will not call the previous question at this time. By that arrangement the gentleman from Pennsylvania [Mr. DALZELL] was to be allowed to take the floor this morning to make such remarks as he may think fit, and to occupy such time as he desires, not to exceed one hour, and by that arrangement, if it is recognized by the House, the gentleman is entitled to proceed at this time.

Mr. ATKINSON. Mr. Speaker, I should like to offer an amendment to the amendment of the gentleman from Georgia.

The SPEAKER. The Chair thinks that the gentleman from Pennsylvania [Mr. DALZELL], being a member of the committee, is entitled to recognition.

Mr. ATKINSON. I would like to have my amendment received at the appropriate time.

Mr. TURNER. We will consider that hereafter, Mr. Speaker.

Mr. DALZELL. Mr. Chairman, I feel under obligations to my friend from Georgia [Mr. TURNER] for the courtesy extended to me in being allowed to say a few words this morning in connection with the bill now before the House. I had not expected to delay the House or the committee longer upon this subject, as I included in the remarks I made last week, and which were published in the RECORD, substantially what I had to say about this bill. As it is understood, however, that I am to say something, I beg now to call attention very briefly to several of its distinguishing features as a tariff measure.

In the first place I call the attention of the House to the fact that the language of the bill is sufficiently broad to admit many other iron and steel products than mere cotton-ties. The language is "all hoop or band iron, or hoop or band steel, cut to length." Now, I have in my hand a protest from the American Manufacturing Company, a large number of copies of which have come into the possession of members of the House, which really embodies in brief terms all that I care to say upon this subject:

Under the pretense of providing free cotton-ties, the Ways and Means Committee has reported favorably a bill called the Turner bill, which makes all hoop and band iron free. As band iron technically includes everything from a foot wide and an inch thick down, you will readily see that this bill will make free of duty a very large proportion of the manufactured iron used in the United States, this proportion, excluding steel rails, being estimated from 25 to 40 per cent of the estimated quantity of iron used.

The fact is, therefore, that under this seemingly innocent bill you are making an attack upon the existing tariff law which will affect a number of schedules impossible now of anticipation, and introduce complications into the administration of the tariff law, the effect of which it is impossible now to forecast. I have just been handed a letter by one of my colleagues which accentuates and emphasizes this proposition. It is from iron manufacturers in the city of Cincinnati, and the writers say:

This bill is ostensibly to make cotton-ties free, but as a matter of fact it makes all hoop and band iron free. These terms are so loose and general that they would allow a large proportion of the manufactured iron of the country to come in free of duty. Its effect would be practically to wipe out a good part of the present protective tariff on manufactured iron. This bill seriously threatens one of the great industries of the country.

This is simply a repetition of the proposition I advanced a few moments ago.

Mr. TURNER. Will the gentleman pardon a suggestion?

Mr. DALZELL. Yes, sir.

Mr. TURNER. What is the date of the letter from which the gentleman has read?

Mr. DALZELL. March 12 of this year.

Mr. TURNER. I will state that since that letter was written—perhaps in the absence of the gentleman from Pennsylvania—this bill has been amended so as to obviate the objection that has been raised in the letter.

Mr. DALZELL. I understood, as my friend from Georgia now states, that the bill had been amended; but does not my friend from Georgia still retain in the bill the opening words with reference to this subject, "and also hoop or band iron or hoop or band steel cut to length"?

Mr. TURNER. Yes, sir.

Mr. DALZELL. Then I submit—

Mr. TURNER. But the gentleman has not finished the clause. The scope of the provision will appear more fully by reading the entire clause. As the gentleman has not the amendment, I will read it:

And also hoop or band iron, or hoop or band steel cut to length, or wholly or partially manufactured into hoops or ties for baling purposes, with or without buckles or fastenings.

Mr. DALZELL. Yes, but the language still remains, "hoop or band iron or hoop or band steel."

Mr. TURNER. "Cut to length."

Mr. DALZELL. Very well. It does not seem to me, with all deference to my friend from Georgia, that the difficulty in the administration of the tariff law is at all obviated by the amendment to which the gentleman referred. There will still come in under the terms of the bill as it now stands "hoop or band iron or hoop or band steel cut to length;" and "hoop or band iron or hoop or band steel" means technically everything from a foot wide and an inch thick down.

Mr. TURNER. But the words "cut to length" are taken from the present law, and relate back to the first words in the clause.

Mr. DALZELL. Exactly so; still, the difficulty is not obviated so long as you may import hoop or band iron—

Mr. TURNER. "Cut to length."

Mr. DALZELL. "Hoop or band iron," which may mean iron a foot wide and an inch thick, whether cut to length or not cut to length, because—

Mr. TURNER. Is that kind of iron used for baling purposes?

Mr. DALZELL. Not at all.

Mr. TURNER. But the bill requires that if imported under this provision it shall be used for that purpose.

Mr. DALZELL. I do not so understand the grammatical construction of the bill. It seems to me if the gentleman means that, the bill ought to be still further amended—

Mr. TURNER. That is exactly the language of the present law, and it is the language understood at the Treasury Department.

Mr. DALZELL. Then I will ask the gentleman this question: Does he understand that this bill as it now stands will not affect the manufacture of hoop and band iron in this country?

Mr. TURNER. It will to this extent: The hoop or band iron specified, and between the two gauges mentioned in the act, and to be used for baling purposes, will be affected by the bill.

Mr. DALZELL. Then the hoop or band iron that a man wants to import for a specific purpose may be imported free of duty; but the same thing imported for another purpose will be subject to duty. Is that right?

Mr. TURNER. Then there is no issue between the gentleman and myself on that point.

Mr. DALZELL. I asked you whether that is so.

Mr. TURNER. That is so.

Mr. DALZELL. Then the gentleman means to say that the effect of the law will be this: If I see fit to introduce into this country hoop or band iron for the specific purpose named, it can come in free; but if I see fit to import the same article for another purpose, then it must come in loaded with a duty.

Mr. TURNER. Yes, sir.

Mr. DALZELL. That is true?

Mr. TURNER. I agree with the gentleman on that point.

Mr. DALZELL. So that a man who imports hoop or band iron for a purpose to which it can not be devoted except south of Mason and Dixon's line may bring in his hoop or band iron free of duty; but if my constituents, living north of Mason and Dixon's line and having no cotton to tie, see fit to import precisely the same article for some other purpose, they must pay a duty.

Does my friend from Georgia undertake to justify on this floor or on any floor or from any platform legislation which, in its operation, divides this country into sections by drawing a territorial line?

Because if he does then I appeal to the House that the principle is a bad one; that his declaration is in favor of sectional legislation, unworthy of us and of the great purposes for which national legislation is intended, inconsistent with the principles that ought to inspire us as legislators, being legislation for a section as against the interests of the entire country.

Mr. MONTGOMERY. Will the gentleman allow me to make this suggestion to him: that this bill covers the ties that are used in baling hay as well as those used in baling cotton. Does he not know that other sections of the country than the South raise hay?

Mr. DALZELL. I care not to what other purposes they may be applied. It is sufficient to support my proposition that the bill proposes that if I see fit to import an article for one purpose it shall come into the country free of duty, whereas if I import it for another purpose, the identical article, it shall pay a duty; and in this case I have stated that the purpose for which these ties come in free is a purpose for which they can be employed only in a certain section of the country.

Mr. MONTGOMERY. Is there no hay raised anywhere else than in the South?

Mr. DALZELL. Undoubtedly; but the gentleman knows very well that that has nothing to do with this bill.

Mr. DINGLEY. But wire is used for the purpose of baling hay.

Mr. MONTGOMERY. And these ties are used for that purpose also.

Mr. McMILLIN. As I understand the gentleman from Pennsylvania, he is complaining that by the provisions of the pending bill this material, if imported for one purpose pays a duty, and if for another purpose comes in free. I want to suggest to him that that is the very thing that was done in regard to salt and a number of other things carried in the law heretofore in force. This provision, then, is by no means a new one. If a farmer, for instance, wants to import salt for packing his pork, he is compelled to pay a tax upon it, whereas if the fisherman living along the Eastern coast desires to import the same commodity for the purpose of packing his fish it comes in free.

Mr. DALZELL. I am glad, Mr. Speaker, to find that when the gentleman from Tennessee wants an argument to sustain a proposition in regard to the tariff he is willing to go to the McKinley bill.

Mr. McMILLIN. I did not go to the McKinley bill for this illustration. There is nothing that I would go there for willingly.

Mr. DALZELL. Then what the gentleman states with respect to the duty on salt is not the existing law if it is not in the McKinley bill.

Mr. McMILLIN. That was the law before the passage of that bill.

Mr. DALZELL. I am talking now of the law as it is, or as it is to be; and the distinction against which I inveigh, in the case of salt, the case cited by the gentleman from Tennessee, was stricken out by the McKinley bill.

Mr. HOPKINS of Illinois. If the gentleman from Pennsylvania will allow me to make a suggestion, the tariff on salt is not a sectional one; that is to say, that the same rates apply to the farmer of Michigan as in Tennessee or anywhere else.

Mr. MONTGOMERY. And so do the provisions of this bill. Mr. OUTHWAITE. Will the gentleman from Pennsylvania allow me to ask if the tariff law is not sectional with regard to all kinds of materials that enter into the construction of ships, and whether that provision of the law was not intended for the express benefit of the Northern and Eastern shipbuilders?

Mr. DINGLEY. Wherever ships are built, whether it be South or North, the same provision prevails.

Mr. OUTHWAITE. I know that, but the industry prevails in the North.

Mr. DINGLEY. And it is prevailing in the South, too. I attended the launching of a steamship in Virginia myself but a few days ago.

Mr. OUTHWAITE. There was no such industry when that bill was passed.

Mr. DINGLEY. Well, it ought to be all over the country. If the bill had the effect of establishing the industry there, it was a good thing.

Mr. OUTHWAITE. Let me ask the gentleman this further question: Whether hay is not raised in the North to a greater extent than in the South?

Mr. DINGLEY. But wire is used for baling hay, and not hoop iron.

Mr. OUTHWAITE. That is partly correct, and partly not correct.

Mr. DALZELL. In answer to the first question of the gentleman from Ohio there is no analogy whatever between cotton and ships. There is nothing to prevent the building of ships anywhere in the country, wherever people choose to embark in the business, and if the law can be so made as to encourage their building south of Mason and Dixon's line I believe it will be good for the entire country. But so far as hay is concerned, I never heard of these ties being used for baling it.

Mr. OUTHWAITE. Do not they use these ties even in Massachusetts for putting up cotton and other merchandise in bales?

Mr. DALZELL. And so far as the gentleman from Tennessee is concerned, and the principle invoked by him, I care not how many instances he may cite, they afford only the stronger argument against the principle which I am combating, that is, legislation for the benefit of one section of the country as against another section of the country.

Neither two wrongs nor two thousand of them ever make a right. Now, this is not only, according to the confession of the author of the bill, a sectional bill, but it is a bill that no man can justify upon any sound principle of tariff legislation. You propose to keep the duty on iron ore. You propose to keep the duty on coal. You propose to keep the duty on pig iron, on blooms, on sheets, and then, when you come to the last finished product of all, the result of many processes and the result of many kinds of labor, you propose to make it free.

Whoever heard of tariff legislation upon such a principle as that? Raw materials loaded with duties, and the finished product free! I defy any man, I care not who he be, to rise on the floor of this House and defend that proposition as consistent with sound principles in tariff legislation.

But more than that. This bill is a direct blow at an existing American industry. It is a proposition to close the hoop and band mills of this country; and if you will turn to the report of the minority of the committee, you will find a list of twenty-one establishments in which hoop and band iron or steel are manufactured. Twenty-one establishments, some of them in the South, that have grown up under the policy of protection, that have cheapened the product to the American consumer, that have made use of American capital and given employment to American labor, and all with advantage, as I have said, to the buyer in our own market.

These industries you propose by this bill to strike down. You propose to put their product on the free list and to bring our laborers, employed in those mills, into competition with those who get less wages, and our capitalists into competition with those whose products cost less, and who have the ability, therefore, to run our product out of our market.

Not only that, but the result of the McKinley bill, brief as its life has been, has already demonstrated that its effect will be to rehabilitate an American industry. Under the act of 1883, cotton-ties bore a duty of 35 per cent.

Under the act of 1890 we added two-tenths of a cent per pound on the hoop iron or steel from which they are made. Now, what has been the result, I ask you as a matter of experience, of the operation of those two laws? Under the act of 1883, under insufficient protection, the cotton-ties of the South were made across the water, not by American manufacturers.

Until the passage of the McKinley bill we had not for many years past made to exceed 2 per cent of the quantity of cotton-ties in use in this country. Let me call your attention to the importations. On page 9 of the minority report of the committee you will find that the importations of cotton-ties increased from 15,641 tons in 1884 to 30,305 tons in 1888.

I find, upon inquiry made of the statistician of the Treasury Department, that in the fiscal year 1891 the importations for consumption were, under the old tariff law, at 35 per cent ad valorem, 29,868,048 pounds, of a value of \$456,981.67, whereas the importations at the rate of the new law amounted only to 1,522,113 pounds, of a value of \$23,984. And this is supplemented by the fact that all over this country the hoop and band iron and steel mills that were equipped prior to the passage of the law so as to be able to make cotton-ties have resumed the making of them.

Not only that, but additional mills have been erected. Additional mills have been equipped and a number of them in the Southern country; three of them in the State of Texas, one at Denison, one at Jefferson, and one at Tyler, all inviting the investment of American capital and giving employment to American labor, to furnish the American market with an American cotton-tie. And this has been done without any increase of price.

Mr. CLARKE of Alabama. May I ask the gentleman a question?

Mr. DALZELL. Certainly.

Mr. CLARKE of Alabama. The cotton crop of the year 1889 was packed with iron ties at an average cost of \$1.15. I take this, I will say to the gentleman, from the daily commercial quotations of the New Orleans papers. Upon the passage of the McKinley bill the price of iron ties rose from \$1.25 per bundle on the 1st of September to \$1.40 on the 1st of November; and the cotton crop of the year 1890 was packed with iron ties that cost at wholesale in the city of New Orleans \$1.35 a bundle as against \$1.15 a bundle for the year 1889. And 2,000,000 laborers in the cotton fields have had to pay \$270,000 additional price for their cotton-ties for the year 1890, whereas the whole wages of all the men who are employed in making those ties could not have exceeded \$80,000.

Mr. SIMPSON. Those 2,000,000 laborers are colored men.

Mr. CLARKE of Alabama. Many of them are colored men.

Mr. SIMPSON. And Republicans?

Mr. DALZELL. Let me ask the gentleman from Alabama [Mr. CLARKE] whether those are the prices at the mill or the prices after they have passed through the hands of the middlemen?

Mr. CLARKE of Alabama. They are the wholesale prices, by carload lots, in the city of New Orleans, and both quotations are upon the same basis. That is, the quotations for the year 1889 were upon the same basis as those for the year 1890, being for carload lots in the city of New Orleans.

As a matter of fact the increase to the planter was greater, for the increase to the buyer of the carload lot in the city of New Orleans being 15 cents per bundle, that to the planter was more than 15 cents, for naturally the man who bought the carload lot had to have a profit on his additional 15 cents.

Mr. DALZELL. Now, I will say to my friend from Alabama this—

Mr. CLARKE of Alabama. One moment. There are a half dozen, and probably more, gentlemen upon this floor who are practical cotton-planters. There is not one of them who will not substantiate my statement that since the passage of the McKinley bill he has paid largely more for cotton-ties than ever before.

Mr. DALZELL. I will say in reply to the gentleman from Alabama that of course there must be, there always will be, somewhat of a difference in the cost of such an article as cotton-ties, accordingly as you take the price at one point or at another. That is to say, the freight will enter into consideration somewhat.

Mr. CLARKE of Alabama. Well, the freight—

Mr. DALZELL. I am not through. I will say also to the gentleman that the figures that are given to me, and which I consider reliable, the authorship of which I will give to the gentleman, do not verify his statement; and that, therefore, there will probably be an essential difference as to our views. But I will come to that question in a moment.

Mr. CLARKE of Alabama. If the gentleman will examine the files of papers in the Congressional Library, he will find the daily commercial quotations as I have stated them. Now, it is not likely that a great paper in a city like New Orleans would give false quotations.

Mr. BOUTELLE. That is not the most reliable source.

Mr. CLARKE of Alabama. If the gentleman from Maine is the editor of a paper, he may have such views, but I have not. [Laughter.]

Mr. BOUTELLE. That is exactly why I do know that it is not the most reliable source.

Mr. CLARKE of Alabama. I have no doubt of it, but I am speaking of the New Orleans papers and not of your paper.

Mr. BOUTELLE. That is very smart.

Mr. CLARKE of Alabama. I am glad you think so.

Mr. DALZELL. Now, if my friends will give me a show—

Mr. CLARKE of Alabama. Certainly. I am much obliged to the gentleman for his courtesy.

Mr. DALZELL. It is true undoubtedly, I would ordinarily take a newspaper quotation—

Mr. MOORE. Will the gentleman yield to me for a question? The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. DALZELL. Certainly; but I am not through answering the gentleman from Alabama yet.

Mr. MOORE. I apprehend that there must be some mistake. I find the figures as they are in the minority report as to the value of these ties which you now speak of being cheaper under the McKinley bill; that is taken upon the face of your own report. Now, for an instance, you refer on page 8 of your report—

Mr. DALZELL. Now, my friend must pardon me. I can not yield to him for a speech.

Mr. MOORE. I just want to call your attention—

Mr. DALZELL. But you are going on with a speech.

Mr. MOORE. Now, let me make a single suggestion. In your minority report you give these quotations:

1891.		1892.	
January	No sales.	January (out of season)	1.07
February (out of season)	1.10	February (out of season)	No sales.

The meaning of that is this—

Mr. DALZELL. But, Mr. Speaker, I can not allow the gentleman to inject a speech.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania declines to yield.

Mr. DALZELL. I am perfectly willing to answer any question.

Mr. MOORE. It is part of the minority report. That, I submit—

Mr. DALZELL. I submit to the gentleman that it is not fair to me. I have only a few minutes.

Mr. MOORE. Then will the gentleman allow me to ask him a single question?

Mr. DALZELL. Why, certainly.

Mr. MOORE. If making cotton-ties free makes it a sectional matter would not a prohibitive tariff make it equally a sectional matter? That is exactly what your tariff does.

Mr. DALZELL. Now, Mr. Speaker, coming back to my friend from Alabama [Mr. CLARKE], I would say that I have no doubt there are divergencies and variances in the rates as to prices.

If we should take the newspapers in the different sections of the country—I will concede them all to be reliable—we will find that these variances exist. But I call his attention—and he cites the cotton-planters, who are good authority, of course, but an equally good authority, let me suggest to the gentleman, are the people who make and sell cotton-ties—to what I have here. The Bristol Rolling Mill Company gives the price at their mill, standard iron-arrow cotton-ties, from June, 1890, to February, 1892, in

a table of prices. The prices are by the bundle of 50 pounds, but I will not stop to read them.

The gentleman will find these prices on page 8 of the minority report, following the passage of the McKinley bill and the month before September, and, going back perhaps a little further (which would be fair, taking the time into consideration during which the bill was under debate), the prices are given in March, April, May, June, and July, \$1.22½.

Mr. CLARKE of Alabama. Now, one moment. Will the gentleman excuse me while I look for those prices?

Mr. DALZELL. July at \$1.22½.

Mr. CLARKE of Alabama. Now, I say to the gentleman that during each of those months in 1890—

Mr. DALZELL. Just one moment, you understand—

Mr. CLARKE of Alabama. I understand that we are speaking of the effect of the McKinley bill upon the prices of cotton-ties in the summer of 1890.

Mr. DALZELL. True.

Mr. CLARKE of Alabama. Now, during each of those months in 1890, in March, April, May, June, and July, August, and September, the price of cotton-ties was \$1.25 a bundle in New Orleans.

Mr. DALZELL. That is a difference of 2½ cents from the figures I have given.

Mr. CLARKE of Alabama. Well, that was an advance. I suppose necessarily they sell for a little more there than at the mills.

Mr. DALZELL. Oh, yes.

Mr. CLARKE of Alabama. Now, bear in mind that when cotton-ties were at that figure there was no cotton of the preceding crop that had not been packed. That crop had been packed at \$1.15 per bundle for ties. As I stated before, on the 1st day of September the quotation was \$1.25, on the 1st of October, \$1.40, and thereafter, \$1.35, up to the 29th day of November, when the great bulk of the crop of 1890 had been packed at \$1.35.

Mr. HAUGEN. What is the price now?

Mr. CLARKE of Alabama. The price now is \$1.25, and since that time it never has been less than \$1.25.

Mr. DALZELL. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has twenty-five minutes of his hour remaining.

Mr. DALZELL. To resume—and about the variance in price I will say something in a moment—in August, according to my figures, according to the figures of the Bristol Mill, the price was \$1.20; in September, \$1.15; in October, \$1.15; in November, \$1.12; in December, \$1.10; in January, no sales; in February, \$1.10; in January, 1892 (no sales), \$1.07½.

Now, of course the price of cotton-ties will vary largely under any circumstances, tariff or no tariff, with the output, or the aggregate of the cotton crop. That must be taken into consideration.

Mr. CLARKE of Alabama. But bear in mind that the cotton crop of 1889 was very nearly as large as that of 1890.

Mr. DALZELL. Yes, but I am simply laying down now a general proposition to be borne in mind in this discussion, namely, that the amount of the crop and the consequent demand will, as a matter of course, have considerable influence on the price of cotton-ties.

Mr. CLARKE of Alabama. I do not question that.

Mr. DALZELL. And there are various things aside from the tariff that will go to affect the price of cotton-ties or any other commodity. I have given the figures of one mill. Now, I have here a letter from a very reputable firm having quite an extensive factory in my own city of Pittsburg, in which they say under date of February 22, 1892:

A bundle of standard arrow cotton-ties weighs 50 pounds, and the prices of the same the past season were fully 5 cents per bundle less than in the years 1889 and 1890 before the McKinley bill became a law. Of course all the ties were made in this country in 1890, and the competition was so fierce among the American mills that there was positively no advance in prices, and, as we have said above, the price was less. It thus clearly appears that the bill did not make ties dearer to the Southern planter, but on the contrary benefited him.

Mr. CLARKE of Alabama. We come at last then to the question whether the planter is benefited by the McKinley bill. Now, how is he benefited when every day since that bill was passed he has paid more for his cotton-ties than ever before, while he has been selling his crop for half the former price?

Mr. DALZELL. I will answer that this in way. In the first place the gentleman's proposition as to prices is, to say the least, a disputed one. He and I do not agree about the facts, which makes it difficult for us to arrive at the same conclusion.

Mr. CLARKE of Alabama. That is, you insist that since the passage of the bill the planter has bought his ties at a less rate than he paid before?

Mr. DALZELL. I do not know whether the cotton-planter has bought them cheaper or not. I say that the effect of the Mc-

Kinley bill has been to reduce, or at least not to increase, the price of cotton-ties realized by the manufacturers in this country.

Mr. CLARKE of Alabama. Ah, but you read just now a statement from a letter that the McKinley bill had been a benefit to the planter.

Mr. DALZELL. It must be, in view of its effect upon the price.

Mr. CLARKE of Alabama. In order to be a benefit to the planter it must have enabled him to buy his ties lower.

Mr. DALZELL. I should think so.

Mr. CLARKE of Alabama. Now, as a matter of fact I say to you, and I will establish it very fully, that the planter has paid a higher price for his ties ever since the passage of the McKinley bill.

Mr. DALZELL. Very well. But it was not the fault of the McKinley bill; it was the fault of the way business is conducted in the place where the cotton-planter buys his ties, and where a man is allowed to make more than a fair profit on what he sells, and that is a difficulty that no tariff bill can affect one way or another. If the effect of the McKinley bill is to put on the market from the establishment of the American manufacturer cotton-ties at a less price than they can be bought for from the foreign manufacturer, then its effect is a benefit, so far as the principle is concerned, and if the consumer, the planter, pays more under such circumstances he pays somebody that he ought not to pay, and somebody receives that which he ought not to receive. The effect of the bill has been to reduce the manufacturers' price. It has done its part to relieve the consumer. It can not fairly be charged with the extortions and avarice of middlemen.

This letter goes on to say that in 1889 the average price of cotton-ties was \$1.18; in 1890, \$1.16½, and in 1891, \$1.09½.

Now, suppose that for the purposes of this argument I concede the claim of the gentleman from Alabama, then I affirm this proposition—

Mr. CLARKE of Alabama. May I ask the gentleman to read again what he has just read as to the price of cotton-ties in 1889?

Mr. DALZELL. The statement is that the average price in 1889 was \$1.18.

Mr. CLARKE of Alabama. Per bundle?

Mr. DALZELL. Yes.

Mr. CLARKE of Alabama. At no time during 1889 did cotton-ties sell by the carload in New Orleans as high as \$1.18; the highest price was \$1.15.

Now, will the gentleman explain how the manufacturer could make ties costing \$1.18 per bundle and put them on the market, when the highest price in New Orleans, and that is the port referred to by the minority in their report—

Mr. DALZELL. Oh, no.

Mr. CLARKE of Alabama. I believe the report makes reference to the city of New Orleans, or at least the persons quoted in the report do so. Now, how could the manufacturer make ties at \$1.18 per bundle when the very highest price in New Orleans during the whole year was \$1.15?

Mr. DALZELL. I say that a respectable gentleman in the city of Pittsburg engaged in this manufacturing industry says (and I believe him) that according to his books the average price there was \$1.18 in 1889, \$1.16½ in 1890, and \$1.09½ in 1891. And if these same ties, with freight added, sold at an advanced price in New Orleans to the Southern merchants and through them to the Southern consumers, they sold at the factory price plus the freight and plus, it may have been, an exorbitant profit. But that has nothing to do with the question of the ability to manufacture cheaply in this country under a protective tariff.

Now I leave that question. I may concede for the purpose of argument the gentleman's claim, and then I affirm this proposition: That if the imposition of a duty increases at any time the cost of the manufacture of an article, the inevitable result is that American capital is invited into the investment for the production of that article, and that home competition eventually reduces its price; and that principle is applicable in the case of cotton-ties. So that the question I have been discussing with the gentleman is a question which has no substantial or material bearing upon the continuance of the rates of the McKinley bill.

Now, if I am right, the McKinley bill has done this: It has adequately protected a large industry in which an immense amount of American capital is invested and a large number of American laborers employed; and it has done this without any increase of price to the consumer. It has done more than this, it has rehabilitated a lost American industry which had perished by reason of insufficient protection. It has therefore invited more American capital into a new American manufacture, has given employment to more American laborers, and has operated to the advantage—now, I say, but if not now, then, pursuant to an inevitable law, in the future—to the consumer of the American product.

Mr. Speaker, what is the reason for this bill, anyhow? It is conceded—my friend from Georgia will not deny when he comes to speak in his own time—that it is a false principle to bring in finished products free, and tax, as he will call it, the raw material. That much he must concede, I think. There is no reason, therefore, arising out of that feature of the bill why there should be any change in the law; but on the contrary, a reason against it. Now, why should there be a change? My friend from Georgia says in his report:

The effect of the McKinley rates upon bagging and ties has not yet been fully developed.

Now, I appeal to him, why legislate on a subject as to which he says he has not yet sufficient knowledge?

The presumption always is against a change. Why change the existing law if, according to the gentleman's theory, experience has not demonstrated whether it be a good law or a bad one? I have a right to rest upon the maxim that the presumption is against a change. Change is unjustifiable unless there be a reason behind it.

But go a step farther. For what other reason, according to my friend from Georgia, shall we change the law? Because, says he, the cotton industry is depressed and the cotton-raisers want cheaper ties. I ask him, in all seriousness, is the depression of one industry in this country any good reason why you should strike down another industry of the country? And if the gentleman's logic be logic upon which he is willing to stand, then he must face its result. If the cotton industry next year ceases to be depressed—becomes prosperous—then the duty on cotton-ties ought to be put back; for "it is a poor rule that will not work both ways."

Now, I take it—I may be in error, but I take it that this bill does wrong to the section of country that the gentleman himself represents. Why should not the South, with its great cotton crop, have at home the manufactures of those things necessary to make that a paying crop? The Southern people are already, if am rightly informed, learning a lesson. I find here in the Manufacturers' Record the letter of a firm that is manufacturing steel ties in Chattanooga, Tenn., and sends samples of its products to the Manufacturers' Record with the following explanatory note:

These ties are now being turned out at the rate of 20 tons per day from Chattanooga steel, and will consume 5,000 tons of that metal between now and October 1. These ties are pronounced superior to any ever made in this country, and are in every way as good as the imported ties; they can be made as cheap as iron ties; much stronger and better in every way. Already large orders have been booked, and Chattanooga will produce this year fully one-fifth of all the ties used in this country, when heretofore 98 per cent of all the cotton ties were imported. The sample we send is taken from a bundle ready for shipment; you will find that it can not be broken by bending.

So that in Chattanooga, Tenn., the effects of this tariff legislation have already been felt in the development of a home industry and of the wealth native to that great State. And not only that, Mr. Speaker, but at Rome, Ga., not very far from the gentleman's own home, I conjecture, they are turning out cotton-ties. My friend from Maine [Mr. BOUTELLE] hands me a newspaper clipping, received this morning, from the Atlanta Journal, as bearing directly upon this subject. Here is what this article says:

The mills are complete in every detail, and furnish constant employment to upwards of 150 hands. They run day and night, and the output reaches 850 bundles every twenty-four hours, each bundle containing 30 hoops and 30 buckles, weighing 50 pounds standard weight. They are easily adjusted to the bale; in fact, a blind man may put them on; and the buckle is the simplest ever made.

And then I find, referring to the same place, a clipping taken from the Atlanta Constitution. A writer in that paper says:

I met Col. Jack King, of Rome—

No doubt my friend knows to whom reference is made—

at the Kimball last evening. Mr. King will be remembered as Mr. Williamson's second in the famous Calhoun-Williamson duel. But he has quit that business now and gone into a more profitable one. He is making cotton-ties up in Rome, and incidentally making a fortune out of them.

"I am down before the rate commission," said he, "to get a better rate on cotton-ties. We have a factory in Rome, and are turning out 810 bundles of 30 ties each daily. We already have orders for nearly every tie we can make, and could sell twice as many had we the capacity. We can make them cheaper than they can in either Ohio or Pennsylvania. The McKinley bill has helped us out in this considerably, but our people down here do not like for us to say that. Anyhow, we are making enough ties to bale half of the cotton crop of Georgia and Alabama."

Now, I welcome the enterprise, the energy, and the thrift of the citizens of Georgia to a competition with the American thrift, energy, and enterprise of Pennsylvania. I hope that they can make these ties cheaper in Georgia than in Pennsylvania, if thereby they may be induced to realize the great advantages of this protective system, and to build up beside their cotton plantations the factories that will make their own cotton-ties and bagging.

Now, a single word on another point. My friend says in his report:

Cotton, when sold in the markets of Europe, is subjected to a tare, or de-

duction, for the bagging and ties. The American price is fixed relatively to the price paid for the cotton abroad. The cost, therefore, of the covering and ties which inclose the lint is a sacrifice inflicted on the cotton-grower in both the foreign and home markets.

Now, I am advised that the cotton is sold in the American market gross weight; that is to say, it includes the weight of both the ties and the bagging. I am also told that it is sold in the foreign market with a tare of 6 per cent, and of course there is a vast difference as to weight between the cotton and the ties and bagging; and I would say that with this 6 per cent tare the Southern planter instead of suffering loss on account of the weight of ties and bagging, becomes a gainer.

Mr. CLARKE of Alabama. May I state to the gentleman the true weight of the bagging and ties?

Mr. DALZELL. Yes, sir.

Mr. CLARKE of Alabama. It is 20 pounds. The British buyer takes off 6 per cent or 30 pounds for the bagging and ties. The average weight of the ties and bagging, as I have stated, is 20 pounds. The British buyer, and the American buyer necessarily, for the price in this country is regulated by the price abroad, takes off not only the 20 pounds, but 10 pounds more for tare.

Mr. DALZELL. Mr. Speaker, I have here a letter from John Thompson & Co., of Philadelphia, whose business is that of cotton merchants. They advertise themselves as buyers direct from the grower for manufacturers, and their places of purchase are Monroe, La., Vicksburg, Miss., Little Rock, Ark., and Pine Bluffs, Ark. In this letter they say:

Allow me to give you some items that may be of some value to you in debate. Five and one-half yards of bagging, to cover one bale of cotton at 7 cents a yard, 38 cents. Six hoops weigh 12 pounds, at 14 cents a pound, 15 cents. Cost of bagging and ties to cover one bale, 53 cents. The same as above sells for as follows, bringing the same as the cotton is sold for: Five and one-half yards of bagging, 11 pounds, six ties weigh 12 pounds, or 23 pounds, at 7 cents per pound, \$1.72. Deducting from this the cost of bagging and ties, 53 cents, and the net profit on bagging and ties put on one bale of cotton is \$1.19.

Mr. CLARKE of Alabama. Now, may I trespass just a little further on the courtesy of the gentleman for the last time?

Mr. DALZELL. Certainly.

Mr. CLARKE of Alabama. The proposition of the gentleman is that the planter makes a profit on the bagging and ties; that is, that it is not he who pays for them. Now, the course of business is this: The planter sends—

Mr. DALZELL. Well, I think my friend is going to make a speech.

Mr. CLARKE of Alabama. No; I was simply about to make a statement which I think would satisfy as clear-headed a gentleman as my friend.

Mr. DALZELL. I shall have to ask you to make it in your own time.

Mr. CLARKE of Alabama. Unfortunately, I have no time.

Mr. DALZELL. I could only say in answer to the gentleman, even if his statement were made, that I do not assume to speak from personal knowledge about this matter, for I have none.

Mr. LEWIS. Will the gentleman from Pennsylvania allow me to make one statement of about five words?

Mr. DALZELL. No; not a statement, but I will yield for a question.

Mr. LEWIS. It is in answer to what you say; in refutation of what you say.

Mr. DALZELL. I have not time to give way to gentleman to allow them to answer me. The gentleman from Georgia [Mr. TURNER] has time in which to answer me.

Mr. LEWIS. I just want to say that the weight of the bagging and ties is taken out.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. BURROWS. The gentleman from Pennsylvania [Mr. DALZELL] has only five minutes remaining.

Mr. DALZELL. Well, Mr. Speaker, I have substantially covered all that I intended to say. I have suggested all the reasons that have been advanced by the gentleman who drew the majority report in this case, in favor of the repeal of a clause of a bill, when he himself says at the same time that he asks its repeal. "We know nothing from experience yet as to its effect."

Now, if what I have said amounts to anything, it amounts simply to this, that every argument to be adduced from existing facts shows that this bill has re-established an old industry, protected an existing one to the benefit of capital, to the benefit of labor, and to the benefit of the consumer; and that under the force and effect and the favoring influence of the bill, even those in my friend's own section of country have already taken hold upon the protection that it affords, and established an industry which furnishes them with what is necessary for their market at a fair cost, and gives them a double profit—the profit of buyer and the profit of seller—the profits that are always made by keeping our home market. [Applause on the Republican side.]

Mr. TURNER. Mr. Speaker, I ask unanimous consent that the special order set for this afternoon at 2 o'clock may be so modified that it will await the action of the House on this bill; that it may be postponed, if necessary, to enable us to take a vote upon this bill. I understand the gentleman in charge of the special order assents to the arrangement.

The SPEAKER *pro tempore*. The gentleman from Georgia asks that the special order for 2 o'clock this afternoon be postponed until the conclusion of this bill. Is there objection?

There was no objection.

[Mr. TURNER withholds his remarks for revision. See Appendix.]

Mr. ATKINSON. Mr. Speaker, I proposed an amendment, which was to strike out the words "cotton-gin" from the bill.

The SPEAKER. That amendment will not be in order unless the demand for the previous question be voted down.

Mr. ATKINSON. I ask the gentleman from Georgia to withdraw the demand for the previous question and let this amendment be considered.

Mr. TURNER. I would be very glad to oblige the gentleman from Pennsylvania, but we are proceeding under the courtesy of the gentlemen who have given way as to the special order for our benefit, and I hope the gentleman will not urge his request.

Mr. ATKINSON. Well, it will occupy but a few minutes.

Mr. HATCH and others. Regular order.

The SPEAKER. The gentleman demands the previous question on the pending amendment and to the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, in the tenth line of the printed bill, after the word "gins," the words "and parts thereof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BURROWS. Mr. Speaker, on that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 167, nays 46, not voting 115; as follows:

YEAS—167.

Abbott,	Cooper,	Holman,	Pattison, Ohio
Alexander,	Cox, Tenn.	Hooker, Miss.	Payton,
Allen, Pa.	Craig, Pa.	Hooker, Ohio	Pearson,
Andrew,	Crain, Tex.	Johnstone, S. C.	Peel,
Arnold,	Crawford,	Jones,	Pendleton,
Bailey,	Crosby,	Kem,	Price,
Baker,	Culbertson,	Kilgore,	Richardson,
Bankhead,	Cummings,	Kyle,	Robertson, La.
Barwig,	Daniell,	Lane,	Rockwell,
Beaman,	Deavis,	Latham,	Sayers,
Bentley,	De Armond,	Lapham,	Scott,
Blanchard,	De Forest,	Lawson, Va.	Seerley,
Bland,	Dickerson,	Lawson, Ga.	Shell,
Blount,	Dixon,	Lester, Ga.	Shively,
Bowman,	Donovan,	Lewis,	Simpson,
Branch,	Dungan,	Lockwood,	Steward, Ill.
Breckinridge, Ky.	Durbin,	Long,	Stewart, Tex.
Bretz,	Elliott,	Lynd,	Stockdale,
Brickner,	Ellis,	Mallory,	Stone, Ky.
Brookshire,	Enloe,	McAleer,	Stout,
Brown,	Epes,	McClellan,	Tarsney,
Brunner,	Everett,	McCreary,	Terry,
Bryan,	Fithian,	McGann,	Tillman,
Buchanan, Va.	Fowler,	McKain,	Tracey,
Bullock,	Fowler,	McKeighan,	Tucker,
Bunting,	Fyan,	McKinney,	Turner,
Busey,	Geary,	McMillin,	Van Horn,
Bushnell,	Goodnight,	McRae,	Warner,
Butler,	Gorman,	Meredith,	Washington,
Byrns,	Grady,	Meyer,	Watson,
Cable,	Greenleaf,	Miller,	Weadock,
Caruth,	Halvorson,	Montgomery,	Wheeler, Ala.
Castle,	Hare,	Moore,	Wheeler, Mich.
Catchings,	Harries,	Mitchler,	White,
Cate,	Hatch,	Oates,	Wilke,
Chipman,	Hayes, Iowa	O'Neil, Mass.	Willcox,
Clancy,	Haynes, Ohio	Otis,	Williams, Ill.
Clarke, Ala.	Heard,	Outhwaite,	Wilson, Mo.
Clover,	Hemphill,	Page, Md.	Wise,
Cobb, Ala.	Henderson, N. C.	Parrett,	Youmans,
Cobb, Mo.	Herbert,	Patterson, Tenn.	
Coolidge,			

NAYS—46.

Bartine,	Haugen,	O'Donnell,	Smith,
Belden,	Hermann,	O'Neil, Mo.	Stephenson,
Belknap,	Hitt,	Perkins,	Stone, C. W.
Boutelle,	Hopkins, Pa.	Post,	Storer,
Coburn,	Hopkins, Ill.	Powers,	Sweet,
Cutting,	Huff,	Quackenbush,	Taylor, E. B.
Dalzell,	Hull,	Raines,	Townsend,
English,	Johnson, Ind.	Ray,	Wadsworth,
Flick,	Johnson, N. Dak.	Reynolds,	Walker,
Funston,	Lodge,	Rife,	Wilson, Wash.
Grout,	Loud,	Scull,	
Harmer,	Miliken,	Shonk,	

NOT VOTING—115.

Alderson,	Compton,	Jolley,	Rusk,
Amerman,	Coombs,	Ketcham,	Russell,
Atkinson,	Covert,	Kribbs,	Sanford,
Babbitt,	Cowles,	Lagan,	Snodgrass,
Bacon,	Cox, N. Y.	Layton,	Snow,
Beltzhoover,	Curtis,	Lester, Va.	Sperry,
Bergen,	Dingley,	Lind,	Springer,
Bingham,	Doan,	Little,	Stackhouse,
Boatner,	Dockery,	Livingston,	Stahnecker,
Bowers,	Dolliver,	Magner,	Stevens,
Brawley,	Dunphy,	Mansur,	Stone, W. A.
Breckinridge, Ark.	Enochs,	McDonald,	Stump,
Broderick,	Fellows,	Mitchell,	Taylor, Ill.
Brosius,	Fitch,	Morse,	Taylor, Tenn.
Buchanan, N. J.	Forman,	Moses,	Taylor, J. D.
Bunn,	Gantz,	Newberry,	Taylor, V. A.
Burrows,	Geissenhainer,	Norton,	Turpin,
Bynum,	Gillespie,	O'Ferrall,	Warwick,
Cadmus,	Griswold,	O'Neill, Pa.	Waugh,
Caldwell,	Hall,	Owens,	Wever,
Caminetti,	Hallowell,	Page, R. I.	Whiting,
Campbell,	Hamilton,	Payne,	Williams, Mass.
Capehart,	Harter,	Pickler,	Williams, N. C.
Cauley,	Henderson, Iowa	Pierce,	Wilson, Ky.
Cheatham,	Henderson, Ill.	Randall,	Wilson, W. Va.
Chapin,	Hoar,	Rayner,	Winn,
Clark, Wyo.	Hooker, N. Y.	Reed,	Wolverton,
Cockran,	Houk, Tenn.	Reilly,	Wright,
Cogswell,	Johnson, Ohio	Robinson, Pa.	

The following-named members were announced as paired until further notice:

Mr. LAGAN with Mr. CALDWELL.
 Mr. LAYTON with Mr. TAYLOR of Illinois.
 Mr. HARTER with Mr. BOWERS.
 Mr. CAMPBELL with Mr. WILSON of Kentucky.
 Mr. WINN with Mr. MORSE.
 Mr. LIVINGSTON with Mr. DINGLEY.
 Mr. BRAWLEY with Mr. BINGHAM.
 Mr. MAGNER with Mr. PAYNE.
 Mr. WOLVERTON with Mr. BRODERICK.
 Mr. STEVENS with Mr. RANDALL.
 Mr. COX of New York with Mr. GRISWOLD.
 Mr. HENDERSON of Iowa with Mr. DOCKERY.
 Mr. COVERT with Mr. CHEATHAM.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. COMPTON with Mr. BUCHANAN of New Jersey.
 Mr. WHITING with Mr. BURROWS.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. BACON with Mr. HENDERSON of Illinois.
 Mr. MOSES with Mr. CLARK of Wyoming.
 Mr. SPERRY with Mr. SANFORD.
 Mr. WILLIAMS of North Carolina with Mr. SHONK.
 Mr. MITCHELL with Mr. VINCENT A. TAYLOR.
 Mr. CAPEHART with Mr. RUSSELL.
 Mr. SPRINGER with Mr. REED.
 Mr. O'FERRALL with Mr. DOAN, until further notice. If present, Mr. O'FERRALL would vote for the wool bill; Mr. DOAN would vote against it.
 Mr. MANSUR with Mr. TAYLOR of Tennessee, from April 2 until further notice; not to be changed in the absence of either.
 Mr. PIERCE with Mr. LIND, until further notice; also the Bland bill and all questions connected therewith. This pair not transferable.
 Mr. TURPIN with Mr. HOOKER of New York, including election case, until further notice, except on silver question.
 The following for this day:
 Mr. JOHNSON of Ohio with Mr. WILLIAM A. STONE.
 Mr. STUMP with Mr. JOSEPH D. TAYLOR.
 Mr. BYNUM with Mr. BERGEN.
 The following on this vote:
 Mr. WILLIAMS of Massachusetts with Mr. CURTIS.
 Mr. RAYNER with Mr. WAUGH.
 Mr. WILSON of West Virginia with Mr. ROBINSON of Pennsylvania.

Mr. CAMINETTI with Mr. PICKLER.
 Mr. FELLOWS with Mr. KETCHAM.
 Mr. CADMUS with Mr. WEVER, until Monday next.
 Mr. GEISSENHAINER with Mr. WRIGHT, until Tuesday next.
 Mr. HOAR with Mr. BROSIUS, for one week.
 Mr. OWENS with Mr. ENOCHS, from April 2 until April 12, inclusive.

Mr. SNODGRASS with Mr. HOUK of Tennessee, from April 6 until April 21, inclusive.

Mr. CAUSEY with Mr. O'NEILL of Pennsylvania, until April 13. If not paired Mr. O'NEILL would vote "no."

Mr. BABBITT with Mr. JOLLEY on the cotton-tie bill; if present, Mr. BABBITT would vote for the bill and Mr. JOLLEY would vote against it.

Mr. BUNN with Mr. ATKINSON, from March 30, 1892, until canceled by consent of both.

Mr. MCRAE. Mr. Speaker, I desire to announce that my colleague, Mr. BRECKINRIDGE of Arkansas, is absent by leave of the

House, taking part in an investigation by order of the House; if present, he would vote in favor of this bill.

Mr. DINGLEY. Mr. Speaker, I voted; but I desire to withdraw my vote, being paired with the gentleman from Georgia. Mr. LIVINGSTON. If he were present I should vote "no," and he would vote "aye."

Mr. ATKINSON. Mr. Speaker, I am requested by my colleague, Mr. O'NEILL of Pennsylvania, to say that he is paired, and that if he were present he would vote "no." I also am paired; if I were not I would vote "no."

Mr. BURROWS. Mr. Speaker, I voted, but being paired, I withdraw my vote. If I were not paired I should vote "no."

The SPEAKER. On this question the yeas are 167 and the nays are 45. The yeas have it, and the bill is passed.

Mr. TURNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATION BILL, DISTRICT OF COLUMBIA.

The SPEAKER. If there be no objection, the Chair will lay before the House the District of Columbia appropriation bill, with Senate amendments, which will be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HEARD. Mr. Speaker, I ask unanimous consent to make a report at this time from the Committee on the District of Columbia. Monday will be District day, and this is the only opportunity we can have before then to present the report.

There was no objection.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 2015) to amend the act incorporating the Washington and Georgetown Railroad Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSES, ETC.

Mr. BRICKNER, from the Committee on Interstate and Foreign Commerce, by unanimous consent, reported back with a favorable recommendation the bill (H. R. 8007) providing for sundry light-houses and other aids to navigation; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FREE TIN PLATE, ETC.

Mr. SHIVELY, from the Committee on Ways and Means, reported a bill (H. R. 8033) to reduce the duty on tin plate,terne plate, taggers tin, and to repeal paragraph 209 of section 1 of an act entitled "An act to reduce the revenue, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

On motion of Mr. BURROWS, unanimous consent was given for the minority of the committee to file their views upon the bill, to be printed with the report.

RETURN OF RESOLUTIONS FROM THE SENATE.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to have the order adopted which I send to the desk.

The order was read, as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the concurrent resolution of the Senate "to print 50,000 copies of the eighth and ninth annual reports of the Bureau of Animal Industry for the years 1891 and 1892." Also the concurrent resolution of the Senate "to print 8,000 copies of the eleventh and twelfth annual reports of the Director of the Bureau of Ethnology."

The resolution was adopted.

BRIDGE BETWEEN OREGON AND WASHINGTON.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, by unanimous consent, reported back with a favorable recommendation the bill (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE TENNESSEE.

Mr. GEARY also, by unanimous consent, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation the bill (H. R. 6091) to amend an act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., approved August 9, 1888; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HALL, indefinitely, on account of sickness.

To Mr. PEARSON, for one week, on account of important business.

To Mr. BRYAN, until April 21, on account of important business.

THE LATE REPRESENTATIVE MELBOURNE H. FORD.

Mr. BELKNAP. Mr. Speaker, I ask for the regular order.

The SPEAKER. The Clerk will read the special order for this day.

The Clerk read as follows:

Resolved, That Saturday, April 9, beginning at 2 o'clock p. m., be set apart for paying tribute to the memory of Hon. Melbourne H. Ford, late a member of the House of Representatives from the Fifth district of Michigan.

Mr. BELKNAP. Mr. Speaker, I offer the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tribute to the memory of the Hon. Melbourne H. Ford, late a Representative from the State of Michigan.

Resolved, That, as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a public servant, the House at the conclusion of these memorial proceedings shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. O'DONNELL. Mr. Speaker, the frequent assignment of days in which the course of business is suspended in the House of Representatives to pay tribute to the worth of departed members of the Fifty-second Congress who have gone to the silent continents of eternity furnish impressive lessons of the mutability of human affairs, the uncertainty of life, and the certainty of death. Since my service in this House many have been summoned from the activities of being to the stillness of the grave. What a roll of names that can make answer only from the silent depths of memory! In the present Congress what a membership have gone to the solemn shades!

Since Michigan became a State five of its members in this House and two Senators have died in office. The latter were Kinsley S. Bingham, one of our early statesmen, who died in 1861, and Zachariah Chandler, the great war Senator, unexpectedly taken from earth in 1879. Of the members of the House whose terms were closed by death were Edward Bradley, died in 1847, before taking his seat; Wilder D. Foster, who passed away in 1872; Alpheus S. Williams, summoned hence in 1878; Seth C. Moffatt, suddenly called in 1887; and the fifth and last of the list of Michigan's representatives released from duty by death was Melbourne H. Ford, whose memory we honor to-day, and who was numbered with the dead less than a year ago, April 20, 1891.

Mr. Ford was born in Saline, Mich., June 30, 1849. My first acquaintance with him began in my own city, where he was employed as a clerk. I remember that the duties of the clerkship were performed faithfully and acceptably by the youth. When he had given up the humble position he departed, and I did not meet him again until the winter of 1887 in this Hall, when he came to enter upon the duties of a Representative in the Fiftyeth Congress.

Mr. Ford commenced his education at the Agricultural College at Lansing, and while there received the appointment of naval cadet at Annapolis. He pursued the studies at that historic school for a few months. The young man desired to serve his country. He had not attained the years on entering the Academy to be enrolled among the country's defenders, but after a time he joined the naval forces and saw a little service before the ordeal of war was fully ended. He was permitted to be a participant in the great struggle that made ambition virtue and repaid the nation in following the profession for which it had partially educated him.

When peace was restored he quitted the Navy and turned his talents to the conquests of peace, studied law, and was admitted. He never practiced that profession, but served many courts in another capacity than that of advocate or counsel. He ranked among the most proficient of stenographers and enjoyed the work. He held but two elective positions, both legislative. In 1884 he was chosen a member of the lower house of the Michigan Legislature, being accredited to that branch by the great manufacturing city of the State. He soon gave evidence of decided ability, his service being so acceptable that he was rewarded in 1886 by an election to this House.

During the term here he exhibited application and industry, accomplishing much for his constituency and district. He sought by law to stay the tide of immigration of the unworthy to our shores; to elevate American citizenship, and debar dangerous

elements coming here; to close the door to those not fitted for our institutions. His design was misunderstood. He had reared a structure to protect his country. This was leveled by those whom it was intended to assist, and in the ruins was the political hope of the promoter of the legislation. He learned the instability of public opinion; that it is ever changing. He accepted the verdict with composure.

In the Legislature of Michigan the members of the political party with which he was identified paid him the compliment of making him their candidate for United States Senator.

He retired from this House at the end of his term, disappointed at the lack of recognition on the part of the constituency whom he had desired to benefit. The interregnum between elections passed, and in 1890 he was again nominated for Congress, to share in the astounding victories of his party in that year of surprising results. Public opinion that two years before had cast him down now triumphantly designated him again as a Representative in Congress. He stood once more in the sunshine of success. The lesson of public life is difficult to con by those whose philosophy is the welfare of others. The issue of that contest restored Mr. Ford to his place among the leaders of his party in the Peninsular State and he planned to serve his people more efficiently than before.

In the brief period of forty-seven days after the beginning of his tenure as a member of the Fifty-second Congress he was suddenly summoned from earth by death, the grim messenger striking the fatal blow without warning. On Sunday night, April 19, 1891, he sought repose, and in that strange and solemn interval of time, the twilight of the morning, in the violet dawn, he was stricken with the malady which in a few hours removed him from the scenes of earth. He never recovered consciousness from the attack. He saw not the sorrowing wife and children and grieving friends about that couch of death, but quietly stepped from the harassing cares of the present into the realm of eternal rest and peace.

The 20th of last April was a day of sadness at Grand Rapids, his home. The wave of sorrow was felt all over Michigan. At the funeral the affection of the people and their mourning for his demise were manifested in many ways. The legislature of the State attended in a body, business was suspended, and the remains lay in state at the city hall, amid the flowers of awakening spring, thousands with moist eyes looked upon the placid countenance of the dead.

The bereavement was expressed so generally that it seemed those sealed ears might hear. Amid the somber trappings of woe, the quiet procession of bereaved friends and acquaintances, as I looked it seemed to me there was that strange reflection of a light that never was on land or sea touching and brightening the still features into a look of hope and peaceful joy.

A great city's heart throbbed with grief that he was taken. The inanimate form was conveyed from its house on earth to its final home, followed by a great concourse, and in the silent city, on that April day, when nature was awakening in the vividness of renewed life, when the long day of the year had dawned upon spring, all that was mortal was tenderly laid to rest by loving, fraternal hands; the grave closed over this young life. At the obsequies the workmen of the city requested that the factories be silent that day in order that they might pay their tribute to the memory of one they esteemed so well in life. I believe our dead friend would have asked no sweeter rosemary for remembrance than this act of the industrial forces at his home. Could he have looked down from the calm heights of eternity he would have realized that useful lives here are not forgotten.

Mr. Speaker, as I saw those marks of respect to his memory in that great mart of trade, while gazing upon the cofined lineaments of our friend and associate, there came to me the tender thought once spoken of another:

Thou camest into the world weeping, while all around thee were smiling, and thou leavest the world smiling, while all about thee are in tears.

Mr. Ford lived not quite forty-two years. In this limited period he accomplished much. In the swift pilgrimage "from the rosy dawn of birth to death's sad night" he wrought for others more than for himself. I knew him well during his service here, and soon discovered his strong convictions on public questions, and his constant advocacy thereof. This spirit distinguished him to the end of his too brief life. His tastes were social as well as literary, and those who knew him here were inspired with confidence and friendship. His work in this Capitol won success, gained by ability, fidelity, and industry.

Reflecting over the vanished life now passed on, let us remember, as was said by Lucretius centuries ago:

Life is given to no one for a lasting possession; to all for use.

Mr. Speaker, I have sketched the life and public service of our departed associate, how he labored for his people and the nation. His strong character, enlarged views, application, and

native ability displayed while a member here brought him recognition and prominence in the country. Those who noted that career as it developed in this Hall lament that he was too early summoned to the other world by death.

In paying this tribute to my dead friend and colleague my mind recalls a solemn scene in this Chamber on February 29, 1888, when he spoke words of sorrowing regret over the death of another departed member from Michigan, Mr. Moffatt, who, like the subject of our service to-day, had crossed the dark river and entered the portals of eternity. He, too, had been almost as suddenly summoned from life. We looked upon him one day well and strong, and in a few hours we saw on his face the wondrous seal of everlasting peace. In Mr. Ford's eulogy of our dead colleague, he uttered that gem imbedded in the language of every people, "say naught of the dead unless good." In that fitting address he foreshadowed his belief in the future life in these words:

That there is a hereafter every man, it seems to me, must believe. I can not conceive how anyone with human instincts can think otherwise. If there exists a person who honestly believes that when his eyes are closed in death nothing remains, then, I say, such a person is to be pitied. Can it be that at the conclusion of man's existence on this planet for a comparatively infinitesimal period of time—can it be, I say, that when dust is rendered into dust, all is ended? No.

No word comes back. We know not what awaits us. Still, I have something here in my innermost soul which tells me that this life is not the end; that beyond all this we have a wider, a higher, a nobler destiny. There lies in the human breast a something which says, "This is not all." What an encouraging hope, what a divine thing it is for this world, this belief in a future existence.

To repeat the words of our departed friend, spoken here four years since, for him we trust in that "encouraging hope" he gave of his "belief in a future existence" and are gladdened by the conviction that with him it is well. In the celestial economy no ray of light is left to wander aimlessly. His good deeds are treasured in the archives of eternity. We rejoice that back of death's semblance is the potency of a splendid new birth.

I have read that "man's best monument must be found in human hearts that swell at mention of his name, but speak not in a public place." How true is this. Can we receive a finer garland than is woven from the unremembered acts of kindness? Human sympathy is like the summer rain "which makes the fields it hastens to bright and green."

This young life is closed. We pause to-day to speak of the work he undertook, the tasks he accomplished, of his best endeavor. As the sketch is completed we invoke a benediction from the world beyond, turning to those tender words of Newman, which are held hopeful for the dead and helpful and worthy for the living:

Lead, kindly Light.

We stand dumb in deciphering the mystery of death—why this life was so soon and so suddenly abridged. It is not given to us to explain why this career, so well endowed by nature and so full of promise, should be thus early terminated. This problem for centuries has not been solved.

Our friend and colleague is no more. For those who remain the star of the future which shines in the horizon is Hope; there is never more night than day.

And now we leave him in his dreamless sleep. Farewell!

Sleep 'til the shadows take
Their endless flight;
Until the morning break—
Good-night! good-night!

Mr. YOUNG. Mr. Speaker, I can not permit this opportunity to pass without paying my tribute to the memory of Melbourne H. Ford.

In reviewing the life of Mr. Ford, length of years—the allotted measure of existence—is not a part. Neither is his that fame which comes from long service, faithful ability, ripened experience, political sagacity—that tardy acknowledgment of great qualities. A sudden flash across the political horizon, then as suddenly eclipsed. Serving only in the Fiftieth Congress, yet in that brief time he made his name a household word. Mr. Ford's sympathies were not so much with the prosperous as with his fellow citizens in the more humble walks of life. His whole aim was to ennoble and elevate citizenship, to place it on that high plane which would insure permanency and safety to our institutions.

In the swarming millions flocking to our shores he saw danger unless the baser elements could be excluded. He sought a remedy, and was made chairman of a select committee "to inquire into the alleged violations of the laws prohibiting the importation of contract labor, paupers, convicts, and other classes." I need not say how well that work was done. The startling evidence disclosed was commented on by the press throughout the land. Almost with one voice a correction of the evil was demanded.

Elected to the Fifty-second Congress, he hoped to complete the work already so far advanced. But suddenly he dropped the burden of life; that work was left for others to complete, and

when completed it will be a monument to him outlasting "storied urn or animated bust."

In Michigan Mr. Ford always possessed the confidence and regard of his party, and in 1889 they honored his courage and ability by making him their candidate for United States Senator. But few men have climbed higher in so short a time. The characteristic of Mr. Ford's public career was perseverance, an inflexible pursuit of well-considered policy. In the more intimate relations of life he was cheerful, uniformly kind, and generous. His friends were not only the prosperous, but there were many in the more humble condition of life who looked on him not only as their champion but their friend.

His sun had not reached the meridian; in his early manhood, at his home in Grand Rapids, in the forty-second year of his age, on April 20, 1891, "he was, and then was not."

Mr. Speaker, I have been impressed with that passage in Foster's *Life of Goldsmith* describing his funeral:

There were gathered in his rooms the most distinguished men of the age; but on the stairway leading to his rooms in Lamb's Court there was weeping and mourning by a crowd of the poor and unfortunate who had been recipients of his bounty and had lost their only friend.

So, too, at the funeral of Mr. Ford, distinguished men from all parts of the great and prosperous State of Michigan were assembled; but there, too, was many an humble friend mourning him.

It was so sudden. They had looked forward to a long and brilliant career; surprised and sorrowing that so early in life the "pale horseman" had crossed his path and beckoned him to enter the Valley of the Shadow, the opening of which is another morn than ours.

Mr. McMILLIN. Mr. Speaker, through seven terms it has been my lot to watch the comings and goings, the daily walk, the success or failure, of those whom our sixty millions of people send to represent them in this Hall, and I can truly say that in all that time I have seen no young man come here who seemed more readily to comprehend the high responsibilities devolved upon him, or who more intelligently and more assiduously discharged those duties than did the noble Representative whom we mourn to-day. He came at that time of life when all is buoyancy, all hope, all anticipation.

As has just been stated by his distinguished colleague [Mr. YOUNG], he realized the dangers that threatened his country, and notwithstanding the trepidation in which others had shrunk from those dangers before him, and in which others might be inclined to shrink from them around him, he came boldly to the front, and determined to try if it were possible to enforce the laws of American citizenship so as to keep out that incursion of criminal and other classes against whom the laws had already set up barriers, but barriers which were being constantly overridden. His action in that regard is well known to the country.

I remember that again, when the tariff bill was up for consideration, he proposed to place upon the free list an important article of manufacture—German plate glass. He came here from the heart of a great manufacturing community. The beautiful city in which he lived had been originated and sustained and made prosperous by manufactures. I remember it was whispered to him that probably the course he was taking was not the best to commend him to those who believed in a system of tariff laws supposed to be inimical to his proposition.

In a conversation that I had with him he said: "I care not what the effect on me may be; I know that it is right and that greater prosperity will come by reason of such an enactment." His arguments were so cogent that they convinced his associates and his proposition was made a part of the bill of that year, and, although that bill did not become a law, if he were here to-day he would ascertain that within less than six weeks there have been petitioners to the number of 40,000 asking that this Congress do what he attempted to do.

Mr. Speaker, those of us who knew him well and knew him but to love him have lost much. His State has lost more, because to her he was not simply an associate, a friend, but one of her pillars and stays. But his country—the extent of which he fully comprehended, the importance of whose free institutions had a dwelling place in his heart and an intelligent dwelling place in his head—that great country which he served with such distinction here, has been also a sufferer in this common calamity.

I know not how his last hours were spent. I know nothing of those expressions concerning the future that have been commented upon by his colleague who first spoke [Mr. O'DONNELL]. But if a man is to be judged, as we are given to hope he will be judged, by every good deed done in the body—and of this I have no doubt—his lot will be a happy one in the hereafter. A passage that has struck me as very forcible and beautiful, is that between Ion and Cleanthe, where she asked him, when devoted to death, trembling before its uncertainties and moved by the

sorrow of the coming separation, whether they would ever meet again. You remember that in substance he replied:

I have asked that dreadful question of the stars that are eternal, of the rivers that everlastingly flow, but they were all, all silent. But now, as I gaze into thy beautiful eyes and behold the depths of thy pure soul, I know there is that there which can not wholly perish. We shall meet again.

So, those who knew the honorable life of our departed friend, his intelligence, his soulful nature (if I may use that expression), his comprehension of every obligation that rested upon him, his high endowments in all those thousand elements that go to make man the greatest of created beings, must hope and feel that there was that there which can not wholly perish, and that we shall meet again.

Mr. HAYES of Iowa. Mr. Speaker, it is not my intention to attempt to pronounce any eulogy in the ordinary sense of that term upon Mr. Ford, and even the perhaps necessary details upon these occasions may well be left to his State colleagues; but from the standpoint of personal friendship and in view of the high esteem and regard in which I held him and do hold his memory, I can not let the occasion pass without expressing my never-ceasing sorrow at his untimely death and paying a tribute to his memory.

We never met until we came together in the Fiftieth Congress, but owing to the facts that we were born and reared in the same locality, were connected by many associations in Michigan's history, and had a host of mutual friends and acquaintances we soon came together and became the closest of friends. After such friendship for over four years, I can well say of him that he was generous to a fault, noble in every quality and instinct, honorable always, and one of that rare class of men whose friendship never faltered.

From a public standpoint he had not only brains, but the courage of his convictions, indomitable will, ceaseless energy, untiring industry, and with a suavity of manner and force and eloquence in speech that made him carry his points. This combination of good qualities made his future a bright one for himself and full of promise to his people.

In his death his country, his State, his party, and his constituency suffered an irreparable loss.

Mr. CHIPMAN. Mr. Speaker, a year ago at this time the news was flashed throughout the State of Michigan that the Hon. Melbourne H. Ford was dead. It was unexpected, and in that great Commonwealth it produced a painful shock; and soon at his home, on the banks of the beautiful Grand River, the people of the State gathered together from all sections, the high and the low, the rich and the poor, men in official positions and men from the humblest walks of life, and there, amid the wailing of funeral marches, the tears of sorrow, and the flowers of affection, they buried him. They left him in the kindly arms of Nature—to the sunlight and the breezes, to mother Earth herself.

What manner of man was he who was consigned to the tomb on that day? He was alert; he was decisive; he was a man of correct thought and of correct methods in public affairs. He was a man of firm convictions; and it must be said to his credit, as it is to the credit of every man of whom it is true, that he did not stop to determine whether those convictions were popular, but only as to whether they were right. And so it happened that in his younger life when he became a member of the house of representatives of the Michigan Legislature he distinguished himself by an effort to restore capital punishment in that State.

That effort I did not approve of; but as to the learning, the ability, and the zeal with which he pursued it, there can be no doubt. It attracted a great deal of attention to him, for the reason that in that great Commonwealth there is practically but one opinion on the subject, and it is that the taking of a life for a life is still murder. So that he bravely opposed himself to the prevailing sentiment of the people and espoused a cause which he knew to be unpopular. This is true heroism in a public man ambitious of public preferment.

Long before he came to this House he was a consistent tariff reformer. Living in a manufacturing district, and in a manufacturing State, above all in a wool-producing State, he had the courage of his convictions, and never for an instant hesitated to pursue the path of tariff reduction to which his judgment impelled him. At that time Mr. Speaker, his position on that question, as it had been upon other questions, was not a popular one; but he clung to it bravely and steadfastly until he became a member of this House, when as you know, and as we all know, he still upheld the principle for which he was contending.

During his membership of this House he became interested, as has been said here already, in the question of immigration. The evils growing out of the coming of foreigners to our shores struck him as they have struck others, as being of a most serious nature, and while I do not believe that he had any preju-

dice against any man or any nationality, or any race who came among us, still he felt, and he felt rightly, that this great country should not be made the asylum for the halt, the lame, the blind, the vicious, and the criminal; in a word, of the classes which other nations desire to get rid of.

I am sure he felt that the honest, the healthy immigrant was a welcome guest among us, and his arms were spread out to embrace every such man in the folds of American citizenship. But he had none of the mawkish sentimentality—an instance of which has recently occurred in this House, which induced him to believe that there is any tie of brotherhood, that there is any claim of philanthropy, which demands of the hard working people of this country that they shall share with everybody who chooses to come to us, their means of subsistence, and in this way diminish the wages of their own labor and the comfort of their own homes.

There is a wrong idea abroad on this subject. We are told that we recently violated a treaty with China. Mr. Ford felt, as I feel, that there is no power, that there can be no power, whether it is called the treaty-making power or other power, which will permit foreigners in immense numbers to come into this country as mere denizens, as temporary sojourners among us, and pluck from our laboring people the appropriate rewards of their labor.

The idea is monstrous. No treaty ever meant that. No treaty ever could mean that. And while it is perfectly proper that the old law merchant recognized by the common-law writers should prevail, and be respected and enforced if necessary by treaties, there is no law, there can be no law, there must be no law by which we share our crust with any and every person, and any and every nation, without regard to their intelligence, their morals, and effect of their presence upon the general tone of mankind in this country.

He was unfortunate on that occasion, unfortunate perhaps in having entered upon the investigation carried on by the committee which took his name, because it led to misconception and subjected him to criticism which his motives did not justify. He was unfortunate, too, in that the measure which he brought into the House as the result of the investigation was not acceptable to the House; but in the main, in his noble desire to protect the workmen from improper and ruinous competition, he was right, and sooner or later he will receive the just meed of fame which belongs to being right upon a subject of so great importance.

It is among the mysteries, Mr. Speaker, why a man should live to the age of promise and be taken from us when he was taken. It is inscrutable, and we wonder what has become of the knowledge he has garnered, of the subtle machinery of his brain, of all the forces which made him what he was, and it is only with the certainty that in nature there is no cause without an effect, that there is no mistake and no accident in anything which nature orders, that we may find the solution, if we can find a solution of that enigma. We may ponder on what might have been. We may wonder what would have been the setting of this sun which rose with so great brightness if it had run its course to the twilight hour.

But after all this is mere vague speculation. We can know nothing, we can only hope. And yet, Mr. Speaker, in this season of bud, of sunlight, of bloom and of balm, of resurrected nature, we are taught that death is but the portal of another chamber of life. There must be a hereafter. Careers of such promise, cut so short, would be a mistake in the plan of nature if there is not. This knowledge garnered, these abilities so subtly fashioned, must have an expansion and a field somewhere in the limitless future.

And so it is not given to us to know whether death is the enemy of man, or whether it is a ministering angel, bearing him to vaster opportunity and to greater usefulness. But I humbly hope, Mr. Speaker, that that grave by the side of the beautiful river is not the prison house of our friend; that he has burst the earthly cerements of that tomb, and that in that other state where eternal opportunity must be given all men the virtues which characterized him here have brigher, greater, happier play, and that all that was earthly and all that was wrong in his character here dropped from him "like a worn-out fetter which his soul has broken and thrown away." Happy will be the man who can shed the dross of passion and earthly weakness and dwell in the realms of hope beyond the grave, habited in manly virtue and unclouded intelligence.

Mr. WHITING. Mr. Speaker, words can but feebly convey to the members of this House the real sorrow and appreciation of loss which the sudden death of Mr. Ford brought, not alone to the people of Grand Rapids and his district, but to the people of the State at large.

I believe that I speak within bounds when I say that a general

sentiment prevailed throughout the State that he was the most promising young man in Michigan, and that a bright future full of usefulness and honor was before him. These facts, Mr. Speaker; intensify the sadness of his untimely death and remind us of the importance of the present hour.

My acquaintance with him was confined mostly to my associations with him as his colleague in the Fiftieth Congress. We often consulted each other upon public matters, and I can now clearly recall the honest earnestness of his manner when giving expression to his views, and his solicitude that a wise regard for all should govern his action. I recall his buoyancy of spirit, his fondness for public life, his ease and adaptability to work assigned to him, and his active participation in all that transpired upon this floor.

I recall the tribute of confidence and love so recently and so generously bestowed upon him by the people of his district, and the pleasure that was in store for him and his cheerful, loving wife, in again renewing the many cordial and happy friendships of the two short years before, and so to-day am doubly saddened in contemplating the change. His mortal career ended, his life work done, and his friends sorrowing; but with it comes the reflection and consciousness that an All-wise God, not man, judges the frailties and the virtues of mortals, and that His Son has said:

Inasmuch as ye have done it unto one of the least of these My brethren, ye have done it unto Me.

To his bereaved family we can give the assurance that we loved him and appreciated his worth; and we can offer the consolation that his love and fidelity to his fellow-men, exemplified in all his public acts, will stand as a legacy greater than riches and more valuable than length of days.

Mr. WEADOCK. Mr. Speaker, Napoleon said: "All of us are needed a little; none of us are needed much." I might paraphrase this and say that each of us is needed but little in the great arena of the world, but there is a circle in which each one is needed very much indeed. And in the wider assemblage of friends who mourn the departure of our deceased colleague there is a small family circle that can never be the same again. There is a widow, and there are orphans, who will miss as long as they stay on earth the kind and affectionate love and companionship of the husband and father, and no trophy of flowers, no studied eulogy, and no honor that may be paid to our departed brother can ever atone for the loss which they have sustained.

Now, it is said of so many that they were born and they died. Unless more can be said of a man than that he was born and died, it were better that nothing should be said; but such is not the case of our departed colleague; and while it may be proper to note the principal facts of his life, we do it more for the purpose of calling attention to his life work than for the mere purposes of biographical data.

Mr. Ford was born in Saline, a small village in the county of Washtenaw, near the city of Ann Arbor, the seat of the great University of Michigan. At 10 years of age he removed with his family to Lansing, the capital of the State, then a struggling village in the wilderness, now the bright and thrifty capital of a great and prosperous State. He was educated at the agricultural college of that State, a few miles distant from the city of Lansing, and one of the proud monuments to the care which Michigan gives to the diversified interests of her people. Born too late to take a part in the rebellion, he enlisted near the close of the war in the United States Navy, and served for a brief period.

He was attached to the European squadron, which gave him the advantages of travel and that knowledge of men which is only gained by contact with them, and that love for American institutions which can best be strengthened by travel and observation among the people of other lands. As the years grew on he studied law with the firm of Longyear & Seager, in the city of Lansing; but he did not then undertake the practice of that profession. Later on he began the practice of the law, being associated with a leading firm in his home at Grand Rapids.

How well he studied and how closely and analytically he mastered the great principles of law is shown by the fact that while yet a student he prepared a work entitled "Ford's Legal Analysis," which may be found in the Library, and which shows a comprehensive and very clear understanding of the great principles which underlie the system of jurisprudence. He then turned his attention to the study of stenography and became one of the most expert in the State. He was stenographer of some of the principal courts of Michigan; and that is a very important calling, one requiring skill, honesty, and integrity in a marked degree.

In 1884 he was elected by the Democracy to represent the city of Grand Rapids, which then constituted the first district of Kent County, in the State Legislature. He was appointed upon the committees on private corporations and on the university, two

very important committees. He was faithful in his attendance upon the sittings of the Legislature and especially watchful of local interests. A member of the larger house, the first occasion when I saw him was in that body. He then introduced a bill for the restoration of capital punishment in Michigan, which had been abolished many years, except for the crime of treason, for which offense it still exists on the statute book of that State.

That bill was introduced a few days after the beginning of the session of the Legislature, prescribing the punishment of death for murder in the first degree and one other heinous offense which, under our statutes, may be punished the same as murder. As one gentleman has well said, public opinion was believed to be against capital punishment, but that may be a misfortune, because I think the offenses named in the Ford bill can only be adequately punished, so far as they can humanly be punished, by death. The house of representatives passed the bill by a vote of 59 to 29, and with the sentiment of the State divided, perhaps more than one-half against capital punishment, the house voted for it.

This certainly was a signal triumph for a young member, serving his first term in the Legislature. The bill failed in the senate of the State, and did not become a law. He turned his attention also to the legislation for caring for juvenile offenders, a field which invites the serious thought of every statesman, who feels that the laws relating to young criminals, and their detention and punishment in our jails and prisons, as managed at the present time make them schools for crime rather than places for the punishment and reform of offenders.

The municipal courts of his own city also received his care and attention, and he succeeded in passing a bill which very largely added to their usefulness. Another law which he championed was one to prevent frivolous appeals to the supreme court when the amount involved was less than \$100. Throughout the State of Michigan there is a number of abstract offices, who charged large rates for the abstracts which they furnished concerning titles to land. He recognized that these abstracts of titles should belong to the public, should be provided at public expense and furnished at cost to the people. To that measure his earnest attention was given; it was another move in the direction of relief for the people which they had a right to expect and which it would have been a pleasure to him to achieve. That is another thing that among the many acts of his life endeared him to everyone who knew him.

In this House I shall say but little with reference to his career. It is known to many who are still here. Many gentlemen who served with him upon his most important committee—the Ford Committee on Immigration—have already gone to their reward. A few days ago we listened to eulogies on one of them, Francis B. Spinola. A bright young man from Nebraska, the late Representative Laird, a Michigan boy, who had gone to the West and was returned here to represent his people, was one of his dear friends. Another bright and able gentleman, the very pink of courtesy in this House, Gen. William H. F. Lee, was also one of his near neighbors on the floor of the House. The able leader of this House, Mr. McMILLIN, has expressed himself so well in respect to the ability of Mr. Ford as a member of Congress that it would not become me to say anything further in that connection.

In the campaign of 1888, when Mr. Ford was a candidate for reelection, he met perhaps the most terrific opposition that ever was arrayed against any candidate for Congress. The Mills bill had operated with particular severity against Michigan, and in the campaign of that year the personal popularity of Mr. Ford and his personal following were not sufficient to stem the tide, and he was defeated, but in the succeeding campaign the same friends and the same following still stood by him, undismayed by the defeat, and he was elected a member of this body.

In 1889 he was the candidate of his party for United States Senator against Hon. JAMES McMILLAN, receiving every vote of his party, an honor which he greatly prized. His last political service was to act as secretary of the State convention of his party.

Death came to him suddenly. He had spent the evening in communion with his family, and had retired to rest in his usual health; but before the next morning's sun arose, his lips were sealed forever. Here is one of the fatalities almost connected with the life of public men. They live at such a high tension, their energy seems taxed to the uttermost, so that when the death blow does come, it comes very suddenly. It came so to Adams, to Hendricks, to Chandler, to Windom, to Carpenter, to Beck, and many other gentlemen whom I might name.

Cicero said:

Some men make a womanish complaint that it is a great misfortune to die before our time. I would ask what time? Is it that of nature? But she indeed has lent us life as we do a sum of money, only no certain day is fixed for payment. What reason then to complain if she demands it at pleasure since it was on this condition that you received it.

It may be well for us to remember it, for it may come to us just

as suddenly as it came to him; and we should be able to say with Hamlet, before the duel with Laertes:

If it be now, 'tis not to come; if it be not to come, it will be now; if it be not now, yet it will come: the readiness is all.

And so let us say of him as he said of another, Hon. Seth C. Moffatt, a former member of this House from the State of Michigan: His memory will not die. The friends who loved him in life will revere his memory in death; the acts of his life will be judged with clearer judgment than they could possibly have been in life.

Let me say, in conclusion, as was said by him in his conclusion of his eulogy of Mr. Moffatt:

Our friend will not be forgotten. His friends will ever keep his memory fresh in their hearts. And when the glorious summer comes and the grass grows green and beautiful and the Michigan roses blossom on his grave, although his lips will be hushed in death, yet the tender blades and the perfume of the flowers will speak of him, and to those who knew him best will seem to say, "Beneath here sleeps one who was kind and noble and true."

We can say this with all sincerity and truth of our departed colleague. It is a pleasing thing to know that he believed in the future. There is a remedy for all the disappointments of this life in the belief in immortality, and that the higher life of man is extended beyond this earth. And we can say of him who has solved the great mystery of life that we join with him in his belief in immortality, and we hope that he has gone to a better land, to that abode—

Where love hath put off in the land of its birth.

The stain it had gathered in this:

And hope, the sweet singer, that gladdened the earth,
Lies asleep in the bosom of bliss.

Mr. BELKNAP. Mr. Speaker, we have set apart this day according to a custom that has prevailed from time immemorial in the House when one of our members has been removed by death, that the surviving members may pay just and proper tribute to the dead.

Melbourne H. Ford, at the time of his death, was a resident of the city of Grand Rapids, Mich. Born in Saline, Mich., June 30, 1849; was educated at the Michigan Agricultural College, and at the United States Naval Academy at Annapolis, Md. He served in the Navy, enlisting there as an apprentice, September 10, 1864, and served on the Sabine and the Colorado, and was discharged May 7, 1867. He was then apprenticed a cadet at the Naval Academy, June 21, 1867, and resigned on the 8th day of January, 1868.

Returning to the State of Michigan, he became official stenographer to several of the courts, meantime studying law. He was in the year 1878 admitted to the bar, but did not practice law until a short time before his death, but continued the profession of stenography. In the year 1885 he was elected a member of the State Legislature for the term of two years, and was then elected a member of the Fiftieth Congress, and in that Congress served with fidelity upon the Committee on Territories and on Military Affairs, and as chairman of the Select Committee on Contract Labor. This committee was created to inquire into the violations of the laws prohibiting the importation of contract laborers, and it was in this work that he attained prominence.

The character of the immigration from all the countries of Europe to this country had become one of universal comment. The cities of the country, both East and West, were being rapidly filled with paupers and criminal classes of the countries of the Old World, becoming an unbearable burden upon the people of our land. They filled the charitable institutions of the different communities. The prisons were full of them, and the costly machinery of the courts rapidly became a burden too heavy for the taxpayers to bear. And not only were the cities infested with this undesirable class of beings, but the country districts were becoming unsafe on account of the tramps who roamed about robbing and often murdering the defenseless people.

It was a well-known fact that European governments by an organized system were sending their criminals to this country, and not only the criminals, but the idiotic and insane as well. The ship that came freighted with a thousand honest people would also contain a hundred others who at their very first step upon our shores became a burden and a menace to our institutions. Of this class many came here with no other design and having no other object in view.

It was this threatening cloud, this plague, that seemed to be surely undermining the people of our own country that brought Mr. Ford's energy to the relief of the Commonwealth. Quick to perceive the danger, he put the wheels in motion that are still turning. Starting slowly at first, like the wheels of a large engine, they have gained in speed day by day until it seems the problem whether our own people are to be enabled to enjoy this grand country is nearly solved.

Laws and rules have grown out of this agitation, this investi-

gation, so that at the present time many of the undesirable classes are prevented from disgracing our soil by their presence.

'Tis said that Mr. Ford could not have lived to see the results of his work, to see the promise of the day when the ship coming to our shores with a thousand souls shall contain but law-abiding and self-sustaining people. He expressed a true statement, and one in the interest of all patriotic people when he said that immigration should be controlled by the General Government, and not by any one State. That the subject of immigration was one that affected all our people and was a fit subject for Federal control.

He was defeated for reelection in the Fifty-first Congress, and two years later was elected to the Fifty-second Congress, but was suddenly stricken and died at his residence in the city that delighted to honor him, on the 20th day of April, 1891. Never did people feel more keenly the loss of one of their own than did the people of the Fifth Congressional district of Michigan.

He was to them a brother. They had found in him a friend whose heart overflowed with generosity. His friends love to think of him and his genial ways. Those nearest to him will never lose the sad pleasures which come from the recollection of scenes brightened by the sunny side of nature he always presented. Personal characteristics drew friends to Mr. Ford: his individuality kept that friendship.

It was with deep sorrow and regret that the people of our State heard of the death of my friend and predecessor, and to-day the hearts of the people of the State are full of sorrow and sympathy for the bereaved widow and children, whose husband and father was cut down in the vigor of his manhood and in the midst of his activity and usefulness. His death is deeply deplored by his constituents and by the State which he represented in part with undoubted ability as a member of this House. But he is gone. Mr. Speaker, and how soon we will follow none of us know.

To all appearances one day before his death Mr. Ford might count upon a most enviable future public life. He had an admiring, unquestioning constituency; he had laid broad and deep the foundation for wide influence in the State. To the ordinary view few men had better promise of a far-reaching political career, but no man, Mr. Speaker, with whatever eagle eye he may have at the ocean of the future, can tell when his voyage may be interrupted. He of whom we speak to-day was suddenly taken from his high vantage ground, and in what we call his untimely eclipse went out whatever there might have been for him otherwise of glory and honor to come.

If he had a fault it was due to his generous nature, his warm heart. He studied to please men, not to displease them. He often wronged himself in an effort to satisfy those who called for his assistance. When a man has been standing for many years in the fierce storms and lights of political controversy it is generally forgotten that he has any individuality, private life, or character, except such as has been imposed upon him by political allies or opponents. But in the rough-and-tumble battle of politics and servitude to the people his most pleasing trait was his social, genial manner. Always cheerful and humorous, he tried to strew the pathway of his friends with flowers.

The best portions of a man's life are the little unnumbered acts of kindness and charity that one finds opportunity to bestow every day in the course of active life. Some men tire out, some men wear out, as the days fly and the years pass by; some men go backward, or drop behind in the race of life; some grow dull and prosy as they grow in years, while others grow young in action and in heart as the battles of life by day and month are met. But an intelligent people will never willingly let die the deeds, the kind acts, and the good words of an honest man. When a man's days are numbered there comes after his death a judgment.

Nature and society pass in a kind, yet in a just, survey upon each completed life. However, in this world we live in deeds, not years; we live in thoughts, not breaths; in feelings, not figures. He lives most who thinks most. He who acts the best feels the noblest. Our deceased friend counted life by the heart throbs, and not by the measured standard of months and years. To all appearance he had just reached the summit of his strength. He seemed equipped to undertake laborious tasks; never so well fitted to serve his constituents and his country. He did not perceive the enemy that was watching his every step and his every hour of life. To him the end seemed far distant. He thought to see the sun go down in the evening, the flowers to wither in the fall, the river to be frozen in the winter; not that the sun should go down at noon, and the flowers wither in the summer, and the stream of life frozen before the chill of old age.

Mr. Speaker, life is a golden ship, with sails of angels' wings. It comes to the shore freighted with an assorted load for man to select from. Youth going for the gifts may select roses with thorns, or the flowers of the fields, fragrant and sweet. He may select jewels, rare and precious, or he may load himself down

with the baser metals, that will burden him through all his days on earth. Who is to guide the untrained hand that reaches for a share of the precious load? Someone has said that life is a casket of jewels, and that God holds the key. If this be true, and I believe it is, then God often unlocks the casket and gives to mankind many rare jewels. Not gifts to be kept and worn for all time, but gifts for a day, to adorn and light the paths of the universe.

The one day of life given to the insect of the air is a life of activity. The life of a season, or a brief year of a plant or flower of the field or forest, is a life of fragrance and usefulness to all mankind. The life of the birds of the air, brief in years, is a life of song, of love for its young, and of thankfulness to its Creator for the breath of life it is permitted to have.

The life of man is also but a span, but a brief atom of time; but he who makes the most of that brief space lives the most, and best returns to his Creator remuneration for the jewels out of the great and beautiful ship of life.

O, Death! Hadst thou but spared the life that we this day lament.

The sunset splendors, faded now and dead;
So have we seen the hopes of youth decay;
Oh, ruddy rose, that erst did blush so red!
Thou, too, didst have too brief a summer's day.

The thought, Mr. Speaker, leads me back to the day when he was a youth, and set out to hew his way to a place among men; and thus do I see him:

The sun had set.
Then beamed the evening star beyond the crags.
The evening wind sighed like a wearied child,
And night fell like a mist upon the earth.
He sank to sleep: before him in his dreams
Three radiant forms in moonlit beauty stood.
Love, Fortune, Fame, were they: the three most fair
His eyes had ever seen, or thought to see.
As, on the Mount of Ida years ago,
Three goddesses in goddess beauty stood—
Olympian in loveliness and grace.
And bade the shepherd make his choice
The while they bribed him enviously with gifts.
So stood those radiant forms upon the mount,
And while the moonbeams trembled on the steep,
As oft in ancient times on Latmos' heights
They trembled on Endymion's snowy brow,
Addressed him as he lay in sleep.

First Fortune spoke: "O youth, choose me," she cried,
"I know where gold is hid, whose sunny shine
Is loved by all men more than they can tell.
I know where gems await my favorite;
Pure, lustrous diamonds, glittering like stars.
Imperial rubies, red as blood,
And all the lesser jewels, which to name
Were tedious task."

Then Love, blushing like the dawn,
Addressed him words caressingly:
"Choose me," she said, "and happiness that lasts
Long as the constant stars shall be thy lot.
Sweet courtesy that makes one's life worth while;
That adds a grace to kings, and makes the serf
A mate for kings, shall brighten all thy days."

Then Fame took up the word, and with a smile;
"Choose Fortune, child?" she said, "she hath wings,
And flies away as lightly as she comes;
And if she stay, what profit doth she bring?
She gives no honor: 'tis gold that wins when
Fortune takes her flight. Now tell me, pray,
Where be those cringing things of parasites
That fatten on a lordling's store?
Flown like a vulture when their feast is done.
And as for Love, I grant you she is fair;
So are the sunset days that fade to gray;
So is the wild rose that must wither soon;
So is the pebble shining in the stream;
Love is a dream, my child, a fitful dream."

"O Fame!" he cried, "I choose thee; thou art best."
And then he awoke. Pale star-shine on the crags,
And that was all. Such was the dream.
He climbed down the mountain side,
Unto the shores of the roaring sea,
Great billows with majestic onrush swept
Like a conquering army to the hostile shore.
Within a sheltered cove a pinnacle lay,
Equipped for sea, and lifting up her chain
He stepped aboard and set sail.
All day he sailed and fainter grew the land;
Night came, and one by one along the coast
The light-house beacons flashed their messages,
Then one by one faded from his sight.

So vale and forest, mountain side and sea,
Were traversed in a hopeless search for fame.
Whose form appeared not, save in fleeting dreams.
When, after calms and storms upon the main
His voyage had reached the ocean's utmost bound,
Upon the shore he met an aged man,
To him told the story of his search.
"O youth," the aged man low-voiced replied,
"There is one more noble than the 'mystic three,'
Though fair is Fortune with her yellow gold;
Though sweet is Love if she be true;
Though grand is Fame, and eloquent her voice;
Fame, Fortune, Love, less noble all than one
Whose name is Duty. Serve her day by day,
And happy if with chastened life and pure,

Thou quit thyself as knight of Duty ought;
Fame, Fortune, Love, and all that men hold dear,
Will follow surely as the azure sky.
For he who gives his life at Duty's call,
Lives while he dies, and conquers in defeat;
And he who loves the right more than all else,
Shall win at last the eternal crown of life."

Then can we say:

Cover the embers
And put out the light;
Toil comes with the morning
And rest with the night.
The book is complete
And closed like the day;
And the hand that has written it
Lays it away.

On motion of Mr. BELKNAP, the resolutions were adopted; and the House then, in pursuance thereof (at 4 o'clock p. m.), adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SCOTT, from the Committee on War Claims: A resolution referring the bills (H. R. 1040) for the relief of H. V. Haigh, and (H. R. 1039) for the relief of the estate of Thomas J. Brown—to the Court of Claims. (Report No. 1042.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 7946) granting a pension to Sarah S. Rather—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. DURBOROW: A bill (H. R. 8032) to require the Public Printer to adopt amended spellings in printing certain documents—to the Committee on Education.

By Mr. HATCH: A resolution to pay the special messenger to the Committee on Agriculture—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CLANCY: A bill (H. R. 8034) granting a pension to William Noon, of the Seventh United States Regulars—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 8035) for the relief of Anna M. Urban, administratrix—to the Committee on War Claims.

By Mr. CRAIG of Pennsylvania: A bill (H. R. 8036) granting a pension to Mary Henderson—to the Committee on Invalid Pensions.

By Mr. CROSBY: A bill (H. R. 8037) for the relief of William O'Connell—to the Committee on War Claims.

By Mr. EVERETT: A bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga.—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: A bill (H. R. 8039) for the relief of Jeremiah Claspell, Bowling Green, Ky.—to the Committee on War Claims.

By Mr. HOUK of Ohio: A bill (H. R. 8040) granting an increase of pension to Andrew T. Borard—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 8041) for the relief of R. C. Jones—to the Committee on Naval Affairs.

By Mr. OUTHWAITE: A bill (H. R. 8042) restoring Mrs. Margaret Black to the pension rolls—to the Committee on Invalid Pensions.

By Mr. OWENS: A bill (H. R. 8043) to remove the charge of desertion from the military record of Albert Barber—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8044) for the relief of John McNeil—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BANKHEAD: Petition for relief of John W. Black, Winston County, Ala.—to the Committee on War Claims.

By Mr. BELDEN: Petition of Central New York Pomona Grange, Syracuse, N. Y., for legislation to prevent dealing in options or futures, also in favor of pure food, free delivery, and the free and general distribution of weather reports by the Agricultural Department—to the Committee on Agriculture.

Also, petition of Willet, Delfin, Liverpool, Euclid, and Ly-sander Granges, to prevent gambling in farm products and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

Also, three petitions of 464 members of the Congregational Church of Cortland, N. Y.; of 100 members of the First Baptist Church of Cortland, N. Y., and of 87 members of the Presbyterian Church of Cortland, N. Y., against opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOUTELLE: Petition of George B. Andrews and others of Meades Post, No. 40, Grand Army of the Republic, of Maine, in favor of marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Post No. 81, Grand Army of the Republic, of Maine, in favor of marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BROOKSHIRE: Petition of the faculty and students of the Union Christian College, of Merom, in Sullivan County, Ind., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. BUNTING: Petition of Grand Army of the Republic Association, Springville, N. Y., asking additional legislation concerning the laying out and preserving of the lines at the battlefield of Gettysburg—to the Committee on Military Affairs.

Also, petition against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CATE: Petition of citizens of Crittenden County, Ark., against the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

Also, petition of citizens of Lawrence County, Ark., against the Brosius lard bill—to the Committee on Ways and Means.

By Mr. CRISP: Petition of Board of Trade, Alexandria, Va., respecting naval review at the World's Fair—to the Committee on Naval Affairs.

By Mr. DANIELL: Petition of Ashuelot Grange, No. 129, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Warren Pond Grange, No. 47, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of Star King Grange, No. 124, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of Warren Pond Grange, No. 47, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Star King Grange, No. 124, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Union Grange, No. 56, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Morning Star Grange, No. 62, prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Ashurton Grange, No. 129, New Hampshire, to promote encouragement of silk culture—to the Committee on Agriculture.

Also, petition of Warren Pond Grange, No. 147, of New Hampshire, to promote encouragement of silk culture—to the Committee on Agriculture.

Also, petition of Warren Pond Grange, No. 47, New Hampshire, to extend free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of citizens of Baltimore, representing the Methodist Episcopal Church, asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the pastor of the Episcopal Church of Tokio, Japan, asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of church members, Idana, Kans., requesting that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DE FOREST: Petition of Barkhamsted Grange, for laws encouraging silk culture—to the Committee on Agriculture.

Also, petition of Colebrook Grange, for laws to prevent adulteration of food—to the Committee on Agriculture.

Also, petition of Colebrook Grange, for law to prohibit gambling in farm products—to the Committee on Agriculture.

Also, petition of Barkhamsted Grange, for laws to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of Colebrook Grange, for the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Barkhamsted Grange, No. 98, for the free delivery of rural mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of Barkhamsted Grange, for laws to prevent adulteration of food—to the Committee on Agriculture.

Also, petition of Barkhamsted Grange, for laws defining pure lard—to the Committee on Ways and Means.

Also, petition of Colebrook Grange, for laws defining pure lard—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of D. Lufkins Wear Post, No. 89, Grand Army of the Republic, to preserve battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. DOLLIVER: Petition of citizens of Hancock County, Iowa, in regard to House bill 2699—to the Committee on Agriculture.

Also, petition of citizens of Boone County, Iowa, asking for the passage of Senate bill 254—to the Committee on the Post-Office and Post-Roads.

By Mr. GORMAN: Protest of 34 business men of Greenville, Mich., against the passage of a bankrupt law—to the Committee on the Judiciary.

Also, protest of E. P. Giles and 25 others, of the Seventh Day Adventist Church of Jackson, Mich., against closing the World's Fair on Sunday by national legislation—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of McCarty Post, No. 182, Grand Army of the Republic, of Polk, Ohio, for preserving the battle line at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. HATCH: Petition of the Dairy and Food Commissioners of the United States, urging the prompt passage of House bill 4843—to the Committee on Agriculture.

By Mr. HERBERT: Memorial of Union Academy Grange, Montgomery County, Ala., in favor of pure-food bill—to the Committee on Agriculture.

Also, memorial of the same body, in favor of legal-tender law—to the Committee on Banking and Currency.

Also, memorial of the same body, in favor of bill to prevent gambling in farm products—to the Committee on Agriculture.

Also, memorial of the same body, in favor of silk culture—to the Committee on Agriculture.

Also, memorial of the same body, in favor of House bill 395, defining lard—to the Committee on Ways and Means.

Also, memorial of Pintala Grange, of Montgomery County, Ala., in favor of free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of the same body, in favor of the option bill—to the Committee on Agriculture.

Also, memorial of the same body, in favor of free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the same body, in favor of the pure-food bill—to the Committee on Agriculture.

Also, memorial of the same body, in favor of House bill 395, defining lard—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of citizens of Wasco County, Oregon, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Clackamas County, Oregon, for option bill—to the Committee on Agriculture.

Also, three petitions of Charity Grange, No. 103, of Oregon, for pure food, for encouragement of silk culture, and against gambling in farm products—to the Committee on Agriculture.

Also, two petitions of Syracuse Grange, No. 670, of New York, against adulteration of food and drugs, and against dealing in options or futures—to the Committee on Agriculture.

Also, petition of Mayville Grange, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Sattwell Grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. E. Miller and others, of Lincoln, Nebr., against the removal of the Utes from Colorado, and for increased appropriation for Indian education—to the Committee on Indian Affairs.

Also, petition of the Synod of the Reformed Presbyterian Church at Pittsburg, Pa., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. LEWIS: Petition of citizens of Noxubee County, Miss.,

remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. MCRAE: Petition of P. S. Kenworthy and 22 other citizens, of Little River County, Ark., in favor of the antioption bill—to the Committee on Agriculture.

By Mr. MORSE: Petition of Francis T. Crafts and 29 other citizens of Massachusetts, asking Congress to pass a law to have the battle lines at Gettysburg preserved and properly marked—to the Committee on Military Affairs.

By Mr. O'NEIL of Massachusetts: Petition of John A. Andrews Post, Grand Army of the Republic of Massachusetts, in favor of bill to mark lines at Gettysburg—to the Committee on Military Affairs.

By Mr. PAGE of Maryland (by request): Petition of citizens of Centerville, Queen Anne County, Md., asking for an increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Rolphs, Queen County, Md., asking for increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Church Hill, Queen Anne County, Md., asking for increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of McGinness, Queen Anne County, Md., asking for an increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ruthsburg, Md., asking for increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Star, Queen County Md., asking, for an increase of salary of postmaster—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Crumpton, asking for an increase of salary of postmaster at that place—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Queen Anne County, Md., asking for an increase of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Kent County, Md., asking for increase of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Queen Anne County, Md., asking for increase of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Kent Island, Queen Anne County, Md., asking for increase of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Sadlersville, Queen Anne County, Md., asking for an increase of salary of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Templeville, Queen Anne County, Md., asking for an increase of salary of postmasters—to the Committee on the Post-Office and Post-Roads.

Also (by request), petition of citizens of Mattox, Queen Anne County, Md., asking for increase of salary of postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hope, Queen Anne County, Md., asking for an increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Catlin, Queen Anne County, Md., asking for increase of postmaster's salary—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of citizens of Guys, Queen Anne County, Md., asking for increase of salary of postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. PENDLETON: Petition of citizens of Tyler County, W. Va., in favor of House bill 401—to the Select Committee on Immigration and Naturalization.

Also, petition of Post No. 110, Grand Army of the Republic, of West Virginia, in regard to lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Post No. 94, Grand Army of the Republic, of West Virginia, in regard to lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of citizens of Brooke County, W. Va., in regard to a sixteenth amendment of the Constitution—to the Committee on the Judiciary.

By Mr. PICKLER: Petition of 114 citizens of Armour, S. Dak., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RIFE: Petition of citizens of Steelton, Pa., for a sixteenth amendment to the Constitution, relative to religion—to the Committee on the Judiciary.

Also, petition of citizens of Lebanon County, Pa., for a sixteenth amendment to the Constitution, relative to religion—to the Committee on the Judiciary.

Also, petition of 63 citizens of Williamstown, Pa., for legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of members of Prospect Grange, No. 938, of Duncannon, Perry County, Pa., in favor of defining pure lard—to the Committee on Ways and Means.

Also, petition of the same body, asking for legislation against the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of Perry Grange, No. 759, of Pennsylvania, for the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, to prevent adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, in favor of House bill 395, defining lard—to the Committee on Ways and Means.

Also, petition of the same body, in favor of silk culture—to the Committee on Agriculture.

Also, petition of the same body, against discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. ROCKWELL: Petition of Forest City and Ovid Granges, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. SEERLEY: Petition of Hurricane Grange, No. 585, of Iowa, asking passage of bill prohibiting gambling in farm products—to the Committee on Agriculture.

Also, petition of Hurricane Grange, No. 585, of Iowa, asking passage of pure-food bill—to the Committee on Agriculture.

By Mr. STOCKDALE: Petition of Jane R. Stanton, administratrix of Robert Stanton, deceased, asking reference of her claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. CHARLES W. STONE: Petition of 18 citizens of McKean County, Pa., asking for the appointment of a special committee to investigate the practicability of raising public revenues on land values irrespective of improvements—to the Committee on Ways and Means.

By Mr. STORER: Petition of Rev. L. L. Overman and 115 members of Montgomery (Ohio) Presbyterian Church, to close the Columbian Exposition on Sunday, etc.—to the Select Committee on the Columbian Exposition.

By Mr. STUMP: Petition of Glencoe and Wheatland Granges, to encourage silk culture and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. TOWNSEND: Protest of citizens of Julesburg, Colo., against a general bankruptcy law—to the Committee on the Judiciary.

By Mr. VAN HORN: Petition of Salsbury Center, and Frankfort Granges, to prevent gambling in farm products and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Petition of Caroline Smith Hill, of Lauderdale County, Ala., praying for reference of her claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of Thomas Grisham, of Lauderdale County, Ala., for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of F. P. Price—to the Committee on War Claims.

Also, petition of William Tipton—to the Committee on War Claims.

Also, petition of Elizabeth A. Newman, to have her claim referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Uriah Peters, in support of his claim—to the Committee on War Claims.

Also, petition of George W. Houk, in support of his claim—to the Committee on War Claims.

Also, petition of Sebastian Leohr, for support of his claim—to the Committee on War Claims.

Also, petition of M. N. Morris, of Russellville, Ala., for timber

destroyed by United States Army—to the Committee on War Claims.

By Mr. WILSON of Missouri: Petition of L. D. Ramsay and other members of the bar, against the Torrey bankrupt law—to the Committee on the Judiciary.

By Mr. WRIGHT: Petition of Preston, Union, and Elk Lake Granges, encouraging silk culture, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

SENATE.

MONDAY, April 11, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th of January, a list of unappealed awards and judgments for flowage damages caused by the improvement of the Fox and Wisconsin Rivers, under act of Congress approved March 3, 1875, and acts supplementary thereto, which awards and judgments have not been paid nor provided for in former appropriations; which, with the accompanying papers, was ordered to lie on the table, and be printed.

COURT OF CLAIMS REPORTS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law in certain French spoliation claims relating to the brig Caroline and the schooner Phoenix; which was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law in French spoliation claims relating to the brig Friendship; which was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 6788) to establish supports of entry and delivery at Superior, Wis., and at Ashland, Wis., in the Superior collection district of Michigan and Wisconsin was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 5640) to increase the pension of Cassie A. Davis was read twice by its title, and referred to the Committee on Pensions.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT announced his signature of the enrolled bill (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation of unappraised merchandise; which had previously received the signature of the Speaker of the House.

PETITIONS AND MEMORIALS.

Mr. WALTHALL presented a memorial of the Legislature of Mississippi; which was read, and referred to the Committee on Public Lands, as follows:

A memorial of the Legislature of the State of Mississippi to the Senate and House of Representatives of the United States, on the subject of the lands heretofore appropriated for the support of schools within the Chickasaw cession in said State.

Whereas Congress, by act of May 19, 1852 (10 Stat., 6), did authorize the Legislature of the State of Mississippi "to sell and convey in fee simple, or lease for a term of years," as the said Legislature might deem best, "all or any part of the" lands heretofore reserved and appropriated by Congress for the "use of schools within said State"—"with the consent of the inhabitants of such township or district, to be obtained in such manner as the Legislature of said State may by law direct;" and

Whereas many sales of such lands have been made under authority of the Legislature of said State, at their full value, the purchase money paid, and valuable improvements made thereon; and

Whereas no evidence of such consent on the part of the inhabitants of the district of country comprised within the Chickasaw cession can now be found; and

Whereas said district of country comprises many counties and parts of counties, townships and parts of townships, making it a matter of great difficulty to obtain the consent of the inhabitants thereof to any measure; and

Whereas the proceeds of such sales have always been held by the State as a sacred trust for the schools within the said Chickasaw cession, and are now so held; and the said schools have always received the full benefit of the interest thereon, and the people of said district of country, by so receiv-

ing and using said proceeds for many years without raising any question as to the entire validity of said sales of land have indicated their approval of the same:

This memorial of the Legislature of the State of Mississippi, respectfully begs your honorable bodies, in view of the premises and of the fact that good faith requires it, that an act be passed by Congress ratifying the sales of school lands heretofore appropriated for the support of schools in the Chickasaw cession, and authorizing the State hereafter to make disposal of such lands without the consent of the inhabitants previously had and obtained.

And your memorialists respectfully suggest the bill hereto appended as one which would be calculated to carry out the purpose of this memorial. An act to authorize the Legislature of the State of Mississippi to sell or lease the lands heretofore appropriated to the use of schools within the Chickasaw cession, and to ratify and approve the sales already made.

Whereas Congress, by act of May 19, 1852 (10 Stat., 6), did authorize the Legislature of the State of Mississippi "to sell and convey in fee simple or lease for a term of years, as the said Legislature might deem best," all or any part of the lands heretofore reserved and appropriated by Congress for the "use of schools within said State" * * * "with the consent of the inhabitants of such township or district," to be obtained in such manner as the Legislature of said State may by law direct;" and

Whereas many sales of such lands have been made under authority of the Legislature of said State at their full value, the purchase money paid, and valuable improvements made thereon; and

Whereas no evidence of such consent on the part of the inhabitants of the district of country comprised within the Chickasaw cession can now be found; and

Whereas said district of country comprises many counties and parts of counties, townships and parts of townships, making it matter of great difficulty to obtain the consent of the inhabitants thereof to any measure; and

Whereas the proceeds of such sales have already been held by the State as a sacred trust for the schools within the said Chickasaw cession, and are now so held, and the said schools have always received the full benefit of the interest thereon, and the people of said district of country, by so receiving and using said proceeds for many years without raising any question as to the entire validity of said sales of land, have indicated their approval of the same:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all sales and leases of said lands heretofore made under authority of laws passed by the said Legislature of the State of Mississippi are hereby in all respects ratified and approved.

SEC. 2. And be it further enacted, That sales or leases of said lands may hereafter be made under and by virtue of the laws passed by said Legislature, and that the consent of such inhabitants shall not be requisite for the validity of such sales or leases.

I hereby certify that the foregoing attached memorial was adopted by the house of representatives of the State of Mississippi, 31st day of March, 1892.

R. E. WILSON,
Clerk of the House of Representatives.

I hereby certify that the foregoing attached memorial was adopted by the senate of the State of Mississippi, 1st day of April, 1892.

D. P. PORTER,
Secretary of the Senate.

Mr. SHERMAN presented a petition of the Chamber of Commerce of the State of New York, praying that liberal appropriations be made to extend the usefulness of the Bureau of American Republics to the merchants and manufacturers of this country; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Smithfield, Ohio, praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented a memorial of 84 citizens of Hancock, Ohio, remonstrating against the passage of the bill to provide home rule in Utah Territory; which was referred to the Committee on Territories.

He also presented a petition of 78 citizens of Columbus, Ohio, praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union, signed by 205 citizens of Ohio, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sundays; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CHANDLER presented the petition of Hon. Henry W. Blair, of New Hampshire, praying for an investigation of certain circumstances connected with the refusal of the Government of China to receive him as American minister to that country; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the honorable Senate of the United States of America:

Your memorialist, a citizen of Manchester, in the State of New Hampshire, respectfully represents that he desires this communication to be considered in connection with the message of the President transmitting a portion of the correspondence called for by resolution of the Senate passed in executive session on March 14, 1892, "relating to the nonacceptance of Hon. Henry W. Blair as minister of the United States to China, with the Chinese Government, and between Mr. Blair, the President, and the Department of State." This correspondence was first called for in open session early last January, but the Senator who introduced the resolution evidently did not understand that perhaps the most important part of it so far as your memorialist is concerned was conducted directly between the President and himself. The more recent call was made quite specific, but that portion of the correspondence transmitted conveys the impression that the responsibility for the failure to present the views of this Government to China in an earlier stage of the proceedings rests upon your memorialist because of his "peremptory" resignation. Upon this and other accounts he feels compelled to submit the following to the consideration of the Senate:

Your memorialist respectfully shows that on the 27th day of February, 1891,

he was appointed and confirmed to be envoy extraordinary and minister plenipotentiary of the United States at Peking, the capital of the Chinese Empire; that on the 6th day of March following he accepted the office and began making the necessary preparations for departure to his post of duty; that while en route to Peking he received notice that the Chinese Government had objected to him as *persona non grata*, and on the 29th day of April, 1891, he was recalled to Washington by a telegram received by him at Chicago from the honorable Secretary of State; that immediately upon his arrival in Washington, on the 1st day of May, he notified the honorable Secretary, and was informed that the Secretary was obliged to leave the city for a few days, and that in any event the matter must await the return of the President, who was then in a distant part of the country; that the honorable Secretary did not return to the Department until late in the autumn following, and so far as your memorialist knows did nothing further in the case; that immediately upon the return of the President he notified him, and on the 25th day of May forwarded to the President the following letter, accompanied by a memorandum of law and authorities supporting the views set forth in the letter itself:

"WASHINGTON, D. C., May 25, 1891.

"To the President:

"On the 29th of April, while en route to China, I received at the city of Chicago a telegram from the honorable Secretary of State notifying me to return to the city of Washington, which I immediately did, arriving on Friday, May 1. I immediately informed Mr. Blaine, but he was unable to see me on account of the pressure of affairs, and on Monday, the 4th instant, wrote me that he must be absent in New York four days. His illness has intervened, and I have felt obliged to simply await the course of events. I am informed that the Chinese Government objects to my reception because I voted for the exclusion act of 1888, and because the press of my own country is opposed to me. I only quote what has been said to me, not having knowledge of the matter here in the State Department.

"The first reason is equivalent to a declaration of nonintercourse in principle, for the House of Representatives passed the bill unanimously and the Senate with but three dissenting votes, which action was approved by the Executive. It is just cause of offense for any foreign government to question the language of the President or of the debates in Congress.

"The second reason is one probably never before heard of, and, if acted upon, would exclude several men in the country who is fit for the position, from the President down to myself.

"As matter of fact the speeches and the motion I have made have been completely falsified by the press, and the Chinese Government has been placed in a wholly untenable position by its hasty action.

"I can find no trace of any like action in diplomatic history, and if China were a European nation there would be no excuse for failure on the part of the United States to demand an immediate apology, failing to receive which our minister should be at once recalled and diplomatic intercourse closed until the insult should be atoned for. It might be well to recall the minister anyway, but that it might make a friendly result less likely.

"The reception of the duly accredited minister of a friendly power can not be arbitrarily refused without offense. Reasons must be given; if not given they may be called for, and those reasons are open to discussion. They must be found to be true in fact and sufficient in their nature to justify a proceeding so extraordinary. If China was ever to resent the passage of the exclusion act she should at once on its passage have dismissed Mr. Denby. She would thus have shown her resentment to the President and Congress who committed the supposed affront.

"The facts in this case can not be allowed to ripen into a precedent if we are to maintain our respectability in the diplomatic world, and our prestige with China, if we have any, would be entirely destroyed. The Chinese minister has caused me several times to be informed of his regret at this occasion and of his strong desire that our Government would ask him to request of his the interchange of friendly explanations, which would enable him to be the means of setting the matter right.

"If Mr. Blaine is not to return to his post before long it seems to me that it is not improper that I should bring the matter more directly to your attention by a personal interview. An amicable adjustment of the affair will make our relations much closer than before, while any other will result in prolonged trouble at home and probably increased ill will between the two nations, of which our rivals will be glad.

"With me this or any other office has no longer any significance. I am obliged to be silent, although silence on my part has not prevented copious calumnies issuing from the press.

"If, however, the business can not be rectified ultimately through the State Department I shall place the truth before the country, if possible, in my own way. Meanwhile I am waiting, knowing that the matter is in the best hands that could have it.

"There are just now many more immediately pressing although intrinsically, I think, few more delicate and important affairs than this connected with our foreign relations. The impossibility of my presenting myself at the White House without provoking a mass of newspaper comment alone has kept me from tendering my warmest congratulations upon the wonderful success of your tour through the country and expressing the strong desire I feel for your personal success and happiness. I have the honor to be,

"Very respectfully, your obedient servant,

"HENRY W. BLAIR."

Thereupon such proceedings were had that, having previously placed on file in the State Department a full reply to all the reasons alleged by the Chinese Government for his rejection, and, desiring that the President should be relieved of all embarrassment of a personal nature, on the 23d day of June your memorialist tendered to the President his resignation, expressing, however, his desire that the truth might be made known, in a letter of which the following is a copy:

"WASHINGTON, D. C., June 22, 1891.

"The President:

"I have the honor hereby to tender my resignation as minister of the United States to China.

"I have to-day placed on file in the Department of State the means of disproving the false and scandalous newspaper reports which have been cited by the Chinese Government as the reason of my rejection as *persona non grata*.

"It would be a source of gratification to me if the truth could be made known to the Chinese Government and to my own countrymen.

"With sentiments of the highest respect and most sincere personal regard, I have the honor to be,

"Very respectfully, your obedient servant,

"HENRY W. BLAIR."

That on the 1st day of July the President informed your memorialist that he should accept the resignation without further action, but indicated that he would delay for about thirty days as your memorialist assured him that the Chinese minister resident here had the impression that his Government had been misled by false representations and believed the objections would be withdrawn when the facts were made known; that believing that the pendency of his resignation was likely to result in its acceptance without official denial or explanation or notice upon the record by the Government of the

United States of the false and scandalous matter which had been made use of to mislead the Chinese Government and to secure the rejection of your memorialist, on the 9th day of July, in letters to both the President and the Acting Secretary, he withdrew the tender of his resignation, and on the 15th he filed with the Department a further statement in answer to the note of June 23, received from the Chinese minister, and on the 1st day of August he informed the President of the reasons for which he withdrew the tender of his resignation, including the fact that, under like circumstances, Mr. Krille did not tender his resignation until the conclusion of the controversy, and that he designed to pursue the same course with his own unless the President should earlier express a desire to accept it. (See Senate Ex. Doc., No. 4, Forty-ninth Congress, first session.)

That on the 7th day of August the President wrote to your memorialist in substance that he deemed it necessary to close the matter so far as your memorialist was concerned, and that he thought he must consider the question of another appointment, and on the 8th your memorialist replied by a letter of which the following is a copy:

"WASHINGTON, August 8, 1891.

"To the President:

"Your letter of yesterday in (presumed) reply to mine of the 1st instant is this moment received.

"The earlier a conclusion is reached in the matter of my appointment to China the better I shall be personally satisfied. I exceedingly regret any annoyance or embarrassment which my appointment has given you, and in this connection I can not help observing that there has been no moment since my recall to Washington which has not been full of mental disquiet to myself.

"The Chinese Government made certain charges of a personal and defamatory nature against me which are untrue.

"They are of such gravity that the public press, at home and abroad, has generally commended the action of that Government in rejecting me as *persona non grata*.

"It seemed to me that the international record, on which these false charges will be perpetual, should contain a denial and refutation of the same. Then the Chinese Government would be without excuse if it chose to persist in an unfriendly act.

"Under no circumstances could my reception be pressed upon China in the least, but with no facts left to justify my rejection the failure to apologize for the wrong that Government had done would become a serious international affront.

"Not to deny is to admit; and I believe that an efficient investigation would disclose a detestable conspiracy which should be exposed.

"I have placed the Department in possession of matter which entirely refutes the charges against myself, accompanied with a few suggestions which I hope will not be thought impertinent.

"(Signed, etc.),

"HENRY W. BLAIR."

On the 24th day of August your memorialist wrote a letter to the President, of which the following is a copy:

"WASHINGTON, August 24, 1891.

"To the President:

"Since you have had my case under advisement, with a view to final decision, many of the newspapers have contained articles and items to the effect that I am interested in alleged schemes to obtain privileges and concessions of supposed pecuniary value from the Chinese Government, to which I am the accredited minister of the United States.

"I recognize the necessity that some formal investigation should fix or remove the taint of suspicion thereby cast upon the national honor and the purity of our diplomatic service.

"Nor am I willing that my own good name be left in the uncertain status which would attend it without a finding upon evidence which shall establish either my guilt or innocence.

"If guilty, I am not entitled to that immediate and honorable release from the public service which for some time I have anticipated.

"If innocent, I ought at least to be permitted to close my public life without adding to everything else the loss of honor.

"It is now four months since the Chinese Government declined to receive me as the minister of the United States on account of words never spoken by me anywhere, but falsely alleged to have been spoken by me in the Senate, by scurrilous and malicious American newspapers, whose falsehoods were adopted by that Government as the truth.

"The correction of their error, I am informed, the Chinese Government has declined to receive.

"Congress will be in session within three months, and I desire that the whole matter be turned over to that body, unless there be some readier way to dispose of it which shall give opportunity for a thorough and open examination of all matters involved, both of a public and private character.

"I have the honor to be, very respectfully, your obedient servant,

"HENRY W. BLAIR."

On the 30th day of September the President informed your memorialist that he had decided to accept the resignation without communication of denials or explanations to the Chinese Government, and thereupon to protest against the action of the Chinese Government in rejecting your memorialist and also to write to him a personal letter of the character which appears in the correspondence transmitted to the Senate under date of October 6, 1891, all which was accordingly done.

Your memorialist had done much, not herein or in the correspondence transmitted to the Senate set forth, and he believed that he had done or attempted all that it was proper for him to attempt in order to secure a reply to the charges of the Chinese Government before his resignation was accepted, and he does not feel bound to explain why it was considered essential by the President to postpone the expression of the still uninvited views of this Government, until, even if they produced their natural effect in the withdrawal of the objections which would thus be shown to be unfounded, that result would have been rendered unimportant by the prior ending of your memorialist's term of office.

Your memorialist has, however, become impressed with the belief that for some cause to him unknown the opinion of the Chinese minister expressed to him after the interview of June 15 with Mr. Wharton, an interview which had been arranged at the suggestion of the Chinese minister, who believed that the rejection was wrongfully secured, that the President no longer desired that he should continue to be minister to China, was correct; and as the letter of the President in accepting the resignation and the protest sent to Mr. Denby, the delivery of which to the Chinese Government so late as the 25th day of March ultimo was still uncertain, as shown by the published telegram of that date transmitted to the Senate, together with the then so recent indorsement by the appointment and confirmation of your memorialist, preclude the idea of a belief in his personal unfitness for the office, he feels that inquiry should be made to ascertain the reason, if there be any, for which his resignation was considered necessary before action could be taken which might have resulted in an immediate change in the person representing this country in China.

Your memorialist believes that his rejection was secured by false representations made by the Chinese home Government through the Chinese legation in this city while the minister himself was absent, and by other false

and dishonorable means. That it does not depend upon the willingness of a nation making untenable objections to the accredited minister of a friendly power whether they shall be contradicted and repelled. But that, however that may be, from the facts in his possession he believes that the failure of the Chinese Government to invite explanations as the result of the interview of June 15, between Mr. Wharton and the Chinese minister, was the result of an incorrect translation of the mutual statements of the minister and secretary which neither understood except as rendered by the interpreter, and of other untoward and improper causes; and that said interpreter then was, and has been from the date of the appointment of your memorialist, interested by his relations with the capitalists and others who desired special influence with whoever might be the American minister to China, to secure the rejection of your memorialist, and to prevent the transmission of the truth between the two Governments. That your memorialist is in possession of facts that tend to prove that the difficulty originated, at least in part in, and has been fostered by the rivalry of business interests which, in their contention with each other, have employed methods and instrumentalities the nature of which should be ascertained by the Governments whose friendly relations have been thereby impaired if not endangered. Should the honorable Senate deem such investigation advisable your memorialist will, if desired, render every assistance in his power to promote its completeness and success.

HENRY W. BLAIR.

Mr. WILSON presented a petition of the Methodist Episcopal Church, of Keota, Iowa, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of James C. Taylor Post, No. 165, Grand Army of the Republic, of Iowa, praying for the passage of the bill giving ex-Union soldiers the preference in appointments in the civil service; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of E. J. Nichols and 28 other citizens of Nuckolls County, Nebr., praying for the passage of what are known as the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. PEPPER presented a petition of the Top-oka, Kans., Ministerial Union, praying for the enactment of such laws as will prohibit the sale of liquor at the National Soldiers' Home in Leavenworth, Kans.; which was referred to the Committee on Military Affairs.

Mr. MCPHERSON presented a petition of the faculty and students of Mount Airy Theological Seminary, of Philadelphia, Pa., and a petition of the faculty and students of the Southern Baptist Theological Seminary, of Louisville, Ky., praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FAULKNER presented a memorial signed by 106 owners, masters, agents, mates, pilots, engineers, contractors, and clerks of steamboats plying on the Mississippi River and tributaries, of New Orleans, La., remonstrating against the passage of Senate bill 1725, relative to the carrying into effect of certain recommendations of the International Maritime Conference, and praying for the passage of an amendment thereto excluding all vessels engaged in the navigation of the Mississippi River and its tributaries; which was referred to the Committee on Commerce.

Mr. HARRIS presented a petition of citizens of Jonesboro, Tenn., praying for the adoption of an amendment to the Constitution of the United States, prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. HOAR. I present resolutions of the Legislature of Massachusetts, in favor of restoring John M. Goodhue, a citizen of that State, to the Army. I respectfully request the attention of my honorable friend from Connecticut [Mr. HAWLEY], the chairman of the Committee on Military Affairs, to the resolutions. I ask that the resolutions be printed in the RECORD, and referred to the Committee on Military Affairs.

The resolutions were read, as follows:

COMMONWEALTH OF MASSACHUSETTS, in the year 1892.

Resolutions relative to memorializing Congress to restore John M. Goodhue to the Army, and to place him on the retired list.

Resolved, That the Senators and Representatives of this Commonwealth in Congress are hereby requested to use their best efforts to secure the passage of an act restoring John M. Goodhue, a citizen of this Commonwealth, to the rank held by him in the United States Army at the time of his retirement, and placing him on the retired list.

Resolved, That copies of these resolutions be sent to the Senators and Representatives of this Commonwealth in Congress.

SENATE, March 23, 1892.

Adopted: Sent down for concurrence.

HENRY D. COOLIDGE, Clerk.

Adopted, in concurrence. HOUSE OF REPRESENTATIVES, March 28, 1892.

EDWARD A. McLAUGHLIN, Clerk.

A true copy. Attest.

HENRY D. COOLIDGE,

Clerk of the Senate.

Mr. HOAR. I wish to say that this officer is personally known to me, and is a resident of the city where I dwell. He is a most meritorious officer, who rendered very great service in the early part of the war, being a thorough master of drill and discipline, although a volunteer officer. After the war he was appointed to

the regular Army, and owing to a very peculiar family affliction, which it is not necessary to state more particularly, he resigned, when undoubtedly at that time he was fully entitled to be retired. If he had insisted upon the matter or had urged it, he would have been retired at that time of right; and now all that he asks is that the mistake made under those circumstances may be remedied by an act of Congress. I move that the resolutions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HOAR presented a petition of citizens of Worcester, Mass., praying that Maj. John M. Goodhue be restored to the Army and placed on the retired list; which was referred to the Committee on Military Affairs.

He also presented the petition of C. M. Tilton and other citizens of Boston, Mass.; the petition of A. W. Rice and other citizens of New Bedford, Mass., and the petition of A. J. Rice and other citizens of New Bedford, Mass., praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented the following petitions of Northboro and East Blackstone Granges, Patrons of Husbandry, of Massachusetts:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. HISCOCK presented the petition of C. D. Hoag and 21 other citizens of Newburg, N. Y.; the petition of Rev. F. B. Savage and 72 other citizens of Newburg, N. Y.; the petition of W. J. Hallenback and 79 other members of the Presbyterian Church of Cortland, N. Y.; a petition of 700 members of the First Baptist Church of Cortland, N. Y., and a petition of 464 members of the Congregational Church of Cortland, N. Y., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Rev. J. W. Ackerly and 65 other citizens of Peekskill, N. Y., and the petition of Stephen Brewer, E. A. Sheldon, and 250 other citizens of Ithaca, Oswego, and Brooklyn and vicinity, in the State of New York, praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented the petition of Horatio H. Walker and 120 other citizens of Brooklyn, N. Y., praying Congress to amend the laws relative to the immigration and naturalization of foreigners so as to prohibit the landing of criminals and paupers under contract, and also to amend the Constitution of the United States so as to prohibit any State from granting the right of suffrage to any person not a citizen of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of D. W. Braga and 3 other citizens of Oswego County, N. Y., and the petition of J. Emerson James and 16 other citizens of Oswego County, N. Y., praying for the passage of what are known as the Washburn-Hatch anti-option bills; which were referred to the Committee on the Judiciary.

He also presented the petition of Eugene Barrett and 15 other members of J. R. Tappan Post, No. 215, Grand Army of the Republic, of New York, praying for the passage of the bill providing for the preservation and proper marking of the battle-lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

He also presented the following petitions of Hanover, Empire, Waterville, Highland, Ellington, Oatka Falls, Bartonville, Harmony, Lysander, and North Colesville Granges, Patrons of Husbandry, of New York:

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. PLATT presented sundry petitions collected by the National Woman's Christian Temperance Union of Connecticut, containing 130 individual signatures and 3,069 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of N. D. Chaffee and 27 other citizens of Southington, Conn., praying for the passage of more stringent immigration laws; which was referred to the Committee on Immigration.

He also presented the petition of Francis H. Stafford and 46 other citizens of Ridgefield, Conn., praying for the adoption of an amendment to the Constitution of the United States, prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Senexet, Cheshire, and Bethlehem Granges, Patrons of Husbandry, of Connecticut:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. PLATT. I present something more than forty memorials from citizens of various States in the Union, remonstrating against the passage of either the bill known as the home-rule bill or the statehood bill for Utah. I move that the memorials be referred to the Committee on Territories.

The motion was agreed to.

Mr. BRICE presented a memorial of 30 citizens of Ada, Ohio, remonstrating against the passage of a general bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Ohio State Grange, Patrons of Husbandry, signed by F. A. Akins, secretary, praying for the passage of what are known as the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union, of Springfield, Ohio, containing 224 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Union Veteran League of Cincinnati, Ohio, remonstrating against the removal of charges of desertion except where the person returned to duty after the charge had been recorded, or where it had been made through error or technicality; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Hough Avenue Congregational Church, of Cleveland, Ohio, remonstrating against granting any loan or appropriation for the World's Columbian Exposition except upon the express condition that the Exposition shall be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of German Excelsior, Milton, Poplar Grove, and Augusta Granges, Patrons of Husbandry, of Ohio:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues

of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. KYLE presented a petition of citizens of Wakonda, S. Dak., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. BERRY presented a petition of the Arkansas Annual Conference of the Methodist Episcopal Church South, praying that the World's Columbian Fair be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented a memorial of the New England Conference of the Methodist Episcopal Church, remonstrating against the passage of the Chinese exclusion act; which was referred to the Committee on Foreign Relations.

He also presented the following petitions of Monson Grange, Patrons of Husbandry, of Massachusetts:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of citizens of Saco, Me., praying for the adoption of an amendment to the Constitution of the United States, prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of the Maine State Board of Trade, praying for the establishment of a department of trade and commerce, and for the appointment of a secretary thereof, who shall be a member of the President's cabinet, and also for the passage of Senate bill 1282, providing for the licensing of masters and mates of coastwise sailing vessels as pilots of the vessel of which they may be in command; which was referred to the Committee on Commerce.

Mr. JONES of Arkansas presented the petition of W. L. Heck and other citizens of Yell County, Ark.; the petition of R. L. Wright and other citizens of Arkansas, and the petition of J. M. Lester and other citizens of Lafayette County, Ark., praying for the passage of what are known as the Washburn-Hatch anti-option bills; which were referred to the Committee on the Judiciary.

Mr. COCKRELL. I present a memorial signed by Hon. Samuel P. Sparks and other attorneys of Warrensburg, Mo., remonstrating against the passage of a general bankruptcy bill, and giving reasons therefor. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. COCKRELL. I present a resolution adopted at a regular meeting of Merrimac Farmers and Laborers' Union, No. 850, held on the 2d instant at Hollow, St. Louis County, Mo., in favor of the issue of fractional currency, and very strongly commending it. I move that the resolution be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I also present a resolution unanimously adopted by the St. Louis Spanish Club April 2, 1892, in favor of the continuance of the publications of the Bureau of American Republics, which are translated into the English language and contain the tariff laws and customs regulations of the American republics and the colonies. This resolution very strongly commends the necessary appropriation for the continued publication of those documents. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. COCKRELL. I present sundry petitions collected by the National Woman's Christian Temperance Union, department of Sabbath observance, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday, and said to contain 39 individual signatures and 279 representative indorsements from Missouri. I move that the petitions be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. CULLOM presented a petition of Stringtown, Grange No. 1668, Patrons of Husbandry, of Illinois, praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of citizens of Illinois, praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respect-

ing an establishment of religion or making an appropriation of money for any sectarian purposes; which were referred to the Committee on the Judiciary.

Mr. PERKINS presented the petition of Nancy Patterson, of Siloam Springs, Ark., praying that she be allowed a pension; which was referred to the Committee on Pensions.

Mr. ALLEN presented the petition of John Dobson and other citizens of Chehalis, Wash., praying for the passage of such legislation as will insure the early and economical building and operation of the Nicaragua Canal; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Klickitat County, Wash., praying for the passage of the Butterworth anti-option bill; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Columbia and Mountain View Granges, Patrons of Husbandry, of Washington:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented a memorial of citizens of Lawrenceburg, Ky., remonstrating against the passage of a general bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. MORGAN presented sundry petitions collected by the National Woman's Christian Temperance Union, of Alabama, signed by 336 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VOORHEES presented a petition of citizens of Perry County, Ind.; a petition of citizens of Montgomery County, Ind., and a petition of citizens of Hancock County, Ind., praying for the enactment of legislation regulating speculation in fictitious farm products; which were referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of the Steamboat Springs and Routt County Silver League, of Colorado, praying for the passage of legislation providing for the free coinage of silver; which was ordered to lie on the table.

He also presented a memorial of citizens of Harrisburg, Colo., remonstrating against the passage of the bill providing for the ceding of arid lands to the various States and Territories; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 2503) for the relief of R. A. Spaulding, administrator of estate of Solomon Blue, deceased;

A bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins; and

A joint resolution (H. Res. 107) authorizing the State of Wisconsin to place in Statuary Hall at the Capitol the statue of Père Marquette.

The message also requested the Senate to return to the House the following concurrent resolutions of the Senate:

A resolution to print 50,000 copies of the eighth and ninth annual reports of the Bureau of Animal Industry for the years 1891 and 1892; and

A resolution to print 8,000 copies of the eleventh and twelfth annual reports of the Director of the Bureau of Ethnology.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 69) authorizing the use of the martello tower on Tybee Island, Georgia, for a signal station; and it was thereupon signed by the Vice-President.

REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1987) for the relief of Samuel Collins, reported it with an amendment, and submitted a report thereon.

Mr. WILSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2113) amending section 2139 of the Revised Statutes, relating to the sale of intoxicants

to Indians, to report it adversely, with the recommendation that it be indefinitely postponed. I will state that the reason for the adverse report is that the Senate has already passed a bill upon this subject.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 866) authorizing the Secretary of War to detail certain officers of the Army for special duty in connection with the World's Columbian Exposition, reported it with an amendment, and submitted a report thereon.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes, to report it with amendments.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HOAR. I desire to give notice that after the bill to amend the act establishing circuit courts of appeals shall have been disposed of, I shall desire to call up this bill and a kindred measure in reference to the Court of Claims, so that the three bills which relate to the jurisdiction of the different courts of the United States may be considered in succession.

TRANSFER OF REVENUE-CUTTER SERVICE.

Mr. BLACKBURN. In the absence of the Senator from South Carolina [Mr. BUTLER], I ask leave to submit a report from the Committee on Naval Affairs, to accompany the bill (S. 67) to transfer the Revenue-Cutter Service from the Treasury Department to the Navy Department. That bill is already on the Calendar, and I ask leave, in the absence of the Senator from South Carolina, to submit his report to go with the bill.

The VICE-PRESIDENT. The report will accompany the bill on the Calendar.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Ordered. That there be printed for the use of the Senate 1,000 additional copies of the report on the bill (S. 67) to transfer the Revenue-Cutter Service from the Treasury Department to the Navy Department.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 2883) for the relief of Katherine B. Montgomery, administratrix; which was read twice by its title, and referred to the Committee on Claims.

Mr. HISCOCK introduced a bill (S. 2884) for the relief of Charlotte A. Von Cort; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WALTHALL introduced a bill (S. 2885) to authorize the Legislature of the State of Mississippi to sell or lease the lands heretofore appropriated to the use of schools within the Chickasaw cession, and to ratify and approve the sales already made; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLEN introduced a bill (S. 2886) for the relief of Louis B. Kopp; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON introduced a bill (S. 2887) for the relief of the legal representatives of James V. Bomford; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 2888) to provide for the survey and construction of a wagon road from Gold Hill Station, Jackson County, Oregon, to Crater Lake; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN (by request) introduced a bill (S. 2889) for the relief of Thornton A. Washington; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2890) to provide for the allotment of lands among several Indian tribes in the Quapaw Agency, in the Indian Territory, and for the sale of certain surplus lands of such tribes, and for the creation of the county of Cayuga in the Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MANDERSON introduced a bill (S. 2891) to increase the pension of Warren Hallett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 2892) to remove the limitation in the payments of arrears of pensions; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 2893) authorizing the construction of a free bridge across the Arkansas River connecting Little Rock and Argenta, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HANSBROUGH (by request) introduced a bill (S. 2894) to quiet title to certain lands in the State of North Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. VOORHEES. Some days ago I introduced the bill (S. 2693) for the relief of John H. Crane, of the District of Columbia, and had it referred to the Committee on Claims. I am satisfied that the bill ought to go to the Committee on the District of Columbia. I ask that that change of reference be made.

The VICE-PRESIDENT. If there be no objection, the Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on the District of Columbia. The Chair hears no objection.

INSTITUTIONS OF LEARNING.

Mr. WOLCOTT. I move that Order of Business 381, the joint resolution (S. R. 55) to encourage the establishment and endowment of institutions of learning at the national capital, be indefinitely postponed. A similar measure has passed the other House and is now on the Calendar.

The motion was agreed to.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. MORGAN submitted the following resolution; which was read:

Resolved. That the Committee on Indian Affairs have authority for the employment of a stenographer to report the hearings of March 5 and March 19, 1892, relative to allotments of lands in severally to certain Indian tribes before a subcommittee of said committee, the compensation of said stenographer to be paid from the contingent fund of the Senate.

Mr. MORGAN. I inquire whether the resolution must go to the Committee on Contingent Expenses?

The VICE-PRESIDENT. Under the rule the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORGAN. Very well.

The VICE-PRESIDENT. It will be so referred.

TRADE RELATIONS WITH HAITI AND GERMANY.

Mr. MORGAN. I submit the resolutions which I send to the desk, and ask for their present consideration.

The resolutions were read, as follows:

Resolved. That the President is requested, if it is not, in his opinion incompatible with the public interests, to communicate to the Senate the items of taxation upon imports from the United States imposed by the laws of the republic of Haiti, upon which he has based his finding and proclamation that the tariff laws of Haiti are, reciprocally, unjust to the United States; and that he send to the Senate the correspondence with the Government of Haiti relating to reductions of taxation under the tariff laws of Haiti, that have been proposed by either Government to secure reciprocal justice in tariff taxation between the two Governments.

Resolved. That in like manner, the President is requested to send to the Senate any agreement made by him, on behalf of the United States, with the Imperial Government of Germany, and the correspondence relating to the subject of such agreement, in which it is provided that sugar, or any other German production or export, shall be admitted free of duty into the United States. And that he inform the Senate what articles of American production he has proposed or demanded that Germany shall receive free of duty or upon a schedule of reduced duties, as the fair reciprocal equivalent of permitting the import into the United States of German sugar, hides, tea, or coffee; and, whether such proposals, or demands, made by the President, have been accepted by the Imperial Government of Germany.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolutions?

Mr. HALE. Let them lie over for a day.

The VICE-PRESIDENT. The resolutions will go over and be printed.

BUILDING OF WAR SHIPS ON THE GREAT LAKES.

Mr. HALE. Has any action been taken on the two resolutions which on my request were laid over on Friday?

The VICE-PRESIDENT. The Chair will lay the resolutions before the Senate.

Mr. HALE. I have examined them, and I have no objection to their being passed.

The resolution submitted by Mr. McMILLAN on the 8th instant was read, as follows:

Whereas it is alleged that the iron and steel shipbuilding plants along the Great Lakes of the Northwest exceed in combined facilities, in magnitude, and in capital the interests of all other shipbuilding plants of the country combined; and,

Whereas it is further alleged that these great inland shipbuilding interests have been denied an opportunity to bid for the construction of torpedo boats and the smaller class of warships which can be taken by the water route through the St. Lawrence to the sea; Therefore,

Resolved. That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether any bids for the construction of certain types of war ships have been received from any of said shipbuilding companies, and whether such bid or bids have been refused or rejected by his Department for

any reason or reasons other than such as follow from the usual rule in accepting or rejecting bids for such class of work, and if so, the reasons therefor.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

NAVAL FORCE ON THE GREAT LAKES.

The VICE-PRESIDENT. The Chair lays before the Senate another resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. McMILLAN on the 8th instant was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year 1817, covering the question of the naval force to be maintained by the two Governments on the Great Lakes of the United States is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, 1864, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and of the ratification of said notice by the act of Congress of February 9, 1865.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PURCHASE OF SILVER BULLION.

Mr. STEWART submitted the following resolution; which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what is the aggregate cost of the silver bullion and standard dollars coined therefrom purchased under the act of July 14, 1890, and now held in the Treasury, and what amount of Treasury notes issued for such purchase is now outstanding; and whether any of such notes have been received by the Treasury in exchange for gold coin or redeemed in gold coin; and what amount of silver coin there is now in the Treasury applicable to the redemption of such notes; and also whether, when such notes are received into the Treasury for customs, taxes, and other public dues, they are reissued or retained in the Treasury; and if any such notes have been retained in the Treasury, what amount has been so retained. Are persons selling bullion to the United States under the act of April 14, 1890, required to make immediate delivery and take the bullion so sold out of the market, or are they given time to make such deliveries after having made a contract to supply the United States and deprived others of that opportunity? Does the public have notice of the times, places, and amounts of silver bullion which will be purchased by the United States, or are such purchases made of brokers and bankers without such public notice? Is the business of purchasing silver bullion under the act of July 14, 1890, conducted with a view of depressing the price of bullion and obtaining it as cheap as possible, or with a view of carrying out the established policy of the United States to maintain the two metals (gold and silver) on a parity with each other upon the present legal ratio. And what amount of gold coin and gold bars is there in the Treasury, exclusive of outstanding gold certificates?

Mr. STEWART. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection?

Mr. PLATT. I presume the resolution had better be printed.

Mr. FRYE. Let it be printed.

Mr. STEWART. I should like to make a few remarks in regard to it.

Mr. PLATT. I have no objection to that; but I should like to have the resolution printed before it is passed.

The VICE-PRESIDENT. The resolution will be printed.

Mr. STEWART. I do not know that I understand the Treasury statement and the mode of making up the accounts. It seems to me that there is some doubt about the possibility of maintaining the gold standard under the theory of the Secretary of the Treasury. The last report—

Mr. CHANDLER. Will the Senator allow me to interrupt him for a moment? My colleague [Mr. GALLINGER] gave notice that to-day he wished to submit some remarks, and I also gave notice that I desired to make some remarks to-day upon a joint resolution introduced by the Senator from Illinois [Mr. PALMER]. Do I understand that the Senator from Nevada proposes to occupy the time with a speech?

Mr. STEWART. I propose to occupy about fifteen minutes. If that is not convenient, I will let the matter go over until to-morrow.

Mr. CAMERON. I also gave notice that I should ask for an executive session this morning, and I do not want all the time consumed with other matters.

The VICE-PRESIDENT. Morning business is still in order.

ORDER OF BUSINESS.

Mr. HOAR. I should like to know the purpose of the Senate in regard to the two days to be spent upon the Calendar. The bill for the amendment of the act to establish circuit courts of appeals is the unfinished business; but when it was made the unfinished business some ten days ago I said that I did not wish to interfere with the desire of the Senate to have two days spent upon the Calendar. I should like to have that settled now, if the Chair please. I desire to know what we can depend on.

Mr. CHANDLER. I do not suppose the Senator from Massa-

chusetts intends to interfere with the remarks which Senators gave notice they would like to make in the morning hour to-day.

Mr. HOAR. No.

Mr. CHANDLER. It seems to me that the Senator from Nevada was about to occupy the time on his resolution, and I thought I would ask him if he would not postpone his remarks until to-morrow.

Mr. STEWART. I ask the Senator to allow me to make a suggestion and I will then yield the floor. I will allow the resolution I offered to lie on the table for the present, and I shall occupy about fifteen minutes to-morrow morning, as Senators desire to have it in print before it is acted upon. Let it lie on the table, and I shall to-morrow occupy about fifteen minutes, not to make a speech, but to explain how I understand the statements of the Treasury Department.

The VICE-PRESIDENT. The resolution will be printed and lie over.

Mr. STEWART. I want it distinctly understood that to-morrow morning I shall occupy about fifteen minutes, not to make any speech, but to call attention to the statements of the Secretary of the Treasury on this subject.

Mr. HOAR. Does the Chair understand that the order to spend two days on the Calendar is in force for to-day and to-morrow?

The VICE-PRESIDENT. It was the understanding of the Chair at the time, that when the District of Columbia appropriation bill was completed the next two days should be devoted to the Calendar.

Mr. HOAR. Then I give notice that I shall insist upon the observance of that order for to-day and to-morrow, excepting, of course, the opportunity for the Senator from Nevada to make his remarks.

Mr. CAMERON. I hope the Senator from Massachusetts does not propose to cut off my motion for an executive session to-day.

HOUSE BILLS REFERRED.

The bill (H. R. 2503) for the relief of R. A. Spaulding, administrator of estate of Solomon Blue, deceased, was read twice by its title, and referred to the Committee on Claims;

The bill (H. R. 6006) to admit free of duty bagging for cotton, machinery for manufacturing bagging, cotton-ties, and cotton-gins, was read twice by its title, and referred to the Committee on Finance; and

The joint resolution (H. Res. 107) authorizing the State of Wisconsin to place in Statuary Hall at the Capitol the statue of Père Marquette was read twice by its title, and referred to the Committee on the Library.

RETURN OF CONCURRENT RESOLUTIONS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to that body the concurrent resolution of the Senate to print 50,000 copies of the eighth and ninth annual reports of the Bureau of Animal Industry for the years 1891 and 1892; and, by unanimous consent, the request was ordered to be complied with and the concurrent resolution returned to the House of Representatives.

He also laid before the Senate the request of the House of Representatives to return to that body the concurrent resolution of the Senate to print 8,000 copies of the eleventh and twelfth annual reports of the Director of the Bureau of Ethnology, and, by unanimous consent, the request was ordered to be complied with, and the concurrent resolution returned to the House of Representatives.

NATIONAL SANITARIUM.

Mr. GALLINGER. In pursuance of the notice heretofore given by me, I call up Senate joint resolution No. 67.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 67) providing for the appointment of a commission to select a site for the establishment of a national sanitarium for the treatment of pulmonary diseases.

Mr. GALLINGER. Mr. President, it may not be unprofitable for the Senate to pause for a brief time from the consideration of political and financial questions and give thought to a subject that deeply concerns the physical and moral well-being of a large class in every State of the American Union—a class of citizens environed by misfortune and rendered hopeless and helpless by disease. The statistics of mortality show that consumption destroys more lives than war, pestilence, and famine combined, and the individual sufferer is powerless to cope with this relentless enemy of mankind. In their utter helplessness these unfortunates appeal to the Congress of the United States for sympathy and help. Shall their appeal be in vain?

The joint resolution for the establishment of a national sanitarium for the treatment of pulmonary diseases, which I had the honor to introduce on the 22d day of March last, reads as follows:

SECTION 1. That the President of the United States shall appoint a commission consisting of three persons, two of whom shall be physicians, whose

duty it shall be to select a site, and make report thereon to the President, for the establishment of a national sanitarium for the treatment of pulmonary diseases, said location to be in some one of the Territories of the United States and upon such of the public lands as may be unoccupied.

SEC. 2. That the commission so appointed shall, within six months after their appointment, report to the President of the United States where, in their best judgment, is the proper place to establish said sanitarium, together with the boundaries of the land whereon to establish the same, and also rules and regulations suited for the government of the same.

SEC. 3. That upon the receipt of such report the President shall by proclamation withdraw the lands described in said report from sale, and from preemption, homestead, or other entry or sale, and shall reserve the same for the purpose of said sanitarium.

SEC. 4. That the surveyors-general of the several Territories shall, under the direction of the Secretary of the Interior, make such surveys and render such assistance to said commission as the said commission may desire.

SEC. 5. That the traveling expenses, fares, and other expenses incident to the selecting and reporting upon such site shall be paid out of the Treasury of the United States, upon vouchers properly certified, and the said commissioners shall each be paid \$10 per day for each and every day they shall be actually employed on such duty.

SEC. 6. That \$15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of said commission, their expenses, fares, clerk hire, and all other matters connected with or growing out of the selecting and reporting said site.

Two points are essential in the discussion:

First, can the Congress of the United States constitutionally and properly locate such institution upon the public domain; and, second, if so, is it desirable that it shall be done? I will endeavor, in the fewest possible words, to express my views on the subject.

When this matter was first broached one of the leading newspapers of the country declared it to be "paternalism run mad," doubtless meaning to convey the idea that it was asking of Congress an unusual and improper exercise of power. In view of the legislation already accomplished this surely is not so. The fact is, Congress has repeatedly recognized the principle that underlies this proposed legislation.

Under sections 4801 to 4812, Revised Statutes of the United States, foreign seamen who are sick or disabled are provided for in that great national charity, the hospitals for the relief of seamen, which are located in all the larger ports of the country, supported and maintained by the Government, admission to them being open to all seafaring men.

Sections 4825 to 4837, Revised Statutes, provide national homes for disabled volunteer soldiers, which, like the hospitals for seamen, are a nation's tribute to the sentiment of patriotism.

Sections 4838 to 4858 provide that—

There shall be in the District of Columbia a Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of its inmates.

Sections 4859 to 4869 provide for the deaf and dumb in the District of Columbia, by which deaf mutes in the several States and Territories have provision made for the amelioration of a terrible constitutional infirmity, and by kindly provision for such unfortunates is shown our national forethought.

Sections 1946 and 1947 provide for the setting apart of two sections of land in each township for public schools.

By section 2380 provision is made for the reservation of certain lands for town sites. Mines, salines, timber, and water are reserved under other sections for sundry uses.

By the act of June 3, 1887, John Chamberlin is allowed to erect and have a hotel on the Government reservation at Fortress Monroe.

The provisions for national cemeteries recognize the right of the Government to purchase or donate lands for national purposes, and the establishment of these cemeteries teaches the lesson that proper care for the living is the sacred charge the dead heroes left us in trust to perform.

The legislation concerning the Hot Springs of Arkansas is a recognition of the principle embodied in the proposed legislation, and it will be observed that by joint resolution of March 3, 1887, the Secretary of the Interior is required to furnish from the hot springs, for bath houses not on the Government reservation, hot water to private enterprises.

By sections 2474 to 2477, that vast territory known as the Yellowstone Park, with all its natural wonders, has been set apart, and provision made for its protection for "public purposes of pleasure." Here the robust, and those who can afford the expense of travel may enjoy the scenery and revel in the sunshine of this beautiful spot. Is it not proper that some space be reserved for the comfort and well-being of those whose conditions of health or of purse will not admit of the enjoyment of that national park? It should be borne in mind that "They who are whole need not a physician, but they who are sick."

There are other vast tracts of the public domain set apart for parks, among which may be named the Gen. Grant National Park, the Sequoia National Park, and the Yosemite National Park, all in the State of California. The Yosemite Park alone covers over 1,000,000 acres of land, and, as is well-known, is essentially a pleasure ground. In the act establishing the Sequoia

National Park provision is made for leasing small parcels of ground for building purposes, for the accommodation of visitors, a precedent that will be of use for those seeking health on the reservation that we hope to have set apart for health purposes under the provisions of this bill.

Again, by act approved May 29, 1884, establishing a Bureau of Animal Industry, means are provided for the extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. Provision is made for a chief, a secretary, veterinarians, agents, and other officers, at large salaries, some of the per-diem employees receiving \$10 per day. It is provided that transportation lines shall be subject to the direction of these officials, and the prosecuting officers of judicial districts are required to aid them in their efforts to stamp out pulmonary and other disorders in the cow, the horse, the hog, the sheep, and all manner of four-footed beasts.

The act placed \$150,000 at the disposal of the Bureau for immediate use, and by the appropriation act of the next year \$100,000 is provided annually to carry on the work. Nearly \$1,000,000 has been expended by this Bureau in its beneficent operations. The question arises, will Congress, after making such liberal provisions for stamping out pulmonary diseases in domestic animals, hesitate to do something to prevent the spread of similar diseases among human beings? Or is it to become a byword that the American Congress is always ready to legislate for the protection of property, but rarely ever for the good of humanity, or the welfare of the unfortunate and unprotected?

Many other citations could be made if necessary, but surely enough precedents have been shown to conclusively prove that Congress can constitutionally and properly use the public domain for the purpose sought to be accomplished.

In attempting to show that it is desirable that the proposed sanitarium should be established, I will largely rely upon the observations and investigations of others—those who have given much thought, time, and money to the subject. It is well to suggest that this is not a new topic. Philanthropic and public-spirited physicians have been discussing it for many years, and societies are already formed to carry out as far as they can by private benevolence the work that it is hoped Congress may aid in doing. The American Health Resort Association of Chicago, of which Dr. T. C. Duncan, of that city, is president, and Dr. J. F. Danter, of Toronto, Ontario, is vice-president, has already done a great work in this direction.

At a meeting of this society held in Chicago October 27, 1891, nearly two thousand physicians were present, showing the great interest manifested by the medical profession in the welfare of the unfortunate class whom they are striving to benefit. Under the auspices of this society several physicians have made extensive tours of investigation through Colorado, California, New Mexico, etc., and much valuable information has been gathered.

The interest that Dr. Duncan feels in the pending legislation is expressed in the subjoined letter:

THE AMERICAN HEALTH RESORT ASSOCIATION.
Chicago, March 28, 1892.

DEAR SIR: I learn through the press that you have introduced into the United States Senate a joint resolution to set aside some of the public lands for a national sanitarium. That is a grand good move, and one that will be the means of saving thousands of lives. I hope the resolution will be adopted before Government lands adapted to that purpose are all taken up. Our association, having done work in that line, can appreciate the fact that land adapted to a sanitarium is being rapidly entered. I deem this a matter of the utmost importance, and trust you may find a ready response on the part of the Government. Certainly the masses of the people are with you.

Yours, most truly,

T. C. DUNCAN.

Hon. J. H. GALLINGER.

Dr. W. T. Shepherd, in a communication to the Medical Visitor, thus writes of the climate of Albuquerque, N. Mex.:

ALBUQUERQUE, N. MEX., October 20, 1891.

Of a phthisical family, I found myself in poor health a few years ago, after quite a hard course of study, and came to New Mexico, where I shortly regained health and strength. Thinking the climate near the lakes too severe, I did not return there, but went into the northwestern corner of Iowa, near the Minnesota line, in the celebrated Southern Minnesota climate, and took up a country practice. After two years' work I found my old trouble returning—indigestion, cough, a little hemoptysis, etc.—and so went to Prof. Arnulphy for examination. He reported slight deposit in left apex, and remembering the family tendency, I left at once and arrived in Albuquerque in August, 1888, after looking quite thoroughly over Western Kansas, Colorado, and New Mexico. My cough soon stopped, hemoptysis ceased, and by the beginning of the new year I seemed entirely well in every respect.

This improvement, while not so marked in all cases, is observed in nearly all coming to this climate in the incipency, and in those where no softening of the lungs has taken place is quite the rule, even though there may be considerable deposit.

The cases of pulmonary difficulties most benefited by a removal to this climate are those of chronic pneumonia, or such as are known as consumption following pneumonia, asthma, and the early stages of tuberculosis. Those cases of chronic pneumonia which so much resemble tuberculosis are benefited even in quite late stages, many becoming entirely well—the only limit I would put upon this class of cases being the time when so much of the lung tissue has been destroyed by suppuration that shortness of breath is constant and troublesome even in a lower altitude. People here must take deeper breaths to get the required amount of oxygen.

Asthma is always relieved almost immediately and completely upon reaching these high, dry plains. Barring cases dependent upon organic diseases of the heart you can not go amiss in sending asthma to New Mexico. I do not know a single case existing in the Territory and only one case which has required a month to complete the cure.

As to tuberculosis, our great disadvantage and the patient's distress result from the general practice among Eastern physicians of keeping their patients on hope and cod-liver oil until the curable stage has passed, and the patient comes to us as a last resort before going to his long home.

Patients should be sent here just as soon as the diagnosis can be made. Do not let them put it off one day. They must come on at once, and straighten business matters afterward by mail. They must fly as they would from the cholera. Hundreds are killed by that one or two months to arrange business matters.

Before softening has commenced the patients have a fair chance of recovery—perhaps as good as an ordinary case of typhoid fever or pneumonia, and their chances decrease with every day of delay.

It is another mistake of Eastern physicians that cases having hemorrhages should not come here. This seems not to be true at Albuquerque, for cases having hemorrhages do unusually well.

I have made considerable study of the native people with a view of finding whether or not they have tuberculosis, and although they live in the most unsanitary surroundings no case of the disease has come to my knowledge. I have yet to find a case of tuberculosis developing in this climate even among the adult children of those who came here years ago with the disease.

Dr. A. Petin, a distinguished physician, educated in Europe, makes the following contribution to the Journal of the American Medical Association:

LAS CRUCES, N. MEX., October 16, 1891.

DR. T. C. DUNCAN,
President American Health Resort Association.

DEAR DOCTOR: In conformity with my promise, I send you my report, at last. Ever since 1872 I am a resident of the United States, but every other year, and sometimes every year, I take a trip to Europe, where I attend clinics. Three years ago I had the opportunity of listening to several lectures by some eminent professors of Paris. Their subject was phthisis.

After several meetings with some of these gentlemen, I was entertained with a proposition to find a more suitable climate to establish a sanitarium for consumptives, at an altitude of from 4,000 to 5,000 feet above the ocean, not too cold, not too warm, without much rain, neither fog, and especially avoiding snow. The object of finding such a climate was to permit the patients to be out of doors as much as possible and even to have them sleep in the open air seven or eight months of the year. In Germany a great many patients are kept in pine forests, and some of them find relief by the emanation, but lately a great many prominent physicians of all nations found that it was not only the pine emanation, but the pure air which benefited them the most. It was also with the same belief that a French medical society was formed to rescue the consumptive children from that deadly disease.

For over two years I traveled most of the time in North, Central, and South America. I have found a great many good locations, with finest scenery, but almost everywhere there is some objection, either too much moisture in the atmosphere, fog, cold, snow, or excessive altitude. After traveling all over the Pacific coast, Nevada, Arizona, and Colorado, I had the good fortune to meet Mr. H. F. Grierson, of the Santa Fe Railroad, and traveling together for several months we came to see every place of interest in New Mexico, Texas, and Old Mexico. In the Territory of New Mexico we found numerous good places, but some rather too cold, some too high altitude, and others too much snow for certain classes of patients. By gathering a great deal of information from old residents I found malaria existing more or less all along the Rio Grande, and another objection to the valley is the dust brought by the river, which is so fine as to fly at the smallest breeze; but altogether the best climate with the most sunshine is to be found in Southern New Mexico, although some difference must be made on account of temperature.

In fact I was never satisfied until I found the San Augustine plains, with an altitude of 5,000 feet above the sea, surrounded by mountains from 1,300 to 1,500 feet higher, with unsurpassable drinking water and also mineral waters, one spring containing a great quantity of peroxide of iron and manganese, and others containing sulphate of lime in enormous quantities, etc. But the grandest of all is the level plains, 170 miles long and about 80 miles wide, all covered with palms, cactus, saponaria, Panama plant, soapweed, etc., and every kind of flower all the year round, giving the best opportunity for riding, either horseback, or in any kind of vehicle. The temperature is the most even, the thermometer all the year round at an average of about 62°, with scarcely any snowfall, and when it does snow it does not last more than an hour or two; no dust, no malaria, and the soil is the most porous that can be found anywhere.

There are some samples of consumptives cured residing here who, when they first came, were not capable of walking alone, and who are enjoying good health ever since. There is a peculiarity in this country. As soon as one gets here he feels happy! The amount of rain for three years was an average of about 4 inches a year. Fogs are entirely unknown, and very seldom is there great wind. There is an abundance of game of all kinds, good fishing, and beautiful shade trees grow at the foot of the mountains. There any patient can sleep out of doors eight months of the year without fear of catching cold.

I hope to see you soon and to have a trip over there where you will judge for yourself if there is any other place to compare with the one I refer to. Having no other interest than a philanthropic one, I am of the opinion that a great resort can be built there.

Dr. J. F. Danter, of Toronto, who made an exhaustive investigation of the subject of climatology, with reference to the treatment of consumption, at the instance of the American Health Resort Association, thus writes to the Medical Visitor:

TORONTO, CANADA, August 31, 1891.

To the American Health Resort Association:

I have the honor to report as special commissioner appointed by your president, T. C. Duncan, M. D., to visit New Mexico and investigate its claims as a health resort for consumptives, that I went through the whole Territory, from Raton to El Paso, and spent most of August in my investigations.

That country is divided by the Rocky Mountains almost in the center from north to south. On the west side of the mountains is the Rio Grande River and its many tributary streams that make the land broken and undulating with wide valleys and plateaus. Between Santa Fe and Albuquerque the range is cut through by a tributary to the Rio Grande. This break in the mountain chain is a most important one in moderating the climate there-

about. The streams in the eastern half of the State trend to the southeast almost from the Raton range on the north. This spur of the Rocky Mountains doubtless shunts the "northerners" farther east. The country east of the main Rocky Mountain range is more undulating and well adapted to grazing and will be beneficial to those cases of incipient consumption who can play the cowboy or farmer. Good farms can be had by irrigation, and this locality will be beneficial to many consumptive families.

Las Vegas.—The mountains seem broken into many spurs as we approach Las Vegas, which is a smart city of some 6,000 people, with fair accommodations. The Hot Springs are the great attraction. I tested them in every way possible. There are hot and cold springs and baths of all kinds. The bath attendants are experts, and I can report that this is a delightful place. The hotel affords the most elegant accommodations; cheaper places can be had near by. The air is very bracing. I met there consumptives who had hemorrhage in Boston and the East; they were improving. I met others with special diseases, all doing well. For rheumatism, syphilis, blood diseases, it is an excellent place to go. I was surprised to see consumptives who had had hemorrhages there and improving. The altitude, over 7,000 feet, I should fear was too trying; still, if they do not exert themselves much, take the baths and drink the water, they will doubtless continue to improve.

The rare air doubtless aids rapid healing of diseased surfaces. Some had been there before, went back East, were worse, and returned to remain. Recovery the second time is not so rapid as at first, showing that going East was a mistake. This is a fact that people are slow to learn.

Santa Fe was my next stop. This is a quaint old town of some 7,000 people. One forgets himself among the many things of interest here, which fact alone would be helpful in many cases of consumption.

It is situated in a valley opening and widening to the south, with mountains east and west, and broken peaks to the south. It was not hot, and can not be very hot in summer nor very cold in winter. This location is well ventilated, and at times may be too raw and severe for the very feeble. The altitude is 7,000 feet, and the air very stimulating. The hotel accommodations are good, and the people most hospitable.

I was greatly entertained when my errand became known. It is the capital city, and the governor, judges, merchants, editors, and physicians vied with each other to show me all the special merits of the city and Territory as a health resort.

The old Government military reservation with fort and barracks in the center of the city they hope to have set aside for a national sanitarium. It would make an excellent one. I was feasted with the finest fruits I ever tasted, apricots, peaches, apples, etc. There are some fine springs, and the Santa Fe River seems ample for irrigation as well as to supply the city.

Albuquerque was my next point. The country between this place and Santa Fe seemed to me favorable for invalids.

The valley here is wide and well watered by the Rio Grande, which is a broad, shallow river, and the fall is ample for effective irrigation. On the river bottom are good crops and rank vegetation. The best place for consumptives here is on the mesa. I met here many consumptives, some improving, some holding their own. Most of the people I met came for their health. The necessity for being active and out of doors to get the benefit of the climate, was the testimony of nearly all of the physicians.

The Commercial Club entertained me, and I was driven out to the springs and to Camp Whitcomb over the mountains. Camp Whitcomb is a good place for resort during the very hot days of summer. The water mostly used is melted ice, manufactured in this city. This is an active, bustling place. It is 2,000 feet lower than Santa Fe, and hence warmer. The railroad divides here, one line goes to California and the other down the valley and on to Mexico. Invalids who must go on to California, I learned, stop here to advantage.

I recommend that consumptives sent here or to any other point should as soon as possible be distributed among cottages, with a nice plot of ground to occupy their time and attention.

El Paso.—The most southerly point I visited in the Rio Grande Valley was El Paso. It is a city of about 10,000 people and is situated at the foot of the Rocky Mountains, where the Rio Grande cuts through on its way to the Gulf.

The valley here is not very wide. It was very hot the day I was there, and, except for the winds that I fear must sweep through in winter, will be a good point for consumptives. The altitude is 3,900 feet, the lowest point, I believe, in New Mexico. I ascertained from the physicians that the city was very healthy. The accommodations are good.

Las Cruces was a place of which I expected much. I met Dr. Petin and was entertained by Prof. Hadley, president of the Agricultural College, which is located here, affording free tuition. We went over the Organ Mountain, where Dr. Petin had selected a place for a sanitarium, but before he could secure the land squatters had taken possession. It certainly was a nice, secluded, fertile valley, and its only drawback is that it is 25 miles from the railroad. This is a town of some 3,000 people, half of whom are Mexicans. I saw here large flocks of Angora goats, which are very profitable, I was told. The altitude is about 4,000 feet. The valley is wide here and very fertile when irrigated. Dr. Petin thinks that it will equal France as a grape country; it produces the finest grapes I ever saw. His opinion of it as a health resort is that it is the best in the world. The low altitude, the southern latitude, and the dry, warm winds coming from Mexico, are its special features, adapting it to severe cases of consumption. As a winter resort it has special advantages for feeble invalids, but the accommodations are not very extensive. The water here is good. I also met here Dr. Frazier, of Toronto, and Judge Newcombe, formerly of Nova Scotia.

San Marcial was my last stop on my return to the Rio Grande Valley. It is a small town and has an old, abandoned fort and military reservation that would make a good sanitarium, but I learned that a man had laid claim to it. This is also a good point for fruit and herds.

There are many other small towns in the Rio Grande Valley that I did not stop at, but all have the general merit of being warm and dry, which will commend them as good points for consumptive colonies.

I think that New Mexico surpasses any locality for consumptives I have yet visited, and I have been all over California, Colorado, and the South, Sandwich Islands, and Europe.

I stopped off at Cimarron and Hutchinson, Kans. They are both in a comparatively dry section, and the lower altitude renders this a good intermediate point to get acclimated and to test the climate before going to higher altitudes; therefore the merits of Southwest Kansas, with its medium altitude, should not be overlooked by the profession.

In conclusion, I am decidedly of the opinion that the region visited is for consumptives superior to any other part of the United States or the world of which I have any practical knowledge.

I will next quote from Dr. W. P. Roberts, his views being found in a communication to the Health Journal. Dr. Roberts is now traveling through New England, interesting the medical profession in the work of the Health Resort Association, and is about to organize an aid society in Boston for the purpose of securing

funds to send indigent consumptives to a more favored clime. Dr. Roberts writes as follows:

BOSTON, MASS., September 20, 1891.
To the American Health Resort Association:

Pursuant to the appointment as Special Commissioner by your honored President, I visited Kansas, Colorado, and New Mexico, going as far South as El Paso, Texas, and across the river into Old Mexico, and beg leave to present the following report:

Allow me to premise that I had to leave Maine on account of consumption that was a family inheritance. I was given up by five physicians to die with the awful scourge that carries off almost 30 per cent of the whole people who die on that coast. I was advised to make a change of climate as affording a possible chance of prolonging my life. I reached the upland prairies of Illinois in the lovely autumn weather, and began to improve at once in the dry open air. I thought, like many others, that because I was almost well I could safely return, but the disease again became active and I was obliged to return, this time to the prairies of Iowa. I fully recovered and have had no trouble with my lungs since; but, while vigorous looking, I feel I am not the man I would have been had I come West sooner, while in my growing teens. Therefore I am anxious to urge young people whose parents succumbed to consumption to leave New England.

In going to Denver we cross the divide beyond Colorado Springs. The streams here flow northeast. This north and east exposure has been against Denver as being a desirable residence for consumptives. Many, however, have been benefited and many have died as I found by the mortality records. There is a feeling that the air at times is being contaminated by the smoke and gases from the massive smelting works, containing, as they do, volatilized galena (lead), arsenic, antimony, etc., although an effort is being made to condense these from the smoke, as is done in other smelters. The same objection is increasing against Pueblo and El Paso. I collected much valuable data for our association.

Colorado Springs (a city without a single spring) is more favorably located. I collected here facts of interest from the mortality records and the leading members of the medical profession. This is without question the best point in this section of Colorado for consumption. I learned that pneumonia was often prevalent, severe, and fatal. Their most disagreeable weather is during March and April. Sufferers with pulmonary hemorrhage, unless complicated with organic heart disease, need not feel barred from going to any of these cities.

I found, in searching the mortality records of Colorado Springs, that a few cases of young and middle-aged persons raised in that climate had died from consumption.

Pueblo is several degrees warmer than either of the other cities visited. In fact, it was hotter than any place in New Mexico when I was there. Except for the smelters already noticed, it is a good health point for those with weak lungs. I met many people who were given up as hopeless in Chicago and other Eastern cities, but who are now well. I have no doubt that a few miles away from this city, in a lower altitude, is the "Beulah land" of Colorado for those with weak lungs.

At La Junta, in the extreme eastern border of Colorado, I met several witnesses who were willing to swear that the climate would cure them. Singular testimony is at hand in Trinidad, and, in fact, in all of the places in Colorado I visited. What a golden, glorious health record for the Centennial State!

The Raton Spur of the Rocky Mountains is crossed by plunging through a long tunnel. Here I was informed asthmatics, no matter how severe, lose their difficult breathing as they emerge into the pure air of New Mexico. From Raton, which is quite a town, to Las Vegas, there is a gradual descent. Here is the famous Maxwell grant, where are vast herds of cattle. Irrigation is making it productive. In this section many a consumptive young man years ago got well while "roughing it" as a "cowboy." It is high (6,500 feet), warm, and dry—too dry, perhaps, and dusty.

Las Vegas and the hot springs are both a curiosity and a revelation. It is a surprise to find such an elegant hotel among the mountains, and hot and cold springs side by side. One can get all sorts of baths. I witnessed a mud bath. The bath, hot mud with the soft, hot mud, which is here strong and impregnated with valuable mineral ingredients, then thoroughly bathed or steamed, cooled, and wrapped to rest. Fresh mineral earth is at hand. The effect of this bath on certain skin affections is wonderful. The water shows many valuable ingredients. It is a Carlsbad, but it is also wonderfully strong in lithia. For rheumatism, syphilis, and skin diseases generally the waters have made wonderful cures. The Rocky Mountains here are broken, and the source of these springs suggests volcanoes and liquid available mineral ingredients of reliable medicinal value. The reputation of these waters extends back many years. There will be a great flock of visitors when they become better known.

Santa Fe I approached with dread on account of a weak, irritable heart that followed an injury to the spine some months ago, but was agreeably disappointed. I could breathe with greater ease and slept better than in any place visited.

I will not stop to describe my visit to this quaint old town of crooked streets, adobe palaces, small fruitful gardens, and wonderful buildings, especially the oldest assembly hall, decorated with ancient war weapons; nor my reception by Governor Prince and many citizens; nor how I was feasted with the choicest of fruits (apples, peaches, apricots, pears, small fruits, etc.).

My stay was most pleasant, and I did not see an insect or reptile to render the life of the most helpless invalid a burden. The altitude of this city is about 7,000 feet; it is sunny and warm, with cool nights. The air is very dry. The rainfall is only about 14 inches, or one-fourth of that of my old New England home. The mountains surround it on all sides, and hence the air is very free from dust and must contain much ozone. The summer is very pleasant. In the winter it may be trying for the very feeble, but I saw many cases cured, and the mortality is very low.

At Albuquerque we are in a lively, flourishing city, with a most delectable climate, on the mesa. On the river bottom the doctors informed me that they sometimes have intermittent fever to deal with, especially below the irrigating ditches. The roads are fine after getting on the mesa leading into the mountains, where are springs of pure water and soda springs. Here can be taken desert claims (320 acres), and in the mountains mining claims. I was shown many people who came for their health. It certainly is a good point for consumptives.

We pass on to Las Cruces, another Mexican town, where the finest grapes are raised. A 20-mile ride over the pass of the Organ Mountains, we come to the spot selected by Dr. Pettin for a sanitarium. The road is not a difficult one and the air most invigorating. At a ranch affording all the comforts of civilization we spent the night. The young ladies, who have been here sixteen years, are models of health. At the foot of the mountain are many springs and a natural bathtub worn out of the rock. Here is a most desirable place for a sanitarium.

El Paso is the "alopolis" of the Southwest—a great business center. The

climate is fine, and a sheltered location on the east slope among the foothills promises to be a good retreat for invalids.

As to the climate of Southwestern Kansas and Eastern Colorado, I submit that it will be preferable for a certain class of cases, such as incipient phthisis, with organic heart trouble and catarrhal complications.

To sum up all my observations, from South to North, we have in Western Texas, all of New Mexico, part of Arizona, Southeastern Colorado, and Southwestern Kansas, especially the high ridge upon which the Arkansas flows, the health-giving climate in latitude, longitude, and altitude possessed by no other scope upon the earth. This whole section is equal to supporting the present population of the United States. That this is the sanitarium section of this country, especially for persons with weak lungs, let those who doubt my statements go see for themselves, and become convinced.

The next witness I will call in this interesting discussion is Dr. Frederick W. Seward, of Goshen, N. Y., who seems to have had exceptional opportunities for making an intelligent investigation. Dr. Seward says:

To the American Health Resort Association:

Agreeable to your instructions the writer visited Western Kansas, Colorado, New Mexico, and Western Texas, and herewith submits his report upon the climatic conditions of the same.

Passing westward beyond a line drawn through Kansas at its center from north to south we leave the rain belt and reach the eastern boundary of the dry or arid region, which extends westward to within a few miles of the Pacific coast, within this arid region a marked difference in soil and conditions of the atmosphere prevail from South to North.

The soil of the prairie section is dry, porous, and impregnated largely in places with alkaline matter.

Limestone and sandstone are underlying rock foundations in most of Nebraska, Wyoming, Colorado, and New Mexico, while in New Mexico and Arizona volcanic rock is also abundant. From the character of the rock foundations, the soil, and the extreme dryness and purity of the atmosphere, it is evident no acid or noxious gaseous emanations prejudicial to health can arise from the earth's surface.

Atmospheric conditions are much the same in their chief characteristics in all this region, differing mainly as to the temperature in different latitudes and at different altitudes. These, however, are of great importance, bearing upon the invalid. The summer season is admirable in all parts of the West except in the extreme southern portion of New Mexico. North of New Mexico the winter months are objectionable and not well suited to the sensitive invalid. Take it all in all, New Mexico offers the best climatic conditions throughout the year of any of the continent. The soil, as has been stated, is dry and porous, yet, as a rule, well covered with grass, sandy wastes being infrequently found.

The air is dry and pure. Dry because the rainfall is lower than in any other portion of the country of equal altitude, from 12 to 18 inches; and again, because the precipitation is very rapid when it occurs, being principally in the form of showers, and the relative humidity is extremely small.

Dry again because of the inventory of the sun's rays and absence of cloudiness. From tables compiled from observations taken at various Government posts during a long series of years, we find the following conditions to obtain at points widely separated and which give accurate knowledge as to their principal climatic attributes:

	Cedar Keys.				Santa Fe.				San Diego.			
	Spring.	Summer.	Autumn.	Winter.	Spring.	Summer.	Autumn.	Winter.	Spring.	Summer.	Autumn.	Winter.
Mean cloudiness.....	30	53	30	40	35	45	23	31	38	25	25	34
Mean relative humidity....	73	75	77	77	36	43	50	53	72	76	69	62
Mean absolute humidity....	57	91	70	50	12	37	15	11	39	57	44	29
Mean rain and snow (inches)	9	25	13	12	12	8	3	3	1	0	1	0
Seasonable temperature....	70	83	74	60	47	66	48	30	56	66	63	54
Percentage cloudiness in year.....	40.4				35.5				31			
Absolute humidity.....	67				19				42.50			
Precipitation (inches).....	50				15				8			

	St. Paul, Minn.				Atlantic City.				El Paso.			
	Spring.	Summer.	Autumn.	Winter.	Spring.	Summer.	Autumn.	Winter.	Spring.	Summer.	Autumn.	Winter.
Mean cloudiness.....	55	51	56	54	55	48	44	53	19	23	29	33
Mean relative humidity....	63	71	68	77	78	69	75	75	34	41	54	50
Mean absolute humidity....	18	51	33	6	37	64	43	15	19	43	30	17
Mean rain and snow (inches)	7	12	7	3	10	12	11	11	1	6	3	2
Seasonable temperature....	41	67	45	10	46	70	63	33	63	81	61	45
Percentage cloudiness in year.....	54				49.75				23.75			
Absolute humidity.....	24.50				39.75				27.25			
Precipitation (inches).....	29				44				12			

From the foregoing it will be observed there is a marked difference in absolute humidity between Santa Fe and El Paso on the one hand, and the other four stations on the other. Also in the former the rainfall is largely during the summer months, occurring as before stated in showers, while in San Diego three-fourths of the precipitation occurs during the winter months, and in the three remaining stations is about evenly distributed among the four seasons. In explanation, the wide difference in percentage of absolute humidity and precipitation at San Diego is due to altitude, sea-level air carrying much more moisture without precipitation necessarily occurring.

By the physician climatologist it is to be studied from the hygienic rather than the therapeutic standpoint, and the effort to do the latter has probably given rise to much of the misinformation upon the subject, and is responsible for much of the disappointment resulting from changes made by invalids, acting under advice given from false premises. Those attributes of climate which tend to the preservation in its integrity of organic life, or to the restoration of vital energies, if impaired, and which have become well recognized as essential to this end, are:

Dryness of air; dryness of soil; abundant sunshine; intensity of sun's rays; purity of atmosphere; altitudes of 3,000 to 9,000 feet; diminished air pressure;

absence of noxious gaseous emanations; absence of long-continued extremes of temperature.

The above attributes give rise to another condition which to my mind is of importance and deserving of further study. I refer to the increased electric tension of the body, which is experienced in dry atmospheres. Lessened induction of electric fluid gives rise to a more positive state of the body. A positive state is one of energy, functional activity, and, consequently, of increased nutrition and strength. It has been demonstrated within a comparatively recent date that men employed about electrical works, and particularly on electric street cars, or where there is a large induction of electric fluid, have experienced immunity in a large degree from chronic ailments.

The atmosphere immediately about them is heavily charged with electricity, hence that within does not flow from them. "Virtue" has not gone out of them. It is a question if the enervation we experience from warm, damp weather is not largely due to the rapid outflow of electric current, or, in other words, to a more negative state of the system. Contrast with this enervation the stimulating influence of a cold, clear, crisp atmosphere, where the humidity is congealed and the air becomes a less perfect conductor. In studying the climatology of our country from this standpoint, and admitting the value of the above-mentioned attributes, as we must, I am ready to affirm that in no other section will the perfection of these be so nearly found, or approached, as in New Mexico. With rare exceptions these attributes are to be sought for in the selection of a climatic change for the invalid. It is a common error to suppose that an even temperature is more conducive to health than frequent changes. Extreme changes, I admit, are not well borne by the invalid, but these are not the rule in the arid region, except at points contiguous to the snow-capped mountain peaks. While an even temperature means a moist atmosphere, long-continued extremes of temperature exhaust the system, and herein lies the explanation of the unfavorable effects of the climatic influences of the health resorts of the South at sea-level altitudes, and at the North, in regions of continued cold, such as Minnesota. In the North, which is much dryer than in the South, the long extremely cold winter saps the vitality of the invalid and he sinks under the exhaustion. In the South he dies, not from inability to keep up the waste from rapid combustion, but from inability to supply compensation for, or stay the rapid disorganization of, lung tissue, which is augmented by the moist, warm air.

The consumptive in the South dies easily but very rapidly. In New Mexico the days are warm, but not oppressively so, while the nights are always cool. There being no dews the night air is never damp nor in the least injurious. One can sleep on the ground with no haunting dread of rheumatic pains or lameness on awaking. An actual observation demonstrates the fact that this applies as well to the invalid as to the robust individual.

On this point of "variability *vs.* equability" I wish to quote Dr. Denison, of Denver, a recognized authority. He proves "by comparing twenty-five dry and twenty-five moist prominent stations and health resorts in the United States, and the fifteen moist and the fifteen least variable signal stations in the United States for 1883, how uniformly variability goes with dryness and equability with moisture.

Variability is quite a uniform constituent of dry, high climates, and that as the dryness predominates, the marked variability is less felt, and is less, if at all, objectionable. On the other hand, marked atmospheric equability, wherever found, is *prima facie* evidence of excessive humidity. It is too easy to fall into the mistakes of medical antiquity for equability to be any longer insisted on as a constituent of the best climate for phthisis. It is all right and essential for humid climates, but for dry, cold, and elevated resorts it is out of the question.

Besides the quality of stimulation which is associated with variability, there is an important consideration in the purifying of the atmosphere, which variability indicates. This happens through the alternate expansion by heat and contraction of the air by cold, together with the nightly chilling and sometimes freezing, which regularly renders it inimical to germ life. The purity of atmosphere which is represented by warm, moist, and equable climates, is not to be compared with that purity which is represented by the opposite attributes. The first is where the temperature so continuously hovers within the limits of the microbe's needs, where sound as well as heat is smothered in a short distance, and the sun's rays give a dusky red glow.

The second, indicating a comparative absence of germs, is where food, meat can cure and not spoil; where far-distant objects appear near and the unobstructed rays of the sun give nearly as white a light as does an electric lamp. These characteristics of high climates New Mexico has to the full in common with other places. In the Rocky Mountain region the clearness or transparency of the air is a decided indication of its purity. So a large area, having throughout a similar atmosphere, through which one can see most remarkable distances, and besides probably be deceived as regards the same must indicate as does its coldness, rarefaction, and dryness, that the purity is approaching the absolute.

This purity of air, dryness of soil, and warm but not oppressive days, together with intense but genial sunshine, has the desired effect to keep the invalid in the open air constantly—one of the most essential points in the treatment of the chronic invalid.

Be the cause of consumption what it may, whether as Koch and Cornet contend, always due to contagium, or as others assert, to heredity, the truth is, depreciation of vitality from whatever cause has a direct and positive bearing upon its development within the human organism.

Those characteristics of climate, then, as before stated, which tend in the largest degree to the building up of the depreciated system, offer the most positive assurances of relief from the existing disabilities.

This is not a matter of theory. One has but to visit most any section of the arid region of our country to find ample confirmation of the statement. So rapid has been the development throughout all this section that thousands of settlers, the majority of whom were doomed to chronic invalidism in the East and South, are to-day living examples of the beneficial effects of the climate.

From weaklings they have been made strong; from a condition of helplessness they have been transformed into beings of power; from a life of discomfort and wretchedness they have been issued into the blessed sunshine of healthfulness, contentment, and thrift.

Also, in further confirmation, we have but to glance at the death rate from consumption in different States:

Vermont, Maine, Massachusetts, New Hampshire, Rhode Island—25 in 100.
Connecticut, Delaware, District of Columbia, New Jersey, New York—20 in 100.

Maryland, Michigan, Ohio, Pennsylvania, West Virginia, Washington—16 in 100.

California, Indiana, Kentucky, Minnesota, Wisconsin—14 in 100.
Dakota, Iowa, Oregon, Tennessee, Virginia—12 in 100.

Illinois—11 in 100.

Nebraska, Missouri, Montana—9 in 100.

Colorado, Kansas, Louisiana, North Carolina—8 in 100.

Alabama, Florida, Mississippi, Utah—6 in 100.

Arkansas, South Carolina, Texas—5 in 100.

New Mexico—3 in 100.

It must not be supposed the remarkably low death rate in New Mexico is due to imperfect or too brief observations. We have abundant and reliable testimony to the contrary, and the bearing of all this testimony is emphatically

in favor of New Mexico as a resort for the consumptive; but it is not the consumptive alone who is warranted in seeking this genial climate with the expectation of finding relief from his sufferings.

The writer has personal knowledge and experience as to its wonderful invigorating effects upon the subject of nervous prostration, or "Americanitis," as it has been aptly termed. That state of the system which results from overtaxation, and which has become so common in our day by reason of the severe strain put upon us in the endeavor to keep pace with the demands of business and social duties, and which state, by reason of its extreme prostration, so surely invites the development of any latent or hereditary form of diseases.

Malnutrition and insomnia are the prominent features of such cases, and their prolongation must inevitably result in a fatal termination.

However, under the stimulating effects of such climatic conditions as are found in New Mexico, enabling the invalid to be much in the open air and basking in the genial warmth and vivifying influence of the sunshine, the dormant or suppressed functions of digestion or assimilation are awakened and called into a new activity; the blood, freighted with normal cell-producing material, is sent coursing through the tissues of the body, and repair instead of waste becomes the order of the hour. Then the starved nerves, satisfied with their new diet, as the hungry man with his meat, go to rest and give sweet sleep, the chief of all restorers, to the wearied and diseased brain and body. Dyspepsia, rheumatism, scrofula in all its forms, in short all conditions of heredity or of malnutrition are favorably impressed here.

The subject of organic heart disease should not be sent to an altitude of more than 1,500 feet or thereabout, and the consumptive whose normal breathing capacity has become impaired to the extent of 50 per cent should not go beyond an altitude of 2,500 feet at first.

The hemorrhagic may be sent with advantage to 5,000 or 7,000 feet at once. The opinion that diminished air pressure contraindicates high altitudes has been abundantly disproved by actual experience. Rather high altitude is now regarded as a reliable preventive.

While perhaps enough has already been given to show the advantages that the Rocky Mountain region offers for those suffering from weak lungs, I can not refrain from incorporating an exceedingly interesting paper received a few days ago from Dr. George M. Kellogg, of East Las Vegas, N. Mex. The only hesitancy I feel in giving this paper, is that it relates wholly to New Mexico, and the fear that so much testimony in behalf of that Territory may arouse the suspicion that the case is prejudged. Such is not the fact. If the Commission is appointed a thorough examination will be made of every available place, and the decision reached will be upon the best obtainable information. In sending his contribution Dr. Kellogg writes as follows:

EAST LAS VEGAS, N. MEX., March 29, 1902.

DEAR SIR: People of this Territory have remarked with interest that you have introduced a bill into the Senate concerning the sanitary claims of the Rocky Mountain country. Much has been published on this subject, written by tourists who interviewed the country only from a car window, but I have been moved to give you the views and observations of a physician, based on several years of experience and the study of climatology throughout the length and breadth of the Territory. If there is any matter in the paper that you may wish to make use of you may depend upon it as reliable, justified by observation, careful statistics, and by human history.

Very respectfully,

GEORGE M. KELLOGG, M. D.

HON. J. H. GALLINGER.

Dr. Kellogg's theme is "New Mexico as a health resort," of which he writes in the following entertaining and instructive way:

The Rocky Mountain region, especially the mountains and upland plains of New Mexico, is a land lifted by nature into the pure serene, for the general invigoration of the race.

New Mexico, with a portion of Arizona belonging to the Rocky Mountain crest, and its eastern slope, has, perhaps, the most equable climate known. There are no extremes of winter-cold or of summer-heat while there is a notable absence of dampness in air and earth. Little moisture is left for this region after the hot winds of the Southern Pacific are wrung dry by the coast ranges. The elevation of this country—from four to eight thousand feet—is just sufficient to mitigate that oppressiveness from summer heat which otherwise would be seriously felt in these latitudes from 37° to 32°. The winter months throughout this region, owing to the ever-present sunshine and the positive shelter of the mountains themselves, afford the most satisfactory retreats yet proposed for invalids.

The purity of the air is shown in the absence of atmospheric dust and disease germs. Its notable clearness over the plains has been remarked for many years. Objects are distinctly visible miles away, which in the average atmosphere would be hidden by fog and dust.

With a sun visible nearly every day in the year, and often for months without a cloud-fleck to obstruct its direct rays, the sun heat is yet really grateful instead of oppressive. The native, when enfeebled by illness or age, basks in the sun. It is the best medicine that he knows. It renews his youth by quickening life at its springs.

The invalid and valetudinarian feels at once this mild stimulus. Simply to breathe the air seems a luxury and a delight.

A noted peculiarity of this upland country is the coolness of the nights even in the extremes of summer. The earth, heated by the continuous sunshine, freely radiates at night its surplus, there being no blanketing clouds to confine or intercept. Uninterrupted and balmy sleep is thus insured, bringing healing upon its wings; while the absence of noxious insects to torture is an additional security.

It is certain that change of climate as a curative measure, promising though it be, requires means in abundance to secure its best effects. But as though nature were willing to bestow her best resources on the poor as well as the rich, the benefit of this climate is open to all at a minimum of cost. The least expensive structures afford ample shelter and security at all seasons.

Nourishing food can be obtained on the average at its cost in our great population-centers; fuel, too, is largely unnecessary where the sun's largess is ever-present and grateful.

Not to mention the beautiful and abundant building stones the Mexican adobe houses of sun-burnt brick are delightfully cool in summer and warm in winter. These may be built of materials at hand, or, by larger outlays, can be made as luxurious as could be desired. Along the leading routes of travel such might be conveniently located, and nowhere be more than an hour away from skilled physicians and needed supplies.

While the elevations of New Mexico, from four to eight thousand feet, pos-

ness the same essential climatic features, each altitude has some special desirable quality.

The plains are more uniformly dry and their winters less rigorous than in or near the mountains. In all these sections the atmosphere has the characteristic clearness, save for occasional dust storms.

The mountains catch the greater part of the rain and snow and furnish the chief water courses and supplies for irrigation in the Territory.

The summer rains, from the middle of July to September, are chiefly observed in the mountains and are quite transient. In the plains these are uncommon and there is an almost entire absence of dew.

Nature, as though to confound the wise, shows vegetable life in hundreds of native species, flourishing on the plains with wondrous healthfulness—unvisited by that mold or fungus so conspicuously inimical to plant life in damp regions. The cryptogamous plant world, which elsewhere sends its spores and disease-producing germs across the world, is almost unrepresented in the dry plains and mountains. Fungi, mosses, ferns, lichens, and liverworts, which thrive so signally in the damp and dark, find small encouragement in the Sunshine State.

The experiments of Tyndall to demonstrate the purity of the atmosphere in the Alpine glaciers can be repeated even in the foothills of the Rocky Mountains, at an elevation of from four to seven thousand feet. On the plains, at four to five thousand feet, putrescence is almost impossible. The ordinary ranchman knows that he may with impunity hang his venison or beef under a tree or shed for weeks, even in summer.

The manifold vermin of the infusorial and of the insect world are not tempted to climb or fly to this region from their eastern homes.

Most men believe that in the general upbuilding and economy of the earth "some steadfast purpose runs." Have not these mountains been pushed up in accordance with a plan which involves the general good of being?

The genius of modern civilization may be maritime, but that of the most ancient periods certainly was not. The early home of the Caucasian race was in the uplands of Asia. The shepherds on the oriental mountains studied and named the stars ages before the first frail shallop was launched from the shore. The early Phœnician navigator had learned elsewhere to trust the stars before he ventured himself and fortunes on the waves.

The Aztec and Peruvian civilization originated in the mountains and plains of the western continent. It may well be, then, that those influences which led men to cultivate religion, art, and science in the early period still remain as an earth heritage to future mountain dwellers.

History in certain broad senses repeats itself. It is at least certain that nature has upreared these mountains in order to diversify the conditions of mankind, to vary their industries, their resources, and character. The physical well-being of the race, as well as its moral and intellectual nature, may here again find its highest expression. It is certainly possible for such as can not have the privilege in crowded and stifled cities to live clean and healthful lives in the mountains.

Even in the most prolonged summer heats sunstroke is unknown in New Mexico. Diseases associated with malaria are excessively rare. Acute rheumatism, pleurisy, and pneumonia seem incident only to special and unnecessary exposures to cold night air and subterranean damp, peculiar to a miner's or cowboy's life. The diseases for which the mountain climate may be claimed as a prophylactic are, first, those deadly disorders of infancy, "summer complaint" and cholera infantum. Abdominal disorders are rare. Typhoid and typhus fever are but feebly represented by the dreaded "mountain fever," which is neither so deadly nor so common as those diseases in the East.

There are some neuroses, like chorea, which seem to be aggravated in this country. On the plains, however, neuralgic disorders, with due avoidance of night air, are, as a rule, benefited. But of all diseases incident to humanity, lung troubles, like tubercular consumption, bronchial consumption, and asthma, are the most uncommon among the native population.

Invalids with lung diseases seem to be greatly relieved and often positively cured.

It is almost certain that where there is simple tuberculous cachexia the mountain climate will eradicate it. It is only in the late stages of phthisis that improvement is not at once experienced on change to New Mexico. Bronchitis and asthma are generally greatly relieved and are often cured by simple residence. But where the lungs are riddled by disease and tied down by adhesions the very rarity of the atmosphere becomes a disadvantage.

The striking feature of the mountain country is the diathermancy of the air. Less heat is absorbed by the atmosphere than in the lowlands; this obviates, in great measure, the oppressiveness of the air. Moreover, there is on this account an immediate and great difference between temperatures in sunshine and in the shade.

This difference has been calculated as 1° Fahrenheit for every 230 feet of vertical ascent. This gives for elevations of 6,000 feet above 20° Fahrenheit difference. But the effect on the sunshine of the absence of aqueous vapor in overcoming its direct depressing influence is something for which there is no accurate measure. Perhaps at the crest of the continent there is an electric or other earth aura which ameliorates the sunshine and causes it to invigorate and quicken the pulses of life.

Statistics have proved that the West India Islands and all the shores of our Gulf States are unfavorable for most lung diseases and rheumatic fevers. They are known also as hot-beds of malaria and of abdominal disorders generally. The same is true of the climate of India.

The boasted climate of Nice and Mentone, save for a short period of the year, is found a signal failure. This is true of all the islands and shores of the Mediterranean. Except the parched land of Egypt, no region has been admitted by English authorities as especially favorable for lung troubles. The exception is probably due to the dry though hot atmosphere. Egypt is, however, the home of the plague, cholera, of abdominal diseases, of ophthalmia, and a thousand discomforts.

Great Britain in her ambition to possess the earth has accomplished one important matter at least, though at great expense of life and treasure. She has tested many climates by means of her army. Her published health and death rolls have established the extreme unhealthfulness of Gibraltar, of the islands and shores of the Mediterranean, of the Black Sea, of India, China, the valley of the Nile, the West Indies, Central America, and Demarara, Canada, Australia, and her own foggy shores have given the best returns of salubrity as shown in England's army reports—a sad record at best.

The Kirghese steppes, near the Caspian Sea, though below the sea level, owing to its extreme dry air, has been observed, as in the valley of the Nile, to be favorable for tuberculous disease.

In the elevated plains of Persia and Armenia, at elevations of from six to seven thousand feet, phthisis is much benefited.

In the Alps, at St. Moritz on the river Inn, in the valley of the Upper Engadine are spas and winter cures, where some happy results have been experienced, despite harsh air and inclemency. Davos at an elevation of 5,300 feet has, of late, been much lauded as a health resort for consumptives.

The elevated plateau of Anahuac, in Mexico, has borne for several centuries a reputation for salubrity. The plain of Quito, though directly under the equator, at an elevation of 9,000 feet, has a well-established claim for general healthfulness, as have Montana and Potosí, at still greater elevations.

New Mexico, with its clear, dry air, affords a great contrast to many mountain regions, particularly to the Alps. These, placed between near and

sharply-contrasted seas, the superheated Mediterranean, the fierce, cold Baltic, and the storm-swept Atlantic, have ever been the cradle of storms and climatic excess. The mountain tops are eternally capped with snow and glaciers; their low valleys are hotbeds of miasm and dampness, where consumption and cretinism prevail.

The cold sides of the Alps are to-day, however, lined with hotels and pensions for invalids, who try to imagine themselves benefited by gazing on ice-clad peaks and mountain torrents.

There is this to proclaim, and it is of higher importance than the story of lands of matchless fertility, or of hills seamed through with precious metals, in the Rocky Mountains there is an area of 1,000 miles by 300, with a climate the most serene and invigorating of all that have been tested or in any proper sense demonstrated.

In pursuing my investigations on this subject the fact has been developed that one of the earliest and most intelligent advocates of a national sanitarium was Dr. W. Thornton Parker, of Beverly, Mass. Dr. Parker was for a considerable period a United States army surgeon at White Earth Indian Reservation, Minn., and subsequently was stationed in Texas, New Mexico, and the Indian Territory. Dr. Parker made a special study of lung diseases and climatology and has written much on the subject, both for the newspaper press and magazines, an article from his pen appearing in Treat's Manual for 1891. At the Ninth International Medical Congress Dr. Parker read a paper in which he said:

If there be any class of sufferers who have endured more from many physicians, that class comes under the head of consumptives. Dragged about the world from the ice mountains of Switzerland to the swamps of Florida dosed with nauseating cod-liver oil and countless medicines more or less debilitating, tormented with the outrageous Bergen's method, then hoping that oxygen inhalation would be the thing; shut up in cabinets, nearly baked to death in ovens; surely the record is a pitiful one.

This physician scouts the Koch method as only another installment of torture and delusive hope for the consumptive, and urges as a substitute for all of these things the "climate cure," which, he asserts, can be found in the great plains of Colorado and New Mexico. There, he says, can be found "pure and life-giving sunshine, the rational cure for consumption."

Dr. Parker points out the fact that England has given this method of cure a fair trial with satisfactory results. The Government, some years ago, located for this purpose a consumptive's hospital at St. Lawrence, Isle of Wight. The hospital is built on the separate-cottage plan, no communication existing between the houses except by a subway running from end to end, by which each house is supplied direct from the kitchen. After citing the methods practiced at this retreat and commenting upon their beneficial results to this class of patients, Dr. Parker urges upon the United States Government the propriety of establishing a national sanitarium in our great Western health section.

With the mass of testimony above given little need be added to show the desirability of the legislation proposed. It matters little whether or not consumption is contagious—a view firmly held by a large majority of educated American physicians—the startling fact remains that it is a fearful destroyer of human life. Whether the disease is always hereditary, or whether the bacteria of tuberculosis, the identity of which the microscope of the medical scientist has established, can be communicated from patient to attendant, consumption is a tremendous fact, and the Government can well afford to make a liberal outlay to lessen its ravages and stay its deadly work.

With a death rate of 25 per cent in New England from this disease, of 20 per cent in the Middle States and at the capital of the nation, and a gradual reduction until it reaches 3 per cent in New Mexico, it surely is the dictate of wisdom for the Government to lend its aid in the beneficent work contemplated by the legislation under consideration. Private individuals have done much and will do more, but private means are not sufficient to accomplish the best results. The aid of the National Government, intelligently administered and economically used, will inspire the heart and nerve the arm of those now engaged in this blessed work, and from all over our land, from the homes of despondency and distress, prayers of thanksgiving will be offered for help that may save life and restore to robust manhood and womanhood those who are now battling with inherited disease under adverse and unequal conditions.

After all, the highest and noblest purposes of government are to secure the happiness and prosperity of the people, and surely no legislation can be thought of that promises so much for the well-being of a large class of our citizens as that for which I plead. All over our land the Macedonian cry is heard, and with anxious heart and earnest hope the stricken ones plead for national sympathy and national help. Surely that cry will not go unheeded; surely that help will not be withheld.

Mr. DOLPH. I should like to ask the Senator from New Hampshire to what committee his joint resolution has been referred?

Mr. GALLINGER. The joint resolution has not yet been referred. I presume the Senator from Oregon thinks that it should go to the Committee on Public Lands.

Mr. DOLPH. I do not know about that.
Mr. GALLINGER. I will make this suggestion. This joint resolution merely provides for a preliminary investigation, and I think it should go to the Committee on Epidemic Diseases in the first instance. If the joint resolution should be reported back favorably and a bill formulated, that would probably go, I suppose, to the Committee on Public Lands.

Mr. DOLPH. I have no objection to that.

Mr. GALLINGER. I ask that the joint resolution may be referred to the Committee on Epidemic Diseases.

The VICE-PRESIDENT. The joint resolution will be so referred in the absence of objection.

Mr. DOLPH. I merely wish to say that I heard some reference made by the Senator to a suitable location for the purpose proposed being secured before the public lands are all sold. I wish to suggest to the Senator what he probably already knows, that the President of the United States has the power to withdraw any part of the public domain from public sale, and to continue its withdrawal until Congress shall act.

Mr. GALLINGER. I am obliged to the Senator for that suggestion. I had not thought of it at the time.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CHANDLER. I ask to have taken up the joint resolution which is now on the Calendar, introduced by the Senator from Illinois [Mr. PALMER], providing for the election of United States Senators by the people.

The VICE-PRESIDENT. The Chair lays before the Senate the joint resolution (S. R. 37) proposing an amendment to the Constitution of the United States relating to the election of Senators by the people.

Mr. CHANDLER. I ask that the text of the joint resolution may be read.

The VICE-PRESIDENT. The joint resolution will be read as soon as a copy of it can be procured.

Mr. CHANDLER. If the joint resolution is not at the Secretary's desk I ask that it may be inserted in the RECORD at this point.

The VICE-PRESIDENT. That will be done, in the absence of objection.

The joint resolution is as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the several States, shall become a part of the Constitution:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the people thereof, for six years, and each Senator shall have one vote.

"Electors for Senators in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

"When vacancies happen in the representation of any State in the Senate, by resignation or otherwise, the executive authority thereof shall issue writs of election to fill such vacancies.

"At any election for Senator the person receiving the highest number of votes shall be held to be duly elected."

Mr. CHANDLER. Mr. President—

Mr. CAMERON. I ask the Senator from New Hampshire to yield for a motion to go into executive session?

Mr. CHANDLER. I yield for that purpose.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 12, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, April 11, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

ROCK ISLAND ARSENAL.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for the Rock Island Arsenal, Rock Island, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIG FRIENDSHIP.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seiz-

ure of the brig Friendship; which was referred to the Committee on Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EZRA B. TAYLOR, for this week, on account of public duties ordered by the House.

To Mr. POWERS, for two weeks, on account of important business.

To Mr. WOLVERTON, for two days.

To Mr. O'DONNELL, for ten days, on account of important business.

PIER AT MOUTH OF CHICAGO RIVER.

Mr. DURBOROW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being a bill (H. R. 4330) to repeal House resolution No. 104, first session, Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That House resolution No. 104, first session of the Fifty-first Congress, passed June 12, 1891, entitled "Joint resolution to permit the Secretary of War to grant a revocable license to use a pier as petitioned by vessel-owners of Chicago, Ill.," be, and the same is hereby, repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I think there should be some explanation of the bill, or at least that the report will be read.

The report (by Mr. GEARY) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4330) to repeal House Resolution No. 104, first session, Fifty-first Congress, granting to the Secretary of War a permit to license to use a pier at the mouth of the Chicago River, having had the same under consideration, submit the following report:

The growing needs of commerce have caused a revolution in the method of handling lake shipping and the transfer of freight upon the Great Lakes of this country. The transportation of lake freight at the present time being accomplished by steamships or tugs, with tows of from one to five barges.

The facility with which tows may be made up at this pier is very apparent, whereas if the pier was leased it would be necessary to secure tugs to tow the barges into the lake and make up the tow in unprotected waters and at great cost.

Remonstrances from vessel-owners, the Board of Trade of Chicago, and persons, firms, and corporations doing a large business in shipping and receiving grain, lumber, and general merchandise, protesting against the leasing of this pier have been so effective that up to the present time the Secretary of War has not leased said pier.

The provision that the license shall be a revocable one was perhaps intended to be a restriction in the interest of the Government, but it is well known that it is almost impossible for the Government to regain possession of valuable property or eject the tenant without great cost and vexatious delays.

The necessity for the repeal of the resolution by the passage of bill H. R. 4330 consists in the fact that a future administration, not conversant with all the details, might execute said lease without notice to interested parties and thereby greatly interfere with shipping interests centering in the port of Chicago.

The committee recommend that the bill (H. R. 4330) do pass.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. DURBOROW] that this bill be now considered?

Mr. DINGLEY. Mr. Speaker, I reserve the right to object until I can hear some explanation of the bill.

Mr. DURBOROW. This bill is to repeal a resolution passed in the Fifty-first Congress, giving the Secretary of War the right to lease a pier at the mouth of Chicago River. It was strongly protested against at the time and the lease has never been executed, and the repeal of the resolution is now petitioned for by a number of the largest vessel-owners, shippers, and forwarders of the city of Chicago, who have sent me two very strong petitions on the subject.

Mr. GEARY. I understand that the powers conferred under the joint resolution have never been exercised.

Mr. DURBOROW. They have not; but if the joint resolution is allowed to stand the remonstrants fear that the power may be exercised and the lease executed.

Mr. DINGLEY. I remember the case now very well, and I have no objection to the consideration of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DURBOROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBPORT OF ENTRY, WEST POINT, VA.

Mr. WISE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk (H. R. 4004) to establish West Point, Va., a subport of entry and delivery in the collection district of Richmond, Va.

The bill was read, as follows:

Be it enacted, etc., That West Point, in said collection district, be, and hereby is, constituted a subport of entry in said collection district, and that a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be appointed to reside at said subport, and that, subject to the supervision of the collector of customs at Richmond, the deputy collector at said subport is hereby authorized to enter and clear vessels, receive entries, collect duties, fees, and other moneys, and generally to perform the functions prescribed by law for collectors of customs.

SEC. 2. That the salary of the deputy collector at West Point shall be — per annum.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The SPEAKER. Is there is objection to the present consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I wish the gentleman would explain the measure. As I gather from the reading from the desk, it proposes, in the first place, to leave the salary of this proposed customs officer blank; and, in the second place, unless some amendment is intended, it leaves an absolute, open, unrestricted power in the Secretary of the Treasury to appoint any number of officers there he pleases.

Mr. WISE. I will state to the gentleman from Tennessee that there is an amendment proposed by the committee, striking out the second section, which relates to the salary of the collector. We already have a customs officer at that point, and this bill will involve no additional expense whatever, as the report will show, if the gentleman will allow it to be read.

Mr. McMILLIN. Let the report be read.

Mr. WATSON. Mr. Speaker, we have been unable on this side of the Hall to hear the gentleman from Virginia, but I should like to know what necessity or reason there is for the establishment of this port of entry.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4004) to establish West Point, Va., a subport of entry and delivery in the collection district of Richmond, Va., have considered the same and report:

West Point, Va., being the terminus of the Richmond and Danville system, and the head of navigation on the York River, is becoming an important point for the shipment of merchandise and the products of the farm to foreign countries.

The object of the proposed legislation is to enable the customs officer stationed at West Point to perform those duties which are now required to be performed at Richmond. The masters of vessels entering the port of West Point are now required to visit Richmond, which is distant 30 miles, to comply with the laws and regulations governing custom-houses. As the proposed legislation would involve no additional expense and would facilitate the movements of commerce, it is respectfully recommended that the bill be passed, the second section being omitted, as suggested in the accompanying letter from the Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 6, 1892.

SIR: I have the honor to acknowledge the receipt of a communication dated the 3d instant from your committee, with which was inclosed for an expression of my views thereon a copy of House bill No. 4004 (to establish West Point, Va., a subport of entry and delivery in the collection district of Richmond, Va.), and in reply to say that inasmuch as a customs officer is now stationed at West Point and that the establishment of that place as a port as proposed would involve no additional expense, there would seem to be no objection thereto. I would suggest, however, that section 2 of the bill, making provision for the salary of the deputy collector to be located at said port, be struck out.

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

HON. GEORGE D. WISE,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Let the Clerk read again the second section, the one proposed to be struck out.

Mr. HOLMAN. There was so much confusion during the reading, I ask that the whole bill be read again.

Mr. HEMPHILL. If this matter is going to take up so much time, I think I shall have to ask for the regular order.

Mr. WISE. This will only occupy a moment.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KYLE. Mr. Speaker—

Mr. WISE. I wish it distinctly understood that the second section fixing the salary for this deputy collector has been struck out by the committee. There is no new officer to be appointed, because one is already there, as stated in the letter from the Secretary of the Treasury.

Mr. McMILLIN. My friend from Virginia [Mr. WISE] will observe on rereading the first section that it gives authority, as I have already stated, to appoint additional officers; and this is not remedied by striking out the second section. I ask the Clerk to read the beginning of the first section.

Mr. WISE. There is already an officer there.

The Clerk read as follows:

That West Point, in said collection district, be, and hereby is, constituted a subport of entry in said collection district, and that a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be appointed to reside at said subport, etc.

Mr. McMILLIN. Now, I suggest to my friend from Virginia that the phraseology of the first section should be changed so that instead of authorizing the appointment of new officers it shall simply authorize the Secretary of the Treasury to detail for the performance of this duty officers now in the service. That will obviate my objection.

Mr. WISE. I will state to the gentleman from Tennessee, as I have already done several times, that there is already an officer at this place, and the letter from the Treasury Department so states. The object of the provision in the first section is simply to constitute this officer a deputy collector and enable him to perform duties as such. Without the provision contained in the bill he would not have authority to act as deputy collector.

Mr. McMILLIN. I have no objection to such a provision as that.

Mr. WISE. I assure my friend, and the letter from the Treasury Department so states, that if this bill be passed it will require the appointment of no additional officer for West Point.

Mr. McMILLIN. Then let us not give authority to make such an appointment.

Mr. WISE. The bill now gives no authority except to enable the officer now there to perform the duties of a deputy collector for that port.

Mr. McMILLIN. The gentleman and I read the bill very differently. I do not know that the Secretary of the Treasury would exercise this authority if given; but it can not be doubted by any one who reads the bill that it does give the Secretary authority to appoint new officers in his discretion.

Mr. WISE. The bill was drawn in the Treasury Department by the Customs Division in accordance with law.

Mr. McMILLIN. We want it drawn here in such a way as not to create any new offices.

Mr. WISE. I have no objection to a change which will meet the gentleman's objection.

Mr. McMILLIN. Very well. I suggest an amendment striking out the word "appointed" and inserting "designated from the officers now in the service."

Mr. WISE. Very well; I will accept that amendment. Now, Mr. Speaker, I move the adoption of the amendment reported by the committee.

The SPEAKER. The first question is on giving unanimous consent for the consideration of the bill.

Mr. HOLMAN. If consent be granted, it is with the understanding that the amendment proposed by the gentleman from Tennessee [Mr. McMILLIN] shall be made.

Mr. WISE. I will accept that amendment.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee to strike out section 2 was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] will please send up his amendment.

The Clerk read the amendment of Mr. McMILLIN as follows:

In line 7, section 1, strike out "appointed" and insert "detailed from the officers now in the service."

Mr. WISE. I accept the amendment.

Mr. McMILLIN. The gentleman from Virginia [Mr. WISE] accepts the amendment. We want no authority given for the appointment of additional officers.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The bill was read, as follows:

Be it enacted, etc., That "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road," approved March 24, 1890, be, and the same is hereby, extended, revived, and declared to be in full force and effect from and after March 24, 1892. Section 12 of said act, which provides that said act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years from date of the approval thereof, shall be, and the same is hereby, so amended that the time within which said bridge is required to be commenced shall be within two years from March 24, 1892, and the time within which it is required that said bridge be completed shall be within four years from the 24th day of March, 1892.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HERMANN, the motion to reconsider the last vote was laid on the table.

The SPEAKER. The corresponding House bill will be laid on the table in the absence of objection.

JOHN R. BLANKENSHIP.

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1342) for the relief of John R. Blankenship.

Mr. HEMPHILL. Mr. Speaker, I can not let everybody in this morning.

Mr. BLAND. I hope the gentleman will not object to this bill. It is a mere confirmation of a homestead entry.

Mr. HEMPHILL. I have been already asked by three gentlemen to let them in.

Mr. BLAND. If this leads to debate I will withdraw it.

Mr. HEMPHILL. Very well.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the homestead entry of Wallace Mefford, of lot numbered 1 of the northwest quarter of section numbered 30, in township numbered 31 north, of range numbered 9 west, of the fifth principal meridian, in Texas County, Mo., as shown by final receiver's receipt numbered 2476, on application numbered 5912, issued by George H. Crum, receiver of the United States land office at Ironton, Mo., on January 22, 1884, is hereby approved and confirmed, and the President will cause the patent to be issued thereon.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

On motion of Mr. BLAND, the motion to reconsider the last vote was laid on the table.

EXECUTION OF DECLARATIONS IN PENSION CLAIMS.

Mr. RAINES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2713) in relation to the execution of declarations and other papers in pension claims.

Mr. HEMPHILL. I give notice that having given way for these requests on both sides of the House, I will be compelled to call for the regular order after this bill is disposed of.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, or before some officer who, under the laws of his State, city, or county, has authority to administer oaths for general purposes; and said officers are hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That where such declarations or other papers are executed before an officer authorized as above but not required by the laws of his State to have and use a seal to authenticate his official acts, he shall file in the Pension Bureau a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office.

SEC. 2. That the Commissioner of Pensions may accept declarations and other papers of claimants residing in foreign countries made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer; and declarations in claims of Indians may be made before a United States Indian agent.

SEC. 3. That any and all declarations or affidavits now on file in the Pension Bureau which are considered informal by reason of not having been executed in conformity to the laws heretofore in force covering such, and in which it is shown or may be hereafter shown by proper evidence that the same were executed by and before an officer who was duly authorized to administer oaths for general purposes at said date of execution, shall be accepted as formal as from date of filing such declarations or affidavits.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I will ask that the report be read, reserving the right to object.

The report was read at length.

Mr. HOLMAN. Mr. Speaker, in view of the language of this report and especially the clause in the last section of the bill which provides for the repeal of all laws in conflict with the provisions of this act, I hope that the bill will be again read. The measure is a very important one, and my impression is that it is one that should pass, but is so important that it should be carefully considered before being allowed to go through under a request for unanimous consent.

Mr. HEMPHILL. It seems to me that a matter of this importance can not be passed without consideration and debate, and I shall feel compelled—

Mr. RAINES. If the gentleman will allow me a moment I will say that this bill has been carefully drawn by the law officers in the Pension Bureau, and is simply a modification of existing

law. I can explain in a few moments so that I think the gentleman will see that the bill is entirely unobjectionable.

Mr. HOLMAN. I hope the gentleman will allow the bill to be again read.

Mr. RAINES. I did not know but that a brief explanation might avoid that necessity.

Mr. HOLMAN. For I do not think the last section ought to be adopted without understanding exactly what it proposes to do.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEMPHILL. If there is any discussion I must object.

Mr. McMILLIN. Before a bill of this character goes through we ought to know something of what it is to accomplish.

Mr. PICKLER. Let the gentleman from New York have five minutes to explain the bill.

Mr. HEMPHILL. With the understanding that it is to be withdrawn if it creates discussion I will not object. Is that the understanding?

Mr. RAINES. I do not think it will lead to debate.

Mr. HEMPHILL. If it does it will be withdrawn.

Mr. RAINES. Yes, sir.

Mr. McMILLIN. I will certainly object to the consideration of the bill without a satisfactory explanation.

Mr. KILGORE. Well, Mr. Speaker, I will demand the regular order and that will settle the matter.

Mr. RAINES. Let me say to the gentleman that this involves the interests of a large number of soldiers—

Mr. KILGORE. Oh, there is too much in it to be considered in this way.

Mr. RAINES. It will not take five minutes. If it takes more time than that I will withdraw it.

Mr. KILGORE. But you undertake to cure defects in affidavits in pension cases.

Mr. RAINES. Will the gentleman allow me to give a brief explanation?

Mr. KILGORE. Well, go ahead.

Mr. RAINES. This bill probably involves the interest of some 30,000 to 40,000 soldiers who have filed their declarations, which have been improperly executed in the Pension Department in this particular, that is to say, that they have neglected to execute them before a court of record or a clerk having custody of its seal. This bill provides what we intended by the act of June, 1890, that is, to allow a man, where he files a new declaration, simply to get the certificate of the county clerk that the notary public or other officer before whom the paper is executed was authorized to take such an acknowledgment. And on filing that it cures the defect of the original declaration. Unless we do this, the man is now compelled in many cases to travel from 50 to 100 miles, more or less, to go before a county clerk and make an absolutely new declaration, which amounts to nothing except to identify the man.

Mr. KILGORE. Now, let me ask you, were the declarations to which you refer and which are intended to be cured by this bill taken before notaries public, and were seals used?

Mr. RAINES. They are taken before officers authorized to take acknowledgments and affidavits.

Mr. HEARD. In their respective States?

Mr. McMILLIN. I ask the gentleman from New York [Mr. RAINES] whether it changes for the future the method of certifying to these pension claims?

Mr. RAINES. It applies to all declarations in the future the provisions of the act of June, 1890, which authorized the declaration to be taken before any officer authorized to take an affidavit or acknowledgment, and in addition to that to attach the seal of the clerk that he is authorized to take that acknowledgment.

Mr. McMILLIN. It would authorize Indian agents to make these certificates.

Mr. RAINES. That does not change existing law at all. That is the old law.

Mr. McMILLIN. Why are you reenacting old laws?

Mr. RAINES. That was included as a codification, by the officials at the Pension Office who drew this bill.

Mr. McMILLIN. This is a codification of laws, then?

Mr. RAINES. The first three sections.

Mr. McMILLIN. I think a codification ought to have a little more consideration than this, and I will ask the gentleman to hold it until to-morrow, and I will look at it and see what the provisions of the bill are.

Mr. RAINES. I have been trying to get recognition for three weeks on this bill that affects some twenty or thirty thousand soldiers in the United States.

Mr. McMILLIN. I will not yield to any man in my desire to administer whatever is just to the soldier, but I will not consent to inconsiderate action on anything.

Mr. HOLMAN. I ask that after the reading of the Journal to-

morrow this matter may come up in the same situation in which it now is.

The SPEAKER. The House has not yet given its consent to the consideration of the matter.

Mr. HOLMAN. Then I ask that to-morrow, after the reading of the Journal, it be before the House in the same situation in which it is now.

Mr. RAINES. With that understanding I will withdraw it.

THE LATE HON. JAMES GILLESPIE.

Mr. GRADY. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the old Presbyterian cemetery in Georgetown, D. C., has been sold to private parties, and the remains of persons interred therein are being removed therefrom; and

Whereas among the remains of persons interred in said cemetery are those of Hon. James Gillespie, late a member of the House of Representatives from the State of North Carolina, who died on January 11, 1895: Therefore,

Resolved, That the Sergeant-at-Arms of this House be, and he is hereby, directed to cause to be removed from the said cemetery the remains of the said James Gillespie and have the same reinterred in the Congressional Cemetery, in the District of Columbia, or in some other public cemetery located in said District.

Resolved, That the expenses incidental to the removal of and the reinterment of the said remains be paid out of the contingent fund of the House of Representatives.

The SPEAKER. Is there objection to the present consideration of the resolution.

Mr. GRADY. I am informed that the expense will not be more than ten or fifteen dollars at the outside, and I hope there will be no objection.

There was no objection.

The resolution was agreed to.

RECOMMITMENT OF A BILL.

Mr. OUTHWAITE. I ask unanimous consent to recommit to the Committee on Military Affairs the joint resolution (H. Res. 97) to fill vacancies which occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. If there be no objection this order will be made, recommitting the bill to the Committee on Military Affairs.

There was no objection.

Mr. HEMPHILL. I demand the regular order.

LEAVE OF ABSENCE.

The SPEAKER. Pending the demand for the regular order the Speaker will submit some personal requests of members.

By unanimous consent leave of absence was granted as follows:

To Mr. TURNER, indefinitely, on account of important business.

To Mr. ROBERTSON of Louisiana, for ten days, on account of important business.

To Mr. BRECKINRIDGE of Arkansas, indefinitely, on account of important business.

To Mr. BROOKSHIRE, indefinitely, on account of sickness.

INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I ask the gentleman from South Carolina to withdraw the demand for the regular order until I can submit a report from the Committee on Indian Affairs, non-concurring in the Senate amendments to the Indian appropriation bill, and asking a conference.

Mr. HEMPHILL. If it takes any time I shall have to object.

Mr. PEEL. It will take no time.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] submits a report on a bill the title of which will be reported by the Clerk.

The Clerk read as follows:

A bill (H. R. 5974) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1893.

The SPEAKER. What is the motion of the gentleman?

Mr. PEEL. I am directed by the Committee on Indian Affairs to report the bill back to the House with nonconcurrence in the Senate amendments and to ask that the report be adopted, that the House nonconcur in the Senate amendments, and ask for a committee of conference.

Mr. DINGLEY. I will ask if this is unanimously reported from the committee?

Mr. PEEL. It is unanimously reported from the committee.

Mr. BURROWS. Mr. Speaker, have these amendments been considered in the Committee of the Whole in the House?

Mr. PEEL. No.

Mr. BURROWS. I think I shall object. The amendments ought to be considered in Committee of the Whole.

Mr. PEEL. None of them are very material. There are a good many amendments, but most of them are small.

Mr. BURROWS. I think for the present I will object.

The SPEAKER. Objection is made. The Clerk will call the committees for reports.

LIFE-SAVING STATION AT GAY HEAD, MASS.

Mr. O'NEILL of Missouri, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TELEPHONE LINE FROM CAPE CHARLES TO ASSATEAGUE ISLAND, VA.

Mr. O'NEILL of Missouri, from the Committee on Interstate and Foreign Commerce, reported back with an amendment the bill (H. R. 7727) to authorize the construction of a telephone line on the coast of Virginia from Cape Charles to Assateague Island, in aid of the preservation of life and property; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

The call of committees was continued and concluded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the concurrent resolution "providing for the printing of the eighth and ninth annual reports of the Bureau of Animal Industry for the years 1891 and 1892."

Also, concurrent resolution to print the eleventh and twelfth annual reports of the Director of the Bureau of Ethnology, with accompanying papers and illustrations.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

On the 7th instant:

An act (H. R. 4631) to amend an act entitled "An act to authorize the construction of a railroad, wagon, and foot-passenger bridge at Burlington, Iowa, approved August 6, 1888," as amended by act approved February 21, 1890;

An act (H. R. 5176) to change the time of holding the courts in the eastern judicial district of Texas; and

Joint resolution (H. Res. 115) amending the joint resolution to regulate licenses to proprietors of theaters in the city of Washington, D. C., and for other purposes, approved February 26, 1892.

On April 11:

An act (H. R. 3867) to amend an act concerning officers of the National Home for Disabled Volunteer Soldiers, and for other purposes; and

An act (H. R. 6214) to increase the pension of William Burrough, of Crawford County, Ark., veteran of the war of 1812.

REFORMATORY AND HOUSE OF DETENTION FOR WOMEN IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, of the business reported from the Committee on the District of Columbia at the last day District business was under consideration there was before the House the bill (H. R. 5097) for the erection of a reformatory and house of detention for women charged with and convicted of crimes and misdemeanors in the District of Columbia and for other purposes, which was postponed until to-day. I ask unanimous consent that it be passed over until the next District day, if there be no objection.

There was no objection, and it was so ordered.

VACATION OF MADISON AND EXTENSION OF Y STREETS, IN BURLEITH, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 6658) to vacate Madison street and extend Y street, in Burleith, in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to condemn and vacate Madison street from the west line of Back street, westwardly to the west line of Beatty & Hawkins's subdivision as recorded in "county" numbered 8, page 14; and to open and dedicate Y street eastwardly from the west line of said subdivision to Back street: *Provided, however,* That the ground in the street so condemned and vacated shall accrue and belong to the abutting property: *And provided also,* That the ground needed to extend Y street, as aforesaid, at its present width shall be donated to the District.

Mr. HEMPHILL. I ask that the substitute reported by the committee be now read.

The substitute was read, as follows:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and vacate that part of Madison street, Georgetown, from the west line of Back street, westwardly to the west line of Beatty and Hawkins addition to Georgetown; and to open and dedicate Y street at its present width eastwardly from the west line of said addition to Back street: *Provided, however,* That the ground in the streets so abandoned and vacated shall accrue and belong to the abutting property: *And provided also,* That the ground needed to extend Y street, as aforesaid, shall be donated to the District for that purpose.

Mr. BLOUNT. Mr. Speaker, I make the point that this bill should have its first consideration in Committee of the Whole.

Mr. HEMPHILL. I will state to the gentleman that this is wholly private property. The property was originally dedicated from a plat that the gentleman had, and he simply wants to straighten a street.

The SPEAKER. This bill is on the Calendar of the Committee of the Whole House.

Mr. HEMPHILL. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole. It does not involve a quarter of an acre; and then I will ask the gentleman from Missouri to make a statement.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. BLOUNT. I want to object.

Mr. HEARD. I will state for the benefit of the House that it is simply, as stated by the chairman of the committee, a proposition to straighten a street. Madison street is an extension of Y street, and the outer line of the two streets do not agree. One gentleman owns the land on both sides of Madison street, and he proposes to grant the land on one side of the street to straighten the street if we allow the ground, which is abandoned on the other side to revert to his property on that side. It does not cost the Government a cent, but simply gives a straight street.

Mr. BLOUNT. Does it extend the street?

Mr. HEMPHILL. It just straightens the street in the same direction.

Mr. BLOUNT. Mr. Speaker, I did not correctly apprehend the bill, as it was read in the midst of much confusion. My attention was called to it for the reason that the taxation of this city is based on the idea that we own the streets, and that people are bound to pay for them, but encroachments are continually made on the streets belonging to the Government. It was to that thought I expected to call the attention of the House; but after the explanation of the gentleman from Missouri [Mr. HEARD] and the gentleman from South Carolina [Mr. HEMPHILL] I shall not object.

The SPEAKER. Is there objection to the consideration of this bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none.

Mr. HEMPHILL. The first amendment will be to strike out all after the enacting clause, and insert what the Clerk has read, as a substitute offered by the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

The Clerk read as follows:

The committee recommend that the title of the bill be amended so as to read:

"A bill to vacate that part of Madison street, Georgetown, west of Back street, and extend Y street, in Burleigh, in the District of Columbia."

The SPEAKER. If there be no objection the title will be amended in accordance with the recommendation of the committee.

There was no objection, and it was so ordered.

METROPOLITAN STREET-CAR COMPANY.

Mr. HEMPHILL. I now call up House resolution (H. Res. 108) extending the time in which certain street railroads compelled by act of Congress approved August 6, 1890, to change their motive power from horse power to mechanical power for one year.

The joint resolution was read, as follows:

Resolved, etc., That the time within which the street railroad companies availing themselves of the privileges granted by the act making appropriations to provide for the expense for the government of the District of Columbia, and approved August 6, 1890, is hereby extended for one year from the date of the passage of this act.

Mr. HEMPHILL. Mr. Speaker—

Mr. OUTHWAITE. I desire to offer an amendment.

The SPEAKER. The gentleman from South Carolina has the floor.

Mr. HEMPHILL. I want to ask for the adoption of the amendment reported by the committee first, and then I will yield to the gentleman.

The Clerk read as follows:

In line 7, after the word "ninety" insert "so far as it applies to the Metropolitan Railroad."

Mr. HEMPHILL. This simply limits the operations of the bill to that one road. The other road does not ask it.

The SPEAKER. The question is on the amendment proposed by the committee.

Mr. HOPKINS of Illinois. Can we have the resolution read? The resolution and amendment were again reported.

Mr. HEMPHILL. I will ask the gentleman from Missouri to take charge of the bill. This amendment simply asks that the resolution be confined to the Metropolitan road only.

Mr. HOPKINS of Illinois. What are the termini of the Metropolitan road?

Mr. HEMPHILL. It runs from Georgetown to East Capitol street, and is known as the F-street line.

Mr. BUCHANAN of New Jersey. And on Ninth street.

Mr. HEARD. The original bill would have included the Georgetown and Washington road, but they say that they do not want the extension.

Mr. HOPKINS of Illinois. Do you not think that if this railroad were not granted that extension of time they would be able to complete this change within the time required?

Mr. HEMPHILL. We will come to that in a moment.

Mr. HEARD. This is confined to the Metropolitan road, and after the adoption of the amendment we can discuss the matter.

Mr. HOPKINS of Illinois. I will raise no objection to your amendment.

Mr. HEMPHILL. I move the adoption of the amendment recommended by the committee.

The amendment was agreed to.

Mr. HEMPHILL. Now, Mr. Speaker, I yield to the gentleman from Missouri [Mr. HEARD], who is familiar with the subject.

Mr. HEARD. Mr. Speaker, the gentleman from Ohio [Mr. OUTHWAITE] has an amendment that he desires to offer, but I shall be obliged to him if he will let us have the report read before offering that amendment, so that the House may understand the proposition better. As to this resolution, which has been introduced at the request of the officers of the Metropolitan road, the committee considered this question and reported thereupon, and on the same day, I believe, on which their report was filed the gentleman from Illinois [Mr. HOPKINS] introduced a resolution relating to the same subject, whereupon the president of the road came before our committee and said that, in view of the introduction of that resolution, he would take it as a favor if the members if the committee would go and personally inspect the work which the company had done and were doing.

A part of the committee, the gentleman from Illinois, Mr. POST, Mr. BUSEY, myself, and, I think, one or two others, went and saw the work. After that personal inspection the members of the committee who had made it asked the officers of the road to have their engineer prepare a statement in detail of the work that had been done by the company, and also of the reasons why it was claimed that they would not be able to complete the work within the time fixed by law. That statement is here, and in order that the House may have a full understanding of the whole question I ask that the report of the engineer giving that detailed information may be read. After that is done I will yield to the gentleman from Ohio [Mr. OUTHWAITE] to offer his amendment.

The report (by Mr. HEARD) was read, as follows:

The Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 108) to provide for extending the time within which certain street railroads in the District are required to substitute for horse power the power specified in the third section of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District," etc., approved August 6, 1890 (Stat. L., vol. 26, p. 311), have had the same under consideration, and beg leave to make the following report:

The act of Congress referred to contains a provision requiring the street railroads therein described to substitute for horse power the power therein provided for within two years from the date of the act, and further provides that in case of failure to make the required change "such company shall forfeit its charter."

The joint resolution referred to is by its terms applicable to the Washington and Georgetown Railroad, as well as to the other road or roads therein mentioned, but from what transpired at the hearing before the committee, and from the statements made by the president of the Washington and Georgetown road to different members of the committee, as well as from statements made in the public prints of interviews with the president of said road, your committee finds that no extension of time within which to make the change prescribed by law is required by the Washington and Georgetown Railroad. The committee therefore recommends that the resolution be so amended as to make it applicable in terms only to the Metropolitan Railroad.

Upon full investigation your committee is satisfied that the officers of the Metropolitan road have been diligent and energetic in their efforts to obtain and put in practical use the power specified in the act of Congress, and that it will be practically impossible for that company to complete the work of substituting the new power within the time mentioned in the act.

The delays that have occurred and will necessarily occur in completing the work of change, are caused by the difficulties that are unavoidably incident to the use of storage batteries as the source of motive power. The use of cables on said road was demonstrated to be impracticable by reason of the numerous and severe curves in the lines, and the use of overhead wires as conductors of electricity is prohibited by law, and therefore said company is absolutely confined to storage-battery power.

The following letter from the president of the company gives, with some detail, a statement of what the company has done and is now doing in respect of its motive power:

"[Office of the Metropolitan Railroad Company, near F street bridge and Rock Creek.]

"WASHINGTON, D. C., March 8, 1892.

"SIR: I beg leave to submit to your honorable committee some reasons why the accompanying resolution or the substance of its provisions should receive your support:

"Prior to the passage of the act of August 6, 1890, concerning street railroads this company had been investigating the different methods of traction

other than horse power, and when the act became a law it at once secured the services of two cable engineers, who thoroughly examined the road with a view, if practicable, of adopting the cable system. After a careful survey, both engineers advised against the cable system, as they considered it impossible to be operated successfully, owing to the number of curves encountered, there being forty-nine each way, or a total of ninety-eight on 5 miles of road. The company was therefore obliged to abandon any consideration of the cable system. Electric traction by trolley wires we were also precluded from considering on account of the prohibition by Congress, and there was only left us to examine the independent electric motor, or storage-battery system, which we have investigated most thoroughly from the date of the passage of the act.

"This system we have now every reason to believe will be ultimately successful. It is hardly necessary to say that we have met with many obstacles that have taken much time to overcome, but continued tests made by us at considerable expense resulted in the successful operation for nearly two months of a car propelled by storage-battery motors. Upon that test we settled upon a pattern of a car and propelling mechanism, and have now in process of construction, the woodwork of which is entirely completed, thirty ledge standard-gauge cars. It would be utterly impossible, no matter how much money might be placed at our command, to have these cars provided with the necessary electrical machinery and in operation by August 6, but we are confident that within a short time thereafter we shall be able to complete them and put them into regular service. To provide for these cars and the expected increased and heavier traffic upon our road we have almost entirely relaid our tracks with heavy grooved rails. The expenditure already incurred to enable us to comply with the laws referred to is in excess of \$242,000.

"We have erected all the necessary buildings for the system on our east and west lines, have all the machinery in place, such as boilers, engines, etc., and are only waiting for the electrical machinery to enable us to proceed to equip our east and west lines, and after that is accomplished we shall proceed to equip our north and south line.

"We should be glad if your committee could find time to examine our road and the improvements described, as we are satisfied you will be convinced that our company has done all that could be done to comply with the act referred to, and that the relief asked for by the resolution inclosed is reasonable and just.

"GEO. W. PEARSON,
President of Metropolitan Railroad Company.

"Hon. JOHN T. HEARD,
Chairman Subcommittee on Street Railroads
of District Committee, House of Representatives."

It seems to your committee that to deprive the company of its franchises while it is actually engaged in the work of construction and change in motive power would be of no benefit to the community, but on the contrary would subject the community to great inconvenience and deprive a great number of the inhabitants of the District of requisite facilities for transportation which they are accustomed to and greatly need.

It can not be doubted that the provisions of the law referred to, which require work to be completed within a period plainly too short for the completion of the work, under penalty of the forfeiture of its charters, operates injuriously on the company, and creates apprehensions as to its future success, and has a tendency to injure its credit, and thereby retard the prosecution of the work in which it is engaged.

The committee recommends the passage of the joint resolution as now reported, extending the time limited in the existing law for one year from the date of the passage of this act, so far as it applies to the Metropolitan Railroad.

Mr. HEARD. Mr. Speaker, before the gentleman from Ohio offers his amendment, I desire to say that the report of the engineer of this company is on the Clerk's desk, and may be read if any gentleman desires. It gives a detailed account of the work done by the company in preparation for the change of motive power. It also states that the expenditure on the part of the company in carrying on the work has been without stint; that he has been left entirely unrestricted as to all necessary expenditures; that from the beginning the company have simply directed him to secure for them the best plant and appliances that could be obtained, regardless of cost, and that every expenditure so far made has been in the line of procuring the best possible plant without regard to cost.

Mr. BUCHANAN of New Jersey. I do not care to have the report of the engineer read, but I would like to know whether he reports that on that line a cable is impracticable?

Mr. HEARD. He does.

Mr. BUCHANAN of New Jersey. Then I would like to know whether he has ever ridden over the cable system of San Francisco?

Mr. HEARD. I would say to the gentleman from New Jersey [Mr. BUCHANAN] that the president of the company stated before our committee that upon the passage of the law limiting the time in which the company should make this change to two years, he felt somewhat uncertain about the success of the storage-battery system. He had been at work for more than a year, as I know of my personal knowledge, trying to perfect a storage battery, and when that law was passed, in view of the uncertainty which appeared to exist as to the practicability of using the storage-battery system, to which the company appeared to be absolutely limited, because of the law prohibiting the use of overhead wires—in view of the uncertainty as to whether storage-battery cars would be practicable, he called in, not merely one cable engineer, but two different engineers, to examine the route with reference to the adoption of a cable, and the conclusion they came to after inspecting the route was that a cable system was not practicable thereupon.

Mr. BUCHANAN of New Jersey. Will the gentleman give me—

Mr. HEARD. I trust the gentleman will permit me to con-

clude my statement. It is in response to his question, and I hope he will hear me through.

Mr. BUCHANAN of New Jersey. I certainly will.

Mr. HEARD. The president of the company said that as it was uncertain whether a storage-battery system could be made practicable, he had called in two engineers to inspect the route with reference to the question of the practicability of adopting the cable system, and both those engineers, men of reputation and ability, reported that it was not practicable upon that route. The statement of the president was confirmed by Mr. Truesdell, the president of a rival road, himself engaged in operating storage-battery cars. The report of the engineers was that in view of the fact that there were forty-nine curves in the double track, making ninety-eight single curves in the 5 miles of road, it would be impossible to construct a cable line upon that route that could be operated without absolute loss.

Mr. BUCHANAN of New Jersey. Will the gentleman give us the names of the engineers?

Mr. HEARD. I have not got the names. The president of the road made the statement which I have quoted, in the presence of the committee, and the opinions of those engineers as to the impracticability of adopting a cable upon that line was fully borne out by the president of the Eckington road, who was present at the time by request of the committee, and not at solicitation of the Metropolitan Company.

Mr. BUCHANAN of New Jersey. And you did not even ask the name of the engineer?

Mr. HEARD. I did not even ask the name of the engineer. Perhaps the gentleman from New Jersey considers the name of the engineer important, but—

Mr. BUCHANAN of New Jersey. I do; because there are engineers and engineers.

Mr. HEARD. Well, I have no doubt whatever of the truth of the statement made by the president of the Metropolitan road, for I know to my own personal knowledge that before the law requiring the change of power was passed the company had spent a good deal of time and money in trying to perfect a storage-battery car. Now, if after having set out upon that plan, they afterwards called in the services of engineers to pass upon the question of the practicability of adopting the cable system, I take that as evidence that they were acting in good faith.

Mr. Speaker, from the statement made by the president of the company, and from the facts which appeared during the investigation, which are borne out by Mr. Truesdell, a very practical railroad man, I do not believe it possible to put cable power on that road without an absolute loss. The fact is, Mr. Pearson stated in the presence of our committee that he asked one of these engineers to state the minimum sum which he could guarantee as the cost of operating the cable system on that road; and the amount fixed (I think about twice as much as was estimated by those supposed to be familiar with the work) was so high as to preclude the introduction of the cable system.

Mr. BUCHANAN of New Jersey. Do I understand the gentleman to say that they are now working on the line of storage batteries?

Mr. HEARD. Yes, sir.

Mr. BUCHANAN of New Jersey. Do you not think they had better take more time? Will it not take at least five years to get anything definite?

Mr. HEARD. These gentlemen believe that they will be able to reach a result within a very few months. Storage battery cars are now being operated, as the gentleman knows, on the Eckington road. I will state, however, a fact which the gentleman may not know—that the company on whose line they are being operated accepted that system only upon a bond of the company manufacturing and putting on the cars, that they would protect the railroad company against proceedings for infringement in the use of those storage batteries, and also a bond that the company manufacturing and putting on the cars would operate them successfully for a certain time. And while this Eckington company now pays 12 cents a mile for every mile over which those cars run, which, added to the cost of the motor man and the conductor, makes the expense greater than the traffic to-day will justify; yet we are told by the president of the road that the company which furnishes those cars is probably suffering a loss to-day in doing so; in other words, 12 cents a mile does not pay the cost of their operation.

Now, Mr. Pearson, the president of the road, has stated to our committee that the difficulty is in getting batteries for their cars, and the gentleman from Illinois [Mr. POST], the gentleman from Illinois [Mr. BUSEY], and myself saw some thirty or forty new cars ready for these batteries and motors in their factory—it is stated that the company can get the motors, that is, the simple mechanical appliances for making application of the power, but the difficulty has been to get batteries which could be used without the danger of an injunction from some company or other; in

other words, the difficulty was in getting a company to furnish an efficient battery which they would be permitted to use. They claim that they now have an engineer at work under a contract for the manufacture of batteries under a patent which seems to be entirely free from liability to the charge of infringement; and the company manufacturing them promise to be able to begin to give the company the first of their product, by probably, the 1st of May; and they promise that, as fast as practicable, the cars already built and in the factory awaiting these mechanical appliances, shall be equipped and put into use.

These people, as they show, have spent about a quarter of a million dollars, which is wholly unproductive until they get those cars running. They have every interest in common with the public; indeed, they have a much larger interest than the public in perfecting the work at the earliest practicable date. From the investigation which the committee has given—and we went and inspected the work—we believe they are proceeding in good faith, and will perfect that work quicker than anybody else could do it for them.

Mr. WASHINGTON. Do you mean to say that they have spent two hundred and forty-odd thousand dollars on electric motors?

Mr. HEARD. No, sir.

Mr. WASHINGTON. How much have they spent in actual experiments in trying to develop a practical motor?

Mr. HEARD. I will state to the gentleman—

Mr. WASHINGTON. Have they expended anything?

Mr. HEARD. These people claim that they had spent \$15,000 of their own money before they were compelled by law to make any expenditure. Since that time they have spent a much larger sum. The \$242,000 of which we speak in our report embraces the expenditure they have made in securing a plant, which is three times larger than any similar plant in the world. They have to-day the very best plant of the kind in existence.

As stated just now, the engineer tells us over his own signature that in the construction of this work the injunction of the company to him has been to make it the best that could be made regardless of cost; that the company has never withheld from him for a moment the money necessary to do this work, and that he has expended their money just as fast as any competent engineer would or could prudently spend it.

Mr. O'NEIL of Massachusetts. Is it the intention of this company to use the storage system?

Mr. HEARD. It is.

Mr. O'NEIL of Massachusetts. Is there a street railway company in the United States whose cars are to-day run by itself with the storage system? Are not the roads in all such cases run under lease?

Mr. HEARD. I do not know about that.

Mr. O'NEIL of Massachusetts. It is the fact.

Mr. HEARD. These people have erected a power plant which probably cost—well, I would not undertake to estimate the cost—it has been immensely large, probably \$150,000. A large part of the money invested by this company, of course, has gone into this plant at Georgetown, in the construction of their power house, boilers, engines, and other equipment.

Mr. BUCHANAN of New Jersey. I have not the slightest objection to that.

Mr. HEARD. But the suggestion I wish to make is this, and it is brought up by the inquiry of the gentleman from Massachusetts [Mr. O'NEIL], that the work done will be available to a large extent for their purposes in case the storage battery system should prove to be a failure and they should be permitted to resort to the system of overhead wires for the propulsion of the cars. In other words, they can use the plant for furnishing the power by means of overhead wires if they should fail in the storage-battery system. But in view of the large amount that they have already invested in this storage-battery system, and the interest they have in its success, in order to save what has been invested, they will be induced to make further and costly developments in that line.

Mr. BUCHANAN of New Jersey. Of what value will the overhead-wire system be to them, when the law prohibits the use of overhead wires?

Mr. HEARD. Of course it can not be done without a modification of the law; and these people ask this extension of time so as to allow them to endeavor to comply with the law as it is, without resorting to the other method. Your committee did not believe it possible; the railroad company does not believe it possible; in fact, their engineer states that it is absolutely impossible, on account of the delays already encountered, and not of their fault, in making these developments to complete their equipment by the 6th of August, at which time the present law requires it to be done. The gentleman will remember that their line extends not only from Georgetown by way of F street and up beyond the Capitol here, but that they also have a line on Ninth street al-

most as long as this. They are preparing to put on their storage batteries, the first available ones that can be procured, on the line between the Capitol and Georgetown, and will supply the other line as soon as possible thereafter.

Mr. BUCHANAN of New Jersey. I have no objection whatever to the extension of time to enable them to experiment with this kind of motor and storage-battery power. I think they will not only need this extension of time, but a very vast extension in addition, before making that a success. But I am not convinced, notwithstanding the elaborate report of the nameless engineers, that a cable is not a possibility on that line, and for the reason that I have ridden over these lines and know the character of the road, and have also ridden over a cable system in San Francisco which has more and sharper curves and works like a charm.

Mr. HEARD. Yes, and so have I, and I have no idea, for I believe I know this road pretty well, that there are anything like as many curves on the road in San Francisco to which you refer as on this one. There are probably not half the number. There are sudden curves on the road in San Francisco as well as in Kansas City, but not so many. You take a road having ninety-eight curves and the friction on the bearings of a cable running over a length of 5 miles would be something tremendous to overcome. In fact, as the gentleman must see, it would be almost destructive of the entire power employed to stretch the cable and leave no surplus for the propulsion of the cars. This will be recognized as true when it is remembered that the entire power available for the propulsion of cars in the ordinary system is only about 15 per cent, there being about 85 per cent wasted on stretching the cable itself.

That is the case on the ordinary road where the line is comparatively straight. But where there are ninety-eight curves, as on this road, you must see that it is practically impossible to make it succeed. The cable could not be driven and leave any surplus power for the cars. For that reason they have not attempted to try the cable system, knowing that its success would be exceedingly doubtful, if not certainly a failure, judging from its working in other places where they are not subjected to such an extreme tension as it would be here in overcoming curves. They do not want to take the chances of a failure which would be a very disastrous one. And I do not believe, Mr. Speaker, that there is any court on earth which would forfeit their charter under this law, even if we did not extend its provisions, with the showing which this company makes of having diligently tried to comply with the provisions of the law, but which they are unable to meet.

Mr. HOPKINS of Illinois. Then what is the use of passing this bill?

Mr. HEARD. For this reason, as I will explain to the gentleman in a moment. As I have just stated, I do not believe that any court of law would forfeit their charter. It would be easy for them to show that they had properly exerted themselves, and made the attempt to comply with the law in every possible way; and in view of the large amount of money that they have expended and their efforts in that direction, I assert that I do not believe the charter would be forfeited.

But in response to the inquiry of the gentleman from Illinois let me state that they have got to borrow money to carry on this work, or raise it upon their securities in order to do the work, and if there is a cloud on the title to their property or their franchise it will be very destructive to their efforts in the matter of raising funds. If we have no case against them to compel them to forfeit the charter, or if there is no good to be gained for the people by doing so, if we believe in the honesty of their efforts and that they will do the work if anybody can do it (and the very large investment they have already made in that direction is not only proof that they are anxious to do it, but is an inducement to continue), I do not see why we should refuse to pass this bill, and thus impose a burden on the company, while it gives no corresponding benefit to the public.

Mr. OUTHWAITE. Now, Mr. Speaker, I offer the amendment I send to the desk.

The Clerk read as follows:

Add, at the end of line 9—

"Provided, That within sixty days after the passage of this act the said Metropolitan Railway Company shall increase its service to such an extent that it will be no longer necessary for any of its passengers to stand up; and no fares shall be collected from any passenger in any of its cars unless furnished a seat therein."

Mr. OUTHWAITE. Mr. Speaker, I observe that the president of this road in the conclusion of his letter, embodied in the report of this committee, speaks of the relief requested here as "reasonable and just." The amendment which I have offered is certainly reasonable and just. It provides that this road, within sixty days from the passage of this act, shall have such service that it will not be necessary for any of its passengers to stand up.

That is the first provision. It gives them ample time to secure the necessary equipment, cars and horse power if they have not

such an equipment on hand. They can supply a few extra cars such as they ought to have anyhow within sixty days, and every passenger on this road will be obliged to Congress for some such provision as this. I have seldom been permitted to ride seated, from this Capitol to my home during this entire winter, because of the crowd of passengers allowed to get on the cars, and chiefly ladies. The House adjourns about the time the Departments let out, causing a very large influx of lady passengers, and of course under such circumstances when ladies are standing no gentleman can keep his seat.

I have been on the cars at the times when the working people of the city are moving to and fro, either morning or evening, and I have observed that they are crowded in the cars as closely as it is possible to pack them in, and I have been on the cars at the time that the Departments close and the crowds were seeking some mode of finding their way to their homes in different parts of the city. Upon damp, close days and on such occasions I have seen these cars crowded until the air is stifling almost to suffocation. I have ridden on these cars when the theaters were out at night, and I have been on them when the congregations of the churches were dismissed. But late at night or early in the morning I have found it usually the same—passengers crowded in the aisle, jostling against each other.

Now, there may be, perhaps, periods in the day in which the service is sufficient. I have occasionally seen an opportunity for all the passengers to ride seated the full length of the trip. But it is a rarity.

In order to enforce this condition this amendment further provides that they shall not collect any fare from a passenger until that passenger may have a seat provided by the company. That is necessary, Mr. Speaker, for this reason: The railway companies claim that it will be a great injustice to them to say that they may take no more passengers than those who can be seated, because possibly at the end of the next block some of those occupying the seats may get out and leave room for those who have been compelled to stand. Very well, if that be true let the railway companies take the risk of taking on a few more than are necessary to fill the seats in the car, so that if three or four get out those who are standing may take their places and the company can then collect their fare.

But to crowd into an already crowded car fifteen, sixteen, or twenty people to stand is an injustice not only to the people who have already paid for their seats, but to those who are forced to stand. It is an injustice which the people ought not to be compelled to endure. I have ridden on these cars as late as 10 o'clock at night, and have observed the register showing that five hundred and eighty passengers had been in the car since it started upon its day's run, which shows an income for that car for that day's service of \$24. Twenty-four dollars a day for a car ought to be a sufficient income to induce this company to put on enough cars to serve its passengers who are so liberal in their support of its business.

The committee seem a little bit anxious that this charter shall not be forfeited, so that great inconvenience shall not result to numbers of inhabitants of the District who travel upon them, and that these people shall have the requisite facilities for transportation, which they are accustomed to or greatly need. Well, I do not think it would be any great favor to the people of the District of Columbia to extend the franchise unless this restriction is inserted. I do not think the franchise should be extended, allowing them longer to run horse cars unless this condition is inserted which would require them to put a sufficient number of cars on this road, drawn by horses able to pull them, to accommodate the traveling public. It is a fair proposition, and there should be no opposition to the amendment which I have offered.

Mr. HEMPHILL. I want to yield to the gentleman from Georgia [Mr. BLOUNT].

The SPEAKER. How much time does the gentleman yield?

Mr. HEMPHILL. Such time as he requires.

Mr. BLOUNT. Mr. Speaker, I wish very much that the provisions of the amendment offered by the gentleman from Ohio were embodied in a general bill and made applicable to all the street-railroad companies in this city. Ever since I have been a member of this House the complaint made by the gentleman from Ohio [Mr. OUTHWAITE] has been heard here and throughout the city. Again and again during this period these corporations have come here for amendments to their charters. New organizations have come in for new charters and new lines have been built. This same complaint was iterated and reiterated in this House, and yet no committee of this House has ever yet reported to this body a proposition to correct this evil.

Mr. HEARD. I am sure my friend will not do injustice to the committee. Instead of the fact being as the gentleman has stated, since the gentleman from South Carolina [Mr. HEMPHILL] and myself became members of the Committee on the District of

Columbia there have been great changes for the better. When we came here the bobtailed horse car was upon all the roads but one. We compelled this very road to take those cars off and to put on two-horse cars; and we have also compelled the Georgetown and Washington Railroad to perfect its equipment, and have compelled the roads generally to improve their service until only one now uses one-horse cars. I will go with the gentleman from Georgia in anything that is practical, so as to make these companies put on an increased number of cars to meet the average condition and necessities of the road; but the gentleman knows that no company can put on such a number of cars that it would prevent there being some time or other when the cars would be full. If you prohibit people getting onto the cars when they are full, then you inconvenience the people as well as the company.

I will go with the gentleman and make it apply to all alike; that the Commissioners shall prepare a schedule for these people regulating their equipment, and compel them to put on cars enough to as far as possible accommodate the people.

Mr. BLOUNT. Now, Mr. Speaker, the gentleman's response does not meet the situation to which I adverted. My allegation was that ever since I have been a member of this House the members of this House and the traveling public have complained that sufficient facilities have not been granted to furnish seats, as indicated by the gentleman from Ohio.

Mr. HEARD. The service is better than it ever was before, and improving.

Mr. BLOUNT. I wish the gentleman would allow me to proceed. On the contrary, I say that it is the other way. The evil is greater now than I have known it before.

Mr. HEARD. The population has increased.

Mr. BLOUNT. The population has increased, and the receipts of the road have increased, and they have restricted the facilities given.

Mr. HEARD. Oh, no, they have not. They have been extended.

Mr. BLOUNT. I trust the gentleman will allow me to proceed. This is a matter of argument—he arguing one way and I another.

Mr. HEARD. Oh, yes, a difference of opinion.

Mr. BLOUNT. I am stating the facts and I trust the gentleman will appreciate that in discussing this matter with him I do what is parliamentary in the argument.

Mr. HEARD. Why, certainly; I beg the gentleman's pardon, and shall not interrupt him.

Mr. BLOUNT. I trust that my friend will adhere to that determination, for he has interrupted me frequently. The gentleman from Ohio has stated that he has not been able to get a seat in a street car in going from this House to his home during this winter.

Mr. TUCKER. I live near him and have had the same fate.

Mr. BLOUNT. And my friend from Virginia, who says that he lives near him, has suffered the same inconvenience.

Mr. CUMMINGS. Put me in the same category.

Mr. DICKERSON. I would like to testify, too.

Mr. BUCHANAN of New Jersey. Poll the House.

Mr. BLOUNT. The great body of this House, I think, will be able to say the same thing. I think we have proved it. I hope the Committee on the District of Columbia will consider that the House has demonstrated what its opinion is, and that members want this evil corrected. I need not couple my own experience, although that to me is a strong incentive for what I have to say in this connection. I hope the amendment of my friend from Ohio will pass; and if he had made it thirty days instead of sixty days the better it would have been for the public. These people ought to be compelled at once to remove this evil.

Sir, it is easy for these gentlemen to come forward with their ex parte statements and get legislation through the Houses of Congress. It is not the business of everybody to watch over the advantages that may be obtained from the public while we have this special committee. I trust that this amendment will be adopted, and that it will be a short time before the gentlemen composing the Committee on the District of Columbia of this House, for the benefit of this House and the traveling public, will report appropriate legislation that will regulate these roads, so as to compel them to give the public the accommodation they are bound to afford by reason of their charters and exclusive rights.

Mr. HEMPHILL addressed the Chair.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] is recognized.

Mr. HEARD. If the gentleman from South Carolina will allow me, I merely want to say, in response to the gentleman from Georgia [Mr. BLOUNT], that the Committee on the District of Columbia, so far as I am concerned (and I am sure the whole committee) will quite agree with him and with the gen-

tleman from Ohio [Mr. OUTHWAITE] in trying to compel better service, as we have been trying for some years to do. These people have now some thirty or forty cars which they expect within sixty days after the passage of the act to equip with storage batteries, and that therefore I do not think it would put any hardship on them. I think they will comply with the law. I only want to call the attention of the gentleman from Ohio [Mr. OUTHWAITE] to this fact, that whenever a provision is adopted that no more people shall be allowed on a car than can be seated that it will inconvenience the public more than it will the railroad company.

Mr. BLOUNT. But suppose the railroad company are required by proper legislation to provide sufficient cars for the public; then how will the public be inconvenienced?

Mr. HEARD. I do not know that it would be possible for any Congress, or for any commissioners or other authorities to provide accommodations that would guard against every sort of contingency; but I will admit that they can do better than they are doing now.

Mr. BLOUNT. I was about to ask the gentleman if he does not think it possible for them to do very much better than they are doing now?

Mr. HEARD. I do think so, and I have been trying to get them to improve. I want to go with my friend on that.

Mr. BLOUNT. The gentleman says he wants to go with his friend. I want to say that I have no opportunity of leading in these matters and my friend has, because he is on that committee.

Mr. HEARD. I mean that I am willing to vote for the purpose sought to be accomplished by the gentleman from Georgia.

Mr. BLOUNT. Does not my friend think the other roads should be included?

Mr. HEARD. I think it ought to be applied to all the roads alike.

Mr. BLOUNT. I would be very glad if my friend from Missouri, so familiar with all the affairs of the District, and especially with these inconveniences, would give us relief so far as it can be given, by a report from the committee recommending legislation to correct these evils.

Mr. HEARD. I can only say in reply to that that we will do the best we can, and shall welcome any suggestion any gentleman has to offer in that line.

Mr. HEMPHILL. I yielded to my friend for a reply to a question. I did not wish to be understood to be yielding the floor.

Mr. HEARD. I only want to say that the Georgetown road will, within a few months, begin the use of the cables and the Metropolitan Company the storage-battery system, which is the best they can do under the limitation shutting out overhead wires. I therefore think that within the time limited in this resolution these two roads will be giving the public as good service as is practicable. If the gentleman from Ohio and the House think the amendment proposed is the proper way to secure an improved service, the committee will go with the gentleman.

Mr. OUTHWAITE. I think the amendment should be adopted. I could name other inconveniences to which passengers are subjected. Passengers going home from church or from the theater at night are compelled to get off the car out here at the Capitol, and wait eight minutes until another car comes along, standing there in any kind of weather, instead of there being service enough to carry them on home. The cars that come into the Capitol grounds put them off here and compel them to wait eight minutes until the next car comes along.

Mr. HEMPHILL. I think we understand the evils of the system now, and I will yield to my friend from Illinois [Mr. HOPKINS], who I hope will say something good.

Mr. HOPKINS of Illinois. Mr. Speaker, I only intend to occupy a moment. I doubt very much the wisdom of allowing this extension to the railroad company. Under the original rights granted to the company it had two years in which to furnish these extra facilities for the public, and it seems, from the statement of the gentleman in charge of the bill, that they have been experimenting with the storage-battery system instead of adopting the other methods that are used in other great cities where these roads are largely in operation. The gentleman knows, or at least he ought to know, that the storage system is not a success. There is not in any city in America an independent line where the storage-battery system is in successful operation. The system is in an inchoate condition to-day. The best electricians in the country are experimenting and endeavoring to develop it so that it can be put to some practical use for the transportation of passengers.

I do not believe that if this extension is granted it will amount to anything under the showing that is made by the gentleman from Missouri [Mr. HEARD]. I am willing, for one, so far as my vote goes, to grant that, if it is coupled with the proviso of the gentleman from Ohio [Mr. OUTHWAITE]. The gentleman from Missouri [Mr. HEARD] admits that this company has in the past

disregarded, and is to-day disregarding, the rights of the public, that it has subjected the people of this city, the residents as well as the transients who are here visiting, to ride upon these bob-tailed cars until they were compelled to change them either by the affirmative legislation of Congress or by the solicitation or commands of this committee of the House. Now, will a company that shows such utter disregard of the public rights—

Mr. HEARD. Will my friend allow me—

Mr. HOPKINS of Illinois. Not just now. It seems to me that if they are asking for additional privileges here, that those privileges should be coupled with such conditions as will protect the public. I agree with my friend from Georgia [Mr. BLOUNT] that I would have been better pleased if this amendment, which is offered here, had limited this company to thirty days instead of sixty days for putting on these extra facilities for the public. These privileges are granted, not for the benefit of private enterprise, but for the good of the public.

It is only upon the principle of the good of the public that these rights or privileges can be granted to these corporations by Congress. That being so, the Legislature should be careful that these privileges are hedged about in such a manner as to give the greatest possible benefit to the public. Now, if the gentleman from Missouri [Mr. HEARD] is willing to approve of this amendment and will insist, when this bill goes over to the Senate, that no privileges of the character set forth in the original bill shall be granted to this company unless this amendment goes with them, then I, for one, am willing to drop all opposition to the bill. But I do not want the amendment adopted here, only to be stricken off in the Senate, and the gentleman from Missouri [Mr. HEARD], who will probably be on the committee of conference, to submit to that action and thus give to this company these privileges without securing to the public the necessary protection.

Mr. HEARD. I am perfectly willing, as I have already said, to accept the amendment if this House thinks this is a practical way of settling the question. My own view is, however, that the adoption of the amendment will inconvenience the public fully as much as it will the company. I will not further resist, however, the amendment, and I say to the gentleman from Illinois [Mr. HOPKINS] that if I am appointed on a conference committee to consider an amendment which this House puts upon the bill after full discussion, I will never agree to its being given away without the direction of the House, for my view is that an honorable man going into a committee of conference by order of the House for the consideration of an amendment which has been discussed here, and which reflects the sentiment of the House, either upon this or any other question, he is bound to stand by it until the House permits or instructs him to surrender.

Mr. HOPKINS of Illinois. The statement of the gentleman is satisfactory to me, and, so far as I am concerned, I shall cease opposition to this bill.

Mr. HEMPHILL. Does the gentleman from Tennessee desire to submit an amendment?

Mr. WASHINGTON. I do. Mr. Speaker, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend line 8, by striking out "one year" and inserting "six months." After line 9, add, "provided that overhead wires may be used in propelling the cars by electricity, on a plan to be approved by the Commissioners of the District of Columbia."

Mr. WASHINGTON. Mr. Speaker, I have no disposition to delay the House or impede the action of the Committee of the District of Columbia, but I was very anxious awhile ago to get the floor to say almost what has since been said by my friend from Illinois who spoke a few minutes ago, that for two years we have been endeavoring to force the Metropolitan Company to adopt an electric motor which is not a practical success. We have had on the statute book for two years a law to compel them to adopt the storage-battery system.

Now, there is no line of street railway in successful operation by that system anywhere in the Union, or anywhere on the face of the earth to-day, and in my judgment there can not be for perhaps twelve months or two years longer. Why, then, go through the farce of extending for twelve months the time of this company to do an impossible thing? It is conceded by all that we need better facilities for traveling and transportation over the streets of this city. Everybody who patronizes these street railroads, whether he be a member of this House or one of the general public, knows that fact. Why, sir, hardly a day passes that I do not have to stand all the way from here to Nineteenth and N streets, and it takes nearly forty-five minutes to go there with these poor old horses that the company uses.

Mr. WHEELER of Alabama. You have to stand up because you are so polite that you give your seat to the ladies.

Mr. WASHINGTON. Well, if I did not do that I would have to let the ladies stand while I was sitting, and that is contrary to my rearing.

Mr. WHEELER of Alabama. It is contrary to all our rearing; but I simply wanted to bring out the fact.

Mr. HEARD. Mr. Speaker, I ask the gentleman to yield for a correction. He says there is not in this Union or anywhere on the face of the earth a storage-battery system successfully operated. That statement requires some qualification. In this very city, on G street, there is a storage-battery system which, so far as the public is concerned, is an unqualified success, for it furnishes the best service in the world. The fact is, however, that it is not profitable to the company.

Mr. BUCHANAN of New Jersey. Does not the gentleman know that that line runs only ten blocks, and that they can make only seven trips without the battery becoming exhausted?

Mr. HEARD. No, sir; I do not know that.

Mr. WASHINGTON. I hope gentlemen will not interrupt me any more, as I am speaking by the courtesy of the gentleman from South Carolina. The statement of my friend from Missouri [Mr. HEARD] substantiates my assertion. He concedes that the only storage-battery line of which he knows is run at a loss, and the fact is that it is run under a guaranty from the manufacturers of that motor that the railroad company shall not be sued for the infringement of a patent.

Mr. HEARD. But I say that so far as the public is concerned, it is a success. The service is excellent.

Mr. WASHINGTON. Now, are we to extend the time for the Metropolitan line another twelve months, and then have them running their road under a guaranty bond that they shall not be sued for the infringement of a patent? That is folly. Let us adopt something that is practical. I understand that the only objection to the overhead-wire system is in the Senate. Almost every city in the Union has adopted that system. The city of Nashville has sixty and odd miles of electric street railroads on that plan, and when you start from one end of that town to the other you go; it does not take you all day to do it, as it does on the Metropolitan line or the Pennsylvania line of this city, both of which are, I believe, the richest and most profitable street-car corporations in the country.

Now, I am not reflecting on the Metropolitan Company. I do not wish to reflect on the company, but they are not going to do any more than we make them do, and this is a case where we ought to put the fire on the terrapin's back and make him crawl. [Laughter.] Let us make the time six months instead of twelve months, and authorize them to adopt the overhead system, on a plan to be accepted by the Commissioners of the District, and then we shall have a successful street car line on the Metropolitan road.

Mr. HEARD. They would be very glad to do that, if possible.

Mr. WASHINGTON. I have no doubt they would, for it would be much cheaper than the other.

Mr. HEARD. And they could accomplish it much more quickly with overhead wires if permitted by law.

Mr. WASHINGTON. Yes, I have no doubt they could do it within the six months.

Now, I think the amendment offered by my friend from Ohio ought to be adopted, because if we have an electric system we are just as liable to have that abused as we are to have a horse-power system abused; we are just as liable not to have a sufficient number of cars run to accommodate the public. Adopt the amendment of the gentleman from Ohio, and then adopt my amendment, and I think you will have solved the problem of transportation on this road. So long as we grant extensions of twelve months at a time in order to enable this company to experiment with the storage system, so much longer we must endure this horse-car line in the capital of the nation.

Mr. HEMPHILL. Mr. Speaker, I think the House now understands this question thoroughly; and we have all had a chance to abuse the railroads; no doubt they deserve a good deal of it. There are but two questions involved in this matter. One is, whether you will adopt the amendment requiring that the company shall furnish a seat for every passenger, or otherwise shall not be allowed to collect fare; that is the question presented in the amendment of the gentleman from Ohio. The other question is whether this company should be allowed additional time in which to perfect their system. They do not want the overhead wire; they are not asking for it. They are convinced that they can get along with the storage battery. They have spent between two hundred and three hundred thousand dollars to get ready for it; and if we give them this additional time, they say they will certainly be able to introduce it. I trust we shall now come to a vote.

Mr. BLOUNT rose.

Mr. HEMPHILL. The gentleman from Georgia [Mr. BLOUNT], I understand, simply wishes to suggest an amendment to the amendment of the gentleman from Ohio.

Mr. BLOUNT. I move to amend the amendment by striking

out "sixty days" and inserting "thirty days." I have no doubt the necessary horses and cars can be purchased and put on within that time; and I see no need that the public shall wait sixty days in order to accommodate the railroad company.

Mr. HEARD. The gentleman will allow me to state, as I stated before, that this company now has in its car shop at Georgetown from thirty-five to forty new cars waiting for this electric equipment. Why compel them to buy more horse cars under these circumstances. I believe that within sixty days these new cars will be equipped; or if it be demonstrated that they can not be, then they can be changed accordingly.

Mr. BLOUNT. If the company chooses to keep the public waiting for sufficient accommodations I do not see why the public should be compelled to pay.

Mr. HEARD. There is only a difference of thirty days between us.

Mr. BLOUNT. That may seem a small thing to the gentleman; but if this amendment be adopted and the company compels the people to stand it, it makes no money for them. That is all there is in it. I think the company ought to be required to settle this matter within thirty days. The argument of my friend would apply just as strongly in favor of an extension for longer than sixty days.

Mr. HEARD. I do not so apply it.

Mr. BLOUNT. But the argument does apply.

Mr. O'NEILL of Missouri rose.

Mr. HEMPHILL. How much time does the gentleman want?

Mr. O'NEILL of Missouri. I will wait until the gentleman from South Carolina gets through.

Mr. HEMPHILL. Well, I call for the previous question on the bill and amendments.

Mr. O'NEILL of Missouri. If the gentleman proposes to try that sort of tactics, I tell him right here and now that he will not reach a vote on his bill to-day.

Mr. HEMPHILL. I am not to be bulldozed in that way—

Mr. O'NEILL of Missouri. And you can not bulldoze the House, either.

Mr. HEMPHILL. I did not try to bulldoze the House or anybody else. I simply asked the gentleman what time he wanted. That was a very simple and polite remark.

Mr. O'NEILL of Missouri. I suggest to the gentleman in all fairness that there has been no time allowed except on behalf of the committee. The gentleman has taken the floor and held it and parceled out his time—

Mr. HEMPHILL. If the gentleman from Missouri had asked me for time, it would not have been refused.

Mr. O'NEILL of Missouri. Why should I ask the gentleman for time? Should we not have the privilege of discussing a bill of this kind on this floor freely and fairly? Does the gentleman mean to tell me that a corporation bill of this kind can not be discussed? This is not a "unanimous consent" bill.

Mr. HEMPHILL. I do not say that it is. But I was entitled to an hour; and I gave time to every gentleman who asked it. The gentleman from Missouri did not ask me for time, and I did not give him any.

Mr. O'NEILL of Missouri. I only want my right under the rules to speak on this bill.

Mr. HEMPHILL. The gentleman has a perfect right to do it.

Mr. O'NEILL of Missouri. If the gentleman, at the end of his hour, which has been absorbed by the committee, proposes to move the previous question, let him try it.

Mr. HEMPHILL. The gentleman from Missouri states what he knows not to be true when he says that the time has been consumed by the committee. The gentleman from Georgia [Mr. BLOUNT] is not on the committee; the gentleman from Ohio [Mr. OUTHWAITE] is not on the committee; the gentleman from Illinois [Mr. HOPKINS] is not on the committee.

Mr. O'NEILL of Missouri. In whose right did they speak?

Mr. HEMPHILL. They spoke in the time which I controlled.

Mr. O'NEILL of Missouri. That is exactly what I said.

Mr. HEMPHILL. But the time was not "consumed by the committee."

Mr. O'NEILL of Missouri. They occupied a part of the gentleman's time. Mr. Speaker, under a strict construction of parliamentary law, when a gentleman gets through speaking he should not be allowed to control any time, but should take his seat and let others speak, if they want to. It is an abuse which has grown up in this House to allow a member, because he is recognized, to control an hour, whether he occupies it himself or not; and the sooner that abuse is stopped the better.

Mr. HEMPHILL. If any reason can be stated why this bill should not be passed, I am perfectly willing the House should hear it. If the gentleman from Missouri wants time, so far as I am concerned, I am willing he should proceed.

Mr. O'NEILL of Missouri. You have not time enough left that would enable me to do justice to this bill.

The SPEAKER. Does the gentleman from South Carolina withdraw his demand for the previous question?

Mr. HEMPHILL. I do, until the gentleman finishes.

Mr. O'NEILL of Missouri. Mr. Speaker, I came here to-day under the impression that this being the day appropriated to the local legislation of the District, there would be presented a good many important bills affecting the welfare of the people here. As one of their common council I thought it my duty to come here and help them out.

I do not believe that the first bill to be considered should be a bill of this character, for the benefit of the Metropolitan Railroad Company. There may be in the city of Washington enterprises that are entitled to some consideration and sympathy, but this is not one of them. If there are any monopolies that the people of this city have groaned under it has been the street-railroad monopolies. They have ignored the humanities even of life; they have ignored the comforts and conveniences of the traveling public, thoroughly regardless whether it was a matter of right or not, or even whether it was a matter of life or death. I am one of the victims of this road. [Laughter.] This is my fourth term here, and I am somewhat familiar with its methods.

A MEMBER. Have you paid your fare?

Mr. O'NEILL of Missouri. Yes, I have paid my fare; and I tell you, my friends, that there is no man, even after paying his fare, who does not come very near working his passage as well on that road. [Laughter.] Stand up! Why, sir, there is not a member on this floor, I believe, but knows that day after day at some hours of the day, in fact nearly all hours of the day, these cars are almost invariably packed as full as they can hold. It is not, as some gentleman has suggested, that it is the traveling public at night, as the people are returning to their homes from their labor; but at all hours of the day the people are packed in them like sardines in a box, black and white, hanging on to the straps, platforms full, and this "poor company," one of the most wealthy corporations in the city of Washington, comes before this House as a mendicant and says: "Gentlemen, this F street car line, we do not believe, is going to be such a great bonanza and we want you to extend the time for completing the cable on that road." They should not be allowed one minute. If they do not complete the road they ought to forfeit their charter. Supposing it does not pay, what is that to us? I should not care if they struck an Irish dividend on that road in the shape of an assessment. [Laughter.] Let that "poor" line go with the others, and let them carry that road along and distribute a part of their enormous earnings from their other line over the system.

They will now cheerfully accept an amendment compelling them to put on more cars. You postpone action on this bill and they will put them on to-morrow. They will put sleeping cars on if you want them to, and then take them off the moment it is passed. [Laughter.] They will compel you to stand up in the cars all the same, pack you into the box, and make you stand in the rain at the meeting place up here near the Treasury and at the monument waiting until the next car comes up or compel you to get out and walk a block away from the line if you propose to take another, or let you wait there at the Treasury to get a transfer ticket from the poor, unfortunate individual who has to stand out there in all weathers to attend to that business.

Mr. BUCHANAN of New Jersey. Will the gentleman allow a suggestion?

Mr. O'NEILL of Missouri. Certainly.

Mr. BUCHANAN of New Jersey. You are talking about another line.

Mr. HEARD. You are on the wrong road. [Laughter.]

Mr. O'NEILL of Missouri. It is all one system, is it not?

Mr. HEMPHILL. Oh, no, it is not.

Mr. O'NEILL of Missouri. The Georgetown line.

Mr. HEMPHILL. Oh, no, it is not all one system.

Mr. O'NEILL of Missouri. Will you kindly tell me how many lines there are in this Washington system?

Mr. HEARD. I will state to the gentleman that the Washington system, to which he refers, owns the Georgetown and Washington line, running on the avenue, and the Fourteenth street line, and the Seventh street line, but that is not this road.

Mr. O'NEILL of Missouri. Who owns the F street line?

Mr. HEARD. The Metropolitan Company.

Mr. O'NEILL of Missouri. That is the company that wants this extension?

Mr. HEARD. Yes, sir.

Mr. O'NEILL of Missouri. Well, that is the one I am talking about. I believe they are all under different names one concern. The F street cars are packed and packed the same as the others.

Mr. BOUTELLE. Could the gentleman tell which was the worse, if he tried?

Mr. O'NEILL of Missouri. Well, the F street line is worse, because the cars are smaller and the space in which they pack the passengers is smaller. Now, I want to tell these gentlemen

who are talking about cable systems being impracticable, that there is nothing impracticable about cabling that F street road. Gentlemen talk about the forty-eight curves. It would be immaterial if there were ninety-six of them. It only involves divisions of the cable. It might also involve a difference in the location and number of the power houses, but nothing more and nothing less. It is absolutely certain that if you refuse to extend this franchise to that railroad company, they will have that cable in and have those cars running.

Mr. HEARD. Does my friend think it possible for any company to put in a cable between now and the 6th of August on five miles of line?

Mr. O'NEILL of Missouri. Why, yes, it is possible. It is possible with men and money to do anything.

Mr. CARUTH. It is in this country.

Mr. O'NEILL of Missouri. Yes; and it is not our fault if they have not been at it already. Who is to blame for it? They go right along, trusting in their blind confidence, to the assurances of the gentlemen on this Committee on the District of Columbia that "there will be no trouble, you know;" and here is the ditch they have landed them in.

Between now and the 6th of August, if this extension was asked for in good faith, there might be something done; but every statement so far emanating from that road is: "We are experimenting with a storage battery. We do not think it is possible to have a cable system on that line of road." In other words, they do not intend to put a cable system on that road, and until they find some way that will suit them, they propose to deprive the people of the benefit of rapid transit. They are perfectly willing to go right along in the old-fashioned, slow methods, packing the cars, trusting that Congress will help them out. When they came before Congress and asked for this valuable franchise for their main system, they knew whether or not they could extend it over this other road.

I do not believe they were in good faith to begin with. In my city of St. Louis we have cable systems. Nearly all of the lines there are operated either by cable or overhead wires. I do not share in the opposition raised by some parties to the overhead wire system. It is true it disfigures a street to a certain extent; but it can hardly be called a disfigurement where, as on the Eckington line, the posts are between the two tracks and the wires are carried on the projecting arms. I do not know but it looks like an ornament; but in the cases where we are using overhead wires perfect service is obtained. And aside from the occasional stopping, which comes from the breaking of the cords of the cable, the service on our cable systems is perfect.

We have had cable lines in that city running for years and years that had as many turns as this F street line would have and they have run successfully for years.

The proper thing to do with this bill is to postpone action upon it. In the first place compel these gentlemen to give us decent service. They are gradually allowing their car system to run down to prepare for the other, and they will be packing you on top of the cars before they get through unless you adopt some method of curbing them.

Compel them to furnish a seat to each passenger and they will provide the cars. Compel them to give the exchange tickets on the cars, and to hold the cars until the transfer is made, and not allow people to stand like tramps in the rain until the next car comes. We might at the same time put in a provision requiring them to run cars during the night. There are some gentlemen who stay out later than 12 o'clock. [Laughter.]

Mr. CARUTH. The gentleman from Massachusetts.

Mr. O'NEILL of Missouri. My friend from Massachusetts here [Mr. LODGE] says he finds it would be an economizer.

Now Mr. Speaker, I hope the House will not grant this extension. I do not think this company is entitled to any consideration at our hands. I think they should be compelled to live up to the contract they made when this privilege was granted them; and whether it pays or not is not a matter that concerns Congress. If it does not pay them, they will not run it; but it will pay. We ought at the same time look after the rights of the people along the line of this road and see that they get the benefits of rapid transit as soon as possible.

I reserve the balance of my time, and as I have time now [laughter], I will yield five minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN of New Jersey. Mr. Speaker, on the 3d day of March, 1891, Congress passed the following act:

And the Metropolitan Railroad Company of the District of Columbia shall pay to the District of Columbia within eighteen months from the approval of this act the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said District in cause numbered 22458, at law, on the docket of said court, with the cost of said cause and interest on said amount from the date said judgment was rendered until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid,

the charter of said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine.

That amount has not been paid. The time has not expired. But there is a bill now pending before this body to relieve the company from the payment of this judgment. It was obtained for the cost of paving alongside the tracks of this road. Since that act was passed the Supreme Court of the United States have reversed this judgment, and they reversed it upon the ground that the disregard by the supreme court of the District of Columbia of the statutes of limitation applied to that case was erroneous, and because that company pleaded the statute of limitations against the District of Columbia the Supreme Court of the United States have held that that judgment must be reversed. The fact remains that the District of Columbia was compelled to do the paving which, by the laws of the United States, should have been done by this company. Now, until the company shall come into this House with clean hands and not hide itself behind the baby act of the statute of limitations I, for one, am in favor of giving them no further privileges.

Mr. HEARD. Will the gentleman from New Jersey permit me to ask him a question?

Mr. BUCHANAN of New Jersey. Certainly.

Mr. HEARD. Does not the gentleman know that in the last Congress a provision was inserted in the appropriation bill which requires them to pay that money notwithstanding the bar of the statute of limitations?

Mr. BUCHANAN of New Jersey. I have just read it.

Mr. HEARD. Then they are under the necessity of paying that amount.

Mr. BUCHANAN of New Jersey. But they have a bill here to relieve this company of the payment of that judgment.

Mr. HEARD. I have no knowledge of any such bill. [To Mr. HEMPHILL.] Do you know of such a bill?

Mr. HEMPHILL. I do not.

Mr. BUCHANAN of New Jersey. I have such a bill here, which was introduced in the Senate.

Mr. HEARD. There is no such bill before the Committee on the District of Columbia.

Mr. BUCHANAN of New Jersey. Does the gentleman dispute the existence of such a bill? I will give him one.

Mr. HEARD. I will say that there is no such bill before the Committee on the District of Columbia, and it seems to me it would be the committee to which it would be referred.

Mr. BUCHANAN of New Jersey. But their attorney has appeared before our subcommittee and pressed the passage of the bill.

Mr. HEARD. It is before the Committee on the Judiciary, then?

Mr. BUCHANAN of New Jersey. Precisely.

Mr. HEMPHILL. Now, Mr. Chairman, I think we are prepared to vote upon this bill. The railroad company has certainly got a great deal of abuse, and everybody knows that it has not done what it ought to have done; but the only question is shall the railroad company have the additional time to carry out what Congress has required them to do. If Congress does not consent to give this additional time, its securities will be valueless, for it will not be able to sell its bonds when it is known that it is liable to forfeit its charter. If the charter is forfeited what better off are we? The public will not have any advantage. We will have a railroad and nobody running it until some one else builds a new railroad; and it is simply a question as to whether the road shall be compelled to give a seat to every one who applies for it, and so far as that is concerned, I have no objection. So far as this House itself is concerned it has to pass upon the question, as to whether or not the additional time shall be allowed.

I will suggest, further, in reference to the amendment of the gentleman from Ohio, that sometimes in occasions of bad weather, if they are not permitted to take in more passengers than they are able to give seats, it will amount to a very great inconvenience to the people, who will be compelled to stand upon the sidewalk and see three or four cars go by them without being able to get a seat because they are already filled. Members of the House must take that into consideration.

Mr. BLAND. Would it not be well to compel them to accommodate all who apply for seats?

Mr. HEMPHILL. That will correct itself.

The SPEAKER *pro tempore*. The question is on the amendment proposed by the gentleman from Ohio, which the Clerk will report.

The Clerk read the amendment, as follows:

Add at the end of line — "provided that within thirty days from the passage of this act said Metropolitan Railway Company shall increase its service to such an extent that it will no longer be necessary for any of its passengers to stand up, and no fare shall be collected for any passenger in any of its cars until furnished a seat therein.

Mr. DICKERSON. Mr. Speaker, I wish to understand this amendment. In going home from here I use the F street cars out to the neighborhood of the Church of the Covenant, a distance of nearly two miles. When I get on a car here in the Capitol grounds I nearly always find it crowded, but if I wait or go down to the corner and take a car that comes from the eastern section of the city I can, in most instances, get an opportunity to sit all the way home.

Now, I do not understand how this matter is to be regulated under this amendment, or how you are going to require the company to accommodate every passenger with a seat unless you can at the same time distribute the applications; otherwise one car will go by crowded and the next one perhaps empty.

Mr. HEMPHILL. It is a very difficult question. It is one which has been considered by the Committee on the District of Columbia on former occasions and also by the House, but the House heretofore has never been willing to adopt such a rule as this amendment contemplates.

Mr. DICKERSON. In nine cases out of ten I find that if I take the car here I have to stand all the way home; whereas if I take a car coming from the east, I am quite likely to get a seat.

Mr. HEMPHILL. We all agree that it is a great hardship for passengers to have to stand, as they are often compelled to do.

Mr. OUTHWAITE. A hardship which would be remedied in this way: the railroad company would have a few more cars standing out here about the time the House adjourns, or else they would run the risk of having their charter forfeited the next time Congress met.

Mr. BRECKINRIDGE of Kentucky. I wish to inquire whether, under this amendment, the conductor and the driver are authorized to decline to let a passenger get upon a car unless they can give him a seat.

Mr. HEMPHILL. I suppose the amendment implies that. It provides that no fare shall be collected from any passenger unless they can furnish him a seat, and I presume that would be construed to mean that no passenger shall be permitted to get upon the car and ride unless there is a seat for him.

Mr. BRECKINRIDGE of Kentucky. Then the effect would be to give my colleague from Kentucky [Mr. DICKERSON] and myself and other gentlemen the option of finding a car with a vacant seat which he could occupy or walking home.

Mr. OUTHWAITE. An option which you have now.

Mr. BRECKINRIDGE of Kentucky. We have now the option of walking or of riding standing up; but in that case we would simply have the option of walking or standing on the street corner until a car came by in which we could find a seat.

Mr. DICKERSON. Would this amendment, if adopted, have the effect of clothing the conductor with the right to refuse a lady admission to the car when all the seats were already occupied by gentlemen, and to leave her standing on the street, perhaps in the rain?

Mr. HEMPHILL. I think that would be the effect of it.

Mr. BRECKINRIDGE of Kentucky. It looks to me as if the effect of the amendment would be to prevent gentlemen from riding on the street cars at all at certain hours of the day, for if a gentleman gets into a car and finds a seat and a lady comes in and he surrenders his seat to her, then, as no passenger who is without a seat is required to pay fare, he will be turned out of the car and will have to walk. The effect, therefore, would be, as I have said, that at certain hours all gentlemen would have to walk. Now, for my own part I confess I would rather have the car carry me, even standing up, than carry myself. [Laughter.]

Mr. HEARD. The reasonable expectation would be that the company would try to provide sufficient cars to accommodate the entire public patronizing them, and I have no doubt they would do all they could to do that.

Mr. OUTHWAITE. The gentleman from Kentucky describes the present situation very well indeed.

Mr. BRECKINRIDGE of Kentucky. Yes. But at certain hours of the day, when ladies are out in large numbers and are returning home tired and they come into the car no gentleman would be willing to keep his seat and let them stand, so the effect would be as I have stated. Now, the sole question, it seems to me, is, whether we shall have the privilege of paying our fare and riding standing up or the privilege of keeping our nickels and walking. [Great confusion in the Hall.]

The SPEAKER *pro tempore* (Mr. RICHARDSON). The House must be in order. It is impossible to transact business until order is restored. Several gentlemen are speaking at once.

Mr. ALLEN. That is all right. They are speaking in different parts of the Hall. [Laughter.]

Mr. MUTCHLER. Mr. Speaker, I do not understand the effect of the amendment exactly as it is understood by the gentleman from Kentucky [Mr. BRECKINRIDGE]. My understanding is that if this amendment were adopted a passenger would have

the right to ride standing up, but the conductor would have no right to collect fare from him.

Mr. HEMPHILL. That can be best settled by having the amendment read.

The Clerk again read the amendment.

Mr. HEARD. Mr. Speaker, I suggest that the amendment as offered read "sixty days" instead of "thirty days," as has just been read by the Clerk.

Mr. OUTHWAITE. The gentleman from Georgia offered an amendment making the time thirty days.

Mr. HEARD. But it has not been acted upon.

Mr. OUTHWAITE. I accepted it.

The SPEAKER *pro tempore*. The gentleman from Ohio had a right to submit an amendment naming thirty days, and he did so.

Mr. HEARD. I did not know he had done so.

The question being taken on the amendment of Mr. OUTHWAITE, it was adopted; there being—ayes 70, noes 26.

Mr. BRECKINRIDGE of Kentucky. As I understand, the amendment just read requires the conductor not to charge fare for any person who is not provided with a seat. Would it not be well to amend by adding "except at the option of the passenger?"

Several MEMBERS. Oh, no.

The SPEAKER *pro tempore*. That amendment would not be in order at present.

Mr. OUTHWAITE. Of course, anybody can pay if he wants to do so.

Mr. BRECKINRIDGE of Kentucky. For myself I should object to being compelled to get off. I would rather pay my fare, even though not provided with a seat.

The SPEAKER *pro tempore*. There are two amendments pending. The first question is upon the amendment offered by the gentleman from Tennessee [Mr. WASHINGTON], which will now be read.

The Clerk read as follows:

Amend by striking out "one year," in line 8, and inserting "six months."

Mr. HEARD. I hope the gentleman will not urge that amendment for this reason: The bill now provides for an extension of one year from the date of the passage of the act. If this bill be passed within a reasonable time the company might get an extension of eight or nine months beyond the time fixed by the present law, the 6th of August.

If this amendment be adopted the company might get only two or three months in addition to the time now allowed. The engineer of this company has told the committee (and I believe he speaks truthfully) that while they hope to be able to equip the F street line, the one in which we are more particularly interested, within the time originally specified, it would be impossible for them to equip the whole line, embracing the Ninth street branch, inside of a year. I think, therefore, the gentleman ought not to insist on putting in this limit. The money which the company has invested and which is now unproductive makes the strongest possible incentive to their facilitating the work in every practicable way.

Mr. WASHINGTON. What the gentleman has said does not break the force of my amendment at all. This company has now had two years in which to attempt what is conceded by all to be an impossibility—the equipment of its line with a storage electric system. The present amendment, taken in connection with the other which I have offered, will give this company as much time as they ought to be allowed. The amendment next to be voted on provides that this railroad company may put up an overhead system of wires, to be accepted by the District Commissioners; and no man will say that it would take over six months to introduce the overhead system on the entire Metropolitan line, including all its branches.

Mr. HEMPHILL. I suggest that we vote first on the amendment with regard to the overhead system; and if that be adopted we can then vote on this six months' amendment.

The SPEAKER *pro tempore*. The Chair calls the attention of the gentleman from Tennessee [Mr. WASHINGTON] to the fact that as the text of the bill now stands the gentleman's amendment, if adopted, will provide for an extension of six months from the passage of the act, not six months from the 6th day of August.

Mr. WASHINGTON. Well, I am willing the company shall have six months additional from August 6. Then we will vote on the other amendment, which is of far more importance even than this, because I would be willing the company should have an extension of twelve months if we were assured that at the end of that time we would have a system of electric cars on the F street line. I think if the House will emphasize the fact that it wants an overhead system on the Metropolitan line, gentlemen at the other end of the Capitol will waive their objections. I understand that there are but two of the large cities in the Union, New York and Washington, where the overhead system is not used. We are behind the time, we are standing in our own light, if we refuse to insist upon the overhead wires on such a car line as the Metropolitan.

Mr. HEMPHILL. I suggest that we take the vote first on the amendment with reference to the overhead line.

Mr. WASHINGTON. Very well; I have no objection.

The SPEAKER *pro tempore*. The gentleman from Tennessee requests, as the Chair understands, that the amendment last offered by him be first voted on. The Chair hears no objection.

Mr. WASHINGTON. In that case the amendment will have to be modified so as to come in after the amendment offered by the gentleman from Ohio [Mr. OUTHWAITE].

The SPEAKER *pro tempore*. The amendment now to be voted upon will be read.

The Clerk read as follows:

After line 9 add—

Provided, That overhead wires may be used in propelling cars by electricity, on a plan approved by the Commissioners of the District of Columbia."

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is now on the other amendment of the gentleman from Tennessee, which will be read.

The Clerk read as follows:

Amend by striking out "one year," in line 8, and inserting "six months after August 6, 1892."

The question being taken, there were, on a division (called for by Mr. WASHINGTON)—ayes 14, noes 14.

So the amendment was rejected.

Mr. HEMPHILL. I ask now a vote on the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, the question being upon its passage.

The question was taken; and on a division there were—ayes 23, noes 22.

Mr. O'NEILL of Missouri and Mr. LONG. No quorum.

The SPEAKER *pro tempore* (Mr. RICHARDSON). The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. LONG and Mr. HEARD were appointed tellers.

The House again divided; and the tellers reported—ayes 90, noes 24.

Mr. O'NEILL of Missouri. No quorum.

Mr. HEMPHILL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 75, not voting 153; as follows:

YEAS—100.

Alexander,	Compton,	Hemphill,	Peel,
Allen,	Coombs,	Henderson, Iowa,	Perkins,
Bartine,	Cox, N. Y.,	Holman,	Post,
Baswig,	Craig, Pa.,	Hooker, Miss.,	Powers,
Belden,	Curtis,	Hopkins, Pa.,	Quackenbush,
Belknap,	Cutting,	Houk, Ohio,	Raines,
Bentley,	Daniell,	Huff,	Reilly,
Bergen,	De Armond,	Johnson, Ohio,	Reyburn,
Bingham,	De Forest,	Kilgore,	Richardson,
Bland,	Dixon,	Lapham,	Rockwell,
Blount,	Doan,	Lawson, Va.,	Stephenson,
Branch,	Dockery,	Layton,	Steward, Ill.,
Brawley,	Donovan,	McAleer,	Stone, W. A.,
Bretz,	Durbinow,	McCreary,	Stone, Ky.,
Brickner,	Edmunds,	Meredit,	Sweet,
Buchanan, Va.,	Epes,	Montgomery,	Tracey,
Bullock,	Fellows,	Moore,	Tucker,
Bunting,	Fyan,	Montchier,	Van Horn,
Busey,	Gillespie,	Oates,	Walker,
Castle,	Grady,	O'Ferrall,	Warwick,
Cate,	Greenleaf,	O'Neil, Mass.,	Washington,
Cobb, Ala.,	Hare,	Page, R. I.,	Willcox,
Cobb, Mo.,	Harmer,	Parrett,	Wilson, Mo.,
Coburn,	Hatch,	Patterson, Tenn.,	Wilson, W. Va.,
Cockran,	Heard,	Paynter,	Wise.

NAYS—75.

Arnold,	Cummings,	Lane,	Shell,
Bailey,	Davis,	Lanham,	Shively,
Baker,	Dickerson,	Lawson, Ga.,	Simpson,
Bankhead,	Everett,	Lester, Ga.,	Snow,
Beaman,	Fithian,	Long,	Stewart, Tex.,
Bowers,	Fowler,	Lynch,	Stockdale,
Bowman,	Funston,	Mallory,	Stone, C. W.,
Breckinridge, Ky.,	Gantz,	Martin,	Stout,
Broderick,	Geary,	McGann,	Taylor, V. A.,
Buchanan, N. J.,	Halvorson,	McKaig,	Terry,
Butler,	Hamilton,	McKeighan,	Tillman,
Byrns,	Haugen,	McKinney,	Townsend,
Caruth,	Hitt,	McRae,	Watson,
Catchings,	Hopkins, Ill.,	Newberry,	Weadock,
Clarke, Ala.,	Hull,	O'Neil, Mo.,	White,
Cox, Tenn.,	Johnson, Ind.,	Pattison, Ohio,	Williams, Mass.,
Crain, Tex.,	Johnson, N. Dak.,	Pendleton,	Williams, Ill.,
Crawford,	Kem,	Sayers,	Youmans,
Crosby,	Kyle,	Scott,	

NOT VOTING—153.

Abbott, Culberson, Lester, Va.
Alderson, Dalzell, Lewis,
Amersman, Dingley, Lind,
Andrew, Dolliver, Little,
Atkinson, Dungan, Livingston,
Babbitt, Dunphy, Lockwood,
Bacon, Elliott, Lodge,
Beltzhoover, Ellis, Loud,
Blanchard, English, Magnier,
Boatner, Enloe, Mansur,
Boutelle, Enoch, McClellan,
Breckinridge, Ark. Fitch, McDonald,
Brookshire, Flick, McMillin,
Brosius, Forman, Meyer,
Brown, Forney, Miller,
Brunner, Geissenhainer, Milliken,
Bryan, Goodnight, Mitchell,
Bunn, Gorman, Morse,
Burrows, Griswold, Moses,
Bushnell, Grout, Norton,
Bynum, Hall, O'Donnell,
Cable, Halliwell, O'Neill, Pa.
Cadmus, Harries, Otis,
Caldwell, Harter, Outhwaite,
Caminetti, Hayes, Iowa, Owens,
Campbell, Haynes, Ohio, Page, Md.
Capcharl, Henderson, N. C., Patton,
Causey, Henderson, Ill., Payne,
Cheatham, Herbert, Pearson,
Chapin, Hermann, Pickler,
Chipman, Hoar, Pierce,
Clancy, Hooker, N. Y., Price,
Clark, Wyo. Houk, Tenn., Wilson, Ky.
Clover, Johnstone, S. C., Wilson, Wash.
Cogswell, Jolley, Winn,
Coolidge, Jones, Rayner,
Cooper, Ketcham, Reed,
Covert, Kribbs, Rife,
Covles, Lagan, Robertson, La.
Robinson, Pa.

So the bill was passed.
The following pairs were announced:
Until further notice:
Mr. SPRINGER with Mr. REED.
Mr. MITCHELL with Mr. ROBINSON of Pennsylvania.
Mr. PAGE of Maryland with Mr. RAY.
Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
Mr. TURNER with Mr. BARTINE.
Mr. LAGAN with Mr. CALDWELL.
Mr. HARTER with Mr. BOWERS.
Mr. CAMPBELL with Mr. WILSON of Kentucky.
Mr. WINN with Mr. MORSE.
Mr. LIVINGSTON with Mr. DINGLEY.
Mr. MAGNER with Mr. PAYNE.
Mr. WOLVERTON with Mr. BRODERICK.
Mr. STEVENS with Mr. RANDALL.
Mr. STUMP with Mr. TAYLOR of Illinois.
Mr. COX of New York with Mr. GRISWOLD.
Mr. COVERT with Mr. CHEATHAM.
Mr. WHITING with Mr. BURROWS.
Mr. ALDERSON with Mr. DOLLIVER.
Mr. BACON with Mr. HENDERSON of Illinois.
Mr. MOSES with Mr. CLARK of Wyoming.
Mr. SPERRY with Mr. SANFORD.
Mr. WILLIAMS of North Carolina with Mr. SHONK.
Mr. CAPEHART with Mr. RUSSELL.
Mr. WARNER with Mr. EZRA B. TAYLOR.
Mr. PIERCE with Mr. LIND.
Mr. MANSUR with Mr. TAYLOR of Tennessee.
Mr. NORTON with Mr. KETCHAM.
Mr. HAYNES of Ohio with Mr. SCULL.
Mr. BRYAN with Mr. O'DONNELL.
Mr. TURPIN with Mr. HOOKER of New York.
Mr. PEARSON with Mr. JOSEPH D. TAYLOR.
Mr. STAHLNECKER with Mr. WADSWORTH.
Mr. BUNN with Mr. ATKINSON.
Mr. OWENS with Mr. ENOCHS, until April 12, inclusive.
Mr. CAUSEY with Mr. O'NEILL of Pennsylvania, until April 13.
Mr. SNODGRASS with Mr. HOUK of Tennessee, until April 21.
Mr. HOAR with Mr. BROSIUS, for one week.
Mr. GEISSENHAINER with Mr. WRIGHT, until Tuesday next.
Mr. KIRIBBS with Mr. HUFF, until Thursday next.
Mr. JONES with Mr. HERMANN, for one week.
For this day:
Mr. BRUNNER with Mr. LOUD.
Mr. CAMINETTI with Mr. PICKLER.
Mr. FORNEY with Mr. LODGE.
Mr. CADMUS with Mr. WEVER.
Mr. ENLOE with Mr. SMITH of Illinois.
Mr. SEERLEY with Mr. FLICK.
Mr. BYNUM with Mr. JOLLEY.
Mr. DOCKERY with Mr. HENDERSON of Iowa.
On this vote:
Mr. CULBERSON and Mr. DALZELL.
Mr. ABBOTT with Mr. GROUT.

Mr. WHEELER of Alabama with Mr. MILLIKEN.
Mr. DUNPHY with Mr. ELLIOTT.
Mr. BROWN with Mr. WAUGH.
Mr. HENDERSON of North Carolina with Mr. RIFE.
Mr. ANDREW with Mr. BOUTELLE.
Mr. DOCKERY. Mr. Speaker, may I ask if the gentleman from Iowa [Mr. HENDERSON] has voted?
The SPEAKER *pro tempore*. The Chair is informed that the gentleman's name is recorded.
Mr. DOCKERY. I have a pair with the gentleman from Iowa, and have just come into the Hall. I do not know what the proposition is, but vote in the affirmative.
The result of the vote was then announced as above recorded.
On motion of Mr. HEARD, the motion to reconsider the last vote was laid on the table.

BUILDINGS IN ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I send to the desk a joint resolution which I ask unanimous consent to have considered at this time. I will state that it is not reported from the committee, but I will be glad to inform the House as to the necessity for its passage as soon as it has been read.

The SPEAKER *pro tempore*. The clerk will read the joint resolution.

The Clerk read as follows:

Joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in the District of Columbia.

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia are hereby instructed not to issue any more permits for buildings intended for human occupation in alleys in the District of Columbia, until further provided for by Congress.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. HEMPHILL. I will state, Mr. Speaker, that we passed a law providing that no more dwellings should be constructed in alleys of less than 40 feet width. The Senate committee, I am told, have proposed to amend this by making it 30 feet. While the bill is pending in the two Houses everybody in the District of Columbia who happens to own property of this character is running down to the Commissioner's office to get permits so that they can have the right to commence the construction of these buildings before the law goes into effect.

The joint resolution directs the Commissioners not to issue any more such permits until Congress shall pass finally upon the matter.

Mr. BLOUNT. I would like to ask the gentleman from South Carolina a question. I wish to know where the permits are obtained; what compensation is given for the streets or portions of streets that are occupied by these alleys?

Mr. HEMPHILL. I do not think they occupy any part of the alleys.

Mr. HEARD. This is for the construction of buildings on alley lines—on the sides of the alley.

Mr. BLOUNT. Well, if they are on either side of the alley to whom do they belong?

Mr. HEMPHILL. This is private property. It belongs to the individuals.

Mr. HEARD. This is to prevent their building houses in there until the street is opened through and they have light and gas, and to prevent their building where the alley is not 40 feet wide. It makes a den of vice now that is too difficult to police, and it is impossible to cause the observance of proper sanitary regulations.

Mr. BUCHANAN of New Jersey. I would like to ask the gentleman whether it is not a fact that immediately upon the passage of that bill through the House the Commissioners, without waiting for any law, refused to give any more permits?

Mr. HEMPHILL. I do not know how that is.
Mr. BUCHANAN of New Jersey. I am reliably informed that that is the case.

Mr. HEMPHILL. This will protect the Commissioners. They are being besieged by persons who wish to get in before Congress can act on the matter. This is simply to stop action until Congress shall decide what width of alleys they will allow.

The joint resolution was ordered to be engrossed and read a third time; and, being engrossed, was accordingly read the third time, and passed.

On motion of Mr. HEMPHILL, a motion to reconsider the last vote was laid on the table.

SQUARE 206, WASHINGTON, D. C.

Mr. HEMPHILL. I ask to call up the bill (H. R. 7081), confirming title to lands in the subdivision of square 206, in the city of Washington, D. C.

The bill was read, as follows:

Be it enacted, etc., That the subdivision of square 206, in the city of Washington, D. C., made by C. P. Patterson and recorded in book R W, page 102,

in the office of the surveyor of the said District, be, and the same is hereby confirmed so far as the said subdivision embraced any part of the original alleys in said square, and the title of the persons claiming any part or parts of said original alleys under the owner of the original lots in said square at the time said subdivision was made is hereby confirmed: *Provided*, That the area dedicated to the public in the subdivision made by said Patterson is at least as great as that of the alleys in the said original division of said square into lots.

Mr. HEMPHILL. I would say that this simply provides for the confirmation of this subdivision, which was made in 1856, and upon which houses have already been constructed. There is no objection to it on the part of anyone, so far as I know.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEMPHILL, a motion to reconsider the last vote was laid on the table.

INSPECTOR OF PLUMBING, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I ask to call up the bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

The bill was read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia and their successors be, and they hereby are, authorized and empowered to make, modify, and enforce regulations governing plumbing, house drainage, and the ventilation, preservation, and maintenance in good order of house sewers and public sewers in the District of Columbia, and also regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing in said District; and any person who shall neglect or refuse to comply with the requirements of the provisions of said regulations after ten days' notice of the specific thing required to be done thereunder, within the time limited by the Commissioners for doing such work, or as the said time may be extended by said Commissioners, shall upon conviction thereof be punishable by a fine of not more than \$300 for each and every such offense, or in default of payment of fine, to imprisonment not to exceed thirty days.

SEC. 2. That the said Commissioners and their successors be, and they hereby are, authorized and empowered to require every person licensed to practice the business of plumbing in the District of Columbia, before engaging in the said business, to file a bond in such amount and with such number of sureties as the said Commissioners shall determine, conditioned upon the faithful performance of all work in compliance with the plumbing regulations, and that the District of Columbia shall be kept harmless from the consequence of any and all acts of the said licensee during the period covered by the said bond.

SEC. 3. That the said Commissioners and their successors be, and they hereby are, authorized to establish and charge a fee for each permit granted to connect any building, premises, or establishment with any sewer, water, or gas main, or other underground structure located in any public street, avenue, alley, road, highway, or space; and also to establish and charge a fee for each permit granted to make an excavation in any public street, avenue, alley, highway, road, or space for the purpose of repairing, altering, or extending any house sewer, water main, or gas main, or other underground construction. The fees authorized by this section shall be paid to the collector of taxes of the District of Columbia and by him deposited in the Treasury of the United States, to the credit of the District of Columbia.

SEC. 4. That the said Commissioners of the District of Columbia and their successors be, and they hereby are, authorized and empowered to appoint an inspector of plumbing and such number of assistants as they deem necessary, which may be authorized by appropriations made by Congress, not exceeding four, in and for the District, whose duty it shall be, under the direction of said Commissioners, and they are hereby empowered accordingly, to inspect or cause to be inspected all houses when in course of erection in said District, to see that the plumbing, drainage, and ventilation of sewers thereof conform to the regulations hereinbefore provided for; and also at any time, during reasonable hours, under like direction, to inspect or cause to be inspected any house in said District, to examine the plumbing, drainage, and ventilation of sewers thereof, and generally to see that the regulations hereinbefore provided for are duly observed and enforced.

SEC. 5. That all laws or parts of laws inconsistent herewith be, and they hereby are, repealed.

Mr. HEMPHILL. I move to amend section 4, line 12, after the word "direction," by inserting "on the application of the owner or occupant, or on the complaint of any reputable citizen."

The SPEAKER *pro tempore*. The gentleman must reduce his amendment to writing.

Mr. HEMPHILL. I will do so. In the mean time I offer the following amendment:

The Clerk read as follows:

Strike out all of section 4 down to and including "duty," in line 6, and insert:

"That the inspector of plumbing and his assistant shall be."

The SPEAKER *pro tempore*. The question is upon this amendment.

Mr. BUCHANAN of New Jersey. We do not know what is stricken out, and we would like to have some explanation of it.

I will state, Mr. Speaker, that the bill provided that the Commissioners of the District of Columbia and their successors are hereby authorized and empowered to appoint an inspector of plumbing and such number of assistants as Congress may from time to time appoint. I understand from the Commissioners that they already have an inspector of plumbing and two assistant inspectors. This bill simply provided for the appointment of one more. They can get along without this additional inspector, and this will simply comply with the point made by the gentleman from Indiana [Mr. HOLMAN] the other day, who objected to the appointment of any more officers. This will strike out that power, and simply provides that the inspector of plumbing and his assistants shall do what these new officers would have done.

Mr. HOLMAN. I ask that the amendment be reported again. The amendment was again reported.

Mr. HEMPHILL. The first part of section 4 provided that the Commissioners of the District were authorized and empowered to appoint an inspector of plumbing.

Mr. HOLMAN. I suggest this amendment, to strike out the section down to line 6, including the words "in and for," and inserting simply this:

That the said inspector of plumbing shall be under the direction of said Commissioners.

Mr. HEMPHILL. That is exactly what my amendment is. It says that the inspectors and assistants shall be under the direction of said Commissioners. I will ask the Clerk to again report the amendment.

The amendment was again reported.

Mr. HOLMAN. I have no objection to that.

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the second amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

In line 12, after the word "direction," insert the words, "on the application of the owner or occupant, or on the complaint of any reputable citizen."

The amendment was agreed to.

Mr. HOLMAN. Now, Mr. Speaker, these salaries, of course, are permanent, and paid out of the general funds in the Treasury. The provision of section 3 is as follows:

The fees authorized by this section shall be paid to the collector of taxes of the District of Columbia and by him deposited in the Treasury of the United States to the credit of the District of Columbia.

Now, in this really private business of plumbing, the matter concerns the citizens of the District more than it does the general public and the United States; and it seems to me that under no circumstances should the compensation of these plumbers be paid out of the public Treasury. That work ought to be paid entirely out of the funds paid into the Treasury to the credit of the District of Columbia. As it stands now the Government pays one-half of the amount and the District one-half, and the District of Columbia gets the benefit of all the fees.

Mr. HEMPHILL. Oh, no, the Government only pays its half.

Mr. HOLMAN. That provision is not in this bill.

Mr. HEMPHILL. It is not in any bill of this kind. This bill does not fix any salary; does not provide compensation for anybody; and it does not provide for the appointment of anybody. There are already in the District of Columbia one plumber and two assistants, who are provided for in the District appropriation bill, of which the committee of the gentleman from Indiana is chairman has charge, and whatever regulation that committee makes will govern.

Mr. HOLMAN. Conceding that, we will let the present arrangement stand, under which one-half of the expenses of the District of Columbia are charged to the Government, and the other half to the revenue of the District, still the effect of this bill, as my friend must see, is this: Assuming now that the appropriation bill provides for these three officers, an inspector and two assistants, and the appropriation is made for it, one-half of it has to come out of the District fund and the other half to come out of the Government Treasury. Now, it is a fact, if this system be introduced, and that the expense shall be refunded by fees, these fees certainly should not go entirely into the funds of the District of Columbia, but ought to go equally to the credit of the funds of the District of Columbia and to the Treasury of the United States.

Mr. HEMPHILL. Why, Mr. Speaker, the bill does not provide for any such system as the gentleman suggests. It simply says that there are now certain fees charged in the District, and they are appropriated exactly as this bill provides. This bill fixes where these fees are to go with the matters covered by this bill; they are to go as the fees now go.

Mr. HOLMAN. Why should the District of Columbia get the whole benefit of the fees?

Mr. HEMPHILL. That is a matter that can be regulated by the Committee on Appropriations when they come to fix the salaries.

Mr. HOLMAN. Oh, no; because this money is placed to the credit of the District of Columbia.

Mr. HEMPHILL. It goes to the credit of the District of Columbia. There is no money appropriated from the District of Columbia that goes to any place except the District of Columbia.

Mr. HOLMAN. But all the fees go the credit of the District of Columbia in this case.

Mr. HEMPHILL. Of course they do.

Mr. HOLMAN. Why not have a provision inserted that the District of Columbia shall have one-half of the fees placed to its

credit, and that the other half shall go to the credit of the United States?

Mr. HEMPHILL. Why, the whole of the fees only amount to five, six, or seven thousand dollars.

Mr. HOLMAN. It does not matter how much the fees are, the principle is the same. I prefer to look after the interests of all the people rather than those of a favored community of people. Now, the gentleman must see that the effect of this provision is that the Government pays one-half of the fees for these inspections—

Mr. HEMPHILL. I trust that the gentleman will kill the bill and be done with it.

Mr. HOLMAN. Mr. Speaker, I feel very indignant every time that this kind of bill comes up, under which my constituents have to bear a large portion of the expenses of this District; and I am not willing that they shall have deducted from the results of their labor such amounts as are provided for in the matters of these salaries.

Mr. HEMPHILL. What provision does the gentleman propose?

Mr. HOLMAN. Why, that one-half of the amount of the fee shall go to the credit of the District of Columbia and the other half to the Treasury.

Mr. HEMPHILL. Very well offer your amendment, and I will agree to that. Let every bit of it go to the Treasury, if you prefer.

Mr. HOLMAN. Very well; I will take that.

Mr. HEMPHILL. It does not tax the Treasury a single cent.

Mr. HOLMAN. I move to amend by inserting "that one-half of the fees shall go to the credit of the Treasury of the United States and the other half to the credit of the District of Columbia."

The SPEAKER *pro tempore*. Where does the gentleman desire his amendment to come in?

Mr. HOLMAN. I want to insert that amendment in lieu of the words "and by him deposited in the Treasury of the United States to the credit of the District of Columbia."

The SPEAKER *pro tempore*. The Chair will state that the bill at the Clerk's desk is in manuscript; therefore the gentleman must write his amendment and send it up to the desk to be reported.

The amendment was read, as follows:

In line 13, after "United States," insert "one-half to the credit of the United States and one-half to the credit of the District of Columbia."

Mr. HOLMAN. Now, Mr. Speaker, before that is voted upon—

Mr. HEMPHILL. I am perfectly willing to agree to that; so it is not worth while to argue it.

Mr. HOLMAN. I am not going to argue it, but I wish to say to my friend having charge of the business of the Committee of the District of Columbia that the list of health officers, inspectors, and persons employed in connection with matters relating to the public health occupies a whole page.

I have before me a letter written by a very intelligent gentleman, a leading citizen of this city, protesting against this proposition as unnecessary, claiming that something ought to be left to the good sense and discretion of the citizens themselves, saying that this Government ought not to be made unnecessarily paternal, and that all these matters pertaining to our homes and firesides should not be subjected to Government supervision. I will not ask to have the letter read, but that is the substance of it. I have here also the list to which I have referred, of the officers and employees now engaged in connection with health matters in this city.

Mr. WASHINGTON. I will ask the gentleman from South Carolina whether the fees will not more than pay the salaries provided for in this bill?

Mr. HEMPHILL. Yes, sir.

Mr. BLOUNT. But the money will not go that way.

Mr. WASHINGTON. It goes into the Treasury.

Mr. BUCHANAN of New Jersey. Who pays the fees?

Mr. WASHINGTON. The people who own the property, and they ought to pay them. It is an outrage that the children of people who come here to serve the Government should be subjected to the danger of being poisoned by sewer gas because of defective plumbing in many of the old buildings that exist here. There should be an officer of the kind proposed here to inspect the plumbing in these old buildings, and also in new buildings, so as to prevent the destruction of innocent life which comes from such causes.

Mr. BUCHANAN of New Jersey. There is an officer to do that now, is there not?

Mr. WASHINGTON. I am informed that there is not, and that this bill is necessary in order to make the existing system thoroughly effective.

Mr. BUCHANAN of New Jersey. I will ask the gentleman

from Indiana [Mr. HOLMAN] to state the number of persons that are now engaged in this line of business.

Mr. HOLMAN. In this particular branch of making inspections, etc., in connection with health, the number of officers and employees covers this entire page of paper which I hold in my hand.

Mr. BLOUNT. Mr. Speaker, I wish to say a word or two in support of the position of the gentleman from Indiana [Mr. HOLMAN]. It is well for us to bear in mind that the financial system of this District is based on the idea that one-half the revenues of the District are to be raised by taxation on the people and that the rest of the country, or the general Treasury, is to pay the other half.

Now, we have already created here a corps of officers and employees, just referred to by the gentleman from Indiana, who are paid for out of the general Treasury, and yet the moment we are confronted with the question of the disposition of these fees, gentlemen insist that the rule shall not obtain. There is nothing narrow in the suggestion of the gentleman from Indiana. The idea that we shall be compelled to pay one-half of the expenditure of this District, enormous as it is, upon the theory that we own one-half the property, although that one-half, when you come to investigate, consists largely in the streets of the city, is so absurd as to be repugnant to the common sense of any gentleman to whose attention it is brought.

But that is the existing rule; yet, when the gentleman from Indiana [Mr. HOLMAN] simply asks that that rule shall be adhered to in a matter of this kind it seems to excite in some minds impatience. For one I am prepared to vote to change the basis whenever I can get an opportunity to do so, but while it exists, bad as it is, I intend, so far as my voice and my vote will go, to insist that it shall be enforced and that the abuse shall not be enlarged.

Mr. HOLMAN. Mr. Speaker, before the vote is taken on the amendment I ask permission to put into the RECORD this list of persons already employed in this District in connection with health matters, with the salaries paid to them. They number 38 and over.

There was no objection.

The list is as follows:

HEALTH DEPARTMENT.	
C. M. Hammett, health officer.....	per annum.. \$3,000
S. J. Bayly, Jr., chief clerk.....	do..... 1,800
B. F. Peters, clerk.....	do..... 1,400
B. J. Accinelly, clerk.....	do..... 1,200
W. B. Moore, clerk.....	do..... 1,200
M. F. Mills, clerk.....	do..... 1,200
T. W. Parsons, sanitary inspector.....	do..... 1,200
T. M. Shephard, sanitary inspector.....	do..... 1,200
A. J. Heird, sanitary inspector.....	do..... 1,200
W. D. Hughes, sanitary inspector.....	do..... 1,200
C. H. Welch, sanitary inspector.....	do..... 1,200
J. R. Motherhead, food inspector.....	do..... 1,200
W. C. Chase, food inspector.....	do..... 1,200
Edw. Fitzgerald, food inspector.....	do..... 1,200
G. Harris, inspector of marine products.....	do..... 1,200
Sam Einstein, pound master.....	do..... 1,200
Orlando King, messenger.....	do..... 540
Isaac Pinckney, ambulance driver.....	do..... 480
Shirley Williams, laborer.....	per month.. 40
John Wells, laborer.....	do..... 40
Joseph Burrell, laborer.....	do..... 40
Cornelius Parker, laborer.....	do..... 40
HEALTH DEPARTMENT SCARLET FEVER AND DIPHTHERIA SERVICE.	
C. J. Osmun, medical sanitary inspector.....	per annum.. \$1,500
G. T. Richardson, driver and assistant.....	do..... 500
Fifteen other doctors appointed by health officer for the aid of the poor, each.....	per month.. 40
INSPECTOR OF BUILDINGS.	
T. B. Entwisle.....	per annum.. 2,400
B. C. King, assistant.....	do..... 1,200
R. M. Evans, assistant.....	do..... 1,000
E. F. Vermillion, assistant.....	do..... 1,000
J. B. Brady, clerk.....	do..... 1,000
J. T. S. Holtzman, clerk.....	do..... 900
Sam Green, messenger.....	do..... 480
C. H. Marshall, janitor.....	do..... 700
N. W. Wilkerson, engineer.....	do..... 900
INSPECTOR PLUMBING.	
Sam. A. Robinson.....	per annum.. 2,000
J. F. Murphy, assistant.....	do..... 1,000
M. J. Fennell, assistant.....	do..... 1,000

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Indiana.
The amendment was agreed to.

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I have sent for a copy of the Senate bill, but can not procure it. The bill was read here from the Senate manuscript. I would like to ask the gentleman in charge of it whether the bill does not provide that before any man can establish himself here as a plumber he must give bonds to the District.

Mr. HEMPHILL. Yes; he must file a bond in a certain amount.

Mr. BUCHANAN of New Jersey. What amount.
Mr. HEMPHILL (reading):

In such amount and with such number of sureties as the said Commissioners shall determine.

Mr. BUCHANAN of New Jersey. Now, I ask the gentleman whether he thinks that is legislation in the right line? I would legislate to place these plumbers under severe inspection, to subject them to as severe rules and restrictions as may be justifiable; but I do not believe in compelling a young man, when he commences business, to take out a bond that he will transact his business in a particular way. I think it would operate as a discrimination against young men desiring to start business, who might not be able to procure the required bond, and who might thus be excluded from business as plumbers. Make your restrictions as severe as you please, but do not compel young men beginning business to give bond.

Mr. HEMPHILL. Coming as I do from a country town, I am not very well informed from personal experience as to these matters; but I have had occasion to look into this question with some interest, and I find that there is a rule of this kind in a great many other cities.

Mr. BUCHANAN of New Jersey. So, too, a great many murders have been committed this year; still, murder is a poor business.

Mr. HEMPHILL. Murder is a violation of law; but here we are trying to make people conform to the law. There is this to be said: if in the future we should find that the Commissioners have exercised this power with any degree of harshness it would be very easy for Congress to correct the evil. It appears that at present the plumbing and sanitary regulations here amount practically to nothing. This bill, as I understand, is not opposed by any person who is interested as a taxpayer or who follows the business of plumbing. None of the reputable plumbers of this city, so far as I know, object to this measure; in fact, nobody, as I understand, makes any objection.

Mr. BUCHANAN of New Jersey. Of course the plumbers now in business would not object.

Mr. HEMPHILL. There may be a great many people here desiring to follow this business who could not give bonds; and the reason is that they are not suitable persons to carry on the business—they are not experts. We are not proposing to adopt a harsher rule than that which already prevails in many other cities of the Union.

Mr. HOLMAN. I wish to suggest to the gentleman from South Carolina an amendment to an amendment already adopted on motion of the committee. Between lines 11 and 12 there have been inserted the words "or on complaint of any reputable citizen." I move to amend by inserting after the word "complaint" the words "under oath." I think a citizen's home should not be invaded upon complaint of an outsider, unless that complaint be made under oath.

Mr. HEMPHILL. I cheerfully assent to the amendment.

The SPEAKER. If there be no objection, the words suggested by the gentleman from Indiana [Mr. HOLMAN] will be inserted. The Chair hears no objection.

Mr. BUCHANAN of New Jersey. I move to amend by striking out the second section of the bill. This section provides—

That the said Commissioners and their successors be, and they hereby are, authorized and empowered to require every person licensed to practice the business of plumbing in the District of Columbia, before engaging in said business, to file a bond in such amount and with such number of sureties as the said Commissioners shall determine, conditioned upon the faithful performance of all work in compliance with the plumbing regulations, and that the District of Columbia shall be kept harmless from the consequence of any and all acts of the said licensee during the period covered by the said bond.

This covers all acts, whether of omission or commission. The section requires a bond resting upon such contingencies that very few men would be willing to sign it. I reiterate the point I have already made that we ought not to compel a young man beginning business for himself to give a bond like this. Make the restrictions as severe as you choose; and if a plumber does not properly perform his duties, deprive him of his license; but to provide that a young man beginning business of this sort, without capital and trying to work his way up, shall be required at the start to give a stringent bond of this sort, must operate as a discouragement upon industry and enterprise—a discouragement to which young men ought not to be subjected.

Mr. HEMPHILL. In Chicago the law requires in these cases a bond of \$3,000.

Mr. BUCHANAN of New Jersey. Well, I do not think any the better of Chicago for that.

Mr. HEMPHILL. I suggest that we limit the amount of the bond in this case to a sum not exceeding \$2,000. Any young man of good character could easily give such a bond.

Mr. BUCHANAN of New Jersey. Does the gentleman move that as an amendment.

Mr. HEMPHILL. I move to amend the section by inserting

after the word "amount," in line 5, the words "not exceeding \$2,000," so as to read, "a bond in such amount not exceeding \$2,000, and with such number of sureties," etc.

The SPEAKER. If there be no objection, the amendment suggested by the gentleman from South Carolina will be agreed to. There was no objection.

Mr. BUCHANAN of New Jersey. Now, I move to strike out the section as amended:

The motion of Mr. BUCHANAN of New Jersey was rejected. The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HEMPHILL a motion to reconsider the last vote was laid on the table.

DEPOSITS IN BUILDING AND OTHER ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 6794) regulating deposits in building and other associations in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That whenever any deposit shall be made in any building and loan association, savings bank, or other institution authorized by law to receive deposits, by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all persons whatsoever, except creditors, and shall be paid, together with the dividends or interest thereon, to the person in whose name the deposit shall have been made; and the receipt or acquittance of such minor or female shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the corporation.

Mr. HEMPHILL. This is a bill that simply provides where a person accumulates money and puts it in a savings bank, a building or loan association, or other like institution authorized to receive money on deposit, that their receipt shall be sufficient for it, even though the party be under age.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEMPHILL, the motion to reconsider the last vote was laid on the table.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY,

Mr. HEMPHILL. I now call up for consideration the bill (S. 2015) to amend the act incorporating the Washington and Georgetown Railroad Company.

The bill was read, as follows:

Be it enacted, etc., That the Washington and Georgetown Railroad Company is hereby authorized and required to change its tracks as follows: Commencing at M and High streets, in the city of Georgetown; thence west along M street to the Aqueduct bridge: *Provided,* That the terminal points hereby authorized shall be located, under the direction of the Commissioners of the District of Columbia, so as not to interfere with access to the said Aqueduct bridge.

SEC. 2. That the changes hereby authorized and required shall be made, and cars shall be operated on the extension of the line, by December 1, 1892; and during the laying of said tracks, the amount of street to be opened at any one time, and the closing of any cross streets, shall be subject to the orders of the Commissioners of the District of Columbia. Any damages to, or changes in, any underground conduits, made necessary by reason of the construction of the road, shall be made at the expense of the Washington and Georgetown Railroad Company.

Mr. HEMPHILL. This bill was introduced into the Senate, and passed that body. It is a bill authorizing and requiring the Washington and Georgetown Railroad Company to extend its road from M and High streets to what is known as the District end of the Aqueduct bridge. M street, at Thirty-second, is the present terminus in Georgetown of the road, and if the road is to be extended at all to the bridge the bill ought to be passed now while the cable is being put down on the present line of road, in order that the whole system may be completed at the same time. The Senate, as I have said, have passed the bill, and it has met with very favorable consideration in this House, because at an early date the Grand Army of the Republic will meet here and there will be, of course, a large number of people present, many of whom will desire to visit the cemetery at Arlington. There is now a road constructed from the other end of the Aqueduct bridge, on the Virginia shore, to Arlington Cemetery, but there is no road, either from the city of Washington or Georgetown, to the bridge. The nearest approach to it is the terminus of this Washington and Georgetown line at M street.

If the House chooses to pass this bill it will enable the persons who are here at the meeting of the Grand Army, or, in fact, at any other time, to reach that bridge and for one fare, and after crossing the bridge, to take the street-car line on the other side and visit Arlington Cemetery at a cost not exceeding 10 cents; whereas now it requires the hiring of a hack to reach the bridge at all. The bill fixes the time within which this work shall be completed as December 1, 1892. The railroad authorities have not asked for the bill, and they are willing that it shall be passed or not be passed; but they desire if it is to be passed at all that action be taken promptly, so as to enable them to go on with the work.

The House can pass the bill or not just as they see fit, and they

can limit the time to any reasonable period for the completion of the work. The railroad authorities inform me that if it be passed they can have the road in running order by the time the Grand Army meets here. But it will be hardly fair to limit them to that time, because some unforeseen accident might happen which would necessitate some further delay and make it beyond their power to comply with the law. They can not do all these things themselves; they are compelled to have all the ribs and ties and cables and matters of that kind manufactured, and are consequently dependent upon the manufacturing establishments for them.

Mr. BUCHANAN of New Jersey. I would like, if the gentleman would permit me, to read a short item from the Washington Post of this morning.

Mr. HEMPHILL. Certainly.

Mr. BUCHANAN of New Jersey. It is as follows:

RAPID TRANSIT TO ARLINGTON.

Since the passage of the bill authorizing the Washington and Georgetown Railroad Company to extend its tracks on M street from their present terminus at the stables to the District end of the Aqueduct bridge there is a prospect of easier access to Arlington during the coming encampment. The Washington and Arlington Electric Road promises to have the Virginia section of its line completed by the same time, so that there will be no break in the line of track, except the length of the Aqueduct Bridge, and for the convenience of those who wish it, even this interval will probably be satisfactorily spanned.

I think that tells the whole story.

Mr. HEMPHILL. Well, Mr. Speaker, I ought to state that of course there is no authority here for the railroad company to go over the Aqueduct bridge. A railroad was chartered on the other side which proposed to go across on that bridge, and the House of Representatives refused to grant the authority. So far as I am concerned I should oppose any railroad coming across the bridge; and so far as this bill is concerned it is entirely immaterial to me whether it is rejected or passed. I do not care a snap of the finger one way or the other.

Mr. BUSHNELL. Let me ask the gentleman why he opposes the granting of a charter to allow a railroad company to cross that bridge?

Mr. HEMPHILL. Well, because it is a bridge that you can not well cross with vehicles as well as with cars. It is a public bridge and was built for the benefit of the public, and not with the expectation of being used for the benefit of any corporation, but for the general public. The bridge itself is too narrow for vehicles and cars to cross it.

Mr. BUSHNELL. I would like to ask the gentleman this further question: I believe this road is to be completed by the railroad company up to the Aqueduct bridge by December 31?

Mr. HEMPHILL. Yes, sir.

Mr. BUSHNELL. Are there not some other railroads that would build that road before that time and be sure to have it done in time?

Mr. HEMPHILL. Well, I do not know about that. There was a road chartered to go from Arlington down to M street, but they used an overhead electric wire, they were authorized to pass over a part of the tracks of the Washington and Georgetown road, but they said they could not use it at present and asked permission to change their route, cross the river at a different point and come down into the city on their own track.

Mr. BUSHNELL. Well, are there not several other street railway companies besides the one mentioned in this bill?

Mr. HEMPHILL. There are none of them that go in that direction, that I know of.

Mr. BUSHNELL. And that might finish the line sooner?

Mr. HEMPHILL. Oh, no; there are none of them can complete the road any sooner; and there is this about it, that if any other railroad goes there of course everybody must get out at this M street station and change cars, while if this one line goes straight through there will be no change of cars except at the bridge.

Mr. HEARD. I only want to say that this proposition is simply to authorize and require the Washington and Georgetown road to extend its line up to the neighborhood of the Aqueduct bridge, instead of leaving a gap of about four or five blocks. Last year there was a proposition of another railroad company to begin at the terminus of this road and build up to the bridge and across. As the chairman of the committee [Mr. HEMPHILL] says, Congress refused that for two reasons. The committee, as well as the two Houses of Congress, were opposed to granting to any railroad company the privilege of crossing the surface of the Aqueduct bridge.

It is not a wide enough or strong enough bridge to justify its use for such purposes, and besides it was built for the benefit of the public, outside of the railroad companies, and we have been trying to make them build their own bridge. That was one reason. Another reason is, that this is a stretch of only about four blocks, and when the railroad is thus extended it will be one road and one fare clear to the Aqueduct bridge, which is and always will be a focal point in railroad street travel in this city. We

believe there is every reason why the road should be extended there, and, as the chairman of our committee has well said, it is of vital importance to every patron of this road that the terminal plant shall be put in at the beginning, because otherwise, if it is put in at the present terminus and has to be changed, the road will necessarily be idle while that change is being made.

I understand the company to say that while this bill gives them until December that they do not expect to require one hour beyond the 6th day of August. They ask this out of an abundance of caution, but at the same time they say they expect to put their men at work immediately if we pass this now, and have it in operation together with the rest of the line before the Grand Army encampment in September. I think it is in the interest of the public that this bill should pass.

Mr. BLOUNT. Mr. Speaker, during the last Congress a railroad chartered in the State of Virginia sought authority of Congress to provide for an extension of its line across the Aqueduct bridge and on to the terminus of the present line of the railroad now under discussion.

Mr. HEARD. The terminus of the Washington and Georgetown road?

Mr. BLOUNT. The Washington and Georgetown Railroad. Objection was made to that bill on several grounds. The first was on the part of the Secretary of War, to the placing of any line of railway on that bridge, on the ground of its strength. The second objection was that that bridge was one mode of access to the people of the United States and to the people of this locality in resorting to Arlington; and the third objection was a proposition to pass a bill introduced by Mr. Lee of Virginia, to incorporate the Washington and Arlington Railway Company of the District of Columbia—

Beginning at Seventh street and B street northwest; along B street and Virginia avenue northwest to Twenty-sixth street; along Twenty-sixth street to M street, along M street and Canal road to a point on the Potomac River at or near the point known as "The Three Sisters," where the said company is hereby authorized to construct and maintain a bridge across the Potomac River on such plans as the Secretary of War may approve; and from thence by, on, and over such lines as may be selected by the said company, with the approval of the Secretary of War, to the northwest entrance of the Arlington Cemetery, and thence through the Arlington estate to the south or west line thereof, in the State of Virginia: *Provided*, That should any part of the track herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District of Columbia; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in the case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and by such notice to the other party as the court may order.

This was an extensive bill, and I shall not take the time to read it to the House. There was a bill defeated, to which I have already referred, contemplating a commencement at the terminus at the present road across the Aqueduct bridge, going down to Alexandria and to some watering place, and it was very much urged by some friends of that section. But the House refused to grant any charter for any such purpose. The House believed that it was possible, and they were assured by the members of the District Committee that there was a company eagerly desiring a charter on the very line that I have indicated, which would not touch the Aqueduct bridge, which would go for one fare from Seventh street along the line indicated, down to and through Arlington, and, if need be, on to Mount Vernon, furnishing a most desirable line for the people of the United States visiting the capital to make over this company's line a way to this point of public interest. I say this bill, proposing the crossing of the Aqueduct bridge, as then proposed, was defeated, as I have stated, and this one which I have read in part was substituted for it.

Now, sir, what is the present situation? We have been told that there is a line chartered by the State of Virginia for the building of a road up to the Aqueduct bridge. There is in the Senate at this time a bill introduced by Mr. PETTIGREW—

That pending the building of the bridge—

That is, by the company referred to in this bill which I have read—

over the Potomac River at or near a point known as Three Sisters, the construction and maintenance of which is authorized in the act approved February 28, 1891, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia," and during the annual encampment of the Grand Army of the Republic to be held in the city of Washington in the year 1892, the Washington and Arlington Railway Company be, and is hereby, authorized and permitted to lay and maintain its track across the Aqueduct bridge over the Potomac River and its approaches in such manner and upon such conditions as shall be approved by the Commissioners of the District of Columbia, etc.

Then it goes on to provide for its consolidation with the Pennsylvania line or any other line that sees fit.

It is true, sir, that this bill has not become a law.

Mr. HEARD. Will the gentleman allow me to interrupt him there?

Mr. BLOUNT. Certainly.

Mr. HEARD. I want to state for the benefit of the gentleman

from Georgia, and also of the House, that the Secretary of War and the Commissioners of the District of Columbia have reported adversely on that proposition. I understand from publications in the newspapers that the Senate committee have also reported adversely on it, and so has the Committee on the District of Columbia of the House. So that all are unanimous in their condemnation of that proposition.

Mr. BLOUNT. But that does not meet the suggestion I have made to this House. Here is a bill at this time in the Senate of the United States providing for a road running across that bridge. Here, by way of inducement, is a suggestion that there is to be an encampment of the Grand Army of the Republic held in this city during the year 1892; and this bill provides that it shall be completed in 1892, perhaps after the encampment is over. So that this little suggestion of an encampment is one of those things which is likely to mislead.

Mr. BUCHANAN of New Jersey. And the Grand Army has not asked for it.

Mr. BLOUNT. And, as the gentleman says, the Grand Army has not asked for it; and if they had, it does not meet any such situation. Then what do you find? A significant thing just at this time, a charter has been granted by the State of Virginia to build a road up to the Aqueduct bridge on the other side, and this proposition to allow this company to build its line up to the Aqueduct bridge with nothing in the way of union of the two lines except the bridge. When each shall have been completed, Mr. Speaker, how suggestive the situation to allow them just to cross over the bridge, if not for the benefit of the Grand Army, for some other matter with which Washington is eternally crowded. If this measure is passed, Mr. Speaker, I predict—and I do not claim to have great capacity of foresight in that way—the time will soon come when the necessity for the crossing of this bridge will be urged.

The gentleman from Missouri [Mr. HEARD] says that the District Commissioners do not approve the crossing of the bridge. It would be an unfortunate time to approve it, Mr. Speaker, just now. Again, the District Commissioners are not life occupants of office. They shift, and they are generally in accord with the influences at the Federal capital. The Secretary of War is opposed to it, it is said; and yet, Mr. Speaker, he may be changed, and the reasons will change when you have this road running up to the Aqueduct bridge from the Virginia direction. Are you not bringing to bear an influence to stop the building of a railroad which is now built under a charter, and designed to go to Arlington and Mount Vernon, the very places the American people want to go.

Are you not putting this in the way of it? And, Mr. Speaker, is it not likely that a further suggestion of the incorporation of this company under the Washington and Georgetown Company may be here for consideration hereafter. You have the fact, Mr. Speaker, and I believe it has not been gainsaid, that a railroad company is building a line near to the Aqueduct bridge, at the Three Sisters, from the city of Washington, along down to Arlington and Mount Vernon, and that they have a charter for that purpose. You have that fact proposed to you now. Then why amend this charter to allow this railroad to run its line up to this bridge when it only lacks three blocks of being there now. What is the purpose? Why, the people are accommodated by the other line, and are better accommodated, and likely, under the terms of its charter, at one fare. There is some regulation as to the fare. Then why, sir, shall we go on and provide that this company shall be allowed to extend its line up to that bridge?

Mr. HEARD. Will the gentleman allow me to interrupt him again?

Mr. BLOUNT. Certainly.

Mr. HEARD. Would it accomplish the object that the gentleman desires if we were to insert a provision in this bill to prevent the use of the bridge at any time in the future by this company?

Mr. BLOUNT. Mr. Speaker, if I knew that provision of law would not be repealed on the suggestion of the Committee on the District of Columbia when they wanted it, I would say "yes."

Mr. HEARD. I would give any assurance that way, so far as I am concerned—of course I can not speak for the Committee on the District of Columbia—but so far as I am informed, I am satisfied that the committee is adverse to the use of that bridge. They have so voted and so reported whenever a proposition has been before them to permit the crossing of a railroad over that bridge.

Mr. BLOUNT. What I have been saying has not been any reflection on the view of my friend from Missouri, nor on any member of the Committee on the District of Columbia. I am discussing only the probable situation, and I am asking this House to act as this body did in the last Congress. Turn away from this scheme which points to the final passage over that

Aqueduct bridge belonging to the Government by this corporation. Turn away from it, and do as the last House did; turn to this road which proposes to build its own line and its own bridge across the river at the Three Sisters, which is the very point of the river at which the bridge ought to be built. Build this line, make this situation, and how probable it is that you will stifle the other project. I am unwilling, sir, in view of the assurances that we had in the last House, assurances given by my friend from Missouri himself, that that company were able and willing to construct that line. I am unwilling to put this obstacle in the way of its completion.

Mr. HEARD. Does not my friend know that the company to which he refers have a charter now authorizing them to run over this track, and that if the Washington and Georgetown Company is permitted to extend its line as contemplated, still the other company can run over its track, as it is already authorized to run, over six blocks of the road already built by the Washington and Georgetown Company.

This bill will not hinder the other company from its right to go over these tracks which this company may put down. It is true, as my friend from South Carolina [Mr. HEMPHILL] suggests, with the power they contemplated using, they could not run over those six blocks, or over the rest of the track, for the reason that there would be a conflict in the application of motive power. But I repeat to my friend from Georgia that this other company to which he refers can use the six blocks already constructed as well as these four blocks if constructed.

Mr. BLOUNT. Mr. Speaker, I do not want any tracks put along there. This Washington and Georgetown road runs now within three blocks of that bridge. It has not been contemplated that there shall be any railroad approaches to that bridge, and for one I think we should maintain that situation.

Mr. HEARD. The other line that the gentleman refers to runs by the end of the bridge.

Mr. BLOUNT. Mr. Speaker, I reiterate that this whole matter came up before the last House and was thoroughly discussed, and that the proposition to extend this line in the way here proposed was voted down by a vote of more than 4 to 1; and I regret very much that the sudden and unexpected bringing up of this bill at this time has left me no opportunity to gather together and exhibit to the House the bills that were then pending, the debate that was then had, and the action of the House. I reserve the balance of my time.

Mr. O'NEIL of Massachusetts. Mr. Speaker, I desire to offer an amendment which I send to the desk.

The amendment was read, as follows:

Add after the end of section 2: And said Washington and Georgetown Railroad Company shall, and is hereby required, to run its cars at not less than half hour intervals on its various lines between the hours of 12 o'clock midnight and 6 o'clock a. m.

Mr. O'NEIL of Massachusetts. I hope the committee will offer no objection to that amendment.

Mr. HEMPHILL. The only trouble about that is that, as I understand the matter, the cable can not be run the whole twenty-four hours, it being essential that there shall be some time between midnight and daylight for inspection and repair. Otherwise the cable is liable to get out of order or to break and stop the entire machinery of the road. I would not object to an amendment requiring the company to run cars up to certain hours, say 1 or 2 o'clock in the morning; but, I repeat, it is necessary to the successful operation of the cable system that there shall be some time when it is not running, and when they can put their men at work to go over the whole of it and see that it is in order, or repair it if it is out of order.

Mr. O'NEIL of Massachusetts. I am aware of that, but there is nothing to prevent them from running horse cars at those hours.

Mr. HEMPHILL. The trouble about that is that they will have no horses when they abandon that form of power.

Mr. O'NEIL of Massachusetts. Oh, no railroad company will ever do away with horses entirely. They must keep horses for some purpose, and can use them for this purpose if necessary. This is a thing that is asked for by all the newspaper men and by a great number of the regular residents. I am credibly informed that this company last year ran its cars all night while Congress was in session and made a promise to the committee that it would keep on running them throughout the year, but that when Congress adjourned it immediately stopped them.

Now, I submit that this accommodation is required by the people, and that it is no more than is afforded by the street railroads in every large city. Notwithstanding the claim that it will not pay, I believe it will pay; but even if these particular cars do not pay, yet the road as a whole, taken for the twenty-four hours, pays well, and this accommodation is due to the public who require and demand it.

Mr. HEMPHILL. I will state that there is a bill pending be-

fore the committee providing for that very thing. I think it is a matter of some consequence both to the public (I have been a sufferer myself) and also to the railroad company, but, while the company are in process of adopting this new power, it would be hardly fair to them without investigation to put this additional obligation upon them.

Mr. O'NEIL of Massachusetts. What investigation do you want?

Mr. HEMPHILL. I understand that the railroad did run cars for twelve months in this way, and that they averaged only eight passengers, some of these being fellows who had got drunk and wanted to ride until they got sober [laughter], a class of persons who ought not to be encouraged either by day or by night. Now, if the gentleman will allow this to come up in a separate bill, as it will when reported from the Committee on the District of Columbia, it can then receive the action of the House.

Mr. O'NEIL of Massachusetts. I prefer to have it taken as an amendment to his bill, and I want a vote upon it.

Mr. HEMPHILL. Well, of course I can not object to a vote upon it.

Mr. HEARD. Mr. Speaker, I am in favor of having these all-night cars, or at least cars which will answer substantially the end in view. I do not say that they must be run every hour between midnight and morning, but the company ought to come near enough to that to afford transportation to that portion of the public who may reasonably demand it. As stated by the gentleman from South Carolina [Mr. HEMPHILL], there is pending before our committee a bill in relation to this very matter; and it being a subject which comes within my particular province of investigation, I will state that I have been waiting simply because a bill introduced in the Senate by Senator HANSBROUGH has been considered by the District committee in the Senate, and I understand that he and Senator FAULKNER have been trying to arrange a compromise on the basis of the company running until 2 or 3 o'clock in the morning. Having received that information, I delayed considering the House bill in our subcommittee.

I am in favor of requiring the company to give such service as is necessary and as the people may reasonably expect at night. It may be that we should fix the limit of this night service at 2 o'clock or 3 o'clock (the company begin regular trips at 5 o'clock). At all events, I do say that the company ought to be required to furnish reasonable transportation to people who require it between midnight and daylight.

Mr. HEMPHILL. Mr. Speaker, I appreciate what the gentleman from Georgia [Mr. BLOUNT] says about this road going to the Aqueduct bridge; but it is only a question whether or not persons desiring to go to Arlington shall be compelled to hire a hack at an expense of \$3 or \$4, or shall have to walk four or five blocks from the present terminus of the railroad to the bridge, all because it is possible that at some future day some other Congress may authorize this road to run its track over the Aqueduct bridge.

That is all there is in it. He does not claim that we are going to do it under this bill, or that there is any provision here for it. But we have already chartered a road, or rather, under the authority of the Secretary of War, a road chartered by the State of Virginia comes down to the other end of the Aqueduct bridge. If this road should be extended to this end of the bridge, persons desiring to go or come to one side or the other will simply have to walk across the bridge.

Mr. HEARD. The gentleman will allow me to say that as I am advised only 1,000 feet of track remain to be provided between Arlington and the Aqueduct bridge.

Mr. HEMPHILL. So I understand; and it is expected that this road will be in operation some time in May.

I will state further that not one person connected with this railroad has been before our committee asking for the passage of this bill. It has been introduced in the interest of the public, so as to require the road to be extended in this way. If the House is satisfied that the public will be inconvenienced by the bill, let it be passed; if satisfied that it would not be wise to adopt the measure, I am perfectly willing it shall be voted down.

Mr. BLOUNT. The gentleman from South Carolina says this is simply a question whether we shall do without the convenience now offered us because of the possibility of some future Congress authorizing the building of a line that will better accommodate the public.

Mr. HEMPHILL. Oh, I beg the gentleman's pardon; I said, "because some future Congress may authorize one of these lines to be extended across the Aqueduct bridge."

Mr. BLOUNT. Very well; because some future Congress may authorize the running of this or some other road across the Aqueduct bridge. Now, Mr. Speaker, that is not all of the story. There was a struggle in the last Congress on the part of one company to get the use of this bridge to cross the river upon it,

and we defeated the proposition; we passed a bill chartering another company to build a line which will not touch this bridge, but is required to build a bridge of its own across the Three Sisters. The difficulty is that when you begin with this sort of legislation you interrupt and discourage the progress of the other work. There has been a standing pressure here on the part of different corporations to get the right to cross that bridge. As the bridge has been built by the Government, if they can get the right of way across it they avoid the expense of building a bridge of their own, and if permitted they would use that bridge even though the public should thereby be greatly inconvenienced.

I trust the House will not hesitate to dispose of this bill adversely. The proposition is made here that the company shall be allowed till December, 1892, to build the road; that is all you require of them; yet gentlemen come into this House and say, "We want this road for the Grand Army when it comes." But the Grand Army will come and go before the period mentioned will arrive.

Mr. HEMPHILL. I did not say we wanted the road for that occasion; I said that had been suggested.

Mr. BLOUNT. I do not care what gentleman may have said it; that has been presented here as one of the reasons why this bill should pass.

Mr. Speaker, I move to lay the bill on the table.

Mr. HEMPHILL. I trust that question will not be voted on until there has been some further discussion of this measure.

Mr. BUCHANAN of New Jersey. If the people of the District do not want the bill, why not lay it on the table?

Mr. HEMPHILL. The people of the District do want it, as I understand. The Virginia company referred to has built its road down to the other side of the bridge; and I know no reason why this company should not extend its road to this side. The other company, if it comes across, will have the entire monopoly of the business—

The SPEAKER. The Chair will state that unless by unanimous consent the pending motion to lay the bill on the table is not debatable.

Mr. HEARD. I hope my friend from Georgia will not insist on his motion for a few moments. If he will withdraw it, I will yield the floor to him to renew it. I wish to say a few words by way of correcting some of the mistakes of the gentleman from Georgia, which I am sure he does not desire the House to accept, if I can show that he has been in error.

Mr. BLOUNT. I am perfectly willing the gentleman shall be heard. I withdraw the motion temporarily.

Mr. HEARD. The gentleman from Georgia has, with perfect honesty of purpose I am sure, but under a misapprehension of the facts, stated that this measure would operate to discourage the completion of the road which has been chartered to go across the river on a bridge of its own construction. That is an error. This will have no effect whatever on that proposition. The company already chartered proposes to go over six blocks of road now built by this company, and if it goes on the route which its charter now authorizes at all, it will go over these four blocks of new road to be built—will go right to the end of this bridge and beyond. My friend, therefore, is mistaken in saying that the road already chartered does not tend in this direction. By the terms of its charter it goes exactly over the route on which this company is expected and required by this bill to build its road.

The fact is, Mr. Chairman, that people riding on the Washington and Georgetown road can now go to its terminus for one fare. If the company should extend its line four blocks farther they could still go to the end of the route for one fare; the company would get no more for carrying passengers to this extended point than they now get, but the public would get a fuller and better service. But, you can see that if the road to which my friend from Georgia refers is completed along this line by the Aqueduct bridge and on to the region of the Three Sisters, it is an additional reason why this line should be extended from its present terminus to the Aqueduct bridge, because it gives facilities for passengers to ride on one continuous line for one fare, and connect with the road carrying them to Arlington. It will be a decided advantage to the traveling public.

Therefore, my friend, if he will consider for a moment, will see that this will give to all the patrons of this road a great advantage. You can now go to M and Thirty-second streets by the Washington and Georgetown line; but that is four blocks from the Aqueduct bridge. This extension will give those who wish to go to the bridge or desire to connect with the other road the advantage of riding this additional four blocks and enable them to connect with Arlington. That is all there is in this bill. It does not propose to give any right to cross the bridge. And it seems to me that these people should be permitted—that they should be in fact compelled—to extend this road, and that the

gentleman from Georgia should be as earnest in that direction as he is in opposition to the bill.

But the position of my friend from Georgia that we should refuse to compel these people or permit them, rather, to put in these four blocks for fear that at some time, at some point in the future, by some authority or other they would get the right to cross the bridge, is, I submit, not up to the ordinary measure of that gentleman's foresight in legislation; because he knows just as well as I do that this Congress can impose no restraints or limitations on any other Congress. So far as this Congress is concerned I know that it is so in this House and in the District Committee and that it was so in the Committee on the District of Columbia in the Senate the members have expressed themselves as being in line with the District Commissioners and the Secretary of War against permitting anybody to build a railroad across that bridge.

But because we do not want to go across is no argument why we should not build the line up to the bridge or permit them to go as near to the bridge as possible without interfering with the traffic across it. If they can get a charter hereafter from Congress to cross the bridge they can easily get a charter to extend the line up to the bridge. But there is a decided advantage in building the line up to the bridge now, if it is to be built at all.

As the gentleman from Georgia has stated, this road which is chartered in Virginia is, as I am advised, completed, except about 1,000 feet of it, down to the bridge on that side of the river. Now, if this road is completed or permitted to be built on this side, and that other road is completed down to the bridge, it will give passengers who desire to go to Arlington an almost continuous line. They will only have to cross the bridge and get on the cars on the other side. I respectfully submit, if the gentleman apprehends that this road entertains any covert design hidden in the provisions of this bill by which they can have access to the bridge hereafter, that he had better insert a modification so that this company can not be authorized to cross the bridge. Let a provision be inserted that they shall never go over the bridge. True it will never bind any future Congress, but it will express as plainly as we can that we want to give no such right by this legislation.

I submit, Mr. Speaker, most earnestly, that there has never, to my mind, been a proposition more plainly in the interests of the public than this one. True, this railroad company does not ask the privilege, but no doubt they will be glad to get it if it is given them. The chairman of the District Committee in the Senate introduced the bill and his committee recommended it.

But even if this railroad company were not willing to extend their road I for one should be in favor of compelling them to do it before putting in their terminal plant. I would require that they should complete the road up to the Aqueduct bridge before they could run a foot of the cables now being put in on their lines to save to the public the inconvenience which must necessarily flow to them by the stoppage of the cars on the road long enough to change the terminal plant hereafter.

Mr. BLOUNT. Mr. Speaker, I wish to call the attention of the House to the fact that during the last Congress, when the bill was pending providing for the completion of a line to which my friend has just referred on the Virginia side of the river, and which provided for the crossing of the Aqueduct bridge, when it was objected that they should not be allowed to cross it, the argument was made, and was not denied, that unless they were allowed to do so the road would not be self-sustaining. The men in charge of that matter, who have constructed that nonpaying road, perhaps can see further than our friend from Missouri, who complains of my own shortsightedness, and expect to find their way over that bridge and into connection with the Pennsylvania avenue line, and the incorporation of the one with the other at some time hereafter.

Mr. HEARD. They can not, without the authority of Congress.

Mr. BLOUNT. Why, certainly not. But of course this Congress does not legislate for all time.

Mr. HEARD. Well, we are only responsible for what we do legislate for.

Mr. BLOUNT. My friend says that is all we are responsible for. Perhaps he is content with that. We are making conditions every day in the shape of new legislation; and when you shall have passed this bill and have this road running up to that bridge, these men in Virginia, with business shrewdness, who are just across the line, will say we have a provision here in the shape of new legislation that will make some other new legislation altogether desirable in the minds of some persons. It would not be long before an effort was made to secure a consolidation of the two lines.

No, sir, there is no danger about communication between this city and Arlington and Mount Vernon, over a bridge not furnished to a corporation by the Government, but furnished by the

parties themselves. You have chartered another road purposely to avoid this very thing. Let us stand by what we have done.

I move that the bill be indefinitely postponed.

Mr. HEMPHILL. I trust that will not be done.

The question was taken; and on a division there were—ayes 42, noes 14.

Mr. HEMPHILL. I will have to ask for tellers.

Mr. BLOUNT. The gentleman has other bills. He had better let this go.

Mr. HEMPHILL. I will let it go and take a vote on it next District day.

Mr. HOLMAN. Oh, no.

Mr. HEMPHILL. I ask that the bill go over until the next District day.

Mr. BLOUNT. Regular order.

Mr. HEMPHILL. Mr. Speaker, there has no quorum voted. I ask for tellers.

The SPEAKER. The Chair will appoint tellers.

Mr. HEMPHILL and Mr. BLOUNT were appointed tellers.

The House again divided; and the tellers reported—ayes 45, noes 22.

Mr. RICHARDSON. I move that the House do now adjourn.

Mr. HEMPHILL. If the motion to adjourn is going to be put—

Mr. RICHARDSON. No quorum has voted, and we had better adjourn.

The SPEAKER. If the point of no quorum is made, the Chair will submit the motion to adjourn. Does the Chair understand the gentleman to make the point?

Mr. HEMPHILL. I make the point.

The motion of Mr. RICHARDSON was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SCOTT, from the Committee on War Claims:

A bill (H. R. 860) for the benefit of William Burton. (Report No. 1045.)

A resolution referring the bill (H. R. 3700) for the relief of Charles Banks to the Committee on Claims. (Report No. 1046.)

A resolution referring the bill (H. R. 5632) for the relief of Daniel Lake, deceased, to the Court of Claims. (Report No. 1047.)

By Mr. CLANCY, from the same committee:

A bill (H. R. 7464) for the relief of the assignees or legal representatives of John Roach, deceased. (Report No. 1048.)

A bill (H. R. 7282) for the relief of George W. Quintard. (Report No. 1049.)

By Mr. STONE of Kentucky, from the same committee: A bill (H. R. 4174) for the relief of the Madison Female Institute, located at Richmond, Ky. (Report No. 1050.)

By Mr. WILSON of Missouri, from the Committee on Pensions: A bill (H. R. 7303) to increase the pension of Wills Goodwin. (Report No. 1051.)

By Mr. CADMUS, from the Committee on War Claims: A resolution referring the bill (H. R. 6518) for the relief of William T. Miles, to the Court of Claims. (Report No. 1053.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BLANCHARD: A bill (H. R. 8045) to declare certain lands in Louisiana part of the public domain and subject to entry only by actual settlers under the provisions of the homestead laws—to the Committee on the Public Lands.

By Mr. LANHAM: A bill (H. R. 8046) to create the tenth judicial circuit—to the Committee on the Judiciary.

By Mr. WISE (by request): A bill (H. R. 8047) to incorporate the Pan-American Naval Marine Institute and to promote the United States naval reserve—to the Committee on Naval Affairs.

By Mr. COOMBS: A bill (H. R. 8048) to place German looking-glass plate on the free list—to the Committee on Ways and Means.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8049) granting to the State of North Dakota certain portions of the abandoned Fort Abraham Lincoln military reservation, together with the buildings thereon—to the Committee on the Public Lands.

By Mr. PATTISON of Ohio: A bill (H. R. 8091) for the relief of telegraph operators during the war—to the Committee on War Claims.

By Mr. BEEMAN: A memorial of the Legislature of the State of Mississippi, asking an additional appropriation by Congress

for improving the navigation of Pearl River—to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of Mississippi, urging upon Congress the importance of making an appropriation for improving the navigation of Homochitto River—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ARNOLD (by request): A bill (H. R. 8050) for the relief of Andrew Schleuter, sergeant Company B, Six Months Missouri Enrolled Militia—to the Committee on Military Affairs.

By Mr. BELKNAP: A bill (H. R. 8051) to correct the military record of Isaac Coppock—to the Committee on Military Affairs.

By Mr. CATCHINGS: A bill (H. R. 8052) to remove the charge of desertion against Abraham Reynolds—to the Committee on Military Affairs.

By Mr. COMPTON: A bill (H. R. 8053) for the relief of John Wester, of Washington City, D. C.—to the Committee on Claims.

By Mr. COOMBS: A bill (H. R. 8054) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy—to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 8055) granting a pension so Mrs. M. C. Gurney, of Palmer, Kans.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8056) granting a pension to John H. Dutcher, of McPherson, Kans.—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 8057) for the relief of Henry Sifert—to the Committee on Pensions.

By Mr. GEISSENHAINER: A bill (H. R. 8058) for the relief of the legal representatives of James V. Bomford—to the Committee on Claims.

By Mr. HOUK of Ohio: A bill (H. R. 8059) to correct the military record of William Kenmar and remove the charge of desertion therefrom—to the Committee on Military Affairs.

Also, a bill (H. R. 8060) granting a pension to Mary J. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8061) for the relief of William T. Alexander—to the Committee on War Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 8062) to place on the pension roll the name of Mrs. Mary E. Cook—to the Committee on Pensions.

Also, a bill (H. R. 8063) to relieve Alfred Burgess from the charge of desertion—to the Committee on Naval Affairs.

Also, a bill (H. R. 8064) for the relief of Thomas Jones, jr.—to the Committee on Claims.

By Mr. LAWSON of Virginia: A bill (H. R. 8065) granting a pension to Celestia P. Hart—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 8066) to pay arrears of pension to Thomas Dexter Brigham—to the Committee on Invalid Pensions.

By Mr. MCGANN: A bill (H. R. 8067) for the relief of Lieut. Col. George H. Elliott—to the Committee on Claims.

By Mr. MCKAIG: A bill (H. R. 8068) for the relief of Hamilton Downs, of Washington County, Md.—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 8069) for the benefit of Archie Gray, of Boyle County, Ky.—to the Committee on War Claims.

By Mr. OUTHWAITE: A bill (H. R. 8070) for the relief of Capt. D. F. Callinan, United States Army—to the Committee on Military Affairs.

By Mr. PATTISON of Ohio: A bill (H. R. 8071) to remove the charge of desertion against Anthony McGraw—to the Committee on Military Affairs.

Also, a bill (H. R. 8072) to pension Eliza Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8073) granting a pension to William Spratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8074) granting a pension to Ann Eliza White—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 8075) authorizing the Secretary of War to donate certain cannon to the Naval Veteran Association, of Baltimore, Md.—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 8076) granting an increase of pension to Rufus A. Bean, late of Company H, Fourth Regiment Tennessee Volunteers in the Mexican war—to the Committee on Pensions.

By Mr. TRACEY: A bill (H. R. 8077) for the relief of John F. Mount—to the Committee on Military Affairs.

Also, a bill (H. R. 8078) for the relief of George Campbell—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8079) to increase the pension of Alfred Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8080) for the relief of Robert McKown—to the Committee on Military Affairs.

By Mr. WHITING: A bill (H. R. 8081) for the relief of Jacob W. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8082) to remove the charge of desertion against George Heller—to the Committee on Military Affairs.

Mr. DANIELL: A bill (H. R. 8083) to correct the military record of Robert Roby—to the Committee on Military Affairs.

Also, a bill (H. R. 8084) for the relief of W. W. Vezeay—to the Committee on Military Affairs.

By Mr. BELKNAP: A bill (H. R. 8085) granting a pension to William Hicks, a dependent father—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 8086) to carry out the findings of the Court of Claims in the case of Archibald C. Legg, deceased, against the United States—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 8087) for the relief of Albert Munson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8088) for the relief of Theodore Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8089) to correct the military record of Alonzo Carter—to the Committee on Military Affairs.

By Mr. HOUK of Ohio: A bill (H. R. 8090) granting a pension to Elizabeth C. Walter—to the Committee on Invalid Pensions.

By Mr. STORER: A bill (H. R. 8092) for the relief of William H. Harrison—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Petition of citizens of Point Pleasant, Mo., praying the passage of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

Also, petition of citizens of Ripley County, Mo., praying passage of the Washburn-Hatch antioption bill—to the Committee on Agriculture.

By Mr. ATKINSON: Petition of 50 citizens of Union County, Pa., for the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Hoffer, Pa., for passage of an amendment to the Constitution of the United States prohibiting States from contributing to the support of sectarian organizations or to interfere with religious liberty—to the Committee on the Judiciary.

Also, petition of Washington Camp, No 59, Patriotic Order Sons of America, of Mapleton Depot, Pa., for passage of an act to amend the naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Mapleton Depot, Pa., for passage of an amendment to the Constitution prohibiting States from contributing to the support of any sectarian organization or to interfere with religious liberty—to the Committee on the Judiciary.

Also, petition of 100 citizens of Union County, Pa., praying for the enactment of an amendment of the Constitution, prohibiting an establishment of religion—to the Committee on the Judiciary.

Also, petition of citizens of Huntington, Pa., for passage of amendment to the Constitution, prohibiting States from contributing to any sectarian organization or to interfere with religious liberty—to the Committee on the Judiciary.

By Mr. BARTINE: Petition of citizens of Nevada, praying for an amendment to the Federal Constitution, prohibiting any State from passing laws for the establishing of any religion or appropriating money for the support of sectarian schools—to the Committee on the Judiciary.

Also, petition of citizens of Nevada, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Nevada, for an amendment to the Constitution prohibiting any State from passing laws establishing any form of religion or appropriating money to sectarian schools—to the Committee on the Judiciary.

By Mr. BELKNAP: Petition of William H. Ely and 18 others, of Allegan, Mich., relating to farm products—to the Committee on Agriculture.

Also, petition of S. B. Kuceland and 19 others, of Orleans, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOUTELLE: Memorial of six granges of Maine, in favor of legislation for pure lard—to the Committee on Ways and Means.

Also, memorial of six granges of Maine, in favor of a law to prevent gambling in farm products—to the Committee on Agriculture.

Also, memorial of six granges of Maine, in favor of extension of the free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Ashland Grange, No. 16, Maine, in regard to legal-tender currency—to the Committee on Banking and Currency.

Also, memorial of six granges of Maine, favoring the encouragement of silk culture—to the Committee on Agriculture.

By Mr. BRECKINRIDGE of Arkansas: Petition of Post No. 78, Grand Army of the Republic, asking for the passage of the Wheeler bill for marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of R. L. Wright and 14 others, of Cleveland County, Ark., asking for the antiopium bill—to the Committee on Agriculture.

By Mr. BRICKNER: Petition of Frank Freihamme and 29 others, of Sheboygan County, Wis., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

Also, petition of 68 farmers of Ozaukee County, Wis., against repeal of duty on barley—to the Committee on Ways and Means.

By Mr. BUCHANAN of New Jersey: Petition of citizens of Allentown, N. J., in favor of a constitutional amendment—to the Committee on the Judiciary.

Also, two petitions of citizens of Oscar County, N. J., in favor of increased pay for Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Gen. A. E. Shiras Post, Grand Army of the Republic, of Mount Holly, N. J., in favor of marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. BUNTING: Petition of Society of Christian Endeavor, of Suspension Bridge, N. Y., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BYRNS (by request): Petition of working men and women employed in the American Manufacturing Company's works at St. Louis, remonstrating against the passage of the Turner free-bagging bill—to the Committee on Ways and Means.

By Mr. COBB of Missouri: Petition for amending the military record of Cornelius Maguire, Company K, Fifth Regiment Minnesota Volunteers, to accompany House bill 7981—to the Committee on Military Affairs.

By Mr. COGSWELL: Petition of A. H. Walters, for legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. COMPTON: Brief to accompany bill for relief of John Webster—to the Committee on Claims.

By Mr. COX of Tennessee: Six petitions of citizens of Giles County, Tenn., against the passage of the Brosius lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of the substitutes employed on CONGRESSIONAL RECORD, for the benefits of the act of June 30, 1886, as amended by act approved August 1, 1888, providing for leaves of absence with pay—to the Committee on Printing.

By Mr. DANIELL: Petition of 15 citizens of New Hampshire, for a law subjecting oleomargarine to the laws of the several States—to the Committee on Agriculture.

Also, five petitions of Granite Lake, Ashuelot, Morning Star, Lebanon, and Union Granges, of New Hampshire, praying for a law to prevent gambling in farm products—to the Committee on Agriculture.

Also, seven petitions of Granite Lake, Ashuelot, Morning Star, Lebanon, Union, Star King, and Warren Pond Granges, of New Hampshire, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, six petitions by the same bodies, save as to Ashuelot Grange, urging the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of residents of New Hanover, N. H., and members of the faculty of Dartmouth College, for the passage of Senate bill 1703, or House bill 3996, to provide a more perfect organization for the United States Naval Observatory—to the Committee on Naval Affairs.

Also, petition of Col. E. E. Cross Post, No. 16, Grand Army of the Republic, for preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of Major Jarvis Post, No. 12, Grand Army of the Republic, New Hampshire, for preserving and marking properly the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ENLOE: Affidavits of J. H. Dickson and Calvin Hanna, to support a claim for special act granting a pension to Alfred A. Brooks, Sixth Regiment Tennessee Cavalry, and to accompany House bill 7901—to the Committee on Invalid Pensions.

By Mr. ENOCHS: Petition of sundry persons against opening

the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EPES: Petition of the Chamber of Commerce of the city of Petersburg, Va., in regard to Brazil Steamship Company and coffee trade at Newport News—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of the city of Petersburg, Va., on the silver subject—to the Committee on Coinage, Weights, and Measures.

By Mr. GILLESPIE: Petition of the several Methodist Episcopal Churches and United Presbyterian Churches in Beaver County, Pa., representing 8,000 members, asking to have the World's Fair closed on Sunday, and to prevent sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

Also, petition of National Woman's Christian Temperance Union, bearing 1,253 signatures, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GOODNIGHT: Evidence to accompany bill for the relief of James C. White, of Marrow Bone, Ky.—to the Committee on Military Affairs.

Also, evidence to accompany bill for the relief of Jeremiah Claspell, of Kentucky—to the Committee on Military Affairs.

By Mr. GREENLEAF: Petition asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAMILTON: Petition of the professors of Cornell College, asking that the World's Fair be closed on Sunday, that no liquors be sold on the grounds, and that the art department be managed according to the American standard of purity in art—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Petition of citizens of Texas, for passage of the antiopium bill—to the Committee on Agriculture.

Also, memorial representing the libraries of St. Louis, praying that House bill 5977 be enacted a law—to the Committee on Printing.

By Mr. HAUGEN: Petition of Charles Y. Bacon Post, Grand Army of the Republic, of Neillsville, Wis., asking legislation for the purpose of preserving and marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Major Paine Post, Grand Army of the Republic, of Fairchild, Wis., asking legislation to provide for preserving and marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Edward A. Clapp Post, Grand Army of the Republic, of Hudson, Wis., to provide for preserving the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: Petition of George W. Jones, in behalf of House bill 5708—to the Committee on Invalid Pensions.

By Mr. HOOKER of Mississippi: Papers in the claim of Martha Bolls, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HOUK of Ohio: Petition of 23 citizens of Warren County, Ohio, in favor of the Washburn-Hatch antiopium bills—to the Committee on Agriculture.

By Mr. HULL: Petition of General Sheridan Post, No. 452, Grand Army of the Republic, Iowa, asking for the passage of the Wheeler bill for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: Petition of Lodge No. 4, Excelsior Marine Benevolent Association, of Cleveland, Ohio, against the proposed exemption of Chicago River from the river and harbor act of 1890—to the Committee on Rivers and Harbors.

Also, petition of 14 citizens of Cleveland, Ohio, engaged in the marine business, against the proposed exemption of Chicago River from the river and harbor act of 1890—to the Committee on Rivers and Harbors.

Also, petition of 66 citizens of Rockport, Cuyahoga County, Ohio, praying for the free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. JOSEPH: Memorial from the Transmississippi Commercial Congress, praying Congress to amend the alien act—to the Committee on the Public Lands.

By Mr. LANE: Petition of residents of Effingham County, Ill., in regard to options, etc.—to the Committee on Agriculture.

Mr. LODGE: Petition of Lee, Higginson & Co. and 52 other firms, members of Boston Stock Exchange, for passage of House bill 7789, to provide for an international ratio between gold and silver, and to suspend the purchase of silver bullion and the issue of Treasury notes thereon, as provided by act of July 14, 1890—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the General Court of Massachusetts, in favor of restoring John M. Goodhue to the Army and placing him on the retired list—to the Committee on Military Affairs.

By Mr. LONG: Petition of J. A. Rainbolt, J. F. Roper, and 20 others, of Hill and Bosque Counties, Tex., in favor of the antiopium bill—to the Committee on Agriculture.

Also, petition of C. A. Young, E. Joy, and 21 others, in favor of the antioption bill—to the Committee on Agriculture.

Also, petition of E. W. Bowman, J. F. McNeil, and 23 others, of Cherokee County, Tex., in favor of Ocala demands—to the Committee on Agriculture.

By Mr. McMILLIN: Petition of S. C. Baker, Tim Walton, and 46 other citizens of Sumner County, Tenn., for regulation of speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. MEREDITH: Petition of Pacificus Ord, praying for payment of land taken for the Zoölogical Garden—to the Committee on the District of Columbia.

By Mr. MORSE: Petition of the Woman's Christian Temperance Union, bearing 153 signatures, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the National Woman's Christian Temperance Union, against opening on Sunday any exposition where Government funds are used—to the Select Committee on the Columbian Exposition.

Also, resolution of the Legislature of Massachusetts, asking Congress to pass an act restoring John M. Goodhue to the rank held by him in the United States Army at the time of his retirement and placing him on the retired list—to the Committee on Military Affairs.

By Mr. OATES: Two petitions of citizens of Bullock County, Ala., remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. PATTERSON of Tennessee: Petition in support of House bill 584, to prevent violation of trade-marks—to the Committee on Patents.

By Mr. PERKINS: Petition of the Woman's Christian Temperance Union of West Side Sioux City, Iowa, against opening the Columbian Exposition on Sunday and against the sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

Also, petition of E. L. Hort and R. C. Poston, of Corydon, Iowa, against the passage of a general bankruptcy bill—to the Committee on the Judiciary.

Also, petition of Strubie Bros. & Hart and others, of Le Mars, Iowa, against the passage of a general bankruptcy law—to the Committee on the Judiciary.

By Mr. POWERS: Petition of M. J. Horton and 82 others, of Poultney, Vt., praying for an appropriation to aid in paying the expenses of the National Encampment, Grand Army of the Republic, to be held in Washington in September, 1892—to the Committee on Appropriations.

Also, petition of James B. Corrigan and others, for the same purpose—to the Committee on Appropriations.

By Mr. REYBURN: Petition asking an amendment to the immigration laws—to the Select Committee on Immigration and Naturalization.

Also (by request), petition for a change in the laws relating to trade-marks—to the Committee on Patents.

By Mr. SHONK: Petition of the National Woman's Christian Temperance Union bearing 45 names, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. STOCKDALE: Petition of Charles H. Atkins, LL. D., and 56 others, of Summit, Miss., for an amendment to the Constitution prohibiting States from supporting institutions wholly or in part under sectarian control—to the Committee on the Judiciary.

Also, petition of citizens of Mississippi, containing the names of 91 members of the Legislature, to amend the revenue act of 1883 so as to tax paper-wrapped cigarettes \$10 per 1,000, to be paid by manufacturers—to the Committee on Ways and Means.

By Mr. CHARLES W. STONE: Petition of 230 citizens with 1,329 representative indorsements, asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 200 citizens of Venango County, Pa., in favor of House bill 401, relative to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STORER: Petition of H. B. Banning Post, Grand Army of the Republic, to preserve the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, resolutions of the Builders' Exchange, of Cincinnati, in favor of a Government postal telegraph and telephone service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Encampment No. 41, Union Veteran Legion of Connecticut, as to applicants for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, petition of Charles S. Hayes Post, Grand Army of the Republic, to preserve the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petition of the Silver Club of Salida, Colo., for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of John C. Frémont Post, No. 83, Grand Army of the Republic, of Colorado and Wyoming, for legislation to mark the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. TRACEY: Papers in the application of John McNeil, late of Company A, Eighteenth New York Volunteers, for amendment of the records and for an honorable discharge, to accompany a House bill—to the Committee on Military Affairs.

Also, petition of Bronson Murray, of New York, praying nickel and paper producers be given the benefit of an act for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Green Island, N. Y., asking for the passage of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WATSON: Petition of citizens of Murrayville, for the passage of the subtreasury bill—to the Committee on Agriculture.

By Mr. WHITE: Petition of the Methodist Episcopal Church of Keota, Iowa, for closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Evidence in the claim of Sarah Brooks—to the Committee on Invalid Pensions.

By Mr. WILSON of Washington: Petition of Hartland Grange, No. 89, Washington, and of Preston Grange, No. 77, in favor of pure lard—to the Committee on Ways and Means.

Also, petition of Hartland Grange, No. 89, Washington, and of Preston Grange, No. 77, in favor of free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Hartland Grange, No. 89, to prevent gambling in farm products and in favor of pure food—to the Committee on Agriculture.

Also, petitions of Preston Grange, No. 77, to prevent gambling in farm products, in favor of pure lard, and in favor of silk culture—to the Committee on Agriculture.

Also, petition of La Center Grange, No. 48, Washington, in favor of free delivery of rural mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of La Center Grange, No. 48, of Washington, in favor of pure food—to the Committee on Agriculture.

Also, petition of Hartland Grange, No. 89, of Washington, in favor of silk culture—to the Committee on Agriculture.

Also, petition of La Center Grange, No. 48, Washington, to prevent gambling in farm products—to the Committee on Agriculture.

Also, two petitions of citizens of Washington, to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. WRIGHT: Petition of citizens of Susquehanna County, Pa., against appropriation of public money for sectarian or religious purposes—to the Committee on Appropriations.

By Mr. YOUMANS: Petition in support of House bill 5956 to increase the tax on cigarettes—to the Committee on Ways and Means.

SENATE.

TUESDAY, April 12, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of March 24, 1892, a list of all employees in that Department exempt from civil service examinations; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

He also laid before the Senate a communication from the president of the Civil Service Commission, stating, in response to a resolution of the 24th ultimo, that there were no persons employed by the Commission on the 1st of March who were not specifically appropriated for by law, etc.; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the corresponding secretary of the Workingmen's Protective League of Kings County, N. Y., on behalf of that organization, praying for the rejection of the bill to place wool on the free list as tending to reduce the number of sheep raised and thereby increasing the cost of meat; which was referred to the Committee on Finance.

Mr. BLODGETT presented a memorial of St. Paul's Methodist Episcopal Church of Atlantic City, N. J., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO presented two memorials of citizens of Winter Park, Fla., remonstrating against the opening on Sunday of any exhibition or exposition where United States funds are expended; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PEPPER presented a petition of two citizens of the United States resident in Japan; a petition of the Appold Methodist Episcopal Church of Baltimore, Md., and a petition of members of the Reformed Presbyterian Church of Clay County, Kans., praying that a loan of \$5,000,000 be made in aid of the World's Columbian Exposition on condition that it be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Jenny Lind, Sebastian County, Ark., praying that the intrinsic value of national bank notes be increased; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of Washington Camp No. 571, Patriotic Order of Sons of America, of Downingtown, N. H., praying for the passage of Senate bill 770, for the better protection of the public service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. TURPIE presented the memorial of C. A. Korbly and other citizens of Madison, Ind., remonstrating against the passage of a Federal bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Chicago (Ill.) Implement and Vehicle Club, praying that an appropriation be made in aid of the World's Columbian Exposition, and alleging that the accommodations for the agricultural exhibit of the country are not going to be sufficient; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CAREY presented a petition of ex-soldiers and sailors of John F. Reynolds Post, No. 33, Grand Army of the Republic, Department of Colorado and Wyoming, praying for the passage of the bill for preserving and properly marking the battle lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Gideon H. Allen and other citizens of New Bedford, Mass.; the petition of E. I. Taylor and other citizens of Columbus, Ohio, and the petition of G. E. Snedham and other citizens of Columbus, Ohio, praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union, signed by 264 members, of Massachusetts, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented a petition of 168 citizens of Muskingum County, Ohio, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the faculty and students of Ashland University, Ohio, and a petition of the Presbyterian Church of Savannah, Ohio, praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited on the grounds, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MANDERSON presented a petition of the Woman's Christian Temperance Union, containing 184 individual signatures of citizens of Nebraska City, Nebr., and a petition of citizens of Aurora, Hamilton County, Nebr., praying that no exposition or exhibition for which appropriations are made by Congress be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WALTHALL presented a memorial of the Legislature of Mississippi; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

Your memorialist, the Legislature of the State of Mississippi, would respectfully show that the proposed appropriation of \$28,000 by your honorable body for the improvement of the navigation of Pearl River is wholly insufficient, and if the amount named can not be increased, then such sum can be much more advantageously expended than in the way specified in the bill, which provides for the expenditure of \$10,000 from Edinburg, the head of navigation of the river, to the city of Jackson, and from Jackson to where the river forms a junction with Lake Borgne, the sum of \$18,000.

Jackson is the capital of the State, a railroad center and a city of commercial importance. Here the river, in its southward course, first touches a railroad point, and below Jackson it again diverges and runs through a territory not accessible to railroads. This makes Jackson the railroad shipping point and market place for all staves, timber, cotton, and other produce transported on the upper river and in a great measure the entire river.

In the immediate vicinity of Jackson the stream is very crooked. Salt Peter Point is just above the city. From it in a direct line to the bridge which crosses the river leading into Jackson, the distance is only 1½ miles, while around the bends of the stream the distance is about 7 miles. From Salt Peter Point there is a small channel about 40 feet wide and 14 feet deep, known as Tan Yard Branch, which extends from one bend of the river to another. By the expenditure of \$12,000 the river could be turned into this channel, the effect of which would be to straighten the stream and greatly diminish the distance between the points above mentioned. On the road leading into Jackson from the east is a very fine bridge across the river, which bridge has lengthy approaches, the whole structure being of iron and recently erected at great cost.

This is the main entrance for the wagon and country trade for Jackson, and is therefore not only of the greatest importance and benefit to the city but to the country east and southeast of the city for a distance of 40 or 50 miles. Just below this bridge is the crossing of the Alabama and Vicksburg Railway. By reason of the tortuous course of the stream just above the city there is now, and has been for some years, a tendency on the part of the river to break across at a point east of and above the bridges above mentioned. If this cut-off should occur, the channel of the river would be thrown further to the east, and the bridges above mentioned would only be serviceable for crossing the old bed of the stream, and other bridges with other long and expensive approaches would have to be erected over the newly made channel. This threatened change in the course of the stream, if it should occur, would very seriously impair the navigation of the river and would greatly interfere with public travel and commerce, to say nothing of the great expense which would be made necessary in order to build other bridges. The situation here described and the threatened break in the river will be observed by reference to the accompanying map.

Your memorialist would therefore respectfully ask an additional appropriation, of say \$12,000, to change the course of the stream as above indicated. This sum, together with that which has already been recommended, would constitute but a small outlay by the Government, when the importance of the object in view by the expenditure is taken into consideration. But if the present bill is so perfected that an additional amount can not be appropriated, then your memorialist would urge that the sum last mentioned be taken from the general appropriation for the improvement of the river and expended for the purpose of straightening the channel of the stream as suggested. To straighten the channel as here shown will not only prevent the threatened disastrous break, but would greatly lessen the work of improving the navigation of the river north of Salt Peter Point, and the change would render the river north of Jackson much more suitable for the rafting of logs and the transportation of timber, lumber, etc.

Trusting that the suggestion here made will meet your approval, your memorialist will ever pray, etc.

I certify that the foregoing memorial was adopted by the house of representatives of Mississippi March 31, 1892.

R. E. WILSON,

Clerk of the House of Representatives.

I certify that the foregoing memorial was adopted by the senate of the State of Mississippi March 28, 1892.

D. P. PORTER,

Secretary of the Senate.

Mr. WALTHALL presented a memorial of the Legislature of Mississippi; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Mississippi earnestly requests the attention of the honorable Congress of the United States to the necessity and importance of improving the navigation of the Homochitto River. The present condition of the river is such as to demand immediate attention. Owing to obstructions in and near the mouth of the river it is impossible to navigate the same, although by the surveys and reports of competent engineers the river is susceptible of navigation as far as Bucks Ferry, or some 25 miles of its course; that thousands of acres of the most valuable lands in the State are rendered useless by reason of the obstructions mentioned, thus causing the river to overflow its banks. That by the reports of said engineers and estimates made for the restoration of deep water, and to render said river navigable and restore said lands to use, it would require that a canal be opened to the Mississippi River connected with the channel of the river, at a cost of, say, \$20,000, which sum is insignificant in comparison with the beneficial effects to the inhabitants of that section of the State, thus increasing the value and importance of said river, and would greatly facilitate and cheapen transportation, and thus materially contribute to the commercial interests of the State.

Your memorialists therefore respectfully ask that the honorable Congress of the United States will make the necessary appropriation and cause this much needed improvement to be begun at as early a day as practicable under the supervision and control of competent officers of the United States Engineer Corps. And your memorialists will ever pray, etc.

Resolved by the house of representatives (the senate concurring). That the governor be respectfully requested to forward the accompanying memorial to our Senators and Representatives in the Congress of the United States.

Adopted by the house of representatives March 18, 1892.

R. E. WILSON,

Clerk of the House of Representatives.

Adopted by the senate March 25, 1892.

D. P. PORTER,

Secretary of the Senate.

Mr. BARBOUR presented a memorial of the board of governors of the Chamber of Commerce of Petersburg, Va., remonstrating against the free coinage of silver; which was referred to the Committee on Finance.

He also presented a resolution adopted by the Chamber of Commerce of Petersburg, Va., indorsing the views the Committee of the Wholesale Grocers' Association as expressed at the convention held in the city of Memphis, Tenn., on the 25th

ultimo, requesting the owners and officers of the United States and Brazil Mail Steamship Company to give Newport News by that line as good a service as was formerly afforded it; which was referred to the Committee on Commerce.

He also presented the following petitions of Pungoteague Grange, Patrons of Husbandry, of Virginia:

Petition praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. HAWLEY presented the petition of Hon. Jonathan Trumbull and 60 other leading citizens of Connecticut, praying for the adoption of an amendment to the Constitution of the United States prohibiting the States from passing laws respecting an establishment of religion or giving money raised by taxation to religious organizations; which was referred to the Committee on the Judiciary.

Mr. KENNA presented a petition of sundry citizens of West Virginia, praying for an amendment to the naturalization laws; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Ohio County, W. Va., praying for the extension of the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Summers County, W. Va., praying for the regulation of speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Brooke County, W. Va., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of sundry citizens of Kansas, remonstrating against the passage of the Washburn-Hatch antioption bills or any similar measures; which was referred to the Committee on the Judiciary.

He also presented two petitions of citizens of Pratt County, Kans., praying for the passage of legislation regulating speculation in fictitious farm products; which were referred to the Committee on the Judiciary.

Mr. HIGGINS presented a petition of Fruitland Grange, No. 16, of Camden, Del., praying for the immediate repeal of all duty on refined sugar; which was referred to the Committee on Finance.

Mr. GEORGE presented sundry petitions collected by the National Woman's Christian Temperance Union of Mississippi, containing 125 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MILLS presented a petition of citizens of Hunt County, Tex., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1093) granting an increase of pension to Samuel J. Boling;

A bill (H. R. 1938) granting a pension to Caroline E. Quigg, formerly C. Elizabeth Henry, an army nurse in the late war;

A bill (H. R. 3199) to pension Margaret Turner; and

A bill (H. R. 3204) to pension Lewis L. Lane.

Mr. SHOUP, from the Committee on Pensions, to whom was referred the bill (S. 2612) granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepwater tribe of Indians, reported it without amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2778) granting a pension to Anna E. Barnard, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1672) to regulate

the practice of medicine in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom was referred the bill (S. 1594) for the relief of Alexander Van Loen, private Company B, Fourth New York Heavy Artillery, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 670) granting a pension to Ellen Maguire;

A bill (H. R. 1167) granting a pension to Mrs. Eliza Fays;

A bill (H. R. 1425) for the relief of Wells Cheney; and

A bill (H. R. 2433) granting a pension to Elizabeth Kelly.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 721) granting a pension to Esther Doolittle;

A bill (H. R. 723) granting a pension to Sarah L. Henderson; and

A bill (H. R. 724) granting a pension to Jane Shierry.

SANITARY CONDITION OF THE CAPITOL.

Mr. JONES of Nevada, from the Committee to Audit and

Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. VEST on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the necessary expenses incurred by the Committee on Public Buildings and Grounds in making the examination of the sanitary condition of the Capitol, and especially the structure recently built on the terrace of the Capitol and the tunnels through which the air is pumped through the two wings of the building, etc., adopted March 22, 1892, be paid out of the contingent fund of the Senate.

MRS. NANCY G. ALLABACH.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FRYE March 7, 1892, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Nancy G. Allabach, widow of P. H. Allabach, late captain of the Capitol police, the sum of \$800, being an amount equal to six months' salary at the rate per annum allowed by law to such captain aforesaid; said sum to be considered as including funeral expenses and all other allowances.

CONDITION OF AGRICULTURE.

Mr. JONES of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Mississippi [Mr. GEORGE], with an amendment in the nature of a substitute proposed by the Committee on Agriculture and Forestry, to recommend the passage of the amendment.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, authorized and directed, by one or more subcommittees, or otherwise, to ascertain in every practicable way, and to report from time to time to the Senate, the present condition of agriculture in the United States, and the present prices of agricultural products, and if there be any of which the prices are depressed, then the causes of such depression and the remedies therefor.

And for this purpose that they be authorized by subcommittee, or otherwise, to sit during the recess and sessions of the Senate, at such times and places as they may deem advisable, and that they may employ a stenographer and such clerical assistance and experts as they may deem necessary, and that they be authorized to send for persons and papers, and the expense of such investigation be paid from the contingent fund of the Senate.

The amendment reported by the Committee on Agriculture and Forestry as a substitute for the original resolution was read, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, authorized and directed to ascertain in every practicable way, and report from time to time to the Senate, the present condition of agriculture in the United States, and the present prices of agricultural products; and if there be any of which the prices are depressed, then the causes of such depression and the remedies therefor. And particularly whether the reports of the Department of Agriculture on the distribution and consumption of farm products, published from time to time by authority of the Secretary of Agriculture, contribute in any way to such depression of the market prices of such products, and whether any proper governmental purpose is subserved by such publication, and whether such publication should be continued.

And for this purpose that they be authorized, by subcommittee or otherwise, to sit during the recess and sessions of the Senate, at such times and places as they may deem advisable, to employ a stenographer and such clerical assistance and such experts as they may deem necessary, and that they be authorized to send for persons and papers, the expense of such investigation to be paid from the contingent fund of the Senate.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

Mr. COCKRELL. Let it be printed, so that we may look at it and understand it.

The PRESIDING OFFICER. The resolution will be printed and go on the Calendar.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 2895) for the relief of Abram Jackson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 2896) to remove the charges of desertion from the military record of Jonathan T. Forrest; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY introduced a bill (S. 2897) granting to Leroy Potter an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 2898) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition; which was read twice by its title, and referred to the Committee on Finance.

HON. WILLIAM P. KELLOGG.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the Hon. William P. Kellogg, late a Senator from the State of Louisiana, the amount due him as Senator in the Fortieth Congress from the 4th day of March, 1867, till he was paid. Said payment to be made from the miscellaneous items of the contingent fund of the Senate.

COURT OF CLAIMS FEES.

Mr. SANDERS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the chief justice and the judges of the Court of Claims, be, and they are hereby, directed to inform the Senate what fees, if any, are charged by the chief clerk, assistant clerk, clerks, bailiff, or messenger of said court for services rendered by them to the Government, or any other parties litigant or their attorneys, in and about the discharge of their respective duties; and if any such fees are charged or received, by virtue of what law, rule of court, direction, or authority the same are so received, the annual sum so received, and what is done with the same.

MINNESOTA POINT BRIDGE AT DULUTH.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is hereby directed to transmit to the Senate a copy of the report of and the proceedings before the board of engineering officers convened for the purpose of considering and determining as to the construction of a bridge across the canal through Minnesota Point, in the city of Duluth.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4004) to establish West Point, Va., a support of entry and delivery in the collection district of Richmond, Va.;

A bill (H. R. 4330) to repeal House resolution No. 104, first session, Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River;

A bill (H. R. 6658) to vacate that part of Madison street, Georgetown, west of Back street, and extend Y street, in Burleigh, in the District of Columbia;

A bill (H. R. 6794) regulating deposits in building and other associations in the District of Columbia;

A bill (H. R. 7081) confirming title to lands in the subdivision of square 206, in the city of Washington, D. C.;

A joint resolution (H. Res. 108) extending the time in which certain street railroads compelled by act of Congress approved August 6, 1890, to change their motive power from horse power to mechanical power for one year; and

A joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in the District of Columbia.

The message also announced that the House had passed the following bills:

A bill (S. 1342) for the relief of John R. Blankenship; and

A bill (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the State of Washington, and to establish it as a post-road."

The message further announced that the House had passed the bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed resolutions commemorative of the life and services of Hon. Melbourne H. Ford, late a Representative from the State of Michigan.

BUILDING PERMITS IN WASHINGTON.

Mr. WOLCOTT. I ask unanimous consent for the immediate consideration of the joint resolution which has just come over from the other House directing the Commissioners to suspend the issue of permits for the erection of dwelling houses in alleys until the result of pending legislation shall be ascertained. A bill is pending in each body, and has been either passed by the other House or stands upon a favorable report there, prohibiting the erection of dwelling houses in alleys less than 40 feet in width and in alleys which do not extend through the block or are not paved. While this legislation is pending the District Commissioners are flooded with applications for permits to erect dwelling houses in such alleys. The purpose of the joint resolution is to authorize the District Commissioners to suspend the further issuance of these permits for dwelling houses until the wishes of Congress can be ascertained in that regard.

Mr. KENNA. I feel obliged to object to the present consideration of the joint resolution.

The VICE-PRESIDENT. The Chair did not hear the Senator from West Virginia.

Mr. KENNA. I regret very much to interpose, but I shall be obliged to object to the present consideration of the joint resolution.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

Mr. KENNA. I will say to my friend the Senator from Colorado that I will examine the joint resolution and the House bill in the next few minutes, and if I can I will withdraw all objection and let the measure be passed.

Mr. WOLCOTT. The object is only to suspend the permits until we can determine what we want to do. If the joint resolution goes over, it simply means that permits will be issued indefinitely, and that there will be no purpose in legislation further to prevent their issuance.

Mr. KENNA. I will say frankly that my objection is not intended as an obstructive one. I will see the Senator in a few moments, as soon as I can examine the joint resolution and the House bill.

Mr. WOLCOTT. Very well.

TRADE RELATIONS WITH HAITI AND GERMANY.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions coming over from a previous day, which will be read.

The resolutions submitted yesterday by Mr. MORGAN were read, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public interests, to communicate to the Senate the items of taxation upon imports from the United States imposed by the laws of the Republic of Haiti upon which he has based his finding and proclamation that the tariff laws of Haiti are reciprocally unjust to the United States; and that he send to the Senate the correspondence with the Government of Haiti relating to reductions of taxation under the tariff laws of Haiti that have been proposed by either Government to secure reciprocal justice in tariff taxation between the two Governments.

Resolved, That in like manner the President is requested to send to the Senate any agreement made by him on behalf of the United States with the Imperial Government of Germany, and the correspondence relating to the subject of such agreement, in which it is provided that sugar or any other German production or export shall be admitted free of duty into the United States. And that he inform the Senate what articles of American production he has disposed or demanded that Germany shall receive free of duty or upon a schedule of reduced duties, as the fair reciprocal equivalent of permitting the import into the United States of German sugar, hides, tea, or coffee; and whether such proposals or demands made by the President have been accepted by the Imperial Government of Germany.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were agreed to.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. STEWART, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what is the aggregate cost of the silver bullion and standard dollars coined therefrom purchased under the act of July 14, 1890, and now held in the Treasury, and what amount of Treasury notes issued for such purchase is now outstanding; and whether any of such notes have been received by the Treasury in exchange for gold coin or redeemed in gold coin; and what amount of silver coin there is now in the Treasury applicable to the redemption of such notes; and also whether, when such notes are received into the Treasury for customs, taxes, and other public dues, they are reissued or retained in the Treasury; and if any such notes have been retained in the Treasury what amount has been so retained. Are persons selling bullion to the United States under the act of April 14, 1890, required to make immediate delivery and take the bullion so sold out of the market, or are they given time to make such deliveries after having made a contract to supply the United States and deprived others of that opportunity? Does the public have notice of the times, places, and amounts of silver bullion which will be purchased by the United States, or are such purchases made of brokers and bankers without such public notice? Is the business of purchasing silver bullion under the act of July 14, 1890, conducted with a view of depressing the price of bullion and obtaining it as cheap as possible, or with a view of carrying out the established policy of the United States to maintain the two metals (gold and silver) on a parity with each other upon the present

legal ratio? And what amount of gold coin and gold bars is there in the Treasury, exclusive of outstanding gold certificates?

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. SHERMAN. I wish to offer an amendment which I suppose the Senator from Nevada will agree to. In line 5, after the word "Treasury," I move to insert "and a detailed statement of the amount purchased each day, and the date thereof." I want to get the date of the purchases.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. STEWART. I accept the amendment.

The VICE-PRESIDENT. The amendment is accepted, and the resolution will be so modified.

Mr. STEWART. Mr. President, it appears from the Treasury statement made on April 1, 1892, that the paper circulation of the United States, redeemable in silver and silver coin outside of the Treasury, consist of the following:

Silver certificates	\$329,272,852
Silver dollars in circulation	58,471,743
Treasury notes issued under the act of 1890	89,602,198
Currency certificates	29,350,000
United States notes, commonly called greenbacks	346,681,016
National-bank notes	167,829,148
Total	1,021,207,257

The entire amount of gold in the Treasury in excess of outstanding gold certificates is less than one-eighth of the silver and paper which must depend upon it for redemption if silver coin is rejected as money of ultimate payment. But if we add the silver coin and silver bullion on hand to the gold coin there can be no question about the sound financial condition of the Treasury. The amounts are as follows:

Gold coin in excess of outstanding gold certificates	\$125,815,040
Standard silver dollars in the Treasury	352,930,220
Silver bullion in the Treasury	61,401,457
Total	540,146,717

This amount is more than 50 per cent of the entire outstanding paper circulation, and under the act of 1890, requiring the purchase of 54,000,000 ounces of silver bullion per annum, nearly seventy millions of silver coin can be added annually; so that under existing law, if silver is treated as good money, the financial condition of the Treasury will be strengthened every day; that is, the coin will increase faster than paper.

Free coinage would for a time increase the metal basis of our circulation still more rapidly. We might not then get a full supply of coin, but the basis would be more than doubled. Does anyone fear inflation by placing behind every paper dollar a silver or a gold dollar? To accomplish that more than \$500,000,000 are now required. Is there any doubt that the United States needs all the silver which can be obtained?

The United States is required by law to receive in payment of all public dues, including customs, all dollars issued by the Government of every name or description. If the gold advocates succeed in convincing the public that silver and its paper representatives are not good money, but that dollars of that description are worth but 70 cents and less, will not the people retain their gold and pay Government dues in silver? In any event, can it be anticipated that hereafter any considerable portion of Government dues will be paid in gold when the great mass of the money in circulation consists of silver and paper? If the Government receives payment in silver and paper, how can it pay its obligations in gold?

The Secretary of the Treasury sought to meet this difficulty by proposing to sell bonds and buy gold to redeem the Treasury notes issued under the act of 1890, and in his speech at Delmonico's on the 17th of November last he claimed that right under the following provision in the resumption act of January 14, 1875:

And on and after the 1st day of January, A. D., 1879, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than \$50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

This act authorized him to sell bonds to buy gold to redeem United States legal-tender notes outstanding on the 1st day of January, 1879, and for no other purpose. It did not authorize him to sell bonds to buy gold to redeem Treasury notes issued under the act of July 14, 1890. On the contrary, that act, while declaring that such Treasury notes might be redeemed in gold or silver coin, declares that the Secretary of the Treasury—shall coin of the silver bullion purchased under the provisions of this act so

much as may be necessary to provide for the redemption of the Treasury notes herein provided for.

It is manifest that gold can not be obtained to redeem the Treasury notes issued and to be issued under the act of 1890 under existing law. There is no possibility of accumulating gold for that purpose or for the purpose of sustaining the other denominations of paper and silver above mentioned in circulation. Silver must be coined and used for the redemption of paper or the Government must repudiate its obligations. The bullion in the silver dollar as compared with gold is worth only about 67 or 68 cents; but it is the established policy of the United States, as declared in the act of 1890, to maintain the two metals (gold and silver) on a parity with each other upon the present legal ratio. If this policy were established and maintained it would make no difference to the holder of a United States note, or a Treasury note, or any other obligation against the Government whether he received gold or silver. The question is, how can the established policy of the United States be maintained?

It was maintained from the foundation of the Government until 1873 by allowing the owner of bullion, whether it was silver bullion or gold bullion, to have it coined at the mint into dollars for his benefit at the ratio established by law. By the act of 1873 the owner of silver bullion was denied the privilege of taking his bullion to the mint for coinage. His situation was very similar in that respect, as my colleague [Senator JONES] suggested the other day, to a farmer who should be denied under any circumstances the right to grind or have ground his wheat into flour while his neighbors enjoyed that privilege. The price of the wheat which was denied access to the mill to be ground would necessarily be greatly depreciated in the market. The same thing happened to silver when it was denied the right of coinage in 1873.

Legislation which would restore the money function to silver, give it unlimited coinage at the mint upon the same terms and conditions which apply to the coinage of gold, would establish and maintain the parity of the two metals. In that case it would make no difference to the owner of bullion whether it was gold or silver, because he could have either exchanged at the mint for coin on a parity with each other according to the legal ratio. The free coinage of silver would relieve the Treasury Department of the necessity of violating the law to maintain the gold standard. No one who has any knowledge of the subject contends that there is more than from \$6,000,000 to \$10,000,000 of silver bullion in the world. All other silver has already been used in the arts or coined for circulation. But it is absolutely necessary to have that surplus bullion out of the market to rescue the white metal from the bulls and bears, and make it a standard measure of value equally with gold.

There is no half-way station. If the gold standard is to be maintained and the rule of the gold kings perpetuated, the act of 1890 must be repealed, and the Secretary of the Treasury must be authorized to sell bonds and accumulate gold enough to redeem the paper money and the silver money now outstanding. But no public man dare make so monstrous a proposition. If silver is to be used as money, the silver in the silver dollar must be made equal in value to the gold in the gold dollar, which can only be done by the coinage of silver upon the same conditions which apply to the coinage of gold. If the Government will coin 412½ grains of standard silver into a dollar for the benefit of the depositor upon the same terms and conditions which apply to the coinage of 25.8 grains of standard gold, gold and silver coin will be equal in value, and the market value of the silver bullion required to make a silver dollar will be the same as the amount of gold required to make a gold dollar.

While it may be possible for the gold kings by nominating the candidates for President of both political parties, through use of the patronage and the veto power of the Presidential office, to delay for a time affirmative action for the restoration of silver, they can not secure affirmative action to repeal existing law and discard silver. The accumulation of circulation based upon silver at the rate of \$50,000,000 a year under the act of 1890 must continue. If they persist in opposing free coinage and the restoration of silver to par the United States must take silver for Government obligations whether or not the parity between silver coin and gold coin can be maintained.

The plan the gold kings have adopted to depress the price of silver by manipulating the small surplus of bullion in the market will soon ruin the financial credit of the Government and may ultimately terminate in a financial panic. But if financial trouble results from the attempt of the gold contractionists to destroy the use of silver, they must not charge it to the advocates of free coinage, who are endeavoring to make silver equal to gold by restoring it to the place it occupied on a par with gold from the foundation of the Government.

The first thing demanded is reform in the administration of the finances of the Government. The French Government furnishes an admirable example for such reform. France stopped

the coinage of silver, in 1875, but she did not disparage the silver coin which she had. On the contrary, all her obligations were payable and still are payable in either gold or silver. She maintains her reserves in about equal amounts of gold and silver coin, and pays all her national obligations in whichever coin is most beneficial or convenient for the Government.

When Mr. Cleveland sent word to the monetary conference in session at Paris in 1885, by our consul-general, George Walker, to the effect that the United States was about to repeal the Bland act and discontinue the coinage of silver, the Latin Union, which had been formed in 1867, dissolved or agreed to dissolve at the end of five years. The time for dissolution was in November, 1890. It was stipulated that upon such dissolution each of the nations belonging to the Union should redeem from the others whatever silver coin was held by any of the others, and pay for it in gold coin at the rate of \$1.33 per ounce, which is according to their ratio of 154 to 1.

But in order to compel such redemption a year's notice was required. Every effort was made by the gold advocates to induce France to give the notice and require the other members of the Union to redeem their silver coin which France held in her treasury, and which amounted to about 650,000,000 francs or \$120,000,000. It was urged that Italy, Greece, Belgium, and Switzerland had become unfriendly to France and friendly to Germany, and that France ought not to aid to sustain their financial credit. In opposition to this argument it was contended by the Government that in case France required the other members of the Union to take the \$120,000,000 in silver and pay gold, it would disparage silver in France; that France had, in and out of the treasury, over \$650,000,000 in silver, and it was in general circulation among the people; that if the French Government made a discrimination in favor of gold and against silver the people would do the same, and great financial trouble would follow.

What a contrast between that policy and the administration of our Treasury Department. Every obligation of the United States is, and always has been payable in silver dollars or gold dollars, at the option of the United States; but every Secretary of the Treasury has surrendered the option of the United States and paid out gold at the option of public creditors. This plan has greatly disparaged silver.

In addition to that, the entire gold press in the commercial centers of the country is daily proclaiming that silver dollars are only 70-cent dollars and that they are a swindle. The President of the United States is continually contending that one dollar must be made as good as another dollar, and by implication disparaging the silver dollar. The plan proposed by the Administration to make the silver dollar equal to the gold dollar is a promise of redemption of silver in gold. If our silver currency is to be redeemed in gold, then there is no possible excuse for using silver, because paper is just as good.

This disparagement of silver, this repudiating of it as money in public speeches from the President of the United States down, and in the public press in every commercial center, will soon make the people themselves discriminate against silver in favor of gold, and pay all public dues to the Government in silver and demand that all Government obligations shall be paid in gold. This will bankrupt the Treasury. It seems that the policy of the Treasury Department is to destroy silver money at all hazards, and if it becomes necessary to bankrupt the Government for that purpose, the Treasury officials seem to think that the end justifies the means.

What efforts do the officers of the Treasury Department make to obey the law and carry out the established policy of the United States to maintain the parity between the two metals at the ratio established by law? The policy of these officials seems to be to create the greatest possible disparity between the price of the two metals by depressing the price of silver. It is alleged that persons who sell silver to the Government are not required to deliver it on the day of sale, but are given time to rig the market and obtain it as cheap as possible.

After they have made a contract to supply the Government, the owners of silver bullion are cut off from the market and must sell for such price as the vendors to the Government or the persons having a contract to supply the Government are willing to give. The Government thus makes it for the interest of speculators to depress the price of silver and furnishes them an opportunity to do so. Whether this charge be true or not the Secretary of the Treasury will explain when he answers this resolution. He will undoubtedly take occasion to explain his methods of purchasing silver bullion and how he regulates the market price.

The two arguments used against the policy of the Government as declared in the act of 1890 are, first, that the silver dollar is a 70-cent dollar and that silver bullion is 30 per cent discount, and the Government should not be called upon to pay for silver bullion more than its market price. In reply to that we simply

say that silver was used as money longer than gold; it is the money of the Constitution; it has legitimately the right of coinage, which right was taken away and its price depressed; and that free coinage, which would restore its money function, would restore it to par.

The friends of bimetalism do not ask the Government to buy silver. They ask to coin it as formerly; coin it as the Constitution requires; coin it as it coins gold. Its value depends upon this right of coinage, which existed from the foundation of the Government; they ask that that right be restored, and not that the Government should buy silver and trade in it as a commodity at any price.

The other argument used is that the United States would be flooded with silver. This argument has no foundation in fact. As before remarked, there is not more than from six to ten millions of silver bullion in the world. All other silver which has been produced has been consumed in the arts and coined into money. There is no coined silver in the world which is not valued at a higher price as coin than the standard silver dollar, except the coin of Mexico, because we use more silver in our dollar in proportion to gold than any other country except Mexico.

It is said that silver will come from Asia. Silver can not come from Asia. Exports from Asia always exceed the imports, and it has been the sink in which the gold and silver of the world have been buried for a thousand years, never to return. Some tell us that there will be an avalanche of silver from Europe. Europe has only eleven hundred millions, all told, of silver coin; and no silver bullion. Six hundred and fifty million dollars of this coin is in France. We have already seen that France refused to disparage silver by selling \$120,000,000 at \$1.33 an ounce. Is it likely that she would disparage her silver currency by sending it to the United States to be coined into silver dollars at an actual loss of over 3 per cent, besides exchange? No other country of Europe has any considerable amount of silver. Perhaps they will make poor Austria sell a little silver, but everybody will want silver when we put it to par.

Besides, France had an opportunity ever since silver was demonetized to send her silver to India to be coined into rupees. The mints of India are open to all the silver of the world. The balance of trade against France and in favor of India has averaged, for the last fifteen years, \$33,000,000 per annum. France would not send her silver coin, which is worth in France \$1.33 an ounce, to India to be coined into rupees, which, if returned to Western Europe, would be worth only 70 cents an ounce. On the contrary, France pays her obligations to India in silver bullion, or, what is the same thing, council bills issued by the Bank of England, which are orders for silver coin in India. The gold advocates tell us that the silver dollar under free coinage would be worth only 70 cents, and yet they say that Europe will ship coin worth 100 cents at home to be formed into silver dollars worth only 70 cents here. This is the logic of the gold trust.

There is another conclusive reason why there is no possible danger of a flood of silver. The aggregate product of gold and silver since 1873 has not kept pace with the increase of population and business. From 1850 to 1873 the annual product of the two metals was about \$200,000,000 per annum. The world's production between 1849 and 1852 from about \$40,000,000 to \$200,000,000 per annum. It did no harm. It did a great deal of good. It stimulated enterprise throughout the world and made good times everywhere.

There has been, it is true, a slight increase in the combined products of gold and silver since 1873, commencing with a little less than \$200,000,000 per annum in 1873. In that year \$81,000,000 of silver and \$96,000,000 of gold were produced. The world now produces, according to estimates, about \$250,000,000 of the two metals combined. The statistics of the production of both gold and silver must be discounted because each mining locality is vying with the other to make a record of large production to enhance the value of its property and to induce other miners to come. Besides, the great majority of gold and silver mines in the world are on the market, and it is for the interest of the owners to exaggerate production. I think it is a safe estimate to say that the combined product of both gold and silver does not exceed \$225,000,000 per annum.

The fact that all the silver, except the little amount of bullion in New York which is used by speculators to depress the market, is consumed, and the further fact that there has been no surplus silver produced, refutes the assertion that there is silver anywhere in the world from which an oversupply for the United States can be obtained. On the contrary, if the United States would remonetize silver, sustain the \$500,000,000 of silver in circulation as good money, the price of silver would go up and all the nations of the earth would then want it. That is human nature. They all want good money. When commodities rise, the demand for them increases everywhere.

It is the constant disparagement of silver by the gold association of London and New York and the Government officials of the United States which makes people want to get rid of it. As I before remarked, the alternative is presented to sustain silver, put it to par, make it good money, or meet with financial disaster.

I repeat, silver men may not be able to get affirmative legislation, but they can prevent affirmative legislation for the destruction of silver as money, and if trouble comes it will be because the gold contractionists are laboring to destroy silver to enhance the value of their own property—gold.

Why should they be allowed further to increase the purchasing power of gold while they hold the gold and the gold obligations of the world? Has not the price of property been sufficiently depressed? Are they not satisfied with the gains they have already got?

The people of the United States will not stop this agitation until silver is restored to the place it occupied previous to the unfortunate legislation of 1873. We believe the creditor class procured the clandestine legislation which demonetized silver. We resent the arrogant assumption that the gold dollar, which has been doubled in value by that legislation, is an honest dollar for a debtor to pay, who, when he contracted the debt, agreed to pay either gold or silver, whichever was most convenient for him.

On the contrary, we regard the gold dollar in the hands of the gold combination, which controls all the gold in the world, as an instrument of robbery and extortion. We demand, and we will continue to demand, that both gold and silver shall be used as money. We will never desist from this demand while the property of the producer is being transferred to the parasites of society by strategy and fraud.

Mr. CHANDLER. Mr. President, I ask to have taken up Senate joint resolution No. 37, now lying upon the table, introduced by the Senator from Illinois [Mr. PALMER], proposing an amendment to the Constitution of the United States relating to the election of Senators by the people.

Mr. MORGAN. Before the Senator from New Hampshire proceeds—

Mr. STEWART. I ask that the resolution offered by me may be disposed of.

Mr. MORGAN. I should like to say that I prefer that the resolution of the Senator from Nevada [Mr. STEWART] should go over. I made a somewhat lengthy speech on this subject the other day in the Senate, and I do not want to intrude any more upon the Senate than I am obliged to do in justice to my own constituency about this debate on silver, but I do desire to-morrow morning to have an opportunity of speaking for a very brief period upon the resolution of the Senator from Nevada. I hope, therefore, it will go over without objection, and that it may be laid before the Senate in the morning, so that I shall have an opportunity to deliver some remarks upon it.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The resolution of the Senator from Nevada will go over informally, if there be no objection.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. CHANDLER. I now ask that the joint resolution to which I have referred may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the joint resolution (S. R. 37) proposing an amendment to the Constitution of the United States relating to the election of Senators by the people.

Mr. CHANDLER. Mr. President, the joint resolution of the Senator from Illinois [Mr. PALMER] was read yesterday and appears in the RECORD of to-day. This is not the first resolution on the subject which has been presented to the Senate. During the last Congress the Senator from Oregon [Mr. MITCHELL] introduced a similar resolution, and on the 22d of April, 1890, made a speech in favor thereof. At the present session the Senator from Oregon reintroduced his resolution, and it was referred to the Committee on Privileges and Elections. At a later day the Senator from Indiana [Mr. TURPIE] now occupying the chair of the Senate introduced a similar resolution, and he made a speech in its behalf on the 17th day of December last.

These two resolutions were by the Committee on Privileges and Elections intrusted to a subcommittee comprising the two Senators who had introduced the resolutions and made speeches in their favor, and I had the honor to be appointed the third member.

It has occurred to me, from such consideration as I have been able to give the subject, that I ought to state to the Senate the objections which have come to my mind against the submission at this time of an amendment to the Constitution for the election of United States Senators by the people.

I may be convinced as time passes that such an amendment

ought to be submitted to the Legislatures of the several States, but I am not convinced that it ought to be done at this time, and therefore I shall state briefly my objections.

The majority of the subcommittee naturally have come to the conclusion that their amendment should be reported to the full committee and to the Senate, and they have made a redraft of the resolution expressing their present views, which I send to the Secretary's desk and ask to have read as part of my remarks.

The Chief Clerk read as follows:

Amend Senate joint resolution No. 8 as follows:

Strike out all after the word "Constitution," in the seventh line of page 1, and insert in lieu thereof the following: "and shall be known as the sixteenth amendment."

That the Senate of the United States shall be composed of two Senators from each State, who shall be chosen by a direct vote of the people of the several States for six years; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature; and each Senator shall have one vote.

If vacancies happen by resignation or otherwise, the executive thereof may make temporary appointments until the next general election in such State for members of the House of Representatives in Congress, when such vacancies shall be filled by a direct vote of the people as aforesaid.

Mr. CHANDLER. Mr. President, the first objection which occurs to me to the adoption of an amendment to the Federal Constitution which shall provide for the election of Senators by the people is, that the change will be certain to result in the adoption of a Federal election law. This may not be so great an objection to myself as to Senators upon the other side of the Chamber, who have hitherto opposed the adoption of a Federal election law, but I regard the extension of the system of popular elections to the choice of Senators of the United States as certain to result in the taking possession of the Federal elections in the States by Federal officials appointed by the National Government, and I call the attention of Senators to the fact that the amendment which is now proposed immediately extends the Federal power over popular elections in the States to an extent which the Constitution does not now permit.

The Constitution provides as to the election of members of the House of Representatives, Article I, section 2, as follows:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Section 4 of Article I is as follows:

The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

So that, as the Constitution now stands, the Congress has complete power to control the popular election of Representatives in Congress. But the provision as to the election of Senators is:

Section 3, Article I. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.

While the power to regulate the election of Senators by Congress is as undisputed as the power to regulate the election of Representatives, yet the election of Senators, which can now be regulated, is an election by the Legislatures of the States. If, however, this amendment, which the Senator from Illinois proposes, is adopted, and Senators are hereafter to be elected directly by the people, it follows immediately and conclusively that the powers given to Congress to make regulations are extended to the popular elections of Senators, and in my judgment just as soon as it comes to be seen that Representatives and Senators both are to be elected by the people, there will be a demand for the enactment of a Federal election law which it will be impossible to resist.

Indeed, Mr. President, it seems to me unreasonable that the amendment as it now stands for the election of Senators by the people should be adopted, and that the States should continue to possess the power to prescribe the qualifications of the voters, which power they now have, because the qualifications for electors of Representatives in Congress are the same as those prescribed by each State for the election of members of the most numerous branch of its State Legislature. Under that power the State prescribes such qualifications as it pleases for electors of the members of the most numerous branch of its State Legislature, and those electors are the electors of Representatives in Congress, and if the change proposed is made they will be the electors of United States Senators. It is clear that this is unreasonable.

Therefore, if the joint resolution is reported to the committee or to the Senate in the form determined upon by the Senator from Oregon and the Senator from Indiana, I shall move to amend the same by striking out the provision that the electors shall have the qualifications requisite for electors in the most numerous branch of the State Legislature and by providing that they shall have "such qualifications as may be prescribed by Congress," to the end that it shall be within the power of Congress, when both its Senators and its Representatives are chosen

by the people, to determine who shall be the electors in the several States and in order that the States may not be allowed to make such discriminations that the qualifications of the electors in one State shall be different from the qualifications of the electors in another.

Moreover, Mr. President, there is another reason why the adoption of this amendment will result in the passage of a Federal election law, and that is that increasing the number of popular elections will not stop with committing to such elections the choice of Senators. It is almost certain that this amendment, if adopted, will be followed by provisions for the choice of President and Vice-President by the people. I regard that result as inevitable. I beg the attention of the Senator from Oregon [Mr. MITCHELL] to my suggestion that I regard it as inevitable that if Senators are to be chosen by the people an amendment will soon follow for the election of President and Vice-President by the people, and I ask the Senator whether he has any doubt that the present amendment is but the beginning of a movement which, if it goes forward, is very soon to bring us to that condition of affairs that, instead of electing Representatives by the people, Senators by the Legislatures, and the President and Vice-President by an electoral college, all these various officers, who are Federal, and not State officers, will be chosen by the people?

Mr. President, that is the view which is taken by the Senator from Illinois [Mr. PALMER]. In his speech he says:

From what I have said the conclusion is inevitable, that none of the reasons which led the framers of the Constitution to deprive the people of the direct control of the executive department and of the Senate now exist. Experience long ago demonstrated the uselessness of the electors as agents for the selection of President and Vice-President. Electors are now but counters for the enumeration of the votes of the States, the John Does and Richard Roes of our political system.

So the Senator from Illinois is thoroughly committed to carry this reform of his as far as the election of President and Vice-President by the people. I know the Senator from Indiana now in the chair [Mr. TURPIE] hesitates on that point and is willing to confine his reform to the election of Senators. What the views of the Senator from Oregon may be I do not know.

I have here the resolutions of the Democratic State convention of North Dakota, which met at Grand Forks March 24, and among them I find this:

Resolved, That the Democratic party pledges itself to secure submission of an amendment to the United States Constitution providing for the election of the President and Vice-President of the United States by a direct vote of the people, and also an amendment, as proposed by Senator JOHN M. PALMER of Illinois, providing for the election of United States Senators by a direct vote of the people of the different States instead of by the different Legislatures thereof.

I am bound to say that, according to my observation, these two movements are going on *pari passu*. If Senators of the United States are to be elected by the people, we shall be brought at once face to face with the proposition that the President and Vice-President shall also be elected by the people; for if anything has become obsolete in connection with the existing Constitution, it is the theory of its founders which led them to provide for the choice of President and Vice-President by electors appointed by the several States as their Legislatures might determine.

Whenever the President and Vice-President are chosen by popular elections it will be entirely possible for one State, by enormously swelling its vote by fraudulent methods, or by other unfair means not absolutely fraudulent, to wholly overcome the exact and honest votes of other States. Assume that we make the change that I have proposed, that Congress shall fix the qualifications of the voters of the several States so that they may be the same in all the States, yet even then there is the possibility that the State of New York will swell its vote by improper and fraudulent methods 50,000 more or less and overcome the true votes of the other States.

I challenge the attention of the three Senators who advocate this measure to this prediction: I am confident that, first, the election of Senators by the people will be followed by the election of President and Vice-President by the people, and that whenever those two changes are made, there will be of necessity a national election law, which will not only fix the qualifications of the electors of Representatives, Senators, and President and Vice-President in the several States, but will also take complete possession of the electoral machinery therein, and our Representatives, Senators, President, and Vice-President will be chosen at popular elections called by Federal officials, with the voting lists made up by Federal officials, and with the count and the declaration and certificate of election made by them.

Do the Senators who advocate this measure desire this result? I can not believe that they do. At all events, I shall certainly feel that if after these two amendments of the Constitution are adopted a movement is made by those who believe in and have advocated a Federal election law, we shall be sustained by many

Senators and many Representatives who have bitterly denounced such an election law.

Mr. President, this objection that a Federal election law will be sure to follow the adoption of this constitutional amendment is, as I have said, one to which I shall reconcile myself more easily than I can to the other objections which I desire to state. Therefore, as it is my least objection, I have put it first.

Mr. MITCHELL. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL. Supposing all these evils which the Senator speaks of should follow, especially the one that the change will result in a Federal election law, will the Senator be kind enough to tell us what the objection would be to that?

Mr. CHANDLER. I am coming to that as my second point.

Mr. MITCHELL. For my own part I can not conceive how this amendment would give Congress any more power in regulating the election of Senators of the United States than it has now.

Mr. CHANDLER. Mr. President, Congress can now only regulate, as it does by the law of 1866, the proceedings which take place in the halls of the Legislature; but when Senators are elected by the people *ipso facto* the power of Congress to regulate the whole process of choosing Senators is enlarged, and it will be just as competent for Congress to provide Federal officials to conduct the elections of Senators as it now is to provide such officials for the elections of Representatives in Congress and to fix the time, place, and manner of holding such elections.

Mr. MITCHELL. In one case Congress is simply regulating the election of one set of electors and in another case is regulating the election of another set of electors; but will it follow that they will have power to go into all this machinery to which the Senator has referred without some grant?

Mr. CHANDLER. Unquestionably it follows from the amendment as the Senator reports it, that the Congress can proceed to pass a Federal election law applicable to the popular election of Senators just as now it has power to pass a Federal election law applicable to the election of Senators by the Legislatures.

Mr. President, my second objection to the passage of this amendment at this time is that it is the very beginning of radical innovation. It will be absolutely the first fundamental change in the Federal Constitution concerning our frame of government. It may seem strange to Senators to hear the statement made that this will be the first change when the fifteen amendments to the Federal Constitution are recalled, but a brief consideration of those amendments will prove the truth of my assertion, that this will be the first change during a hundred years in the framework of the Federal Government.

The first ten amendments to the Constitution, which were adopted all at one time, Senators will remember, are merely negative; they are merely a bill of rights, and no bill of rights that has ever been annexed to any State constitution has contained any provision whatever in reference to the framework of the government or the methods of the government established by that constitution. If these ten amendments had been annexed to the Constitution when it was adopted; had preceded it instead of following it, as they did, they would not have effected one iota of change in the form of government which was established, or in the method of the Government which was established. So much for the ten amendments; they are purely negative.

The eleventh amendment, adopted at a later period, was also merely negative:

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

It is entirely negative. The twelfth amendment is simply a provision that when the President and Vice-President are voted for, the electors shall name the person for whom they vote for President and the person for whom they vote for Vice-President. That amendment was made necessary by the fact that in 1800 there was an equal number of votes cast for two persons, 73 for Jefferson and 73 for Burr, and it was impossible to determine by the votes of the electors who was to be President and who was to be Vice-President, and this simple amendment is the only real change that has been made in the Constitution.

The thirteenth amendment abolishes slavery. The fourteenth amendment declares the equality of citizens of States and contains the provision for the disfranchisement of persons who have been in rebellion, declares the validity of the public debt of the Union, and prohibits the recognition of any of the Confederate debt. There is nothing in this, the fourteenth, amendment, nor in the most recent, the fifteenth, amendment, which last declares that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," which is not negative, except that they recognize as a result of the war

the establishment of the liberty of all persons under the flag, and thus provide that the right of citizens to vote shall not be denied.

From this brief recital of the fifteen amendments which have been made to the Federal Constitution I believe I have made good my statement that the amendment which these Senators now propose and urge with so much zeal will be the very first change in the framework of our Government. For a hundred years we have gone forward in our national career, and this Constitution, founded with most consummate wisdom by the fathers, has been found sufficient to carry this people from their low estate to the grandeur which they have now reached. It has proved a Constitution which was adapted to the wants of 3,000,000 people, and is ample for the necessities of 65,000,000 people, yet the Senators profess to have discovered that it is now necessary to begin the work of making fundamental changes.

Mr. President, I am conservative on this subject. I am inclined to canvass with care and prudence the first suggestion of a change and to challenge its advocates to prove their case beyond a doubt and beyond a peradventure. It is characteristic of the Anglo-Saxon race, so Mr. Macaulay says, that it changes its laws slowly; that it legislates with great caution. In the fourth volume of Mr. Macaulay's history, where he is speaking of the toleration act which was adopted after William and Mary came to the English throne and gave religious liberty to England, he develops this conservatism in the legislation of all Anglo-Saxon people. I ask the Secretary to read the extract which I send to the desk.

The VICE-PRESIDENT. The extract will be read.

The Secretary read as follows:

The perfect lawgiver is a just temper between the mere man of theory, who can see nothing but general principles, and the mere man of business, who can see nothing but particular circumstances. Of lawgivers in whom the speculative element has prevailed to the exclusion of the practical, the world has, during the last eighty years, been singularly fruitful. To their wisdom Europe and America have owed scores of abortive constitutions, scores of constitutions which have lived just long enough to make a miserable noise, and have then gone off in convulsions.

But in English legislation the practical element has always predominated, and not seldom unduly predominated, over the speculative. To think nothing of symmetry and much of convenience; never to remove an anomaly, merely because it is an anomaly; never to innovate, except when some grievance is felt; never to innovate, except so far as to get rid of the grievance; never to lay down any proposition of wider extent than the particular case for which it is necessary to provide—these are the rules which have, from the age of John to the age of Victoria, generally guided the deliberations of our two hundred and fifty Parliaments. Our national distaste for whatever is abstract in political science amounts undoubtedly to a fault. Yet it is, perhaps, a fault on the right side. That we have been far too slow to improve our laws must be admitted. But, though in other countries there may have occasionally been more rapid progress, it would not be easy to name any other country in which there has been so little retrogression.

Mr. CHANDLER. The wisdom of the proposed constitutional amendment may be tested by Mr. Macaulay's propositions. He says: "Never remove an anomaly merely because it is an anomaly;" and for that reason we should hesitate to provide for any change of the election of President and Vice-President; "never innovate, except when some grievance is felt; never innovate, except so far as to get rid of the grievance;" and there has been no grievance shown by the Senators who have addressed the Senate on this subject. It has not been established that this country has suffered in the slightest degree from the method of choosing United States Senators by the Legislatures of the various States.

Take the speeches of the three honorable Senators which I now hold in my hand, take the report which the Senators have drawn up for presentation to the Senate, and you may search them through and through without finding any demonstration whatever of any grievance, of any harm, or of any injury that has happened to this country by reason of the existing system of choosing Senators.

Mr. President, do the Senators pretend that if there had been a system of popular elections of Senators this body of which we have the honor to be members would have contained more distinguished men than have reached it? Can there be found in the galaxy of great men belonging to any nation brighter stars than those which have illuminated the American firmament from the Senate of the United States? We will not speak of the members of the present Senate, who I judge will find no fault with the methods which brought them here. Take the Senate for a hundred years down to our time and look at the distinguished men of whom it has been composed, and declare if you can that if there had been a system of elections by the people there would have been greater men, better men, or nobler men as its members.

Mr. President, the grievance is not shown; the necessity for action is not demonstrated. There are wants of this people no doubt, there are improvements possibly that may be made in our Federal Constitution, but there has been absolutely no injury resulting from the present method of electing Senators.

There is one exception to the general criticisms which I have made of the Senators who advocate this amendment. When I

say that they have indicated no injury, that they have pointed out no grievance, although you may search their speeches from one side to the other, there remains to be specified the exception that they do suggest that under the present system of elections rich men may improperly get into the Senate; and when they say this I take it for granted that they mean that wealthy men have so reached the Senatorial office heretofore, not that the Senators are merely apprehensive that if we do not change the Constitution these rich men will so reach the Senate; because if we have gone on for a hundred years and no wealthy man has by objectionable means yet reached the Senate, it will be safe for us to continue in the ways of the fathers until some case has happened which proves that there is real danger to the country from the invasion of the Senate by wealthy men, so that we must change the Constitution in order to prevent them from getting here.

But, Mr. President, I do not believe that the people of the United States have hitherto suffered because rich men have forced their way into this body who would not have come here if Senators had been elected by the people, which is of course the issue now made. Have no millionaires been elected governors of States? Have there been more rich Senators elected to this body than have been elected governors? The governors are chosen by the people. They are chosen precisely as the three Senators say the United States Senators should be chosen; and yet I do not think complaint has been made that millionaires have improperly taken possession of the governorships; and if they have so taken possession of the governorships, they are just as likely and just as sure to take possession of Senatorships under a system of popular elections as they are under a system where the Legislatures choose the Senators.

Mr. President, I have a marked case in mind. We have as a member of this Senate, not now present in Washington, one of the wealthiest citizens of the United States, a gentleman whose fortune is probably among the very largest. Perhaps he stands with the half a dozen greatest millionaires of the country. But this Senator, who was elected to the Senate as I believe by the free will of his people, had previously been the governor of his State and had been so chosen by the people. Is there any reason to suppose that this Senator who was once chosen governor by a large majority in his State would not have been elected to this body if the people had chosen Senators?

Not the slightest, Mr. President. That Senator is strong with his own people because of the noble use which he has made and proposes to make of his money, and it is no wonder when he establishes a great university, with a most magnificent endowment for learning, reaching up to \$30,000,000, that he is chosen to any office within the gift of his people which he signifies his willingness to accept.

I call the attention of the Senate to recent events showing what the power and influence of this Senator is with the people of his State, and that it is not necessary to assume that he or any other man of wealth comes to this body by the undue use of money in connection with a Legislature. Senators will remember that a year ago last December when we came back to Washington there had been many political reverses in the country. Republican Senators whose States had been supposed to be firmly anchored in the Republican line returned here with their States Democratic, and there seemed to have been almost universal disaster happening to the Republican party.

There was one exception to the prevalent calamities. I give the vote of California in 1891.

Popular vote of California for governor, 1891.

Markham, Republican	126,432
Pond, Democrat	118,601
Bidwell, Prohibitionist	10,868
Scattering	71
Total	255,972
Markham's plurality	7,831

When the wave of Republican defeat was sweeping over the country the largest majority, I think, that California ever gave for a Republican candidate was cast for the Republican candidate for governor; while the Legislature stood as follows:

State Legislature of California, 1891.

	Senate.	House.
Republican	27	61
Democratic	12	18
American		1
Total	39	80
Republican majority	15	42

There was a Republican majority of 57 on joint ballot in the Legislature which reflected the Senator from California.

Mr. President, this either proves that there is no danger from

rich men in the politics of States or else it ought to prove to the satisfaction of Senators who advocate this amendment that Senators who desire the suffrages of their people can carry popular elections with as much ease as they can manipulate the members of the Legislatures after they are elected.

I do not believe that this idea, the fear of millionaires, which I submit is the only concrete, tangible notion of an existing evil to be found in the speeches of the Senators in favor of the election of Senators by the people, is one that can stand a moment when reason is applied to it.

Moreover, I think that it is a cowardly way of dealing with millionaires to amend the Constitution of the United States so as to have Senatorial elections made directly by the people instead of by the Legislatures because we are afraid of these millionaires; that it is a narrow and a partial and a mistaken remedy. I believe that if this country is dangerously threatened by its millionaires the way to deal with them is directly and adequately, and not by proclaiming that because we have so many rich men here whom we dare not grapple with in any other way, we will see to it at any rate that they do not buy their way into the United States Senate by purchasing Legislatures.

Rather than pass this amendment solely on the ground that rich men purchase their way into the Senate I would prefer to take steps to limit the wealth of our millionaires, and I have drawn up an amendment which I commend to the Senators and which I am willing to support, which I think would be, on the whole, a great deal better than to go through this form of sending out to the States an amendment of the Constitution which we admit we adopt simply because we are afraid plutocrats will buy up State Legislatures and get into the Senate when they ought not to come here.

The VICE-PRESIDENT. The proposed amendment will be read.

The Secretary read as follows:

A joint resolution proposing an amendment to the Constitution for the prevention of the excessive accumulation of wealth by individuals and corporations, and for the prohibition of the issue of corporation stock and bonds not representing money paid and of the payment of excessive dividends.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment of the Constitution of the United States, namely:

ARTICLE XVI.

The excessive accumulation of wealth by individuals and corporations shall not be allowed. Congress may enforce this article by appropriate legislation, and shall prohibit the issue by corporations of stock certificates or bonds or other evidence of indebtedness unless the sums expressed therein have been paid into the treasuries of the corporations; and shall prohibit the payment of excessive dividends.

Mr. CHANDLER. That is an amendment which is an amendment.

Mr. TELLER. I should like to suggest to the Senator from New Hampshire that the general complaint is not that those people have got too much, but that the rest of us have got too little.

Mr. CHANDLER. There is an amendment that will remedy the whole evil.

Mr. TELLER. I do not think it reaches the point we are more particularly interested in.

Mr. CHANDLER. If Congress is allowed by law to prevent the excessive accumulation of wealth in the hands of individuals or corporations, it can provide that when an individual becomes too rich and we are afraid he will break into the Senate with his excessive riches they shall be taken away from him. The natural provision would be that the excess should be paid into the public Treasury, but there would be no constitutional objection under such a law to dividing it among needy individuals like the Senator from Colorado.

Mr. TELLER. That would meet with our approval. [Laughter.]

Mr. CHANDLER. I believe this is the way to do it. I will support this amendment with pleasure. I believe that it is competent for a great nation, when it is in danger of being corrupted by enormous fortunes, to check the growing evil, and I think this is the best way to do it.

This amendment has this merit, to which I wish to call special attention, that it strikes at the root of these great fortunes by controlling the corporations through which alone the great fortunes have been accumulated.

Mr. President, you can not point to any one of these vast fortunes without seeing that it has been secured by the aid of corporations and corporate powers, and I believe further that you can not point to one of them that has not resulted from watered stock in corporations. Where is there an enormous fortune that has been accumulated by private individuals using only the means and powers which belong to private individuals for the purpose of accumulating wealth? With possibly one exception of a fortune from large landed property these great fortunes have arisen

in this country through the aid of corporations; and corporations which ought to be an unadulterated blessing to a community have in many cases become a curse, because stock and bonds have been allowed to be issued which did not represent money paid into their treasuries.

Mr. President, my amendment will reach the difficulty, and if it is adopted and Congress legislates accordingly there will be no necessity of having the amendment to the Constitution proposed by the Senator from Illinois in order that our rich men may not force their way corruptly into the Senate.

There is, however, a history of this amendment which I will venture to state, which illustrates some of the difficulties that we shall find in getting it adopted. A few years ago a member of the House of Representatives, who came from a farming district, said to me that he wished to introduce some measures that would popularize him with his constituents, and he asked me if I could not draw up something for him. I told him I would think of it, and the next day I sent him this amendment, which I told him I thought would make him strong and popular with the farmers of his district.

I supposed he would at once introduce it, but I did not see that he did. I met him a week or two later and I said, "Why did you not introduce that amendment?" You told me that your district was wholly a farming district, and that you wished to introduce measures which would strengthen you with the farmers, and I can not conceive of anything that would be any more beneficial to you with your constituents than that amendment." He said: "That is so; it would help me with the farmers; but let me tell you a little obstacle in the way of my introducing it. Every time I run for reelection there is a millionaire in my district who always gives me a couple of thousand dollars to help my canvass, and I am afraid it would hurt his feelings if I should introduce it." [Laughter.]

So the amendment has rested until this time, and now I offer it to my friend from Illinois as something on which I think we might all compromise upon this question. If the object of introducing these amendments to the Constitution and making these speeches is to satisfy the Farmers' Alliances—and I see they are passing resolutions for it, and I have no doubt that my friend from Oregon and my friend from Illinois and my friend from Indiana want to stand strong with the Farmers' Alliances—it is a great deal better to go the whole figure and just grapple directly with these rich men, take their excessive wealth away from them and make a good use of it, and not deal with them in a cowardly way by saying we mean at least to keep them out of the United States Senate by providing for Senatorial elections by the people.

Mr. MITCHELL. May I interrupt the Senator?

Mr. CHANDLER. Certainly.

Mr. MITCHELL. As far as I am concerned the Legislature of the State which I have the honor in part to represent three times over passed in the last three sessions, at the regular sessions, joint resolutions memorializing Congress to adopt just such an amendment as the Senator is talking about.

Mr. CHANDLER. I do not know why they did it; I do not know who originated the movement; but I undertake to say that it was not done because the people of Oregon are dissatisfied with their present Senatorial representation. I should like to have the Senator contradict that proposition.

No, Mr. President, there is no popular demand for this amendment. There has been no grievance shown, there has been no injury shown, there has been no suggestion of a reason except this one, that we are afraid that rich men will get in here and the fact that the Farmers' Alliances have seen fit to pass resolutions making this demand. I do not propose to gratify the Farmers' Alliances by supporting a resolution to amend the Constitution, for which I think there is no occasion, when I am willing to proceed a great deal further, and to go for these rich men directly, and lessen their riches and their power in America, if it is really endangering our welfare and periling our liberty.

Mr. MITCHELL. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL. Does not the Senator know the fact that when the Constitution was under discussion in the Constitutional Convention there was a very large sentiment in that convention in favor of the election of Senators by the people instead of by the Legislatures of the States?

Mr. CHANDLER. I have read in the Madison Papers the debates in the Constitutional Convention and I have read the Federalist. I have done my best to follow these distinguished Senators in their lucubrations upon this subject, and I have not discovered that there was any great sentiment in favor of electing Senators by the people. I thought the argument of the Senators was that the founders of the Constitution were aristocrats, and that they did not want to go as far in the direction of popular government as we, their descendants, ought to go.

Mr. MITCHELL. Will the Senator allow me to instruct him

a little on that point by reading what Mr. Wilson of Pennsylvania said, in the convention?

Mr. CHANDLER. I will listen to anything that the Senator has to say himself—

Mr. MITCHELL. This is much better than anything I can say.

Mr. CHANDLER. But I will not allow him to put into my speech any musty documents of the past such as were not created by him.

Now, Mr. President, another reason why I am not in favor of submitting this amendment to the States is, that I do not conceive that it is necessary to do this in order to show that we do not distrust the people. That is the argument, the knock-down club with which Senators and others are to be met who do not want to vote for this amendment, who think it is a dangerous beginning of innovation, who think there is no need of it, the argument that we distrust the people when we refuse to adopt this amendment.

I do not think it indicates that we distrust the people by standing upon the Constitution of the fathers. Did they distrust the people? At the close of the Revolutionary war there was perfect unity of sentiment on one thing, irrespective of the question whether a government wholly republican in form should be adopted or a government with an executive head for life. It was that the people should in fact rule America, and so the rich and the poor alike who had contributed of their substance and their labors to fight the battles of the Revolution became thoroughly democratic and there was no distrust of the people. All know that in every government to any considerable extent republican sooner or later the people would have their own way; that there would be no institution connected with the government which the people could not change if they wished to change it and continued persistently of the mind to change it.

But although the framers of the Constitution did not distrust the people, they did distrust the sudden temper of the people. They were afraid that waves of excitement might sweep over the country, and that for the moment, for the day, or for the month, or for the year, the people would grow hot with desire to proceed to some extremity. Therefore the wisest men whom the world has ever seen undertook to frame a constitution which should guard against mutability in legislation and sudden changes in the Government.

WEST VIRGINIA DIRECT TAX.

The VICE-PRESIDENT. The Senator from New Hampshire will suspend. The hour of 2 o'clock having arrived, pursuant to the agreement entered into by the Senate on the 31st of March, the Senate will proceed to the consideration of a joint resolution the title of which will be read.

The CHIEF CLERK. A joint resolution (S. R. 9) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861."

The VICE-PRESIDENT. By an agreement made on that day, the 12th of April, at 2 o'clock, was decided upon for the consideration of the joint resolution as the unfinished business. It is now laid before the Senate as the unfinished business.

Mr. PLATT. What becomes of the bill for the amendment of the act relating to circuit courts of appeals?

The VICE-PRESIDENT. That is a question for the Senate to decide.

Mr. FAULKNER. If the Senator will permit me a moment, I will relieve him of any difficulty in reference to the matter now before the Senate. There has been a unanimous consent all through to give the first two legislative days of this week to the Calendar, which might, perhaps, displace these orders. That I am not now ready to decide upon; but the Senator from Vermont [Mr. MORRILL] is not present to-day and the Senator from Virginia [Mr. DANIEL], who was called to Louisiana, is not present. Under those circumstances, I have determined to ask the Senate to postpone the consideration of this joint resolution until next Tuesday at 2 o'clock, and make it the unfinished business at that hour. I hope I shall not have to ask the Senate for any reason, or on the request of anyone to delay it longer than that period, for it is very important that the matter should be brought before the Senate and decided.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from West Virginia?

Mr. PLATT. What day is specified?

Mr. FAULKNER. To-day a week.

Mr. KENNA. I desire to add to what my colleague has said in reference to the joint resolution that it has been delayed for

more than a month, possibly as much as two months, to accommodate what seemed really to be the necessities which confronted us and over which none of us had any control the last two or three weeks on account of the illness and necessary absence of the Senator from Vermont [Mr. MORRILL]. I hope, therefore, it will go over until next Tuesday, at the hour named by my colleague, with the understanding that it shall be taken up then as the unfinished business and disposed of. I am sure it will take but a few minutes to dispose of it when it is reached.

Mr. CULLOM. I hope when that arrangement is made the Senator from New Hampshire will be allowed to finish his remarks.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from West Virginia [Mr. FAULKNER]? The Chair hears none.

CIRCUIT COURTS OF APPEALS.

Mr. PLATT. Where does that leave the unfinished business? The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business for the time being.

The CHIEF CLERK. A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Mr. MANDERSON. I should like to ask what becomes of the unanimous consent of the Senate that two days should be devoted to the consideration of the Calendar?

Mr. PLATT. The chairman of the Committee on the Judiciary [Mr. HOAR] is not in the Senate Chamber, and I do not understand that he intends that the court bill shall interfere with that arrangement of the Senate.

Mr. MANDERSON. I hope not.

Mr. COCKRELL. It is his desire just to keep it alive as the unfinished business.

Mr. MANDERSON. All right.

Mr. PLATT. As the Senator from Massachusetts is obliged to leave the Senate for his health before long, he desires to dispose of this bill before he leaves, and he wishes to keep it before the Senate as the unfinished business.

The VICE-PRESIDENT. The Chair understands that the chairman of the Committee on the Judiciary distinctly stated that he did not intend to have the court bill displace the agreement for two days' consideration of the Calendar. By unanimous consent, the Senator from New Hampshire will proceed with his remarks on Senate joint resolution No. 37.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. President, I feel reluctant to take up the time of the Senate when so many other matters are pressing, but inasmuch as three speeches have been made on one side of this question it seemed to me desirable that such views as occurred to me on the other side should be presented.

I was stating that there was no need of this constitutional amendment for the election of Senators by the people in order to show that we, the members of Congress, do not distrust the people. The founders of the Constitution did not distrust the deliberate judgment of the people. They did have a feeling that the Constitution should contain safeguards against the sudden temper of the people. I ask the Secretary to read an extract from the Federalist, one of the papers written by Hamilton, I think, which expresses the idea which prevailed and which tended to the adoption of the plan of the election of the Senate by the Legislatures of the States.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

[The Federalist, No. LXIII.]

Thus far I have considered the circumstances which point out the necessity of a well-constructed Senate only as they relate to the representatives of the people. To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add, that such an institution may be sometimes necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers, so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn.

In these critical moments how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions? Popular liberty might then have escaped the indelible reproach of decreeing to the same citizens the hemlock on one day and statues on the next.

Mr. CHANDLER. Equally distinct and forcible are the views of Chancellor Kent, as expressed in his Commentaries, in an ex-

tract which I will ask the Secretary to read as part of my remarks.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Chief Clerk read as follows:

[Kent's Commentaries, Lacy's edition, volume 1, Lecture XI, page 227.]

The small number, and long duration of the Senate, were intended to render them a safeguard against the influence of those paroxysms of heat and passion which prevail occasionally in the most enlightened communities, and enter into the deliberation of popular assemblies. In this point of view a firm and independent Senate is justly regarded as an anchor of safety amidst the storms of political faction; and for want of such a stable body, the republics of Athens and Florence were overturned by the fury of commotions which the senates of Sparta, Carthage, and Rome might have been able to withstand. The characteristic qualities of the Senate, in the indentment of the Constitution are wisdom and stability.

The legal presumption is, that the Senate will entertain more enlarged views of public policy, will feel a higher and juster sense of national character, and a greater regard for stability in the administration of the Government. These qualities, it is true, may, in most cases, be equally found in the other branch of the Legislature, but the constitutional structure of the House is not equally calculated to produce them, for, as the House of Representatives comes more immediately from the people, and the members hold their seats for a much shorter time, they are presumed to partake, with a quicker sensibility, of the prevailing temper and irritable disposition of the times, and to be in much more danger of adopting measures with precipitation, and of changing them with levity. A mutable legislation is attended with a formidable train of mischiefs to the community. It weakens the force and increases the intricacy of the laws, hurts credit, lessens the value of property, and it is an infirmity very incident to republican establishments, and has been a constant source of anxiety and concern to their most enlightened admirers.

A disposition to multiply and change laws upon the spur of the occasion, and to be making constant and restless experiments with the statute code, seems to be the natural disease of popular assemblies. In order, therefore, to counteract such a dangerous propensity, and to maintain a due portion of confidence in the Government, and to insure its safety and character at home and abroad, it is requisite that another body of men, coming likewise from the people and equally responsible for their conduct, but resting on a more permanent basis, and constituted with stronger inducements to moderation in debate and to tenacity of purpose, should be placed as a check upon the intemperance of the more popular department.

Mr. CHANDLER. Mr. President, thus impressed with the necessity in founding a government of guarding against mutability in legislation and the injurious effects of the sudden temper of the people, the framers of the Constitution provided certain barriers to check any temporary and dangerous tendency of the people. What were those barriers? In the first place, it was provided that the President should serve for four years and be chosen by electors appointed in such manner as the Legislatures of the States should prescribe.

In the next place, the Senators were to be elected for six years and to be chosen by the Legislatures of the States. The heads of Departments were to be appointed by the President with the advice and consent of the Senate, and the judges were to be appointed by the President with the consent of the Senate and to hold office for life. Only the Representatives in the popular branch, so called, the House of Representatives, were to be chosen directly by the people, and were to hold office for only two years, subject to change at the end of that period.

I am unable to see how we are to begin to tear down these barriers and then to stop. I wish to know from the Senators where they propose to stop. Where will they draw the dividing line? If it shows a distrust of the people to continue to elect Senators by the Legislatures of the States, does it not show a distrust of the people to elect them for six years instead of two? Does it not show a distrust of the people to elect a President for four years by electors instead of electing a President directly by the people and for two years only? The system of electing judges by the people has been adopted in many of the States.

It is in the direction of popular government, and it has been found to work well, I am told by the residents of the States where the judges are so elected, and yet the judges of the Supreme Court of the United States and all other Federal judges are appointed and hold office for life. If an amendment were to be proposed for the election by the people of the Federal judges would it not be as good an argument to say to the opposer of such an amendment, "you distrust the people," as it is to say that it implies a distrust of the people to oppose the radical change which is now suggested in the proposition to elect United States Senators by the people?

Mr. President, I say frankly that I am unable to draw the line. I do not believe the line can be drawn, and I do not see where it would be drawn if it were proposed, in addition to the amendment against the adoption of which I am now speaking, to provide for a complete election of all our officers by the people and their election every two years. I have prepared an amendment which proceeds in the direction in which the Senators propose that we shall go, and I can not see how any Senator who advocates the election of Senators by the people can consistently oppose this amendment. It will be said to him that he distrusts the integrity and the good sense of the people of the United States. I ask the Secretary to read it.

The CHIEF CLERK. A joint resolution proposing an amendment to the Constitution providing for the election of the Pres-

ident, Vice-President, heads of Departments, Senators, judges, postmasters, and all collectors of revenue by popular vote:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment of the Constitution of the United States, namely:

ARTICLE XVII.

The President, Vice-President, and heads of Departments; the Senators in Congress; the justices of the courts, each within his own judicial circuit or district; and the postmasters and collectors of revenue, shall be elected every two years at the times and places and in the manner provided for electing Representatives. Congress shall make rules and regulations for such elections and for temporarily filling vacancies.

Mr. CHANDLER. Mr. President, in that amendment is the voice of the people. There the people are enabled to govern for themselves. There the people are notified that if they have a President they do not want they can get rid of him at the end of two years. If they find that they have Senators whom they do not love, whether they are millionaires like the Senator to whom I have alluded or are poverty-stricken Senators like the Senator from Colorado, they can get rid of them at the end of two years. I am unable to see how we can have popular government, real, true, and complete, that shall satisfy the arguments of the Senator from Oregon, the Senator from Indiana, and the Senator from Illinois which have been made on this floor, and that shall meet their desires as expressed in those arguments, and give us that kind of popular government which our great and virtuous and intelligent people are entitled to, unless we adopt the amendment which I have sent to the desk, and which I shall introduce and ask to have receive the consideration of the Committee on Privileges and Elections.

In this business of popularizing the American Government and making it more beneficial to the American people who have lived under it, struggled for it, fought for it, and praised it for a hundred years exactly as it is and have never discovered any grievance involved in it, and have never discovered any necessity for amending it, if it is best now to begin to amend the Constitution so as to make this Government of ours a more popular Government than it has been, then let us elect every officer every two years and you will have the grandest popular Government that the world ever saw. How long it will last I do not predict.

I have been led to doubt, however, and here is my sixth reason for opposing the sending out of this amendment at the present time, whether if we were to elect Senators by the people we should get any nearer to the people as a matter of fact. We have a system of Presidential electors, and under that system the founders of the Constitution who originally framed it thought we would get the personal judgment of the various members of the electoral colleges in the selection of a President, instead of which we get the judgment of a bare majority of a Presidential nominating convention of one of the political parties.

If we elect Senators by the people what shall we substitute for the present system? Under the present method we get the Senator who is deliberately selected by the members of a State Legislature, although occasionally, but not always, we get the Senator who is selected by a majority of a legislative caucus of the dominant party. If we make this change, how shall we realize the will of the people? How shall we obtain our United States Senators? Only in this way, that we shall have them selected by a bare majority of a political State convention of one of the great political parties. It will be a body, the members of which come into existence through no law, who take no oath, who have no legal responsibilities whatever—a mere gathering of a political convention, of a party caucus where a bare majority of a faction makes the Senator.

I am entirely certain that a system of that sort will not give us any better Senators than come here under the existing system. I find the idea expressed in a paragraph in the St. Louis Globe-Democrat, published in the Chicago Inter-Ocean of February 21, 1892:

A State convention can be bribed as readily as a Legislature, and can be made to do the bidding of the bootlickers. Indeed, the convention offers less difficulty than does the other body to this sort of work, for the members of the convention are in the public eye for a day or two only, and consequently are under less restraint than are the individual legislators whose service lasts a year or two.

There is the whole idea, and there is shown an evil which it might be wise to remedy, the evil of party rule, the evil connected with caucus government and caucus nominations. But I beg to say to the Senator from Illinois that we shall not get rid of that evil by substituting a political State convention to make our Senators in the place of the more deliberate judgment of the members of a Legislature chosen at a previous period, who go in and out before their people from the time they are elected until they perform their work, and who are quite as likely to make a wise choice as are the representatives of a political party without responsibility according to law, who assemble for a day and nominate a Senator and then return without further responsibility to their homes.

Take the case of the State of Illinois, which the Senator from that State has indicated to us as having already made an improvement in the method of making Senators, and which, as he seems to think, has sent him here by a somewhat different title from that by which the rest of us have the honor to sit in this Chamber. The Senator says in his speech:

Mr. President, I am here to-day the Senator thus elected by the free people of the State of Illinois.

I have examined the facts which the Senator has submitted to the Senate as justifying this claim that he is here by a more elevated, a purer, and a more sacred title than other Senators, and I do not find that the claim is warranted by the facts he produces. He was certainly elected by a State Legislature. He does not dispute that fact, and the processes by which that Legislature arrived at his election are worthy of examination.

Before examining them, however, I desire to call the attention of the Senate to the statement of the Senator that the people of his State are dissatisfied with their old method of electing Senators, and therefore have sent him here under a new method. The Senator says:

But they—

The people of Illinois—

believe that the election of Senators by their State Legislature under existing conditions has failed of satisfactory results.

The Senator did not undertake to vindicate that assertion by any facts placed before the Senate. He has not shown us in what respect the present system of electing Senators has proved unsatisfactory in Illinois. I have examined the records, and I find that within forty years we have had from Illinois Sidney Breese; we have had three times elected to this Senate Stephen A. Douglas, and if Mr. Douglas had not been elected Mr. Lincoln would have been chosen; Trumbull three times, Yates, Oglesby, Logan three times; David Davis, CULLOM twice. Of these Senators, Oglesby has been three times elected governor by the people, CULLOM twice, Logan twice elected Congressman at large by the people, and Yates once elected governor by the people. The present junior Senator has been a candidate several times for election and has been elected governor. He has been more than once the nominee of his party in the Legislature, and has been elected to his present seat in the Senate under the old system. William R. Morrison has been several times his party's candidate.

I beg leave to say that the Senator utterly fails to show that the people of Illinois from the time of the election of Sidney Breese down to his own election could have been better represented in the Senate under a system of popular elections. Under such a system certainly Illinois would have sent us no better and no greater men to represent her in the Congress.

What were the methods which the Senator from Illinois says were adopted in that State which justify him in claiming that he was elected by the free people of the State in a sense in which other Senators here were not so elected? It appears that the Democratic voters at their primaries over the State voted for a Senator when they elected delegates to the State convention and it appears that the State convention recognizing the votes of the primaries also voted for a Senator, and a particular man was thus designated by the Democratic voters at their primaries and by the Democratic State convention and was afterwards elected by the Legislature, the Democratic party in that Legislature having made him their candidate, and that he now occupies the seat.

There is no objection to all this. This plan has gone forward under the existing Constitution; and if the Senator is right that this was a movement of the people, then the people have had their way, and they have by the political primaries of the Democratic party expressed their views, those views have reached the State convention, the State convention has made an utterance, and that utterance has been respected and carried into effect by the Legislature, and all without an amendment of the Constitution. Certainly, if this has been done in Illinois, it can be done in the other States of the Union, and there is no need of amending the Constitution in order that such methods may be adopted in other States.

But were all these proceedings in the State of Illinois which resulted in the election of the Senator the outburst of popular sentiment? Were they any more the demonstration of a popular demand that the Senator should be elected than has happened in the case of other Senators?

I will read further from the speech of the Senator. He says:

The State committee of the Democratic party of Illinois, in 1890, in connection with a call for a State convention, submitted to the electors attached to that party two propositions to be considered and determined by them in their primary conventions.

So that this grand popular movement did not originate with the people after all. It came from a Democratic State committee; the Democratic State committee machinery was invoked to

produce its effect at the primaries, and having done its work at the primaries, it did its work at the State convention when the Senator was nominated, and after a long contest in the Legislature he was elected.

If we trace the Senator's title back to its genesis, instead of finding it in a special movement of the free people of Illinois, we must locate it at a meeting of the Democratic committee of that State.

Mr. President, I also have no difficulty in discovering the reasons why the Democratic State committee originated this movement. Illinois had been a Republican State for many years; it had been overwhelmingly a Republican State, and it was desired by the Democratic State committee that a candidate should be selected for the Senate in this way, so that if possible the Republican majority in Illinois might be broken down and a Democratic victory accomplished. They naturally sought a candidate who would draw Republican votes, who would be successful in breaking into the Republican lines, and they naturally turned to the distinguished Senator from Illinois. Any Senator who will read his biography in the Congressional Directory will easily discover why the Democratic State committee inaugurated this movement in behalf of the Senator for the high office which he now fills.

The Senator's biography shows that before the war he was an anti-Nebraska Democrat; that he separated from the Democratic party on the slavery issue; that he was a delegate to the national Republican convention in 1856 in Philadelphia; that he was a candidate for Congress in 1859, an antislavery candidate. "The John Brown raid into Virginia occurred during the canvass, and in consequence he was beaten by over 4,000 votes."

Whether the Senator intends thus to indicate that he sympathized with the John Brown raid or not I do not know. I assume that he does not. But the feeling which swept over Illinois after the John Brown raid mowed down not only the men who did sympathize with it, but the men who could by any possibility be suspected of sympathizing with it. At all events down went the Senator as a candidate for Congress. Then the war of the rebellion came on. The biography of the Senator shows the great service which he performed during the war and which does him all honor and credit; and so he came out of the war an antislavery Republican and he was very soon elected governor of Illinois. He was elected governor in 1868.

Mr. PADDOCK. As a Republican?

Mr. CHANDLER. The record does not show whether the Senator was elected as a Republican or as a Democrat.

Mr. PALMER. I will supply the deficiency; I was elected as a Republican.

Mr. CHANDLER. The biography says:

Was elected governor of Illinois in 1868; supported Horace Greeley in 1872, and Samuel J. Tilden in 1876; was one of the Democratic visitors to Louisiana after the Presidential election in 1876; was nominated as a candidate for United States Senator by the Democratic members of the Legislature in January, 1877.

Now we have the Senator fully back into the Democratic party, from which he emerged just before the war, impelled by sentiments of patriotism and devotion to his country. As a Republican he protested against slavery, as a Republican he fought gallantly in the war for the Union, as a Republican he was elected governor of Illinois, and as a patriot, of course we are bound to presume, he rejoined the Democratic party.

Mr. President, the Senator's record as a Republican was distinguished. He was entirely sound on the fifteenth amendment, and whenever this amendment to the Constitution for the election of Senators by the people is adopted, and also an amendment for the election of President and Vice-President by the people, and it is necessary to enact a Federal election law in order that the fifteenth amendment may be obeyed, I am glad to believe that, in view of the message of the Senator which I have in my hand, we shall have his vote therefor. I ask the Secretary to read it as a part of my speech.

The Secretary read as follows:

EXECUTIVE DEPARTMENT, Springfield, Ill., March 5, 1869.

To the honorable Speaker of the Senate:

I have the honor to communicate to both branches of the General Assembly a copy of the resolutions of Congress proposing to the Legislatures of the several States a fifteenth article to the Constitution of the United States.

I deem it unnecessary, while performing this act of official duty, to do more than express my own earnest hope that the General Assembly will at once give voice to the ardent wishes of the people in expressing the concurrence of the State of Illinois in this crowning act of statesmanship.

Illinois owes much of its prosperity and greatness to the ordinance of 1787, which, in addition to the exclusion of slavery from the territory northwest of the Ohio, took its place in history by the side of the Declaration of Independence as the protest of Mr. Jefferson and his contemporary patriots against human slavery; and the State which led in the political contest of 1860, which gave to freedom its first victory, and which was the home and now lovingly shelters in her bosom all that was mortal of the great martyr, will not hesitate a moment to assent to this measure of justice, which closes the greatest and noblest struggle the history of the world has known, and will make "Liberty and Union, one and inseparable, now and forever."

JOHN M. PALMER.

Mr. CHANDLER. Noble sentiments, Mr. President, uttered by a Republican governor with the excellent military record of the Senator from Illinois. I do not wonder that the Democratic State committee—

Mr. PALMER. Mr. President—
The PRESIDING OFFICER (Mr. HARRIS in the chair). (Does the Senator from New Hampshire yield to the Senator from Illinois?)

Mr. CHANDLER. At the end of this sentence. I do not wonder that the Democratic State committee selected the Senator with whom to originate the popular movement which was to convert the State of Illinois from a Republican into a Democratic State.

Mr. PALMER. I wish to state to the Senator that it was not as a Republican governor, but as a man entertaining my own views. I had my own views. I was not the slave of any party. I repudiate all claim to any opinion I have expressed in the course of my lifetime as being the doctrines of any political party. I have thought for myself and have spoken my own words on all occasions during my lifetime.

Mr. CHANDLER. No doubt, Mr. President, and no Republican—I will not undertake to speak for the Democratic party, if my friends on the other side of the Chamber will excuse me—can fail to join heart and soul in the magnificent utterances of the Senator which have just been read from the desk. I regret that the Senator left the Republican party. I am only developing the reasons why this movement, which he describes at such great length in his speech and which brought him to the Senate, was not necessarily a popular movement, but was in fact the movement of the Democratic State committee of Illinois, with whom the Senator himself says the movement originated.

Mr. President, after this shrewd selection by the Democratic State committee of the Senator to be from the beginning of the canvass the leader of the Democratic party, the Democracy did not elect the Senator by a popular vote. They did not even have a majority of the popular vote in the election of Representatives. I have the exact figures. The Senator says, on page 1327 of the RECORD, that "101 members of the Legislature were elected by a plurality of more than 30,000 votes." According to the figures furnished to me, the successful Democratic candidates had 784,183 votes under the system of cumulation of votes which exists in Illinois; the Republican candidates had 762,457, and the Farmers' Alliance had 30,046, making a Democratic plurality of about 22,000 and a Democratic minority of about 8,000 votes, with 101 Democratic members out of 204 in the Legislature.

Mr. PALMER. I hope the Senator will allow me—
The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. CHANDLER. In one moment. One hundred and one is not a majority of 204, and in order to elect a Senator it was necessary to have two more votes. Now I yield to the Senator.

Mr. PALMER. I merely meant to say, as the Senator will do me the justice to see if he looks at my remarks, a plurality of more than 30,000 votes, not a majority of the votes all told.

Mr. CHANDLER. I understand. I said a plurality.
Mr. PALMER. I am quite sure the Senator's figures are not precisely accurate, although I am not prepared at the moment to point out their inaccuracy.

Mr. CHANDLER. Since the Senator made the speech and developed the various reasons which he thought showed that there was a different method of electing Senators in Illinois from that which exists in other States, various figures have been sent me, the accuracy of which I will not vouch for, but one thing is certain, as the Senator will admit, that out of 204 members there were only 101 Democratic members, and in order to elect him Senator it was necessary to have two more. There was a protracted contest in the Legislature, and at the end of the one hundred and fifty-fourth ballot, the Senator was chosen.

Now, how were these two members obtained to vote for the Senator? One Cockrell and one Moore had been elected mainly by Republican votes. During his canvass Cockrell had repeatedly declared on the stump that he would not vote for Palmer or Farwell, and after the Senatorial contest began he constantly asserted that he would not vote for Palmer. Moore repeatedly made the same declaration, but on the one hundred and fifty-fourth ballot they joined the 101 Democrats and the Senator was elected.

Mr. President, I do not propose to enter into any discussion of the question how those two votes were obtained; but I do not consider that the Senator was elected by the free people of the State of Illinois or by a popular vote of the people of the State of Illinois under the circumstances of that fight, when, with 101 Democratic votes, after one hundred and fifty-four ballots he was chosen by the votes of Cockrell and Moore, who had repeatedly declared that under no circumstances would they vote for him.

Mr. MITCHELL. Will the Senator allow me a question?
Mr. CHANDLER. Certainly.

Mr. MITCHELL. Will the Senator please state, if he has the record before him, how many days that controversy continued?

Mr. CHANDLER. In the Legislature?
Mr. MITCHELL. Yes, sir.

Mr. CHANDLER. I think the speech of the Senator from Illinois states it.

Mr. MITCHELL. How long was it?

Mr. CHANDLER. The Senator from Illinois said the Legis-

lature—

between the 21st day of January, 1891, and the 11th of March, voted for the candidate nominated on one hundred and fifty-three ballots, and on the one hundred and fifty-fourth ballot they were joined by two members of the House of Representatives—

Mr. MITCHELL. That is enough for my purpose.

Mr. CHANDLER. That is not enough for mine—

who were favorable to the election of Senators by the direct vote of the people of the several States, and on that ballot a Senator was elected.

The Senator from Illinois seemed to wish to make it out that those two men came over to him because they were in favor of this constitutional amendment which he has now introduced here in the Senate—

Mr. MITCHELL. Will the Senator allow me one other question?

Mr. CHANDLER. Certainly, in a moment. Whereas, I attribute their change to entirely different motives, and the Senator himself omits to say that they were two men who had been pledged to vote against him.

Mr. MITCHELL. Will not the Senator from New Hampshire admit that any system that will lead to such a prolonged controversy in the election of a Senator is an evil that should be remedied and that ought to be remedied?

Mr. CHANDLER. I do not think it is so bad as a system that will stuff ballot boxes or suppress votes.

Mr. PALMER. The Senator from New Hampshire will allow me to interrupt him long enough to say that I do not propose to interrupt him in these statements at this time—

Mr. CHANDLER. I am entirely willing to be interrupted if I make a misstatement.

Mr. PALMER. I will do it at the proper time.

Mr. CHANDLER. Certainly, I expect the Senator will be heard from.

Mr. PASCO. Mr. President—
The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr. CHANDLER. Yes.

Mr. PASCO. I should like to ask the Senator from New Hampshire if it is not a fact that the majority of the representatives and senators chosen at that election were elected as members of the Democratic party, and whether the smaller number of Democrats in the Legislature was not owing to the fact that a large number of Republican Senators held over?

Mr. CHANDLER. I do not know how that is.

Mr. PALMER. That is the fact.

Mr. CHANDLER. The Senator from Illinois states that that is so, and I have no reason to doubt it.

Now, I should not have alluded to these special circumstances connected with the Senator's election—

Mr. PASCO. One question more. My purpose in asking that was to ascertain whether a majority or a plurality of the popular vote was not actually pledged to the Senator from Illinois?

Mr. CHANDLER. A plurality of the popular vote was with the Senator from Illinois. He obtained all the Democratic votes. I do not understand that any Democrat refused to vote for him, as they did for Horace Greeley, because he had been a Republican, and his eminent career as a Republican and his distinguished record as a great soldier in the Union Army brought him Republican votes enough to give him a plurality. I simply call attention to the fact that he did not get a majority and had only 101 votes out of 204, and it was necessary to get two more, and by and by he got them.

Mr. President, I should not have referred to the circumstances under which those votes were obtained, if it had not been for an allusion by the Senator from Illinois to the facts connected with the last election of Gen. John A. Logan to the Senate. I did think when I heard the Senator's speech that he might have left the distinguished general and Senator and nominee for Vice-President from Illinois to rest peacefully in his grave, and his last election as Senator to pass into history without undertaking to put upon it any taint whatever, not even the slightest; and when the Senator took occasion to proclaim to the Senate that Gen. Logan had been elected only by an ingenious trick, it seemed to me that we might well inquire how Gen. Logan was elected, and might, if the Senator chose, inquire how the two lacking votes in his own case were procured by the Democrats of Illinois?

The Democrats of Illinois—

Mr. PALMER. Will the Senator allow me a moment?

Mr. CHANDLER. Began to defeat Gen. Logan—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. CHANDLER. As soon as this sentence is through, certainly.

The Democrats of Illinois began to defeat Gen. Logan at the time when he was last elected by a method which I propose to expose to the Senate.

Mr. PALMER. Will the Senator allow me to say that he has mentioned Gen. Logan's name for the first time during the course of this debate?

Mr. CHANDLER. Yes, sir; but I do not consider an aspersion upon a dead man any the less effective or to be in any better taste because the name is not mentioned. The Senator declared that one of his most distinguished predecessors had been elected by an ingenious trick, and he meant Gen. Logan. If he did not, will he say so?

Mr. PALMER. I certainly meant in that election; yes.

Mr. CHANDLER. And I mention the Senator whose name you did not.

Mr. PALMER. I will say, if the Senator will permit me, that I think Gen. Logan was elected by an ingenious trick, and I think my colleague will bear out the statement.

Mr. CHANDLER. I propose to discuss that question, with the permission of the Senator from Illinois.

The Senator for some purpose drags Gen. Logan's election into this Chamber and declares that he was elected by an ingenious trick. Mr. President, immediately after the election in Illinois in 1884 the returns showed 26 Republicans and 25 Democrats in the senate and in the house 76 Republicans and 77 Democrats. It was apparent that the election of Senator would turn upon one vote. In the sixth Chicago senatorial district Henry W. Lehman was the Republican candidate, and Rudolph Brand was the Democratic candidate. The returns on election night showed that Lehman had 390 majority. On an unofficial canvass of the second precinct the returns showed that Lehman had 420 and Brand had 274. They showed that the Republican Congressman, Adams, had 432 and the Democratic candidate had 255.

To the surprise of everybody when the official returns of the second precinct came in they showed Lehman 220 instead of 420, and Brand 474 instead of 274, and this change elected Brand instead of Lehman. There had been a bold alteration which elected Brand by 10 majority, and this would have given the Democrats a majority of 2 in the Legislature. Governor Hamilton, however, disregarded the fraud and gave the certificate to Lehman, and upon an investigation of this bold attempt of the Democracy of Illinois to defeat Gen. Logan it subsequently appeared that after the election and after the forgery of the returns, to wit, on the 21st of November, the ballot boxes were taken possession of, and in order to back up the fraudulent returns 200 Republican votes were taken out and 200 Democratic votes put in with Brand's name.

These last were printed by Hanscom & Co., after the election, on the order of Joseph Chesterfield Mackin, who, with W. J. Gallagher and Arthur Gleason, county clerk, was convicted of the fraud, and Joseph Chesterfield Mackin was also convicted of perjury and sent to the Joliet penitentiary for five years.

Mr. President, that was the initiation by the Democratic party of the attempt to defeat Gen. Logan. A contest arose at Springfield similar in its length to that which attended the canvass of the present Senator, and during this protracted struggle a Democratic Representative died, and here comes in the ingenious trick to which the Senator alluded. He had been a Democrat from a district supposed to be Democratic, and when the special election took place a Republican was chosen and went to Springfield and elected Gen. Logan as Senator.

Now, the Senator from Illinois has called that an ingenious trick. What is the ingenious trick which he has taken occasion to put upon the records of the Senate in derogation of his famous predecessor? Simply this, that the Republicans kept their own counsels, did not advertise with a brass band what they were about to do, took the pains to get out their votes, and on election day went to the polls and chose their man. Mr. President, if it is an ingenious trick not to communicate to the canvassing committees and the candidates on the other side how many votes you intend to bring to the polls, and not to tell them whether you intend to get out your full vote or not, or whether you intend to give away the election, then the Republicans of this district were exceedingly ingenious. But there was nothing dishonest, there was nothing dishonorable in what they did, and there was nothing to compare to the cold-blooded, deliberate attempt of the Democracy of Illinois to prevent the reelection of Gen. Logan by fraud and forgery and perjury, for which the leading Democrats who engaged in the business were sent to the Joliet penitentiary.

Mr. President, this is the history of the attempt to defeat the election of Gen. Logan. I have alluded at a little more length to the way in which the present Senator from Illinois was elected. With the record of the Democracy in the case of Lehman and Brand in our minds, it would be very easy to imagine what artifices may have been adopted to induce Cockrell and Moore to vote for the present Senator. I make no charges, but I say that the air was at that time, and has been down as late as the published letter of Mr. Edward S. Wilson, chairman of the Democratic State committee, addressed to the Democrats of Illinois, and published in the Chicago Inter Ocean of February 25, 1890, full of rumors which would attribute their action to anything in the world except the desire to obey the wishes of the free people of Illinois.

Under these circumstances it seems to me that the claim of the Senator from Illinois, with which he fills out so large a part of his speech, that he sits here upon a higher pedestal than any of the rest of us, or has a higher, or nobler, or more popular title to the seat which he occupies than the rest of us, may well be dismissed, and I wish the Senator had left it out of his speech. At all events, I regret that he did not leave out his attempt to put an imputation upon Gen. Logan, who left the Democratic party, as the Senator did, went into the Army as a Union soldier, as he did, became a Republican, as he did, and, contrary to the Senator's course, remained with the Republican party, and was nominated as its candidate for Vice-President, and died in the Republican faith.

Mr. PALMER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. CHANDLER. Always.

Mr. PALMER. I ask pardon. I thought the Senator had concluded.

Mr. CHANDLER. No, I am not done yet.

Mr. President, I have nearly finished my reasons why it is not expedient at this time, in my judgment, to submit this constitutional amendment to the Legislatures of the free people of the country for their acceptance or rejection. There is, however, a seventh reason, which is very weighty with me, and which arises from the present condition of the suffrage in the United States. I believe that before we undertake to enlarge the scope of popular elections, and to have more popular elections instead of fewer, it behooves the American people, when they find time to leave their money and their merchandise and their questions of tariff and of free silver, to take up and settle fundamental questions concerning the present condition of the suffrage. Before committing more elections to popular suffrage let us see what we can do to purify the suffrage and to secure honest elections in this country.

Mr. President, I subdivide my suggestions on this point in this way: There is in a very large portion of the country a complete violation of the fifteenth amendment of the Constitution. It is absolutely and totally destroyed in three States of the Union. When a condition of things exists in a State by which not over one-third of its voters can be brought to the polls there is an evil, a defect, a wrong which needs to be remedied before we undertake to extend the sphere of popular elections. I have here the vote given in the seven South Carolina districts at the last Congressional election. It is as follows:

SOUTH CAROLINA.

First district.....	Brawley.....	7,249;	Crum and scattering.....	1,363
Second district.....	Tillman.....	9,956;	Smith and scattering.....	1,689
Third district.....	Johnstone.....	8,942;	Tolbert and scattering.....	1,837
Fourth district.....	Shell.....	10,373;	Ensor and scattering.....	2,230
Fifth district.....	Hemphill.....	9,432;	Alexander and scattering.....	1,396
Sixth district.....	Stackhouse.....	9,022;	Deas and scattering.....	2,431
Seventh district.....	Elliott.....	3,792;	Miller and scattering.....	4,725
Totals.....		58,765		14,731
		14,731		
		73,496		

Population, 1890.....	1,151,149
Number of voters, reckoning 1 to every 5 of population.....	230,229
Number of voters which would be cast if 4 out of 5 voters went to the polls.....	184,184

The total vote was 73,496; the population was 1,151,149, and the ratio by the present apportionment of the inhabitants to each Congressman is 173,901. The number of voters in South Carolina, reckoning 1 to every 5 of the population, would have been 230,229. Estimating the number who would vote if 4 out of 5 voters went to the polls, there should have been cast in South Carolina at this election 184,184 votes, instead of which there was cast only 73,496.

In the seven districts in Mississippi there were 46,535 Democratic votes, and 14,127 opposition votes, making a total of 60,662. The population in 1890 was 1,289,600, the number of voters, reckoning 1 to every 5 of the population, 257,920; the number of votes which would be cast if 4 out of 5 voters went to the polls is

206,340, but only 60,662 went to the polls. The statement in detail is as follows:

MISSISSIPPI.			
First district.....	Allen.....	2,786;	Scattering..... 35
Second district.....	Kyle.....	7,635;	Buchanan..... 3,949
Third district.....	Catchings.....	8,689;	Hill..... 2,767
Fourth district.....	Lewis.....	5,498;	Frazer..... 1,572
Fifth district.....	Beeman.....	6,303;	Scattering..... 8
Sixth district.....	Stockdale.....	9,340;	Griffin..... 3,768
Seventh district.....	Hooker.....	6,284;	Mathews..... 2,028
Totals.....	46,535		14,127
	14,127		
Total vote.....	60,662		

Population, 1890..... 1,289,600
 Number of voters, reckoning 1 to every 5 of population..... 257,920
 Number of votes which would be cast if 4 out of 5 voters went to the polls..... 206,340

I have in my hand an extract from a speech made in the recent Mississippi constitutional convention on the 15th day of September, 1890, by I. T. Montgomery, a colored delegate, who spoke in favor of the plan for a new apportionment. This was what this subdued colored Republican of Mississippi, who had managed in some way to get into that constitutional convention by the grace of God or of the Democratic party of that State, said:

The population of Mississippi is, negroes, 949,424; whites, 594,453; total, 1,543,877.
 Black voters..... 189,884
 White voters..... 118,890

Black majority..... 70,994

I now read from his speech:

This bill will affect the voting population of the State as follows:

Present voters—white..... 118,890
 This bill will restrict..... 11,889

And leave a net white vote of..... 107,001

Present voters—negroes..... 189,884
 This bill will restrict..... 123,334

And leave a net negro vote of..... 66,550
 Giving a white majority of..... 40,551

In a State where there is a black majority of 70,994.

I read further from Mr. Montgomery, this distinguished colored Republican who had been kindly admitted to the society of the whites who held this convention:

As a further precaution to secure unquestioned white supremacy, the committee—

I think he was on the committee that did this—

have fixed an arbitrary apportionment of the State, which fixes the legislative branch of the government at 130 members and the senatorial branch at 45 members.

Of the members of the house there are from white constituencies 72 members; from black constituencies 58 members; leaving the majority of white constituencies 14.

Of the senatorial branch there are from white constituencies 24, and from black constituencies 21.

Mr. Montgomery further says:

I have stood by, consenting and assisting in striking down the rights and liberties of 123,000 freemen.

That is the condition of the suffrage in the State of Mississippi, and whether the people of Mississippi, black and white, are dying for the opportunity of reflecting by the people the able Senators who now represent that State upon this floor this deponent saith not.

The condition in Louisiana is as bad:

LOUISIANA.			
First district.....	Meyer.....	10,834;	Warmoth and scattering... 6,291
Second district.....	Lagan.....	10,948;	Coleman and scattering.... 6,838
Third district.....	Price.....	11,318;	Beattie and scattering..... 65
Fourth district.....	Blanchard.....	8,307;	Gince and scattering..... 324
Fifth district.....	Boatner.....	11,993;	Green and scattering..... 935
Sixth district.....	Robertson.....	6,611;	Scattering..... 5
Totals.....	60,001		14,458
	14,458		
	74,459		

Population, 1890..... 1,118,587
 Number of voters, reckoning 1 to every 5 of population..... 223,717
 Number of votes which would be cast if 4 out of 5 voters went to the polls..... 178,972

Here we are, Mr. President, considering this grand panacea for some assumed popular evil or popular grievance to be remedied by allowing the people to vote directly for United States Senators, having before us this condition of the suffrage in three States, and with the virtual disobedience and destruction of the fifteenth amendment of the Constitution, which the Senator from Illinois glorified in such lofty and eloquent language when he had the honor to be a Republican governor of the State of Illinois.

Mr. President, the condition of suffrage is also lamentable on

account of the illiteracy of the voters in many of the States of the Union. I will not enlarge upon this point if the Senate will kindly allow me to insert in my speech this extract from the remarks of my late colleague, Senator Blair. Senators can see that it is not the whole of his speech:

Table showing the condition of the suffrage, or the number of illiterate voters, in certain States at the time of the last census.

States.	Total number of males of 21 years of age and upward.	Number of males of 21 years of age and upward who can not write.		
		White.	Colored.	Total.
Alabama.....	259,884	24,450	96,408	120,858
Arkansas.....	182,977	21,349	34,300	55,649
Delaware.....	88,398	2,955	3,787	6,742
Florida.....	61,699	4,706	19,110	23,816
Georgia.....	321,438	28,571	116,516	145,087
Kentucky.....	376,287	54,956	43,177	98,133
Louisiana.....	216,787	17,377	86,555	103,932
Maryland.....	232,106	15,152	30,873	46,025
Mississippi.....	238,532	12,473	99,068	111,541
Missouri.....	541,307	40,655	19,028	59,683
North Carolina.....	294,740	44,420	80,282	124,702
South Carolina.....	205,789	13,924	93,010	106,934
Tennessee.....	330,365	46,948	58,601	105,549
Texas.....	380,476	33,085	50,699	83,784
Virginia.....	334,505	31,447	100,210	131,657
West Virginia.....	139,161	19,655	3,830	22,485
Total.....	4,154,125	410,550	944,424	1,354,974

Of the above illiterates 60.7 per cent are colored and 39.3 per cent are whites. In ten of the above-named States more than 30 per cent of the voters are illiterate.

In six of them the illiterates are about 50 per cent.

In South Carolina 52 per cent are illiterate.

The State of Alabama has 120,858 illiterate voters. Its popular vote in 1880 was 151,507.

The State of Georgia has 145,087 illiterate voters. Its popular vote in 1880 was 155,651.

The State of Mississippi has 111,541 illiterate voters. Its popular vote in 1880 was 117,078.

The State of Louisiana has 102,932 illiterate voters. Its popular vote in 1880 was 97,201.

While it is true that in many of the States not one-half of those entitled to vote actually did so, yet the wonderful nearness of the number of illiterates to the number of those who exercised the right of suffrage is startling.

The truism that no government which rests upon universal suffrage can long continue unless the suffrage is intelligent, in the light of the above facts presses itself upon our attention with renewed force. The words of James Madison, uttered in 1836, are a present warning: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or both." Nearly half a million of the white and almost a million of the colored voters in the South can not read the ballots which they cast. But thirteen years have elapsed since the latter class was given the ballot. At that time all of them were grossly ignorant not only of letters, but also absolutely devoid of all knowledge of the rights and obligations of citizenship. During the last ten years the number of illiterates in the country has increased about 400,000, though the percentage of illiteracy to the whole population has decreased nearly 2 per cent. It would, however, take forty years to dispel this illiteracy at this rate of diminution.

The percentage of illiterate white males over 21 years of age by the census of 1880 is 7.8, and of colored the rate is 68.7. There is no perceptible change in this percentage for the better, judging from the fact that the illiterate population increased, according to a statement of the Commissioner of Education, between the years 1870 and 1880, 581,814 persons. We would then have at the present time an illiterate white voting population of 852,665, doubtless a million at the present time; illiterate colored voters, 1,016,580, probably not far from 1,100,000 as the total of illiterates, and making an illiterate vote at the present day of not less than 2,000,000 in this country. At the time this calculation was made it was 1,869,245. Generally the number is placed at more than 2,000,000. Such estimates can never be more than approximately correct, but they are in my belief practically greatly understated, because the technical qualification of being able to write one's name, however crudely, is very slight evidence of capacity to comprehend political issues or to discriminate intelligently between candidates for public positions.

This observation derives special significance when it is still further considered that the enumeration must of necessity rely generally as to the possession of even this qualification upon the verbal statement of the party concerned, who is not likely to make an unpleasant admission of incapacity against himself.

I do not believe that more than two-thirds, or at the most three-fourths, of the voting population of this country is to-day in possession of a degree of proficiency in the arts of reading and writing that qualifies them, through the use of those arts, to exercise the right of suffrage more intelligently than do those totally illiterate. The school education of great multitudes is nominal, not real.

This illiteracy of the suffrage is an evil to be remedied before we undertake to enlarge the scope of popular elections.

Thirdly, Mr. President, the condition of suffrage is lamentable on account of the situation in our great cities. Not only is the black vote suppressed throughout the South, not only is there an enormous illiterate vote at the South and elsewhere, but in the great cities of the Union there is a degradation of the suffrage so astounding that it may truthfully and justly be said that municipal government by the people is a failure, and that there is no republican government in the great cities of the country.

There is an immense vote cast by the ignorant, by the degraded, by the criminal classes in New York City, and there is coming into this country an enormous influx of foreigners unable to read and write, inferior in every way, incapable of appreciating our institutions and of casting an intelligent ballot. These

newcomers, as soon as they reach our soil are, as I have had the opportunity to say elsewhere, made voters, without regard to the prohibitions of our naturalization laws.

All the male immigrants who remain in New York City become voters without regard to the prohibitions of our naturalization laws whenever a great political party determines to bring them to the polls.

In New York City during October, 1891, and before the November election, about seven thousand naturalization papers were issued, nearly all by one judge, who examined each applicant and his witnesses to his satisfaction, and signed his orders at the rate of two per minute and as many as six hundred and eighteen in one day. There were many classes of frauds committed.

Papers were issued where the aliens named in them had not been in the country five years; where there should have been preliminary declarations, but no proof of such was required; where there had been such declarations, but final papers were issued without their production, on the false assumption that the applicants had arrived under the age of 18; where witnesses were recorded as testifying to the five years' residence, when they had known the applicant only a few hours, the witnesses being professional perjurers, each swearing in hundreds of such cases; where the applicants were not sworn to make true answers when under examination; where a clerk of a court, on orders signed by the judge, gave out full naturalization papers without the appearance in court of any applicants or any witnesses; where the minutes showed that subjects of Great Britain renounced their allegiance to the Emperor of Germany; where, upon names being handed outside the court to persons engaged in making fraudulent naturalizations, papers for those names were brought back on orders signed by the judge either without any evidence or upon evidence wholly fictitious; and where the face of the papers showed to the judge that preliminary declarations had been made less than two years before he signed the orders for naturalization—in some cases less than four months before! If it is difficult to credit the foregoing assertions, a few irrefragable cases may tend to induce belief.

Mr. President, this is the shocking condition of the suffrage in America, and instead of undertaking to restore it to purity and integrity, the Senators who have submitted these constitutional amendments and have made such lengthy speeches in their behalf, are gravely proposing that we shall at once as the present duty enlarge the sphere of popular elections and make the first important amendment of the Constitution of the United States in a hundred years, when, as I again say, there is no popular demand for such a change and when there is absolutely no grievance to be removed.

Mr. PALMER. Mr. President—

Mr. DOLPH. Will the Senator yield to me to introduce a bill?

Mr. PALMER. Certainly.

ADDITIONAL BILL INTRODUCED.

Mr. DOLPH. I introduce a bill (S. 2899) to provide for the classification and disposition of the public lands, the protection and administration of the public forest reservations, and for other purposes.

This is a bill which undertakes to provide a general system for the survey and classification of all the public lands, the disposition of timber lands, and making some amendments of the law in regard to forest reservations. I ask that it may be read twice, and referred to the Committee on Public Lands.

The bill was read twice by its title, and referred to the Committee on Public Lands.

Mr. PADDOCK. Will the Senator from Illinois yield to me to present some morning business?

Mr. PALMER. I will.

Mr. HALE. I call for the regular order. When a Senator has risen to reply upon an important subject-matter, which has just been considered by the Senate, it is not, in my judgment, a fitting thing for him to be interrupted or taken off his feet for morning business, which ought to be introduced at the time when the Senate devotes itself to morning business. I call for the regular order.

The PRESIDING OFFICER. The regular order being called for, the Senator from Illinois [Mr. PALMER] is recognized.

Mr. DOLPH. I ask what is the regular order?

The PRESIDING OFFICER. The Senator from Illinois is recognized by the Chair as entitled to the floor.

Mr. DOLPH. I want to state to the Chair that I think the Calendar is in order by unanimous agreement. I disagree with the Senator from Maine.

Mr. PALMER. I do not wish to occupy the attention of the Senate beyond a very short time.

Mr. PADDOCK. Mr. President, in answer to the rebuke administered by the Senator from Maine [Mr. HALE], I desire to say that the Senator from Illinois [Mr. PALMER] himself had anticipated my desire. The Senator from Illinois indicated to me by bowing his consent when I expressed a wish to be heard.

Mr. PALMER. That is correct.

Mr. PADDOCK. I wished to present a little morning business. I do not now, however, propose to do it.

ELECTION OF SENATORS BY THE PEOPLE.

The Senate resumed the consideration of the joint resolution (S. R. 37) proposing an amendment to the Constitution of the United States relating to the election of Senators by the people.

Mr. PALMER. I wish merely to say, sir, in a very few minutes,

that so far as the Senator from New Hampshire [Mr. CHANDLER] arraigns me for an attack upon the memory of Gen. Logan, I think he himself has been the first, and the only person until he did so, to mention Gen. Logan's name at all.

That which I characterized as a trick has been so regarded in Illinois, and laughed at and condemned in Illinois, and I think now there is a dispute as to who deserves the credit of the trick in the neighborhood where my colleague and I live.

The fact is that the Twenty-fourth district, I believe it is, of Illinois is very largely Democratic. A Democratic representative named Shaw died, and a special election was ordered. Judge Leiper, of Cass County, was nominated by the Democrats to supply the vacancy. The Republican managers made an arrangement by which a man named Weaver, who was an insurance agent and who traveled over the district as if he were engaged in his ordinary business, was to run as a candidate. His name was not mentioned otherwise than confidentially, but his supporters turned out in the afternoon of the day, as I recollect the story, and the ballots were deposited, and he was elected. I think Leiper got 200 votes, perhaps, in a district of several thousand, and Weaver got three or four hundred. He traveled the district ostensibly engaged in his business as an insurance agent.

I characterized that as an ingenious trick, and I think I was justified in doing so. That vote determined the majority that elected one of my most distinguished predecessors.

Mr. CHANDLER. Did the Senator mean Gen. Logan when he said that?

Mr. PALMER. I did not mention any name, but I knew Gen. Logan was the Senator elected.

Mr. CHANDLER. You knew it was Gen. Logan's case?

Mr. PALMER. I did, but I never imagined that there was any malice about it, nor do I suppose now, as it was a public matter, that it is a thing about which I ought to be silent. It was illustrative of the mischief of electing United States Senators by the votes of members of the Legislature. It was a trick, understood to be a trick, laughed at by the Republicans as a trick, and denounced by the Democrats as a trick.

Mr. CHANDLER. It was a popular election.

Mr. PALMER. A popular election, but a trick nevertheless.

Mr. CHANDLER. It was not a trick in the Legislature.

Mr. GRAY. Allow me to ask the Senator from Illinois if the insurance agent to whom he has referred as having been elected as a Republican representative was regularly nominated by the Republican party?

Mr. PALMER. By no means. It was not suspected by the Democrats until after it was discovered late in the afternoon of election day that the Republicans were voting at all. [Laughter.] Their insurance agent had gone around the district making his arrangements and the Republicans turned out to vote in the evening. It was a revelation to the Democrats. They had been beaten without knowing that they were opposed. That is the fact. If my friend can find in my reference to that any evidence of malice toward Gen. Logan or any evidence to depreciate his memory, the suggestion is supplied by his own mind and not by mine nor by those who heard me.

Mr. President, the Senator from New Hampshire has very kindly referred to some facts in my own political history. I suppose there is no man in the State of Illinois whose public life has been more open than mine, and I suppose there is no man in Illinois who has been supposed to act more according to his own will—I was about to say his own convictions—who has acted according to his own will more conspicuously than I have.

The Senator is mistaken in one fact. Gen. Logan was never an antislavery Democrat. I was. Gen. Logan went into the Army in 1861, some time after I did. Gen. Logan had his own motives for doing so. I am not called upon to characterize them, and I certainly do not characterize them in any offensive way. He acted according to the convictions of his own conscience and his own sense of duty; but he was never an antislavery Democrat. I was from the beginning. I think I inherited that feeling. My father voted for Thomas Jefferson in 1804, I think it was, and I had been trained in that faith, hostile to slavery. I do not think I ever in my life, while slavery was an existing institution, suppressed an expression of my opposition to slavery.

When the war broke out I entered the Army early, went into the Army on the 9th day of May, 1861, as the colonel of a regiment, elected by the votes of my neighbors and those who knew me. I served in the Army as brigadier-general and major-general of volunteers. I did so from a sense of duty.

After the war was over I was elected governor of Illinois upon the basis and upon the theory of standing by the public faith, paying the debt incurred by the war in gold. I was in favor of such legislation and amendment of the Constitution as would secure the results of the war. I was open and outspoken, and I have taken nothing back yet.

In 1872, after the Republican party had adopted all the heresies of the old Whig party, I refused to go with it. In 1860, when the Republican party was organized, it was not a protective-tariff party, and Mr. Blaine says in his most admirable book that the protectionists came into the war for the sake of protection—in substance, without any feeling, without any sympathy with the antislavery party; and when the Republican party adopted all the fallacies of the Whig party I separated myself from it, and voted for Mr. Greeley upon the principle—a very ludicrous principle now—that the subject of the tariff should be referred to the people of the respective Congressional districts.

Mr. HOAR. On the ground that Mr. Greeley was not a protectionist?

Mr. PALMER. No; I did it upon the ground I have just stated, that the question of protection was distinctly referred to the people of the several Congressional districts. I voted for Mr. Greeley because he was an honest man; I voted for Mr. Greeley because he was a man of generous heart and impulses. After the war was over he was for the return of peace and peaceful methods. There was none of that vengeance in his heart that has characterized so many of the Republican Senators.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. PALMER. With great pleasure.

Mr. HOAR. As he is alluding to something which all of us had an interest in in our humble way, I ask what quality of Horace Greeley was not possessed by Ulysses S. Grant which determined the Senator to vote for Mr. Greeley in preference to Gen. Grant?

Mr. PALMER. Because Ulysses S. Grant had around him, as is well known, a class of dishonest men who were wasting the public Treasury and demoralizing public affairs.

Mr. HOAR. Did not Mr. Greeley have around him a class of men who had endeavored to overthrow the country itself?

Mr. PALMER. I expect he had. I have never seen a good man who had not some rascals around him. Perhaps I am an exception to the rule myself.

Mr. President, I am anxious to relieve my friend the Senator from New Hampshire of any difficulty in tracing me. I say that I was an antislavery man. I say that I left the Republican party when the Republican party left its own principles and became a tariff and protection party, and sought under the guise of the services that party had rendered the country in the war to cover up the wondrous steal of the protective tariff.

Those were the views that controlled me, and I was controlled by other considerations of the same character. I was opposed to the theories of the Republican party as to the powers of the Government. I am a State's rights man, essentially a radical. I believe that this is a Union of independent States, the Union to last forever, and that the effect of the war was not, as is held by some, to overthrow the Constitution but to perfect it. I felt that the war gave no new powers to the Government; on the contrary, that the war simply restored the Constitution, maintained the Union, and that all its limitations, all that was the Constitution before the war remained the Constitution after the war except so far as it was amended by express provisions.

Those were my theories; and I trust that in the discussion of this interesting question I make all the admissions that can be demanded of me, so that if this matter shall be discussed again, it shall not be deemed a proper argument against this proposed amendment of the Constitution that I favored the fifteenth amendment.

I think furthermore that this great question does not depend upon the fact to which the Senator from New Hampshire refers, that our suffrage is not perfect. The same men whom he characterizes as unfit for the right of suffrage in the large cities vote for members of the State Legislatures. The same class of men to which he refers who should be excluded from suffrage in the cities elect members of the Legislature.

As to the pertinency of the Senator's argument he seems to have taken this as the text upon which to ring criticisms upon these various abuses. The Senator reminds me of a good old Baptist preacher I once knew. He said (and it does not seem either exactly to have been in harmony with the Baptist creed) that he could preach against slavery and drinking whisky from any text in the Bible. The Senator from New Hampshire seems to be able to preach in regard to certain matters from a text upon any subject whatever.

The contest in Illinois, and I may be pardoned for speaking of personal matters, is exactly as the Senator describes it. It is exactly as he stated it to be, with this difference: There were 204 members of the Illinois Legislature; there were in three districts that I carried Republican holdovers; the Republicans had nine or ten or more holdover senators, men who were elected in 1888. The senator from the Peoria district—and my colleague may verify the truth of my statement—the senator

from the Hancock district, and the Senator from the Coles district, were elected in 1888. In 1890 I carried those three senatorial districts, so that if those senators had voted according to the instructions or advice of their constituents I should have had 104 votes on the first ballot.

I was once elected to the State senate of Illinois as an anti-Nebraska Democrat. I was elected in November, 1854. In 1856 I made up my mind that I could not act with the Democratic party. I had then two years of my term yet to serve. Under the belief that it was the duty of the representative to obey or act according to the opinions of his constituents I resigned my seat in the State senate. I said, "Having been elected as an anti-Nebraska Democrat, and feeling it to be my duty to take part in the organization of the Republican party in the State, I resign my seat, that you may elect some person who will more faithfully represent your views."

That is my theory of a representative government. If that principle had been adhered to by the three Republican senators in the districts I have named I should have had 104 votes on the first ballot. It was not done. Without going into the figures, I will state that I carried the State of Illinois by a plurality.

I simply mention this to illustrate the principle of the election of Senators by the people. I do not doubt that my State has always furnished distinguished men here, and will do so, whether the Senators are chosen by the Legislature or by the people. I am proud of the men. I am proud of Breese; I am proud of Trumbull; I am proud of Logan; and I have the most profound respect for my colleague, who was elected by another mode; but that does not affect the substantial theory.

Does the Senator prefer elections by the Legislature because that Legislature speaks the will of the people? If so, can not the people speak their own will more directly? Does the Senator prefer an election by the Legislature because it does not speak the will of the people? Then I oppose his doctrine. I maintain that Senators are or ought to be representatives of the people. I have none of the fears of popular excesses. The evil that you can trace directly to the popular influence upon the Government is nothing as compared with the evil that can be found where the popular will and the popular interest have been disregarded.

Mr. President, I ask pardon of the Senate for occupying even this much time. I want to say again to the Senator from New Hampshire that it will afford me the greatest pleasure at any time to furnish to him, or to any other gentleman, my opinions and not mere narratives of my public life, because I have spoken in daylight. I have spoken to the people I presume from a thousand platforms in Illinois. I have not an opinion that needs to be proven. I have never uttered an expression that could not be proven by applying to me for information on the subject, and it affords me a certain degree of satisfaction.

The Senator says I was a Republican governor. Mr. President, I helped make the Republican party. I was the president of the first Republican State convention that ever sat in Illinois. While the Republican party was being devoted to the uses for which it was made, the country has furnished no grander or nobler party. It was only after it fell into the hands of men who have controlled it for the advancement of their own private interests that it has become the foe to the country that it is now. When the war was over I was for Horace Greeley, because Horace Greeley felt that the war being over peace should prevail. I have never sympathized with the men who have sought to keep up a struggle.

Mr. CHANDLER. If the Senator will allow, he must have made this discovery about the Republican party some time between 1868, when he was elected as a Republican governor, and 1872, when he supported Horace Greeley. Can he state the point of time when he discovered that the Republican party had become thus perverted from its original and noble uses?

Mr. PALMER. I will not undertake to specify the exact point of time, because mental processes are not produced by single events. I do not know that I could say definitely. If the Senator from New Hampshire will give me the date of many of the public acts of the Republican party I shall be able to refer to those dates at least with what the lawyers call reasonable certainty.

I ask pardon, Mr. President, for going into this matter. As a lawyer I have been accustomed to confine my attention to the particular subject before the court, or wherever I may be. I have never found it profitable to suffer myself to be misled from the main point, and I have spoken rather under the impulse of feeling now than from any conviction that I was contributing much to the proper results of this debate.

I will simply remark in conclusion that I have listened to the Senator from New Hampshire with great care; I have observed every point he has made, and I must say that he has no doubt made the very best of all the material that existed for opposi-

tion to this scheme of reform, and if the committee, of which the Senator from Oregon [Mr. MITCHELL] is a member, will make a report, I trust then the Senate will hear me at such length as the subject may demand.

Mr. CULLOM. Mr. President—

The PRESIDING OFFICER. Under the unanimous agreement the Senate will proceed to the consideration of the Calendar under Rule VIII.

Mr. MITCHELL. Will the Senator have his amendment referred?

Mr. CHANDLER. The joint resolution will be referred to the Committee on Privileges and Elections.

Mr. MITCHELL. I hope the Senator from Illinois will permit the joint resolution to be referred to the committee.

Mr. PALMER. The Senator from Oregon asks me to allow the proposed amendment to the Constitution to be referred to the committee. I hope the motion will be made by one of the gentlemen who—

Mr. CHANDLER. I ask that the joint resolution be referred to the Committee on Privileges and Elections.

Mr. PALMER. That is right.

The PRESIDING OFFICER. If there be no objection, the joint resolution and the proposed amendments will be referred to the Committee on Privileges and Elections. The Senator from Illinois [Mr. CULLOM] is recognized.

Mr. CULLOM. Mr. President I do not care to take up the time of the Senate on this side-show debate except to say a word.

To begin with, this general question which has been discussed to-day and which has been discussed by my colleague heretofore, has been before one branch or the other of Congress, if not both, for a good many years, and it is not a new question in this body. I will not, however, take any time in discussing that subject to-day. I simply desire to say a word in reference to what has been said by the Senator from New Hampshire [Mr. CHANDLER] as well as by my colleague the Senator from Illinois [Mr. PALMER], and that is with reference to the election of a member of the house of representatives of our State Legislature from the Thirty-fourth district in our State, which I suppose may be understood to have turned the scale and reflected Gen. Logan to the United States Senate.

I did not happen to be in the Senate at the time when that occurred. I remember it distinctly, because I remember a dispatch that I received. I was in New York, with the committee of which I am chairman, when Gen. Logan was elected. I received a dispatch from him on the evening of the 19th of May, with the simple words, "I am elected."

Everybody, I think, agrees that the election of Mr. Weaver secured Gen. Logan's election. Let me say a word in reference to Mr. Weaver. Mr. Weaver, while he was an insurance man, as I remember it, and it was no discredit to him to be one, was a very excellent gentleman. In the first place, he was a very excellent soldier in the late war. While I do not know the fact, my impression is that there was no public nomination of this man for the office, and I do not know that there was anybody nominated on the other side, though I do not remember about that.

Mr. PALMER. Capt. Leeper.

Mr. CULLOM. I know the other side voted for Capt. Leeper, but whether he was nominated in a formal way I do not know.

Mr. PALMER. He was a public candidate.

Mr. CULLOM. Suffice it to say that Mr. Weaver was elected. It probably was true, as the Senator from New Hampshire has said, that there was no public demonstration of his candidacy, and I could not say whether there was any demonstration at all except by the people who went to the polls and voted. Whether anybody knew that there was any contest in the district until the polls were closed is more than I know, because I was not in the State. But there was no fraud in the sense of undertaking to control anybody in the exercise of the elective franchise.

I expect the truth is that those who desired Gen. Logan's election and those who belonged to the Republican party and those who desired Mr. Weaver's election to the Legislature, because they were anxious that Gen. Logan should be elected, did quietly go the polls and vote for Mr. Weaver, and it turned out at the close that he had received a majority of the votes cast. How many were cast I remember nothing about; but I certainly think whatever characterization might be made upon that means of securing an election or holding an election, whether it might be called a trick or what not, it certainly was a peaceable performance on the part of the people who went and voted for Mr. Weaver and secured his election without any coercion or attempt to prevent anybody from voting.

Mr. PALMER. Nothing was ever more peaceable.

Mr. CULLOM. Nothing was ever more peaceable, I think, but it resulted in Gen. Logan's election, honest, so far as I know, open-handed, and Mr. Weaver got a majority of the votes cast.

That is all I have to say about that. Whether Gen. Logan knew anything about the election I do not know, but I do know that in all the conduct of that long controversy, beginning about the middle of January and ending on the 19th of May, I never heard anybody insinuate on either side that there was any corruption attempted on the part of anybody in connection with that contest, either in the Legislature or out, so far as the two candidates were concerned.

The Senator from New Hampshire has referred to the famous Lehman-Brand case in our State, which was a contest, and substantially he stated the facts as they occurred, except that my recollection is, and my colleague perhaps will bear me out in it, that Mr. Mackie was not convicted in the United States court but in the State court; and he was convicted on an indictment for perjury in connection with the stuffing of ballot boxes or something of that sort, which resulted in the count apparently in favor of Brand, while it was perfectly evident and proven that Mr. Lehman was elected, and the governor gave him the certificate and he was seated as a member.

Now, Mr. President, my colleague and I are getting along very well as friends in this body. We have known each other very many years. I am not disposed to have any personal controversy with my colleague, certainly not in any offensive way; but I must be allowed to say that on the question of charging the Republican party with corruption and doing bad things and all that my colleague seems to me extravagant in his declarations.

I say this for this reason, Mr. President. My colleague was a Republican, and a very good one, from the time he joined the Republican party as an antislavery Democrat, dating back to 1854, I think, as he states. He was a consistent Republican from that time on up to about the time of the famous Greeley campaign.

My colleague says to-day that he left the party because of the things that he repeated, and it seems to be mainly the tariff legislation that drove him out of the party. Now, the tariff legislation was just as strong while he was in it as it has been since. The famous Morrill tariff act was in force from 1861 or 1862, I think.

Mr. HOAR. In December, 1860, it was passed.

Mr. CULLOM. Yes. So we had the tariff all the way along from that time up to the Greeley campaign, and ever since, and a pretty strong one. I confess myself that sometimes I think the tariff is a little too high in some respects; but the policy of the Republican party always was in favor of protection not only from the beginning of the war, but from the beginning of the party's existence, I may say, and the Whig party before it, back to the beginning of the Government itself. So far as the tariff is concerned, while it may be characterized by my colleague in any terms that he sees proper, because it is the common way of attacking it, yet everybody knows that the Republican party was always in favor of a tariff.

I am free to say that the Republican party does believe in many things that the Whig party believed in. We believe in a tariff and so did the Whig party. We believe in internal improvements and so did the Whig party, and so do our Democratic friends now, I think, pretty generally. They are in favor of the river and harbor bills as much as any of us. They did not used to be so much in favor of the river and harbor bills as they are to-day, but substantially the whole country is agreed upon the general policy of internal improvements in the interest of the great business and commerce of the country.

While I shall not discuss with my colleague whether a protective tariff is right or wrong to-day, because we shall have that before us at some future time, I do think that the remarks of my colleague that it is the breeder of all the corruption that exists in this country is a declaration which ought not to be made before the Senate or anywhere else. That is all I want to say on that point.

Now, in reference to my colleague's election. I believe my colleague intimated that he was elected on a little different basis from what I was. That is true in so far as a State convention nominating him was concerned, and a State convention not nominating me; but I am inclined to believe, if we are going to compare notes here to-day, that probably my last election was perhaps much more unanimous than was his, because the Legislature, without any effort on my part, reflected me, and it did not depend upon any votes that were uncertain when the Legislature convened. But that is all I desire to say about that.

Whether my colleague got the majority of the popular vote cast in the State I have not the figures here to show whether his statement is true or not. I am not sure about it. It so happens that I was not in the State when that contest was going on, but I remember that the Republican newspapers of the State were very decided in taking the position that my colleague did not get a majority of the popular vote of the State.

I simply desire to say with reference to the three men who were

elected as Independents or Farmers' Alliance men, Mr. Tauberneck and Mr. Moore and Mr. Cockrell, that my recollection is that two of these men, Tauberneck and Cockrell, were elected on positive pledges by in part Republican votes, on the pledge that they would not support my colleague for the United States Senate, and finally that they would not support Governor Oglesby or anybody else on the Republican side nor Governor Palmer or anybody on the Democratic side, who were party men. My impression is that on an examination of the vote as filed in the office of the secretary of state it would be a question whether my colleague got a majority of the votes cast at that election. He was elected to the Senate by the Legislature, elected by 101 Democrats and 2, I believe, of the 3 Independents. I think that was true, was it not?

Mr. PALMER. Two out of three.

Mr. CULLOM. So that he is here by a certificate from the governor, just as the rest of us are.

Now, Mr. President, so far as regards the main question, if there is to be a discussion upon that hereafter I may have something to say. I will say now, so far as I am concerned, that I am not afraid of submitting any question to the great body of the people whether it is the election of a Senator or the election of a President.

Mr. PALMER. Mr. President, I will only consume a moment. I am exceedingly obliged to my colleague for the cheerful testimony he bears to the fact that I was one of the early Republicans of Illinois. My colleague has the best possible means of knowing, because he was not one at that time. My colleague in 1856, I believe, was an elector for Fillmore and received about 37,000 votes as a Fillmore candidate for elector in the State of Illinois. My colleague at that time did not regard the Republican party as being a protection party. He had been an old Whig and, if he had been a Republican, I take it he would have united with the party in 1856. He did not.

The Senator from New Hampshire kindly asked me at what particular time I made up my mind that the Republican party was not a good party to act with. Some time between 1856 and 1860, giving my colleague four years, he discovered that the Know-Nothing party, the American party, the Fillmore party, was not a good party to act with, and joined the Republican party. I suppose it is not much worth while to go back so far into the history of public men and trace them up, for I do not know just who could stand the test. I only know so far as I am concerned that I have always supposed I understood where I was at each particular election. I will say in conclusion that I have never kept anybody in doubt at any moment of my life, if he thought enough about it to ask me, where I stood politically.

My colleague has kindly hinted and said something about the Republican party always being a protection party. When that discussion is in order, I think I shall show him that the portion of the party to which I was attached never was a protection party, and I shall rely upon testimony of that very good historian, Mr. Blaine, who says that hundreds of men supported Mr. Lincoln in 1860 without thinking of the tariff at all. I am sure I was one. I am sure I favored the war tariff. I was in the Army. It was not my business to look after the revenue. I had helped to elect Mr. Lincoln and I had the utmost confidence in his patriotism. I understood from the newspapers that reached me sometimes that the Republicans had adopted a war tariff. If it had been twice as much and would have brought twice as much money I would have favored it.

I heard of the issue of the greenbacks and other matters of that kind. They were to me matters of no consequence. I was ready to give the last man and the last dollar to put down what we termed the rebellion. I was in favor of paying the last dollar of the war debt in gold, because we had told the country that we would do so. I trust it will not be necessary for anybody to prove where I was for a number of years. I favored all the constitutional amendments. I will state in addition, so that there may be no trouble hereafter, that I wrote the message which my friend has read, and I thank him for doing so. It reads well, and I will say if he as proud of every act in his life as I am of that he has a right to be proud. I did it because it was right; I did it because I favored it. I spoke clearly. He says I spoke eloquently. I suppose it was because I felt ever word that I uttered. If any confession of faith can be more complete than mine, gentlemen can make it themselves.

Mr. STEWART. I should like to ask the Senator from Illinois who told the country we would pay in gold?

Mr. PALMER. I did, and so did every other patriotic man in the country at that time. We told the foreigners, "Let us have your money." We said, "We shall pay you back in coin."

Mr. STEWART. But we did not put that in the law.

Mr. PALMER. No, I presume we did not say "gold." The Senator is right.

Mr. CULLOM. Mr. President, I simply want to say one word in response to the suggestion of my colleague. My colleague re-

fers to the time when I got to be a Republican, and says that he was in ahead of me. I want to give my colleague credit for the fact that he was an antislavery man away back in 1854, and I do not know but before that time. I certainly know that he was then and from that time forward; but I want to say to him that I was elected to the Legislature in 1856 by the Republican and so-called Fillmore votes both, and tried very hard to elect a Republican speaker of the house but failed because somebody left the Republicans and gave one majority to the Democrats.

Mr. PALMER. I thought my colleague was himself elected speaker at that time.

Mr. CULLOM. No, not in 1856; in 1860. So after all I am inclined to think I have been as good a Republican as my colleague, and I have been a good deal better one since 1872.

Mr. DAWES. I should like to make an inquiry of one of the Senators from Illinois.

Mr. HAWLEY. We are getting well acquainted with the Senators from Illinois, and I am very glad to hear it; I enjoy it as far as we have gone, but I really do not think what they were some fifteen or twenty years ago is so extraordinarily important now. I call to their attention the example of Gen. Jack Logan, who was undoubtedly a very intense Democrat before the war, and I am sorry our friends did not give him more hearty credit for his Jacksonian patriotism. He put everything away and went into the struggle with all his extraordinary vigor of personality and eloquence; and when somebody called upon him one day on the stump, asking him whether he had not said this or that, referring to some extreme Democratic doctrine, a little while before, he said, "Yes, I was as big a fool then as you are now." [Laughter.] I suggest that we now go to that Calendar many of us have been longing for for a fortnight.

Mr. DAWES. Will the Senator allow me to get a little information from one or the other of the two Senators from Illinois. I should like to know from one or the other of them what was the trouble with Mr. Lincoln in his election for Senator at the time Lyman Trumbull was elected?

Mr. PALMER. I can tell you. He was not a Democrat.

Mr. DAWES. I have some faint recollection of somebody who could not vote for him for Senator at that time.

Mr. PALMER. I am one of them, I suppose. I could not, and would not, and did not.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5974) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1893, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN, and Mr. WILSON of Washington managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills:

A bill (S. 18) for the relief of Edward S. Armstrong;

A bill (S. 440) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain in Brule County, and Lyman County, in the State of South Dakota;

A bill (S. 1643) authorizing the Velasco Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas; and

A bill (S. 1645) making Velasco a subport of entry.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 5974) making appropriations for the current and contingent expenses and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1893, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. DAWES, Mr. CULLOM, and Mr. CALL.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

The bill (H. R. 4004) to establish West Point, Va., a subport of entry and delivery in the collection district of Richmond.

The bill (H. R. 4330) to repeal House resolution No. 104, first session, Fifty-first Congress, granting to Secretary of War a permit to license to use a pier at mouth of Chicago River.

The following bills and joint resolutions were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 6658) to vacate that part of Madison street, Georgetown, west of Back street, and extend Y street, in Burleigh, in the District of Columbia;

A bill (H. R. 6794) regulating deposits in building and other associations in the District of Columbia;

A bill (H. R. 7081) confirming title to lands in the subdivision of square 206, in the city of Washington, D. C.;

A joint resolution (H. Res. 108) extending the time in which certain street railroads compelled by act of Congress approved August 6, 1890, to change their motive power from horse power to mechanical power for one year; and

A joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in the District of Columbia.

DISTRICT MEDICAL SOCIETY.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the District of Columbia be directed to inquire and report whether the medical society in said District admits to its membership colored physicians or physicians who have been or may be teachers in the medical school of Howard University being in all respects otherwise qualified, or makes any distinction in its membership by reason of color or of official relation to said university.

PORT OF PUNTA GORDA.

The PRESIDING OFFICER. The Chief Clerk will announce the first bill on the Calendar under Rule VIII.

The CHIEF CLERK. A bill (S. 527)—

Mr. FRYE. I desire to call up Senate bill 1956 on the Calendar.

Mr. HAWLEY. I really feel that I must object.

Mr. FRYE. But it is in order. It was passed over informally, and it is in order.

The PRESIDING OFFICER. The Chair is informed that the bill referred to by the Senator from Maine was passed over without prejudice.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1956) to amend an act entitled "An act establishing a customs collection district in Florida to be known as the collection district of Tampa, and for other purposes," approved March 1, 1889, and to make Punta Gorda a subport of entry.

Mr. FRYE. I move to strike out all after the enacting clause and insert:

That Punta Gorda, De Soto County, Fla., be, and the same is hereby, made a subport of entry.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

Mr. CALL. I ask the Senator from Maine if the bill leaves Punta Gorda the subport of entry in the collection district of Key West?

Mr. FRYE. Yes, in Key West.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to make Punta Gorda a subport of entry."

CHAUNCEY M. LOCKWOOD.

The bill (S. 527) for the relief of the legal representatives of Chauncey M. Lockwood was considered as in Committee of the Whole. It authorizes the legal representatives of Chauncey M. Lockwood to commence suit in the Court of Claims for extra mail service on route numbered 16637, extending from Salt Lake City, Utah, to The Dalles, Oregon, and gives the Court of Claims jurisdiction to adjudicate the same upon the basis of justice and equity, and to render a final judgment therein for the value of such extra mail service performed as aforesaid; and from any judgment that may be rendered in the cause either party thereto may appeal to the Supreme Court of the United States; and the bar of the statute of limitations shall not avail in such cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. A. DAVIS.

The bill (S. 735) for the relief of L. A. Davis was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the petition and papers of L. A. Davis, of Chehalis, Wash., in which he claims \$14,844 for services in carrying the English mails both ways over mail route numbered 15406, be-

tween Olympia and Monticello, in Washington, from about August 1, 1868, to June 30, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. PLATT. I should like to know what the provision that no legal defense shall be interposed means. It may be right, but it is a very unusual provision. I do not ask to interrupt the passage of the bill now, but when the Senator who is in charge of it comes in perhaps I will recur to it again.

The bill was passed.

CENTENNIAL BOARD OF FINANCE.

The bill (S. 2107) to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs and dissolve said corporation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GREELY RELIEF EXPEDITION.

The bill (S. 136) for the presentation of badges to the officers and men of the Greely relief expedition was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, in line 4, before the word "Winfield," to strike out "Commander" and insert "Captain;" and in line 9, after the word "and," to strike out "a sufficient sum" and insert "\$1,000;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, directed to procure and present to Capt. Winfield Scott Schley and his officers and men, respectively, suitable badges to be worn by them as an expression of the high estimation in which Congress holds their services upon the expedition for the relief of Lieut. A. W. Greely and his party, in the year 1884; and \$1,000 for said purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHAUNCEY M. LOCKWOOD.

Mr. COCKRELL. I was called out unexpectedly and did not expect to be gone more than a moment. I wanted to offer some amendments to two bills which were passed in my absence. I call the attention of the Senator from Oregon [Mr. MITCHELL] to the bill (S. 527) for the relief of the legal representatives of Chauncey M. Lockwood, and also to the bill (S. 735) for the relief of L. A. Davis. I think the amendments are material, but they will only take a moment. I must ask that the bills be reconsidered for that purpose.

Mr. PASCO. I think Senate bill 735 went over without prejudice until the Senator from Oregon should come in.

Mr. COCKRELL. What was done with Senate bill 527?

Mr. PASCO. It was passed.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair will state that both the bills, 735 and 527, were passed. The present occupant of the chair remarked that when the Senator from Oregon came in he might want to call his attention to a clause in Senate bill 735, but the record is that it was passed as it stands at present.

Mr. COCKRELL. I move to reconsider the vote by which Senate bill 527 was passed.

The PRESIDING OFFICER. The Senator from Missouri moves to reconsider the votes by which Senate bill 527 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. COCKRELL. I wish to call the attention of the Senator from Oregon [Mr. MITCHELL] to the language of the bill. It now reads:

And the Court of Claims shall have jurisdiction to adjudicate the same upon the basis of justice and equity, and to render a final judgment therein for the value of such extra mail service performed as aforesaid.

I move to strike out the words "for the value of such extra mail service performed as aforesaid," and let it stand "to render a final judgment therein." They may not want to render a judgment for anything. The bill compels the court to find a judgment for the claimant. It does not leave it open.

Mr. MITCHELL. Why not say "for whatever amount may be found due, if any?"

Mr. COCKRELL. It is just the same thing to say "for the value of such extra mail service, if any." That would be the same.

Mr. MITCHELL. Yes; "if any."

The PRESIDING OFFICER. Will the Senator from Missouri state his amendment?

Mr. COCKRELL. In line 11, after the word "aforesaid" and before the semicolon, insert the words "if any."

Mr. MITCHELL. That is all right. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. MITCHELL. I ask that the bill may be put on its passage.

The PRESIDING OFFICER. If there are no further amendments to the bill it will be ordered to be engrossed for a third reading.

Mr. COCKRELL. That is all the amendment I desire to make.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. A. DAVIS.

Mr. COCKRELL. The next is the bill (S. 735) for the relief of L. A. Davis. I move to reconsider the votes by which the bill was ordered to be engrossed for a third reading and passed.

The motion to reconsider was agreed to.

Mr. COCKRELL. Beginning in line 11, the bill provides:

And the said court is hereby given jurisdiction to hear and determine said claim and render judgment for such sum as claimant may be reasonably and equitably entitled to for and on account of extra services rendered by him on said mail route in transporting such English mails.

I suggest that it be made to read "to hear and determine said claims upon the basis of justice and equity," and then strike out the remainder of the clause, which reads:

And no statute of limitations or other legal defense shall be available in such case.

"No statute of limitations" will do very well, but the words "or other legal defense" must be stricken out.

Mr. MITCHELL. It is evidently a mistake.

Mr. COCKRELL. Then there is no appeal given in this case as there was in the other.

Mr. MITCHELL. That can be added.

Mr. COCKRELL. I suggest to insert, in line 13, after the word "and," the words "upon the basis of justice and equity," and put in the word "to;" so as to read:

And the said court is hereby given jurisdiction to hear and determine said claim, and upon the basis of justice and equity to render judgment for such sum, if any, as claimant may be reasonably and equitably entitled to, for and on account of extra services.

Then strike out "for and on account of," because that is a repetition.

Mr. MITCHELL. That is all right.

Mr. COCKRELL. Then strike out the remainder down to the word "mails," put in a semicolon, and insert:

And from any judgment that may be rendered therein either party may appeal to the Supreme Court of the United States.

Mr. MITCHELL. I have no objection to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend the clause so as to make it read:

And the said court is hereby given jurisdiction to hear and determine said claim and upon the basis of justice and equity to render judgment for such sum, if any, as claimant may be reasonably and equitably entitled to, and from any judgment that may be rendered therein either party may appeal to the Supreme Court of the United States.

The amendment was agreed to.

Mr. HOAR. I should like to inquire whether it is the purpose of the Senator, suppose this to be a judgment of \$500 or \$100, to give an appeal to the Supreme Court of the United States?

Mr. COCKRELL. I think it ought to be given in a case of this kind, because we are removing the statute of limitations and referring an important question to the Supreme Court. We nearly always put that clause in in these special bills because there may be some principle involved that will settle hundreds of other cases. This is only an example, and therefore one case ought to be allowed to go to the Supreme Court.

Mr. HOAR. It may be; but the Supreme Court of the United States is to-day burdened with a docket which will take four or five years at least to clear off, so that a case entered in that court to-day can not be expected, without new legislation, to be disposed of for at least five years.

The class of cases which go there are cases of great public importance with regard to the character of the question or cases of great importance to the private party by reason of the amount involved. The practice of sending to that court any little question, any little judgment which may come up to the Court of Claims it seems to me is a vicious one. Here is a case on an ordinary private claim not likely to involve any important question of law. Why that case should be sent to the Supreme Court of the United States unless the amount of the judgment be at least \$5,000 I do not see. I shall feel compelled to interpose an objection to the matter unless the Senator will consent to such an amendment as to strike out that the case shall be subject to appeal to the Supreme Court.

Mr. COCKRELL. Then I shall object to the bill. If we can

not send an appeal from the Court of Claims that may be a precedent for hundreds of other cases with the right of appeal, then we ought not to pass the bill.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to object to the further consideration of the bill?

Mr. HOAR. No, the other cases come here.

Mr. COCKRELL. We have just passed one bill with that amendment brought in from the committee, and it was simply an oversight that it was not put in this bill. I simply wanted this bill to stand on a footing with the one that has just been passed.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to object?

Mr. HOAR. My attention was not called to the one which was just passed.

The PRESIDING OFFICER. The Chair understands that the bill is objected to.

Mr. HOAR. I propose the following amendment:

Provided, There shall be a judgment for a sum exceeding \$5,000.

The PRESIDING OFFICER. The Chair understood the Senator from Missouri to object to the further consideration of the bill. Is the objection withdrawn?

Mr. COCKRELL. We can not tell in this case what amount is involved. We can not tell whether there are a million dollars involved in the decision or \$10,000,000. Here is a case that it may be is only one out of ten thousand, and such cases have gone there to the court and it has taken three and four million dollars to settle them. Unless you give an appeal in such a case as that, when one decision is rendered they come in here and say, "here is a decision of the court in this case, and my case is exactly like it, and my case must be paid."

There will be no appeal taken by the United States officers, I hope, unless there is a just and sufficient cause. I think the Attorney-General of the United States can be intrusted with some discretion in this matter as well as the Senate. It is a reflection upon the Attorney-General that we can not intrust him with the power of taking an appeal for the protection of the interests of the Government; and if we can not trust our Attorney-General I shall object to the case.

Mr. HOAR. The Senator's amendment does not propose to limit the right of appeal to the Attorney-General.

Mr. COCKRELL. The Attorney-General is the attorney for the Government in all these cases, as the Senator ought to know.

Mr. HOAR. The amendment gives an equal right of appeal both on law and fact to the Supreme Court. There are upwards of 21,000 cases, if I am not mistaken in my recollection, now in the Court of Claims, a number likely to be largely increased by the Indian depredation cases and other special laws which we passed during the last session. The idea of giving to anybody who makes a claim of \$100 or \$150 against the United States a right to go to this supreme tribunal when we have a respectable and worthy court established for the purpose, it seems to me, with great deference to my friend from Missouri, is preposterous.

I am perfectly willing to leave the right of appeal in the Attorney-General, if, in his judgment, he thinks the case is one which is likely to be a precedent for a class of cases, but to give this unlimited right of appeal to either party I am not willing to consent to. Unless an amendment shall be consented to by the Senate to limit the right of appeal to the Attorney-General, if, in his judgment, the case is like to affect a class of cases, or unless the judgment be over \$5,000, I shall be constrained to object.

Mr. COCKRELL. I have no objection, if you give the Attorney-General the right to appeal on behalf of the Government. That is all I ask for. It is the taxpayers I am looking after.

Mr. HOAR. Very well, let the bill go over without objection. I will prepare an amendment.

The PRESIDING OFFICER. The bill will go over, and the next bill on the Calendar will be announced.

SETTLEMENT OF ACCOUNT WITH FLORIDA.

The bill (S. 1391) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act, and to pay the balance found to be due said State, was considered as in Committee of the Whole.

Mr. FRYE. I should like to inquire if this was the unanimous report of the committee?

Mr. PASCO. It was the unanimous report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AVERY D. BABCOCK AND WIFE.

The bill (S. 1982) for the relief of Avery D. Babcock and wife, of Oregon, was considered as in Committee of the Whole. It

directs the Secretary of the Treasury to pay to Avery D. Babcock, of Polk County, Oregon, and to Margaret I. Babcock, his wife, \$2,000, to be equally divided between them, in full payment of their claim against the Government of the United States for the use and occupation by the United States of their donation claim numbered 58, in section 8, in township 6 south, range 7 west of the Willamette meridian, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PENSION FOR DEAFNESS.

The bill (S. 349) to increase the rate of pensions for certain cases of deafness was considered as is Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, after the word "month," to strike out:

and for severe deafness of both ears, approximating total deafness, shall receive an equitable proportion of the full pension; the degree approximating total deafness to be determined by the Secretary of the Interior.

So as to make the bill read:

Be it enacted, etc., That whenever it shall be made to appear to the proper authority that a soldier, sailor, or marine who served in the Army, Navy, or Marine Corps of the United States during the war of the rebellion, and who has been honorably discharged therefrom, had contracted in the line of duty a disability caused by wounds, injury, exposure, imprisonment, or disease resulting in total deafness of both ears, he shall be entitled to receive a pension of \$40 per month.

The amendment was agreed to.

Mr. CALL. I ask the Senator in charge of the bill why that provision should not be extended to all pensioners instead of merely to those who served in the army during the last war?

Mr. DAVIS. Mr. President, there is no particular reason for not extending the provisions of the bill to all pensioners, but there have been no wars since the war of the rebellion. There were no applications before the committee of this character for soldiers of the Mexican war and none from those of the Seminole war. The classification is so exceedingly limited that it was not thought material to include them in the scope of this bill.

Mr. CALL. There were a great many in the Mexican war.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. BATE. I should like to hear that bill again read.

The PRESIDING OFFICER. The bill will be read at length as amended.

The Chief Clerk read the bill as amended.

Mr. BATE. Mr. President, I move to amend the bill—

The PRESIDING OFFICER. The bill has received its third reading; but if the Senator desires to submit an amendment the vote by which the bill was ordered to be engrossed for a third reading will be regarded as reconsidered.

Mr. BATE. I move to amend by inserting at the proper place the words "or Mexican war."

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be stated.

The CHIEF CLERK. In line 6, after the word "rebellion," it is proposed to insert "or Mexican war."

Mr. DAVIS. I have no objection to the principle of that amendment. The pension acts for the benefit of soldiers of the Mexican war are service pension acts, and this bill is an amendment of the act approved March 4, 1890. I do not feel disposed to accept the amendment as far as I am concerned to extend the principle beyond the scope of the bill as reported.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CHAMBERLAIN.

Mr. GALLINGER. I ask for the present consideration of Order of Business 197, being the bill (S. 371) granting a pension to John Chamberlain.

The PRESIDING OFFICER. This bill was passed over at a former session without prejudice, and is in order. The bill was passed by the Senate, and the vote on its passage and third reading has been reconsidered. The question now is upon its third reading.

Mr. COCKRELL. I hope the Senator from New Hampshire will let that bill go over until to-morrow. I thought I had the papers relating to the case before me.

Mr. GALLINGER. I shall be happy to furnish the Senator with the report in the case.

Mr. COCKRELL. I want to look at the papers. Let the bill go over until to-morrow, retaining its place on the Calendar.

Mr. GALLINGER. I will agree to that.

The PRESIDING OFFICER. The bill will be passed over without prejudice, retaining its place.

INCREASE OF PENSION TO HELPLESS PENSIONERS.

The bill (S. 1910) to amend an act entitled "An act to increase the pensions of certain soldiers and sailors who are totally helpless from injuries received or from diseases contracted in the service of the United States," approved March 4, 1890, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 12, after the word "shall" to strike out "within the discretion of the Commissioner of Pensions or of the Secretary of the Interior be deemed pensionable at the rate of \$50 per month from the date of application under this act," and in lieu thereof to insert "be pensioned at a rate not exceeding \$50 per month from the date of application under this act, such pension to be proportioned to the degree of disability;" so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to increase the pensions of certain soldiers and sailors who are totally helpless from injuries received or from diseases contracted in the service of the United States," approved March 4, 1890, be, and is hereby, so amended that soldiers who are not shown to be so disabled as to require the regular or constant personal aid and attendance of another person," but are shown to be incapacitated for performing manual labor and to periodically require the aid and attendance of another person, shall be pensioned at a rate not exceeding \$50 per month from the date of application under this act, such pension to be proportioned to the degree of disability.

The amendment was agreed to.

Mr. CALL. I should be very glad if the Senator from Minnesota [Mr. DAVIS] would consent that the provisions of this bill might be extended to all the pensioners of the Mexican and Indian wars. I do not see why that meritorious class of citizens should not be equally entitled to the benefits of these pension bills.

Mr. DAVIS. Mr. President, if Congress is ready to change the entire theory of the Mexican service pension act to a disability act and to these rated degrees of disability and pensions, that is one thing; but it manifestly would be unwise to insert in a bill providing for a specific degree of disability one class of disabilities applicable alike to the soldiers of the rebellion and the soldiers of the Mexican war, and leave the soldiers of the Mexican war to be entitled to a service pension and also to pension for any disability, whatever it might be. This is upon the line of consistent disability legislation as to the soldiers of the war of the rebellion, and it never has been mixed up with the service pension of soldiers of the Mexican war, except in some very extreme case deemed worthy of special legislation, as total blindness or a very great degree of disability. Those cases the committee has always treated with extreme consideration, and I think very properly so.

Mr. CALL. While I have no desire to embarrass the passage of this bill, I will suggest to the Senator that that proposition of his does not reach the case. The service pension is one thing and the pension for disability is another. It may be true that the Mexican war soldier has a disability of this description equally with the soldier of the civil war, and so of the old Indian war soldiers. They are very old and a very needy class of people and many of them have precisely the same kind of disability incurred in the same way as the soldiers of the late war.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF PENSION DISABILITY.

The bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States, and become disabled," approved March 3, 1877, was considered as in Committee of the Whole. It proposes to amend the act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States, and become disabled," approved March 3, 1877, so as to read as follows:

That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person who, in any manner, engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in either the Navy or Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN HOWARD PAYNE.

The bill (S. 263) for the relief of the heir or heirs of John Howard Payne, was considered as in Committee of the Whole. It appropriates \$205.92 for the payment of the amount due to the

legal heir or heirs of John Howard Payne, late United States consul at Tunis.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF JAMES W. SCHAUMBURG.

The bill (S. 261) for the relief of the legal representatives and devisees of James W. Schaumburg was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the legal representatives or devisees of James W. Schaumburg, deceased, the amount of the pay and allowance of first lieutenant of dragoons from July 1, 1836, to March 24, 1845, as heretofore found to be due to him by the United States circuit court for the eastern district of Pennsylvania on November 23, 1875, after deducting such sums as may have been paid on account of such service; and appropriates the sum of \$11,000, or so much thereof as may be necessary, for such payment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT IMPROVEMENTS.

The consideration of the bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of cities was resumed as in Committee of the Whole.

Mr. HARRIS. This bill has been read through. I was authorized by the Committee on the District of Columbia to propose several amendments. At the suggestion of some Senators when the bill was previously under consideration, after its reading and some amendments having been agreed to, the bill was reprinted with the proposed amendments. I now ask that the amendments be considered.

The PRESIDING OFFICER. The bill to be acted upon will be the reprint of the bill in which the amendments of the committee are proposed.

Mr. HARRIS. The reprint of the bill.

The PRESIDING OFFICER. The amendments will be stated in their order.

The SECRETARY. On page 6, in section 5, line 1, after the word "Commissioners," it is proposed to insert "of the District of Columbia;" so as to make the section read:

SEC. 5. That the Commissioners of the District of Columbia are authorized to name all streets, avenues, alleys, and reservations laid out or adopted under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 16, line 9, after the word "shall," to insert "report the same to Congress for appropriation and action, and shall;" in line 12, after the word "thereto," to insert "as Congress may provide;" and in line 19, after the word "shall," to insert "when the necessary money is appropriated;" so as to make the section read:

SEC. 16. That when said court shall have assessed the damages to be paid as to any parcel of land the use of which shall have been condemned, or which shall have been injured by the abandonment of a previously existing highway, and there shall be no controversy as to the persons who are entitled to receive the same or as to the distribution of the same among them, said court shall decree such payment to be made, and upon presentation of a duly certified copy of such decree to the Treasurer of the United States he shall report the same to Congress for appropriation and action, and shall make such payment to the person or persons appearing by such decree to be entitled thereto as Congress may provide; but where any such controversy shall exist or where there shall be any doubt as to the proper disposition of the compensation awarded, the court shall order that the damages assessed by it involved in such controversy or doubt shall be paid into the registry of the court, and upon the presentation of a duly certified copy of such order to the Treasurer of the United States he shall, when the necessary money is appropriated, pay the amount therein mentioned to the clerk of said court; and the claims of the respective parties thereto shall thereupon be heard and decided by the court as in interpleader suits in equity, under such general rules as may be prescribed by said court in general term.

The amendment was agreed to.

The next amendment was, in section 18, line 4, after the word "court," to insert "and when the money has been appropriated and paid;" so as to make the section read:

That whenever any final decree shall have been made by said court under the provisions of this act for the payment of the damages to the parties or into the registry of the court and when the money has been appropriated and paid, the Commissioners shall be entitled to take immediate possession of the parcel of land in regard to which said order of payment shall have been made, and the court shall enforce such right of possession by proper order and by process addressed to the marshal of the United States for the District of Columbia.

The amendment was agreed to.

The next amendment was, to insert as an additional section the following:

SEC. 19. That the Commissioners of the District of Columbia shall include in their annual report a full statement of their action under this act, and shall submit annual estimates of the expenditures necessary to be made under its provisions, as other estimates are submitted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SEATTLE, WASH.

The bill (S. 618) providing for the erection of a public building at the city of Seattle, in the State of Washington, was considered as in Committee of the Whole.

Mr. TURPIE. Mr. President, I see that both of the Senators from Washington, where Seattle is situated, are absent, and therefore I ask that the bill may go over without prejudice.

The PRESIDING OFFICER. The Senator from Indiana asks that the bill be passed over without prejudice. That will be done in the absence of objection.

Mr. TURPIE. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 13, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 12, 1892.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE POSTAL SERVICE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies on account of the postal service, payable from the postal revenues, submitted by the Sixth Auditor, with accompanying papers; which was ordered to be printed, and referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. ARNOLD, for two weeks, on account of important business.

To Mr. BLANCHARD, for ten days, on account of important business.

PRINTING OF ADDITIONAL COPIES, RIVER AND HARBOR BILL.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD], chairman of the Committee on Rivers and Harbors, asks that there be printed a thousand additional copies of the river and harbor bill. Is there objection?

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

Mr. PEEL. Mr. Speaker, I desire to call up the report from the Committee on Indian Affairs which I submitted yesterday, asking nonconcurrence by the House in the Senate amendments to the Indian appropriation bill and a request for a conference. My friend from Michigan [Mr. BURROWS], who objected yesterday, withdraws his objection.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] presents a report from the Committee on Indian Affairs on the Indian appropriation bill, with Senate amendments, and asks unanimous consent to nonconcur in the Senate amendments, and to ask the Senate for a conference. Is there objection to this order being made?

There was no objection, and it was so ordered.

EXECUTION OF DECLARATIONS AND OTHER PAPERS IN PENSION CLAIMS.

The SPEAKER. When the regular order was demanded yesterday the gentleman from New York [Mr. RAINES] had a request for unanimous consent pending, and by consent that went over until this morning. The Chair will direct the Clerk to again report the bill, and will then ask if there be objection to its present consideration.

The bill was read, as follows:

Be it enacted, etc., That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, or before some officer who, under the laws of his State, city, or county, has authority to administer oaths for general purposes, and said officers are hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That where such declarations or other papers are executed before an officer authorized as above, but not required by the laws of his State to have and use a seal to authenticate his official acts, he shall file in the Pension Bureau a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office.

SEC. 2. That the Commissioner of Pensions may accept declarations and other papers of claimants residing in foreign countries made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the

certificate of a United States minister or consul or other consular officer; and declarations in claims of Indians may be made before a United States Indian agent.

SEC. 3. That any and all declarations or affidavits now on file in the Pension Bureau which are considered informal by reason of not having been executed in conformity to the laws heretofore in force covering such, and in which it is shown or may be hereafter shown by proper evidence that the same were executed by and before an officer who was duly authorized to administer oaths for general purposes at said date of execution, shall be accepted as formal as from date of filing such declarations or affidavits.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of said act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. Is there any amendment reported to the bill?

Mr. RAINES. No; there is no amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The question being taken on the passage of the bill, the Speaker announced that the ayes seemed to have it.

Mr. BAILEY demanded a division.

The House divided; and there were—ayes, 87; noes, 0.

Mr. BAILEY. No quorum.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point that no quorum has voted. The Chair will appoint tellers—

Mr. RAINES. Mr. Speaker, in order to save time, I think it best to call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 23, not voting 143; as follows:

YEAS—162.		
Alexander,	Curtis,	Hopkins, Ill.
Allen,	Cutting,	Houk, Ohio
Arnold,	Daniell,	Huff,
Baker,	Davis,	Johnson, Ind.
Barwig,	De Forest,	Johnson, N. Dak.
Beeman,	Dickerson,	Johnson, Ohio
Belden,	Dixon,	Jolley,
Belknap,	Doan,	Kem,
Bentley,	Dolliver,	Kilgore,
Bergen,	Durbin,	Lane,
Bingham,	Edmunds,	Lapham,
Bland,	Elliot,	Lawson, Va.
Blount,	Ellis,	Lewis,
Boutelle,	English,	Little,
Bowers,	Enloe,	Lodge,
Bowman,	Everett,	Long,
Bretz,	Fithian,	Loud,
Broderick,	Flick,	Lynch,
Buchanan, Va.	Forney,	Martin,
Bunting,	Fowler,	McAleer,
Bussey,	Fyan,	McClellan,
Bushnell,	Gantz,	McCreary,
Butler,	Geissenhainer,	McGann,
Bynum,	Goodnight,	McKalg,
Byrnes,	Gorman,	McKeighan,
Caminetti,	Grady,	McKinney,
Caruth,	Greenleaf,	Meyer,
Castle,	Groat,	Miller,
Catchings,	Hallowell,	Mitchler,
Chipman,	Halvorson,	O'Ferrall,
Clancy,	Hare,	O'Neil, Mass.
Clarke, Ala.	Harmer,	Otis,
Clover,	Harries,	Outhwalte,
Cobb, Mo.	Hatch,	Parrett,
Coolidge,	Haugen,	Patterson, Tenn.
Coombs,	Hayes, Iowa	Pattison, Ohio
Cox, N. Y.	Heard,	Paynter,
Cox, Tenn.	Hitt,	Pendleton,
Craig, Pa.	Holman,	Perkins,
Crosby,	Hooker, Miss.	Pickler,
Cummings,	Hooker, N. Y.	Post,

NAYS—23.		
Abbott,	De Armond,	Lanham,
Bailey,	Hemphill,	Lawson, Ga.
Bankhead,	Henderson, N. C.	Mallory,
Cate,	Herbert,	McRae,
Cobb, Ala.	Johnstone, S. C.	Moore,
Crain, Tex.	Kyle,	Oates,

NOT VOTING—143.		
Alderson,	Burrows,	Dungan,
Amerman,	Cable,	Dunphy,
Andrew,	Cadmus,	Enochs,
Atkinson,	Caldwell,	Epas,
Babbitt,	Campbell,	Fellows,
Bacon,	Capehart,	Fitch,
Bartine,	Causey,	Forman,
Beltzhoover,	Cheatham,	Funston,
Blanchard,	Chapin,	Geary,
Boatner,	Clark, Wyo.	Gillespie,
Branch,	Coburn,	Griswold,
Brawley,	Cockran,	Hall,
Breckinridge, Ark.	Cogswell,	Hamilton,
Breckinridge, Ky.	Compton,	Harter,
Brickner,	Cooper,	Haynes, Ohio
Brookshire,	Covert,	Henderson, Iowa
Brosius,	Cowles,	Henderson, Ill.
Brown,	Crawford,	Hermann,
Brunner,	Culbertson,	Hoar,
Bryan,	Dalzell,	Hopkins, Pa.
Buchanan, N. J.	Dingley,	Houk, Tenn.
Bullock,	Dockery,	Hull,
Bunn,	Donovan,	Jones,

O'Neill, Mo.
Owens,
Page, R. I.
Page, Md.
Patton,
Payne,
Pearson,
Peel,
Pierce,
Powers,
Price,
Randall,
Ray,

Reed,
Reyburn,
Rife,
Robertson, La.
Robinson, Pa.
Rockwell,
Rusk,
Russell,
Sanford,
Scull,
Seerley,
Snodgrass,
Sperry,

Springer,
Stackhouse,
Stahlnecker,
Stevens,
Stewart, Tex.
Stone, C. W.
Stump,
Taylor, Ill.
Taylor, Tenn.
Taylor, E. B.
Taylor, J. D.
Tracey,
Turner,

Turpin,
Warner,
Washington,
Wever,
Wheeler, Mich.
Whiting,
Williams, Mass.
Williams, N. C.
Wilson, Ky.
Winn,
Wolverton,
Wright.

So the bill was passed.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I am paired with the gentleman from Delaware [Mr. CAUSEY]. If he were present I should vote "yea."

Mr. O'NEIL of Massachusetts. Mr. Speaker, my colleague [Mr. ANDREW] has been sick for some days; and I ask that he be excused.

There was no objection, and Mr. ANDREW was excused on account of sickness.

Mr. KYLE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, and failed to hear his name called?

Mr. KYLE. I was in the Hall, and failed to hear my name called.

The name of Mr. KYLE was called, and he voted "nay."

The following pairs were announced:

Until further notice:

Mr. SPRINGER with Mr. REED.

Mr. CADMUS with Mr. BELDEN.

Mr. BLANCHARD with Mr. HULL.

Mr. MITCHELL with Mr. ROBINSON of Pennsylvania.

Mr. PAGE of Maryland with Mr. RAY.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. TURNER of Georgia with Mr. BARTINE.

Mr. LAGAN with Mr. CALDWELL.

Mr. MAGNER with Mr. PAYNE.

Mr. HARTER with Mr. BOWERS.

Mr. CAMPBELL with Mr. WILSON of Kentucky.

Mr. WINN with Mr. MORSE.

Mr. LIVINGSTON with Mr. DINGLEY.

Mr. WOLVERTON with Mr. BRODERICK.

Mr. STEVENS with Mr. RANDALL.

Mr. STUMP with Mr. TAYLOR of Illinois.

Mr. COX of New York with Mr. GRISWOLD.

Mr. COVERT with Mr. CHEATHAM.

Mr. WHITING with Mr. BURROWS.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. BACON with Mr. HENDERSON of Illinois.

Mr. MOSES with Mr. CLARK of Wyoming.

Mr. SPERRY with Mr. SANFORD.

Mr. WILLIAMS of North Carolina with Mr. SHONK.

Mr. CAPEHART with Mr. RUSSELL.

Mr. WARNER with Mr. EZRA B. TAYLOR.

Mr. NORTON with Mr. KETCHAM.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. BRYAN with Mr. O'DONNELL.

Mr. PEARSON with Mr. JOSEPH D. TAYLOR.

Mr. CULBERSON with Mr. HENDERSON of Iowa on this vote, reserving the right to vote to make a quorum.

For this day:

Mr. ANDREW with Mr. FUNSTON.

Mr. BROWN with Mr. WRIGHT.

Mr. DUNPHY with Mr. DALZELL.

Mr. STAHLNECKER with Mr. WEVER.

Mr. BRUNNER with Mr. CHARLES W. STONE.

Mr. RUSK with Mr. RIFE.

Mr. KRIBBS with Mr. HUFF, until Thursday next.

Mr. HOAR with Mr. BROSIUS, for one week.

Mr. COBB of Missouri with Mr. POWERS, for two weeks, from April 12, 1892.

Mr. PIERCE with Mr. LIND, until further notice; also the Bland bill, and all questions connected therewith. This pair not transferable.

Mr. SNODGRASS with Mr. HOUK of Tennessee, from April 6 to April 21, inclusive.

Mr. CAUSEY with Mr. O'NEILL of Pennsylvania, until April 13.

Mr. BUNN with Mr. ATKINSON, from March 30 until canceled by the consent of both.

Mr. OWENS with Mr. ENOCHS, from April 2 to April 12, inclusive.

Mr. TURPIN with Mr. HOOKER of New York, including election case, until further notice, except on silver question.

Mr. MANSUR with Mr. TAYLOR of Tennessee, from April 2, 1892, until further notice. Not to be changed in the absence of either.

Mr. JONES with Mr. HERMANN, for one week, commencing Monday, April 11, 1892.

Mr. HUFF. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. KRIBBS], but it was not to affect pension matters; so I have voted on this measure, and wished to make this explanation.

The result of the vote was then announced as above recorded.

On motion of Mr. RAINES, a motion to reconsider the last vote was laid on the table.

4TH OF JULY CLAIMS.

Mr. STONE of Kentucky. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 6049) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, upon the requisition of the Secretary of War, without further audit, allowance, or restatement of the claims by the accounting officers, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, or to their legal representatives in case of their death since the allowance of their claims by the accounting officers, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers, under the provisions of the act of July 4, 1864, since January 15, 1890, namely:

TENNESSEE.

Terry Dickerson, administrator of A. A. Dickerson, deceased, of Giles County, \$1,030.
James Erwin, Hamilton County, \$170.
William Julian, Knox County, \$33.
Henry J. Thornton, Lincoln County, \$325.

MISSOURI.

J. W. Estes, administrator of William C. Estes, deceased, Cass County, \$390.
James Simpson, of Miller County, \$18.

KENTUCKY.

Solomon King, of McCracken County, \$150.

WEST VIRGINIA.

John W. Byrd, administrator of William Probst, deceased, Pendleton County, \$140.

OHIO.

Thomas Smith, Guernsey County, \$80.

MARYLAND.

Airhart Williams, of Baltimore County, \$140.

THE SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I suppose there is some report accompanying the bill.

THE SPEAKER. The Clerk will read the report.

The report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 649) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, under the act of July 4, 1864, submit the following report:

The committee, on February 9, 1891, had reported to it the letter of Hon. A. B. Nettleton, Acting Secretary of the Treasury, submitting a list of claims allowed under the provisions of the act of July 4, 1864, examined and allowed by the proper accounting officers since January 15, 1890, amounting to \$2,482, and have carefully examined the cases referred and find the same correct.

They therefore report back the bill favorably and recommend its passage.

THE SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. STONE of Kentucky. I am directed by the committee to offer an amendment to the bill. It is to insert one claim that was left out in making up the bill.

The amendment was read, as follows:

Amend by adding after line 39 the words, "heirs of H. Cothes, deceased, of Ballard County, Ky., \$3,735."

Mr. BURROWS. I would like to inquire why these claims have not been paid?

Mr. STONE of Kentucky. The gentleman from Michigan has been a member of this House long enough to know what a Fourth of July bill means. They are claims allowed by the Quartermaster-General, and were filed in his office prior to the 1st day of January, 1890. This is the last batch of those claims.

Mr. BURROWS. And they can not be paid without the action of Congress?

Mr. STONE of Kentucky. They can not be paid without the action of Congress.

Mr. HOLMAN. Oh, no; a bill like this has passed in nearly every Congress.

Mr. STONE of Kentucky. This is the last of those claims that will be paid.

Mr. HOLMAN. What is the aggregate amount?

Mr. STONE of Kentucky. It is about \$10,000.

Mr. HOLMAN. Is this the only bill?

Mr. STONE of Kentucky. It is the only bill and the aggregate amount is about \$10,000.

Mr. HOLMAN. This is the usual 4th of July bill?

Mr. STONE of Kentucky. Yes, it is the usual 4th of July bill.

Mr. HOLMAN. And this is the last of those claims?

Mr. STONE of Kentucky. And I understand it is the last that will be reported.

Mr. HOLMAN. I understand that that branch of the business of the Quartermaster-General's Department is about closed up.

Mr. STONE of Kentucky. Yes, sir.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STONE of Kentucky, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MOLINE, ILL.

Mr. HAYES of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7365) to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Ill.

The Clerk proceeded to read the bill.

The bill is as follows:

A bill (H. R. 7365) to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Ill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Illinois and Iowa Railway and Terminal Company, a corporation duly created and existing under the laws of the State of Iowa, its successors or assigns, be, and they are hereby, authorized to construct and maintain a bridge and approaches thereto over the Mississippi River from a point at or near the eastern boundary of the city of Moline, in the County of Rock Island, in the State of Illinois, to the opposite shore of said river in the State of Iowa. Said bridge shall be constructed to provide for the passage of railway trains, and at the option of said corporation, its successors or assigns, may be so constructed to provide for and be used also for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for reasonable rates or tolls to be fixed by said corporation, its successors or assigns; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates of toll.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the said company building the same, be built as a drawbridge, or with unbroken, continuous spans: *Provided*, That if said bridge shall be constructed as a drawbridge, the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans giving a clear width of water way of not less than 200 feet on each side of the central or pivot pier of the draw, and the next adjoining span or spans to the draw shall give a clear width of water way of not less than 350 feet, and every part of the structure shall give a clear headroom of not less than 10 feet above extreme high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodations to the river traffic, and a draw shall, if practicable, as near the shore as the deepest water way will permit: *Provided also*, That in case of a low bridge, if the physical characteristics so require, and the interests of navigation be not injured thereby, the length of the fixed spans may be reduced: *Provided further*, That the piers of said bridge shall be parallel with the current of the river where said bridge shall be erected: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats, except when trains are passing over the draw; but in no case shall unnecessary delay occur in opening the said draw during or after the passage of trains: *And provided further*, That if any bridge built under the provisions of this act shall be constructed with unbroken, continuous spans it shall have one or more channel spans each having not less than 350 feet clear channel way, and not less than 55 feet clear headroom above high-water mark; and the clear headroom under other than channel spans may be less than 55 feet, but no part of the superstructure of such spans shall in any case give a less headroom than 10 feet above high-water mark: *And provided further*, That the interests of navigation be not injured by such reduction in height, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of said river, and give a clear width of water way of not less than 350 feet.

SEC. 3. That any company constructing a bridge under the provisions of this act be, and they are hereby, authorized to lay on or under said bridge a railway track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to said river on either or both sides thereof, at or opposite the point of location of said bridge, under the limitations and conditions herein: *Provided*, That said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any portion of said bridge or obstruction touches.

SEC. 4. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known as a post-route, and the same is hereby declared to be a post-route, upon which, also, no higher charges shall be made for the transmission over the same of the mails, the troops, the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for transportation over the railroads and public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way for postal telegraph purposes across said bridge.

SEC. 5. That all railways desiring to use said bridge shall be entitled to equal rights and privileges in the passage of the same, and in the use of machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 6. That the structure hereby authorized shall be built and located under and subject to such restrictions for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design of the bridge and map of location, giving for the space of 1 mile above and 1 mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the sounding, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are decided by the Secretary of War to be such as will not materially affect the interests of navigation, the bridge shall not be commenced or built; and should any change be made in the

plans of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War; and the bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or other and suitable and proper structures for confining the flow of water to a permanent channel, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall order to be constructed and maintained, at the expense of the company owning said bridge; and said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge from the hours of sunset to sunrise such lights as may be prescribed by the Light-House Board; and the said structure shall be changed or altered at the cost and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, when the public good, in the judgment of Congress and the Secretary of War, so require, without any expense or charge to the United States.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

SEC. 8. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HAYES of Iowa. Mr. Speaker, this is a bridge bill, in the ordinary form, and I ask that the reading may be dispensed with.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of this bill, and states that it is a bridge bill, authorizing the construction of a bridge, and that it is in the usual form. He asks to dispense with the further reading of the bill. Is there objection? [After a pause.] The Chair hears none. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the amendment.

Mr. HAYES of Iowa. I will say that the amendments are purely matters of phraseology, with two exceptions. One is to change the time for the commencement and completion of the bridge, upon the suggestion of the Secretary of War where it is shortened, to which there is no objection. In another matter the Secretary of War suggests a provision in the bill, "if in the opinion of the Secretary of War the same be to the public interest." That the committee reports against; and in regard to that I desire to say under the precedents that have been set by the committee and the House and the Senate as to these matters, they are invariably stricken out on the theory that the interests of navigation are to be looked after. I ask that the amendments be considered in gross.

The amendments are as follows:

In section 1, after the word "Iowa," in line 10, insert "provided a location is found within such limits suitable to the interests of navigation."

In section 2, line 16, after the word "shall," insert the word "be."

In section 3, line 1, before the word "company" substitute the word "the" for "a;" in line 2, strike out the words "they are;" and substitute therefor the words "it is;" in line 3, strike out the words "or under," and, in line 12, strike out the word "laid" and substitute therefor the word "tried."

In section 6, before the word "suitable," in line 22, strike out "and;" in line 25, after the word "order," insert "at any time;" in line 32, after the word "lights," insert the words "or other signals;" and in line 39, substitute the word "or" for the word "and," and at end of word "require" insert letter "s."

In section 7, change the words "two years" to "one year," and the word "four" to the word "three."

The SPEAKER. Is there objection to the consideration of the amendments in gross? [After a pause.] The Chair hears none, and it is so ordered.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HAYES of Iowa, a motion to reconsider the last vote was laid on the table.

KANSAS JUDICIAL DISTRICT, THIRD DIVISION.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk. It is the bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the term for holding court therein.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the counties of Miami, Linn, Bourbon, Crawford, Cherokee, Labette, Neosho, Allen, Anderson, Coffey, Woodson, Wilson, Montgomery, Chautauqua, Elk, and Greenwood, in the State of Kansas, shall constitute the third division of the judicial district of Kansas, and a term of the circuit and district courts for said districts shall be held therein at the city of Fort Scott on the first Monday of May and the first Monday of November of each year. The remaining counties heretofore embraced in the first division of the judicial district of Kansas shall constitute the first division thereof.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said third division of said district shall be brought in said third division, but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this act, issued in either of the divisions of the judicial district of Kansas, may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States heretofore committed within the counties comprising the third division of said district, and all crimes and offenses against said laws known and defined

as infamous hereafter committed within the limits of the Quapaw Indian Reservation, in the Indian Territory, and of which the courts in Kansas have heretofore had jurisdiction, shall be prosecuted, tried, and determined at the terms of the district court heretofore provided for: *Provided*, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts for said district and marshal of said district shall each appoint a deputy, who shall reside and maintain an office at the city of Fort Scott, each of whom shall, in the absence of the clerks or marshal, exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure, and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district court of said district of Kansas which would, if instituted after the passage of this act, be required to be brought in the third division of said district, may be transferred by consent of all the parties to said third division of said district, and there disposed of in the same manner and with like effect as if the same had been there instituted; and all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as taken at and returnable to the term of court in the third division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I hope the gentleman in charge of the bill will permit it to go over for a short time.

Mr. OATES. Mr. Speaker, I do not think there is any objection to this bill. It has been thoroughly considered by the Judiciary Committee, and there is no Representative from the State of Kansas who interposes any objection to it.

Mr. HOLMAN. I have received some communications in regard to this proposed new division, and I would like to examine them before I consent to the passage of the bill, so far as I am personally concerned. I hope there will be no objection to its going over temporarily.

Mr. SIMPSON. I will say to the gentleman from Indiana that this bill does not involve any additional expense, as they have already a court-house and all the facilities for holding a court at Fort Scott.

Mr. HOLMAN. I remember that the gentleman [Mr. SIMPSON] was very much opposed to the new division when his predecessor brought it up in the last Congress.

Mr. SIMPSON. But that was an entirely different proposition: that was a proposition to cut the State in two.

Mr. HOLMAN. Well, this has the same tendency.

Mr. HEARD. Mr. Speaker, I will say to the gentleman that Mr. Perry, a prominent member of the bar of Fort Scott, formerly district attorney, assures me that this bill is not only acceptable, but is greatly desired by them, and I hope the gentleman from Indiana will not insist on the bill going over, as delay might be fatal to it.

Mr. HOLMAN. Delay can not be fatal to it. It has passed the Senate, has it not?

Mr. OATES. No, it is a House bill.

Mr. HOLMAN. Well, there can be no material delay from letting it go over for the time being. I wish to submit to the gentleman from Kansas [Mr. BRODERICK] some communications which I have received in regard to it.

Mr. OATES. Mr. Speaker, I do not think the gentleman ought to insist on this bill going over, when, as I believe, all the members representing the State of Kansas have been consulted in regard to it and none of them have opposed it or suggested any reason why it should not pass. Such being the attitude of the Representatives of the State, even if some private individuals do object, I do not think my friend from Indiana ought to insist on delaying the bill on that account. However, that rests with him; he has, of course, a right to object if he desires.

Mr. HOLMAN. Of course I do not like to object to a bill which is satisfactory to the Representatives of the State, but I should like a little time to examine the communications which I have received.

Mr. BRODERICK. I will say to the gentleman from Indiana that there is no appropriation attached to this bill nor any additional expense.

Mr. HOLMAN. It involves some additional expense; not an additional judge, or an additional clerk, or an additional marshal, but still some additional expense. However, I do not attach great importance to that. I ask unanimous consent, Mr. Speaker, that some gentleman may be recognized to bring this bill before the House to-morrow morning.

Mr. BRODERICK. Immediately after the reading of the Journal to-morrow.

The SPEAKER. The gentleman from Indiana asks unanimous consent that a request for unanimous consent to consider this bill may be submitted to the House to-morrow morning immediately after the clearing of the Speaker's table.

Mr. HERBERT. In the morning hour?

Mr. HOLMAN. In the morning hour, certainly.

Mr. HERBERT. Mr. Speaker, does that mean that it may be called up in the morning hour?

The SPEAKER. Before the morning hour to-morrow.

Mr. HERBERT. What is the bill?

A MEMBER. It is to establish a third division of the judicial district of Kansas.

Mr. HERBERT. It will be subject to objection?

The SPEAKER. It will be subject to objection. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

RELIEF FOR SUFFERERS BY FLOOD.

Mr. ALLEN of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America, etc., That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War, in the purchase and distribution of subsistence stores to such destitute persons as may require assistance in the district overflowed by the Tombigbee River and its tributaries by the recent flood, and that he be authorized to employ such means as he may deem necessary to carry the purpose of this joint resolution into effect.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. KILGORE. Mr. Speaker, I dislike very much to antagonize any proposition of my friend from Mississippi [Mr. ALLEN]; but my convictions are so strong upon the subject of the Government in engaging in charitable enterprises that I must object.

The SPEAKER. Objection is made.

Mr. ALLEN of Mississippi. I ask that the joint resolution be referred to the Committee on Appropriations.

The SPEAKER. The joint resolution will be so referred.

HENRY S. COHN.

Mr. CARUTH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize Henry S. Cohn as second lieutenant Company C, One hundred and sixth Ohio Volunteers, from February 7, 1863, the date he was assigned to duty as second lieutenant of that company, and to grant him an honorable discharge as of that grade to date May 22, 1863, when discharged on surgeon's certificate of disability.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The Committee on Military Affairs having reported an amendment inserting, after the words "eighteen hundred and sixty-three," the words "without additional pay or emoluments," the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH A. CLAPP.

Mr. HENDERSON of Illinois. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of House bill (H. R. 1418) for the relief of Sarah A. Clapp, and that it be now considered.

The bill was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to Sarah A. Clapp, formerly Sarah A. Chadwick, the pay and allowances of a surgeon of volunteer cavalry from the 15th day of November, 1861, to December 27, 1861, and the pay and allowances of an assistant surgeon of cavalry from December 27, 1861, to the 25th day of August, 1862, she having served as such surgeon and assistant surgeon for the time mentioned, respectively, in the Seventh Regiment of Illinois Volunteer Cavalry, under her maiden name of Sarah A. Chadwick.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. Has the bill been reported by any committee?

Mr. HENDERSON of Illinois. Yes, sir; it has been favorably reported by the Committee on War Claims.

Mr. KILGORE. I am very much inclined to demand the regular order.

Mr. HENDERSON of Illinois. I wish my friend would allow some explanation.

Mr. KILGORE. Very well; I am willing to let this go on; and then I think I shall object to these requests for the balance of the day.

There being no objection, the House proceeded to the consid-

eration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Illinois, a motion to reconsider the last vote was laid on the table.

IMPROVEMENT OF HOMOCITTTO AND PEARL RIVERS, MISSISSIPPI.

Mr. HOOKER of Mississippi. I hold in my hand two memorials of the Legislature of Mississippi. I ask that they may be printed in the RECORD. They are very brief and will occupy only a very short space.

Mr. BURROWS. To what do they relate?

Mr. HOOKER of Mississippi. To the improvement of rivers in the State of Mississippi.

There being no objection, the following memorials, which were referred to the Committee on Rivers and Harbors, were ordered to be printed in the RECORD:

To the honorable the Senate and the House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Mississippi earnestly requests the attention of the honorable Congress of the United States to the necessity and importance of improving the navigation of the Homochitto River.

The present condition of the river is such as to demand immediate attention; owing to obstructions in and near the mouth of the river it is impossible to navigate the same, although by the surveys and reports of competent engineers the river is susceptible of navigation as far as Bucks Ferry, or some 25 miles of its course; that thousands of acres of the most valuable lands in the State are rendered useless by reason of the obstructions mentioned, thus causing the river to overflow its banks. That by the reports of said engineers and estimates made for the restoration of deep water, and to render said river navigable and restore said lands to use, it would require that a canal be opened to the Mississippi River, connected with the channel of the river, at a cost of, say, \$30,000, which sum is insignificant in comparison with the beneficial effects to the inhabitants of that section of the State in thus increasing the value and importance of said river and would greatly facilitate and cheapen transportation, and thus materially contribute to the commercial interests of the State.

Your memorialists therefore respectfully ask that the honorable Congress of the United States will make the necessary appropriation and cause this much-needed improvement to be begun at as early a day as practicable, under the supervision and control of competent officers of the United States Engineer Corps; and your memorialists will ever pray, etc.

Resolved by the house of representatives (the senate concurring), That the governor be respectfully requested to forward the accompanying memorial to our Senators and Representatives in the Congress of the United States.

Adopted by the house of representatives March 18, 1892.

R. E. WILSON,

Clerk of the House of Representatives.

Adopted by the senate March 25, 1892.

D. P. PORTER,

Secretary of the Senate.

To the Congress of the United States:

Your memorialist, the Legislature of the State of Mississippi, would respectfully show that the proposed appropriation of \$28,000 by your honorable body for the improvement of the navigation of Pearl River is wholly insufficient; and if the amount named can not be increased, then such sum can be much more advantageously expended than in the way specified in the bill, which provides for the expenditure of \$10,000 from Edinburg, the head of navigation of the river, to the city of Jackson, and from Jackson to where the river forms a junction with Lake Borgne, the sum of \$18,000.

Jackson is the capital of the State, a railroad center, and a city of commercial importance. Here the river in its southward course first touches a railroad point, and below Jackson it again diverges and runs through a territory not accessible to railroads. This makes Jackson the railroad shipping point and market place of all staves, timber, cotton, and other produce transported on the upper river and in a great measure the entire river.

In the immediate vicinity of Jackson the stream is very crooked. Salt Petre Point is just above the city. From it, in a direct line to the bridge which crosses the river leading into Jackson, the distance is only 1½ miles, while around the bends of the stream the distance is about 7 miles. From Salt Petre Point there is a small channel, about 40 feet wide and 14 feet deep, known as Tan Yard Branch, which extends from one bend of the river to another. By the expenditure of \$12,000 the river could be turned in this channel, the effect of which would be to straighten the stream and greatly diminish the distance between the points above mentioned. On the road leading into Jackson from the east is a very fine bridge across the river, which bridge has lengthy approaches, the whole structure being of iron and recently erected at great cost.

This is the main entrance for the wagon and country trade for Jackson, and is therefore not only of the greatest importance and benefit to the city, but to the country east and southeast of the city for a distance of 40 or 50 miles. Just below this bridge is the crossing of the Alabama and Vicksburg Railway. By reason of the tortuous course of the stream just above the city there is now, and has been for some years, a tendency on the part of the river to break across at a point east of and above the bridges above mentioned. If this cut-off should occur, the channel of the river would be thrown further to the east, and the bridges above mentioned would only be serviceable for crossing the old bed of the stream and other bridges with other long and expensive approaches would have to be erected over the newly-made channel. This threatened change in the course of the stream, if it should occur, would very seriously impair the navigation of the river and would greatly interfere with public travel and commerce, to say nothing of the great expense which would be made necessary in order to build other bridges. The situation here described and the threatened break in the river will be observed by reference to the accompanying map.

Your memorialist would therefore respectfully ask an additional appropriation of, say, \$12,000 to change the course of the stream as above indicated. This sum, together with that which has already been recommended, would constitute but a small outlay by the Government when the importance of the object in view by the expenditure is taken into consideration. But if the present bill is so perfected that an additional amount can not be appropriated, then your memorialist would urge that the sum last mentioned be taken from the general appropriation for the improvement of the river and expended for the purpose of straightening the channel of the stream as

suggested. To straighten the channel as here shown will not only prevent the threatened disastrous break, but would greatly lessen the work of improving the navigation of the river north of Salt Petre Point, and the change would render the river north of Jackson more suitable for the rafting of logs and the transportation of timber, lumber, etc.

Trusting that the suggestion here made will meet your approval, your memorialist will ever pray, etc.

I certify that the foregoing memorial was adopted by the house of representatives of Mississippi March 31, 1892.

R. E. WILSON,

Clerk of the House of Representatives.

I certify that the foregoing memorial was adopted by the senate of the State of Mississippi March 28, 1892.

D. P. PORTER, Secretary of Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 5974) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1893, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAWES, Mr. CULLOM, and Mr. CALL as the said conferees on the part of the Senate.

ELECTION CONTEST—NOYES VS. ROCKWELL.

Mr. O'FERRALL. I desire to give notice that on next Tuesday, immediately after the reading of the Journal, I shall call up for consideration the contested-election case of Noyes vs. Rockwell, from the Twenty-eighth Congressional district of the State of New York.

PERSONAL EXPLANATION.

Mr. COOPER addressed the Chair.

The SPEAKER. The gentleman from Indiana [Mr. COOPER] rises to a question of personal privilege.

Mr. COOPER. Mr. Speaker, the matter which I desire to submit here to-day might as well, perhaps, go into the newspapers or be submitted to a committee. But I am a member of this House. It is a part of my duty to be present on this floor, and it will be my pleasure to meet the gentlemen whom I see here day by day face to face; and it is my right and my desire that what I say here to-day shall be said to them face to face in order that they may know precisely the facts in regard to the matter about which I speak.

Commissioner Raum, as a part of his defense to the charges of official misconduct made against him here and elsewhere, has procured and offered a mass of testimony to show that Mr. S. R. Hersey, whom he sees fit to denominate my private secretary, has violated certain regulations of the Pension Office.

The charge, as I understand it, is that he has, by the use of my name, examined into the condition of claims, and reported to the attorneys or claimants the result of such examination and that he has received a fee for such services.

He has also discovered that three years ago, soon after I came into office, Maring & Slusher, pension attorneys, procured my name to a great number of Congressional call slips, which the office then refused to recognize. He has even procured and filed with his papers here an affidavit of one David L. Gitt, who represents himself as a real estate agent here in Washington, that, I quote the exact language of his deposition:

During 1888, when Gen. Black was Commissioner, there were a great number of slips went into the office by GEORGE W. COOPER, member of Congress from Indiana, at Columbus, Ind., bearing the printed card of Maring, Slusher & Co., of Columbus, Ind. These, by reason of their great number, were such an imposition upon the Congressional privileges of the office that I felt called upon to present the matter to Gen. Black's personal attention for orders as to their disposition. Gen. Black told me to throw them into the waste-paper basket.

Attention is also called to the fact that in the summer of 1889 the firm of Maring & Slusher had printed a large number of Congressional call blanks, with the facsimile of my signature thereon, for use in their office in calling up cases. These constitute the specifications of offenses with which an effort is being made by Commissioner Raum to couple my name: First, as to Mr. Hersey's conduct, I neither excuse nor justify it, but it is my duty to state the facts, and from them I think the public will see that whatever has been done of wrong I have infinitely more cause to complain than any other person, and that I have not the slightest responsibility therefor. I first met Mr. Hersey in the Pension Office, where he was employed as assistant chief of the western division. I was introduced to him by Mr. R. A. Durnan, then and still chief of that division. I understood that he had been connected with the Pension Office for a number of years, having, I think, been formerly appointed from Massachusetts.

This was in the winter. I do not remember to have met him again until early in the summer following, when he called on me at the House. He then told me that he had lost his place, and that he had opened an office here in this city as a pension attorney; that necessarily his business would be light, and that he wanted to make an arrangement with me in connection with other members of Congress to assist us in whatever work we

might need to have done in the Pension Office. I made inquiry about him and learned that he was considered entirely competent and reliable. I needed such a person, and employed him at the rate of \$20 per month. The arrangement was that he should furnish me with such assistance and information as I might require of him in relation to all matters connected with pensions, and for this purpose he had authority to use my name on Congressional call slips.

During most of the time he worked for me pension attorneys were allowed four days out of every week in which to examine their cases. Those living here and such as were able to come could, under the rulings of the office, see the papers in their cases, but those who were not able to come had no other method of learning the status of their cases except by corresponding with the Bureau or calling to their aid a member of Congress. I learn that recently there has been some modification of this rule. I do not know whether the Pension Office makes any pretense to correspondence with nonresident attorneys for status of claims. I do know that hundreds, and I might say thousands, of complaints have been made to me by claimants and attorneys to the effect that their letters and communications are wholly ignored. As a sample of such complaints I submit these letters. I think I can say that I have received like letters from almost every State and Territory in the Union:

AUBURN, IND., March 10, 1892.

DEAR SIR:—

Mr. BURROWS. Mr. Speaker, I rise to a question of order. I understand the gentleman from Indiana has risen to a personal explanation in relation to the statement that in some way his clerk has received compensation for calling up pension cases. He is now about to comment upon certain letters with the view of showing that the Pension Office did not discharge its duty in answering inquiries.

I submit that this does not relate to the gentleman's question of personal privilege, but to another matter now being investigated by a committee; and I submit that the gentleman should confine himself strictly to the charge which has been made against him in the newspapers and elsewhere. Beyond that he ought not be permitted to go.

Mr. COOPER. I am endeavoring to explain (and the gentleman will see, when he hears the correspondence, that it is entirely pertinent to my explanation) how it came that Mr. Hersey was called upon for this information, and how it became necessary that he should take pay therefor. When these letters have been read—by the time I get through with them—the gentleman will see precisely how pertinent the reading of them is to the matter in hand.

Mr. BURROWS. I do not see that the gentleman obviates the objection I make. It seems to me he should confine himself entirely to the charge made against him—that of his clerk calling up pension cases for pecuniary compensation. These transactions in the Pension Office have nothing to do with the gentleman's personal explanation; they relate to a matter now being investigated by a committee.

Mr. HOLMAN. But a gentleman rising to a personal explanation has always been permitted to refer to matters incidental to that explanation—matters showing the real situation; otherwise a gentleman seeking to make a personal explanation might be placed at a great disadvantage.

Mr. BURROWS. I submit the matter to the Chair.

The SPEAKER. So far as the gentleman from Indiana has proceeded the Chair can not make any decision respecting the point raised by the gentleman from Michigan; but the Chair will say to the gentleman from Indiana that he hopes he will confine himself strictly in his remarks to a "personal explanation."

Mr. COOPER. I shall be glad to do so; and when I am done I think the gentleman on the other side will see the pertinency of my remarks and will join in expressing satisfaction that the country has been given the information which I am here offering.

Mr. BURROWS. But when the gentleman is done it will then be too late to make the point.

Mr. COOPER. Well, if it is not pertinent, you can strike it all out.

This letter goes on:

Why is it that applications for pension under act June 27, 1890, which were executed and filed within the last six months, are adjusted and allowed in preference to applications under same act executed in July and August, 1890? I filed an application for Albert Robins in July 27, 1891, which claim was allowed January 30, 1892. He is a stockholder in Farmers' Bank, and is also cashier, and in good circumstances financially. I also filed application for Vincent Dilley October 23, 1891, and his claim was adjusted and pension granted February 25, 1892.

Now, I will give you two cases of the other extreme. I executed application for pension under act June 27, 1890, for John Perce, August 1, 1890, and I have repeatedly written the Department asking to have his claim adjudicated. Also called up his claim through you or VOORHEES, I do not remember which of you, and up to date neither he nor myself have received any word from

the Department, with the exception that he was ordered for examination (April 8, 1891, when examined). Here is another. John C. Woodford executed his application for pension under act June 27, 1890, July 21, 1890, and up to date he nor myself have not received any word from the Department except a card acknowledging the receipt of his claim. He has not been ordered for examination, and the same effort has been made to have his claim acted upon. I could give a number of other cases similar to these, and I would like for you to look up this matter and see whether it can not be remedied. If you think best you can hand this letter to the Pension Department investigating committee. There is certainly something very rotten in the system employed in the Pension Department.

Yours,

DR. W. H. NUSBAUM,
Pension Attorney.

Hon. C. A. O. McCLELLAN, M. C.,
Washington, D. C.

HILLSBORO, ILL., March 22, 1892.

SIR: I would respectfully call the attention of your Committee on Pensions to a case of the most flagrant neglect and outrageous treatment of a pensioner on the part of the Pension Bureau that ever came to my knowledge, and would ask your assistance in righting the matter. James McGraw, Company D, Thirty-seventh Regiment Illinois Infantry Volunteers, was allowed a pension of \$12 per month May 13, 1891, but has not been paid on this allowance one cent, since which time the attorney in the case has written to the honorable Commissioner five times, to the Hon. Isaac Clements, United States pension agent, twice; to the President once; to the Secretary of the Interior, once; to the Hon. E. LANE, member of Congress, Seventeenth Illinois district, twice; to Mrs. Logan, once, and lately a petition signed by all classes of people who know the soldier as a worthy man and needy. No response of any kind whatever has been received from the Pension Bureau in reply.

Advise me of your action in the case, and oblige,
Respectfully,

LOUIS WAGNER.

Hon. Mr. COOPER,
House of Representatives, Washington, D. C.

Mr. LIND. Mr. Speaker, I rise to a question of order.
The SPEAKER. The gentleman will state it.

Mr. LIND. Mr. Speaker, I was called down from work that I was engaged in and informed that a discussion of the pension investigation was going on. I had the honor some time ago to be appointed a member of the investigating committee by the Speaker of this House. That committee has acted diligently. It has a session almost every day; the conduct of the office, the conduct of the head of the Bureau of Pensions, is now under consideration. The chairman of the committee—

Mr. COOPER. Mr. Speaker, I do not yield the floor to the gentleman for the purpose of making a speech.

The SPEAKER. The Chair understood the gentleman from Minnesota to rise to a question of order, and will state it.

Mr. LIND. I desire to make this preliminary statement, Mr. Speaker, in explanation. I will assure the gentleman from Indiana that I will not attempt to make a speech. But this preliminary statement tends to emphasize the force of the point of order I make. As I was about stating, the chairman of this committee, and every member of the committee, so far as his time permitted, has been present at every meeting, and the committee have acted zealously and diligently in regard to the matters presented to them in the conduct of this investigation.

Mr. COOPER. Mr. Speaker, I must decline to yield. I make the point of order that the gentleman can not put on file here the proceedings of that committee. They have not been reported to the House.

Mr. LIND. But, Mr. Speaker, I have risen to a question of order.

The SPEAKER. The gentleman will state it.

Mr. LIND. I am endeavoring to do so. I submit it is not only bad taste, but that it is against every rule, every rule of courtesy and decency, and against the rules of this House. It would be against the rules of any court sitting in this land anywhere for any purpose, even though an inferior justice's court, to discuss the issues before the court and appeal to that court, or an examining committee, before it had concluded the final hearings and was prepared to submit an orderly statement of the issues presented to it. Now the gentleman is proceeding—

The SPEAKER. But perhaps the gentleman does not understand. The gentleman from Indiana rose to a question of personal privilege.

Mr. LIND. Well, he has concluded that.

Mr. COOPER. Oh, no; I have not begun.

Mr. PAYNE. I think that is perhaps true. The gentleman has not begun it.

Mr. LIND. Well, the gentleman has no right to submit the letters, such as he has been reading, as a personal statement.

The SPEAKER. The Chair understood the gentleman to make the point of order that because there was pending an investigation in the Pension Office, this was out of order.

Mr. LIND. If the Chair will permit me, I will state my position.

The SPEAKER. But the gentleman from Indiana has the floor.

Mr. LIND. I am making a point of order.

The SPEAKER. Will the gentleman state it?

Mr. LIND. I am endeavoring to do so. I may not be as facile of speech as some gentlemen—

The SPEAKER. The Chair only wants to understand what the point of order is.

Mr. LIND. It is that if the gentleman, under the peculiar circumstances disclosed in that committee, desires to rise to a question of personal privilege, it is eminently right and proper, and I think it would be exceedingly becoming on his part. But if at the same time he undertakes to anticipate the action of the committee, it is then out of order. And not only that, but it is decidedly out of order for him to take up and review, by *ex parte* letters, the operations and action of that department in proceedings which are now the subject of an investigation on the part of this House.

The SPEAKER. The Chair understands the gentleman from Minnesota to make the point of order that the letters of the gentleman have no bearing on the question of personal privilege.

Mr. LIND. Yes, sir.

Mr. BLAND. Mr. Speaker, if I may be allowed a moment, I understand the gentleman from Indiana to claim that these letters have a direct bearing on the question of his employing the man Hersey as his clerk. That is to say, that the action of the Pension Department necessitated on the part of the members of this House, the securing of some aid in ascertaining the condition of the pension claims.

Now, we all know the difficulty about this matter. I want to make no reflection upon the Pension Department. I do wish that there was some law to prevent members from interfering with the office at all. I do not say that the Commissioner of Pensions is wrong at all, for we know he is flooded with letters that it is impossible to answer, as in the cases cited by the gentleman from Indiana. But certainly the gentleman has the right to read letters to show the necessity that drove him to the employment of this clerk, and what that clerk did afterwards is directly material to the issue.

Mr. BURROWS. Mr. Speaker—

Mr. HOPKINS of Illinois. Mr. Speaker—

Mr. COOPER. Now, Mr. Speaker—

Mr. BURROWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I submit that the gentleman from Indiana [Mr. COOPER] should be required to state the question of personal privilege at the very outset and not be permitted to proceed with a speech before stating the question of personal privilege. If he rises to explain away the charge that his clerk has been personally interested in calling up pension cases and has received pecuniary remuneration therefor, that is a charge which it is very proper for him to rise in his place as a matter of personal privilege and explain.

Mr. COOPER. Now, if you will allow me, this very letter which I am reading is one of the letters Mr. Hersey looked into.

Mr. BURROWS. Just a moment. Now, I submit, Mr. Speaker, that it is no way relevant to that matter to say that the Pension Department neglects to reply to the calls of attorneys or of members of the House. Even if that is so, it is no offense for any member of the House to employ an attorney to aid him in doing business with the Pension Office. That is no offense, and if that was all there was of it it would not involve a question of personal privilege at all. It is my right or the right of any member to employ whomsoever he sees fit for that purpose; but the gravamen of the offense charged is that the clerk of the gentleman from Indiana [Mr. COOPER] received pecuniary consideration for doing this. Now, that is a question of personal privilege upon which he ought to be heard, and I submit the Chair ought to confine the gentleman to that charge.

Mr. HOLMAN. Mr. Speaker, it is very obvious, it must be obvious to the gentleman from Michigan [Mr. BURROWS] that at the very outset of this explanation it is necessary to show why the attorney was employed, the reason for the employment, the necessity for it.

Mr. BURROWS. But it is not an offense to employ an attorney. That is all right.

Mr. HOLMAN. I know it is not an offense, but the reason—

Mr. BURROWS (interrupting). And that does not involve a question of privilege.

Mr. HOLMAN. But it has not been the common practice on the part of members of the House, and I think the condition of things existing in the Pension Office and its relation to the claimants for pensions might necessitate the employment of an attorney or an agent to look into this matter.

Mr. BURROWS. A large number are employed.

Mr. HOLMAN. I submit that it must be clear that this is a proper preliminary statement, as an explanation of what subsequently transpired.

Mr. BURROWS. I submit it is not, and that the gentleman ought to state the question of privilege.

The SPEAKER. The Chair will state again that it is very difficult, of course, for the Chair to determine what is or what is not strictly in order on a question of personal privilege.

The Chair is frank to say that he does not see much relevancy in the letters the gentleman is now reading. At the same time, when a gentleman honestly believes that it is a necessary and proper part of his personal explanation, the Chair dislikes very much to place his judgment against that of the gentleman, if he honestly believes this is necessary in his personal explanation.

Mr. HOPKINS of Illinois. Will the Chair allow a suggestion right there? The gentleman from Indiana [Mr. COOPER] is an interested party. His judgment may be warped. Things that seem entirely irrelevant to the unprejudiced mind may seem to him pertinent, and that is the reason we appeal to the Speaker of the House to discriminate what is pertinent and what is not, and to eliminate from this discussion what is not relevant.

The SPEAKER. Will the gentleman from Indiana please state what in his judgment is the relevancy of these letters?

Mr. COOPER. The letter which I am now reading, from Hillsboro, Ill., is a letter upon which, in the employment of the gentleman who has been denominated my private secretary, I obtained the status of a case.

Now I submit, Mr. Speaker, that it has never been said, so far as I know, that I have been charged with having received pay for this work; but it has been charged that my secretary has done it, and an effort has been made to show that I was cognizant of it and that he exercised the authority of using my name for the purpose of carrying on that business. Now, what I wanted to show was, and the reason why I have proposed to read this letter was, to show that what Mr. Hersey did as to some of these things, those that I knew about, those that came to my knowledge, were proper, and to follow that up by showing that what he did, which I did not know about, ought not to be charged to me. This letter I acknowledge I sent over there and obtained the status of the case, but I did it in answer to this letter, and he received no compensation for it whatever; but I contributed out of my own meager means the sum of \$20 a month to bring about this information and to give it to these people. I could not get it otherwise. That is the relevancy of it.

The SPEAKER. As the Chair understands the gentleman, these letters—

Mr. HENDERSON of Illinois. Why could not Judge LANE have inquired as to this claim, as the claimant lives in his district?

Mr. COOPER. This man is a constituent of Judge LANE's, and you will see by the letter that he did call it up.

The SPEAKER. As the Chair understands the gentleman, the charge is made that his clerk, or someone in his employ, had obtained information at the Pension Office as to pension claims, the status of which was sold for a consideration. The gentleman claims that these letters will show that the inquiries he made were inquiries based upon letters received from his constituents?

Mr. COOPER. This one is from Illinois.

The SPEAKER. Letters received, and he puts these letters in as a justification, or explanation rather—

Mr. COOPER. Yes, sir; of my relation to the calling up of these very cases.

Mr. BOUTELLE. Mr. Speaker, it seems to me that there is a very clear distinction between the two cases. Is it done in regard to another question—in regard to the impropriety of acts done in his official capacity—or is it done in explanation of the manner in which these calls are made? If these calls for information which the gentlemen were sending were properly used in these matters and used with the gentleman's consent, I do not see that there is any question of personal explanation necessary. I do not see how the matter is to be effected by discussing the question of asking for information, which is sent to members continually.

The SPEAKER. The Chair understands the gentleman to mean that this letter was used for a predicate for an application for the information, not coming from the clerk, but coming from a soldier or interested person in Indiana, Illinois, or somewhere else.

Mr. BOUTELLE. That does not make any difference, because we are all doing that, and there is no law or rule against it. If the gentleman from Indiana says that his clerk has been using these Congressional slips legitimately for inquiries there is no objection to it.

Mr. COOPER. I admire the gentleman's ability, but I do not wish him to make my statement.

The SPEAKER. The Chair will again request the gentleman from Indiana to confine himself to what is strictly relevant to the question.

Mr. COOPER. I will do so; but does the Chair pass any opinion on this letter which I am now reading, and which I say had

come to me? I would like to know if the Chair means to imply that I am not now under the rule? That is what I want to know. I think I have explained the relevancy of this letter. I want to finish the reading of the letter, and I will say that it is the last one, if that is any relief to the gentlemen, that I desire to read. In response to the suggestion of my friend from Maine, I want to say that I admire his ability and assurance. He is a good talker, but I wish to make this particular speech myself, and I do not care to have it dictated or made by him. [Laughter.]

Mr. BOUTELLE. If the gentleman will pardon me, I desire to say that I have not the slightest desire to embarrass him in his personal explanation.

Mr. COOPER. I do not yield.

Mr. BLAND. When the gentleman rises to a question of personal privilege he ought to be permitted to state it.

This is the letter which I have read from:

James McGraw, Company D, Thirty-seventh Regiment Illinois Infantry Volunteers, was allowed a pension of \$12 per month May 13, 1891, but has not been paid on this allowance one cent. Since which time the attorney in the case has written to the Hon. Commissioner five times; to the Hon. Isaac Clements, United States pension agent, twice; to the President once, to the Secretary of the Interior once; to the Hon. E. LANE, M. C., Seventeenth Illinois district, twice; to Mrs. Logan once, and lately a petition signed by all classes of people who know the soldier as a worthy man and needy. No response of any kind whatever has been received from the Pension Bureau in reply. Advise me of your action in the case, and oblige.

Respectfully,

LOUIS WAGNER.

Now, Mr. Speaker, this letter came to me by reason of my relation with the Pension Office for the last two years, which is known to the country. I sent this gentleman, Mr. Hersey, over there to look into the status of that case, and I found that last spring the certificate which had been allowed to the pensioner had been sent to Hillsboro, Ohio, while the man's home is in Illinois. It remained there for some time, and then it was returned, and pigeonholed. These letters had been going on all through the year and not one of them had ever been answered until I dislodged it by the aid of this gentleman, Mr. Hersey, and by his aid its whereabouts was discovered.

For that no fee, consideration, or charge at any time was made. As I have already said, none has ever been made by me. There are 2,000 persons employed in the Pension Office, and yet it appears there are claimants and attorneys everywhere except in Washington who are so desirous of gaining some information in regard to their cases that they are willing to pay for it. I make no excuse for anyone who violates the regulations of the office or the confidence of Congressmen to obtain this information to supply this demand, but I venture the assertion that it will be perfectly clear to claimants and attorneys living away from here that the policy pursued by the Commissioner which banks up the business here in the hands of Washington attorneys, among whom are his son and the indorsers of his commercial paper, is much more a crime against them and their interests, and a debauchery of the public service much more harmful than furnishing such information even for compensation.

Mr. HOPKINS of Illinois. Mr. Speaker, I rise to a point of order. The gentleman has named the Commissioner of Pensions and has criticized him. That is no part of a personal explanation.

The SPEAKER. The Chair—

Mr. GROUT. Mr. Speaker, I want to be fair, but this sounds more like an arraignment of the Commissioner than like a personal explanation.

Mr. COOPER. I know how it sounds to the gentlemen, inasmuch as they have to stand responsible for this official.

Mr. HOPKINS of Illinois. I ask a ruling on the point of order that I have raised.

The SPEAKER. The gentleman [Mr. COOPER] is not confining himself to the question of his personal explanation, but is dealing more largely with the practice in the Pension Office, which is not now before the House.

Mr. COOPER. Mr. Speaker, it was the Commissioner of Pensions who made the charge, and the charge must be construed in the light of the facts as they exist in his Bureau, because it is out of the management of his Bureau that the charge grows and is made.

The SPEAKER. The Chair may be mistaken about it, but the Chair understands the charge to be that some gentleman in the employ of the gentleman from Indiana [Mr. COOPER] and acting as his clerk, sold information to these attorneys. Now, how can that affect what takes place in the Pension Office?

Mr. COOPER. Why, Mr. Speaker, that is only one of the charges, and I see now that perhaps there has dropped out of the minds of Representatives a very material part of this matter, which is that the Commissioner has charged me through the papers and by his testimony before the committee, with using my Congressional call slips too much, with exercising too wide a privilege in that respect.

I have just read you some letters from different parts of the country in explanation of why it is I have gone to such an extent in the use of my call slips, and why they have become so frequent in the Pension Bureau, and I think that is inseparable from the case and everything that relates to it. The charges are that a great number of my call-slips have come there from time to time; so many, in fact, that some persons have dumped them into the wastebasket, and I was only endeavoring to show why it was that they came and what the occasion was for called slips.

The SPEAKER. The Chair does not see that the statement of the gentleman as to Washington attorneys and the Commissioner has any bearing on the question of privilege.

Mr. COOPER. Well, I have no particular desire to put in that part of it. That is a fact which is so well-known that it perhaps need not be stated here. Whatever Mr. Hersey did in the way of furnishing this information in the manner charged by the Commissioner was done without my knowledge or consent, as he has already testified. The Commissioner has shown that he was cognizant of facts as early as the 1st of September last, which led him to believe that Mr. Hersey was abusing my confidence. Indeed, in January of this year Mr. Raum asked me whether Mr. Hersey was authorized to sign my name, a thing which I think he already knew, and yet, instead of telling me his suspicion, he did everything in his power to bring about his fall, arranged as he has himself testified, to have him bribed, and, in the hope that he might in some way entrap me, spread a net over two or three States and called into requisition the spies and informers who were his creatures and do his bidding about him.

Mr. BURROWS. Mr. Speaker, is that thought to be in order as a matter of personal explanation, that reference to the "spies" and "creatures" of the Commissioner?

The SPEAKER. As the Chair has said, it is very difficult for the Chair to determine a question of this kind. The Chair appeals to the gentleman from Indiana [Mr. COOPER] to confine himself to the question of personal privilege. That question relates to his own conduct more than to the conduct of others.

Mr. COOPER. The first information I had that Mr. Hersey was receiving pay for work done over my signature was when I received the letter from Morgan containing \$25. I immediately sent for Mr. Hersey, and told him that I could not allow him to receive pay for that kind of service, and returned the money to Mr. Morgan in the following letter, which explains itself:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., March 11, 1892.

DEAR JIM: Your letter containing \$25, which, you say, is for Mr. Hersey, came while I was out in Indiana. So soon as I returned it was delivered to me. I have been very busy or should have answered immediately. I wished to see Mr. Hersey before doing so. I had not fully understood what it was you wished him to do for you. From your letter it seems you have sent him the money to pay him for calling up cases. Of course, Jim, I can not allow you to pay Mr. Hersey for that kind of work. He is in my service, and it is only as my secretary that that work can be done for you. I have called up thousands of cases, and have always done it cheerfully, but I have never received nor knowingly allowed anyone connected with me to charge a cent for that work—not even a postage stamp.

I shall not, therefore, allow you to pay anything for that service. It is not right. It is a burning shame that the office with 2,000 employes can not or will not carry on the necessary correspondence with claimants and their attorneys. However that may be, I am clear that I ought not to allow you to pay Mr. Hersey anything while he is in my service. Whatever is done by me in that direction is done in the line of my duty, and is so to be regarded. I will do the best I can for your cases, but not for pay. I therefore return the money.

GEORGE W. COOPER.

Your letter to Mr. Hersey came this evening, and was opened by me by mistake. I have stated my position to Mr. Hersey and the matter is satisfactory to him.

Yours,

Mr. JAMES F. MORGAN,
Bloomington, Ind.

COOPER.

Morgan was from my district. I devoted some time to him while here. While he is a Republican, and has always fought me politically, I never suspected him of perfidy. I did my best to enable him to see all matters and points of interest about the city, and showed him through the Capitol. I took him to the Pension Office with me, and it was in his presence that Raum asked me whether Hersey was authorized to use my name. He expressed a desire to meet Hersey, and I took him to his office and made them acquainted. It is not true that I said to Morgan that Hersey would work for him for pay, nor that anything whatever was said upon that subject.

It seems very clear to me now that that was what was in Morgan's mind; that his business with me was to get some such statement; but he did not get it. I wanted to serve him freely as I had always done before, for I never made any distinction among my constituents upon political grounds when it came to looking after their individual interests. And I say here that never at any time did I ask or accept one single cent for any service growing out of my connection with my public service, neither directly or indirectly, and I defy any human being to show to the contrary. I make this declaration hoping, and so far as I am

able, intending that it shall go to every home in my district, and with the consciousness that I can confront here and hereafter every soul of that dear people which have honored and trusted me, and show them clear hands and a conscience void of offense.

Correspondence between Mr. Hersey and Mr. Peet is set out at length, and it is charged that he is related to me. He is not related to me, but is a brother-in-law to my brother. I never had until the publication of these letters the slightest intimation that such correspondence was going on. Mr. Peet, as an employé of the firm of Maring & Slusher, had seen some of Mr. Hersey's work for me, which I had sent to claimants living in that vicinity. He told me that he was going to Kansas to start up for himself, and he would like to have a Washington partner, and thought Mr. Hersey would suit him, and asked me to recommend him to Mr. Hersey. Mr. Hersey's letter, which the Commissioner gives, shows that he had some such purpose.

I believe that he contemplated a regular and honorable business engagement, and never thought of the matter afterwards. I have been absent from Columbus most of the time since, and we have had no correspondence upon that subject. Indeed, I have been at home within the last ten days, and he must have known that I was there, and although his deposition had then been taken and the Commissioner supplied by him with every scrap of evidence which he supposed would reflect upon me, he did not inform me of it, nor did I see him. He was then, and I presume is still, in the employ of John N. Maring, of whom it now becomes necessary for me to speak at some length.

Mr. Maring is a Republican. He was at one time favorably mentioned as a possible candidate against me at the polls. When I first became a member of Congress, which was on March 4, 1889, he was doing a very extensive business. I then knew absolutely nothing about the pension laws, never having been employed in any way in relation to such matters. He came to my office and said that he desired the use of my name in calling up the cases of "the boys;" that it was usual for Representatives and Senators to make such calls, and I think he exhibited to me one signed by Senator TURPIE. On his representation that such was the custom I consented. It was my understanding, however, that this privilege was only to be exercised on behalf of soldiers in my district.

I afterwards learned that he was using it generally in his business, and called up claims all over the country. I then wrote to Commissioner Tanner and told him that while I had authorized the use of my name I had expressly limited that privilege to soldiers of my district. I can not give this letter for the reason that I kept none of the correspondence, and Commissioner Raum, for purposes which will be perfectly plain, has either destroyed or in some manner suppressed the whole of this correspondence. If that letter and my other correspondence with Commissioner Tanner were produced Raum's criticism would be answered in advance. Under this administration of that Bureau a practice of abstracting documents from the files has become so common that it has acquired a name, and is called "skinning the files."

Mr. HOPKINS of Illinois. Mr. Speaker, I rise to a question of order upon the remarks of the gentleman. He is again criticizing the conduct of the Commissioner and of his Department.

Mr. HENDERSON of Illinois. And, I may be permitted to add, that seems to be the prime object of the gentleman from Indiana—to arraign the Commissioner. Almost everything that he has said or read, including these letters, is proper to be considered by the committee of investigation, and the committee ought to have an opportunity to consider it. They can hear everything the gentleman has to say. They can examine all these letters. The gentleman has political friends who are members of the committee, and I submit that it would be in better taste to let them determine this question before the gentleman undertakes in this way to arraign the Commissioner and the Department on the floor of the House.

Mr. COOPER. I believe it was Horace who said, "*De gustibus non disputandum est*," which, being liberally interpreted for the benefit of gentlemen, means that nothing is to be gained by disputes about matters of taste. Therefore, if only a question of "taste" is involved here, I presume it is not a matter demanding my serious notice.

If, however, the remarks are to be considered as having presented a point of order, I wish to state now that I am simply explaining that I wrote letters to this Bureau when Commissioner Tanner was in office, which would show how it happened that my name was on this great number of Congressional call slips; that these letters have been in some manner withheld from me, and I am endeavoring to explain how it is.

Mr. HENDERSON of Illinois made some remark.

The SPEAKER. The Chair did not hear the exact language which the gentleman used.

Mr. COOPER. It was a friendly admonition—

Mr. HENDERSON of Illinois. I intended it in that way.

Mr. COOPER. I suppose the thing that brought these three or four gentlemen to their feet was the language "skinning the files," that phrase being now very common about the Bureau and in Washington. I was endeavoring to explain how it came that this language was used with reference to abstracting papers, letters, and other documents from the files. That is all.

Mr. LIND. The gentleman made that charge; and it is utterly false, as he knows. There has been no evidence of that kind before the committee, and the gentleman has never made that charge before the committee. That shows the impropriety of this discussion at the present time.

Mr. JOHNSON of Indiana. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Indiana. For the purpose of speaking to the point of order.

The SPEAKER. The gentleman will be heard.

Mr. JOHNSON of Indiana. Mr. Speaker, I do not think there is any opposition to permitting the gentleman from Indiana [Mr. COOPER] to occupy the floor for a personal explanation. It seems that he thinks the testimony of the Commissioner of Pensions, as given before the committee, and as it has appeared in the newspapers, has reflected on him; and he is taking advantage of this opportunity to reply. Now, it is to the interest not only of the gentleman from Indiana, but to all gentlemen on both sides of this floor, that the personal privilege of members—the right of a member to defend himself from a personal imputation—shall be preserved; we are all interested in this; but it does seem to me that this right ought not to be abused.

In this instance it would appear from the whole tenor of the gentleman's remarks from beginning to end, that he is not so much seeking to make a "personal explanation" and vindicate himself, as he is endeavoring to abuse this privilege for the purpose of making an unwarrantable attack upon the Commissioner of Pensions.

Now, in passing upon this question of order, it is well enough to recall as a matter having some relation to the question that the gentleman himself at the last session of Congress instigated an inquiry into the condition of the Pension Office—

Mr. COOPER. I did not yield the floor for a speech.

Mr. JOHNSON of Indiana. I am not making a speech, and it does seem to me that the gentleman is not the one who should charge anybody with wandering from the question in view of the irrelevant matters which he has introduced into this so-called "personal explanation." At the last Congress, as I was saying, an investigation was entered upon at the instigation of the gentleman, and a report was made, upon which Congress took action. Now, at the present session another resolution has been introduced here for an investigation into the proceedings of that office, and the gentleman has appeared, as I understand, before the committee in the capacity of a prosecutor.

Now, it seems that something has been drawn out in the examination before the committee—in the testimony of the Commissioner of Pensions—which my colleague, the gentleman from Indiana, seems to think reflects upon him; and he rises in his place under the rules of the House to make what he calls a personal explanation. He reads a series of letters, which I undertake to say, in the light of what has transpired within the last ten minutes, were not at all necessary to his own vindication and which indicate clearly that his purpose was not so much to make a personal explanation as to make a direct attack upon the Commissioner and forestall the action of the House in the pending investigation.

I submit, Mr. Speaker, that no gentleman should be permitted, under the pretense of a question of personal privilege, to make an attack of this kind upon an official who is the subject of an investigation. Nobody seeks to restrict the gentleman from Indiana in the use of any language he may see fit to use to place himself right. It would be difficult to undertake to do this, as no two men would probably express themselves in the same way, and he must determine for himself the character of the language he employs. But this is a matter of good faith and he ought not to be allowed to abuse his privilege. He is allowed to get the floor contrary to the ordinary rules of order and proceedings in the House, to make a personal explanation, and he should not be permitted to go far beyond that, and under that pretense make an assault of the character he has been making upon the Commissioner when no opportunity is afforded for replying to him.

It seems to me that the whole tone of his remarks from beginning to end shows that he is not trying to vindicate himself, although he alleged that he rose to a question of personal privilege, but is seeking, I say again, to cast imputations upon the head of the Pension Bureau, and by virtue of his membership of this House and of his right to rise to a question of personal privilege he procures the attention of this body for the purpose of making this assault. If the gentleman wants to do that let it be

done by the introduction of a resolution in the proper manner. Let him go before the committee, and bring testimony that he shall introduce to support the allegations he makes.

Mr. COOPER. Mr. Speaker, I hope my colleague from Indiana will not consume any more of the time.

Mr. JOHNSON of Indiana. I insist upon the point of order.

The SPEAKER. The gentleman from Indiana will proceed in order, and the Chair will state that it is only in order to vindicate himself from any charge which may have been made against him.

Mr. JOHNSON of Indiana. Nobody objects to that, but the gentleman is passing far beyond, and abusing the privilege of the House for the purpose of making an unwarranted attack upon the Commissioner of Pensions.

Mr. COOPER. I have called upon the Commissioner for these letters, and he says he can not find them. I asked him for the letter-press copy book used by Commissioner Tanner that I might see the copies of his answers to me. He said "Commissioner Tanner took a lot of that stuff" away with him and he presumed that he had it. I knew better, but I did not leave it there, but addressed this letter to Commissioner Tanner:

HOUSE OF REPRESENTATIVES, Washington, D. C., April 9, 1892.

MY DEAR SIR: Do you remember having had any correspondence with me upon the subject of Congressional calls while you were Commissioner of Pensions? If so, are my letters or copies of your answers thereto in your possession? If not, please state what disposition, if any, you made of them. I will also be glad, if you can do so, to have you give your recollection of the contents of any such letters.

Very respectfully yours,

GEO. W. COOPER.

HON. JAMES TANNER,
Washington, D. C.

To which he responds—

[James Tanner, attorney and counselor at law, Loan and Trust Company building.]

WASHINGTON, D. C., April 11, 1892.

MY DEAR SIR: Yours of the 9th instant is at hand and contents noted. I remember very distinctly having some correspondence with you on the subject of Congressional calls in connection with the firm of Maring & Slusher, of Columbus, Ind.

Regarding your second inquiry as to whether your letters or copies of my answers thereto are in my possession, I have to answer no. It was official matter, and was left in the files of the Pension Office when I retired. My recollection of the matter is that I learned that there were a great number of calls relative to the claims in which Maring & Slusher were attorneys, which calls bore what assumed to be your signature. I think, in fact I am very positive, that it was reported to me that there was about 2,800 of them. I had a letter from you stating that you had authorized them to use your name on call-up slips, but stating that it was your understanding that your name would be used in that connection exclusively regarding cases of applicants for pension who were residents in your district only.

If the honorable Commissioner of Pensions was correctly reported in the daily press a few days since, then I think he must certainly have been somewhat mixed, and confounded I you with the senior Senator from your State, the Hon. DANIEL W. VOORHEES, for I remember that in connection with that matter I was informed that the same firm had, while Gen. Black was still Commissioner, presented some 5,000 call slips with Senator VOORHEES's signature attached. I am clear in the recollection that the 2,800 calls above referred to (and which I ordered destroyed) were the first ones in my experience as Commissioner that your name had any connection with. This matter came to my mind when I read the testimony of the honorable Commissioner, in giving which he located the 5,000 cases under Gen. Black. You, if I recollect, came into office as Gen. Black went out.

Very respectfully yours,

JAMES TANNER.

HON. GEO. W. COOPER,
House of Representatives, City.

I knew that this correspondence should be among the files in the law department, among the papers relating to Maring's record as an attorney, and I went and examined there. Not one scrap of paper bearing my name was among those papers. Then I knew that some one had "skinned the files," and suspecting the party most interested to be the guilty one, I went immediately to the Commissioner's room and asked him for the papers, with the result before stated. I remembered, however, that when at one time early in the investigation he thought he could damage me by associating my name with Maring's he threatened me with a long telegram which he said he had in a bundle of papers held in his hand, in which I asked the Commissioner not to disbar Maring until he could have a hearing.

I called Raum's attention to this, and asked him what had become of my message. He then remembered that he had that, and produced it from among his private papers. In answer to my question why it was not with the files, he said he thought he might have use for it, and wanted it in safe-keeping. In view of this can anyone have any doubt as to where my other letters are? or that the reason they are not produced is that they would confound and condemn him?

Early in September, 1889, Maring received notice that he would be disbarred for some irregularities in his business, the particulars of which I do not remember. I know it was nothing that grew out of my relations to him, and at his request I united with Mr. J. I. Irwin, a leading Republican and banker of Columbus, in requesting that he be given time to answer. This was the substance of my dispatch, and is the one which the honorable Com-

missioner abstracted from the files. By this time I began to think that it would be better for me to cut loose from the leading Republican and possible competitor Maring, and that it would be better for me to have him for a political opponent than a personal friend. So I resigned all claims on him, and the relations shifted.

Mr. BURROWS. Does the Speaker think the gentleman from Indiana is in order at this point talking about "abstracting papers" from the files of the Pension Office, and intimating that the official at the head of that Bureau is guilty of such conduct?

The SPEAKER. The Chair understands the gentleman is directing attention now to the existence of the number of Congressional calls that seem to have found their way into the office over his name.

Mr. COOPER. Yes, sir; and the gentleman from Michigan—I appeal to the gentleman to hear what I have to say—it is charged by the Commissioner that a young man in the office of Mr. Maring, from whose office these calls came, was a relative of mine, and that this great number of calls came in some way through my relationship to him.

Mr. BURROWS. How long would it take the gentleman to deny that fact if it were not true?

Mr. COOPER. Well, I am not satisfied only to deny the fact. I want to deny it and to produce absolute proof of its falsity.

Mr. BURROWS. I submit, Mr. Speaker, in all seriousness, that the gentleman from Indiana ought not to be permitted to cast slurs and insinuations against the Commissioner of Pensions, stating that "he knew where the letters were gone," he knew "who the guilty party was," he knew "who had abstracted the papers from the files," and so on, charging him with petty larceny or grand larceny, whichever it may be, pending the investigation now going on.

Mr. COOPER. If my friend from Michigan will listen to me for a few moments, I am sure I will be able to convince him on that subject.

Mr. BLAND. Mr. Speaker, it seems very fair for the Commissioner of Pensions to charge anything against any gentleman here which he may see proper to charge, but when that member so charged undertakes to answer, anything that he may undertake to say he is out of order. It is perfectly right to answer such charges, and the gentleman should be permitted to answer them in his own way.

The SPEAKER. The Chair thinks the gentleman is not out of order, as the Chair understands his statement.

Mr. PAYNE. But, Mr. Speaker, it seems to me that the only thing now for the gentleman to refer to is what the letters contain, and not to account for the absence of those letters from the files. If they can not be found the gentleman can give the substance of them and give the reply of the Commissioner as to where the letters are. But it is certainly not in order for the gentleman to assail an officer, and make such charges as he has been making, under the allegation that it is a personal question.

The SPEAKER. Of course the House must bear in mind that this seems to be a somewhat spirited controversy between the Commissioner and the gentleman from Indiana.

Mr. PAYNE. But that is not the question, Mr. Speaker, at this time. The Commissioner is under examination before a committee, and the matters about which he is being investigated are not proper subjects for controversy upon the floor of the House at this time. The relations between the Commissioner of Pensions and the gentleman from Indiana [Mr. COOPER] are not involved here now. The only question is whether they furnish an occasion for the gentleman from Indiana [Mr. COOPER] to allow these pension attorneys the privilege of using the Congressional slips in his name to call up pension cases.

The SPEAKER. Of course the gentleman might explicitly and in a few words deny that; yet different men have different methods of making a statement.

Mr. PAYNE. But, Mr. Speaker, he goes further than that, and says that he explained that to Commissioner Tanner in certain letters which he can not find. Now, the only thing that is relevant upon that question is the contents of those letters, not his controversy with the Commissioner.

The SPEAKER. The gentleman will observe that it is evidently the purpose of the gentleman from Indiana—how far he has accomplished that it is not for the Chair to determine—to attack the animus of the Commissioner and to show that he has willfully withheld these letters.

Mr. PAYNE. How is that relevant upon this question? The question is as to the contents of those letters.

The SPEAKER. The Chair thinks that might show the animus of the gentleman who makes the charge, and that it might be very relevant.

Mr. PAYNE. As I understand, the gentleman from Indiana [Mr. COOPER] admits the charge.

Mr. COOPER. Admits what charge?

Mr. PAYNE. Wait a moment and I will tell you what the charge is, and then if I misstate it you will have an opportunity to correct me. As I understand it, the gentleman admits this charge, that this pension firm were allowed to use slips in his name. Now, that is the charge that he is specifically meeting at this time, as I understand it, and he admits that that is true, that he did allow them to use these slips. Is not that true?

Mr. COOPER. I do not desire to answer that categorically.

Mr. PAYNE. I understood the gentleman to say that.

Mr. COOPER. I can explain to the gentleman, and I appeal to him to allow me to proceed. This being a matter of personal honor, which is dear to me, I appeal to my colleague, and I will say that the difficulty with you and with my friends on that side of the House is that possibly you have not known the extent to which this charge has been preferred. The papers were filed with the committee, and the contents of them were telegraphed almost in full to the newspapers in Indiana. I think the gentleman has not seen more than small abstracts or slight references to them in the Eastern papers; but if he had seen them all he would have known how every word I have said here to-day is not only pertinent, but proper, and I hope that the gentleman will not interrupt and interfere with me with technical objections.

Mr. PAYNE. I am not making any technical objection to what the gentleman says. If he has not fully stated the charge that is made against him, he ought to do so for the information of the House. [Cries of "Regular order!"] I think this is the regular order.

Mr. RICHARDSON. The Chair has decided the question and the gentleman has not appealed. I submit he is out of order.

Mr. PAYNE. Has the Chair decided?

The SPEAKER. The Chair has decided.

Mr. PAYNE. Very well.

Mr. COOPER. I was then saying that I had surrendered all my claims on the attorney Maring. Commissioner Tanner gave place to Raum. Raum began his methods, and I began to investigate them. Early in the fight Raum conceived the idea that he could smirch me with Maring's name. He searched the records and "skinned the files" for my correspondence. Speaking of Maring he referred to him as my man Maring. However, this did not last long, for Raum determined to invade my district and endeavor to break me down before the people. He has already admitted here how he prostituted the Pension Office in that contest.

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order. In order to bring this matter clearly before the House and the country I would like to ask whether the Speaker thinks it is in order for the gentleman in a personal explanation to state that the Commissioner of Pensions prostituted his office in a certain case?

Mr. COOPER. He admitted that before the committee.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] makes the point that what the gentleman is at present saying is not in order.

Mr. BOUTELLE. I make the point of order that in a personal explanation it is not in order for the gentleman from Indiana to allege and charge that the Commissioner of Pensions has prostituted his office.

The SPEAKER. There might be a question arise where that would be in in order, might there not?

Mr. BOUTELLE. I only ask the Chair to rule. I make the point of order that it is not in order for him to charge in his statement that the Commissioner of Pensions in a certain case prostituted his office.

The SPEAKER. The Chair does not think that the language the gentleman has just used was in order, as the Chair understands it; but the Chair can not decide that general proposition.

Mr. BOUTELLE. I will ask the gentleman from Indiana to repeat what he just said.

Mr. COOPER. I will gladly do it, and I will elaborate it if the gentleman wishes. [Laughter.]

Mr. BOUTELLE. No; just please repeat what you read from your written statement.

Mr. COOPER. I would like to read it to you in full, the statement where he testified before the committee.

Mr. BOUTELLE. Please read what you read before.

Mr. COOPER. Yes, I will. I will accommodate you, if it will have any effect to soothe you. I will begin back. Speaking of Maring, he referred to him as my man Maring. However, this did not last long, for Raum determined to invade my district and endeavor to break me down before the people. He has already admitted here how he prostituted the Pension Office in that contest.

Mr. BOUTELLE. That is what I desire to have a ruling upon.

Mr. COOPER. Well, I have not read the balance of the sentence.

Mr. JOHNSON of Indiana. That is what we have been asking for a ruling on all this time.

Mr. COOPER. The balance of the sentence shows the relevancy.

The SPEAKER. The Chair must say to the gentleman that his argument seems more largely addressed to assailing Mr. Raum and the Pension Office than to any charge real or supposed on himself.

Mr. COOPER. He assails me.

Mr. JOHNSON of Indiana. You first assailed him.

Mr. COOPER. I am showing the animus and the spirit which actuated him in making the attack; that is all. And in this particular instance here, I want to show how it was that he had set the example for Mr. Hersey to furnish information to outside parties.

The SPEAKER. The gentleman must bear in mind that this is not a debate upon the Pension Office—

Mr. COOPER. I understand that.

The SPEAKER. But a mere question of personal privilege. Where a gentleman is assailed, under the rules of the House, and of every other parliamentary body, he has a right to get up and make a personal explanation, and that personal explanation, the Chair thinks, should be confined to the charge or insinuations made against him.

Mr. COOPER. The trouble between us, Mr. Speaker, and the friends on the other side is, that I do not think the Chair, with all due deference, nor some gentlemen on the other side, understand the scope of the charge, or how broad it has been.

The SPEAKER. Will the gentleman please read the charge so that the Chair may understand?

Mr. COOPER. Yes, sir; I will be glad to do so.

The SPEAKER. The gentleman will please read the charge.

Mr. COOPER (reading):

That Mr. S. R. Hersey, whom he sees fit to denominate my private secretary, has violated certain regulations of the Pension Office.

The charge, as I understand it, is that he has, by the use of my name, examined into the condition of claims and reported to the attorneys or claimants the result of such examination and that he has received a fee for such services.

He has also discovered that three years ago, soon after I came into office, Maring & Slusher, pension attorneys, procured my name to a great number of Congressional call slips, which the office then refused to recognize. He has even procured and filed with his papers here an affidavit of one David L. Gitt, who represents himself as a real-estate agent here in Washington, that—I quote the exact language of his deposition:

"During 1888, when Gen. Black was Commissioner, there were quite a great number of slips went into the office by George W. Cooper, member of Congress from Indiana, at Columbus, Ind., bearing the printed card of Maring, Slusher & Co., of Columbus, Ind. These, by reason of their great number, were such an imposition upon the congressional privileges of the office that I felt called upon to present the matter to Gen. Black's personal attention for orders as to their disposition. Gen. Black told me to throw them into the waste-paper basket."

Attention is called to the fact that in the summer of 1889 the firm of Maring & Slusher had printed a large number of Congressional call blanks with the fac simile of my signature thereon, for use in their office in calling up cases. These constitute the specifications of offenses with which an effort is being made by Commissioner Raum to couple my name.

Mr. PATTERSON of Tennessee. Will the gentleman yield to me?

Mr. COOPER. I will.

Mr. PATTERSON of Tennessee. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? The gentleman from Indiana has the floor for a personal explanation.

Mr. PATTERSON of Tennessee. I was merely going to state what I understood the point to be. Now, the gentlemen on the other side seem to think that all that the gentleman from Indiana is entitled to is simply to put in his denial; he is to join issue upon the charges made against him by the Commissioner of Pensions. Now, it does seem to me that in making his personal explanation he is entitled to go into the motives the Commissioner had in making this charge; and he is entitled to go into all the facts and circumstances in support of the truth of his denial.

Mr. LIND. Would it not be better for the gentleman from Tennessee to furnish an affidavit?

Mr. PATTERSON of Tennessee. Not at all.

The SPEAKER. The Chair will repeat that it is very difficult to determine what is or what is not in order on a question of this sort, and the Chair will ask the gentleman to confine himself to the question of personal explanation.

Mr. COOPER. I will be glad to do so.

I wish to make it perfectly clear, if I can. I do not desire to transgress against the rules of the House, and will not do it if I know it, and I hope the Speaker will admonish me if I do so. The difficulty is that the House and some people are not familiar with the scope of this charge.

Now, in this very matter to which I am calling attention here there is a charge made by the Commissioner that 45,000 of these slips were printed. That is his charge, and I desire to call attention to the fact that among the papers filed by the Commissioner with the committee is the affidavit of the printer who

printed these slips, showing that there were only 5,000 of them instead of 45,000.

Then it was my purpose to show—and I would like to be able to do that if it is perfectly legitimate, otherwise not—that the reason Mr. Maring made the statement that there were 45,000 of these slips with my name printed upon them, whereas the proof shows, the statement of the printer, who says that he testifies from his books, that there were only 5,000 of them, is that the Commissioner more than two years ago had a recommendation written up that Mr. Maring be disbarred, and that he has held that over him ever since; that he never sent it to the Interior Department at all, but kept it among his private papers, for the purpose, as I insist, of controlling Maring in these matters and influencing his judgment, or at least his testimony, in order to make out a case against me.

Mr. BOUTELLE. Mr. Speaker, I would like to ask the gentleman what this "testimony" is to which he is referring?

Mr. COOPER. The testimony before the committee that is investigating the Bureau.

Mr. BOUTELLE. The committee now in session?

Mr. COOPER. It has been in session.

Mr. BOUTELLE. Mr. Speaker, it strikes me that on the face of it—

Mr. COOPER. The testimony was published. I do not know how extensively it was published in the gentleman's district, but in mine it was published quite extensively in all the papers.

Mr. BOUTELLE. I was about to call attention to the obvious impropriety, as it seems to me, of bringing in here by piecemeal extracts from testimony given before an investigating committee of this House which has not yet reported. Now, I desire to say this to the gentleman from Indiana in perfect candor. We are three hundred men here, standing upon the same basis, with the same risks and the same desire to vindicate our integrity whenever it is assailed.

I know there is no member of this House who has the slightest desire to impede or obstruct the gentleman from Indiana in any proper attempt to vindicate his good name. We shall all be glad to see him do it. But I do submit that he is not conducting to that end when he diverts a personal explanation in his own behalf into a renewed assault upon a public official whom he has been pursuing, as we all know, with great activity, and between whom and himself there has arisen a controversy of a very serious character, which has been referred by this House to a committee with full power to investigate, determine, and report.

Under such circumstances, for the gentleman from Indiana to come into the House and, under the guise of a personal explanation, to arraign this official, who is now under investigation and is meeting his accusers upon his oath before a committee acting under the authority of this House, does seem to me to be both in bad taste and out of order.

Mr. HOLMAN. Will my friend from Maine allow me a question before he sits down?

Mr. BOUTELLE. Certainly.

Mr. HOLMAN. It is very obvious that there have been serious charges made by the Commissioner of Pensions against my colleague [Mr. COOPER]. That is known to the country.

Mr. BOUTELLE. And vice versa.

Mr. HOLMAN. Now, is it not the privilege of a member of this House, in the vindication of his own character and standing here, before his constituents, and before the country, to show the spirit in which those charges have been made?

Mr. BOUTELLE. I will answer my venerable and distinguished friend from Indiana by asking him as a lawyer whether he thinks that a proper and satisfactory method of disposing of a controversy is for one person to come into a tribunal where the other can not be heard and to make *ex parte* statements of the facts or the evidence?

Mr. HOLMAN. It is not to be regarded exactly from that standpoint, Mr. Speaker. A charge is made against a member of this House. That charge has gone to the country. It has apparently, from my standpoint, although I do not assert the truth of this—it has apparently gone to the country in a form which has been influenced perhaps in some degree by the conduct of the public officer himself who makes the charge. Now, is it possible that, with our reputation so valuable, so dear to us, we are going to stick upon technicalities as to the form and mode of procedure in making a vindication?

The Commissioner of Pensions has his own method of making a defense, and he is making it, apparently, before the committee that is investigating this matter; but I hold, and I say to my friend from Maine, that when the character of a member of this House is assailed every member should feel that the case is his own, and should seek to give every opportunity for him to furnish a complete vindication.

Mr. BOUTELLE. I agree with my friend absolutely; but I hold that the opportunity is not presented in this House upon a

personal statement of one of the parties. It is customary, as the gentleman well knows, quite an ordinary thing, for a member who is accused of wrongdoing to ask for a committee of investigation and to have it granted. There is a committee now in session investigating this matter—

Mr. COOPER. Mr. Speaker, is this going on by my permission, or by yours, or how?

Mr. BOUTELLE (continuing). And I say that if, in addition to the general statement which the gentleman makes denying the charge, he feels bound to go into details, especially details which necessitate on his part convicting the Commissioner of Pensions of wrongdoing, he should go before that committee and file his proof where it can be met and answered.

The SPEAKER. The Chair renews his statement that he appeals to the gentleman from Indiana [Mr. COOPER] to confine himself strictly to the question at issue.

Mr. COOPER. Yes, sir. Now, I was about to state the relation which Mr. Maring and Mr. Raum and I bore to each other, with the view of showing what weight should be given to the statement that forty or forty-five thousand of these call-slips were found with my name appended to them.

On August 5, 1890, he had a letter written by the law clerk recommending that he be disbarred. It appears from the jacket which contains the papers in the case that this recommendation was sent to the office of the Secretary of the Interior, and on that date, viz, August 5, 1890, but it never reached the Interior Department. At least it had not a few days ago when Secretary Noble kindly had a search made for it at my request. I have heard that the Commissioner carried that document to Indiana with him when he went out to stump my district. I do not know that this is true, but I do know that whereas Maring had been very bitter against Raum on account of the now notorious order of the completed files, about the time Raum was to arrive in Indiana he published in the local papers a long card in which he gave the Commissioner and his order his unqualified indorsement; that he met the Commissioner at the station in Columbus and marched about the streets with him, and I have been told that they had a private consultation in Maring's office. I know that they have cooperated together from that time to this; that under the stimulating influence of this suspended recommendation for disbarment he swore in these papers filed by the Commissioner that the number of imitation Congressional call slips which he had printed was forty or forty-five thousand, whereas the man who printed them swore that the number was only five thousand, and stated that he took the number from his books. I quote from his evidence:

Q. (Mr. MITCHELL.) Mr. Maring in a statement made before me said he had forty or forty-five thousand of these slips printed by you. Could you be mistaken as to the quantity printed?

A. No, sir; I take the quantity from my books as charged for at the time.

As to all these slips of Maring's I have this to say: I gave him the use of my name on his representation that it was usual and necessary to the proper and speedy adjudication of the soldiers' claims. As I have explained I then knew nothing of the routine work of the Bureau. I corresponded freely and fully with Commissioner Tanner about it. He and I did not differ.

I wish now to call attention to a letter which was handed to me by the Postmaster of the House only a few moments before I took the floor to-day. The letter to which I have already referred and which Commissioner Tanner in his letter to me states that he remembers all about, I have not been able to find, either here or at home; but my brother, in searching through my files at home, has discovered the letter to which I have referred in reference to the spurious call slip on which my name was printed; the one which I hold in my hand. I kept a copy of that letter, which I received, as I have stated, only a few moments before I took the floor to-day. I read it:

COLUMBUS, IND., August 3, 1890.

DEAR SIR: Sometime ago when I had no Congressional call blanks, pension attorneys Maring & Slusher proposed, as a saving of labor to me, to have some printed. I could see no impropriety in it, and yet it occurred to me that I ought to consult you about it as your name is printed upon the blank exactly as in the original, and for the further reason that in a former letter you decided to not consider calls made for attorneys as coming within the courtesy extended to Congressional calls. I send these for your inspection and information, and beg you to say whether I may as occasion requires use them. I am now out of Congressional call blanks, and will be glad if you will send me a new supply at once.

Respectfully,

GEO. W. COOPER.

COMMISSIONER OF PENSIONS,
Washington, D. C.

I did not know until a few moments before I took the floor that this letter was still in existence. It must have been in some way providentially preserved.

So that, Mr. Speaker, I think the evidence here all conclusively shows that from the time I entered upon my duties as a member of Congress—from the time I first had my attention called to Congressional call slips—I from the beginning consulted with those in authority; that I laid the facts in the matter before the

highest officer concerned with such subjects—the only one, so far as I know, to whom it would have been proper for me to appeal—asked his advice and guidance, and received his entire approval of whatever was done by me.

When, so far as I knew, the matter was dismissed with the public mind, a statement was procured from a gentleman in Indiana by the name of Holt, who revived the matter. He having been in Mr. Maring's office at the time, sent a letter which was put on file here with the papers of Commissioner Tanner, calling attention to it. I presume he did not know I had fully corresponded with the Commissioner of Pensions, and had with him a full understanding in regard to the matter.

I can not but feel, Mr. Speaker, that the motive which influenced this man to send that letter to Commissioner Raum was because the last time I ever met him I was compelled as attorney to eject him from a house that belonged to my sister. From that time on I never knew what became of him. It seems he is still at large. [Laughter.]

Now, Mr. Speaker, I presume that what I have said has reflected upon somebody. I have felt honestly and conscientiously that it was necessary for me to make this statement. Some of my colleagues have said, "There is nothing in it," but I can not feel that way about it so long as some of the papers have printed with headlines such questions as "Is COOPER a partner?" etc., speaking with reference to a violation of the rules and practice in the Pension Office. Mr. Speaker, most of my Congressional life has been sincerely and honestly devoted to an effort to purify that office, and it would be remarkable indeed if while engaged in that effort I should myself willingly or knowingly violate any of the rules and regulations of that Department.

I have asked your time; you have taken some from me; and we have consumed together a good deal upon this matter; but I have brought it up, because, as I have said, I expect to meet you gentlemen here day by day and I want to be able to look in your faces and to have you know that if there has been anything wrong about this matter from first to last, I did not know it and had no part in it. [Applause on the Democratic side.]

Mr. BOUTELLE. I hope the gentleman from Indiana [Mr. COOPER] will be equally charitable toward the Commissioner of Pensions.

Mr. COOPER. I do not ask the gentleman for charity. I demand what is right. As for the Commissioner, he is before another tribunal and he must stand or fall by the facts, as I propose to do.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. OUTHWAITE, for the rest of the week, on account of important business.

To Mr. PRICE, indefinitely, on account of important business.

To Mr. BROWN, indefinitely, on account of important business.

To Mr. SEERLEY, indefinitely, on account of sickness in his family.

INDIAN APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. PEEL, Mr. ALLEN, and Mr. WILSON, of Washington, as conferees on the part of the House upon the Indian appropriation bill.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 18) for the relief of Edward S. Armstrong;

A bill (S. 440) to authorize the construction of a bridge across the Missouri River, between the city of Chamberlain, in Brule County and Lyman County, in the State of South Dakota;

A bill (S. 1645) making Velasco a subport of entry; and

A bill (S. 1643) authorizing the Velasco Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

ADDITIONAL ARTILLERY NATIONAL GUARD.

Mr. LANE, from the Committee on the Militia, reported back the bill (H. R. 5062) to provide additional artillery for the National Guard; which was referred to the Committee of the Whole House on the state of the Union.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PEEL, from the Committee on Indian Affairs, reported back the bill (H. R. 5684) to authorize the Dennison and Northern Railroad Company to construct and operate a railway through the Indian Territory, and for other purposes; which

was referred to the Committee of the Whole House on the state of the Union.

URGENT DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the urgent deficiency bill.

The SPEAKER. The Chair will submit the gentleman's request to the House, that when it shall go into Committee of the Whole to consider general appropriation bills, the urgent deficiency bill may be taken up. Is there objection?

There was no objection.

The motion of Mr. SAYERS was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. O'FERRALL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the urgent deficiency bill, and the Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7816) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes.

Mr. SAYERS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAYERS. Will the gentleman from Maine [Gov. DINGLEY] state if he desires any time for general debate?

Mr. DINGLEY. I do not. I may say, with the consent of the gentleman from Texas, that this is unanimously reported from the committee, and I think a word of explanation is all that is necessary.

Mr. BLAND. I would like to have about thirty minutes.

Mr. SAYERS. I will yield to the gentleman twenty minutes.

Mr. BLAND. I want about thirty.

Mr. DINGLEY. The gentleman from Texas will understand that my answer was predicated upon the assumption that there would be no general debate.

Mr. SAYERS. Certainly. I will say to the gentleman from Maine that if anything is said by the gentleman from Missouri in the course of his remarks to call for an answer I will very willingly yield him the time.

Mr. CRAIN of Texas. Has there been any agreement about the time to be consumed in the general debate?

The CHAIRMAN. Not yet.

Mr. CRAIN of Texas. For I may have need of some time myself.

Mr. SAYERS. How much does my colleague want?

Mr. CRAIN of Texas. I do not know that I shall want any. If I get some papers from the Department in time I may want a few minutes.

Mr. SAYERS. I would ask that the time for general debate be limited to thirty minutes, with the understanding that if any gentleman on the other side finds it necessary to reply to any remarks of the gentleman from Missouri it will be yielded to him.

Mr. DINGLEY. Perhaps the limit had better not be made until we know what may be said.

Mr. CRAIN of Texas. And I may want some time myself. I hope my colleague will not limit the debate. I have no disposition to delay the passage of the bill, but would ask my colleague not to limit the time until he is ready to go on with the consideration of the bill under the five-minute rule.

Mr. SAYERS. Very well, then, I will do that. I yield twenty-five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Chairman, as this is a money bill, the question of money is under consideration, and I send to the desk to have read a letter published in the Chicago Herald from a distinguished gentleman on this subject, to which I propose to reply for a few minutes.

The Clerk read as follows:

WASHINGTON, March 27.

The substance of this letter was written on the 12th of March, and at that time silver bullion was worth 90 cents per ounce; on yesterday, March 26, it was quoted in New York at 87 cents. The United States bought the additional amount authorized by law at about 88 cents. The Bland bill is supported in the House of Representatives as a free-coinage measure—that is, as a measure intended to authorize and promote the actual conversion of silver bullion into actual standard silver coin—while, as a matter of fact, it is not expected that under the provisions of the act any coinage will take place, or that the quantity of actual silver coin in the country will be increased.

As will be seen upon an investigation of the bill, it declares that the unit of value in the United States shall be the standard silver dollar now coined, consisting of 412½ grains of standard silver (900 parts of fine silver, 100 parts of copper) or the gold dollar of 25.8 grains of standard gold (900 parts of fine gold, 100 parts of alloy), and that the standard gold and silver coins of the United States shall be a legal tender in payment of all debts, public and private. The next paragraph of the bill is that "any holder of gold or silver

bullion of the value of \$100 or more of standard fineness shall be entitled to have the same struck into any authorized standard coins of the United States free of charge at the mints of the United States."

REAL PURPOSE OF THE BILL.

The provisions of the law purport to authorize the free coinage of standard silver and are intended, no doubt by the authors of the bill to attract public attention and create the impression on the public mind that its object is to promote the actual conversion of silver bullion into silver coin. The real purpose of the bill is expressed in the language which I now quote: "Or the owner of the bullion may deposit the same at such mints and receive therefor coin notes equal in amount to the coinage of the bullion deposited, and the bullion shall thereupon become the property of the Government. The coin notes to be issued to the holder upon the deposit of bullion at the mints shall be in denominations not less than \$1 nor more than \$1,000, and be a legal tender in like manner and invested in the same monetary uses as the standard gold and silver coins of the United States."

The well-understood effect of the passage of the bill will be to make the United States the purchaser of all the silver bullion which may be offered at the mints at its coinage value, which will be \$1 in the coin notes for each 412 grains standard silver. It will be noticed that the option of receiving the coin notes upon a deposit of standard silver bullion at the mints is given to the holder of the bullion, whose interests will always favor the acceptance of the coin notes rather than standard coin. The coin notes taken in exchange for bullion will be most convenient and be worth more than the standard coin.

UNLIMITED PURCHASES AT HIGH PRICES.

The object as well as the effect of the bill will be to require the United States to purchase an unlimited quantity of silver bullion at its coinage value, which under the law is \$1.29 per ounce, instead of purchasing silver bullion at its market value of 87 cents, according to the New York quotations of yesterday. Mr. BLAND in his report illustrates this (see report, page 10). At the present price of silver 54,000,000 ounces of bullion will make (cost) about \$48,000,000 at its coinage value rate, viz, \$1.29. This would make about \$70,000,000, an increase of \$22,000,000. In other words, the United States could to-day buy at the present price 54,000,000 ounces of silver bullion by an issue of legal-tender Treasury notes to the amount of \$48,000,000, while under the Bland bill the purchase of 54,000,000 ounces of silver bullion will require an issue of \$70,000,000 of coin notes, making a difference of \$22,000,000 against the United States and in favor of holders of silver bullion.

These figures are taken from BLAND's report, and were intended to be only approximately correct, but at the time they were made the difference between the market and coinage value of bullion was about 38 cents per ounce, although, according to latest quotations, the difference is about 42 cents per ounce. In view of these facts, Senator TELLER is more than justified in saying that the "passage of the Bland bill will add \$8,000,000 to the silver output of the State of Colorado alone."

A GREAT DISASTER AVERTED.

Mr. BLAND has said that the object of the bill is not the actual coinage of silver dollars, but it is to monetize silver, or to make silver a money metal equal in value to gold. By the bill, as he says, he intends to tie the two metals together, and keep them together, in value. The actual effect of the bill will be that the United States will issue coin notes for all the silver that may be offered at the mints, at its coinage value of \$1.29 per ounce, and issue legal-tender coin notes, nominally payable in gold or silver, at the pleasure of the Secretary of the Treasury, but with an actual pledge, growing out of the necessities of the case, to keep the coin notes at par with gold, while the silver bullion purchased in exchange for the coin notes will be added to the 12,000 tons of silver coin and bullion which is now in the Government vaults.

It is true the bill professes to authorize the coinage of silver purchased whenever necessary for the redemption of coin notes, but it is well understood by everyone who has the slightest knowledge of the subject that the value of the coin notes, as well as the Treasury notes issued for the purchase of silver under the act of 1890, can only be maintained by the pledge implied in the act of 1890 and the necessity which will always exist for maintaining a parity of value between the coin and Treasury notes and gold.

The influence of the accumulation by the Government of the many thousands of tons of silver which would become its property by the provisions of the Bland bill, added to the many thousands already in its vaults, would menace and paralyze the business of the country, and an attempt on the part of the Government to throw upon the market any portion of its enormous accumulation of silver in the form of bullion or to insist upon redeeming its Treasury or coin notes in silver coin would produce universal distress.

This is a very brief statement of the effect of the passage of the Bland bill. It will not promote the conversion of silver bullion into dollars, which is the "free coinage" favored by a very large proportion of the people, but it is the scheme of silver bullion at 42 cents per ounce more than its market value, to be paid for in coin notes, which the Government undertakes to maintain at a par with gold.

JOHN M. PALMER.

Mr. BLAND. Mr. Chairman, I do not know that I would have noticed all the misrepresentations of this communication had there not been two statements in it that I regarded as reflecting upon the committee that reported this bill and upon myself as chairman.

One statement begins to the effect that it was intended the country should understand—that a sort of deception was practiced upon the country and the House—that the country should understand that it was a free-coinage bill when really it was not, although by its terms the bill provides that any holder of gold or silver should have it coined freely at the mints of the United States.

The next is, it denominates it as a scheme of the silver ring. Just why a newspaper should be selected in some locality to publish this matter, when the gentleman who wrote the article belongs to another end of this Capitol, where at any time, under the rules of that body, he has the right to offer resolutions and discuss this question where he can be heard and replied to, I do not know.

A scheme of the silver ring! Mr. Chairman, nearly every Democratic State in this Union in 1890 passed resolutions in favor of the free coinage of silver. I suppose that was a silver ring. Over a million of people, laborers and producers, in this country, throughout the land, in every State in it, have de-

manded of this House the passage of a bill for the free coinage of silver.

I suppose these millions of voters belong to the silver ring; and it will be well for gentlemen to put their ears to the ground for a moment and listen to the great masses of the American people upon this subject. It is a silver ring worthy of their consideration; and in that regard I care not for the accusation of being actuated by a silver ring, when it applies to my people and the pledges that I made to them upon the subject.

There are other rings in this country; and when gentlemen refuse to hear the voice of the people and put their ears to the tickers that click from Wall street, gambling in railroad stocks and all other stocks and bonds, the interest and principal of which is to be paid in gold without the opportunity for silver to come in competition with it, I might say that such gentlemen belong to the gold ring. And then we have two rings, the gold ring and the silver ring.

But, Mr. Chairman, in reply to that article, as it refers to the bill it is a misrepresentation. It undertakes to make it appear that this bill provides that gold, and gold only, shall be the metal of the coin used for redemption, when on the contrary the bill provides for the coinage of silver and the coinage of gold as fast as may be necessary for redemption of the coin notes, and the notes to be redeemed in either at the pleasure of the Government; and it repeals the law of 1890, referred to, repeals the law which undertakes to give to the Secretary of the Treasury the power to redeem in gold and gold only, and under which law the Secretary of the Treasury claims the authority to sell bonds in order to get gold for the redemption of silver notes. So that the charge is not true. It repeals the only law upon the statute books that undertakes to make silver notes or notes issued upon silver bullion redeemable in gold and gold only.

Now, Mr. Chairman, all the bonds of this Government are redeemable in coin. The act known as the Public Strengthening Act, looking to the redemption of the greenback, provided that it should be redeemed in coin and used silver as a part of the coin. All of the obligations of the Government, in all the past, have been made coin obligations, the same as these notes, and redeemable in coin. Now, what was the law before the demonetization of silver in 1873? And I call attention to it to show the striking similarity of the law of 1837 and this bill, that is denominated a bill not in favor of free coinage. If the writer of that article desires to intimate, or does intimate, that he favors the free coinage of silver at the mints of this Government, he is in a forum where he can introduce his bills and his resolutions, where he can be heard; and this bill itself is upon the Calendar and can be amended in any manner that the House may suggest. I remember that that distinguished—

Mr. WIKE. Mr. Chairman, I rise to a parliamentary question.

Mr. BLAND. I hope it will not be taken out of my time.

Mr. WIKE. I desire to submit it as a question of order.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Illinois.

Mr. BLAND. I do not yield, Mr. Chairman.

Mr. WIKE. I rise to a parliamentary question, and I desire to submit it to the Chair and the committee whether the gentleman yields or not. I have no desire or disposition to raise a question as to the right of the gentleman from Missouri to review this letter, and I do not rise to defend the gentleman who wrote it. I do not think he needs any defense at my hands, but I want to make this point: that in discussing this letter and the gentleman who wrote it, when the gentleman from Missouri couples the letter with the Senator who wrote it in his Senatorial capacity, it is not in order for the gentleman to criticize him in this House in that regard, and he ought not to raise a question that this was a production of a Senator who might have acted differently than he did act in the Senate on the question involved, and then proceed to criticize him in that particular. That is the parliamentary question that I wish to submit and that alone.

Mr. BLAND. I am not alluding to any action of the Senate. I realize the force of the proposition that I have no right to allude to matters that may be going on in the other end of this Capitol; but I do have the right, Mr. Chairman, to criticize the letter here, emanating from a Senator, on a bill pending in this House before it goes to the Senate. What was it intended for? Was it intended to influence the member of this House against that bill? And I am sure that very Senator was here the night the vote was being taken upon this bill. And I do not know from the reading of that letter, but what he was here for the purpose of influencing the opposition to this bill.

Now, I say, Mr. Chairman, that when we come to look at the bill that is criticised I want to read from the statutes of 1837, to show the similarity between the two bills:

SEC. 31. And be it further enacted, That for the purpose of enabling the Mint to make returns to depositors, with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in the said Mint, when the state of the Treasury will admit thereof, a deposit of such amount of public money or bullion procured for the purpose, as he shall judge con-

venient and necessary, not exceeding \$1,000,000, out of which those who bring bullion to the Mint may be paid the value thereof, as soon as practicable, after this value has been ascertained; that the bullion so deposited shall become the property of the United States—

That is the language of the bill that I had the honor to introduce from the Committee on Coinage, Weights, and Measures—

that no discount or interest shall be charged on moneys so advanced; and that the Secretary of the Treasury may at any time withdraw the said deposit, or any part thereof, or may, at his discretion, allow the coins formed at the Mint to be given for their equivalent in other money.

Mr. HOOKER of Mississippi. What is the date of that act?

Mr. BLAND. That is the act of 1837, that I referred to in discussing this bill. For eighty years in this country, during which nearly all the time the Democratic party was in power, it kept open the Mint to the free and unlimited coinage of gold and silver, and the act of 1837, alluded to, provided that any bullion deposited in the mints might be paid for, and that it should become the property of the United States to be coined at the pleasure of the Government. The difference between that law and the bill on the Calendar is, it provides for the issue of coin notes which take the place of the coin, and under this bill that is criticized in this paper substantially the same thing is provided for, that where the depositor does not desire to wait to have it coined, the value of this bullion is to be given to him in coin notes, to be redeemed on demand, in coin.

The bill declares that the bullion, gold and silver, shall be coined as fast as necessary for the redemption of the notes, and the bullion is the property of the Government, and this or any subsequent Congress can cause the whole of it to be coined whenever it wants to, just as they did under the act of 1837. So that, Mr. Chairman, that point against the bill is not well taken. I have felt it due to myself and those members of this House who voted for this bill to disclaim that the bullion purchased, mentioned in the bill, is any scheme brought forward by what is termed the "silver ring." It is similar to the bill that passed the Senate last winter.

The bill that passed the Senate for the free coinage of silver provided for the conversion of gold and silver bullion into bars for the benefit of the depositor, and for issuing silver certificates that shall be legal tender for all debts public and private upon the bullion itself. So that so far as the "silver ring" is concerned, that bill received the votes of every Democrat in the United States Senate with two or three exceptions, and it was almost substantially in its terms with this bill.

Now, Mr. Chairman, having said this much in the defense of the bill, myself, the committee, and gentlemen of this House who voted for it, as not being in the interest of the "silver ring," but in the interest of the great masses of the American people, I have nothing further to say, and yield the balance of my time. [Applause.]

Mr. SAYERS. Mr. Chairman, I trust that we may now proceed to the consideration of the bill under the five-minute rule.

The CHAIRMAN. If there be no objection, the bill will be read by sections, under the five-minute rule.

There was no objection.

The Clerk read as follows:

Collecting the revenue from customs: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, \$450,000.

Mr. SAYERS. I have an amendment which I desire to offer at this place.

The Clerk read as follows:

On page 5, after line 7, insert the following: "Recoinage of silver: for recoinage of the uncurrent fractional silver coin, abraded to below the limit of tolerance in the Treasury, to be expended under the direction of the Secretary of the Treasury, \$50,000."

Mr. SAYERS. I ask for the adoption of the amendment.

Mr. DINGLEY. That amendment is correct, and I hope it will be adopted.

The amendment was agreed to.

The Clerk read as follows:

Eleventh Census: For salaries and necessary expenses for continuing the work of compiling the results of the Eleventh Census, \$100,000, to be available until expended.

Mr. SAYERS. Mr. Chairman, I offer an amendment to come in after line 10, on page 6.

The Clerk read as follows:

On page 6, after line 10, insert the following:

"DEPARTMENT OF JUSTICE.

"For covering alley-way adjoining the Department of Justice building for the use of the Court of Claims, including flooring, glass, and iron roof, front and rear and party wall, painting, set of cases the whole length of room, and cutting doorway, to be done under the supervision of the Architect of Capitol, \$4,000."

The amendment was agreed to.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

OUT OF THE POSTAL REVENUES.

For advertising, \$15,000.

Mr. SAYERS. I have an amendment to come in after line 13, on page 6.

The Clerk read as follows:

For editing and preparing for publication a new edition of the Postal Laws and Regulations, the Postmaster-General be, and he is hereby, authorized to use any sum not exceeding \$2,000 of the appropriation of \$40,365 provided for the printing and publishing of said edition by "An act making appropriation to supply deficiencies in the appropriation for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," approved March 3, 1891, which sum of \$2,000, or so much thereof as may be necessary, he may direct to be paid to any officers or employees of the Post-Office Department whom he may designate for that purpose, in consideration of their services rendered out of the regular Department hours, in the editing and preparation of the same; and the said appropriation of \$40,365 is hereby continued and made available until the completion of the printing and publishing of the edition of laws and regulations to which it applies.

The amendment was agreed to.

Mr. SAYERS. Mr. Chairman, I offer an additional amendment which I send to the desk.

The amendment was read, as follows:

Page 6, after line 22, insert: "House of Representatives: For miscellaneous items and expenses of special and select committees, \$10,000."

The amendment was agreed to.

Mr. SAYERS. Now, Mr. Chairman, I move that the committee rise and report the bill to the House.

Mr. HOLMAN. Mr. Chairman, before that motion is put I want to call attention to one point. There is quite a large appropriation in this bill for the Coast and Geodetic Survey. While I do not object to those items going into this bill I wish to say that when the sundry civil bill comes up for consideration I shall ask the House to reduce the appropriation for the Coast and Geodetic Survey by the amount of the appropriation here made.

Mr. DINGLEY. Mr. Chairman, in view of the remarks of the gentleman from Indiana I have simply to say that instead of a reduction there should be an increase of the appropriation, because since the sundry civil bill was agreed upon by his committee there has been an arrangement entered into with Great Britain in behalf of Canada with reference to the running of the remainder of the line between Alaska and British North America, and, in consequence of that agreement, there will be an expenditure of \$60,000. There is \$25,000 provided for in this bill, and there should be \$35,000 included in the sundry civil bill for next year.

Mr. HOLMAN. Well, when we come to that I shall ask the House very seriously to reduce the appropriation in the sundry civil bill for the Coast and Geodetic Survey to the extent of the appropriation made in this bill for that purpose.

Mr. SAYERS. I shall have no objection to that. Mr. Chairman, I renew my motion.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. O'FERRALL, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration a bill (H. R. 7818) to provide for certain of the most urgent deficiencies, etc., and had instructed him to report it to the House with certain amendments.

The SPEAKER. The Clerk will read the first amendment.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the amendments, which are four in number, be voted upon in gross.

There was no objection, and it was so ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYERS moved to reconsider the vote by which the bill as amended was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SHIVELY in the chair.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7092) making appropriation for the naval service, ending June 30, 1893, and for other purposes.

Mr. HERBERT. Mr. Chairman, I move to dispense with the first reading of the bill.

Mr. HOLMAN. I do not wish to interfere with the plan of the gentleman from Alabama, but it seems to me that a bill of this importance ought to be read before we proceed to consider it in detail. However, I will not insist.

The motion of Mr. HERBERT was agreed to, and the first reading of the bill was dispensed with.

Mr. HERBERT. Mr. Chairman, I ask unanimous consent that general debate be deferred until we reach that section of the bill which relates to new ships. The debate will turn principally upon the question of what new ships shall be provided for, and I ask that we consider the bill under the five-minute rule until we get to that point, and that then we have the general debate. I propose, however, first to briefly explain the provisions of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. CRAIN of Texas. Mr. Chairman, I reserve the right to object until I state to the gentleman in charge of the bill that it is possible that I may want to make a speech during the general debate, and, as I have heard a suggestion that four hours has been agreed upon as the limit of that debate, and as I know that I am not included in that time, I would like to have an understanding that I shall have half an hour if I need it.

The CHAIRMAN. No time for general debate has been agreed upon by the Committee of the Whole.

Mr. CRAIN of Texas. I understand that, but I have just heard an intimation here that it has been agreed upon by the members of the Committee on Naval Affairs. I think, however, that other members of the House are entitled to consideration in matters of this kind—

The CHAIRMAN. Does the gentleman from Texas object?

Mr. CRAIN of Texas. No, sir, I do not object, but I want to have an understanding that I shall have half an hour if I require it. If not, I will not interfere with the progress of the gentleman's bill.

Mr. HERBERT. Does the gentleman wish to speak on this bill?

Mr. CRAIN of Texas. No; not on this bill. I simply want to follow the custom that has been usually followed here in that respect. [Laughter.]

Mr. HERBERT. It is very important to have this appropriation bill passed as soon as possible. Several gentlemen have asked me for time to make speeches upon other subjects, but I have declined, and I hope the gentleman from Texas will not insist.

Mr. CRAIN of Texas. The proposition to which I shall address my remarks is one of considerable importance, itself involving an appropriation, and the only opportunity I can get to discuss it is by coming in upon one of these appropriation bills. I desire only half an hour.

Mr. HERBERT. Well, we will allow the gentleman that time.

Mr. BOUTELLE. Mr. Chairman, I suggest that we had better make the time two hours and a half on each side instead of two hours.

Mr. HERBERT. I ask that we now make an agreement that when we reach the portion of the bill to which I have referred two hours and a half on each side be allowed for general debate, to be occupied respectively by those who are in favor of and those who are against the proposition for more ships. I ask that the agreement be now made.

The CHAIRMAN. The gentleman from Alabama [Mr. HERBERT] requests that all general debate on the pending bill be dispensed with for the present, that the bill be considered under the five-minute rule until the provision for the construction of new ships shall be reached, when two hours and a half of general debate shall be allowed on each side of that proposition. Is there objection? The Chair hears none.

Mr. HERBERT. Mr. Chairman, as I have already stated, I will now make a very brief explanation of the bill before we begin its consideration under the five-minute rule.

This bill carries appropriations to the amount of \$23,726,823.71. The law for the present year carried \$32,146,145.78. So that the appropriations now reported by the committee are less than the estimates by \$3,467,816.09; and they are less than the appropriations of last year by \$8,814,831.07.

Let me say, Mr. Chairman, that the committee in this bill have endeavored to give in the case of every item every dollar needed. We hope and believe there will be no deficiency if this bill becomes a law. Perhaps that is going too far, as no bill of this kind ever goes through without some little deficiency somewhere. But I think I may say that we venture to hope there will be as few and as small deficiencies under this bill as under any bill that has passed here for years past.

We have given for the increase of the Navy for the construction of ships hitherto provided for \$9,400,000, which is a liberal provision—satisfactory, as I understand, to the Department, satisfactory to the Bureau. It is what they say will be enough to pay for all the work that will be done during the coming fiscal year.

Then we provide for one new ship of the general type of the

"New York," an armored cruiser of about 9,000 tons. In view of the fact that we have now some twenty-five ships authorized and not yet completed and of the large amount of money required to do the work upon them, the majority of the committee concluded that one cruiser was as much as we ought to authorize in this bill, especially as the appropriations for the year after next will be very considerable in amount, and we have come to that conclusion, especially by reason of the fact that most of these armored vessels, at least half in number, and very much the largest part of them, tonnage considered, are armored vessels, and the contractors for the armor are very far behind with their contracts.

Some of these ships have been waiting for their armor for four or five years; quite a number of them are now ready for the armor; and very little armor has heretofore been supplied—not as much as 200 tons altogether, whereas over 16,000 tons are required to armor the vessels already provided for. It is believed by the majority of the committee that we ought in future to provide principally for armored vessels; and if we should now provide for other armored vessels than the one provided for in the bill, there is no reasonable prospect that the armor would be ready when the new ships should be ready for it. For that reason the committee have decided to ask the House to authorize only one more ship.

Mr. BOUTELLE. I wish to say to my colleague, the chairman of the committee [Mr. HERBERT], that in the agreement which was reached between us I did not understand that he was going to enter upon the field of discussion which is opened by some of the statements he has made in regard to the present appropriations. Some of those statements are precisely those which it is my purpose to controvert; and I should dislike exceedingly to allow those distinct and unequivocal statements to go out without any question on my part. I trust therefore that my colleague will permit me at this stage to state very briefly why I disagree with some of his conclusions in regard to the *res gestæ*.

Mr. HERBERT. My colleague misunderstood me, if he did not understand me to say that I would make a very brief explanation of the bill in the beginning.

Mr. BOUTELLE. I so understood the gentleman; but I hardly expected that in making this explanation he would enter upon the domain of the controversy which arises first as to the amount carried by the bill, and secondly in regard to the building of new ships.

Mr. HERBERT. I have no objection to my colleague speaking now in reply.

Mr. BOUTELLE. I wish only to say briefly, in answer to what has been stated by the gentleman, that of course the country ought to understand that the fact of the appropriations in this bill being smaller than the appropriations of last year, is not on account of any economy that has been practiced, but simply because this bill does not provide, as the bill of last year did provide, for carrying on the construction of the ships of the Navy.

Everyone who was in the last Congress is well aware of the fact that when we assembled at the second session of the Fifty-first Congress, the present Congress having been elected, and it being fully known that we were to be succeeded by a Democratic Congress, we were confronted by the fact that upon the ships of the Navy which had been authorized during the entire period of the Democratic Administration and subsequently there had been reached an amount of expenditure larger than at any period in our previous rehabilitation of the service. The question, therefore, which confronted the committee, of which I then had the honor to be chairman, was whether we should seek to make a fictitious record for economy by failing to provide a sufficient amount of money to enable the Government to meet its actual obligations as they would arise during this fiscal year—

Mr. HERBERT. Do I understand that my colleague on the committee is going to contend that the amount carried in this bill is not sufficient to meet the obligations which will arise during the coming year?

Mr. BOUTELLE. Oh, I do not think my colleague desires to interpolate that inquiry into my remarks.

Mr. HERBERT. Then I misunderstood my friend.

Mr. BOUTELLE. Of course I did not intend to state that. I have not reached that point. I am simply desiring to institute a fair comparison, which I was endeavoring to furnish by reference to the fact that the vessels authorized already had reached a higher degree of expenditure than at any previous period since we began the building of the new war ships. In other words, that they were in the most extensive stage of their construction, and that during this year they would pass beyond that point; and as they were completed and went into commission the obligations for expenditures on their account would rapidly decrease.

Now, we were called on to determine whether for the sake of making a reputation for economy, or to avoid the probability or

possibility that we might be denounced on the stump as "the billion-dollar Congress," we were called on to determine whether we would fail to make proper appropriations for the Navy, appropriations that would be adequate to carrying on the work for which the Government had already made contracts and which was being carried on in our navy-yards under the supervision of Government officers. We unhesitatingly decided that the American people desired the work of rebuilding the Navy to go on, and by all means that there should be no cessation in the work already contracted for, and that there should be no failure on the part of the Government to make adequate provision to meet every obligation as it arose. The result was that the appropriation bill as reported to the last House and as passed by Congress carried the excessively large amount of thirty-one and one-half millions of dollars; and I think the chairman of the committee, in his report, by including some deficiency, has brought up the total to about \$32,000,000.

Now, Mr. Chairman, every dollar of that appropriation was an expenditure rendered necessary to meet the obligations of the Government upon the ships that were under construction in the various navy-yards of the Government and in the private yards throughout the country, and the table which I introduced in my remarks at that time showed exactly what were the anticipated expenditures during the year ending June 30, 1892, and the year ending June 30, 1893. Having made that liberal provision, as we did, for this most expensive period in our naval construction, the decrease in the amount of our obligations—the decrease in the current expenses of carrying on the work on the ships by reason of the completion of vessels or the decrease in expenses at certain stages in their construction—are such that when the Navy Department sent its estimates to Congress this year its outside demand, its extreme request of Congress for appropriations as embodied in its estimates, were nearly \$7,000,000 less than what we had appropriated last year.

Mr. LONG. How much?

Mr. BOUTELLE. Nearly \$7,000,000 were estimated for less than last year. Now, that reduction of appropriation goes to no particular person or party's credit, and can not properly do so.

Mr. HERBERT. Let me suggest to my colleague that I have not attacked that bill or said a word about it.

Mr. BOUTELLE. Nor am I attacking the present bill, but I am simply explaining the fact that this reduction is due to the circumstances I have recounted, that less ships are being carried forward and that less expenditure is being called for during the next year than was called for during the current year.

Now, from that point I predicate this appeal to the House which I shall make when we reach the proper point—I shall appeal for a continuance of this work which has been carried forward so successfully. I shall base that appeal largely upon the fact that the reduction of our expenditures in this line has been so large, our appropriation bill as brought in this House is so much less than it was, by reason of the very liberality of the last Congress, that this House of Representatives and this Congress can all the better afford to make reasonably liberal provision for carrying on the work of rehabilitating our Navy in the immediate future. And when the proper time comes I shall offer an amendment to the bill, which in its present shape provides for the authorization of only one vessel, I shall offer an amendment which I think is more in the line of our public duty and public necessity, and more justifiable under the circumstances than that meager provision—to increase this appropriation. And in that connection it is proper for me to say that it will be perfectly obvious to the House that the reason for our having authorized the construction of only one ship during the last Congress, is the very reason I have just stated, that the necessities of the case were such that we felt obliged, in carrying on the work then in operation, to ask of Congress a phenomenally large appropriation, namely, some thirty-odd millions of dollars.

Now, this appropriation bill, in so far as it is less in its amount than that of last year, is such solely by reason of the fact that it is making provision for the less expensive period of the work in the increase of the Navy, and that is what I desire to have understood in connection with the remarks of my colleague. We are perfectly willing to bear the charge of extravagance, if you like, and I am perfectly willing to assume the full responsibility for whatever share I had in it. I believe that the country fully justifies our expenditures. I believe the character of the ships we are now building and putting afloat fully vindicates the liberality of the provision we have made. But it is only just that it shall be understood that the large bill of last year—the \$56,000,000 appropriated by the Fifty-first Congress for the Navy—included a larger amount of appropriation for carrying on the work upon the ships that had been inaugurated under the Democratic Administration than had been expended during any one year of that Administration on these ships.

It was not extravagance. It was simply that a larger number

of vessels had reached the most expensive point; and we, instead of getting a fictitious reputation for economy by throwing over upon this Congress the burden of meeting the obligations of the Government, went straight forward to our duty and provided every dollar that we could ascertain was legitimately to be called for during the current year.

Now, in regard to the provision for more ships, I desire at this point merely to say that that is a question of judgment; it is a question of discretion; and the issue raised by my friend the chairman is an issue of fact which I shall discuss later. I only desire at this point to enter my dissent to the conclusion which the chairman has reached. And whereas in his report he has clearly conceded the necessity for the construction of additional war vessels of the first class, and has approved of the type of vessels upon the construction of which we have entered, he justifies the failure to authorize additional ships at this time upon the ground that we would not be able to obtain the armor necessary to complete those ships within the proper time.

Now, I simply say to the House that I guarantee to furnish you the most conclusive evidence that can possibly be obtained that that difficulty does not exist, but that we shall be ready in this country not only to provide all the armor that will be called for for such additional armored ships as this Congress might provide for, but that there are to-day in this country single establishments that, long before the time when these vessels would require their armor, would be amply capable of furnishing all the armor required. The three battle ships that were authorized in 1890 were provided for in the bill which passed this House on the 30th of June. On the 1st day of July the general specifications were advertised.

It is conceded, I believe, that nowhere in our naval construction has a greater degree of rapidity been obtained than in regard to the placing of those vessels under contract; and yet, while the act passed on the 30th of June, and the bids were advertised for with the proper notice required by law, the final contracts were entered into in November. And so in this case, if we authorize new battle ships in this Congress, by the necessity of the situation the preliminary preparation of the design and acceptance of bids would not be completed so that contracts could be made before late in the fall, and at least eighteen months or two years thereafter would be required in work upon the vessels before the first plate of armor could be called for. And, as I say, I will show to the House, I think, to its satisfaction, the capability of several great establishments in this country to furnish, long before that time, more than ample provision for all the armor required.

There has been some delay, it is true, delay incident and inevitable in the establishment in this country of great manufacturing plants, of an extent and magnitude not only unparalleled in this country but without a parallel anywhere in the world. But, while any great establishment may be confronted by delays vexatious and prolonged in some instances, you can very well understand that after such an establishment is once in full working order its ability to increase its output or to double or triple it is a mere matter of the multiplication of forces.

Now, Mr. Chairman, I thank my colleague [Mr. HERBERT] for giving me an opportunity to say this, and will defer what I have to say in detail until we reach that portion of the bill.

Mr. HERBERT. Mr. Chairman, my colleague, the gentleman from Maine, has taken more time than I expected. I shall not go on with the discussion now. When the time comes to debate this matter, I think I can answer fully all that he has said and all that he would say. I ask that we proceed to the consideration of the bill by paragraphs.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk proceeded to read the bill. Having read as follows:

Naval Reservation, Algiers, La.: Toward the construction of a timber dry dock at Algiers, La., in accordance with the recommendation of the two commissions to report as to the most suitable site for a dry dock and navy-yard at some point on the shore of the Gulf of Mexico or the waters connected therewith, and for the purchase of such land as is shown by the report of said commission to be necessary for this purpose, in addition to the present Government reservation, \$250,000; and the Secretary of the Navy is hereby authorized to make a contract for the construction of the said timber dry dock, the cost thereof not to exceed \$840,000.

Mr. HOLMAN. Mr. Chairman, I think there is no law authorizing this appropriation, and I make the point of order against that part of the bill included in lines 3 to 15, on page 13, that it is new legislation. I had the statute bearing on the subject, but have mislaid it. Perhaps the gentleman from Alabama [Mr. HERBERT] will consent, unless he has the authority upon which this is founded, to let the point of order go over.

Mr. HERBERT. No; I would rather have it decided now.

Mr. HOLMAN. I make the point of order that there is no law authorizing an appropriation of that character.

Mr. HERBERT. Have you anything to say on it?

Mr. HOLMAN. Not now.

The CHAIRMAN. If there is no existing law authorizing this expenditure—

Mr. HERBERT. Mr. Chairman, I desire to say that this point has been frequently decided, once by Mr. Cox, once by Mr. Wellborn, once by Mr. Butterworth, and once or twice by the gentleman from Kentucky [Mr. McCREARY] upon similar points. The question was raised in these cases as to the authority to put new ships upon an appropriation bill, and the same point was once raised as to a dock, if my recollection is correct. In each case it was decided that these things were incidental to and a necessary part of the naval establishment, and that therefore they were not subject to this point of order. The rule then was substantially the same as it is now. When the present rules were being debated, noticing that a change in this rule relied upon, called the Holman amendment, was put into the rules, I examined carefully to see if the effect of that Holman amendment would be to alter the rulings that had heretofore been made. I came to the conclusion that it would not; but out of abundant caution I thought I ought to go and see my friend from Indiana [Mr. HOLMAN] and ask him, and I got from him the same opinion that I entertained myself—that it did not change the rules so far as questions of this kind were concerned. He added at the same time that he had always been of the opinion that the rule as it existed heretofore did not authorize these appropriations. He knew the fact very well, because he made most of those points of order which invoked these rulings I have cited. Therefore this is a decided case in this House, having been ruled so often by so many chairmen of committees that it seems to me it is not an open question. It ought to be considered settled, just as you know it is held by the courts that decisions upon laws frequently acted upon become the rules of property. They guide men's actions.

These decisions have with me become a rule of action. Being at that time the chairman of this committee, knowing that these points came up, when these rules were proposed I examined them for the purpose of seeing whether it was necessary to make any change or try to make any change in the rules; and I came to the conclusion, and I think the Chair will say so properly, that inasmuch as this question had been so often ruled upon by so many able and distinguished chairmen, it had become a rule that might be considered a fixture.

I do not think it necessary to say anything further. If you will look over this appropriation bill you will find one hundred items, or at least scores of articles or different items provided for, like a building here and there. For instance, one that I remember is a coal-shed. There is no law for building this coal-shed; yet it was put in there. Another is for an engine-house at the Portsmouth navy-yard. There is no law for the construction of that engine-house, and yet it was put in there. They have always been put in these naval appropriation bills. It is one of the necessities of a naval establishment; and this is as necessary to the Navy as a coal-shed is to a navy-yard. I do not think I need go any further than to cite these decisions, which the gentleman will not gainsay.

Mr. HOLMAN. Mr. Chairman, I desire to submit a few remarks on the point of order. The authorities cited by the gentleman do not go to the extent claimed by my friend from Alabama. The question decided by Mr. Cox some years ago was where an additional building was to be erected in connection with some navy-yard or some public work; but it was a simple continuation. No person, of course, could doubt that an addition might be made to a building already constructed in a navy-yard, or to put in an engine, or any matter like that.

Mr. CUMMINGS. To put up a new building?

Mr. HOLMAN. No, sir; I think that if it were separate and distinct, having no connection with any work in progress, it would not be in order on an appropriation bill; but this stands upon a different footing from any uncompleted work.

Then, as an instance, take the light-houses. No gentleman will contend that an appropriation for a light-house can be put into the sundry civil bill, unless the construction of that light-house has been previously authorized by law. I take that case of a light-house because it is exactly in point here. The light-house system has been in existence almost since the origin of this Government, and extends all along the borders of the oceans adjoining this continent, the Great Lakes, and the rivers.

I admit as to the interior rivers of the United States the law is somewhat different; but so far as the light-house system is concerned on the shores of the great waters on either side of this continent, and on the Great Lakes, as to these light-houses, each being a part of a general system, there is no question whatever that the expenditure must be previously authorized by law before an appropriation can be made on an appropriation bill. I believe the gentleman from Alabama [Mr. HERBERT] has been on the Committee on Commerce, and if he can cite an instance

where an appropriation for a light-house has been permitted to be made on an appropriation bill without previous legislation, I will yield the point.

Now, what can be more absolutely a part of the system than a light-house? This whole system is under the control of one bureau in the Treasury Department, is controlled through one organization, a perfect and complete organization. The light-houses all have relations one to another, both on the lakes and the seacoast, and yet the organization of a new light-house must be provided for by law before an appropriation can be made on an appropriation bill. Now, my friend can not cite any case as strong as that.

The case that the gentleman speaks of as having been decided by Mr. Cox was one where a building had already been erected, and it was a mere continuation of that work. It was not a different work. Here there is no evidence of its being a continuation. And, as in the case of a light-house, you can not have an appropriation until that light-house has been authorized by law, as each one of those buildings is a separate and distinct structure, although part of a general system. So in this case you can not have an appropriation until it is authorized by law, although a part of a general system.

But there is another case equally as strong to which I will call attention, and that is in connection with the post-offices of this country. Does my friend pretend that the smallest post-office, costing \$30,000 or \$40,000, can be provided for in an appropriation bill, unless by previous law the construction of the building has been authorized? I take even the smallest building. I do not care what the cost of it is; until two things are done, not a dollar can be appropriated on an appropriation bill. First, the authority to purchase the site and erect the structure; secondly, imposing a limitation upon the expenditure.

Both these things are necessary before you can appropriate \$1 for the erection of a public building for the Post-Office Department. The same is true with regard to the erection of a public building for the use of the Treasury Department, a custom-house, and stand exactly upon the same footing. Or, if you combine them together and erect a public building for an internal-revenue office, a custom-house, and a post-office, even there, where you take a third step, a provision of law must previously exist authorizing the appropriation before it can be made.

Now, apply that to the proposition we have presented here, which I will read:

Naval Reservation, Algiers, La.: Toward the construction of a timber dry dock at Algiers, La., in accordance with the recommendation of the two commissions to report as to the most suitable site for a dry dock and navy-yard at some point on the shore of the Gulf of Mexico or the waters connected therewith, and for the purchase of such land as is shown by the report of said Commission to be necessary for this purpose, in addition to the present Government reservation, \$250,000; and the Secretary of the Navy is hereby authorized to make a contract for the construction of the said timber dry dock, the cost thereof not to exceed \$840,000.

The gentleman contends that this is to be a separate, independent structure, but it is a part of the naval system, just as a light-house is a part of the Light-House Board system, or a court-house is a part of the Department of Justice, or a post-office a part of the Post-Office Department. Judged by analogy, the question is free from all difficulty. I admit that one or two instances, perhaps three or four, can be found where gentlemen presiding over the Committee of the Whole, called to make a decision on the spur of the moment, have held that for appropriations for the erection of edifices required for a given public service, it was not necessary that authority should have been previously given by law; but those have been mere casual decisions.

Furthermore, this particular point has never been decided. I do not think my friend from Alabama will claim that this exact point has ever been decided. This paragraph of the bill which I have read undertakes to give authority not only to purchase the land but to erect a building upon it, at a cost of \$840,000. I challenge my friend from Alabama to find an instance where a dry dock has been constructed simply by an appropriation made on an appropriation bill, or where an appropriation has been made for the purchase of a site unless authority to purchase the site and erect the structure, with a limitation upon the cost of that structure, had been previously provided for by law.

If the gentleman can point to an instance of that kind, I will yield this point, although I have no great respect for precedents, because if there is any matter for which you can not find a precedent under our system I have never seen it. You can find precedents for almost anything. But this question appeals to the conscience of the gentleman who for the time being presides over the Committee of the Whole, and he has to ask: "Is this particular appropriation authorized by law?"

Mr. Chairman, is this a continuation of a public work? I suppose that is the clause of the rule that gentlemen will claim this must come under, and I hope the Chair will hear me briefly upon that point. The second clause of Rule XXI is not in the least ambiguous. It does not admit of interpretation. The art of interpretation, which has so constantly deceived mankind in court

and everywhere else, can not apply here, for there is no opportunity for it. The language is unambiguous.

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

"That is the law of this House and of this Committee of the Whole. Now comes the assumed exception—

unless in continuation of appropriations for such public works and objects as are already in progress.

Now, this project under consideration may be called an "object" or a "public work." The terms are synonymous. They had never been held to be different. It is possible, however, to imagine a case where a public work might be different from an object. But, take it either way, is this an object already in progress? Is this a public work already in progress in Louisiana? Can any gentleman upon his conscience say that it is, in view of this plain, unambiguous law? I would trample upon a decision which so insulted the intelligence of members of this House, and held that this language had any ambiguity about it. It is not ambiguous. It expressly states that (for high public reasons) an appropriation shall not be made unless authority to make the expenditure has been already created by law; and that applies even to the following language in the rule, because it must be presumed that if a work is in progress, it is so because its construction has been authorized by some preceding legislation.

All I have to say about it is, that if the Chair finds it necessary to hold under the precedents, under these traveling decisions made from time to time, sometimes one way and sometimes the other—if the Chair finds it necessary to hold that an appropriation may be made on an appropriation bill to purchase the site and erect a dry dock upon the ground that it is a continuation of a public work, that is to say a continuation of your naval system, then the whole doors are thrown open. On the theory that the object sought is connected with some department of the Government, and it will certainly be connected with some one of them, any appropriation that any gentleman may think proper to bring forward for any purpose may be placed upon any appropriation bill. Mr. Chairman, I regard this as a question of very high consequence.

The object of the rule was to require deliberation on these matters. Appropriation bills are often taken up and disposed of in an hour or so; and if on the spur of the moment we allow ourselves to load down these bills with appropriations in this way how can there be any economy in the administration of our Government?

An independent measure of legislation touching a given subject-matter applies to that matter alone, and is dis-embarrassed of any extraneous considerations; but on an appropriation bill "log-rolling" may come in; and if there is no rule to restrain us—if we impose by rules no restraint on ourselves—then the way is open to load down every appropriation bill on the theory that whatever work you may contemplate—public building, dry dock, court-house, custom-house—is a part of the system of Government, and we are but carrying out a work already in progress.

We might go farther. The whole nation is a unit; this Government is a unit—divided, it is true, into three great departments; and upon the theory on which the gentleman from Alabama claims the right to bring in this appropriation why may not any appropriations for any of the departments of the Government be permitted to come in?

I trust there will be no mistake made in the ruling on this question, for I feel there can be no economy in the administration of this Government if the spirit of this rule is not carried out—if upon the spur of the moment we can load down appropriation bills with expenditures which have not been previously authorized by law. A great deal has been said heretofore about "riders" on appropriation bills; and the object of this rule is to prevent "riders" in the form of appropriations of money not previously authorized; yet my friend from Alabama with the utmost composure proposes to override the plain spirit of this rule.

Mr. HERBERT. Mr. Speaker, in reply to the gentleman from Indiana I desire in the first place to point out briefly the fact that this appropriation is for the improvement of a naval reservation already belonging to the Government. The gentleman has asked, and he has asked it triumphantly, if I can find any precedent for such an appropriation as this. Sir, I believe that a dock of precisely this character was authorized to be erected in precisely the same words at the Norfolk navy-yard; and another dock of like character, and I think in precisely the same words, was authorized to be erected at the Brooklyn navy-yard.

Mr. HOLMAN. Well, I would like to see the cases.

Mr. HERBERT. If the gentleman will look at the appropriation bills he will find them. I state to the gentleman that these appropriations have been made. If he doubts my recollection he can examine the records.

Mr. BLOUNT. In the cases which the gentleman has just cited, was the question of order raised and passed upon? The fact that such appropriations were made in an appropriation bill does not carry the implication that they were necessarily in order, unless the question was raised and ruled upon.

Mr. HERBERT. I am not clear as to whether the question was raised or not; but I rather think it was raised in one of those cases by the gentleman from Indiana. That, however, I will not assert positively.

Mr. DINGLEY. Do I understand the gentleman to say that this dry dock is to be erected on a Government reservation?

Mr. HERBERT. It is to be erected on a naval reservation already belonging to the Government.

Mr. DINGLEY. And it has been set apart for a navy-yard?

Mr. HERBERT. Yes; this is to be erected for the purposes of a navy-yard.

Mr. CUMMINGS. This reservation has belonged to the Navy Department since 1842.

Mr. HERBERT. This is simply in the fulfillment of a purpose already authorized by law.

Now, I say that the principle of these decisions which I have cited covers this case like a blanket. What does the gentleman say in reply to those decisions? Does he adduce any decision to a contrary effect? No. He says that precedents ought always to be found upon every question; and I know nobody who by industry and long experience in this House is better qualified to find precedents than the gentleman from Indiana. I ask him where is any precedent to the contrary? Where was any decision ever made by anybody overruling these cases I have cited? He can not find any such decision.

Mr. HOLMAN. I think my friend will find that within two years—certainly three years—a point of order was made upon a proposed appropriation for a light-house; the question was raised whether the law authorized it; and on that point of order the proposed appropriation went out.

Mr. HERBERT. That was not a case like this.

Mr. HOLMAN. The same case exactly.

Mr. HERBERT. What was the light-house incident to? What was it a necessary part of?

Mr. HOLMAN. It was incident to the light-house system, just as this is incident to the naval system.

Mr. HERBERT. This is incident to the naval establishment; these things are necessary for the Naval Department of the Government. The decisions I have cited cover the question; there is no doubt about it. All the gentleman can say is that these decisions are like "street opinions" of lawyers—

Mr. CUMMINGS. The gentleman from Alabama will permit me to say that this dry dock is just as much a matter of necessity for naval purposes as would be the purchase of an iron crane for use in the Navy.

Mr. HOLMAN. Is not a light-house necessary also?

Mr. HERBERT. We are confining ourselves to this question which has been already decided. These decisions have been made from time to time. But the gentleman says these are simply "street opinions."

Mr. RICHARDSON. Traveling opinions.

Mr. HERBERT. Well, in one sense they are traveling opinions, for they travel down from one Congress to another; and wherever they stop they are precisely the same.

They are always followed. They have become a rule of action to the Naval Committee and a rule of action to this House, and it seems to me it is a rule of action by which the chairman of the committee is bound to be guided. Further than that, Mr. Chairman, some of these opinions have been elaborately considered. I will state.

Mr. BOUTELLE. I desire to call the attention of my colleague, the chairman of the committee, to the ruling by the Hon. Samuel S. Cox, which will be found in the proceedings of the House under date of January 12, 1889, on page 117 of the RECORD. The question having arisen on a point of order, made during the consideration of the Military Academy bill, on the provision for the erection of a fireproof building on the public grounds at West Point, Mr. Cox, then chairman of the committee, made this ruling:

The CHAIRMAN. Without entering upon the question of the jurisdiction of one committee as related to that of any other, the Chair holds that under clause 12 of Rule XI, "to the military establishment and public defense, including the appropriation for its support and for that of the Military Academy," the Committee on Military Affairs has jurisdiction of this matter; and therefore they have properly jurisdiction of this subject-matter as to the erection of buildings.

The Chair will cause to be read the third clause of Rule XXI.

The provision of the rule was then read, and I believe it is in general form similar to that now in force. The Chairman then goes on:

The CHAIRMAN. Without regard to the precedent cited by the gentleman from Illinois, the Chair decides that, within the meaning of the provision

just read, the building proposed to be erected—"fireproof building on site of public grounds at West Point"—is within the purview of the rule. The construction of a building is an incident to the maintenance of the Academy itself, the object being already in progress, the main object contemplated not only by the bill but by the very institution of the Academy itself.

Without reference to other decisions made from the Chair, either in Committee of the Whole or otherwise, the present occupant of the Chair is informed that the Speaker of the House, on a former appropriation bill, held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining a navy; and that decision of the Speaker "runs on all fours" with the decision which the Chair now makes when he overrules the point of order.

Mr. HOLMAN. How could a point of order have been raised before the Speaker?

Mr. BOUTELLE. I do not know, but such seems to have been the case.

Mr. HOLMAN. But how could it have been? This is a proceeding in Committee of the Whole.

Mr. BOUTELLE. I have just read the decision of the Chair, in which this reference appears, but how the point of order was made or under what circumstances I am not able to say.

Mr. HERBERT. That is one of the cases to which I referred. I desire to say that it was the opinion of Speaker Carlisle that this was a correct ruling, under the rule of the House; for it was after a consultation with him how to get this question before the House that it was finally decided to bring these ships in on the appropriation bill. The ruling has been made so often on various other occasions as to put it, it seems to me, beyond question.

Mr. HOLMAN. Mr. Chairman, this question is a very important one.

Mr. BOUTELLE. Before the gentleman proceeds let me state that the point of order was made, to which the ruling I have just read applied, by the gentleman from Texas [Mr. KILGORE] and united in by the gentleman from Arkansas [Mr. ROGERS].

Mr. HOLMAN. What was the nature of the point of order?

Mr. BOUTELLE. It was in these words:

Mr. KILGORE. I make the point of order on that clause that it provides for the erection of a building which has not been authorized by law.

Mr. BLOUNT. That was in the Committee of the Whole.

Mr. HOLMAN. It stands on an entirely different proposition from this. There was some plausibility in that case. There was a large body of public buildings, constituting what is known as the Military Academy, and the erection of another building in connection with them was in continuation of a public work. That is plausible; and I think that decision is well enough. Not a close decision on a severe point of law, but well enough for a House of Representatives, because we do not go down to the bottom facts as a court would in deciding such questions.

But, Mr. Chairman, I rose for the purpose, if the Committee will indulge me, of calling attention to a matter to which the question of the gentleman from Maine [Mr. DINGLEY] a few moments ago evidently refers. I perceive what was running in the mind of the gentleman from Maine. I wish to show the origin of this proposition. In our legislation at the last session of Congress there occurs this provision, and I call the attention of the gentleman from Maine and the gentleman from Georgia who will follow me to it.

And the President be, and he is hereby, required to appoint a commission composed of two competent naval officers, one competent army officer, and two competent persons from civil life, whose duty it shall be to select a suitable site, having due regard to commercial and naval interests, for a dry-dock at some point on the shores of the Gulf of Mexico, or the waters connected therewith; and having selected such site shall, if upon private land, estimate its value and ascertain as nearly as practicable the cost for which it can be purchased or acquired, and of their proceedings and action make full and detailed report to the President, and the President shall transmit such report with his recommendations to Congress. That to pay the expenses of said commission the sum of \$15,000, or so much thereof as may be necessary, may be used and the same is hereby appropriated, etc.

So the committee will discover that in the last Congress the initial step was taken as to the erection of this work.

Mr. CUMMINGS. Let me state to the gentleman that the initial step was taken in the Fiftieth Congress, when a committee was appointed for the purpose of visiting the various points on the Gulf and deciding on the proper location. They visited all the cities along the Gulf and selected this site as the most available point for the erection of a dry dock. Two commissions in different years made similar examination and report. So that the initial steps were taken by a Democratic House.

Mr. HOLMAN. Well, they have made mistakes occasionally, I admit, but seldom. [Laughter.]

Now, I wish to call the attention of the Chair to the fact, and also the attention of the gentleman from Maine, that this provision as it stands in this bill is in conformity with that law provided for the purchase of the site.

The reservation was not particularly for naval purposes, but a general reservation of public lands in the State of Louisiana. This item contemplates the purchase of the land on which this structure is to be erected—

And for the purchase of such land as is shown by the report of said com-

mission to be necessary for this purpose, in addition to the present Government reservation.

Mr. BLOUNT. What are you reading from?

Mr. HOLMAN. From the bill itself. This says:
In addition to the present Government reservation.

So that it is a purchase of land for a site and for the erection of a public structure to cost \$840,000. The gentleman says that is in order, when he concedes, as he must concede, that in the construction of a single light-house, to cost forty or fifty thousand dollars, not a dollar can be appropriated until a bill has been previously enacted and the authority for the erection of that structure exists in the form of law. I would be very glad if the Chair would examine the cases referred to by the gentleman from Alabama, if he can find them. We have had but one case which has been cited here, the decision of Mr. Cox, for the erection of an additional building, where a great body of buildings had been erected, at the military school. The case is equally clear that not even the smallest public building can be erected, not even a light-house can be erected, as is known to the Chair, without the previous enactment of law authorizing the structure.

Mr. BLOUNT. Mr. Chairman, reference has been made to rulings of Mr. Cox and some other gentlemen in relation to this question now pending. There have been a variety and a contrariety of decisions on questions of this sort. I can well remember—and the RECORD will disclose them—numerous instances where the very contrary has been decided to what has been cited as the ruling of the gentleman from New York [Mr. Cox] on the Military Academy bill. And so as to many of the questions that have been raised here there have been a variety of decisions, sometimes one gentleman in the chair putting one construction upon a rule and then another taking a different construction. I well remember when the ruling of Mr. Cox was made it was an entire surprise to the House.

It was decided for the first time that it was in order to move the erection of a public building at West Point on the Military Academy bill. I say, sir, there have been a variety and a contrariety of decisions upon this question and upon many questions. And the Chair will find, if he examines into it, that at last, in the midst of this conflict of decisions, he must resort to the rule and the language of the rule, and endeavor to make an interpretation for himself to give to the House on this occasion.

Mr. HERBERT. I invite the gentleman to cite some of these contrary decisions.

Mr. BLOUNT. My friend was talking a little while ago in relation to certain bills, in which he said certain buildings had been authorized, and he cited those cases to my friend from Indiana [Mr. HOLMAN] as an evidence that it was in order, and immediately admitted to me that he did not know whether the question was ever raised.

Mr. HERBERT. But I cited the cases, and I desire you now to cite some of the contrary decisions.

Mr. BLOUNT. I understand the gentleman's question. The Chair and the committee will readily understand that this matter being sprung here, and these rulings having been made in the past, not being indexed, I can not in a moment find them. Any more than my friend could when called upon awhile ago to cite to the committee whether or not there had been a point of order made on such paragraph in an appropriation bill and that point ruled upon.

It signifies nothing that my memory does not furnish me readily with the page of the Journal containing these rulings; but it so happens, sir, that I have some help in the matter. For many years I had the honor of serving on the Committee on Appropriations when it had all these bills in charge. I had the naval bill in charge at one time, and there were efforts to put dry docks on it then, and they were ruled out, and they have been ruled in since. This construction was never controverted for a long time. Therefore it signifies nothing and it has no bearing on the question, that my memory does not furnish me with the exact date. Now, let us see what the Chair is asked to do. This provision is as follows:

Toward the construction of a timber dry dock at Algiers, La., in accordance with the recommendation of the two commissions to report as to the most suitable site for a dry dock and navy-yard at some point on the shore of the Gulf of Mexico or the waters connected therewith, and for the purchase of such land as is shown by the report of said Commission to be necessary for this purpose, in addition to the present Government reservation, \$250,000; and the Secretary of the Navy is hereby authorized to make a contract for the construction of the said timber dry dock, the cost thereof not to exceed \$840,000.

Now, it appears, sir, that, so far as this matter has gone, Congress has simply created a commission to investigate and make report. Nothing more. There has been no acceptance of their conclusions, no legislation growing out of their recommendations at all. Simply the action of a commission. And, sir, will you undertake to say that this involves any committal on the part of this Government to this object, to the building of this dock, sim-

ply because certain gentlemen have made a report? Why, it is absurd. There is no gentleman who can stand up in the face of an intelligent audience with such a statement. Why, we have commissions on all sorts of questions.

Mr. HOLMAN. And no law.

Mr. BLOUNT. And no law. Reports have been made to the two Houses of Congress; and yet gentlemen are asking the Chair to consider that, because they have made these reports, the Government has adopted their conclusion, and these are "works in progress," and it appears in the bill.

Mr. HOLMAN. They are simply reported to Congress without a law being passed.

Mr. BLOUNT. That I have already stated. There never has been the slightest committal or declaration in any statute of any purpose to accept these conclusions. I do not know whether the commission was composed of three or half a dozen. Whatever it was, they simply reported their opinions.

Here is a reservation we have had over forty years, and nothing done with it, for the construction of a dry dock or for any purpose. There is no statute authorizing the construction of a dry dock; and yet from these facts we are told this is work or object in progress.

Now, Mr. Chairman, we have the facts and they are very simple. Now, what is the rule?

No appropriation shall be reported in any general appropriation bill, or be in order as amendment thereto, for any expenditure not previously authorized by law—

No gentleman will undertake to say that there is any such authorization of any dock here—

unless in continuation of appropriations for such public works and objects as are already in progress—

Mark the language, Mr. Chairman—

Unless in continuation of appropriations for such public works and objects as are already in progress.

"Continuation!" Has there been a dollar appropriated for this purpose? Has there been any action indicating that the Government proposed to build a dry dock at this place.

"Objects as are already in progress." A piece of land, the property of the Government, has been lying there for forty years, and it is suggested as being one of the "objects in progress" to build a dry dock down there. To my mind, Mr. Chairman, it is requiring too much of the Chair—it is asking too much violence to simple speech to ask the Chair to rule this is in order.

The gentleman from Indiana [Mr. HOLMAN] has well said that when you give such a broad construction to the words "public works and objects as are already in progress," you absolutely neutralize the point in regard to legislation on appropriation bills. An appropriation for everything is in order, if it advances the interests of the Government, or proposes to enlarge the Army, the Navy, or any other branch of the public service. Sir, this rule, put in here in the past, has saved to this Government untold millions of dollars. It has restrained Democratic Houses and Republican Houses time and again from yielding to the temporary impulse to create new objects of expenditure; and I trust, Mr. Chairman, that as it has been sanctified by this purpose and by long experience for the benefit of the people, it is not to be stricken down by a ruling that will permit the construction of this dry dock.

I am not here for the purpose of saying whether or not this dry dock is proper. It is not the pending question. If that were the question I would defer to my friend from Alabama. All that would be necessary to accomplish the building of a dry dock, which the Committee on Naval Affairs may report at any time to this House, would be to take it up and consider it in the morning hour, if you please, and dispose of it. When it is proposed simply for that purpose to place a construction upon this rule, that has affected the people of this country in the past and will in the future to the extent of untold millions, you take away those checks on expenditures which every House since I have been here for nearly twenty years has seen fit to guard itself with. I trust the chairman of the committee will not make any such interpretation of this rule. It is worth more to the country than a dry dock. It is worth more to the country than every dollar in this appropriation bill. It has saved enough to the country to buy a navy over and over again. Therefore, I trust, Mr. Chairman, we shall have a ruling in accordance with the spirit of the men who have placed this here as a check upon our haste.

Mr. MEYER. I regret to say, Mr. Chairman, that I have no very great familiarity with the rules of this House. My brief service here, unfortunately, has not acquainted me with them to the degree that I desire, and therefore I have permitted the argument upon this question as to the rules to be conducted by gentlemen whose experience is much greater than mine, and who doubtless can enlighten the Chair much more efficiently than I can. But I would not have you believe, Mr. Chairman,

that the tenor of the remarks of the gentleman from Georgia [Mr. BLOUNT] should be accepted as altogether correct. One might suppose from what he has said that the Committee on Naval Affairs have simply taken up this proposition and embodied it in their report hastily and without giving it fair consideration.

But, sir, this is not a new question, and to show that it is not, and that it has been fully considered heretofore, I would refer you to the CONGRESSIONAL RECORD of the 17th of February last, evidencing that a bill for this purpose, after being carefully entertained by the Senate of the United States, passed that body almost unanimously. Indeed, I find that there was not a dissenting voice.

The CHAIRMAN. Does the Chair understand the gentleman from Louisiana to say that a bill has passed providing for this work?

Mr. MEYER. Yes, sir; such a bill passed the Senate on the 17th of February without a dissenting voice, so far as the RECORD shows. But, sir, long before that, in the Thirtieth Congress, in the year 1848 (you will find this in section 268 of the Statutes of the United States), there was an appropriation made for the establishment of a "depot for naval stores," which the Secretary of the Navy was required to cause to be located "at or near the city of New Orleans," at a cost of \$20,000. In the succeeding Congress we find that there was an appropriation for improvements and superintendence at naval depot near New Orleans, \$1,750, and also for a suitable plan of buildings to be erected thereon, an additional \$500.

This shows that already in the Thirtieth Congress the erection of a naval depot at that point was contemplated and appropriated for by the Congress of the United States. Again, in the Fiftieth Congress and also in the Fifty-first, as stated by the gentleman from Alabama [Mr. HERBERT], appropriations were made, \$15,000, I believe, in each case, for the purpose of defraying the expenses of commissions appointed to determine as to the best site for a navy-yard and dry dock on the shores of the Gulf of Mexico, resulting in the selection of this site. Each of those commissions made a report. The project was fully considered by the Secretary of the Navy, approved by that officer and by the President of the United States. The report was presented to Congress and referred by the Speaker to the Committee on Naval Affairs. That formed the basis of the action of the Naval Committee.

The proposition was considered carefully and fully discussed by the Committee on Naval Affairs, who reached a conclusion, and authorized a unanimous report to be made to this Congress for the construction of the proposed dock. Now, it does appear to me, Mr. Chairman, in view of these previous and continuous appropriations, that the rule which has been cited by the gentleman from Indiana [Mr. HOLMAN] might very well be sustained, and yet the appropriation provided for in this bill be allowed to stand.

As to the merits of the question and the necessity for a dry dock at Algiers, I will not enter upon that subject at large just now, but will simply say that, while this rule which has been cited here may have saved the country many millions of dollars, as is claimed by the gentleman from Georgia [Mr. BLOUNT], I am quite sure that this project, proposed to a Democratic House or to any House, whether Democratic or Republican, will, when properly explained and understood, receive their sanction.

A dry dock at Algiers, connected directly with the Gulf of Mexico, is as essential a part of the equipment of the Navy as an arsenal is a necessity for the ordnance stores of the Army. The commerce which passes and repasses through the outlets to the Gulf of Mexico is so great that it requires protection in every possible way, and the facilities which are afforded through such a structure as this for repairs to our naval vessels are so important that it has for a long time been considered a military necessity as well as a commercial one. In connection with my remarks I would ask that the report authorized by the Naval Committee to be made to this Congress be read, in order that the House may have a fuller knowledge of the conditions which induced them to make the report and of the influences that caused the committee to incorporate this appropriation in its bill.

[Report to accompany H. R. 5762.]

The Committee on Naval Affairs, to which was referred the bill (H. R. 2681) for the establishment of a dry dock on the Government reservation near Algiers, La., and making an appropriation therefor, has considered the same and submits the accompanying substitute for the said bill, with the recommendation that said substitute be passed.

In pursuance of an act of Congress approved September 7, 1888, authorizing the appointment by the President of a commission "to report as to the most desirable location on or near the coast of the Gulf of Mexico and the South Atlantic coast for navy-yards and dry docks," Commodore W. P. McCann, United States Navy; Capt. Robert Boyd, United States Navy; Lieut. Commander Willard H. Brownson, United States Navy; and Lieut. Duncan Kennedy, United States Navy, were appointed to constitute said commission; and after having visited all the points on the coast of the Gulf of Mexico and the South Atlantic coast which they deemed advisable for the proper execu-

tion of their duty, they submitted, November 19, 1889, a very exhaustive and able report, and made the following recommendations:

"After carefully weighing all the advantages and disadvantages of Algiers as a site for a naval station the commission is of the opinion that, while the spot is not an ideal one, no other place in the Gulf compares with it in the advantages offered, and that the advantages are so many and so great and outweigh the disadvantages to such an extent that the commission has no hesitation in recommending the location of a navy-yard and dry docks at the present Government reservation at Algiers, La."

Shortly after this report had been made the Secretary of the Navy, Hon. B. F. Tracy, appeared before the Committee on Naval Affairs and recommended that a dry dock be established at Algiers. A bill making an appropriation for the establishment of a dry dock at Algiers was thereupon reported from the Committee on Naval Affairs.

By virtue of a provision in the naval appropriation act approved June 30, 1890, another commission was appointed by the President "to select a suitable site, having due regard to commercial and naval interests, for a dry dock at some point on the shores of the Gulf of Mexico or the waters connected therewith."

The President appointed upon this commission Capt. Francis M. Bance, United States Navy; Maj. H. C. Hasbrouck, Fourth Artillery, United States Army; Lieut. R. M. G. Brown, United States Navy, and Messrs. Sidney Perham and David T. Littler.

The commission was organized on December 5, 1890, and after visiting the various points which they deemed advisable in order to carry out intelligently the requirements of the order for their appointment, and having due regard for commercial and naval interests and the emergencies which might arise in the event of war, they submitted their report on March 9, 1891. The commission say they made a careful study of the commercial routes to and from the Gulf of Mexico, and searched for the best position for a naval defense of them and of its coasts. They learned from the Bureau of Yards and Docks of the Navy Department that—

"In view of the increased size of the vessels now being constructed and contemplated, a dry dock must be at least 600 feet long, 97 feet wide at the top, 66 feet in the clear at the entrance, with a depth of at least 26 feet, and of sufficient stability to support a load of 15,000 tons."

Upon inquiry of the Chief of Ordnance of the Navy Department it was ascertained that—

"The larger guns of a modern battle ship will range upwards of 8 miles at the extreme elevation permitted by the mounting, the ship being on an even keel, and by heeling the ship to increase the elevation this range could probably be increased to at least 10 miles, and, with the largest guns afloat, even to 12 miles."

When the commission concluded that the requisites for a dry dock were—

"A clear channel to the sea of a depth of at least 26 feet, stability of foundation to support a load of 15,000 tons, and protection by a distance of 12 miles, or by an intervening elevation of the ground, from gun fire from the sea."

And after a careful study of the charts of the Gulf of Mexico and the waters connected therewith, the commission proceeded to visit Key West, Tampa, Pensacola, Mobile, Port Eads, New Orleans, Galveston, and Aransas Pass. They declare that everywhere the greatest interest was manifested in the work of the commission; that they were received by committees of citizens, and furnished with every facility to aid them in their investigations.

The report contains a clear statement of the advantages and disadvantages of seventeen different points on the Gulf of Mexico, and after a full examination the commission reached the conclusion that—

"The South Pass of the Mississippi River affords the only entrance 26 feet deep to a port or harbor on the Gulf of Mexico or waters connected therewith far enough from the sea to be safe from gun-fire."

They quote the opinion of Gen. C. B. Comstock, colonel of engineers, United States Army, and president of the Mississippi River Commission, to the effect that "the channel at the South Pass jetties is permanent in the sense that it will be possible to maintain a channel there of at least 26 feet depth at low water in the river as long as the jetties are maintained to deep water and the damages from storms repaired," an opinion in which the commission, after careful examination, concur.

The commission report that—

"New Orleans is the only port on the Gulf coast or the waters connected therewith where the three primary requisites for a dry dock are to be found. It is situated about 100 miles up the river. It is the largest city in the Gulf States. From the entrance of South Pass to the city a depth of more than 26 feet can be carried at all times. The soil of the river banks in its vicinity, at the surface light, is, from 2 to 4 feet below the surface, of clay or clay or sand, increasing in density and solidity with the depth of the boring or excavation made, insuring a foundation amply sufficient to support a load of 15,000 tons in the dock by the employment of the usual methods in its construction."

"This port has other and great advantages as the site. Being the greatest center of population of the Gulf States, labor, skilled or otherwise, can be obtained at short notice. Its foreign commerce is greater than that of all the other Gulf ports together, last year reaching 2,034,072 tons; all others, 1,997,892 tons. A fresh-water harbor, its water communication with the interior by the Mississippi and its tributaries is nowhere in the world equaled, and this is supplemented by six great railroad lines, which, with their connections, reach every part of the country."

"Defense of these by the whole power of the nation is assured. It is a military necessity. Fresh water for all uses is supplied by filtering the river water, by the rainfall, and by artesian wells. Epidemic diseases of foreign origin are prevented by a strict system of quarantine regulations, and the general health of the city is as good as that of any Gulf port. A supply of iron, coal, or other material required can always be had at short notice and at cheap rates."

We will add only one more quotation from the commission's report, the conclusion, in which they say, for the reasons already given—

"The commission therefore select this as the most suitable site for a dry dock on the shores of the Gulf of Mexico or the waters connected therewith."

The commission say that the depth of the Government reservation near Algiers—2890 feet—is ample for a dry dock, and if more land on the river front is needed it can be acquired adjoining the Government reservation.

The Secretary of the Navy, Hon. B. F. Tracy, in his communication forwarding the report of the commission to the President, says:

"I approve of the selection made of a site for the dry dock at Algiers, on the right bank of the Mississippi River, in view of the conditions found by the commission to exist there. The naval reservation at this point is too limited in extent for the proper location and use of the dry dock, and it will be necessary to purchase additional lands adjoining."

Mr. HOLMAN. I suggest that the salient points of that report be read, for it plainly establishes the fact that nothing had yet been done in the way of constructing this work, but that the whole thing rests upon this report which is submitted for the action of Congress. I hope that will go into the RECORD.

Mr. SIMPSON. Mr. Chairman, I hope the Chair will give this matter careful consideration before passing upon it. To my mind this is a very important appropriation, and the plea which the gentleman from Alabama [Mr. HERBERT] has made, that the Government owns some land down there and that we should therefore appropriate some \$840,000 is a very slim pretext upon which to base an argument for this appropriation. It is well known and well understood to be the purpose of this House—and that is what these rules have been framed for—to make no appropriation for any object until it has received full consideration and discussion.

It has been said by gentlemen here that a committee or commission was appointed to go down to the Gulf of Mexico and examine the coast for the purpose of ascertaining whether there was a good location for building a navy-yard. Now, I understand that we have already at Pensacola a navy-yard upon which the Government has spent many millions of dollars; we have very valuable property there now, including, I believe, a floating dry dock, which was built at Philadelphia and towed down there at great cost.

I think this appropriation ought to come before us for discussion in a separate, distinct bill. I believe that the evidence which has been gathered by the committee should be given to the House, and time allowed for the discussion of the measure, so that we may determine deliberately whether it is right to appropriate nearly a million dollars for the purpose of building a new navy-yard. I think this question ought not to be passed upon in this way. Members of the House and the people of the country should understand why we are to appropriate this vast sum for a new navy-yard, when we already have a very valuable navy-yard in one of the best seaports of the Southern coast—a navy-yard built at an expense of many millions.

Mr. HOLMAN. And a dry dock also.

Mr. SIMPSON. Yes, and a dry dock, too. And I will tell my friends here that the dry dock at Pensacola is lying there, part of it under water, rusting and going to destruction for want of proper care by the agents of the Government.

Mr. MEYER. The gentleman will allow me to say that the appropriation proposed here is not for a navy-yard, but for a dry dock.

Mr. SIMPSON. It has been argued here that they are one and the same thing, because a dry dock is part of the equipment for building ships. And when this dry dock is provided gentlemen will come in on another appropriation bill and say that this dry dock is part of a grand scheme which must be carried out and completed by the Navy Department; that it is necessary to have arsenals, etc., to go along with this dry dock to protect it. And then we shall have large appropriations asked for the erection of a fort to protect the dry dock. We shall be told that the dry dock, the arsenal, and the fort are all a part of the same system, and must go together. This is but the entering wedge to a vast expenditure in that direction.

So far as I am concerned, I do not believe we need a navy at all. If we attend to our own business, dealing fairly and justly with other nations, I do not believe we need any navy to defend us. I can readily see why our Republican friends should want a navy, because it is part of their scheme of "protection;" but as for Democrats who want to trade with all the world, who want to make friends with all the world, I do not see why they should want to spend millions of dollars for defense against our friends.

This is all I wish to say on this subject. I have said this much because I believe the people of this country who pay the taxes will raise a protest against appropriating money uselessly in this way to build a dry dock when we already have in existence a dry dock, navy-yard, arsenal, and everything of that kind.

Mr. MEYER. The gentleman from Kansas [Mr. SIMPSON] evidently confuses the purposes of a dry dock with those of a navy-yard. Perhaps I ought to take occasion to explain that a dry dock, especially the one here proposed, is designed to be used for the purpose of making repairs upon vessels, not for the purpose of constructing them. I am free to say that I believe, in the course of time—and the time is not very far distant—

Mr. WATSON. May I ask the gentleman a question?

Mr. MEYER. Yes, sir.

Mr. WATSON. Was the gentleman from Kansas [Mr. SIMPSON] mistaken as to the very large appropriation which is here contemplated?

Mr. MEYER. I do not know that he was. He did not mention the amount of the appropriation.

Mr. WATSON. Well, does not the gentleman think it would be treating the House more fairly to bring in a separate bill, to have this question discussed as a separate measure, than to pass upon it here as a part of this very large appropriation bill?

Mr. MEYER. I think not. I regard this as a very important measure, which the House is now as competent to determine as it would be at any time hereafter. For that reason it is proper the question should now be presented to the House.

But I was about to say, when the gentleman from Georgia [Mr. WATSON] interrupted me, I am satisfied that before many years the interests of our commerce, the protection of our Navy, the preservation of that peace which the gentleman from Kansas [Mr. SIMPSON] regards as so desirable, will make it necessary for us to construct a navy-yard as well as a dry dock on the shores of the Gulf of Mexico.

Mr. SIMPSON. To what commerce does the gentleman refer—to our foreign commerce carried on in British ships?

Mr. MEYER. To our American commerce, the commerce of this country, with the whole world.

Mr. SIMPSON. Why, we have heard gentlemen on that side say that our commerce has been driven from the seas under the high protective tariff. If this be true, we have no commerce to defend.

Mr. MEYER. The gentleman from Kansas visited the port of New Orleans, I know, only a few months ago; and I am sure that with his quick perception and active intelligence he must have seen evidences of a very large foreign commerce in that port, a commerce that passes through the Gulf of Mexico.

Mr. SIMPSON. I did; but I failed to see any American ships in that harbor. All that I saw were British ships, or Italian, or Norwegian; it was all foreign commerce. Why we should build up a navy to defend foreign commerce is more than I can discover.

Mr. MEYER. Well, Mr. Chairman, it is needless to discuss that question, because the gentleman from Kansas knows as well as any other member on this floor, that these foreign ships to which he refers do not enter our ports without bringing and carrying away cargoes and promoting commerce with all the nations of the globe.

Now, the necessity for this dry dock is so great, the work itself is so important, that it was considered proper by the committee to bring it in for consideration at an early time and not as an independent bill, as was suggested by the gentleman from Georgia should have been done. It is entirely competent for the House to determine the question now, as well as at any other time in the future. The necessity for a dry dock there has been recognized for many years past, and the only reason why it has not been constructed heretofore or provision made for it has been that there was a strong rivalry on the part of the various ports along the Gulf of Mexico to secure its establishment for themselves.

The two respective commissions appointed to select the location were so unanimous, and decided in the selection of the site which has been chosen, not alone because of its superior eligibility, but also because the Government already had a reservation there, that the other competing ports withdrew and conceded it to Algiers. These are the reasons why the measure has not been presented to Congress before this session—doubtless it would have passed had it been done.

Now, I sympathize with the gentleman from Kansas, who regards war as most undesirable. I, myself, long for the time when all the world will be for peace, and when there will be no wars or rumors of wars. But we know that from the most remote periods of history men and nations have gone to war; and while we have in our methods of warfare, as compared with those of the people of antiquity, improved somewhat, we must all admit the fact that as long as man preys on man and laps his brother's blood—and it seems his nature so to do—international strife will continue, and the truest and the surest way of maintaining peace is at all times to be prepared for every emergency that war can bring.

Who could on the morning of the 16th of October last have supposed that any war was likely to occur between this country and Chile? All seemed serene as a balmy May morning. And yet within the twenty-four hours there was excitement and apprehension, and our navy-yards and arsenals were busy with preparations for an imminent conflict in which our naval resources would have been put to the severest tests—

Mr. SCOTT. Let me ask the gentleman from Louisiana if he seriously thinks that there was ever, for an instant, any real danger of our getting into a war with Chile?

Mr. MEYER. I do, and certainly think war was averted because the Chileans knew this Government was far superior to theirs in its military power and its available military resources.

Mr. WILLIAMS of Illinois. They were afraid of our Navy. [Laughter.]

Mr. MEYER. No; they were not afraid of our Navy, but they knew that we could in a very short time gather together a sufficient army to overcome them on land and a sufficient fleet to lay them under tribute by sea.

Mr. WATSON. If your theory was carried out to its logical conclusion we would have the military systems of Europe transported to these shores in a short time. There would be no stop to the increase in our Army or our Navy.

Mr. MEYER. There is a necessity for a sufficiently large army and navy both, in a country of the magnitude of ours. We

must provide for all contingencies, present as well as for the future. We well know that the unexpected may happen. Like a thunderbolt from a clear sky came the New Orleans incident, little more than a year ago. Who could have foreseen it?—danger of conflict with Italy? Scarcely in our remotest imagination would we even have dreamed of it; and yet within the space of a very few days war seemed almost inevitable.

Italy made hot demands upon us. Had she insisted we could not in honor have agreed to them. Yet she knew, as all the world knows, that we could in a very short time have provided ourselves with a navy that would have been amply powerful to have successfully resisted her battle ships. She relaxed her demands, and did not urge them to the last degree, because she knows our power and the resources of our Government, and that while their own navy at present excels ours, we could in a short time have rendered ourselves impregnable to their attacks. Therefore, Mr. Chairman, we may safely and readily conclude that the way to insure peace and to prevent war is to maintain an adequate force, by land and sea, to fortify any position we may be compelled to take in international disputes. The interests of our country demand that we shall not only maintain our Navy as it is, but that we shall bring it to such a standard as this great Government requires, and then you may have, if not a lasting peace, at least one that will endure throughout our generation.

Mr. SIMPSON. Will the gentleman allow me to ask him a question?

Mr. MEYER. Certainly.

Mr. SIMPSON. Does not the gentleman realize the fact that our Navy went swaggering around recently and very nearly got us into a difficulty with the little Republic of Chile, in South America, that would have been a disgrace to us if we had got into a conflict with her? If we had not had that Navy we would not have encountered the danger.

Mr. MEYER. No, sir; I do not believe that. I do not believe that the officers and men of our Navy went "swaggering around," as the gentleman suggests. I do not believe the attack made on them by the Chileans was provoked. The evidence does not disclose that. I believe that the Chileans were hostile and thought they could impose upon our men with impunity, if they thought at all.

Mr. WATSON. Did you not say that both Italy and Chile were afraid to attack us because they knew we could meet them with an equal or superior force? Is not that a sufficient protection?

Mr. SIMPSON. I want to call the attention of the gentleman to the fact that there is a difference of opinion on the subject of this assault on our sailors being unprovoked. There are men who want a navy built so that they can get fat contracts for ships and supplies and make money out of the Government; and there are officers in the Navy who want promotion which they think they can get by having new ships and a little war.

Mr. BURROWS. Mr. Chairman, it seems to me the Chair must be entirely informed now as to the point of order after this discussion of the Chilean situation.

The CHAIRMAN. The Chair was going to suggest that the question before the committee is the point of order raised by the gentleman from Indiana.

Mr. MEYER. I should like, Mr. Chairman, to conclude my remarks.

Mr. HERBERT. If the gentleman will yield, I move that the committee rise.

Mr. BUTLER. Mr. Chairman—

The CHAIRMAN. The gentleman from Louisiana has the floor.

Mr. MEYER. I do not wish to discuss the question of Chile any longer, but I do wish to discuss the point of order.

Mr. McMILLIN. The gentleman will be entitled to the floor when the committee resumes its session.

Mr. MEYER. Then I will yield for the purpose of permitting the motion that the committee rise.

The motion of Mr. HERBERT was then agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHIVELY reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REILLY, for two days, on account of important business.

To Mr. GRADY, until Tuesday next, on account of important business.

To Mr. COOMBS, until Saturday, on public business.

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock, noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CADMUS, from the Committee on War Claims: A resolution referring the bill (H. R. 6518) for the relief of William T. Miles—to the Court of Claims. (Report No. 1053.)

By Mr. BELKNAP, from the Committee on Military Affairs: A bill (H. R. 4758) for the relief of Charles E. Heuston. (Report No. 1054.)

By Mr. HENDERSON of North Carolina, from the Committee on Invalid Pensions: A bill (H. R. 3713) granting an increase of pension to Frances P. Gardener. (Report No. 1055.)

By Mr. COX of Tennessee, from the Committee on Claims, the bill (H. R. 1648) for the relief of Thomas P. Morgan, jr. (Report No. 1056.)

By Mr. SHELL, from the Committee on War Claims:

A bill (H. R. 7991) for the relief of Francis Tillman. (Report No. 1057.)

A bill (H. R. 7990) for the relief of George Wagner, administrator of H. Mastick, deceased. (Report No. 1058.)

By Mr. McCREARY, from the Committee on Foreign Affairs: A bill (H. R. 5227) for the relief of Mary A. Swift. (Report No. 1061.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were severally discharged from the consideration of the following bills, resolutions, and memorials; which were re-referred as follows:

A bill (H. R. 7088) to provide an additional amount to build and equip a steam vessel for boarding purposes at Chicago, Ill.—the Committee on Appropriations discharged, and referred to the Committee on Interstate and Foreign Commerce.

A bill (H. R. 8050) for the relief of Andrew Schleuter, sergeant Company B, Six Months' Missouri Enrolled Militia—the Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga.—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

House Miscellaneous Document No. 171, claim of Thomas Thacher—the Committee on War Claims discharged, and referred to the Committee on Claims.

Petition of Jeremiah Claspell—the Committee on Military Affairs discharged, and referred to the Committee on War Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. BINGHAM (by request): A bill (H. R. 8093) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Ohio: A bill (H. R. 8094) to amend the act approved February 4, 1887, entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIN of Texas: A bill (H. R. 8095) authorizing Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.—to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY: A bill (H. R. 8096) to enable the Ottawa Indians, the Indiana Miami Indians, and Western Miami Indians to bring suit in the Court of Claims for settlement of claims against States—to the Committee on Indian Affairs.

By Mr. O'NEILL of Missouri: A bill (H. R. 8097) to amend section 22 of an act to regulate commerce, as amended March 2, 1889—to the Committee on Interstate and Foreign Commerce.

By Mr. LYNCH: A bill (H. R. 8098) to authorize the sale of timber on certain lands referred for the use of the Chippewa Indians of Lake Superior, in the State of Wisconsin, to regulate the purchase of timber from certain allottees on certain Chippewa Indian reservations in Wisconsin and Minnesota, and for other purposes—to the Committee on Indian Affairs.

By Mr. CHARLES W. STONE: A bill (H. R. 8099) establishing a standard sheet and plate gauge—to the Committee on Coinage, Weights, and Measures.

By Mr. McMILLIN (by request): A bill (H. R. 8121) to secure

better protection of lives of crews of light-ships, light-house tenders, and revenue-marine vessels, and to prevent loss of or damage to said vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: A joint resolution (H. Res. 119) for relief of sufferers by overflow of the Tombigbee River—to the Committee on Appropriations.

By Mr. OTIS: Joint resolution relating to certain Mexican grants, Nos. 15, 4, 17, and 39, and revoking action of Congress thereon—to the Committee on Private Land Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRETZ: A bill (H. R. 8100) granting a pension to Elmyra E. Stuffle, widow of John Stuffle—to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Virginia (by request): A bill (H. R. 8101) for the relief of John Ramey, sr.—to the Committee on War Claims.

By Mr. FYAN: A bill (H. R. 8102) for the relief of Medona F. Bishop, heir of John S. Bigbee, deceased—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 8103) to correct the military record of Myron H. McMullen—to the Committee on Military Affairs.

Also, a bill (H. R. 8104) to correct the military record of John C. Partlow—to the Committee on Military Affairs.

By Mr. KEM: A bill (H. R. 8105) granting a pension to Oscar F. Merrill—to the Committee on Invalid Pensions.

By Mr. MCKAIG: A bill (H. R. 8106) for the correction of the army record of David R. Wallace, deceased—to the Committee on Military Affairs.

By Mr. MCCREARY: A bill (H. R. 8107) for the relief of Dr. W. O. Robards, of Boyle County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 8108) for the relief of Mrs. Bell M. Robards—to the Committee on War Claims.

By Mr. OWENS: A bill (H. R. 8109) to remove the charge of desertion from the military record of James McManus—to the Committee on Military Affairs.

Also, a bill (H. R. 8110) to remove the charge of desertion from the military record of John M. Gray—to the Committee on Military Affairs.

Also, a bill (H. R. 8111) granting a pension to Alfred Peck—to the Committee on Invalid Pensions.

By Mr. PARRETT: A bill (H. R. 8112) to reimburse Union Bethel, of Newburg, Ind., for property used by the military forces of the United States during the war of the rebellion—to the Committee on War Claims.

By Mr. PRICE: A bill (H. R. 8113) for the relief of the estate of George Sallinger—to the Committee on War Claims.

By Mr. SHONK: A bill (H. R. 8114) granting a pension to Clara R. Rodgers—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 8115) granting an honorable discharge to Logan Collins, late of Company D, One hundred and first Regiment of Colored Volunteers, war of 1861, and for other purposes—to the Committee on Military Affairs.

By Mr. WILLIAM J. STONE (by request): A bill (H. R. 8116) for the relief of the widow of Martin Webb, deceased—to the Committee on War Claims.

By Mr. STORER: A bill (H. R. 8117) for the relief of W. H. Harrison—to the Committee on Naval Affairs.

By Mr. WARWICK: A bill (H. R. 8118) to remove the charge of desertion from the military record of Henry Wernet—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 8119) to refer the claim against the United States of Sebastian Leohr, of Franklin County, Ala., to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of Missouri: A bill (H. R. 8120) to remove the charge of desertion against John S. Crites—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Papers to accompany House bill 7852—to the Committee on Invalid Pensions.

By Mr. ATKINSON: Petition of Milford Grange, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BELDEN: Petition of Edwin A. Knapp Post, No. 340, Grand Army of the Republic, of New York, for passage of bill introduced by Representative WHEELER of Alabama, for marking and preserving the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of Tully Valley, Little York, and Watervale Granges, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. BENTLEY: Petition of Higginsville and Floyd Granges, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, for a pure-lard, law—to the Committee on Ways and Means.

Also, petition of Denmark and Sauquoit Granges, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. BOUTELLE: Petition of citizens of Penobscot County, Me., in favor of bill to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. BRANCH: Two petitions in regard to appropriation for Durhams Creek—to the Committee on Rivers and Harbors.

By Mr. BRETZ: Proof and affidavits of William H. Taylor for pension, to accompany House bill 6024—to the Committee on Invalid Pensions.

By Mr. CAPEHART: Petition of Isaac Bloss to have his claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. CATE: Petition of Grand Army of the Republic Post, No. 80, of Arkansas, to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. CHAPIN: Petition of E. H. R. Lyman and others, in favor of a proposed constitutional amendment to be known as the sixteenth amendment, prohibiting establishment of any religion—to the Committee on the Judiciary.

By Mr. CLOVER: Petition of citizens of Vernon Township, Cowley County, Kans., for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. COCKRAN: Petition for establishment of a Bureau of American Republics—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: Petition of furniture manufacturers asking that German plate looking glass be put on the free list—to the Committee on Ways and Means.

Also, petition of 54 citizens of Brooklyn, for an amendment to the Constitution to prohibit Government funds being used for sectarian purposes—to the Committee on the Judiciary.

Also, petition of Bedford Heights Baptist Church, for amendment to the Constitution preventing Government money being used for sectarian purposes—to the Committee on the Judiciary.

Also, petition of 400 firms and persons engaged in manufactures and exporting in New York City, remonstrating against any action by Congress to impair the usefulness of the Bureau of American Republics—to the Committee on Foreign Affairs.

By Mr. CROSBY: Petition of Mansur Grange, to prevent gambling in farm products, the adulteration of food and drugs, and the passage of a pure-lard law—to the Committee on Agriculture.

Also, petition of the same body, for a free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DOCKERY: Petition of ladies of Gentry County, Missouri, for passage of House bill 120—to the Committee on the Post-Office and Post-Roads.

By Mr. DOLLIVER: Papers in claim of John Sifert—to the Committee on Pensions.

By Mr. GEARY: Petition of the National Woman's Christian Temperance Union of the First California district, bearing 77 signatures, against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

Also, petition from Shasta, Cal., in regard to speculation in farm products—to the Committee on Agriculture.

By Mr. GEISSENHAINER: Petition of faculty and students of Southern Theological Seminary, at Mount Airy, Philadelphia, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GOODNIGHT (by request): Petition of Andrew J. Ward for muster and amended record of military service—to the Committee on Military Affairs.

By Mr. HARRIES: Petition of James George, Post No. 23, Grand Army of the Republic, for bill to provide for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. HATCH: Petition of Concord Grange, encouraging silk culture, and to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, for a pure-lard law—to the Committee on Ways and Means.

By Mr. HITT: Resolution of the Chamber of Commerce of the State of New York, in favor of a bureau of American Republics—to the Committee on Foreign Affairs.

By Mr. HOLMAN: Papers to accompany House bill to correct the military record of John C. Parton—to the Committee on Military Affairs.

Also, petition of citizens of Ripley County, Ind., against the sale of liquor at the World's Fair and opening the Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the United Presbyterian Presbytery of Indiana, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOPKINS of Pennsylvania: Petition of many citizens of Lock Haven, for a sixteenth amendment to the Constitution prohibiting States from founding or maintaining churches or religious institutions—to the Committee on the Judiciary.

By Mr. KYLE: Petition of J. T. Eason and others, of Tate County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, petition of J. T. Pleasant and other citizens of Desoto County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. LAWSON of —: Petition of C. P. Hartt, for pension—to the Committee on Invalid Pensions.

By Mr. LAYTON: Petition of D. Holliwell and 34 other members of Dexter Gilbert Post, No. 417, Grand Army of the Republic, of Ohio, for legislation to mark battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of Pleasant, Poplar Grove, Goshen, and Ohio granges, encouraging silk culture, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of the Woman's Christian Temperance Union, department of Sabbath observance, with 116 individual and 649 representative indorsements of churches, that no exposition where appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MCCREARY: Affidavits in behalf of claim of A. Gray, of Boyle County, Ky.—to the Committee on War Claims.

By Mr. MCKAIG: Petition of citizens of Lyeoming, Pa., against speculation in farm products, etc.—to the Committee on Agriculture.

By Mr. OATES: Petition of L. M. Edwards Grange, for a free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of L. M. Edwards Grange, encouraging silk culture, to prevent gambling in farm products, and a pure-lard law—to the Committee on Agriculture.

Also, petition of Grangers of Henry County, Ala., in favor of the anti-option bill—to the Committee on Agriculture.

Also, petition of Smyrna Grange, encouraging silk culture, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, for a pure-lard law—to the Committee on Ways and Means.

By Mr. OTIS: Petition of the Ministerial Union of Topeka, Kans., for prohibition of sale of liquor at the National Soldiers' Home, at Leavenworth, Kans.—to the Committee on Military Affairs.

By Mr. OWENS: Petition of Axline Post, Grand Army of the Republic, for marking battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. PAGE of Rhode Island: Petition to accompany House bill 6060, for relief of J. G. Sadler—to the Committee on Claims.

Also, petition of 26 citizens of Rhode Island, for a law subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

Also, petition of Cumberland Hill Grange, encouraging silk

culture, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, for a pure-lard law—to the Committee on Ways and Means.

By Mr. PAYNTER: Petition of Henry Spriggs, asking for a pension—to the Committee on Invalid Pensions.

By Mr. RAINES: Petition of New York granges, to prevent gambling in farm products and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. RAY: Petitions of Morrisville, Bainbridge, and Madison Granges, to prevent gambling in farm products and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petitions of the same bodies, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petitions of the same bodies, for a free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the same bodies, for a pure-lard law—to the Committee on Ways and Means.

By Mr. REILLY: Petition of Camp No. 142, Patriotic Order Sons of America, of Orwin, Pa., in favor of amending the naturalization law—to the Committee on the Judiciary.

Also, petition of Jacob L. Lurwick and others, in favor of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Andrew Brown and others, of Orwin, Pa., in favor of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of S. S. Moyer and others, in favor of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Shenandoah, Pa., in favor of closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REYBURN: Petition of citizens of Philadelphia, in favor of an amendment to the Constitution preventing the adoption of an established form of religion—to the Committee on the Judiciary.

Also, petition of citizens of Philadelphia, Pa., in favor of an amendment to the Constitution preventing the adoption of an established form of religion—to the Committee on the Judiciary.

By Mr. SHONK: Petition of citizens of Nescopeck Township, Luzerne County, Pa., for amendment of the laws regulating immigration, naturalization, and citizenship—to the Select Committee on Immigration and Naturalization.

Also, petition of 56 citizens of Nescopeck Township, Luzerne County, Pa., for an amendment to the Constitution of the United States, prohibiting any State from establishing any form of religion, etc.—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: Petition of citizens of Dongola, Union County, Ill., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SPRINGER: Petition of Auburn Grange, encouraging silk culture, to prevent gambling in farm products, and the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. STAHLNECKER: Petition of citizens of Mount Kisco and Bedford Stations, N. Y., asking passage of a sixteenth amendment to the Constitution prohibiting States from contributing to the support of sectarian institutions, or interfering with religious liberty—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition for support of House bill 5956, to increase the tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

Also, petition of members of the Methodist Episcopal Church at Republic, Mich., to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the National Woman's Christian Temperance Union, of Michigan, against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

By Mr. STEWART of Texas: Two petitions of citizens of Tyler County, Tex., for the passage of the pure-food bill—to the Committee on Agriculture.

By Mr. WILLIAM A. STONE: Petition of citizens of Allegheny County, Pa., for the passage of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Indiana County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania, asking for an amendment to the Constitution prohibiting States from passing laws establishing religion, etc.—to the Committee on the Judiciary.

By Mr. TOWNSEND: Protest of citizens of Arapahoe County, Colo., against a bill to provide home rule for Utah and other proposed legislation for Utah—to the Committee on the Territories.

By Mr. TRACEY: Report to accompany House bill 6018—to the Committee on Military Affairs.

By Mr. WARWICK: Petition of the Methodist Church of Wadsworth, Ohio, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Michigan: Petition of the National Woman's Christian Temperance Union, from the Ninth district of Michigan, against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

Also, petition for support of House bill 5956, to increase the tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

By Mr. WHITING: Petition of Charles Stim and 53 others, in support of House bill 5956, to increase the tax on cigarettes—to the Committee on Ways and Means.

Also, petition of Chris Schiller and 21 others, for free mail delivery, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of John L. Donalson and 19 others, for free delivery of mail—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS of Illinois: Petition of Alfred Faulkner, to support his claim—to the Committee on Invalid Pensions.

Also, papers in claim of James C. Finn—to the Committee on Invalid Pensions.

Also, two letters in the case of Ninian Young—to the Committee on Pensions.

Also, papers in the claim of Ninian Young—to the Committee on Pensions.

By Mr. WRIGHT: Petition of Oriental Grange, encouraging silk culture and to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, for a pure-lard law—to the Committee on Ways and Means.

Also, petition of citizens of Asylum Township, Bradford County, Pa., in favor of the free delivery of mail in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of 158 citizens of Pennsylvania, asking that no exposition be opened on Sunday where Government funds are expended—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, April 13, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of March 24, 1892, a list of subordinates in his Department who do not come under the classified civil service; which was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting and indorsing a letter from the Commissioner of Indian Affairs favoring the appointment of a chief clerk for the Office of Indian Affairs; which was read.

Mr. DAWES. I move that the communication be referred to the Committee on Appropriations. I do not see exactly how it can be met now, as the Indian appropriation bill has passed out of the consideration of each branch separately and is in a committee of conference, but the communication should be referred to the Committee on Appropriations.

The VICE-PRESIDENT. It will be referred, with the accompanying papers, to the Committee on Appropriations, and printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of the Presbyterian Church of De Graff, Ohio, praying that the World's Columbian Fair be closed on Sunday, that the sale of intoxicating liquors be prohibited on the grounds, and that the art department be conducted in accordance with the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented a petition of the Pittsburg (Pa.) Presbytery of the Reformed Presbyterian Church, praying for the prohibition of the liquor traffic in the Territory of Alaska, and also for the prevention of the sale of liquor within the grounds of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Thomas J. Greenawald, and 13 other citizens of Lehigh County, Pa., remonstrating against the passage of the so-called Faulkner, Caine, and Teller bills, to provide home rule for Utah Territory; which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of York, Pa., praying for the passage of the so-called Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented the petition of Anna V. Ingerton, of Pennsylvania, widow of the late William R. Ingerton, lieutenant-colonel of the Thirteenth Tennessee Cavalry, praying that the charge on the books of the Third Auditor of the United States Treasury against her late husband be remitted; which was referred to the Committee on Military Affairs.

He also presented the following petitions of Waterloo, Milford, North Warren, Mulberry, Green Valley, Farmer's Hope, Gibson Star, Edgewood, Narrows Creek, Charlestown Union, Harbor Creek, Mill Village, West Deer, and West Branch Granges, Patrons of Husbandry, of Pennsylvania:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. STEWART presented a petition of citizens of Reno, Nev., and a petition of citizens of Carson City, Nev., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

Mr. FELTON presented sundry petitions collected by the National Woman's Christian Temperance Union, signed by 77 citizens of California, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. TELLER presented a petition of citizens of Cuenin Colo., praying for the enactment of legislation to regulate speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of C. M. Adams and 100 other citizens of Lexington, Nebr., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. DAWES presented a petition of the Boston (Mass.) Merchants' Association, praying for the continuance of the Bureau of American Republics, and stating that any curtailment thereof will be detrimental to the country; which was referred to the Committee on Foreign Relations.

He also presented a memorial of citizens of Boston, Mass., remonstrating against the passage of the Chinese exclusion bill; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. I present a memorial numerously signed by merchants, manufacturers, and business firms of St. Louis, Mo., in commercial relations with Mexico, Central and South America, and the West Indies, remonstrating against the proposed abolition of the Bureau of American Republics established

at Washington, according to the recommendations of the International American Conference, or against any action by Congress that will tend to retract its field of action or impair its usefulness. I move that the memorial be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MORGAN. I present a resolution of the Transmississippi Commercial Congress recently held at New Orleans, La., signed by L. Bradford Prince, president, and Henry H. Smith, secretary, which is very short, and I will read it.

Resolved, That both justice and expediency demand the immediate admission of New Mexico as a State, to which right it has long been entitled by population, wealth, and resources, as well as by the provisions of the treaty of Guadalupe Hidalgo.

I move that the resolution be referred to the Committee on Territories.

The motion was agreed to.

Mr. MORGAN presented a petition of citizens of Macon County, Ala., praying for the enactment of legislation regulating speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a petition of the First Congregational Church of Norwood, Mass., and a petition of citizens of Medway, Mass., praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the marble cutters and finishers of Boston, Mass., praying that such duty may be placed on manufacturers of marble as will give sufficient protection to American workmen; which was referred to the Committee on Finance.

Mr. PALMER presented sundry petitions collected by the National Woman's Christian Temperance Union of Illinois, containing 116 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MITCHELL presented sundry petitions collected by the Woman's Christian Temperance Union of Oregon, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Oak Grove, Grand Prairie, Mount Zion, Prescott, and Mohawk Granges, Patrons of Husbandry, of Oregon:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. VEST presented a petition of Meramec Farmers and Laborers' Union, No. 850, of St. Louis County, Mo., praying for the passage of Senate bill 2531, in regard to fractional currency; which was referred to the Committee on Finance.

LEGAL PROTECTION OF INDIANS.

Mr. DAWES. Mr. President, I have in my hand a petition to the Senate and House of Representatives, which contains such remarkable statements that I feel as if the Senate would perhaps indulge me a moment in regard to it. The petition is brief:

To the Senate and House of Representatives of the United States:

The undersigned respectfully ask the attention of Congress to the fact that the Indians (other than the civilized tribes) living upon reservations are left, through the decay of their own systems of government, brought about by our means and through our failure to substitute any other system therefor, without the protection and the civilizing and restraining influence of law.

The undersigned therefore earnestly urge upon Congress that law and the means of enforcing it be provided at the present session for Indians and others living upon the Indian reservations.

This petition is signed by C. D. W. Bridgman, rector of Holy Trinity Church, Harlem, and a large number of other people, each one of whom puts down his residence and street and number. It is manifest that it is the honest conviction of the persons who signed the petition that the statements which they make here are true; I do not doubt it. It is, however, a printed petition, and many of the like kind I have received before. It is, therefore, equally manifest that these statements have been prepared by others for these people to sign.

As they are so far wide from the truth and the actual condition of things, I have felt as if it were due to both the executive department and the legislative department of this Government

that I should call their attention, as well as the attention of those who may be solicited to sign such statements and send them to Congress, to some things with which these statements are at absolute variance.

Neither the Executive nor Congress has left the Indians without the protection and civilizing influence of law. Both the Executive and Congress have for the last ten years professed to do what was in their power to give justice to the Indian and to make him a self-supporting citizen of the United States. If the statement here made were true, it would be a just reproach upon both the executive and the legislative departments of the Government. It is because it is not true and because I believe that both the executive department and the legislative department of this Government have for the last ten or twelve years without exception undertaken, to the best of their ability, to accomplish just what this paper states they have failed to do, that I desire to call attention for a moment to some things they have done; and it is somewhat mortifying to those engaged in this work that these things have failed to attract the attention of people so manifestly intelligent and sincere as those who have signed this petition.

More than ten years ago, at the suggestion of the then Secretary of the Interior, now the honorable Senator from Colorado [Mr. TELLER], there was established an Indian court—a court upon all reservations where there existed peace—for the purpose of trying in that court, established by the Secretary of the Interior, with judges selected from the tribes by him, all those offenses which are usually tried in the petty police courts of small towns. That court has proved itself one of the most valuable of all the instrumentalities enlisted by this Government in the civilization of the Indians. It has been recognized by Congress. Its judges have been paid in the annual appropriation bills. Its jurisdiction has been enlarged from year to year. It has had the approbation, so far as I know and I believe, of all the Secretaries of the Interior since its establishment. It has administered justice among the Indians as fairly as justice is administered on the average among white people. Nearly \$12,600 has been appropriated to pay these judges for their services.

In addition to that, an Indian police has been established during all that time as executive officers to maintain the peace and protect the rights of individual Indians; and that has come to commend itself not only to the Interior Department, but even to the Army, which has taken pains to commend it for its efficiency and its contribution to the protection of the rights of the Indians.

One hundred and fifty-odd thousand dollars each year is appropriated for the maintenance of that police system among the Indians on the reservations.

In addition to this, in the year 1885, on the 3d day of March, Congress placed upon the statute book, and it is there now, this provision of law in regard to the reservations—section 9, found at the three hundred and eighty-fifth page of the twenty-third volume of the Statutes:

That immediately upon and after the date of the passage of this act all Indians, committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes; respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States.

And as if it were not enough, with the court of Indian offenses to protect the life and the person and the property of individual Indians upon the reservations, it was provided in the severalty law in 1887:

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

And as if that were not enough, the act went on further to say:

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States.

It is to my mind hardly conceivable that there could be provided any further legislation or any further facility for opening the courts of the United States to the Indians in this country than has already been provided. Therefore, it seems very strange to me that anybody should prepare and have printed a petition and ask intelligent and honest and earnest friends of the Indian to put their names to a petition which says that by our fault, with all this work and all this money that we have expended for this very purpose, we have left the Indians on the reservations without the protection and civilizing and restraining influence of law.

This petition excepts the five civilized tribes from this awful condition. I venture to say, and I think I shall be sustained by every member of the Senate who has had actual observation of the condition of things in the five tribes, that the life and the peace, and the property, and the rights of every Indian upon any reservation in the United States are as safe and as well protected in the administration of the law as they are among the five tribes.

Mr. PLATT. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Certainly.

Mr. PLATT. A gentleman who spent a good deal of time in the Cherokee Nation recently told me that near the court-house stood a gibbet on which at least 100 persons had been hung within a very short period of time. So in that respect I think life on a reservation is quite as safe as it is in the Cherokee Nation.

Mr. DAWES. I should think that would show it was insecure. I know these people to be honest, and I have had so many of these petitions that I felt possibly it would be a proper service to render to call to this matter the attention of those to whom these petitions prepared by somebody else are presented to be signed and sent in.

I wish to add that it is also true that the administration of justice on Indian reservations is not perfect. It can be improved; and those who are responsible for the conduct of affairs will welcome any suggestion that will tend to improve the administration of justice upon those reservations. The administration of justice all over this country, I suppose can possibly be improved. Indeed the bill before the Senate this moment in order is a bill to amend and improve the act creating the circuit courts of appeals of the United States. No court is beyond perfection, and no administration of justice among the Indians is claimed to be beyond improvement, but what I want to say is that these statements are utterly groundless.

Mr. ALLEN. I wish to make an inquiry of the Senator from Massachusetts upon a matter touching upon this subject. Some years ago I was called upon to prosecute an Indian for what seemed to be the most wanton murder I knew of even in the annals of Indian criminality. The defense was interposed in that case that jurisdiction of that crime had been assumed by the Indian tribe and the Indian had been tried and punished according to the laws and usages of the tribe. He had for that wanton murder been sentenced to pay a few blankets and a pony or two to the relatives of the deceased persons. There were two or three who had been murdered by him. I found at that time that in cases of crime committed upon the person or property of one Indian by another in the Indian country the laws and usages of the Indian tribe were controlling and their tribunals took jurisdiction concurrently with the courts of the United States; and if such jurisdiction was first assumed, it ousted that of the Federal courts. Are those laws still in existence?

Mr. DAWES. I am very glad to answer the Senator's inquiry. That was the condition of things up to the time the Indian, Crow Dog, murdered Spotted Tail, because Spotted Tail took his wife away from him. Following the modes and methods of redress so prevalent among civilized people, he was tried by the Territorial court and sentenced to be hung. The case was brought up to the United States court and the United States Court discharged him on the ground that the tribe had jurisdiction of that offense. Thereupon was enacted a law which I read here, and which will bear reading again, and since that day this law itself has been before the Supreme Court and has been sustained.

Mr. ALLEN. That impression was on my mind, that the law had been made to cure that defect of jurisdiction. I understood it correctly.

Mr. DAWES. This is the law:

That immediately upon and after the date of the passage of this act all Indians committing against the person or property of another Indian or other person—

I do not see how it can include any more—

any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes.

Then it goes on to say that if it be committed in a State it shall be tried by the laws of the State. This was enacted to meet the unfortunate cases to which my attention has just been called,

and the Supreme Court has sustained this law. It is quite out of the way for persons who claim to be intelligent to go around soliciting people to send statements to Congress that we in all our pretense here have left the Indian without the protection of the law.

The VICE-PRESIDENT. The petition will be referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 649) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department;

A bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers.

A bill (H. R. 1418) for the relief of Sarah A. Clapp; and

A bill (H. R. 2713) in relation to the execution of declarations and other papers in pension claims.

REPORTS OF COMMITTEES.

Mr. DOLPH. I am directed to report back from the Committee on Foreign Relations the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States favorably with an amendment.

I desire to state that the report is the unanimous report of the committee as far as its members were present this morning, only one member being absent, and I think I can say safely that that member will approve of the report.

I am directed also by the committee at the earliest possible moment to endeavor to call up the bill for the consideration of the Senate, because the present legislation excluding Chinese from the United States will expire early in the forepart of next month. The bill as reported substitutes the bill already passed by the Senate for the House bill.

I shall, as soon as the present order is disposed of and I can do so without serious conflict with my friend from Massachusetts [Mr. HOAR], ask that the bill be taken up for consideration.

Mr. FELTON. Before the consideration of that bill is had, as it is a matter of vital importance to the constituency which I in part represent, and as the report is earlier and different from what I understood it would be, I desire two or three days to elapse in order that I may, as well as I can, present the views and interests of the people of the Pacific coast upon this question.

Mr. DOLPH. Mr. President, I ought perhaps to say that the action of the other House upon this measure was rather unusual. Instead of acting upon the bill passed by the Senate and sent to the House, the House passed a separate bill and now have the Senate bill before them.

There is really no reason why the Senate should act upon the bill sent from the House any more than that the House should act upon the bill sent by the Senate. The action of the House indicates to me that the managers of the majority in that body were not anxious for early legislation upon the subject, because the passage of an independent bill by the House does not hurry matters at all. If all after the enacting clause had been stricken out of the Senate bill and the House bill substituted, the bill would have been in conference for a week, and probably some progress made towards coming to some understanding, by which some legislation could be enacted, to prevent a hiatus in legislation which would allow all the Chinese in British Columbia, Canada, and Mexico, who are ready to come in the United States, to cross the boundary when there was no legislation to prevent them. But the Senate Committee on Foreign Relations has acted promptly upon the bill at the very first meeting that the committee has had since the bill came into the Senate, and which was promptly, when it came from the House, referred to that committee. We have not stood upon any question of dignity, but have been and are anxious to secure some legislation upon the subject.

There is this much to be said in regard to this proposed legislation, whatever anyone's opinion may be in regard to the propriety of either measure: The Senate bill proposes to continue the existing legislation, to provide for the present emergency, and to make certain amendments in the law to enable it to be more effectually enforced. If when the present emergency is met, and the existing laws upon the statute book are continued and amended so that they may be better enforced, it is thought that further and more drastic legislation is required, the House can at any time act upon the bill of the Senate, which it now has before it, and make such amendments to it as it may see fit. There will be ample time after the bill reported is passed to amend the existing laws. One idea that has governed the committee in its report is that the best thing to be done is to secure some immediate legislation and not allow existing legislation to

expire, to report a measure that can be speedily acted upon and can receive the support of the Senate.

Mr. FRYE. Will the Senator please state distinctly why it is that immediate legislation must be had?

Mr. DOLPH. Because on the 6th of May the existing legislation expires. If the 6th of May passes and no act in regard to the restriction of the coming of Chinese laborers is passed and signed by the President, our ports will be open to laborers from China and from every other part of the world, and those in British Columbia and in Canada desiring to cross the line can do so, and can not be prevented from coming. As the House has declined to act upon the Senate bill and sent us a separate measure, it is necessary that the Senate should act upon this bill and send it, if amended, to a conference, so that an agreement shall be arrived at by the conference committee, which can be acted upon by both branches, and the bill be approved by the President before the 6th of May, or we shall have no law whatever to prevent the coming of the Chinese. Only three weeks remain in which to secure legislation.

Mr. FELTON. Mr. President—

Mr. COCKRELL. What is before the Senate?

The VICE-PRESIDENT. There is no question pending before the Senate. The Senator from Oregon is proceeding by unanimous consent.

Mr. FELTON. I yield to no gentleman upon this floor upon the importance of the question that some law should be passed before the time has arrived when the present law shall have expired, but, sir, this is a matter of sufficient importance—

The VICE-PRESIDENT. Debate is only proceeding by unanimous consent.

Mr. FELTON. I should just like a half minute.

But, sir, the matter is of such importance as to deserve the consideration of this Senate, regardless of many other measures; and while I have listened and am in accord with much the Senator from Oregon has said regarding the action of the House, I have not the remotest idea that if this bill passes in the shape that the Senator desires and is reported, which is not satisfactory to myself and the constituency which I represent, this question will ever be heard of again at this session. Hence I desire time for discussion.

Mr. TELLER. Mr. President, I do not wish this debate to go on upon the assumption that the act referred to expires as suggested by the Senator from Oregon [Mr. DOLPH]. In my judgment, so far as I have been able to examine—and I believe that is the opinion of others who have examined it as well—that act does not expire for a period of two years; and if we fail to pass an act now I shall not be willing to admit that there is no law on the statute book excluding Chinese. I do not believe it expires until 1894.

Mr. DOLPH. I have examined that question and I have not a particle of doubt about it. I am willing to risk my opinion that the act of 1884 merely amended the first section of the act of 1882, which contained the limitation, so that it should read as prescribed in the amending act, so that it carried back the adoption of the act of 1882 in regard to the limitation.

Mr. TELLER. It is not a matter whether the Senator's opinion is better than mine or mine better than his. It will be a question for the construction of the officials of the Government when the proper time comes. That is a matter now before the Judiciary Committee, and the committee have had it under consideration, but they have not yet decided that question. It is not a clear question, I will say to the Senator. It may be doubtful whether I am correct or he, but I do not want this to go out so that if there is no legislation the department of the Government that is called upon to construe the question will feel concluded by anything that has been said here to-day on this subject.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VILAS, from the Committee on Claims, to whom was referred the bill (S. 1743) for the relief of the legal representatives of William D. Wilson, deceased, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1263) for the relief of Henry George, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. CHANDLER, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 825) relating to the pay and retirement of the mates in the Navy, heretofore reported by him.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 2407) for the relief of the legal representative or representatives of Franklin S. Whitney, deceased, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Claims to report back the bill (S. 375) for the relief of James and William Crooks, of Canada, and ask that the committee be discharged from its further consideration and that it be referred to the Committee on Foreign Relations, where it properly belongs.

The VICE-PRESIDENT. The bill will be so referred.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 2680) for the relief of Lennes A. Jackson, reported it without amendment, and submitted a report thereon.

Mr. KENNA, from the Committee on Foreign Relations, to whom was referred the bill (S. 2100) for the relief of the estate of Emmet Crawford, deceased, late captain of the Third Regiment, United States Cavalry, asked to be discharged from its further consideration, and that the bill be referred to the Committee on Pensions; which was agreed to.

CHEYENNE AND ARAPAHOE RESERVATION.

Mr. JONES of Arkansas. I am directed by the Committee on Indian Affairs to report a resolution, together with a written report, which I ask to have printed, and that the resolution lie over. I give notice that I shall ask the Senate some day next week to consider the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to Choctaw and Chickasaw Nations for their interest in the Cheyenne and Arapahoe Reservation in the Indian Territory, submitted with this resolution, it is the opinion of the Senate that there is no sufficient reason for interference in the due execution of the law referred to.

The VICE-PRESIDENT. The report will be printed and the resolution lie over.

TARIFF COMPILATION OF 1891.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following resolution, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 15,000 copies of Senate Report No. 2130, Fifty-first Congress, second session, being Tariff Compilation of 1891, prepared by the Senate Committee on Finance under authority of the act of Congress of August 30, 1890, of which number 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

BILLS INTRODUCED.

Mr. COKE introduced a bill (S. 2900) authorizing Aransas Harbor Terminal Railway Company to construct a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FELTON (by request) introduced a bill (S. 2901) to carry into effect the findings of the Court of Claims in the cases of Edward N. Fish *et al.*, for supplies furnished the Indian service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. QUAY introduced a bill (S. 2902) granting an increase of pension to Andrew T. Bovard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2903) to purchase a bust of Gen. Philip H. Sheridan; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 2904) for the relief of Anna V. Ingerton, widow of the late William H. Ingerton, lieutenant-colonel of the Thirteenth Tennessee Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 2905) for the relief of John M. Goodhue; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 2906) to amend section 4194 of the Revised Statutes of the United States, relating to certificates of title to vessels; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. PERKINS introduced a bill (S. 2907) for the relief of Uriah Hoyt; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a bill (S. 2908) for the relief of

Charles Candy; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 2909) granting a pension to Jennie R. Kincheloe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a joint resolution (S. R. 72) relative to the erection of a penitentiary in the State of North Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HALE, it was—

Ordered, That the papers relating to the bill granting a pension to Jennie R. Kincheloe be withdrawn from the files of the Senate and referred to the Committee on Pensions, there having been no adverse report thereon.

AMENDMENTS TO A BILL.

Mr. FELTON submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

GOVERNMENT PRINTING OFFICE SITE.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses incident to the selecting of a site for a new Government Printing Office by the Joint Committee on Printing, acting under Senate concurrent resolution of March 9, 1892, authorizing said committee "to ascertain the most suitable site for a Government Printing Office, looking to the future growth of the country and growing demand upon the printing establishment, ascertain the fair value of the same, and make report of such investigation and result," be paid out of the contingent fund of the Senate.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before the Committee on Territories in relation to the bill (S. 1962) to incorporate the Yellowstone Park Company be paid from the contingent fund of the Senate.

CONDITION OF AGRICULTURE.

Mr. GEORGE. If in order now, I desire to call up for consideration the Senate resolution heretofore submitted by me, which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate, in relation to an investigation of the condition of agriculture.

The VICE-PRESIDENT. The Chair lays the resolution before the Senate. It was reported by the Committee to Audit and Control the Contingent Expenses with an amendment in the nature of a substitute, which will be read.

The Chief Clerk read the amendment, which was to strike out all after the word "*Resolved*," and insert:

That the Committee on Agriculture and Forestry be, and they are hereby, authorized and directed to ascertain in every practicable way, and report from time to time to the Senate, the present condition of agriculture in the United States, and the present prices of agricultural products; and if there be any of which the prices are depressed, then the causes of such depression and the remedies therefor. And particularly whether the reports of the Department of Agriculture on the distribution and consumption of farm products, published from time to time by authority of the Secretary of Agriculture, contribute in any way to such depression of the market prices of such products, and whether any proper governmental purpose is subserved by such publication, and whether such publication should be continued.

And for this purpose that they be authorized, by subcommittee or otherwise, to sit during the recess and sessions of the Senate, at such times and places as they may deem advisable, to employ a stenographer and such clerical assistance and such experts as they may deem necessary, and that they be authorized to send for persons and papers, the expense of such investigation to be paid from the contingent fund of the Senate.

Mr. HOAR. Has that resolution been referred to the Committee on Contingent Expenses?

The VICE-PRESIDENT. It has been, and it was reported yesterday.

Mr. PADDOCK. It was reported by the chairman of the committee yesterday.

Mr. HOAR. I wish it might go over. There was an agreement that the Senate should spend yesterday and to-day upon the Calendar, and I suppose to bring forward a resolution as the routine morning business, not coming over from the day before, but a resolution previously reported, would be inconsistent with that understanding. If the resolution will occasion no debate I shall not object to its consideration.

Mr. PADDOCK. It will lead to no debate, I think. It is in the usual form of such resolutions.

Mr. GEORGE. I move that the resolution be taken up and considered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate proceed to the consideration of the resolution.

Mr. PLATT. I do not think the resolution was listened to when it was read. I should like to hear it read again.

The VICE-PRESIDENT. The substitute reported by the committee will be again read.

The Chief Clerk read the proposed substitute.

Mr. PLATT. Does that require unanimous consent?

The VICE-PRESIDENT. The Senator from Mississippi makes a motion that the Senate proceed to the consideration of the resolution, and the question is on that motion.

Mr. GEORGE. I desire to say that the Senator from Alabama [Mr. MORGAN] has informed me that he gave notice that he would address the Senate this morning. If the resolution is to lead to debate and the consumption of time, which I do not anticipate, I, of course, do not desire to press its consideration now so as to interfere with the Senator from Alabama. If there is opposition to the resolution, I shall ask to have it taken up at some other time so as not to interfere with any order which has been made by the Senate, or with the expectation of any member of the Senate. It is a resolution, however, which received the sanction of the Committee on Agriculture and also of the Committee on Contingent Expenses, and I should like to have it considered at an early day.

The VICE-PRESIDENT. Does the Chair understand that the Senator withdraws his motion?

Mr. HOAR. My interest in the matter is that after the expiration of the order to spend another day on the Calendar the bill to amend the act in regard to the circuit court of appeals is the unfinished business. I am very desirous to have that bill considered at an early day, and also two others which follow, of the same nature, one relating to the Court of Claims and one relating to the courts of the District of Columbia, for reasons which the Senator knows very well. If this resolution is to be debated, I do not want it to come up now. That is all.

Mr. GEORGE. I shall not press it now, but I shall ask that it be made the special order for Monday next at 2 o'clock.

Mr. HOAR. I have no objection to that.

The VICE-PRESIDENT. The Senator from Mississippi withdraws his motion for the present consideration of the resolution. Is there objection to the request made by the Senator that the resolution be made the special order for Monday next at 2 o'clock? The Chair hears no objection, and it will be so ordered.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature of the following enrolled bills which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (S. 18) for the relief of Edward S. Armstrong;

A bill (S. 440) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota;

A bill (S. 1643) authorizing the Velasco Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas; and

A bill (S. 1645) making Velasco a subport of entry.

NICOLINO MILEO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit, in reply to the resolution of the Senate under date of December 15, 1891, a report from the Secretary of State, with accompanying documents, in relation to the correspondence had with regard to the imprisonment into its service and punishment by the Government of Italy of Nicolino Mileo, a naturalized citizen of the United States.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, April 12, 1892.

ASSESSMENTS OF DISTRICT REAL ESTATE.

Mr. PERKINS. I ask unanimous consent to have taken up for present consideration House bill 5978. I will say that the assessor of the District of Columbia is anxious that this bill shall receive immediate consideration. I think there will be no objection to it. It has passed the House and it will only take a minute.

There being no objection, the bill (H. R. 5978) to extend the time for making assessments of real estate, etc., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for making an assessment of real estate in the District of Columbia, outside the cities of Washington and Georgetown."

PURCHASE OF SILVER BULLION.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Nevada [Mr. STEWART], coming over by unanimous consent from yesterday, which will be read:

The Chief Clerk read the resolution submitted by Mr. STEWART, April 11, 1892, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what is the aggregate cost of the silver bullion and standard dollars coined therefrom purchased under the act of July 14, 1890, and now held in the Treasury, and a detailed statement of the amount purchased each day, and the date thereof; and what amount of Treasury notes issued for such purchase is now outstanding, and whether any of such notes have been received by the Treasury in exchange for gold coin or redeemed in gold coin, and what amount of silver coin there is now in the Treasury applicable to the redemption of such notes, and also whether, when such notes are received into the Treasury for customs, taxes, and other public dues, they are reissued or retained in the Treasury; and if any of such notes have been retained in the Treasury what amount has been so retained. Are persons selling bullion to the United States under the act of July 14, 1890, required to make immediate delivery and take the bullion so sold out of the market, or are they given time to make such deliveries after having made a contract to supply the United States and deprive others of that opportunity? Does the public have notice of the times, places, and amounts of silver bullion which will be purchased by the United States, or are such purchases made of brokers and bankers without such public notice? Is the business of purchasing silver bullion under the act of July 14, 1890, conducted with a view of depressing the price of bullion and obtaining it as cheap as possible, or with a view of carrying out the "established policy of the United States to maintain the two metals (gold and silver) on a parity with each other upon the present legal ratio?" And what amount of gold coin and gold bars is there in the Treasury, exclusive of outstanding gold certificates?

Mr. MORGAN. Mr. President, in the remarks I had the honor to submit to the Senate on the 4th of April, on the subject of silver and its coinage, I endeavored to present the situation of our financial system as it is, and to state the leading facts of the history of our legislation in respect of the precious metals by which our present condition has been reached.

Owing to the wide field of discussion that must be covered by any attempt to examine this subject intelligently, I would not then trespass so far upon the time of the Senate as to present my conclusions as to the measures that are needed to perfect that part of our system of finance that relates to paper money and to gold and silver coin. I will now present them, with the kind indulgence of the Senate.

First. As to the standard coins of gold and silver, we need a provision of positive law that fixes the ratio between them by prescribing the pure metal and the alloy that they shall respectively contain.

This we have.

Second. That standard gold and silver coins shall have equal legal-tender power according to their face value.

This we also have.

Third, we need a means or instrumentality by which we can prevent the occurrence of a depreciation of the value of one coin below the other, as fixed by law, as a result of the depreciation in the commercial markets of the value of the bullion, or pure metal, in either coin.

This we also have in the coin certificate that is provided in the act of July 14, 1890, attended with the option, on the part of the Government, to redeem the certificate in either coin.

Fourth. As the coin certificate represents, equally, gold and silver, standard, legal-tender coin, and is itself a legal tender, it has all the value of both coins, and can not fall below the value of either coin, until the Government fails to redeem it, on demand.

I will not consider an event so remote, so impossible as that, as having any value in the argument of this subject.

Fifth. The issue of coin certificates necessarily includes in the basis for their redemption gold and silver coins in the Treasury of the United States. These coin certificates and the promise of redemption they carry on their face represent the exact relation that the United States hold to all the paper money issued under its authority, in its final analysis, except that in the case of gold certificates the holder may lawfully demand redemption in gold coin. In all other cases, the right of the holder to demand redemption of any form of paper money in coin is qualified by the right of the Government to pay in any legal-tender standard coin.

We have never repudiated our obligation, and never will repudiate it, to redeem our paper money in coin. So there is and must be a specie basis of standard dollars for the redemption of every promise of the United States that is issued to circulate as money.

Paper dollars can only be redeemed with coined dollars. They can not be redeemed with any mere commodity, whatever may be its intrinsic value or its relative value, computed in dollars; or whatever may be its durability, such as iron, steel, copper, or gold or silver bullion.

The Government must make the metal into coin and fix its value by an act of Congress before it can be counted or considered as forming a part of a redemption fund in the Treasury for the redemption of its paper promises.

If this is not true the Government can accept any valuable commodity and hold it in the Treasury as mere security for the redemption of its money obligations. For a better reason the Government could accept the mere personal obligations of indi-

viduals as the basis of the redemption of its promises issued to circulate as money.

Actual coin in the Treasury, whether acquired by the coinage of silver and gold, or by borrowing money, or through taxation, is the only fund that Congress can employ in the redemption of its paper-money promises.

If this fund is to be measured by the gold coin in the Treasury, or the sum in gold that the Government can cause to be placed there, the issue of paper money by the Government on that basis would be quite insufficient for the needs of the people.

On the 1st of April, 1892, there was of gold coin in the Treasury, \$198,949,892; of gold bullion, \$31,194,377; total, \$230,144,269.

At the rate of three dollars in paper for one in coin, this would give a currency of \$840,432,807.

On the same day the paper money for the redemption of which the Government is responsible was as follows:

Gold certificates:	
In the Treasury	\$23,673,770
In circulation	154,329,229
Silver certificates:	
In the Treasury	3,589,703
In circulation	325,683,140
Coin certificates:	
In the Treasury	11,996,788
In circulation	77,605,410
United States notes:	
In the Treasury	22,776,054
In circulation	232,904,992
Currency certificates:	
In the Treasury	21,380,000
In circulation	9,840,000
National-bank notes:	
In the Treasury	3,884,496
In circulation	168,044,955
Total	1,046,559,518

So that we are now doing a banking business of issue and redemption on the basis of \$5 in paper for \$1 of gold. If we are to be confined to this basis of issue and redemption it is very clear that the holders of gold certificates can, at this time, and at their pleasure, withdraw \$178,000,000 of gold coin from the Treasury and reduce the basis of redemption to \$1 in gold for \$7 in paper.

This one statement of facts demonstrates that, on a single gold basis of redemption, which must be the case when silver coinage is abandoned, our paper money would rest on a dangerous foundation, at the mercy of the holders of gold in time of peace, and in time of war our paper money would compare with gold as it did in 1864, when \$100 in gold was worth \$260 in greenbacks.

If we had then had as much silver coin and bullion in the Treasury as we have now, or if we had been able from our own mines, as we are now, to supply to the Treasury \$100,000,000 annually, we would have accumulated during the period of the war at least \$400,000,000 in coin. On this we could have issued \$1,600,000,000 of good money that would not have depreciated, and our people would thus have provided the Government, without interest, with half the amount of money that the civil war cost the Government.

I say this, because we could have as easily maintained a paper circulation of four dollars of paper for one of coin during the war as we can now.

We have now a coin and bullion basis, including gold and silver, of \$648,954,803, for the redemption of \$1,046,559,518, a little more than one dollar of coin for two of paper; of this sum of coin the silver amounts to \$368,810,534.

If in the next ten years we should increase our paper issues to \$2,000,000,000, every dollar based on a dollar of coin in the Treasury, and if our average of population should be only 70,000,000 for that decade, we would have a per capita circulation of \$28.57, to which, on the present ratio of about one-fourth in addition of coin per capita in free circulation, the people would have for use in their business a per capita supply of money of \$35, every dollar as good as gold and as good as silver. They would then have nearly as full a supply of good money as prosperous France has now.

So there is every good reason for, and there is no danger in, the expansion of the basis of redemption for our paper promises by uniting gold and silver on equal terms and on the present ratio to create that redemption fund in the Treasury.

Nothing but coins of gold and silver should go into that fund, and no discredited coin should enter it. We can not constitutionally discredit our gold or silver coins by any legislative discrimination between them. Our powers are only to coin money and to regulate the value thereof.

If we destroy the value of either coin, in whole or in part, we violate our plain duty. If we refuse to coin either, we destroy that coin and reduce it from its function as money to a mere commodity.

If we confine our basis of redemption to gold alone, we expose all our people who handle our paper money and their industries to

the power of a gold monopoly, with the ability to control the price of money, almost without restraint.

Curtailing the volume of money raises the price, just as it raises the price of wheat, cotton, or provisions to curtail the production.

All the real money in the civilized world consists in gold and silver coin.

Paper money, to have any steadfast par value, must be redeemable in coin and its redemption must be secured by law, whenever it is presented for redemption.

It is the faith of the people that paper money will be redeemed in coin, on demand, that alone gives it a value equal to coin. When that faith fails or wavers, paper money depreciates.

Faith in the redemption of paper money depends so entirely upon positive law enacted by supreme authority that it is made a crime to issue private promises to circulate as money.

So strong is this principle and so imperative is the necessity for a supreme law that can protect the people as to the redemption of paper money that the States, which can not be coerced into compliance with their civil duties and their contracts with the people by the Federal Government, are prohibited by the Constitution from emitting bills of credit.

The States may charter banks and authorize them to issue paper money, because they have the power to compel its redemption, and to protect the people against false or fraudulent dealing in such issues, by civil and criminal statutes.

But the power of Congress over all money is so entirely supreme, according to the decisions of our courts, that it can and does prohibit the issue and circulation of paper money by private persons without the authority of positive law, and it can tax the paper circulation of State banks to the extent of positive prohibition.

Mr. STEWART. Which it does.

Mr. MORGAN. Which it does.

No State can coin money, and no State can issue paper money to be redeemed by it out of its treasury, in virtue of its sovereign powers. No State can authorize the issue of paper money free from the taxing power of Congress, and, as that power is unlimited, it may as well be said that, as a practical result, no State can authorize the issue of paper money against the consent of Congress.

This proposition is severely disputed, I know, but I am considering the facts of the present situation, without regard to disputed theories or the problems they may suggest or involve.

The power to coin money and to regulate the value thereof, and the power to prescribe what money shall be a legal tender in payment of debts, public and private, and the power to issue Treasury obligations to circulate as money, and the power to charter banks to emit paper money, and to provide for and secure its redemption, are no longer disputed or doubtful powers; the legislative and executive departments of the United States and the Supreme Court, and the same departments in every State, having coincided in the final decree.

The powers of the Government of the United States over the subject of the coinage of money, and the issue and redemption of paper money, are as plenary as the powers of any other government in the world, with only a single restraint on that power, which is, that the power to create money can only be exercised by coining it. The Government may issue paper promises to circulate as money, but the promise can only be redeemed in coin. This is an implied restriction, enforced by the silent law of public opinion, upon every civilized government.

But in our Constitution it is as much a positive restriction on the power of Congress as if it were expressed in terms of positive prohibition.

All the power that Congress has over money is delegated. It was power that the States had exercised from their first days of colonial existence. When the foundations of the Constitution were laid, the States had such supreme power over money that they made a legal tender of various commodities, such as tobacco and the skins of animals.

As the supply of copper and silver and gold increased, they were able to draw away from these crude measurements of values, fixed upon them by a law of necessity, and to adopt gold and silver as the true tokens of value.

In the Articles of Confederation, the first grant of power was made to Federal authority over the subject of money, and that grant related to coinage, as follows:

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States.

The power of regulating the alloy of coin struck by the respective States was afterwards expressed in the Constitution in the power to regulate the value of coin. The necessity of delegating this power to Congress was indispensable to the creation of an equal and harmonious union of States, and no less impor-

tant to that end was the delegation to Congress of the power to coin money and regulate the value thereof.

It is not the power to regulate the value of paper money but of coined money that was thus delegated to Congress. It was not given to Congress the power to declare that paper or skins or tobacco should constitute money, or legal tender.

Neither was that power reserved to the States. On the contrary, the States were prohibited from coining money, or from emitting bills of credit, or "to make anything but gold and silver coin a tender in payment of debts." Thus in constructing the fabric of the new Republic, which was also a new step in the advance to the highest civilization, the tobacco and coonskin and fiat money era was left behind, and this Government fixed its financial foundations where God had decreed that all true tokens of commercial values should be forever found in the precious metals of gold and silver.

In the beginning of the federation of States, however, it was seen that paper credits, of which Treasury notes and bank notes are merely varieties, would be necessary to any sovereign government as a means of using the credit of the people to anticipate any deficiency of the revenues. And so Article XII of the Articles of Confederation was agreed to by the States, as follows:

ARTICLE XII.

All bills of credit emitted * * * by or under authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be issued and considered as a charge against the United States for the payment whereof the said United States and the public faith are hereby solemnly pledged.

When the Constitution supplanted the Articles of Confederation it contained this provision:

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under this Confederation.

A bill of credit emitted by proper authority thereby became a constitutional obligation of the United States.

The power to emit bills of credit was a recognized attribute of supreme authority which the Constitution prohibited the States from exercising. It could, therefore, only be exercised by the United States when bills of credit were to be used as money.

Under Article VI of the Constitution, Congress could not have redeemed the Continental money, by simply declaring that it was United States money. Article XII of the Articles of Confederation made these bills of credit "a charge against the United States, for the payment whereof the said United States and the public faith are hereby solemnly pledged." The payment was to be in money. It was a promise of redemption, and being the first contract obligation entered into by the present Government, and being a part of the Constitution and coupled with power to borrow money on the credit of the United States, the recognition of the power of Congress to make promises to be redeemed in money can scarcely be questioned.

Legal-tender coin is the only redeemer of promises issued by the United States to circulate as money. Whatever the United States may do under the war powers or other powers, or in any case of great emergency, to compel the people to accept its paper promises as legal tender in payment of debts, this Government has no power to coin paper money, nor to decree fiat paper money, nor to refuse to pay in coined dollars the amount of dollars stated in any of its promises to pay money. The duty of such redemption may be distinct from its power to prescribe what shall be legal tender, but it is a duty, the refusal of which is a national fraud.

Our true money is coin, which is coined under supreme authority, and has connected with it no promise of redemption.

Our currency is also Treasury notes (greenbacks) redeemable in coin, gold certificates redeemable in gold coin, silver certificates redeemable in silver coin, national bank notes redeemable in greenbacks, and coin certificates redeemable in gold or silver coin, at the option of the Government. All this paper money carries a promise of redemption, on demand, by the United States.

In every case the ultimate redemption is to be made in coin by the express terms of the statute.

Whether these issues and promises makes the United States a bank of issue and redemption, or a Government of issue and redemption, is a matter of little importance either to the Government or the people.

The safe management of these powers of issue and redemption is the proper concern and honest duty of the Government. The safe exercise of the power to issue and redeem paper promises must relate alone to the certainty with which the Government can, at all times, redeem in coin these promises, when that is demanded.

Gold and silver exist, and are produced, about in the ratio of \$2 in silver to \$1 of gold, as fixed by our laws, the world over.

If the quantity of paper promises we issue, redeemable in coin,

is fixed with reference alone to redemption in gold, we must, in honesty and good faith to our own people, make the volume of our paper promises one-third the sum that we could issue if both gold and silver were adopted as the basis of redemption.

As the value, command, dominion, and purchasing power of coin is increased in direct proportion to its decrease in quantity, and as there can not be too much good money for the people who need it in their industries, I can see no objection to a double specie basis for the redemption of our paper promises.

An abundance of good money would trouble those classes and corporations who use money only for the speculations of usury and discount, and to purchase property, productions, and labor when they are below their intrinsic value; but as such speculators are only honey-eating drones in the hives of industry, I am not so much concerned for their welfare.

If gold were at 3 per cent discount, computed with reference to silver at the ratio of 16 for 1, we would think it horribly cruel to the people, especially to those who are in debt very heavily and have mortgaged everything but their souls to their creditors, that we should dismiss silver from the basis for the redemption of our paper promises, and so reduce the currency by two-thirds. Yet, that is exactly what was done to us in 1873.

And, having thus driven silver below par, that cruel act is now advanced as the reason why we should again drive out silver and adopt gold as the only basis for the redemption of our paper promises.

After they have exhausted every power of depression that ingenuity, falsehood, false prophecy, the discipline of party, official patronage, and the terrorism of threatened party expulsion and disgrace could muster to lessen the value of silver and to defame its advocates, they point to their victimized friend and saviour, and say "If thou art king, show us a miracle, rise and unshackle thyself."

But the worst part of this long campaign of persecution lays in the fact, the horrible fact, that money, large money, is needed to buy votes in doubtful States next November. The people can not and will not furnish it, and the capitalists refuse a dollar for campaign purposes unless their money will secure them in the dominion over property, industry, and labor which they now hold in the scarcity of gold as compared with other values.

Their plea is that it is impossible for us to maintain the legal parity between silver and gold at 16 to 1 when the commercial disparity is as 23 to 1.

They believe that it is an impossibility to overcome the damage they have inflicted upon silver bullion and all other products of this country in their campaign of twenty years in favor of the high-purchasing-power, and low debt-paying power of gold, which has cost the labor of this country a sum that is even greater than the national debt. And yet they have seen that in all that campaign of industrial famine they have not been able to shake the faith of our people in the solid value of silver money, so as to make the least discrepancy between silver coin and gold coin.

They have stood in perfect parity since 1873, in spite of the efforts of Congresses, Presidents, banks, foreign powers, great corporations, gold contracts, the metropolitan journals, false prophets of coming evils, political conventions and their spawn—the buyers of votes and corruptors of the ballot. The sublime faith of the people in silver money has prevented a margin between silver dollars and gold dollars, while all the financial powers of the greatest intellects combined with the greed of the most intense avarice have endeavored in vain to rive them asunder.

The same power—the faith of the people in the honor of our Government—that has kept gold and silver coin in parity, has also kept our five descriptions of paper money in perfect parity. The national-bank notes, which are not a legal tender for debts and are not expressly redeemable in coin, are just as good as gold coin because of the faith of our people who think our Government will redeem them in gold coin ultimately.

If the faith of our people should for one moment falter as to our ability to redeem, in coin, the entire mass of our paper currency, our whole financial system would fall into doubt and the result would be universal bankruptcy.

We have to-day \$5 of paper money outstanding for \$1 of gold in the Treasury. That is a desperate margin, and if the faith of our people depended upon the ability of the Government to redeem our paper money in gold alone, we would instantly find all our paper issues below par.

But the people, and the financiers as well, add to the gold coin the redemption power of nearly \$370,000,000 of silver coin in the Treasury, and that of another factor of national credit—the taxing power, through which another heavy and dangerous burden is yoked upon their necks. The \$500,000,000 of annual taxation and expenditure is relied upon to maintain the power of the Government in redeeming its paper promises. That vast current of money circulation bears upon its tide, as it rushes through the

Treasury, \$1,000,000,000 each year of our paper money that is employed alone in paying Government taxes and Government debts.

That currency is kept too busy to loiter in eddies and demand redemption in coin. The gold men find that it makes money scarce for other purposes, and that suits them. They keep an eye upon the small amount of gold that is required to be in the Treasury for redemption purposes, and that suits them. It enables them to hoard gold and to lay by for the increase of its purchasing power and to gather salvage from the wrecks in times of depression and panic.

It is no wonder that those who advocate and practice high taxation and liberal expenditures should wish to increase this current through the Treasury, which dispenses with many demands on the Treasury for the redemption of our paper money. When we find the gold men, and the high protectionists, and the great trusts and combines all gathered around one political center, we are not surprised at their close fellowship. They are all alike, indifferent to the sufferings of the people, and pile upon them all the burdens they can. They tighten the cinch of monopoly and reduce the consumption of food and raiment by the burden-bearers—their helpless slaves. In that course they find increase of riches.

Believing, against all experience and the light of the truth, that they can at last force a margin between gold and silver coin, and thus secure the monopoly of money to themselves, they refuse to coin silver for the redemption of the coin certificates they issue upon it.

They are afraid to let the people have silver coin, for they know that every laboring man will vote to protect the silver dollars in his pocket against depreciation, whatever he might do in reference to a great mass of silver bullion piled up in the Treasury.

The time for the coinage and issue of silver must come, or else the time must come for its slaughter under the hammer of the auctioneer, or a more insidious death in the junkshop of the bullion dealer. Its coinage is refused, and will be refused, for the purpose of divorcing the people from any direct personal interest in its ownership. A voter with five silver dollars in his pocket, the fruit of a week of hard toil, is a dangerous sovereign elector in the path of the man who wishes to degrade silver money and increase the purchasing power of gold.

So, we are not to have any such voters if the gold men can prevent it. Silver will not be coined so that the voters can get hold of it. The Secretary of the Treasury has that matter confided to his discretion, they say, under the act of 1890, and he can be trusted to obey his masters. Silver coinage is at an end, until Congress shall take further action.

The gold men fully understand that, with the aid of the faith of the people in the financial honesty of the Government and the diversion of \$1,000,000,000 annually into the channels of State and Federal taxation and expenditure, the small amount of gold in the Treasury is ample as a redemption fund for even twice the amount of paper money we now have in circulation. And therewith they are content.

If war should come under such conditions, all our paper money would again shrink to less than half its face value, and we would again sell bonds to Europeans at 50 cents on the dollar to keep our armies in the field, and a dollar in gold would purchase three times its present value in property. All that shrinkage and loss would fall upon the people and their property.

But no heed is given to these dangers when the profits of money monopoly dazzle the eyes of our greedy gold men. They all admit with one accord that if gold and silver bullion can be kept on a level at the ratio of 16 to 1 they will be content. They know that no fixed legal ratio between gold and silver coin has ever been able to control and keep in parity the commercial value of gold and silver bullion.

This feat was nearly accomplished from 1792 to 1834—forty-two years—when the ratio was 15 to 1, but when we changed it to 16 to 1, silver for export went to 3 per cent premium, contrary to all expectation, and was slaughtered in 1873, because it was such an uncontrollable rival of gold. The commercial value of both gold and silver are fluctuating, and depend solely on the laws of supply and demand.

If we wait for a commercial era when they are exactly in balance, on any ratio fixed by laws of coinage, we will wait until doomsday. Silver and gold in the vaults of the banks, in the coffers of the rich and in government treasuries, are universally treated as redemption funds. They only circulate freely as currency, from hand to hand, amongst "the great mass of the common people," as they are touchingly called by the small body of very uncommon people who despise them. The great and vital question is therefore, can gold and silver coin be safely and usefully employed by our Government as a common redemption fund for our paper promises?

No sane man now expects that our currency will ever be exclusively of coin. The state of our civilization prohibits the thought.

We must therefore seek a safe and sufficient basis of redemption for our paper money. If it is gold alone, the paper currency should not, in all honesty, exceed three times the sum of gold at any time in the Treasury. That would give us to-day a paper currency of \$840,422,807, at the ratio of \$3 in paper to \$1 of gold.

Under the operations of the act of 1890 we add to the specie basis of redemption about \$70,000,000 of silver annually. Each dollar's worth of that bullion is at once represented in the currency by a certificate that is a legal tender at its face value and is redeemable in coin of gold or silver, at the option of the Government, on demand.

This is the safest paper money for the Government and for the people that has ever been devised, and is the only true instrument of finance that has ever been conceived of that will always keep gold and silver coin at any ratio of relative value that we may choose to fix by law, in perfect and constant equilibrium. The Government will always, in every case of fair dealing, waive its option in favor of the holder of coin certificates, and pay in coin of gold or silver, according to his wish. Any private person would always protect his credit in the same way.

But if corners and combinations are attempted by capitalists to withdraw from the Treasury either gold or silver coin in order to create a margin between them, or for shipment abroad to meet the speculative demands of a foreign market, then the Government can check the raid by exercising its option to redeem in either gold or silver coin. This is a wise and harmless reservation of control over the export of coin, similar to that employed by the Bank of England in raising or lowering the rates of discount and exchange.

Having the coin certificate to keep coins of silver and gold in perfect and perpetual equilibrium, we only need to turn our attention to the question of the option we should give our own people to have their silver coined on the same terms with gold. The first inquiry that meets us face to face is, why do we discriminate in favor of our gold-miners?

Much has been said here in various debates and much is said throughout the United States in respect to the proposition that the action of Congress we have been seeking to take was for the benefit of what are called the silver barons, for the benefit of the gentlemen who made large investments and wasted more money than they have ever made in silver mines. But why should we disparage the silver-miner and drive him out of business when he can not make more than \$1 a day by his labor? His hands can not earn more than \$1 a day, and why should we drive him out of business and disparage him and give all the advantage to the gold-miner? Now, there is a plain, practical, undeniable discrimination against one class of people of whom it may be said that they have done more to restore the United States to its present financial integrity and high position—a position than which no nation in this world ever held a higher—than any other class of men who can be named in all of our communities.

It so turns out that since the act of 1873 those men who desired to substitute gold for all other metals, and gold as the only measure of money value, have been able in one way and another, with the assistance of several of the great governments of the world, to depress the commercial value of silver. The depression in the commercial value of silver has been solely their work. More money has been spent, more arguments have been made, more papers printed, more combinations, more lobbies have been organized for the purpose of depressing the commercial value of silver in this country and in other countries than have ever attended any other movement of a political, financial, or legislative character.

Those men who have inherited fortunes, those who by accident have come in possession of large amounts of money and great credit, those who are knitted up with all the ancient capitalized industries of Europe and America, those who have reaped the benefit of laws enacted for the purpose of encouraging the laborer and the ordinary mechanic in his enterprises and in his labor, those who harvest all of these grand results, combine together as naturally as drops of water flow into one body in their efforts to destroy the commercial value of silver and thereby to destroy its monetary value, the purpose simply being that they will get the money power concentrated into a smaller space and into fewer hands and thereby they can rule the world.

The option to have silver bullion coined by our people, or to take in place of it, as upon a purchase, coin certificates, would doubtless result in a very great measure in storing silver coin in the Treasury, and in the corresponding issue of coin certificates to the depositors, for the people prefer paper to coin for use in nearly all of their transactions.

The one financial marvel of this age that has been to my mind

heretofore entirely unaccounted for was the fact that when almost all the powers of this Government, and certainly all the powers of the three great leading States of Europe, were concentrated upon the proposition of depressing the value of silver and all of its representatives, when the Secretary of the Treasury, now an honorable member of this body, was empowered by Congress to raise a hundred million dollars in gold and to deposit it in the Treasury of the United States as a redemption fund for greenbacks, that Secretary found no difficulty in purchasing \$80,000,000 of gold coin with silver certificates.

Can that be accounted for upon any other principle or hypothesis or conjecture than that the people engaged in the industries of this country and in its commerce preferred to have the paper money to the gold coin? They desired a money that they could send back and forth from hand to hand speedily and with facility. They knew that silver certificates were just as good as gold coin, or else they would not have taken them in the place of gold coin. There is a contribution in favor of the argument I am now making, in the nature of positive testimony, which the Senator from Ohio while Secretary of the Treasury laid before the people of the United States and put upon record, and he has often-times stated it here in the presence of the Senate.

If you give to the people of the United States the option to go to the Treasury and to have their silver bullion coined, they will say to the Secretary of the Treasury: "Give me legal-tender coin certificates in place of this bullion. Take it and lay it away, store it up and keep it for a future emergency."

There is no doubt that large masses of silver coin and gold coin can not be handled and are not handled in the exchanges of commerce. They retire to the vaults of the banking houses and are represented by bills of exchange, by clearing-house certificates, or by the Government issue of paper money based upon their power of redemption, and the people desire to have the paper money.

So we would find it under the optional feature which I desire to add to the act of 1890—the right of the people to have their silver bullion coined and to exchange it for coin certificates at the mint value of the bullion. That right would result in the storing up in the Treasury of the United States of immense quantities of silver that may lay there for years and years to come—I do not care how long it stays there—and it would be the foundation and the backbone of the credit of the United States of America in every emergency and under all circumstances.

Coin certificates are issued only to indicate loans of money or the value of money in bullion, by the people to the Government. We pay for the bullion with the certificates, and then redeem them with the coin struck from the bullion. This is, in effect, a loan of the money to the Government, without interest, with which to redeem the certificates issued for the loan.

The people in the mean time are making the interest on the money by putting it into their industries or loaning it to each other for interest, it answering every possible demand of active money with the convenience of easy exchange from hand to hand or from place to place, which does not attend either gold or silver coin. What we have to do, and all we have to do, is to keep the silver bullion, or coin, with sufficient care to enable us to redeem the coin certificates on demand.

Mr. President, looking back over the situation which I have detailed in a former speech and which I have adverted to in this brief argument, and the principles upon which the whole financial system of the United States is rested, and seeing that this is a paper-money country essentially, and that after the subsidiary coin and the small proportion left for use in the hands of men who handle but a small sum of money, the real use of coin money in the United States is to make a basis or a fund for the redemption of paper money—when you come to consider that, then the question arises, which has been answered by the act of 1890. It is this, can you devise a scheme of paper money, an instrumentality, I will call it, of paper money which will have the effect of being just as good in circulation as a dollar of gold or a dollar of silver, and which will maintain always the parity between the coins of the United States without respect to the value of the bullion contained in them, by the option left to the Government of the United States to redeem the certificates in gold or in silver coin? The coin certificate answers these questions in the affirmative.

If you will add but one single feature to that law, the right of the citizen of the United States, which is a clear constitutional right, to go to the Treasury of the United States and have his bullion of silver minted, then you will have completed and secured now and forever the best financial system that any people in this world have ever yet enjoyed.

The PRESIDING OFFICER (Mr. Paddock in the chair). Will the Senator from Alabama suspend? It becomes the duty of the Chair, the hour of 2 o'clock having arrived, to lay before the Senate the unfinished business.

Mr. MORGAN. I have but a very few words to add.

Mr. HAWLEY. I hope the Senator from Alabama will go on.

Mr. MORGAN. I shall take but a few moments.

Mr. STEWART. I ask that the unfinished business be informally laid aside.

The PRESIDING OFFICER. It will be informally laid aside if there be no objection. The Senator from Alabama will proceed.

Mr. MORGAN. I could stop here, perhaps, with decided advantage to myself and to the Senate, but I wish to add one or two very brief reflections.

We shall have, I repeat, when we have made it optional with the citizen of the United States to have his silver bullion coined, the best financial system we can secure in times of peace and in times of trial, famine, distress, or war that any people in this world have ever had. I will again recur to an idea which I have not been able to dismiss from my mind recently, for we have had some bodings of trouble with great powers, with dangerous powers. I have not been able to dismiss from my contemplation what the present situation of this country would be in the event of a war with a great power, when the very first step we should have to take would be to go to a country that buys silver and gold from us to borrow the money to carry on a war with that or a neighboring country. Of course we could not borrow it from the country we were at war with.

Our resources of credit would be very much cramped in the event of a struggle with Great Britain, and we should then be forced to look to our own internal resources for the strength to raise, equip, maintain, and transport armies, and to furnish them with munitions of war, with hospitals, and the like. Then we would turn our attention to this matter, which to my mind is just as palpable as if we were in the midst of a war, of providing out of our own resources for conducting it, and we should then consider this very important point. Our mines furnish to us \$100,000,000 of metal a year, one-third gold. The redeeming factor adopted by the banks throughout Christendom for all time since banks were first ordained, is one-third of coin, or 3 to 1.

We have \$100,000,000 a year, one-third gold, upon which you can issue with perfect safety \$3 for \$1. So you have \$300,000,000 a year, if you choose to use it in that way—\$300,000,000 that can be represented among our own people with coin certificates which they will take gladly and use in all of their business and prosper upon it, and have perfect security. In ten years it is \$3,000,000,000, and it is such a fund as enables us not merely to bring every resource and power of this great domain that we occupy here immediately into action for military defense or other purposes, but it will draw to it a commercial and financial power the like of which has not been enjoyed by any other government in this world.

Great Britain during five hundred or eight hundred years of her noble and magnificent history, through her statesmanship, by adopting always the best expedient for the relief and advantage of her people, has been able to accumulate a resource of money and credit that has hitherto been entirely unparalleled. She has done it by scouring the seas, taking the islands, going wherever nature invited the hand of agriculture or of any other industrial pursuit, there gathering the rich harvests of the world, carrying them to Liverpool and London, and distributing them again out among the nations of the earth. In this way Great Britain has grown enormously rich through many years, and will still remain enormously rich.

Providence, however, without any exertion on our part except to employ our labor in our own mines and within our own territory, places within our reach \$100,000,000 a year, of specie, one-third gold, which is in the right proportion, and which we may with absolute safety, as has been demonstrated by the experience of mankind through five hundred years, use as a basis of redemption for our paper issues, thereby making it, as I have observed, \$300,000,000 a year, thrown into our hands as an assisting fund for the wonderful, marvelous work we are engaged in here, of conducting the best, noblest, truest, the most gentle, the most perfect, and yet the strongest Government that mankind has yet conceived of.

Are we to pass by such an opportunity as this and still hold ourselves in an attitude of humiliating dependence upon Great Britain, or any foreign country, merely because through her thrift and industry and skill she has been able to pile up credit and money; or shall we grasp the outstretched hand of Providence and thankfully proceed with that great encouragement which the Divine Maker of man has extended to us to try to achieve for this country that which it is entitled to in every sense and under every consideration—the supremacy of the civilized world?

CIRCUIT COURTS OF APPEALS.

Mr. COCKRELL. Let the first case on the Calendar be stated.

Mr. HAWLEY. The regular order must first be laid before the Senate.

Mr. MANDERSON. The unfinished business, which is the court bill.

Mr. COCKRELL. The unfinished business can be temporarily laid aside. That is always understood.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States and for other purposes."

The PRESIDING OFFICER. The unfinished business will be temporarily laid aside and the Calendar will be proceeded with under the order of the Senate.

Mr. HAWLEY. Before we proceed with that, there are many Senators absent who are much interested in the Calendar, and I suggest a call of the Senate. Of course they ought to have been here listening to the Senator from Alabama, as I was. Let us call them in now for what they are interested in.

The PRESIDING OFFICER. If there be no objection the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen.	Dolph.	Manderson.	Sherman.
Bate.	Pubols.	Mitchell.	Shoup.
Berry.	Faulkner.	Morgan.	Stewart.
Blackburn.	Frye.	Paddock.	Teller.
Blodgett.	George.	Palmer.	Turpie.
Call.	Gibson, Md.	Pasco.	Vest.
Cameron.	Gray.	Peffer.	Voorhees.
Chandler.	Hawley.	Platt.	Walthall.
Cockrell.	Hoar.	Power.	Warren.
Coke.	Jones, Nev.	Pugh.	Wilson.
Colquitt.	Kyle.	Quay.	
Davis.	McMillan.	Sanders.	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is present, and the Senate will proceed with the Calendar.

L. A. DAVIS.

Mr. COCKRELL. The first case on the Calendar is Senate bill 735, that was passed over. The Senator from Massachusetts [Mr. HOAR] I understand does not insist upon his amendment.

The Senate resumed the consideration of the bill (S. 735) for the relief of L. A. Davis.

Mr. COCKRELL. I understand that the Senator from Massachusetts does not insist upon any amendment this morning. I suggest a further amendment. I supposed it was done yesterday. I move, in line 16, after the word "limitations," to strike out the words "or other legal defense;" so as to read:

And no statute of limitations shall be available in such case.

There will be no objection to that.

Mr. MITCHELL. That is right. The Senator from Massachusetts I understand does not insist on his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT INSPECTOR OF PLUMBING.

The PRESIDING OFFICER (Mr. PLATT in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

The amendments of the House of Representatives were in section 2, line 5, after the word "amount," to insert "not exceeding the sum of \$2,000;" and after "United States" to insert "one-half to the credit of the United States and one-half;" to strike out all of section 4 down to and including the word "duty," in line 6, and insert "that the inspector of plumbing and his assistant shall be," and in the same section, line 5, after the word "direction," to insert "on the application of the owner or occupant, or on the complaint of any reputable citizen."

Mr. McMILLAN. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

PUBLIC BUILDING AT SEATTLE, WASH.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 1907) to amend section 3 of the act approved June 27, 1890, granting pensions to soldiers and sailors.

Mr. COCKRELL. I will state in regard to Senate bill 618, providing for the erection of a public building at the city of Seattle, in the State of Washington, that it stands at the head of the Calendar. On the reading of that bill yesterday evening the Senator from Indiana [Mr. TURPIE] suggested the absence of the two Senators from Washington and moved an adjourn-

ment. I did not understand the Senator from Indiana to object to the consideration of the bill.

Mr. TURPIE. No, sir.

Mr. COCKRELL. It comes up in its order.

The PRESIDING OFFICER. The bill will be taken up.

The bill (S. 618) providing for the erection of a public building at the city of Seattle, in the State of Washington, was announced as regularly in order on the Calendar.

The PRESIDING OFFICER. The bill was partially read yesterday. The bill should be read in full. If there is no objection the Chief Clerk will proceed with the reading of the bill.

Mr. ALLEN. I wish to state, in the absence of my colleague [Mr. SQUIRE], who has that bill specially in charge, that I desire it to be passed over for the present without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

PENSIONS TO WIDOWS AND MINOR CHILDREN.

The bill (S. 1907) to amend section 3 of the act approved June 27, 1890, granting pensions to soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 14, after the word "absent," to insert "by due authority;" in line 15, after the words "from the," to strike out "technical;" and in the same line, after the word "duty," to strike out "(excepting cases of death occurring during desertion from the service);" so as to make the bill read:

Be it enacted, etc., That section 3 of the act of June 27, 1890, is hereby amended so as to read as follows:

"SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged, has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of 16 years, or if any officer or enlisted man, who served ninety days or more in the Army or Navy of the United States, died in the service, whether in the line of active duty, or in hospital, or on individual furlough, or whilst otherwise absent by due authority from the line of duty, and shall have left such widow, or such minor children under 16 years of age, in either case aforesaid such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension roll from the date of the application therefor, under this act, at the rate of \$8 per month during her widowhood, and shall also be paid \$2 per month for each child of such officer or enlisted man under 16 years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case such officer or enlisted man shall leave a child who is insane, idiotic, or otherwise permanently helpless, such child shall be pensionable under this act without regard to his or her age and whether pensioned heretofore as a minor under any former act; and the pension thus granted to such child shall continue during life, or during the period of such disability, from and after the date of application therefor, after the passage of this act: *And provided further*, That said widow shall have married said soldier prior to the passage of this act."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. ORR.

The bill (S. 2097) for the relief of George A. Orr was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury, through the accounting officers, to audit and pay the claim of George A. Orr, as acting assistant provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 30, 1864, at the rate of \$100 per month for his services, and such sum for legitimate expenses during that period as may be shown and found to have been actually expended by him in the lawful discharge of his duties and necessary for the public service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ILLWACO RAILWAY AND NAVIGATION COMPANY.

The bill (S. 213) granting a right of way across the Scarborough Hill military reservation to the Ilwaco Railway and Navigation Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The amendments were, in line 4, after the word "Company," to insert "a corporation existing under the laws of the State of Washington;" in line 9, after the word "exceeding," to strike out "forty" and insert "thirty;" and in line 10, after the word "thereof," to strike out "with the necessary ground for sidetracks and the necessary buildings;" so as to read:

That it may, and shall be, lawful for the Ilwaco Railway and Navigation Company, a corporation existing under the laws of the State of Washington, to construct its road across a certain military reservation in the State of Washington, commonly known as Scarborough Hill, under the direction of the Secretary of War; and for this purpose a right of way therefor, not exceeding 30 feet in width on each side of the center of the track thereof, subject to the approval of the Secretary of War, is hereby granted to said company.

The amendments were agreed to.

The next amendment was, to add to the bill the following proviso:

Provided, That the actual construction of a roadbed over the right of way herein granted shall not be commenced until after the Secretary of War shall have approved its location; and for this purpose said Ilwaco Railway and Navigation Company shall furnish him with a map showing the boundaries of this reservation, the center line of the proposed right of way, together with the topographical features of the ground for a distance of 200 feet on either side thereof: *Provided further*, That said corporation, its assigns, or successors, shall build and maintain at its own expense for the free use of the Government such railroad-depot buildings and side tracks on said reservation as the exigencies of the Government service may require and the Secretary of War may direct: *Provided further*, That if, in the judgment of the Secretary of War, the exigencies of the Government service at any time so require, the right of way herein granted may be changed or relocated at the expense of said corporation, its assigns, or successors: *And provided further*, That if a railroad be not built and regularly operated over the right of way herein granted within two years from the date of the passage of this act the act shall become null and void.

The amendment was agreed to.

Mr. COCKRELL. I see that I omitted to put in as an amendment another section. I move to add:

SEC. —. Congress reserves the right at any time to alter, amend, or repeal this act.

Mr. ALLEN. I will inquire of the Senator from Missouri if that is the usual provision?

Mr. COCKRELL. It is always put in these bills.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF M. C. MORDECAI.

The bill (S. 1423) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai, was considered as in Committee of the Whole. It proposes to pay to Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai \$6,400, in full compensation for the postages on mails transported by him in the steamer Isabel, or any other steamer, from Charleston, S. C., to Havana, Cuba, by way of Savannah, Ga., and Key West, Fla., from the 1st of October, 1859, to the 20th of July, 1860.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY PROMOTIONS.

The bill (S. 882) to repeal the proviso in section 1, of the act of October 1, 1890, providing for the examination of certain officers of the Army and to regulate promotions therein, and to extend lineal promotion to first lieutenants, was announced as next in order.

Mr. PROCTOR. I ask that Order of Business 380, House bill 328, to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army, be taken up instead of this bill, as it is identical, and will save action on the Senate bill.

Mr. DOLPH. Let the Senate bill go over.

The PRESIDING OFFICER. Being objected to, the bill will go over. Does the Senator from Oregon object to the House bill being substituted for the Senate bill?

Mr. DOLPH. I do not object to that; I object to the consideration of the bill.

The PRESIDING OFFICER. It will be understood then that the House bill is substituted for the Senate bill, and the Senate bill will be indefinitely postponed. The bill, being objected to, goes over without prejudice.

Mr. DOLPH. Let the bill go over, retaining its place. I do not care to remove the bill from the Calendar under Rule VIII. Let it go over without prejudice.

The PRESIDING OFFICER. If there be no objection, the House bill which has been substituted for the Senate bill will take the place on the Calendar of the Senate bill; the Senate bill will be indefinitely postponed, and the House bill will be passed over without prejudice.

WILLIAM SMITH AND OTHERS.

The bill (S. 1678) for the relief of William Smith and others was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury to credit Lieut. Col. William Smith, deputy paymaster-general, United States Army, in the settlement of his public accounts, with the sum of \$3,015.15; and to credit Maj. William F. Tucker, paymaster, United States Army, in the settlement of his public accounts, with the sum of \$5,461.61; and to credit Assistant Surg. John O. Skinner, United States Army, in the settlement of his public accounts, with the sum of \$199.14; and to remove the charge of \$2,185.92 standing against Maj. John S. Billings, surgeon, United

States Army; and to remove the charge of \$1,029.60 standing against George M. Wheeler, captain on the retired list of the Army; and to remove the charge of \$634.42 standing against Lieut. P. Henry Ray, Eighth Regiment of Infantry, United States Army; these amounts having been paid out and received in accordance with the orders of the Secretary of War or the provisions of the regulations for the government of the Army of the United States prescribed by the President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAPOLÉON J. T. DANA.

The bill (S. 1496) for the relief of Gen. Napoleon J. T. Dana was considered as in Committee of the Whole. It proposes to authorize the President to nominate and, by and with the advice and consent of the Senate, appoint Gen. Napoleon J. T. Dana, late assistant quartermaster of the United States Army, to the position of assistant quartermaster with the rank of captain of cavalry, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent.

The bill was reported to the Senate without amendment.

Mr. HOAR. I should like to hear the report read; enough of it at least to show the character of the case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. DAVIS February 11, 1892, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1493) for the relief of Gen. Napoleon J. T. Dana, respectfully report:

Napoleon J. T. Dana graduated from the Military Academy in 1842; was thereupon appointed second lieutenant in the Seventh Infantry, and continued in the service until 1855, when he resigned. During this period he was brevetted as captain for gallant and meritorious conduct in the battle of Cerro Gordo, in which battle he was severely wounded.

Immediately after his resignation he entered into business in St. Paul as a banker, and prosecuted that business with great success. Upon the breaking out of the rebellion he felt it his duty to rejoin the service, and was appointed colonel of the First Minnesota Infantry October 2, 1861. He was appointed brigadier-general February 3, 1862, and major-general November 19, 1862. As commander of regiment, brigade, and division, at various times, he served in the Army of the Potomac, and was severely wounded in the battle of Antietam. He afterwards returned to duty. As a division commander he commanded the troops on the coast of Texas up to March, 1864. He afterwards commanded the district of Vicksburg in 1864. He was afterwards put in command of the Sixteenth Army Corps, and commanded the Department of the Mississippi to May 12, 1865. On May 27, 1865, he tendered his resignation, "in view of the immediate close of the war, and with the opinion that my services will not be now longer required."

After his resignation Gen. Dana engaged in business, but the results were not fortunate. He is now 70 years old, incapable of work, and has no estate. He had two sons, one of whom died of consumption about ten years ago. The other son graduated in medicine, but just as he was getting into successful practice in New York City was attacked with consumption and was compelled to go to Florida, and although his health has been somewhat improved, he can not be of any assistance in supporting his father.

The military career of Gen. Dana is more particularly detailed in the annexed letter from the Adjutant-General.

In view of the long and meritorious services of this officer, the committee recommend the passage of the bill.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.

Washington, January 21, 1892.

Statement of the military service of Napoleon J. T. Dana, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy July 1, 1838, to July 1, 1842, when he was graduated and promoted in the Army to second lieutenant, Seventh Infantry, July 1, 1842; first lieutenant, February 16, 1847; captain, assistant quartermaster, March 3, 1848. Brevet captain, April 18, 1847, "for gallant and meritorious conduct in the battle of Cerro Gordo, Mexico."

He joined his regiment October 15, 1842, and served with it at Fort Pike, La., and Pass Christian, Miss., to August 18, 1845; in the military occupation of Texas, and in the war with Mexico until wounded at the battle of Cerro Gordo, Mexico, April 18, 1847; absent sick on account of wounds and on recruiting service to March, 1848; on duty as quartermaster at Boston, Mass., to August 26, 1848; at Fort Snelling, Minn., to August, 1849; at Fort Ripley, Minn., to May, 1850; at St. Louis, Mo., to November, 1850; at Fort Ripley, Minn., to December, 1851; at Washington, D. C., settling his accounts and on temporary duty in Quartermaster-General's Office, to September, 1852; on duty, at Fort Snelling, Minn., to May, 1853, and at Fort Ridgely, Minn., until he resigned March 1, 1855.

He reentered the service as colonel, First Minnesota Infantry, October 2, 1861. Appointed brigadier-general volunteers, February 3, 1862, major-general volunteers, November 29, 1862.

He commanded his regiment in the Army of the Potomac, to February 26, 1862; commanded brigade in Second Corps, to July 10, 1862; on sick leave to September, 1862; commanding Third Brigade, Second Division, Second Corps, to September 17, 1862, when severely wounded at the battle of Antietam, Md.; absent on account of wounds to November 27, 1862. Member of Military Commission, etc., to May, 1863; commanding post of Philadelphia, Pa., June 16 to August 27, 1863; Second Division, Thirteenth Corps, September 28 to October 28, 1863; Thirteenth Corps to January 9, 1864; commanding troops on coast of Texas, to March 11, 1864; First Division, Thirteenth Corps, to April 1, 1864; awaiting orders to April 23, 1864; on inspection duty, under orders of the Secretary of War, to August 7, 1864; commanding district of Vicksburg to October 15, 1864; Sixteenth Army Corps, to December 8, 1864; and Department of Mississippi, to May 12, 1865. Awaiting orders until he resigned, May 27, 1865.

He tendered his resignation "in view of the immediate close of the war, and with the opinion that my [his] services will not now be longer required."

J. C. KELTON, Adjutant-General.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM E. WOODBRIDGE.

The bill (S. 131) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I move in line 4, before the word "invention," to insert the word "alleged," as that is the very question that is to be inquired into. It does not change the materiality of the bill at all.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH ELIZABETH HOLROYD.

The bill (S. 133) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, was considered as in Committee of the Whole. It proposes to pay to Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, \$1,000, in full consideration for the entire past and future use by the Government of the patented hook and eye for tackle blocks of John Holroyd.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL P. SMALL.

The bill (S. 258) for the relief of Lieut. Col. Michael P. Small, United States Army, was announced as next in order.

Mr. MANDERSON. I think within a very short time we shall probably have a House bill identical with that, and I ask that the bill be passed over without prejudice, retaining its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over without prejudice, if there be no objection.

WILLIAM H. ATKINS.

The bill (S. 1501) for the relief of William H. Atkins, formerly commissary sergeant United States Army, was considered as in Committee of the Whole. It proposes to pay to William H. Atkins, of St. Augustine, Fla., \$145, the amount due him for travel pay and allowances from the place of his discharge to the place of his enlistment, as an honorably discharged soldier from the United States Army, under section 1290, Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY REORGANIZATION.

The bill (S. 2170) to reorganize the artillery and infantry of the Army, and to increase its efficiency, was considered as in Committee of the Whole.

The bill provides that the artillery force of the Army now authorized by law shall be reorganized into seven regiments of not more than twelve batteries each. Each regiment of artillery shall consist of one colonel, one lieutenant-colonel, three majors, twelve captains, eleven first lieutenants, ten second lieutenants, and the enlisted men authorized by law, which may be organized into batteries and battalions composed of such number of officers and men as the President may direct. But the regiments shall be officered by the promotion and transfer of the officers now in the artillery according to their seniority, and any vacancies thereafter remaining in the grade of second lieutenant shall be filled in the manner now authorized by law. No appointments to the grade of first lieutenant shall be made until the first lieutenants now in service who become supernumerary by the organization herein provided shall have been absorbed. All promotions shall be subject to the examination prescribed by law. The President, in his discretion, may authorize the enlistment of colored men for service in any one or more of these regiments.

It further provides, That each regiment of infantry shall consist of one colonel, one lieutenant-colonel, two majors, twelve captains, ten first lieutenants, eight second lieutenants, and the enlisted men authorized by law, and may be organized into companies and battalions, composed of such number of officers and men as the President may direct. Original vacancies hereby created shall be filled by promotion according to seniority in the infantry arm, subject to the examination required by law.

The duties of regimental adjutants and quartermasters are to be performed by lieutenants detailed to such duty, without extra pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK RAILROAD COMPANY.

The bill (H. R. 6286) to amend the charter of the Rock Creek Railroad Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUILDING STONE ON PUBLIC LANDS.

The bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone under the placer-mining laws was announced as next in order on the Calendar.

Mr. DOLPH. I see that the Senator from Nevada [Mr. STEWART] is present, who reported that bill. I should like to ask him if he considered in that connection the act, I think, of 1878, known as the timber and stone act, by which a quarter section of any lands chiefly valuable for stone may be purchased by any one person at \$2.50 an acre, and if that is not ample provision for the purchase of lands containing building stone, and if this proposed act would not be in conflict with it.

Mr. STEWART. The Senator from South Dakota [Mr. PETTIGREW] introduced the bill.

The PRESIDING OFFICER. The Senator from Nevada will suspend for a moment. The bill had better be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc. That any person authorized to enter lands under the mining laws of the United States may enter lands that are chiefly valuable for building stone under the provisions of the law in relation to placer mineral claims: *Provided*, That lands reserved for the benefit of the public schools or donated to any State shall not be subject to entry under this act.

Mr. STEWART. I do not see the Senator from South Dakota in his seat. He introduced the bill. I see no objection to allowing a small quantity to be purchased at \$2.50 an acre. He thought it would be more convenient for parties desiring stone to enter it in small quantities than under the former law. It does not interfere with the other act. It is rather an amplification of the former law, as he has stated.

Mr. DOLPH. I wish the Senator would let the bill be passed over temporarily and examine the other act.

Mr. STEWART. I will do so.

Mr. DOLPH. The timber and stone act is confined to the Pacific coast States, and I think all that is necessary or that is desired in other States would be to extend the provisions of the act to other States. I do not think a person is required to take 160 acres of stone land under that act; I think he may purchase at least a subdivision; but I will look it up and see the Senator.

Mr. STEWART. Let the bill be passed over until the Senator from South Dakota is here. He will explain more particularly what he desires to have accomplished by it.

PARDONS BY DISTRICT COMMISSIONERS.

The bill (S. 1886) to authorize the Commissioners of the District of Columbia to grant pardons and respites in certain cases was considered as in Committee of the Whole. It provides that the Commissioners of the District of Columbia may grant pardons and respites for offenses against the late corporation of Washington, the ordinances of Georgetown, and the levy court, the laws enacted by the Legislative Assembly, and the police and building regulations of the District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LEXINGTON, VA.

The bill (S. 1544) for the erection of a public building at the town of Lexington, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments, in line 12, before the word "thousand," to strike out "fifty" and insert "twenty-five;" in line 21, before the word "thousand," to strike out "fifty" and insert "twenty-five;" and in the same line, after the word "building," to insert "which sum is hereby appropriated;" so as to read:

The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of \$25,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of \$25,000 for site and building, which sum is hereby appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH K. McLEAN.

The bill (S. 1026) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, was considered as in Committee of the Whole. It directs the proper accounting officers to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments

that would have been due and payable to Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875.

Mr. COCKRELL. The bill is on the Calendar upon a majority report from the Committee on Military Affairs. At the last Congress there was both a majority and a minority report made. In the present Congress the report of the majority simply refers to the former report. The objection the minority of the committee had, of which minority I was one, was that this officer voluntarily resigned in 1864, and by special act of Congress in 1875 was authorized to be appointed back to the Army. He was out of the service during the interval, performed no service for the Government directly or indirectly, and devoted his whole time and attention to his own private affairs. The bill now proposes to pay his widow his salary between 1864 and 1875, and we do not think there is any equity, justice, or right in it. I simply want to place the minority of the committee upon the record as opposing the bill.

Mr. DAVIS. The bill was reported favorably in the Fiftieth and Fifty-first Congresses. It passed the Senate in the last Congress. The legal elements of the bill and the questions of fact are quite complicated, although so far as the legal aspects are concerned they are to my mind free from doubt.

Maj. McLean at an early period of the war was relieved of duty in the East and sent to Fort Vancouver, in Oregon, by a proceeding which in all of its elements was of the most tyrannical character. He resigned. So much feeling existed on the subject that in the Forty-third Congress, after full deliberation and an exhaustive report, an act was passed authorizing the President either to appoint Maj. McLean to the first vacancy in the office of the Adjutant-General, or in his discretion to reinstate him. It will be perceived that the act thus recommended and passed gave the President an alternative course of action, either to appoint this officer and put him anew into the office or, with a view of rectifying the injustice which had been done him, to reinstate him and appoint him to the grade to which he would have attained had not the unjust proceeding toward him been perpetrated. President Grant, instead of appointing this officer and putting him thus as it were anew into the Army, proceeded to reinstate him.

Without going at length into the legal considerations which have brought the majority of the committee to the conclusion at which they have arrived, it will suffice for present purposes to say that it is the opinion of a majority of the committee that the act of reinstatement operated in legal contemplation as a complete cancellation of what had been done to him and restored matters to the exact status that they would have occupied had he not received the treatment he did. We did not proceed without judicial authority upon this subject. I shall not go into it at length here. It is in the report referred to. The same state of facts was exhaustively considered in the case of Maj. Collins, where the precise phraseology was employed as to reinstatement, and he recovered his pay under a judgment of the Court of Claims and it was allowed by Congress. The time when he was out of the service was about the same as that of Maj. McLean.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ECLECTIC MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

The bill (S. 741) to incorporate the Eclectic Medical Society of the District of Columbia was considered as in Committee of the Whole.

The bill was reported by the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That T. A. Bland, August P. Lighthill, W. S. Bever, Magnus L. Juhlén, M. Cora Bland, J. A. Rowland, and Marie Taylor, and their associates and successors, physicians, be, and they hereby are, made a corporation by the name of the Eclectic Medical Society of the District of Columbia, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in this act.

Sec. 2. That the said corporation may hold real and personal estate to the amount of \$20,000.

Sec. 3. That the said Eclectic Medical Society is hereby empowered, from time to time, to make such by-laws, rules, and regulations as they may find necessary, and do and perform such other things as may be requisite for carrying this act into effect and which may not be repugnant to the Constitution and laws of the United States.

Sec. 4. That the said Eclectic Medical Society of the District of Columbia is hereby endowed with all the rights, privileges, and immunities that appertain to other medical societies of the District of Columbia.

Sec. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNCOMPAGRE RESERVATION.

The bill (S. 574) to change the boundaries of the Uncompagre Reservation was announced as next in order.

Mr. KYLE. I will ask that that bill may be passed over without prejudice, as the Senator from Wisconsin [Mr. VILAS] wishes to make some remarks upon it.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

EXTENSION OF SUPREME COURT JURISDICTION.

The bill (S. 1548) to extend the jurisdiction of the Supreme Court of the United States, as the same is defined in section 709 of the Revised Statutes of the United States, to include the judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians, respectively, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

M. B. RYAN.

The bill (S. 1287) for the relief of M. B. Ryan, administrator *de bonis non*, son and only heir at law of John S. Ryan, deceased, late of Charleston, S. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "limitations," to strike out "or other legal impediment hitherto existing," and in line 6, after the word "claim," to insert "with the same effect as the said John S. Ryan might have done while living if prosecuted in time;" so as to make the bill read:

Be it enacted, etc., That M. B. Ryan, administrator *de bonis non* of John S. Ryan, deceased, a citizen of the State of South Carolina, may, notwithstanding the bar of the statute of limitations, prosecute his claim, with the same effect as the said John S. Ryan might have done while living if prosecuted in time, to the net proceeds of the sale of 108 bales of cotton alleged to have been captured by the United States military authorities at Charleston, S. C., in March, 1865, before the Court of Claims, under the provisions of the act entitled "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. WILLBUR.

The bill (S. 466) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 9, after the word "contract," to strike out "therefor with Bartlett, Robbins, and Company" and to insert "with the United States according to samples submitted and accepted;" so as to read:

That the Secretary of the Treasury is hereby authorized to make settlement with James M. Willbur for excess in weight of material and excess in the superficial measurement of the illuminated tiling, frames, and supports thereof placed by said Willbur in, on, and around the New York city post-office and court-house building beyond what he was required to furnish by his contract with the United States according to samples submitted and accepted, either upon the report of such excessive weight and superficial measurement furnished by the direction of the Secretary of the Treasury and Senate committee by the experts Solomon J. Fague and Archibald Given, of date April 21, 1886, to the Senate committee and on file with the Senate Committee on Claims.

The amendment was agreed to.

The next amendment was, in line 26, after the word "contract," to strike out "therefor with Bartlett, Robbins & Company" and insert "as aforesaid;" so as to read:

But if not satisfied with the report of such experts the Secretary of the Treasury shall, within thirty days from the passage of this act, appoint three competent persons, who shall be duly sworn, to ascertain and report the sum, if any, which in justice and equity ought to be paid James M. Willbur for excess in weight of material and excess in the superficial measurement of illuminated tiling, frames, and supports thereof, placed by said Willbur in and around the New York city post-office and court-house building, beyond what he was required to furnish by his contract as aforesaid, such sum to be determined by the prices fixed in said contract, so far as they are applicable. The said persons so appointed shall also ascertain and report any increased or extra expense or cost incurred by said Willbur resulting from any changes and additions made in and to the weight, measurement, and character of said tiling, or in the quantity thereof, from that which was specified in said contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EIGHT-HOUR LAW.

The bill (S. 1276) providing for the adjustment and payment

of the accounts of laborers and mechanics arising under the eight-hour law was announced as next in order.

Mr. WALTHALL. The Senator who introduced that bill and the Senator who reported it both seem to be absent. I suggest that it go over without prejudice.

The VICE-PRESIDENT. The bill will go over, retaining its place.

ARMY PROMOTIONS.

Mr. PROCTOR. I ask that Order of Business 380, which was just passed over, be substituted for Order of Business 234, and be now taken up. The Senator from Oregon [Mr. DOLPH] withdraws his objection.

There being no objection, the bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, to strike out section 1, as follows:

That from and after the passage of this act all promotions in the several lines of artillery, cavalry, and infantry of the Army up to the grade of colonel shall be by seniority in the next lower grade according to original entry into the regular service as a commissioned officer: *Provided*, That no officer who has lost rank by the operations of a sentence of a court-martial or of an examining board shall by virtue of this act regain any rank so lost: *And provided further*, That any officer who has been reinstated in the Army by act of Congress with original status of rank shall, for the purposes of this act only, be deemed to have been continuously in the service.

The amendment was agreed to.

The next amendment was, to strike out, on page 2, the words "Section 2."

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "repealed," to strike out "but the promotion hereinbefore provided for shall be subject to the examinations required in said act;" so as to make the bill read:

Be it enacted, etc., That so much of section 1 of an act dated October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army, and to regulate promotions therein," as is contained in the proviso of the said section is hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. DOLPH. Mr. President, I objected to the consideration of this bill when it was reached in its order because I desired to examine it. I have received a very earnest protest from an officer in the Army who has been a lieutenant for twenty-five years and who thinks that under existing laws he has been discriminated against and promotions of those who were juniors to him in the service have taken place. He says that the bill as it now reads, if it becomes a law, will simply prevent anything being done to make amends for the wrong which has been done to him and which has been done to other officers under similar circumstances.

I am not prepared to discuss the bill and I do not like to prevent its consideration simply by interposing an objection, but I desire to voice his protest against it now.

Mr. PROCTOR. I do not doubt that the Senator's correspondence may have suffered in rank by the old system of promotion. This bill abolishes that. It is to prevent further repetitions of that wrong.

The committee considered very carefully whether any readjustment could be made of the evils which had been suffered in the past, and were unanimously of the opinion that it was impracticable. The Major-General commanding, the Adjutant-General, and the War Department have considered this matter. The proviso in the present law, which is repealed by this act, has been the cause of a good deal of trouble. I think there can be no question but that the general good of the Army calls for this act, which does not prevent any proper readjustment.

Mr. DOLPH. The Senator means does not prevent it by legislation, but prevents any adjustment simply by the appointing power. It regulates the appointments hereafter, so that this injustice can not be corrected by the appointing power, but it would require legislation to adjust these differences.

Mr. PROCTOR. If there is no law passed, there can be no readjustment. The officer does not stand any worse if this bill passes than he would without it. It merely fails to provide any readjustment, and however much the committee and others would wish to see some equitable method adopted, after very full consideration they failed to discover any method of readjustment without doing very great injustice in many cases while it might in a very few afford relief.

Mr. COCKRELL. Has the bill been passed?

The VICE-PRESIDENT. The bill is before the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to a third reading, read the third time, and passed.

JEROME E. MORSE.

The bill (S. 822) for the relief of Lieut. Jerome E. Morse, of the United States Navy, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 9, after the words "of the," to strike out "date of his retirement, by the naval board of the United States Navy" and insert "passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby authorized and empowered to transfer Lieut. Jerome E. Morse, of the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States; and the said transfer shall take effect as of the passage of this act; and the proper accounting officers of the Treasury be, and they are hereby, authorized to allow to Jerome E. Morse an amount which, with the payments heretofore made to him, will be equal to 75 per cent of the sea pay of the grade held by him at the date of his retirement, said amount to be paid out of any money in the United States Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF MARIAN F. HAYNIE.

The bill (S. 578) for the relief of Marian F. Haynie was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, in line 4, after the words "pay to," to insert "the legal representatives of," and in line 5, after the words "widow of," to strike out "the said;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Marian F. Haynie, widow of H. H. Haynie, out of any money in the Treasury not otherwise appropriated, the sum of \$300, which shall be in full for all sums due said H. H. Haynie for said services and for all claims for extra pay under the act of Congress approved March 3, 1865, and under the rulings of the Secretary of the Navy: *Provided*, That the Secretary of the Navy finds that the statements above made are true and correct.

The VICE-PRESIDENT. The Chair would suggest that the proviso, beginning in line 11, on page 2, should be stricken out.

Mr. PERKINS. I make that motion.

The VICE-PRESIDENT. The proviso will be reported.

The Secretary read as follows:

Provided, That the Secretary of the Navy finds that the statements above made are true and correct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of Marian F. Haynie."

Mr. COCKRELL. Let the preamble be stricken out.

The VICE-PRESIDENT. The preamble will be stricken out, if there be no objection. The Chair hears none.

LEGAL REPRESENTATIVES OF DOUGLAS DALE.

The bill (S. 10) for the relief of the legal representatives of Douglas Dale, deceased, was announced as next in order.

Mr. COCKRELL. Let that go over under Rule IX.

The VICE-PRESIDENT. It will be so ordered.

SAMUEL TATE.

The bill (S. 49) for the relief of Samuel Tate was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Samuel Tate \$1,000, in full satisfaction for the rent of his house in what is known as the Gayoso Block, in the city of Memphis, Tenn., for three months and thirteen days, from May 30, 1865, to September 30, 1865, at the rate of \$333.33 per month, the contract price agreed upon on the 30th of September, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS W. WICKHAM.

The bill (S. 2251) for the relief of Francis W. Wickham was considered as in Committee of the Whole. It directs the Secretary of War to remove from the records on file in his office the charges of desertion appearing thereon against Francis W. Wickham, under the name of Frank W. Wickham and Frank Wickham, private of Company D, Ninth Regiment Michigan Cavalry Volunteers, and substitute therefor, "absented himself without leave and was enrolled on November 26, 1863, and mustered into the service as trumpeter or bugler on December 1, 1863, in Company A, First Regiment Michigan Cavalry Volunteers, under the name of Franklin Waggle or Frank Waggill,

transferred to Company E of same regiment, and was honorably discharged from the service on March 10, 1863," as a bugler.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH TONKAWA INDIANS.

The bill (S. 1796) to ratify an agreement with the Tonkawa tribe of Indians in Oklahoma Territory, and to make an appropriation to carry the same into effect, was announced as next in order.

Mr. COCKRELL. There is no necessity for immediate action upon that bill. Let it be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. DAWES. Why should the bill be passed over?

Mr. COCKRELL. Is there any necessity for immediate action on this bill?

Mr. DAWES. I do not know that there is any immediate necessity, but I should like to have the bill disposed of as soon as I can.

Mr. COCKRELL. It may lead to discussion, and it is such a long bill that I thought we had better pass it by and call it up at some other time.

Mr. DAWES. The difficulty is in getting action under those circumstances.

Mr. COCKRELL. It will stand at the head of the Calendar, practically.

Mr. DAWES. I have no objection if the course proposed will accommodate any other Senator.

Mr. COCKRELL. Let the bill remain on the Calendar where it is, in its present order.

Mr. PERKINS. I do not imagine that the bill will provoke much discussion, though it is a pretty long bill.

Mr. COCKRELL. I think it may lead to discussion.

The VICE-PRESIDENT. The bill will be passed over without prejudice, retaining its place.

PROTECTION OF FISH IN THE POTOMAC RIVER.

The bill (S. 1028) to continue in force the provisions of an act approved March 2, 1885, and entitled "An act to protect the fish in the Potomac River, and to provide a spawning ground for shad and herring in the said Potomac River," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF FERNANDINA, FLA.

The bill (S. 1393) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, by extending the privileges of the first section thereof to the port of Fernandina, Fla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN INDUSTRIAL SCHOOLS IN SOUTH DAKOTA.

The bill (S. 697) to provide for building and maintaining an Indian industrial school at or near Chamberlain, in the State of South Dakota, and at or near Rapid City, in the State of South Dakota, and to provide a farm in conjunction therewith, was announced as next in order.

Mr. COCKRELL. The Senator introducing and reporting that bill is absent. Let it be passed over for the present, as it may lead to discussion.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. KYLE. The provisions of that bill have been incorporated in an appropriation bill, and, as I understand, the appropriation is for the exact amount named in this bill. I suppose we are not required to pass it a second time.

Mr. COCKRELL. Then let the bill go over under Rule IX.

The VICE-PRESIDENT. The bill will be passed over under Rule IX.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. 2056)

to repeal the provisions of an act entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers," approved March 2, 1889, so far as they relate to steamers plying exclusively upon any of the lakes, bays, or sounds of the United States.

PURCHASE OF SILVER BULLION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting, in response to a resolution of the Senate of April 7, 1892, a statement prepared by the Director of the Mint of the amount of silver bullion offered to the Government from August 13, 1890, to April 1, 1892, and the amount purchased during that period under the act of July 14, 1890, with a list of all persons, firms, or associations offering the same, the amount and price thereof, the persons, firms, or associations from whom silver was purchased, with the amount purchased and the price paid and the place at which delivered; which, with the accompanying papers, on motion of Mr. SHERMAN, was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 1105) for the relief of Henry S. Cohn, late of the One hundred and sixth Ohio Volunteers—to the Committee on Military Affairs;

The bill (H. R. 2713) in relation to the execution of declarations and other papers in pension claims—to the Committee on Pensions;

The bill (H. R. 1418) for the relief of Sarah A. Clapp—to the Committee on Military Affairs;

The bill (H. R. 649) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department—to the Committee on Claims; and

The bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes—to the Committee on Appropriations.

GEORGE ALCOTT.

The bill (S. 1638) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 8, after the word "discharge," to insert "to date, June 13, 1865;" so as to make the bill read:

Be it enacted, etc. That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records of the War Department the charge of desertion now standing on the said rolls against George Alcott, late a private in Company C, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and to issue to him an honorable discharge, to date June 13, 1865, and that said George Alcott be restored to all rights suspended or lost by said record.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPLORATION AND SURVEY OF ALASKA.

The bill (S. 775) authorizing the Secretary of War to cause an exploration and survey to be made of the interior of the Territory of Alaska was considered in Committee of the Whole. It authorizes the Secretary of War to cause an exploration and survey to be made of the interior of the Territory of Alaska by such force of officers and enlisted men as he may deem necessary, and appropriates \$100,000, to be immediately available, to meet the expenses of such exploration and survey. Such skilled astronomers, topographers, geologists, and naturalists as may be necessary to the success of the expedition may be detailed from the several scientific bureaus of the Government, and the heads of Departments may render such assistance in the way of transportation and equipment as shall appear desirable.

Mr. HOAR. Mr. President, I wish to inquire of the Senator having this bill in charge—it is a very interesting one indeed—whether it is the purpose of the bill to preclude the Government from having the services of eminent naturalists to come from civil life who are not in the Departments of the Government? If that be true, I am quite sure that there will be very much less valuable results than otherwise would be obtained. There must be a great many very eminent naturalists in this country who would not accept service in the various bureaus of the Government because they can get better pay elsewhere or for other reasons.

Mr. COCKRELL. Lines 10, 11, and 12 provide for all that.

Mr. HOAR. That is what I wish to inquire about.

Mr. COCKRELL. The bill reads, beginning in line 10:

Such skilled astronomers, topographers, geologists, and naturalists as may be necessary to the success of the expedition may be detailed from the several scientific bureaus of the Government.

Mr. HOAR. That is just what I am commenting upon, and just what it does not provide for, if I understand it correctly.

Mr. COCKRELL. The Senator wants civilian appointees.

Mr. HOAR. My question is whether it should not be in the power of the Government to appoint temporarily for this service persons who are specially skilled?

Mr. MANDERSON. I do not think the language of the bill would prevent that. There are a great many men of high scientific attainment who are on duty without pay in the Smithsonian Institution and other of the scientific departments of the Government, notably Prof. Marsh. I do not think that Prof. Marsh is under any compensation whatever for the very eminent services as a scientist which he has rendered to the country. I think there are many of those gentlemen who serve gratuitously and who are recognized as a part of the scientific force of the Government.

Mr. HOAR. But there are a great many who are not a part of that force whom it might be well to secure for this special purpose.

Mr. MANDERSON. It would be very easy for them to report to the scientific bureaus of the Government for such duty. I do not think that this expedition, being, as it is, under the direction of the War Department, should be burdened by volunteers; that is to say, that anyone who desires to go should be permitted to go. I do not think the detail of scientists for this expedition, which is one of great moment and force and should be had as speedily as possible, should be burdened by those who simply desire to accompany it.

Mr. COCKRELL. If they would take volunteers, there would, as a matter of course, be a thousand or more who would volunteer to go to see the country.

Mr. HOAR. That is not the suggestion. My proposition is that there may be eminent scientific men in this country who do not belong to any bureau of the Government, and yet who would be the fittest persons for this service, and without whom it would not be complete. Take Agassiz, for instance, the son of the eminent Agassiz, now deceased. Does anybody doubt that it would be desirable that he should accompany such an expedition if he would?

The Senator from Nebraska suggests that Prof. Marsh is attached to some bureau of the Government. I did not know that, but I know one person, perhaps the most eminent man in the country in the way of the preparation of birds and so on, a very eminent ornithologist, especially skilled in the preservation and preparation of specimens, who was applied to by the Government to attend an expedition to Alaska a little while ago, but who was unable to do it on account of being connected with an educational institution, and who would have gone at any other time. It seems to me that might be met by inserting in line 13 the words "or may be appointed, in the discretion of the Secretary of War, from civil life," or something of that sort.

Mr. MANDERSON. I see no objection to that.

Mr. COCKRELL. There is no objection to that.

Mr. MANDERSON. That will accomplish all the Senator desires.

Mr. HOAR. I suggest the insertion of the words "or may be appointed, in the discretion of the Secretary of War, from civil life."

Mr. COCKRELL. Let those words be inserted after the word "Government," in line 13.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 13, after the word "Government," it is proposed to insert "or may be appointed, in the discretion of the Secretary of War, from civil life;" so as to read:

Such skilled astronomers, topographers, geologists, and naturalists as may be necessary to the success of the expedition may be detailed from the several scientific bureaus of the Government, or may be appointed, in the discretion of the Secretary of War, from civil life, and the heads of Departments may render such assistance in the way of transportation and equipment as shall appear desirable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT MONTGOMERY MILITARY RESERVATION.

The bill (S. 1709) to grant to the Champlain and St. Lawrence Railroad Company a right of way across the Fort Montgomery military reservation was announced as next in order.

Mr. PROCTOR. I move that Order of Business 490, being House bill 4275, be substituted for Senate bill 1709. It is substantially the same.

There being no objection, the bill (H. R. 4275) to grant to the Champlain and St. Lawrence Railroad Company a right of way across the Fort Montgomery military reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "New York," at the end of line 7, to strike out "in consideration of the payment to the United States Government of \$50 per year in each September, commencing with September, 1891, and the further consideration," and insert "as now used by said company, on condition;" so as to make the bill read:

Be it enacted, etc., That a right of way 100 feet in width and about 4,000 feet in length, across the Fort Montgomery military reservation in the State of New York, is hereby granted to the Champlain and St. Lawrence Railroad Company, a corporation created under the laws of the State of New York, as now used by said company, on condition that the said railroad company shall provide and maintain good and sufficient fences along each side of the right of way thus granted: *Provided,* That the right to repeal this act, if the interest of the United States should so demand, is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE PRESIDENT. Senate bill 1709, on the same subject, will be indefinitely postponed.

ENGINEER CORPS OF THE NAVY.

The bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy was considered as in Committee of the Whole. It provides that the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as having ceased on the 30th day of June, 1891.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. LAW.

The bill (S. 2018) granting a pension to Mary E. Law, widow of Capt. Richard L. Law, United States Navy, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Law, widow of Capt. Richard L. Law, late of the United States Navy, granting her a pension of \$50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET M. RICE.

The bill (S. 2187) granting a pension to Margaret M. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret M. Rice, surviving widow of Charles Rice, deceased, late a private in Company D, Fifty-first Ohio Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading; read the third time and passed.

PROMOTION OF ENLISTED MEN IN THE ARMY.

The bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 3, line 11, after the word "based" to strike out, "and all who can not be appointed second lieutenants shall, at any time during the year, subsequent to their examination, if they shall so elect, receive an honorable discharge and one year's pay and allowances of the grade occupied at the date of discharge;" so as to make the section read:

SEC. 3. That the vacancies in the grade of second lieutenant heretofore filled by the promotion of meritorious noncommissioned officers of the Army, under the provisions of section 3 of the act approved June 18, 1878, shall be filled by the appointment of competitors favorably recommended under this act, in the order of merit established by the final examination. Each man who passes the final examination shall receive a certificate of eligibility, setting forth the subjects in which he is proficient and the especial grounds upon which the recommendation is based: *Provided,* That not more than two examinations shall be accorded to the same competitor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH KICKAPOO INDIANS.

The bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, was announced as next in order.

Mr. COCKRELL. That bill is a very long one, and it may

lead to discussion. I want it to retain its place by unanimous consent on this Calendar, and not on the other Calendar, so that it may be called up any morning. Let it be passed over, retaining its place on the present Calendar.

Mr. DAWES. The other bill remains on this Calendar, too, does it not?

Mr. COCKRELL. The same thing.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

CLAIMS OF SHAWNEE AND DELAWARE INDIANS.

The bill (S. 1633) supplementary and amendatory to an act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians, and the freedmen of the Cherokee Nation, and for other purposes," approved October 1, 1890, was announced as next in order.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 13, after the word "whatsoever," to strike out:

And the said court is hereby authorized to examine and adjudicate the same on their substantial merits, taking into consideration all the treaties, agreements, rights, and obligations involved, and such adjudication shall go to the extent and shall become a full and final settlement between the said parties, under and in accordance with the general terms of the aforesaid act of Congress.

And insert:

Arising out of treaty relations with the United States, rights growing out of such treaties, and from contracts, expressed or implied, under such treaties made and entered into by and between the said Shawnees and Cherokees, and between them or either of them and the United States.

So as to make the bill read:

Be it enacted, etc., That the Shawnee tribe or band of Indians, whose claims and demands against the Cherokee Nation and the United States were referred to the United States Court of Claims for adjudication under the act of Congress passed and approved October 1, 1890, entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," shall present to the said court all their claims against the United States and the Cherokee Nation, or against either or both of them, of every description whatsoever, arising out of treaty relations with the United States, rights growing out of such treaties, and from contracts, expressed or implied, under such treaties made and entered into by and between the said Shawnees and Cherokees, and between them or either of them and the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

The bill (S. 1702) to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company," was announced as next in order.

Mr. McMILLAN. I ask that this bill may go over without prejudice in the absence of the Senator reporting it.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

NATIONAL-BANKING ASSOCIATIONS.

The bill (S. 675) to amend the laws in regard to national-banking associations, to retire their circulation, and for other purposes, was announced as next in order.

Mr. DOLPH. Let that go over. It is reported adversely.

Mr. COCKRELL. Let it go over under Rule IX.

The VICE-PRESIDENT. The bill will be passed over under Rule IX.

B. H. TREFETHEN.

The bill (S. 135) for the relief of D. H. Trefethen, was considered as in Committee of the Whole. It directs the Secretary of the Navy to pay to D. H. Trefethen, recently master joiner at the navy-yard at Portsmouth, N. H., compensation at the regular rate per diem for such workmen from April 5, 1887, until December 20, 1887, and from June 16, 1888, until July 23, 1888, during which periods he was disabled by an injury to one foot, caused by the breaking down of a planing machine which he was operating while in the discharge of his duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMAINS OF ENSIGN D. F. TERRELL.

The bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN RAILROAD ASSOCIATION.

The bill (S. 982) for the relief of the Southern Railroad Association, lessees of the Mississippi Central Railroad Company,

was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the Southern Railroad Association, lessees of the Mississippi Central Railroad Company, \$4,636.01 in payment of certain Post-Office Department drafts in favor of W. Goodman, president of the Mississippi Central Railroad Company, dated August 17, 1861, in payment for mail transportation from April 1 to May 31, 1861, returned and canceled in April and May, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARDONS AND RESPITES IN THE DISTRICT OF COLUMBIA.

Mr. PERKINS. The Senate has passed Order of Business 297, being the bill S. 1886. Subsequently to the reporting of that bill House bill 4429, Order of Business 420, was reported. I ask unanimous consent to reconsider the vote by which the Senate bill was passed and to take up the House bill, which is on the Calendar, and which is the same as the Senate bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4429) to empower the Commissioners of the District of Columbia to grant respites and pardons in certain cases. It authorizes the Commissioners of the District of Columbia to grant pardons and respites for offenses against the late corporation of Washington, the ordinances of Georgetown, and the levy court, the laws enacted by the legislative assembly, and the police and building regulations of the District.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the Senate bill on the same subject be indefinitely postponed.

The VICE-PRESIDENT. The vote by which the Senate bill on the same subject was passed will be reconsidered, and the bill will be indefinitely postponed, if there be no objection. The Chair hears none.

ROBERT CARRICK.

The bill (S. 1458) for the relief of Robert Carrick, late first lieutenant of the Eighth United States Cavalry, was announced as next in order.

Mr. PROCTOR. At the request of the Senator who reported that bill I ask that it be recommitted to the Committee on Military Affairs.

The VICE-PRESIDENT. The bill will be recommitted to the Committee on Military Affairs, if there be no objection. The Chair hears none.

NOAH SEANOR.

The bill (S. 1636) for the relief of Noah Seanor was considered as in Committee of the Whole. It directs the Commissioner of Pensions, in lieu of pension certificate numbered 199010, issued February 24, 1883, to Sarah A. Seanor, dependent mother of Harrison Seanor, to issue a certificate to Noah Seanor for \$1,990.13, the amount of arrears of pension granted and about to be paid to Sarah A. Seanor when she died, and transmit the same to Noah Seanor, with proper vouchers; and, upon the return of the vouchers to the Pension Office properly executed, there shall be made and transmitted to Noah Seanor a check for \$1,990.13, which when paid shall be a final and full satisfaction of the pension granted Sarah A. Seanor of the 24th day of February, 1883, aforesaid.

Mr. COCKRELL. The word "of," in line 18, should be stricken out and "on" inserted. It should be "on the 24th day of February, 1883."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 18, after the name "Seanor," it is proposed to strike out "of" and insert "on;" so as to read:

A final and full satisfaction of the pension granted the said Sarah A. Seanor on the 24th day of February, 1883, aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

FIREPROOF BUILDING FOR NATIONAL MUSEUM.

The bill (S. 1758) to provide for the erection of an additional fireproof building for the National Museum was announced as next in order.

Mr. COCKRELL. The Senator reporting and introducing that bill is not here. Let it be passed over without prejudice, retaining its place on the present Calendar.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

BUILDING FOR UNITED STATES SUPREME COURT.

The bill (S. 823) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States was announced as next in order.

Mr. COCKRELL. Let that be passed over without prejudice. The VICE-PRESIDENT. The bill will be passed over without prejudice.

STATUE OF CHRISTOPHER COLUMBUS.

The joint resolution (S. R. 15) for the erection and location of a bronze statue of Christopher Columbus and the removal of the Naval Monument to a new site was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

INCREASED PAY OF ARMY NONCOMMISSIONED OFFICERS.

The bill (S. 1721) to increase the pay of certain noncommissioned officers of the Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "sergeant," where it occurs the second time, to strike out "thirty" and insert "thirty-four;" so as to make the bill read:

Be it enacted, etc., That on and after the 1st day of July, 1892, the pay per month of the following noncommissioned officers of the line of the Army shall be as follows:

Sergeant-major, \$30; regimental quartermaster-sergeant, \$30; first sergeant, \$34; sergeant, \$20; corporal, \$16; and all shall receive the increase of pay for length of service as provided by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BROCKTON, MASS.

The bill (S. 699) for the erection of a public building at Brockton, Mass., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GRAND ISLAND, NEBR.

The bill (S. 1574) to provide for the purchase of a site and the erection of a public building thereon at Grand Island, in the State of Nebraska, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLASSIFICATION OF CEREALS.

Mr. SHERMAN. Mr. President, I ask the consent of the Senate for the consideration of Order of Business 456, which I think, on being read by its title, will convey the reasons for it. I think it ought to be passed. It is in regard to fixing a uniform classification of wheat, corn, oats, barley, etc.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 797) to provide for fixing a uniform classification and grading of wheat, corn, oats, rye, barley, and for other purposes.

Mr. COCKRELL. If it will take no time and lead to no discussion I shall not object; otherwise I shall.

Mr. SHERMAN. I think it will take no time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 797) to provide for fixing a uniform classification and grading of wheat, corn, oats, rye, barley, and for other purposes.

The bill was reported from the Committee on Agriculture and Forestry, with an amendment at the end of section 3 to insert:

Provided, however, That in interstate trade or commerce in grain, if the consignor thereof, or his authorized agent, shall so direct, public inspection, classification, or grading shall not be required nor made when said grain is consigned to the owner thereof or to his authorized agent or to a mill or private storehouse; or, for deposit in a special bin, to a public warehouse; or, the purchaser consenting, to a purchaser thereof; or, if consigned to a market where the usages of trade recognize sales of grain by sample, when the consignor shall direct its sale by sample.

Mr. GRAY. I should like to ask the Senator from Ohio to state briefly what is the scope of this bill. I tried to listen to the reading of it, but whether it comes under the constitutional power to regulate weights and measures I did not understand, so far as I could gather from the reading.

Mr. SHERMAN. I do not think the question of the power of Congress to deal with these matters is included, because I think it comes fairly within the provision authorizing the establishment of weights and measures.

The passage of this bill is, I believe, requested by nearly all of the Farmers' Alliances in the United States, especially in the Northern States, where wheat and these cereals are grown.

Hitherto the rules of classification have been determined by boards of trade; for instance, at Chicago we might have one rate, in Wisconsin another, up at the headwaters of Lake Superior another, at Buffalo another, and at Cleveland another. There is some discrepancy in their rules, and this bill is to enable the Secretary of Agriculture to determine the correct classification, etc., and it is made a matter of record. It does not interfere with the right to make contracts for any other mode of classification, but merely establishes certain grades.

Mr. GRAY. I ask the Senator, for information, this question: It appears from what the Senator has just said that the bill refers to the classification of quality and grading of the different cereals spoken of in the bill, and not at all to fixing the standard of weights and measures?

Mr. SHERMAN. I do not think there is any doubt about that. It does not interfere with contracts, but it does make uniform certain classifications which are established by this bill. I do not think there is any question about the power of Congress to do what is proposed.

Mr. PADDOCK. It does not bear any relation whatever to the standard of weights and measures. It does not in any respect affect the standard of weights and measures.

Mr. GRAY. Does it refer, or can it be referred to at all, to the power granted in the Constitution to fix the standard of weights and measures? If it can not, to what legislative power can it be referred?

Mr. PADDOCK. It relates simply to interstate-commerce transactions and nothing else, transactions between States—the shipments of grain from one State to another. It is a carefully drawn and conservative bill.

Mr. SHERMAN. It is a regulation of commerce.

Mr. GRAY. Does the bill so state?

Mr. PADDOCK. The bill clearly states that it refers to interstate commerce, and the rule as to the standards of weights and measures under existing law is recognized and is in no respect to be interfered with.

Mr. GRAY. I should like to have that part of the bill read again. I think it is a matter of some importance.

The VICE-PRESIDENT. The part of the bill referred to will be read.

Mr. SHERMAN. Read the third section again.

The Chief Clerk read section 3 of the bill as proposed to be amended, as follows:

SEC. 3. That from and after thirty days after such classifications and grades have been determined upon and fixed, and duly placed on record as herein provided, such classification and grading shall be taken and held to be the standard in all interstate trade and commerce in grain in all cases when no other standard is agreed upon: *Provided, however*, That in interstate trade or commerce in grain, if the consignor thereof, or his authorized agent, shall so direct, public inspection, classification, or grading shall not be required nor made when said grain is consigned to the owner thereof, or to his authorized agent, or to a mill or private storehouse; or, for deposit in a special bin, to a public warehouse; or, the purchaser consenting, to a purchaser thereof; or, if consigned to a market where the usages of trade recognize sales of grain by sample, when the consignor shall direct its sale by sample.

Mr. SHERMAN. I was about to say that not only have some of the Legislatures asked for this uniform rule, but the Farmers' Alliances have requested it. I have had many letters about it. This bill was prepared to carry out their views, so that there may be no dispute or litigation in regard to the grade of wheat that is sold.

Mr. GRAY. Who is to make the classification?

Mr. SHERMAN. The Secretary of Agriculture is to have charge of the matter. The bill provides for that.

Mr. HOAR. The gist of the bill is in the first six lines of the third section. Let those be read again. The other is merely a definition or classification established by this public officer.

The VICE-PRESIDENT. The lines referred to will be read.

The Chief Clerk read the lines referred to.

Mr. COCKRELL. Let us vote on the bill or let it go over, one or the other.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. JONES of Arkansas. Were the lines read by the Secretary stricken out?

Mr. COCKRELL. Oh, no.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ISAAC W. TALKINGTON.

The bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased, was considered as in Committee of the Whole. It proposes to pay to the estate of Isaac W. Talkington, deceased, late of Pope County, in the State of Arkansas, \$200, erroneously paid to the United States for the north half of southeast quarter

of section 21, township 7 north, range 18 west, of the fifth principal meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORFEITURE OF RAILROAD LAND GRANTS.

The bill (S. 1380) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads," and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in line 7, after the word "persons," to strike out "in possession of" and insert "actually residing upon;" and in line 9, after the word "quantities," to insert "and upon the terms;" so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," be, and the same is, amended so as to extend the time within which persons actually residing upon lands forfeited by said act shall be permitted to purchase the same in the quantities and upon the terms provided in said section at any time within three years from the passage of said act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASERS OF TIMBER AND STONE LANDS.

The bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878, was considered as in Committee of the Whole. It provides that hereafter all necessary affidavits and proofs required by law of any purchaser of lands under the provisions of an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," in order to perfect his title to those lands, may be made before any officer qualified to take proof in homestead cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. B. WOODSON.

The bill (S. 1940) for the relief of R. B. Woodson was considered as in Committee of the Whole.

Mr. COCKRELL. In line 4, I move to insert the letters "on," after the word "Woods," so as to read "Woodson;" and then insert "postmaster at Gaines;" so as to make the bill correspond with the report and read: "R. B. Woodson, postmaster at Gainesville."

The amendment was agreed to.

The bill was reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, before the word "funds," to strike out "postal order" and insert "money order;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized and directed to allow R. B. Woodson, postmaster at Gainesville, Ala., a credit for the sum of \$142, money-order funds collected by him and lost in transit from Gainesville, Ala., to Mobile, Ala., on or about September 23, 1880, and which the Postmaster-General was unable to allow to said postmaster as a credit under existing laws, and which amount was paid and lost by said postmaster. The Postmaster-General is authorized and directed to refund said sum of \$142 to said Woodson, and take his receipt in full satisfaction of said claim. An amount sufficient to refund said sum of \$142 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FOND DU LAC INDIAN RESERVATION.

The bill (S. 2081) to grant to the Duluth, Missabe and Northern Railway Company a right of way through the Fond du Lac Indian Reservation, in the State of Minnesota, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I move at the end of the bill to strike out the period and insert a semicolon, and to insert the following proviso:

Provided, That Congress reserves the right to alter, amend, or repeal this act.

That is omitted I see in the bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUN FACTORY ON PACIFIC COAST.

The bill (S. 537) to provide for the establishment of a gun factory for the finishing and assembling of heavy ordnance on the Pacific coast was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

Mr. DOLPH. Let it be passed over without prejudice. The bill was introduced by me, but the Senator who reported it is not present.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

CONTROL AND SAFETY OF NATIONAL BANKS.

The bill (H. R. 5681) for the better control of and to promote the safety of national banks was announced as next in order.

Mr. COCKRELL. I am afraid that bill will lead to discussion. Let it go over.

Mr. SHERMAN. I think not. It is a very important bill, to which everybody will assent. If there is any objection, it may go over. It is a House bill.

Mr. COCKRELL. I understand that.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Finance with amendment.

The first amendment was to add a new section, as follows:

SEC. 4. That upon any deposit already or hereafter made of any United States bonds bearing interest in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

Mr. COCKRELL. I desire simply to place myself on record in this matter as being opposed to this amendment in toto, or to any amendment that has the appearance of giving continued existence to the national-banking system of this country, or the right of the national banks to issue or control the paper circulation.

The amendment was agreed to.

The next amendment was to add as a new section the following:

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HOAR. I have an amendment which will come in before that. I move to add to section 4:

The Comptroller of the Currency shall prescribe a form of bond which shall hereafter be used by all national banks to secure the fidelity of cashiers and all other officers of whom bonds are required. The examiners of national banks shall from time to time report the amount and character of the sureties of such bonds taken by any bank by them examined, and the said Comptroller may require any bank to take such other or further surety as he may think fit.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. I discovered to my surprise some little time ago that the ordinary form of bond taken by national banks in the part of the country where I live merely secures the bank against such malfeasance by the cashier as is the subject of indictment. That is in substance the language of the bond. So for leaving the bank vaults unlocked and exposed to theft, or a thousand other forms of gross carelessness, in the matter of discount where those are committed to the discretion of the cashier alone, there is no security whatever.

Mr. COCKRELL. There is no objection to the Senator's amendment.

Mr. HOAR. I wish to make this statement, if the Senator pleases. On examination it appears that the form of the bond and the amount of the bond of national banks is a matter of discretion with the directors of the individual bank. I called the attention of the Comptroller of the Currency to this matter, and he said it was a great evil, but that he had no power to remedy it without legislation.

The amendment was agreed to:

Mr. CALL. This is a very important bill, and I do not think it is generally understood on this side of the Chamber. It is a bill that passed the other House, and I suggest if there is no objection that it go over and that we be given time for its consideration.

Mr. SHERMAN. As far as I know, the bill met with the unanimous approval of the Committee on Finance, and it was deemed to be very important. The first provisions of the bill, inserted by the other House, are intended to guard against the common abuse of loaning money by a bank to the president and officers of the bank. That is an evil probably greater than any other connected with the banking system. More banks have failed by inordinate loans to the officers of banks than from all other causes combined. That, so far, was considered very important.

The fourth section was added by the Committee on Finance because of the present market value of the United States bonds. Certainly bonds are a security for the face value of the notes. That provision has passed the Senate several times, but it has not usually been acted upon by the other House. The provision

now inserted in regard to the bonds of cashiers I think is a wise one, if there has been any difficulty in regard to previous bonds.

The VICE-PRESIDENT. The question is on the amendment of the committee adding section 5 to the bill.

Mr. CALL. I do not wish to make any objection, and I shall not do so. The bill may be in all respects correct. I only meant to say that it is an important subject and that very few of us on this side understand what its provisions are, except from the statement just made by the Senator from Ohio, and the Senate is quite thin. That is the only point I make.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SHERMAN. In order to promote the final passage of the bill, I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. SHERMAN, Mr. ALDRICH, and Mr. HARRIS were appointed.

BILLS PASSED OVER.

The bill (S. 2133) to repeal the internal-revenue tax on the circulation of bank notes issued under State authority was announced as next in order on the Calendar.

Mr. FRYE. That bill was reported adversely.

Mr. COCKRELL. Let that bill be passed over. It was reported adversely.

The VICE-PRESIDENT. Without prejudice?

Mr. COCKRELL. Without prejudice; and also let the next bill be passed over without prejudice.

The bill (S. 1234) amending an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," was announced as the next bill in order.

Mr. COCKRELL. Let that be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

CHANGE OF REFERENCE.

Mr. CALL. I ask the unanimous consent of the Senate to change the reference of the bill (S. 2303) for the relief of Meda A. Coyle, granddaughter and administratrix *de bonis non* of Lieut. Joseph Wheaton, deceased. The bill was introduced by me some days since, and by mistake it was referred to the Committee on Claims. It is a Revolutionary claim, and I ask that the mistake be corrected, and the bill referred to the Committee on Revolutionary Claims.

The VICE-PRESIDENT. If there be no objection, the Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Revolutionary Claims. It is so ordered, in the absence of objection.

DAVID S. CORSER.

The bill (S. 1530) granting an increase of pension to David S. Corser was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David S. Corser, late of Company H, Fourteenth New Hampshire Volunteer Infantry, and to pay him a pension of \$16 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EARNEST C. EMERSON.

The bill (S. 1637) granting a pension to Earnest C. Emerson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Earnest C. Emerson, dependent and imbecile child of Orrin M. Emerson, late a private in Company H, First Rhode Island Cavalry, at \$18 per month, payable to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK L. AVERY.

The bill (S. 1528) granting an increase of pension to Frank L. Avery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank L. Avery, late of Company D, Fifth New Hampshire Volunteer Infantry, and to pay him a pension of \$50 per month, in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IRA INGRAHAM.

The bill (S. 1540) granting a pension to Ira Ingraham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in the lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws," and in line 7, after the words "at the rate of," to strike out "pension provided for assistant surgeons of volunteers" and insert the words "twelve dollars per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ira Ingraham, volunteer surgeon from Rhode Island during the war of the rebellion, at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH UTE INDIANS.

Mr. COCKRELL. I asked that Senate bill 1234 be passed over. The Senator from Massachusetts [Mr. DAWES] says that it proposes an immaterial amendment of the existing law. Let it be taken up and passed. On my request it went over without prejudice.

The bill (S. 1234) amending an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF PETER DELLA TORRE.

The bill (S. 132) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, was announced as next in order.

Mr. COCKRELL. Let that be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

PAY OF INDIAN SCOUTS.

The bill (S. 360) to authorize the Secretary of the Interior to pay the Yankton Sioux Indians who served as scouts under Gen. Sully in 1864 the amount due them, and making an appropriation therefor, was announced as next in order.

Mr. COCKRELL. I was requested by the Senator from New Hampshire [Mr. CHANDLER], who is absent, to ask that that bill may be passed over when reached on the Calendar.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

INVESTIGATION OF CITY SLUMS.

The joint resolution (S. R. 46) providing for an investigation relative to the "slums of cities," was considered as in Committee of the Whole. It directs the Commissioner of Labor to make a full investigation relative to what is known as the slums of cities, confining such investigation to cities containing 200,000 inhabitants and over, as shown by the Eleventh Census. It provides that the investigation shall relate to the occupations, earnings, sanitary surroundings, and other essential facts necessary to show the condition of residents of such localities, and appropriates \$20,000 to defray the expenses of the investigation.

Mr. HAWLEY. I do not like to object to anything that does not cost more than \$20,000, but I confess I can not see the necessity and the duty involved in the joint resolution. The "slums of cities" is a phrase that it is not easy to interpret. You will find a difference of opinion in a city. One portion will say that the other is perfectly qualified to be so considered, and those whom you think the real slums will retort upon what they call the "bloated aristocracy," and all that sort of thing. I think that the social investigation into the crime, poverty, unwholesomeness, and general misfortunes and calamities of such regions belongs rather to State government. I think that on the whole we have discovered here during the time I have been in Congress that we have about as much as we can do within the limits imposed upon us by the Constitution. I do not care to make anything like a contest against a joint resolution of this kind, but I regret it. I believe it is reaching out after work when we do not need any more work.

Mr. KYLE. I sincerely hope there will be no objection to the passage of the joint resolution.

Mr. COCKRELL. The Senator from Connecticut has not objected.

Mr. HAWLEY. No; I will not object to it if they keep out of my State, because there will be a serious difference of opinion as to what the slums are when it comes to bring a foreign commit-

tee into Connecticut. We shall be relieved in one respect. We have no city of 200,000 inhabitants.

Mr. KYLE. The joint resolution has, I understand, the assent of all the members of the Committee on Education and Labor. It was introduced at the instance of several organizations of the United States—the Federation of Labor, the Knights of Labor, and several others. They have been earnestly petitioning the committee and individual members of the Senate that the measure be called up at an early day, and that the investigation shall be begun under the auspices of the Commissioner of Labor. The Commissioner of Labor is in hearty sympathy with the joint resolution, and is willing to begin the investigation the moment that he has the authority from Congress.

I sincerely hope that there will be no objection to the joint resolution, and if there is any objection in regard to the expense, I trust an amendment will be made right here that will enable the measure to go through and authorize the investigation.

Mr. GRAY. I should like to ask the Senator who is authorized by the measure to make the investigation?

Mr. KYLE. The Commissioner.

Mr. COCKRELL. The Commissioner of Labor, Carroll D. Wright.

Mr. FRYE. There is no objection to its present consideration, I understand.

Mr. PLATT. I move to amend the joint resolution by inserting, after the word "localities," in line 10:

And to show, so far as it may be done, the condition of such residents compared with the residents of cities of similar size in other countries.

Mr. GRAY. It seems to me that the amendment of the Senator from Connecticut very much enlarges the scope of this investigation. To compare the condition of cities of this country with cities of the same size in other countries would involve an examination of those cities in other countries, and the Commissioner of Labor or his subordinates must visit Europe and institute the comparison. I do not see at present on what ground this is claimed as a matter of legitimate federal legislation, and I must ask that the joint resolution go over.

The VICE-PRESIDENT. Objection is made and the joint resolution goes over.

Mr. KYLE. Without prejudice.

The VICE-PRESIDENT. Shall the joint resolution retain its place on the Calendar?

Mr. PLATT. Yes.

Mr. GRAY. I have no objection. Upon further examination it may be shown to be legitimate legislation.

The VICE-PRESIDENT. The joint resolution will go over without prejudice, retaining its place on the Calendar.

WILLIAM WOLFE.

The bill (S. 31) for the relief of William Wolfe, of Shelby County, Mo., was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated by the Quartermaster-General of the United States Army the circumstances, character, and extent of the claim of William Wolfe, of Shelby County, Mo., for the loss of the schooner Anna Sophia, belonging to him, and for freight, while on a voyage from New Orleans, La., to Indianola, Tex.; the schooner alleged to have been lost, together with her cargo of public stores, while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEFFERSON BARRACKS MILITARY RESERVATION LANDS.

The bill (S. 1239) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo., was considered as in Committee of the Whole. It proposes to release the title of the United States to certain lands lying and being within the boundary lines described in the deed of the town of Carondelet to the United States, dated October 25, 1854, and now claimed as a portion of Jefferson Barracks military reservation, situated in the county of St. Louis, Mo.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAR DEPARTMENT RECORD AND PENSION OFFICE.

The bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes, was considered as in Committee of the Whole. It proposes to establish as now organized the division for the preservation and custody of the records of the volunteer armies under the name of the record and pension division, to be hereafter known as the record and pension office of the War Department; and the President is authorized to select an officer of the Army whom he may consider to be especially well qualified for the performance of the duties, and, by and with the advice and consent of the Sen-

ate, to appoint him in the Army to be chief of the office, who shall have the rank, pay, and allowances of a colonel, and shall, under the Secretary of War, have charge of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith.

Mr. HAWLEY. I made some objection to this bill that was passed at a previous Congress. If I recollect aright, it was vetoed; it failed to become a law, at any rate. I do not care to renew that objection if anybody will assure me that the General of the Army, an accomplished soldier, and the President of the United States, an admirable lawyer as well as statesman, are satisfied with this form of bill. Does anybody know?

Mr. COCKRELL. There is a letter from the Commanding General expressly approving it, and I say, not officially, that the Attorney-General has approved of it.

Mr. HAWLEY. It is not a question of legality. I do not care so much about the opinion of the Attorney-General upon this as I would upon some other questions. It is a question of the wisdom of giving a promotion of two grades and a permanent office to a gentleman holding a position in the Army. The bill makes him a colonel in the Army practically for life, performing civil duty, and not a removable officer, as I understand it, like other officers, who are removable or whose details may be changed. I am not questioning in any degree the remarkable ability and merit of this gentleman, Maj. Ainsworth, and I say I do not renew any real objection to the bill. I do not think it is a wise way of rewarding merit. I would gladly vote him a salary of \$5,000 a year, and if necessary a vote of thanks from Congress. I do not object to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLAMETTE RIVER LIGHTS AND BUOYS.

The bill (S. 720) making an appropriation for the establishment and maintenance of range lights and buoys at twenty-five different points on the Willamette River, between the cities of Salem and Portland, in the State of Oregon, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, in line 3, before the word "dollars," to insert "five thousand;" in line 6, after the word "maintaining," to strike out "range lights and buoys at thirty-five" and insert "beacon lights and buoys at twenty-five;" so as to make the bill read:

Be it enacted, etc., That the sum of \$5,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of establishing and maintaining beacon lights and buoys at twenty-five different points on the Willamette River between the cities of Salem and Portland, Oregon, the same to be expended under the direction of the Secretary of the Treasury.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title of the bill was amended so as to read: "A bill making an appropriation for the establishment and maintenance of beacon lights and buoys at twenty-five different points on the Willamette River, between the cities of Salem and Portland, in the State of Oregon."

ESTATE OF JAMES L. DAY.

Mr. McMILLAN. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. I wish the Senator would withhold the motion until the next bill is considered. It will not take any time.

Mr. McMILLAN. Very well.

The bill (S. 2271) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, was considered as in Committee of the Whole. It proposes to pay Nancy E. Day, administratrix of the estate of James L. Day, deceased, late of Norwich, Conn., \$3,041.66, in payment and satisfaction of the amount found due from the United States to her by the Court of Claims upon a reference of her claim to that court by the Postmaster-General, under the provisions of an act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. McMILLAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, April 14, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1892.

COLLECTOR OF CUSTOMS.

Henry Z. Osborne, of California, now collector of customs for the district of Wilmington, in the State of California, to be collector of customs for the district of Los Angeles, in the State of California, under the provisions of the act of Congress approved March 31, 1892.

SURGEON IN MARINE HOSPITAL SERVICE.

Passed Assistant Surg. William A. Wheeler, of Indiana, to be a surgeon in the Marine Hospital Service of the United States.

CHIEF ENGINEER IN NAVY.

Passed Assistant Engineer John A. B. Smith, to be a chief engineer in the Navy, from the 16th of February, 1892, vice Chief Engineer Montgomery Fletcher, retired.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Capt. Myles Moylan, Seventh Cavalry, to be major, April 8, 1892, vice Montgomery, Tenth Cavalry, retired from active service.

First Lieut. John C. Gresham, Seventh Cavalry, to be captain, April 8, 1892, vice Moylan, Seventh Cavalry, promoted.

Second Lieut. Selah R. H. Tompkins, Seventh Cavalry, to be first lieutenant, April 8, 1892, vice Gresham, Seventh Cavalry, promoted.

Second Lieut. Charles W. Farber, Eighth Cavalry, to be first lieutenant, April 5, 1892, vice Dravo, Sixth Cavalry, who resigns his line commission on accepting his appointment as captain and commissary of subsistence.

APPRAISER OF MERCHANDISE.

William C. Ralston, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California, to succeed Charles M. Leavy, removed.

POSTMASTER.

Charles L. Perry, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of John F. Cashen, whose commission expired March 20, 1892.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 13, 1892.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CORRECTION.

Mr. SCOTT. I desire to state that on page 2195 of the daily RECORD there is an error in my statement as it was printed. My statement was that "during the year ending June 30, 1891, there were imported over 1,000,000,000 pounds of tin plate. The RECORD shows that I said "over 1,000,000 pounds of tin plate" were imported.

The SPEAKER. The correction will be made.

EXPENSES OF UNITED STATES COURTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting estimates of deficiencies in the appropriations for expenses of United States courts for the current fiscal year; which was referred to the Committee on Appropriations.

CHIEF CLERK, OFFICE OF INDIAN AFFAIRS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a copy of a communication from the Commissioner of Indian Affairs, explaining the importance of a chief clerk being provided for the office of Indian Affairs; which was referred to the Committee on Appropriations.

WILLIAM WIRTZ, DECEASED.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of William Wirtz, deceased, against the United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RUSK, for five days, on account of important business.
To Mr. CUTTING, for one week, on account of important business.

THIRD DIVISION OF THE JUDICIAL DISTRICT OF KANSAS.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, which went over yesterday.

The bill was read, as follows:

Be it enacted, etc., That the counties of Miami, Linn, Bourbon, Crawford, Cherokee, Labette, Neosho, Allen, Anderson, Coffey, Woodson, Wilson, Montgomery, Chautauqua, Elk, and Greenwood, in the State of Kansas, shall constitute the third division of the judicial district of Kansas, and that a term of the circuit and district courts for said district shall be held therein at the city of Fort Scott, on the first Monday of May and the first Monday of November of each year. The remaining counties heretofore embraced in the first division of the judicial district of Kansas shall constitute the first division thereof.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said third division of said district shall be brought in said third division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this act, issued in either of the divisions of the judicial district of Kansas, may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States heretofore committed within the counties comprising the third division of said district, and all crimes and offenses against said laws known and defined as infamous heretofore committed within the limits of the Quapaw Indian Reservation, in the Indian Territory, and of which the courts in Kansas have heretofore had jurisdiction, shall be prosecuted, tried, and determined at the terms at the district court hereinbefore provided for: *Provided*, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts for said district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at the city of Fort Scott, each of whom shall, in the absence of the clerks or marshal, exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure, and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all civil suits and proceedings now pending in the circuit or district court of said district of Kansas which would, if instituted after the passage of this act, be required to be brought in the third division of said district, may be transferred by consent of all the parties to said third division of said district, and there disposed of in the same manner and with like effect as if the same had been there instituted; and all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as taken at and returnable to the term of court in the third division of said district in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I am informed that this was passed over yesterday morning in order to give the gentleman from Indiana [Mr. HOLMAN] an opportunity to look into it. I do not see him in his seat, and I hope the gentleman will withhold it until he is present.

Mr. CULBERSON. I will state to the gentleman from Tennessee [Mr. McMILLIN] that this bill does not create any new office. It simply provides for the holding of a term of the circuit and district court at Fort Scott. The same clerk or the same deputy clerk will perform the duties.

Mr. McMILLIN. Have they a public building at Fort Scott?

Mr. CULBERSON. I do not know.

Mr. FUNSTON. Yes, sir.

Mr. McMILLIN. You have a court-house there?

Mr. FUNSTON. Yes, sir.

Mr. McMILLIN. How many districts are there in the State?

Mr. BRODERICK. There are two divisions of the district.

Mr. McMILLIN. How many places are there at which court is held?

Mr. BRODERICK. The Federal court is held at three places now. This will make a third division, but a fourth place at which terms of the Federal court are held.

Mr. McMILLIN. I understand it does not increase the expense?

Mr. CULBERSON. No, sir.

Mr. BRODERICK. I would not call up this bill in the absence of the gentleman from Indiana [Mr. HOLMAN], if it were not for the fact that I have a note from a reputable gentleman, saying that the gentleman from Indiana [Mr. HOLMAN] told him last evening that he would withdraw any opposition to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BRODERICK. I move to amend the bill by striking out the word "reservation," in line 6, section 3, and substituting therefor the word "agency."

The SPEAKER. If there be no objection, this verbal amendment will be considered as agreed to?

There was no objection.

The SPEAKER. Is there any other amendment?

Mr. BRODERICK. No other amendment.

The SPEAKER. Is there no amendment reported by the Committee?

Mr. BRODERICK. No; there are no further amendments.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BRODERICK, a motion to reconsider the last vote was laid on the table.

EXPLANATION.

Mr. BRAWLEY. Mr. Speaker, I had the honor to submit some remarks on the 23d of March last on the bill for the free coinage of silver. Immediately after the conclusion thereof I was asked by the Official Reporters whether they should print the speech as delivered or whether I would withhold it for revision, as the custom was. The remarks were withheld for revision, and appeared in the RECORD on the 25th of March. The RECORD of the 24th of March, however, made no reference to the fact that those remarks were delivered on the 23d. I called attention to it at the time, my own attention having been directed to the matter, and it was said to be a mere omission through the inadvertence of some person. I did not think it worth while at the time to have it publicly corrected, as it seemed a matter of no significance. But the omission has been made the subject of injurious comment; and, in the interest of accuracy, I desire that the RECORD be corrected and that it shall appear as the fact was.

The SPEAKER. The statement of the gentleman will go into the RECORD, which will answer the gentleman's purpose.

ASSESSMENT OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the preamble and resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas the board of assessors are about completing an assessment upon property in the District of Columbia, and from an estimate furnished by the District Commissioners to the Committee on Appropriations it appears that this new assessment is to exceed the old by only 25 per cent; and

Whereas said old assessment on the land values alone in the District is \$76,000,000, when it should be more than \$300,000,000, this shows an extraordinary undervaluation, and what is still worse, the greatest injustice between the valuation of the land used for business purposes, which in many cases is assessed at less than 14 per cent of its true value, and land used for residence purposes, especially where the small homes are situated, is assessed at from 70 to 80 per cent of its true value, while in many cases land held for speculation is assessed at less than 10 per cent of its true value. The foregoing facts were brought out by an expert valuation on enough land in the District to furnish an average. A public hearing was held by the Commissioners in which this subject was thoroughly discussed, and after a careful examination they say "the figures embraced in these showings seem to have been carefully and conservatively prepared;" and

Whereas the new assessment should not only show the true value of the property in lawful money, as required by law, but should also preserve an equality in assessment of the land in different localities, and not bear more heavily in some sections than in others. Therefore,

Be it resolved, That a select committee, consisting of three members, be appointed by the Speaker, which shall have power and authority to investigate and report upon the method of ascertaining land values by the board of assistant assessors in the District of Columbia; to inquire whether there is in the assessment now being prepared discrimination in favor of any section over others, and generally to inquire into all alleged inequalities pertaining to the assessment of land values.

Such committee shall have power to send for persons and papers, to examine the witnesses under oath, may employ a stenographer and one clerk, and shall report the result of its investigation to the House, with such recommendation as it may deem proper to make. The expense of such investigation shall be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOLMAN. I think that matter ought to go to one of the standing committees of the House for investigation.

Mr. STOUT. I hope the House will take action upon the resolution at this time, as it is a very important matter.

Mr. HOLMAN. Mr. Speaker, I desire to say that we are multiplying committees to a greater extent than usual, and they are attended with expense; but I understand that this is a very important inquiry and I shall not object.

Mr. DINGLEY. I think that resolution had better go to some committee.

The SPEAKER. Objection is made.

Mr. JOHNSON of Ohio. If there be present objection to the consideration of the resolution, I hope it will go to the Committee on Rules.

Mr. DINGLEY. I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of this resolution. [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

On motion of Mr. JOHNSON of Ohio, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY TO GAINESVILLE, OKLAHOMA AND GULF RAILWAY COMPANY THROUGH INDIAN TERRITORY.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk. The Clerk read as follows:

A bill (H. R. 3927) to grant to the Gainesville, Oklahoma and Gulf Railway Company a right of way through the Indian Territory, and for other purposes.

Mr. BAILEY. Mr. Speaker, that bill has been read at length to the House once, and I will say that it is in the regular form, precisely as such bills are usually passed by the House. I therefore ask to dispense with the reading of the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of this bill; and, pending that, the gentleman asks that the further reading of the bill be dispensed with.

Mr. BURROWS. I think it had better be read.

Mr. McMILLIN. I think the gentleman's bill is right, but perhaps it had better be read.

Mr. BAILEY. If the gentleman will permit me, I will say that the bill has been read at length in the House once.

Mr. BURROWS. I was not here, and I should like very well to hear the bill read.

The bill was read, as follows:

Be it enacted, etc., That the Gainesville, Oklahoma and Gulf Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at a point to be selected by said company on Red River, north of the west part of Cooke County, in the State of Texas, and running thence by the most practicable route, through the Indian Territory in a northwesterly direction to a point on the southern boundary of the State of Kansas.

Sec. 2. That a right of way of 100 feet in width through said Indian Territory is hereby granted to the Gainesville, Oklahoma and Gulf Railway Company, and a strip of land 200 feet in width, with a length of 3,000 feet, in addition to the right of way, is granted for such stations as may be established, but such grant shall be allowed but once for every 10 miles of the road, no portion of which shall be sold or leased by the company, with the right to use such additional grounds where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line, and when any portion thereof shall cease to be used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

Sec. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees to be appointed by the President, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referee shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the courts, where the case shall be tried *de novo*. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railroad. Each of said referees shall receive for his services the sum of \$4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award and be paid by such railroad company.

Sec. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind, provided that passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory, within the limits of which said railway or part thereof shall be located, and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freight within their respective limits by said railway, but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another or shall extend into more than one State: *Provided, however*, That the rates of such transportation of passengers, local or interstate, shall not exceed those above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide, and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

Sec. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said railway may be located, the sum of \$50, in addition to compensation provided for by this act for property taken or damage done by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of \$500 as each 10 miles of road is graded. Said company shall also pay, as long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of \$15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now

in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as their lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit: *Provided further*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of land, with the right to appeal to the courts upon the same terms, conditions, and requirements as herein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribes would be entitled to receive under the provisions of this section. Nothing in this act shall be construed to prohibit Congress from imposing taxes upon said railway, nor any Territory or State hereafter formed through which said railway shall have been established from exercising the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

Sec. 6. That said railway company shall cause maps showing the general route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railways may be located; and after the filing of said maps no claim for subsequent settlement and improvement upon the right of way shown by said maps shall be valid against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void as to any occupant thereof.

Sec. 7. That the officers, servants, and employees of said company necessary to the construction, operation, and management of said road and telegraph and telephone lines shall be allowed to reside while so engaged upon said right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

Sec. 8. That the United States circuit and district courts for the northern district of Texas, the western district of Arkansas, the district of Kansas, and such other courts as may be authorized by Congress shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Gainesville, Oklahoma and Gulf Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

Sec. 9. That said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, or this grant shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

Sec. 10. That said Gainesville, Oklahoma and Gulf Railway Company shall accept this right of way upon express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their lands, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

Sec. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

Sec. 12. That Congress may at any time amend, add to, alter, or repeal this act.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The question was taken on ordering the bill to be engrossed for a third reading; and the Speaker announced that the yeas seemed to have it.

Mr. CHIPMAN. Division.

Mr. LOUD. I hope the gentleman will show a quorum.

The House divided; and there were—yeas 49, noes 2.

Mr. CHIPMAN. No quorum, Mr. Speaker.

Mr. BAILEY. Mr. Speaker, I will ask for the yeas and nays. I am not willing that a bill that I offer shall be passed without a quorum any more than a bill offered by any other gentleman. [After a pause.] It is suggested that I can save time by taking the vote by tellers; and I therefore ask that the vote be taken by tellers.

The SPEAKER. No quorum having voted, the Chair will appoint tellers, and the gentleman from Michigan [Mr. CHIPMAN] and the gentleman from Texas [Mr. BAILEY] will take their places as tellers.

The tellers took their places, and the House proceeded to divide.

Pending the division,

Mr. HOLMAN said: Mr. Speaker, I ask for the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 3, not voting 189, as follows:

YEAS—136.

Abbott,	Bailey,	Beeman,
Alexander,	Baker,	Brew,
Allen,	Bankhead,	Buchanan, Va.
Amerman,	Barwig,	Bullock,
	Branch,	

Bunting.	Elliott.	Lawson, Ga.	Rockwell.
Bushnell.	Enloe.	Lawson, Va.	Sayers.
Butler.	Epoe.	Lester, Ga.	Scott.
Cable.	Everett.	Lewis.	Shively.
Cadmus.	Forney.	Long.	Shonk.
Caminetti.	Fowler.	Lynch.	Simpson.
Caruth.	Fyan.	Mallory.	Snow.
Catchings.	Gantz.	Martin.	Steward, Ill.
Cate.	Geary.	McCreary.	Stockdale.
Clancy.	Geissenhainer.	McGann.	Stone, Ky.
Clarke, Ala.	Greenleaf.	McKatz.	Stout.
Clover.	Hamilton.	McMillin.	Tarsney.
Cobb, Ala.	Harmer.	McRae.	Terry.
Cobb, Mo.	Harries.	Meredith.	Tillman.
Cox, Tenn.	Hatch.	Meyer.	Wadsworth.
Craig, Pa.	Heard.	Miller.	Warner.
Crawford.	Hemphill.	Montgomery.	Warwick.
Culberson.	Henderson, N. C.	Moore.	Washington.
Cummings.	Henderson, Ill.	Newberry.	Watson.
Curtis.	Herbert.	Oates.	Waugh.
Davis.	Holman.	O'Ferrall.	Wheeler, Ala.
De Armound.	Hooker, Miss.	O'Neil, Mass.	White.
Dickerson.	Hopkins, Ill.	O'Neil, Pa.	Wike.
Dixon.	Houk, Ohio.	Otis.	Willcox.
Dockery.	Huff.	Parrett.	Williams, N.C.
Dolliver.	Johnson, Ohio.	Patterson, Tenn.	Wilson, Wash.
Donovan.	Johnstone, S. C.	Patton.	Wilson, Mo.
Dunphy.	Kem.	Paynter.	Wilson, W. Va.
Durborow.	Kilgore.	Peel.	Wolverton.
Edmunds.	Lanham.	Richardson.	

NAYS—3.

Fithian.	Kyle.
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NOT VOTING—189.

Alderson.	Cooper.	Kribbs.	Rife.
Andrew.	Covert.	Lane.	Robertson, La.
Arnold.	Cowles.	Lapham.	Robinson, Pa.
Atkinson.	Cox, N. Y.	Layton.	Rusk.
Babbitt.	Crain, Tex.	Lester, Va.	Russell.
Bacon.	Crosby.	Lind.	Sanford.
Bartine.	Cutting.	Little.	Scull.
Belden.	Dalzell.	Livingston.	Seerley.
Belknap.	Danell.	Lockwood.	Shell.
Beltzhoover.	De Forest.	Lodge.	Smith.
Bergen.	Dingley.	Loud.	Snodgrass.
Bingham.	Doan.	Magner.	Sperry.
Blanchard.	Dungan.	Mansur.	Springer.
Bland.	Ellis.	McAleer.	Stackhouse.
Boatner.	English.	McClellan.	Stahlnecker.
Boutelle.	Enochs.	McDonald.	Stephenson.
Bowers.	Fellows.	McKeighan.	Stevens.
Bowman.	Fitch.	McKinney.	Stewart, Tex.
Breckinridge, Ark.	Flick.	Milliken.	Stone, C. W.
Breckinridge, Ky.	Forman.	Michell.	Stone, W. A.
Brickner.	Funston.	Morse.	Storer.
Broderick.	Gillespie.	Moses.	Stump.
Brookshire.	Goodnight.	Mutchler.	Sweet.
Brosius.	Gorman.	Norton.	Taylor, Ill.
Brown.	Grady.	O'Donnell.	Taylor, Tenn.
Brunner.	Griswold.	O'Neill, Mo.	Taylor, E. B.
Bryan.	Grout.	Outwaite.	Taylor, J. D.
Buchanan, N. J.	Hall.	Owens.	Taylor, V. A.
Bunn.	Hallowell.	Page, R. I.	Townsend.
Burrows.	Halvorson.	Page, Md.	Tracey.
Busey.	Hare.	Pattison, Ohio.	Tucker.
Bynum.	Harter.	Payne.	Turner.
Byrns.	Haugen.	Pearson.	Turpin.
Caldwell.	Hayes, Iowa.	Pendleton.	Van Horn.
Campbell.	Haynes, Ohio.	Perkins.	Walker.
Caphart.	Henderson, Iowa.	Pickler.	Weadock.
Castle.	Hermann.	Pierce.	Wever.
Causey.	Hitt.	Post.	Wheeler, Mich.
Cheatham.	Hoar.	Powers.	Whiting.
Chapin.	Hooker, N. Y.	Price.	Williams, Mass.
Chipman.	Hopkins, Pa.	Quackenbush.	Wilson, Ky.
Clark, Wyo.	Houk, Tenn.	Raines.	Winn.
Coburn.	Hull.	Randall.	Wise.
Cockran.	Johnson, Ind.	Ray.	Wright.
Cogswell.	Johnson, N. Dak.	Rayner.	Youmans.
Compton.	Jolley.	Reed.	
Coolidge.	Jones.	Reilly.	
Coombs.	Ketcham.	Reyburn.	

The following named members were announced as paired until further notice:

Mr. PEARSON with Mr. JOSEPH D. TAYLOR.
 Mr. BRYAN with Mr. O'DONNELL.
 Mr. HAYNES of Ohio with Mr. SCULL.
 Mr. REILLY with Mr. EZRA B. TAYLOR.
 Mr. OUTHWAITE with Mr. CUTTING.
 Mr. CAPEHART with Mr. RUSSELL.
 Mr. WILLIAMS of North Carolina with Mr. SHONK.
 Mr. SPERRY with Mr. SANFORD.
 Mr. MOSES with Mr. CLARK of Wyoming.
 Mr. BACON with Mr. HENDERSON of Illinois.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. WHITING with Mr. BURROWS.
 Mr. COVERT with Mr. CHEATHAM.
 Mr. STUMP with Mr. TAYLOR of Illinois.
 Mr. STEVENS with Mr. RANDALL.
 Mr. LIVINGSTON with Mr. DINGLEY.
 Mr. WINN with Mr. MORSE.
 Mr. CAMPBELL with Mr. WILSON of Kentucky.
 Mr. HARTER with Mr. BOWERS.
 Mr. MAGNER with Mr. PAYNE.
 Mr. ANDREW with Mr. CROSBY.
 Mr. ARNOLD with Mr. GRISWOLD.

Mr. HALLOWELL with Mr. KETCHAM.
 Mr. LAGAN with Mr. CALDWELL.
 Mr. TURNER with Mr. BARTINE.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. PAGE of Maryland with Mr. RAY.
 Mr. MITCHELL with Mr. ROBINSON of Pennsylvania.
 Mr. BLANCHARD with Mr. HULL.
 Mr. SPRINGER with Mr. REED.

Mr. TURPIN with Mr. HOOKER of New York, on all political questions, including election case, until further notice, except on silver question.

Mr. MANSUR with Mr. TAYLOR of Tennessee on all political questions from April 2, 1892, until further notice, not to be changed in the absence of either.

Mr. PIERCE with Mr. LIND on all political questions until further notice; also the Bland bill and all questions connected therewith; this pair not transferable.

The following for this day:

Mr. BELTZHOVER with Mr. MILLIKEN.
 Mr. STAHLNECKER with Mr. WEVER.
 Mr. BROWN with Mr. WRIGHT.
 Mr. BRUNNER with Mr. CHARLES W. STONE.
 Mr. DUNPHY with Mr. DALZELL.
 Mr. GOODNIGHT with Mr. RIFE.

Mr. ENGLISH with Mr. BERGEN, on all political questions, until Wednesday and Thursday.

Mr. KRIBBS with Mr. HUFF, on all political questions, until Thursday next.

Mr. OWENS with Mr. ENOCHS, on all political questions, from April 2 until April 12, inclusive.

Mr. CAUSEY with Mr. O'NEILL of Pennsylvania, on all political questions, until April 13.

Mr. SNODGRASS with Mr. HOUK of Tennessee, on all political questions, from April 6 until April 21, inclusive.

Mr. HOAR with Mr. BROSIUS, for one week.

Mr. JONES with Mr. HERMANN, for one week, commencing Monday, April 11, 1892.

Mr. NORTON with Mr. POWERS, for two weeks, from April 12, 1892.

Mr. BUNN with Mr. ATKINSON, from March 30, 1892, until canceled by consent of both.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I am paired, but I have voted in order to make a quorum.

The SPEAKER. There is no quorum.

Mr. HENDERSON of Iowa. Mr. Speaker, when my name was called the first time I did not hear it, and the second time I was examining some papers and my name was passed before I could answer.

The SPEAKER. Did the gentleman fail to hear his name?

Mr. HENDERSON of Iowa. I heard it called, but did not answer in time.

The SPEAKER. The gentleman understands the rule. If the gentleman states that he was in the Hall of the House and failed to hear his name, his vote will be recorded.

Mr. HENDERSON of Iowa. I was.

The vote of Mr. HENDERSON of Iowa was recorded.

Mr. PATTERSON of Tennessee. Mr. Speaker I desire to vote.

The SPEAKER. Was the gentleman in the Hall and did he fail to hear his name called?

Mr. PATTERSON of Tennessee. Yes, sir.

The vote of Mr. PATTERSON of Tennessee was recorded.

Mr. DOLLIVER. Mr. Speaker, although paired, I have voted to make a quorum.

Mr. McKEIGHAN. Mr. Speaker, I was in the Hall and heard my name, but did not vote because I did not understand the measure. If it is in order I desire now to vote.

The SPEAKER. The Chair can not entertain the gentleman's request, under the rule.

Mr. HUFF. Mr. Speaker, I voted to make a quorum. I am paired with Mr. KRIBBS.

The SPEAKER. On this vote the yeas are 136 and the nays 3. No quorum has voted.

Mr. O'NEILL of Pennsylvania. I withdraw my vote.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that another vote be taken, which I have no doubt will show the presence of a quorum.

Mr. BURROWS. Mr. Speaker, can not that request be modified so as to provide for taking the vote on the passage of the bill instead of on the engrossment and third reading? I ask unanimous consent that the vote may be taken on the passage of the bill.

Mr. CHIPMAN rose.

The SPEAKER. The Chair will state that the roll call having disclosed the absence of a quorum, no business is in order but a call of the House or a motion to adjourn.

Mr. HOLMAN. Then, Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The roll was called, when the following-named members failed to answer:

Alderson,	Cummings,	Livingston,	Searley,
Allen,	Cutting,	Lockwood,	Shell,
Arnold,	Dalzell,	Magner,	Simpson,
Babbitt,	Dan,	Mansur,	Snodgrass,
Bacon,	Dungan,	McAleer,	Sperry,
Bankhead,	Dunphy,	McDonald,	Springer,
Beltzhoover,	English,	Mitchell,	Stackhouse,
Blanchard,	Enochs,	Morse,	Stahlnecker,
Boatner,	Fitch,	Moses,	Stevens,
Bowers,	Forman,	Mitchler,	Stewart, Tex.
Breckinridge, Ark.	Fowler,	Newberry,	Stone, W. A.
Breckinridge, Ky.	Gillespie,	Norton,	Stump,
Brookshire,	Gorman,	Oates,	Tarsney,
Brown,	Grady,	O'Donnell,	Taylor, Ill.
Brunner,	Griswold,	O'Neill, Mo.	Taylor, Tenn.
Bryan,	Grout,	Outhwaite,	Taylor, E. B.
Buchanan, N. J.	Hall,	Owens,	Taylor, J. D.
Bunn,	Hallowell,	Page, Md.	Tracey,
Bynum,	Harter,	Pattin,	Tucker,
Byrnes,	Haynes, Ohio	Pearson,	Turner,
Caldwell,	Hemphill,	Peel,	Turpin,
Campbell,	Hoar,	Pierce,	Wadsworth,
Capehart,	Houk, Tenn.	Powers,	Walker,
Castle,	Hull,	Price,	Waugh,
Cate,	Johnson, Ind.	Randall,	Wever,
Causey,	Johnson, Ohio	Ray,	Wheeler, Mich
Cheatham,	Jolley,	Rayner,	White,
Clark, Wyo.	Jones,	Reed,	Whiting,
Cockran,	Ketcham,	Reilly,	Wilson, Ky.
Cogswell,	Kribbs,	Rife,	Winn,
Compton,	Lagan,	Robertson, La.	Wright,
Coombs,	Lane,	Robinson, Pa.	Youmans.
Covert,	Lapham,	Rusk,	
Cowles,	Lester, Va.	Russell,	
Crawford,	Lewis,	Sanford,	

Mr. WILSON of Washington. Mr. Speaker, I wish to state that my colleague on the Committee on Indian Affairs [Mr. PEEL] failed to respond because he was and is now engaged in a conference on the Indian appropriation bill at the Senate end of the Capitol.

The SPEAKER. The roll call shows the presence of 189 members.

On motion of Mr. RICHARDSON, further proceedings under the call were dispensed with.

The SPEAKER. The question recurs—

Mr. HERBERT. Mr. Speaker, the bill before the House is interfering with the regular business on which we were engaged yesterday. I ask that the call for the yeas and nays on this bill be dispensed with.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] made a request which the Chair will now put—a request which would cover the gentleman's proposition.

Mr. BURROWS. As my colleague has this matter in charge, I withdraw my request.

The SPEAKER. What is the request of the gentleman from Alabama [Mr. HERBERT]?

Mr. HERBERT. I ask unanimous consent that the call for the yeas and nays upon the pending bill be dispensed with. There seems to be no objection to the bill itself.

The SPEAKER. The yeas and nays were ordered on the third reading of the bill.

Mr. CHIPMAN. Very few members here seem to know what this bill is. It appears to be a measure of great importance. There has been no discussion, no explanation of the bill; the report has not been read. I do not know whether it is safe legislation or unsafe.

The SPEAKER. Does the gentleman object to the request of the gentleman from Alabama?

Mr. CHIPMAN. Under the circumstances, I can not withdraw the demand for the yeas and nays.

The SPEAKER. The Clerk will call the roll.

Mr. HERBERT. I ask unanimous consent that this bill go over until to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the pending bill be postponed until to-morrow.

Mr. WASHINGTON. I object.

Mr. CULBERSON. I hope that this bill will not be postponed. I wish to state that it is an ordinary bill granting right of way through the lands of the Indian nation for a railroad. It contains every safeguard usually put in a bill of this sort. It is an exact copy of hundreds of bills which have been passed here. I ask my friend from Michigan [Mr. CHIPMAN], in view of the fact that the gentleman from Alabama wishes to proceed with the appropriation bill, to withdraw his demand for the yeas and nays, and let this bill be passed.

Mr. CHIPMAN. Mr. Speaker, I find it impossible to refuse to grant any request made to me by the gentleman from Texas. [Laughter.] I withdraw the call for the yeas and nays.

The SPEAKER. As the yeas and nays were ordered by a vote

of the House, unanimous consent is necessary to dispense with the call. The gentleman from Alabama asks unanimous consent that the order for the yeas and nays be revoked.

There was no objection.

The bill was ordered to be engrossed for a third reading, and it was accordingly read the third time.

The question being taken on the passage of the bill, there were on a division (called for by Mr. BERGEN)—ayes 101, noes 1.

So the bill was passed.

On motion of Mr. CULBERSON, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles: when the Speaker signed the same:

A bill (S. 418) to change the times for holding the circuit and district courts of the United States for the western district of Missouri;

A bill (S. 1342) for the relief of John R. Blankenship; and

A bill (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road."

ORDER OF BUSINESS.

The SPEAKER, as the regular order of business, proceeded to call the committees for reports.

ACTING ASSISTANT SURGEONS DURING CIVIL WAR.

Mr. ROCKWELL, from the Committee on Military Affairs, reported back adversely the bill (H. R. 278) to commission acting assistant surgeons of the United States Army who served as medical officers during the late civil war; which was laid on the table.

Mr. ROCKWELL. As this is an important matter, I ask that the report be printed.

The report was ordered to be printed.

PERMANENT CENSUS BUREAU.

Mr. WILLCOX, from the Committee on the Eleventh Census, to which was referred a resolution introduced March 2, 1892, by Mr. TILLMAN, proposing that the committee inquire as to the expediency of the establishment of a permanent Census Bureau, reported the following resolution: which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed:

Resolved, That said committee [on the Eleventh Census] shall have power to send for persons and papers and to examine such witnesses as it may deem necessary to furnish to the committee the proper information relating to the subject of said inquiry; and that a sum not exceeding \$1,000 be appropriated for that purpose, to be paid out of the contingent fund of the House.

Mr. WILLCOX. I desire to ask unanimous consent for the present consideration of this resolution.

The SPEAKER. The Chair can not recognize the gentleman now for that purpose. The regular order has been demanded.

NAVAL APPROPRIATION BILL.

The call of committees having been completed,

Mr. HERBERT said: I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. SHIVELY in the chair), and resumed the consideration of the bill (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes.

The CHAIRMAN. When the committee rose last evening, the question pending was a point of order made by the gentleman from Indiana [Mr. HOLMAN]. The gentleman from Louisiana [Mr. MEYER] is entitled to the floor on the point of order.

Mr. MEYER. Mr. Chairman, the interval since the close of yesterday's session has no doubt afforded you ample opportunity to investigate the point of order under discussion; hence I deem it unnecessary at present to make any further remarks. I reserve such comments as I may desire to make upon the general merits of the bill for the establishment of a dry dock at Algiers, La., for a future occasion.

Mr. BUTLER. Mr. Chairman, in the discussion on this question of order last evening, the whole drift of argument was applied to the maintenance of the idea of the great importance of the naval works to be provided for by the section of the bill in question.

It must be apparent to anyone who will consider the point of order without sentiment or prejudice, that a point of order could not be raised upon a question of mere advisability of a proposed work. It is merely a point of legal method of procedure under the rules of this House.

Section 2 of Rule XXI of the rules of this House reads as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

There are two questions to be decided by the Chair. First, does the section in question propose "an expenditure not previously authorized by law"? It is admitted by the friends of the measure that the dry dock proposed to be built has not been authorized by law, nor has the purchase of the land for such work been authorized by any act of legislation.

The second question is, is the proposed expenditure in continuation of appropriations for such public works and objects as are already in progress?

Every act of construction of works suggested in the section of the bill in question is an original work. But were this not the case the rule would apply unless the expenditure were in continuation of an appropriation. There is no pretense that any appropriation authorized by any former Congress is in process of application to any public work at Algiers, La., the location in question in this section of the bill.

If there has been no former appropriation for such work, there is no appropriation for this to be "in continuation of," as demanded by the rule.

So much for the technical and logical support of the point of order made by the gentleman from Indiana [Mr. HOLMAN]. It is certainly well taken, as I have no doubt the Chair will decide.

But permit me to present a few points in justification of the rule itself. What is the object of this rule, which prevents original legislation upon appropriation bills? It is quite evident that when this House adopted this rule the intention was to make every bill for a public work stand upon its own merits.

We have to-day a pointed exemplification of the necessity for thus guarding our legislative actions and preventing undue haste.

On this general appropriation bill for naval service this House has already agreed to limit the time for general discussion to five hours, and such general discussion is, by said agreement, not to begin until the section is reached which touches the subject of free ships.

That agreement compels the discussion of all prior sections under the five-minute rule. This section, which we are now indirectly considering, is thus to be acted upon, if not defeated by this question of order, under the five-minute rule.

It is evident that under such a rule no comprehensive consideration of the section for building a dry dock is in any manner possible.

One point I have in mind at the present time suggesting the situation in which we shall be placed if it should be decided that this kind of legislation is proper on an appropriation bill.

The Senate, as appears on page 1217 of the RECORD of the present Congress, has passed a bill covering this same subject, and that bill is now pending in this House. If the merits of the proposition should come up in the discussion of that bill we would have the privilege of unlimited debate, or at least debate with such limit as might then be agreed upon, whereas now, on this proposition to legislate upon an appropriation bill, we are confined to the discussion of a very important matter under the five-minute rule.

The very object of the rule against legislation on appropriation bills is that questions of great importance, like this, may have proper consideration before this House.

The case cited, the Senate bill, is instructive at this point. A bill is now pending upon the Speaker's table providing for this very work, and yet we assume here, in an appropriation bill, to legislate to establish this Government institution at that point, without proper consideration, in this quick, five-minute debate, and under the rule applicable in Committee of the Whole to bills at this stage. I think the value of this rule is very apparent.

Mr. HOLMAN. This is the Senate bill to which you refer?

Mr. BUTLER. Yes, a Senate bill. It is now on the Speaker's table, having been held there under the rule. That covers the ground exactly, showing the object of the rule. It is a wise provision. It is a balance wheel to the machinery of legislative action.

Its wisdom is unquestioned, and in this case its application is direct. The rule only allows the expenditure when an appropriation formerly made is in process of expenditure "for public works and objects already in progress," when an additional appropriation may be made to continue such work.

Such a condition does not exist in this case, and it seems to me the point of order can not be otherwise than sustained by the Chair.

Mr. STOCKDALE. Mr. Chairman, this clause of the rule,

"for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress," presents, it seems to me, a very clear case in support of the pending proposition. The importance of this naval establishment will not, of course, and can not properly enter into this discussion. But it may have an effect on my mind, as I am very anxious to see the work inaugurated. I propose, however, to present briefly, without any desire to detain the Chair but a few moments, the legal aspects of the case as they strike me.

This enterprise is not now inaugurated for the first time. Under a resolution of the two Houses of Congress a Commission was raised to select a site for a navy-yard on the southern or Gulf coast. That Commission, as I understand, in pursuance of that law has already selected the point upon which this navy-yard and dry dock shall be constructed. Therefore I say it occurs to me that it is an object already in progress within the language of the rule. Anything once commenced—inaugurated—is in progress. This rule does not undertake to say how far an enterprise shall have progressed before it shall come within the terms of the rule; and admitting the construction of the rule placed upon it by the gentleman from Indiana [Mr. HOLMAN], the gentleman from Georgia [Mr. BLOUNT], and the gentleman from Iowa [Mr. BUTLER], that this is simply to enable the House to well consider appropriations and not to enact law expending additional amounts of money upon an appropriation bill, it is sufficient answer to say that this enterprise has already been considered by the House and is a work already in progress. It has been commenced under the legislation of Congress: it is now in progress of location and construction so far as this Commission has been able to go; the location has been selected; it has been determined that a navy-yard and dry dock shall be established on the southern coast, and therefore the work is in progress.

The CHAIRMAN. If the gentleman from Mississippi will pardon an interruption, is it not a fact that a bill has been passed by the Senate and is now pending in the House for this same purpose?

Mr. STOCKDALE. I do not know whether it has come to the House or not.

Mr. HOLMAN. Oh, yes; it is on the Speaker's table. It came from the Senate.

Mr. STOCKDALE. But that being true, Mr. Chairman, I do not think it will alter the situation before the Chair at this time. The action of the Senate could have no possible effect upon this House, or the rules of the House, and no effect upon the mind of the Chair, unless it be simply persuasive, as expressing their construction of the present status of this enterprise. The Senate might have passed the same bill, and yet passed an appropriation bill like this in all respects. If you want to go further and prescribe how much land shall be used, what shall be the size of the yard, what the manner of construction shall be, what materials shall enter into the construction of this great public improvement, even if there were a bill pending in this House now, introduced here, reported back by the Committee on Naval Affairs, it would not, in my judgment, alter the status of the pending proposition on the question of order now before the Chair.

I go upon the language of this rule. The Chairman of this committee must construe the rule; it can not be collaterally or inferentially construed by any possible action of the Senate. It must depend upon its own language; but it must depend to some extent, as all laws do, from the fundamental law of the land down, all must depend somewhat upon the history surrounding their passage. The history surrounding the passage or the adoption of this rule of the House, as it has been said, was to prevent the Committee on Appropriations from injecting into their bills new legislation that perhaps the House would not understand or perhaps the committee itself would not understand, and no opportunity would be given for that consideration to which such propositions are entitled. But that does not apply in the present instance, for the reason that this is not—if it can be called a general appropriation bill at all—this is not a bill that comes from the Committee on Appropriations. It comes from the committee specially raised to consider the very subject with which it deals here. The committee is presumed to know and understand what the country needs in this behalf better than any other committee of the House; and it is also a committee that is presumed to know and understand the force of the rules under which they act.

I for one would rather depend on the judgment of the Committee on Naval Affairs of this House, in the construction of such a rule, than to depend upon any collateral action of the Senate that might bear upon a construction of our rules.

The language of the rule strictly considered does not prohibit this construction of it, and unless this rule itself prohibited it, the Chair has no right to prohibit it. The argument of the gentleman from Indiana, as well as of the gentleman from Georgia,

that this rule has saved this House millions of dollars, or such a rule as this, has nothing whatever to do with the legal construction of the rule. That would be a good argument in favor of the adoption of the rule. But surely if we are to be confined to the legal proposition, neither that nor the importance of the rule itself has anything to do with this construction, and the only thing that the Chair can take cognizance of is the language of the rule, its obvious intent, and the history surrounding its adoption by the House.

Now, the Chair will see, if he will look at that rule, that it does not prohibit any object that is in process of construction. The rule specifically excepts objects that are in progress. Now, how far must it progress before the Chairman can say that it is in progress? The history of this enterprise is that it is already in progress. It has gone very far towards construction. There has been the authorizing of this commission to select a point, which they did after a very thorough investigation all along the Atlantic coast and all along the Gulf coast, and they concluded to locate it here, 100 miles from the sea, on fresh water. That is progress. It is no objection to this construction to rail against it; it is simply a question of construction of the rule, upon its own language and its own history. I say this work is in progress. If that be true the Chair can not say that this paragraph is out of order.

The CHAIRMAN. The Chair is ready to rule on this question. The pending section of the bill under consideration provides, first, for the adoption of a site for a timber dry dock; second, for the purchase of land for such site, and third, for the construction of such timber dry dock. Against this section the gentleman from Indiana [Mr. HOLMAN] raises the point of order that the appropriations contemplated are forbidden by section 2 of Rule XXI. That rule provides that—

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

No existing law has been called to the attention of the Chair authorizing the adoption of a site or the purchase of the land for such site or the erection of a structure thereon. The section under consideration is therefore in conflict with the rule. Then the question arises: Does this section come within the exception to the rule? It appears that no previous appropriations have been made for the purchase of land as a site or the erection of a structure upon such site, nor can the objects of the proposed appropriations be held to be public works or objects already in progress.

The intent of the rule is to exclude from general appropriation bills such subject-matter as involves new and original themes of discussion and new objects of appropriation. This is a general appropriation bill, and to such bills the rule by its terms is confined. An examination of the precedents that have been called to the attention of the Chair discloses a conflict of authority. As there is such conflict of authority, and as the provisions of the pending section appear to be in conflict with both the rule and the exception thereto, the point of order is sustained.

The Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill.

Having read as follows—

Bureau of provisions and clothing—

Mr. HERBERT said: I ask to strike out, on page 20, in line 5, and wherever else they occur on pages 20 and 21, the words "provisions and clothing," and to insert the words "supplies and accounts;" so that it will read:

Bureau of supplies and accounts.

The same words occur in line 19, and also in lines 7 and 8, on page 21.

The CHAIRMAN. Will the gentleman have the kindness to send that amendment to the Clerk's desk?

Mr. HERBERT. I will do so.

The Clerk read as follows:

On pages 20 and 21 substitute the words "Bureau of supplies and accounts," for the words "Bureau of provisions and clothing," wherever the same occur.

Mr. EVERETT. I would like to ask the gentleman in charge of the bill what is the object of this change?

Mr. HERBERT. I will state that the Bureau of Provisions and Clothing has been enlarged so that now that Bureau purchases all the supplies and keeps the accounts of the Navy, and this is a proper name to be substituted for the old name. The change was recommended by the present Secretary. It is simply for convenience, and the name is more appropriate. I am instructed by the committee to ask this amendment. It has no effect except merely to change the name.

The amendment was agreed to.

The Clerk read as follows:

For incidental expenses for naval vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, sta-

tionery, and instruments, \$10,000: *Provided*, That no part of said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repair shall exceed 10 per centum of the estimated cost of new engines and machinery of the same character and power; nor shall new boilers be constructed for wooden ships: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to cause the necessary repairs and preservation of the United States ships Hartford and Kearsarge, or to order repairs of the engines, boilers, and machinery of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

Mr. HOLMAN. Mr. Chairman, I ask the gentleman from Alabama [Mr. HERBERT] if there should not be an amendment on page 27 under the head of Bureau of Steam Engineering. There are three items. The last item of the three I will read.

For incidental expenses for naval vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, and instruments, \$10,000: *Provided*, That no part of said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repair shall exceed 10 per cent of the estimated cost of new engines and machinery of the same character and power; nor shall new boilers be constructed for wooden ships.

Now, my friend will see that that proviso only applies to the last paragraph, which appropriates \$10,000. I suggest that the way to correct that would be to insert the words "in all" so much, and then add the proviso. Otherwise it will only apply to the last paragraph.

Mr. HERBERT. I ask unanimous consent that that correction be made. It is simply a transposition.

Mr. HOLMAN. Or you can add the words below.

Mr. HERBERT. I will offer that amendment. I move to amend by inserting, in line 3, page 27, before the proviso, the words "in all, \$650,000."

Mr. HOLMAN. Then the proviso will apply to the whole.

Mr. HERBERT. Those words I think were in the original bill, but somehow or other they were omitted from the printed bill.

Mr. HOLMAN. That will cover the whole bill.

The amendment was agreed to.

The Clerk read as follows:

For repair of barracks: At Portsmouth, N. H.; Boston, Mass.; Brooklyn, N. Y.; League Island, Pennsylvania; Annapolis, Md.; headquarters and navy-yard, Washington, D. C.; Norfolk, Va.; Pensacola, Fla.; Mare Island, California; and Sitka, Alaska; and per diem for enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks and other public buildings, \$10,000.

Mr. HERBERT. Mr. Chairman, I desire to offer an amendment to the section just read, by inserting, after the word "California," in line 8, on page 36, the words "Port Royal, S. C."

The amendment was read, as follows:

Amend by inserting, in line 8, after the word "California," the words "Port Royal, S. C."

The amendment was agreed to.

The Clerk read as follows:

Contingent Marine Corps: For freight, ferriage, tolls, cartage, funeral expenses of marines, stationery, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period not less than ten days, repair of gas and water fixtures, office and barracks, furniture, mess utensils for enlisted men, such as bowls, plates, spoons, knives, forks, packing boxes, wrapping paper, oilcloth, crash, rope, twine, camphor, and carbolic paper, carpenter's tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of harness, purchase of public horses, services of veterinary surgeons and medicine for public horses, purchase and repair of hose, repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts and wheelbarrows, purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates, purchase of ice, towels, and soap for offices, postage stamps for foreign postage, purchase of newspapers and periodicals, improving parade grounds, repair of pumps and wharves, laying drain and water pipes, introducing gas, and for gas, gas oil, and maintenance of electric lights, straw for bedding, mattresses, mattress covers, pillows, wire bunk bottoms for enlisted men at the various posts, furniture for Government houses and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify; in all, \$27,500.

Mr. HERBERT. Mr. Chairman, I desire to offer an amendment. On page 38, in line 6, after the words "purchase of," insert the word "books;" and also, in line 8, insert, after the words "water pipes," the word "water." It does not change the amount of the appropriation, but inserts words that were omitted.

The amendments were read, as follows:

On page 38, line 6, after the words "purchase of," insert the word "books;" also, in line 8, insert, after the words "water pipes," the word "water."

The amendments were agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed, by contract, one armored cruiser of about 8,000 tons displacement of the general type of armored cruiser No. 2 (New York), to cost, exclusive of armament, not more than \$3,500,000, excluding any premium that may be paid for increased speed and the cost of armament. The contract for the construction of said cruiser shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed, under conditions to be prescribed by the Navy Department, it shall exhibit a speed of at least 20 knots per hour, and for every quarter knot of speed so exhibited above said guaranteed speed the contractor shall receive a premium over and above the contract price of \$50,000; and for every quarter knot that such vessels falls of reaching said guaranteed speed there shall be deducted from the contract price the sum of \$50,000. In the construction of said vessel all the provisions of the act of Au-

gust 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessel, its engines, boilers, and machinery, the contract under which it is built, the notice of and proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contract, shall be observed and followed, and said vessel shall be built in compliance with the terms of said act, save that in all its parts said vessel shall be of domestic manufacture. If the Secretary of the Navy shall be unable to contract at reasonable prices for the building of said vessel, then he may build such vessel in such navy-yard as he may designate.

Mr. HOLMAN. Mr. Chairman, I make the point of order on this paragraph, under the head of "Increase of the Navy." I make the point of order that the provision is out of order, under the second clause of Rule XXI. I submit to the Chair that the question presented is identical with that in regard to the dry dock, upon which the opinion of the Chair has already been pronounced.

Mr. DINGLEY. Does not the gentleman know that the principle in that case is entirely different from this? The construction of vessels has been entered upon, and they are a part of the naval establishment. This is simply a continuance of work already in progress, and the question has been ruled upon many times.

Mr. HOLMAN. I will say to the gentleman from Maine that this stands upon the same footing as a dry dock does to the naval establishment. A light-house is connected with the other light-houses and is an auxiliary to the naval establishment. Now, a light-house is just as much an auxiliary to the naval establishment and a dry dock is just as much an auxiliary to a naval establishment as a ship. They stand upon the same footing. If a dockyard, a light-house, or a ship, or either one is to be considered a continuation of a work already in progress, why then all the others come under the same heading? The logic is inevitable.

I admit that there have been conflicts of opinion upon this subject; but I submit as adjuncts, as pertaining to the naval establishment, there are three things pertinent and practical. One is a ship, another is a dockyard, and the other is a light-house. The Chair has already held that as to the dockyard, it is subject to the point of order, because it is not a "work in progress." How can my friend in the chair, looking at this from a practical standpoint, rule that a ship, which is part of a general system of work, but independent in itself, to be a continuation of a public work, and at the same time hold that we can not appropriate money for the construction of a light-house until a law had been enacted to authorize the construction of that light-house? How can the Chair decide two different ways on this question?

Mr. DINGLEY. Does not the gentleman know that each light-house is a separate and independent work, and that it has no connection with any other, just as a hospital at Eastport is different from a hospital at San Francisco?

Mr. HOLMAN. I do; and a ship floating on the North Pacific or on the North Atlantic, thousands of miles away from each other, is connected with the same branch of the public service. Such a ship and a light-house stand upon the same footing.

Mr. DINGLEY. Is not my friend aware that a provision providing for a new ship for the Navy has invariably been ruled to be in order, not only by several Speakers some years back, but also by Speaker CARLISLE. In the case he decided a point of order was made against the construction of a naval vessel, and he held that it was not good.

Mr. HOLMAN. I think the rulings have been conflicting, and it has been held not to be in order. I do not think Speaker CARLISLE ever held, and I think the gentleman will not be able to find a case where he ever indicated, that the construction of a ship which has not been provided for by previous law was in order on an appropriation bill.

Mr. DINGLEY. Is not my friend aware that for several Congresses, during each session of Congress, the construction of vessels has been provided for on appropriation bills, and none was ever ruled out on a point of order?

Mr. HOLMAN. In the last Congress an objection was raised by the gentleman from Texas [Mr. KILGORE] to such a provision, and Mr. Butterworth (then in the chair) expressed no opinion himself, except one of regret, as I think I may properly say, that the subject had been passed upon; but he felt bound by the precedents. Now, the precedents are not all one way.

Mr. HERBERT. Does my friend mean to say that Mr. KILGORE did not follow the precedents?

Mr. HOLMAN. I am speaking of what Gen. Butterworth said.

In the Forty-ninth Congress, when the gentleman from Kentucky [Mr. MCCREARY] was in the chair, when this point of order was made, he overruled the point of order on the ground of precedents. A careful examination of all the precedents bearing on this class of legislation and subjects simply reveals a conflict of opinion. But the language of this rule is too plain to talk about. How is it in the nature of things possible that a ship costing a million of dollars can be considered as a work already

in progress? Here is a ship the cost of which is proposed to be \$3,500,000. How can it be possible that a light-house costing \$10,000 or a public building costing \$35,000 is not in order on an appropriation bill, and yet a vessel costing \$3,500,000 can be put on an appropriation bill without previous legislation? The object of the rule was to require deliberation and to prevent riders. The purpose was that there should first be legislation, and upon that basis of legislation you should make an appropriation; and if any gentleman in the House has been more strenuous than another against riders it has been my friend from Maine [Mr. DINGLEY].

Mr. DINGLEY. Certainly; but this is not a rider.

Mr. HOLMAN. And yet it is obvious that if it is possible to build one ship it is possible to build a navy on an appropriation bill without a word of preceding legislation authorizing it. It is possible to go further; it is possible to build any structure connected with the Navy. A ship is no more a part of the naval system, no more under the control of the Navy Department, than a light-house.

Mr. BOUTELLE. That is exactly what I thought the gentleman's idea of the Navy was, that it had nothing to do with ships. [Laughter.]

Mr. HOLMAN. A ship is no more a necessary part of the naval system than a light-house or a dry dock. You can not carry on navigation without ships, or without dry docks, or without light-houses. How can you navigate the high seas without light-houses? How can you carry on navigation without having means and appliances for repairing your ships?

Mr. POST. Columbus did not have any. [Laughter.]

Mr. SCOTT. And he had "a rocky time," too. [Laughter.]

Mr. DINGLEY. Does my friend [Mr. HOLMAN] deny that it has always been ruled in this House that an item in an appropriation bill providing for the construction of a new naval vessel was in order? Has not that been the established precedent and ruling here, without going into other points?

Mr. HOLMAN. I will say this. The first ruling of that character that I remember was the one made by the gentleman from Kentucky [Mr. MCCREARY], presiding over the Committee of the Whole. That was in the Forty-ninth Congress. But let us understand the point of difference under this Rule XXI. I assume, of course, that it is claimed that the construction of a ship in this way is authorized under the exception in the rule. The rule provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law—

Now, my friend, [Mr. DINGLEY], has always insisted on that principle.

Mr. DINGLEY. Read further.

Mr. HOLMAN. Certainly. I am going to read further— unless in continuation of an appropriation for such public works and objects as are already in progress.

"In continuation of an appropriation." Can my friend say that this provision in the pending bill is a continuation of an appropriation for a public work, this provision for a new ship costing three millions and a half, never appropriated for or authorized before?

Mr. DINGLEY. But has not that question been settled by repeated precedents here?

Mr. HOLMAN. I have conceded twice that the gentleman from Kentucky [Mr. MCCREARY] did so rule, very much to my regret.

Mr. DINGLEY. Not only he, but others.

Mr. HOLMAN. I do not remember any other case.

Mr. DINGLEY. Speaker CARLISLE also.

Mr. BOUTELLE. Will my friend from Indiana permit me to remind him that Speaker CARLISLE, Mr. Cox—

Mr. HOLMAN. No; not Mr. Cox.

Mr. BOUTELLE. Yes; Speaker CARLISLE, Mr. Cox, Mr. Wellborn, Governor MCCREARY, of Kentucky, and Mr. Butterworth of Ohio, consecutively, have ruled that the construction of a ship or ships is a necessary and essential part of the maintenance of the naval establishment.

Mr. HOLMAN. Now I understand my friend's proposition, and I concede a part of what he contends for. Mr. Cox, however, did not rule on this question.

Mr. BOUTELLE. He ruled on a cognate question.

Mr. HOLMAN. Yes, on a cognate question, and I am arguing this question on the force of cognates. [Laughter.] I am arguing that a light-house is cognate to the Navy and that a dry dock is cognate to the Navy. I concede that in some sense these matters are all cognate. Mr. Cox simply ruled that, on public ground, at your West Point Academy, you might erect an additional building connected with the existing educational system at that Academy.

Mr. BOUTELLE. Does the gentleman draw a distinction be-

tween the construction of a building connected with the system of education at West Point and the construction of a ship connected with the naval system.

Mr. HOLMAN. We have to draw the distinction, or else what shall we do with the light-houses?

Mr. BOUTELLE. I am not doing anything with the light-houses.

Mr. WATSON. You wanted to, though, just as much as you want this.

Mr. HOLMAN. We exclude a light-house costing only \$10,000 unless there has been proper legislation authorizing it.

Mr. BOUTELLE. I am not excluding anything.

Mr. HOLMAN. But we do exclude it. We exclude that light-house, costing \$10,000, and yet the gentleman contends that a vessel costing three and a half millions may come in under this rule! The injury to the rule, the injury to the principle of proper legislation, the injury to the public service is just as great in the one case as in the other, and the amount involved is much greater.

Mr. BOUTELLE. But the gentleman from Indiana understands perfectly well that the question of what is excluded and what is not excluded by the provisions of our rules is entirely a matter of precedent and construction, and the construction of the House has been uniformly for ten years past as I have stated.

Mr. HOLMAN. In the first place I have shown to the satisfaction, I think, of even the gentleman from Maine that the decision cited as having been made by Mr. Cox is not in point.

Mr. BOUTELLE. But Mr. Cox cited Speaker CARLISLE'S previous decision on the very question of ships; Mr. Cox's ruling was based, as I stated, upon the principle involved in the previous ruling of Speaker CARLISLE in regard to ships.

Mr. HOLMAN. I have never seen any such decision of Speaker CARLISLE, though I have made as careful search for it as I could. Mr. Cox must certainly have referred to some passing expression of Speaker CARLISLE—not to a deliberate decision—at least I think not. As I have stated, I have not been able to find any such decision.

Now, as to the opinion of Mr. Butterworth, he expressed regret that the precedents seem to be in favor of this ruling. But the subject has never been so fully discussed since I have been in this House as it was yesterday—

Mr. BOUTELLE. The gentleman will allow me to say that the ruling of Mr. Butterworth was clear and explicit.

Mr. HOLMAN. Well, read it.

Mr. BOUTELLE. Mr. Cox, in the West Point decision, made this statement—

Mr. HOLMAN. I know as to that. Let us hear the Butterworth decision.

Mr. BOUTELLE. The gentleman will allow me to cite the language of Mr. Cox:

Without reference to other decisions made from the Chair, either in Committee of the Whole or otherwise, the present occupant of the chair is informed that the Speaker of the House, on a former appropriation bill, held that an appropriation for the construction of a new vessel was in continuation of the general object of maintaining the Navy; and that decision of the Speaker runs on all-fours with the decision which the Chair now makes when he overrules the point of order

Mr. HOLMAN. Does Mr. Cox mention when or in what particular case that decision of Speaker CARLISLE was made?

Mr. BOUTELLE. No, sir, but—

Mr. HOLMAN. And nobody else has ever done so on this floor.

Mr. BOUTELLE. I have no question of the fact that such a decision was made; I simply have not looked it up.

Mr. HOLMAN. It can not be found.

Mr. BOUTELLE. I should suppose that three, four, or five consecutive rulings year after year would sufficiently establish the policy of the House to convince even the gentleman from Indiana.

Mr. HOLMAN. Now, I hope my friend will read the Butterworth decision.

Mr. BOUTELLE. Here is the decision of Mr. Butterworth. He cited this very ruling—

Mr. HOLMAN. That is to say, he cites the fact that Mr. Cox had said that Speaker CARLISLE had so ruled.

Mr. BOUTELLE. Mr. Butterworth refers to the fact that Mr. Cox had so ruled on the West Point case. Mr. Butterworth says—

A decision was rendered covering the same point by the gentleman from New York (Mr. Cox). The Chair thinks it is in order to make an appropriation for the construction of the Navy on this appropriation bill.

Mr. HOLMAN. Is that all he says?

Mr. BOUTELLE (reading):

The Chair overrules the point of order.

Mr. HOLMAN. Yes, I know; but does he not say something preceding that, as to the precedents?

Mr. BOUTELLE. I do not see anything.

Mr. HOLMAN. Does he not express some doubt—

Mr. BOUTELLE. He does not express any doubt in this ruling.

Mr. HOLMAN. Certainly he does in his statement of the case.

Mr. BOUTELLE. After examining the whole question, Mr. Butterworth says:

A decision was rendered, covering the same point, by the gentleman from New York (Mr. Cox). The Chair thinks it is in order to make an appropriation for the construction of the Navy on this appropriation bill. The Chair overrules the point of order, but will recognize the gentleman from Illinois (Mr. Cannon) to move to strike out the paragraph.

Mr. CANNON. I desire to say a single word. Either I do not understand the reason of the rule, or the Chair does not. I will ask the Chair if he has had his attention called to the last sentence in clause 2 of Rule XXI?

The CHAIRMAN. The Chair did have his attention called to that; and the decision of Mr. Cox covers the very point which the gentleman states.

Mr. HOLMAN. Well, we know what Mr. Cox decided, and how plausible the decision was, and how different the question then was from that now before the Chair.

Mr. BOUTELLE. But the same gentleman went on to cite still another ruling. He cited the ruling of Mr. Wellborn and that of Speaker CARLISLE.

Mr. HOLMAN. Well, I have never seen the Wellborn decision. We can only determine this question by the decisions which have been brought before the House.

Mr. SCOTT. I wish to ask this question: Supposing that Mr. Cox, Mr. Butterworth, and other gentlemen when acting as chairmen of the Committee of the Whole did decide in the manner cited, has not this House the right to interpret its rules for itself?

Mr. HOLMAN. Oh, yes; that is what I have been contending for. In this matter the three branches of the naval service can not be distinguished from each other; the light-house, the dry dock, and the ship are parts of one common system; yet we all agree that as to two of these, the light-house and the dry dock, there must be preceding legislation before under this rule you can make an appropriation of money for such purpose in a bill of this kind.

Mr. HERBERT. Will the gentleman allow this question, which I hope he will answer—

Mr. HOLMAN. Certainly.

Mr. HERBERT. You say that there are conflicting decisions upon this point?

Mr. HOLMAN. Certainly.

Mr. HERBERT. I ask the gentleman whether there have been any conflicting decisions, then, upon this question, when it was presented directly, of the power to put on an appropriation bill a provision for the building of a new ship? I say there has been no conflict of authority in that case, and I want the gentleman to answer if he knows of any exception to it.

Mr. HOLMAN. Why, Mr. Chairman, I have conceded that the gentleman from Kentucky (Mr. McCREARY) so decided, and further, since the RECORD has been searched, it seems that Mr. Butterworth so decided. I have never seen the decision of Mr. Wellborn of Texas, which has been referred to. But I submit, sir, that this rule, as I contended on yesterday in the discussion of a similar point, does not admit of interpretation. A court could not interpret it, because the language is clear, distinct, and explicit: no man can contend in reference to the decisions or the class of decisions holding that a light-house can not be appropriated for without preëxisting law or that a dockyard can be provided for without law. I say, in view of such decisions, no man can put any other interpretation upon this rule than that no ship can be constructed without preëxisting law.

Mr. BOUTELLE. If the gentleman will pardon me, he is hardly justified in stating as broadly as he does that the rulings of the House have been against the building of dockyards.

Mr. HOLMAN. Why, undoubtedly.

Mr. BOUTELLE. The gentleman is entirely mistaken. That is not the case. The question has been brought up here and repeatedly decided that an appropriation for constructing a dry dock at an existing navy-yard was in order under this rule, and we have appropriated time out of mind on our bills for just such structures.

Mr. HOLMAN. That is in harmony, as my friend will see, with the decision of Mr. Cox. But this is an entirely different proposition.

Mr. BOUTELLE. Will the gentleman, even from his insular position on the banks of the Ohio River, undertake to say to this House and the country that the building of a dry dock is more appropriate for the maintenance of the naval establishment than the construction of a ship?

Mr. HOLMAN. No; not at all. They stand on the same footing. They are a part of the same thing.

Mr. BOUTELLE. Exactly, a part of the Navy. That is just what I say. But the ship is the essential part.

Mr. HOLMAN. And the rule of the House has been repeatedly construed that the dry dock, where you purchased land for

its erection, must be constructed only after the law has been enacted making provision for such construction.

Mr. BOUTELLE. Oh, the gentleman from Indiana is entirely in error. Ever since I have been a member of this House we have appropriated for five or six dry docks on the naval appropriation bill, on the principle that it was for the maintenance of the naval establishment.

Mr. HOLMAN. When the point of order was made?

Mr. BOUTELLE. Yes; made and overruled.

Mr. HOLMAN. In what case?

Mr. BOUTELLE. Why, I think the gentleman himself made the point as far back as the Forty-ninth Congress.

Mr. HOLMAN. I have no recollection, but it may be correct.

Mr. DINGLEY. If the gentleman will pardon me, there is a distinction in principle between an appropriation for the construction of a dry dock in an existing navy-yard and where the yard does not exist.

Mr. HOLMAN. I want to call the attention of the gentleman to the fact that the construction of a ship is an entirely different question from the construction of a dry dock at a navy-yard or a building at the West Point Military Academy.

Mr. BOUTELLE. Why?

Mr. HOLMAN. For this reason, as the gentleman will see at once: In the construction of a dry dock at a navy-yard and the erection of a building on the West Point grounds it may be held that the ruling of Chairman Cox was correct; but here you do not propose that this ship shall be constructed in a given navy-yard.

Mr. BOUTELLE. Why, certainly.

Mr. HOLMAN. Oh, no; you may let it out by contract to any of the great ship-yards in the Delaware River or elsewhere.

Mr. BOUTELLE. Ah, but the gentleman entirely misses the analogy that the building of a dry dock as a part of a navy-yard stands precisely on the same footing as the building of a ship as a part of the Navy.

Mr. HOLMAN. But, Mr. Chairman—

Mr. BOUTELLE. But before the gentleman closes I want to call his attention to the further point, and ask if it is not a fact, that in the interpretation of our rules, the precedents that have been fixed and established—collated, compiled, and printed in our Manual—indicate clearly that the rulings in favor of the building of ships on appropriation bills were uniform, and that there is not a single ruling to the contrary.

Mr. HOLMAN. I do not know of the existence of any rulings except those which have been referred to in the course of this debate.

But I wish to say, and my friend must see, that this rule should be enforced, and that if it is not there is no protection to the Treasury, for you can give such latitude to construction in favor of appropriations as against the interests of the Treasury as would be a serious matter to the people of the country.

The trouble is here: You try to put an interpretation upon this rule which will throw open the doors of the Treasury, while the rule is intended to protect the Treasury.

Mr. BOUTELLE. My answer to that is that there is not one thing in connection with the Navy against which a point of order ought not to lie more emphatically than against the building of ships; because if there is any one thing that preeminently and paramently goes with the maintenance of a naval establishment, it is the building of ships.

Mr. HOLMAN. Why, certainly, just as much as a light-house.

Mr. BOUTELLE. That is the beginning and end and object of a navy.

Mr. HOLMAN. A light-house is equally necessary and convenient. Now, Mr. Chairman, the point to which I wish to call the attention of the Chair is this, that this is not a structure which must necessarily be constructed in a Government navy-yard, because the last clause contains these words:

If the Secretary of the Navy shall be unable to contract at reasonable prices for the building of such vessel, then he may build such vessel in such navy-yard as he may designate.

But before that, by the terms of this provision, the language is as follows:

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract—

Not upon Government grounds, not in a Government navy-yard, but by contract, at any place—

Mr. BOUTELLE. If the gentleman will read a little further he will find that if the Secretary of the Navy fails to make such contract, he is authorized to do the work in the navy-yards of the United States.

Mr. HOLMAN. Certainly; but he may build them by contract.

Mr. BOUTELLE. Of course he may.

Mr. HOLMAN. Well, then, the effect is the same as if the other clause was not in there at all?

Mr. DINGLEY. This is an old provision.

Mr. BOUTELLE. This is not a new provision.

Mr. DINGLEY. That was in the old appropriation bill.

Mr. HOLMAN. It is new on this bill.

Mr. BOUTELLE. It is identical with the words of the law of 1886, passed by a Democratic House.

Mr. HOLMAN. If the rule is not to protect the public Treasury, the hard earnings of our people, then of course my friend is right.

Mr. BOUTELLE. We do not expect to build ships and then cheat the contractors out of the price. If the gentleman from Indiana expects these ships to be paid for—it is not to be expected that they are to be paid for out of the pockets of individuals.

Mr. CUMMINGS. Will my friend from Indiana allow me to ask him one question?

Mr. HOLMAN. Certainly.

Mr. CUMMINGS. Do I understand you to say that you introduced what is known as the Holman amendment—

Mr. HOLMAN. I did not say anything about it.

Mr. CUMMINGS (continuing). That you introduced section 2 of Rule XXI for the express purpose of preventing the building of vessels by an act passed in an appropriation bill.

Mr. HOLMAN. I said nothing about it. I have not referred to the Holman rule, or any other rule, except the rule that is known as the second clause of Rule XXI.

Mr. CUMMINGS. Did you say that you had this object in view?

Mr. HOLMAN. I did not say that I had any object in view.

Mr. JOHNSON of Indiana. Oh, this is an aimless kind of a rule.

Mr. HOLMAN (continuing). Except the public safety.

Mr. HERBERT. I asked the gentleman from Indiana, while he was on the floor, if he could cite any decision at all upon the direct question now before this committee that was contrary to these decisions to which the Chair has been cited. He has failed to give us any such decision. In fact, he admits that there is none. When he says that there is a contrariety in the decisions he undertakes to show that contrariety or contradiction by citing decisions which he says are upon analogous cases, as, for instance, in the matter of light-houses. Now, the gentleman went too far out of the way when he said that a light-house was a part of the Navy.

Mr. HOLMAN. An adjunct to the Navy.

Mr. HERBERT. Light-houses are not even under the direction of the Secretary of the Navy.

Mr. HOLMAN. Light-houses are adjuncts to the Navy.

Mr. HERBERT. They are under the direction of the Secretary of the Treasury, and not the Secretary of the Navy at all. They form no part of the Navy whatever, and I was surprised to hear the gentleman say he supposed they did form any part of it. Now, he says the decision already made by the Chair covers this case, that the point is the same; yet he argued yesterday evening that there was a difference.

Mr. HOLMAN. Oh, no.

Mr. HERBERT. The difference is—and it might well have been in the mind of the Chair—that a new navy-yard is not as necessary a part of the Navy as ships are; that a dock to be erected at a navy-yard or upon a naval reservation might itself bear the same relation to that naval reservation that the ships bear to the Navy; but the dock itself does not bear the same relation to the Navy as ships bear to the Navy. I have no idea in the world that the Chair, in making that ruling, intended to overturn these uniform decisions from 1887 down to the present time.

The first time, according to my knowledge, that the direct question was ever brought before the House, was in the Forty-ninth Congress, on February 26, 1887. The decision in that case was rendered by the gentleman from Kentucky [Mr. McCREARY], who was Chairman at that time. I state to the Chair now that after a consultation with Speaker CARLISLE as to how I, as chairman of the committee, could properly get before the House a provision for new ships, he suggested to me that I should put it upon the appropriation bill.

We put it there, or the committee put it there at my instance. We brought it into the House, and the same gentleman from Indiana who makes this point made the point then. Mr. McCREARY was in the chair and he ruled on it directly. That gentleman in his ruling said:

The general rule has been stated by the gentleman from Indiana. It is laid down in subsection 3. of Rule XXI, and provides that—

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

But to that general rule there is an express exception, as follows:

Unless in continuation of appropriations for such public works and objects as are already in progress.

That is to say, if the work be a public work, or if the object is a public object, and it is already in progress, then there need not be any previous legis-

lation authorizing it. The Chair believes that the construction of a navy is a public object or a public work, and the language of the bill which we have been considering, and the appropriation made at the last session show that the construction of the Navy is in progress. It may be said, also, that the proposed amendment providing money for the construction of vessels does not change existing law, and is not prohibited by law.

It is very agreeable to the present occupant of the Chair to be able to refer to a precedent bearing upon the point of order now raised. In the Forty-sixth Congress [Mr. CAULFIELD in the Chair] it was decided "that appropriations for public works and objects," already in progress could be included in general appropriation bills, or could be inserted as amendments; and that the word "objects" meant something in addition to the word "works," and must be held to include the public Departments of the Government, and the civil, military, and naval establishments recognized by law and supported by the Government.

Mr. HOLMAN. That goes too far for you.

Mr. HERBERT. It covers a great deal more than this. The point of the decision is this, that this provision of this bill is in order. It is a direct, a point blank decision; and that decision has been followed from that day to this. I believe there has been no session of Congress since then at which we did not order the building of some ships. At every session every ship ordered was upon an appropriation bill, and our friend from Indiana has been instant on every occasion to make this same objection; and every time it has been made it has been overruled. Now, if decisions become fixed rules of action, the decision in this case certainly has.

Mr. HOLMAN. Upon analogous cases the rulings have been, but in other cases they have been otherwise.

Mr. HERBERT. I am speaking about this proposition upon this particular question. It does not admit of reasoning at all. We need not go here and there to hunt up analogous decisions. We have decisions on the same point Congress after Congress, by Chairman after Chairman; the objection being made in every case by the same gentleman and every Chairman overruling him on the point.

Mr. HOLMAN. Oh, no; others have had the honor of making the same point of order.

Mr. HERBERT. And others have had the honor of being overruled on the same point of order. But that does not matter. The simple question before the Chair now is, whether he will overrule decisions which have been uniform for five years. It is useless to go here and there to find analogous cases. The gentleman from Indiana sought to get the gentleman from Maine [Mr. DINGLEY] to say that Mr. Butterworth, when he was in the chair, said that he made the ruling with "regret."

Mr. HOLMAN. With "reluctance."

Mr. HERBERT. With "reluctance." Well, now, I am very glad to have that called out. That shows what a gentleman like Mr. Butterworth, an able lawyer, thinks of the force of precedents. That is conclusive that, although he himself did not agree with the reasonings upon which these rulings had been made prior to that time, although he followed them with reluctance, yet he felt bound to do it. Bound why? Because as a lawyer he knew, as any lawyer raised in America knew, the binding force of precedents.

Mr. DINGLEY. Now, I desire to call the attention of my friend from Alabama for a single moment to the fact that these decisions have been uniform, not simply for five years but for twelve years.

Mr. HOLMAN. Only four cases have been decided, and the point of order was not made by me except in two instances.

Mr. HERBERT. I am simply addressing myself to the cases that were precisely identical with the question here.

Mr. BUTLER. Will the gentleman allow me to ask him a question?

Mr. HERBERT. Certainly.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Iowa?

Mr. HERBERT. I yield for a question.

Mr. BUTLER. Suppose in the appropriation bill for the military service there was a section providing for an increase in the regular Army by five regiments and an appropriation of money to carry it out, would you consider that work in progress?

Mr. HERBERT. I shall not be driven from the one point that I make to the Chair, and to this committee, and that is that this is a decided question. If there is anything whatever in the doctrine of *stare decisis*, it applies here. There can not be any doubt about it, and it has additional force here for this reason: Every Congress adopts its own rules. When that ruling was made in the Forty-ninth Congress upon this point, under Rule XXI, and when we find a succeeding House, the Fiftieth, adopting the same rule, then the law says, and the decisions all are, that the adoption of a previous law without any change in that law, is to be taken as an adoption of the law, with the decisions under it.

That was done by the Fiftieth Congress. Then the Fifty-first Congress came along and adopted the same rule with the super-added decisions made in the Fiftieth Congress. Then we come

to this Fifty-second Congress and this House adopts the rule again, with the decisions made in the Fifty-first and the Fiftieth and the Forty-ninth Congresses. And I call the attention of the Chair to the fact, which I stated yesterday, that when this rule was presented to this House for adoption, having been reported from the Committee on Rules, I considered the question whether or not there was anything in it that would prevent an appropriation for the building of ships, and discussing it with my colleagues on the Naval Committee, we came to the conclusion that there was not.

We also took the pains to come to the gentleman from Indiana [Mr. HOLMAN] and ask him whether there was anything in the language of Rule XXI that would make the decision on a point of this kind different from what it had been in preceding Congresses, and he said no, although he did not agree with those decisions. Now, here is a rule, adopted in Congress after Congress, acted upon, Congress after Congress, by members of this House when they voted that it should become the rule of this House; and if, after all those precedents, this Chair is to overrule every one of them and hold, on some vague analogies which the gentlemen from Indiana [Mr. HOLMAN] has brought up, that this point of order is well taken, then he must do it on the ground that, so far as he is concerned, he has no respect for the decisions of his predecessors.

He may, in the language of Mr. Butterworth, "regret" to follow their ruling, but he is bound to do it, as Mr. Butterworth did; and when that distinguished gentleman, Mr. Butterworth, followed the established ruling, with regret, as he said, feeling bound to do so, that was another added decision to make any subsequent Chairman indisposed to disturb the settled rule and practice of the House.

Mr. HOLMAN. Before the gentleman sits down I wish to call his attention to a case exactly in point.

Mr. HERBERT. Is it about ships? [Laughter.]

Mr. HOLMAN. It is about a little ship. This was in 1886, on the bill containing appropriations for the customs service. I have not had time to read anything but the point made and the decision of the Chairman.

I read now from the RECORD:

The Clerk read as follows:

"Watch Point light station, Lake Champlain, New York: For the reestablishment of a light on Watch Point, Lake Champlain, New York, \$500."

That is not three millions and a half, I admit, but it may illustrate this point.

"Steam tender for the fourth light-house district: For building and completing new steam tender for service in fourth light-house district, \$68,300." Mr. McMILLIN. I make the point of order on the provision for the steam tender.

Mr. CLARDY. Mr. Chairman, I desire to make a point of order upon the preceding provision in regard to Watch Point light station.

Mr. LONG. Too late.

Mr. McMILLIN. The gentleman from Missouri [Mr. Clardy] addressed the Chair while the Clerk was passing to the next paragraph.

Mr. RANDALL [who appears to have had charge of the bill]. I do not desire to take advantage of anybody here.

The CHAIRMAN. Does the Chair understand the gentleman from Missouri [Mr. Clardy] to make the point of order on this provision in regard to Watch Point light station?

Mr. CLARDY. I undertook to make the point, because this is new legislation.

The CHAIRMAN. If that fact is not controverted the point of order will be sustained. The point of order is sustained.

Mr. CANNON. I would be glad to know what paragraph this point is made on.

Mr. McMILLIN. Now, Mr. Chairman, I make the point of order on this steam-tender paragraph. It may be a very proper appropriation, but there is no law to authorize it.

The CHAIRMAN. The point of order is sustained.

Mr. HOLMAN. I have not had time to look back to see who was the Chairman, but I have no doubt that he was properly in the chair and made a proper decision.

Mr. RANDALL. I desire to be heard upon that point.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. CANNON. I raise the question of order.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. Randall discussed the subject, Mr. McMILLIN and others discussed it, and the finale seems to be this:

The CHAIRMAN. The Chair sustains the point of order, and from that decision an appeal has been taken to the committee. The question is now, Shall the decision of the Chair stand as the judgment of the committee? The decision of the Chair was sustained.

I simply read that by way of interlude, so that my friend from Alabama may discuss the point.

Mr. BOUTELLE. Does the gentleman think that is an analogous case?

The CHAIRMAN. The Chair desires to make a single remark. The gentleman from Indiana [Mr. HOLMAN] is of course aware that provisions similar to the one now under discussion have been reported on the naval appropriation bill in former Congresses. Can the gentleman direct the attention of the Chair to a case in which such provisions have been ruled out on a point of order?

Mr. DINGLEY, Mr. BOUTELLE, and others. That is it.

Mr. HOLMAN. Now, Mr. Chairman—

Mr. BOUTELLE. I do not think it possible for the gentleman to refer the Chair to a case where such a provision as this has been ruled out on the naval appropriation bill on a point of order.

Mr. HOLMAN. I have already stated that except the decision of the gentleman from Kentucky [Mr. McCREARY]—

A MEMBER. What decision was that?

Mr. BOUTELLE (to Mr. HOLMAN). You understand the Chair asks whether you can point to any decision where, on a point of order being raised, an appropriation of this kind has been ruled out on a naval appropriation bill.

Mr. HOLMAN. I understood the question of the Chair. With the exception, as I have already stated, of the decision made by the gentleman from Kentucky—

Mr. BOUTELLE (to Mr. McCREARY). You did not rule out any such provision as this?

Mr. McCREARY. I desire to say that I specially ruled in a provision of this kind.

Mr. HOLMAN. I will come to that in a moment. I say that with the exception of the decision of the gentleman from Kentucky—

Mr. BLOUNT. Will the gentleman—

Mr. HOLMAN. Permit me to answer this question. I have already stated that with the exception of the decision made by the gentleman from Kentucky, which the Chair well understands, and that by Mr. Butterworth—with the exception of those two decisions—

Mr. BOUTELLE. And the decision of Mr. Wellborn.

Mr. HOLMAN. No; I mention only those two. I have never seen the decision of Mr. Wellborn; it is not presented here. I say again that with the exception of those two decisions, both of which are before the Chair, I do not recall any ruling on this question. But I submit—

Mr. McCREARY. Will the gentleman allow me a question?

Mr. HOLMAN. Certainly.

Mr. McCREARY. The decision rendered by myself, to which the gentleman refers, was, I believe, in the year 1887.

Mr. HOLMAN. I think so.

Mr. McCREARY. I desire to ask the gentleman whether he does not remember that the same decision was rendered when the naval appropriation bill was under consideration in 1888 and in 1889—

Mr. HOLMAN. By whom?

Mr. McCREARY. By myself. I was in the chair, but no exception was made to that ruling; no appeal was taken.

Mr. HOLMAN. The opinion of the gentleman from Kentucky is before the Chair.

Mr. McCREARY. I wish to say to my friend from Indiana that I know of no decision rendered by any Chairman of the Committee of the Whole when the naval appropriation bill was under consideration that was in opposition to the decision rendered by me. If the gentleman from Indiana [Mr. HOLMAN] has such a decision let him present it.

Mr. HOLMAN. Well, the opinion of the gentleman from Kentucky has been before the Chair all the time—yesterday as well as to-day. The Chair understands exactly what the gentleman decided. I am only saying that the decision made by the gentleman from Kentucky and that made by Mr. Butterworth are the only decisions on this point that I recall; and they were both in favor of retaining in the bill an appropriation for the building of a ship.

Mr. BOUTELLE. I again remind the gentleman of the decision of Mr. Wellborn, of Texas.

Mr. HOLMAN. I have not seen that.

Mr. McCREARY. I desire to ask the gentleman from Indiana one other question.

Mr. HOLMAN. Certainly.

Mr. McCREARY. After the decision rendered in 1887, admitting an amendment appropriating money for the construction of war ships, was there ever even a point of order raised on similar provisions in the three succeeding years when the naval appropriation bill came up?

Mr. HOLMAN. The gentleman understands very well that, he being in the chair on each of the occasions referred to, of course no point of order was made. The first decision was, of course, his decision; certainly he did not expect that the same point of order would be submitted to him over and over again. Of course he would not go back on his own record.

A MEMBER. And the committee would not.

Mr. HOLMAN. I ask the indulgence of the Chair for only two or three moments longer. I call attention to the fact that here is a case strictly in point:

Watch Point light station, Lake Champlain, New York: For the reestablishment of a light on Watch Point, Lake Champlain, New York, \$500.
Steam tender for the fourth light-house district—

Does any gentleman say that an appropriation for a ship is any more an appropriation in continuation of a public work in progress, or is any more a part of the naval system, than an appropriation for a light-house and tender is a part of the light-house system?

Steam tender for the fourth light-house district: For building and completing a new steam tender for service in the fourth light-house district, \$98,300.

This provision the Chair ruled out of order as not authorized by existing law; an appeal was taken, and the House sustained the Chair.

I have the pleasure of presenting a case analogous, clearly in point, where the House decided what the rule was—the House itself on an appeal.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUNTING having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles: in which the concurrence of the House was requested:

A bill (S. 136) for the presentation of badges to the officers and men of the Greely relief expedition;

A bill (S. 263) for the relief of the heir or heirs of John Howard Payne;

A bill (S. 349) to increase the rate of pension for certain cases of deafness;

A bill (S. 1391) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act, and to pay the balance found to be due said State;

A bill (S. 1910) to amend an act entitled "An act to increase the pension of certain soldiers and sailors who are totally helpless from injuries received or from diseases contracted in the service of the United States," approved March 4, 1890;

A bill (S. 1956) to amend an act entitled "An act establishing a customs collection district in Florida to be known as the collection district of Tampa, and for other purposes," approved March 1, 1889, and to make Punta Gorda a subport of entry;

A bill (S. 1982) for the relief of Avery D. Babcock and wife of Oregon;

A bill (S. 2107) to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs and dissolve said corporation; and

A bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1877.

The message also announced that the Senate had passed the following concurrent resolution; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That there be printed 15,000 copies of Senate Report No. 2130, Fifty-first Congress, second session, being tariff compilation of 1891, prepared by the Senate Committee on Finance under authority of the act of Congress of August 30, 1890, of which number 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

It also announced that the Senate had passed with an amendment the bill (H. R. 5978) to extend the time for making assessments of real estate, etc., in which concurrence was requested.

It also announced that the Senate had passed without amendment the bill (H. R. 6286) to amend the charter of the Rock Creek Railway Company.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor, if he desires to proceed.

Mr. HOLMAN. A single moment further, Mr. Chairman. I wish to read an extract from the decision of Gen. Butterworth, to which reference has been made here, a paragraph that I sought to reach through my friend from Maine [Mr. BOUTELLE] when he was on the floor. I had made the statement that Gen. Butterworth manifestly rendered this decision with reluctance; and I think in that I am correct, as will appear from the language of the decision itself.

He says:

If this was an original question or proposition, the present occupant of the chair is not clear that he would hold any part of the paragraph to be in order; but as the point has been, after full discussion, adjudicated, the Chair does not feel authorized to depart from the precedents already established, and therefore overrules the point of order.

Manifestly, then, he decided with reluctance. I think myself that a gentleman occupying that chair should decide what he himself believes to be the proper construction of the rules of the House on all such occasions.

Mr. BOUTELLE. If the Chair will pardon me, I desire to call the attention of the Chair, as well as of the committee, to the

fact that the whole point of the controversy here is as to whether the appropriation now pending comes under the provision of the rule as an appropriation for a "work or object already in progress." We have already cited repeated rulings bearing directly upon this question, but I wish to call attention for a moment to the law itself.

This provision, Mr. Chairman, is asked for in this appropriation bill, and is provided for here on the basis of existing law establishing the Navy Department and providing for the exercise of the functions of that Department. Title X, section 415 of the Revised Statutes, provides that—

There shall be at the seat of government an executive department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof.

That provision dates back to the 30th of April, 1798.

Section 417 provides:

The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment.

The pending appropriation bill is the regular annual appropriation for the maintenance of the naval establishment for the year ending June 30, 1893, and has incorporated in it as one of its provisions an appropriation for one of the principal functions assigned in the organic law to the Navy Department; that is, for the building of a ship, constituting the primary and fundamental part of the naval establishment.

It seems that it ought to go without saying that the primary function of a naval establishment is the construction of ships. There can be no navy without ships; there can be no navy until ships are constructed; ships can not be constructed until appropriations are made for them. This bill makes appropriation for the construction of ships; and instead of there being an opportunity to make even a plausible argument to the effect that the construction of ships has a remote or auxiliary connection with and dependency on a naval establishment, the fact should stare every man in the face that the building of ships is the essential or primary function of maintaining the naval establishment.

I do not think it necessary, Mr. Chairman, to go further into the elucidation of that exceedingly plain point.

Mr. COX of Tennessee. Will the gentleman from Maine allow me to ask him a question?

Mr. BOUTELLE. With pleasure.

Mr. COX of Tennessee. In case Congress authorizes the appropriation of the money provided by this bill, it empowers the proper officer to make a contract for the construction of this ship?

Mr. BOUTELLE. Yes.

Mr. COX of Tennessee. Now, could that officer make that contract unless he had this authority?

Mr. BOUTELLE. Why no.

Mr. COX of Tennessee. Is it not, then, new legislation?

Mr. BOUTELLE. No more than for the repairs of a ship, or the purchasing of some provisions, coffee, tea, or any one of the thousand and one minor articles which are auxiliary to maintaining the naval establishment. On the point assumed by the gentleman from Tennessee, if that rule should apply, then the Secretary could not even pay the salary of an officer; on this provision he could not pay the salary of a single sailor—

Mr. COX of Tennessee. But do not you draw a distinction between paying the salary of an officer or seaman and the construction of a naval vessel?

Mr. BOUTELLE. The only distinction is that the building of the ship is more primary, more fundamentally necessary, so to speak, for the naval establishment than the employment of a man to sail the ship after she is built.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is recognized.

Mr. COX of Tennessee. I would like to ask the gentleman from Maine one more question.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BLOUNT. Certainly, unless the Chair objects.

Mr. COX of Tennessee (to Mr. BOUTELLE). Would you hold that the Postmaster-General, or any officer of the Government, under an appropriation bill for the Post-Office Department, would have the power to erect buildings for post-offices?

Mr. BOUTELLE. That is a matter of usage and custom. He has the power to establish new post-routes. He has the power to establish new post-offices, and to fix the salaries of new post-masters.

Mr. BLOUNT. Mr. Chairman, I desire to call the attention of the Chair to the ruling made by Mr. Butterworth, to which the gentleman from Indiana [Mr. HOLMAN] has already referred, for the purpose of showing the argumentation indulged in at that time by gentlemen who were favoring and opposing the point of order. It will appear that the very same argumentation was offered to the Chair on that occasion as on this, and for the reason

that the question then was identical with this, save in the designation of the object. We are in the habit of providing in the sundry civil appropriation bill for the Light-House Service. That service, like the Navy, has been in existence for many years, was then a continuing service, and is in existence to-day. There was a proposition to build a new light-ship. It was in the bill, and the point of order was raised against it. Mr. Cannon of Illinois submitted an argument against the point of order, which I desire to read, as showing the processes of thought on this occasion to be the same as on that occasion.

Mr. BOUTELLE. The same as one side.

Mr. BLOUNT. I am going to read your side of it. I quote from the RECORD, June 21, 1886, page 5978 of the RECORD of the first session of the Forty-ninth Congress:

The CHAIRMAN. Under clause 3 of Rule XXI no appropriation for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works as are already in progress, can be made. Under that clause of the rule the Chair sustains the point of order.

This decision was made by Mr. Butterworth, a gentleman whose intelligence and familiarity with questions relating to appropriations and the rules governing them are well known by those who were associated with him in the past.

Mr. HOLMAN. Was Mr. Butterworth the Chairman then?

Mr. BLOUNT. Yes.

Mr. BOUTELLE. When?

Mr. BLOUNT. This was in 1886. I understand the gentleman from Indiana [Mr. HOLMAN] to have quoted from a decision by Mr. Butterworth. I understand him to say that he was Chairman at this time. I take the gentleman's statement for it.

Mr. HOLMAN. I did not say who occupied the Chair at this particular time. I have not had time to look at the RECORD.

Mr. BLOUNT. Then, as far as that is concerned—

Mr. BOUTELLE. I will remind the gentleman that no gentlemen of Mr. Butterworth's politics succeeded in breaking into the Chair until a later date than that. At that time the House was Democratic.

Mr. BLOUNT. I understood the gentleman from Indiana [Mr. HOLMAN] to be quoting from the decision of Mr. Butterworth.

Mr. HOLMAN. I did, but upon another occasion.

Mr. BLOUNT. I understood it to be Mr. Butterworth who made this decision.

Mr. HOLMAN. I do not know who was presiding at the time mentioned by the gentleman from Georgia.

Mr. BLOUNT (after examining the RECORD). Mr. REAGAN of Texas was in the chair at the time, and made this ruling.

Mr. HOLMAN. An old and experienced member.

Mr. BLOUNT. An old and experienced member of the House, and afterward, as is well known, a member of the Senate. I will read further from the RECORD:

Mr. CANNON. I did not understand distinctly the ruling of the Chair. Did the Chair sustain the point of order?

The CHAIRMAN. The point of order is sustained.

Mr. CANNON. Well, Mr. Chairman, with all due respect to the Chair, I desire, before we pass further, to ask the gentleman from Pennsylvania [Mr. Randall] whether he does not think an appeal ought to be taken from the decision of the Chair?

Mr. RANDALL. I do not mean to appeal.

Mr. HOLMAN. Oh, no.

Mr. CANNON. Then I will appeal, Mr. Chairman; and I wish to say a word on this appeal.

There is upon the statute book a law constituting a Light-House Board; there is a law constituting the fourth light-house district; there is a law providing for buoys, seamen, vessels, and all the appliances for this service.

Mr. BOUTELLE. When was this?

Mr. BLOUNT. This was in 1886.

Mr. DINGLEY. What was the point?

Mr. BLOUNT. It was on the building of a light-ship, on the sundry civil bill.

Mr. DINGLEY. That is a permanent attachment, like a light-house.

Mr. HOLMAN. A part of the same system.

Mr. BLOUNT. Let me get through, and then gentleman can argue. I quote further from Mr. Cannon:

The Book of Estimates contains, in a note, the statement that this appropriation is for a steamer—

"To take the place of the Geranium, a wooden side-wheel steamer. There were long periods during last winter when it was impossible to replace important buoys because of the peculiar construction of this tender. She can be removed to some district where such arduous service is not required."

Mr. HOLMAN. This was Mr. Cannon's argument.

Mr. BLOUNT. This is Mr. Cannon's argument, just the same line of argumentation that we have heard here to-day. He says:

So that here is a harbor upon which are buoys, adjacent to which are light-houses; and a small steamer is necessary to replace the buoys and protect under general law this harbor. The proposition now is to appropriate for that small steamer. I understand the point of order to be that this appropriation can not be made unless, in the first place, there is passed a separate, independent law authorizing this steamer to be provided. If this is to be the construction of the rule, where are we to stop? If that is what the rule means, if that is what the decision of the point of order means, can we under such a construction buy a skiff, can we buy anything, unless there is a prior

special law authorizing the expenditure? In my opinion the House of Representatives, in adopting the rule now invoked, never intended to place such a limitation upon the power of the House in making appropriations.

The replacing of buoys is a matter incident to the maintenance of the light-house service; and for that purpose this small steamer is required. This is a necessary incident to the execution of existing law under the Constitution. The buying of fuel, the buying of skiffs, the construction of steamers of wood or iron, necessary to carry on this business, is a mere matter of appropriation for a work in being, a work in progress; and I believe that under the rules of the House we have authority to make such an appropriation on a general appropriation bill—not as a matter of new law, but in carrying out the Constitution under existing law, the Constitution being known to all the people, and the existing law declaring these harbors to be harbors, constituting the Light-House Board, and authorizing the conduct of the business of that board.

The same line of argument was indulged in by Mr. Long when the question was before the committee:

Mr. EZRA B. TAYLOR. What is the question before the committee?

The CHAIRMAN. The appeal from the decision of the Chair.

Mr. CLARDY. According to the theory of the gentleman from Massachusetts, because there had been light-houses at a few harbors the Committee on Appropriations would have complete jurisdiction to have gone on and made new appropriations therefor.

Mr. LONG. I hold so and held so in the committee.

Mr. CLARDY. But the committee did not vote so.

Mr. LONG. No, it did not.

Mr. McMILLIN. The committee held otherwise, that the old light-house could not be supplanted by a new one, and properly referred the subject to the Committee on Commerce. The gentleman from Massachusetts concedes his case away.

The question is on the appeal from the ruling of the Chair. The question is whether the ruling is right or wrong.

The gentleman from Massachusetts [Mr. Long] says the question is so close either ruling might be sustained.

Without reading further, Mr. Chairman, I have read enough to show—

Mr. HOLMAN. Quote the decision of the committee.

Mr. BLOUNT. The Chair was sustained by the committee. I have read, Mr. Chairman, enough to show that the very same discussion that has been had here to-day was then had. The same point of order was raised, and the same arguments made for and against it on either side. An appeal was taken from the ruling of the Chair, and the committee sustained the opinion of the Chair.

Mr. TERRY. What was the opinion of the Chair?

Mr. BLOUNT. I have not time to tell you; but it is there in the RECORD.

Mr. BOUTELLE. But that has nothing to do with the Navy.

Mr. BLOUNT. It had nothing to do with the Navy. Why, that is quite clear, but it has something to do with the rule. It has to do with the interpretation of the rule. An appeal was taken from the interpretation of the Chair, and the Chair was sustained by the committee.

It has been stated here in the course of argument that the first ruling at all that ships were in order on an appropriation bill was made by the gentleman from Kentucky [Mr. MCCREARY]. So far as my memory serves me, that is the first ruling ever made of that kind; and in so far as the reasoning of it is concerned, it seems to me that it is entirely untenable. What are we doing with these appropriation bills? We are not building ships or navy-yards. They are intended for the current expenditures of the Government. They are not supposed to contain any policies for the future in reference to the organization of the Navy, or the number of ships that are necessary for the public service. You have denied to your Committees on Appropriations the right of legislation on that class of questions, and heretofore—

Mr. HOLMAN. Except for retrenchment.

Mr. BLOUNT. Except for retrenchment. (Continuing.) Up to that period it had been the practice when ships were to be built, from a period before the war, even during the Mexican war and until that time, they reported them from the Committee on Naval Affairs. I remember, sir, that before the war a struggle between the Ways and Means Committee and the Committee on Naval Affairs, in which Mr. SHERMAN participated, in which the question of jurisdiction was contested, and it was decided in favor of the Naval Committee. What more proper thing, sir, than that to a committee charged with all questions relating to your naval policy, in connection with its size and with the class of ships, should be added the general and special charge of that subject. That being true, that the appropriation went to that committee for the current expenses, it carried with it all the rules relating to appropriations and the practices of the House.

Now, then, Mr. Chairman, as to the opinion of the gentleman from Kentucky [Mr. MCCREARY]. What is it based upon? That argumentation of this point had here to-day gives the idea of a navy, the idea of the right of building a ship on an appropriation bill, because it was an "object" of the Government to have a navy and to build ships. You might, sir, under that construction, not only build a ship, but you might build a navy-yard, or you could provide a place for the construction of guns.

Mr. HOLMAN. And light-houses.

Mr. BLOUNT. And light-houses—anything you desired,

wherever you showed it had the slightest relation to the naval service in any way. Could that doctrine be sustained? I have never known, until that decision, since I have been a member of this House, the placing of the construction of a ship upon a naval appropriation bill.

Mr. BOUTELLE. How was it in the Forty-seventh Congress?

Mr. BLOUNT. That was when Mr. Robeson was chairman of the Committee on Naval Affairs.

Mr. DINGLEY. Here are cases in the Forty-seventh Congress where we have naval vessels placed on an appropriation bill. [Exhibiting the statutes.]

Mr. BLOUNT. And that against a point of order?

Mr. DINGLEY. I do not know. I simply know it was in the bill.

Mr. BLOUNT. Oh, Mr. Chairman, that does not signify anything. You can find anything on appropriation bills.

Mr. DINGLEY. Is it not true that ever since the Forty-seventh Congress there has been on every naval appropriation bill a provision like this for the construction of a new naval vessel, and that it has never been ruled out on a point of order?

Mr. BLOUNT. I think the question has been raised but once.

Mr. BOUTELLE. The gentleman from Indiana [Mr. HOLMAN] has raised it at least three times.

Mr. BLOUNT. Well, suppose there have been such provisions in these naval appropriation bills, and suppose the disposition of the House has been not to dispute their right to be there; suppose nobody raised a point of order against them, as it appears nobody did until the question was raised when it was decided by the gentleman from Kentucky [Mr. MCCREARY], what does all that prove? Absolutely nothing. It has nothing to do with the question.

Mr. BOUTELLE. It proves the practice of the House.

Mr. BLOUNT. I am discussing this question of order upon the reason of the thing. There are many practices in the House that are very loose and totally indefensible. But the Chair is now called upon to interpret this rule. When the gentleman from Kentucky [Mr. MCCREARY] made that ruling that was the first time, and I believe the only time that such a construction was placed upon the rule.

Mr. HERBERT. The gentleman from Georgia must have been out during the discussion that has been going on here. Did he not hear anyone speak of the decision made by the gentleman from Ohio, Mr. Butterworth? It has been referred to here over and over again.

Mr. BLOUNT. I did not hear that.

Mr. HERBERT. I supposed not.

Mr. BLOUNT. What was the point in that decision?

Mr. HERBERT. The same point, precisely.

Mr. BLOUNT. Well, conceding that it was decided in the same way, then that makes two decisions.

Mr. HERBERT. And the uniform practice?

Mr. HOLMAN. Oh, no.

Mr. BLOUNT. Not the uniform practice. The gentleman has just heard read a decision in regard to the building of a light-house ship.

Mr. BOUTELLE. That is not a case like this.

Mr. HOLMAN. Exactly analogous.

Mr. BLOUNT. The question is as to the admissibility of this kind of legislation on an appropriation bill under the rule, but these gentlemen on the other side seem to have got the idea that if a decision under this rule happens to be about any other subject than ships it has no relation to their naval bill. This is a question of order, and I am discussing it as such. I regret very much that I did not hear the citation of the ruling of the gentleman from Ohio [Mr. Butterworth], but, not having heard it, and not having had an opportunity to examine it, I shall not undertake to comment upon it.

Mr. HOLMAN. I read here in the presence of my friend a paragraph from that decision in which Mr. Butterworth said that he made it with hesitation.

Mr. BOUTELLE. Before he had consulted the precedents; but after he had consulted them his ruling was clear, distinct, and unequivocal.

Mr. HOLMAN. I wish the gentleman from Georgia [Mr. BLOUNT] had heard what I read from Mr. Butterworth. He said he hesitated about the decision, but in view of the fact that the gentleman from Kentucky [Mr. MCCREARY] had decided the same point three or four times, or at least once, he would follow that decision. So, in fact, there was but one decision of the point made.

Mr. BLOUNT. Then if that be the case the decision was placed entirely on that one precedent.

Mr. BOUTELLE. The gentleman, of course, does not wish to obscure this point.

Mr. BLOUNT. I am trying to make it clear.

Mr. BOUTELLE. I would not, of course, undertake to cor-

rect the gentleman in any argument he might make, but the statement of the gentleman from Indiana [Mr. HOLMAN] is not quite accurate. Mr. Butterworth's decision was not based merely on one decision; he distinctly cited two previous decisions.

Mr. HOLMAN. But Mr. Cox's opinion is not in point.

Mr. BOUTELLE. That may be the opinion of the gentleman from Indiana, but in the opinion of the gentleman from Ohio, Mr. Butterworth, it was in point, because he cited it in support of his ruling.

Mr. HOLMAN. But I do not think the gentleman himself [Mr. BOUTELLE] would say that that decision was in point.

Mr. BLOUNT. Then, Mr. Chairman, we have these contradictory decisions. We have Mr. Butterworth basing his ruling on the previous ruling of the gentleman from Kentucky [Mr. McCREARY] and we have also the opinion of Mr. Reagan. And we have, up to that period, the absence of any similar ruling.

Mr. LOUD. Can the gentleman state whether this point of order has ever been sustained in this connection on the naval appropriation bill?

Mr. BLOUNT. Mr. Chairman, the gentleman from California asks me if this point has ever been sustained on the naval appropriation bill. I have had no opportunity to look through the Journal with the view of examining that point, but I am quite clear in my recollection that time and again there has been not only an effort to build ships but an effort to build dry docks and to buy sites for the construction of navy-yards, etc., and that up to a certain period those efforts were ruled out of order.

Mr. BOUTELLE. Will the gentleman permit me, at that point, to ask him one question? I wish to ask him whether it is not the fact that the action of the House taken year after year, even if no point is raised, does not carry with it, *ex necessitate*, a presumption that the procedure is in accordance with the rule; and also whether it is not the fact that every year, certainly every year since I have been a member of this House, from the Forty-seventh Congress on, there have been provisions of this kind in the naval appropriation bills, which have been passed upon by the House and never ruled out.

Mr. HOLMAN. But let my friend remember that the decision of the gentleman from Kentucky [Mr. McCREARY] was made the very first year to which he refers, and that the same gentleman presided, according to his own statement, for four successive years afterwards. Now, of course the point of order would not be made before him more than once.

Mr. BOUTELLE. I would like to ask the gentleman from Indiana—

Mr. BLOUNT. I would like to proceed.

Mr. BOUTELLE. The gentleman from Indiana certainly would not argue that it detracts from the force of this decision that a gentleman so distinguished as the gentleman from Kentucky had repeatedly, year after year, with deliberation, and on consultation with such a parliamentarian as Speaker CARLISLE, adhered to his former ruling.

Mr. HOLMAN. My friend misapprehends. The question was never raised before, according to my recollection, except once; and when the opinion of the gentleman from Kentucky was known, of course no further points of order were made.

Mr. BLOUNT. Now, Mr. Chairman, I am quite sure that up to a very recent period the rulings have been very strict in requiring that the Committee on Appropriations confine their appropriations to current expenditures, expenditures for the continuation of works and objects already in progress. I remember quite well a case where the Secretary of the Navy had placed in Mr. Roach's yard several vessels and made contracts for their repair without the authority of law; an effort was made to put appropriations for those contracts on an appropriation bill; and the provision was ruled out of order because there was no authority of law for the making of those contracts.

If it be true, as alleged here, that this is not new legislation on an appropriation bill, why is this language used?

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract one armored cruiser, etc.

Why is this legislative provision inserted here? Simply because otherwise there would be no authority to carry out this object; simply because Congress holds within its own hands the power to provide for what objects money shall be appropriated. How different the language of this bill when you come to ordinary current expenses.

MARINE CORPS.

Pay, Marine Corps: For pay of officers on the active list: For one colonel commandant, one colonel, two lieutenant-colonels, etc.

Pay of officers on the retired list: For three colonels, three lieutenant-colonels, one quartermaster, etc.

BUREAU OF PROVISIONS AND CLOTHING.

Provisions, Navy, Bureau of Provisions and Clothing: For provisions and commuted rations for the seamen and marines, commuted rations for officers and naval cadets on sea duty, etc.

So we might go through the various paragraphs of this bill, without finding any legislative authority of this kind; but when we come to this paragraph we find clearly an appropriation for which there is no previous authority of law. You provide that the President may make contracts; and it is a necessary implication that no authority now exists for this purpose.

The language of the provision necessarily implies that the Committee on Naval Affairs themselves recognized the fact that there was no preëxisting authority of this kind, and therefore they placed it in this bill.

Mr. McMILLIN. Probably no one would claim that the President has authority under existing law to make any such contract.

Mr. BLOUNT. My friend is mistaken about that. Have not my friend from Maine and others claimed that, as we have a navy, therefore we have a right to put in this bill anything that we wish.

Mr. McMILLIN. But the point I was making—

Mr. BLOUNT. I agree with my friend as to his point; but he wants me to assent to his statement that no one would differ with him. I can not do that in the presence of the fact that gentlemen have been arguing here that no previous legislation is necessary to authorize an appropriation of this kind. It appears to me there can be no doubt that this is new legislation. Let us recur to the language of the rule. As the Chair has seen, there have been different decisions by gentlemen temporarily in the chair.

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The proposition is that you may make an appropriation of this kind "in continuation of appropriations for such public works and objects as are already in progress," not for something that has not been begun. What is the object of the provision in this bill? By its very terms it is to provide for the construction by contract of one armored cruiser. There is no escape from that language. These gentlemen have printed it in this bill, and it is here under the eye of the Chair. That is the object. Has there been any law authorizing this construction? Has there been a dollar spent upon it? If not, why not? The committee themselves have recognized that there is no law on this subject.

Mr. Chairman, as I stated yesterday, this is an important question. The Chair has already ruled that a proposition for the building of a dry dock is new legislation and not in order under this rule. A dry dock is important for the repair of ships: it is important for the purpose of keeping ships in condition for naval service. It is just as much a part of the naval establishment as a ship is. The difference in the object does not vary the principle.

Mr. BOUTELLE. Can the gentleman cite any ruling on this point?

Mr. BLOUNT. I have not cited any special ruling. I am treating this question argumentatively upon the language of the rule; and I want it distinctly understood that I am inviting the intelligent opinion of the Chair upon the construction of this rule in connection with the language contained in the pending paragraph.

As I had stated, when interrupted, there is no difference between the building of a dry dock without the authority of law, and the building of a ship, or the construction of a public building, or the doing of any other thing outside of the current expenditures for the Department for which the bill is making appropriation. In the present case there is no authority for building the ship—

Mr. BOUTELLE. The gentleman from Georgia will remember that we have provided for the construction of dry docks on these bills constantly, and the points of order have been overruled.

Mr. HOLMAN. The point of order was sustained.

Mr. BLOUNT. As I remember it, the point of order was sustained.

Mr. BOUTELLE. The point of order was sustained yesterday; but the gentleman from Georgia certainly does not propose to evade the clear distinction that is apparent here.

Mr. BLOUNT. Oh, I do not evade anything. This is no place for evading.

Mr. BOUTELLE. The provision for the dry dock, on which the point of order was made yesterday, was ruled out on the ground that it is no part of the existing law. But we have, since I have been a member of this House, made provision for from four to six dry docks in navy-yards already established; the Chair, when the point of order was made, refusing to rule them out on the ground that it was an essential part of the navy-yard.

Mr. BLOUNT. I was discussing the proposition now pending

before the Chairman of this committee, and my friend from Maine has patched on some ruling that we have not before us.

Mr. BOUTELLE. But the point of order on which that ruling was made was "on all fours," the gentleman will concede, with the point of order made here, the conditions being similar.

Mr. BLOUNT. Well, I am only stating my own opinions. They may be entirely wrong.

Mr. BOUTELLE. Is it the opinion of the gentleman from Georgia that this ruling of the Chairman on the point raised yesterday covers the point now made?

Mr. BLOUNT. I think so.

Mr. BOUTELLE. Does the gentleman think that if this dry dock, so stricken from the bill on the point of order, had been a proposition for a dry dock at the Norfolk or New York navy-yard that it would have been stricken from the bill?

Mr. BLOUNT. I do.

Mr. BOUTELLE. Well, I am very sure that the Chair did not intend to make any such ruling; and as I recollect the language of the ruling itself, I think I will be sustained by an examination of it.

Mr. BLOUNT. Mr. Chairman, it is impossible to state anything connectedly in the midst of so many interruptions.

The CHAIRMAN. The Chair understands the gentleman from Georgia to decline further interruptions.

Mr. BLOUNT. Now, Mr. Chairman, I am not concerned so much about this ship in the present bill as I am for the principle that is involved, and that there shall be a correct ruling in relation to these provisions for new legislation on appropriation bills. I remember when this rule in relation to such provisions on these bills was first introduced into the House, and adopted by this body. In the Forty-fourth Congress it was presented by a distinguished gentleman from Indiana, Speaker of that House, in connection with the distinguished gentleman from Indiana, Mr. HOLMAN, and also in connection with the distinguished gentleman from Pennsylvania, Mr. Randall, chairman of the Committee on Appropriations.

I know the principle which animated them and which was infused into the rules of this House; a principle which has found its interpretation, until these later days, by presiding officers in that chair in the interest of retrenchment and in the interest of the American people. By reason of that spirit, which I now invoke from the Chairman in the interpretation of that rule, there were enormous savings year in and year out, until gentlemen in opposition to the party which introduced that rule, finding how carefully the House was protected from just such legislation as this, when they came into power in the Forty-seventh Congress adopted the same rule. It has been here and there battered away, in part by hasty decisions, battered away in part by impulse, to enlarge the Navy and accomplish other objects, but still exists as a rule of this House; and I rose trusting that the Chair, recurring to the spirit in which that rule was adopted, and in view of the great benefits to be gained in the future by confining appropriation bills to the actual current expenditures of the various Departments, by excluding carefully therefrom any legislative provision of a general character, which necessarily could not have that consideration which they deserve, would still sustain that rule in its integrity.

As I have already stated, the building of a ship is not a part of the current expenditures of the Navy Department. The building of one ship, or two ships, or ten or twenty ships, involves a question of the policy of the American Congress in relation to the size of the Navy. If, sir, it be in order to put the provision for this ship into this bill, I would like to know on what principle you could exclude the building of twenty ships. I would like to know on what principle there could be excluded the building of an unlimited number of dry docks, and the purchasing of land for that purpose. I trust the Chair will see fit to carry out the idea that in the matter of these appropriation bills, there shall be nothing in them except such sums as are necessary to carry on the current expenditures of the Department in accordance with law; and when it comes to the question of the policy of the Government, as to whether we shall have a great or a small navy, or a great or a small army; an army of 25,000 men or an army of 100,000 men, that the Chair will give such construction to the rule as will guard us against such sudden, unauthorized, and dangerous propositions.

Mr. MCCREARY. Mr. Chairman—

The CHAIRMAN. The Chair is ready to rule on this question.

Mr. MCCREARY. I do not desire to say anything further on the point of order. The gentleman from Georgia [Mr. BLOUNT] has referred to me often in connection with the decision I rendered on a point of order similar to the one now pending, but I think the Chair is ready to rule on the point of order. I shall not occupy the time of the committee.

The CHAIRMAN. The Chair has made up his mind.

Mr. MCCREARY. I know of no decision that has ever been rendered by a Chairman of the Committee of the Whole sustaining a point of order like that now pending, and I do not propose to occupy the time of the committee in defense of a decision which I rendered after the most careful consideration, and which I believe the present occupant of the chair will sustain by overruling the point of order.

The CHAIRMAN. The Chair is ready to rule on the point.

If the question now presented to the Chair were an original proposition, or were there a conflict of authority among the precedents on the specific question now presented, the Chair would be inclined, under the provisions of Rule XXI, clause 2, to rule that this whole section should go out of the bill; but as the precedents on precisely analogous provisions in analogous bills are uniformly in favor of the retention of such items of the bill, the Chair, in deference to the force of such precedents, as precedents, is constrained to overrule the point of order.

Mr. HOLMAN. I move to strike out the entire proposition under the head of "increase of the Navy."

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] moves to strike out the proposition providing for the increase of the Navy.

Mr. HERBERT. There is also a contemplated amendment to perfect the section.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana to strike out.

Mr. HERBERT. But there is an amendment contemplated to perfect the section, and that amendment would be in order before the motion to strike out. The proposition to perfect the section would come in before the motion to strike out, and if such an amendment is intended to be offered, as I understand it is, I would like to have it offered, in order that both may be pending at the same time, and then the general debate will be in order.

Mr. BOUTELLE. Mr. Chairman, in accordance with the understanding reached last evening, by which the general debate on this bill was deferred until we reached this clause, I offer the following amendment to the section which the gentleman from Indiana moves to strike out.

The CHAIRMAN. The Clerk will report the proposed amendment to the section which the gentleman from Indiana [Mr. HOLMAN] moves to strike out.

The Clerk read as follows:

On page 39, strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:

"The President is hereby further authorized to have constructed by contract two sea-going coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, with a coal endurance of about 5,000 knots on the total coal capacity at the most economical rate of speed, and to have the highest practicable speed for vessels of their class, to cost, exclusive of armament and of any premiums that may be paid for increased speed, not exceeding \$4,000,000 each; and ten torpedo boats, at a cost not to exceed \$120,000 each.

"In the construction of all said vessels, including said armored cruiser, all other provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for the construction of each of said vessels, except said armored cruiser, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate.

"And the Secretary of the Navy is hereby authorized to readvertise for proposals for the construction of one swift torpedo cruiser of about 750 tons displacement, which was authorized by the act making appropriations for the naval service, approved June 30, 1890, and the limit of cost of said torpedo cruiser is hereby extended to \$512,000, exclusive of armament."

Mr. BOUTELLE. I suppose general debate is now in order.

Mr. HERBERT. I submit that as this is a triangular fight, a motion being made on one side to strike out, a motion being also made to amend, and the majority of the committee insisting on the provision as it is in the bill, that we ought, before we begin the discussion, to adjust the time between us. There was an agreement on yesterday that we should take two hours and a half each. That contemplated that there were two parties. Now, there are three parties to this contest, and I suggest that we have six hours, two hours on a side.

Mr. BOUTELLE. The understanding was that there should be two hours and a half on a side.

Mr. HOLMAN. But there are now three parties.

Mr. HERBERT. There are three parties now, and I suggest that the time should be divided into three parts.

Mr. BOUTELLE. With all deference to the candor of my friend, it strikes me that this is a good deal like the Indian's trade, where it was "Heads I win, tails you lose."

The CHAIRMAN. The gentleman from Maine will suspend a moment. The Chair desires to call the attention of the com-

mittee to the agreement that was made in Committee of the Whole yesterday, that when this clause of the bill was reached general debate would be had, two hours and a half on each side.

Mr. BOUTELLE. Is there a proposition to modify that agreement?

Mr. HERBERT. Yes, sir.

Mr. HOLMAN. There are now three parties.

Mr. BOUTELLE. I understand the gentleman to state that, inasmuch as the gentleman from Indiana has made a motion to strike this entire section out, that divides the body of the committee into three parties, and they want to take half an hour away from the Navy side and give two hours to the additional section of our membership here who are proposing to fight the bill in another way. As I said, that looks very much like the Indian trade—"Tails I win and heads you lose." The question involved in this proposition is whether we shall go on building a navy or stop, and there are only two sides to that question, and you can not get three sides to it.

Mr. HERBERT. If the gentleman will give me his attention for a moment, it occurs to me that he can see that there are three sides to it. The committee in the first place proposes to build one ship, and have reported the bill which proposes to build one ship. The gentleman from Maine proposes to add other ships. The gentleman from Indiana proposes to strike out one ship. That makes three sides. It seems to me the bill is to be cut from two directions, and that it would only be fair to have all sides heard equally. I am just as intent on maintaining that one ship as the gentleman from Maine is on adding other ships.

Mr. BOUTELLE. Precisely; but the gentleman will see at once that the effect of his proposition is to deprive that part of the House who desire additional provisions for ships of a considerable portion of the time allotted to it, and assign it to gentlemen who are not only opposed to his proposition but opposed to mine as well.

Mr. HERBERT. Does the gentleman not see that there are three sides to it?

Mr. BOUTELLE. I have no objection to granting additional time to the gentleman from Indiana, but I certainly can not properly surrender time that I have already allotted to the only side of the House who are in favor of making a larger provision for ships than is contained in the bill.

Mr. HOLMAN. But my friend from Maine must bear in mind that there are three parties.

Mr. BOUTELLE. When the arrangement was made yesterday it was agreed that I should have exactly two hours and a half on the amendment which I notified the House I intended to offer.

Mr. HOLMAN. Where was that?

Mr. BOUTELLE. The gentleman will find it in the RECORD.

Mr. CUMMINGS. I call for the regular order.

The CHAIRMAN. Unless some arrangement is made the committee will have to proceed in the debate according to the agreement made yesterday.

Mr. BLOUNT. I ask that it may be reported.

The CHAIRMAN. What does the gentleman ask to be reported?

Mr. BLOUNT. The agreement made yesterday.

Mr. BOUTELLE. I will ask the chairman of the committee if his understanding was not that we should have two hours and a half on each side, and that two hours and a half were given for consideration of the amendment that I was to offer.

Mr. HOLMAN. I understand there were to be two hours and a half for those in favor of that proposition, and two hours and a half for those in favor of the provision in the bill.

Mr. BOUTELLE. I notified the committee and the House of my amendment.

Mr. HERBERT. That is what I understood the gentleman to do.

Mr. JOHNSON of Indiana. Let me ask the gentleman from Alabama if he does not recognize the fact that every gentleman who argues in favor of striking out his provision in the bill, as well as every gentleman who argues in favor of one ship only, necessarily argues against the proposition of the gentleman from Maine, and is not that therefore an unfair division of the time, giving to those gentlemen who occupy that position two-thirds of the time? And I also ask if the argument of the gentlemen who are opposed to new ships is not as much an argument against the position of the gentlemen who are in favor of the one ship as against the argument of those who favor the amendment?

Mr. HERBERT. Every argument in favor of adding more ships is an argument in favor of striking out one ship, that is true. Does not the gentleman see that?

Mr. HOLMAN. I think this could be arranged without any trouble. How much time does the gentleman from Maine want?

Mr. BOUTELLE. The "gentleman from Maine," Mr. Chair-

man, never wants anything more than was agreed to and what the House conceded to him; and he has conceded that time to his colleagues on the Naval Committee.

Mr. HOLMAN. How much time?

Mr. BOUTELLE. Two and a half hours.

Mr. HOLMAN. I ask unanimous consent that seven and a half hours may be allowed for debate on this proposition. That will be two and a half hours on each side.

Mr. BOUTELLE. I have not the slightest objection.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that seven and one-half hours be devoted to general debate upon this bill. Is there objection?

Mr. CAMINETTI. I object.

Mr. BLOUNT. Now, Mr. Chairman, I ask that the Chair will cause to be read the agreement.

The CHAIRMAN. In response to the request of the gentleman from Georgia the Chair will read the proposition for an agreement submitted to the House by the gentleman from Alabama yesterday:

Mr. HERBERT. I ask that we now make an agreement that when we reach the portion of the bill to which I have referred two hours and a half on each side be allowed for general debate, to be occupied respectively by those who are in favor of and those who are against the proposition for more ships. I ask that the agreement be now made.

That proposition was submitted to the committee by the Chairman and unanimous consent was given.

Mr. BLOUNT. Mr. Chairman, I ask that that order be executed.

Mr. HOLMAN. That would cut members of the committee out of two hours and a half, so I propose that we have unanimous consent for seven hours and a half of general debate.

Mr. BUTLER. Mr. Chairman, I would like an interpretation of that agreement. Does it mean that those who are in favor of striking out the provision in the bill for more ships shall have two hours and a half, and that those who are in favor of one more ship or of more ships, shall have two hours and a half?

Mr. HOLMAN. That is it.

Mr. BUTLER. Mr. Chairman, is that the agreement that was made?

The CHAIRMAN. The agreement was plainly expressed in the request of the gentleman from Alabama. He said:

I ask that we now make an agreement that when we reach the portion of the bill to which I have referred two hours and a half on each side be allowed for general debate, to be occupied respectively by those who are in favor of and those who are against the proposition for more ships.

Mr. BUTLER. That means that those who favor striking out this provision are to have two hours and a half, and that those in favor of retaining the provision are entitled to two hours and a half?

Mr. BLOUNT. I call for the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. BOUTELLE. My attention was distracted at the moment, and I did not catch the Chair's decision.

The CHAIRMAN. Under the request for an agreement, as it was submitted by the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT (interposing). Mr. Chairman, do you construe that agreement as meaning that the chairman of the Committee on Naval Affairs and others in favor of the proposition as it stands in the bill are to have no time at all?

The CHAIRMAN. Quite the contrary. The Chair has held that the gentleman of the committee, or any other gentlemen who are in favor of the proposition as it stands in the bill, are entitled to two hours and a half, while those who are against the proposition as it stands in the bill are likewise entitled to two hours and a half.

Mr. HERBERT. Mr. Chairman, I hope I may have the attention of the committee for a moment. This is a very important question and there are three sides to it. Anyone can clearly see that when the committee comes in here and reports a provision for one ship, those who stand for that provision may be called one side of the question, while those who wish to increase the number of ships are another side, and those who are opposed to any new ships at all constitute a third side.

Mr. SIMPSON. The right side.

Mr. HERBERT. Now, Mr. Chairman, I am satisfied that this committee does not desire to do injustice to anybody, and I feel that all parties to this controversy ought to be heard. It would be unfair to apportion two hours and a half to one of these sides and to divide the other two hours and a half between the other two. I think, therefore, we ought to make an agreement that will allow all sides to be heard. That is fair, and this committee can not desire anything else. What we want is to arrive at a proper and just conclusion about this matter, which, as I have said, is a very important one, and I do hope that nobody will interpose any objection to a proposition that two hours and a half be allowed to each of the three sides.

Mr. BOUTELLE. Mr. Chairman, as I was a party, or labored under the impression that I was a party, to this agreement, I would like to be heard in relation to it for a moment. If the Chair will kindly look again at the words of the agreement, I think he will find that the division of time is based specifically upon those who are in favor and those who are opposed to the provision for "more ships." Now, that certainly does not apply to those who are in favor and those who are opposed to the provision in this bill, because, unfortunately, this bill does not provide for more ships; it provides for only one ship. My amendment provides for "more ships," and that is what was intended to be the subject of discussion. We agreed to wait until the time when I should offer my amendment, of which I gave notice in committee, and of which my colleagues were perfectly advised. Instead of occupying the time of the committee in general debate at the beginning, as is customary, we thought it would tend to a clearer and better understanding of the subject to postpone the general debate until I should offer my amendment providing for more ships, and therefore we amicably agreed to two hours and a half on each side.

Mr. MALLORY. Does the gentleman object to giving two hours on a side to each of these three sides?

Mr. BOUTELLE. I will state to the gentleman from Florida that my only reason for objecting is not that I object to giving ample time to any gentleman who wants to discuss this question on any side, but it cuts down the affirmative by half an hour; and I have already arranged to assign time to my colleagues. I do not object to other gentlemen having additional time; but I need the two hours and a half which has already been assigned to the side I represent.

Mr. HERBERT. I propose that two hours and a half be allowed to each of the three sides.

Mr. MALLORY. I believe we can get two hours for each side, but I do not believe we can get two hours and a half.

Mr. HERBERT. I hope that no gentleman will object to this fair proposition—that two hours and a half be granted to each of these three sides—and I ask the Chair to put it to the House.

Mr. BOUTELLE. Gentlemen who are opposed to the Navy, it seems to me, ought to be satisfied with that proposition, for it allows five hours' discussion against the Navy and two hours and a half for it.

Mr. McMILLIN. I hardly think the statement of my friend from Maine [Mr. BOUTELLE] is fair to the House. As indicated by the chairman of the committee [Mr. HERBERT], there are those who favor more ships than the one provided for in the bill; there are those who favor the bill as it stands; and there are those who are opposed to any provision of this sort. I think the proposition of the gentleman from Alabama makes a fair division of time among these three sides.

Mr. BOUTELLE. I am not going to object to that proposition; but I do not want the gentleman from Tennessee [Mr. McMILLIN] to think that I am quite so obtuse as not to see that two of the sides which will occupy two hours and a half each are against my proposition.

Mr. McMILLIN. I understood the gentleman from Maine was simply opposed to having any reduction of his two hours and a half.

Mr. BOUTELLE. If I had not great confidence in the righteousness of my cause I might object to this distribution.

Mr. McMILLIN. The gentleman is the first man I have known to object to having his own way. I got up to try to enable him to have it. [Laughter.]

The CHAIRMAN. Will the gentleman from Alabama [Mr. HERBERT] have the kindness to restate his proposition?

Mr. HERBERT. My proposition is that the general debate be confined to seven hours and a half—two hours and a half for those who favor the provisions of the bill as it stands; two hours and a half for those who are against any ship at all, and two hours and a half for those who are in favor of additional ships.

The CHAIRMAN. The committee has heard the request of the gentleman. Is there objection? The Chair hears none.

Mr. HERBERT. It will be understood, I suppose, that the gentleman from Indiana [Mr. HOLMAN] will control the time on his side; that the gentleman from Maine [Mr. BOUTELLE] will control the time on his side, and that I, on the part of the committee, shall control the time in favor of the bill as it stands.

The CHAIRMAN. If the committee gives unanimous consent to that arrangement the Chair will recognize it. Is there objection? The Chair hears none.

And then, on motion of Mr. HERBERT, the committee rose; and the Speaker having resumed the chair, Mr. SHIPLEY reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. QUACKENBUSH, by unanimous consent, obtained leave of absence for one week, on account of important business.

TAX ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment of Mr. JOHNSON of Ohio, Mr. WASHINGTON, and Mr. WADSWORTH as the select committee to investigate tax assessments in the District of Columbia.

And then, on motion of Mr. McMILLIN (at 4 o'clock and 35 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committees of the Whole House, as follows:

By Mr. BYRNS, from the Committee on Claims:

A bill (S. 1095) for the relief of Thomas Chambers. (Report No. 1062.)

A bill (S. 852) for the relief of Mary L. Ross. (Report No. 1063.)

A bill (H. R. 4264) for the relief of Samuel G. Hunter. (Report No. 1064.)

Also, a bill (H. R. 2923) for the relief of Arthur P. Selby. (Report No. 1069.)

By Mr. COBB of Missouri, from the Committee on War Claims: A resolution referring the bill (H. R. 1308) for the relief of the Christian Church of Marshall, Saline County, Mo. (Report No. 1065.)

By Mr. PAGE of Rhode Island, from the Committee on Claims: A bill (H. R. 6060) for the relief of James Garret Sadler. (Report No. 1066.)

By Mr. CADMUS, from the Committee on War Claims: A bill (H. R. 6732) for the relief of William G. Raymond. (Report No. 1070.)

BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HEARD: A bill (H. R. 8122) to prohibit the use of "one-horse" cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes—to the Committee on the District of Columbia.

By Mr. SMITH of Arizona: A bill (H. R. 8123) granting to the Santa Fé, Prescott and Phoenix Railway Company the right of way across the Whipple Barracks military reservation in Arizona—to the Committee on Military Affairs.

By Mr. HOOKER of New York: A bill (H. R. 8124) to extend the privileges of the transportation of dutiable merchandise without appraisement to the port of Dunkirk, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARD: A bill (H. R. 8125) to provide for the regulation of the equipment and operation of street-railroad lines within the District of Columbia by the Commissioners of said District—to the Committee on the District of Columbia.

By Mr. OTIS: A joint resolution (H. Res. 120) relating to certain Mexican grants, Nos. 4, 15, 17, and 39, and revoking the action of Congress thereon—to the Committee on Private Land Claims.

By Mr. CRAIN of Texas (by request): A resolution requesting the Committee on Military Affairs to investigate certain charges preferred against Capt. John G. Burke, United States Army, and to report thereon to the House—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BINGHAM: A bill (H. R. 8126) for the relief of Katharine B. Montgomery, administratrix—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 8127) for the relief of Peter D. Staats—to the Committee on Military Affairs.

Also, a bill (H. R. 8128) for the relief of William A. Lowe—to the Committee on Military Affairs.

Also, a bill (H. R. 8129) for the relief of John T. Bruen—to the Committee on War Claims.

Also, a bill (H. R. 8130) for the relief of John D. Humphrey—to the Committee on Naval Affairs.

By Mr. BYRNS: A bill (H. R. 8131) for the relief of Napoleon B. Watts, heir of Reuben Watts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8132) amending the military record of Adam Thomas—to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 8133) for the relief of Eliphlet Hickman—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 8134) for the relief of Charles Candy—to the Committee on War Claims.

By Mr. DE FOREST: A bill (H. R. 8135) for the relief of the United States Regulation Firearms Company—to the Committee on Claims.

By Mr. EVERETT: A bill (H. R. 8136) for the relief of James M. Lowry, of Floyd County, Ga.—to the Committee on Claims.

By Mr. FELLOWS: A bill (H. R. 8137) for the relief of Albert H. Geering—to the Committee on War Claims.

By Mr. QUACKENBUSH: A bill (H. R. 8138) to correct the military record of William W. Stockwell, as of Company A, Eighty-seventh Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. MCKAIG: A bill (H. R. 8139) for the relief of Robert A. French, of Allegany County, Md.—to the Committee on Invalid Pensions.

By Mr. MCCREARY (by request): A bill (H. R. 8140) for the relief of the personal representatives of Mary L. Scott, deceased—to the Committee on War Claims.

By Mr. PAYNTER: A bill (H. R. 8141) for the relief of William T. Mobley—to the Committee on War Claims.

Also, a bill (H. R. 8142) for the relief of Otho Adams—to the Committee on Claims.

Also, a bill (H. R. 8143) for the relief of F. M. Carter—to the Committee on War Claims.

Also, a bill (H. R. 8144) for the relief of W. W. Phillips—to the Committee on War Claims.

By Mr. SIMPSON (by request): A bill (H. R. 8145) for the relief of Peter D. Staats, of Troop I, of Second Regiment United States Cavalry—to the Committee on Military Affairs.

By Mr. VINCENT A. TAYLOR: A bill (H. R. 8146) to provide for the adjustment and payment of the claim of the American Transportation Company for dredging done at Fairport Harbor, in the State of Ohio—to the Committee on Claims.

By Mr. WAUGH: A bill (H. R. 8147) to correct the military record of Edward Rushton—to the Committee on Military Affairs.

Also, a bill (H. R. 8148) to correct the military record of George W. Freeman—to the Committee on Military Affairs.

Also (by request), a bill (H. R. 8149) granting a pension to Maria Waugh—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Petition of letter-carriers of Scranton, Pa., for increased pay to letter-carriers—to the Committee on the Post-Office and Post-Roads.

Also, memorial and petition of five councils of Order of United American Mechanics, praying for amending the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 100 citizens of Lackawanna County through American Defense Association, praying for amendments of immigration and naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 146 citizens of Lackawanna County, Pa., praying for amendments to laws regulating immigration and naturalization—to the Select Committee on Immigration and Naturalization.

Also, memorial and petition of 55 citizens of Scranton, Pa., praying for amendments to the Constitution against established religion—to the Committee on the Judiciary.

Also, petition of Joseph Oliver and 130 others, for same purpose—to the Committee on the Judiciary.

By Mr. ANDREW: Petition of Gen. J. M. Schofield Garrison, No. 28, Regular Army and Navy Union of the United States, of Washington, D. C., asking for favorable consideration of House joint resolution 57—to the Committee on Military Affairs.

By Mr. BELDEN: Petition of Col. Randall Post, No. 648, Grand Army of the Republic, of New York, urging legislation for the proper marking of battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Harmony Grange, No. 372, of New York, urging the passage of an act making certain issue of money full legal tender for the payment of all debts—to the Committee on Banking and Currency.

Also, petition of Harmony Grange, No. 372, of New York, for legislation to prevent dealing in options or futures—to the Committee on Agriculture.

Also, petition of Homer Avenue Methodist Episcopal Church

of Cortland, N. Y., and many citizens, requesting that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of Grange No. 461 of New York, for pure-food and drugs, and against dealing in options or futures—to the Committee on Agriculture.

By Mr. CATCHINGS: Petition of 125 members of the National Woman's Christian Temperance Union, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COGSWELL: Petition of T. E. Parkhart and 8 others, of Haverhill, Mass., to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of H. H. Tebby and other citizens of Haverhill, Mass., to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of Chester V. Brown and others, of Haverhill, Mass., to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. COOLIDGE: Petition of Grange No. 192, of Massachusetts, for free delivery of rural mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, against gambling in farm products—to the Committee on Agriculture.

Also, petition of the same body, in regard to silk culture—to the Committee on Agriculture.

Also, petition of the same body, in favor of pure lard—to the Committee on Ways and Means.

By Mr. CUMMINGS: Petition of W. R. Grace & Co., William Steinway, John H. Inman, Bliss, Fabyan & Co., The H. B. Claffin Company, Thurber, Whyland & Co., praying that the appropriations for the Bureau of American Republics be not diminished—to the Committee on Foreign Affairs.

By Mr. DALZELL: Petition of pastor and 400 members of the Reformed Church of Irwin, Pa., against opening the World's Fair on Sunday; against sale of liquor on grounds, and for the management of the art department in accordance with the American standard of art—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Petition from Chicago, Ill., for reformed spelling—to the Committee on Education.

Also, petition from Wichita, Kans., for reform in spelling—to the Committee on Education.

By Mr. FYAN: Petition of M. F. Bishop, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HERMANN: Petition of Grange No. 22, of Oregon, for pure lard—to the Committee on Ways and Means.

Also, petition of the same body, for free mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of the same body, in favor of silk culture and pure food—to the Committee on Agriculture.

Also, petition of Knox Butte Grange, in Oregon, for legislation to prevent gambling in food products—to the Committee on Agriculture.

By Mr. HOOKER of Mississippi: Memorials of the Legislature of the State of Mississippi to the Congress of the United States in reference to improvement of Pearl River, and improvement of the navigation of the Homochitto River—to the Committee on River and Harbors.

By Mr. HOOKER of New York: Petition of the American Defense Association of Jamestown, N. Y., to amend the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of Grange No. 316, of New York, against contracts to discredit legal-tender currency—to the Committee on Banking and Currency.

Also, two petitions of citizens of Mayville and Jamestown, N. Y., for copy of CONGRESSIONAL RECORD to be sent to postmasters—to the Committee on Printing.

Also, petition of many citizens of Cattaraugus County, N. Y., in support of House bill 401, to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the National Woman's Christian Temperance Union, bearing 1,474 signatures, asking that no exposition where Government funds are used be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, four petitions of Granges 316, 528, 694, and 401 against gambling in farm products—to the Committee on Agriculture.

Also, petition of 23 persons for regulation of speculation in farm products—to the Committee on Agriculture.

Also, two petitions of Posts 292 and 297, Grand Army of the Republic, of New York, for marking battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of citizens of Olean, N. Y., in support of bill for better car couplers—to the Committee on Interstate and Foreign Commerce.

Also, three petitions of Stockton Grange, No. 316; Ellington Grange, No. 528, and Harmony Grange, No. 694, of New York, for pure lard—to the Committee on Ways and Means.

Also, four petitions of Stockton Grange, No. 316; Ellington Grange, No. 528; Harmony Grange, No. 694, and Villanova Grange, No. 604, of New York, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. HOPKINS of Pennsylvania: Petition of 80 citizens of Osceola, Tioga County, Pa., to prohibit the opening on Sunday of any exposition where United States funds are expended—to the Select Committee on the Columbian Exposition.

Also, petition of 245 members of the Methodist Episcopal Church of Jersey Shore, Pa., and of the National Woman's Christian Temperance Union, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LOUD: Petition of citizens of Colusa Cal., against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

Also, petition of Associated Veterans of the Mexican war of San Francisco, Cal., asking that service pensions be granted to such veterans as are on the retired list—to the Committee on Pensions.

Also, petition of citizens of Santa Clara, Cal., favoring closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MCCREARY: Protest of F. R. Feland and others, of Anderson County, Ky., against the passage of a general bankruptcy bill—to the Committee on the Judiciary.

By Mr. MCRAE: Petition of W. Hall and 74 others, of Polk County, Ark., for the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of A. Cook and 20 others, of Nevada County, Ark., for the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of W. A. Merritt and 22 others, of Columbia County, Ark., for the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of L. L. Jones and 42 others, of Sevier County, Ark., for the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of Paul Jones and 25 others, of Miller County, Ark., against the Brosius lard bill (H. R. 395)—to the Committee on Agriculture.

By Mr. MALLORY: Petition of citizens of Key West, Fla., praying for continuance of the Cuban fast mail line, by the Plant steamship line, between Tampa and Havana, via Key West—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN: Papers in the case of Ann Torrence, for pension—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: Petition and accompanying bill of S. R. Smith, of Bardstown, Ky., amending the tariff laws—to the Committee on Ways and Means.

By Mr. O'FERRALL: Papers in the claim of Margaret Harkader, of Wythe County, Va.—to the Committee on War Claims.

Also, papers in the claim of Michael Huffman, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of Samuel H. Souner, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of John W. Rusher, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of George Burnk, of Rockingham County, Va.—to the Committee on War Claims.

Also, papers in the claim of Mary Brenneman, of Rockingham County, Va.—to the Committee on War Claims.

Also, papers in the claim of F. S. Rhodes, of Rockingham County, Va.—to the Committee on War Claims.

Also, papers in the case of Alexander Lutz, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of Henry Smoots, of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. PICKLER: Petition of 16 members of Gen. Curtis Post, No. 110, Grand Army of the Republic, of South Dakota, asking appropriation to mark battle lines of battle of Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of the Presbyterian Church and 255 citizens of Brookings, S. Dak., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 members of Gen. Brooks Post, No. 152, Grand Army of the Republic, of South Dakota, for the proper marking of battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of 191 persons of South Dakota, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 221 citizens of Sioux Falls, S. Dak., for closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of Methodist Episcopal Church and 200 citizens of Brookings, S. Dak., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Clay County, S. Dak., in favor of the antioption bill—to the Committee on Agriculture.

By Mr. RAINES: Petition of Grange No. 437, of New York, in favor of pure lard—to the Committee on Ways and Means.

Also, petition of the same body, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, two petitions of the same body, favoring pure food and against gambling in farm products—to the Committee on Agriculture.

By Mr. SHELL: Petition of citizens of the county of Laurens, State of South Carolina, remonstrating against the passage of House bill 394, concerning lard and lard compound, and all similar measures, etc.—to the Committee on Agriculture.

By Mr. SPRINGER: Petition of ex-soldiers and sailors of Governor Yates Post, No. 687, Grand Army of the Republic, of Illinois, for the passage of the bill introduced by Mr. WHEELER to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. STEVENS: Petition of Methuen Grange, No. 155, of Massachusetts, for legislation for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Methuen Grange, No. 155, of Massachusetts, for legislation for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Methuen Grange, No. 155, of Massachusetts, for legislation for pure food—to the Committee on Agriculture.

Also, petition of Methuen Grange, No. 155, of Massachusetts, for legislation for pure lard—to the Committee on Agriculture.

Also, petition of Methuen Grange, No. 155, of Massachusetts, for legislation for silk culture—to the Committee on Agriculture.

Also, petition of Methuen Grange, No. 155, of Massachusetts, for legislation to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. STOUT: Petition of Edwin Benton, that the military record of his son, John Benton, be amended and letters bearing on the petition for removal of charge of desertion against M. A. Lucas—to the Committee on Military Affairs.

By Mr. TUCKER: Petition from Warm Springs, Va., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Resolutions of the Young People's Christian Endeavor Societies, of Colorado, against opening the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Gypsum, Eagle County, Col., in favor of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. VAN HORN: Petition of Post No. 119, Grand Army of the Republic, of New York, to preserve battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WARWICK: Four petitions of citizens of the Sixteenth Ohio district, favoring the antioption bill—to the Committee on Agriculture.

By Mr. WASHINGTON: Petition of Fisk Theological Seminary, Nashville, Tenn., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WAUGH: Petition of Owen Grange, No. 556, of Indiana, for the passage of a law for the free delivery of the mails to the rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of Owen Grange, No. 556, of Indiana, for legislation encouraging silk culture—to the Committee on Agriculture.

Also, petition of Owen Grange, No. 556, of Indiana, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of Owen Grange, No. 556, of Indiana, for the passage of a law preventing the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of Owen Grange, No. 556, of Indiana, for the passage of a law preventing gambling in farm products—to the Committee on Agriculture.

Also, petition of Owen Grange, No. 556, of Indiana, for the passage of an act prohibiting contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER of Alabama: Petition to accompany the claim of Sebastian Lohr, of Franklin County, Ala.—to the Committee on War Claims.

By Mr. WIKE: Protest of Farmers' Alliance and Industrial Union, No. 185, of Scott County, Ill., against the Brosius lard bill (H. R. 395)—to the Committee on Agriculture.

SENATE.

THURSDAY, April 14, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

GOVERNMENT EMPLOYÉS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in response to a resolution of March 24, 1892, a list of the subordinates of that Commission who are not laborers or workmen employed in Washington, D. C., on the 1st of March, 1892; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. MANDERSON. I move that when the Senate adjourn to-day it be to meet on Monday next.
The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Presbytery of Kansas City of the Presbyterian Church, consisting of 37 ministers, 41 churches, and 3,926 members, remonstrating against the granting of money for the Columbian Exposition except on condition of the closing of the national display on the Sabbath; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of T. E. Sparks, secretary of the Methodist Episcopal Mariners' Bethel Sabbath School, representing 750 persons, remonstrating against any loan to the Columbian Exposition unless the law shall contain an impregnable guaranty that the Exposition will be closed to visitors on the Lord's Day; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Marion, Mich., praying for legislation to prohibit the opening on Sunday of any exhibition where United States funds are expended; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of H. P. Aston and other citizens of Philadelphia, Pa., praying that the World's Columbian Fair be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Presbytery of Kansas City of the Presbyterian Church, consisting of 37 ministers, 41 churches, and 3,926 members, remonstrating against any law to license the liquor traffic in Alaska; which was referred to the Committee on Territories.

Mr. HOAR presented a petition of the board of directors of the Boston (Mass.) Merchants' Association, praying for the repeal of the law requiring the purchase of 4,500,000 ounces of silver monthly; which was referred to the Committee on Finance.

Mr. WILSON presented the petition of P. F. Milligan, of Washington, D. C., praying that he be granted a hearing before the Committee on Railroads of the Senate, in the matter of his automatic railway signal for the prevention of railway accidents; which was referred to the Committee on Railroads.

Mr. CULLOM presented a petition of citizens of Illinois, praying for an amendment to the Constitution of the United States prohibiting any State using its credit or funds in aid of any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of R. H. McCoy Post, No. 311, Grand Army of the Republic, Department of Illinois, praying for the passage of a bill for preserving and properly marking the battle lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

Mr. DAWES presented a petition of Christian churches of Lynn, Mass., praying that by appropriate legislation the sale or dispensing otherwise of all intoxicating beverages in connection with the World's Columbian Exposition be prohibited; also, that it be closed on Sunday, and that all appropriations shall be subject to these conditions; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented a petition of the St. Louis (Mo.) Spanish Club, praying that an appropriation be made for the support of the Bureau of American Republics; which was referred to the Committee on Foreign Relations.

He also presented the petition of W. B. Shearrow and other citizens of Grundy County, Mo., praying for the passage of the Washburn-Hatch antioption bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Cotton Exchange of St. Louis, Mo., remonstrating against the report of the Agricultural Department for March, 1892, on the production of cotton, corn, and wheat in the United States, and declaring that the state-

ments in that report are untrue and prejudicial to the public interest; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLS presented sundry petitions collected by the National Woman's Christian Temperance Union of Texas, containing 240 individual signatures and 225 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SQUIRE presented a petition of citizens and officers of the Brotherhood of Railroad Trainmen, of Seattle, Wash., praying for the passage of a bill providing for the use of automatic couplers and power-brakes on all railroads; which was referred to the Committee on Interstate Commerce.

He also presented the following petitions of Pleasant Hill Grange, Patrons of Husbandry, of Washington:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. WASHBURN presented the petition of Andrew Wilfelt and 42 other citizens of Minnesota, praying for the passage of the Washburn-Hatch antioption bill; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2022) granting the right of way to the Mexican Gulf, Pacific, and Puget Sound Railroad Company over and through the public lands of the United States in the States of Florida, Alabama, Mississippi, and Tennessee, and granting the right of way to said railroad company over and through the United States naval and military reservations near Pensacola, in the State of Florida, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2806) to authorize the construction of a telephone line on the coast of Virginia, from Cape Charles to Assateague Island, in aid of the preservation of life and property, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4004) to establish West Point, Va., a subport of entry and delivery in the collection district of Richmond, Va., reported it without amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 48) for the relief of Pearson C. Montgomery, of Memphis, Tenn., reported it with an amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2261) for the relief of the legal representatives of Henry W. Freedley, late major in the United States Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2541) to construct a road to the national cemetery at Dover, Tenn., reported it with amendments, and submitted a report thereon.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 2809) for the relief of Royal E. Dake, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 876) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Percés and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4489) for the relief of John Warren, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the resolution of the General Assembly of Maryland concerning legislation by Congress looking to the preservation of "Temple farm" and the "Moore house" at Yorktown, Va., asked to be discharged from its further consid-

eration and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (S. 2787) authorizing the restoration of the name of Charles H. Allen, late post quartermaster-sergeant, to the rolls of the Army, and providing that he be placed on the enlisted retired list of the Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1232) removing charge of desertion against Lucius W. Hayford, Worcester, Vt., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 806) for the relief of Ransom L. Harris, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 654) for the relief of Henry Lane, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2910) to authorize Admiral George Brown, Capt. George C. Remey, Lieut. George S. Dyer, Medical Director George W. Wood, Ensign George S. Blow, and Mr. Frank Laviere, United States Navy, to accept certain decorations from the Government of Hawaii; which was read twice by its title.

Mr. SHERMAN. I move that the papers accompanying the bill from the State Department be printed, and that the bill and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAWES (by request) introduced a bill (S. 2911) to provide for a settlement with the Indians who were parties to and beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, for the unexecuted stipulations of that treaty; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PERKINS introduced a bill (S. 2912) for the relief of William A. Lowe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2913) granting an honorable discharge to James Coughlin; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO A BILL.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CHEROKEE INDIAN LANDS.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 500 copies of Senate Executive Document 56, first session Fifty-second Congress, being a message of the President submitting an agreement with the Cherokee Indians for the cession of sundry lands, and Senate Executive Document 63, being a letter of the Secretary of the Interior relative to the title by which the Cherokee Nation hold the Cherokee Outlet, said copies to be delivered to the Senate document room.

ELECTRICITY IN FARMING OPERATIONS.

Mr. PEPPER submitted the following resolution; which was read:

Resolved by the Senate, That the Secretary of State be requested to obtain through our consuls, or otherwise, such information as he can concerning the use of electricity as a power in the propulsion of farm machinery and implements and in the propagation and growth of plants in foreign countries, and report the same to the Senate.

Mr. PEPPER. I ask that the resolution lie over under the rule. The VICE-PRESIDENT. The resolution will lie over and be printed.

AGREEMENTS WITH TONKAWA AND KICKAPOO INDIANS.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The bill (S. 1796) to ratify an agreement with the Tonkawa tribe of Indians in Oklahoma Territory, and to make an appropriation to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out section 3, in the following words:

SEC. 3. That whenever any of the lands acquired by this agreement shall be opened to settlement or entry by the proclamation of the President, they shall be disposed of under the general provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma," etc., and also of the act of March 3, 1891, entitled "An act making appropriation for the current and contingent expenses of the Indian Department."

And in lieu thereof to insert:

SEC. 3. That whenever any of the lands, not mineral, acquired by this agreement, shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections 16 and 36 in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section 2301 of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of \$1.50 an acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was in line 4, on page 12, after the word "confirmed" to insert:

Except as to Article V, which is modified and changed on the part of the United States so as to read as follows:

"ARTICLE V.

"In addition to the allotments above provided for, and the other benefits to be received under the preceding articles, and as the only further consideration to be paid for the cession and relinquishment of title above recited, the United States agrees to set apart and deposit in the Treasury of the United States the sum of \$61,650, for the use of said Kickapoo Indians, which shall bear interest while so set apart at the rate of 5 per cent. per annum: *Provided*, That the number of allotments of land provided for shall not exceed 300; but if the number of allotments shall exceed 300, then there shall be deducted from the said sum of \$61,650 the sum of \$50 for each allotment in excess of the 300, said sum and the interest thereon to be subject to expenditure by the Secretary of the Interior, from time to time and in such amounts as he shall deem best, in the construction of roads and bridges, the building of schoolhouses, the maintaining of schools, and in such other expenditures necessary for the promotion of civilization and self-support among such said Kickapoos as hold, exempt from taxation, land in severalty under the laws of the United States."

And as so modified said agreement is accepted, confirmed, and ratified: *Provided*, That this act shall take effect only upon the acceptance of and consent to the modifications and changes made by the United States to said agreement by the said Indians, in manner and form as said agreement was assented to, which acceptance and consent shall be made known by proclamation of the President of the United States upon satisfactory proof that said acceptance and consent have been obtained in such manner and form.

The amendment was agreed to.

The next amendment was, in section 2, line 11, to strike out "the Secretary of the Interior may determine," and insert "provided in said agreement;" so as to make the section read:

SEC. 2. That for the purpose of carrying into effect the provisions of the foregoing agreement there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$61,650, to be distributed among said Kickapoo Indians per capita, as provided in article 5 of said agreement: *Provided*, That any portion of said sum which may be deposited in the Treasury of the United States shall bear interest at the rate of 5 per cent. per annum, said interest to be expended annually for the benefit of said Indians in such manner as provided in said agreement.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. That whenever any lands acquired by this agreement shall, by operation of law or the proclamation of the President of the United States, be opened to settlement, they shall be disposed of under the general provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma," etc., and also of the act of March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of the Indian Department," etc.

And in lieu thereof to insert:

SEC. 4. That whenever any of the lands, not mineral, acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections 16 and 36 in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section 2301 of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of \$1.50 an acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States shall not be abridged, except as to the sum to be paid as aforesaid.

The amendment was agreed to.

Mr. PERKINS. I should like to ask the Senator from Massachusetts if in reporting this bill he considered the propriety of attaching this territory to one of the organized counties of Oklahoma?

Mr. DAWES. Which is it?

Mr. PERKINS. This of the Kickapoos.

Mr. DAWES. There is pending in the committee a proposi-

tion to attach several of these tribes to Oklahoma Territory, and in due time I hope that we may have a bill which will do that. But this particular portion was not considered except that under the Oklahoma bill itself there is a provision that from time to time as the Indian title is extinguished the land shall become attached to the Territory. I am not sure whether that is broad enough to reach this case or not. If not, it evidently should in the bill now pending be made a part of the Territory, but it was not very easy to make it—

Mr. PERKINS. I would say that I have some letters from parties suggesting that the Kickapoo Reservation should be attached to a county for all purposes.

Mr. DAWES. Its destination evidently is there, but there is no provision in this bill for sending it there. That would require, if it were sent there, an arrangement for a land office and other matters which the Committee on Indian Affairs thought more properly belonged to the Committee on Public Lands.

Mr. PERKINS. If the chairman will permit a suggestion, I will say that attaching it to a county organized in Oklahoma Territory would not necessitate the organization of a land district; it would remain as now in the land district to which it belongs. It is suggested in these letters that I have from people living in Payne County that Payne County does not contain the area which the act of Congress of which the Senator speaks directs and provides, and that if the Kickapoo Reservation were attached to a county then the southern boundary of Payne County could be extended farther south and get the area directed by the act of Congress.

Mr. DAWES. My attention has been called to that same matter, but the Committee on Indian Affairs thought that that was rather in the province of the Committee on Public Lands.

Mr. PERKINS. The committee thought it was not best to put it in this bill?

Mr. DAWES. I have no objection to its going into this bill if it shall attract the attention of the Committee on Public Lands to the extent to see that it is a proper disposition of it.

Mr. PERKINS. Is the Senator willing that the bill shall remain as pending so that a little later we may confer together?

Mr. DAWES. I have no objection.

The VICE-PRESIDENT. The bill will be passed over for the present.

Mr. DAWES. I should like to inquire what was done with Senate bill 1796, as I have lately come in.

The VICE-PRESIDENT. That was passed.

Mr. DAWES. I had some amendments from the committee to offer to that bill, and I ask unanimous consent that the action upon it may be reconsidered.

The VICE-PRESIDENT. If there be no objection the votes by which the bill was ordered to a third reading and passed will be reconsidered. The Chair hears none, and the bill is in the Senate and open to amendment.

Mr. DOLPH. I ask the Senator from Massachusetts to yield to me for a question.

Mr. DAWES. Very well.

Mr. DOLPH. I should like to know whether in either one of these agreements it is provided that the money shall be paid to the Indians at once, or whether the money for their lands is to be deposited in the Treasury and to draw interest according to the usual custom?

Mr. PERKINS. The treaties themselves regulate that.

Mr. DOLPH. I am inquiring about the treaty.

Mr. DAWES. To the bill which has just been passed there are amendments to be offered by the committee for the purpose of disposing of the proceeds of the land. The object of the committee is to provide an amendment to that agreement which will secure the expenditure of this money not by distribution per capita but to be deposited in the Treasury on special deposit to be expended for the benefit of those Indians in what might in general terms be called the internal improvement of their locality and in lieu of taxation. Their locality becomes by the operation of the agreement exempt from taxation for twenty-five years, and yet we take the proceeds of their land and distribute their per capita among them without making the slightest provision for the development of their locality in the light of building roads and bridges, and erecting schoolhouses, and maintaining schools.

Mr. DOLPH. The treaty itself provides that the money shall be paid to them?

Mr. DAWES. The treaty originally required that this money should be distributed per capita. The amendment to be proposed to the Kickapoo bill which is now pending is to the effect that that agreement shall be so modified that this sum of money shall be expended in what I term this kind of internal improvement.

Mr. DOLPH. I think that is right. I shall not, if I know it,

vote to ratify a treaty which provides that money shall be paid at once to Indians.

Mr. DAWES. It is for that very purpose I asked a reconsideration of the bill, that I may offer that amendment from the committee.

Mr. COCKRELL. The bill is now in the Senate and open to amendment.

Mr. DAWES. I propose to amend the bill in the fourth line, on the fourteenth page. I move also to strike out all of the second section and insert what is the amendment the committee instruct me to report. The amendments are all put in the bill at that place, and if the Chief Clerk will use this copy of the bill with those amendments it will carry out the view of the committee.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of line 4 add the following:

Except the sixth article thereof, which is amended and modified by the United States so as to read as follows:

"ARTICLE VI.

"As a further and only consideration for such cession, conveyance, and relinquishment, the United States agrees to pay to said tribe of Indians the sum of \$30,000 in manner as follows: Twenty-five dollars to be paid in cash to each member of said tribe within sixty days after this contract shall be ratified by Congress, and the residue of said \$30,000 shall be set apart in the Treasury of the United States, bearing interest at the rate of 5 per cent per annum, payable annually, for the use of said Tonkawa Indians; said sum and interest to be subject to expenditure from time to time, in his discretion, by the Secretary of the Interior, in the construction of roads and bridges, the erection of schoolhouses and the maintenance of schools, and such other expenditure necessary for the promotion of civilization and self-support among such Tonkawa Indians as hold, exempt from taxation, land in severalty under the laws of the United States.

"And as so modified said agreement is accepted, confirmed, and ratified: *Provided*, That this act shall take effect only upon the acceptance of and consent to the modifications and changes made by the United States to said agreement by the said Indians in manner and form as said agreement was assented to, which acceptance and consent shall be made known by proclamation of the President of the United States upon satisfactory proof that said acceptance and consent have been obtained in such manner and form."

Mr. DAWES. I will explain that proposed modification of the agreement.

Mr. COCKRELL. Is it the same sum mentioned in section 2 of the bill?

Mr. DAWES. Yes. The Tonkawa Indians are a little body of seventy Indians removed a few years since to the Indian Territory and put upon 7,000 or 8,000 acres of land there by Executive order. They are a very poor but quiet and peaceable body of Indians. They have no real title to that property. The Commission, however, thought that it was wise to treat them as having some claim there, because we are obliged to support them. They therefore agreed to give them \$30,000 for their claim there, whatever it was, and then provided that they should be set out in severalty, each one of them, with 80 acres of land under the severalty law, and the rest distributed per capita to them.

So it would come to pass that there would be a little body of Indians having seven or eight thousand acres of land there exempt from taxation for twenty-five years, and the money which we give them would be distributed per capita and used up as money always is that is paid to the Indians. Thereupon, if Oklahoma became a State it would be obliged to build all the roads and bridges and schoolhouses, and maintain all the schools for this little body of Indians from taxes of their own outside of this body of land for twenty-five years. It did not seem to be a condition of things that would be acceptable to any State in which it existed. There are other cases more glaring than this.

Therefore the committee thought it was wise that that sum of money should be devoted in lieu of this taxation to the purposes for which ordinarily taxation would be used, and that is the object of this amendment. There is one other amendment that follows it, I believe.

Mr. COCKRELL. I wish to ask a question. As I understand, this \$30,000 in the amendment is the same sum mentioned in the first provision.

Mr. DAWES. Precisely.

Mr. COCKRELL. And not a double sum.

Mr. DAWES. It is precisely the same sum, to be distributed in this way rather than distributed per capita.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The CHIEF CLERK. Strike out section 2, in the following words:

SEC. 2. That for the purpose of carrying into effect the provisions of the foregoing argument is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000, to be applied in the manner provided for in said agreement: *Provided*, That such portion of said amount as may be deposited in the Treasury of the United States shall bear interest at the rate of 5 per cent per annum, which interest shall be applied as provided in said agreement.

And in lieu thereof insert:

SEC. 2. That for the purpose of carrying into effect the provisions of the foregoing agreement, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$30,000, to be applied in the manner provided for in said agreement: *Provided*, That such portion of said amount as may be deposited in the Treasury of the United States, shall bear interest at the rate of 5 per cent per annum, which interest shall be applied as provided in said agreement.

Mr. COCKRELL. Now, is there a conflict between those two sections or are they the same?

Mr. DAWES. One of these sections, the one which we propose, prescribes what shall be done with it. The other section leaves it between the Indians and the Secretary of the Interior to do with it as they please.

Mr. COCKRELL. Then there are two methods of expenditure?

Mr. DAWES. There are two methods of expenditure.

Mr. COCKRELL. One prescribed absolutely by Congress—

Mr. DAWES. The Senator does not understand. We propose in the place of that to so modify the agreement as to make it read as the amendment says.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Massachusetts.

Mr. DAWES. If the Secretary will let me have the paper I will try to make it clear. The agreement is recited, and the Senator from Missouri will see what disposition is made in the agreement.

Mr. COCKRELL. I have not read the agreement.

Mr. DAWES. The bill as originally reported ratified the agreement without any amendment or modification, but the bill as I propose to amend it reads thus:

That said agreement be, and the same hereby be, accepted, ratified, and confirmed, except the sixth article thereof, which is amended and modified by the United States so as to read as follows.

The difference between article 6 in the agreement and article 6 in the amendment is what I have tried to make clear.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. DAWES. The other bill, at the suggestion of the Senator from Kansas, if there be no objection, may stand as it is until it is called up again.

JOHN CHAMBERLAIN.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

Mr. GALLINGER. I ask that Order of Business 195, which was passed over without prejudice, being Senate bill 371, be taken up.

There being no objection, the Senate resumed the consideration of the bill (S. 371) granting a pension to John Chamberlain.

The VICE-PRESIDENT. This bill was formerly passed by the Senate, and the vote on the passage and third reading was reconsidered.

Mr. COCKRELL. Mr. President, has the report in the case been read? If not, I ask that it may be read.

The VICE-PRESIDENT. The report has been read, the Chair is informed. Does the Senator desire it to be read again?

Mr. PERKINS. The bill was read and passed, and then, I think, reconsidered.

Mr. COCKRELL. Let the report be read. I do not think the RECORD shows that the report was read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. GALLINGER, February 2, 1892:

The Committee on Pensions, to whom was referred the bill (S. 371) granting a pension to John Chamberlain, have examined the same, and report:

The claimant under this bill was not an enlisted man, and hence can not be pensioned under the general laws. But he did service of the greatest possible value to the Government, for which he richly merits a pension.

Rev. John Chamberlain was commissioned by Governor Nathaniel Berry, of New Hampshire, as an agent to care for sick and wounded soldiers in the Army of the Potomac. Full of patriotic zeal he undertook his mission, and continued in the service until his health was completely wrecked. He acted as chaplain, nurse, physician, and even as soldier on several occasions. One medical man, in writing of him, truthfully said:

"A more faithful, persevering, and self-sacrificing worker I never knew. Wherever duty called he was to be found. Early or late, in sunshine or storm, whether amid the sad, quiet life of the hospital or among the stormy scenes at the front, there John Chamberlain was always to be found, doing something; dropping a word of consolation in the ear of some dying soldier; binding up the wounds of another; and anon writing a few lines to friends at home before closing the eyes of some dying hero. Always busy, active, and untiring; never thinking of self. With him it was always, 'What is there for me to do?' The soldiers all loved him, and if ever a man deserved a rich reward for labor worthily bestowed it is Mr. Chamberlain. I speak from experience, for 'when I was sick and in prison he visited me.' I must say that in all of my experience in the hospitals I never saw a more faithful, unflinching, and devoted Christian man than he. I only wonder that he did not break down sooner from the result of his labors."

It is in evidence that claimant spent more of his own money for the relief of sick and wounded soldiers than he received by way of compensation, and that, among other things, he enlisted a large number of recruits. Affidavits are also attached showing that on several occasions he took the guns from the hands of wounded men and did a soldier's duty. Other affidavits are an-

nexed, showing the value of the services that claimant rendered the Government. He is now about 70 years of age, broken in health, and destitute of means.

Your committee recommend that the bill be amended by striking out the words, "subject to the limitations and provisions of the pension laws," and inserting instead thereof the words, "at the rate of \$12 per month," and that, as amended, the bill be reported favorably, with a recommendation that it do pass.

APPENDIX.

Copy of commission.

THE STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT,
Concord, December 16, 1862.

To whom it may concern:

This may certify that the bearer, Rev. John Chamberlain, has been duly commissioned by the executive of this State to care specially for the interests of New Hampshire soldiers in the "Army of the Potomac." Any assistance afforded him that will facilitate the object of his mission will be duly appreciated.

N. S. BERRY,

Governor of New Hampshire.

STATE OF NEW HAMPSHIRE, SECRETARY'S OFFICE,

Concord, January 12, 1891.

I hereby certify that the foregoing is a true copy of the original instrument issued the Rev. John Chamberlain in 1862.

Attest:

[SEAL]

C. B. RANDLETT,

Deputy Secretary of State

Affidavit of Judge George W. Nesmith.

George W. Nesmith, of Franklin, N. H., states that he well knew Rev. John Chamberlain, of Northfield, in this State, before the war of the rebellion, and when the war came on he knew him as one of the most active and zealous promoters of the cause of the Union. He showed his zeal by enlisting men for the regiments and by frequently addressing the people, urging energetic measures. We early heard of his application to Governor Berry, requesting the privilege of going to the front and looking after the wounded and suffering soldiers. We knew that he succeeded in his application and obtained his commission from the governor, and repeatedly, as early as 1862, repaired to the front, visited our hospitals, and exposed himself by excessive labor and night watches over the sick in infected hospitals, so that he then and there contracted severe disease incident to that climate, being seized early in 1863 with the congestive chills and fever, which prostrated him for a time, and from the effects of which he has not yet recovered.

He suffers in consequence from occasional visitations of these malarial chills, so that he is unable to perform manual labor or discharge the duties of his profession, by losing often the ordinary use of his voice. In addition to the loss of his health and voice as aforesaid, Elder Chamberlain states that in the intercourse with the destitute and friendless sick soldiers that he found it necessary, in order to save their lives or to supply their pressing wants, to furnish relief in several critical cases, advancing his own private funds, hoping to realize subsequently from the individuals thus assisted, and that in this way he had lost by aiding one Rand, of Hanover, the sum of \$87; and \$65 more from a soldier who had his residence in Woodstock, Vt.; and \$16 more from one Ames, then of Penacook; and that his outlay and expenses exceeded what he had realized from Government for his salary. All these circumstances and losses, with frequent disability arising from the original Army visitation, tended to bring him to poverty, and to demand substantial aid from the General Government.

28th January, 1890.

Subscribed and sworn to before me.

[SEAL.]

GEO. W. NESMITH,

JAMES E. BARNARD,
Notary Public.

Affidavit of claimant.

I, John Chamberlain, of Northfield, in the county of Merrimack and State of New Hampshire, on oath, say that while our Union forces were on the march from Falmouth to Chancellorsville, in May, 1863, one Joseph McDaniel, a private of Company F, Twelfth Regiment New Hampshire Volunteers, was taken suddenly sick and fell out of the ranks, and I took his gun and personally filled his place, marching quite a distance, and should have gone over with the regiment, but Surgeon Fowler rode back and told me to take McDaniel to the general hospital, which I did. I further state that in the winter of 1864 I was sent for, and helped take some five hundred recruits from Boston to Kentucky to fill the New Hampshire regiments at Paris and other places, and I did officer's duty, under the command of Col. (or Lieut. Col.) Craft, of Fifth New Hampshire Volunteers, and Capt. J. M. Durgin, of the Twelfth New Hampshire Volunteers, who was in the invalid corps.

JOHN CHAMBERLAIN.

Sworn and subscribed before me this 11th day of December, 1891.

OLIVER L. CROSS,

Justice of the Peace for the State of New Hampshire.

Affidavit of Dr. H. B. Fowler.

I, H. B. Fowler, late surgeon of the Twelfth Regiment New Hampshire Volunteers, war of 1861-'65, do hereby certify that I am well acquainted with Rev. John Chamberlain, now a claimant for pension, or rather for services rendered the sick and wounded during said war. That I saw him many times during the winter and spring of 1862-'63, while we were at Falmouth, Va.; also during the marches in the spring of 1863 that he took sick from the front and on the marches to the general hospitals and their homes. That I can not name dates and circumstances, as it has been so many years, with nothing to call it to mind. That he was untiring in his devotion to the sick, both in the camp and on the march. That I have seen him, the said Chamberlain, since the close of the war in 1865 and believe that he is a victim to the malarial swamps of the South. That the governor of New Hampshire sent the said Rev. John Chamberlain to the front to look after the interest of the soldiers I suppose is true, and believe he is as much entitled to help as many who were enlisted and to-day are drawing pensions. I further certify that I have no interest whatever in this person or claim, only to see that justice is rendered when and where due.

Dated at Bristol, N. H., December 18, 1890.

HADLEY B. FOWLER, M. D.,

Late Surgeon of the Twelfth New Hampshire Volunteers.

STATE OF NEW HAMPSHIRE, Grafton, ss:

Sworn to and subscribed before me this 19th day of December, 1890, and I hereby certify that the contents of the above declaration were fully made

known and explained to the applicant before swearing, and I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL]

KENSON E. DEARBORN,
Notary Public.

(My certificate on file.)

Affidavit of Dr. Irving A. Watson.

This certifies that I have been acquainted with Rev. John Chamberlain for the past fourteen years. During his residence as a minister at Stark, N. H., which was in the years 1876, 1877, and 1878, I was his family physician, and at different intervals treated him for chills and fever and a resulting dysentery, all of which he informed me were contracted during his service in the war of the rebellion. I have no doubt that his disabilities were so contracted, and I believe that he is morally entitled to a pension. I am cognizant of the fact that he has for many years suffered from malaria, which I have no doubt was contracted in the service of the country.

IRVING A. WATSON, M. D.,
Secretary State Board of Health.

CONCORD, N. H., July 11, 1890.

THE STATE OF NEW HAMPSHIRE, Merrimack, ss:

Personally appeared the above-named Irving A. Watson and made oath that the above statement by him subscribed is true to the best of his knowledge and belief.

Before me.

C. B. RAUDLETT,
Deputy Secretary of State.

[SEAL]

Affidavit of George Roberts.

I, George Roberts, of Northfield, in the county of Merrimack and State of New Hampshire, on oath depose and say that I was a private in Company F, Twelfth Regiment New Hampshire Volunteers in the late war of rebellion, and served from August 21, 1862, till I was honorably discharged, June 21, 1865.

I have known and been well acquainted with Rev. John Chamberlain all my life. I saw him frequently while in the Army, and know that he was actively engaged in looking after and taking care of New Hampshire soldiers. I have seen him also at times doing soldier's duty in the ranks. I remember once in particular, while we were on the march from Falmouth to Chancellorsville, he fell into the ranks and took a sick soldier's gun and carried it until Surgeon H. B. Fowler of our regiment got the soldier relieved, and Chamberlain took him to the hospital. That soldier's name was Joseph McDaniel and I saw him when he fell out. I have seen Chamberlain doing soldier's duty at other times, but it is so long ago that I am unable to remember the exact times and places. My post-office address is Northfield Depot, N. H.

GEORGE ROBERTS.

Affidavit of John Keniston.

I, John Keniston, of Northfield, in the county of Merrimack and State of New Hampshire, on oath say that I was a private in Company F, Twelfth Regiment New Hampshire Volunteers, in the late war of rebellion, and served from August 21, 1862, till June 21, 1865, when I was honorably discharged. I have carefully read over the foregoing affidavit of George Roberts, and know the facts therein stated to be true. Roberts and I were comrades together, and I was present when Rev. John Chamberlain did soldier's duty as stated in said affidavit. I also state that I have been well acquainted with said Chamberlain all my life, and I know that during the war he was actively engaged in taking care of New Hampshire soldiers, as I frequently met him while in the service. I am confident that I have seen him doing soldier's duty at other times than the one mentioned, but at this late date I can not now recall the times and places.

JOHN KENISTON.

STATE OF NEW HAMPSHIRE, Merrimack, ss:

DECEMBER 15, 1890.

There personally appeared the above-named George Roberts and John Keniston, and severally made oath that the foregoing affidavits, by them respectively signed, are true.

Before me.

OLIVER L. CROSS,
Justice of the Peace for the State.

Statement of Hon. E. B. S. Sanborn.

FRANKLIN, N. H., December 7, 1888.

I have been acquainted with Rev. John Chamberlain, of Northfield, N. H., for more than forty years.

I know him to be an honest, worthy, and patriotic man.

During the war he served the State as agent to care for the comfort of our soldiers.

In this duty he was at the front, in the hospital, on the march, everywhere, when he could render service to the soldiers or their friends at home. He shared the sufferings of army life with a courage and zeal well known and remembered by our men in New Hampshire.

He is now in seriously impaired health on account of his army service.

He is in needy circumstances, and deserves a pension as well as our heartfelt gratitude.

E. B. S. SANBORN.

This we fully indorse.

WARREN F. DANIELS,
A. W. GALLOWAY.

Mr. COCKRELL. Mr. President, this bill was reconsidered at my instance, because it is a bill for pensioning a civilian, an officer of a State, under compensation doubtless from that State, and not in the military service of the United States. I am opposed to adding any class of civilian employes or State employes to the pension rolls of the United States. I desire to enter my protest and record my vote against it.

Mr. GALLINGER. Just a word. I am willing that this matter shall come to a vote. There are hundreds of precedents for this legislation. Every nurse upon the pension roll to-day comes under this class, and I will suggest to the distinguished Senator from Missouri that he is on record himself as having introduced at least one bill similar to this in the Senate of the United States, which was enacted into law. I would furthermore suggest that during the present session a bill introduced, I think, by his colleague from Missouri [Mr. VEST], which carried a pension of \$50 a month, was reported by this same committee, was passed with-

out objection, and so far as the Senate is concerned is a law to-day.

Now, Mr. President, it seems to me this bill does not need discussion. This is an old man. He went into the Army, it is true, without being enlisted, and did very remarkable service for the soldiers of the Union. It is in evidence by affidavits that on several occasions Elder Chamberlain, as he is called in my State, took the gun from the ground when soldiers fell by his side and marched in the ranks ready to fight for the cause of the Government. To all intents and purposes he did a soldier's duty, and he is infinitely better deserving of a pension than hundreds of cases that are on the statute books to-day.

That is all I care to say about the bill. I might read the affidavits of such distinguished men as the late venerable Judge Nesmith, of New Hampshire; of the physicians who have treated this man; of the Democratic Congressman from my own district, now a member of the other House; of the Democratic member of the national committee from my State, and of other distinguished men, Republicans and Democrats, in New Hampshire, who are very much interested in this case, who feel that this old man, who gave such important service to the Government, ought to receive this pittance, now that he is almost ready to go to his grave.

I trust a vote will be taken, and that the bill will be passed.

Mr. COCKRELL. I beg to say in reference to the point about my having introduced a bill to pension a civilian, an employe, that I notified the Senator that I had introduced that bill, which was to pension a teamster residing at Bado, in Texas County, who was shot all to pieces whilst performing the duty of a teamster with a train under army orders. It was because of his disabilities received in the service, in the line of duty, that that pension was granted, and it is the only one of the kind that I have ever introduced, and I would introduce it again. The Committee on Pensions unanimously approved of it. It was not pensioning a mere civilian without having received actual wounds in battle.

The VICE-PRESIDENT. Does the Senator from Missouri object to action on the pending bill?

Mr. COCKRELL. Oh, no; I do not object to action.

Mr. GALLINGER. In reply I would simply say that if the Senator from Missouri has discovered anything in our pension laws which makes a difference between men wounded in the service of the country and those who wrecked their lives in the service of the Government I have not been able to discover that distinction. Hence his case falls to the ground.

Mr. VEST. As the Senator from New Hampshire alluded to a bill which I introduced here, for which my colleague was not in the slightest degree responsible, I desire simply to make an observation in regard to it.

I have not been enthusiastic upon the subject of pensions, although I have always been willing to vote the largest amount to the actual soldiers of the Federal Army, and have so declared myself repeatedly.

I did introduce a bill giving a pension to an old negro in the State of Missouri, who had been a teamster, and who, while in the actual discharge of his duty, hauling munitions of war and supplies in the shape of provisions to the Federal troops, lost both feet and both hands, and has since declined to receive charity from anyone. I knew personally all the facts in the case, and I am glad to say that the Committee on Pensions in both the Senate and the House unanimously reported in favor of the bill.

I do not rise to oppose this pension bill. I thought at first it was for John Chamberlain, of this city, and I was prepared to vote for it. [Laughter.] I supposed that he had served in the Federal Army without my knowing it, and as I have gotten in the habit of voting for all pension bills and never object to any, I was prepared to vote to give John Chamberlain, of Washington City, the largest pension that was asked. [Laughter.]

Mr. VOORHEES. Mr. President, in aid of this bill I desire to say a word. There are exceptions to all rules, and one of the exceptions in pensioning grows out of the fact that sometimes during the late war men who were not enlisted were in just as bad places as those who were, and by every equity in the world are entitled to as much care and protection from the Government.

I remember very well a bill in which I took a deep interest for an engineer on a boat, who was exposed to the heaviest firing from batteries and gunboats from Memphis to Cincinnati. He was not enlisted, but he was exposed to the most desperate risks of war, and while not being actually hit, was injured by the service, and Congress, after much discussion, granted him a special act, and it was right.

It was only the other day that I had the case of a man who went into the battle of Bull Run as a paid body servant of a very distinguished general, who took all the dangers of that battle, and toward the close of it was taken prisoner, he could not get

away fast enough, and was kept a year at Libbey Prison. He was not an enlisted man; but no man with any sense of equity in his heart or mind would say that that man was less entitled to the benefactions of the Government than if he had gone through the mere form of enlistment.

Upon the statement made by the Senator from New Hampshire in regard to his constituent, I have no doubt the case is within the rule. It is a matter which appeals to the discretion of the Senate, and I have never yet known it to be abused.

The VICE-PRESIDENT. The question is on the third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. HOAR. I ask for the present consideration of the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Commerce be directed, when they report the bill making appropriations for rivers and harbors, to report as to each item thereof, whether the same be contained in the bill as it came from the House or be proposed by way of amendment, the facts tending to show the importance of the work for which the appropriation is proposed, to commerce with foreign nations or among the States.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. HOAR. Mr. President, I desire to say that that resolution has been adopted by the Senate for a number of years past, and while I am sure it is unnecessary now, because the committee have made arrangement to perform that precise duty, I think it is better that the Senate should be recorded as having requested it.

Mr. VEST. There is no objection that I know of to the resolution, but what it requires was done at the last Congress and will be done again.

Mr. HOAR. I said to the Senate—perhaps the Senator did not hear me—that I was aware that the resolution was unnecessary, but it had been passed every year for a series of years.

Mr. VEST. As a matter of course.

Mr. HOAR. I showed the resolution to the chairman of the committee who desired that it should be adopted. I am aware that the committee have made preparations to perform that service for the Senate without any direction, but I think it is better, considering the unjust and unwarrantable abuse which that measure has received in certain quarters, that the fact that the Senate requires it to be done should be on record.

Mr. VEST. There is not the slightest objection to the resolution, and I only spoke because the chairman of the committee was not present.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3627) to grant to the Gainesville, Oklahoma and Gulf Railway Company a right of way through the Indian Territory, and for other purposes;

A bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein; and

A bill (H. R. 7365) to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Ill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 418) to change the times for holding the circuit and district courts of the United States for the western district of Missouri;

A bill (S. 1442) for the relief of John R. Blankenship; and
A bill (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post-road."

BUILDING FOR NATIONAL MUSEUM.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

The bill (S. 1758) to provide for the erection of an additional fire-proof building for the National Museum was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUPREME COURT BUILDING SITE.

The bill (S. 828) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States was announced as next in order.

Mr. COCKRELL. I ask that that bill may be passed over without losing its place on the present Calendar in the absence of the Senator from Vermont [Mr. MORRILL].

The VICE-PRESIDENT. The bill will be passed over without prejudice.

BRONZE STATUE OF CHRISTOPHER COLUMBUS.

The joint resolution (S. R. 15) for the erection and location of a bronze statue of Christopher Columbus and the removal of the Naval Monument to a new site, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS RIVER DAMS.

The bill (S. 2437) granting to the Topeka Water and Electric Power Company of Kansas the right to erect and maintain a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas, was considered as in Committee of the Whole.

Mr. PERKINS. Mr. President, I desire to move an amendment to strike out all after the enacting clause of that bill and insert a substitute.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert:

That the assent of Congress is hereby given to the Topeka Water and Electric Car Company, a corporation created and organized under the laws of Kansas, its successors and assigns, to erect, construct, and forever maintain a dam or dams across the Kansas River at any suitable place or places within Shawnee County, in the State of Kansas.

Mr. PERKINS. I would say in explanation, that my amendment is a copy of the bill that was originally introduced conferring upon this company the right to construct and to maintain this dam. It was thought at first by the committee that perhaps such a bill ought not to be reported. Subsequently, upon investigation, they learned that from Topeka to the mouth of the Kansas River, there are now twenty railroad bridges spanning the stream, not one of which has a draw span or a swing, and all of them permanent structures, and at Lawrence, some 25 miles below Topeka, there is a dam which was constructed without authority of Congress, but under the general authority granted by the State of Kansas. It seems to me there ought not to be any objection to the amendment I have proposed. It is what the people desire. The Kansas River is not, and has not been for twenty-five years a navigable stream, and the conditions imposed by the bill as reported by the committee ought not to be imposed upon the company that desires to build this dam.

Mr. VEST. Mr. President, I reported this bill from the Committee on Commerce. We thought that its provisions were absolutely just to all parties. I know personally, however, that the statement of the Senator from Kansas is correct. There is no navigation at all upon the stream which is proposed to be dammed; no steamboat has been up it for years, and none ever will be. I have no objection to the amendment, because navigation is simply impossible there. If the Senate choose to adopt the amendment, I have no objection.

Mr. PERKINS. Technically the stream is considered a navigable one, but really it is not.

Mr. VEST. It is put down on the records of the Engineer Bureau as a navigable stream, but it has been really not a navigable stream for more than twenty years. There will be no navigating interests affected by this legislation.

Mr. PEPPER. I desire to say, in addition to what has already been suggested, that the State of Kansas has all along been exercising exclusive jurisdiction over the Kansas or Kaw River. There are now some twenty-three bridges between the mouth of the river and Topeka, and they are all close, compact structures, without any arrangement for drawing or separating them. The river has not been used for purposes of navigation at any time in its history to any considerable extent, and what little there was of that was by trappers and others many years ago. So a restriction of this kind can not be of any possible service to the Government, and might in some way at some time or other be in the way of our own people.

Mr. VEST. I ask that the amendment be again read.

The VICE-PRESIDENT. The amendment will be again read. The Secretary again read the amendment proposed by Mr. PERKINS.

Mr. VEST. I move to strike out the word "forever." I do not like a word of that kind in a bill.

Mr. PERKINS. There is no objection to that.

Mr. VEST. Then I move to insert the ordinary provision "that Congress shall have the right to alter, amend, or repeal this act."

Mr. PERKINS. There is no objection to that amendment.
The VICE-PRESIDENT. The verbal amendments to the amendment will be considered as agreed to, if there be no objection. The Chair hears none. The amendment proposed by the Senator from Missouri [Mr. VEST] to the amendment of the Senator from Kansas [Mr. PERKINS] will be stated.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT QUINCY, ILL.

The bill (S. 2254) authorizing the Quincy Pontoon Bridge Company to construct and maintain a pontoon bridge across the Mississippi River at the city of Quincy, in the State of Illinois, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 6, after the words "river at," to strike out "some convenient" and insert "a;" in the same line, after the word "point," to insert "suitable to the interests of navigation;" so as to make the section read:

That it shall be lawful for the Quincy Pontoon Bridge Company, its successors and assigns, to build, construct, and maintain a pontoon wagon and foot bridge across the Mississippi River at a point suitable to the interests of navigation, in or near the corporate limits of the city of Quincy, in Adams County, in the State of Illinois, and extending across said river to the Missouri shore opposite to said city.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "with," to strike out "one" and insert "a;" in line 2, after the word "draw," to strike out "of" and insert "giving;" in line 3, after the word "feet," to strike out "in width in the clear, located over the main channel of said river, which;" and to insert "clear channel way for each navigable channel of the river, and such other openings for the passage of rafts and logs as in the opinion of the Secretary of War may be necessary: *Provided*, that;" and in line 7, after the word "said," to strike out "draw" and insert "draws;" so as to make the section read:

SEC. 2. That said bridge shall be constructed with a suitable pontoon draw giving not less than 10 feet clear channel way for each navigable channel of the river, and such other openings for the passage of rafts and logs as in the opinion of the Secretary of War may be necessary: *Provided*, That said draws shall be opened promptly upon reasonable signal to allow the passage of boats.

The amendment was agreed to.

The next amendment was, in section 3, line 17, after the word "construction," to insert "or after completion;" so as to read:

And until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built, and should any changes be made in the plan of said bridge during the progress of construction or after completion, such changes shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert, at the end of section 3, the following:

And the said bridge shall be constructed with such aids to the passage of said bridge, in the form of booms, dikes, piers, or other suitable and proper structures for confining the flow of water to a permanent and easily navigated channel, for a distance of not less than 1 mile above the bridge location, and for the guiding of rafts, steamboats, and other water craft safely through the draw and raft spans, as the Secretary of War shall prescribe and order to be constructed and maintained at the expense of the company owning said bridge; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through said structure.

The amendment was agreed to.

The next amendment was, in section 5, line 4, after the word "construction," to strike out "of plan" and insert "or any alteration;" in line 5, after the word "bridge," to strike out "made necessary by such action of Congress" and insert "that may be directed at any time by Congress or the Secretary of War;" so as to make the section read:

SEC. 5. That the right to alter, amend, or repeal this act, or any part thereof, at any time, by the Congress of the United States, is hereby expressly reserved; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be at the expense of the owners of said bridge or the parties operating and controlling the same.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGES IN ALABAMA.

The bill (S. 2021) granting the right and authority to the Mexican Gulf, Pacific and Puget Sound Railroad Company, a company organized under the laws of the States of Florida and Alabama, to build one bridge over each of the following-named rivers in the State of Alabama, viz, the Alabama River, the Warrior River, the Sipsey River, and the Tennessee River; the said bridges to be used, operated for and in behalf of the Mexican Gulf, Pacific and Puget Sound Railroad Company to carry freight and passengers by rail and otherwise, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 5, after the word "is," to strike out "and are;" in line 13, before the word "River" to insert "Sipsey;" and in line 15, after the word "bridges," to insert "and;" and in line 16, after the word "on," to insert "the;" so as to read:

That the Mexican Gulf, Pacific and Puget Sound Railroad Company, a railroad corporation organized under the laws of the States of Florida and Alabama, is hereby authorized and empowered to construct, maintain, and operate one bridge over and across each of the following-named rivers, all in the State of Alabama: The Alabama River at a point in Monroe and Clark Counties, or in Wilcox County, Ala.; the Warrior River at a point in Hale and Greene Counties, Ala., or at a point in Marengo and Green Counties, Ala.; the Tennessee River at a point in the counties of Colbert and Lauderdale, Ala.; the Sipsey River at a point in Pickens or Tuscaloosa Counties, Ala.; and to lay railroad tracks on the said bridges and to run trains on the same:

The amendment was agreed to.

The next amendment was, in section 1, line 16, after the word "built," to strike out:

Constructed, and maintained in such a manner so as not to obstruct navigation; and the plans for said bridges shall be filed with and approved by the Secretary of the Navy; and the said bridges over the said streams shall be built by the plans approved by the Secretary of the Navy, evidenced by his written approval, of which written approval shall be filed and recorded a certified copy in the office of the secretary of the State of Alabama, and the original shall be filed and recorded in the office of the said railroad company; that the said bridges are to be used, operated, and maintained for and in behalf of the said Mexican Gulf, Pacific and Puget Sound Railroad Company to carry freight and passengers, by rail and otherwise, at a reasonable price, not in conflict with the United States or State laws.

And to insert in lieu thereof:

And located under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the bridges, and complete hydrographic and topographic maps of the rivers and their banks from 1 mile above to one-half mile below the proposed crossings, and no bridge shall be commenced or built under the provisions of this act until the plan and location thereof have been submitted to and approved by the Secretary of War: *Provided further*, That said bridges shall be at all times so managed and kept as to offer reasonable and proper means for the passage of vessels through or under them; and for the safety of vessels passing at night there shall be displayed on said bridges, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and all changes in said bridges required by the Secretary of War at any time, or their entire removal, shall be at the expense of the corporations or persons owning or operating said bridges.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That any part of this grant and act not carried out within three years from its passage will become subject to be repealed.

And to insert in lieu thereof:

SEC. 2. That the bridges constructed under this act and according to its limitations shall be lawful structures and shall be known as post routes, and the same are hereby declared to be post routes, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, freight, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads and public highways leading to said bridges; and equal privileges in the use of said bridges shall be granted to all telegraph companies, and the United States shall have the right of way for postal-telegraph purposes across said bridges.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 3. That all railway companies desiring to use said bridges shall have, and be entitled to, equal rights and privileges in the passage of the same and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The next amendment was to insert the following as an additional section:

SEC. 5. That if actual construction of the bridges herein authorized shall not be commenced within two years from the passage of this act and be completed in four years from the same date, the rights and privileges hereby granted shall cease and be determined.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill granting the right and authority to the Mexican Gulf, Pacific and Puget Sound Railroad Company, a company organized under the laws of the States of Florida and Alabama, to build one bridge over each of the following-named rivers in the State of Alabama, namely: the Alabama River, the Warrior River, the Sipsey River, and the Tennessee River; the said bridges to be used by the Mexican Gulf, Pacific and Puget Sound Railroad Company in carrying freight and passengers by rail and otherwise.

MISSISSIPPI RIVER DAM.

The bill (S. 1665) to authorize the Grand Rapids Water and Electric Power Company, of Grand Rapids, Minn., to construct a dam across the Mississippi River was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 6, after the word "point," to strike out "upon or near" and insert "below;" in line 8, after the words "Grand Rapids," to strike out "to be approved by the Secretary of War;" in line 11, after the word "that," to insert "the location and plan of said dam shall be approved by the Secretary of War; that the said dam shall be constructed under his supervision, and that;" in line 26, after the word "necessary" to insert "in his judgment," and in line 28, after the word "charge," to insert:

Provided further, That the said Grand Rapids Water and Electric Power Company, its heirs or assigns, shall have no right to the use of water except as it may be liberated by the agent of the United States from the Pokegama Reservoir, in the interests of navigation:

So as to make the section read:

That the consent of the Government is hereby given to the Grand Rapids Water and Electric Power Company, of Grand Rapids, Minn., to construct across the Mississippi River at some point below the rapids in said river at the village of Grand Rapids, and within the corporate limits of said Grand Rapids, a dam, canal, and the appurtenances thereof, for water power and other purposes, and in connection therewith a wagon and foot bridge for the public travel: *Provided*, That the location and plan of said dam shall be approved by the Secretary of War; that the said dam shall be constructed under his supervision, and that the Government of the United States may at any time construct, in connection therewith, a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may, at any time, take possession of said dam and control the same for purposes of navigation, by paying said company the actual cost of the same, but shall not do so to the destruction of the water power created by said dam: *Provided further*, That the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interest of navigation; and that said dam shall, if necessary, in his judgment, be so built that boats and rafts may pass through the same without the imposition of any toll or charge: *Provided further*, That the said Grand Rapids Water and Electric Power Company, its heirs or assigns, shall have no right to the use of water except as it may be liberated by the agent of the United States from the Pokegama Reservoir, in the interests of navigation: *And provided further*, That all suits relative to any obstruction of navigation arising from said dam may be tried in the United States circuit and district courts for Minnesota.

The amendment was agreed to.

The next amendment was, to insert the following as an additional section:

SEC. 3. That this act shall be null and void if the construction of the dam herein authorized be not commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMER FOXHALL.

The bill (S. 153) to provide American registers for the steamers Foxhall and S. Oteri, of New Orleans, La., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 4, after the word "foreign-built," to strike out "steamers" and insert "steamer;" in line 5, after the word "Foxhall," to strike out "and S. Oteri;" in line 6, before the word "owned," to strike out "wholly;" in the same line, after the word "by," to insert "Lawrence C. Fallon;" in the same line, after the word "American," to strike out "citizens" and insert "citizen;" in line 7, after the word "by," to strike out "them" and insert "him," and in the same line, after the word "as," to strike out "vessels" and insert "a vessel;" so as to make the section read:

That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer Foxhall, of New Orleans, La., purchased and owned by Lawrence C. Fallon, an American citizen, and repaired by him, to be registered as a vessel of the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "steam," to strike out "vessels" and insert "vessel," so as to read:

SEC. 2. That the Secretary of the Treasury be, and hereby is, authorized and directed to authorize and direct the inspection of said steam vessel, steam boilers, steam pipes, and the appurtenances of said boilers, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading; read the third time, and passed.

The title was amended so as to read: "A bill to provide an American register for the steamer Foxhall, of New Orleans, La."

THIRD AND FOURTH CLASS MAIL MATTER.

The bill (S. 2438) to consolidate mail matter of the third and fourth classes was considered as in Committee of the Whole. It provides that on and after the 1st of July, 1892, all articles of mail matter of the third and fourth classes shall be comprehended in one class, to be known as third-class matter, the postage on which shall be chargeable at the rate of 1 cent for each 2 ounces or fraction thereof, to be prepaid with postage stamps affixed thereto.

Mr. PLATT. I should like the Senator from Oregon, who is on the Committee on Post-Offices and Post-Roads, to state what change this makes in the present law relating to postage?

Mr. MITCHELL. It makes this change: The bill consolidates the third and fourth classes of matter and makes the rate just the same as the rate on the third-class matter is now.

Mr. HALE. Is that an increase or decrease?

Mr. MITCHELL. It is a decrease of rate.

Mr. PLATT. A decrease on the whole but an increase on the fourth-class rates.

Mr. MITCHELL. It makes the rates for fourth-class matter just what the third-class rates are now.

Mr. PADDOCK. That is an increase.

Mr. PLATT. That is an increase on fourth-class matter.

Mr. MITCHELL. It is.

Mr. HALE. Which rate is established in consolidating those two classes, the third-class rate or the fourth-class rate.

Mr. MITCHELL. The third-class rate.

Mr. HALE. That is an increase.

Mr. PLATT. An increase on merchandise.

Mr. MITCHELL. I will state that I did not report the bill; it was reported, I think, by the Senator from Wisconsin [Mr. SAWYER], but the real object of the bill was to do away with the distinction between third and fourth class matter, so that all matter which is now fourth-class matter will go as third-class matter, at the same rate that third-class matter now goes, whatever that is.

Mr. HALE. What is the general distinction between the two?

Mr. MITCHELL. I will state to the Senator from Maine that it requires an expert to determine that very question. That is one of the principal reasons why the distinction is proposed to be abolished by this bill.

Mr. HALE. Merchandise which is now fourth-class matter, is brought into the third-class?

Mr. MITCHELL. Yes, sir; that is it.

Mr. CALL. Mr. President, I should be very glad to have the Senator from Oregon give us some general idea at least of what is third-class matter and what is fourth-class matter?

Mr. MITCHELL. I should prefer, if there is to be a discussion about it, that the bill go over until the Senator who reported it is here.

Mr. CALL. I think that is best.

Mr. PADDOCK. Let it be passed over without prejudice.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The bill will go over without prejudice.

MARY CLARE KELLY.

The bill (S. 2004) granting a pension to Mary Clare Kelly was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" and in the same line, after the word "month," to add the words, "in lieu of the pension she is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension rolls the name of Mary Clare Kelly, widow of the late Benjamin F. Kelly, brevet major-general of volunteers, United States Army, and pay her a pension at the rate of \$50 a month, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. RICHARDS.

The bill (S. 1737) for the relief of William A. Richards, United States surveyor-general of Wyoming, was considered as in Committee of the Whole. It appropriates \$318 to reimburse William A. Richards, United States surveyor-general for Wyoming, for losses incurred by him through a cloud-burst upon July 6, 1891, near Fort Washakie, upon the Shoshone Indian Reservation, in the State of Wyoming, while in the discharge of his duties as

surveyor-general, examining a public survey, under section 2223 of the Revised Statutes, and the special instructions of the honorable Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORFOLK AND WESTERN RAILROAD COMPANY.

The bill (S. 2923) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, line 30, after the word "tracks," to insert "in the aggregate;" so as to read:

Provided, That no more than two tracks in the aggregate shall be laid along Water street, in Georgetown, by this or any other corporation. And the roads and tracks and bridges hereby authorized to be constructed shall be a public highway, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "route," to insert "subject to the approval of the Commissioners of the District of Columbia;" so as to make the section read:

SEC. 3. That the said company shall have power to construct and operate their said extension upon, across, or over such of the streets and avenues of said city as are upon its said route, subject to the approval of the Commissioners of the District of Columbia: *Provided, however*, That good, substantial, and effective gates and fences shall be placed along its said route or across said streets or avenues wherever the same may be required for the protection of the public in the judgment of the Commissioners of the District of Columbia, as to which the company shall have due and sufficient notice.

The amendment was agreed to.

The next amendment was to insert the following proviso at the end of section 4:

Provided, That the said company, its successors and assigns, shall, in securing its right of way through private property within the District of Columbia, stipulate that the District of Columbia shall have the right, without charge of any kind, to cross the said right of way with any public sewer, water main, conduit, or other underground construction laid or proposed to be laid for the public safety, comfort, or health; and the said company, its successors and assigns, shall at all times freely and without charge or hindrance of any kind permit the legally constituted authorities of the District of Columbia to cross the said right of way in the District of Columbia, wherever necessary, in the construction of any public sewer, water main, or other construction necessary for the public safety, comfort, or health.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "within," to strike out "two years" and insert "one year," and in line 3, after the word "within," to strike out "three" and insert "two;" so as to make the section read:

SEC. 6. That the construction of the extension of the road hereby authorized shall begin within one year after the approval of this act and be completed within two years from said date.

The amendment was agreed to.

Mr. HALE. This is a matter in which the Senator from Maryland [Mr. GORMAN] has taken some interest, and I see the Senator from West Virginia [Mr. FAULKNER], who reported the bill, is not present.

Mr. COCKRELL. As soon as the reading of the bill is concluded, so that that part of its consideration should be finished, I was going to ask that it be passed over until the Senator from Maryland returns.

Mr. HALE. Let us save the time which the reading will take.

Mr. COCKRELL. It will save the time of reading it hereafter, as it is nearly through, to conclude its reading now.

Mr. HALE. Let the reading be finished, and then let the bill go over.

Mr. COCKRELL. That is what I was going to suggest.

Mr. HALE. That is all right.

The Secretary resumed and concluded the reading of the bill.

Mr. COCKRELL. Now, Mr. President, the bill has been read and is in the Senate as in the Committee of the Whole and open to amendment. Let it be passed over without prejudice, retaining its place.

The PRESIDING OFFICER. Objection being made the bill will go over, retaining its place on the Calendar, the amendments of the committee having been adopted as in Committee of the Whole.

Mr. COCKRELL. The bill is still open to amendment.

The PRESIDING OFFICER. The bill is still open to amendment. The next business on the Calendar will be reported.

ST. FRANCIS BARRACKS, FLA.

The bill (S. 754) to authorize the sale of the site of St. Francis Barracks, Fla., the sale or removal of the improvements thereof, and to provide for a new site and the construction of suitable buildings thereon, was considered as in Committee of the Whole.

Mr. PROCTOR. I move that the bill be amended in the fifth line of section 2, by striking out "power house" and inserting "powder house."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREE DELIVERY OF MAILS.

The bill (S. 524) extending the privileges of the free delivery of mails was considered as in Committee of the Whole. It provides that all the rights and privileges relating to the free delivery of mails now enjoyed under existing legislation by cities having a population of 10,000 persons, or a gross revenue of \$10,000 annually, shall be extended to all cities and towns having a population of not less than 5,000, or where the post-office has shown a gross revenue of \$5,000 for the previous fiscal year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 3627) to grant to the Gainesville, Oklahoma and Gulf Railway Company a right of way through the Indian Territory, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the term for holding court therein, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 7365) to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Ill., was read twice by its title, and referred to the Committee on Commerce.

CIRCUIT COURTS OF APPEALS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Mr. HOAR. Let the bill be read and then I will make my statement.

The PRESIDING OFFICER. The Chair does not undertake to decide the question as to whether the Calendar is to be proceeded with under the agreement or the unfinished business.

Mr. PADDOCK. That was the understanding.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business. The Senator from Massachusetts [Mr. HOAR] asks to have the bill read. The Chair stated that he had not decided whether the unanimous agreement to go to the Calendar for two days is suspended or has been fulfilled.

Mr. HOAR. We went to the Calendar the day before yesterday and took all the rest of that day after morning business and after some speeches were made, all of yesterday, and so much of to-day. Now, I think the three bills which I desire to call up in all probability will be disposed of in half an hour. I am very desirous indeed of having them disposed of at this time. I understand they have the right of way, or at least the bill which is the unfinished business has the right of way. I think we can return to the Calendar at a very early hour this afternoon.

Mr. COCKRELL. In view of what the Senator has said heretofore, and says now, in regard to the necessity of acting upon these bills which he has reported and for which he feels a responsibility, I shall not interpose any objection as to this being a violation of our order, provided, when the bills in which he is interested and desires action upon are considered, we may then complete the two days that we pledged to the Calendar. I think that will be fair to the Senator and satisfactory to the Senate.

The PRESIDING OFFICER. The Senate has heard the proposition of the Senator from Missouri. Is there objection? The Chair hears none, and it will be so ordered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

Mr. HOAR. Mr. President, in the twelfth line of the first section, the word "may" should be "shall." It is a mistake in the printing or the dictating.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 1, line 12, it is proposed to strike out "may" and insert "shall;" so as to read: "where the defendant shall be sentenced to a fine," etc.

The amendment was agreed to.

Mr. HOAR. Mr. President, I wish to make a brief statement, which will occupy but one minute, I think.

Under the act of last winter all criminal cases where the defendant is charged with an infamous crime go directly to the Su-

preme Court on exceptions from either the circuit or district court wherever they happen to be tried. Now, the Supreme Court has held that an infamous crime is a crime where the court has authority to sentence to an infamous punishment, and that an infamous punishment is a punishment of more than twelve months at hard labor in the penitentiary, that being the limit of the power to sentence to hard labor, and the limit of sentence to the penitentiary as distinguished from ordinary jails.

The result is that practically every criminal case may be brought to the Supreme Court of the United States if there be the fine of a dollar only or a sentence of a week's imprisonment only. Still, if the court has a discretion to sentence for more than twelve months, the liability to the punishment and not the actual sentence determines the question of the infamy of the crime. Of course, that not only crowds the docket of the Supreme Court of the United States enormously, but it delays the ordinary administration of justice, enabling all criminals to postpone for three or four years their sentence, and if a new trial be ordered, then the likelihood of the loss of the evidence exists. It also in many cases—I do not mean to say that these cases are the rule at all—puts poor defendants, persons who have committed petty crimes, very much into the power of dishonest counsel, who encourage them to take these appeals, which are costly and expensive.

The committee have thought that the true policy, therefore, was to have the jurisdiction of the Supreme Court depend upon the actual sentence where the sentence is for a fine of more than \$5,000, which is the recent limit of civil jurisdiction, or where the sentence is for more than twelve months, then it is proposed to leave this right to go up directly. In all other cases the defendants charged with crime have the right to go to the court of appeals, which we suppose will be a court equal in dignity and learning and ability to the State courts throughout the country everywhere. I will add to the report of my remarks a reference to three or four cases where this doctrine is decided.

This is the first change made in the bill and of course the court of appeals may in all cases certify every important question that comes before it to the Supreme Court of the United States if it be necessary for uniformity of decision or otherwise.

Now, the second change which we have made is in limiting the appeals from the Court of Claims. The Court of Claims have now some twenty-one or twenty-two thousand cases on their docket, which is constantly increasing, and is itself to be relieved by some other measures which are proposed. We propose to limit the appeal from the Court of Claims on claims arising under the Indian depredations act to cases which involve the construction of the Constitution, the validity of a treaty, or the constitutionality of a law, and to give the court authority in all such cases to order up the whole case, both the law and facts, if it see fit.

Then we make a similar provision in regard to the decisions of the Court of Private Land Claims. The section of the act which relates to appeals from the supreme court of the District of Columbia has caused a good deal of difference of opinion in the profession among the gentlemen practicing here. The theory of the committee was that if the present system be retained, then this limitation should be put upon the right of appeal, which is a pretty liberal right of appeal. I will not enter upon the discussion of it now, but if the bill which the committee nearly unanimously—I am not sure that all approved it—which was introduced by the Senator from Alabama [Mr. MORGAN] shall be adopted establishing a court of appeals for the District of Columbia, then we would think it proper to put the right of appeal or exception on a substantial uniformity with that of the courts of appeals in the rest of the country. I propose to strike out the fifth section from this bill altogether, and leave that matter of appeal to be determined when the policy of Congress in regard to the construction of the courts of the District is determined.

That is all I desire to say.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 5, as follows:

SEC. 5. That no appeal or writ of error shall hereafter be allowed from any judgment or decree, at law or in equity, in the supreme court of the District of Columbia, except in any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court of the United States for decision; or in prize causes; or in cases to which the United States, or some officer thereof acting under their authority, is a party; or in cases in which the adjudication involves the construction or application of the Constitution, or the validity or construction of a treaty, or the constitutionality of a law of the United States: *Provided, however,* That in any case in which such an appeal or writ of error might be allowed under the statutes now in force the supreme court of the District of Columbia may certify questions or propositions of law to the Supreme Court of the United States for its decision; and that the Supreme Court of the United States may require any such case to be certified to it for review and determination on original application by either party, in the same manner and with like effect as is provided with regard to the circuit courts of appeals in the sixth section of the act of March 3, 1891, establishing those courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MORGAN. I wish to inquire of the chairman of the Judiciary Committee whether or not this bill affects the right of appeal as provided now by law in criminal causes, except in regard to the District of Columbia?

Mr. HOAR. It does; as I have stated. I made that statement. I repeat that is the most important thing in the bill. I will repeat my statement for the information of the Senator, as his attention was diverted.

Under the existing law practically every criminal case which comes up in the country, a case of petty larceny of a half dozen postage stamps or the opening of a letter by a clerk or by a person not a clerk, of course delivered to the person, the exceptions come to the Supreme Court of the United States. The law of last winter gives a right of exception directly to the Supreme Court of the United States either from the district or circuit court in all infamous crimes, and the Supreme Court has held that an infamous crime is a crime which may be punishable in the discretion of the court by an infamous punishment, and that an infamous punishment is a punishment by imprisonment at hard labor for more than one year, and there can not be any imprisonment for less than one year at hard labor under the law of the United States.

The committee propose to substitute for that test the actual matter, the actual sentence, and to provide that if the person be sentenced to a fine of more than \$5,000, which was until recently the limit of the civil jurisdiction of the Supreme Court, or if the party be sentenced to hard labor for more than a year, then he may come, as now, directly to the Supreme Court with his exceptions, and they may judge. Otherwise he goes to the court of appeals. If the court of appeals find it is a question in regard to which different policies are growing up in the different circuits or for any other reason that it is an important question, that may certify it up, and of course it will go up if it involves the constitutionality of a law or treaty.

Mr. MORGAN. I should like to ask what becomes of that class of criminal causes in which the constitutionality of a law is brought in question?

Mr. HOAR. They go up from the court of appeals as now. They go, in the first instance, to the court of appeals and not directly to the Supreme Court.

Mr. MORGAN. In criminal causes?

Mr. HOAR. Yes, sir.

Mr. MORGAN. My sole purpose was to preserve the right of appeal in some form or other to the Supreme Court of the United States in those cases of a criminal character which involve the constitutionality of a law of the United States.

Mr. HOAR. If the Senator will pardon me, that is left untouched. This bill does not affect it. That is left under the law of last winter. In all that class of cases the right to go directly to the Supreme Court is preserved under the law of last winter.

Mr. MORGAN. That meets any objection I might have to the bill.

Mr. PASCO. What was the amendment offered by the Senator from Massachusetts to the first section?

Mr. HOAR. To substitute the word "shall" for "may." That was a mistake in dictation to the stenographer, undoubtedly; it was intended to be "shall."

Mr. PASCO. It seems to me that is an undesirable amendment, because the courts might avoid the right of appeal simply by reducing the fine a few dollars or reducing the punishment by a few months, and the right of appeal would thereby be destroyed.

Mr. HOAR. But if you leave it "may" and it is construed to be a case in which the court have a discretion the whole evil which this bill is designed to remedy would remain.

Mr. PASCO. I understand that where the law makes a penalty and fixes the penalty the right of appeal exists.

Mr. HOAR. That is the very thing that it is wished to change.

Mr. PASCO. The change of that word will leave it really in the power of the court to determine whether the right of appeal shall exist or not. The court can reduce the penalty to \$4,995 and thus take away the right of appeal, or it can reduce the punishment by a few days or weeks.

Mr. HOAR. Then it goes to the court of appeals. The defendant has in that case a remedy equal to that of any other citizen of the United States, because the court of appeals is everywhere equal to the State court, and if in the court of appeals it involves a question of law important enough for them to certify it up, or a question of law where there is a difference in the decision in the different circuits, then it goes up. But I think my honorable friend will see that if the law were to be enacted as he thinks and suggests it should be—

Mr. PASCO. Not as I think it should be, but as it has been.
Mr. HOAR. This simply cures the existing law of its defect. I do not suppose that any Senator, certainly not so intelligent a lawyer as the Senator from Florida, would for a moment think that the present law, which was passed inadvertently and which the mover of that amendment I think is satisfied was a mistake, should be retained. That would allow every case of larceny of half a dozen postage stamps, or the thousand instances, almost, of cases in criminal law where there is a discretion in the court to impose a large fine or a discretion in the court to impose a sentence of more than one year, to go up.

Take the case, for instance, of selling liquor without a license. There the court may sentence for two years to the penitentiary for an ordinary sale of liquor without a United States license. Why should we put upon the Supreme Court of the United States the burden of dealing with the criminal exceptions which are almost always simple and clear matters, and give every defendant in the country without an exception the right to four or five years delay while the present block of the Supreme Court exists, and whatever delay may exist hereafter, which may be lessened, exposing them to the plunder of dishonest attorneys, where that may happen to exist, as it does sometimes? In these little cases it seems to me nobody can object.

Mr. PASCO. I would suggest to the Senator from Massachusetts that those are not infamous crimes.

Mr. HOAR. Yes, they are. The Senator, I think, did not consider the statement which I made. I have a communication of the Supreme Court of the United States here, concurred in by all the judges, which I will read.

Mr. PASCO. It may be prescribed in our statutes, but it is certainly not the case under the common law.

Mr. HOAR. This is what the court say, if the Senator will pardon me:

Such a writ of error may be sued out by a person convicted of any "infamous crime," which, as has been settled by repeated adjudications, includes every offense for which the accused might be sentenced to imprisonment in a penitentiary, even if the punishment actually imposed is a fine only.

In other words, in ninety-nine one-hundredths, I suppose, at any rate in a very enormous proportion, of the crimes committed against the United States in this country there is a discretion in the court to impose a fine and a sentence of imprisonment of more than one year in the penitentiary, though a very large proportion of such offenses are punished only by a fine or a slight term of imprisonment.

The statute of last winter provides that in the case of every infamous crime the defendant may go to the Supreme Court with the exceptions, and the court have held that that is an infamous crime which may in the discretion of the court be punished, whether it be actually so punished or not. The committee proposed unanimously in this respect, and in accordance with a provision drawn by the Supreme Court of the United States, also unanimous in this respect, that the matter shall be determined not by the liability of the sentence but by the actual sentence, and that a person sentenced to a fine of less than \$5,000 or to imprisonment less than a year, shall go to the court of appeals.

Mr. PASCO. It may be that the statute which was passed during the last Congress went too far, and it may be quite proper that in those cases which involve no moral turpitude and which are not really infamous crimes under the common law, the right of appeal should not exist; but there are cases where a conviction may destroy a man's reputation, and it was upon that idea, if I recollect the discussion aright upon the original bill when it was passed by Congress, that the right of appeal was given. I suggest to the Senator from Massachusetts that there should be a line of distinction drawn, and that the committee might draw that line of distinction so as to still keep unimpaired the right of appeal in cases upon the conviction of crimes which involve any moral turpitude, and that surely that right ought to exist unimpaired. It ought not to be in the power of a court to take away a right of appeal simply by reducing the penalty \$5 or taking off a day or two or a week or a month of the sentence. That power ought not to exist in the court; the right of appeal ought to be a perfectly clear right, and one that the court can not deprive a person of simply by reducing the sentence.

I suggest to the Senator from Massachusetts that there should be some change in the language of the bill so as to protect the class of cases which he speaks of, and at the same time to afford proper protection to parties charged with the other classes of offenses, which involve moral turpitude. This amendment has sprung up suddenly. It is not printed, and there was no notice of any such amendment as the bill came from the committee; and I was not aware until the very last moment that a proposition to change this right of appeal was to come before the Senate.

Mr. HOAR. I do not think this amendment changes the construction of the bill. I think it will be so construed anyway. I do not think that a better line of distinction can be found than

that which has been so carefully drawn by the court and the committee. If a person be sentenced to a fine of \$5 under circumstances that in a possible conceivable case might involve moral turpitude he has the court of appeals; he has as good a court as any citizen of the State has charged with like offenses; and in addition to that he has the right to go from there to the Supreme Court of the United States if the court of appeals certifies that it is a question important enough to be so sent. It seems to me that that is all that will be necessary.

Mr. GRAY. I should like to call the attention of the Senator from Massachusetts, the chairman of the committee, and the Senator from Florida to the fact that the act of 1891 in providing for appeals in criminal cases to the Supreme Court of the United States was an extension of right in that regard very much beyond anything that had existed theretofore; and while we all thought that it was wise not to stop a person who was engaged in litigation that concerned his life or liberty on his way to the Supreme Court when we facilitated that approach in matters of mere property, at the same time it seems to me that we shall not suffer very much even if we take the restriction imposed by this amendment which comes from the committee.

Mr. HOAR. That is true. Even in a capital case a person can go to the Supreme Court of the United States.

Mr. PALMER. I understand that there is an amendment to the bill pending.

The VICE-PRESIDENT. There is no amendment pending.

Mr. PALMER. Is there any amendment to the printed bill?

Mr. HOAR. The fifth section has been stricken out by the Senate.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. I ask leave to append to my remarks the communication from the Chief Justice of the United States to which I referred.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The communication is as follows:

SUPREME COURT OF THE UNITED STATES.
Washington, D. C., February 1, 1892.

DEAR SIR: I have laid before the justices of the Supreme Court your courteous letter of the 12th of January, in which you say that it is quite obvious that the attention of Congress should be brought at an early day to the preparation of a measure which shall give further relief to the Supreme Court of the United States; and you particularly mention the great number of cases likely to come before the court from the circuit courts of the United States under the judiciary act of 1891 upon convictions of felony, as well as from the Court of Claims under the Indian depredation act of 1891, and from the Court of Private Land Claims under the act of 1891 establishing that court; you also refer to the matter of appeals from the supreme court of the District of Columbia; and you invite any suggestions in regard to the general question of the relief of the Supreme Court of the United States, or in regard to any details relating to any branch of its jurisdiction, which any member of the court may be willing to make.

Your letter has been carefully considered by each of the justices, and after full conference thereon they have agreed upon some suggestions which it has seemed convenient to embody in the form of a draft of a bill, herewith respectfully submitted to the consideration of the Judiciary Committee of the Senate.

A brief summary of the reasons which have led the justices to suggest the amendment expressed in the first section of the inclosed draft may not be out of place.

For a century after the adoption of the Constitution of the United States (during which period the business of the Supreme Court was far less than it now is) no writ of error or appeal was allowed from the judgment of a circuit court of the United States in any criminal case whatever, even if tried, as such cases often were, before a single judge; and no question of law in any criminal case could be brought to the Supreme Court, except upon a certificate of division of opinion between two judges presiding at the trial. A writ of error from the judgment of a circuit court in a capital case was first given by the act of February 5, 1889, c. 113, sec. 6 (25 Stat., 656). At that time there was no court except the Supreme Court in which such appellate jurisdiction could be vested. But the circuit court of appeals, as now established in each judicial circuit, consisting of three judges, is fully competent to deal with criminal cases of every grade.

Experience has shown that such cases, and especially capital cases, though often argued at great length, rarely present questions of law of peculiar difficulty; and if such exceptional questions should arise, ample protection would seem to be afforded to the accused by the provisions of the sixth section of the judiciary act of 1891, enabling the circuit court of appeals to certify questions of law to the Supreme Court for decision, and authorizing the Supreme Court, if it thinks fit, to order up the whole case by writ of certiorari. The fifth section of that act, for the first time in the history of our jurisprudence, permits criminal cases not capital to be brought "direct to the Supreme Court" by writ of error; and it authorizes such a writ of error to be sued out by a person convicted of any "infamous crime," which, as has been settled by repeated adjudications, includes every offense for which the accused might be sentenced to imprisonment in a penitentiary, even if the punishment actually imposed is a fine only. (*Ex parte Wilson*, 114 U. S., 417; *United States vs. Pettit*, 114 U. S., 429; *Mackin vs. United States*, 117 U. S., 318; *Parkinson vs. United States*, 121 U. S., 281; *In re Claassen*, 140 U. S., 300.) If Congress should think it advisable to retain the direct appellate jurisdiction of the Supreme Court in capital cases, it can hardly be doubted that some restriction of that jurisdiction in other criminal cases is necessary to enable the court to perform duties of paramount importance to the public.

The second section in the inclosed draft is founded upon intimations of members of the bar that in some cases the parties might prefer an immediate hearing in the circuit court of appeals to a later hearing in the Supreme Court; and is framed so as not to permit the transfer, without consent of parties, of any case which could be reached for argument in the regular course of the docket, either at the present term or at the next term of the Supreme Court.

The other sections will sufficiently explain themselves, upon comparing them with the existing statutes cited in the margin of each section.

In order to lose no time in communicating with your committee in regard to the points which have seemed to us most important, these suggestions have been confined to those points. But we shall be pleased at any time to afford any aid in our power, which the committee may desire, on these or other questions.

I am, with the highest respect, truly yours,

MELVILLE W. FULLER, *Chief Justice.*

Hon. GEORGE F. HOAR,

Chairman of the Judiciary Committee of the Senate.

CAUSES IN THE COURT OF CLAIMS.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 1615) to facilitate the disposition of causes in the Court of Claims.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. HOAR. Before the committee amendments are acted on, I desire to move an amendment to the third section. I move to add the following proviso:

Provided, That this section shall not apply to cases arising under the act of March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

The amendment was agreed to.

Mr. HOAR. I desire to have printed in the RECORD a communication from the Attorney-General, embracing a statement of facts concerning the present status of the business pending in the Court of Claims.

The VICE-PRESIDENT. The communication will be printed in the RECORD, if there be no objection.

Mr. COCKRELL. If it is not too long, let us hear it read.

Mr. HOAR. Let it be read. It is not very long.

The VICE-PRESIDENT. The communication will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE.
Washington, D. C., March 26, 1892.

SIR: Complying with your request, I have caused to be prepared the following statement of facts concerning the present status of the business pending in the Court of Claims.

The report of the Attorney-General for the year 1891, page 4, contains a general statement of the subject, as of November 1, 1891. A careful examination of the dockets of the clerk's office of the Court of Claims made March 26, 1892, shows:

General and special jurisdictional cases, March 26, 1892, 1,686 actions. In the Attorney-General's Report, 1891, the total number of actions under this branch of the jurisdiction is stated as 1,194. This is inaccurate. Included in this number are 265 actions of letter-carriers for extra pay under the act of May 24, 1888. For convenience the cases from the same city are docketed under one number, so that in fact November 1, 1891, there were actually pending 1,459 actions. From November 1, 1891, to March 26, 1892, there have been added 227 cases, making the total now pending 1,686, as above stated.

During the year prior to November 1, 1891, 402 actions, largely class cases, were dismissed for nonprosecution; so that, besides the letter-carrier cases, very few purely class cases are pending. It is generally understood that very many actions by letter-carriers are yet to be filed. If the decision of the Court of Claims lately rendered against the United States in these cases shall be sustained by the Supreme Court of the United States, it will be necessary for the court to examine and decide each case upon its merits.

French spoliation cases, March 26, 1892, 4,952 petitions.

Bowman act cases, March 26, 1892, 7,721 cases. This is an increase of 328 cases since November 1, 1891. Of these cases petitions in large numbers are pending before the appropriate committee in Congress.

Indian depredation cases, March 26, 1892, 7,195 cases. This is an increase of 1,728 since November 1, 1891. There is no reason to change the general estimate given in my report for 1891, as to the probable number yet to be filed.

Departmental cases, 13

District of Columbia cases, 23.

RECAPITULATION.

General and special jurisdiction	1,686
Bowman act	7,721
French spoliation	4,952
Indian depredation	7,195
Departmental	13
District of Columbia	23
Total	21,590

From this number, however, there should be deducted the number of cases finally passed upon by the court from November 1, 1891, to this date, which it is impossible now to determine with accuracy.

The total increase in cases docketed since November 1, 1891, to March 26, 1892, about five months, is 2,218.

Recognizing the evident inability of the court to seasonably hear and determine the cases ready for trial, from the enormous number pending at the beginning of the present term, and that an equitable proportion of the time ought to be given to suitors, the chief justice of the Court of Claims assisted in and approved a plan of dividing the term between the jurisdictions. The court caused the schedule to be printed on the weekly trial lists. The schedule is as follows:

Year.	From—	To—	Cases.
1891	Dec. 7	Dec. 24	General jurisdiction, Congressional, and Indian depredation.
1892	Jan. 4	Jan. 28	French spoliation.
	Feb. 1	Mar. 3	General jurisdiction, Congressional, and Indian depredation.
	Mar. 7	Apr. 7	French spoliation.

Year.	From—	To—	Cases.
1892	Apr. 11	May 5	General jurisdiction, Congressional, and Indian depredation.
	May 9	May 19	French spoliation.
	May 23	June 9	Cases arising in any jurisdiction to be specially assigned.

Special assignments, last Monday of October to first Monday of December, 1892.

So far during the term the court has adhered to this schedule. It has certainly prevented much confusion. It has demonstrated the fact that, as the court is presently constructed, it can not hear and determine the causes ready for trial on the part of claimants. Of these the present trial calendar published by the court shows more than 400 between December 7, 1891, and March 26, 1892. Another fact has been proved with equal certainty, viz, that the present corps of attorneys of the Department of Justice, while manifestly inadequate to seasonably care for all cases presented by claimants ready for trial, have been able to prepare and argue more cases than the court has time to hear.

The result is what was anticipated. Almost the entire time of the court from now till the June recess has been preempted by special assignments, leaving a large number of cases fully prepared by both parties to await and take the uncertain chances of a hearing. There are no unusual circumstances attending the present list of cases, and the present difficulties are certain to increase.

In 1890 the Court of Claims consisted of five judges. The number of cases pending at the completion of the court term by the report of the Attorney-General in 1890 was 442. The court then had only its general jurisdiction. Now the cases pending are nearly forty-nine times as many.

A more important factor than any yet suggested is that with the exception of several hearings on preliminary matters the court has so far given no time to the actions brought under the recent act relating to Indian depredations.

Under that section of the act which gives priority of consideration to cases examined, approved, and allowed by the Secretary of the Interior, the Assistant Attorney-General in charge of these matters has submitted to the court thirty-three cases upon stipulations of fact. By these stipulations the court was relieved of the labor of the examination of the law and facts, and judgment followed as of course. These officers of the Department of Justice have prepared a large number of cases of this character, and also advanced the preparation of many others in which the law and facts will be ultimately contested. But the court has not yet entered upon the work of hearing and determining contested cases. The cases prepared as above would have been earlier submitted to the court but for the fact of the hearing upon the preliminary matters above suggested.

The essential character of these cases is that of an action of trover or trespass. Each will necessarily be tried alone. The cases have few of the distinctive elements of class cases; possibly some may be dismissed as not being within the jurisdiction. The number of cases already filed constitute quite 33 per cent of the pending cases.

When the court shall be called upon to enter upon their hearing, the difficulty of obtaining speedy trials will be very largely increased.

The probability of the court being able to seasonably care for the present docket may have some light thrown upon it by reference to the past work. The following table has been compiled from reports of past Attorneys-General from 1880 to November 1, 1891, during all of which time the court has had the benefit of its full number of judges:

Total number of cases disposed of.

Years.	General jurisdiction.			District of Columbia.		
	Brought to trial.	Dismissed.	Total.	Brought to trial.	Dismissed.	Total.
1880	240	1,256	1,496	21	4	25
1881	123	100	223	16	14	30
1882	63	348	411	26	50	76
1883	80	51	131	34	92	126
1884	184	765	949	19	77	96
1885	200	12	212	6	8	14
1886	413	2	415	8	4	12
1887	314	2	316	5	5	10
1888	274	273	547	5	5	10
1889	191	15	206	5	5	10
1890	140	4	144	5	5	10
1891	99	402	501	2	2	4
Total	2,231	3,412	5,643	146	246	392

Years.	Bowman act.			French spoliation.		
	Congressional.	Departmental.	Total.	Brought to trial.	Dismissed.	Total.
1880						
1881						
1882						
1883						
1884	3	8	11			
1885	14	5	19			
1886	84	5	89			
1887	147	1	148			
1888	278	5	283	101	298	
1889	279	4	283	103	2	105
1890	144	2	146	8	78	86
1891	150		150	25		25
Total	1,099	30	1,129	420	181	601

* Eight cases under captured and abandoned property act dismissed.

† Eighteen cases under captured and abandoned property act; nine tried and nine dismissed.

‡ Six cases under captured and abandoned property act.

General jurisdiction.—During eleven years there were finally disposed of 5,640 actions. Of this number 3,412 were disposed of without action or time of the court upon the simple motion to dismiss for nonprosecution. The number of cases disposed of during this period by trial or some preliminary action of the court is 2,231, or a yearly average of 186.

The yearly average of cases tried under the jurisdiction relative to the District of Columbia is about 14.

Bowman act.—For eight years, under the Bowman act and departmental cases, the yearly average is 141.

French spoliation cases.—For six years, under the French spoliation act, the yearly average is 100.

The number of cases disposed of during six years last past, while the court has had all these jurisdictions, is 3,899, or an annual average of 650.

The total number of cases disposed of during the year 1891 was 678, but of this number 402 were dismissed by the court on motion of the defendants, without any action on the part of the court other than allowing the motion.

A table is here submitted, compiled after the annual report of the Attorney-General for 1891 was printed. The fact that some of the cases mentioned in this table have been decided since January, 1892, does not destroy the force of the fact in relation to the inability of the court to seasonably dispose of cases.

FRENCH SPOILIATIONS.

The following cases are now in the hands of the court:

Name of vessel and master.	No. of cases.	Submitted.
Hannah, Bright, master	3	Nov. 27, 1889
Sarah, Brack, master	3	May 19, 1887
Benja. Rowe, master	4	Do.
Concord, Thompson, master	7	Nov. 29, 1887
Hope, Merrill, master	5	Nov. 21, 1888
Little Will, Tallman, master	6	Do.
Sea Nymph, Hastie, master	4	Nov. 27, 1888
Georgia Packet, McKeever, master	4	May 8, 1890
Three Friends, Shepherd, master	2	Do.
Polly, Atkins, master	2	May 15, 1890
Matilda, Canfield, master	1	Apr. 28, 1891
Altkonack, Vickers, master	1	May 19, 1891
Fox, Whipple, master	3	Feb. 25, 1889
Spartan, Howe, master	2	Nov. 25, 1889
On 21 vessels	51	Recently.
Total	105	

Cases on the following vessels were submitted and decided:

Name of vessel and master.	Submitted.	Decided.
Four Sisters, McLean	Oct. 30, 1888	Jan. 18, 1892
Eliza, Burton	Nov. 26, 1889	Do.
Argo, Randall	Nov. 21, 1889	Do.
Union, Hooper	Nov. 30, 1889	Do.
Hope, Seaward	May 8, 1890	Jan. 25, 1892
Betsey, Bowler	May 14, 1890	Dec. 3, 1891
Glasgow, Alcorn	Mar. 19, 1888	Nov. 30, 1891
Vulture, Berry	June 18, 1888	Jan. 20, 1890
Lydia, Washburn	May 15, 1890	Feb. 1, 1892
Ranger, Bacon	Mar. 17, 1891	Do.

Cases on the following vessels were decided and reported to Congress:

Name of vessel and master.	Decided.	Reported to Congress.
William, Gilmore	Mar. 26, 1888	Not yet.
Abby, Williams	Feb. 11, 1889	Do.
Parkman, McMillan	Feb. 4, 1889	Do.
Glasgow, Alcorn	Nov. 30, 1891	Do.
Sally, Hampton	Dec. 10, 1888	Dec. 7, 1891
Two Sisters, Henry	Dec. 17, 1888	Do.
William, Goe	Dec. 24, 1888	Do.
Ballahoo, Ripley	Dec. 31, 1888	Dec. 7, 1891
Lady Washington, Sellich	Do.	Do.
Thankful, Ward	Do.	Do.
Currier, Burr	Do.	Do.
American, Towne	Jan. 7, 1889	Do.
Sea Flower, Farley	Do.	Do.
Jane, Wallace	Jan. 14, 1889	Dec. 12, 1891
Bacchus, George	Jan. 21, 1889	Dec. 7, 1891
Polly, Smith	Apr. 1, 1889	Jan. 18, 1890
Boston, Dougherty	Do.	Dec. 7, 1891
Patapasco, Hill	Apr. 23, 1889	Do.
Little Sam, Macquin	Apr. 23, 1889	Jan. 18, 1890
Hope, Church	May 6, 1889	Dec. 7, 1891
Eleonor, Treat	Dec. 2, 1889	Do.
Eliza, Poulson	Do.	Do.
Fusilier, Shaw	Do.	Do.
Confidence, Manning	Do.	Dec. 12, 1891
Nancy, Lincoln	May 26, 1890	Dec. 18, 1891
Lucy, Holmes	Dec. 9, 1889	Dec. 7, 1891

There are many other cases now under consultation for long periods. This condition exists from no fault of the court. The cases involve large sums and are important both in law and in fact. Taking into consideration the large number of cases tried and submitted on briefs without trial, little enough time is possessed by the court for their proper consideration.

Additions to the number of judges will enable the court to more readily dispose of the cases after they are submitted; but a court, however large, sitting as the present one does, can not relieve the existing difficulties. So long as the court sits as one body, five judges can hear as many causes as ten. Neither will additions of attorneys to the Department of Justice relieve this congested condition.

If the court is unable to hear the cases made ready for trial by the claimants and the present force of the Department, to double that force would be to aggravate the difficulty.

The best remedy for this condition of things seems to be to provide two additional judges, and that the court sit in sections, substantially in accordance with the scheme discussed before your committee.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

Hon. GEORGE F. HOAR.

Chairman Judiciary Committee, United States Senate.

The VICE-PRESIDENT. The amendments of the Committee on the Judiciary will be stated in their order.

The first amendment was, in section 2, line 6, after the word "decision," to insert "of the full bench;" so as to make the section read:

That said court shall hereafter sit in two divisions of three judges each, of whom two shall be a quorum, and the concurrence of a like number shall be required for a decision in any case. Seven judges shall constitute a full bench, four of whom shall be a quorum, and the concurrence of four judges shall be required for a decision of the full bench in any case.

The amendment was agreed to.

The next amendment was in section 3, line 2, after the word "allowed," to strike out "on behalf of the United States;" in line 3, after the word "decrees," to strike out "adverse to the United States, and on behalf of the claimant only;" in line 6, after the words "to the," to strike out "full bench" and insert "court," and in line 7, after the words "that the," to strike out "decision" and insert a class of "and insert "judgment or decree will determine;" so as to read:

That appeals from the Court of Claims to the Supreme Court of the United States shall be allowed from all judgments or decrees in cases where the amount in controversy shall exceed \$5,000, or when it shall be made to appear to the court that the judgment or decree will determine cases involving in the aggregate at least \$5,000; or that the question involved is of such special importance as to require the decision of the Supreme Court.

The amendment was agreed to.

Mr. COKE. I move to strike out so much of the first section commencing in line 6, embracing the word "continuous," in that line, down to and including the word "section," in line 11.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In the first section, line 6, after the word "court," strike out all down to and including the word "section," in line 11, the words proposed to be stricken out being as follows:

Continuous service past or future for the term mentioned in section 714, of the Revised Statutes of the United States, either as a judge or chief justice or both of said court, shall entitle the person rendering or to render such service to the benefits of said section.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. COKE. Mr. President, the Senator from Mississippi [Mr. GEORGE] and myself objected to this clause in the committee, and I desire to place on record that fact. This is the clause under which these judges are to be pensioned. I have always opposed civil pensions. The pensions that have been granted under this Government to civilians are a departure, in my judgment, from all correct principles. I shall never consent, so far as I am concerned, to extend them. I hope it will be the pleasure of the Senate to strike this clause out, leaving the judges with their salaries, and their good salaries, while they are on the bench, and when they go off of the bench leaving them to take care of themselves as other citizens have to do.

Mr. HOAR. Mr. President, I do not think that the clause proposed to be stricken out changes the law. I think the court will probably so hold, but it certainly removes a doubt, and removes it, as it seems to me, in the clear interest of justice. If we were to abolish the pension system for judges that is one thing. There are grave objections, which have been very ably stated, and I suppose the Senator from Mississippi and the Senator from Texas will state them as powerfully as they can be stated by anybody, against a pension system altogether; but it is the existing law that the judges of certain courts of the United States, having arrived at the age of 70 years and having served honorably ten years, may retain their salary during their lives. It has been found necessary, I think, in our experience, in order to command the services of the ablest and strongest men.

As it is, anybody who is fit for one of these judicial appointments ordinarily sacrifices three times as much as he gets. I suppose it is not a secret that the person whom many people in this country believe the fittest man in it to succeed the late venerated Justice Bradley, on being spoken to on the subject by some persons whose opinion might be supposed to have some weight with the appointing power—a person whom Judge Bradley hoped would be his successor—replied that he was earning a hundred thousand dollars a year and he could not afford it.

If in addition to this vast sacrifice which is ordinarily made you expose the judge to be left without support for himself or his household at the age of 70, you diminish still more the number of persons, and no man fit to be a judge, and no man of the class of lawyers whom we wish to get for that office, will accept the place unless he be a man of wealth, and I think that would be a very poor condition of things.

But that system it is not proposed now to repeal by anybody. When it is proposed to repeal it the matter will be debated. But if it is to continue, is there any question that if a man has served five years as a side judge and then by reason of his being the fittest man for that place in the eye of the appointing power, serves five years more as Chief Justice and then becomes invalidated and is 70 years old, the two services ought to count as one for the purpose of the pension. It seems to me that even gentlemen who may oppose the pension system on principle will agree on consideration that if the system is to exist it should exist as a just and not an unjust system. Otherwise, in all cases persons who have had the experience and training on a particular bench will be afraid to accept promotion to the head of that bench, because of the loss of their retiring pension.

Mr. COKE. Mr. President, I have never heard any argument made in favor of pensioning judges that would not apply equally well to all other important civil officers. Senators, Representatives, or any other important officers under this Government can be maintained in a right to a pension as fully as judges can.

The argument that this system has already commenced and should be continued has no force with me. I think it is never too late to correct an error. I believe that the commencement of the system was erroneous, and that it should be corrected at the earliest possible time. I think this is as good a time to commence it as any other.

Mr. GRAY. I rose to suggest to the Senator from Massachusetts while he was on his feet that a very signal illustration of the practical working of the present law in regard to the retirement of judges upon their salary at the age of 70 provided they have served on the bench for at least ten years was furnished by the experience of our Supreme Court judges. Mr. Justice Miller and Mr. Justice Bradley both worked far beyond the limitation prescribed by law from a sense of duty and devotion to their profession and to the bench, and rendered very important service. I think Judge Bradley was 76 and Judge Miller was perhaps older. We still have upon the bench—it is our good fortune that we still have there—a judge who could have availed himself several years ago of the provisions of the law, but having been blessed with good health, and with that strength which has continued to him long after the usual time allotted to man, he still renders service to his country and to the profession in the administration of justice. I think that our experience with it is an exceedingly fortunate one.

It seems to me that as long as we have a life tenure for any judicial officer a retiring provision such as we have now is an essential attribute of it, not in the interest so much of the individual judges as in the interest of the public, because there would then be the temptation, if the law did not exist, for a judge long after his powers had begun to fail to linger on the bench if he were in such circumstances that he could not live without the salary. There being no such temptation now insures us that that condition of things will never obtain. I think that the pension system applying to officers who have a life tenure takes it out of any category that is dangerous to us in a civil pension list.

Mr. HOAR. Perhaps I may be permitted to add to the names mentioned by the honorable Senator from Delaware the name of a venerable judicial character, now happily long spared to the public service, that of Mr. Justice Field, a gentleman whose name is likely to be as eminent as any in our judicial annals for the sincerity and purity of his devotion to the public service, and for the vigor and learning which he has brought to the determination of the great public controversies which have arisen in his time.

Mr. BERRY. I should like to ask the Senator from Massachusetts if he remembers when the first statute was passed which granted pensions to judges?

Mr. HOAR. It was between 1869 and 1871 I think; but it is possible that it was in the following Congress. I was a member of the other House when the act was passed. It was drafted by Mr. Armstrong of Pennsylvania, a member of the other House whose term of service I think lasted only two years, but it may have been four.

Mr. COKE. Was it not passed in April, 1869?

Mr. HOAR. It was thereabouts. It was either in the Congress extending from 1869 to 1871 or in the one from 1871 to 1873; I think the former.

Mr. GRAY. If the Senator from Arkansas will allow me, I wish to say to the Senator from Massachusetts that although I did not mention Judge Field's name he was the person who was in my mind when I alluded to the judge now on the bench.

Mr. HOAR. I so understood the Senator, and I thought it was quite fitting that his name should be mentioned as well as that he should be referred to by description.

Mr. BERRY. Mr. President, I do not think it would be insisted by any Senator that the judges who sat upon the bench

since 1869 were in any way, as lawyers or as men or as judges, superior to those who preceded them in the great number of years the Government had been in existence. I think that before the system was ever adopted of granting pensions to judges, the men who sat upon the Supreme and district benches of the United States were equal in every way to those we have had since.

I do not see the force of the argument urged by the Senator from Delaware [Mr. GRAY], who says that the system has worked well. As the Senator from Texas [Mr. COKE] said, the whole system of granting civil pensions is contrary to our theory of government. It is contrary to that independence of the citizen and that equality which should exist in the character of government that we have. The salaries are large. These places, with or without the pension will be sought for by the ablest lawyers in the country, and it is the merest pretense to say that you can not get men of the highest order of intellect and the greatest legal attainments to serve unless you grant this pension.

As the Senator from Texas has well asked, what reason can be urged for giving a judge a pension at the termination of a certain term of service that will not apply to every other class of officers throughout the Government? It is a wrong system. It builds up classes. It tends to give certain privileges to particular men and to particular classes to live off of the Government and to live off of other citizens who are engaged in pursuits that are necessary to earn a living for themselves and their families. The whole system is wrong in my opinion. It is no argument to say that because others are receiving a pension, if it is a bad system we should vote to extend it.

I want to say, by the way, that so far as this bill is concerned, I have not heard any necessity stated here for increasing the number of judges on the Court of Claims by two. It seems to me that the business before that court is not likely to increase sufficiently to authorize the appointment of these additional judges with these salaries. But, at any rate, whether it be necessary or not, I do not think that we should continue or extend, in any way whatever, the system of granting civil pensions to men who perform services for the Government of the United States.

Mr. PALMER obtained the floor.

Mr. HOAR. If the Senator from Illinois will pardon me one sentence only, I will not interfere with him; but in answer to the last suggestion I will state that this fact among others was shown, that the quantity of business is multiplied by forty-nine since the present number of justices was established.

Mr. BERRY. I did not hear the Senator. If the Senator will excuse me, I did not hear his remark.

Mr. HOAR. The Attorney-General reports officially that there are forty-nine times as many cases on that docket now as there were when the present number of judges was fixed.

Mr. PALMER. Mr. President, I want to express my concurrence in the theory of the Senator from Arkansas [Mr. BERRY], but I desire to dissent from the application of that theory to a class of cases like this. I have never regarded the provision made for judges as in the nature of a pension. It is a part of the condition upon which a great lawyer accepts the place. It is that he may not be tempted to engage in the struggles of business that would connect him with the active affairs of life.

My acquaintance with the courts is perhaps quite as extensive as that of any other member of the Senate. During my whole life I have witnessed the struggle between the conscientious mind of a pure judge anxious to make some provisions for his declining years and the necessity of confining himself with a single mind to his judicial duty. I have known eminent lawyers to take seats upon the bench. A high judgeship is a very tempting bauble as an object of ambition to a lawyer. I have known men of eminence to surrender a profitable business, an extensive practice, to go upon the bench. In going upon the bench they made sacrifices, and they were in the nature of public benefactors in accepting the place for which they were so eminently fit in learning, in intelligence, and in all that adorns a great judge. The salaries of judges, compared with the complete devotion to business that is required of them, has never been extravagant.

Mr. COKE. Will the Senator allow me to ask him a question?

Mr. PALMER. With great pleasure.

Mr. COKE. Are the State judges in Illinois pensioned?

Mr. PALMER. They are not.

Mr. COKE. Does the Senator know that the judges of any State in the Union are pensioned?

Mr. PALMER. I do not. From my knowledge of the subject, I do not think they are pensioned.

Mr. COKE. Do we not have as much purity on our State bench as we have on the Federal bench?

Mr. PALMER. Yes, sir; and that brings me to the very point that I was about to reach, that has impressed me so much, and that is the meager salary. I think we pay in Illinois some \$4,500

to our supreme judges, which is altogether inadequate. Notwithstanding the salary is meager and the term is limited (I favor very much the limitation of the terms of the judges), I have known those men surrender a profitable practice, and I have known them from the very necessity of the case, engage in speculation, engage in some side employment, giving it a part of their attention and some money.

I have witnessed this struggle between poverty and a desire to discharge duty until I have the utmost sympathy for the men who engage in it. I have known judges of eminence to become involved in speculations. A great lawyer is not likely to have very much money saved. I believe there are exceptions, but as a rule they are not remarkable for their money-keeping capacity, and I have known them to become involved in speculations that would not have been very attractive to men of experience, to men of a business sense. I have witnessed the struggle, and I should be glad to see the principle adopted of paying a judge such salary *in present* and in future as would enable him to feel that he had his life work upon him, and that he might be relieved from those anxieties that attend men as they grow old with the consciousness that their physical and intellectual faculties too are not as they were at an early period of their lives.

The Senator from Texas asked me whether the State judges are pensioned, and I said no. I do not know what I would do if I were a member of a constitutional convention or a State Legislature with authority to make permanent provision for judges. Here is a case where the principle has been applied. I know some of the judges. I know something of the place. I know that men taking places upon the Supreme Bench abandon everything else. I know the expense of such a place, according to our ideas, because we have passed beyond the simple lessons taught by Dr. Franklin. These men are required to conform to what society demands. It is a struggle. The salary is insufficient for their support as they are situated ordinarily. I desire that the judge shall feel that whatever the duties of the place are he shall have none of the temptations to engage in business to distract his thoughts, and that he may feel it is a contract with the public; that in view of his dedicating himself to the judicial service of the country he shall feel that in taking that step, when he separates himself from the active duties of his profession, he has at least a provision for life, if his office is for life. It must immensely increase the efficiency of the judge. It is better for all interests that the judge shall be separated from the active business of men, and that he shall feel that he is assured of a support in his declining years.

These are feelings that I entertain with great earnestness. I dislike the system of pensions, of civil pensions, if the term is regarded as having any distinction. I dislike giving the public money to anybody for nothing. But I regard this pension system of judges as being a part of the agreement we make with them when we invite them to take places upon the bench, and in that view of it I should regret it as a public calamity if the system should be abandoned.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Texas [Mr. COKE].

Mr. COKE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. I wish to ask the Senator from Massachusetts how far this provision for joining together the terms of a United States judge extends, whether it is limited to the court itself as the subject of this bill or is general? I do not think that it has generally been accepted by the bar nor by the judges that these terms can be added. I think there is an apprehension on the part of judges of United States courts that a strict construction of the statute would not authorize the retirement of a judge unless he had held the one place upon which he retired for ten years or had attained the age of 70.

If this provision goes no further than the application to the one court which is the subject-matter of the bill I can only say that I wish the Senator had made it more general. The spirit of the whole provision in which, with the Senator from Massachusetts, I took some part as a member of the House of Representatives was to give to United States judges who dedicated the best of their life to the service in these courts a retiring pension, whatever might have been their judgeship during the time. All these judges and all these judgeships are high officials and high places, and there is no reason in my mind why if a district judge who has served five years should then be promoted to circuit judge and serve three years and then should by subsequent advancement be placed in that highest position any lawyer may aspire to, the Supreme Court of the United States, the ten years should not reckon from the time when he first dedicated his life to the work upon the judiciary of the United States.

I call the attention of the Senator from Massachusetts to this matter, asking him this question, for I do not know how far the provision applies.

Mr. HOAR. The provision applies only to the court in regard

to which we are providing for an additional appointment of judges. It would seem to be rather out of place on a special bill for a particular court to enter upon this general question. I quite agree, however, with the honorable Senator from Maine, and if the Senate should put on this bill or any other a general provision I should be glad to support it myself.

Mr. HALE. It goes no further here than the Court of Claims.

Mr. HOAR. It goes no further than the Court of Claims.

Mr. HALE. I hope, on this subject particularly, if this is passed and receives the sanction of the Senate, the Committee on the Judiciary will see to it that the principle that is embodied in this section is carried into all other details applicable to the retirement of United States judges.

Mr. CALL. Mr. President, the question whether a judge should be allowed some provision for his life after he shall be retired from the public service depends entirely upon the policy that is best for the office and for the people in the administration of the law. What is that? Is it best that a man intrusted with these extraordinary powers, separated from the entire community, perfectly irresponsible except to public opinion for his action in regard to the life or the death of the people or the preservation of their property shall be meagerly paid; that he shall be made a pauper because there are numerous aspirants for the distinction of the place? Is it best for the people that he should live in obscurity and have all the temptations of wealth and luxury and independence in others around him to induce him to be subservient to them? Is it best that his family shall be disgraced comparatively because he is performing this public duty? That is, that they shall be subjected to that extreme poverty after his term of office, which often leads to disgrace and disease, and sometimes to crime. Is that the manner in which we are to obtain integrity and ability and independence in the performance of public duty.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. CALL. Certainly.

Mr. BERRY. Does the Senator consider that a man's family is disgraced by the amount of salary he receives, whether it is a small one or a large one?

Mr. CALL. No; poverty is no disgrace.

Mr. BERRY. I thought the Senator's argument was that poverty is a disgrace.

Mr. CALL. The Senator is mistaken; I do not think that poverty is a disgrace, but I do not think it is a reward. I do not think it is an inducement to virtue, either under the Divine administration or that of our own temporal affairs. We reward people, and the hope of reward in the future life and in the present is one of the great incentives to virtue here. The proposition that we are to select men for the highest functions, exposed to the greatest temptations, and impose punishment upon them for the performance of their duty, strikes me as a very extraordinary one.

Mr. President, I am in favor of an elective judiciary, and if I had it in my power every judge in the United States should be responsible to the people at fixed periods for the manner in which he performed the great trust imposed upon him; but I would pay him a large compensation, and I would provide for his retirement for life after he had performed the public duty for a sufficient length of time.

I regard this as one of the most important questions for the future of this country and the protection of the people in their rights against the vast power that is accumulated in the shape of corporations and trusts and monopolies in the hands of privileged classes. We need a judiciary that shall be independent, not only made so by responsibility to public opinion at fixed periods of time, but independent by having distinguished rewards offered to them, and by being placed, so far as human policy can do it, beyond the reach of temptation.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Texas [Mr. COKE].

The Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is paired with the Senator from Oregon [Mr. DOLPH]. My colleague if present would vote "yea."

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague [Mr. JONES of Arkansas] is paired with the Senator from New York [Mr. HISCOCK]. If my colleague were present he would vote "yea."

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Colorado [Mr. WOLCOTT]. I may as well announce now that my colleague [Mr. FAULKNER] is likewise paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. MORGAN (when his name was called). I am paired with

the Senator from Massachusetts [Mr. DAWES]. If he were present I should vote "yea."

Mr. SHERMAN (when his name was called). I am paired with the Senator from Kentucky [Mr. CARLISLE], but understanding that he would vote "nay," I will vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. If he were present I should vote "yea."

The roll call was concluded.

Mr. HIGGINS. I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present I should vote "nay."

Mr. PASCO. I wish to announce my pair with the Senator from North Dakota [Mr. CASEY].

Mr. DOLPH. I am paired with the senior Senator from Mississippi [Mr. GEORGE], whom I do not see in his seat.

Mr. BATE. My colleague [Mr. HARRIS] is necessarily absent. He is paired, however, with the Senator from Vermont [Mr. MORRILL].

Mr. COCKRELL (after having voted in the affirmative). I voted without reflecting that I am paired with the senior Senator from Iowa [Mr. ALLISON]. I am advised that if he were present he would vote "nay." As I have already voted "yea," I will withdraw my vote, and announce the fact that if I had a chance to vote I should vote "yea."

Mr. CAREY. I desire to announce that my colleague [Mr. WARREN] is paired with the Senator from Georgia [Mr. GORDON].

Mr. WALTHALL. To make a quorum I vote "yea."

Mr. HIGGINS. In order to make a quorum I will vote. I vote "nay."

Mr. COCKRELL. If the Senator from Iowa [Mr. WILSON] has no objection, as it will not change the result, I will vote in order to make a quorum.

Mr. WILSON. I do not object.

Mr. COCKRELL. I vote "yea."

The result was announced—yeas 11, nays 34; as follows:

YEAS—11.

Bate,	Cockrell,	Daniel,	Turpie,
Berry,	Coke,	Kyle,	Walthall.
Blodgett,	Colquitt,	Mills,	

NAYS—34.

Allen,	Frye,	Paddock,	Shoup,
Barbour,	Gallinger,	Palmer,	Squire,
Blackburn,	Gray,	Peffer,	Stewart,
Butler,	Hale,	Perkins,	Teller,
Call,	Hawley,	Platt,	Vilas,
Carey,	Higgins,	Proctor,	Washburn,
Calliom,	Hoar,	Pugh,	Wilson.
Davis,	Manderson,	Sanders,	
Dubois,	Mitchell,	Sherman,	

NOT VOTING—43.

Aldrich,	Felton,	Jones, Ark.,	Ransom,
Allison,	George,	Jones, Nev.,	Sawyer,
Brice,	Gibson, La.,	Kenna,	Stanford,
Cameron,	Gibson, Md.,	McMillan,	Stockbridge,
Carlisle,	Gordon,	McPherson,	Vance,
Cass,	Gorman,	Morgan,	Vest,
Chandler,	Hansbrough,	Morrill,	Voorhees,
Dawes,	Hill,	Pasco,	Warren,
Dixon,	Hiscock,	Pettigrew,	White,
Dolph,	Irby,	Power,	Wolcott.
Faulkner,		Quay,	

So the amendment was rejected.

Mr. MORGAN. I desire to amend the bill in line 9, of section 3. After the word "involved," I move to insert "relates to the validity or construction of an act of Congress or;" so as to read:

Or that the question involved relates to the validity of construction of an act of Congress, or is of such special importance as to require the decision of the Supreme Court.

Mr. HOAR. I do not object to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. COCKRELL. Mr. President, I am opposed to the passage of this bill, because in my humble opinion there is no real necessity for any increase of the number of judges on the Court of Claims. It will be an increase of the officials of the United States and an increase of the expenditures, to both of which I am opposed. I believe the present court, with proper machinery given to the office of Attorney-General to investigate and prepare the cases that are pending and will be pending before that court, can dispose of all the business with promptness. It is true that just at this time there is an accumulation of business before the court. That is in consequence of the passage of the Indian depredation law, which threw probably 5,000 or 6,000 cases into that court at one time.

Mr. BUTLER. And the French spoliation claims.

Mr. COCKRELL. The law referring the French spoliation claims was another measure that threw a large number of cases into the court. They are not continuing cases. When they are disposed of there will be a very light docket comparatively. We can bridge over the existing arrears of business by giving them a little time, without necessarily increasing for all time to come the number of judges upon that bench with a life tenure and retired pay.

I am satisfied that a great many of the cases before that court are cases of a class, and the decision of one of the cases is the decision of one hundred, and sometimes one thousand. The number of cases is no evidence of the pressure on the court of arrears of business like it would be in other courts.

For these reasons I shall oppose the bill, and upon its passage I must call for the yeas and nays.

Mr. HOAR. Since the Court of Claims was established with five, the present number of judges, the population of the United States has doubled, I suppose. There are now on the docket of that court forty-nine times as many cases as there were when the number of judges were increased to five. There are between 21,000 and 22,000 cases. There are 7,000 cases which have been sent there under the Bowman act, each requiring its own distinct examination, no considerable number of them being what can be called a class.

The court disposed in eleven years of 5,640 actions. The Senator from Missouri thinks that a court which can dispose of 5,640 actions in eleven years is large enough to dispose of a present docket of 22,000, which is increasing annually by a larger number than they disposed of in the entire eleven years. If it be true that after the Indian depredation cases are all out of the way and the Bowman act cases diminished again, five judges can do the work of seven, there will be a Congress here and a legislative power that will reduce the number to five.

But this is a question not of two gentlemen having offices out of the 65,000,000 people, more or less, in this country. It is a question of denial of justice to our citizens. We have settled it as our policy, conforming in that respect to the policy now of most of the civilized nations on earth, that a citizen who has a claim against the Government of the United States is as much entitled in justice and equity and honor to a judicial trial of that claim as he would be if his claim were against a private citizen.

Mr. MILLS. Will the Senator permit me to ask him a question?

Mr. HOAR. Not just at this moment. If the Senator will wait a moment I shall then yield. We have adopted the policy, and it is the law of the United States at this moment, that if a poor skipper's vessel be sunk by the blunder of a naval officer of the United States he shall have the same remedy that he would if it was sunk by the blunder of an officer of a British steamer; that if a poor woman is crossing the street and the driver of a mail cart of the United States engaged in its business carelessly runs over her she shall have the right to submit to a court the question whether the United States is liable in law, and that she shall not be compelled any longer to go into the House of Representatives and stay there twenty years, or into the Senate, with one exception out of eighty or out of three hundred and eighty preventing her from getting a hearing there at all, and when she has been there for twenty years have it said to her that her claim is an old one and for that reason shall not be considered.

Mr. PLATT. Thirty-four per cent of the bills introduced into the Senate are sent to the Committee on Claims.

Mr. HOAR. Thirty-four per cent of all the bills introduced in the Senate, as I am informed by my honorable friend from Connecticut, go to the Committee on Claims, and every one of them may be sent by that committee, and is, if it is a fit case for a judicial investigation of the fact, to this court. There is going to be an answer in the Court of Claims pretty soon that the case is an old one, such as we hear made very often in debate in this or the other end of the Capitol.

This is a question, I repeat, of common justice. It is a question, in the opinion of those who think the United States ought to pay its debts, of common honesty; and for this great and rich and powerful Government to say that we will not pay our public obligations at all, or that if we do pay them we will send claimants to a court where in the ordinary course of its business you can not expect a trial for from seven to ten years, is I think a failure of common honesty. Now I will answer the Senator from Texas.

Mr. MILLS. I desired to ask the Senator from Massachusetts if there could be any sound objection to giving jurisdiction to the district courts for the determination of many of the cases which are now given to the Court of Claims?

Mr. HOAR. I have myself frequently advocated that doctrine, and it has been adopted to a certain extent. We have given concurrent jurisdiction with the Court of Claims to the district courts of the United States in several important partic-

ulars. For one I have always been in favor (I was years ago, and I am confirmed in my judgment by the subsequent experience) of having every man with a pension claim against the United States sent into the United States district court in his neighborhood and have a trial there.

Mr. MORGAN. It would bankrupt the Government in two years.

Mr. HOAR. My honorable friend says it would bankrupt the Government in two years. The Government is bankrupted already when the thing is not done. It is a good deal more. The term "bankruptcy," in my judgment, is quite as applicable to the case of a government that refuses to pay its honest obligation to these pensioners or its honest obligation to a poor class of its citizens as it is to a government that does not pay its public bonds in gold. I have never been able to draw that distinction.

Mr. BERRY. I have been insisting here for several years that if the pension business continues it would bankrupt the Government, but I had not supposed that the Senator from Massachusetts would admit that it had already occurred. I rose to say, however, that I do not know whether it is the purpose of the Senator from Texas to call for the yeas and nays on the passage of the bill, and I want the RECORD to show that I am opposed to the bill, not so much for the reason that there is no necessity for it, for as to that I do not know whether the necessity exists or not, but I am opposed to it because it contains a provision that civil officers of this Government may draw a pension after they have ceased to do service.

Mr. CALL. Mr. President, I think there is an objection to this bill, one that lies to nearly all our bills creating courts and for the appointment of judges, and that is that it creates a partisan court; that these judges are not required to be appointed without reference to their partisanship and their political services. It seems to me it is one of the greatest dangers to which this country is subject that our entire judicial system is a partisan system, and men are appointed because of political considerations, men who we know are liable to be influenced by their party relations in reference to great public questions and perhaps to private interests. I think that there should be incorporated a provision in this bill carefully guarding it against the power of the Executive to appoint these judges because of their partisanship and their political relations.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded?

Mr. COCKRELL. I am not quite ready for a vote yet, Mr. President. The Senator from Massachusetts referred to the length of time the court had been in existence; that since the judges had been increased upon it the population had multiplied enormously, and that there had been only some 6,000 cases or less disposed of during the entire existence of the court. The question is, how much the court was in arrears with cases that were ready for decision and which the court was not able to decide. It is not the number of cases that are there. The French spoliation claims are there, but the parties are not ready to submit them. The Indian depredation claims are there, but they are not ready for trial. It takes weeks and months and years to prepare those cases for trial. It is only very recently that there was a solitary case in the Court of Claims ready by the attorneys for the United States and for the claimant to be submitted for a decision that was not decided promptly.

That is the record, and I challenge any man to bring up a different record. I know that court has kept up with its business, and it is only since we threw upon it by special acts the French spoliation claims and the Indian depredation claims that it has been overwhelmed. It was not overwhelmed before that time. The Bowman act took a good many cases there, but they are not ready for trial. A great many of them never will be ready for trial, and will be stricken off by the hundred and two hundred at one stroke for want of prosecution when the proper time has passed.

Look at the Court of Claims reports about the Bowman cases. It was the same way in regard to the cases of which they had jurisdiction before, a large number of which are now passed away. They were placed there, and three-fourths of them were dismissed for want of prosecution. It is a secret known to everybody who has tried to inquire into it that there were thousands of cases sent there under the Bowman act by attorneys when the parties knew nothing on earth about it, and the parties are not going to prosecute them and pay out two or three hundred dollars as an experiment. It is only a question of time when those cases will be reached and the court will strike them off by the hundred or by the thousand.

The Senator forgets that since that court was organized and had exclusive jurisdiction we have taken away from it a part of its jurisdiction or rather we have given it to other courts. The last act that was passed was the act of March 3, 1887, "An act to

provide for the bringing of suits against the Government of the United States." It provides—

That the Court of Claims shall have jurisdiction to hear and determine.

And this is a general law, and is the only law now in regard to the bringing of suits in the Court of Claims outside of the special acts to which I have referred.

That the Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable: *Provided, however*, That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war, and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, Department, or commission authorized to bear and determine the same.

Second. All set-offs, counter claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any claimant against the Government in said court: *Provided*, That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

Nearly all the cases pending in the Court of Claims are special ones and are not brought within the six years; they are sent there specifically. Under the Bowman act we sent the cases there for the court to investigate and report back to us the facts. They do not render any judgment; they simply investigate the facts, and machinery is furnished to them to do this with. In the French spoliation claims they only investigated the facts. The judgments in the French spoliation claims are not judgments which bear interest. They were to be reported back to Congress. Not a cent of them can be paid without an appropriation directly by Congress. The Bowman act cases have to be provided for. Those form the great mass of the cases, except the arrearages, and they will soon be disposed of. In the other cases they render a judgment, and that judgment bears interest after it is presented to the Treasury Department.

Mr. GRAY. I should like to ask the Senator for information—I am interested in what he says—whether he thinks in the cases sent to the Court of Claims under the Bowman act and the French spoliation claims, in which the court, I understand, makes no judgment, the investigation of facts and the report upon those facts back to Congress do not entail as much labor on the court as if they rendered a judgment at the close of the investigation?

Mr. COCKRELL. No, I do not think it does, not of the kind of labor that there would be in the actual trial of cases they investigate.

Mr. PLATT. I think, if the Senator from Missouri has examined those findings of fact which have been sent to Congress—

Mr. COCKRELL. I suppose I have seen about a thousand of them, or nearly all that have ever come here.

Mr. PLATT. I know that, and it seems to me that he must be impressed with the idea that that court has thoroughly examined the facts and is really in a position to render judgment upon each particular case if it had the authority to do it.

Mr. COCKRELL. I think not. I think I could show the Senator cases in which they have pretended to report facts that never had any existence, and the want of existence of which could have been found right here in the records of the Government.

Mr. GRAY. It would take time.

Mr. COCKRELL. No; it showed that there was not much time given to it; that there was not the responsibility that is felt when they render a judgment. They got the case exactly in a point, and I can show the point, where it is solemnly found that a fact existed that did not exist at all, and the records of the Government here would show that it did not exist.

Mr. PLATT. I suppose other courts have done that sometimes.

Mr. COCKRELL. If that court had been passing upon that claim upon its merits to find a judgment one way or the other that fact would not have been found; it did not exist; it would not have been admitted. In this same law of March 3, 1887, we have the following provision:

That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed \$1,000, and the circuit courts of the United States shall have such concurrent jurisdiction in all cases where the amount of such claim exceeds \$1,000 and does not exceed \$10,000. All causes brought and tried under the provisions of this act shall be tried by the court without a jury.

Since that court was organized we have invested the courts of the United States, the district court and the United States circuit court with jurisdiction, the district court in all cases under \$1,000 and the United States circuit court in all cases under \$10,000, and those form the great bulk of the cases. The Senator from Massachusetts talks about a denial of justice where we have

already authorized the citizens of the United States to go into the circuit and district courts wherever the amount does not exceed \$10,000 or \$1,000 respectively.

Mr. HOAR. Does that apply to anything except to cases of contracts express or implied?

Mr. COCKRELL. All that the Court of Claims have jurisdiction of.

Mr. HOAR. In the original act.

Mr. COCKRELL. All that the Court of Claims have jurisdiction of.

Mr. PLATT. It applies to what are called jurisdictional cases.

Mr. COCKRELL. Now, let me read the law again. I am certain the Senator from Massachusetts has not carefully read this proviso.

Mr. HOAR. Yes, I have. I think I had something to do with its enactment.

Mr. COCKRELL. The law says:

That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section.

That is section 1, and that section is the only section that gives the Court of Claims jurisdiction of cases against the United States. It includes them all. So to-day the United States district courts have concurrent jurisdiction with the Court of Claims in regard to all claims against the Government of the United States excepting, as a matter of course, those that are specifically by special act referred to the Court of Claims, and the circuit courts of the United States have absolutely coequal and concurrent jurisdiction in all cases against the United States not exceeding \$10,000 in amount.

Mr. MITCHELL. Is it the act of March 3, 1887, that the Senator is speaking of?

Mr. COCKRELL. It is.

Mr. MITCHELL. Does the Senator know how much business has been done in the United States courts since the passage of that act?

Mr. COCKRELL. I am aware of the fact that we have had to make some pretty numerous and large appropriations to pay the judgments which have been rendered in the United States courts under that act.

Mr. MITCHELL. In so far as that act has tended to diminish the business of the Court of Claims it has been merely nominal. The whole number of suits brought under the act of March 3, 1887, in the United States courts up to December last was 951. Eight hundred and twenty-eight of those suits had been decided and 123 were then still pending, a mere nothing compared with the great mass of cases that have been accumulated every month and every year in the Court of Claims. In 1884, under the Bowman act, 217 cases went to the Court of Claims; in 1885, 177; in 1886, 858; in 1887, 786; in 1888, 4,562; in 1889, 632; in 1890, 866; in 1891, 405, running right along by the hundred and by the thousand in a space of years.

Mr. COCKRELL. And what are those cases?

Mr. MITCHELL. Those which are referred; cases under the Bowman act, for instance; all manner of cases that go to the Court of Claims under that act.

Mr. COCKRELL. For the last fifteen or twenty years there has been no difficulty about the current business pending in that court. It is not the current business at all that gives rise to difficulty. The court can dispose of all current cases.

Mr. HOAR. The Senator will allow me.

Mr. COCKRELL. With pleasure.

Mr. HOAR. The mere general and special jurisdiction alone in that court amounts to 1,686 actions, larger than the crowded dockets of the Supreme Court of the United States, and in regard to every one of those the court has to find the facts as well as the law, and the Attorney-General says very few of these are class cases.

Mr. COCKRELL. Mr. President, I know enough about the claims which have been pending in Congress for the last twelve or fifteen years to know that a large number of them are class cases.

Mr. HOAR. Special jurisdiction cases.

Mr. COCKRELL. I understand that; special jurisdictional cases; but we all know that under the Bowman act it is only the cases of which the court would otherwise have no jurisdiction that will go there. Nobody goes under the Bowman act to the Court of Claims where the court in the first instance has jurisdiction of the case. The case goes there; it is referred there by act of Congress, or by a committee, and it is a rare thing that we find a claim pending in Congress where the claimant has a right to go into the Court of Claims at all, but he wants to go there because he can always get a decision quicker than before a committee or Congress.

Mr. MITCHELL. The Senator must admit that the court has jurisdiction over the cases sent there, no matter how they are sent, if sent in accordance with law.

Mr. COCKRELL. I understand that, but I am simply showing that all of this mass of business, of which the Attorney-General complains, is arrears of business, the dregs of the war, old cases that have not been decided. There have been a great many of the French spoliation claims which arose prior to 1801, but they will soon be disposed of, and the judges can then more than attend to all the business that will be brought before that court. Let them work a little harder, as we sometimes have to do in Congress; let them continue a little longer in session, and work a little oftener at night. There is no real necessity for an increase of the judges. I will admit that if you want the judges of the Court of Claims to dispose of all the French spoliation claims and of all the Indian depredation claims in three months, then it will be necessary to have about fifty more judges; but there is no necessity for it.

I tell you the Court of Claims will dispose of these cases, and dispose of them within a reasonable time. I do not think the French spoliation claimants have much right to complain that we are delaying justice to them when they have slept upon their rights for eighty or ninety years. They can not complain that we refuse to recognize them when their claims will be settled in the course of a year or two.

Those who have preferred Indian depredation claims, some of which go back to 1860, have no right to claim that their cases have been delayed, when it is only recently, as the record shows, that any case was ready for the judges to decide that they did not decide promptly. The cases can be prepared. What is wanted to help the Court of Claims along more than anything else is an additional force in the Attorney-General's office.

Mr. MITCHELL. The Senator must remember that persons having Indian depredation claims had no right to go to the Court of Claims until about a year ago.

Mr. COCKRELL. I understand that, and therefore these claims are all precipitated at once; a great mass of cases went there at once; but that is a matter that the court can clear up in a short time, and then the current business will not amount to very much. We have provided machinery enough to carry on twice as much work as there will be before the court when the present cases in arrears are disposed of.

The Senator from Massachusetts [Mr. HOAR] talks about Congress being in session and that we can diminish the number of the court. I think the Senator from Massachusetts knows too well that if the number of judges in that court is ever increased to seven there will never be any diminution of the number. You may wipe out the court, you may abolish it, but you will never decrease the number of judges—never. If you do reduce the number, it will be by placing them upon the retired list for life. That will be the only way the court will ever be reduced. There will be no reduction in the expenditures for salaries and all the other necessary expenditures of the Government.

Mr. President, for these reasons, feeling perfectly satisfied that there is no real practical necessity whatever, looking at the business to be done a year or two hence, for an increase of these judges, I must ask the yeas and nays on the final passage of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. DANIEL. Is the bill open to amendment?

The VICE-PRESIDENT. It is not open to amendment.

Mr. HOAR. I hope the bill will be considered open to amendment.

The VICE-PRESIDENT. Is there objection to a reconsideration of engrossment and third reading of the bill? The Chair hears none.

Mr. DANIEL. I offer an amendment, to insert after the words "Court of Claims," in line 4, "who shall be members of different political parties."

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert in section 1, line 4, after the words "Court of Claims," the words "who shall be members of different political parties;" so as to read:

That there shall be appointed in the manner provided by law two additional judges for the Court of Claims, who shall be members of different political parties, etc.

Mr. DANIEL. I will only say a few words in advocacy of this amendment. It is quite evident, sir, that such an amendment as that will receive the approbation of public opinion and, I think, of the Executive of the United States. He has recently, in the selection of judges, appointed two gentlemen who represented a different party from his own to the bench, an action which I think met the general commendation of the people of all degrees of opinion in political matters.

The Court of Claims consists now of five judges. All of them

belong to one political party. It is proposed to add two, and if these two should belong to different political parties it would yet be nearly unanimously a court in entire political congruity with the Administration. I do not think that the bench ought to be partisan, and I believe that it tends to the liberalization of the thought of the bench and of the whole country to have views from different parts of the country and from those who belong to different political organizations represented.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Virginia [Mr. DANIEL].

Mr. HOAR. I hope the amendment will not be adopted. In the first place it seems liable to the constitutional objection as excluding from appointment to this court gentlemen who do not belong to any political party at all, which, I suppose, is not the purpose of the Senator from Virginia. I remember that one of the most eminent jurists in the country, Prof. Joel Parker, of New Hampshire, who was the chief justice of that State for years, did not vote. I am sorry that my friend from Virginia is going to make this attack on the Mugwumps, who do not belong to any political party, if I understand it.

Mr. TURPIE. Mr. President, I am heartily in favor of the amendment submitted by the Senator from Virginia, but I do not think, even with that amendment, I shall vote for this bill.

I had the honor of being a member of the Committee on Indian Depredations, and assisted very largely in framing the bill. It was framed after very deliberate consideration and after very complete correspondence with the different officers of the Government concerned in such claims and in the work and labor which would be necessary in their adjustment and settlement. That bill originally provided that the party who had a claim for an Indian depredation might present it to the Federal court, either district or circuit, where the circumstances occurred, and had very strong reasons in favor of such a forum, as that it would be a local forum and would be less expensive to the Government and to the claimant than to confer jurisdiction upon the Court of Claims. Further, that it would distribute the labor incident to the adjustment of these claims, judicially or otherwise, over different parts of the country so as not to centralize or, in other words, concentrate too much judicial action here.

The argument was very strong and it required and did receive a considerable replication to answer. I recollect that the chairman of that committee and other members of that committee in political and friendly accord with the Court of Claims, reported repeatedly, stated at least ten times, at ten different sessions of the committee, that the conference of this jurisdiction in these cases upon the Court of Claims would not at all embarrass that court. The chief justice of that court was represented to our committee to have said that the court would have ample time, without delay, without any postponement, to adjudicate Indian depredations. The associate justices of the same court were represented to have made the same declaration.

All that the judges of the Court of Claims asked was not the increase of the number of judges, not on the theory—none of them feared, they disclaimed that idea—that the increase of business would embarrass the court in any way, but all they asked was that an additional Attorney-General of the United States should be appointed and paid under the provisions of this act in order to facilitate the disposition of these claims. Otherwise, their friends upon the committee contended, the majority of the committee, I myself voting with them towards the close, that this court was the best, readily, speedily, without delay, to determine all these claims of Indian depredations.

In accordance with this request, the only one they made, this bill had a provision, as follows:

To facilitate the speedy disposition of the cases herein provided for in said Court of Claims, there shall be appointed in the manner prescribed by law for the appointment of assistant attorneys-general, one additional Assistant Attorney-General of the United States, who shall receive a salary of \$2,500 per annum.

That provision was inserted in the bill as the only thing necessary to expedite the adjustment and settlement of these claims. Therefore, I think the additional two judges, or the addition of anything to the Court of Claims, is unnecessary as having been long ago disclaimed. There is nothing in the character or the nature of these claims or in their number that was not just as well known when this bill was reported as now.

Mr. PALMER. Mr. President, I should be gratified if the Senator from Virginia could convince me that I have been wrong in my construction of the clause of the Constitution which confers upon the President the power of appointment.

The Constitution of the United States is like the constitution of the State of Illinois in some respects. That is, the Constitution of the United States gives to the President the power of appointment. The constitution of Illinois gives to the governor the power of appointment. When I had the honor of being governor of Illinois I was compelled to hold that the Legislature had no

power to limit the governor in the selection of persons whom he should appoint.

Efforts were made, they were laudable efforts, to compel the governor of Illinois in the appointment of officers in a particular instance to confine the selection to certain classes of persons. After a great deal of thought, I held that, inasmuch as the constitution had conferred the power of appointment upon the governor, he was subject to no other control than that of the senate when called upon to advise and consent to his nominations.

I am in favor of a nonpartisan judiciary, if such a thing is possible. I have never yet seen a nonpartisan judiciary, and I do not suppose I shall live long enough to see it—I mean nonpartisan in its organization. I do not mean to say that judges have decided as politicians, though I have seen some eminent exceptions to that rule, but it is true upon the proper construction of this Constitution that Congress has power to say to the President that his selection of these judges shall be confined to particular classes of persons, that is, after having made an appointment from one party, the Democratic party, if such a thing could be imagined—and by the way I must do the President the justice to say that in the late organization of the circuit court he has selected two gentlemen, I am told, of the Democratic party—but after the President has selected a member of the Republican party, if you please, can Congress say to him in a statute, whatever may be the merits or qualifications of the members of that party who have not yet been appointed, he shall not look in that direction again, but shall look elsewhere into some other political party?

I do not believe the power exists. If I did, I should vote for the amendment of the Senator from Virginia, although I must confess, too, that I have never known much good follow from the requirement, which has been obeyed in some instances, to select men from different political parties. There are always means enough of evading it. I am, however, discussing it as a question of power, and I should be obliged to the Senator from Virginia for something that would support the right of Congress to limit the President in his choice in the exercise of his appointing power. I can not see how it can consist with the absolute uncontrolled power of the President to make appointments at his own discretion, subject to no other revisory authority than that of the Senate when called upon to advise and consent to his nominations.

It can not be regarded as within the power of Congress to disqualify anybody from appointment who is a citizen and who has never been convicted of crime. It is not in the power of Congress, in my judgment, to declare that members of a political party shall be disqualified from appointment, and where there are two or more officers to be appointed I know of no authority in Congress to say after the President has selected a judge, if you will, from one of the political parties, all the other members of that party shall be disqualified from appointment or that he shall be incapacitated to appoint them, for it does not make much difference whether the statute operates to disqualify every other man from appointment or whether the power of the President is limited to the selection of a man from one party rather than another.

I have on two or three occasions had this question before me under circumstances of the degree of gravity I have stated, and I have held it to be necessary, and I think it is now, that by the Constitution the President's power of appointment is absolutely unlimited, and that it is not competent for Congress to direct it, either by the admission of a class of exclusively eligibles, nor is it in the power of Congress to render any class of men on account of religious or political associations ineligible either absolutely or contingently. The power must be a complete, supreme power in the President.

I may feel more deeply about this because the general idea meets my views, but I am committed on more than one occasion to the contrary view, having had occasion, in the assertion of what I believe to be the just prerogative of the governor of my State, to deny the power of the General Assembly.

Mr. MITCHELL. May I ask the Senator a question?

Mr. PALMER. With great satisfaction.

Mr. MITCHELL. I do not understand that this is a constitutional office; is it?

Mr. PALMER. I think not.

Mr. MITCHELL. I think not. It is merely statutory. The judges of the Court of Claims to-day are mere statutory judges. They are not constitutional judges; are they?

Mr. PALMER. They are not constitutional judges.

Mr. MITCHELL. No. If this court is increased by two judges it is increased because Congress in its discretion increases it, and it is not done in pursuance of any mandatory grant of power in the Constitution. It is a mere matter in the discretion of Congress on its own motion. There is no constitutional provision requiring Congress to establish a Court of Claims.

Mr. PALMER. No, there is not.

Mr. MITCHELL. That being so, then is or is not the case a little different from what it otherwise would be in case we were talking about judges who are judges by virtue of the Constitution? It is only a suggestion.

Mr. PALMER. The suggestion made by the Senator from Oregon is well worthy of consideration, although I am by no means convinced that any distinction can be shown. In enumerating the powers of the President it is said:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Mr. MITCHELL. The question simply occurred to me on the moment whether this Court of Claims, so called, is anything more than a mere commission appointed by Congress, or whether it is really a court, the appointment of the judges of which by the Constitution is vested in the President; and if but a commission, such as the Interstate Commerce Commission, whether the power of Congress in respect of defining the qualifications of the appointees would be any different from that in the case of judges?

Mr. PALMER. I should say, as a general proposition, that Congress has no power of appointing to office. I think, under the Constitution, while Congress may create and appoint commissions, it can not appoint to an office.

Mr. GRAY. If the Senator will allow me, I will observe that in the paragraph he has just read, by the Constitution it is required that the President shall appoint all officers whose offices are established by law.

Mr. PALMER. Yes, sir; I was answering the suggestion of the Senator from Oregon. The Constitution provides that the President—

shall appoint * * * all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law.

If an office is established by law the power of appointment is devolved upon the President in as absolute terms as in the case where it is a constitutional office. The office being created by law, unless in exceptional cases, where the power of appointment is provided for by the President, or, in other words, where the power is not given by law to the President alone, to the courts of law, or to the heads of Departments, where the power is not disposed of by law, where the office is created without any other designation, the power of appointment is conferred by the Constitution upon the President, the law having created the office.

Now, will the Senator from Oregon or any other Senator—for I am anxious to be convinced about this—maintain that where the power is conferred upon the President by law, the power of appointment being simply the selection and the nomination of some person to fill the office, that being so, can it be said that it is in the power of Congress to limit the President in those selections? Suppose that it should be admitted, as has been done in some of the States, that a judge shall be learned in the law, which our profession has claimed always meant a lawyer, and illustrations may be found in many directions, would it be said that the President shall appoint a lawyer to this place? As a matter of fact, it is wise advice to the President, and I think it would be wise advice to the President to say "you ought to select persons from different parties."

As a matter of advice that might be wise; but can you say to him that he shall appoint all Democrats or that he shall appoint all Republicans or that he shall appoint them from one party? Can we thus limit him? If we could, it would lead to the most startling consequences. It might happen that at the next election—I have heard some predictions about that as being an impossibility—there might be a Democratic President elected, and it might happen that both Houses of Congress would be Republican. The President might veto the bill—possibly he might defend himself there—but suppose a Democratic House of Representatives and a Democratic Senate should provide that the President should appoint Democrats alone to such an office, a very wise provision in the abstract, I should say, would any President feel bound by it, Democratic or Republican? Can the power, in short, be thus limited? If I could be convinced that it could be I should cheerfully vote for this amendment.

Mr. BUTLER. I do not know whether the question I put to the Senator would meet the point he makes, but suppose under that general constitutional power that Congress may not prescribe qualifications for officeholders—

Mr. PALMER. I so maintain.

Mr. BUTLER. It seems to me that would be some limitation upon the power. I think clearly Congress has the right to prescribe the qualifications of an officer.

Mr. PALMER. I should like to have the Senator from South Carolina indicate what he means by prescribing qualifications.

Mr. BUTLER. I do not know that I can define what the word "qualification" means. Congress might, it seems to me, pass an act saying that an officer to be appointed to a certain position should have certain qualifications; be of a certain age, not beyond a certain age, or above a certain age, or that he should be an American-born citizen, or something of that kind.

Mr. PALMER. I should think the question of the power of selection would be addressed to the President's entire discretion. Fitness, in the estimation of the President, would be the only qualification. I say "fitness." Perhaps it would require a law to qualify aliens to hold office in the United States. I imagine it would be somewhat difficult, however. All you could do would be to bring him within the class of eligible persons.

Mr. BUTLER. I think, under the civil-service law which we passed, certain appointees were required to pass a civil-service examination and to have certain qualifications for office before they could be appointed, and I have never heard the constitutionality of that act denied.

Mr. PALMER. I have no doubt for all mere employment that is legitimate. I make the distinction between—

Mr. HOAR. I would like to ask the Senator a question, if he will permit me, and it will not interfere with the line of his argument.

Mr. PALMER. Certainly.

Mr. HOAR. Could the Congress, being about to adjourn and to give way to a new Congress of different political faith, provide that in the future appointment of judges the President should only appoint a person who held certain opinions as to the constitutionality of some of their own acts? And if they could not, could we provide—suppose that was the sole thing about which the two parties were differing at the time—that half the judges appointed should hold the opinions which their party considered the right ones and the other half hold the opposite?

Mr. PALMER. The Senator from Massachusetts puts a very strong case; yet, if I could defend the amendment of the Senator from Virginia, I think I could defend that.

Mr. HOAR. I think you would have to.

Mr. PALMER. Yes; but as I said before, I have felt that it is essential to the proper administration of the Government that each department shall be left in possession of its own powers without disturbance, and that the President of the United States, like the governor of a State in a proper case, may go to all the citizens of the country to find appointees for any position which he is required by law to fill. I would not willingly consent that Congress should assume to impose any restriction upon him or attempt to limit his power. I do not believe it would be judicious in policy, and I am quite sure it is contrary to the express provisions of the Constitution.

Mr. DANIEL. Mr. President, as a mandate in this proposed act it seems to me that this declaration of Congress would be void, not being within its powers to put any absolute restraint upon the executive authority of the President to make his selection of an officer. As a suggestion and as an expression of opinion it would be persuasive, and perhaps effective.

I am candid to say that I realize fully the force of the argument which has been made by the Senator from Illinois [Mr. PALMER] and the considerations which he has presented. It was designed in our Constitution that the three departments of Government, executive, judicial, and legislative, should be independent of each other, and that each could exercise those powers deposited in it by the Constitution without constraint, and if the President saw fit to disregard this suggestion from Congress—for I do not believe it would have more force than a suggestion—I think he would have full power and authority to do it.

At the same time, Mr. President, in view of the many precedents along the line which is now under discussion, in view of the fact that our whole civil-service fabric is based upon a different interpretation of the authority of Congress as related to Executive power, and in view of the public policy which lies under it, I do not think it would transcend the proprieties of the case for Congress thus to express its opinion upon this subject. It would be an opinion merely, and not, in my judgment, a binding and mandatory portion of the law. The word "shall" in that text would be construed as "may"—"may" and "shall" being often construed by courts as convertible words, or when one word is used that the other would more appropriately express its meaning, and it would read, "who might be selected from different political parties," being a suggestion to the President of public opinion and of the legislative animus upon that subject. I believe, sir, that this about covers the whole matter.

It will be observed by the Senator from Illinois, however, as he has invited an expression on my part, that we have the Civil Service Commission constituted on this plan, and that the great body of the functionaries of this Government are selected upon

that plan, their qualifications being that they are nonpartisan and they are selected by a nonpartisan commission, it being provided, in order to secure the nonpartisanship of the commission, that the commissioners should be selected from different political organizations. So in the Interstate Commerce Commission it is provided that not more than so many of them shall belong to the same political party.

Now, identically the same argument might be made in reference to them as to this inferior court. It is an executive act by which the President appoints them. They are officers of this Government just as much as these inferior judges are officers, and it seems late in the day, when we reach that particular branch of the Government which should be more nonpartisan than any other, to have built the Government up to the very head with nonpartisan institutions and to leave the head, and the judicial portion of its head, which should be the least partisan, unrestrained by the same suggestions which have pertained to others.

So, sir, guided by legislative precedents, which have been sustained by nearly every gentleman upon this floor, and which the present Executive himself has recognized and enforced, it does not seem to me to be a strain upon our institutions that, with this interpretation of that clause, to embody it in this law—

Mr. PLATT. Will the Senator yield to me for a question?

Mr. DANIEL. With pleasure.

Mr. PLATT. Does the Senator know of any instance in our legislation where we have ever adopted this provision with reference to the appointment of any judicial officer?

Mr. DANIEL. No, sir; I do not; but the ground on which you deny the right as to the judicial officer is one which applies with equal force to all other officers, because the ground upon which you object to this is that it is a restraint not upon the officer who is the appointee, but upon the Executive who makes the appointment. Now, if you may give a suggestion to the Executive who makes the appointment as to one class of officers, why may you not make the same suggestion as to another class of officers, especially when the class to which it is now directed is one in which it is more desirable that nonpartisanship should exist than in any other.

Mr. HOAR. I listened with great interest to hear whether the Senator from Virginia would answer the question which I put to the Senator from Illinois. I should like to repeat it.

I agree that a practice has grown up, and a healthy practice if it can be constitutionally supported, that where there are mere tellers, like election officers who are to count the vote, it is reasonable and just that the political parties should be represented there. Whether that comes within the argument suggested by the Senator from Illinois may be a fair question. I am speaking now of public policy. But just see where it follows if we undertake to apply this power or to assert this right as applicable to judicial officers. Parties have differed again and again and the fundamental difference between parties has been in regard to some question of constitutional authority, the constitutional power to charter a United States bank, the constitutionality of the alien and sedition laws—these grave questions to be determined in the end, if they are ever determined finally, by the judiciary, are the things and opinions which make men members of political parties ordinarily.

Now, if we can constitutionally pass this amendment proposed by the Senator from Virginia, can not an expiring Congress, the party going out of power, the President and the Senate and the House, constitutionally provide for an addition to the number of judges of the supreme judicial court with a provision that the men appointed shall entertain certain opinions as to the constitutionality of what that party has just been doing and what its antagonists are endeavoring to overthrow?

Mr. BUTLER. May I interrupt the Senator to inquire if that was not done in a particular case, in the case of the greenback decision, when the Supreme Court, I believe, was increased from seven to nine judges?

Mr. HOAR. A vile slander never got onto the stump than the intimation that those two honorable and reverend judges were appointed for any such purpose. Their names were before the Senate before the decision was made.

Mr. BUTLER. It was so understood.

Mr. HOAR. Well, a great many things have been understood in this world. President Grant, Hamilton Fish, and the Attorney-General of that Administration concurred in their personal assertions that there was no truth whatever in the statement, and stated that they did not know anything about this decision when those gentlemen were selected.

Mr. President, I do not think there is an American citizen or lawyer of ordinary intelligence and honesty—and I am quite sure the Senator from South Carolina, who is a citizen and lawyer of extraordinary intelligence and of perfect honesty, I do not ques-

tion—who desires to find any reason for the appointment of Mr. Justice Bradley or Mr. Justice Strong other than in the eminent fitness of those two gentlemen.

Mr. BUTLER. I have made no assertion upon the subject whatever.

Mr. HOAR. No; I do not understand you to have done so.

Mr. BUTLER. I simply stated what has been understood, and I have never before heard it contradicted.

Mr. HOAR. It has been contradicted a thousand times.

Mr. BUTLER. I have never heard it before contradicted. I have expressed no opinion upon the subject, for I did not know.

Mr. HOAR. I understand. What I am saying is—

Mr. BUTLER. I know it was generally understood at the time that the court was increased.

Mr. HOAR. If the Senator will attend to what I am saying before he comments upon it, he will find that what I was saying was, that I was very sure that the Senator from South Carolina, a lawyer and citizen of extraordinary intelligence and of entire honesty, would not undertake to find any reasons for the appointment of either of those two eminent judges, except his eminent fitness for his place. I am sure the Senator concurs with me in that opinion.

Mr. BUTLER. I certainly do.

Mr. HOAR. I am affirming in my poor and feeble style just what the Senator says so much better than I. He does not make any such charges against these eminent judges.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. HOAR. Certainly.

Mr. DANIEL. In the acts creating the Civil-Service Commission and the Interstate Commerce Commission are there not the same suggestions that appear in this bill as to executive officers?

Mr. HOAR. I do not believe in the policy, if that state of case exists.

Mr. DANIEL. But the Senator admits that they are based upon the same doctrine as this?

Mr. HOAR. Except that the Senator's amendment applies to judicial officers, and carries it further than it has ever been applied heretofore. I do not think that it is a healthy or constitutional provision.

Mr. BUTLER. The Interstate Commerce Commission has certain judicial functions.

Mr. CULLOM. No.

Mr. BUTLER. I know not so far as the statute is concerned, but it seems to me they exercise them. I have no particular liking for this kind of legislation, and never had in my life.

Mr. HOAR. I should like to finish my statement, if the Senator please.

Mr. BUTLER. Very well.

Mr. HOAR. I say again, if this be a good practice, if it be sound, or if it be constitutional, I do not see why an outgoing Congress can not enact that the President shall only appoint persons to the Supreme Court of the United States of certain opinions on great constitutional questions. You can not defend one logically without defending the other.

These things get settled in the revolutions of parties. A party holds its place; another party comes in. A little while ago there was a united Supreme Court all Republicans, and then pretty soon there were three Democrats upon the bench. Two Chief Justices within this brief period have been gentlemen sympathizing with the Democratic party in its general policy.

The Senator from Virginia says his amendment is to get nonpartisan judges. The very provision in the amendment is to get partisans. He says men to be appointed shall belong to different political parties, that they shall differ from each other. It excludes all that great class of our citizens, in their own estimation certainly, who think they do not belong to any political party and do what they call voting for the best man, independent of what he is going to do when he gets into office in the way of public policy.

Mr. DANIEL. I never had any faith in them.

Mr. HOAR. If the Senator from Virginia wishes to exclude that class of gentlemen from judicial appointment, I can not accede to the constitutionality of his purpose, though there may be a good deal of sound reason in the matter of fitness for accomplishing it if he can.

Mr. HAWLEY. Mr. President, I can very well imagine that in a commission like the Interstate Commerce Commission or any other that has no relation whatever to the fundamental principles of the Constitution or the great differences of party, there will be no harm in a restriction providing, in order to secure a more general satisfaction, that the men shall be of different political parties, but I can not see the sense or wisdom in providing with regard to courts that may have to consider great

principles of government or of party that they shall be of both parties.

Let me suppose a case. Suppose the Senator from Delaware [Mr. GRAY], with his well-defined principles concerning the relations between the States and the Federal Government, who believes in what he and I both consider a wise States'-rights doctrine—suppose he were President, would he be compelled to go to the other party, if party lines were drawn upon that matter, if there was a judge to be appointed, and would he appoint a man who held what to him were great heresies and dangerous heresies; or would a Republican President be excusable for appointing a Democrat who believed that the constitutional amendments were wrong by force from an unwilling people, were unconstitutionally adopted, and the whole reconstruction policy, in the language of the Horatio Seymour convention, was "unconstitutional, revolutionary, and void? A Republican judge who would so decide would be false to his oath. Or, take my friend the Senator from Alabama [Mr. MORGAN], or several other men equally sound on finance over there, would they feel bound to appoint a man for the sake of pleasing parties who believed that fiat money was constitutional, the Senator from Alabama believing in the true, old-fashioned Democratic doctrine that the Federal Government can alone control the currency of the country and can not make anything but coin a legal tender—would he appoint a fiat money man? Yet these are the things that divide parties.

I think there is a great deal of popular—if I may use a slang expression—rot about partisanship. There is no bigger or nobler word, except religion, in that Webster Dictionary than the word "politics" as he defines it. Webster's definition is an oration.

Why, have we not great parties composed of twenty or thirty millions of people because we differ as to whether certain things should be put upon the statute book, or, being upon the statute book, should be sustained by the judiciary as well as by the executive branch of the Government?

I can imagine a dozen theories which I have heard advocated upon this floor which would absolutely, in my judgment, disqualify a man holding them from a place on the Supreme Bench. It may be so with regard to this Court of Claims. If I understand this argument, the Court of Claims is not appointed to consider political principles, by any means, but the Court of Claims, in the course of a great variety of matters that come before it may have occasion to consider many of these things growing out of the war, war duties, war rights, the relation between foreign countries and the United States in case of war, or between our various States, or between the Federal Government and the States, the rights of the citizen for certain losses sustained in war, etc. If I were called upon to appoint a judge of that court I should want to know that he held very sound common-sense doctrine on those subjects, leaning to the Republican side, which I think would be necessary to honestly administer the law.

I do not believe in an attempt to so restrict the President. I do not believe in acknowledging by a solemn statute that we are engaged in discussions that do not relate to the fundamental principles of government.

Mr. CULLOM. Mr. President, it is evident that this discussion will last somewhat longer, and the Senate is getting thin. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator from Illinois to withdraw that motion for a moment.

Mr. CULLOM. Very well.

Mr. CALL. I wish to appeal to the Senator from Massachusetts in reference to the amendment to the bill to establish certain courts of appeal, which passed the Senate without a yeas-and-nays vote. My colleague [Mr. PASCO] and some other Senators think that the amendment which was made to the bill is quite an important matter, and, if the Senator has no objection, I shall ask that the vote be reconsidered by which the bill was passed, in order that the matter may have some further consideration.

Mr. HOAR. It is the Senator's right to move a reconsideration, if he so desires. Let that motion be pending.

Mr. CALL. I do not wish to do it if it is disagreeable to the Senator.

Mr. HOAR. I should like very much to get that bill and this bill disposed of in one way or the other as early a day as practicable.

Mr. CALL. I will enter the motion to reconsider, and let it be decided on Monday.

The VICE-PRESIDENT. The motion to reconsider the bill referred to will be entered.

Mr. HOAR. I wish to notify the Senate that I shall call up the motion to reconsider on Monday at 2 o'clock.

Mr. CULLOM. I promised to yield to the Senator from Connecticut [Mr. HAWLEY], and I withdraw the motion for an executive session temporarily.

ADDITIONAL REPORT OF COMMITTEE.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably an original bill, and I shall file a report in the case very soon.

The bill (S. 2914) for marking the lines of battle and the positions of the troops of the army of Northern Virginia at Gettysburg, Pa., and establishing the Gettysburg battlefield as a national military park, was read twice by its title.

FRANCISCO ALCANTARA.

Mr. HAWLEY. I have a paper in my hand which relates to a matter about which the State Department urged me to get speedy action. It is a very simple thing, and will meet with the universal approval of Senators if they will only wait to hear it read. I report favorably from the Committee on Military Affairs an original joint resolution, and I ask the Senate to give it present consideration.

The joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Francisco Alcantara, of Venezuela, was read the first time by title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he hereby is, authorized to permit Francisco Alcantara, of Venezuela, to receive instructions at the Military Academy at West Point: Provided, That no expense shall be caused to the United States thereby: And provided further, That in the case of the said Alcantara the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HAWLEY. A few words of explanation, Mr. President. There is no written report accompanying the joint resolution, but there are many precedents for it. The Government has very kindly admitted many young men from different nations to study in the two academies, it being always provided, and suggested by the applicants themselves, that they will pay the usual annual bills there.

The two sections of the Revised Statutes referred to are merely those requiring students to swear allegiance to this country and to serve in the Army a certain number of years. Of course, these provisions are waived in the case of foreign students.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VENEZUELA STEAM TRANSPORTATION COMPANY.

The VICE-PRESIDENT laid before the Senate the following communication from the President of the United States; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I herewith transmit, in response to the resolution passed in the Senate on the 10th of March, 1892, a report of the Secretary of State and the accompanying correspondence had in relation to the claim of the Venezuela Steam Transportation Company, for the said company's relief.

BENJ. HARRISON.

EXECUTIVE MANSION.

Washington, April 14, 1892.

EXECUTIVE SESSION.

Mr. CULLOM. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, April 18, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 14, 1892.

POSTMASTERS.

Diederich P. Buchholz, to be postmaster at Altamont, in the county of Effingham and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Alex. McElroy, to be postmaster at Rockford, in the county of Floyd and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Cyrenius E. Morris, to be postmaster at Coon Rapids, in the county of Carroll and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Leon L. Therme, to be postmaster at Farmington, in the county of Van Buren and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Thomas A. Way, to be postmaster at Britt, in the county of Hancock and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Fred E. Milliken, to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in the place of Eleazer A. Atwood, removed.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of James Shevlin, deceased.

Charles R. Van Giesen, to be postmaster at Weatherford, in the county of Parker and State of Texas, in the place of Lotta M. Campbell, resigned.

Charles J. Hostrasser, to be postmaster at Hearne, in the county of Robertson and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Benjamin S. Johnson, to be postmaster at Puyallup, in the county of Pierce and State of Washington, in the place of Mrs. Clara D'Arcy, resigned.

APPOINTMENT IN NAVY.

Henry Delano Wilson, a resident of New York, to be an assistant surgeon in the Navy, to fill a vacancy in that grade.

PROMOTIONS IN NAVY.

Lieut. Commander George M. Book, to be a commander in the Navy, from the 16th December, 1891, vice Commander A. G. Kellogg, retired;

Lieut. Leavitt C. Logan, to be a lieutenant-commander in the Navy, from the 16th December, 1891, vice Lieut. Commander George M. Book, promoted;

Lieut., junior grade, Richard T. Mulligan, to be a lieutenant in the Navy, from the 16th December, 1891, vice Lieut. L. C. Logan, promoted;

Ensign John H. Gibbons, to be a lieutenant, junior grade, in the Navy, from the 16th December, 1891, vice Lieut. R. T. Mulligan, junior grade, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 14, 1892.

INDIAN AGENT.

Frank Lillibridge, of Pierre, S. Dak., to be agent for the Indians of the Cheyenne River Agency, in South Dakota.

POSTMASTER.

Charles L. Perry, to be postmaster at New Rochelle, in the county of Westchester and State of New York.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 14, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WILLIAM R. COLLIER VS. UNITED STATES.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting copy of the findings of the court in the case of William R. Collier vs. The United States; which was referred to the Committee on Claims.

SENATE BILLS, ETC., REFERRED.

The SPEAKER also laid before the House bills and a concurrent resolution of the Senate; which were severally referred as indicated, namely:

A bill (S. 136) for the presentation of badges to the officers and men of the Greely relief expedition—to the Committee on Naval Affairs.

A bill (S. 263) for the relief of the heir or heirs of John Howard Payne—to the Committee on Claims.

A bill (S. 349) to increase the rate of pension for certain cases of deafness—to the Committee on Invalid Pensions.

A bill (S. 1910) to amend an act entitled "An act to increase the pension of certain soldiers and sailors who are totally helpless from injuries received or from diseases contracted in the service of the United States," approved March 4, 1890—to the Committee on Invalid Pensions.

A bill (S. 1956) to amend an act entitled "An act establishing a customs-collection district in Florida, to be known as the col-

lection district of Tampa, and for other purposes," approved March 1, 1889, and to make Punta Gorda a subport of entry—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1982) for the relief of Avery D. Babcock and wife, of Oregon—to the Committee on Claims.

A bill (S. 2107) to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs and dissolve said corporation—to the Committee on the Judiciary.

A bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1877—to the Committee on Invalid Pensions.

A concurrent resolution providing for the printing of 15,000 copies of Senate report 2130—to the Committee on Printing.

ACCOUNT STATE OF FLORIDA AGAINST THE UNITED STATES.

The SPEAKER also laid before the House the bill (S. 1391) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act, and to pay the balance found to be due said State.

Mr. BULLOCK. Mr. Speaker, I ask unanimous consent that this bill be allowed to remain on the table for the present.

There was no objection.

REAL-ESTATE ASSESSMENTS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 5978) to extend the time for making assessments of real estate, etc.

The SPEAKER. The Chair will call the attention of the gentleman from South Carolina [Mr. HEMPHILL] to this bill—

Mr. RICHARDSON. This is a bill relating to the District?

The SPEAKER. It is; and the Senate amendment merely changes the title.

Mr. McMILLIN. I ask consent that this bill be allowed to remain on the table until to-morrow morning. The gentleman from South Carolina does not seem to be present.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PARRETT, from Saturday, the 16th, for two weeks, on account of important business.

To Mr. GEISSENHAIN, indefinitely, on account of important business.

PERSONAL EXPLANATION.

The SPEAKER. The Chair will lay before the House at this time a communication from the gentleman from Massachusetts [Mr. MORSE], which explains itself.

The Clerk read as follows:

FORTRESS MONROE, VA., April 12, 1892.

MY DEAR SIR: The Boston Globe in its issue of the 25th ultimo reports me as unaccounted for upon the bill for the "free coinage of silver," and this statement has been copied into other papers. The statement is false. I was absent, as you know, by permission of the House on account of illness, and on the silver vote was paired with Gen. CATCHINGS of Mississippi. The Globe, though a Democratic paper, I think intends to be reasonably fair with Republicans, but I fear in my case has no correct information about me or my public acts from their Washington correspondent. Will you kindly cause this letter to be read and entered upon the RECORD?

Very respectfully,

ELIJAH A. MORSE.

HON. CHARLES F. CRISP,

Speaker, House of Representatives, Washington, D. C.

O. P. COBB AND OTHERS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1376) referring to the Court of Claims the claims of O. P. Cobb and others.

The SPEAKER. The bill will be read, subject to objection. The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the United States Court of Claims to adjudicate the claims of Oliver P. Cobb, J. & O. P. Cobb & Co., John Christy & Co., and Cobb, Blaisdell & Co., for corn and oats purchased by them in pursuance of written and oral contracts made by them with United States officers, the claimants to be allowed the contract price for the corn and oats purchased by them for the use of the United States Government, deducting therefrom all sums of money paid by the United States on account thereof, and also all sums of money realized by claimants from the sale of the corn and oats that the officers did not receive, waiving the statute of limitations and former judgments in said cases, and report to Congress.

The Committee on War Claims recommend the adoption of the following amendment:

"Strike out all after the word, 'allowed,' viz: lines 9, 10, 11, 12, 13, 14, and a part of 15, and insert in lieu thereof 'such sum as the Court of Claims may find to be due said claimants after a hearing on said claim and evidence adduced in support thereof, and report to Congress'"

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. Mr. Speaker, let us hear the proposed amendment again read, and I also ask to have the report read, so that we may see the nature of this case as well as the amount involved.

The amendment was again read.

The report (by Mr. SCOTT) was read, as follows:

The Committee on War Claims, to whom was referred House bill 1376, have considered the same and report the bill with amendment as follows:

"Strike out all after the word 'allowed,' at the end of the eighth line, and insert the following: 'such sum as the Court of Claims may find upon a full hearing of the evidence adduced in support of said claim to be due to said claimants, and report to Congress.'"

Your committee recommend the passage of the bill as amended.

Mr. McMILLIN. There is not a word in that report to show the amount of the claim nor where it originated, what it grew out of, nor why it has not been paid; and I do not think we ought to pass a bill of this character without knowing something of the facts with which we are undertaking to deal.

Mr. SCOTT. The object of the bill is to refer the whole question to the Court of Claims to ascertain the facts as well as the amount due.

Mr. McMILLIN. If this was to be referred simply under the provisions of the Bowman act, so that the court could ascertain the facts and report them to Congress, I would have no objection. But I think before we undertake to pass a bill here which is equivalent to a judgment, waiving the statute of limitations and all of the fortifications which protect the Government against claims of this character, we ought to know precisely what we are doing.

Mr. SCOTT. If the gentleman will observe the reading of the amendment, he will see it specifically provides that the findings of the court shall be reported to Congress. It does not undertake to adjudicate the claim, but simply authorizes the court to examine the case and report the facts.

Mr. DINGLEY. Is there any question of loyalty involved?

Mr. SCOTT. No, sir.

Mr. McMILLIN. I ask that the bill be read as it will stand if the amendment be adopted.

The bill as proposed to be amended was again read.

Mr. McMILLIN. I think that such an adjudication on the part of the Court of Claims would be equivalent to a judgment.

Mr. DINGLEY. The word "adjudicate" in the bill would undoubtedly have that construction.

Mr. SCOTT. But the bill only provides that the court shall report the findings to Congress.

Mr. DOCKERY. The report would be of very little use after the claim is paid.

Mr. McMILLIN. If the gentleman desires only a report from the Court of Claims, after an ascertainment of the facts, that I think can be much better accomplished by changing the phraseology of the bill. If he lets it go over until to-morrow it can be put in such shape as will be unobjectionable.

Mr. SCOTT. Then I ask unanimous consent that the bill go over until to-morrow morning.

The SPEAKER. The Chair understands objection is made.

Mr. McMILLIN. The gentleman from Illinois asks that it be withheld until to-morrow, so that it may be put in proper shape.

The SPEAKER. The gentleman withdraws the bill.

CLERK OF THE UNITED STATES CIRCUIT AND DISTRICT COURTS, MISSISSIPPI CITY, MISS.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

Be it enacted, etc. That a clerk of the circuit court and a clerk of the district court of the United States be appointed for said courts at Mississippi City, in the State of Mississippi.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I wish to hear that bill read again. There is so much confusion in the House that I could not hear it.

The SPEAKER. The House will be in order, and the bill will be again reported.

The bill was again read.

Mr. HOLMAN. Mr. Speaker, I ask for the reading of the report. It is manifest that there has been a deputy at that point heretofore.

Mr. STOCKDALE. This is unanimously reported.

Mr. HOLMAN. What is the reason for it?

The SPEAKER. The report will be read, subject to objection.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred House bill 7519, report it back with a recommendation that it pass.

Mr. HOLMAN. I think these reports ought to furnish some information as to the reason why the bill should pass.

Mr. STOCKDALE. The clerk himself asks this.

Mr. HOLMAN. I know he does, but he has a deputy there, has he not?

Mr. STOCKDALE. He has a deputy there, but that deputy will not continue to be deputy any longer.

Mr. HOLMAN. That is to say, the expense of a clerk is provided for here. When that division of the State was created, the clerk was to appoint a deputy, and he has appointed a deputy heretofore, has he not?

Mr. STOCKDALE. I will say to the gentleman from Indiana that there is no expense attached to the passage of this bill.

Mr. HOLMAN. Why is there not?

Mr. STOCKDALE. He will receive the same compensation that the deputy has received. The clerk will receive the fees.

Mr. HOLMAN. Yes; but is there not some salary otherwise?

Mr. STOCKDALE. Not a particle.

Mr. HOLMAN. I shall not object in this particular instance, but I shall object hereafter to bills passing the House providing for a deputy clerk, when it is understood that at the very next opportunity a clerk will be provided for instead of a deputy. There is necessarily some expense attending it.

Mr. HOOKER of Mississippi. Mr. Speaker, I rise for the purpose of suggesting to my colleague that this bill ought to provide that the clerk to be appointed shall give the customary bond in cases of this sort and be responsible alone under his bond for his actions as clerk. It appears that the clerk of the court at Jackson, Miss., is the responsible clerk, and a deputy has been appointed here. I understand the deputy is a very capable and competent man. That is the information I have from the regular clerk. I think the bill ought to provide that this clerk to be appointed shall give bonds, and be responsible for his own actions, and thus relieve the clerk at Jackson from attending that court at all hereafter, giving the new clerk sole control of the matters of that court, under the usual bond.

Mr. STOCKDALE. The law requires that any clerk shall give bonds, and he will be required to give bonds as any other clerk would.

Mr. HOOKER of Mississippi. I have no objection to the appointment of a clerk there.

The SPEAKER. Is there objection to the present consideration of the bill just reported by the Clerk?

Mr. BUCHANAN of New Jersey. I do not object to the consideration of this bill, because I believe it is a meritorious bill, and that it ought to become a law, but I want to say here and now that there is no proper division as to these unanimous consents; and it arises, not from any fault of the Speaker, but from the fact that a great many of us find it impossible to get our bills out of the committee; and if this thing is to continue, unanimous consent will be cut off before a great while. I give that notice now. We must have fair play, and there will be no unanimous consent unless we get fair play.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. STOCKDALE, a motion to reconsider the last vote was laid on the table.

JAMES A. FINLEY.

Mr. BERGEN. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. HERBERT. I demand the regular order.

Mr. DOCKERY. They have had no recognition this morning on that side, and I suggest to the gentleman that he withdraw his demand for the regular order.

Mr. HERBERT withdrew the demand for the regular order.

The SPEAKER. The gentleman from New Jersey [Mr. BERGEN] asks unanimous consent for the present consideration of the bill which will be reported by the Clerk.

The bill was read, as follows:

Be it enacted, etc. That the President of the United States be, and is hereby, authorized to restore to his former rank of captain and assistant surgeon in the Army, and place upon the retired list of army officers, James A. Finley, wholly retired from active service February 26, 1891.

Mr. BUTLER. I would like to hear the report read.

The SPEAKER. The Clerk will read the report, subject to objection.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 730) for the relief of James A. Finley, having considered the same, respectfully report:

That the committee has examined the evidence presented with this case and on the showing considers the claimant entitled to the relief asked for under the provisions of this bill. The report of the War Department on this case is printed herewith as a part of this report.

Mr. BERGEN. Mr. Speaker, the correspondence with the

War Department, which is attached to this report and made a part of it, is very long, and I can make a statement which I think will satisfy the gentleman.

Mr. McMILLIN. Let us have order so that we can hear the statement of the gentleman.

The SPEAKER. The House will be in order.

Mr. BERGEN. This gentleman, Capt. Finley, has been engaged for seventeen years in frontier work in the Army. In such work he contracted some diseases which rendered him nervous in appearance and in action, and he necessarily used stimulants to some extent for his support. He was put upon the retired list by the retiring board, under the statute, something like a year ago, and this action amounts to a dismissal from the service. The General of the Army, the Secretary of War, and the Surgeon-General have united in recommending that he have the relief granted by this bill.

It is impossible to restore him to the service because the place which he filled has been filled by another. He now asks simply to be put on the retired list, which would give him three-quarters of the pay that he would otherwise receive. All the officers of the posts at which he has served unite in stating that he never was subject to the complaint which has been made, and in saying that the judgment which has been rendered, or rather the sentence of the retiring board—it amounts practically to a sentence—is too severe, and should not have been imposed; that no court-martial in the service would have made such a sentence.

I am ready to answer any questions that may be asked; but that practically covers the case.

Mr. McMILLIN. I will not detain the House now by asking for the reading of this long report of the War Department, but I would like the opportunity to read the report myself, and I therefore object to the present consideration of the bill.

The SPEAKER. Objection is made.

Mr. McMILLIN. So far as the *ex-parte* statement of the gentleman from New Jersey [Mr. BERGEN] is concerned, it seems that we will have to override the action of the board before we can give this relief, and the presumption is that they investigated the case fairly.

Mr. BERGEN. The gentleman is under a misapprehension. We do not override the board at all. This officer has not been dismissed from the service, but has been put upon the retired list. He can not be restored again to the Army. We override no sentence.

Mr. McMILLIN. How did he get out of his place? That is what I want to get at.

Mr. BERGEN. By being permanently put upon the retired list, which amounts practically to a dismissal.

Mr. McMILLIN. Does he not get three-fourths pay?

Mr. BERGEN. Not in the present attitude of the case.

Mr. McMILLIN. What does he get?

Mr. BERGEN. He gets nothing.

Mr. McMILLIN. Why does he not get it?

Mr. BERGEN. Simply because they have put him on the retired list under the adjudication of the board.

Mr. McMILLIN. But the retired list generally gives partial pay, unless there is some fault on the part of the soldier.

Mr. BERGEN. There was not thought to be.

Mr. McMILLIN. That is the thing I wanted to get at.

Mr. BERGEN. It is very fully set out here in the report.

Mr. McMILLIN. I will get the report and see what there is about it.

ASSESSMENT OF REAL ESTATE IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The Chair will now lay before the House a House bill with Senate amendment.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, April 13, 1892.

Resolved, That the bill (H. R. 5978) entitled "An act extending the time for making assessments of real estate, etc." do pass with the following amendment: Amend the title so as to read:

"A bill to extend the time for making an assessment of real estate in the District of Columbia, outside of the cities of Washington and Georgetown."

Mr. HEMPHILL. Mr. Speaker, I would like to say just one word in explanation. We passed a bill here authorizing the present assessors to have more time to assess the property outside of the cities of Washington and Georgetown. The Senate simply amended it so as to embrace the full meaning of the act, by adding to the title of the bill the words "outside of the cities of Washington and Georgetown." They did not amend the bill in any other way except in its title.

Mr. McMILLIN. I will say to my friend from South Carolina, the chairman of the Committee on the District of Columbia, that on yesterday there was a resolution passed here providing for an investigation of the assessment.

Mr. HEMPHILL. Yes, sir.

Mr. McMILLIN. I hope that the bill will be held up until it

is seen what this investigation will accomplish. If the gentleman will hold it up until the gentleman from Ohio [Mr. JOHNSON], who was appointed chairman of that committee is able to investigate the matter, I will be obliged, because this may be the only means of effecting a remedy in the event that that committee shall find that a remedy is needed.

Mr. HEMPHILL. I do not think the two things clash at all, but in view of the statement made by the gentleman from Tennessee, I will not object to its being laid over.

The SPEAKER. The bill will be withdrawn for the present.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BURROWS. Mr. Speaker, I rise to a privileged matter, and to make a parliamentary inquiry of the Chair on which I should like to have a ruling upon a certain matter. I desire to call attention of the Chair to the RECORD of this morning. On page 3556, there is a speech of Henry George, not a member of this House, supplemented by five lines of the gentleman from Kentucky [Mr. STONE]. If the Chair will examine the matter he will see that chapters from 21 to 25 inclusive are attached to these four lines. This gentleman, I suppose, under the unanimous consent given by the House, which of course would be equivalent to a rule of the House, that members might be permitted to extend their remarks on the tariff bill or print remarks on the tariff bill, had these chapters printed. I desire also to call attention to the fact, that while the gentleman from Kentucky embraces chapters from 21 to 25 another gentleman [Mr. BOWMAN], embraces from 16 to 20, and the gentleman from Tennessee [Mr. WASHINGTON] published chapters from 11 to 15; the gentleman from Illinois [Mr. FITHIAN] publishes chapters 6 to 10, and Mr. JOHNSON of Ohio, publishes chapters 1 to 5. So that under this leave, or order, these gentlemen have published that volume, except three chapters. These I suppose will be due and forthcoming to-morrow. There has been no repetitions of these publications, but where one member left off, another member took it up from that chapter and published a series; and by that method they have succeeded in getting this bound volume, which I hold in my hand, in the RECORD, to be distributed free under the frank of members.

Mr. WHEELER of Alabama. Will the gentleman read the chapters that the members have omitted?

Mr. BURROWS. Now, Mr. Speaker—

Mr. FITHIAN. Will the gentleman allow me an interruption?

Mr. BURROWS. I do not see any necessity at this point. This is merely a point of order. My point of order is, under a leave given by the House, which is equivalent to a rule that members may be permitted to extend their remarks, or to print remarks upon the tariff bill, is it in order to simply say "I desire to submit a certain volume as expressing my views." [Laughter.] And under that publish a printed book in the RECORD for free distribution. The title of this book is, "Protection or Free-trade." It is simply a question of order, and there is no necessity for any interruption. It is simply a question whether under leave granted to members of the House to extend their remarks on the tariff debate, or to publish remarks on the tariff debate, it is in order to embody, without making any remarks of your own whatever under that order except sufficient to constitute a peg to hang it on, to publish a printed volume in the RECORD for distribution.

I understand that this is a copyright volume, and somebody of course will be liable for it. But the point I want to make, and I do not care to argue any further, is this: Is it in order under the rule, or under the order, or the permission of the House to print remarks to put in the RECORD, a printed volume? This is evidently done with concert and understanding, because no chapter is duplicated. They have got chapters, now, from 1 to 25, and the next RECORD, I suppose, to-morrow will complete the volume. I wish to know whether that is in order, and if it is in order, of course, we have several volumes on the other side that we propose to have published. [Laughter on the Republican side.]

Several members addressed the Chair.

The SPEAKER. The Chair does not desire to hear anything on the question of order. As the Chair understands the practice—and if he is in error he will be glad to have any different practice, or any rule that requires a different practice, pointed out—it has always been a question to be determined by the House itself whether or no any gentleman under a leave to print has violated the rules or the practice that have prevailed in that respect. As the gentleman from Michigan [Mr. BURROWS] knows, there has been granted a general leave to print on the subject of the tariff—

Mr. BURROWS. To print remarks.

The SPEAKER. To print remarks. Well, of course, as the gentleman understands, that has always, under the practice of

the House, covered the printing of extracts. Now, how extensive the extracts which a member prints shall be is not a matter for the Chair to determine. The House itself has always, as the Chair understands, determined the question whether or no there has been any violation or breach of the privilege granted, and therefore the Chair thinks there should be some resolution or motion on the subject.

Mr. BURROWS. I think the Chair is quite right upon that point. It is a difficult question for the Chair to determine; and, for the purpose of testing the sense of the House, I move to strike out, on page 3556 of the RECORD, from what is printed as the speech of Mr. STONE of Kentucky, all that Henry George says [laughter]—all the copyrighted portion of the "speech"—as not being proper to be inserted in the RECORD under the leave granted by the House to extend remarks upon the subject of the tariff.

Mr. RICHARDSON. I suppose the gentleman will include also the letter of Mr. Horr, printed on the same page, inserted by the gentleman from Iowa [Mr. DOLLIVER]. There are about two columns of that matter. I move to amend the motion of the gentleman from Michigan by including the letter of Mr. Horr, and I also move to strike out the poem on page 3368, inserted by the gentleman from Michigan [Mr. BELKNAP]. [Laughter.]

Mr. BURROWS. I call my friend's attention to the fact that the letter of Mr. Horr to which he refers is simply an article from a newspaper, not copyrighted matter, and, as he knows, such things are frequently read in the House and go into the RECORD.

Mr. RICHARDSON. That was not read in the House.

Mr. CATE. I object to striking out spring poetry. [Laughter.]

Mr. STONE of Kentucky. Mr. Speaker, the motion is to strike out matter inserted in the RECORD by myself. Now, I want to plead guilty to the charge of the gentleman from Michigan that I did insert that matter in the RECORD and did so for the reason that I had the right to do so under the leave given by the House. I inserted it for the express purpose of having it go to the voters of this country upon the question of tariff reform. I inserted it for that express purpose and no other. I want to say to the House and to the gentleman from Michigan that there are a number of members upon this floor who, at various times during the discussion of the tariff question, have tried in vain to get an opportunity to address the House in regard to it—really to address the country, because we do not listen to tariff speeches here; they are made to go to the country.

I myself, during the discussion that has gone on up to this time, have been so unfortunate as not to be recognized for the purpose of addressing the House, or my constituents, through the funnel of this House, but upon the day mentioned I did secure recognition for the purpose of extending in the RECORD some remarks upon the tariff, and I inserted the matter in question, and, Mr. Speaker, I indorse the article that I have had printed in the RECORD. I put it in there, as I have said, for the purpose of having it go to the country. There is no denial to be made of that, and I do not desire any denial or excuse. Further, upon that point, let me say that this is my fourth term in Congress, and that during my service here I have seen every gentleman that I have had any acquaintance with who has been at all prominent in the discussion of public questions in this House, insert that very class of matter in the RECORD. I do not mean matter exactly like this, because gentlemen upon the other side do not insert this kind of matter [laughter]; and that is where the thing is hurting, that this matter is going out to the voters of the country. But I have seen gentlemen insert almost all sorts of matter in the RECORD under the leave to print. Why, sir, members of the Republican party inserted the tariff articles of Mr. Blaine contained in his Twenty Years of Congress; inserted them bodily into the RECORD during the campaign of 1884.

Mr. McMILLIN. That was done by Mr. Brewer, of New Jersey, if the gentleman from Michigan [Mr. BURROWS] will recollect, and it was done without any complaint on the part of the gentleman from Michigan.

Mr. STONE of Kentucky. There was no complaint about it and no complaint has been raised about any such matter hitherto. But, Mr. Speaker, the question of the revision of the tariff and of relieving the people from the burdens of taxation that are now resting upon them is before the country and it is being made warm for the party that favors protection, and they object that this argument should go to the voters of the country.

I did not submit this matter as my argument; I do not claim to have made it as a speech; but I put it in the RECORD that it might go through the mails to the people of the country in order that they might have the benefit of the views of one of the strongest writers in the country upon the side of tariff reform. That

is exactly why I did it. If the House desires to strike it out, of course I submit; but I ask that it also strike out all the things that have gone into the RECORD during this session of Congress that have not been spoken by members on the floor. And when you have done that you will have rid the RECORD of a vast amount of misleading stuff that has been put into it, from newspapers and other sources, by members of the Republican party to bolster up the cause of protection. And you will leave a good many skeletons in the RECORD; you will strike out some of the best portions of speeches on the other side. The gentleman from Iowa [Mr. DOLLIVER] has within the last day or two inserted matter of this kind in the RECORD (I refer to page 3453); that must go out; and the poems and other things of that kind which have been inserted in the RECORD will have to go out.

Mr. Speaker, so far as I am individually concerned, I am willing that the RECORD shall be held right down to what occurs on the floor—the utterances that are made here. But if this privilege of "leave to print" is to be allowed, it can not be confined to one set of men; every man on the floor must be recognized as entitled to exercise the same privilege.

I have no excuse to offer; I have no denials to make. I did insert this matter in the RECORD; and I inserted it in order that it might go to the country under the frank of members of the House in order that their constituents might be able to read this argument without having to buy it. I am glad that attention has been called to it, for it will emphasize the fact that this matter is in the RECORD, and that the people can have it without paying for it.

Mr. FITHIAN and Mr. BURROWS addressed the Chair.

Mr. BURROWS. I believe I have the floor.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] will proceed.

Mr. BURROWS. The gentleman from Kentucky [Mr. STONE] seems to have misconceived the question before the House—

Mr. FITHIAN. I insist that the gentleman from Michigan surrendered the floor. I am one of the parties who have been referred to in this matter—

Mr. BURROWS. I will say to my friend from Illinois [Mr. FITHIAN] that I shall not occupy more than two minutes—

The SPEAKER. The Chair has recognized the gentleman from Michigan.

Mr. BURROWS. I was saying that the gentleman from Kentucky has misconceived this question entirely. The question is not whether this article will do good or do harm; that is not the question. The question is as to the practice of the House in reference to this matter; and it is a question involving the dignity and the integrity of the proceedings of the House. The question is simply whether under the leave given by the House for members to extend their remarks—

Mr. RICHARDSON. I make the point of order that it is impossible to hear what the gentleman is saying.

The SPEAKER. The House will please be in order.

Mr. FITHIAN. I desire to make the point of order that the gentleman from Michigan was in the first instance recognized; he addressed the House on this subject, and then surrendered the floor, after which the gentleman from Kentucky [Mr. STONE] addressed the House. I submit that the gentleman from Michigan is not entitled under the rules to occupy the floor again until other members who may desire to be heard have had that opportunity.

The SPEAKER. The Chair has recognized the gentleman from Michigan.

Mr. FITHIAN. The Chair has recognized the gentleman from Michigan the second time, when under the rules he is not entitled to recognition the second time until other gentlemen are heard.

The SPEAKER. Will the gentleman please turn to the rule to which he refers?

Mr. FITHIAN. I have it not at hand; but I learn from members who are well informed on this question that there is such rule.

Mr. BURROWS. I should have been through by this time if the gentleman had not interrupted me. I do not care to say more than a word or two.

The SPEAKER. The gentleman from Michigan will proceed.

Mr. FITHIAN. Mr. Speaker, outside of any rule I do not understand it to be fair that one member of the House should be entitled to the floor all the time when other gentlemen want to be heard.

The SPEAKER. The Chair does not think that the gentleman from Michigan has abused any privilege. He made a motion and submitted remarks occupying a few moments. The gentleman from Kentucky made a speech in reply; and now the gentleman from Michigan desires, he says, to make some response

to that. The Chair does not see that anybody has a right to complain.

Mr. FITHIAN. Suppose the gentleman from Michigan should call the previous question?

Mr. BURROWS. "The gentleman from Michigan" will not call the previous question.

The SPEAKER. Even if the gentleman from Michigan should do so, the previous question will not be ordered unless a majority of the House desire it. The fact of the previous question being called would not order it. The gentleman from Michigan will proceed.

Mr. BURROWS. Mr. Speaker, I trust that the course taken by my friend from Kentucky [Mr. STONE] will not be followed by other gentlemen; I trust that we shall not discuss the tariff question on this proposition. That is wholly unnecessary. This is simply a question of order, a question affecting the integrity of our proceedings. There is no doubt that the House has entire control over its Journal and its RECORD, to determine what shall go in and what shall not go in. Now, the simple question is, whether or not under the leave given by the House to members to extend their remarks upon the tariff question in the RECORD, it is a violation of that privilege when members, instead of extending their remarks, publish in the RECORD a printed volume as expressive of their views upon the tariff question.

The Chair has said, I think very properly, that it is difficult for the Chair to determine this question; that it is one which properly should be left to the House; and with the view of testing the sense of the House upon the question, I have moved to strike out from the RECORD the chapters from this printed volume which have been published as the speech of the gentleman from Kentucky. That is the only question before the House. Whether this book will do good or not has nothing whatever to do with the question. If the gentleman from Kentucky was so very anxious to have this book reach his constituents, he should have purchased it and sent it to them, and not call on the public Treasury of the country to send it out for him at the public expense. But if this can be done; if the House shall determine that this shall remain in the RECORD, we have untold volumes that we wish to insert in reply.

Mr. SIMPSON. It would take untold volumes to reply to it.

Mr. BURROWS. And the RECORD will contain a great deal of extraneous matter and become very voluminous.

I will not call the previous question, as the gentleman from Illinois desires to be heard.

Mr. FITHIAN. Mr. Speaker, I move to amend the motion of the gentleman from Michigan by striking out from the RECORD, on pages 3453 and 3454, a letter, published as the speech of the gentleman from Iowa, Mr. J. P. DOLLIVER, over the name of R. G. Horr. This letter is no part of his speech. The only words uttered by the gentleman from Iowa upon the floor of the House, if he uttered these words, were the following:

Mr. CHAIRMAN: For many years a vague report has been circulated by the Democratic press and platform to the effect that foreign markets enjoy advantages superior to our own in their dealings with the manufacturers of American farm implements.

The following letter of Hon. R. G. Horr, which, with the accompanying documents, appeared in the New York Tribune, August 23, 1891, sufficiently explodes these charges. I beg to print it here in the interest of truth on one of the practical phases of the current tariff debate.

Following that we have two closely printed pages of a letter written by a gentleman named R. G. Horr upon the subject of farm implements.

Mr. DOLLIVER. Will the gentleman permit me?

Mr. FITHIAN. The gentleman from Iowa had previously to publishing this letter of Mr. R. G. Horr in the RECORD, occupied the floor of the House for an hour or more, and had published in the CONGRESSIONAL RECORD a lengthy speech on the subject of the revision of the tariff. After he had taken up the time of the House, after he had occupied the space in the RECORD by the publication of his remarks, he now publishes a second speech, which is wholly composed of this letter of R. G. Horr on the subject of farm implements in the RECORD as a contribution upon the subject of the tariff, with a heading "Duties upon wool and woolen goods," to which it bears no reference.

Now, I want to say to the House and to the Speaker that during the discussion of the tariff question I had put my name down early on the list with the Chairman of the Committee of the Whole, and requested that time be allotted me, to be occupied on the floor in the discussion of the pending subject. I was denied the right to be heard, because, I suppose, the time allowed for the general debate was not sufficient to accommodate all who wanted to speak upon the subject.

I had no opportunity, Mr. Speaker, to make any remarks during the discussion of this question upon the floor, and I thought and still think I had the right—I insist I had the right—in the absence of any remarks of my own, to submit remarks or writ-

ings of other gentlemen, especially the eminent gentleman from whom I copied the extract, for the purpose of expressing clearly the views that I entertain upon the question; and if it were not for the fact that the argument I inserted in that speech goes to the very vitals of this question, if it were not for the fact that the argument I inserted in the RECORD was a complete refutation of the position of gentlemen on the other side on the tariff question, the question that was under discussion at that time, no objection whatever would have been made to it even if it had occupied twenty pages of the RECORD instead of a few columns. It was not because of the space occupied in the RECORD that these gentlemen complain, but it was because of the facts, the cold facts, that are laid down for the people to read on this question, an argument which reviews and lays bare the position of gentlemen upon that side, that the complaint against these remarks being inserted in the RECORD is heard now upon this floor.

Mr. DOLLIVER. Will the gentleman allow me?

Mr. FITHIAN. Now, if it is unfair that members on this side who have not been permitted to be heard on the tariff question on the floor of the House shall insert extracts from books or newspapers as their remarks in the RECORD, it is certainly very unfair and unjust for gentlemen on the other side, who have had opportunity and have taken advantage of it, to address the House and taken up the space in the CONGRESSIONAL RECORD with their remarks, should insert a speech on a subject, as the gentleman from Iowa has done, which is nothing but, as I have said, a letter written by a gentleman on a subject that was not under consideration when we were discussing a bill in relation to the duties on wool and woolen goods.

I therefore move, as an amendment to the motion of the gentleman from Michigan, that the speech of Mr. DOLLIVER be also stricken from the RECORD.

Mr. DOLLIVER. Mr. Speaker, I desired to ask the gentleman from Illinois, but he declined to permit me, in the course of his remarks whether he recognizes any difference between the publication of a brief letter from a newspaper, bearing upon a practical and current phase of the tariff discussion, and printed by me under leave in the RECORD of yesterday, and the concerted publication by a dozen men of an entire volume upon the subject that has been copyrighted under the laws of the United States, and which is to be found in every public library throughout the country?

Mr. FITHIAN. I would like to know if the gentleman did not order a thousand or more copies of those "remarks" for circulation among his constituents?

Mr. DOLLIVER. But I do not wish to be understood as complaining of the gentleman from Illinois for substituting the writings of Henry George for his own argument. I can see readily how it might be more satisfactory to him and to his constituents. And if I could be sure that the Democratic national committee would undertake to circulate the works of Henry George as campaign documents, I think there would be no objection on this side of the House to the publication of them at the public expense.

Mr. HENDERSON of Iowa. Waiving the economy.

Mr. DOLLIVER. Waiving the question of economy; but we have no assurance that the Democratic national committee will touch it, and we rather object to having that book printed at the public expense and circulated in that section of the country where the national Democratic platform will be repudiated by the local Democracy, for the purpose of influencing the election and for campaign purposes.

Mr. FITHIAN. The gentleman from Iowa [Mr. DOLLIVER] need not worry himself about what the National Democratic committee will do. We will attend to the Democratic party, and he will have all he can do if he attends to the affairs of the Republican party. This Congress was elected as a rebuke to the proceedings of the Republican party in the Fifty-first Congress, with a Democratic majority of nearly one hundred and fifty.

Mr. DOLLIVER. I must object to the gentleman from Illinois taking me off of the floor. I have no objection personally to the letter of Mr. Horr going out of the RECORD. I care nothing about that; but can this House see no difference between the publication of a brief extract from a public newspaper and the concerted publication of a copyrighted volume in its RECORD?

Mr. FITHIAN. Who is making objection to the copyright being infringed upon? Is it the gentleman who had the volume copyrighted, or is it the gentleman from Iowa [Mr. DOLLIVER]?

Mr. WASHINGTON. It seems to be the gentleman from Iowa who is struck by the copyright business.

Mr. BYNUM. Mr. Speaker, I do not know whether I favor the amendment of the gentleman from Illinois [Mr. FITHIAN] or not. I do not know that I have any reason to complain because the gentleman from Iowa [Mr. DOLLIVER] has inserted something

in the RECORD that he did not deliver. During the hour and a half that he occupied the floor in his speech on the tariff question he propounded with a great deal of gusto a question to the other side of the House as to whether any one could name any article upon which the price had been increased since the McKinley bill had gone into operation, whereupon I tendered him, I believe, a list containing one hundred and twenty-four articles, which somehow or other has been lost entirely out of the RECORD. [Laughter.]

Mr. FITHIAN. I ask that the gentleman from Iowa may be permitted to print that list in the RECORD. [Laughter.]

Mr. BURROWS. Mr. Speaker—

Mr. McMILLIN. Does the gentleman from Michigan desire to be heard further?

Mr. BURROWS. I do.

Mr. McMILLIN. When the gentleman has finished what he has to say I will take the floor.

Mr. BURROWS. I wanted to say a word, in view of the fact that this publication, to which I called attention this morning, does not cover the whole field of criticism, and that possibly the vote ought not to be taken upon that one question alone, of eliminating these chapters from the speech of the gentleman from Kentucky; but as it appears from an examination of the RECORD there seems to have been a concerted action to get this book into the RECORD and get it franked, and into the hands of the public in this manner, I wish to withdraw my motion, and offer in lieu thereof the following, which I will ask the Clerk to read—

The SPEAKER. The Clerk will report the amendment.

Mr. FITHIAN. I submit that the gentleman can not withdraw his motion.

The SPEAKER. The gentleman has the right to withdraw his motion. The House has taken no action upon it. The gentleman from Michigan offers the following, which the Clerk will report—

Mr. BURROWS. I think this will be more satisfactory.

The SPEAKER. The Clerk will report the resolution offered by the gentleman from Michigan.

The Clerk read as follows:

Resolved, That there be referred to the Committee on Printing, pages 3389, 3402, 3033, 3451, 3556 and other pages contiguous, devoted to printing of chapters from Henry George's works, for examination and report, whether in the insertion of said matter in the RECORD, the privileges of the House have been violated.

Mr. FITHIAN. I move to lay that resolution on the table.

Mr. RICHARDSON. I support that motion.

Mr. GOODNIGHT. Will the gentleman from Illinois [Mr. FITHIAN] withhold his motion for a moment so that I can refer to a precedent?

Mr. FITHIAN. I will do that.

The SPEAKER. Does the gentleman withdraw his motion?

Mr. FITHIAN. For the present.

Mr. GOODNIGHT. It seems to me this resolution can not be consistently adopted, for the reason that all members have general leave to print. Every gentleman upon this floor, by the special order already made, has the right to print as his speech whatever he pleases; the only limitation being that he must respect the personal rights of members, and the courtesies of the House, and unless he violates these there is no offense; hence this resolution ought not to be adopted.

Gentlemen have exercised the right here complained of from time immemorial, and as a precedent, which I think the gentleman from Michigan [Mr. BURROWS] will hold to be perfectly good, I call attention to the CONGRESSIONAL RECORD, Forty-eighth Congress, first session, page 264 of the Appendix, where Mr. Brewer, of New Jersey, printed as his speech upon the tariff a chapter from Mr. Blaine's Twenty Years in Congress, giving 36 pages of that book, covering over nine solid pages of the RECORD, this quotation constituting his entire speech. That book was copyrighted also, and the case is exactly in point. The same objection could have been raised to it, but the RECORD does not show that the gentleman from Michigan or any one else objected. If precedent were needed in aid of the present order of the House this would be justification for my colleague from Kentucky [Mr. STONE] and other members.

Mr. BURROWS. I have only this to say in reply, that the more instances of that kind cited, the more appearances of abuse, and the greater becomes the necessity for its correction. I demand the previous question.

Mr. RICHARDSON. I ask the gentleman to withdraw the demand for the previous question until I can make a statement.

Mr. BURROWS. I withdraw for the present the demand for the previous question.

Mr. RICHARDSON. I submit, Mr. Speaker, that this is not a matter that should go to the Committee on Printing. This is a matter that affects the rules of this House; and the question is whether the rules have been complied with or not by members

in publishing speeches which they have not uttered on the floor. The rules of the House give members that right. Now, the question is whether or no the spirit of that rule has been violated. Therefore, Mr. Speaker, I insist that if there is to be any reference of this question, certainly it must be to the Committee on Rules.

The SPEAKER. Will the gentleman cite any rule of the House which applies to it?

Mr. RICHARDSON. There is no written rule on the subject. It is done under general leave of the House; and I submit that while it is not in the rule in words, it has been done under a custom of this House from time immemorial; and being the custom of long standing the Chair will well understand that it practically amounts to a rule, and has all the force and effect of a written rule.

Mr. McMILLIN. Will my colleague allow me a question?

Mr. RICHARDSON. Yes, sir.

Mr. McMILLIN. Is it not a fact that within the last month this same question came up in connection with the remarks of the gentleman from Massachusetts [Mr. WALKER], and was not the question whether he had violated the proprieties and rules of the House submitted to the Committee on Printing; and has not that committee now a report pending in this House?

Mr. RICHARDSON. The gentleman need not ask that question; he made the motion himself in the case referred to by him, and knows the facts to be as he has indicated by his question.

Mr. McMILLIN. But I wanted to stir up my colleague's recollection.

Mr. RICHARDSON. I know that that resolution was referred to the Committee on Printing, but if that was improper, two wrongs would not make a right. I am clearly convinced that the question in this case is whether the rules have been violated, and that the Committee on Rules should pass upon the question.

Mr. McMILLIN. Was not the question in the case of the gentleman from Massachusetts whether the rules had not been violated?

Mr. RICHARDSON. Yes, sir; and that matter possibly should have been referred to the Committee on Rules; still the reference to the Committee on Printing would give that committee jurisdiction of the matter. A question of violating the rules of the House should go ordinarily to the Committee on Rules and not be referred to the Committee on Printing.

Mr. WASHINGTON. Will my colleague allow me a few minutes in which to make a statement?

Mr. RICHARDSON. I yield to my colleague, as he has printed an extract from Mr. George's book.

Mr. WASHINGTON. Mr. Speaker, I want to make a brief statement regarding my connection with printing the matter under controversy. I was not in the Hall when the gentleman from Michigan raised this little squall of wind. I am one of those, however, who did publish some of the chapters from the very able work of Mr. Henry George. By reference to the RECORD it will be seen that I did not publish the matter as emanating from my pen, but I stated that as a contribution, and a very good one, to the debate on the free-wool bill, I would print some observations on the theory of protection from one of the deepest thinkers and ablest writers of the day. I considered the publication entirely germane to the tariff debate then going on in the House, and thought that the seed thus sown might enter the minds of some, who otherwise would never see or read the work of Mr. George, and bring forth good fruit. What has already transpired proves the truth of my surmise. Evidently the gentleman from Michigan, and others, have been reading the good doctrine, which is sound Democracy. When I printed the chapters from Mr. George's book I violated no rule of the House; on the contrary I followed a precedent which has prevailed in this House for almost a century. It certainly has been the practice prevailing during the five years I have been a member of this body. If there has been no specific rule permitting, there has been at least a custom, hoary with age, and therefore amounting to a rule of the House, that a gentleman may publish in this way whatever he sees fit as his contribution to the debate when general leave to print has been allowed.

The difference, as some gentleman has asked that question, between the publication of these chapters from the pen of an eminent author, and the remarks injected some days ago into the RECORD by the gentleman from Massachusetts [Mr. WALKER] ought to be apparent to everyone upon a moment's reflection. These chapters do not contain anything personal to any member of the House, but are devoted entirely to a discussion of economic questions. The remarks to which objections were raised by the gentleman [Mr. WILLIAMS] on the occasion just referred to, and which were printed in the RECORD by the gentleman from Massachusetts [Mr. WALKER], were intensely and offensively personal. They were not delivered on the floor in the presence of those who were criticized, and who therefore had been afforded no oppor-

tunity to reply. There is no parallel and can be none between the cases whatever; none in the world.

Mr. WALKER came down the aisle.

Mr. WASHINGTON. Now, Mr. Speaker, if I have stirred up the gentleman from Worcester I am very sorry, but it is not my fault. I do not know who threw the stone which has caused all this sudden commotion—I presume it was the gentleman from Michigan [Mr. BURROWS]; but at all events it seems to have struck the gentleman from Worcester—as his colleague called him—

Mr. WALKER. Oh, pshaw! [Laughter.]

Mr. WASHINGTON. The only question, it seems to me, involved in the point at issue is, when general leave to print has been granted, how much or how long a quotation from a book, pamphlet, speech, or poem is a member allowed to insert in the RECORD as a part of his remarks? If he could get the floor he could consume his whole time in reading from any publication bearing on the subject of debate, and obviously no man could object, for no rule prescribes that the speeches, whether read or spoken by members on this floor, shall be their own original productions. Were this so, I fear the RECORD would be much reduced in size. The House has increased in membership so enormously, owing to the immense growth of the population of the Union, that it would be impossible for all who desired to do so to speak on any subject of general interest to the whole country like the reform of the tariff. Therefore, the House has been compelled to resort to the practice of allowing such members as are unable to get time to speak on the floor, to print their remarks in the official RECORD of the House, and thus present them not only to the notice of the House but to the country, and, above all, to their constituents, to whom the RECORD, or at least that part of it containing the gentleman's remarks, may be sent through the mails free of postage.

Were it not for this liberty to print many a constituency would have no voice and never be heard on this floor on many important measures. Recognition by the Speaker or by the Chairman of the Committee of the Whole and division of time allowed to a committee for debate on a bill necessarily is influenced to a great extent by personal friendship and favoritism. All can not get time or recognition. It is human and natural that favors should go to friends, and this condition, known by all to exist, does not reflect improperly or injuriously on anybody. The only thing to be guarded against in printing is to carefully avoid personalities and unparliamentary language. I am quite sure that these chapters from Henry George's book which have been printed are far more readable and of infinitely greater value to those who will read them than great numbers of reports and books from Departments and from officials which will be printed at the expense of the Government and mailed free to all parts of the country. The only expense to the people attending the printing of these chapters will be the cost of that much of the space of the CONGRESSIONAL RECORD. Should they be all gathered together afterwards and republished in pamphlet form, the expense will be borne entirely by those persons who may wish to distribute the book as a valuable document. Now, Mr. Speaker, I think, as the House is just as competent to judge of this matter and to act on it as any committee of the House, the right and proper thing to do is to lay the motion of the gentleman from Michigan on the table.

Mr. BURROWS. I demand the previous question.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is recognized, as he only yielded to his colleague [Mr. WASHINGTON].

Mr. RICHARDSON. I yielded to my colleague to make some remarks as he had been referred to, and I thought it proper that he should have an opportunity to make a statement. Now, in conclusion, all I desire to say, is to repeat what I have said, and that is that this question is whether the rules of this House have been violated; and it seems to me that there is no sort of question that the inquiry should be made by the Committee on Rules.

My colleague [Mr. McMILLIN] calls attention to the fact that on a former occasion there had been a reference of the remarks of the gentleman from Massachusetts [Mr. WALKER] to the Committee on Printing. I think, as I have stated, Mr. Speaker, that a reference to the Committee on Printing would give that committee jurisdiction of this question, but it is not necessary for me to controvert that proposition in connection with the motion which I desire to submit. The reference of the question to the Committee on Printing would clothe that committee with jurisdiction to investigate and report, but if that is not true, then it would be an improper reference; and the fact that such a reference was made in a previous case would not justify the House now in making another improper reference.

Mr. BLOUNT. Will the gentleman yield me two or three minutes?

Mr. RICHARDSON. Certainly.

Mr. BLOUNT. Mr. Speaker, it seems to me that this is a

matter that ought to go to some committee. The suggestion that it should be tabled is entirely incorrect. There may have been some improper publications in the RECORD. That may be so without implying any reflection upon any gentleman who has made them. The question of what a gentleman shall publish under a leave to print, is a question resting primarily in his own discretion, but afterwards the House can review his action. The first instance that I remember of a question of this kind arising was many years ago when Gen. Garfield was a member of the House, and some gentleman, a member of his own party, saw fit to publish in the CONGRESSIONAL RECORD quite an extensive poem—

Mr. DINGLEY. Mr. Downey of Wyoming.

Mr. BLOUNT. Yes, that is the case. In that case the gentleman from Ohio, Mr. Garfield, of course with no partisan purpose in view, but simply with a desire that there should not be an abuse of the RECORD, raised in the House the question of the propriety of the publication, and a resolution was passed striking the poem from the RECORD. Now, we are all liable, without reference to which side of the House we may belong to, to print excessively at any time, and it seems to me that when these abuses occur a reference of the question to a committee which shall consider and make a report upon the subject is the best corrective we can have. It may serve the purpose to-day, and when, again in a year or two, a similar question may arise, a recurrence to that report and a criticism of the abuse will be found to be the best way of regulating the matter.

It seems to me that this House can do no better, and that the individual member of the House can do no better with his associates here, than to dispose of this question by referring it to some committee where there shall be no wrangling or controversy, but simply a calm inquiry as to what is or what is not proper to be printed under the leave granted by the House. I trust, therefore, that we shall not leave this matter unsettled by an unceremonious tabling of the pending motion, but will dispose of it as I have suggested.

Now, as to the question whether the matter should go to the Committee on Printing or to the Committee on Rules, I am not clear as to the proper course.

Mr. BLAND. Will the gentleman permit a question?

Mr. BLOUNT. Directly. I am quite willing, Mr. Speaker, on the suggestion of the chairman of the Committee on Printing, that this question shall be referred to the Committee on Rules. That committee is composed of experienced and able gentlemen, whose opinion would have great weight with this House, and would perhaps determine very much in the minds of us all how far we should go hereafter in the matter of printing extracts in the RECORD under a leave to print.

Mr. BLAND. I desire to call the attention of the gentleman from Georgia to one point in connection with the case to which he refers, the case in which a poem was printed in the RECORD. I remember that incident very well, and I wish to ask the gentleman whether there is not a clear distinction between that case and this, because, in that case the matter published in the RECORD was an original poem, having no relation whatever to the subject under debate, whereas this matter does relate to the subject under debate. In that case the member simply took the opportunity to print something of his own, a poem, that had no relation at all to the business of the House, but this case is entirely different.

Mr. BLOUNT. Mr. Speaker, my answer to the gentleman from Missouri is, that the committee to whom this question shall be referred will consider the point which my friend addresses to me in the form of a question.

Mr. CATE. That is right.

Mr. BLOUNT. The committee will consider that and every other question relating to the subject, and I trust that this House will not hesitate to refer the matter to a committee, and let them investigate and report.

Mr. BURROWS. And, if my friend will allow me a suggestion, in the case referred to by the gentleman from Missouri [Mr. BLAND] the attention of the House was called to the matter and it was referred to a committee on motion of Mr. Garfield.

Mr. RICHARDSON. Can the gentleman state to what committee that was referred?

Mr. BURROWS. The Committee on Rules.

Mr. RICHARDSON. There, Mr. Speaker, is a precedent, a case in which the matter was referred to the Committee on Rules. Gentlemen will remember that in the last Congress, when it was charged that there had been a violation of the Rules of this House by the gentleman from Ohio, Mr. Kennedy, by printing in the RECORD an attack upon a Senator, the question was referred to the Committee on the Judiciary, and that committee made a report, upon which the remarks were excluded from the RECORD. At this session, when a question arose as to the abuse

of the leave to print, the matter was referred to the Committee on Printing and they acted upon it.

It seems to me, if these other references were improper, now is the time to return to a proper course and make this reference to the Committee on Rules, which has entire jurisdiction of all matters connected with the rules and their violation. I therefore move to amend the pending motion by striking out "the Committee on Printing" and inserting "the Committee on Rules."

Mr. FITHIAN addressed the Chair.

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. RICHARDSON. The gentleman from Illinois asks me to yield to him for a moment, and I will do so.

The SPEAKER. The gentleman from Illinois [Mr. FITHIAN] will proceed.

Mr. FITHIAN. Now, the motion of the gentleman from Michigan is to strike out the parts of the RECORD relating to the remarks of myself, of the gentleman from Tennessee [Mr. WASHINGTON], the gentleman from Ohio [Mr. JOHNSON], the gentleman from Iowa [Mr. BOWMAN], and the gentleman from Kentucky [Mr. STONE].

Mr. BURROWS. Will the gentleman yield a moment?

Mr. FITHIAN. If the gentleman wanted to be fair—

Mr. BURROWS. I wish to say that the gentleman is mistaken as to my motion; I made no such motion.

Mr. FITHIAN. The gentleman's motion, as I understand, does not include the printed speech or letter of Mr. Horr, which has been published as the remarks of the gentleman from Iowa [Mr. DOLLIVER].

Mr. BURROWS. It does not.

Mr. FITHIAN. Then, as I was going to say, if the gentleman from Michigan wanted to be fair, why did he not cover by his motion all these publications in the RECORD, all being subject to the same objection? General leave has been granted—

Mr. BURROWS. Does not the gentleman see a difference between the two cases?

Mr. FITHIAN. Leave has been granted to members of the House to print remarks on this subject.

Now, Mr. Speaker, under the permission of the House, I printed in the RECORD this matter from the book of Henry George upon the subject of the tariff.

I have no excuses to offer, no apologies to make, and if I have committed any offense I am glad of it. If the floor had been yielded to me I could have read from the book and had inserted what I read beyond question. Not having an opportunity to get the floor, under the general leave to print I had the right to print what I would have had the right to have read if I had been given the floor.

And it seems to me it should make no difference to the gentleman from Michigan whether I printed the remarks or writings of some other gentleman than myself or whether the words printed came from my own mouth. Perhaps the matter published was better—in fact, it was better than anything I could say upon the subject, and, in my judgment, better than anything that the gentleman from Michigan could say upon the subject of the tariff. It at least suited me better than anything he could say.

Now, Mr. Speaker, I move that the motion of the gentleman from Michigan and all amendments thereto be laid on the table, and on that I demand the previous question.

Mr. RICHARDSON. I did not yield to the gentleman from Illinois [Mr. FITHIAN] for the purpose of making a motion, but simply that he might submit remarks.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] has stated that he yielded to the gentleman from Illinois that he might make remarks, and not for the purpose of making a motion.

Mr. RICHARDSON. That was my understanding.

Mr. FITHIAN. As the Speaker will remember, I had made a motion to lay on the table the motion of the gentleman from Michigan and the pending amendments—

Mr. BURROWS. But the gentleman had not the floor for that purpose.

Mr. FITHIAN. I did have the floor at that time for that purpose; and the gentleman from Kentucky [Mr. GOODNIGHT] asked that I withdraw the motion in order to permit him to offer a few remarks. I did withdraw the motion for that purpose. After the gentleman from Kentucky [Mr. GOODNIGHT] was through, then, Mr. Speaker, I was entitled to the floor.

The SPEAKER. The Chair will state—

Mr. FITHIAN. As I understand, the time which the gentleman from Tennessee supposes he has been yielding was time which belonged to me.

The SPEAKER. The Chair will state that no gentleman can withdraw a motion for any particular purpose; he may have a particular purpose in his mind, but if the motion is withdrawn it is withdrawn for all purposes.

Mr. FITHIAN. All I ask is that I may be permitted to be recognized to make that motion at the proper time.

The SPEAKER. The gentleman from Tennessee has the floor at present.

Mr. RICHARDSON. I yield to the gentleman from Mississippi [Mr. HOOKER] for a few minutes.

Mr. HOOKER of Mississippi. Mr. Speaker, I desire to say that it occurs to me that the motion made by the gentleman from Tennessee [Mr. RICHARDSON] that this resolution, whatever form it may take, should properly go to the Committee on Rules, is a very commendable one. If there be any precedent which has been adopted at this session of Congress which would make a reference to the Committee on Printing proper, as has been referred to in the case of the gentleman from Massachusetts [Mr. WALKER], it arose in that case, as I understand it, because there was a question involved as to whether or not there were objectionable personalities in the speech of the gentleman from Massachusetts; and so that case was properly referred, perhaps, to the Committee on Printing.

But this subject, I submit, ought to go to the Committee on Rules. There has been a very large license in former Congresses, and a very large license in this Congress, in printing matters which have not been uttered on the floor. I hope, Mr. Speaker, that the Committee on Rules, whatever action they may take on the motion of the gentleman from Michigan [Mr. BURROWS], will at least be moved to consider this question for their future action, and that hereafter the RECORD of the House shall contain only such proceedings as actually take place in the House. That ought to be the function and office of the RECORD. Like the journal of a court, it should contain a record of the proceedings that transpire here, nothing more and nothing less.

The press of the country, in reporting the proceedings of this House from the galleries, report nothing except what transpires here, and the official record of the proceedings of the Congress of the United States ought to be confined to what is actually done and spoken in the House.

I have no reference now to the action which has been taken by the gentleman from Illinois [Mr. FITHIAN] and by the other gentlemen who are alluded to, because that license has gone on growing from the time when the poem was published which has been referred to, and which I had the pleasure, I believe, of reading in the RECORD the next morning. There are numerous other instances in which the RECORD of Congress has been used for the transmission to the people of other things than what actually transpired. The object of keeping the RECORD is to keep a record of what Congress has done in the way of motions, speeches, and votes, and that is its function and nothing else. I hope, therefore, whatever decision the Committee on Rules come to in this matter, that they will bring before the House a proposition to confine the RECORD to what it should legitimately contain.

Mr. FITHIAN. Ought not they to do away with the general leave to print?

Mr. HOOKER of Mississippi. I think so.

Mr. RICHARDSON. I yield two minutes to the gentleman from Ohio [Mr. JOHNSON], because if anyone is guilty he is, he being one of the parties who published the extracts from the works of Mr. George.

Mr. JOHNSON of Ohio. Mr. Speaker, I am one of the guilty persons here, and I am proud of it. [Laughter.] Through the courtesy of the gentleman from Indiana [Mr. SHIVELY] I had half an hour in which to speak on the wool bill. I consumed nearly all of my time. I spoke in defense of the bill putting wool on the free list, and at that time made an attack on the protective tariff. I intend to send that speech to my constituents, and I want to send them at the same time the best thing I can get in opposition to all protective tariffs; and as I am sure nothing has ever been written more convincing than the five chapters, I introduced them; I knew it was well written, and calculated to make Democratic votes. For that reason I put it in.

Mr. JOHNSON of Indiana. At the public expense.

Mr. HATCH. You need not apologize any further. [Laughter.] If it is to make Democratic votes it is a good thing, and we support you.

Mr. JOHNSON of Ohio. We see in the RECORD every day great tables occupying whole pages of the RECORD, that cost five times as much to set up as the plain printing that was required by these chapters inserted there. These tables contain statistics that are not read, and that nobody believes if they do read them; and I think when I find a book that is the ablest exposition of the fallacies of protection, that I have a right to put it into the RECORD and send it to my constituents; if the Republicans do not like it, it is because it hurts.

Mr. RICHARDSON. I yield one minute to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Before a vote is taken I want to call the

attention of the House to one fact. Debate upon the tariff bill was limited. Members who desired to speak had no opportunity to do so. If they had had the opportunity and had read this printed matter in their remarks no man would have questioned its right to go into the RECORD. Now, after giving them leave to print, do you mean to rob them of any privilege they would have had if they had taken the floor? I think not. To save time in debate the House granted them leave to print, and that leave carried with it all the privileges that they would have had if they had taken the floor. They are entitled to all the rights of those who spoke in the open House; and after the bargain is made, under which they yielded the floor to others without protest, you have no right to curtail their privileges.

Mr. RICHARDSON. How much time is there now remaining?

The SPEAKER. The gentleman has thirteen minutes of his hour remaining.

Mr. RICHARDSON. I yield two minutes to the gentleman from Kentucky [Mr. STONE].

Mr. STONE of Kentucky. Mr. Speaker, I only desire to say that it seems to me this matter has raised a little bad feeling in the House. So far as I am concerned, I want to say a motion to strike out, or to refer to a committee, whatever committee the House may decide, these excerpts from a book, as stated by the gentleman from Michigan [Mr. BURROWS] has no sort of effect on me to make me feel ill towards anybody. I have heard no statement or reason from the gentleman from Michigan, or anybody advocating the reference of this matter to a committee, why it should be done. I have heard no charge that a rule of the House was violated. The gentleman from Michigan made the point of order that a rule of the House had been violated, and by his own confession said that no rule had been violated, because he withdrew that point of order. He confesses that he is convinced that the rules have not been violated.

I want to say, sir, that I am as much opposed as any man can be to making the RECORD a receptacle for all sorts of publications from books, newspapers, and private letters, and all sorts of things; but, as I said awhile ago, if one member of this House is to be granted that privilege, I do not see why another should not be.

I want to say, Mr. Speaker, that I see no difference between quoting a whole chapter from a book and quoting it in paragraphs. It is said that by quoting paragraphs from the Bible you can prove anything. In this instance other gentlemen and myself have been charged with putting in whole chapters. We did that for the benefit of gentlemen on the other side [laughter], in order that they might get the whole thing, and that they might see there was foundation for the argument, and in order that they might be enlightened. We did not take extracts, but whole chapters. We have given them the whole dose, and it seems it has hurt.

Now, Mr. Speaker, I do not care whether this matter is referred to a committee or not. All that I do insist is that if it is to be referred to a committee, and should come back here with a recommendation that a portion of the RECORD be stricken out, that every member of this House who is disposed to vote for striking them out will be willing to strike out every other quotation made from every book or paper that has been printed in the RECORD in the present session of Congress.

It seems, Mr. Speaker, that the matter inserted by me has struck home in the vitals of the protective heresy, and that it proves to be more than the leaders of the other side can stand quietly. It seems they are unwilling to have the truth in clear and forcible form go to the people, hence this effort to suppress it.

I only want to be dealt with as other members are. I have no excuse to offer, nobody's pardon to ask, and no apologies to make. I have not printed these extracts in the RECORD as my speech. I have a tariff speech already prepared, and I shall endeavor to secure recognition on one of the bills yet to be acted upon, when I will put in some additional remarks, which, I think, will show to the agriculturists of this country that the tariff policy advocated by the Republican party is grinding the agriculturists into the ground, and building up the protecting interests and classes of the country. That is what I propose to show in the remarks which I expect to make hereafter; and you need not strike out this article, because I have got a speech prepared, and I will put that article in that speech, if necessary, to get it in the RECORD. [Laughter.]

Mr. RICHARDSON. I now yield three minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, I do not see what the Committee on Rules, or any other committee of the House have to do with this matter. This is a question for the House. The House has given leave to print, and if there is anything wrong about it, it rests with the House itself. The matter printed can not be objected to on the ground that it is personal to any member, or on

the ground that some gentleman has quoted in his speech something of his own, like the poem referred to, and had it printed in the RECORD at public expense to save the private expense of printing. It is not complained that this matter is not pertinent to the matter under discussion, for it is directly upon the point before the House.

The only way to stop printing speeches is for the House to refuse leave to print. But after the House has given leave to print a speech, or print matter on a subject under debate, the House has no more right to strike it from the RECORD than it has to strike out remarks made by a gentleman himself. The gentleman could get the floor; but, probably relying upon the good faith of the House in giving leave to print, he does not undertake to do so; and now, after giving him leave to print remarks, to eliminate them from the RECORD is to stultify the House itself and do an injustice to the member. If there is anything printed that is shown to be derogatory to the dignity of the House, or to any member of the House, and not pertinent to the subject of debate, or personal to any member, that is another question. I undertake to say that there is scarcely a speech made here by a gentleman of an hour's duration who does not ask leave to print certain matters connected with the subject; and that leave is never refused him, because in this House we have only one hour to debate any subject, while in the other end of the Capitol they may take a day or a week if necessary. Members here are confined to one hour, and in one hour it is impossible to get all matters bearing upon any subject into the RECORD unless we have leave to print. I have seen reports and extracts from newspapers and all sorts of documents bearing upon the subject under debate printed in the RECORD under leave to print, and never before have I heard any objection made to it, where the matter printed was pertinent to the debate and not personal to members. If the House desire to stop printing these matters in the RECORD they must do it by refusing to give leave to print, and not undertake first to give members leave to print because they may be unable to obtain a hearing upon the floor, and afterwards strike out the matter printed under the leave thus given.

Such action would be a stultification of the House and an injustice to the members concerned, and the only remedy, as I have already said, is to refuse leave to print. If you adopt that rule, then members can take their chance of getting the floor and delivering their remarks in the House. The motion of the gentleman from Michigan and all the amendments ought to be tabled, and if there is anything wrong in this matter it ought to be remedied by objecting to leave to print hereafter.

Mr. BURROWS. I ask for a division.

Mr. RICHARDSON. Mr. Speaker, only a word more. I think this debate has demonstrated the fact that it is in order under the rules for gentlemen to have printed the remarks which they have had printed. It may be asserted that it is in violation of the spirit of the rule. I do not think anyone can go any further than to say it violates the spirit of the rule. But, Mr. Speaker, it seems to me if it is made to appear that there should be some further definition of the right of members under the leave to print, then the subject should go to some committee of the House in order that mature consideration of the question may be had.

The gentleman from Michigan [Mr. BURROWS] has moved to refer this question to the Committee on Printing. I thought and still think that it should go to the Committee on Rules, and for that reason I made the motion to strike out the Committee on Printing and insert the Committee on Rules. I think it should go to that committee in order that we may have clearly defined what is meant by leave to print. If "the leave" be general, as has been regarded heretofore, as I have understood the rule, these gentlemen have not violated it. If a limitation in some way is desired, as if when a member wishes to print other matter than his own speech, such limitation can be made, but it does not now exist.

At all events, whatever restrictions, if any, are required, it seems to me that they should be made on the report of a committee of this House. For that reason I have made my motion, and I am now content to leave the matter to the House to take such action as in their wisdom they think proper.

Mr. BURROWS. Mr. Speaker, I demand the previous question on my motion.

Mr. FITHIAN. Mr. Speaker, I move that the motion of the gentleman from Michigan, and all the amendments be laid on the table.

The question was taken on the motion of Mr. FITHIAN, and the Speaker declared that the ayes seemed to have it.

The House divided; and there were—ayes 96, noes 70.

Mr. BURROWS. We will have the yeas and nays, Mr. Speaker.

The yeas and nays were ordered, 45 members voting in favor thereof.

The question was taken; and there were—yeas 121, nays 71, not voting 136; as follows:

YEAS—121.

Abbott,	Covert,	Hemphill,	Pendleton,
Alexander,	Cox, N. Y.	Henderson, N. C.	Richardson,
Amernman,	Craig, Pa.	Herbert,	Sayers,
Andrew,	Crain, Tex.	Holman,	Scott,
Bailey,	Crawford,	Hooker, Miss.	Seerley,
Baker,	Crosby,	Houk, Ohio	Shively,
Barwig,	Cummings,	Johnson, Ohio	Simpson,
Beeman,	Danell,	Johnstone, S. C.	Steward, Ill.
Bentley,	Davis,	Kilgore,	Stewart, Tex.
Bland,	De Armond,	Latham,	Stone, Ky.
Bowman,	De Forest,	Layton,	Stout,
Branch,	Dickerson,	Lester, Ga.	Stump,
Brawley,	Donovan,	Mallory,	Terry,
Bretz,	Elliott,	Martin,	Tillman,
Brickner,	Ellis,	McAleer,	Van Horn,
Bullock,	Everett,	McCreary,	Warner,
Bunn,	Fithian,	McGann,	Washington,
Bunting,	Forman,	McKaig,	Watson,
Busby,	Forney,	McKeighan,	Weadock,
Butler,	Gantz,	McKinney,	Wheeler, Ala.
Byrnes,	Geary,	Montgomery,	White,
Cable,	Geissenhainer,	Moore,	Whiting,
Caminetti,	Gillespie,	Oates,	Wike,
Caruth,	Goodnight,	O'Neill, Mass.	Williams, Mass.
Cauley,	Hallowell,	O'Neill, Mo.	Williams, Ill.
Chipman,	Halvorson,	Otis,	Wilson, Mo.
Clarke, Ala.	Hamilton,	Page, R. I.	Wolverton,
Clover,	Harries,	Parrett,	Yountans,
Cobb, Mo.	Hatch,	Patterson, Tenn.	
Coburn,	Hayes, Iowa	Paynter,	
Compton,		Peel,	

NAYS—71.

Atkinson,	Dalzell,	Jolley,	Reynolds,
Bankhead,	Dixon,	Ketcham,	Rife,
Belden,	Dockery,	Kyle,	Smith,
Bingham,	Dunphy,	Lewis,	Stackhouse,
Blount,	Edmunds,	Little,	Stephenson,
Boutelle,	Epes,	Lodge,	Stone, C. W.
Bowers,	Finston,	Long,	Stone, W. A.
Broderick,	Greenleaf,	Loud,	Storer,
Buchanan, N. J.	Griswold,	Lynch,	Tarsney,
Buchanan, Va.	Grout,	McMillin,	Taylor, E. B.
Burrows,	Hare,	Meredith,	Taylor, V. A.
Bushnell,	Harmer,	Miller,	Townsend,
Caldwell,	Haugen,	Milliken,	Tucker,
Castle,	Henderson, Iowa	O'Neill, Pa.	Wadsworth,
Ciancy,	Hitt,	Perkins,	Walker,
Cobb, Ala.	Huff,	Pickler,	Warwick,
Coolidge,	Johnson, Ind.	Post,	Wise,
Culberson,	Johnson, N. Dak.	Raines,	

NOT VOTING—136.

Alderson,	Dingley,	Lawson, Ga.	Reilly,
Allen,	Don,	Lester, Va.	Robertson, La.
Arnold,	Dolliver,	Lind,	Robinson, Pa.
Babbitt,	Dungan,	Livingston,	Rockwell,
Bacon,	Durbinow,	Lockwood,	Rusk,
Bartine,	English,	Magner,	Russell,
Belknap,	Euloe,	Mansur,	Sanford,
Beltzhoover,	Enochs,	McClellan,	Scull,
Bergen,	Fellows,	McDonald,	Shell,
Blanchard,	Fitch,	McRae,	Shonk,
Boatner,	Flick,	Meyer,	Snodgrass,
Breckinridge, Ark.	Fowler,	Mitchell,	Snow,
Breckinridge, Ky.	Fyan,	Morse,	Sperry,
Brookshire,	Gorman,	Moses,	Springer,
Brosius,	Grady,	Mutcher,	Stahnecker,
Brown,	Hall,	Newberry,	Stevens,
Brunner,	Harter,	Norton,	Stockdale,
Bryan,	Haynes, Ohio	O'Donnell,	Sweet,
Bynum,	Heard,	O'Ferrall,	Taylor, Ill.
Cadmus,	Henderson, Ill.	Outhwaite,	Taylor, Tenn.
Campbell,	Hermann,	Owens,	Taylor, J. D.
Capehart,	Hoar,	Page, Md.	Tracey,
Catchings,	Hooker, N. Y.	Patison, Ohio	Turner,
Cate,	Hopkins, Pa.	Payton,	Turpin,
Cheatham,	Hopkins, Ill.	Payne,	Waugh,
Chapin,	Houk, Tenn.	Pearson,	Wever,
Clark, Wyo.	Hull,	Pierce,	Wheeler, Mich.
Cockran,	Jones,	Powers,	Willcox,
Cogswell,	Kem,	Price,	Williams, N. C.
Coombs,	Kribbs,	Quackenbush,	Wilson, Ky.
Cooper,	Lagan,	Randall,	Wilson, Wash.
Cowles,	Lane,	Ray,	Wilson, W. Va.
Curtis,	Lapham,	Rayner,	Winn,
Cutting,	Lawson, Va.	Reed,	Wright,

So the motion to lay on the table was agreed to.

The following pairs were announced.

Until further notice:

Mr. HALL with Mr. TOWNSEND.
 Mr. BLANCHARD with Mr. HULL.
 Mr. MITCHELL with Mr. ROBINSON of Pennsylvania.
 Mr. PAGE of Maryland with Mr. RAY.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. TURNER with Mr. BARTINE.
 Mr. MAGNER with Mr. PAYNE.
 Mr. HARTER with Mr. BOWERS.
 Mr. CAMPBELL with Mr. WILSON of Kentucky.
 Mr. WINN with Mr. MORSE.
 Mr. LIVINGSTON with Mr. DINGLEY.
 Mr. STEVENS with Mr. RANDALL.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. BACON with Mr. HENDERSON of Illinois.

Mr. MOSES with Mr. CLARK of Wyoming.
 Mr. LOCKWOOD with Mr. QUACKENBUSH.
 Mr. SPERRY with Mr. SANFORD.
 Mr. WILLIAMS of North Carolina with Mr. SHONK.
 Mr. CAPEHART with Mr. RUSSELL.
 Mr. OUTHWAITE with Mr. CUTTING.
 Mr. PEARSON with Mr. JOSEPH D. TAYLOR.
 Mr. BRYAN with Mr. O'DONNELL.
 Mr. HAYNES of Ohio with Mr. SCULL.
 Mr. SPRINGER with Mr. REED.
 Mr. PIERCE with Mr. LIND.
 Mr. TURPIN with Mr. HOOKER of New York.
 Mr. MANSUR with Mr. TAYLOR of Tennessee.
 Mr. OWENS with Mr. ENOCHS.

For this day:

Mr. LAGAN with Mr. BELKNAP.
 Mr. BRUNNER with Mr. CURTIS.
 Mr. BELTZHOVER with Mr. FLICK.
 Mr. STAHLNECKER with Mr. HOPKINS of Illinois.
 Mr. KRIBBS with Mr. HUFF.
 Mr. MCRAE with Mr. WEVER.
 Mr. RUSK with Mr. SWEET.
 Mr. ARNOLD with Mr. TAYLOR of Illinois.
 Mr. BROWN with Mr. WRIGHT, on this vote.
 Mr. SNODGRASS with Mr. HOUK of Tennessee, until April 21, inclusive.

Mr. ENGLISH with Mr. BERGEN, for Wednesday and Thursday.

Mr. HOAR with Mr. BROSIUS, for one week.
 Mr. NORTON with Mr. POWERS, for two weeks, from the 12th instant.

Mr. JONES with Mr. HERMANN, for one week, from the 11th instant.

Mr. DINGLEY (who had voted in the negative). Mr. Speaker, I desire to withdraw my vote, as I am paired.

Mr. DOLLIVER (who had also voted in the negative). I desire also to withdraw my vote.

Mr. PAYNE (who had voted in the negative). I withdraw my vote.

Mr. HENDERSON of Illinois. Mr. Speaker, I am paired with the gentleman from New York [Mr. BACON]. If he were present I do not know how he would vote; but I should certainly vote "no."

Mr. BOWERS. I am paired on political questions with the gentleman from Ohio [Mr. HARTER]; but I have taken the liberty of voting on this question.

The result of the vote was announced as above stated.

ORDER OF BUSINESS.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The SPEAKER. Unless the regular order be dispensed with, the call of committees for reports is now in order.

Mr. HERBERT. I move to dispense with that order.

Mr. HATCH. I hope that reports may be presented either under the regular call or by unanimous consent. They could probably be disposed of more quickly by means of the call than otherwise. I do not think they will occupy more than a few minutes.

Mr. HERBERT. I do not insist on my motion to dispense with the call.

The SPEAKER proceeded to call the committees for reports.

CHANGES OF REFERENCE.

Mr. HATCH (when the Committee on Agriculture was called). Mr. Speaker, there was referred to the Committee on Agriculture a bill (H. R. 7514) supplementary to the agricultural college act of August 13, 1890, and to aid colleges or institutions for the training of colored youth, established or promoted by national funds, but not benefited by the act cited.

I ask that the Committee on Agriculture be discharged from the further consideration of this bill, and that it be referred to the Committee on Education. I desire to state that the bill is a proposed amendment, not to the act approved March 2, 1887, known as the experimental station act, but the act known as the Morrill education bill, which became a law August 30, 1890. That was a Senate bill; and when it came to the House was referred to the Committee on Education, and on their report was passed by the House. This bill properly belongs to that committee.

There being no objection, the Committee on Agriculture was discharged from the further consideration of the bill, and it was referred to the Committee on Education.

Mr. HATCH. Mr. Speaker, I am also instructed by the Committee on Agriculture to report back the bill (H. R. 5073) to provide for the relief of the agricultural population of the United States, and to promote and encourage agriculture, and ask that

the Committee on Agriculture be discharged from its further consideration, and that the same be referred to the Committee on Ways and Means, where it properly belongs.

This bill I will say was evidently sent to that committee without an examination, perhaps, of the bill, but simply from the title. Upon an examination of the bill we find that it is a bill to provide for what is known as the land loan, and all of the provisions of the act in question refer to the Secretary of the Treasury and relate to the finances of the country. The Committee on Agriculture can not find any provision of the rule by which they can assume jurisdiction, but report it back and ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Ways and Means.

Mr. McMILLIN. What is the nature of the bill?

Mr. HATCH. I have just stated. It is what is known as the 2 per cent land-loan bill. All its provisions relate to the loaning of money on interest and relate to the financial system of the country.

The SPEAKER. The change of reference will be made as indicated by the gentleman from Missouri.

MILITARY BOARD OF REVIEW.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported back the bill (H. R. 7172) to authorize the Secretary of War to appoint a board of review in certain cases; which was referred to the House Calendar.

MILITARY RESERVATIONS, EASTPORT, ME.

On motion of Mr. WHEELER of Alabama, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 7924) for the disposal of abandoned and useless military reservations at Eastport, Me., and the same was referred to the Committee on the Public Lands.

DES MOINES RIVER LANDS, IOWA.

Mr. SEERLEY, from the Committee on the Public Lands, reported as a substitute for the bill (H. R. 4327) a bill (H. R. 8151) to reimburse the Des Moines River settlers, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHIPPEWA INDIAN LANDS, LAKE SUPERIOR.

Mr. LYNCH, from the Committee on Indian Affairs, reported back the bill (H. R. 8098) to authorize the sale of timber on certain lands referred for the use of the Chippewa Indians of Lake Superior in the State of Wisconsin, to regulate the purchase of timber from certain allottees on certain Chippewa Indian reservations in Wisconsin and Minnesota, and for other purposes; which was referred to the Committee of the Whole House on the State of the Union.

BOUNDARIES OF UNCOMPAHGRE RESERVATION.

Mr. BRAWLEY, from the Committee on Indian Affairs, reported back the bill (H. R. 69) to change the boundary of the Uncompahgre Reservation; which was referred to the Committee of the Whole House on the state of the Union.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. TARSNEY, from the Committee on Public Buildings and Grounds, reported as a substitute for the bill H. R. 261 a bill (H. R. 8152) authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings to be erected under the supervision of the Treasury Department and providing for local supervision of the construction of the same; which was referred to the Committee of the Whole House on the state of the Union. The bill (H. R. 261) was ordered to be laid on the table.

REGULATION OF CERTAIN SUITS.

Mr. STOCKDALE, from the Committee on the Judiciary, reported as a substitute for the bill H. R. 583 a bill H. R. 8153 providing when plaintiff may sue as a poor person, and when counsel may be assigned by the court; which was referred to the House Calendar.

ALLEGED VIOLATION OF CIVIL SERVICE LAW, BALTIMORE POST-OFFICE.

Mr. HERBERT. I now renew my motion.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the desk.

The SPEAKER. The gentleman from Alabama has a motion pending.

Mr. RICHARDSON. The gentleman will yield for this, I understand.

Mr. HERBERT. Let it be read for information.

The resolution was read at length.

Mr. RICHARDSON. I ask for the immediate consideration of that resolution.

The SPEAKER. Is there objection to its immediate consideration?

Mr. HOPKINS of Illinois and Mr. BUCHANAN of New Jersey objected.

Mr. RICHARDSON. Then I ask to have it referred to the Committee on Rules.

Mr. HOPKINS of Illinois. I object to that.

The SPEAKER. The resolution will be referred, under the rule, to that committee.

Mr. HERBERT. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

JAMES M. TROTTER.

Mr. COBB of Alabama. Mr. Speaker, I wish to refer a bill from the Committee on the District of Columbia to the Committee on Appropriations.

The SPEAKER. That call is completed, and it now requires unanimous consent.

Mr. COBB of Alabama. I ask unanimous consent to have a bill referred to the Committee on Appropriations. I was not in the Hall when the Committee on the District of Columbia was called. It is the bill (H. R. 5014) to reimburse James M. Trotter, late recorder of deeds of the District of Columbia. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5014) to reimburse James M. Trotter, late recorder of deeds of the District of Columbia.

The SPEAKER. Without objection, the Committee on the District of Columbia will be discharged from the further consideration of this bill and it will be referred to the Committee on Appropriations.

Mr. DINGLEY. One moment. Is that in the nature of a claim?

The SPEAKER. The Chair does not know. He is acting on the recommendation of the committee.

Mr. DINGLEY. If it is a claim, it should go to the Committee on Claims.

The SPEAKER (after examining the bill). This is a claim against the Government, and ought to go to the Committee on Claims undoubtedly. It will be referred to the Committee on Claims.

NAVAL APPROPRIATION BILL.

And then, on motion of Mr. HERBERT, the House resolved itself into the Committee of the Whole on the state of the Union for the purpose of considering the naval appropriation bill, with Mr. SHIVELY in the chair.

Mr. HERBERT. Mr. Chairman, in the opening of this debate I shall only state the position occupied by the majority of the committee. I will then reserve my time within which to conclude what I have to say. It is only justice to the gentlemen who are to come after me that they should know the grounds on which we justify the bill.

In the first place, I desire to state for myself personally that I am a sincere friend of the Navy. I take great pride in the connection I have heretofore had with it. Of the thirty-nine ships, big and little, building and built, twenty-four have been authorized upon bills reported by myself.

Notwithstanding this fact, the report which I had the honor to make to this House on this bill has been seriously criticised by a number of newspapers, and in one instance (and one only, so far as I know) harshly and unkindly, the ground being taken that we were cutting down the appropriations for the new Navy and impeding its progress for political purposes. I very much desire to increase the Navy further. I do not believe we ought to stop with the the thirty-nine ships now authorized. To do so would, I think, be a serious blunder, and I have regretted very much that I did not feel myself justified in recommending the authorization of more than one ship at this time.

The reasons which influenced the committee to confine the bill to one new ship are briefly these: We believe that he who is a judicious friend of the Navy will not insist upon such large appropriations as will leave us open to the charge of extravagance. The people of the whole country now look with favor upon this great work of building up a modern navy in which we are engaged and they will continue to do so just as long as we keep within the bounds of conservatism. We believe we ought to proceed in a regular, methodical manner, appropriating about the same sum each year, not exceeding where it can be avoided, about ten millions of dollars annually, for the increase of the Navy, and that this sum, voted annually for some seven or eight years to come, will give us a sufficient Navy. It appears that there are twenty-four ships which have been authorized and are not yet completed.

Twelve of these are armored vessels. Many of them have been waiting for years for their armor. To armor them all will require over 16,000 tons. Armor contracts have been made, the first one in June, 1887, and the next in 1890, under which it was

supposed the armor would have been furnished long ago to complete nearly all these ships; but as yet, up to the first of the present month, not 300 tons have been furnished. We believe that if we should authorize more than one armored vessel now, the great probabilities would be that the armor would not be ready when the ship was ready to receive it.

Mr. McMILLIN. If it will not interrupt my friend, will he state right there what it will cost to finish the vessels and put them afloat, and arm those that are now under process of construction?

Mr. HERBERT. I was just about to state that. It is estimated by those who insist upon more than one vessel at this time that we shall have the armor furnished, and that we shall have completed all these twenty-four ships now authorized by June 30, 1894. If that be so, then the appropriations for the year after this one covered by this bill, the appropriations for the years 1893-'94, required to complete and equip all these ships, will amount to largely over \$13,000,000. For myself I do not believe that the armor will be ready, and that these ships will be completed, all of them, by the 1st of July, 1894.

I wish I could believe so. I shall be perfectly willing and assure the Naval Committee will be willing to recommend, at the next session, all the money necessary to complete, arm, and equip these ships, if it shall then appear from the progress made that they can be completed within the fiscal year 1893-'94, whatever the sum may be, and it is certain that it will be largely over \$10,000,000. If it shall turn out next session that such appropriation is needed, then we might authorize in that same bill at least four or five battle ships, the work on which would be fairly begun just as the present programme is completed. There would be no interval in the work, no interval in the appropriations. The armor of the ships would be authorized, the contracts made for laying them down, and also for the armor at the same time, and while these ships were being made fit for the armor, the armor could be made ready for them.

Mr. SAYERS. Does the gentleman believe it is wise to construct these ships rapidly?

Mr. HERBERT. I should say that ten millions a year would not be constructing them too rapidly. Of course, there is some advantage in having your programme extend over a number of years. If you should lay down all your Navy at once and should anywhere make a mistake, that mistake would run through all the ships of that type. So, also, shipbuilders and the ship-designers are all the time acquiring experience, and by reason of that experience they are year after year building better ships. Now, the navy I would have would be the best navy in the world—not the largest. We do not need, and I do not think our people expect us, to build, an expensive navy like that of England or of France. If we should build, say, nine more battle ships and their accessories, I should say we might then stop for a time at least. Appropriating at the rate we do in this bill this will only require about seven more years. Progress at that rate ought to be satisfactory.

The appropriations in this bill for increase of the Navy amount to \$9,400,000. To that sum must be added seven or eight millions surplus coming over from previous years, and so, notwithstanding we have so many ships and guns under way, the Department has, with what this bill carries, every dollar it can spend the coming year.

Mr. SAYERS. If the gentleman is prepared to give the House an opinion, I would like to know if he has made an estimate as to whether, on the ships already authorized being completed, there would be a necessity for increasing the force of the Navy?

Mr. HERBERT. I think there would.

Mr. SAYERS. To what extent?

Mr. HERBERT. I think if we go on for seven or eight years at the rate we are now going we should have of first-class battle ships—

Mr. SAYERS. I am speaking of the *personnel* of the Navy.

Mr. HERBERT. So far as the *personnel* is concerned we have enough line officers.

Mr. SAYERS. I refer to the men and the sailors.

Mr. HERBERT. I will endeavor to answer the whole question as to *personnel*. So far as the line officers are concerned, we shall have enough without any increase for years to come. As for engineers, I think we ought to have some increase now, and we need at present about 1,500 more men, or rather, about 750 apprentices and 750 more men, making altogether an increase of 1,500.

Mr. SAYERS. Then I understand the gentleman to say that with an increase in the number of ships there would be no necessity for an increase in the number of men greater than 1,500?

Mr. HERBERT. Well, I think probably that 1,500 would not be enough six years from now. At that time there would be necessity for 1,500 more, or possibly even more than that. I have never made or seen any estimate as to that.

Now, how much time have I used?

The CHAIRMAN. The gentleman from Alabama has used ten minutes.

Mr. BUSHNELL. I would like to know how many more of these expensive battle ships, or expensive cruisers, were provided for the increase of the Navy by the naval appropriation bill in the last session of the Fifty-first Congress?

Mr. HERBERT. Only one ship; and that was not quite so expensive a ship as this. That was not an armored ship, but simply what is called a "pirate," a very fast unarmored cruiser.

I reserve the remainder of my time, and yield thirty minutes to the gentleman from Texas, if he needs so much, and will reserve what he does not take.

Mr. CRAIN of Texas. Mr. Chairman, availing myself of the kindness of the committee and the courtesy of the chairman of the Committee on Naval Affairs, I propose to obtrude a few remarks that are not pertinent to the question now under discussion, but which I could not get an opportunity to present without taking advantage of the kindness of some Committee on Appropriations.

On the 3d day of March last, my colleague, Mr. SAYERS, asked unanimous consent to print in the RECORD a very lengthy letter from the Supervising Architect, giving a statement of the condition and status of every public building in the United States on the 31st day of December, 1891.

In connection with that statement he drew the conclusion that it would be useless, that it would be, in fact, wasteful for this Congress to appropriate any money for public buildings, because, according to his deduction from the statement furnished by the Supervising Architect, it would require four or five years to expend the money already appropriated and unexpended, namely, about \$18,000,000 according to his statement. Satisfied that the conclusions which my colleague drew were not justified by the statements contained in the letter, I communicated with the Supervising Architect by wire and by personal interview, and requested from him an explanation of that letter, in order to ascertain, for the benefit of every member of this House and of the country, whether it was in fact right and proper for this Congress to adjourn without passing any public building bills.

The people of this country, Mr. Chairman, are opposed to wasteful prodigality, but they are in favor of a wise administration, so that every part of the country may be equally benefited with every other portion, and whenever the officers of this Government tell the members of this House and of the Senate that it is necessary for the proper administration of public affairs that a public building shall be erected in any part of this country, it is the duty of this Congress to pass a bill providing for that public building.

When my colleague requested unanimous consent for the insertion of this letter in the RECORD, I asked him what his object was. Of course I could not know. I am not a member of the Committee on Appropriations; I do not belong to any political syndicate in this House which may control or seek to control the actions of the majority. I could not know whether it were true or not that it was the intention of any gentlemen in this House; individually or collectively, to present to the people of this country the appearance of economy on the part of the Committee on Appropriations or on the part of the majority of this House by declining to pass any public building bills.

But, prompted, of course, by that curiosity which is common to us all, I was anxious to know just what the object of my colleague was. He had evidently gone to a great deal of trouble to ascertain the facts which were set forth in this letter, and I asked him what his object was? His reply, which is in the RECORD, was to the effect that he desired that every member of this House should vote intelligently. I propounded to him this inquiry: "Upon what? Upon public building bills?" And he answered "yes."

Now, why was it, Mr. Chairman, that my colleague, doubtless representing not only himself but others who may entertain kindred views, why was it that he took such a deep interest in this question?

I can well remember that a few years ago when he was endeavoring to pass a public building bill for San Antonio he did not propound any such inquiry to the Supervising Architect. [Laughter.] His curiosity was not so great then as it is now, and he succeeded in obtaining from both Houses of Congress an appropriation, the result of which was the erection of one of the finest public buildings in the State of Texas. [Laughter.] To satisfy myself that the conclusions which I drew were correct, I addressed a letter to the Supervising Architect the answer to which I will read to the committee:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., March 31, 1892.

SIR: I have the honor of acknowledging the receipt of your letter and telegram of the 3d instant, referring to the statement made in the House of

Representatives on the 2d instant, and requesting this office to inform you why the aggregate of the balances of the various appropriations for public buildings has not been expended, etc.

I inclose herewith a tabulated statement, which will give you the fullest information in regard to the subject.

Respectfully yours,

W. J. EDBROOKE,
Supervising Architect.

Hon. WILLIAM H. CRAIN,
House of Representatives.

I shall have printed as a part of my remarks the tabulated statement which was furnished me with this letter from the Supervising Architect, and I will read to this committee a résumé or summary of what that tabulated statement contains. There is quite a difference between the figures in this résumé and those which were contained in the letter printed in the RECORD by my colleague upon the occasion to which I have just referred, and the explanation of the Supervising Architect destroys entirely the conclusion at which my colleague had arrived in his analysis of the letter printed by him. And right here I desire to say (and in support of this statement I refer to page 4 of the report of the Supervising Architect) that out of the 392 public buildings in the United States, either constructed or in process of construction, 75 were provided for by the last Congress, about one-fifth of the entire number throughout this broad Union. This I suggest in response to an inquiry that was propounded to me a few days ago by a member of the Committee on Appropriations—

Mr. DINGLEY. The gentleman means, I suppose, buildings 75 in number, but not involving that proportion of expense.

Mr. CRAIN of Texas. Seventy-five in number.

Mr. DINGLEY. But those were comparatively inexpensive public buildings.

Mr. CRAIN of Texas. Oh, I am not making any point against your Congress at all. On the contrary, I am standing by them. [Laughter.] I think they did exactly right to pass bills for public buildings wherever they were needed. I have yet to hear the first word of complaint from any portion of this Union against any Congress since the war on the ground that they have provided properly and justly for public buildings that were required for the public service. There is not a town in the country that does not want to have a public building. They would all be anxious to have them, irrespective of the political belief of their respective inhabitants.

But it was suggested that the last Congress did not pass as many public building bills as former Congresses. My response to that is that the last Congress passed bills providing for 75 of the 392 public buildings which are either constructed or in process of construction in this country.

On the 1st day of March there were in process of construction or nearly completed 233 buildings, of which 98 had been completed, 3 had had no appropriations made for them, and 132 were in process of completion. The aggregate limit of cost provided in the various bills was, in round numbers, \$50,000,000.

Mr. SAYERS. Do you refer simply to buildings authorized by the Fifty-first Congress?

Mr. CRAIN of Texas. That is up to the first of March, \$50,000,000 in round figures. There had been appropriated \$44,000,000 or \$45,000,000 (the exact figures will appear in the summary which will be printed in connection with my remarks), leaving to be appropriated under the limit of cost about \$8,000,000. The aggregate amount asked, on account of the limit of cost in the estimates of appropriations for 1892-'93, was \$2,400,000. From this there is to be deducted for new work at marine hospitals, quarantine stations, etc., \$534,000.

It may be suggested that these charges for hospitals, quarantine buildings, etc., are charged up against the Supervising Architect's Office, because they come through that office in the estimates to the Committee on Appropriations; but they are not really chargeable to the account of the Supervising Architect. After making the deduction referred to we have remaining as the aggregate amount asked on account of limit of cost, \$1,875,000.

Then follow a number of statements which I will not weary the House by reading, but which any gentleman can read at his leisure in the RECORD; and finally we come down to this statement:

The aggregate amount shown in the foregoing summary as balance available of all specific appropriations March 1, 1893, or the aggregate amount against which contract liabilities have not yet been charged, \$12,170,000—

As against \$18,000,000 which my colleague stated had been appropriated and had not been expended. And as a member of the Committee on Appropriations he is cognizant of the fact that he ought to have included in his statement to this House not only the four or five million dollars that had been actually expended during the year, but the outstanding liabilities under contracts which authorized the expenditure of money.

Besides, the gentleman loses sight of the fact that before one

dollar can be expended of any appropriation for a public building site—I mean in the preparation of drafts, plans, specifications, etc.—the site must have been acquired by the Government. This takes time. A man may not be willing to sell his property to the Government at the price which is offered; there may be individual real-estate dealers who compete with one another. The Secretary of the Treasury may deem it necessary to send a commission to investigate, in order to protect the rights of the Government, and to acquire a site for the least possible expenditure of money. All this takes time.

Suppose that the Government fails to secure a site by negotiation; then the law provides for the condemnation of a site. That requires the institution of condemnation proceedings. This takes time. And after the acquisition of the site has been provided for the United States district attorney is called upon to examine the title. His examination, with an abstract, is furnished to the Attorney-General, and the opinion of this officer must be had before a contract can be consummated for the purchase of a site. And all this takes time. Meanwhile the appropriation stands charged against the Supervising Architect's Office. It is available, but only available when under the law a site is provided for. And the payment of the money is a *sine qua non* condition—a condition precedent to the acquisition of the site.

Mr. SAYERS. Will my colleague allow me to interrupt him a moment?

Mr. CRAIN of Texas. I will; but I trust I shall be allowed a little more time.

Mr. SAYERS. That is all right. The statement that I made and about which my colleague complains—

Mr. CRAIN of Texas. I desire it understood that I shall have unanimous consent to occupy in the conclusion of my speech as much time as my colleague may use.

Several MEMBERS. That is all right.

The CHAIRMAN. Does the gentleman from Texas yield to his colleague?

Mr. CRAIN of Texas. With that understanding.

Mr. SAYERS. I will use but a minute. The statement of which my colleague complains is this: The table which was furnished by the Supervising Architect of the Treasury shows that on the 31st of December last there was unexpended \$18,640,251.77, against which there were no outstanding liabilities.

Mr. CRAIN of Texas. I have so stated.

Mr. SAYERS. I understood my colleague to say that I did not include in that amount the outstanding contracts.

Mr. CRAIN of Texas. Yes, sir; that is exactly what the Supervising Architect states.

Mr. SAYERS. Well, then, he did not so state in this table. I was simply giving the figures which were furnished to me.

Mr. CRAIN of Texas. Certainly. I do not blame my colleague in the least. It was not his fault; but I am endeavoring to correct him now. He was influenced through no mistake of his, I am sure.

Mr. SAYERS. If there is a mistake, it was the Supervising Architect's.

Mr. CRAIN of Texas. Certainly; I agree with you. I say it was not your fault. I am only trying to convert you. You are not responsible for having made the mistake.

Mr. SAYERS. I do not agree that there is a mistake.

Mr. CRAIN of Texas. But you said it was a mistake of the Supervising Architect.

Mr. SAYERS. I said if there was a mistake it was his mistake.

Mr. CRAIN of Texas. Well, you now qualify it with an "if." Perhaps my colleague had in mind what the Lacedæmonian said to Pyrrhus when he was told if he did not do so and so his town would be destroyed, and his brief reply was, "If."

But, Mr. Chairman, to go on. After this site for the public building has been acquired the Supervising Architect is at liberty to go on and make preparations for his plans and specifications. Before one dollar can be expended on the building, according to these plans and specifications, they must have been submitted to a supervisory board, consisting of the Postmaster-General, the Secretary of the Treasury, and the Secretary of the Interior. All of this takes time. Then there are advertisements for contracts, and besides this the language of the appropriation itself must be considered. It does not always appropriate the entire amount for the erection of a building, but sometimes the appropriation is made in dribbles, and the time is to be taken up waiting for them.

Now, on this subject the best authority in the Department is the statement of the Supervising Architect himself. He says—and I want to call the attention of my colleague particularly to this language, because it is responsive to his suggestions about the \$18,000,000 in regard to which he has called attention—the Supervising Architect says:

The fact should be noted that between March 1, 1892, and the close of the

present building season, many of the conditions precedent to further action in regard to the establishment of contract liabilities imposed by law and fact, as above indicated, will be removed by the vesting of title to properties for the sites in the United States, and the completion of the work of preparing detailed estimates, sketch plans, working drawings, specifications, etc., and therefore the work of constructing said buildings will be commenced and a large portion, if not all, of said \$9,605,694.92—

Which he says is the amount that is left that is tied up by law, twelve millions, including this nine millions and odd hundred thousand dollars—

will be actually covered by established contract liabilities before the close of the present calendar year.

And I desire to call my colleague's attention particularly to this language, because he says that before the close of the present calendar year every dollar to which you refer, as well as that to which he refers, will have been covered up by contract and existing liabilities. He says:

A large portion, if not all of said \$9,605,694.92, will be actually covered by established contract liabilities before the close of the present calendar year in addition to a large portion, if not all, of said \$2,564,927.35 which was available March 1, 1892, and will continue to be available for the purpose of contract liabilities which will be established in connection with the items of work embraced therein before the close of the present calendar year.

Mr. SAYERS. Will my colleague state whether the tables to which he refers show when these contracts are to be completed?

Mr. CRAIN of Texas. As soon as they are relieved from the condition in which they are placed by reason of the law that prohibits the expenditure of a dollar for the formation of a contract, or which will create a liability, until sites shall have been acquired and plans approved.

Mr. SAYERS. What I desire to know is, are there any dates fixed when the contracts will probably expire?

Mr. CRAIN of Texas. How expire? These \$12,000,000 are tied up by law, because under the law as you know, not a dollar can be expended until the site is acquired and plans and specifications have been made and approved by the supervisory board.

Now, sir, the fact will be observed from this tabular statement that the aggregate of the amounts remaining available of the various appropriations made for the acquisition of sites and the construction of public buildings, that is, the amount remaining not debited with expenditures for the purchase or condemnation of properties for sites, incidental expenses in the procurement of sites, and contract liabilities for labor and materials in connection with the work of constructing the buildings, could not be used as the basis of any statement of a general or collective character as to the sufficiency or insufficiency of the aggregate of the balances of the appropriations for all public buildings for any definite period; also, that each building, and the condition of the specific appropriation made therefor, must of necessity be considered separately and upon its own merits for the following substantial reasons, based both upon fact and upon law.

To meet the requirements of various United States statutes, the procedure in regard to the acquisition of property for a site, the preparation of plans, detailed estimates of cost, specifications, working drawings for the building, and the supply of labor and materials in connection with the work of erecting the building, is as follows:

Proposals are invited by public advertisement for the sale to the United States of property suitable for the site.

After such proposals are received, an agent of the Department is sent to the city wherein the building is to be located to examine the properties offered or suitable for a site, and to submit his written report and recommendation in regard thereto.

If the Secretary of the Treasury for any reason deems further information necessary, a commission is appointed for the purpose of making an examination of all of the properties offered or deemed suitable for the site, and submitting their written report and recommendation to the Secretary.

After considering the proposals received, the agent's or commission's report and recommendation, the Secretary must select the property for the site, and make a contract for the acquisition of the property by purchase, or if for any reason he deems it necessary and in the interests of the public service, pursuant to acts of Congress approved March 3, 1883 (page 605, volume 22), and March 2, 1889 (page 941, volume 25, United States Statutes at Large), he must request the Attorney-General to take the necessary action in regard to the institution of proceedings in condemnation for the acquisition of title to the property for the purpose named.

In accordance with acts of Congress approved September 11, 1841 (page 355, United States Revised Statutes), March 3, 1875 (page 159, Supplement United States Revised Statutes), and February 27, 1877 (page 267, Supplement United States Revised Statutes), the Legislature of the State in which the city is located wherein the building is to be erected must, by legislative act, cede jurisdiction to the United States over the property in the

city in which the building is located, and the Attorney-General must render his written opinion in regard to the validity of title to the property selected for the site, before any payment can be made of the purchase money for the property.

The same prohibition in regard to the expenditures of any moneys on account of an appropriation for the acquisition of a site and the erection thereon of a public building until after title to the property selected for the site shall have been acquired and actually vested in the United States, applies to the cases wherein satisfactory terms of sale for the property for the site can not be effected, and therefore in accordance with the requirements of acts of Congress approved March 3, 1883 (page 605, volume 22), and March 2, 1889 (page 941, volume 25, United States Statutes at Large), which authorize the Secretary in each case wherein, for any reason, he deems it necessary to acquire property for a site for a public building by condemnation, he must request the Attorney-General to take the action necessary for the acquisition of title to the desired property by the process of condemnation, and such condemnation proceedings must be terminated, the awards of damages ascertained, and the act of cession of jurisdiction over the property obtained before payment for the property can be made under the law.

In accordance with the prohibitory features of the statutes above cited in regard to making expenditures on account of an appropriation for a public building only after title to the property selected for the site shall have been actually vested in the United States and particularly the requirements of acts of Congress approved March 3, 1875 (page 159, Supplement United States Revised Statutes), it will be observed that no expenditure can be made for the preparation of sketch plans and detailed estimates of cost for a building until after title to the property for the site shall have been actually vested in the United States, and therefore it is only at that time that the sketch plans and detailed estimates are commenced, and thereafter, when the same shall have been prepared by the Supervising Architect, they must be approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, before the working drawings, specifications, etc., can be completed, and any expenditures in connection with the actual work of constructing the building can be made.

After all of such action, which has been shown to be controlled by law and fact, shall have been disposed of, and the working drawings and specifications are completed and ready, in accordance with the requirements of acts of Congress approved March 2, 1861, and June 22, 1875 (section 3709, United States Revised Statutes), proposals are invited by public advertisement (except in cases of public exigency) for the supply of all labor and materials for the performance of any branch of or the entire work needed in connection with the erection of the building.

After the proposals are received and considered, if the lowest responsible bidder is found to be reasonable in price and satisfactory in every other respect, he is generally awarded the contract, and is required to execute a formal contract and bond for the faithful performance of the work.

By referring to the various United States statutes bearing upon the subject of contracts and the establishment of contract liabilities, particularly acts of Congress approved June 25, 1868, (section 5503, United States Revised Statutes), and July 25, 1868, (section 3733, United States Revised Statutes), the fact will be observed that under the law the Secretary and all executive officers of the Government are specifically prohibited and enjoined from entering into and making any contract or contract liabilities in excess of the amount appropriated, irrespective of the limit of cost fixed by legislation for a public building.

The tabulated statement accompanying the Supervising Architect's letter will show the following:

In some cases Congress, while having fixed the limit of cost of the buildings, did not make appropriations for the acquisition of sites and the commencement of construction operations on the building.

While the Department in one of the cases has taken all necessary action in regard to the selection of property for the site, further action in regard to the preparation of plans and the commencement of construction operations are controlled by matters entirely out of its jurisdiction. The case above referred to is Buffalo, N. Y., no limit of cost having been prescribed for the building.

In the cases of Clarksville, Tenn., and Philadelphia (Pa.) mint, while Congress fixed the limit of cost of the sites and buildings, it did not make any appropriation for the acquisition of the sites and the commencement of work of constructing the buildings, nor has the limit of cost of the building at San Francisco, Cal., been fixed by Congress.

From this it will appear, Mr. Chairman, as I stated at the outset of my remarks that the conclusions which have been drawn by my colleague in the letter he submitted to the committee

when it was engaged in the consideration of another appropriation bill, are not warranted. The Supervising Architect is charged in the aggregate with appropriations for all public buildings which are to be constructed. Against him is also charged what is known as the "surplus balance," because whenever a building has been completed, and there is any money remaining over, it is covered back into the Treasury. It is put to the credit of what is known as the "surplus balance fund," which, in the estimate of my colleague, is included in the \$18,000,000. This amounts to quite a large sum, over \$300,000 at this time.

He is now charged with this sum. It is unjust to him to say that in any given time he has only expended a certain sum of money, and therefore in a similar period of time he will not expend any more. He is deterred and prohibited and enjoined by law, as I have shown by the citations which I have furnished to this committee, from drawing on one dollar of the appropriation except under the circumstances I have stated.

The CHAIRMAN. The time of the gentleman has expired. Mr. SAYERS. I ask that my colleague be permitted to speak five minutes longer. I interrupted him, and it is but right that he should have the time.

Mr. HERBERT. With the understanding that it does not come out of the time limited for debate, I have no objection.

Mr. MILLIKEN. I hope the gentleman will have further time. He is giving the House some very important information.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Texas [Mr. CRAIN] have five minutes more, not to be deducted from the time allowed on each side.

There was no objection.

Mr. CRAIN of Texas. As I stated, Mr. Chairman, the Supervising Architect is charged with the entire amount of money that is appropriated for all the public buildings in this country which are authorized by law to be constructed; but other laws step in and restrain him from the expenditure of any of this money until certain prerequisites have been complied with. There are conditions precedent which are provided for by law, which have to be complied with before he can draw on the Treasury for a dollar of money. I have stated what they were. The acquisition of the site, which, as I have already suggested, occupies considerable time, except in instances where the site is donated.

If condemnation proceedings are necessary, a much longer period of time is required. During all this time, however, the Supervising Architect is charged with the appropriation which

has been made for a specific building which is in contemplation of construction; and after this has been done then comes the preparation and submission of plans and specifications to the supervisory committee or commission, composed of the Cabinet officers whom I have mentioned, and then the advertising. All this takes time. Besides, Mr. Chairman, we must remember that at present the Supervising Architect's Office is employed in the construction of more public buildings than at any other period in the history of this Government. Out of 392 public buildings in the United States, as I said a few minutes ago, either completed or in process of construction, 75 were authorized by the last Congress.

The force of the Supervising Architect's Office has not been increased, and certainly the more buildings to be completed the more time to be taken, the more labor to be employed; and, notwithstanding all that, I have the assurance of the Supervising Architect, officially given in the statements which I have read, that before the expiration of this calendar year every dollar of the money appropriated by all the other Congresses that have provided for public buildings, not already completed, will have been covered by outstanding contract liabilities. This is bound to be the case under the system which we have adopted in the construction of public buildings in this country. There will always be a large amount of money appropriated, but not expended, because of the very reasons which I have suggested.

Certainly my colleague [Mr. SAYERS] does not want us to wait four or five years, until all of these buildings shall have been completed, before Congress shall provide for the construction of other public buildings in other portions of the country, equally important and equally necessary. And, Mr. Chairman, it is poor economy that denies to the Government, which, after all, is nothing but the representative of the people, the necessary buildings in which to carry on its business. The Government is an intangible entity. The men who occupy official positions are merely the agents of the people. The aggregation of those agents we call the Government; but the Government itself is something that is the creation of the mind. It is the result of a mental conception.

The individuals whom we have chosen, either by election or appointment, to act as our agents, constitute the Government; and I say in conclusion that the people of this country, while they are opposed to wasteful prodigality and are in favor of rigid economy, yet they despise parsimony.

APPENDIX.

Location and designation of building or work.	Limit of cost of site and building.	Total appropriations made.	Appropriations asked in estimates of appropriations 1892-'93.	Site selected.	Amount paid or to be paid for site.	Date of purchase of site.	Plans completed or being prepared.	Total contract liabilities or authorized expenditures.
Aberdeen, Miss., court-house, post-office, etc.	\$79,000.00	\$79,000.00			\$4,102.48	June 30, 1885	Completed	
Abingdon, Va., court-house, post-office, etc.	87,000.00	87,000.00			13,210.03	Nov. 21, 1884	do	890.00
Akron, Ohio, post-office	75,000.00	75,000.00		Dec. 28, 1891	10,060.89	(a)	Nothing	250.00
Alaska Territory, construction and repairs of buildings.	15,000.00	15,000.00	\$43,000.00			(b)	Partially	1,400.52
Alaska Territory, custom-houses, Mary Island and Sand Point.	15,000.00	15,000.00				(b)	Completed	14,600.00
Alexandria, La., post-office	60,000.00	60,000.00		Mar. 20, 1891	3,825.80	(a)	Nothing done	4,025.00
Allegheny, Pa., post-office	250,000.00	100,000.00		(c)	108.37	(a)	do	350.00
Asheville, N. C., court-house and post-office	100,000.00	100,000.00			295.35	Feb. 9, 1889	Completed	7,242.41
Ashland, Wis., post-office	100,000.00	100,000.00		Jan. 17, 1891	6,069.37	Jan. 23, 1891	Nearly completed	350.00
Atchison, Kans., post-office	100,000.00	100,000.00		Feb. 10, 1891	14,606.89	Mar. 19, 1891	Completed	350.00
Atlanta, Ga., court-house and post-office	127,500.00	127,500.00			20.59	June 1, 1894	do	16,425.20
Auburn, N. Y., post-office, court-house, etc.	202,000.00	202,000.00			50,690.17	Jan. 5, 1887	do	3,882.33
Augusta, Ga., court-house, post-office, etc.	152,000.00	152,000.00			30,329.37	Aug. 4, 1887	do	1,294.00
Augusta, Me., post-office, court-house, etc.	197,000.00	197,000.00			18,264.40	June 27, 1885	do	449.18
Aurora, Ill., post-office	75,000.00	75,000.00		Aug. 25, 1891	20,012.26	Sept. 14, 1891	Nothing	250.00
Baltimore, Md., post-office, court-house, etc.	2,565,335.00	2,062,444.38	25,000.00		553,500.00	July 26, 1880	Completed	4,568.10
Baltimore, Md., marine hospital (approaches)	123,008.07	123,008.07	5,000.00		21,238.00	May 24, 1884	do	
Baton Rouge, La., post-office	100,000.00	100,000.00		Sept. 28, 1891	15,062.31	(a)	In hand	14,800.00
Bay City, Mich., court-house, post-office, and custom-house	200,000.00	200,000.00		Jan. 19, 1889	40,442.81	Nov. 23, 1889	Completed	59,828.95
Beatrice, Nebr., post-office	60,000.00	60,000.00		June 16, 1891	15,041.74	July 27, 1891	do	829.49
Beaver Falls, Pa., post-office	50,000.00	50,000.00		Mar. 19, 1891	11,072.74	(a)	Nothing	11,200.00
Binghamton, N. Y., post-office, court-house, etc.	153,000.00	153,000.00			15,202.53	Dec. 31, 1887	Completed	
Birmingham, Ala., court-house and post-office	335,000.00	335,000.00		Feb. 2, 1889	53,569.75	Feb. 11, 1889	do	35,064.51
Bloomington, Ill., post-office	75,000.00	75,000.00		Aug. 21, 1891	8,080.86	Sept. 7, 1891	Nothing	250.00
Boston, Mass., marine hospital, post-house, stable, and carriage-house	4,200.00	4,200.00	23,500.00		(d)			
Bridgeport, Conn., post-office	150,000.00	150,000.00		Dec. 28, 1888	25,153.05	Dec. 20, 1888	Completed	8,702.88
Brooklyn, N. Y., post-office, etc.	1,913,594.12	1,913,594.12			413,599.12	Apr. 15, 1884	do	181,866.38
Brownsville, Tex., court-house, custom-house, and post-office	55,000.00	55,000.00		Oct. 7, 1889	55.20	Mar. 8, 1890	do	29,240.17
Buffalo, N. Y., post-office (site and building)	No limit	600,000.00		Oct. 17, 1891	476,931.95	Dec. 8, 1891	Nothing	
Burlington, Iowa, post-office	125,000.00	125,000.00		Jan. 23, 1891	124.73	(a)	do	425.00
Cairo, Ill., custom-house (elevator)	10,000.00	10,000.00			(c)		Completed	8,461.25
Cairo, Ill., marine hospital	1,000.00							
Camden, Ark., post-office	25,000.00	25,000.00		Sept. 28, 1891	4,037.48	(a)	Nothing	4,075.00
Camden, N. J., post-office, custom-house, etc.	100,000.00	100,000.00		Mar. 12, 1889	30,803.12	May 18, 1888	do	375.00
Canton, Ohio, post-office	100,000.00	100,000.00		Feb. 26, 1891	22,343.48	Mar. 19, 1891	Completed	43,773.10
Cape Charles quarantine station, site, buildings, etc.	112,000.00	112,000.00					Nothing	

APPENDIX—Continued.

Location and designation of building or work.	Limit of cost of site and building.	Total appropriations made.	Appropriations asked in estimates of appropriations 1892-'93.	Site selected.	Amount paid or to be paid for site.	Date of purchase of site.	Plans completed or being prepared.	Total contract liabilities or authorized expenditures.
Farson City, Nev., court-house, post-office, etc.	\$146,000.00	\$146,000.00	-----	Jan. 19, 1891	\$11,118.13	Mar. 1, 1886	Completed.....	\$8,112.83
Cedar Rapids, Iowa, post-office.....	100,000.00	100,000.00	-----	-----	24,133.69	Feb. 11, 1881	Partially.....	350.00
Charleston, S. C., custom-house (wharf).....	223,000.00	223,000.00	-----	-----	130,000.00	July 10, 1849	Completed.....	26,412.29
Charleston, S. C., post-office, court-house, etc., (building).....	450,000.00	400,000.00	550,000.00	-----	90,907.75	Jan. 2, 1887	Partially.....	150,950.55
Charleston, W. Va., post-office, court-house, etc.	52,000.00	52,000.00	-----	-----	8,150.00	Dec. 14, 1888	Completed.....	17.50
Charlotte, N. C., court-house and post-office.....	92,000.00	92,000.00	-----	-----	-----	Jan. 5, 1881	Completed.....	13,509.28
Chattanooga, Tenn., court-house, post-office, etc.	275,000.00	275,000.00	-----	-----	464.23	Sept. 13, 1887	do.....	37,404.49
Chester, Pa., post-office.....	80,000.00	80,000.00	-----	Mar. 28, 1891	15,005.83	Oct. 23, 1891	Nothing.....	275.00
Chicago, Ill., appraiser's stores.....	455,000.00	455,000.00	-----	-----	70,939.89	Oct. 29, 1891	Completed.....	26,571.52
Chicago, Ill., custom-house and subtreasury (repairs).....	349,011.51	349,011.51	100,000.00	-----	1,259,385.65	Nov. 27, 1886	do.....	15,675.10
Chicago, Ill., marine hospital (approaches and breakwater).....	68,000.00	68,000.00	21,500.00	-----	10,000.00	Aug. 29, 1872	do.....	10,735.75
Chicago, Ill., Government buildings, World's Columbian Exposition.....	400,000.00	400,000.00	-----	-----	-----	Jan. 10, 1855	do.....	266,344.14
Cincinnati, Ohio, custom-house and post-office (painting and repairs).....	-----	-----	25,000.00	-----	-----	Jan. 22, 1867	do.....	-----
Clarksburg, W. Va., court-house, post-office, etc.	85,000.00	80,000.00	-----	-----	3,628.67	July 1, 1885	Completed.....	1,468.00
Clarksville, Tenn., post-office.....	35,000.00	30,000.00	10,000.00	-----	-----	-----	Nothing.....	-----
Cleveland, Ohio, custom-house.....	30,000.00	30,000.00	-----	-----	30,000.00	Apr. 9, 1886	Completed.....	896.38
Columbus, Ohio, court-house, post-office, etc.	324,000.00	324,000.00	-----	-----	50,323.74	Oct. 1, 1882	do.....	-----
Columbus, Ga., post-office.....	100,000.00	100,000.00	-----	Aug. 19, 1891	14,055.47	Oct. 1, 1882	Nothing.....	14,350.00
Council Bluffs, Iowa, post-office, etc.	250,000.00	250,000.00	-----	-----	15,294.56	Oct. 1, 1882	Completed.....	-----
Dallas, Tex., court-house, post-office, etc.	291,000.00	291,000.00	-----	-----	11,346.95	Apr. 23, 1883	Partially.....	402.50
Danville, Ill., post-office.....	100,000.00	100,000.00	-----	Aug. 5, 1891	16,555.28	Jan. 12, 1892	Commenced.....	350.00
Davenport, Iowa, post-office.....	100,000.00	100,000.00	-----	Aug. 25, 1891	6,111.06	Sep. 22, 1891	Nothing.....	350.00
Dayton, Ohio, post-office, etc.	100,000.00	100,000.00	-----	-----	42,626.09	Jan. 9, 1888	Completed.....	4,393.01
Delaware Breakwater quarantine station, buildings, etc.	75,000.00	75,000.00	-----	-----	-----	-----	do.....	-----
Denver, Colo., court-house, post-office, etc.	635,000.00	635,000.00	-----	-----	65,829.17	May 25, 1883	do.....	92,145.74
Des Moines, Iowa, court-house and post-office.....	333,000.00	333,000.00	-----	-----	15,000.00	Nov. 25, 1882	do.....	-----
Detroit, Mich., court-house, post-office, etc.	1,500,000.00	1,475,000.00	-----	Feb. 9, 1887	401,258.38	Dec. 2, 1885	Partially.....	257,245.45
Detroit, Mich., marine hospital and post-office.....	270,000.00	270,000.00	15,000.00	Dec. 15, 1888	18,883.49	Nov. 25, 1887	do.....	127,454.10
Duluth, Minn., court-house, custom-house, and post-office.....	108,000.00	108,000.00	-----	Mar. 22, 1887	9,684.28	May 27, 1888	Completed.....	6,981.00
Eastport, Me., custom-house and post-office.....	No limit	612,000.00	-----	-----	-----	-----	do.....	141,435.00
Ellis Island, New York Harbor, improvement of, for immigration purposes.	-----	-----	-----	-----	-----	-----	do.....	-----
El Paso, Tex., custom-house, post-office, and court-house.....	200,000.00	200,000.00	-----	Jan. 13, 1887	10,375.94	Feb. 18, 1887	do.....	35,256.91
Emporia, Kans., post-office (for purchase of land).....	10,000.00	10,000.00	-----	July 31, 1891	9,656.84	-----	do.....	-----
Emporia, Kans., post-office building.....	255,000.00	255,000.00	60,000.00	-----	36,488.60	Apr. 9, 1883	Completed.....	-----
Erie, Pa., court-house, post-office, etc.	100,000.00	100,000.00	-----	Feb. 1, 1889	8,875.00	July 2, 1889	do.....	5,117.17
Evansville, Ind., marine hospital.....	100,000.00	100,000.00	-----	Aug. 5, 1891	4,107.94	Feb. 4, 1892	Nothing.....	350.00
Fargo, N. Dak., post-office and court-house.....	100,000.00	100,000.00	-----	May 15, 1891	3,538.53	June 10, 1891	Nearly completed.....	225.00
Fort Dodge, Iowa, post-office.....	75,000.00	75,000.00	-----	-----	22.90	June 11, 1885	Completed.....	53.50
Fort Scott, Kans., court-house and post-office.....	110,000.00	110,000.00	-----	-----	-----	-----	do.....	28.00
Fort Smith, Ark., court-house, post-office, etc.	116,000.00	116,000.00	-----	-----	-----	-----	do.....	1,534.07
Fort Smith, Ark., jail.....	55,000.00	55,000.00	-----	-----	34,322.18	May 13, 1883	do.....	10.29
Fort Wayne, Ind., court-house, post-office, etc.	231,199.12	231,199.12	-----	-----	10,694.60	Oct. 23, 1886	do.....	500.00
Fort Worth, Tex., post-office.....	175,000.00	175,000.00	-----	Apr. 9, 1891	17,828.72	May 15, 1891	Commenced.....	356.50
Frankfort, Ky., court-house, post-office, etc.	136,429.18	136,429.18	-----	Jan. 15, 1891	6,063.81	July 24, 1891	Completed.....	225.00
Fremont, Nebr., post-office.....	60,000.00	60,000.00	-----	Jan. 17, 1891	9,528.54	June 29, 1891	Sketches in hand.....	225.00
Galesburg, Ill., post-office.....	75,000.00	75,000.00	-----	-----	30,606.71	Nov. 7, 1883	do.....	36,555.61
Galveston, Tex., custom-house, etc.	280,581.71	280,581.71	-----	-----	13,350.00	July 6, 1888	Completed.....	-----
Greensboro, N. C., court-house, post-office, etc.	66,500.00	66,500.00	-----	-----	12,147.40	Apr. 26, 1883	do.....	8,449.52
Greenville, S. C., court-house and post-office.....	100,000.00	100,000.00	30,000.00	-----	-----	Feb. 14, 1889	do.....	10,486.00
Gulf quarantine station, building, etc.	13,000.00	13,000.00	-----	-----	13,302.50	June 20, 1883	do.....	-----
Hannibal, Mo., post-office, etc.	136,000.00	136,000.00	-----	-----	12,329.60	Apr. 11, 1884	do.....	10.00
Harrisonburg, Va., court-house, post-office, etc.	112,500.00	112,500.00	-----	-----	20,041.56	Nov. 6, 1891	Nothing.....	225.00
Haverhill, Mass., post-office.....	75,000.00	75,000.00	-----	Nov. 6, 1891	3,928.84	July 2, 1889	Completed.....	13,945.12
Helena, Ark., court-house and post-office.....	75,000.00	75,000.00	-----	Jan. 12, 1889	31,071.55	Feb. 6, 1889	do.....	26,952.89
Hoboken, N. J., post-office.....	75,000.00	75,000.00	-----	Dec. 7, 1888	6,046.85	Mar. 25, 1891	Partially.....	150.00
Houlton, Me., custom-house and post-office.....	50,000.00	50,000.00	-----	Feb. 6, 1891	7,383.39	July 29, 1887	Completed.....	325.00
Houston, Tex., post-office, etc.	90,000.00	90,000.00	-----	-----	10,103.12	June 27, 1887	do.....	592.70
Huntsville, Ala., court-house, post-office, etc.	100,000.00	100,000.00	-----	-----	197,095.03	Nov. 5, 1888	do.....	-----
Indianapolis, Ind., court-house and post-office.....	150,000.00	150,000.00	-----	-----	13,510.30	Sept. 9, 1889	Partially.....	41,271.03
Jackson, Mich., post-office.....	95,000.00	95,000.00	-----	Sept. 8, 1889	6,813.07	Mar. 31, 1883	Completed.....	153.00
Jackson, Tenn., court-house, post-office, etc.	68,000.00	68,000.00	-----	-----	40,593.53	July 12, 1888	Partially.....	790.00
Jacksonville, Fla., post-office, custom-house, etc.	275,000.00	275,000.00	-----	July 21, 1888	-----	-----	do.....	-----
Jefferson, Tex., court-house, post-office, etc.	53,000.00	53,000.00	-----	-----	270.00	June 29, 1887	Completed.....	5,436.00
Jefferson City, Mo., court-house, post-office, etc.	153,549.45	153,549.45	-----	-----	10,310.55	Nov. 25, 1883	do.....	24.00
Kalamazoo, Mich., post-office.....	75,000.00	75,000.00	-----	Aug. 29, 1889	6,117.20	Oct. 2, 1889	do.....	8,111.45
Kansas City, Mo., post-office and court-house.....	1,200,000.00	750,000.00	-----	June 12, 1891	451,048.18	July 18, 1891	Sketches in hand.....	1,875.00
Keokuk, Iowa, court-house, post-office, etc.	162,500.00	162,500.00	-----	-----	6,906.20	Aug. 15, 1885	Completed.....	56.00
Key West, Fla., court-house, post-office, etc.	111,000.00	111,000.00	-----	-----	135.95	-----	do.....	2,366.75
Key West, Fla., marine hospital (isolation ward and wharf).....	3,000.00	3,000.00	-----	-----	-----	-----	Nothing.....	-----
Key West quarantine station, site, buildings, etc.	88,000.00	88,000.00	-----	-----	-----	-----	Completed.....	21,887.35
Lacrosse, Wis., court-house, post-office, etc.	150,000.00	150,000.00	-----	-----	12,169.20	July 14, 1885	do.....	30.00
Lafayette, Ind., post-office.....	80,000.00	80,000.00	-----	Feb. 25, 1891	15,154.28	Mar. 11, 1891	do.....	275.00
Lancaster, Pa., post-office.....	100,000.00	100,000.00	-----	Aug. 18, 1888	15,800.74	Aug. 18, 1888	do.....	9,876.43
Lansing, Mich., post-office.....	100,000.00	100,000.00	-----	June 25, 1890	18,798.67	Oct. 18, 1890	do.....	68,841.02

APPENDIX—Continued.

Location and designation of building or work.	Limit of cost of site and building.	Total appropriations made.	Appropriations asked in estimates of appropriations 1892-'93.	Site selected.	Amount paid or to be paid for site.	Date of purchase of site.	Plans completed or being prepared.	Total contract liabilities or authorized expenditures.
Leavenworth, Kans., court-house, post-office, etc.	\$187,460.65	\$187,460.65			\$10,412.45	May 31, 1883	Completed.....	\$44.03
Lewiston, Me., post-office.....	75,000.65	75,000.00		July 18, 1891	16,052.44	(a)	Nothing.....	250.00
Lexington, Ky., post-office, etc.....	163,000.00	163,000.00			20,330.47	Feb. 13, 1886	Completed.....	500.00
Lima, Ohio, post-office.....	60,000.00	60,000.00		Sept. 7, 1891	10,047.65	Aug. 21, 1891	Sketches approved	225.00
Los Angeles, Cal., court-house, post-office, etc.	150,000.00	150,000.00			28,635.13	July 7, 1887	Completed.....	29,739.72
Louisville, Ky., court-house, post-office, etc.	1,236,001.75	1,236,001.75			141,001.75	Jan. 29, 1883	do.....	54,300.55
Louisville, Ky., marine hospital (dead-house)	1,200.00	1,200.00	\$1,000.00				Nothing.....	
Lowell, Mass., post-office.....	200,000.00	200,000.00		Jan. 16, 1890	197.92	Apr. 18, 1889	Partially.....	13,391.76
Lynn, Mass., post-office.....	125,000.00	125,000.00		Sept. 14, 1891	26,380.48	(a)	Nothing.....	26,625.00
Macon, Ga., court-house, post-office, etc.....	137,000.00	137,000.00			12,716.00	Aug. 14, 1885	Completed.....	3,144.10
Madison, Ind., post-office.....	50,000.00	50,000.00		Sept. 26, 1891	8,650.50	Nov. 12, 1891	Nothing.....	200.00
Manchester, N. H., post-office, court-house, etc.	251,000.00	251,000.00			38,964.03	May 8, 1886	Completed.....	
Mankato, Minn., court-house and post-office...	100,000.00	100,000.00		July 2, 1891	6,008.80	Sept. 29, 1891	Sketches in hand..	350.00
Marquette, Mich., court-house, post-office, etc.	100,000.00	100,000.00			7,276.60	May 9, 1883	Completed.....	13.90
Martinsburg, W. Va., court-house and post-office.	75,000.00	75,000.00		Mar. 19, 1891	9,451.34	June 8, 1891	Commenced.....	250.00
Memphis, Tenn., custom-house, court-house, post-office (completion of improvement of grounds).	1,000.00	1,000.00						
Meridian, Miss., post-office.....	50,000.00	50,000.00		Oct. 16, 1891	6,044.97	Dec. 30, 1891	Nothing.....	200.00
Milwaukee, Wis., post-office, court-house, and custom-house.	1,607,000.00	1,607,000.00			394,897.73	Oct. 31, 1890	Commenced.....	2,800.00
Minneapolis, Minn., post-office, etc.....	641,514.56	641,514.56			92,514.56	Mar. 31, 1883 Aug. 24, 1884	Completed.....	
Mobile, Ala., marine hospital (laundry machinery)	1,500.00	1,500.00						
Monroe, La., court-house and post-office.....	75,000.00	75,000.00			4,600.25	Apr. 16, 1889	Completed.....	887.31
Montpelier, Vt., court-house, post-office, etc.	160,000.00	160,000.00			15,178.76	Sept. 21, 1885	do.....	142.41
Nebraska City, Nebr., court-house, post-office, etc.	111,000.00	111,000.00			5,012.50	June 26, 1885	do.....	
New Albany, Ind., court-house and post-office.	104,000.00	104,000.00			14,151.77	Sept. 25, 1885	do.....	
Newark, N. J., custom-house and post-office...	650,000.00	450,000.00	100,000.00	Aug. 31, 1888	61,137.18	Aug. 31, 1888	Partially.....	10,242.02
New Bedford, Mass., custom-house, etc. (purchase of land).	50,000.00	50,000.00			43,911.35	Nov. 5, 1885 Feb. 7, 1887	Completed.....	
New Bedford, Mass., custom-house and post-office building.	100,000.00	100,000.00					Completed.....	36,740.23
New Berne, N. C., post-office, court-house, and custom-house.	75,000.00	75,000.00			6,026.90	Mar. 8, 1891	Sketches in hand..	250.00
Newburg, N. Y., post-office.....	100,000.00	100,000.00		Aug. 1, 1891	29,606.75	(a)	Nothing.....	36,850.00
New Haven, Conn., custom-house and post-office (additional land and extension).	65,000.00	65,000.00		Jan. 29, 1891	23,032.22	(a)	do.....	150.00
New London, Conn., post-office and custom-house.	75,000.00	75,000.00		June 1, 1891	25,043.10	(a)	do.....	225.00
New Orleans, La., custom-house and post-office (for repairs and alterations).	167,959.00	167,959.00				(m)	Completed.....	2,993.84
New Orleans, La., marine hospital (new ward building).	10,000.00	10,000.00	10,000.00				do.....	9,205.00
New Orleans, La., marine hospital (electric-light plant).	3,000.00	3,000.00					do.....	
New Orleans and San Francisco, vaults for storage of silver.	60,000.00	60,000.00		Feb.			do.....	
New York, N. Y., appraiser's warehouse and custom-house (for sites only).	2,000,000.00	2,000,000.00		Feb. 9, 1891	504,813.81	Mar. 9, 1891	Sketches comp'd.	1,217.96
New York, N. Y., appraiser's warehouse for building.	650,000.00	650,000.00						
New York, N. Y., custom-house (for site). See appraiser's warehouse.	(e)							
New York, N. Y., court-house and post-office.		100,000.00						
Norfolk, Va., court-house and post-office.....	150,000.00	75,000.00	75,000.00	Sept. 9, 1891	45,101.67	Dec. 4, 1891	Nothing.....	250.00
Omaha, Nebr., court-house, custom-house and post-office.	1,200,000.00	600,000.00	400,000.00	May 1, 1890	400,000.00	May 14, 1890	Basement comp'd.	92,387.47
Opelousas, La., court-house and post-office.....	50,000.00	50,000.00			3,021.81	June 21, 1889	Completed.....	751.80
Oshkosh, Wis., court-house, post-office, etc.....	102,400.00	102,400.00			10,145.79	Nov. 23, 1886	do.....	
Ottumwa, Iowa, post-office.....	42,500.00	42,500.00			213.44	Dec. 24, 1888	do.....	3.00
Owensboro, Ky., post-office, etc.....	50,000.00	50,000.00			215.30	June 27, 1887	do.....	23.30
Oxford, Miss., court-house, post-office, etc.....	67,142.86	67,142.86			6,126.90	Feb. 18, 1884	do.....	100.00
Paris, Tex., court-house and post-office.....	100,000.00	100,000.00		Mar. 9, 1891	1,606.85	May 2, 1891	Commenced.....	350.00
Patterson, N. J., post-office.....	80,000.00	80,000.00			122.64	(a)	Nothing.....	200.00
Pawtucket, R. I., post-office.....	75,000.00	75,000.00		Sept. 22, 1891	24,055.84	(a)	do.....	250.00
Peoria, Ill., post-office and court-house (elevator).	10,000.00	10,000.00			37,443.00	Oct. 13, 1882	Completed.....	9,441.80
Philadelphia, Pa., mint building (old).....	220,000.00	220,000.00			31,666.67	Apr. 29, 1857	do.....	5,453.09
Philadelphia, Pa., new mint building.....	2,000,000.00	(h)					Nothing.....	
Philadelphia, Pa., repairs to roof custom-house, etc.	5,140.00	5,140.00					Completed.....	
Pittsburg, Pa., court-house and post-office....	1,010,000.00	1,009,000.00			301,125.00	Apr. —, 1877	do.....	93,970.67
Portland, Oregon, custom-house.....	500,000.00	250,000.00		(c)	190.10	(a)	Nothing.....	900.00
Portland, Me., marine hospital electric-light plant.	3,000.00	3,000.00			12,446.15	Feb. 25, 1869	do.....	
Portsmouth, Ohio, post-office.....	75,000.00	75,000.00			12,391.85	Mar. 16, 1889	Completed.....	21,764.33
Port Townsend, Wash., custom-house, post-office, etc.	240,000.00	240,000.00			9,177.19	Dec. 31, 1885	do.....	15,474.26
Port Townsend, Wash., marine hospital			30,000.00					
Port Townsend, Wash., quarantine station, site, buildings, etc.	55,500.00	55,500.00					Nothing.....	
Pueblo, Colo., post-office.....	300,000.00	100,000.00	75,000.00	(c)	646.82	(a)	do.....	350.00
Quincy, Ill., post-office, court-house, etc.....	189,290.00	189,290.00			15,633.20	Mar. 28, 1883	Completed.....	36.00
Racine, Wis., custom-house and post-office.....	100,000.00	100,000.00		Aug. 25, 1891	25,074.56	Dec. 21, 1891	Nothing.....	350.00
Reidsville, N. C., post-office, court-house, and custom-house.	25,000.00	25,000.00		Aug. 11, 1891	3,646.59	Oct. 30, 1891	Sketches complete.	75.00
Richmond, Va., custom-house, etc., extension, heating apparatus, and approaches.	196,500.00	196,500.00			61,000.00	June 22, 1853	Completed.....	1,820.00
Richmond, Ky., post-office.....	75,000.00	75,000.00		Oct. 23, 1891	15,005.28	Dec. 5, 1891	Nothing.....	187.50
Roanoke, Va., post-office.....	75,000.00	75,000.00		Sept. 28, 1891	15,063.60	(a)	do.....	250.00
Rochester, N. Y., court-house, post-office, etc.	589,500.00	589,500.00			75,769.68	May 1, 1883	Completed.....	2,189.47
Rockford, Ill., post-office.....	100,000.00	100,000.00		Sept. 25, 1891	17,545.79	Nov. 16, 1891	Nothing.....	350.00
Rock Island, Ill., post-office.....	75,000.00	75,000.00		Sept. 28, 1891	9,071.09	(a)	do.....	250.00
Rockland, Me., custom-house, improvement of grounds.	3,000.00	3,000.00			12,000.00	Oct. 4, 1872	do.....	

APPENDIX—Continued.

Location and designation of building or work.	Limit of cost of site and building.	Total appropriations made.	Appropriations asked in estimates of appropriations 1892-'93.	Site selected.	Amount paid or to be paid for site.	Date of purchase of site.	Plans completed or being prepared.	Total contract liabilities or authorized expenditures.
Rome, Ga., post-office.....	\$50,000.00	\$50,000.00		Sept. 23, 1891	\$9,054.08	(a)	Nothing.....	\$300.00
St. Albans, Vt., custom-house and post-office.....	60,000.00			Aug. 5, 1891	8,537.40	(a)	do.....	225.00
St. Joseph, Mo., post-office, etc.....	361,200.00	361,200.00			11,750.00	Jan. 6, 1883	Completed.....	
St. Louis, Mo., old custom-house, appraiser's stores, repairs and alterations.....	170,000.00	170,000.00			37,000.00	Oct. 1, 1851	Completed.....	2,491.20
St. Paul, Minn., custom-house, etc. (purchase of land).....	65,000.00	65,000.00			56.13			
St. Paul, Minn., post-office, court-house, and custom-house.....	800,000.00	400,000.00		Aug. 5, 1891	(p)	June 12, 1891	Sketches compl't'd	1,983.00
Sacramento, Cal., post-office, etc.....	300,000.00	300,000.00		Dec. 17, 1885	40,695.97	Apr. 20, 1887	Partly completed	105,061.54
Saginaw, Mich., post-office.....	100,000.00	100,000.00		Sept. 12, 1891	998.03	(a)	Nothing.....	350.00
Salina, Kans., post-office.....	75,000.00	75,000.00		Feb. 16, 1891	12,065.08	June 18, 1891	Sketches com'ced.	250.00
San Antonio, Tex., court-house, post-office, etc.....	210,000.00	210,000.00			24,734.32	Feb. 17, 1886	Completed.....	7,847.35
San Diego, Cal., quarantine station, site, buildings, etc.....	55,500.00	55,500.00			5,056.00	Feb. 17, 1890	do.....	10,729.00
San Francisco, Cal., post-office, court-house, etc. (site and building).....	No limit...	1,250,000.00			1,040,827.91	(a)	Nothing.....	1,040,000.00
San Francisco, Cal., custom-house (construction one-story extension).....	15,000.00	15,000.00			150,000.00	Sept. 5, 1857	Completed.....	186.00
San Francisco, Cal., quarantine station, hospital buildings, etc.....	103,000.00	103,000.00	33,000.00		(f)	(f)	do.....	477.85
San Francisco, Cal., marine hospital (new ward buildings, heating apparatus).....	20,000.00	20,000.00	24,000.00		(f)	(f)	do.....	9,099.60
San Jose, Cal., post-office, etc.....	200,000.00	200,000.00		Oct. 9, 1890	39,454.67			
Santa Fe, N. Mex., court-house, etc.....	64,460.42	64,460.42				Nov. 5, 1890	Partly completed.	575.00
Savannah, Ga., court-house and post-office.....	400,000.00	200,000.00	95,595.95	July 2, 1891	91,068.51	May 31, 1888	Completed.....	
Scranton, Pa., post-office, etc.....	250,000.00	250,000.00			35,484.77	Aug. 5, 1891	Nothing.....	560.00
Sedalia, Mo., post-office.....	50,000.00	50,000.00		June 7, 1889	2115.56	Apr. 14, 1883	Partly completed.	86,018.01
Sheboygan, Wis., custom-house and post-office.....	50,000.00	50,000.00		Aug. 29, 1891	10,055.32	June 22, 1889	Completed.....	4,491.77
Sioux City, Iowa, court-house, post-office, and custom-house.....	250,000.00	125,000.00	75,000.00	June 16, 1891	21,055.32	Oct. 12, 1891	Nothing.....	200.00
Sioux Falls, S. Dak., court-house and post-office.....	150,000.00	75,000.00	75,000.00	June 29, 1891	8,041.39	(a)	do.....	21,425.00
Sitka, Alaska, marine hospital.....		10,000.00	10,000.00			July 22, 1891	Commenced.....	1,094.00
South Atlantic quarantine station, site, buildings, etc.....	58,500.00	58,500.00	16,000.00					
South Bend, Ind., post-office.....	75,000.00	75,000.00		Aug. 28, 1891	15,036.22	Oct. 24, 1891	Nothing.....	250.00
Springfield, Mass., post-office, etc.....	150,000.00	150,000.00			18,715.00	Sept. 3, 1887	Completed.....	1,185.50
Springfield, Mo., court-house and post-office.....	150,000.00	150,000.00		Nov. 19, 1889	20,177.46	Nov. 29, 1889	Partly completed	68,000.67
Springfield, Ohio, post-office, etc.....	148,000.00	148,000.00			19,850.80	Nov. 13, 1885	Completed.....	598.30
Statesville, N. C., court-house and post-office.....	75,000.00	75,000.00			4,165.52	Mar. 4, 1889	do.....	6,428.05
Staunton, Va., post-office.....	75,000.00	75,000.00		Nov. 24, 1891	12,500.79	Jan. 1, 1892	Nothing.....	250.00
Stockton, Cal., post-office.....	75,000.00	75,000.00			17,617.55	(a)	Completed.....	17,750.00
Supervising Architect, building for office.....	25,000.00	25,000.00			70,276.05	May 21, 1883	do.....	137.95
Syracuse, N. Y., post-office, court-house, etc.....	401,000.00	401,000.00		Feb. 1, 1889	3,865.14	Jan. 17, 1889	Commenced.....	442.50
Tallahassee, Fla., court-house and post-office.....	75,000.00	75,000.00		Aug. 6, 1891	20,172.33	Sept. 24, 1883	Nothing.....	280.00
Taunton, Mass., post-office.....	187,000.00	187,000.00			8,175.80	Mar. 21, 1889	Completed.....	250.00
Terre Haute, Ind., post-office, etc.....	110,000.00	110,000.00					do.....	10,172.00
Texarkana, Ark., Tex., court-house and post-office.....								
Toledo, Ohio, custom-house, court-house, etc.....	429,000.00	429,000.00			65,251.70	Jan. 15, 1881	do.....	
Troy, N. Y., post-office, court-house, etc.....	500,000.00	400,000.00	100,000.00	June 7, 1886	99,981.54	Jan. 9, 1886	Partly completed	157,439.50
Tyler, Tex., court-house, post-office, etc.....	58,000.00	58,000.00			6,781.63	Sept. 1, 1885	Completed.....	
Vicksburg, Miss., court-house, post-office, and custom-house.....	107,000.00	107,000.00			9,190.08	Mar. 20, 1889	do.....	856.79
Vineyard Haven, Mass., marine hospital (alterations and improvements).....	21,250.00	21,250.00			(g)		Nothing.....	1,241.50
Waco, Tex., court-house, post-office, etc.....	108,873.88	108,873.88			10,272.00	Mar. 30, 1885	Completed.....	160.00
Washington, D. C., building Bureau Engraving and Printing.....	80,000.00	80,000.00	730,000.00		51,397.45	June 25, 1878	do.....	2,084.32
Washington, D. C., purchase property southwest corner B street and New Jersey avenue southeast.....	275,000.00	275,000.00	65,000.00		275,000.00	Mar. 5, 1891		
Washington, D. C., purchase property adjoining southwest corner B street and New Jersey avenue southeast.....	155,000.00	155,000.00			155,000.00	Mar. 31, 1891		
Washington, D. C., purchase property northwest corner B street and New Jersey avenue northwest.....	138,000.00	138,000.00			138,000.00	Aug. 11, 1891		
Washington, D. C., post-office building.....	2,000,000.00	250,000.00	500,000.00		655,374.75	Apr. 20, 1891	Commenced.....	6,000.44
Watertown, N. Y., post-office.....	75,000.00	75,000.00		Mar. 22, 1889	15,142.81	Apr. 15, 1889	Completed.....	8,550.20
Wheeling, W. Va., custom-house repairs.....	27,500.00	27,500.00			20,500.00	Sept. 7, 1855	do.....	217.84
Wichita, Kans., post-office, court-house, etc.....	208,000.00	208,000.00			1,508.98	Mar. 14, 1886	do.....	4,544.89
Williamsport, Pa., court-house, post-office, etc.....	225,000.00	225,000.00			45,744.07	June 1, 1887	do.....	8,610.01
Wilmington, Del., court-house, post-office, etc.....	250,000.00	250,000.00		Mar. 2, 1887	30,660.35	Mar. 2, 1887	Partly completed	830.01
Wilmington, N. C., post-office, custom-house, etc.....	200,000.00	200,000.00			40,399.60	July 8, 1887	Completed.....	15,018.47
Wilmington, N. C., marine hospital.....			5,000.00					
Winona, Minn., court-house, post-office, etc.....	160,000.00	160,000.00		Apr. 6, 1885	15,350.98	Apr. 6, 1886	Completed.....	15,098.54
Worcester, Mass., post-office, etc.....	400,000.00	300,000.00		Sept. 1, 1887	75,377.35	Sept. 1, 1887	Commenced.....	800.01
York, Pa., post-office.....	80,000.00	80,000.00		Mar. 19, 1891	24,024.20	Apr. 17, 1891	Sketches finished	275.00
Youngstown, Ohio, post-office.....	75,000.00	75,000.00		Sept. 9, 1891	13,094.92	Nov. 29, 1891	Nothing.....	250.00
Total.....	50,088,401.16	44,897,110.66						4,064,872.95

a Not completed.

b Acquired from Russia.

c Not selected.

d Site owned by Government.

e Building completed on site owned by Government.

f Government reservation.

g Public park.

h No appropriation.

i Government owns site.

j For elevator.

k On site of old custom-house.

l \$7,600 realized from sale of old buildings on lot.

m Site acquired from Spain and France in 1807.

n The cost of site for appraiser's warehouse estimated at \$510,000.

o Cost of building to be limited to amount derived from sale of old custom-house.

p Donated.

q Transferred from Light-House Board.

r For outbuilding.

s Repairs, plumbing.

APPENDIX.

Location and designation of building or work.	Amount of payments.	Buildings completed.	Balance of appropriations to be carried to surplus fund before June 30, 1892.	Balance of appropriations available for further work on buildings not yet completed.	Remarks.
Aberdeen, Miss., court-house, post-office, etc.	\$78,763.82	Yes	\$236.18		Add cost of site to amount of payments.
Abingdon, Va., court-house, post-office, etc.	86,810.50	Yes	99.50		Do.
Akron, Ohio, post-office	10,060.89	No		A \$64,689.11	Site accepted, but no payment yet made; \$10,000.
Alaska Territory, construction and repairs of buildings.	2,036.05	No		11,563.43	
Alaska Territory, custom-houses, Mary Island and Sand Point.		Yes		400.00	
Alexandria, La., post-office	25.80	No		A 55,949.20	Site accepted, but no payment yet made; \$3,800.
Allentown, Pa., post-office	108.37	No		B 99,541.63	Site not yet selected.
Asheville, N. C., court-house and post-office	79,932.26	Yes		12,805.33	Site donated.
Ashtland, Wis., post-office	7,682.82	No		91,967.18	Add cost of site to amount of payments.
Atchison, Kans., post-office	15,632.41	No		84,017.59	Do.
Atlanta, Ga., court-house and post-office	111,074.80	Yes			Site donated.
Auburn, N. Y., post-office, court-house, etc.	193,732.38	Yes		4,365.29	Add cost of site to amount of payment.
Augusta, Ga., court-house, post-office, etc.	150,419.24	Yes		286.76	Do.
Augusta, Me., post-office, court-house, etc.	196,046.78	Yes	504.04		Do.
Aurora, Ill., post-office	30,337.62	No		54,412.28	Do.
Baltimore, Md., post-office, court-house, etc.	2,077,590.70	Yes		10,285.58	Do.
Baltimore, Md., marine hospital (approaches)	122,196.29	Yes	811.78		Do.
Baton Rouge, La., post-office	592.31	No		A 81,607.69	Site accepted, but no payment yet made; \$14,500.
Bay City, Mich., court-house, post-office, and custom-house	82,534.79	No		66,636.26	Add cost of site to amount of payments.
Beatrice, Nebr., post-office	16,623.83	No		42,546.68	Do.
Beaver Falls, Pa., post-office	72.77	No		A 38,727.33	Site accepted, but no payment yet made; \$11,000.
Binghamton, N. Y., post-office, court-house, etc.	152,896.32	No	103.16		Add cost of site to amount of payments.
Birmingham, Ala., court-house and post-office	210,654.37	No		89,271.12	Do.
Bloomington, Ill., post-office	8,080.86	No		66,600.14	
Boston, Mass., marine hospital, post-house, stable, and carriage-house	84.97	No		4,115.03	
Bridgeport, Conn., post-office	140,917.60	Yes		379.52	Add cost of site to amount of payments.
Brooklyn, N. Y., post-office, etc.	1,736,703.96	No		2,423.78	Do.
Brownsville, Tex., court-house, custom-house, and post-office	25,381.84	No		3,377.99	Site donated.
Buffalo, N. Y., post-office (site and building)	476,931.95	No		123,668.05	
Burlington, Iowa, post-office	124.73	No		124,450.27	Site accepted, but no payment yet made.
Cairo, Ill., custom-house (elevator)		No		1,518.75	
Cairo, Ill., marine hospital		No			
Camden, Ark., post-office	37.48	No		A 20,887.52	Site accepted, but no payment yet made; \$4,000.
Camden, N. J., post-office, custom-house, etc.	31,023.83	No		65,001.17	Add cost of site to amount of payments.
Canton, Ohio, post-office	27,006.31	No		29,238.59	
Cape Charles quarantine station, site, buildings, etc.	39,847.25	No		72,152.75	The amount of payments was by authority of Supervising Surgeon-General Marine Hospital Service.
Carson City, Nev., court-house, post-office, etc.	137,762.75	Yes		124.44	Add cost of site to amount of payments.
Cedar Rapids, Iowa, post-office, etc.	26,408.82	No		73,241.18	Do.
Charleston, S. C., custom-house (wharf)	196,556.84	No		30.87	Do.
Charleston, S. C., post-office, court-house, etc. (building)	187,103.50	No		52,396.95	Do.
Charleston, W. Va., post-office, court-house, etc.	51,631.39	Yes	284.28		Cost of site included in amount of payments.
Charlotte, N. C., court-house and post-office	77,776.96	Yes	623.76		
Chattanooga, Tenn., court-house, post-office, etc.	229,203.66	No		8,391.85	Cost of site included in amount of payment.
Chester, Pa., post-office	15,065.83	No		64,659.17	
Chicago, Ill., appraiser's stores	428,428.38	Yes			Do.
Chicago, Ill., custom-house and subtreasury (repairs)	332,998.92	No		337.49	This appropriation for "repairs" only.
Chicago, Ill., marine hospital (approaches and breakwater)	49,241.66	Yes	22.59		Cost of site included in amount of payment.
Chicago, Ill., Government buildings, World's Columbian Exposition	71,542.32	No		62,113.54	
Cincinnati, Ohio, custom-house and post-office (painting and repairs)		No			
Clarksburg, W. Va., court-house, post-office, etc.	83,469.84	Yes	5,062.16		Do.
Clarksville, Tenn., post-office		Yes			
Cleveland, Ohio, custom-house	27,060.48	Yes		2,044.14	This appropriation is for repairs only.
Columbus, Ohio, court-house, post-office, etc.	323,915.70	Yes	81.30		Cost of site included in amount of payment.
Columbus, Ga., post-office	55.47	No		A 85,594.53	Site selected, but no payment of \$14,000 yet made.
Council Bluffs, Iowa, post-office, etc.	247,729.29	Yes	2,270.71		Cost of site included in amount of payment.
Dallas, Tex., court-house, post-office, etc.	141,074.68	No		149,463.45	Do.
Danville, Ill., post-office	16,555.28	No		83,094.72	Payment on site only.
Davenport, Iowa, post-office	6,456.58	No		93,193.42	Cost of site included in amount of payments.
Dayton, Ohio, post-office, etc.	155,606.99	Yes			Do.
Delaware Breakwater quarantine station buildings, etc.	45,236.96	No		29,763.01	Expended by Supervising Surgeon-General Marine Hospital Service.
Denver, Colo., court-house, post-office, etc.	487,840.93	No		55,013.33	Cost of site included in amount of payments.
Des Moines, Iowa, court-house and post-office	332,921.85	Yes	78.15		Do.
Detroit, Mich., court-house, post-office, etc.	602,840.56	No		554,913.99	Do.
Detroit, Mich., marine hospital		No			
Duluth, Minn., court-house, custom-house, and post-office	31,507.90	No		111,038.00	Cost of site included in amount of payments.
Eastport, Me., custom-house and post-office	84,088.98	No		16,927.02	Do.
Ellis Island, New York Harbor, improvement of for immigration purposes	443,574.82	No		26,989.58	
El Paso, Tex., custom-house, post-office, and court-house	148,221.46	No		16,521.63	
Emporia, Kans., post-office (for purchase of land)	9,656.84	Yes		343.16	Amount paid for site makes total amount paid.
Emporia, Kans., post-office building		Yes			
Erie, Pa., court-house, post-office, etc.	252,627.30	Yes	2,372.76		Cost of site included in amount of payment.
Evansville, Ind., marine hospital	93,948.93	No		933.90	Do.
Fargo, N. Dak., post-office and court-house	4,107.94	Yes		95,542.06	Payments included in cost of site.
Fort Dodge, Iowa, post-office	5,155.45	No		69,619.52	Cost of site included in amount of payment.
Fort Scott, Kans., court-house and post-office	109,435.40	Yes	511.10		Site donated.
Fort Smith, Ark., court-house, post-office, etc.	115,922.00	Yes	50.00		
Fort Smith, Ark., jail	53,464.08	Yes	1.85		
Fort Wayne, Ind., court-house, post-office, etc.	230,715.08	Yes	467.75		Cost of site included in amount of payments.
Fort Worth, Tex., post-office	11,019.96	No		163,420.04	Do.
Frankfort, Ky., court-house, post-office, etc.	131,255.84	Yes	4,816.84		Do.
Fremont, Nebr., post-office	6,063.61	No		53,711.19	Payments included in cost of site.
Galesburg, Ill., post-office	11,151.31	No		63,623.69	Cost of site included in amount of payments.
Galveston, Tex., custom-house, etc.	241,767.74	No		2,258.36	Do.

APPENDIX—Continued.

Location and designation of building or work.	Amount of payments.	Buildings completed.	Balance of appropriations to be carried to surplus fund before June 30, 1892.	Balance of appropriations available for further work on buildings not yet completed.	Remarks.
Greensboro, N. C., court-house, post-office, etc.	\$66,030.73	Yes	\$409.27		Cost of site included in amount of payments.
Greenville, S. C., court-house and post-office	87,305.85	Yes		\$4,244.63	Do.
Gulf quarantine station, building, etc.		No		2,514.00	Do.
Hannibal, Mo., post-office, etc.	135,094.74	Yes	5.26		Do.
Harrisonburg, Va., court-house, post-office, etc.	112,388.25	Yes	101.75		Do.
Haverhill, Mass., post-office	20,041.56	No		A 54,733.44	Payments included in cost of site.
Helena, Ark., court-house and post-office	50,411.33	No		10,643.55	Cost of site included in amount of payments.
Hoboken, N. J., post-office	45,067.02	No		2,980.09	Do.
Houlton, Me., custom-house and post-office	8,356.25	No		41,493.75	Do.
Houston, Tex., post-office, etc.	89,075.77	Yes	569.23		Do.
Huntsville, Ala., court-house, post-office, etc.	99,193.37	Yes	213.93		Do.
Indianapolis, Ind., court-house and post-office	149,935.03	Yes	64.97		Do.
Jackson, Mich., post-office	16,150.98	No		37,578.02	Do.
Jackson, Tenn., court-house, post-office, etc.	67,789.94	Yes	57.06		Do.
Jacksonville, Fla., post-office, custom-house, etc.	43,873.68	No		230,336.32	Do.
Jefferson, Tex., court-house, post-office, etc.	46,278.78	Yes	1,284.62		Do.
Jefferson City, Mo., court-house, post-office, etc.	153,524.39	Yes	1.06		Do.
Kalamazoo, Mich., post-office	66,787.45	Yes		101.10	Do.
Kansas City, Mo., post-office and court-house	461,048.18	No		297,076.82	Do.
Keokuk, Iowa, court-house, post-office, etc.	162,183.90	No	200.10		Do.
Key West, Fla., court-house, post-office, etc.	107,163.23	Yes		1,470.02	Do.
Key West, Fla., marine hospital (isolation ward and wharf).				3,000.00	
Key West quarantine station, site, buildings, etc.	38,889.77	No		27,232.88	Money mostly expended by Supervising Surgeon-General Marine Hospital Service.
Lacrosse, Wis., court-house, post-office, etc.	146,983.14	Yes	2,986.86		Cost of site included in amount of payments.
Lafayette, Ind., post-office	17,461.89	No		62,233.11	Do.
Lancaster, Pa., post-office	84,791.67	Yes		5,331.90	Do.
Lansing, Mich., post-office	19,933.23	No		11,225.75	Do.
Leavenworth, Kans., court-house, post-office, etc.	180,076.86	Yes	7,339.76		Do.
Lewiston, Me., post-office	16,052.44	No		A 58,697.56	Site selected, but payment of \$16,000 not yet made.
Lexington, Ky., post-office, etc.	144,825.21	Yes	17,674.79		Cost of site included in amount of payments.
Lima, Ohio, post-office	10,047.66	No		49,727.34	Do.
Los Angeles, Cal., court-house, post-office, etc.	118,874.90	No		1,385.38	Do.
Louisville, Ky., court-house, post-office, etc.	1,159,863.94	No		21,928.26	Do.
Louisville, Ky., marine hospital (dead-house)				1,200.00	
Lowell, Mass., post-office	20,216.62	No		166,391.62	Do.
Lynn, Mass., post-office	180.48	No		A 98,194.52	Site selected, but payment of \$26,300 not yet made.
Macon, Ga., court-house, post-office, etc.	127,856.29	Yes		6,007.11	Cost of site included in amount of payments.
Madison, Ind., post-office	8,650.50	No		41,149.44	Do.
Manchester, N. H., post-office, court-house, etc.	250,990.02	Yes	.98		Do.
Mankato, Minn., court-house and post-office	6,088.80	No		93,551.20	Do.
Marquette, Mich., court-house, post-office, etc.	99,549.63	Yes	436.47		Do.
Martinsburg, W. Va., court-house and post-office	10,781.10	No		63,968.90	Do.
Memphis, Tenn., custom-house, court-house, post-office (completion of improvement of grounds)				1,000.00	
Meridian, Miss., post-office	6,044.97	No		43,755.03	Do.
Milwaukee, Wis., post-office, court-house, and custom-house	398,002.37	No		806,797.63	Do.
Minneapolis, Minn., post-office, etc.	641,208.42	Yes	306.14		
Mobile, Ala., marine hospital (laundry machinery)				1,500.00	
Monroe, La., court-house and post-office	70,591.21	Yes		3,521.48	Do.
Montpelier, Vt., court-house, post-office, etc.	159,846.28	Yes	11.31		Do.
Nebraska City, Nebr., court-house, post-office, etc.	110,755.37	Yes	244.63		Do.
New Albany, Ind., court-house and post-office	103,944.33	Yes	55.67		Do.
Newark, N. J., custom-house and post-office	143,978.12	No		295,779.66	Do.
New Bedford, Mass., custom-house, etc. (purchase of land)	43,911.35	Yes	6,088.65		
New Bedford, Mass., custom-house and post-office building	60,022.47	No		3,237.30	
New Berne, N. C., post-office, court-house, and custom-house	7,011.30	No		67,738.70	Do.
Newburg, N. Y., post-office	60.59	No		A 63,089.41	Remainder of site to be secured by condemnation proceedings.
New Haven, Conn., custom-house and post-office (additional land and extension)	23,560.34	Extension, no		A 41,289.66	Cost of site included in amount of payments.
New London, Conn., post-office and custom-house	25,043.10	No		A 49,731.90	Do.
New Orleans, La., custom-house and post-office (for repairs and alterations)	142,459.19	Repairs, no		22,505.97	
New Orleans, La., marine hospital (new ward building)	40.00	No		665.00	
New Orleans, La., marine hospital (electric-light plant)	2,717.10	Yes	282.90		
New Orleans and San Francisco, vaults for storage of silver	59,950.09	Yes	49.91		
New York, N. Y., appraiser's warehouse and custom-house (for sites only)	504,813.81	No		1,495,186.19	
New York, N. Y., appraiser's warehouse, for building		No		648,782.02	
New York, N. Y., custom-house (for site). See appraiser's warehouse.					
New York, N. Y., court-house and post-office	45,101.67	No		29,648.33	
Norfolk, Va., court-house and post-office	408,413.90	No		99,198.63	Do.
Omaha, Nebr., court-house, custom-house, and post-office					
Opelousas, La., court-house and post-office	45,675.80	Yes		3,572.40	Do.
Oshkosh, Wis., court-house, post-office, etc.	102,364.01	Yes	35.99		Do.
Ottumwa, Iowa, post-office	42,476.87	Yes	20.13		Site donated.
Owensboro, Ky., post-office, etc.	49,741.16	Yes	235.54		Do.
Oxford, Miss., court-house, post-office, etc.	66,767.84	Yes	275.02		Cost of site included in amount of payments.
Paris, Tex., court-house and post-office	4,864.30	No		94,785.70	Do.
Paterson, N. J., post-office	122.64	No		B 73,577.35	Selection of property for site not yet made.
Pawtucket, R. I., post-office	24,055.84	No		A 50,694.16	Cost of site included in amount of payment.
Peoria, Ill., post-office and court-house (elevator)		Elevator, no		558.20	For elevator only.

APPENDIX—Continued.

Location and designation of building or work.	Amount of payments.	Buildings completed.	Balance of appropriations to be carried to surplus fund before June 30, 1892.	Balance of appropriations available for further work on buildings not yet completed.	Remarks.
Philadelphia, Pa., mint building (old)	40,283.09	Yes	174,263.91		
Philadelphia, Pa., new mint building					
Philadelphia, Pa., repairs to roof, custom-house, etc.	5,139.43	Yes	57		
Pittsburgh, Pa., court-house and post-office	1,811,228.63	Practically, yes		\$4,394.70	Cost of site included in amount of payments.
Portland, Oregon, custom-house	160.10	No		B 248,939.90	No selection of property for site yet made.
Portland, Me., marine hospital electric-light plant				3,000.00	
Portsmouth, Ohio, post-office	53,089.35	No		146.32	Cost of site included in amount of payments.
Port Townsend, Wash., custom-house, post-office, etc.	174,959.91	No		49,565.83	Do.
Port Townsend, Wash., marine hospital					
Port Townsend, Wash., quarantine station, site, buildings, etc.	69.56			55,430.44	
Pueblo, Colo., post-office	646.82	No		A 99,003.18	No selection of property for site yet made.
Quincy, Ill., post-office, court-house, etc.	189,249.76	Yes	4.24		
Racine, Wis., custom-house and post-office	25,074.56	No		74,575.44	Cost of site included in amount of payments.
Reldsville, N. C., post-office, court-house, and custom-house	3,646.59	No		21,278.41	Do.
Richmond, Va., custom-house, etc., extension, heating apparatus, and approaches	193,513.13	Yes	1,166.87		
Richmond, Ky., post-office	15,005.28	No		59,807.22	
Roanoke, Va., post-office	15,003.60	No		A 59,666.40	Site selected, but draft for \$15,000 not yet issued.
Rochester, N. Y., court-house, post-office, etc.	587,291.97	Yes	48.56		
Rockford, Ill., post-office	17,545.79	No		82,104.21	Cost of site included in amount of payments.
Rock Island, Ill., post-office	9,071.09	No		A 63,678.91	Site selected, but draft for \$9,000 not yet issued.
Rockland, Me., custom-house, improvement of grounds	2,678.50	Yes	329.50		
Rome, Ga., post-office	9,054.06	No		A 40,745.92	Do.
St. Albans, Vt., custom-house and post-office	8,537.40	No		A 51,237.60	Site selected, but draft for \$8,500 not yet issued.
St. Joseph, Mo., post-office, etc.	361,200.00	Yes			
St. Louis, Mo., old custom-house, appraiser's stores, repairs, and alterations	161,950.83	Yes		5,557.97	
St. Paul, Minn., custom-house, etc. (purchase of land)	56.13	Yes	64,943.87		
St. Paul, Minn., post-office, court-house, and custom-house	58.81	No		397,958.19	
Sacramento, Cal., post-office, etc.	115,190.28	No		79,748.14	
Saginaw, Mich., post-office	98.03	No		A 99,551.97	
Salina, Kans., post-office	14,346.17	No		60,463.83	Cost of site included in amount of payment.
San Antonio, Tex., court-house, post-office, etc.	202,107.57	Yes	45.08		
San Diego, Cal., quarantine station, site, building, etc.	7,155.95	No		31,615.05	Part expended by Supervising Surgeon-General Marine Hospital Service.
San Francisco, Cal., post-office, court-house, etc. (site and building)	827.91	No		A 209,172.09	Site selected, but draft for \$1,040,000 not yet issued.
San Francisco, Cal., custom-house (construction one-story extension)	9,698.31	Yes		5,115.09	
San Francisco, Cal., quarantine station, hospital buildings, etc.	102,493.48	Yes	28.67		
San Francisco, Cal., marine hospital (new ward building, heating apparatus)	55.75	No		10,844.65	
San Jose, Cal., post-office, etc.					
Santa Fe, N. Mex., court-house, etc.	40,840.73	No		158,584.27	Cost of site included in amount of payment.
Savannah, Ga., court-house and post-office	64,402.91	Yes	57.51		
Scranton, Pa., post-office, etc.	111,464.49	No		87,975.51	Do.
Sedalia, Mo., post-office	100,780.39	No		62,601.69	Do.
Sheboygan, Wis., custom-house and post-office	38,303.32	No		7,204.91	Do.
Sioux City, Iowa, court-house, post-office, and custom-house	10,055.32	No		39,744.68	Do.
Sioux Falls, S. Dak., court-house and post-office	58.36	No		A 103,516.64	Site selected, but draft for \$21,000 not yet issued.
Sitka, Alaska, marine hospital	9,106.37	No		64,799.63	
South Atlantic quarantine station, site, buildings, etc.	38,321.25	Yes		20,178.75	Amount of payment was made by Supervising Surgeon-General Marine Hospital Service.
South Bend, Ind., post-office	15,036.22	No		59,713.78	Cost of site included in amount of payments.
Springfield, Mass., post-office, etc.	148,390.16	Yes	424.34		
Springfield, Mo., court-house and post-office	42,966.84	No		49,026.49	Do.
Springfield, Ohio, post-office, etc.	143,591.48	Yes		3,810.22	Do.
Statesville, N. C., court-house and post-office	63,527.23	Yes		5,044.72	Do.
Staunton, Va., post-office	12,560.79	No		62,189.21	Do.
Stockton, Cal., post-office	117.55	No		A 57,132.45	Site selected, but draft for \$17,500 not yet issued.
Supervising Architect, building for office	24,772.76	Yes	89.29		
Syracuse, N. Y., post-office, court-house, etc.	378,764.06	No		21,793.44	Cost of site included in amount of payments.
Tallahassee, Fla., court-house and post-office	5,346.89	Yes		69,373.20	Do.
Taunton, Mass., post-office		No		A 74,750.00	
Terre Haute, Ind., post-office, etc.	183,138.74	Yes	1,861.26		Do.
Texarkana, Ark.-Tex., court-house and post-office	93,795.48	No		24.50	Do.
Toledo, Ohio, custom-house, court-house, etc.	428,866.61	Yes	133.39		Do.
Troy, N. Y., post-office, court-house, etc.	183,223.10	No		59,337.30	Do.
Tyler, Tex., court-house, post-office, etc.	56,783.10	Yes	1,216.90		Do.
Vicksburg, Miss., court-house, post-office, and custom-house	101,190.16	Yes		4,853.14	Do.
Vineyard Haven, Mass., marine hospital (alterations and improvements)	119.41	No		19,889.09	
Waco, Tex., court-house, post-office, etc.	108,686.17	Yes	27.71		
Washington, D. C., building Bureau Engraving and Printing	76,031.13	Yes	1,284.05		
Washington, D. C., purchase property southwest corner B street and New Jersey avenue southeast	275,000.00	Yes			
Washington, D. C., purchase property adjoining southwest corner B street and New Jersey avenue southwest	155,000.00	Yes			
Washington, D. C., purchase property northwest corner B street and New Jersey avenue northwest	138,000.00	Yes			
Washington, D. C., post-office building	4,966.77	No		238,123.79	A sufficient amount appropriated for the purchase of site, which was acquired by condemnation proceedings.

APPENDIX—Continued.

Location and designation of building or work.	Amount of payments.	Buildings completed.	Balance of appropriations to be carried over to surplus fund before June 30, 1892.	Balance of appropriations available for further work on buildings not yet completed.	Remarks.
Watertown, N. Y., post-office	\$65,804.07	Yes .....	.....	\$645.73	Cost of site included in amount of payment.
Wheeling, W. Va., custom-house repairs	26,035.03	Yes .....	.....	1,247.17	
Wichita, Kans., post-office, court-house, etc.	302,832.22	Yes .....	.....	622.98	
Williamsport, Pa., court-house, post-office, etc.	212,892.64	Yes .....	.....	3,497.36	
Wilmington, Del., court-house, post-office, etc.	65,817.54	No .....	.....	183,382.46	Do.
Wilmington, N. C., post-office, custom-house, etc.	181,863.63	Yes .....	.....	3,117.90	Do.
Wilmington, N. C., marine hospital .....	.....	.....	.....	.....
Winona, Minn., court-house, post-office, etc.	144,240.13	Yes .....	.....	151.37	Do.
Worcester, Mass., post-office, etc.	81,945.18	No .....	.....	217,254.82	Do.
York, Pa., post-office	24,719.92	No .....	.....	55,005.08	Do.
Youngstown, Ohio, post-office	13,094.92	No .....	.....	61,655.08	Do.
Total	28,358,059.03	.....	\$303,486.40	12,170,691.28	

SUMMARY.

Total number of buildings and other work embraced in the above statement	233
Number of buildings completed	98
Number of buildings for which no appropriations have yet been made	3
Number of buildings in course of construction (many of them nearly completed)	132
Aggregate of the "limit of cost" prescribed by law for each of the various items of work embraced in the above statement	\$50,088,401.16
Aggregate of amounts of the various appropriations per above statement	44,897,110.66
Aggregate of the amounts remaining to be appropriated under said "limit of cost"	5,191,290.50
Aggregate of the amounts asked on account of said "limits of cost" in the "Estimates of appropriations, 1892-'93"	2,409,565.90
Deduct for new work at marine hospitals, quarantine stations, etc., through the Supervising Surgeon-General Marine Hospital Service	531,000.00
Aggregate of the amounts asked on account of said "limits of cost" in the "Estimates of appropriations, 1892-'93" for items of work other than on marine hospitals, quarantine stations, etc.	1,875,565.95
Aggregate of said "limit of cost" in excess of said appropriations	5,191,290.50
Deduct aggregate of amounts in "Estimates of appropriations, 1892-'93"	1,875,565.95
Aggregate of amounts of "limit of cost" not yet asked to be appropriated	3,315,694.55
Aggregate of amounts of specific appropriations per above statement	44,897,110.66
Total amount of unpaid liabilities	\$4,064,873.95
Total amount of payments	28,358,059.03
Total amount of the balances of appropriations on buildings completed and to be transferred to "surplus fund" before June 30, 1892	303,486.40
Total of balances available of said appropriations, March 1, 1892	12,170,691.28
Aggregate amount shown in the foregoing summary as balance available of all of the specific appropriations March 1, 1892, or the aggregate amount against which contract liabilities have not yet been charged	12,170,691.28
Under the law (acts of September 11, 1841, section 355, United States Revised Statutes; February 27, 1877, page 237, Supplement United States Revised Statutes) no expenditure can be made for the preparation of plans or for the commencement of work on a public building until after title to property for the site shall have been actually vested in the United States. The cases marked "A" in the foregoing statement are the cases in which title to the property selected for the sites has not yet been actually vested in the United States, and therefore no other expenditure can be made on account of the appropriations made in such cases. An examination of the statement will show that there are 23 such cases, and the amounts of specific appropriations that can not be used for that reason at present, or until after the titles shall have been vested in the United States, aggregate	1,523,363.66
The cases marked "B" in the foregoing statement are the cases wherein sites have not yet been selected, and of course the law above explained also applies thereto and prevents any expenditures from the specific appropriations. The foregoing statement shows that there are 4 such cases, in which the specific appropriations aggregate	523,950.07
Under the law (act of March 3, 1875, page 159, Supplement of United States Revised Statutes) no expenditure can be made until the plans, detailed estimates, etc., for a building shall have been prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior. An examination of the foregoing statement will show the cases, marked "C," wherein the plans have not yet been wholly completed and approved, and this explains why no further contract liabilities have been established on account of the specific appropriations in such cases beyond the expenditures made for properties for the sites and preparation of plans. It will be seen that there are 65 cases of the character explained, and that the balance of the specific appropriations aggregate	7,550,371.19
Thus it will be seen that	2,564,997.25
of the amount actually available March 1, 1892, viz, \$12,170,691.28, is the entire amount that was available at that date for the purpose of expenditures, and against which expenditures could be charged.	

Mr. HERBERT. I yield one minute to the gentleman from Texas [Mr. SAYERS].

Mr. SAYERS. I do not propose to raise any issue with my colleague [Mr. CRAIN of Texas] as to the deductions which he has drawn from the tables furnished to him by the Supervising Architect of the Treasury Department.

Mr. CRAIN of Texas. I did not draw any deductions. The Supervising Architect himself draws them.

Mr. SAYERS. I only rise, Mr. Chairman, to call the attention of the committee to the fact that the tables from which I spoke, or rather which I submitted to the House on the 3d of March, 1892, came from the Treasury Department and from the very same officer who furnished the tables which my colleague [Mr. CRAIN of Texas] has been using to-day. Now, any member of the committee can examine the tables furnished to myself and also those furnished to my colleague, and from those tables he can draw the deduction whether or not there was \$18,000,000 and upwards in the Treasury against which there was no contract on the 1st day of December last.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. SAYERS. Certainly.

Mr. MILLIKEN. Has there ever been a time within the last twenty-five years, and perhaps I might say in the history of the Government, but will not, when there has not been a large amount of money in the same condition in the Treasury?

Mr. SAYERS. As much as \$18,000,000 at a time?

Mr. MILLIKEN. I do not refer to the sum, but a large amount of money. And is it not true that there should be, and must be, a large sum of money in that condition?

Mr. SAYERS. I can not understand what the gentleman means by a large amount. If he will specify a particular sum I may be able to answer him. I will say, however, that there has not been, so far as I can remember, so much as \$18,000,000 lying in the Treasury at any one time during the past eight or ten years for the construction of public buildings against which there was no contract.

Mr. CRAIN of Texas. And there never have been so many public buildings in process of construction.

Mr. SAYERS. I admit that.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BOUTELLE. Mr. Chairman, the construction of the Navy is a matter of grave public interest. It is a matter intimately connected with our national greatness and the public security, and it seems to me that it ought to be a matter of national pride with every citizen of the American Republic. We are engaged in reestablishing the position of the United States among the recognized naval powers of the earth. For reasons well understood, during a long period of years immediately succeeding the exhausting civil war from 1861 to 1865, the attention and activities of our people were gladly diverted to all of those enterprises and vocations that led through the paths of peace, and for a time our military arms for offense and defense upon the land and upon the sea were seriously neglected.

Up to 1883 the entire expenditure on the part of the Navy was devoted to repairing our old wooden ships of war, and every gentleman who has had experience in the repairing of old buildings on the land is thoroughly aware that there is no such extravagant expenditure as that involved in patching up old structures of any kind. Naturally, the large expenditures involved in repairing our old wooden ships became a subject of public animadversion; and to-day there is a survival of the criticism against the naval establishment, unjustly based upon the large amounts expended during the period to which I have referred, in the repairing and refitting of the old wooden vessels that constituted the remnant of a once powerful but practically obsolete naval force.

It was during the Administration of President Arthur that the then Secretary of the Navy proposed a new departure by asking for legislation to prohibit the repairing of wooden vessels in any case where the repairs would cost more than 20 per cent of the value of the ship. That was the initiative of the new Navy of the United States, and under the operation of that policy, inaugurated by Secretary Chandler, the old ships that had helped to make such splendid history, but that had outlived their usefulness, rapidly went out of commission. An advisory board of distinguished experts was then organized, and under the suggestions of that board the building up of the new steel Navy was begun. It was a new departure in every sense of the word. The designing and building of steel ships in the United States were absolutely experimental, and everything connected with the structural work of these vessels was a novelty in this country.

The types of naval ships of war had been undergoing such a degree of evolution as rendered the designing of our "ships of the future" largely an experimental matter; and in view of the difficulties surrounding the problem then presented, it is a matter of national congratulation that the initial vessels of this new system, the first ships devised and put into construction in this country of the new types, proved to be among the very best of their class when compared with the naval ships of every other nation. So true is that fact that to-day, with the single exception of a lack of the highest speed which has since been developed, the four vessels first ordered to be put under construction compare favorably now with vessels of their class flying the flag of any other nation on the globe.

Those who have followed the evolution of the new Navy are well aware that within a few years, and subsequent to the design and partial construction of those first four ships, new inventions in the development of the triple-expansion engine and other modern improvements in steam machinery gave an impetus to the development of speed of which those ships had not the advantage; and yet it is but just to say that each of them—the Chicago, the Atlanta, the Boston, and the Dolphin—not only vindicated the expectations of their designers in all respects, but proved to be faster ships than their designers anticipated. We therefore date the inauguration of this new departure in our naval construction in 1883, during the Administration of President Arthur and Secretary Chandler, when under the act of March 3, 1883, the construction of the Chicago, Boston, Atlanta, and Dolphin were authorized, followed by the acts of July 7, 1884, and March 3, 1885, authorizing the construction of the Newark, Charleston, Yorktown, and Petrel, these eight vessels aggregating a displacement of about 23,000 tons.

Gentlemen who were in this House during the Forty-seventh and Forty-eighth Congresses are well aware that after the beginning of the Navy by the Forty-seventh Congress there was a refusal in the Forty-eighth to provide the additional appropriations for carrying on the work until an appropriation of \$1,895,000 went through at the very close of the second session, under which the construction of the four vessels last named above was begun.

That brings us to the Administration of President Cleveland.

Immediately upon his accession to the Executive Office and his appointment of a Secretary of the Navy from the State of New York, the question whether we should go forward in the construction of our Navy became a prominent one, and I am glad to say, Mr. Chairman, that it was the unanimous conclusion of the Republican membership of this House that no change of political administration should in the slightest degree modify their favorable attitude toward what they regarded as a matter of great public necessity, the rebuilding of the Navy. Therefore, from the beginning of President Cleveland's Administration to the close, the work of adding to our naval force received the practically unanimous and most cordial support of the Republican membership of the House.

During the Administration of President Cleveland twenty-one vessels were authorized, which, including the authorization for completing the double-turreted monitors and the eight vessels previously authorized under the Arthur Administration, brought the total up to thirty-four vessels, aggregating 86,000 tons.

Of these twenty-one ships authorized during the Administration of President Cleveland, only three had been put in commission at the time of the accession of President Harrison to the Executive office. Eighteen of them had been begun, and the construction of thirteen more of them had not been entered upon. They are all now in progress and in the last stages of completion; so that during the present Administration at least twenty-four ships of war will have been put in commission.

During the Fifty-first Congress 45,000 tons of vessels for the Navy were authorized, and these vessels were of a type which make them equal at least to three times their number of any of the other ships previously authorized. When we reach the completion of the vessels now under construction the new Navy of the United States will consist of three first-class battle ships, one battle ship of the second class, five improved double-turreted monitors, two harbor-defense ships, nineteen cruisers, seven gun-boats, and two torpedo boats; or a fleet of thirty-nine vessels of all types. And it is a very gratifying thing to state to the committee that this result will have been reached by the comparatively slight expenditure of an average of less than six millions per year during the twelve years that will have been occupied in their construction. The following table furnishes an interesting exhibit of the excellent results that have been obtained thus far in the work of building up our new Navy:

THE NEW NAVY.

Tonnage under contract, afloat and in commission each year since 1893.

Year.	Construction Bureau.		Tonnage.		Tonnage.
	Tonnage of vessels under contract.	Tonnage of vessels begun at navy-yards.	Total begun.	Launched.	Put in commission.
1893	12,363		12,363		
1894				7,993	
1895				4,500	1,485
1896	9,530		9,530		3,189
1897	18,520		18,520		3,189
1898	116		116	12,160	
1899	10,138	16,131	26,269	8,407	11,130
1900	54,538	3,183	57,721	14,347	14,063
1901	9,653		9,653	17,338	11,473
1902				3,183	
Total.....	114,858	19,314	134,172	67,698	44,519

NOTE.—February 1, 1902:
 New steel vessels now under construction by contract..... 74,329
 New steel vessels now under construction in navy-yards..... 19,314
 Double-turreted monitors being completed..... 18,030
 Tugs for yard service under construction..... 577

Total amount tonnage now under construction..... 112,550

Number and type of new vessels in commission.

Name.	Type.
Chicago.....	Partially protected cruiser.
Yorktown.....	Cruiser.
Petrel.....	Do.
Charleston.....	Protected cruiser.
Baltimore.....	Do.
Cushing.....	Torpedo boat.
Vesuvius.....	Dynamite-gun vessel.
Philadelphia.....	Protected cruiser.
San Francisco.....	Do.
Newark.....	Do.
Concord.....	Do.
Bennington.....	Cruiser.
Do.....	Do.
Miantonomoh.....	Double-turret monitor.
Atlanta.....	Partially protected cruiser.
Boston.....	Do.

New ships that will be in commission in 1894.

Name.	Type.	Tonnage.
Chicago.....	Partially protected cruiser.	4,500
Boston.....	do	2,198
Atlanta.....	do	3,189
Dolphin.....	Cruiser	1,485
Newark.....	Protected cruiser	4,083
Charleston.....	do	3,130
Baltimore.....	do	4,400
Philadelphia.....	do	4,300
San Francisco.....	do	4,083
Yorktown.....	Cruiser	1,700
Concord.....	do	1,700
Bennington.....	do	1,700
Petrel.....	do	1,700
Cruiser No. 6.....	Protected cruiser	5,500
Cruiser No. 7 (Cincinnati).....	do	3,000
Cruiser No. 8 (Raleigh).....	do	3,000
Cruiser No. 9 (Montgomery).....	Cruiser	2,000
Cruiser No. 10 (Detroit).....	do	2,000
Cruiser No. 11.....	do	2,000
Gunboat No. 5 (Machias).....	Gunboat	1,000
Gunboat No. 6.....	do	1,000
Practice cruiser.....	Cruiser for naval cadets	835
Puritan.....	Double-turret monitor.	6,060
Miantonomoh.....	do	3,815
Amphitrite.....	do	3,815
Monadnock.....	do	3,815
Terror.....	do	3,815
Texas.....	Battle ship, second class.	6,314
Maine.....	do	6,648
Monterey.....	Coast defense	4,003
New York.....	Armored cruiser	8,150
Vesuvius.....	Dynamite-gun vessel	970
Cushing.....	Torpedo boat	190
Torpedo boat No. 2.....	do	112
Indiana.....	Battle ship (first class)	10,300
Massachusetts.....	do	10,300
Oregon.....	do	10,300
Cruiser No. 12.....	Commerce destroyer	7,300
Cruiser No. 13.....	do	7,300
Ram.....	Harbor defense	2,050

Now, I believe very firmly that no duty resting upon Congress to-day is more important or more pressing than that of going forward in the construction of our naval force until we are placed upon a footing that will at least give us reasonable security for the defense of our seacoast; that will at least put us in a position where we can defend our great cities on the Atlantic and Pacific seaboard against assault. Believing as I do that this is the duty of Congress, I desire to impress upon the members of this committee, especially in view of the present very large preponderance of one of the great political parties in the membership of the House, the responsibility that rests upon them in regard to this question.

I purpose to show that up to the present moment, while both political parties have been given more or less credit in the public press and in every political platform for the carrying forward of this great work, and while I am willing to freely concede the ability and the zeal with which the present chairman (now and previously the chairman of the Committee on Naval Affairs) and his political associates on that committee have devoted themselves, in coöperation with the rest of us, to the carrying on of this work; while I am willing to concede all of the progress that was made by Secretary Whitney and President Cleveland's Administration in this regard, making, as I must, of course, a special reservation of regret that their administration was ushered in by a most unjust and cruel assault upon that great ship-builder who put afloat the first of our new naval fleet—conceding all this, yet it is nevertheless the fact that the records of our legislation show that the rebuilding of the Navy up to the present time is due to the votes of the Republican party in this House, and has been accomplished at every contested point in spite of the opposition of a majority of the votes of the Democratic Representatives.

I introduce this aspect of the case for the purpose of impressing upon this committee that now, with a membership of 240 or 250 on the Democratic side, you must take the responsibility, gentlemen, of making the record of your party in regard to this great public interest. In 1886, under the Cleveland Administration, the then Committee on Naval Affairs reported a bill carrying over \$10,000,000 for the new Navy, and the Democratic party was credited for this liberality by the press of the whole country. It is a matter of history, however, that the committee were compelled to reduce that bill to about one-third before it could be passed through that Democratic House.

The bill, which was unanimously reported from the committee, of which I was a minority member, on March 10, 1886, carried \$10,128,046 for new ships, and for months the newspapers teemed with praise of the generous provision for the new Navy made by the Democratic House a year after the inauguration of a Demo-

cratic administration. But before it was taken from the Calendar, late in the summer, the Democratic caucus committee issued an edict that the amount must be mercilessly cut down, and in accordance with that edict a substitute was reported which carried only \$3,500,000. The chairman of the committee very reluctantly, as I believe, was compelled to advocate the reduction of his committee's bill to one-third of the amount it had recommended.

On behalf of the Republican minority I took the floor against the substitute and in favor of the passage of the original bill. I was sustained by several of my Republican associates, but the leading Democrats in the House advocated the reduction, and on a yeas-and-nays vote, July 24, 1886, the first bill reported under the Cleveland administration for the increase of the Navy was reduced from \$10,128,046 to \$3,500,000 by a vote of 118 to 103, the votes in favor of the reduction being given by 116 Democrats and 2 Republicans, while 99 Republicans and 14 Democrats voted with me in favor of the original bill.

On the same occasion my amendment to provide that only materials of American manufacture should be used in the construction of the ships and armaments authorized was carried in Committee of the Whole by a vote of 101 to 67, but when it came up in the House the Democrats succeeded in defeating it by the close shave of 111 to 103. That contest, however, planted the seed, and the subsequent action of the Senate resulted in the legislation authorizing the Secretaries of the Navy and of War to invite proposals for the domestic manufacture of armor and gun metal that has borne fruit in the establishment at Bethlehem, Pa., of the largest and best equipped steel forging plant in the world. And I am glad to say that for years every bill providing for newships of war has contained a clause imperatively requiring "that in all their parts said vessels shall be of domestic manufacture."

We have thus speedily wrought our independence of foreign countries for either designs or materials for our naval vessels, and with the exception of a few of those earliest constructed the new Navy of the United States realizes the aspiration of my first speech in Congress in its behalf for "an American Navy of American design and American materials."

The bill was reported on March 10, 1886, carrying \$10,128,046 for new ships, and for months the newspapers teemed with praise of this generous provision for the Navy.

But, proceeding with the record, it will be found on the 25th of February, 1887, as the RECORD shows, two prominent members of the Democratic side—Mr. McMILLIN and Mr. Rogers of Arkansas—demanded the yeas and nays on the only provision of the naval appropriation bill authorizing new vessels; and on that division 100 Republicans, with the help of only 51 Democrats saved the bill reported by a Democratic committee, all the other Democratic votes being recorded against it.

Again, on the 15th of April, 1890, more than eighty Democrats voted for Mr. HOLMAN'S motion to strike from the naval appropriation bill the provision for three battle ships, and then again voted in favor of Mr. HOLMAN'S motion to recommit the bill so as to reduce the battle ships to but one. On the first vote the gentleman from Indiana was beaten by 103 Republicans and 25 Democrats, and on the second by 104 Republicans and 25 Democrats. And I regret to say that the Democratic vote included a large proportion of the leading and representative gentlemen of that party, such as Messrs. CARLISLE, BRECKINRIDGE of Kentucky, BYNUM, CRISP, BLOUNT, HOLMAN, MILLS, McMILLIN, OUTHWAITE, and SPRINGER, with Mr. HATCH and Mr. WILSON of West Virginia paired the same way, which list, it will be seen, includes every one of the gentlemen afterward brought forward as candidates for the office of Speaker.

Again, on the 26th of January, 1891, on Mr. HOLMAN'S motion again to strike out the single ship provided for in the naval appropriation bill, 67 Democrats and 3 Republicans voted yeas—in favor of striking out; and the motion was defeated by the practically solid Republican membership, with the assistance of my committee colleague from Alabama [Mr. HERBERT], and the few gentlemen on that side whom he was able to bring to the support of the Navy.

Now, I enforce this upon the attention of the committee in order that there may be no mistake this year in regard to the political responsibility for carrying on or arresting this great national work. I noticed when the contest for Speakership was waging that some of the candidates were interviewed in regard to this matter, and I have here a clipping from a Washington dispatch to the New York Herald, of November 10, 1891—a few weeks prior to the assembling of Congress, giving an interview with Mr. McMILLIN of Tennessee upon this subject. The writer says:

Mr. McMILLIN of Tennessee, a candidate for Speaker, looks with favor on the improvement and increase of our Navy, and perfecting of our coast

defenses. When I asked him what Congress would do regarding the matter he said, "Of course I can not predict what the Democratic majority in the House will do; but I believe the sentiment and disposition of the coming Congress will be to make adequate appropriations for our Navy. It is the policy of the party to have our Navy equipped with the fastest vessels in the world and the best that are constructed. The improvement in the construction of our war vessels and the increase in their number and effectiveness are due to Democratic foresight and enterprise. During twenty years or more of Republican rule our Navy became a disgrace to the country. It is building up now, and I think the policy of the Fifty-second Congress will be to continue the improvement."

As a matter of politeness I am willing to concede a great deal in the way of "Democratic foresight and enterprise" if the gentleman will only come up to his promise now and help us this year in carrying forward this work of building up our Navy.

I find upon examination that appropriations thus far made since March 3, 1883, amount in all to a grand total of \$58,839,326.41, which with \$1,000,000 additional for the purchase of nickel, brings the amount up to \$59,839,326.41. In this connection I refer to the following table:

Total amount appropriated each year for increase of the Navy.	
Appropriation for Roach vessels, Chicago, Boston, Atlanta, and Dolphin:	
Act of March 3, 1883.....	\$1,300,000.00
Act of July 7, 1884.....	2,150,100.00
Act of March 3, 1885.....	162,340.80
Transfer from construction and repair appropriation, May 6, 1885.....	40,162.61
Act of July 26, 1886.....	438,861.00
Act of March 30, 1888.....	217,500.00
Total.....	4,308,954.41
For other vessels appropriated for since:	
Act of March 3, 1885.....	\$1,895,000.00
Act of August 3, 1886.....	3,500,000.00
Act of March 3, 1887.....	11,048,362.00
Act of September 7, 1888.....	5,760,000.00
Act of March 2, 1889.....	6,745,000.00
Act of June 3, 1890.....	7,975,000.00
Acts of March 2 and 3, 1891.....	17,607,000.00
Grand total.....	54,530,362.00
Act of September 29, 1890, for nickel.....	58,839,326.41
	1,000,000.00

Mr. Chairman, it is a significant fact that of this amount for the increase of the Navy the Fifty-first Congress in its two sessions appropriated no less than \$26,582,000, or nearly one-half the entire amount that has been appropriated since this work began—that one Republican Congress appropriated within less than half a million dollars of the entire amount (\$27,053,362) appropriated for the increase of the Navy during the four years of the Cleveland administration.

Mr. HERBERT. I will ask the gentleman whether, during all this time since the construction of the new navy has been going on, each Democratic House has not appropriated all the money necessary to do the work as it was progressing—whether there has ever been any lack of appropriation?

Mr. BOUTELLE. I have stated, Mr. Chairman, that the fact of the appropriations for carrying on the work having been made year by year has been due to the votes of the Republican side of the House.

Mr. HERBERT. The gentleman has not answered my question. I want to know whether Democratic Houses have not made all the appropriations which were required.

Mr. BOUTELLE. Well, the gentleman has five hours—

Mr. HERBERT. You do not deny that we made all the appropriations necessary to carry on the work.

Mr. BOUTELLE. I shall endeavor to make no error in this summary of facts. If I do, I am sure it will not escape the vigilant eye and ear of my colleague, the chairman of the committee. I desire to call attention to the manner in which the Republican side of this House rose to the responsibility and met the full measure of its duty in the last Congress, when we found it necessary to provide more money to carry on the work upon vessels started under the Cleveland administration than had been appropriated for these vessels during any year of that administration. We did not shrink our duty or seek to evade the Government's obligations because the Democrats were coming into control in the House.

We did not provide for the creation of a deficiency; we did not shrink under the outcry that we were "extravagant," or for fear of being denounced as the "billion-dollar Congress." We made the appropriations that were deemed necessary. We sent to the Navy Department for a statement of the legitimate expenditures that would devolve on the Government in meeting its contract and other obligations on behalf of the Navy, and when that report was sent to us we framed our bill to give every dollar needed to keep the work going and meet every just demand as it matured. That report showed, Mr. Chairman, among other things, that in the construction of these ships we had reached that point where during the current year, ending June 30, 1892, we would be called upon for a larger expenditure on account of the con-

struction, etc., of ships than at any previous time since the work of reconstruction began, and that thereafter the expenditures would rapidly decrease down by reason of the fact that many of the ships would be completed, or would have passed beyond the point of largest expenditure.

In the tables of estimates then furnished me and printed on page 1775 of volume 116, CONGRESSIONAL RECORD, second session Fifty-first Congress, the number of vessels then authorized that would be under construction each year, and the probable expenditure upon them was approximated, as follows:

1891, expenditure on 31 vessels.....	\$10,336,300.76
1892, expenditure on 24 vessels.....	11,364,347.32
1893, expenditure on 20 vessels.....	7,158,004.00
1894, expenditure on 3 battle ships.....	1,523,799.00

Since then only one additional vessel, Cruiser No. 13, has been authorized, so that in 1894, unless we now authorize more ships, the only work will be in completing the three battle ships and that one cruiser.

I say that we assumed the full responsibility and provided the entire amount declared by the Department necessary to carry on the work of completing the vessels authorized by Congress. And now, after having done that, having left over nothing in the way of a burden upon this House or Congress, in view of the fact that the completion of these vessels is so rapidly reducing the expenditures upon them that the Committee on Naval Affairs has been enabled this year to make provision for the next fiscal year and yet show a very large reduction from the amount that we found it our duty to appropriate the preceding year, it seems to me there is abundant reason why this House can afford to exercise at least a reasonable liberality in carrying forward the important work.

I do not purpose to indulge in any extended argument at this time to convince the House that the building up of the Navy is desirable and important. I think that there are very few who will candidly dispute it. I know that there are here and there gentlemen willing to argue that we can regard ourselves as practically an isolated people; that we can assume a contemptuous indifference as to our relations with the other nations of the earth, and that it matters not whether our extended coast is unprotected, and our great seaboard cities left liable to bombardment; but I must think that they are in a very small minority in this great country; and I certainly hope that gentlemen holding such narrow views will not be able to dominate, or come near controlling a Democratic majority of the House of Representatives, which is so large that it ought to be able, with the aid of the Republicans, to protect a great national interest against the eccentric and the niggardly in its ranks.

I desire to say that there is no dispute between myself and the committee, or the chairman of the committee, in reference to the importance of providing for the class of ships embraced in my amendment. You will find in the report prepared by the chairman of the committee, where the whole subject is quite exhaustively discussed, this statement of his opinion:

To regain the relative position among these navies we occupied prior to our civil war is certainly not too much to attempt, especially as we know now that we have no such efficient coast defenses as we then believed ourselves to possess. To reach this point it is not disputed that we need more first-class battle ships. We have now only three authorized. Eight or nine more of these in addition to our authorized fleet would give us a respectable navy sufficient perhaps for our purposes.

And again the chairman of the committee says:

If we should conclude to continue building our modern navy until we shall have, say, ten or twelve battle ships and one more swift fighting cruiser like the New York, it would seem to your committee that such a work ought to extend through some years. Germany sometime ago adopted a programme of shipbuilding which was to continue for eight years, equal amounts being appropriated annually. Results have proven the wisdom of the scheme. We might well authorize all these battle ships in four years.

So, Mr. Chairman, it will be seen that there is a consensus of opinion on the part of the Navy Department and the majority of the Committee and the minority of the Committee on Naval Affairs, that the most important factor of our naval development is the construction of a sufficient number of battle ships. This is because a navy is built to fight when fighting may be necessary. If we do not want a navy that can fight effectively in time of need, we do not want a navy at all. If we are to build any navy we want one that in case of necessity will be able to make war, or resist it when made upon us. This can only be done by providing a sufficient number—not an extravagant number—of the most powerful battle ships—not undertaking to compete in number with the great naval fleets of some other powers that have numerous and remote dependencies to protect—but a reasonable navy, an adequate fleet of vessels—war vessels—a navy powerful to repel any assaults that can be made on us from across the sea, and at the same time securely defend the great harbors of our

coast now open to irresistible attack from all but the very weakest of the naval powers of the world.

The Secretary of the Navy in his report calls attention very urgently and convincingly to this matter, and in one of his recent utterances he repeated his conviction that "there is no doubt of the correctness of the principle that first-class battle ships, with their accessories, form the main element of strength and determine the fighting efficiency of a modern fleet." That being the case, the question arises, why should we not go on in the work that we have begun? I apprehend that no Representative in Congress will question the duty of the Government to provide for the defense of our own territory. I will not make the statement quite so broad as that, because I believe there are a few, including the gentleman from Indiana [Mr. HOLMAN], who are sufficiently removed from the seaboard or who live high enough up in the mountains to feel secure from bombardment, and who are sublimely philosophical in their willingness to permit their fellow-citizens along the coast to shift for themselves in case of a foreign war; but I am talking now about Democrats who believe in some of the patriotic tenets of old-time Democracy, men who can remember a time when a sturdy declaration for "sailors' rights" had a place on Democratic banners, and who believed that the United States should assert itself as at least a power to be respected among the nations of the earth.

Among such I do not believe there is a man who has a word of regret to express for the fact that under the combined efforts of a Republican and a Democratic executive administration we are having constructed in this country to-day, of American material, by American mechanics, and upon American designs, three vessels at least that are believed to be superior in offensive and defensive power to the most formidable naval vessels that any country in the world could send to our shores. If there is a man who regrets that, I am sorry for him, and I give him the benefit of my sympathy.

I want to know if there is a man within the sound of my voice who will not feel a thrill of pride when I call his attention to this report of the meeting of the Institution of Naval Architects of London, in March last, before which appeared the constructor of the finest two ocean steamers afloat, the designer of the City of Paris and the City of New York, Mr. J. H. Biles, one of the most eminent among the naval architects of the world, who in that meeting spoke in unstinted praise of the splendid work done in building up the United States Navy. Should it not be a matter of some pride to us as a people and as a Congress, in view of the brief period in which we have been engaged in building up an absolutely new industry, experimenting in an entirely new field, that this leader among naval architects, after visiting all our shipyards, after going through our navy-yards, after inspecting all our designs, was willing to stand up before the members of the British admiralty and the other great architects of the Clyde and the Mersey and elsewhere in England, and speak of American construction of ships in such complimentary terms as these in his address of March 18, 1891, when Mr. Biles said:

I carefully inspected the Newark, which is now practically completed, at the yard of Messrs. Cramp, Philadelphia, and was afforded every opportunity of forming an opinion of the workmanship and details of American war ships, and feel sure that in these respects they are quite equal to our best practice.

The American designers and builders have shown that they are capable of producing vessels quite equal to their promises, and at least equal to the best European practice. This is an important thing to bear in mind in considering the recent designs upon which ships are now being built for the American Navy.

Of the armored fast cruiser New York, Mr. Biles said:

Compared with the Edgar class, this vessel is much more powerfully armed and much better protected. Her sustained sea speed will probably be greater.

Of the three coast-line battle ships authorized by the first session of the Fifty-first Congress, and now well advanced in construction, Mr. Biles said:

The armament of these vessels seems to be more powerful than that of any European battle ship, there being four guns (13-inch) capable of piercing any armor afloat, and eight guns (8-inch) capable of penetrating almost any armor, and certainly of penetrating the armor at the ends of the belt's and on the barbettes and redoubts of most of our battle ships at close quarters. There are also four 6-inch guns, twenty-eight small, rapid-firing guns, and six torpedo tubes.

They have a partial belt of 18 inches of armor 7½ feet wide extending over 56 per cent of the whole length. This belt rises 3 feet above the water line, and extends 4½ feet below. The under-water protective decks at the ends of the belt are 3 inches thick; the armored deck over the belt is 2½ inches thick. Above the 18-inch belt there is a 5-inch belt similar to our latest battleships. The four 12-inch 35-caliber guns are mounted in two turrets formed with inclined armor 17 inches thick, extending from the top of the armor belt to 3½ feet above the main deck.

He goes on to say that while in these vessels it is true we have sacrificed the highest rate of speed, and reduced the coal capa-

city below that of some of the great cruising war vessels of Europe, for the purpose of increasing our armament and our armor, he says, as these vessels will probably have to act very much nearer their base than European vessels, their bottoms will probably be in better condition, so that we shall not suffer in that regard. But I will give his own words:

As these vessels will probably have to act very much nearer their base than European vessels, their bottoms will probably be in better condition, so that the real speed would not be much, if any, less. For the same reason their coal supply need not be so large, and therefore it would seem that their preponderance of armament would give them an advantage in a combat near their own coast line with any European vessel.

They are distinctly superior in most respects to any European vessels of the same displacement, and for the purposes intended of protecting the American coast line, they seem to be quite a match for any ships afloat.

Mr. Chairman, these remarkable encomiums from the lips of a great naval architect of England, who stands foremost in his profession, furnish the most ample and gratifying testimony of the success we have attained in the design and construction of the three powerful ships intended for the protection of our coast against any vessels that might be sent against them. My own interest and pride in those grand creations of the genius of our naval architects and the skill of our constructors have been stimulated and confirmed by the untainted commendation of one of England's most famous experts.

The paper from which I have read forms a significant concession and compliment to the naval constructors and engineering talent of the United States in a field of modern development upon which they entered less than ten years ago. It ought to cause us to feel an especial degree of pride that we have been able thus to develop this capacity of our own people, and to make such progress as we have in placing ourselves in a respectable attitude for the defense of our commercial interests and the protection of our coasts.

Now, to come nearer home. Within a few months we have had a demonstration of the incalculable benefit conferred upon this country by the development of our Navy to its present status. Is there a man who doubts that had we been in the helpless position of ten or twelve years ago we might have been subjected at least to temporary humiliation, to say nothing of enormous expense and disaster at the hands of as weak a power as that of Chile? Any gentleman who has studied the phases of that situation must recognize the fact that, given one or two factors but slightly modified from the existing conditions, we should have been in a position of great disadvantage in that controversy. Had the Congressional party failed to sink the ironclad Blanco Encalada by a torpedo, and had the Captain Prat been completed a few months earlier at the shipyard of the French contractors, and had we been in such a state of naval weakness as that of a dozen years ago, who doubts that San Francisco would have been liable to bombardment, or that the great city of New York might have been put under tribute or partially destroyed by so comparatively insignificant a power as Chile?

The fact that we are not engaged in a warfare to-day, smarting under humiliation at the outset and with the possibility of untold disaster while preparing adequate military and naval forces; the fact that we are not to-day employed, in the midst of hostilities, in lifting ourselves up to the plane of ability to maintain and defend the national honor, and to uphold our national flag and the rights of our citizens against a fourth-rate power, is solely due to the fact that the completion of the modern ships that I have enumerated enabled the Secretary of the Navy, by the click of the telegraph, to set in motion, converging to the point of the then storm center, a naval force under the flag of our country adequate to the maintenance of the dignity and honor of the United States against any power that could be wielded by the hot-headed South Americans in whose port our sailors had been wantonly assassinated by a mob.

That is the history of the Chilean controversy and its settlement without war.

Let me call your attention for a moment to a more recent diplomatic difficulty. I presume that the majority of the people, who have watched the Bering Sea discussion, have felt a deep regret at the possibility that friction of a threatening character could arise between the two English-speaking people of the world. But friction did arise, and I hold in my hand to-day a paper received the day before yesterday from a friend in England, containing an editorial of which he says that all the English papers similarly characterize the assertion of our rights as "brag and bluster" because of our lack of powerful battle ships in our Navy. This paper has an editorial article on the United States Navy which illustrates the fact that those gentlemen on the other side are closely watching every step of our development.

The editorial contains an accurate roster of our ships of war; it contains an exact statement of just where our vessels are stationed, just how many guns they mount, and in the course of

the article this editor of the Journal of Commerce, of Liverpool, England, March 30, 1892, says:

It has been frequently proved that the readiest way of securing peace is to be prepared for war, but America has allowed this axiom to lie out of sight and out of mind. For this reason it seems extremely unlikely that a calamitous conflict between Great Britain and the United States will result from the Bering Sea dispute.

That is based on the idea that England's contentions must be accepted because we lack the ability to reject them.

The paper then refers to the few steel cruisers and the old wooden vessels upon that station and says:

We may leave these wood warships out of the calculation, and when we hear that our splendid ships—Melpomene, Warspite, and Champion—have set out for the northward there remains little to be said, except that it would be midsummer madness for the new American cruisers to attempt to cope with British warships opposed to them.

The article closes by saying:

If the United States desires to become other than a self-contained country warships in greater number and of modern date are essential, and her merchant vessels should be on every sea. She is a truly great and powerful nation, our near kindred to whom we wish every success, but President Harrison requires a better hand of ironclads to carry out his game of bluff to the bitter end, and he knows it. It is sufficient to say that his officers and many of his men are of the same race as ourselves, and may be depended upon to do their duty. His ships are sadly wanting.

I clipped yesterday this extract from another paper, showing what another of the nations of Europe is doing in strengthening its naval power:

Russia keeps on her course with grim determination in spite of famine and financial troubles. Her new naval programme provides for the construction of twenty-two war vessels within the next four years. There will be three ironclads of 11,000 tons displacement, costing over \$5,000,000 each, a lighter ironclad, an armored cruiser, two armored coast-defense vessels, two torpedo cruisers, one torpedo-gun vessel, two dispatch vessels, and ten first-class torpedo boats. Only one of these new vessels is intended for service on the Black Sea. All will be built by the Russians themselves on the Baltic. This is supposed to be Russia's response to the naval activity of Germany.

I might go on multiplying the evidences of the fact that every other nation of the world is strengthening its naval force, as I believe we ought to strengthen ours. Now, this brings me directly to the point of the amendment which I have offered to the bill. The only issue between the chairman of the committee and myself is as to what is a desirable and expedient addition to our vessels to be authorized in the present appropriation bill. I desire to remind the committee on that point that unless we make provision on this bill authorizing the construction of additional ships, the close of the year 1894 will find our work of construction in the Navy Department limited to the one vessel now provided for in this bill.

The last blow of the last hammer upon the vessels now authorized will be struck during the year 1894. If we do not authorize these battle ships during this session we can not authorize them until late in the next session of Congress; and in determining this question gentlemen should consider the length of time that is required for the construction of these ships. Gentlemen must dismiss from their minds the idea that we can improvise a navy as we did at the outbreak of the civil war. The conditions are entirely changed. Many gentlemen in the House are fully aware that for some of the most important naval purposes in our civil war a Staten Island or a Jersey City ferryboat made as good a gunboat as we needed, and forty-eight hours sufficed to mount upon such a craft guns that rendered her as effective as any vessel of her class needed to be.

But that condition of things has absolutely passed away with the period in which it was possible. The war ship of to-day is an intricate machine, a ponderous, complicated, and expensive piece of mechanism. These battle ships that we are now constructing will require at least four years for their completion, and when the chairman in his report states that we ought to have eight or ten more ships and admits that we have only three under construction, it seems to me that that in itself furnishes the strongest possible argument for beginning now if at all the additional work upon that class of ships that it will take longest to complete.

Mr. HERBERT. Will the gentleman permit me to ask a question at that point?

Mr. BOUTELLE. Certainly.

Mr. HERBERT. If we should find that the gentleman's prediction is correct, that during the year 1894 all these vessels are to be completed, and we should authorize the construction of additional battle ships at the next session of Congress, which must close on the 4th of March, would not work begin upon them in time for the succeeding year after that?

Mr. BOUTELLE. I think not.

Mr. HERBERT. I call the gentleman's attention to the fact that upon the battle ships now under construction work began within thirteen months after the authorization.

Mr. BOUTELLE. Well, I am willing to give my friend all

the latitude he desires upon that point, but I am trying to impress upon this committee—

Mr. HERBERT. But my point is that if we should authorize any number of battle ships at the next session of Congress work would begin upon them by the 1st of July, 1894.

Mr. HOPKINS of Illinois. But if you are going to authorize them at all, why not now?

Mr. HERBERT. One reason is that the appropriations during the year 1894 will run away up to \$10,000,000 for the Navy.

Mr. BOUTELLE. The chairman of the committee, I know, is going to say that in his own time. Of course every member of the House sees that the point in dispute between the chairman and myself is whether we should let this work absolutely lapse, or whether we should come within an ace of letting it lapse.

Mr. HERBERT. I say that it would not lapse at all.

Mr. BOUTELLE. Now, I say if we need more of these battle ships, as is conceded, and if it will take four years to build them, then we can not begin them any too soon. If we do not begin them this year we shall certainly delay the construction one year at least, and that is the whole of my contention. Now, is there any reason why we should delay that one year? I say not. I speak as a member of a former Congress, and as chairman of a committee in that Congress that came boldly before the people with an appropriation of \$32,000,000 for the Navy, because it was needed, and in their name I say that the duty is resting upon this House now, by reason of the decreased expenditure in construction, to make adequate provision for building the ships most needed.

There is another aspect of this case which, it seems to me, ought not to be without interest and weight. In connection with what I have quoted from Mr. Biles I may advert here to the fact that under the stimulus of this legislation and these measures for building up the Navy, we have erected in this country some of the greatest industrial establishments in the world. My friend, the chairman of the committee [Mr. HERBERT], recollects very well the situation in which we were a few years ago when we stood here higgling over an appropriation bill as to whether the Secretary of the Navy was to be permitted to buy any of the material abroad; and I moved to strike out the whole permission. The controversy came squarely on the line of the development of our own resources. Gentlemen then told me, "You can not produce the armor to-day in this country; you will not produce it next year, and some think you can not do it for ten years. You can not produce the hydraulic hollow shafting; we have not the plant; we have not the machinery."

I stood on this floor saying—and I have never failed to be gratified that I said it—that if the alternative were presented whether at the end of ten years we should have afloat twenty first-class ships of war, the best of their class in every respect, but in the construction of which we should have to be dependent upon foreign governments or foreign labor for one-quarter or one-third or one-half or any considerable proportion of their essential materials, or whether on the other hand at the end of ten years we should not have a single modern war ship afloat, but would have somewhere on our own soil, within our own jurisdiction, even one great establishment capable of producing every portion of the material that enters into the construction of vessels for our own defense, I would accept the latter branch of the alternative without hesitation.

That dream has been realized almost as by magic. When I made that proposition here I was ridiculed for suggesting the idea that within any reasonable time we could reach such a condition of independence. Since this Congress met I have visited, in company with other gentlemen of this House and of the Senate, the great steel works at Bethlehem, Pa., which, I am glad to say, is not third, is not second, to any similar establishment in any other nation, but is to-day in its capacity for wielding these great forces, for handling the metal in enormous bulk, the greatest and most powerful armor and gun steel-forging factory in the world. Ought we not to be proud of that? Is there not some reason for national felicitation that in the construction of the three battle ships now being built, instead of being obliged to go to the works of Whitworth in England, or Creusot in France, we can say that at this very hour, in the adjacent State of Pennsylvania, the most ponderous hammer that ever swung to the impulse of the human mind is forging out from American ore, with the aid of American workmen and American machinery, the great armor plates and tubes that are to be the bulwark of our national safety on the broadsides and in the batteries of our ships of war.

And so here in the city of Washington we have established a manufactory for the production of the armament of our ships which confessedly is superior to that of any other people. I hope gentlemen will not think I am indulging in the prerogative of an American Congressman add flying the eagle too freely on this

occasion. I say to you that within a year Col. Hope, one of the most distinguished ordnance officers of the British army, has stated over his own signature that in the city of Washington he found the most perfectly equipped gun factory within his knowledge and that the work turned out here is beyond comparison superior to any other work of the kind in the world. And he gave this wholesale commendation in the statement that "the high-power rifle of the American Navy is to-day superior of any other gun in the world, ashore or afloat." No higher meed of praise could be awarded to the development of an ordnance manufactory that will stand as a monument to the genius and practical skill of the United States Navy as manifested by the present Chief of the Bureau of Ordnance and the accomplished corps who have aided him in bringing the Washington gun factory to the perfection it has attained. I will print the following exhibit of the splendid work it is doing:

THE PRODUCTION OF NAVAL ARMAMENT—THE WASHINGTON GUN SHOP.

[From report of the Chief of Bureau of Ordnance to the Secretary of the Navy for 1891.]

This shop has been running from ten to twelve working hours each working day throughout the present year, the present force employed therein numbering 115. It has been worked to the full capacity of the machinery on guns of the following calibers, viz. 12, 10, 8, 6, 5, and 4 inch. The capacity of the shop, as it stands at present, is estimated as follows:

12-inch.....	31	Or 6-inch only.....	84
10-inch.....	8	Or 12-inch.....	31
8-inch.....	10	10-inch.....	10
6-inch.....	80	6-inch.....	5
Or 10-inch.....	16	Or 12-inch.....	45
8-inch.....	8	6-inch.....	72
6-inch.....	30	Or 8-inch.....	24
Or 10-inch.....	16	6-inch.....	30
6-inch.....	45		

Different arrangements of calibers will, of course, show different figures, as, for example, two 4-inch guns can be made in the same length of time that is required for one 8-inch.

The estimated time under ordinary circumstances required to complete guns of different calibers is given below, with comparison with time required one and two years ago:

Gun.	Two years ago.	One year ago.	Present time.
	Days.	Days.	Days.
4-inch.....			48
5-inch.....			55
6-inch.....	144	75	60
8-inch.....	250	150	105
10-inch.....	300	205	150
12-inch.....			270
13-inch.....			*300

* Estimate.

Showing a marked decrease in time; and it is possible that a still further reduction may be made.

The number of guns now in the works completed and in various stages is as follows:

12-inch, of 35 caliber.....	4	6-inch, of 30 caliber.....	23
10-inch, of 30 caliber.....	11	5-inch, of 40 caliber.....	26
8-inch, of 35 caliber.....	4	4-inch, of 40 caliber.....	32
8-inch, of 30 caliber.....	1	6-pounder field gun.....	5
6-inch, of 40 caliber.....	5		
6-inch, of 35 caliber.....	3	Total.....	117

There are also at the proving ground eight guns, as follows:

10-inch, of 30 caliber.....	1	6-inch, of 35 caliber.....	1
8-inch, of 35 caliber.....	3	6-inch, of 30 caliber.....	2
6-inch, of 40 caliber.....	1		

It is believed that when the new lathes, now under construction, are received the heavier guns can be completed in less time than that given above. Seven months will probably suffice for a 12-inch gun.

Number and caliber of guns put afloat each year.

Years.	5-inch.	6-inch.	8-inch.	10-inch.
1886.....			1	
1887.....			6	2
1888.....			14	6
1889.....		2	10	
1890.....		40	4	2
1891.....		25	2	2
Total.....	2	96	14	4

Total, all heavy calibers, 116.

Relative cost of guns built at the Washington navy-yard.

6-inch, No. 1 (first built).....	\$7,229.00
6-inch, No. 79 (last built).....	5,134.99
Decrease in cost.....	2,094.01
8-inch, No. 2 (first built).....	17,267.50
8-inch, No. 13 (last built).....	15,063.78
Decrease in cost.....	2,203.72

10-inch, No. 4 (first built).....	\$33,632.65
10-inch, No. 5 (last built).....	27,880.77

Decrease in cost..... 5,751.88

These are some of the auxiliaries of the building up of the American Navy. To-day there are at least 50,000 industrious skilled American citizens engaged in work more or less directly connected with the construction of these ships. Do you regret it? Are you sorry that 40,000 of them are not carrying on their work on foreign soil, to send their finished product over to our country? Is it a matter of regret that that great body of intelligent artisans are earning an honest livelihood in our own land in the work of building up the defenses of our country? Are you prepared to say that this Congress, upon an appropriation bill which in the nature of things has shrunk to a degree that will enable you to do justice to the Navy and yet make a political boast of economy, which I do not grudge you—are you prepared to say that your action shall be such as to put out the fires in those forges, to stop that great hammer from swinging, to send back to their homes in idleness this great army of intelligent, skillful American artisans engaged in a great national work which you helped to inaugurate and which you would declare to-day ought to go forward, only that some gentlemen think perhaps some petty political point might be made by deferring an appropriation until after the next Presidential election?

Gentlemen there is nothing in such a policy. I say it to those of you who represent the section to which your party is looking to decide the next Presidential contest. You are not anxious about the electoral vote of the South. You are not lying awake at nights worrying about the electoral votes there. You think that they are measurably sure; and I am inclined to think myself that under the present condition of the suffrage you have some basis for that belief. But I tell you that in the great States of the North and Northwest, and in the middle sections of the country, it is not going to accredit a political party very much to the popular support if, at this stage of our naval development, it puts so poor an estimate on the popular intelligence as to believe it can get the consciences and convictions of the people to assent to the proposition that it is good public policy to leave our seaboard unprotected a year longer, in order to bridge over a Presidential campaign with an appropriation bill showing a footing of a few millions of dollars less.

Now, it is going to cost much to do the patriotic thing. It is an easy thing to do right in this matter, and that is all the more reason why it should be done.

Mr. HERBERT. Will the gentleman yield for a question?

Mr. BOUTELLE. Mr. Chairman, I have already occupied so much time that I think I must decline to be interrupted further. May I ask how much time I have occupied?

The CHAIRMAN. The gentleman has occupied an hour and ten minutes.

Mr. HERBERT. I will not intrude upon my colleague's time.

Mr. BOUTELLE. I have already overlapped the time that I intended to occupy, and I must beg my colleague to excuse me from further inquiries.

I say it is not going to cost much to do the right thing, and the right thing is to continue the work in a reasonable degree. I have offered an amendment relative to continuing this work. The amendment is not so liberal as it ought to be, or as I originally wrote it, but so strong is my conviction of the absolute and paramount importance of continuing the construction of these first-class ships on which our great reliance must of necessity be placed in case of an emergency that I have reduced the amendment to the bare terms of two battle ships and ten torpedo boats, the latter a class of vessels of which those who make the greatest fight against the big ships always insist that we should have a greater number and of which we now have but two.

In the figures that I have given showing the sums to be expended for the construction of ships for the year ending June 30, 1893, and to which I have already called attention, it will be seen that the expenditures for that year would run down to \$7,158,000, and in 1894 the expenditures, there being then only three big battle ships left in construction, the total expenditure would be but \$1,529,000.

Mr. HERBERT. That is, as I understand it, the estimate of last year?

Mr. BOUTELLE. The estimates of last year. I do not give them, of course, as accurate. They may have been modified or amended in some degree. But they are near enough for my purposes, to show that this expenditure is rapidly decreasing and that we can well afford to be liberal this year.

Adding cruiser No. 13 to the estimates published last year, and also estimating for the expenditures that would be required for 1893 and 1894 upon the armored cruiser proposed in the bill

and the vessels authorized in my amendment, we should have these approximate figures:

Estimated expenditures on new ships (exclusive of armor and armament).

	1893.	1894.
As per table on page 1775, CONGRESSIONAL RECORD, Fifty-first Congress, second session.....	\$7,158,604	\$1,529,799
No. 13.....	527,500	505,400
New appropriations:	7,686,104	2,035,199
Two battle ships.....	1,320,000	1,674,170
One torpedo cruiser.....	500,000	(*)
Ten torpedo boats.....	1,000,000	(*)
One new New York.....	895,000	1,253,533
	11,401,104	4,963,902

* Finished.

Upon this basis the total amount required for carrying on the work in the year 1894 on the vessels authorized by bill and amendment would be only \$4,963,000. And so I say that the duty of expediting this work is not only obligatory upon us, but it involves so comparatively small additional outlay that we can not manfully or reasonably fail to do our duty.

In conclusion, Mr. Chairman, I will say, in answer to the one objection that the gentleman from Alabama, the chairman of the Committee on Naval Affairs, will bring forward in this discussion, in the statement of his belief that it is unnecessary and useless to authorize the construction of these ships now because we can not procure the armor in time to complete them, I will endeavor to show later, sir, that that belief is absolutely unfounded. I will content myself now by making the simple statement that there will be no difficulty whatever in providing all the armor which is required for these ships long before they will be ready for their armor. And, as a matter of fact, I may add that the manufacture of the armor for the armored cruiser

New York, provided for in the bill, will probably take longer to procure than the heavy armor for the battle ships, for the reason that it is in more complicated shapes and requires more handling than the heavy armor.

The statement that there will be no advantage in authorizing the battle ships now, because they would not be completed any sooner than if deferred a year, is without foundation. I have the highest authority, that of the Department and that of the manufacturers themselves, that while there has been naturally and necessarily some delay in the inauguration and installation of the great plant necessary to do such ponderous work that hereafter it will be so rapidly accelerated that there will be no trouble in furnishing armor for all the ships that will be provided for by Congress.

The chairman says in his report that we ought to have ten or twelve battle ships, and in another place he says:

We might well authorize all these battle ships in four years.

I agree with him fully in both statements, but to carry out that view we must certainly begin now.

Finally, Mr. Chairman, I hope that the members of the House of Representatives will deal with this matter as with a great affair of national concern, for they will recognize that throughout our entire history the prestige of the United States Navy has been one of the sources of American national pride, and we can not maintain our position as one of the foremost nations of the earth without asserting our dignity and our power upon the high seas. We can not afford, when such an occurrence as that in the harbor of Valparaiso is reported to us, to satisfy ourselves with the remark that I once heard made, that if those Americans had staid at home they would not have gotten into any trouble. We can not afford to abase American citizenship to that degree or to declare that the rights of our people shall have no protection abroad. It should be a matter of pride and of duty to every Representative of the greatest nation upon the earth to provide that its greatness shall be respected everywhere upon the earth, on the lands and on the seas. [Applause.]

APPENDIX A.

Present condition of the new vessels of the United States Navy.

ARMORED VESSELS.

Name.	Type.	Condition.	Displacement.	Speed in knots per hour.	Batteries.		Armor.			Date of act authorizing building or completion.
					Main.	Secondary.	Sides.	Turrets.	Barbettes.	
Puritan.....	Iron low free-board coast-defense monitor. Two steel barbette turrets.	In course of completion at United States navy-yard, Brooklyn, N. Y.	6,000	12.4	4 12" B. L. R. 6 4" R. F. guns.	26-pdr. R. F. 4 3-pdr. R. F. 4 37mm H. R. C. 4 Gatlings.	14	8	14	Mar. 3, 1885; Aug. 3, 1886; Mar. 3, 1887.
Miantonomoh.....	Iron low free-board coast-defense monitor. Two compound armor turrets.	Commissioned	3,990	10.5	4 10" B. L. R.	26-pdr. R. F. 2 3-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	7	11½		Do.
Amphitrite.....	Iron low free-board coast-defense monitor. Two steel barbette turrets.	In course of completion at United States navy-yard, Norfolk, Va.	3,990	12.0	4 10" B. L. R. 2 4" R. F. guns.	26-pdr. R. F. 2 3-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	9	7½	11½	Do.
Monadnock.....	do.	Completed	3,990	14.5	4 10" B. L. R. 2 4" R. F. guns.	26-pdr. R. F. 2 3-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	9	7½	11½	Do.
Terror.....	Iron low free-board coast-defense monitor. Two steel turrets.	In course of completion at United States navy-yard, Brooklyn, N. Y.	3,990	12.0	4 10" B. L. R.	26-pdr. R. F. 2 3-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	7	11½		Do.
Texas.....	Steel armored battle ship. Two steel turrets.	Building	6,300	17.0	2 12" B. L. R. 6 6" B. L. R.	12 6-pdr. R. F. 4 1-pdr. R. F. 4 37mm H. R. C. 2 Gatlings.	12	12		Aug. 3, 1886
Maine.....	Steel armored cruiser. Two steel barbette turrets.	do.	6,648	17.0	4 10" B. L. R. 6 6" B. L. R.	12 6-pdr. R. F. 6 1-pdr. R. F. 4 Gatlings.	12	8	12	Mar. 3, 1887
Monterey.....	Steel low free-board coast-defense. Two steel barbette turrets.	do.	4,138	16.0	2 12" B. L. R. 2 10" B. L. R.	6 6-pdr. R. F. 4 1-pdr. R. F. 2 Gatlings.	13	For'd 8" Aft 7½"	For'd 14" Aft 11½"	Do.
New York.....	Steel armored cruiser. Two steel barbette turrets.	do.	8,150	20.0	6 8" B. L. R. 12 4" R. F. guns.	8 6-pdr. R. F. 4 1-pdr. R. F. 4 Gatlings.	4	7	7	Sept. 7, 1888
No. 1.....	Steel harbor-defense ram.	do.	2,183	17.0	4 13" B. L. R.	4 6-pdr. R. F.	6			Mar. 2, 1889
Massachusetts.....	Steel coast-line battle ships. Two 13" barbette turrets. Four 8" barbette turrets.	do.	10,200	15.0	8 8" B. L. R. 4 6" B. L. R.	20 6-pdr. R. F. 4 Gatlings.	18	17, 8½, 6.	17, 10, 8.	June 30, 1890
Indiana.....	do.	do.	10,200	15.0	4 13" B. L. R. 8 8" B. L. R. 4 6" B. L. R.	20 6-pdr. R. F. 4 1-pdr. R. F. 4 Gatlings.	18	do.	do.	Do.
Oregon.....	do.	do.	10,200	15.0	4 13" B. L. R. 8 8" B. L. R. 4 6" B. L. R.	20 6-pdr. R. F. 4 1-pdr. R. F. 4 Gatlings.	18	do.	do.	Do.

APPENDIX A—Continued.

Present condition of the new vessels of the United States Navy—Continued.

UNARMORED STEEL VESSELS.

Name.	Type.	Condition.	Displacement. Tons.	Speed in knots per hour.	Batteries.		Date of act authorizing the building.
					Main.	Secondary.	
Chicago.....	Protected cruiser.....	Completed.....	4,500	15.33	4 8" B. L. R. 8 6" B. L. R. 2 5" B. L. R.	2 6-pdr. R. F. 2 1-pdr. R. F. 4 47mm H. R. C. 2 37mm H. R. C. 2 Gatlings.	Mar. 3, 1883
Boston.....	do.....	do.....	3,198	15.60	6 6" B. L. R. 2 8" B. L. R.	2 6-pdr. R. F. 2 3-pdr. R. F. 2 1-pdr. R. F. 2 47mm H. R. C. 2 37mm H. R. C. 2 Gatlings.	Do.
Atlanta.....	do.....	do.....	3,180	15.60	6 6" B. L. R. 2 8" B. L. R.	2 6-pdr. R. F. 2 3-pdr. R. F. 2 1-pdr. R. F. 2 47mm H. R. C. 2 37mm H. R. C. 2 Gatlings.	Do.
Dolphin.....	Dispatch boat.....	do.....	1,485	15.50	2 4" R. F. guns.	2 6-pdr. R. F. 2 47mm H. R. C. 2 Gatlings.	Do.
Newark.....	Protected cruiser.....	do.....	4,083	19.00	12 6" B. L. R.	4 6-pdr. R. F. 4 3-pdr. R. F. 2 1-pdr. R. F. 3 37mm H. R. C. 4 Gatlings.	Mar. 3, 1885
Charleston.....	do.....	do.....	4,040	18.20	2 8" B. L. R. 6 6" B. L. R.	4 6-pdr. R. F. 2 3-pdr. R. F. 2 1-pdr. R. F. 4 37mm H. R. C. 2 Gatlings.	Do.
Baltimore.....	do.....	do.....	4,600	19.575	4 8" B. L. R. 6 6" B. L. R.	4 6-pdr. R. F. 2 3-pdr. R. F. 2 1-pdr. R. F. 4 37mm H. R. C. 2 Gatlings.	Aug. 3, 1886
San Francisco.....	do.....	do.....	4,083	20.17	12 6" B. L. R.	4 6-pdr. R. F. 4 3-pdr. R. F. 2 1-pdr. R. F. 3 37mm H. R. C. 4 Gatlings.	Mar. 3, 1887
Philadelphia.....	do.....	do.....	4,324	19.078	12 6" B. L. R.	4 6-pdr. R. F. 4 3-pdr. R. F. 2 1-pdr. R. F. 3 37mm H. R. C. 4 Gatlings.	Do.
Cruiser No. 6.....	do.....	Building.....	5,500	20.00	10 5" R. F. guns. 4 8" B. L. R.	14 6-pdr. R. F. 6 1-pdr. R. F. 4 Gatlings.	Sept. 7, 1888
Cincinnati.....	do.....	do.....	3,183	19.00	10 5" R. F. guns. 1 6" R. F. guns.	8 6-pdr. R. F. 4 1-pdr. R. F. 2 Gatlings.	Do.
Raleigh.....	do.....	do.....	3,183	19.00	10 5" R. F. guns. 1 6" R. F. guns.	8 6-pdr. R. F. 4 1-pdr. R. F. 2 Gatlings.	Do.
Detroit.....	Cruiser.....	do.....	2,000	17.00	8 5" R. F. guns. 2 6" R. F. guns.	6 6-pdr. R. F. 2 1-pdr. R. F. 2 Gatlings.	Do.
Montgomery.....	do.....	do.....	2,000	17.00	8 5" R. F. guns. 2 6" R. F. guns.	6 6-pdr. R. F. 2 1-pdr. R. F. 2 Gatlings.	Do.
Cruiser No. 11.....	do.....	do.....	2,000	17.00	8 5" R. F. guns. 2 6" R. F. guns.	6 6-pdr. R. F. 2 1-pdr. R. F. 2 Gatlings.	Do.
Cruiser No. 12.....	Protected cruiser.....	do.....	7,350	21.00	1 8" B. L. R. 2 6" R. F. guns. 8 4" R. F. guns.	12 6-pdr. R. F. 4 1-pdr. R. F. 4 Gatlings.	June 30, 1890
Cruiser No. 13.....	do.....	do.....	7,350	21.00	1 8" B. L. R. 2 6" R. F. guns. 8 4" R. F. guns.	12 6-pdr. R. F. 4 1-pdr. R. F. 4 Gatlings.	Mar. 2, 1891
GUNBOATS.							
Yorktown.....	Gunboat.....	Completed.....	1,700	16.05	6 6" B. L. R.	2 6-pdr. R. F. 2 3-pdr. R. F. 1 1-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	Mar. 3, 1885
Concord.....	do.....	do.....	1,700	16.8	6 6" B. L. R.	2 6-pdr. R. F. 2 3-pdr. R. F. 1 1-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	Mar. 3, 1887
Bennington.....	do.....	do.....	1,700	17.5	6 6" B. L. R.	2 6-pdr. R. F. 2 3-pdr. R. F. 1 1-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	Do.
Petrel.....	do.....	do.....	800	11.55	4 6" B. L. R.	2 3-pdr. R. F. 1 1-pdr. R. F. 2 37mm H. R. C. 2 Gatlings.	Mar. 3, 1885
No. 5.....	do.....	Building.....	1,050	14.00	8 4" R. F. guns.	4 6-pdr. R. F. 2 1-pdr. R. F. 2 Gatlings.	Mar. 2, 1889
No. 6.....	do.....	do.....	1,050	14.00	8 4" R. F. guns.	4 6-pdr. R. F. 2 1-pdr. R. F. 2 Gatlings.	Do.

APPENDIX A—Continued.

Present condition of the new vessels of the United States Navy—Continued.

UNARMORED STEEL VESSELS—continued.

Name.	Type.	Condition.	Displacement.	Speed in knots per hour.	Batteries.		Date of act authorizing the building.
					Main.	Secondary.	
SPECIAL CLASS.							
Practice cruiser.....	For naval cadets.....	Building.....	Tons. 838	13.00	44" R. F. guns..	36-pdr. R. F. 23-pdr. R. F. 11-pdr. R. F. 137mm H. R. C. 1 Gatling.	Sept. 7, 1889
Vesuvius.....	Dynamite cruiser.....	Completed.....	930	21.5	3dynamite guns, 15" cal.	33-pdr. R. F.....	Aug. 3, 1896
Dynamite cruiser No. 2. Torpedo cruiser.....		Subject to orders from the Department. do.....					
TORPEDO BOATS.							
Stiletto.....	Wood torpedo boat.....	Completed.....	31	18.22	None.....	None.....	
Cushing.....	Steel torpedo boat.....	do.....	116	2.5	3 torpedo tubes.	31-pdr. R. F.....	Mar. 3, 1887
Torpedo boat No. 2.....	do.....	Building.....	120	22.4	318" Whitehead torpedo tubes.	41-pdr. R. F.....	June 30, 1890

APPENDIX B.

Present condition of foreign navies.

GREAT BRITAIN.

Type.	Build- ing.	Comple- ing.	Unfit for sea service.	Avail- able.	Total.
Armored:					
Barbette.....	8	1		7	16
Turret.....	1			16	17
Broadside.....				15	15
Armored cruisers.....	9			16	25
Coast-defense vessels.....				15	15
Total.....	18	1		60	88
Unarmored:					
Protected cruisers.....	18			29	47
Partially protected cruisers.....				44	44
Unprotected cruisers.....				42	42
Total.....	18			115	133
Torpedo vessels.....	16			17	33
Gun vessels.....				69	69
Dispatch vessels.....				11	11
Transports.....				18	18
Torpedo transports.....				2	2
Ham (protected).....				1	1
Sailing vessels.....				25	25
Small special-service vessels, tugs, etc.....				63	63
Hulks, small training ships, coal depots, etc.....				147	147
Total.....	18			147	300
Summary:					
Armored.....				60	88
Unarmored:					
Cruisers.....				115	133
Torpedo vessels.....				17	33
Gun vessels.....				69	69
Special service.....				120	207
Total.....				300	580

FRANCE.

Armored:					
Barbette.....	2			15	17
Turret.....	4			11	11
Armored cruisers.....				11	11
Coast defense.....	6			20	26
Total.....	12			46	58
Unarmored:					
Protected cruisers.....	11			16	27
Unprotected cruisers.....				46	46
Gun vessels.....				85	85
Torpedo vessels.....	6			8	14
Transports.....	1			37	38
Sailing vessels.....				24	24
Special-service vessels.....				58	58
Total.....	18			274	292
Summary.....	30			320	350

*Torpedo depot ship.

APPENDIX B—Continued.

ITALY.

Type.	Build- ing.	Comple- ing.	Unfit for sea service.	Avail- able.	Total.
Armored:					
Barbette.....		3		5	8
Turret.....				3	3
Broadside.....				7	7
Total.....		3		15	20
Unarmored:					
Protected cruisers.....		7		6	13
Partially protected cruisers.....				4	4
Unprotected cruisers.....	1			10	16
Gun vessels.....				22	22
Torpedo vessels.....	6			10	16
Small vessels for special serv- ice.....				29	29
Transports.....				12	12
Total.....	7	7		103	131
Summary.....				118	151

RUSSIA.

Armored:					
Barbette*.....	3			9	13
Turret*.....	2			2	4
Coast defense.....				25	27
Total.....	7	1		36	38
Unarmored:					
Protected cruisers.....				1	1
Partially protected cruisers.....				11	11
Unprotected cruisers.....				13	13
Torpedo vessels.....	4			3	7
Gun vessels.....				36	36
Transports†.....				37	37
Special-reserve vessels.....				48	48
Total.....	4			154	158
Summary.....	11	1		190	202

*Six of these are armored cruisers.

†Many of these are armed.

GERMANY.

Armored:					
Barbette.....	5			6	11
Turret.....	4			3	7
Broadside.....				5	5
Gun vessels.....				13	13
Total.....	9			27	36
Unarmored:					
Protected cruisers.....	1	1		2	4
Unprotected cruisers.....	4			19	23
Gun vessels.....				9	9
Torpedo vessels.....				12	12
Special-service vessels.....	1			11	12
Total.....	10	1		53	64
Summary.....	19	1		80	100

*Imperial yacht.

APPENDIX B—Continued.

AUSTRIA.

Type.	Build- ing.	Comple- ing.	Unfit for sea service.	Avail- able.	Total.
Armored:					
Battle ships				11	11
Armored cruiser	1				1
Total	1			11	12
Unarmored:					
Protected:	1			5	6
Gun vessels (protected)	2			2	4
Partially protected cruisers				3	3
Unprotected cruisers and gun- boats				16	16
Torpedo vessels	2			5	7
Special-service vessels				33	33
Total	5			64	69
Summary	6			75	81

SPAIN.

Armored:					
Battle ship				1	1
Armored cruisers	7			7	7
Coast-defense vessels			3	2	5
Total	7		3	3	13
Unarmored:					
Protected cruisers				6	6
Unprotected cruisers				31	31
Gun vessels				62	62
Torpedo vessels	4			7	11
Special-service vessels, trans- ports, tugs, etc				18	18
Total	4			114	118
Summary	11		3	117	131

SWEDEN.

Armored:					
Coast-defense vessels	1			6	7
Gun vessels				10	10
Total	1			16	17
Unarmored:					
Unprotected cruisers				4	4
Gun vessels				17	17
Dispatch vessels				2	2
Special-service vessels				5	5
Sailing vessels				7	7
Total				35	35
Summary	1			51	52

TURKEY.

Armored:					
Battle ships*				7	7
Armored cruisers*				7	7
Coast-defense vessels*				1	1
Total				15	15
Unarmored:					
Gun vessels (protected)				3	3
Unprotected cruisers				17	17
Gun and dispatch vessels				33	33
Torpedo vessels				1	1
Transports				10	10
Special-service vessels				20	20
Total				84	80
Summary	2			99	101

*These vessels are all in very bad condition, and therefore should not be counted as powerful war ships.

NORWAY.

Armored:					
Coast-defense vessels				4	4
Unarmored:					
Protected cruiser				1	1
Unprotected cruisers	2			5	7
Gun vessels				30	30

APPENDIX B—Continued.

NORWAY—Continued.

Type.	Build- ing.	Comple- ing.	Unfit for sea service.	Avail- able.	Total.
Unarmored—Continued.					
Transports				2	2
Sailing vessels				4	4
Total	2			42	44
Summary	2			46	48

HOLLAND.

Armored:					
Battle ships	1			2	3
Coast-defense vessels	1			16	17
Gun vessels				5	5
Total	2			23	25
Unarmored:					
Partially protected cruisers				1	1
Unprotected cruisers				13	13
Gun vessels and special serv- ice vessels*				100	100
Sailing vessels				16	16
Hulks				4	4
Total				134	134
Summary	2			157	159

*Many of these are small paddle steamers employed in India; they are of no account as war ships.

CHINA.

Armored:					
Battle ships				2	2
Coast-defense vessels				4	4
Total				6	6
Unarmored:					
Protected cruisers and gun vessels	4			8	12
Partially protected cruisers and gun vessels				14	14
Unprotected cruisers				18	18
Gun vessels				31	31
Special-service vessels				26	24
Total	4			95	125
Summary	4			101	131

ARGENTINE REPUBLIC.

Armored:					
Battle ships				1	1
Coast-defense vessels	2			2	4
Total	2			3	5
Unarmored:					
Protected cruisers				2	2
Unprotected cruisers				3	3
Torpedo vessels				2	2
Special-service vessels				5	8
Gun vessels				13	13
Total				5	28
Summary	2			5	38

BRAZIL.

Armored:					
Battle ships				2	2
Coast-defense vessels	2			5	7
Gun vessels				4	4
Total	2			11	13
Unarmored:					
Protected cruisers	1			1	2
Unprotected cruisers				7	7
Gun vessels				23	23
Torpedo vessels	2			2	2
Transports				2	2
Special-service vessels				1	13
Total	3			1	45
Summary	5			1	62

APPENDIX B—Continued.

JAPAN.

Type.	Build- ing.	Comple- ing.	Unfit for sea service.	Avail- able.	Total.
Armored:					
Armored cruisers.....				2	2
Coast-defense vessels.....				3	3
Total.....				5	5
Unarmored:					
Protected cruisers.....	1			5	6
Protected gun vessels.....				1	1
Torpedo vessel.....				1	1
Unprotected cruisers.....	1			10	11
Special-service vessels.....			6	9	15
Total.....	2		6	26	34
Summary.....	2		6	31	39

DENMARK.

Armored:					
Battle ships.....				2	2
Coast-defense vessels.....				6	6
Total.....				8	8
Unarmored:					
Protected cruisers.....	2			3	5
Unprotected cruisers.....				6	6
Gun vessels.....				10	10
Transport.....				1	1
Special-service vessels.....				12	12
Total.....				32	34
Summary.....	2			40	42

CHILE.

Armored:					
Battle ship.....				1	1
Armored cruiser.....		1			1
Gun vessel.....				1	1
Total.....		1		2	3
Unarmored:					
Protected cruisers.....	1			3	4
Unprotected cruisers.....			1	4	5
Torpedo vessels.....				2	2
Transports.....				2	2
Special-service vessels.....				5	5
Total.....	1		1	16	18
Summary.....	1	1	1	18	21

GREECE.

Armored:					
Battle ships.....				3	3
Armored cruisers.....				2	2
Total.....				5	5
Unarmored:					
Unprotected cruisers.....				2	2
Gun vessels.....				12	12
Special-service vessels.....				8	8
Total.....				22	22
Summary.....				27	27

PORTUGAL.

Armored:					
Battle ship.....				1	1
Total.....				1	1
Unarmored:					
Unprotected cruisers.....				6	6
Gun vessels.....				18	18
Transports.....	6			4	10
Small steamers and tugs.....				10	10
Total.....	6			38	41
Summary.....	6			39	45

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APPENDIX C.

Relative rank of the United States Navy.

Rank of the navies of the world when vessels for United States Navy now building are completed:	In 1886 the United States ranked thus:	In 1860 the United States ranked after the following nations and ahead of all the rest:	If 9 battle ships and 30 torpedo boats are added to United States Navy, eliminating the question of organization and personnel, in which Germany is much superior, we will rank:
Great Britain. France. Italy. Russia. Germany. Spain. United States. Austria. China. Japan. Holland. Sweden and Nor- way. Turkey. Denmark. Greece. Brazil. Argentina. Chile. Portugal. Peru. Mexico.	Great Britain. France. Italy. Russia. Germany. Spain. Austria. China. Japan. Holland. Sweden and Nor- way. Turkey. Denmark. Greece. Brazil. Argentina. Chile. Portugal. Peru. Mexico.	Great Britain. France. Russia. Spain. Sweden and Nor- way. United States.	Great Britain. France. Italy. Russia. United States. Germany, etc.

Mr. HERBERT. I yield fifteen minutes to the gentleman from Illinois [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I desire to remind the gentleman from Maine [Mr. BOUTELLE], who has just expressed such solicitude for the safety of this country from foreign invasion, that since the war of 1812 there has been no suggestion of the need of a navy to repel a foreign foe. This war was simply the embers of the Revolution. England was unwilling to surrender the Colonies and the rights she claimed, and pursued American seamen. It is seventy-seven years since this war closed, and since then no danger has even been suggested from abroad.

The committee recommends that one new ship be authorized this year. Pursuing the policy of one ship each year we shall have the greatest navy of any nation on earth if it be as long till the next as to the last naval war. With the vessels now authorized and those in existence the provisions in the bill as reported are ample. The gentleman who has just spoken is not only solicitous for the safety of the country, but is equally concerned for the business of the shipbuilders. It will hardly be seriously insisted that unnecessary works should be authorized merely to engage the energies and give profits to the shipbuilders of the country.

In discussing this measure, Mr. Chairman, I desire to sustain it from a standpoint somewhat different from that taken by the committee. The time has come when nations should cease warfare. The progress of civilization, Christianity, humanity, demands that swords shall be sheathed. While force dominated reason and might made right, war, pillage, and destruction were the legitimate occupation of nations. Man's blood was shed by man that puerile potentates might have fuller scope for oppression and debauchery. In this land, enlightened by the genial rays of intelligence, where brute force has been dethroned and the fraternity of man holds sway, there is little apology for war. The time may never come when all thought of repelling force with force will be abandoned, and something of a navy should be maintained. The time has come, however, when the nations of the world prefer to trade with each other. They do not seek to fight. War destroys. Human sacrifices must be prepared for the altar of strife. Life, health, happiness, and property are the food upon which fattens this insatiate monster. To build up homes, to secure the greatest measure of human happiness, ought to inspire truest and most emphatic support on all questions. When assailed, and national rights are trampled under foot, governments may by the sword maintain their inalienable rights. The intense oppression of Great Britain led the otherwise peaceful colonists to fight with desperation that the dearest boon of liberty of person and property might be preserved. No other excuse can be given for the carnage and pillage of war than the defense of essential rights assailed.

When nations were prevented from communication with each other by natural obstructions there was greater temptation to resort to force to avenge trivial grievances. Now, with the ocean spanned with wires throbbing with human thought and commercial intelligence, the great waters covered by fleet-footed

vessels which bring London, Liverpool, Berlin, and Paris within speaking distance of New York, Chicago, Boston, and New Orleans, men do not seek to fight. They want to trade. Railroads and canals have beaten down the mountain barriers and brought the products of the West and Northwest to the very doors of seaport cities.

Space and time have been almost annihilated, and people once far away are now nearest neighbors and should be closest friends. To talk of war is to speak of family strife among nations. The right of conquest has given place to the settled doctrines of the rights of property. Difficult of access, possessing little wealth and fewer attractions, our nation could not even afford to fight Chile. The infant Republic, just emerged from the rule of a dictator and yet torn asunder by the contending factions, had our sympathy rather than our hate. The people's love of humanity and popular freedom were greater than the disposition to make a show of strength against the puny republic. England could not afford to allow Chile to fight. Her trade was of too much importance. She would aggravate the contention in order to cement Chilean trade to her and to wean it from our country. This accomplished, British commerce speedily ended all thought of war. Even the slender cords of trade held in the United States are supposed to have drawn our once bellicose State Department into commendable conservatism.

The Bering Sea dispute was a master play of politics. No sane man believed that Great Britain for all the seals in the salt water would come nearer to war with the United States than belligerent diplomacy. Her large capital invested in American enterprises and securities was too sensitive to the blight of war. Her trade interests would have overthrown in the twinkling of an eye any administration that would permit any but inevitable war with the United States.

Hemmed in as our nation is by tariff walls; there is yet enough of commercial interest to destroy any possibility of war with England. Every farmer knows that to shut up the ports of Liverpool to his surplus grain would make him almost penniless. Grain, cotton, and provisions must go abroad, and to England, or the farmers will become helpless with their crops. Talk then of war was idle. Neither country wanted it; neither would have it. Settlement of all questions by intelligent arbitration is inevitable between the two greatest nations on the globe. Mr. Chairman, if a presidential election were not impending, the lurid lightnings of war would not have flashed to scare innocent citizens and tickle-wily politicians. The ties of trade with rapid communication and speedy transportation are sufficient to insure the settlement of all international questions in which our Republic is interested. Our country no more than Great Britain desired a Bering Sea warfare.

The gentleman from Maine [Mr. BOUTELLE] contends that it was the fear of a conflict with our improved Navy that prevented war with Great Britain, the mistress of the seas, no less than with Chile, the pigmy republic of South America. If the mightiest naval power on earth should thus be held in check by our present incomplete and confessedly inferior naval equipment why should there be such hot haste in building so many more of these enormously expensive war vessels to rot and rust from disuse?

Abroad, puny monarchs may be compelled to fight to maintain their thrones. But these are rapidly passing away before the onward march of civilization and popular power. Our country, however, is doubly armed with intelligent and sovereign citizens intent on material, social, and religious progress. Our national fortifications are the high seas. Conscious in our own strength we do not need the presence of a strong navy. No nation will seek to attack us. We have no time or inclination to go abroad for conquest. Since the days of Jefferson and his acquisition of a new empire by the Louisiana purchase, no thought of territory by conquest has ever been entertained. Even conquered Mexico was given an agreed consideration for her possessions. Alaska and her seal-fishery disputes were acquired by purchase. The policy of our nation has ever been to grow by peaceful acquisitions.

It is highly proper that Great Britain, weakened by her island throne and weighted down by monarchy and insipid aristocracy, should be compelled to maintain a naval armament sufficient to ward off designing powers and hold together her widely separated dependencies. Our nation so intrenched and solidified needs no such show of force. Our navy does not need to be mistress of the seas. We have no time for such expensive nonsense. A strongly armed man is often tempted to commit deeds that render him forever after miserable. So of a country. A strong standing army and powerful navy are evidence of weakness and fear. They too often tempt to war and oppression. Not only are modern nations driven to peaceful settlement of differences by arbitration through considerations of trade and commerce, but the development of the means of destruction of human life has

been so great that war now means depopulation and annihilation.

Human ingenuity seems to have exhausted itself in engineering for killing men. The world therefore must not fight. The amount saved by the reduction of this naval appropriation bill over former ones can be used to pay pensions to the soldiers maimed and torn in the last war. The great army of men whose life, death, and limbs were given as a sacrifice on the altar of their country should lead our thought away from such conflicts. To preserve life, property, and happiness plans should be made to avoid carnage and bloodshed. The time of the realization of the vision of the great prophet is almost here.

Many centuries ago Isaiah said:

They shall beat their swords into plowshares and their spears into pruning hooks. Nation shall not lift up sword against nation, neither shall they learn war any more.

Trade, commerce, humanity, civilization, Christianity have led to the fulfillment of this prophecy. The bellowing cannon is silenced in the greater roar of the machinery of modern industry and the smoke of battle lost in the black clouds which roll from furnaces and factories of human activities. Human progress stands upon the troubled sea of international discord and gently commands "Peace, be still." The storm is hushed, reason rules, and there is a great calm.

Mr. HOLMAN. I suggest to the gentleman from Alabama [Mr. HERBERT] that inasmuch as it is quite late, and no gentleman will desire to begin a speech at this hour, the gentleman now submit to an adjournment.

Mr. HERBERT. At the request of the gentleman from Indiana [Mr. HOLMAN], I will move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHIVELY reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill, and had come to no resolution thereon.

Mr. HERBERT. I move that the House do now adjourn.

ELEVENTH CENSUS.

Mr. FITHIAN. Pending that, I wish to ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk. It is reported from the Committee on the Eleventh Census, and is in regard to the investigation of the Superintendent of the Census.

The resolution was read at length for information.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. FITHIAN. I will say for the information of gentlemen that a resolution has already been adopted by the House, instructing the Committee on the Eleventh Census to investigate the Superintendent of the Census. This is a resolution coming from the committee for the appointment of a subcommittee, and to give them authority to visit various cities.

Mr. DINGLEY. To perambulate over the country.

Mr. BOUTELLE. It seems to me that that should be brought up when more of the members of the House are present.

Mr. HOLMAN. I think there need be no haste about this matter.

Mr. FITHIAN. The chairman of the committee had to go away and he asked me to call it up. There is no objection on the part of the minority of the committee, as I understand.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOPKINS of Illinois. I think in view of the fact that so few of the members are present, I will have to object for the time being.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which concurrence was requested:

A bill (S. 31) for the relief of William Wolfe, of Shelby County, Mo.;

A bill (S. 49) for the relief of Samuel Tate;

A bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased;

A bill (S. 131) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852;

A bill (S. 133) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased;

A bill (S. 135) for the relief of D. H. Trefethen;

A bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy;

A bill (S. 213) granting a right of way across the Scarborough Hill military reservation to the Ilwaco Railway and Navigation Company;

A bill (S. 466) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to;

A bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi;

A bill (S. 578) for the relief of Marian F. Haynie;

A bill (S. 735) for the relief of L. A. Davis;

A bill (S. 1907) to amend section 3 of the act approved June 27, 1890, granting pensions to soldiers and sailors;

A bill (S. 2097) for the relief of George A. Orr;

A bill (S. 1423) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai;

A bill (S. 1678) for the relief of William Smith and others;

A bill (S. 1496) for the relief of Gen. Napoleon J. T. Dana;

A bill (S. 1501) for the relief of William H. Atkins, formerly commissary sergeant United States Army;

A bill (S. 2170) to reorganize the artillery and infantry of the Army and to increase its efficiency;

A bill (S. 1273) to authorize the entry of lands chiefly valuable for building-stone under the placer-mining laws;

A bill (S. 1886) to authorize the Commissioners of the District of Columbia to grant pardons and respites in certain cases;

A bill (S. 1544) for the erection of a public building at the town of Lexington, Va.

A bill (S. 1026) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean;

A bill (S. 741) to incorporate the Eclectic Medical Society of the District of Columbia;

A bill (S. 1548) to extend the jurisdiction of the Supreme Court of the United States, as the same is defined in section 709 of the Revised Statutes of the United States, to include the judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians, respectively;

A bill (S. 1287) for the relief of M. B. Ryan, administrator *de bonis non*, son and only heir-at-law of John S. Ryan, deceased, late of Charleston, S. C.;

A bill (S. 882) for the relief of Lieut. Jerome E. Morse, of the United States Navy;

A bill (S. 2251) for the relief of Francis W. Wickham;

A bill (S. 1028) to continue in force the provisions of an act approved March 2, 1885, and entitled "An act to protect the fish in the Potomac River, and to provide a spawning ground for shad and herring in said Potomac River";

A bill (S. 1393) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, by extending the privileges of the first section thereof to the port of Fernandina, Fla.;

A bill (S. 1638) to remove the charge of desertion now standing against George Abbott on the rolls of the War Department;

A bill (S. 775) authorizing the Secretary of War to cause an exploration and survey to be made of the interior of the Territory of Alaska;

A bill (S. 2018) granting a pension to Mary E. Law, the widow of Capt. Richard L. Law, United States Navy;

A bill (S. 2187) granting a pension to Margaret M. Rice;

A bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant;

A bill (S. 1633) supplementary and amendatory to an act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," approved October 1, 1890;

A bill (S. 982) for the relief of the Southern Railroad Association, lessees of the Mississippi Central Railroad Company;

A bill (S. 1636) for the relief of Noah Scanor;

A bill (S. 1721) to increase the pay of certain noncommissioned officers of the Army;

A bill (S. 699) for the erection of a public building at Brockton, Mass.;

A bill (S. 1574) to provide for the purchase of a site and the erection of a public building thereon at Grand Island, in the State of Nebraska;

A bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878;

A bill (S. 1940) for the relief of R. B. Woodson;

A bill (S. 2081) to grant to the Duluth, Missabe and Northern Railway Company a right of way through the Fond du Lac Indian Reservation, in the State of Minnesota, and for other purposes;

A bill (S. 1530) granting an increase of pension to David S. Corser;

A bill (S. 1637) granting a pension to Earnest Emerson;

A bill (S. 1528) granting an increase of pension to Frank L. Avery;

A bill (S. 1540) granting a pension to Ira Ingraham;

A bill (S. 1234) amending an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes," and to make the necessary appropriations for carrying out the same;

A bill (S. 1239) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo.;

A bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes;

A bill (S. 720) making an appropriation for the establishment and maintenance of range lights and buoys at twenty-five different points on the Willamette River, between the cities of Salem and Portland, in the State of Oregon;

A bill (S. 2271) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased;

A bill (S. 1380) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads," and for other purposes;

A bill (S. 797) to provide for fixing a uniform classification and grading of wheat, corn, oats, rye, barley, and for other purposes;

A bill (S. 527) for the relief of the legal representatives of Chauncey M. Lockwood; and

A bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.

It also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

It also announced that the Senate had passed, with amendments, bills of the following titles; in which concurrence was requested:

A bill (H. R. 4275) to grant to the Champlain and St. Lawrence Railroad Company right of way across Fort Montgomery military reservation;

A bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army; and

A bill (H. R. 5681) for the general control of and to promote the safety of national banks.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

On April 12, 1892:

Joint resolution (H. Res. 92) to encourage the establishment and endowment of institutions of learning at the national capital by defining the policy of the Government with reference to the use of its literary and scientific collections by students;

An act (H. R. 4534) to extend to Marquette, Mich., the privilege of immediate transportation by unappraised merchandise;

An act (H. R. 610) extending the privileges of the first and seventh sections of the act approved June 10, 1880, governing the transportation of merchandise without appraisement to the port of Ogdensburg, in the State of New York;

On April 14:

Joint resolution (H. Res. 69) authorizing the use of Martello tower, on Tybee Island, Georgia, for a signal station.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows: To Mr. SCHELL, for one week, on account of important business.

To Mr. HUFF of Tennessee, for the rest of this week, on account of important business.

To Mr. BRAWLEY, for one week from Saturday, April 16, on account of public business.

To Mr. LOCKWOOD, for five days, on account of important business.

To Mr. DOAN, indefinitely, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. PERKINS, leave was granted to withdraw the papers in the case of Esther Walker, Fifty-first Congress, there being no adverse report.

And then, on motion of Mr. HERBERT (at 4 o'clock and 55 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committees of the Whole House, as follows:

By Mr. PICKLER, from the Committee on War Claims:

A bill (H. R. 6873) for the relief of Sara Upton Edwards, executrix. (Report No. 1071.)

A bill (H. R. 6988) for the relief of George J. Campbell. (Report No. 1072.)

By Mr. ATKINSON, from the Committee on Claims: A bill (H. R. 6861) for the relief of Nasario Gonzales. (Report No. 1073.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 2048) for the relief of William C. Dodge—the Committee on Claims discharged, and referred to the Committee on Patents.

BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LIND: A bill (H. R. 8150) to extend to Alaska the benefit of the laws encouraging in the several States and Territories instruction in agriculture and the mechanic arts—to the Committee on Agriculture.

By Mr. HARVEY: A bill (H. R. 8154) to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency in the Indian Territory, and for the sale of certain surplus lands of such tribes, and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. HENDERSON of Iowa (by request): A bill (H. R. 8155) providing for the retirement of wagon-masters—to the Committee on Military Affairs.

By Mr. HAYES of Iowa: A resolution as to pay of certain House employes out of the contingent fund—to the Committee on Accounts.

By Mr. STOUT: A resolution requesting the Committee on Patents to report, the rates charged the Government for the use of telephones, and whether all rates should not be regulated by law—to the Committee on Patents.

Also, a resolution calling upon the Committee on Patents to report to the House the status of the American Bell Telephone patents—to the Committee on Patents.

By Mr. RICHARDSON: A resolution that the Select Committee on Reform in the Civil Service be authorized to make inquiry regarding the report of Mr. Theodore Roosevelt, Civil-Service Commissioner, May, 1891, regarding violations of the civil service law in Baltimore, and to send, if necessary, for persons and papers and administer oaths, and to report the same to the House—to the Committee on Rules.

By Mr. COMPTON: A resolution to pay to the widow of Thomas P. Bell, deceased, six months' pay, and to reimburse her for amount paid by her for the funeral expenses of said Thomas P. Bell, deceased—to the Committee on Accounts.

By Mr. BLAND: A resolution to bring in a rule regulating the printing of remarks in the RECORD—to the Committee on Rules.

By Mr. RICHARDSON: A resolution to amend Rule XIV—to the Committee on Rules.

By Mr. LEWIS: A memorial of the Legislature of Mississippi, asking the attention of Congress to the necessity and importance of improving the navigation of the Homochitto River—to the Committee on Rivers and Harbors.

Also, a memorial of the Legislature of Mississippi, asking an additional appropriation of \$12,000 to change the course of the Pearl River at or near Jackson, Miss.—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BOWERS: A bill (H. R. 8156) to increase the rate of pension paid to Richard M. Sheldon—to the Committee on Invalid Pensions.

By Mr. BRANCH: A bill (H. R. 8157) for the relief of William A. Blount, executor of John G. Blount—to the Committee on Claims.

By Mr. BUCHANAN of Virginia (by request): A bill (H. R.

8158) for the relief of C. M. Marshall—to the Committee on Claims.

By Mr. CUMMINGS: A bill (H. R. 8159) to increase the pension of Abraham Dally, late corporal of Captain Andrew Bremner's company, Eleventh Regiment Heavy Artillery, commanded by Lieut. Col. Cornelius Harsen—to the Committee on Pensions.

By Mr. DAVIS: A bill (H. R. 8160) to correct the military record of Henry W. Curtis, of Clay Center, Kans.—to the Committee on Military Affairs.

By Mr. DICKERSON: A bill (H. R. 8161) to remove the charge of desertion against John Earls—to the Committee on Military Affairs.

By Mr. FUNSTON: A bill (H. R. 8162) to pension Mary E. Trimble, widow of Montague N. Trimble, of Mexican war—to the Committee on Pensions.

By Mr. HARVEY: A bill (H. R. 8163) for the relief of David M. Foltz—to the Committee on Invalid Pensions.

By Mr. HOUK of Ohio: A bill (H. R. 8164) for the relief of John R. Brown—to the Committee on Military Affairs.

By Mr. LODGE: A bill (H. R. 8165) to amend the military record of John H. Lamson—to the Committee on Military Affairs.

Also, a bill (H. R. 8166) granting an honorable discharge to Albert Locke, alias Shipley—to the Committee on Military Affairs.

By Mr. OUTHWAITE: A bill (H. R. 8167) to remove the charge of desertion from the military record of A. R. Smith—to the Committee on Military Affairs.

By Mr. RAINES: A bill (H. R. 8168) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher—to the Committee on Appropriations.

Also, a bill (H. R. 8169) to increase the pension of Sylvester C. Hill—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 8170) to increase the pension of Ferdinand Shaw—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: A bill (H. R. 8171) granting a pension to P. A. Cartwright—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8172) for the relief of Isaac S. Simpson—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUMANS: A bill (H. R. 8173) to place Elizabeth Vincent on the pension rolls—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Methodist Episcopal Mariners' Sabbath School of Philadelphia, Pa., asking appropriation for the World's Fair on condition that the same be not kept open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbytery of Kansas City, Mo., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition by the same Presbytery, against the sale of liquor in Alaska—to the Select Committee on the Columbian Exposition.

By Mr. ARNOLD: Resolution passed by St. Louis Cotton Exchange—to the Committee on Agriculture.

By Mr. BELDEN: Two petitions of Marathon Grange, No. 455, of New York, one for legislation to prevent gambling in farm products, and the other to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of an act making certain issues of money legal tender in payment of all debts—to the Committee on Banking and Currency.

Also, petition urging the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. BELKNAP: Petition of Harmony Grange, No. 337, of Michigan, for pure lard—to the Committee on Ways and Means.

Also, petition of the same grange, for silk culture—to the Committee on Agriculture.

By Mr. BRETZ: Proof and petition of Elmyra E. Stuffle, for pension, to accompany House bill 8100—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Petition of 50 citizens of Lancaster County, Pa., in favor of curtailing immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BUCHANAN of New Jersey: Petition of citizens of New Jersey, in favor of legislation restricting immigration—to the Committee on the Judiciary.

By Mr. BULLOCK: Petition of the National Woman's Christian Temperance Union of Florida, bearing 45 signatures, against opening on Sunday any exposition where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. BUNN: Papers in the claim of John Eldridge, of Johnston County, N. C.—to the Committee on War Claims.

Also, papers in the claim of William J. Hogan, of Chapel Hill, N. C.—to the Committee on War Claims.

By Mr. BURROWS: Two petitions of Lake Grange, No. 84, of Michigan, one to prevent the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BUSEY: Petition of Henry Wilson Post, No. 384, Grand Army of the Republic, of Illinois, for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of Hiram Steele Post, No. 299, Grand Army of the Republic, of Iowa, praying the passage of a bill for marking and preserving the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BYRNS (by request): Petition of citizens of Webster Grove, Mo., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph B. Watts, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CADMUS: Petition of Michael Finnegan and 20 others, of Englewood, N. J., in favor of an amendment to the Constitution prohibiting the recognition of an established religion or appropriations for sectarian purposes, etc.—to the Committee on the Judiciary.

By Mr. CRAIG of Pennsylvania: Petition of North Buffalo Presbyterian Church, Washington County, Pa., representing 110 members, in favor of closing the World's Fair on the Sabbath day; also in favor of prohibiting the sale of intoxicants on its grounds, and in favor of conducting its art department according to the American standard of purity—to the Select Committee on the Columbian Exposition.

By Mr. CUMMINGS: Affidavit and petition of Edward Quinlan, of New York, for removal of charge of desertion from his military record—to the Committee on Military Affairs.

Also, petition of Caroline Wilkins, for arrears of pension—to the Committee on Invalid Pensions.

Also, petition of Adolph Keilgart, of New York, for restoration of service pension—to the Committee on Invalid Pensions.

By Mr. DE FOREST: Three petitions of Beacon Grange, No. 118, of Connecticut, one to prevent the adulteration of food and drugs, the second for the encouragement of silk culture, and the third to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same body, for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same body, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the same body, for the free-delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Resolutions of the State Board of Trade of Bedford, Me., asking Congress for the establishment of a department of trade and commerce; and also for the passage of Senate bill 1282, known as the Frye bill—to the Committee on Commerce.

By Mr. DOCKERY: Petition of citizens of Linley Township, Mercer County, Mo., asking the passage of the antioption bill—to the Committee on Agriculture.

By Mr. DONOVAN: Petition of George A. Hall and 21 others, of Paulding County, Ohio, for legislation regulating speculations in farm products—to the Committee on Agriculture.

By Mr. ENLOE: Two petitions of citizens of Henderson County, Tenn., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, petition of citizens of Madison County, Tenn., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, petition of citizens of Chester County, Tenn., against passage of Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, two petitions of citizens of McNairy County, Tenn., against passage of Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. FELLOWS: Petition of Mrs. Mary C. Murray for arrears of pension to accompany House bill 5370—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Petition of Hiram Deppen and Henry Green, of Toledo, Ill., for legislation in the interest of the Mexican soldiers—to the Committee on Pensions.

By Mr. FUNSTON: Petition of National Woman's Christian Temperance Union of Kansas, bearing 830 names, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

Also, petition of S. W. Richardson and others, of Mound Valley, Kans., to assign homestead by lot—to the Committee on the Public Lands.

Also, petition of Mary E. Trimble, widow of Montague M. Trimble, Company H, First Missouri Mounted Volunteers, war with Mexico—to the Committee on Pensions.

By Mr. GRISWOLD: Two petitions from Crawford County, Pa., for pure-food law—to the Committee on Agriculture.

Also, petition of 65 persons against alien labor importation—to the Select Committee on Immigration and Naturalization.

Also, petition from Adamsville, Pa., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Athens Grange, No. 304, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition to prohibit discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. LAYTON: Petition of the congregation of the Presbyterian Church of De Graff, Ohio, asking for legislation for closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LITTLE: Petition of 35 citizens of New York for a sixteenth amendment to the Constitution prohibiting establishment of religion or appropriation of money to institutions wholly or partly under sectarian control—to the Committee on the Judiciary.

By Mr. LODGE: Petition of Lamont G. Barnham and 59 other members of the Boston Chamber of Commerce, for the speedy passage of the bill to provide for an international ratio between gold and silver and to suspend the purchase of silver bullion and the issue of Treasury notes thereon, as provided by the act of July 14, 1890—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Christian Churches of Lynn, Mass., in favor of prohibiting the sale of intoxicating beverages on the grounds of the World's Fair, and of closing the Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LOUD: Petition of the eight-hour appeal case executive committee of California, asking that eight hours be constituted a day's work under all contracts for Government work by contract—to the Committee on Labor.

By Mr. MORSE: Petition of Theodore Darling and 17 others of Massachusetts, asking Congress to pass a law to preserve and properly mark the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. O'NEILL of Pennsylvania: Petition of the charity organization of Buffalo, N. Y., calling the attention of Congress to that portion of the President's message relating to the prevention of railroad accidents, and asking legislation to diminish the risks to passengers and employes—to the Committee on the Judiciary.

By Mr. OTIS: Three petitions of Capital Grange, No. 16, of Kansas; one to prevent gambling in farm products; the second, for the encouragement of silk culture, and the third, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same body, for defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. OUTHWAITE: Two petitions of Nebraska Grange, No. 64, of Ohio, one asking legislation for the encouragement of silk culture, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. PENDLETON: Petition of James S. Hyer and others relative to immigration and the importation of aliens under con-

tract or agreement to perform labor—to the Select Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of Ansel Tupper Post, No. 714, Grand Army of the Republic, Department of Illinois, for the purpose of preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. SCULL: Memorial of 203 citizens of Crawford County, Pa., in favor of House bill 401, relative to immigration, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. STAHLNECKER: Petition of citizens of New York City, for passage of a sixteenth amendment to the Constitution, prohibiting any State from contributing to any institution partly or wholly under sectarian control or restricting free exercise of religion—to the Committee on the Judiciary.

By Mr. CHARLES W. STONE: Three petitions of North Warren Grange, No. 1025, one to prevent gambling in farm products, the second for the encouragement of silk culture, and the third for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same body, for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same body, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the same grange, in favor of the free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Petition of citizens of Allegheny, Pa., for an amendment of the Constitution prohibiting establishment of religion, etc.—to the Committee on the Judiciary.

Also, resolution of Allegheny Council, Junior Order of United American Mechanics, for law amending naturalization laws—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Crawford County, Pa., for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny County, Pa., for an amendment of the Constitution prohibiting establishment of religion—to the Committee on the Judiciary.

By Mr. STONE of Kentucky: Paper in the claim of the widow of Martin Webb, deceased—to the Committee on War Claims.

By Mr. EZRA B. TAYLOR: Petition of the National Woman's Temperance Union, bearing 291 signatures, for bill to prevent opening on Sunday any exposition where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Petition of Haugh Akmece Congregational Church of Cleveland, Ohio, of 211 members and a constituency of 800 persons, that the sale of intoxicating liquors be prohibited at the Columbian Exposition and for Sunday closing of the Exposition—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Michigan: Petition for support of Housebill 5956, to increase tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

By Mr. WILLCOX: Petition of Grand Army of the Republic, Department of Connecticut, for marking the battle lines on the battlefield at Gettysburg—to the Committee on Military Affairs.

Also, two petitions, one of Cheshire, No. 23, and the other of Hamden, No. 99, of Connecticut, for the passage of a law to prevent gambling in farm products; and two petitions by the same granges, to prevent the adulteration of food and drugs; and petition of Cheshire Grange, to encourage silk culture—to the Committee on Agriculture.

Also, two petitions of the same granges, for defining lard—to the Committee on Ways and Means.

Also, petition of North Guilford Grange, No. 104, Cheshire, No. 23, and Hamden, No. 99, of Connecticut, for free delivery of mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WHITE: Petition of the United Presbyterian congregation of Kiota, Iowa, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WIKE: Protest of Farmers' Alliance and Industrial Union No. 184, of Green County, Ill., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, protest of Farmers' Alliance and Industrial Union No. 11, of Pike County, Ill., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. WILLIAMS of Illinois: Paper in the claim of John Mooneyham for relief—to the Committee on Invalid Pensions.

Also, papers in the claim of Mathew K. Martin—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Massachusetts: Petition of the First Congregational Church of Norwood, Mass., for closing the

World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. YOUNG: Petition of J. A. Lawcock and others, of Michigan, asking for free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of William A. Lennox and others, against the Congress of the United States committing the Government to a union of religion and the state in the passage of any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition for support of House bill 5956, to increase the tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

Also, petition of Mexican veterans for relief, to accompany House bill 7131—to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 15, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

C. W. BURS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting the claim of C. W. Burs, of Elreno, Okla., for services as police officer, which he desires shall be considered in connection with a matter contained in House Executive Document No. 144; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF FIRST AND SECOND CLASS POSTMASTERS AT CONVENTION IN WASHINGTON.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in response to resolution of April 6, 1892, certain information to the House of Representatives; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHAUNCEY M. LOCKWOOD.

The SPEAKER also laid before the House the bill (S. 527) for the relief of the legal representatives of Chauncey M. Lockwood; which was read a first and second time.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that that bill be considered at the present time. It simply refers the case to the Court of Claims. A House bill of a similar character has been considered by a committee of the House.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of this bill.

Mr. ATKINSON. I object to the consideration of the bill.

Mr. HERMANN. Then I ask unanimous consent that it may lie on the Speaker's table for the present.

Mr. ATKINSON. I shall not object to that.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

JAMES M. WILLBUR.

The SPEAKER also laid before the House the bill (S. 466) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as he may be justly and equitably entitled to; which was read a first and second time.

Mr. ROCKWELL. I ask unanimous consent that this bill lie on the Speaker's table for the present.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

RECORDS OF VOLUNTEER ARMIES.

The SPEAKER also laid before the House the bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes; which was read a first and second time.

Mr. GROUT. Mr. Speaker, I ask that that bill be allowed to lie on the Speaker's table.

There was no objection, and it was so ordered.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, referred to the committees indicated below, and ordered to be printed:

A bill (S. 49) for the relief of Samuel Tate—to the Committee on Claims.

A bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased—to the Committee on the Public Lands.

A bill (S. 131) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852—to the Committee on Claims.

A bill (S. 133) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased—to the Committee on Claims.

A bill (S. 135) for the relief of D. H. Trefethen—to the Committee on Claims.

A bill (S. 213) granting a right of way across the Scarborough Hill military reservation to the Ilwaco Railway and Navigation Company—to the Committee on Military Affairs.

A bill (S. 578) for the relief of Marian F. Haynie—to the Committee on Claims.

A bill (S. 735) for the relief of L. A. Davis—to the Committee on Claims.

A bill (S. 1026) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean—to the Committee on Claims.

A bill (S. 741) to incorporate the Eclectic Medical Society of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 882) for the relief of Lieut. Jerome E. Morse, of the United States Navy—to the Committee on Naval Affairs.

A bill (S. 1028) to continue in force the provisions of an act approved March 2, 1885, and entitled "An act to protect the fish in the Potomac River, and to provide a spawning ground for shad and herring in said Potomac River"—to the Committee on the District of Columbia.

A bill (S. 775) authorizing the Secretary of War to cause an exploration and survey to be made of the interior of the Territory of Alaska—to the Committee on Appropriations.

A bill (S. 1633) supplementary and amendatory to an act entitled "An act to refer to the Court of Claims certain claims of the Shawnee and Delaware Indians and the freedmen of the Cherokee Nation, and for other purposes," approved October 1, 1890—to the Committee on Indian Affairs.

A bill (S. 982) for the relief of the Southern Railroad Association, lessees of the Mississippi Central Railroad Company—to the Committee on Claims.

A bill (S. 699) for the erection of a public building at Brockton, Mass.—to the Committee on Public Buildings and Grounds.

A bill (S. 1234) amending an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado, for the sale of their reservation in said State, and for other purposes," and to make the necessary appropriations for carrying out the same—to the Committee on Indian Affairs.

A bill (S. 1239) for the benefit of sundry persons residing in the vicinity of Jefferson Barracks, Mo.—to the Committee on Military Affairs.

A bill (S. 720) making an appropriation for the establishment and maintenance of range lights and buoys at twenty-five different points on the Willamette River, between the cities of Salem and Portland, in the State of Oregon—to the Committee on Appropriations.

A bill (S. 1380) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads," and for other purposes—to the Committee on the Public Lands.

A bill (S. 797) to provide for fixing a uniform classification and grading of wheat, corn, oats, rye, barley, and for other purposes—to the Committee on Claims.

A bill (S. 1287) for the relief of M. B. Ryan, administrator *de bonis non*, son and only heir at law of John S. Ryan, deceased, late of Charleston, S. C.—to the Committee on War Claims.

A bill (S. 882) for the relief of Lieut. Jerome E. Morse, of the United States Navy—to the Committee on Military Affairs.

A bill (S. 2251) for the relief of Francis W. Wickham—to the Committee on Military Affairs.

A bill (S. 1393) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, by extending the privileges of the first section thereof to the port of Fernandina, Fla.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1638) to remove the charge of desertion now standing against George Abbott on the rolls of the War Department—to the Committee on Military Affairs.

A bill (S. 2018) granting a pension to Mary E. Law, the widow of Capt. Richard L. Law, United States Navy—to the Committee on Invalid Pensions.

A bill (S. 2187) granting a pension to Margaret M. Rice—to the Committee on Invalid Pensions.

A bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant—to the Committee on Military Affairs.

A bill (S. 1636) for the relief of Noah Seanor—to the Committee on Invalid Pensions.

A bill (S. 1721) to increase the pay of certain noncommissioned officers of the Army—to the Committee on Military Affairs.

A bill (S. 1574) to provide for the purchase of a site and the erection of a public building thereon at Grand Island, in the State of Nebraska—to the Committee on Public Buildings and Grounds.

A bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878—to the Committee on the Public Lands.

A bill (S. 1940) for the relief of R. B. Woodson—to the Committee on Claims.

A bill (S. 2081) to grant to the Duluth, Missabe and Northern Railway Company a right of way through the Fond du Lac Indian Reservation, in the State of Minnesota, and for other purposes—to the Committee on Indian Affairs.

A bill (S. 1530) granting an increase of pension to David S. Corser—to the Committee on Invalid Pensions.

A bill (S. 1637) granting a pension to Earnest Emerson—to the Committee on Invalid Pensions.

A bill (S. 1528) granting an increase of pension to Frank L. Avery—to the Committee on Invalid Pensions.

A bill (S. 1540) granting a pension to Ira Ingraham—to the Committee on Invalid Pensions.

A bill (S. 2271) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased—to the Committee on Claims.

A bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of cities—to the Committee on the District of Columbia.

A bill (S. 1496) for the relief of Gen. Napoleon J. T. Dana—to the Committee on Military Affairs.

A bill (S. 1501) for the relief of William H. Atkins, formerly commissary sergeant United States Army—to the Committee on Claims.

A bill (S. 1544) for the erection of a public building at the town of Lexington, Va.—to the Committee on Public Buildings and Grounds.

A bill (S. 1548) to extend the jurisdiction of the Supreme Court of the United States, as the same is defined in section 709 of the Revised Statutes of the United States, to include the judgments and decrees of the highest courts of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw tribes of Indians respectively—to the Committee on the Judiciary.

A bill (S. 1678) for the relief of William Smith and others—to the Committee on Claims.

A bill (S. 2170) to reorganize the artillery and infantry of the Army and to increase its efficiency—to the Committee on Military Affairs.

A bill (S. 2037) for the relief of George A. Orr—to the Committee on War Claims.

A bill (S. 1907) to amend section 3 of the act approved June 27, 1890, granting pensions to soldiers and sailors—to the Committee on Invalid Pensions.

A bill (S. 1423) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai—to the Committee on Claims.

ASSESSMENTS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (H. R. 5978), with an amendment of the Senate thereto, proposing to amend the title so as to read "An act to extend the time for making an assessment of real estate in the District of Columbia, outside of the cities of Washington and Georgetown."

The SPEAKER. This is a House bill, with a Senate amendment, which the gentleman from South Carolina [Mr. HEMPILL] asked to have concurred in yesterday, but the bill was passed over at the request of the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON. I made the request on account of the absence of my colleague on the committee, Mr. JOHNSON of Ohio.

Mr. JOHNSON of Ohio. Mr. Speaker, I ask that the House concur in the Senate amendment. It is only an amendment as to the title. It was laid over, I believe, because of an idea that it might interfere with some investigation ordered by the House, but it does not interfere with any investigation.

Mr. McMILLIN. Mr. Speaker, I asked yesterday that this bill should be permitted to lie on the table, because an investigation had been ordered by the House into the assessment now

being made of city property for taxation. I thought that possibly this would be the only means by which we could obtain any relief from that investigation, but with the explanation made by the gentleman from Ohio I think the amendment of the Senate should be concurred in.

The amendment was concurred in.

LINEAL PROMOTION IN THE ARMY.

The SPEAKER also laid before the House a bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army, with amendments of the Senate thereto; which was referred to the Committee on Military Affairs.

CHAMPLAIN AND ST. LAWRENCE RAILROAD.

The SPEAKER also laid before the House a bill (H. R. 4275) to grant to the Champlain and St. Lawrence Railroad Company a right of way across the Fort Montgomery military reservation, with amendments thereto; which was referred to the Committee on Military Affairs.

NATIONAL BANKS.

The SPEAKER also laid before the House a bill (H. R. 5681) for the general control and to promote safety of national banks, with amendments of the Senate thereto.

The SPEAKER. This bill will be referred to the Committee on Banking and Currency.

Mr. DINGLEY. Mr. Speaker, a parliamentary inquiry before the reference is made. Will the bill be privileged on being reported back from the committee? I assume that it will.

The SPEAKER. The rule is, as to House bills with Senate amendments, that it shall be in order, when they are laid before the House, to move to concur in the amendments of the Senate.

Mr. DINGLEY. But will the bill have that privilege after it is reported back from the committee?

The SPEAKER. Whether the privilege extends to the bill at that stage the Chair is not quite certain, not having specially examined the question. The rule, as the Chair has said, is that it shall be in order, when House bills with Senate amendments are laid before the House, if they involve no appropriation, to move to proceed to consider the amendments; but whether the same rule will obtain after the bill has been reported back from the committee, the Chair can not say with certainty, not having looked into the matter. If the gentleman desires, and there be no objection, this bill can lie on the Speaker's table for the present.

Mr. DINGLEY. Mr. Speaker, in the absence of the chairman of the Committee on Banking and Currency, I will ask that the bill lie on the Speaker's table for the present.

Mr. BLAND. Mr. Speaker, does not that bill go back to the Committee on Banking and Currency under the rule?

The SPEAKER. It is in order when House bills with Senate amendments are laid before the House to move to proceed to consider the amendments. The gentleman from Maine [Mr. DINGLEY] asks that this bill lie on the Speaker's table for the present.

Mr. BLAND. I would like to know what the amendments are.

The SPEAKER. They are quite long.

Mr. BLAND. I understand that this is a proposition to give to the banks the power to issue the full amount of the bonds, and I object.

Mr. COX of Tennessee. The amendment of the Senate proposes that national banks be authorized to issue circulating notes to the amount of the par value of the bonds deposited by them. The original proposition of the bill is totally different. The bill involves no appropriation of money or anything of that kind. As the gentleman from New York [Mr. BACON], the chairman of our committee, is absent I ask that the bill be passed over until he returns.

Mr. BLAND. I prefer to have the bill go regularly to the committee. This is a very important measure, and I do not want it to lie on the table to be called up and possibly put through when nobody may be paying attention to it.

Mr. DOCKERY. I desire to call attention to the exact language of the rule:

And House bills with Senate amendments which do not require consideration in Committee of the Whole may be at once disposed of as the House may determine.

Mr. BURROWS. What rule is that?

Mr. DOCKERY. That is the last clause of section 1, of Rule XXIV.

The SPEAKER. That agrees with the statement already made by the Chair.

Mr. BLAND. Well, I move to refer the bill, with the amendments of the Senate, to the Committee on Banking and Currency.

Mr. DINGLEY. Allow me to make a single suggestion. I have no particular preference myself in regard to this matter; but as the chairman of the Committee on Banking and Currency is absent, it occurs to me it would be but courtesy to him to allow the bill to lie on the table until he returns. I appeal to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. This is too important a bill for us to extend courtesy in such a way that the bill might be taken from the Speaker's table and passed when the attention of members of the House might not be particularly called to it. I insist on my motion.

Mr. DINGLEY. But let me say to the gentleman that it is probable the bill can not possibly be reached unless it be considered at the present time under the rule.

Mr. BLAND. Well, I hope it may never be reached and never passed.

Mr. DINGLEY. It would seem that courtesy to the chairman of the committee would suggest the course I have indicated.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moves that the bill the title of which has been reported be referred, with the amendments of the Senate, to the Committee on Banking and Currency.

Mr. BUCHANAN of New Jersey. A parliamentary inquiry: As I understand this bill comes back from the Senate with amendments.

The SPEAKER. It does.

Mr. BUCHANAN of New Jersey. We could vote more understandingly if the amendments were read.

The SPEAKER. The amendments of the Senate will be read. The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, April 13, 1892.

Resolved, That the bill from the House of Representatives (H. R. 5681) entitled "An act for the better control of and to promote the safety of national banks" do pass with the following amendments:

Page 2, after line 25, insert:

"SEC. 4. That upon any deposit already or hereafter made of any United States bonds bearing interest in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued by any such association exceed the amount at such time actually paid in of its capital stock. The Comptroller of the Currency shall prescribe a form of bond which shall hereafter be used by all national banks to secure the fidelity of cashiers and all other officers of whom bonds are required. The examiners of national banks shall from time to time report the amount and character of the sureties of such bonds taken by any bank by them examined, and the said Comptroller may require any bank to take such other or further surety as he may think fit."

Page 2, after line 25, insert:

"SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed."

Resolved, That the Senate request a conference with the House of Representatives on the said bill and amendments.

Ordered, That Mr. SHEPHERD, Mr. ALDRICH, and Mr. HARRIS be the conferees on the part of the Senate.

The SPEAKER. The motion of the gentleman from Missouri is that this bill, with the amendments of the Senate, be referred to the Committee on Banking and Currency.

Mr. DINGLEY. I move that the House nonconcur in the amendments of the Senate, and agree to the conference which has been asked.

Mr. COX of Tennessee. In the absence of the chairman of the committee it has been agreed, after conference among the other members of the committee, that we ask to have the bill sent back to the committee without any action at present by the House. I presume that will be satisfactory.

Mr. DINGLEY. The House ought to act understandingly on this matter. As I understand, the action proposed is practically an end of the bill. The moment it goes back to the committee it has no privilege.

Mr. BRETZ. That is what we want; we hope it will be the end of the bill.

Mr. BLAND. Would a negative vote on nonconcurring be tantamount to concurrence?

The SPEAKER. The motion to refer must, the Chair thinks, be first put.

The question being taken, the motion of Mr. BLAND was agreed to; and the bill, with the amendments of the Senate, was referred to the Committee on Banking and Currency.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. COOPER, for ten days, on account of important business. To Mr. WADSWORTH, for two days, on account of the death of a relative.

O. P. COBB AND OTHERS.

The SPEAKER. Yesterday the gentleman from Illinois [Mr. SCOTT] asked unanimous consent for the consideration of a bill; but, by some arrangement, the matter went over until this morning. The Chair will again submit the request. The gentleman

from Illinois asks unanimous consent for the present consideration of the bill (H. R. 1376) referring to the Court of Claims the claims of O. P. Cobb and others.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Mr. Speaker, that bill is too important to be called up for consideration by unanimous consent. I demand the regular order.

Mr. SCOTT. I have an amendment here which I think will obviate any objection the gentleman may have to the bill.

Mr. KILGORE. I demand the regular order.

CONTESTED-ELECTION CASE, NOYES VS. ROCKWELL.

Mr. HAUGEN. Mr. Speaker, I desire to submit my separate views on one feature of the election case of Noyes vs. Rockwell, from the State of New York, heretofore submitted by the committee.

The SPEAKER. The views of the gentleman will be printed, to accompany the report of the committee.

ORDER OF BUSINESS.

Mr. KILGORE. Mr. Speaker, at the instance of several gentlemen I withdraw the demand for the regular order, but not my objection to the bill presented by the gentleman from Illinois.

The SPEAKER. The gentleman objects to that bill?

Mr. KILGORE. I do.

Mr. BERGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 730) for the relief of James A. Finley.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE and Mr. BUTLER objected.

ORDER OF BUSINESS.

Mr. ENLOE. I demand the regular order.

The SPEAKER. The regular order is the call of the standing and select committees for reports.

Under the call of committees for reports, bills were severally reported, with the accompanying reports, ordered to be printed, and referred to the committees indicated:

DOMESTICATED REINDEER, ALASKA.

By Mr. ALEXANDER, from the Committee on Agriculture: The bill (H. R. 7764) to secure the introduction of domesticated reindeer into Alaska—to the Committee of the Whole House on the state of the Union.

ADVERSE REPORT.

By Mr. ALEXANDER, from the Committee on Agriculture, adversely: The bill (H. R. 6004) to provide for the importation and maintenance of thoroughbred Angora goats; which was ordered to be laid on the table.

ENTRY OF CERTAIN LANDS IN OKLAHOMA.

By Mr. WASHINGTON, from the Committee on the Territories: The bill (H. R. 7726) reserving from entry certain lands in Oklahoma, and for other purposes—to the House Calendar.

PUBLIC BUILDING, CUMBERLAND, MD.

By Mr. BANKHEAD, from the Committee on Public Buildings and Grounds: The bill (H. R. 182) for the erection of a public building in the city of Cumberland, Md.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, ANNISTON, ALA.

By Mr. BANKHEAD, from the Committee on Public Buildings and Grounds: The bill (H. R. 4538) to provide for the construction of a public building at Anniston, Ala.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, GARDINER, ME.

By Mr. MILLIKEN, from the Committee on Public Buildings and Grounds: The bill (H. R. 179) providing for a public building at Gardiner, Me.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, PATERSON, N. J.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (H. R. 533) to increase the appropriation for the erection of a public building at Paterson, N. J.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, HASTINGS, NEBR.

By Mr. ABBOTT, from the Committee on Public Buildings and Grounds: The bill (S. 1054) to provide for the construction of

a public building at Hastings, Nebr.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, NEWPORT NEWS, VA.

By Mr. LEWIS, from the Committee on Public Buildings and Grounds: The bill (S. 602) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, LAREDO, TEX.

By Mr. ABBOTT, from the Committee on Public Buildings and Grounds: The bill (S. 676) for the erection of a public building at Laredo, Tex.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, WILKESBARRE, PA.

By Mr. SHONK, from the Committee on Public Buildings and Grounds: The bill (H. R. 359) to provide for the purchase of a site and the erection of a public building thereon at Wilkesbarre, Pa.—to the Committee of the Whole House on the state of the Union.

CUSTOM-HOUSE AND POST-OFFICE BUILDING, BRUNSWICK, GA.

By Mr. LEWIS, from the Committee on Public Buildings and Grounds: The bill (H. R. 624) for the erection of a custom-house and post-office building at Brunswick, Ga.—to the Committee of the Whole House on the state of the Union.

GOVERNMENT BUILDING, JOLIET, ILL.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (H. R. 563) to provide for the erection of a Government building at Joliet, Ill.—to the Committee of the Whole House on the state of the Union.

SALE OF CUSTOM-HOUSE, LOUISVILLE, KY.

By Mr. LEWIS, from the Committee on Public Buildings and Grounds: The bill (H. R. 143) providing for the sale of the old custom-house in the city of Louisville, Ky.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, KANSAS CITY, MO.

By Mr. TARSNEY, from the Committee on Public Buildings and Grounds: The bill (H. R. 260) to extend the limit of expenditure for the construction of a Government building at Kansas City, Mo.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, SPOKANE FALLS, WASH.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (S. 1617) providing for the erection of a public building at the city of Spokane Falls, in the State of Washington—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, ANN ARBOR, MICH.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (H. R. 4331) providing for a public building at Ann Arbor, Mich.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, BOISE CITY, IDAHO.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (S. 393) to provide for the purchase of a site and the erection of a public building thereon at Boise City, in the State of Idaho—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, HELENA, MONT.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (S. 839) to provide for the construction of a public building at Helena, Mont.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, DURHAM, N. C.

By Mr. WILLIAMS of North Carolina, from the Committee on Public Buildings and Grounds: The bill (H. R. 2716) to provide for the erection of a public building at Durham, N. C.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, MASSILLON, OHIO.

By Mr. WARWICK, from the Committee on Public Buildings and Grounds: The bill (H. R. 2719) to provide for the erection of a public building at Massillon, Ohio—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, LITTLE ROCK, ARK.

By Mr. ABBOTT, from the Committee on Public Buildings and Grounds: The bill (H. R. 4328) to provide for the improvement of the building and grounds of the United States court and post-office at Little Rock, Ark.—to the Committee of the Whole House on the state of the Union.

MARINE HOSPITAL, GALLIPOLIS, OHIO.

By Mr. ENOCHS, from the Committee on Public Buildings and Grounds: The bill (H. R. 333) for a public building for a marine hospital at Gallipolis, Ohio—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING AT SUSPENSION BRIDGE, N. Y.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (H. R. 2706) providing for the erection of a public building at Suspension Bridge, N. Y.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, BROCKTON, MASS.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (H. R. 192) for the erection of a public building at Brockton, Mass.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, BUFFALO, N. Y.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (H. R. 4337) to fix the limit of cost of the United States post-office building at Buffalo, N. Y.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, BEDFORD CITY, VA.

By Mr. LEWIS, from the Committee on Public Buildings and Grounds: The bill (S. 1545) to provide for the erection of a public building at Bedford City, Va.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, CHEYENNE, WYO.

By Mr. NEWBERRY, from the Committee on Public Buildings and Grounds: The bill (S. 522) for the erection of a public building at Cheyenne, Wyo.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, WATERBURY, CONN.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (S. 237) for the erection of a public building at Waterbury, Conn.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, CLINTON, IOWA.

By Mr. BANKHEAD, from the Committee on Public Buildings and Grounds: The bill (H. R. 2667) for the construction of a public building at Clinton, Iowa—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, PROVIDENCE, R. I.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (S. 580) to provide a suitable site for a post-office in the city of Providence, R. I.—to the Committee of the Whole House on the state of the Union.

PUBLIC BUILDING, NASHUA, N. H.

By Mr. WARNER, from the Committee on Public Buildings and Grounds: The bill (S. 367) to provide for the purchase of a site and the erection of a public building thereon at Nashua, in the State of New Hampshire—to the Committee of the Whole House on the state of the Union.

EULOGIES ON THE LATE JOHN R. GAMBLE.

Mr. RICHARDSON. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution submitted by the gentleman from Tennessee.

The Clerk read as follows:

Resolved, etc. That there be printed the eulogies delivered in Congress upon the Hon. John R. Gamble, late a Representative from the State of South Dakota, 8,000 copies, of which number 2,000 shall be delivered to the Senators and Representatives of the State of South Dakota, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased; and of those remaining 2,000 copies shall be for the use of the Senate and 4,000 copies for the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said John R. Gamble, to accompany the said eulogies.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee have considered the House concurrent resolution to print eulogies delivered in Congress upon the Hon. John R. Gamble, late a Representative from the State of South Dakota, and direct me to report the same with the recommendation that it do pass. The estimated cost of the same is \$2,470.

The resolution was agreed to.

PUBLIC PRINTING.

Mr. RICHARDSON. Mr. Speaker, I desire to present a report, not for immediate consideration, but in order that it may be printed and the bill reported by title and recommended to the Committee on Printing. I ask, Mr. Speaker, that the committee have leave to report this bill for consideration at any time,

not to interfere with appropriation or revenue bills. It is the bill to regulate printing for the Government.

The SPEAKER. The Clerk will report the title of the bill, after which the Chair will submit the request of the gentleman from Tennessee.

The Clerk read as follows:

A bill (S. 1549) providing for the public printing and binding and distribution of public documents.

The SPEAKER. The gentleman from Tennessee submits this report and asks that the bill be printed and recommended to the Committee on Printing, and that that committee have leave to report it at any time for consideration, not to interfere with revenue or appropriation bills. Is there objection?

Mr. MCCREARY. I desire to ask the gentleman from Tennessee if this is the bill which passed the Senate, and which is, to a certain extent, like the House bill that was under consideration at the beginning of the session?

Mr. RICHARDSON. It is, but with certain amendments made by our committee to make it conform, I think, to the wishes of the House.

Mr. MCCREARY. But you desire no action now?

Mr. RICHARDSON. I do not.

Mr. DINGLEY. Is it the same bill which was before the House early in the session, with modifications?

Mr. RICHARDSON. Yes, with certain modifications.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed joint resolutions and bills of the following titles:

Joint resolution (S. R. 15) for the erection and location of a bronze statue of Christopher Columbus, and the removal of the naval monument to a new site;

Joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Francisco Alcantara, of Venezuela;

A bill (S. 371) granting a pension to John Chamberlain;

A bill (S. 1758) to provide for the erection of an additional fire-proof building for the National Museum;

A bill (S. 1796) to ratify and confirm an agreement with the Tonkawa tribe of Indians, in Oklahoma Territory, and to make an appropriation to carry the same into effect;

A bill (S. 2437) granting to the Topeka Water and Electric Power Company of Kansas the right to erect and maintain a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas;

A bill (S. 2254) authorizing the Quincy Pontoon Bridge Company to construct and maintain a pontoon bridge across the Mississippi River at the city of Quincy, in the State of Illinois;

A bill (S. 2021) granting the right and authority to the Mexican Gulf, Pacific and Puget Sound Railroad Company, a company organized under the laws of the States of Florida and Alabama, to build one bridge over each of the following-named rivers in the State of Alabama, viz, the Alabama River, the Warrior River, the Sipsey River, and the Tennessee River; the said bridges to be used, operated for and in behalf of the Mexican Gulf, Pacific and Puget Sound Railroad Company to carry freight and passengers by rail and otherwise;

A bill (S. 1665) to authorize the Grand Rapids Water and Electric Power Company, of Grand Rapids, Minn., to construct a dam across the Mississippi River;

A bill (S. 153) to provide American registers for the steamers Foxhall and S. Oteri, of New Orleans, La.;

A bill (S. 2004) granting a pension to Mary Clare Kelly;

A bill (S. 1737) for the relief of William A. Richards, United States Surveyor-General of Wyoming;

A bill (S. 754) to authorize the sale of the site of St. Francis Barracks, Fla., the sale or removal of the improvements thereof, and to provide for a new site and the construction of suitable buildings thereon; and

A bill (S. 524) extending the privileges of the free delivery of mails.

ORDER OF BUSINESS.

Mr. BUNN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar, and, pending that motion, I desire to ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 1466) for the relief of the legal representatives of Henry H. and Charlotte K. Sibley, and that the amendment offered thereto in Committee of the Whole in the nature of a substitute by the gentleman from Indiana [Mr. BYNUM] be considered as reported favorably to the House, and that the previous question be ordered on

the same to the engrossment and third reading, and that a ye-and-nay vote be taken thereon.

I desire in that connection—

The SPEAKER. The Chair will first submit the request of the gentleman.

Mr. MCCREARY. I ask that the motion made by the gentleman from North Carolina be read by the Clerk, as we could not hear it distinctly.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar; and, pending that, asks unanimous consent for the adoption of the order which the Clerk will read.

The Clerk read as follows:

That the Committee of the Whole be discharged from the further consideration of House bill 1466, for the relief of the legal representatives of Henry H. and Charlotte K. Sibley, and that the amendment offered thereto in Committee of the Whole in the nature of a substitute by Mr. BYNUM of Indiana be considered as reported favorably to the House, and that the previous question be ordered on the same to the engrossment and third reading, and that a ye-and-nay vote be taken thereon.

The SPEAKER. The gentleman from North Carolina, in connection with this request, desires to make a statement.

Mr. GROUT. I have no objection to the statement, but reserve the right to object to the adoption of the order.

The SPEAKER. Of course the right to object will be reserved.

Mr. BUNN. Mr. Speaker, in connection with that request, as I understand some gentlemen desire to debate the bill, I will state that this request does not relate to debate upon the final passage of the bill; it is only to the engrossment and third reading of the bill, and when the question on the passage of the bill is reached gentlemen who desire to debate it will have an opportunity; but I hope there will be no objection to this agreement, so that we can proceed to the consideration of other business.

Mr. GROUT. After the discussion upon this bill some weeks ago, I think the day following I received a letter giving some information concerning the granting of this patent. I put that letter into the hands of a notary of this city, and a certain affidavit was taken. Now, if that letter and affidavit can be read, I shall make no objection; otherwise I shall.

Mr. BUNN. It does not relate to any discussion which may arise on the final passage of the bill?

Mr. ATKINSON. I see no reason why this bill should be taken out of the ordinary course of procedure in Committee of the Whole.

The SPEAKER. Does the gentleman from Pennsylvania object?

Mr. ATKINSON. I do.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House resolve itself into Committee of the Whole.

Mr. TUCKER. Is it in order now to limit debate in the Committee of the Whole?

The SPEAKER. What is the condition of the bill in Committee of the Whole?

Mr. BUNN. Debate on this bill has already been exhausted by general consent.

The SPEAKER. The Chair is informed that by unanimous consent debate had been limited and exhausted on the bill in committee, and the question is on the motion of the gentleman from North Carolina.

Mr. MCCREARY. Mr. Speaker, I understand that the object of the gentleman from North Carolina is to get the Sibley bill out of the way, so that we can get to other bills; and as I understand his resolution, it does not prohibit debate on the final passage of the bill. It seems to me, therefore, that it would be good policy to get that bill, which has consumed two or three days now, out of the way, so that we can get to the other bills on the Private Calendar, and when that bill comes up again it will be upon the same footing that it was before.

Mr. ATKINSON. I ask unanimous consent that the bill shall be considered as laid aside for the day, not to lose its place on the Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. TUCKER. I object.

The SPEAKER. The question now is on the motion of the gentleman from North Carolina, that the House resolve itself into Committee of the Whole for consideration of bills on the Private Calendar.

The question was put, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH in the chair.

HENRY H. AND CHARLOTTE K. SIBLEY.

The CHAIRMAN. The House is now in Committee of the

Whole on the Private Calendar, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 1466) for the relief of the personal representatives and heirs of Henry H. and Charlotte K. Sibley.

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized to pay to the heirs and personal representatives of Henry H. and Charlotte K. Sibley, deceased, the sum of \$37,700.11, which sum, when so paid and received by the parties aforesaid, shall be in full satisfaction of all and every claim or demand against the Government of the United States on the part of said heirs and personal representatives growing out of a contract made by Henry H. Sibley, in his lifetime, with the said Government, to wit, February 18, 1858, for the use of a patented invention known as the "Sibley tent."

Mr. BUCHANAN of New Jersey. A parliamentary inquiry, Mr. Chairman. By the Calendar furnished us that does not appear to be the first bill on the Calendar. The first bill seems—

The CHAIRMAN. The Chair will state to the gentleman that this is the "unfinished business." The bills the gentleman refers to were laid aside by unanimous consent.

Mr. BUCHANAN of New Jersey. And this was under consideration when the committee last rose?

Mr. BUNN. Yes, sir.

Mr. TUCKER. I ask that the amendment be read.

The CHAIRMAN. The Chair will cause the record to be examined, so as to see what the condition of the bill was when last under consideration. [After a pause.] The pending question on his bill is the amendment proposed by the gentleman from Indiana [Mr. BYNUM], which the Clerk will now read.

The amendment was read, as follows:

Strike out all after the enacting clause and insert the following:

"The Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley, deceased, growing out of a contract made by Henry H. Sibley in his lifetime with the Government of the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent; and that for this purpose the Court of Claims shall have jurisdiction, notwithstanding any bar of the statute of limitations.

Sec. 2. That either party to any suit that may be brought under the provisions of this act shall have the right to appeal to the Supreme Court of the United States from any final judgment the Court of Claims may render.

Mr. GROUT. Mr. Chairman, is this still open to debate?

The CHAIRMAN. When the committee last had this bill under consideration debate had closed upon this amendment and a vote was ordered by tellers, no quorum having appeared. Before that vote was determined the committee rose and the House adjourned. The pending question is on the amendment.

Mr. GROUT. I ask unanimous consent, Mr. Chairman, to have the letter read to which I referred a moment ago, and also an affidavit in connection with the letter.

The CHAIRMAN. The gentleman from Vermont [Mr. GROUT] asks unanimous consent that the letter referred to by him may be read as a part of his remarks. Is there objection?

Mr. BUNN. I object. Debate has been closed.

The CHAIRMAN. Objection is made. The question is on the amendment.

The question was taken, and the Chairman declared that the "ayes" seemed to have it.

Mr. GROUT. I ask for a division.

The committee divided; and there were—ayes 77, noes 1.

Mr. GROUT. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Vermont, Mr. GROUT, and the gentleman from North Carolina, Mr. BUNN.

Pending the count by tellers.

Mr. GROUT. Mr. Chairman, I withdraw my point of no quorum, with the understanding—

Mr. BUNN. And now, Mr. Chairman, I withdraw my objection to the reading of the letter which the gentleman from Vermont desires to have read.

The letter was read, as follows:

WASHINGTON, D. C., March 26, 1892.
SIR: Having read the proceedings of the House in this morning's RECORD in regard to the Sibley tent business, I wish to say to you as an old soldier, it is a shame and disgrace to allow this thing to go any further.

Capt. and Bvt. Maj. Sibley never invented that wigwam tent. It was his company clerk, True, or Drew, a French Canadian, invented it, and shortly after making the first tent he was locked up in the guardhouse for drunkenness. After his discharge from Company I, Second Dragoons, at Fort Graham, Tex., about forty years ago, Sibley went to Washington and got a patent for True's tent, and the whole squadron, Companies F and I, Second Dragoons, were surprised to hear of this business. There are now two men, and perhaps more, at the Soldiers' Home, Washington, D. C., who can tell you all about this alleged steal from poor True. These inmates of the Home are Sergt. P. Devine and Private Barrett, both of Sibley's squadron at that time, who saw the tent made. The tripod used was made out of a wagon tire.

I am, sir, very truly and respectfully yours,

JOHN CODY,

Once a Member of Company F, Second Dragoons.

Hon. W. W. GROUT.

Mr. GROUT. Mr. Chairman, as I said a moment since, I put that letter in the hands of a notary, and asked him to get the affidavits of the two inmates of the Soldiers' Home referred to,

but he found that one of them was not there. The affidavit of the other I have here, and I ask that it be now read.

The affidavit was read, as follows:

WASHINGTON, D. C., March 29, 1892.

My name is Patrick Devine, and I am at this time an inmate of the Soldiers' Home, in the District of Columbia. I entered the United States Army about March 18, 1848, as a member of Company F, Second Dragoons—Capt. R. A. Arnold's dragoons—and served a whole term of four years, and soon after being discharged enlisted in Company I, Second Dragoons—Capt. H. H. Sibley's dragoons. I knew said Capt. Sibley well, and was present when the first Sibley tent was being patterned and invented at Fort Graham, Tex., about 1852 or 1853.

I saw the canvas cut and spread on the ground and the work of fixing and making this first Sibley tent, or rather the pattern tent. The men who did the work were one James Bott and a Frenchman, so called, by the name of Raux. The work was done just outside of company quarters, back of parade ground, and I remember well seeing it done by the said Bott and Raux, and that I saw them at work on the job several times and saw them lay out the canvas on the ground. I have been informed and believe that Capt. Sibley did apply for and receive a patent on this tent. It was generally believed among the members of the dragoons that the tent was invented by said Bott and Raux instead of by Capt. Sibley. I have been told that Comrade Bott is dead and of Comrade Raux I have seen or heard nothing since that time.

At the time this first tent or tent pattern or model was made we thought little of patents, but were more interested in doing duty; but I clearly remember that it was generally talked and believed at the time that the invention was made by the said Bott and Raux.

PATRICK DEVINE.

District of Columbia, ss:

On this 29th day of March, 1892, personally appeared before me, a notary public in and for the aforesaid District, Patrick Devine, who, being duly sworn, says the affidavit hereto attached is true.

JAY B. SMITH, Notary Public.

Mr. OATES. I wish to ask the gentleman from Vermont whether he offers those papers here for the purpose of defeating the reference of the case to the Court of Claims, or merely for the purpose of putting the Attorney-General in possession of the means of getting this evidence. I trust that my friend does not offer them here to defeat the bill; but if that kind of information exists, it is altogether proper that it should go before the Court of Claims. It is impossible for us to tell here what credibility is to be attached to those statements, and I trust that the gentleman will not urge that kind of evidence for the purpose of defeating the reference to the court.

Mr. GROUT. Mr. Chairman, I put this information before the House, because, having come into possession of it, I felt it my duty to do so. And finding these inmates of the Soldiers' Home referred to, I felt it further to be my duty to see whether they really knew anything on the subject and if they did, to get their affidavits. As the gentleman from Alabama suggests, this matter could be inquired into by the Court of Claims; but every lawyer knows that if a patent has been obtained through fraud that defeats the patent. If Sibley was not the real inventor of this tent it cuts the ground completely from under this claim. This testimony may be explained, or perhaps the statements are wholly groundless, although the writer of the letter, I have been informed, is a credible and intelligent gentleman, and he certainly writes an intelligent letter; but, as I said before, if the statements are true they really defeat this whole claim. All I can say is that, for myself, I shall consider this as an added reason to those which before were quite sufficient for voting against the allowance of this claim in any form.

The CHAIRMAN. Upon this question the tellers report—ayes 103, noes 2—

Mr. HOPKINS of Illinois. Mr. Chairman, I raise the point of no quorum.

Mr. BUNN. It was the understanding that that point was withdrawn by agreement.

Mr. TUCKER. That is not good faith. I ask now, Mr. Chairman, that that letter and affidavit be excluded from the RECORD.

Mr. BUNN. No, no.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I hope the gentleman from Illinois [Mr. HOPKINS] will not insist on the point of no quorum. The point was withdrawn upon a condition, and the condition has been complied with, and I think that both sides ought to feel bound to see that the agreement is carried out.

Mr. HOPKINS of Illinois. If there was an agreement between the parties of course I do not wish to interfere with it, but it has seemed to me that, in addition to the evidence now brought forward by the gentleman from Vermont, there were already abundant reasons why the members of this House should stop this bill here without referring it to the Court of Claims or doing anything further about the matter.

Mr. TUCKER. The gentleman will remember that the evidence introduced by the gentleman from Vermont would not be in but for the agreement.

Mr. ENLOE. Mr. Chairman—

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that by order of the committee all debate upon this proposition has been closed.

Mr. ENLOE. I understand that. Debate can be had only by unanimous consent.

The CHAIRMAN. The unanimous consent, which was granted simply for a brief statement of the gentleman from Vermont [Mr. GROUT] and the reading of these papers, has been exhausted. Does the gentleman from Illinois [Mr. HOPKINS] withdraw his point?

Mr. HOPKINS of Illinois. If there was an agreement between the gentleman from Vermont—

The CHAIRMAN. There was an agreement under which, as the Chair stated, the point made by the gentleman from Vermont was withdrawn, and the gentleman from North Carolina withdrew his objection to the reading of the papers. The gentleman from Vermont then made his statement and the papers were read.

Mr. HOPKINS of Illinois. In view of the statement made by the Chair I withdraw the point.

The CHAIRMAN. The tellers report—ayes 103, noes 2; and the amendment is agreed to.

Mr. ATKINSON. I offer the amendment which I send to the desk.

Mr. ENLOE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENLOE. I would like to know whether it was not agreed by unanimous consent that debate should be closed on the bill and the amendments and a vote be taken. I do not understand that the bill is still open to amendment.

Mr. BUNN. If I understand the order of the House, debate is not now in order upon any amendment to this bill, but amendments are in order. Debate has been closed by order of the House.

Mr. HOPKINS of Illinois. When was that done?

Mr. BUNN. The last time this bill was under consideration debate on the bill and amendments was closed; but amendments without debate are now in order.

The CHAIRMAN. The Chair will examine the RECORD to ascertain what was the order of the House.

Mr. BUNN. I think the Chair will find my statement to be correct.

Mr. BUCHANAN of New Jersey. I think it will be found that the agreement did not go so far as to cut off the offering of amendments.

The CHAIRMAN. While the Chair is examining the RECORD the Clerk will report the amendment of the gentleman from Pennsylvania [Mr. ATKINSON].

The Clerk read as follows:

Add to the bill the following:

"Provided, That in no event shall the finding of the Court of Claims exceed \$37,700.11."

The CHAIRMAN. The Clerk will now read the action taken by the House in regard to closing debate on this bill.

The Clerk read as follows:

ORDER OF BUSINESS.

Mr. MANSUR. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar; and, pending that motion, I move that all debate on the bill (H. R. 1466) for the relief of the personal representatives and heirs of Henry H. and Charlotte K. Sibley be limited to ten minutes on each side.

Mr. ATKINSON. I move to amend that by making it half an hour on a side.

Mr. MANSUR. Let us compromise on twenty minutes. We have had this bill debated for three days.

Mr. ATKINSON. There are some gentlemen on our side who want to speak. We would very much prefer thirty minutes.

Mr. MANSUR. Make it twenty minutes on a side.

The SPEAKER. The gentleman from Tennessee [Mr. ENLOE] moves that the House resolve into Committee of the Whole House for the consideration of bills on the Private Calendar, and pending that the gentleman from Missouri moves that when the House goes into Committee of the Whole all debate on the pending bill be limited to forty minutes, twenty minutes on each side.

Mr. OUTHWAITE. I move to amend that by making it an hour, or thirty minutes on each side.

The question was taken on Mr. OUTHWAITE's amendment.

The amendment was agreed to.

The SPEAKER. The question is on the motion of the gentleman from Missouri as amended.

The motion as amended was agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Tennessee that the House resolve itself into Committee of the Whole.

The motion was agreed to.

Mr. ATKINSON. Now, Mr. Chairman, as I understand the action of the House—

The CHAIRMAN. The Chair thinks that the action of the House as just read cuts off any further debate upon the bill or any amendment. The language of the order was that "all debate" be limited to thirty minutes on each side, which time has been already occupied.

Mr. ATKINSON. I submit that the order as read covers only debate upon the bill; that amendments which may be offered are a matter separate and aside from the bill, and are not included in the order. I do not propose to debate this question at very great length, but I believe under the rule I am entitled to five minutes.

The CHAIRMAN. The Chair thinks not; the Chair is advised that this order of the House for the closing of debate has been executed, and that the occupant of the Chair on Friday last decided that no further debate was in order.

Mr. ATKINSON. That was upon the bill and the then pending amendment.

The CHAIRMAN. There was an amendment pending, offered by the gentleman from Indiana [Mr. BYNUM].

Mr. HOPKINS of Illinois. I wish to ask a question for information. The suggestion was made by the gentleman from Alabama [Mr. OATES] that the evidence which has been submitted here this morning by the gentleman from Vermont [Mr. GROUT] might be considered by the Court of Claims, and that this might be a reason for sending this claim there. I wish to ask whether it is not true that in law the validity of a patent can not be inquired into except by a direct proceeding, which must be commenced by the Attorney-General, and that therefore this evidence, while it might properly influence the votes of members here as to whether they would pass this bill, can not be used as evidence before the Court of Claims in determining whether these heirs should be paid.

The CHAIRMAN. Does the gentleman present this as a parliamentary question?

Mr. HOPKINS of Illinois. I want to know from the Chair whether I am correct in that view.

The CHAIRMAN. The Chair hardly thinks the question of the gentleman is within the purview of a parliamentary inquiry. The Chair does not want to lay down the law for the Court of Claims.

Mr. HOPKINS of Illinois. I desired to bring that question before the House, and inasmuch as there can be no debate I sought to put it as a question to the Chair. I will state, however, that according to my understanding of the law this evidence could not be judicially examined except in collateral proceedings instituted by the Attorney-General.

The CHAIRMAN. The Chair must say to the gentleman from Illinois that this is in the nature of debate.

Mr. HOPKINS of Illinois. All right.

Mr. HOLMAN. The Chair will allow me a single suggestion. I understand that all debate was closed on this bill; but at that time there was no amendment pending, and it seems to me the agreement does not cut off debate on amendments.

The CHAIRMAN. The language is as broad as it can be made, the Chair thinks, and if amendments were pending at that time it certainly included them in the general order limiting the debate.

Mr. HOLMAN. But, Mr. Chairman, the universal practice has been, if the Chair will pardon the suggestion, that where it is desired to cut off debate upon amendments as well as upon the bill, it is so specified in the request. I think I have never known a ruling where by agreement or order of the House debate should cease on a bill, or a paragraph of a bill, without specifying also on amendments pending or to be offered, that it has been held to apply to both.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that the then occupant of the Chair, after the order was obtained, seemed to entertain the idea that such was the meaning of the order.

Mr. HOLMAN. It would be very perilous to establish a ruling of that character. It has been the uniform practice of the House that, when debate is closed on a bill, or on a section, or on a paragraph, unless it also specified the amendments, it only closed the general debate upon such paragraph. It will be perilous in the extreme to rule that closing debate simply on a bill or section would also close it on any amendments that would be offered. Because the right of amendment would continue after the debate is closed, and certainly amendments should be permitted at least to be explained.

The CHAIRMAN. The gentleman from Indiana will certainly recognize that the House has it always in its power, either by a vote or by unanimous consent, to stop all debate.

Mr. HOLMAN. Certainly.

The CHAIRMAN. And this order was that the House resolve itself into Committee of the Whole, and pending the motion that all debate—

Mr. HOLMAN. On the bill.

The CHAIRMAN (continuing). On the pending bill should be limited to one hour. The Chair thinks it is clear that it also includes debate on amendments, and the Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Provided, That in no event shall the findings of the Court of Claims exceed \$37,000.11.

Mr. ATKINSON. I ask unanimous consent that I may be permitted to occupy the floor for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ATKINSON. Mr. Chairman this amendment is strictly in line with the recommendation of the committee itself in this report. Under the amendment already adopted by the last vote this claimant would have a right to recover the whole sum of \$100,000, or rather three times \$37,000. But the committee in their report believe that this lady should be restricted in her recovery to only one-third of the entire claim of Henry H. Sibley. The report adopted by the committee is clear on this subject. I quote from it:

We suppose that in an ordinary case Congress would remove without question the bar of the statute of limitations in the case of a person who had failed to bring a suit under such circumstances, but the committee seriously question whether they ought to waive the bar of the statute of limitations to enable a person to bring an action against the United States under a contract for a military invention the use of which invention by the Government was largely increased, and, indeed, almost wholly occasioned, by a rebellion in which the claimant himself took part. If Mr. Sibley were himself the person seeking relief this objection would, in the opinion of a portion of the committee, be fatal to his claim.

But we think, on an appeal to the sense of equity and to the indulgence of Congress, the case of Mrs. Sibley and her children stands differently. She was unquestionably loyal to the Government, as were all her kindred. She endeavored to induce her husband to remain loyal. As he is dead, one-third of his property would become hers, either by his will or by the policy of most of the States in spite of his will, if he undertook to convert it from her.

Now, under the circumstances, and in view of the fact that the committee itself recommends only that this lady should be allowed a dower interest and no more, I think it but proper that the House should limit her right of recovery to the amount that the committee claims she is entitled to.

Mr. OATES. Let me ask the gentleman if this bill authorizes an adjudication on the part of the Court of Claims?

Mr. ATKINSON. Yes, sir.

Mr. OATES. And waives any and all defenses that may be made by the Government?

Mr. ATKINSON. The amendment which authorizes this claimant to go to the Court of Claims expressly waives the statute of limitations, and that is all that is waived in the amendment as I understand it. It is not a part of the bill itself, but an amendment to the bill as originally presented. The bill appropriated the sum of \$37,000 to this lady and her children. But the amendment authorizes them to recover the entire sum, or something over \$100,000. It seems to me, Mr. Chairman, that it is no more than equitable and right that this recovery, if recovery be had at all, should be limited, as the committee have advised in their report, to her one-third interest; and for that reason I have suggested the amendment, which I hope will be adopted.

Mr. HOPKINS of Illinois. Mr. Chairman—

The CHAIRMAN. No debate is in order except by unanimous consent.

Mr. HOPKINS of Illinois. I am not asking to be heard, but I am asking for recognition to make a motion.

The CHAIRMAN. The gentleman from Illinois—

Mr. HOPKINS of Illinois. I move to amend the amendment by striking out the word "thousand."

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] proposes an amendment to the amendment offered by the gentleman from Pennsylvania [Mr. ATKINSON], which is to strike out the word "thousand." The Clerk will read the amendment as it would read with the amendment proposed by the gentleman from Illinois [Mr. HOPKINS].

The Clerk read as follows:

Thirty-seven seven hundred dollars and eleven cents.

Mr. BUCHANAN of New Jersey. That covers more than was due at the time Sibley went into the rebellion.

The SPEAKER. The Clerk will report the entire amendment.

The Clerk read as follows:

Provided, That in no event shall the finding of the Court of Claims exceed thirty-seven seven hundred dollars and eleven cents.

Mr. HOPKINS of Illinois. I ask the Clerk to read the amendment as it was proposed by the gentleman from Pennsylvania [Mr. ATKINSON].

The Clerk read as follows:

Provided, That in no event shall the finding of the Court of Claims exceed thirty-seven thousand seven hundred dollars and eleven cents.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] moves to amend that amendment by striking out the word "thousand." The question is upon the amendment proposed by the gentleman from Illinois [Mr. HOPKINS].

The question being taken, the Chairman announced that the yeas seemed to have it.

Mr. HOPKINS of Illinois (from his seat). Division.

The CHAIRMAN. The yeas have it, and the amendment to the amendment is lost.

Mr. HOPKINS of Illinois. I called for a division.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that while the present occupant of the chair is in

the chair, gentlemen desiring a division will have to get it under the rule. When the Chair simply hears the word "division" and sees no gentleman rising, he can not tell whether it is demanded by a member or by someone on the outside, or in the galleries.

Mr. HOPKINS of Illinois (rising). Mr. Chairman, I demand a division.

The committee divided, and there were—ayes 14, noes 45.

Mr. HOPKINS of Illinois. No quorum.

The CHAIRMAN. The gentleman from Illinois [Mr. HOPKINS] makes the point that no quorum has voted, and the Chair will appoint as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from North Carolina [Mr. BUNN].

The committee again divided.

Pending the announcement of the tellers,

The CHAIRMAN said: The Chair desires, in connection with the ruling previously made concerning debate, to call the attention of the committee to a further proceeding that was had the other day after the debate closed. The debate had continued for one hour, when the following took place, as appears by the RECORD:

Mr. MANSUR. Mr. Chairman, I ask unanimous consent that all debate on the bill and amendments be now closed.

There was no objection, and it was so ordered.

Mr. GROUT. Mr. Chairman, that was what I desired to call attention to.

The CHAIRMAN. The Chair was not aware at the time that there had been any subsequent action on the part of the committee, but this shows the construction placed by the committee upon the order of the House.

The committee having divided, the tellers reported—ayes 1, noes 84.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point?

Mr. HOPKINS of Illinois. I have not withdrawn it. I have offered to do so if gentlemen will accept an amendment of the gentleman from Vermont [Mr. GROUT].

The CHAIRMAN. No quorum having voted, the Chair will cause the roll to be called.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Alderson.	Cowles.	Lockwood.	Rockwell.
Arnold.	Crawford.	Lodge.	Rusk.
Babbitt.	Cummings.	Loud.	Russell.
Bacon.	Cutting.	Magner.	Sanford.
Bingham.	Dalzell.	Mansur.	Sayers.
Blanchard.	De Forest.	McDonald.	Seerley.
Blount.	Doan.	McGann.	Shell.
Boatner.	Edmunds.	McKalg.	Shonk.
Brawley.	Epes.	McKeighan.	Simpson.
Breckinridge, Ark.	Fitch.	Milliken.	Snodgrass.
Breckinridge, Ky.	Fowler.	Mitchell.	Snow.
Brookshire.	Fyan.	Morse.	Springer.
Brown.	Geary.	Moses.	Stahlnecker.
Brunner.	Grady.	Mutchler.	Stevens.
Bryan.	Griswold.	Norton.	Sweet.
Buchanan, Va.	Hall.	O'Donnell.	Taylor, Ill.
Bullock.	Hallowell.	Otis.	Taylor, Tenn.
Busey.	Hamilton.	Outwaite.	Tracey.
Bushnell.	Hare.	Page, Md.	Turner.
Cable.	Harter.	Pattison, Ohio.	Turpin.
Campbell.	Haynes, Ohio.	Pearson.	Van Horn.
Capelhart.	Heard.	Pierce.	Wadsworth.
Castle.	Henderson, Iowa.	Post.	Warwick.
Catchings.	Hoard.	Powers.	Wever.
Cate.	Hopkins, Pa.	Price.	Whiting.
Cheatham.	Houk, Tenn.	Quackenbush.	Willcox.
Chapin.	Jones.	Raines.	Williams, N. C.
Clancy.	Lagan.	Randall.	Wilson, Ky.
Clark, Wyo.	Lane.	Ray.	Wilson, Wash.
Cockran.	Lapham.	Rayner.	Winn.
Cogswell.	Lawson, Va.	Reed.	Wise.
Compton.	Lester, Va.	Rife.	
Coombs.	Livingston.	Robertson, La.	
Cooper.		Robinson, Pa.	

The CHAIRMAN. Under the rule, the committee will rise. The committee accordingly rose; and the Speaker resumed the chair.

Mr. HATCH. Mr. Speaker, the Committee of the Whole House, having under consideration bills on the Private Calendar, found itself without a quorum. Thereupon the Chairman caused the roll to be called, under the rule, and 196 members answered to their names. The Chair reports the names of the absentees to the House.

The SPEAKER. The gentleman from Missouri, Chairman of the Committee of the Whole House, reports that the committee found itself without a quorum, that he ordered the roll to be called, when 196 gentlemen answered to their names. The names of the absentees will be entered upon the Journal, and the committee will resume its session.

Mr. HOLMAN. Mr. Speaker, I ask that my colleague [Mr. BYNUM] be recorded as present. He is suffering from a chill, and is in the lobby sick.

There was no objection.

The committee resumed its session, Mr. HATCH in the chair. The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. HOPKINS] to the amendment of the gentleman from Pennsylvania [Mr. ATKINSON], and the tellers will please take their places. In the absence of the gentleman from Illinois, the gentleman from Vermont [Mr. GROUT] will please act as teller.

The tellers took their places; the committee again divided, and the tellers reported—ayes 1, noes 65.

Mr. GROUT. No quorum, Mr. Chairman.

Mr. ENLOE. I ask for a call of the roll, under the rule.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, when the following-named members failed to respond:

Alderson.	Cutting.	Livingston.	Rusk.
Alexander.	De Forest.	Lockwood.	Russell.
Arnold.	Doan.	Lodge.	Sanford.
Babbitt.	Dockery.	Magner.	Seerley.
Bacon.	Dolliver.	Mansur.	Shell.
Bailey.	Dunphy.	McAleer.	Shonk.
Bartine.	Edmunds.	McDonald.	Simpson.
Bingham.	Fitch.	McGann.	Snodgrass.
Blanchard.	Fowler.	McKaig.	Stump.
Blount.	Fyan.	McKinney.	Springer.
Boatner.	Gantz.	Milliken.	Stahlnecker.
Branch.	Geissenhainer.	Mitchell.	Stevens.
Brawley.	Gillespie.	Morse.	Stewart, Tex.
Breckinridge, Ark.	Goodnight.	Moses.	Stone, Ky.
Breckinridge, Ky.	Grady.	Newberry.	Storer.
Brookshire.	Hall.	Norton.	Turner.
Brown.	Hallowell.	O'Donnell.	Taylor, Ill.
Brunner.	Hamilton.	O'Neill, Mo.	Taylor, Tenn.
Bryan.	Harter.	Otis.	Taylor, J. D.
Bullock.	Hayes, Iowa.	Outwaite.	Taylor, V. A.
Busey.	Haynes, Ohio.	Page, Md.	Terry.
Bushnell.	Heard.	Parrett.	Tracey.
Cable.	Hemphill.	Pattison, Ohio.	Turpin.
Caldwell.	Henderson, Iowa.	Pearson.	Wadsworth.
Campbell.	Hermann.	Peel.	Warwick.
Capelhart.	Hitt.	Pierce.	Washington.
Castle.	Hoar.	Post.	Wever.
Cheatham.	Hopkins, Pa.	Powers.	White.
Chapin.	Hopkins, Ill.	Price.	Williams, Mass.
Clancy.	Houk, Tenn.	Quackenbush.	Wilson, Ky.
Clark, Wyo.	Hudson, Ohio.	Randall.	Wilson, Wash.
Cockran.	Jones.	Ray.	Wilson, Mo.
Cogswell.	Ketcham.	Rayner.	Winn.
Compton.	Kilgore.	Reed.	Wise.
Coombs.	Lagan.	Reilly.	
Cooper.	Lane.	Richardson.	
Covert.	Lawson, Va.	Robertson, La.	
Cowles.	Layton.	Robinson, Pa.	
Culbertson.	Lester, Va.	Rockwell.	

The CHAIRMAN. Under the rule, the committee will rise.

The committee accordingly rose; and the Speaker resumed the chair.

Mr. HATCH. Mr. Speaker, the Committee of the Whole House, having under consideration bills upon the Private Calendar, found itself without a quorum; thereupon the Chair caused the roll to be called, when 173 members answered to their names. I report the names of the absentees to the House.

The SPEAKER. The gentleman from Missouri, Chairman of the Committee of the Whole House, reports that that committee found itself without a quorum, and that he directed the roll to be called, when 173 gentlemen answered to their names. The names of the absentees will be entered in the Journal, and, under the rule, the committee will resume its session.

Mr. BLAND. Is it in order to move that the House do now adjourn? It is Good Friday, and I think we ought to have a little rest.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

Rule XXIII, clause 2:

"Whenever a Committee of the Whole House find itself without a quorum, the Chairman shall cause the roll to be called, and thereupon the Committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal: but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House."

Mr. BLAND. I take that, Mr. Speaker, to be subject to another rule, which is that it is always in order to adjourn. I submit the House has a right to adjourn.

The SPEAKER. The Chair has not examined the precedents, but the purpose of the gentleman can be reached by first moving that the committee rise.

Mr. BLAND. I think a motion to adjourn is in order.

The SPEAKER. The Chair thinks the object of the gentleman from Missouri would be best reached by a motion that the committee rise; still the Chair has not examined the precedents.

Mr. BURROWS. Mr. Speaker, it seems to me that the Chair is entirely right. Under the rule I have never known a motion to adjourn entertained. When a quorum is present the rule is that the committee shall resume its session at once. The object of the committee rising is to have the names of the absentees spread upon the Journal. If a motion to adjourn is pending in the House, that may be amended by a motion to adjourn to a day certain, which is in order as a substitute, if a gentle-

man desires to offer it; but when the Committee of the Whole has found itself without a quorum, and the report is made of the absentees, nothing can be done, under the rule, except that the committee shall resume its session.

The SPEAKER. The impression of the Chair has always been that, without the transaction of any business whatever, the committee resumes its session when the presence of a quorum has been reported.

Mr. BURROWS. Nothing can be done, except that the committee resume its session.

The SPEAKER. The Chair is not aware of any rulings on the point; but the Chair has often seen the Speaker refuse to entertain any motion.

Mr. BLAND. I will withdraw the motion.

The committee accordingly resumed its session, Mr. HATCH in the chair.

Mr. BLAND. I move that the committee rise.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BLAND. Division.

The committee divided; and there were—ayes 72, noes 39.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. HATCH, from the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 1466), and had come to no resolution thereon.

Mr. BLAND. I move that the House take a recess until 8 o'clock to-night, as this is pension night.

Mr. MEREDITH. I move to amend that by striking out "8 o'clock to-night" and inserting "10 o'clock to-morrow morning."

Mr. LANHAM. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANHAM. Would it now be in order to make a motion to adjourn?

The SPEAKER. That is in order.

Mr. LANHAM. Then I make that motion.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] moves to take a recess till 8 o'clock this evening for the consideration of business under the special rule, pending which the gentleman from Virginia [Mr. MEREDITH] moves to amend that by striking out "8 o'clock this evening" and inserting "10 o'clock to-morrow morning," pending which the gentleman from Texas moves that the House do now adjourn. The question is on the motion of the gentleman from Texas.

Mr. MARTIN. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 45, nays 133, not voting 150; as follows:

YEAS—45.

Abbott,	Cox, Tenn.	Henderson, N. C.	Stout,
Alexander,	Craig, Pa.	Kilgore,	Stump,
Allen,	Crawford,	Latham,	Tillman,
Bailey,	Culbertson,	Lapham,	Tucker,
Bland,	Cummings,	Lester, Ga.	Whiting,
Branch,	Dixon,	Little,	Wilke,
Brickner,	Elliot,	Meredith,	Williams, N. C.
Bunn,	English,	Moore,	Wilson, W. Va.
Chipman,	Epes,	Oates,	Yountans,
Clarke, Ala.	Forman,	O'Neill, Mass.	
Cobb, Ala.	Forney,	Patterson, Tenn.	
Coolidge,	Geary,	Stockdale,	

NAYS—133.

Amerman,	Danell,	Johnstone, S. C.	Post,
Andrew,	De Armond,	Jolley,	Raines,
Atkinson,	Donovan,	Kem,	Reyburn,
Baker,	Dungan,	Kribbs,	Richardson,
Barwig,	Durborow,	Kyle,	Rife,
Beeman,	Ellis,	Lawson, Ga.	Scott,
Belden,	Enloe,	Layton,	Scull,
Belknap,	Enochs,	Lewis,	Seerley,
Beltzhoover,	Everett,	Long,	Shively,
Bentley,	Fishian,	Lynch,	Simpson,
Boutelle,	Flick,	Mallory,	Smith,
Bowers,	Funston,	Martin,	Sperry,
Bowman,	Gantz,	McAleer,	Stackhouse,
Bretz,	Goodnight,	McClellan,	Stephenson,
Broderick,	Gorman,	McCreary,	Stone, C. W.
Brosius,	Greenleaf,	Groul,	Storer,
Buchanan, N. J.	Buchanan, Va.	Halvorson,	Tarsney,
Burrows,	Hare,	McMillin,	Taylor, E. B.
Butler,	Harries,	McRae,	Taylor, V. A.
Cadmus,	Hatch,	Meyer,	Van Horn,
Caminetti,	Haugen,	Miller,	Walker,
Caruth,	Hayes, Iowa	Milliken,	Washington,
Castle,	Herbphil,	Montgomery,	Watson,
Catchings,	Herbert,	Mitchler,	Watson,
Cate,	Holman,	O'Ferrall,	Wendock,
Clover,	Hooker, Miss.	O'Neill, Pa.	Wheeler, Ala.
Cobb, Mo.	Hooker, N. Y.	Owens,	White,
Coburn,	Hopkins, Pa.	Page, R. I.	Williams, Ill.
Cox, N. Y.	Hopkins, Ill.	Payne,	Wilson, Mo.
Crain, Tex.	Hook, Ohio	Paynter,	Wolverton,
Crosby,	Huff,	Peel,	Wright,
Curtis,	Johnson, Ind.	Pendleton,	
Dalzell,	Johnson, Ohio	Perkins,	

NOT VOTING—150.

Alderson,	Covert,	Lane,	Rockwell,
Arnold,	Cowles,	Lawson, Va.	Rusk,
Babbitt,	Cutting,	Lester, Va.	Russell,
Bacon,	Davis,	Lind,	Sanford,
Bankhead,	De Forest,	Livingston,	Sayers,
Bartine,	Dickerson,	Lockwood,	Shell,
Bergen,	Dingley,	Lodge,	Shonk,
Bingham,	Doan,	Morse,	Snodgrass,
Blanchard,	Dockery,	Magner,	Snow,
Blount,	Dolliver,	Mansur,	Springer,
Boatner,	Dunphy,	McDonald,	Stahlnecker,
Brawley,	Edmunds,	McGann,	Stevens,
Breckinridge, Ark.	Fellows,	McKalg,	Steward, Ill.
Breckinridge, Ky.	Fitch,	Mitchell,	Stewart, Tex.
Brookshire,	Fowler,	Morse,	Stone, W. A.
Brown,	Fyan,	Moses,	Stone, Ky.
Brunner,	Geissenhainer,	Newberry,	Sweet,
Bryan,	Gillespie,	Norton,	Taylor, Ill.
Bullock,	Grady,	O'Donnell,	Taylor, Tenn.
Bunting,	Griswold,	O'Neill, Mo.	Taylor, J. D.
Busey,	Hall,	Otis,	Terry,
Bushnell,	Hallowell,	Outhwaite,	Townsend,
Bynum,	Hamilton,	Page, Md.	Tracey,
Byrns,	Harmer,	Parrott,	Turner,
Cable,	Harter,	Pattison, Ohio	Turpin,
Caldwell,	Haynes, Ohio	Pearson,	Wadsworth,
Campbell,	Heard,	Pickler,	Warner,
Capehart,	Henderson, Iowa	Pierce,	Warwick,
Causey,	Henderson, Ill.	Powers,	Wever,
Cheatham,	Hermann,	Price,	Wheeler, Mich.
Chapin,	Hitt,	Quackenbush,	Willcox,
Clancy,	Hoar,	Randall,	Williams, Mass.
Clark, Wyo.	Honk, Tenn.	Ray,	Wilson, Ky.
Cockran,	Hull,	Rayner,	Wilson, Wash.
Cogswell,	Johnson, N. Dak.	Reed,	Winn,
Compton,	Jones,	Reilly,	Wise,
Coombs,	Ketcham,	Robertson, La.	
Cocper,	Lagan,	Robinson, Pa.	

So the House refused to adjourn.

The following-named members were announced as paired.

Until further notice:

Mr. SPRINGER with Mr. REED.

Mr. STAHLNECKER with Mr. CHEATHAM.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. BRYAN with Mr. O'DONNELL.

Mr. PEARSON with Mr. JOSEPH D. TAYLOR.

Mr. OUTHWAITE with Mr. CUTTING.

Mr. CAPEHART with Mr. RUSSELL.

Mr. WILLIAMS of North Carolina with Mr. SHONK.

Mr. LOCKWOOD with Mr. QUACKENBUSH.

Mr. MOSES with Mr. CLARK of Wyoming.

Mr. BACON with Mr. HENDERSON of Illinois.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. STEVENS with Mr. RANDALL.

Mr. PARRETT with Mr. WAUGH.

Mr. LIVINGSTON with Mr. DINGLEY.

Mr. WINN with Mr. MORSE.

Mr. CAMPBELL with Mr. WILSON of Kentucky.

Mr. HARTER with Mr. BOWERS.

Mr. MAGNER with Mr. PAYNE.

Mr. BROWN with Mr. WADSWORTH.

Mr. TURNER of Georgia with Mr. BARTINE.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. ARNOLD with Mr. TAYLOR of Illinois.

Mr. PAGE of Maryland with Mr. RAY.

Mr. MITCHELL with Mr. ROBINSON of Pennsylvania.

Mr. BLANCHARD with Mr. HULL.

Mr. COOPER with Mr. O'NEILL of Pennsylvania.

Mr. WARWICK with Mr. SANFORD.

Mr. WILLCOX with Mr. HUFF.

Mr. HALL with Mr. TOWNSEND, until further notice, except on free coinage.

Mr. MANSUR with Mr. TAYLOR of Tennessee, from April 2 until further notice; not to be changed in the absence of either.

Mr. TURPIN with Mr. HOOKER of New York, on all political questions, including the election case, until further notice, except on silver question.

Mr. PIERCE with Mr. LIND until further notice, also the Bland bill and all questions connected therewith; this pair not transferable.

The following for this day:

Mr. WISE with Mr. LODGE.

Mr. BRAWLEY with Mr. BINGHAM.

Mr. SAYERS with Mr. HARMER.

Mr. BRUNNER with Mr. SWEET.

Mr. LAGAN with Mr. HITT.

Mr. EDMUNDS with Mr. GRISWOLD.

Mr. ROBERTSON of Louisiana with Mr. BERGEN.

Mr. RUSK with Mr. WILLIAM A. STONE.

The following for the rest of this day:

Mr. DOCKERY with Mr. HENDERSON of Iowa.

Mr. DICKERSON with Mr. WEVER.

Mr. DUNPHY with Mr. KETCHAM, until Monday next.

Mr. HOAR with Mr. BROSIUS, for one week.
Mr. SNODGRASS with Mr. HOUK of Tennessee, until April 21.
Mr. JONES with Mr. HERMANN, for one week from the 11th instant.

Mr. NORTON with Mr. POWERS, for two weeks from the 12th instant.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I am paired with the gentleman from Indiana [Mr. COOPER] on all political questions, but not regarding this as such a question, I have voted.

The result of the vote was announced as above recorded.

The amendment of Mr. MEREDITH was rejected, and the motion of Mr. BLAND was adopted.

The House according (at 3 o'clock and 15 minutes p. m.) took a recess until 8 p. m., the Speaker announcing that Mr. RICHARDSON would preside at the evening session as Speaker *pro tempore*.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m., with Mr. RICHARDSON in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MARTIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider bills on the Private Calendar under the rule. The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the first bill.

HIRAM STIMSON.

The first business on the Private Calendar was the bill (H. R. 1424) for the relief of Hiram Stimson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Hiram Stimson, as a late private in Company D, One hundred and fifty-fourth Regiment of New York Volunteer Infantry, and substitute therefor "absent without leave" from July 15, 1863, to September 30, 1864, when he enlisted in Company M in the Twelfth Regiment New York Cavalry Volunteers, and served faithfully until the name of Arnold Bennett until mustered out and honorably discharged on the 23d day of June, 1865; and the Secretary of War is further authorized, upon the surrender of the discharge issued to the said Hiram Stimson under the name of Arnold Bennett or proof of its loss or destruction, to cause to be issued to the said Hiram Stimson, as a member of Company M, Twelfth Regiment New York Cavalry Volunteers, an honorable discharge in his proper name and to correct the official records to show his service under that name.

The report (by Mr. BOWERS) was read, as follows:

The Committee on Military Affairs have had under consideration the bill (H. R. 1424) for the relief of Hiram Stimson, and report the same back as follows:

From the evidence presented by the military record and other papers, including the statement of said Stimson, it appears that he enlisted in the One hundred and fifty-fourth New York Volunteers in September, 1862, and served faithfully until June, 1863, when he received information that his wife was dangerously ill and not expected to recover. Procuring a furlough of ten days he went home, and at the expiration of that time applied for an extension. The surgeon wrote him that he had better make his way back to the regiment as soon as possible, and to stop and report at Washington, and that he would probably be punished as a deserter. This, he says, frightened him, and he did not go back, but went to Michigan and other places until the 30th of September, 1864, when, under the name of Arnold Bennett, he enlisted in Company M, Twelfth New York Cavalry, and served until June 23, when he was honorably discharged, and now holds an honorable discharge from said company.

In view of the fact that this man went back to the service and served faithfully until the detachment was mustered out after the close of the war, your committee recommend that the bill be amended by adding thereto the following: "Provided, however, That no pay or emoluments shall become due by virtue of this act," and as so amended that the bill do pass.

The record furnished by the War Department is appended hereto and made a part of this report.

Case of Hiram Stimson, late private Company D, One hundred and fifty-fourth New York Volunteer Infantry, alias Arnold Bennett, late of Company M, Twelfth New York Cavalry Volunteers.

RECORD AND PENSION DIVISION, January 22, 1892.

Hiram A. Stimson was enrolled August 12, 1862, in Company D, One hundred and fifty-fourth New York Infantry, to serve three years, and mustered into service September 24, 1862.

A descriptive list of deserters, dated July 31, 1863, reports him "deserted July 1, 1863."

The company's muster-out roll, dated June 11, 1865, shows him "deserted, as private, June 1, 1863, from Stevens's Farm, Virginia."

Arnold Bennett was enrolled as a private in Company M, Twelfth New York Cavalry, September 30, 1864, to serve one year, and mustered into service the same date.

He is borne on the muster rolls of said company and regiment as follows: October 31, 1864, "present;" December 31, 1864, "absent on detached service since December 18;" February 28, 1865, "absent, detached service;" April 30, 1865, "present."

He was mustered out of service with a detachment as a private, June 23, 1865.

On the 13th of November, 1891, the soldier, Hiram Stimson, made application for removal of the charge of desertion, declaring under oath that he enlisted in Company D, One hundred and fifty-fourth New York Volunteers, in August, 1862, and served faithfully until April or May, 1863, when he left the regiment under the following circumstances: Upon the recommendation of Dr. Henry Van Aernam, surgeon of the One hundred and fifty-fourth New York Volunteers, he received a furlough of ten days to enable him to visit his wife, who was dangerously ill and not expected to recover, and on

the expiration of said furlough made application to Dr. Van Aernam for an extension thereof; that he received from Dr. Van Aernam, in reply, a letter telling him that he (applicant) knew the regulations of war, and had better make his way back to his regiment with as little delay as possible, stopping off at Washington to make his excuses, as he would probably be punished as a deserter; that he became frightened at this and left home for Michigan, where he remained about four months, then returned to Buffalo, N. Y., where he worked for a time, and then went to Canada, remaining there until about the middle of September, 1864; that he then went to Lockport, N. Y., and enlisted in Company M of the Twelfth New York Cavalry, on the 30th of September, 1864, under the name of Arnold Bennett, from which company and regiment he was honorably discharged on the 23d day of June, 1865, and that he now has an honorable discharge from said Company M, Twelfth New York Cavalry, dated June 23, 1865.

Under date of November 16, 1891, the applicant was informed, through his attorney, that his case was not covered by the act of Congress approved March 2, 1889, the only law on the subject now in force, the period of his absence from the service between desertion and reenlistment having exceeded four months; and that neither the legality of his second enlistment nor any claim for service rendered thereunder could be recognized by the Department, the law viewing him as in a constant state of desertion during the whole period of his second enlistment.

Since the date of that communication the status of the case has not been changed, either by the introduction of new testimony or by legislation. Respectfully submitted.

F. C. AINSWORTH,
Major and Surgeon, United States Army.

THE SECRETARY OF WAR.

Mr. BAILEY. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions, or any gentleman who is familiar with this case, whether the beneficiary in this bill has acquired any benefit under the other name, for I observe that he served under two names?

Mr. MCKINNEY. Mr. Chairman, this is a bill from the Committee on Military Affairs. Perhaps some member of that committee can give the gentleman the information he desires.

Mr. RAINES. Mr. Chairman, I would say that there is hardly a possibility that in this case or in any similar case a man can have received any benefit under another name. The Pension Office is very particular in searching out, through the records of the War Department, the entire service of the individual, and if they find that in any service in which he has been engaged the record of desertion stands against him he can get no benefit whatever until that is cleared up, even though he may have served faithfully for years after that record was placed against him.

Mr. BAILEY. Then I desire to ask the gentleman from New York if it is not true that, enlisting as this man did, the second time, in the State of Michigan, he obtained something like \$1,000 or \$1,200 bounty?

Mr. RAINES. I do not know what bounties were paid in the State of Michigan, and I do not remember at what period this man reenlisted. It is possible that a man enlisting a second time as late in the war as 1863 or 1864 might have obtained some bounty. We have found a number of cases where the Department has refused to remove the charge of desertion, under the limited power that they have now under the law, on the ground that it was possible that the man might have received bounty and might have deserted for the purpose of reenlisting and getting the bounty. That may be so in this case. I really do not know anything about the case.

Mr. BAILEY. It was because that seemed to me to be possible, and not unlikely, that I made the inquiry.

It appears to me that any gentleman in charge of a bill of this kind, before asking the committee to approve it, ought to be able to show that the soldier did not obtain by his second enlistment that sort of a benefit to which I have referred.

Mr. RAINES. I understand that this is a bill reported by the gentleman from California [Mr. BOWERS], and as that gentleman is not now present, if there is to be any contest over it, I ask that it be laid aside without prejudice.

Mr. WHEELER of Alabama. I wish to call attention to the fact that this bill provides that "no pay or emolument shall become due by virtue of this act." It seems to me this provision meets the question which has been raised.

Mr. BAILEY. Certainly, if the passage of the bill will not involve any charge against the Government I make no objection.

Mr. WHEELER of Alabama. That is specially provided for in the bill. As to what bounty may have been received the Committee on Military Affairs has no means of learning definitely the facts, because the records of the War Department do not show the bounties given by the different States.

Mr. RICHARDSON. Would not the passage of the bill put the beneficiary in a position to ask for a pension hereafter? I would like the gentleman from New York [Mr. RAINES] to answer that question.

The CHAIRMAN. The Chair will state that the gentleman from New York [Mr. RAINES] asked unanimous consent that the bill be laid aside without prejudice.

Mr. BAILEY. I am perfectly willing that course should be taken.

Mr. HULL. The report was made by the gentleman from California; I do not know who introduced the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. RAINES] that the bill be laid aside without prejudice?

Mr. MEREDITH. I object.

Mr. RICHARDSON. I wish to ask the gentleman from New York whether it is true that the person for whose relief this bill has been introduced resides in the State of New York?

Mr. RAINES. I do not know anything about the bill. I simply responded to the question of the gentleman from Texas [Mr. BAILEY].

Mr. RICHARDSON. I wish to say a word or two; and I may as well say it on this bill, although what I shall say relates more especially to the pension roll in general than to this particular case. If this bill is to pass and another person is to be placed upon that roll, I should be glad myself if that person is a citizen of New York rather than Indiana.

Several MEMBERS. Why?

Mr. RICHARDSON. The reason is this: The State of Indiana has upon the pension roll a far greater number of pensioners in proportion to the number of soldiers contributed to the Army than the State of New York or the State of Illinois, or any of her sister States in the North.

Mr. WHEELER of Alabama. Let me ask—

Mr. RICHARDSON. No, I can not yield just now. I say that I have not risen particularly to oppose this bill; but I do want to call attention for a few minutes to the condition of the pension roll. We are now paying out yearly about one hundred and fifty million dollars for pensions, and it behoves us to see that the pension roll is honestly made up.

I believe that pensions ought to be granted to soldiers who became disabled in the war, and I do not believe there is any opposition in my part of the country to granting pensions under the laws in proper cases. Speaking for myself as an ex-Confederate soldier, I would not oppose and I do not believe my constituents oppose the granting of pensions in proper cases. But, Mr. Chairman, we do not think that pensions ought to be given for political services at the polls; we think that they should be confined to cases where services have been rendered in the war. [Laughter.]

Mr. Chairman, speaking seriously, what I shall say relates more particularly to the manner in which pensions have been granted heretofore and are now being granted. In my judgment, pensions are being granted and have been granted for political services and not for military services; and as an evidence of this fact I have figures here which I propose to submit, showing that in close States (politically speaking) in the North, the pension roll is much larger in proportion to population and in proportion to the soldiers contributed to the Army than in States where the political contest is not so close. Now, I wish to see whether or not politics has anything to do with this fact. As I would not undertake to carry the figures in my mind, I have made a little memorandum; and I want some gentleman who is a friend to pension legislation, particularly some gentleman from Indiana—the Chairman of the Committee on Invalid Pensions [Mr. MARTIN] would perhaps be a proper one—to tell me why the facts are as I shall show them to be.

What I assert is that in a Northern State of the Union which is close, politically speaking, the pension roll is larger, comparatively, than in a State where the contest is not so close.

Mr. BAILEY. You mean in the Northern States.

Mr. RICHARDSON. I mean in the Northern States. I am speaking now of the Northern States solely; I am not referring to any of the Southern States. And to come more nearly to the subject, I wish to ask this question: Why is it that Indiana should have a pension list so much larger than the State of Illinois, in proportion to the soldiers furnished to the Army during the war? The difference is so great, Mr. Chairman, as to shock the sense of thinking men. Let me illustrate for a moment. The State of Indiana placed in the field during the late war 196,363 soldiers. Remember the number. She has on the pension list to-day 55,704 persons. Her sister State of Illinois, lying side by side geographically speaking, placed in the field in the late war, and subject to the same conditions as those furnished by the State of Indiana, 259,097 soldiers, and yet the State of Illinois has on the pension rolls only 49,711 persons. Illinois, with 65,000 more soldiers in the war than Indiana, has 6,000 less pensioners on the rolls.

Take the population of the States and compare them in the same way as I have compared the soldiers contributed: Indiana has a population of 2,192,140 people, while Illinois has 3,826,351. Indiana has 1 in every 39 of her population on the pension roll, while Illinois has 1 in 76 of her people on the rolls. Of her enlisted men Indiana has on the pension rolls 1 in every 34 men enlisted, as nearly as I can estimate it, because the fraction does not run out exactly—

Mr. WILLIAMS of Illinois. Will the gentleman yield for a question?

Mr. RICHARDSON. In a moment. While Illinois, the State of my friend now on his feet, has of her enlisted men only 1 in about 6.

Mr. WILLIAMS of Illinois. Can the gentleman from Tennessee state whether Illinois has been gaining on Indiana since the last election?

Mr. RICHARDSON. Well, I will refer that question to my friend, who is better informed on the subject than I am. I only know that since the late war Indiana has always been close and doubtful, politically speaking, while Illinois has been heretofore regarded as pretty surely Republican.

But let me proceed with this illustration a little further. Ohio, though not so close, politically speaking, as Indiana, is always a close battle ground, sent 313,180 men to the war, and she has on her pension rolls 75,448 people; while the State of New Jersey, which has not been so doubtful politically, but has been steadily Democratic, sent 76,814 soldiers to the war and she has a pension roll of only 13,375—

Mr. RAINES. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAINES. I make the point of order that the gentleman is not discussing the pending bill.

Mr. RICHARDSON. That is just where the gentleman from New York is mistaken. Perhaps the gentleman's State should get another soldier on the pension roll for the purpose of equalizing the matter a little if possible. [Laughter.]

The CHAIRMAN. The gentleman from New York makes the point of order that the gentleman from Tennessee is not discussing the pending bill. Does the gentleman insist on the point of order?

Mr. RAINES. I do.

Mr. RICHARDSON. I suppose the gentleman from New York will not object to getting another man from his State on the pension roll.

The CHAIRMAN. The Chair will cause the Clerk to read the rules governing debate in Committee of the Whole.

The Clerk will first read clause 1 of Rule XIV.

The Clerk read as follows:

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The CHAIRMAN. The Clerk will now read clause 8 of Rule XXIII.

The Clerk read as follows:

The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

The CHAIRMAN. The gentleman from Tennessee will proceed under the rule.

Mr. RICHARDSON. I shall endeavor to do so, Mr. Chairman.

Now, I stated that I might be induced to favor this bill because it puts another man from New York on the roll and helps to bring her up to Indiana. I have just shown that Ohio sent 313,180 men into the war, and has a pension roll of 75,448, while New Jersey, a steadily Democratic State sent 76,814 men to the war, and has a pension roll of but 13,375. Ohio has of her enlisted men on the rolls, 1 in about 4; whereas New Jersey has only 1 in 6. Of her total population Ohio has 1 in 48; Indiana, as you will remember, had 1 in 39; while New Jersey has only 1 in 107. So, Mr. Chairman, I might extend these inquiries into the State of my friend who has just interrupted me—

Mr. HULL. Will the gentleman from Tennessee yield for a question?

Mr. RICHARDSON. I will, in a few minutes. New York has about one in seven of her enlisted men only on the rolls, and only 1 in 99 of her population.

Mr. CURTIS. Will the gentleman from Tennessee give way for a question?

Mr. RICHARDSON. I will if it is in the line of increasing the pension roll in New York; but I do not want to yield generally.

Mr. CURTIS. I came in a little late, and I want to know what is the result to be obtained by the reading of this record, so that I can fall in line with my friend and follow him through.

Mr. RICHARDSON. I hope the gentleman will follow me and see the result which I reach; but I do not want him to anticipate me.

Mr. HULL. Mr. Chairman, I would like to ask the gentleman a question.

Mr. RICHARDSON. I will yield in a few minutes. Pennsylvania has of her enlisted men in the war about 1 in 54 on the pension rolls, and of her population 1 in 82. Massachusetts has 1 in 6 of her enlisted men, and 1 in 86 of her population on

the rolls. Rhode Island has of her enlisted men, about 1 in 9 on the rolls, and of her population 1 in 119. I will insert a table here showing, if the committee will consent, the figures of the different States as I have given them, and of some of the other States in detail.

Mr. HULL. I would like to ask the gentleman one question, if he will yield. It is in connection with your figures.

Mr. RICHARDSON. Yes; I will yield.

Mr. HULL. In regard to New York, Rhode Island, and those States, so small in proportion of soldiers to population, will the gentleman from Tennessee please explain that it is because nearly all the old soldiers from the Eastern States have moved West, and the number of soldiers is, therefore, very much greater in the West than in the East in proportion to the population?

Mr. RICHARDSON. Why did not some of them stop in Illinois instead of in Indiana?

Mr. WILLIAMS of Illinois. Mr. Chairman—

Mr. RICHARDSON. It is strange to me that so many of them stopped in Indiana and not in Illinois, the State represented in part by my friend [Mr. WILLIAMS], who is a little restless, who is sitting behind me here. It is certainly as good a State to locate in to get a start as is Indiana, and I say nothing in disparagement of Indiana. [Laughter.]

Mr. HOUK of Ohio. I want to know whether the sources of information from which you derive your statistics inform you how many persons there are on the pension rolls from Ohio who were not residents of Ohio during the war, and did not enter the service from Ohio?

Mr. RICHARDSON. No, sir; I have no information on that point.

Mr. HOUK of Ohio. To my certain knowledge there are hundreds of men in Ohio who are on the pension rolls who enlisted from other States.

Mr. COBB of Missouri. That is the case in other Western States.

Mr. RICHARDSON. No one can answer as to that. I get my figures, however, from the Pension Office.

Mr. WILLIAMS of Illinois. Will the gentleman allow me to say that there are a great many Ohio soldiers in Illinois drawing pensions.

Mr. RICHARDSON. Now, Mr. Chairman, to resume again, and I would have been through by this time if I had not been interrupted—

Mr. KILGORE. Oh, you have got plenty of time; go on.

Mr. RICHARDSON. I do not intend to take the time of the committee. Why is it that Indiana has on the pension rolls 100 persons for each 350 enlisted soldiers during the war, while Illinois has only 100 for each 550 soldiers enlisted during the war? Pennsylvania and Massachusetts show about the same ratio as Illinois, and New York shows 100 for each 700 so enlisted. I ask if this difference, which is so marked, is to be accounted for on the ground that the Indiana and Ohio soldiers fought more bravely in that war than did those from Illinois or Pennsylvania or from the old Bay State?

Were they more exposed to the dangers of battle and driven more recklessly into the deadly conflict? Were more of them wounded and disabled than their comrades in the other States which I have mentioned? If so, there should be more of them on the pension rolls, and no complaint should be made thereof; but, on the other hand, Mr. Chairman, is it not possible or probable that this large pension roll in the States of Indiana and Ohio has been created, not for honorable scars incurred in the heat of battle and conflict of arms in time of their country's peril which tried men's souls, but in the less dangerous conflicts of ballots in time of profound peace? Are they not receiving reward for valiant services, not rendered to their country on the bloody fields of carnage and death during the war where they came up in battalions of boys in blue, but rather upon the less gory fields in time of peace when they came up in divisions of "blocks of five?" [Laughter and applause.]

That is the question I would like to have some Indiana gentlemen answer, and that, Mr. Chairman, is about all I desire to say. I want to repeat again that we are here ready and willing to vote pensions in all honorable and just cases; but we do think that they ought not to be voted for political services; and unless this pension roll in Ohio and Indiana has been increased by political services, I am at a loss to account for the number of cases there.

Mr. PICKLER. Will the gentleman give way for a question now?

Mr. RICHARDSON. Yes, sir.

Mr. PICKLER. Do I understand the gentleman to be in favor of cutting down the pension roll in Indiana, or of increasing the pension roll in the other States?

Mr. RICHARDSON. I think we should "slow up" in these States a little while, where pensions have been based on political grounds, until the others catch up. That is what I think we ought to do. [Laughter.]

Mr. RAINES. Mr. Chairman, I do not propose to undertake to solve the conundrums that have been put by the gentleman from Tennessee [Mr. RICHARDSON], but I want to say to him that I do not believe that the veterans of this country are splitting hairs in any State on the question as to whether there are more pensioners on the roll from the State of Indiana than there are from the State of Ohio, Illinois, or New York. I do not believe they have heretofore been putting the question to the Government or to this House as to whether the pensions have been granted for political service or not.

I believe that every man on the pension roll knows that he got there through having furnished absolute proof that he was entitled to have his name on the pension roll, except a few that have gotten there in previous Congresses, not in this, through the favor of the National Legislature of this great country. I do not think the gentleman shows good taste in taking up the time of this House to interject a political question, to try to array the pensioners or the veterans of one section of the country against those of another. Whoever is on the roll from Indiana is there by reason, not of political services, but because he was able to prove that he was entitled to be there. Whoever is there from the State of New York is there for a similar reason; and it makes no difference to the pensioner whether there are a few more from Indiana than from New York or Illinois.

I do not believe the majority of the gentlemen on that side of the House or this, who come here at great inconvenience to themselves Friday night after Friday night, for the purpose of doing service to some veterans or to the widow of some veteran who are not on the roll, interest themselves as to what per cent is on the roll from these several States.

In regard to the bill under consideration, I wish to say this: That by its terms it carries not a dollar of benefit to this man. It simply relieves him from the charge which stands against him in the record, and I want to ask gentlemen on this side of the House and on the other side as well, after what this great country has done in relieving from all criminal charge in any way and from all responsibility whatever men who, south of Mason and Dixon's line, drew their swords against and fired upon the flag of this Government, if it is asking very much of this House to relieve a poor soldier from the charge of desertion?

Mr. SCOTT. Will the gentleman yield to me for a question?

Mr. RAINES. Certainly.

Mr. SCOTT. I desire to know, as this soldier appears to have served under two names, if the gentleman can explain how it was that he did not serve under his own name in the second enlistment?

Mr. RAINES. From the report of the committee it appears that he left on furlough for his home on account of the sickness of his wife, he overstayed his furlough, and was written to and informed that he would probably be tried for desertion. Consequently he left his home afterwards and went West, and finally reenlisted in another regiment.

Mr. SCOTT. In a different name.

Mr. RAINES. Under a different name, and he is seeking relief from that charge of desertion. I do not think that under the circumstances it is asking too much to give him that relief. But, I want to say right here that I have no sympathy for a man who under ordinary circumstances deserted his flag, his regiment, or his company. There may have been cases where it can be excused. I have no sympathy with many cases, but it seems to me, from this report, there is some excuse for relieving this man from this charge.

Mr. SCOTT. Just one other question. Can the gentleman state whether he received any benefit from his reenlistment?

Mr. RAINES. That I can not say. I do not know whether he received any benefit for his reenlistment. The man appears to have been from New York, but I do not know him—never before heard of him. It is a fact, however, that a bounty was paid to about all who enlisted at the time he reenlisted.

Mr. TARSNEY. Most of those who enlisted at the time he reenlisted were paid bounties.

Mr. RAINES. But, Mr. Chairman, I do not think it is asking too much of the House, under the circumstances, and in view of the legislation that has been passed relieving our friends who fought against the flag from all disabilities—and I do not say it was not right to do so—to relieve this poor soldier from this charge which stands against him, especially as he reenlisted and fought until the close of the war.

Mr. TARSNEY. Why did not he return to his own regiment?

Mr. BUTLER. I would like to ask the gentleman from New York a question.

Mr. RAINES. Certainly.

Mr. BUTLER. The gentleman from New York has asserted that this would cause no expense on the Government. Now, I noticed when the gentleman from Texas [Mr. BAILEY] rose, he objected on the ground that it might make some charge upon the Government. I think that question ought to be answered to

the gentleman from Texas very clearly whether, if this bill should pass, it does not put him in condition to go to the Pension Department and secure a pension in case he is cleared of this charge of desertion?

Mr. RAINES. That seems to have been made clear by the committee, as they offer this amendment:

Provided, however, That no pay or emolument shall become due by virtue of this act.

Mr. WILLIAMS of Illinois. That does not prevent him from receiving a pension.

Mr. HENDERSON of Illinois. I would suggest further that no pension would be allowed unless it was shown that the disability originated in the service and in the line of duty.

Mr. TARSNEY. Under the act of 1890 he would be entitled to a bounty no matter how the disability arose.

Mr. HENDERSON of Illinois. Not under the old law.

Mr. TARSNEY. But under the law of 1890 he would be entitled to \$12 a month, no matter how the disability occurred.

Mr. COX of Tennessee. Can the gentleman from New York give us a satisfactory reason why this soldier changed his name, and in his last enlistment went under a different name?

Mr. RAINES. It would appear from the report that he must have changed his name because he feared arrest and trial for his desertion.

Mr. COX of Tennessee. One more question: Can you satisfy the committee that he went into the service the second time of his own volition, or did he go as a substitute and get a bounty?

Mr. RAINES. It appears that he enlisted the second time voluntarily, and not as a substitute.

Mr. COX of Tennessee. Did he get a bounty for it?

Mr. RAINES. I do not know that.

Mr. COX of Tennessee. I submit to the gentleman that this man could not have enlisted in 1864 without getting a bounty.

Mr. RAINES. Bounties were usually paid in 1864, and it is very possible that he received one.

Mr. COX of Tennessee. Do you not think the reason he changed his name was to get a bounty?

Mr. RAINES. I can not state anything about that. [Cries of "Vote!" "Vote!"]

Mr. MARTIN. Mr. Chairman, with all due respect to the Committee on Military Affairs, from which this bill has come, I think the discussion already provoked makes it entirely proper for me at this juncture to ask unanimous consent that this bill be passed over without prejudice.

The CHAIRMAN. The gentleman from Indiana, the chairman of the Committee on Invalid Pensions, asks unanimous consent that this bill be passed over without prejudice. Is there objection?

Mr. KILGORE. I think I must object for the present, because several gentlemen want to make speeches on it. [Laughter.]

The CHAIRMAN. Is there objection?

Mr. YOUNG. I object.

Mr. TARSNEY. Mr. Chairman, I have no doubt but that on this Private Calendar there are many meritorious cases that ought to pass. Personally I am desirous that every case upon the Calendar should be disposed of upon its merits, and I desire here to call attention to the fact that if there be a determined effort to put forward cases that on their face do not show merit the result will only be to prejudice those that are meritorious.

We should not treat these cases by classes; we should not treat them indiscriminately; we should treat each case upon the facts presented for our consideration. Now, what does this report show? If I recollect the reading of it aright the claimant in this case enlisted late in 1862, in August or September. Serving in the Army until June, 1863, he deserted, was marked upon the records of his company as a deserter, and remained as such until September, 1864, when, under an assumed name, and in a different organization, he reenlisted. Now, we are not unfamiliar with the facts of the history of those days.

There is no man in this House who does not know that in the State of New York, as in nearly every other State of the Union, in September, 1864, no man entered the Army without receiving a bounty of from \$400 to \$1,200, and that fact shows the inducement for this man to conceal his identity. That shows the reason why he did not, as an honest soldier would have done if he desired to serve out his time in the cause of his country, return to the command from which he had deserted; it shows that his purpose in reenlisting was to obtain the benefit of the bounty laws of that period, to get the high bounties that were being at that time paid. If that was not the case, why does not this report show or state that it was not? Why is it not possible for some member of the committee having this bill in charge and who come here and ask us to wipe out the record of desertion against this man, which a late Adjutant-General of the Army would have designated, as he did many similar cases, a bona fide

desertion—why, when they come here and ask us to wipe out that record, do they not bring this man here at least with clean hands?

Put yourselves, gentleman, in the position of this man. Would any of you come into this House with this kind of a record without presenting the proof, or at least making the statement, that in September, 1864, when you enlisted under an assumed name, it was not for the purpose of obtaining the pecuniary rewards offered at that time to those who enlisted? Would you come here with the flimsy pretext that you were afraid to go back to the organization from which you had deserted—that you feared the penalties which would be inflicted upon you by reason of that desertion? Is there a man in this House who was a soldier in the war who does not know that when a man who had deserted returned to his command voluntarily and was willing to atone for the error or the crime of the past and to give to the Government for the remainder of the war the benefit of his service the past was forgotten and he was placed again upon the roll of honorable soldiery? Believing that this man does not come here presenting a meritorious case, I say let us defeat this bill and then proceed to pass other bills—bills which are meritorious. [Applause.]

Several MEMBERS. "Vote!" "Vote!"

Mr. KILGORE. Mr. Chairman, there is no use in making a "row" over these bills. The whole purpose of this class of legislation since the enactment of the law of July, 1890, has been, as it was largely prior to that time, to electioneer. This is nothing more than electioneering legislation. It is very much like the distribution of garden seeds and agricultural reports and books on the horse, and other matters of that kind. It is for the purpose of electioneering. Why should we talk about the "merits" of any case, if the bill involves a few votes to some friend here, Democratic or Republican, in his contest for renomination? I notice another thing, Mr. Chairman, in this connection—that as the time approaches for the assembling of the "primaries" in the various districts of the country the zeal of our friends who electioneer with this character of legislation is greatly fired, and as the time for the election draws near there is no end to such zeal; it is unmeasured.

Mr. OWENS. Will the gentleman yield to me for a question?

Mr. KILGORE. Well, sir, I have no objection, provided you do not put a speech into mine. I do not want to send your speech—

A MEMBER. "Down the corridors of time."

Mr. KILGORE. "Thundering down the ages" along with mine. [Laughter.]

Mr. OWENS. I will make my question very brief. I want to know whether you are not electioneering; and I ask whether all Federal legislation in favor of pensions is not obnoxious in your district as a running measure in a political contest?

Mr. KILGORE. In answer to the gentleman, I will say that I have been zealously urging before this House for the last three months—or before a committee of this House—a bill the purpose of which is to remove the charge of desertion against a friend of mine who fought in a Maine regiment during the war, and who now lives in my district.

Mr. LEWIS. Does he vote for you?

Mr. KILGORE. I think he is a Republican; but that does not do any hurt down there, as there are so few of them.

Mr. ALLEN. If he is a Republican, do you not think a pension would convert him? [Laughter.]

Mr. KILGORE. It might possibly help him along in that way.

Now, in reply to the remarks of the gentleman from New York [Mr. RAINES], I desire to say that the intimation that those who fought on the losing side in the late contest ought to be punished instead of being in Congress—

Mr. RAINES. Mr. Chairman—

Mr. KILGORE. Well, the gentleman did not say that—

Mr. RAINES. No, I did not.

Mr. KILGORE. But that was the idea intended to be conveyed; and then the gentleman goes on to say that the Government magnanimously removed all our disabilities. The truth of the business is, Mr. Chairman, they could not get along without us. [Laughter.] As was recently remarked by a distinguished member of the United States Senate, whose name I will not repeat, "Riding in a fine carriage drawn by two bob-tailed horses, driven by a negro wearing a plug hat, here I am, full of champagne and terrapin, drawing my pay from the Federal Treasury at the rate of \$5,000 a year, besides a clerk and other perquisites; yet twenty-seven years ago, they say, I ought to have been hanged, and probably I ought." Now, the gentleman says the Government has magnanimously relieved us from all the consequences of what we did.

Mr. RAINES. Will the gentleman allow a question?

Mr. KILGORE. Oh, yes.

Mr. RAINES. I wish to ask if the Senator referred to is the same gentleman who stated on the floor of the Senate that the Union soldiers were "looters of the Treasury and robbers of the taxpayers?" I allude to Mr. Reagan of Texas.

Mr. KILGORE. No, sir; I am not referring to Mr. Reagan, and he is not now a member of the Senate. But the pretended friends of the Federal soldiers have, in the name of the Federal soldiery, been themselves the looters of the Treasury. The Congress of the United States since the war have looted the Treasury and plundered the people in the name of the Federal soldier, but not for his benefit and not in the interest of the people at large.

Now, he says that the passage of this bill carries with it no emoluments, in pay or otherwise, when in point of fact he knows or he must know—for this House knows from the repeated declarations he made on that subject, which, if not made for the purpose of misleading the House, would mislead the House, for he knows that the moment the ink is dry on the signature of the President approving this bill the beneficiary will be an applicant for a pension or to be put on the retired list with back pay, and having been honored by an act of Congress in his behalf he will deem that an additional reason why he should be so treated. Now, this being an electioneering scheme and the Democrats having so much the advantage to-night over our Republican friends, being some sixty or seventy Democrats present and probably fifteen or sixteen Republicans, I do not think we ought to go on until we get more members here. I am willing to take a vote on this measure and see how it stands.

Mr. TARSNEY. Well, let us do that and stop talking.

Mr. KILGORE. Very well; at the suggestion of my friend from Kansas City I will check up right here. [Laughter.]

Mr. WHEELER of Alabama. Mr. Chairman, I do not intend to occupy any of the time of the committee further than to do what I believe to be my duty as a member of the committee reporting this bill. That committee has had referred to it some twelve or fourteen hundred bills, a large number of them being for the purpose of removing charges of desertion. In their consideration the committee has examined each case with the greatest care, and in a single sitting have reported from twenty to forty of that character of bills adversely. The House is well aware that during the last ten years several general bills have been passed by Congress giving relief in cases of desertion and authorizing the officers of the War Department to grant an honorable discharge where a soldier was borne on the rolls as a deserter in certain cases.

The cases presented to the committee by these bills, or the greater part of them, would come under one or other of the general clauses of acts to which I have referred, which provide that soldiers who had served honorably at least six months should have the charge removed by application to the War Department, and this soldier served for a much longer period than six months; but the general law also provides that the soldier shall not have been absent for a period of more than six months. In this case the soldier was absent a longer period. But he returned, as the record shows, and for more than a year served faithfully, and until the end of the war.

Mr. TARSNEY. Oh, he did not return; he volunteered in another organization.

Mr. WHEELER of Alabama. That is correct; he enlisted in the Army, but in another command, and served faithfully, and the committee in considering this case felt that where Congress had made a general law that would have given relief had he been absent only six months, that in a case like this, coming, as it does, so nearly to the requirements of the general law, they might submit the case to the House for their consideration and action. Individually I think the general laws are quite as lenient as they should be. I think all or nearly all proper cases are covered by the general law as it stands, and I am clearly of the opinion that special laws should be carefully scrutinized.

Mr. TARSNEY. Will the gentleman allow a question?

Mr. WHEELER of Alabama. Yes, sir.

Mr. TARSNEY. I wish to ask, first, if the committee that examined this case made any inquiry, or got any information, from the office of the Adjutant-General of the Army, or from the office of the adjutant-general of the State of New York, as to what bounties were paid to this man when he enlisted in the Army in the year 1864?

Mr. WHEELER of Alabama. The Adjutant-General of the Army has no information on that subject.

Mr. TARSNEY. Oh, yes.

Mr. WHEELER of Alabama. The Adjutant-General of the Army of the United States has no record to show the bounties which were paid.

Mr. TARSNEY. Were there any inquiries made of the adjutant-general of the State of New York, or of the State of Michigan, wherever this man enlisted?

Mr. WHEELER of Alabama. I will state that the investigation I have made and the inquiries which have been propounded in connection with this matter develop that the States have not any organization by which they can readily give information on that subject. They can give general information; but they have no pension office, or auditor's office, or other means of giving ready information as to an inquiry of that character with regard to any special soldier.

Mr. TARSNEY. Then another question to which I ask the attention of my friend from Alabama; whether he, who was himself a soldier, would not consider it a gross injustice to the honorable, meritorious, and faithful soldiers of the Army (if it be true that this man reenlisted in the Army simply for the purpose of getting bounty)—if he does not think it would be a gross injustice to these honorable soldiers of the Army to wipe out the record of desertion and give him an honorable discharge, and thereby not only do this injustice, but set a bad example?

Mr. WHEELER of Alabama. In reply to the gentleman I will say that I think no member of this body has a higher regard and admiration for a brave and faithful soldier than myself; and no one, permit me to say, has a more intense disregard and contempt for an unfaithful soldier than myself, and I am not on the floor to advocate the passage of this bill.

And I will further say that the committee sought to provide that this soldier should have no benefit from the bill further than the benefit of having this stain removed of the charge of desertion.

Mr. TARSNEY. But that stain is there to punish for something. Do you want to wipe that out?

Mr. WHEELER of Alabama. I will state to the gentleman that it matters not what errors men have committed; that some men, even though they have committed errors amounting to crimes, have so conducted themselves thereafter as to be deserving of the pardoning power.

Mr. TARSNEY. And to be put upon an equality with those who never committed an error?

Mr. WHEELER of Alabama. When a man is pardoned for any offense, he is placed upon an equality with every other citizen of his country; and the principle of the pardoning power is considered throughout the world as one of the most beneficent elements of the power of executives, or bodies that have the power to grant pardons; and when this case was presented to this committee, with proof of the very creditable and gallant conduct of that soldier during the last year of the war, a year when there was more fighting done than in all the preceding three years, a majority of that committee felt that that was a case where the pardoning power could with propriety be exercised.

Mr. TARSNEY. Now, is there any evidence before this committee that he ever participated in a single engagement after his reenlistment?

Mr. WHEELER of Alabama. Yes, sir.

Mr. TARSNEY. When and where?

Mr. WHEELER of Alabama. I will try and look that matter up for the gentleman.

Mr. DICKERSON. The important question is, was he in fact a deserter, or was it a mistake of someone?

Mr. WHEELER of Alabama. There is no doubt the charge of desertion was properly entered. The facts stated by the War Department show that he had a leave of absence for ten days, to visit his wife, who was dangerously ill and not expected to recover. At the expiration of the furlough he made application to Dr. Van Aernam for an extension; that he received from Dr. Van Aernam, in reply, a letter telling him that he, the applicant, knew the regulations of war, and had better make his way back to his regiment with as little delay as possible, as he would probably be punished as a deserter; that upon receiving that letter he became frightened and did not dare to go back to his own regiment, and did not go, his furlough having expired, but went off and enlisted in another regiment.

Mr. DICKERSON. I understand he ran off to Canada instead of going to the regiment.

Mr. WHEELER of Alabama. His home was near Canada, and he probably entered that Dominion, but he returned and served until the war closed.

I wish to say—and this is the point I was coming to—that the Committee on Military Affairs, in exercising this pardoning power which is granted to them under the rules of the House, wish to conform to the views of this House in their action. This case grazes as nearly as possible to the general law, without coming under it; and if this House feels that the pardoning power has been exercised too freely by that committee, they want to know it, as a guide for their conduct in future. That committee and its members are servants of this House, delegated by this House to perform certain duties, and they wish to perform those duties in such a manner as to conform to the wishes of this body.

There is no committee in this House which has harder work than the Committee on Military Affairs. It is a work for which its members receive no thanks. I am the only member of that committee from a Southern State. My constituents have but little interest in the legislation which comes before it; but I endeavor to faithfully perform the duties, because they have been assigned me by this body.

Mr. DICKERSON. I would like to ask the gentleman another question: Has the committee discovered whether or not it was frequent during the war for soldiers to desert and then to go back and reenlist under some other name, simply for the purpose of obtaining the bounty?

Mr. WHEELER of Alabama. They have found that to be so in certain cases, and the committee have invariably refused to exercise the pardoning power or to remove the charge of desertion when that fact was before them.

Mr. TARSNEY. You have not stated what the man's military service was yet after his reenlistment.

Mr. WHEELER of Alabama. I will try and give it to you.

Mr. TARSNEY. The War Department record shows that during the time he was in Canada; and Lockport, where he reenlisted for this large bounty, is right on the line.

Mr. WHEELER of Alabama. I find that the report does not give his military service further than to say that he served faithfully and honorably during the summer and fall of 1864 and spring of 1865.

Mr. PICKLER. Was he honorably discharged at last?

Mr. WHEELER of Alabama. Honorably discharged from that regiment; and, as I have stated, the only difficulty in the way of his getting an honorable discharge and having the charge of desertion removed under the general law is that he was absent a little longer than the law prescribed.

Mr. YOUNG. What State did he enlist from the second time?

Mr. WHEELER of Alabama. From the State of New York.

There has been a great deal said about which States deserve the most credit for putting most soldiers in the military service during the war; and I will inform this House that the States which gave the most soldiers were the Southern States. I want to state this fact, because some people question its accuracy. The Southern States furnished to the Federal Army more soldiers than they furnished to the Confederate army. They furnished 391,000 white men, in white regiments organized in Southern States.

They furnished 225,000 colored soldiers; and then, by means of bounties, regarding which much has been said, a number of men estimated at 100,000, and some estimate it higher than that, and that is estimated in a large degree from the records of places of birth, and from these records it is assumed that more than 100,000 Southern men enlisted in Northern regiments from Southern States. These three items added together show a greater body of men from the Southern States in the Federal Army than were furnished to the Confederate Army.

Mr. ANDREW. What do you mean by the Southern States; the States in rebellion, or slave States?

Mr. WHEELER of Alabama. I include the States of Missouri, Kentucky, Maryland, and the District of Columbia, and all the Southern States. In the Mexican war the Southern States furnished by far the largest quota, and their losses in the battles in Mexico were much larger in proportion to other States. So in the Creek wars, the Seminole war, and other Indian wars from 1832 to 1836.

Now, I want to make a reply to my friend from Tennessee [Mr. RICHARDSON]. He asked the question how it was that the people of the State of Indiana had a larger number on the pension roll than other States. I will say it is presumed that all officials do their duty, and assuming that the pension officials have acted fairly, the facts presented by the gentleman from Tennessee will justify the argument by the people of Indiana that they fought very well, and that the reason why there is a larger number of Indiana soldiers on the roll is because they fought so well. I know my friend fought in many battles against Indiana soldiers, and I expect he will testify that they fought hard enough for him.

Mr. RICHARDSON. I do not doubt that at all.

Mr. WHEELER of Alabama. And if they fought well it is only natural that the people from Indiana should give that as a reason why they have a larger number on the pension roll.

Mr. RICHARDSON. My friend will recognize the fact that there never was a battle in which Indiana soldiers fought alone on the Federal side, but they fought side by side with regiments from other States. Therefore, there can be nothing in that part of the gentleman's statement.

Mr. WHEELER of Alabama. But the Indiana people will argue that.

I want to say, in conclusion, that I do not want to have anybody

in this House under the impression that any man in the Southern States hesitates for a moment to most gladly pay his quota for pensioning any soldier in the Federal Army who was wounded in the war or who under the general laws is deserving of a pension.

Mr. RICHARDSON. I want to ask my friend, does he think that the Indiana soldiers fought more bravely than the Illinois soldiers in the war?

Mr. WHEELER of Alabama. I do not say that, but I say that the Indiana men might be justified in making that argument from the statistics presented by the gentleman from Tennessee. The soldiers from all States fought with most commendable courage and I would not if I could make invidious distinctions. I am proud of the courage of all Americans.

Now, Mr. Chairman, I hope this House will consider this bill and give it the just and fair showing that it should receive, because the Committee on Military Affairs want the sense of the House to guide them in future action upon bills of this character. [Cries of "Vote!" "Vote!"]

Mr. CHIPMAN. Mr. Chairman, if the objection made to this bill is well founded it ought to be respected. If the claimant in this bill deserted and reenlisted in my State, and received a township, county, or State bounty, that fact is very easily susceptible of proof; at least by his own affidavit he ought to disclaim the reception of any bounty, and the records of the adjutant-general's office and of the townships and counties in which bounties were paid would very easily demonstrate whether he did or did not receive a bounty on the name in which he reenlisted.

That being the case, and being anxious that no injustice shall be done to this claimant, I hope the committee will consent that this bill shall be passed over to-night without further discussion, retaining its place on the Calendar, so that we may investigate and ascertain the truth concerning the matter.

Mr. BUNN. Will the gentleman permit me to ask him a question?

Mr. CHIPMAN. Yes, sir.

Mr. BUNN. I would like to ask the gentleman whether or not they did not all receive bounties who enlisted about the time this soldier reenlisted, and whether the presumption is not well founded that he did receive a bounty.

Mr. CHIPMAN. I do not propose, Mr. Chairman, to foreclose this claimant by a presumption. He was not obliged to receive a bounty unless he chose. I would like to place the case in such an attitude that we can ascertain the facts without any presumption; no guesswork, but the fact itself. It is just to the claimant and just to the House.

The CHAIRMAN. What was the request of the gentleman from Michigan?

Mr. TARSNEY. Mr. Chairman, I move that this bill be laid aside with the recommendation that it be re-referred to the Committee on Military Affairs to inquire into the facts and motives concerning this case of desertion.

Mr. BOWERS. Mr. Chairman, upon that question I want to be heard. Gentlemen, I am a member of the Committee on Military Affairs.

Mr. CHIPMAN. Mr. Chairman—

The CHAIRMAN. The gentleman from California is recognized.

Mr. CHIPMAN. What has become of my request?

Mr. BOWERS. Now, I have been recognized, just give me the floor for about five minutes.

Mr. CHIPMAN. What has been done with my request?

The CHAIRMAN. The Chair asked the gentleman as to the form of his request, and just at that moment he was interrupted by the gentleman from North Carolina [Mr. BUNN] and did not again present the request.

Mr. CHIPMAN. I thought I said "yes."

The CHAIRMAN. The Chair did not hear the request, but will submit the proposition if desired.

Mr. BOWERS. The Chair recognized "the gentleman from California," and I will not occupy much time, but I desire a few moments.

As I said, I am a member of the Committee on Military Affairs, and also a member of subcommittee No. 7, to whom these bills go.

I have reported a great many bills, that is, they have been reported from my subcommittee, and my name goes with them as having reported them; but at the same time that subcommittee have laid away in the pigeonholes a great many more bills than they have reported to the House. Now, for the last four weeks I have almost dreaded to come up here, because there are so many members coming to me all the time and saying, "BOWERS, will you look after that little bill of mine?" [Laughter.] All you gentlemen have got "little bills" in which you feel a personal interest, and we have been just as good-natured in that

committee as we could be; perhaps a little too much so. Now, gentlemen, the war is over.

Mr. FITHIAN. Oh, no.

Mr. BOWERS. Yes; it is over, and I am ready to forgive them. [Laughter.] I am perfectly willing that you gentlemen should "sit down" upon this bill or upon any other, but if you are going to do so, just let us know, and save us a whole lot of work in that subcommittee, for there will be no use in our reporting any more of these bills. If you are going to beat these bills here, do not come to me any more and ask me to report your "little bills." [Laughter.]

Mr. CARUTH. Did the gentleman report this bill?

Mr. BOWERS. I did.

Mr. CARUTH. Did this man receive a bounty?

Mr. BOWERS. I do not know about that.

Mr. TARSNEY. Did you not consider that a material inquiry?

Mr. BOWERS. There was no evidence that he had received a bounty.

Mr. TARSNEY. Why did you not inquire of him?

Mr. BOWERS. He was not here.

Mr. TARSNEY. Or of whoever presented the bill?

Mr. CARUTH. Whose bill is this?

Mr. BOWERS. This bill was introduced by Mr. HOOKER of New York. You all know, gentlemen, that I have reported about a hundred of your bills, and I am perfectly willing you should stop right here; only, I repeat, do not come and bother that committee any more about these bills. [Laughter.]

Mr. TARSNEY. Can you conceive of a case that would illustrate what was known as "bounty-jumping" better than the record of this case in the War Department?

Mr. BOWERS. Oh, yes.

Mr. TARSNEY. Well, I can not.

Mr. BOWERS. Do you know that this man ever received a bounty?

Mr. TARSNEY. I do.

Mr. BOWERS. You do?

Mr. TARSNEY. I do; because I know that bounties were universal at the time that he reenlisted.

Mr. BOWERS. Well, I was down at the front for about four years, and I do not know it. [Laughter.]

Mr. YOUNG. But did the committee take any pains to find out whether he had received a bounty or had not?

Mr. BOWERS. It was impossible for us to find that out.

Mr. TARSNEY. You could have found it out through the State adjutant-general's office.

Mr. BOWERS. In regard to the office of the Adjutant-General—I mean the Adjutant-General of the United States—I want to say that we never consider any of these bills or take any action whatever upon them until we get a report from that office, and that report governs the committee almost entirely, except that, as I have already said, we have been very good natured in responding to the appeals of gentlemen who come to us and say, "Now, this bill belongs to a friend of mine, and I wish you would try to get it on the Calendar." [Laughter.]

Mr. KILGORE. The gentleman says that his committee have reported bills of this character promptly right along.

Mr. BOWERS. We have reported quite a lot of them.

Mr. KILGORE. Well, I want to say that I have had a bill for a Maine volunteer who is now down in my district, a bill to remove a charge of desertion, and that bill has been before your committee for a month.

Mr. BOWERS. Did you ever come to me and say anything about it? [Laughter.] If you had done that you would have got it a month ago.

Mr. KILGORE. Have I got to go and hunt up the bill and "bother" the committee about it? These bills ought to stand on their merits, and ought to be attended to by the committee without prompting from any outside source.

Mr. BOWERS. I wish to say that in considering these bills brought before the Military Committee by honorable members of this House I have supposed that no member would come there and put in a bill that was not worthy to be considered by the committee or that he did not believe was correct.

A MEMBER. There is where you were mistaken.

Mr. BOWERS. Well, what member has done it? What member has put in a bill that ought not to pass? Get up here and show your hand, and tell me what member has come here and deliberately put in a bill that he knew ought not to pass or knew was not a good bill.

Mr. YOUNG. If they were all worthy bills, why have the committee thrown out so many?

Mr. BOWERS. I want you to come down to cases. Gentlemen go on and say a great many things generally—

Mr. TARSNEY. Will the gentleman allow me to "come down to cases?"

Mr. McMILLIN. If the gentleman from Missouri [Mr. TARSNEY] will allow me, I wish to ask the gentleman from California one question, with his permission.

Mr. BOWERS. Certainly.

Mr. McMILLIN. The gentleman has stated that a large number of bills—I believe about fourteen hundred—have been before his committee, many of them involving the question of desertion. Now, in the consideration of these bills, where under the law bounties were given at a certain period, on what presumption does the committee act in determining whether or not bounty was paid in a particular case?

Mr. BOWERS. I will answer the gentleman. The committee—the subcommittee always reports to the full committee—has not taken into consideration that question of bounty at all.

Mr. McMILLIN. Does not the gentleman think it would be very unjust to the Government and to soldiers who never deserted if we should give an honorable discharge to a man who deserted from the Army for the purpose of reenlisting and obtaining a bounty?

Mr. BOWERS. Yes, sir; it would.

Mr. McMILLIN. Then does not the gentleman think that where the law gave a bounty it is a fair and proper presumption to assume that the bounty was received by the soldier on reenlistment?

Mr. BOWERS. You assume that the soldier in every case reenlisted for the bounty, which is not the case. He may have received the bounty, and may have been, as is shown to be the fact in many of these cases, a good soldier, and the question whether he received a bounty or not may have made no difference in regard to his service.

Mr. McMILLIN. But where there was a double enlistment, and where bounty was in fact ordinarily given at the time of reenlistment, is not the presumption that the soldier did receive a bounty sufficient to debar him from an honorable discharge?

Mr. BOWERS. That might be the presumption in some cases; but in many of these cases the evidence shows that the soldier did not receive the bounty or that it did not govern his action.

Mr. SCOTT. Does not the fact that the soldier enlisted under an assumed name give color to the presumption that he enlisted for the bounty?

Mr. BOWERS. It might give color to the presumption; but we have not had in most of these cases the evidence as to why the soldier enlisted the second time under an assumed name. If I had time (and I do not want to consume the time of the committee) I could refer to plenty of instances.

Mr. RICHARDSON. Did you wish to be understood as saying that in every case where the gentleman introducing a bill called on you to report it favorably you had done so on the assumption that members making such requests were honorable gentlemen?

Mr. BOWERS. Oh, no; we considered the cases on their merits, of course. We assumed that the members thought the bills meritorious; but that did not control our action.

The CHAIRMAN. Will the gentleman from Missouri [Mr. TARSNEY] kindly restate his motion?

Mr. TARSNEY. My motion was that the bill be laid aside—

Several MEMBERS (to Mr. TARSNEY). Withdraw your motion.

Mr. TARSNEY. Very well; I withdraw my motion; let us take a direct vote.

The CHAIRMAN. The motion of the gentleman from Missouri being withdrawn, the question is on the amendment reported by the committee.

Mr. KILGORE. What is it?

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

After the word "name," in line 20, insert:
"Provided, however, That no pay or emolument shall become due by virtue of this act."

Mr. WHEELER of Alabama. I move to amend that amendment so as to provide that "no pay, emolument, or pension shall become due by virtue of this act."

Several MEMBERS. That is right.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Alabama.

Mr. KILGORE. Before that amendment is voted on, I would like to know from some of the learned lawyers of this House, and there are plenty of them, the legal effect of this bill as to the granting of a pension in the future by the Pension Office.

Now, I will give my opinion, and I am not going to charge anything for it, but I am not amongst the learned lawyers; and that is, that the proposition as the bill stands, or rather the amendment of the committee if adopted, provides that it shall carry no pay, allowance, or emoluments of any kind. That relates to everything in the past. But the granting of a pension refers to the future. The purpose of the amendment of the gentleman from Alabama is, as I understand it, to prevent this man

from securing from the Pension Office in the future a pension which might by law come to him. It provides that the claimant shall not be entitled to any pension.

Mr. CRAIN of Texas. No; it provides that no pension shall accrue by the passage of this bill.

Mr. KILGORE. But the purpose of the passage of the bill itself is to clear the way in order that he may receive a pension. I say that that amendment, therefore, of the gentleman from Alabama, so far as it affects the future action of the Pension Office, would be of no binding force in law. I think that the moment this bill became a law, that moment the claimant would have a perfect right to go before the Pension Office and ask to receive a pension, provided he made the proper proof required by law to show himself entitled to it.

Mr. ALLEN. Now, Mr. Chairman, I will state to the gentleman from Texas in regard to this question, that this is one instance in which the unlearned and the learned lawyer take the same view of the situation. [Laughter.]

Mr. KILGORE. Well, there are very few instances in which they do agree.

Mr. BUTLER. Mr. Chairman, in regard to the wording of this new amendment of the gentleman from Alabama, permit me to say that it would have no effect whatever upon the privilege of the Pension Office in the granting of a pension. It simply says that there shall be no pension due to this man by virtue of the passage of this act. There is no pension due to anybody until it is adjudicated in the Pension Office and allowed to him, and of course there is no pension due by the passage of this act, whether you so provide in the bill or not. It is a mere waste of words, simply that and nothing more. It is an amendment that has no business in the bill. You can not by any such means prevent a man from getting a pension who is entitled to it. If he is not a deserter, and should be restored, as this act contemplates, he is entitled to a pension and he ought to have it, and this amendment, therefore, would not affect his right one way or the other, and if it would affect his rights after being granted an honorable discharge as contemplated by this act, certainly the amendment would be entirely unjust.

Mr. WHEELER of Alabama. Mr. Chairman, I think gentlemen are entirely mistaken in their views regarding this amendment. This man when he applies for a pension is confronted in the Pension Office by a report from the War Department that he deserted, and therefore, without this action on the part of the House, removing the charge of desertion, he could not secure a pension.

This bill, if it becomes a law, is a certificate by which he may get a pension if entitled to it. But before the office can act they must have the bill itself filed before them.

The bill goes to the office, stating in the very terms of the bill itself, which removed the charge of desertion, and which would otherwise give him the right to apply for a pension, that no pay or emoluments of any description shall become due by reason of the bill; nor shall any pension become due by virtue of this act. The bill itself would otherwise give him the right. Therefore if this bill were filed in the Pension Office it would show the intent of the law in removing the charge of desertion, and would undoubtedly prevent his securing a pension hereafter.

Mr. WILLIAMS of Illinois. Will the gentleman yield for a question?

Mr. WHEELER of Alabama. Yes, sir.

Mr. WILLIAMS of Illinois. Would the passage of this bill, amended as we propose to amend it, grant the soldier an honorable discharge?

Mr. WHEELER of Alabama. It removes the charge of desertion, but with the condition that no pension be granted to him.

Mr. WILLIAMS of Illinois. Does it grant an honorable discharge?

Mr. WHEELER of Alabama. It removes the charge of desertion and grants an honorable discharge.

Mr. WILLIAMS of Illinois. Then is this case an exception to the provisions of the law of 1890?

Mr. WHEELER of Alabama. Certainly, because the bill itself provides that he shall not have a pension, and it would be a violation of law for a pension to be given him. If we pass the bill with my amendment the soldier is forever debarred a pension. If we defeat the bill, he can come next Congress and might get a bill through in a shape which would give him a pension.

Mr. SCOTT. It provides that by the force of this act he shall not have a pension.

Mr. WHEELER of Alabama. The effect of the passage of the bill would be to prevent him getting a pension hereafter. [Cries of "Vote!" "Vote!"]

Mr. BRETZ. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRETZ. Would it be in order in Committee of the Whole for any member to demand the previous question?

The CHAIRMAN. That would not be in order, as the previous question does not apply in Committee of the Whole.

The question is on the amendment to the amendment offered by the gentleman from Alabama.

The question was taken, and the Chair decided that the amendment was rejected.

Mr. WHEELER of Alabama. I demand a division.

Several MEMBERS. Do not do that.

Mr. WHEELER of Alabama. Very well, I will withdraw the demand.

Mr. KILGORE. I demand a division myself.

The CHAIRMAN. The gentleman from Texas demands a division—

Mr. KILGORE. At the suggestion of these gentlemen around me I will not insist.

Mr. PICKLER. Then I demand a division. If they want to cut off pension legislation let us know it now.

Mr. BAILEY. I hope the gentleman from South Dakota will not consume the time of the committee in hunting up a quorum.

Mr. PICKLER. I demand a division.

The committee proceeded to divide, but before the announcement of the vote

Mr. PICKLER said: I withdraw the call for division.

So, no further count being demanded, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment reported by the committee.

The amendment reported by the committee was agreed to.

The CHAIRMAN. The question now is on laying the bill aside as amended with a favorable recommendation.

The question being taken; the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. KILGORE), there were—ayes 41, noes 62.

The CHAIRMAN. On this question the yeas are 41 and the noes 62. The yeas have it, and the motion to lay aside the bill with a favorable recommendation is disagreed to.

Mr. KILGORE (speaking at the same time). Mr. Chairman, I am very much inclined—

The CHAIRMAN. What is the statement of the gentleman?

Mr. KILGORE. I think we ought to stand by the committee.

The CHAIRMAN. The Chair does not understand the statement of the gentleman from Texas.

Several MEMBERS. He has not made any.

Mr. KILGORE. I withdraw my statement.

So the motion to lay aside the bill with a favorable recommendation was disagreed to.

JAMES A. DAVIS.

The next business on the Private Calendar was the bill (H. R. 4488) granting a pension to James A. Davis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of James A. Davis, a soldier in the Black Hawk war, who enlisted July 31, 1832, for one year, and served to December 21, 1832, when he was discharged on surgeon's certificate of disability, in Capt. Jesse B. Brown's company, United States Mounted Rangers, and pay him a pension of \$30 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4488) granting a pension to James A. Davis, have considered the same and respectfully report as follows:

The records show that the claimant served in the Black Hawk war as a private in Capt. Jesse B. Brown's company, United States Mounted Rangers. He enlisted July 31, 1832, for one year and served until December 21, 1832, when discharged on surgeon's certificate of disability.

The service of the claimant is also shown by the sworn statement of William Bandy, who served with him.

Hon. John C. Black, ex-Commissioner of Pensions, certifies under date of January 27, 1892, as follows:

"I have been acquainted with James A. Davis, who, I understand, is an applicant for pension from Congress—for forty years. I know him to be a man of great age, of sobriety, of the best habits, and yet entirely dependent upon those not legally bound to his support, and at the same time incapacitated by reason of his age from earning his living manually or otherwise. I would be gratified to know that the pension was issued to him because of his services in the Black Hawk war, which, I understand, have been established."

The claimant, who now resides in California, makes affidavit to being without property, and in a dependent condition; his age is stated at 81 years.

L. M. Brown, William R. Harker, and James Ashby also testify to the claimant's great age, dependence, and disability.

Your committee believe the bill to be a meritorious one, and the same is hereby returned with a favorable recommendation.

Mr. KILGORE. Mr. Chairman, the bill in this case grants \$20 a month. No doubt it is a very meritorious case, and the beneficiary ought to have the money; but it is more than Congress has been in the habit of granting. Twelve dollars or \$15 a month is the usual amount. I would be willing to amend this bill, not that I care about the amount that is involved, but the precedent that it affords for men who served in the Black Hawk war and other Indian wars to clamor for an increase of their pensions is what I object to.

Mr. DICKERSON. How about the Mexican war veterans?
Mr. KILGORE. They get \$8 a month and the soldiers of the war of 1812 get \$8 a month. The soldiers of the Black Hawk war do not get anything by general law. This is a case which is singled out of a thousand, perhaps, just as meritorious as this is, and made the subject of special legislation; and in doing that it is proposed to give more than Congress is in the habit of giving under such circumstances. I shall insist upon the bill being amended so as to make the rate paid \$15 a month; and I offer that amendment.

Mr. COX of Tennessee. Does this bill carry any back pay?

Mr. KILGORE. I think not.

Mr. CRAIN of Texas. I do not think the amendment of my colleague ought to prevail in this case. It will establish no precedent, for the reason that sixty years have elapsed since this man enlisted. In 1832, sixty years ago, he enlisted, and he was then in the neighborhood of twenty-one years of age. He was discharged because of his disability, and certainly \$20 a month is not too much for him. My colleague [Mr. KILGORE] cites the amount paid to pensioners under the Mexican war pension act; but he forgets to include the statement that many of those receiving pensions are not disabled. This man was discharged under a certificate of disability given him by a surgeon of the United States Army. Gen. Maxey, of our State, who was a United States Senator, and who is not disabled mentally or physically, is receiving a pension under the Mexican war act—

Mr. KILGORE. Eight dollars a month.

Mr. CRAIN of Texas. Eight dollars a month, and he is a man who is worth \$75,000.

Mr. KILGORE. He ought not to have that pension either, I will say.

Mr. CRAIN of Texas. I understand my colleague to say that Senator Maxey ought not to have it. That is simply a question between him and Senator Maxey.

Mr. KILGORE. I make that broad statement.

Mr. CRAIN of Texas. Col. William R. Morrison is receiving a pension of \$8 a month under the Mexican war pension act.

Mr. FITHIAN. You are mistaken. That is not the case.

Mr. CRAIN of Texas. If I am mistaken, I will withdraw the statement.

Several MEMBERS. He declined to take anything.

Mr. CRAIN of Texas. Well, so much more to his credit. I mean no discredit to Col. Morrison or anyone else. I simply use these illustrations in order to show that the remarks of my colleague are not applicable.

In this case, Mr. Chairman, it appears from the report of the committee that sixty years ago this man was discharged from the service by reason of physical disability. It does seem to me that he is entitled to at least a reasonable pension, and an amount that will enable him to live; and certainly \$20 a month is not too large, in view of the fact that my colleague from Texas [Mr. KILGORE] pays at least \$80 a month in order to live in Washington.

Mr. KILGORE. I pay that because they compel me to. [Laughter.]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. KILGORE], to strike out the word "twenty" and insert the word "fifteen;" so as to make it read "\$15 a month."

The question being taken, the Chairman announced that the yeas seemed to have it.

Mr. KILGORE. Division, Mr. Chairman.

The committee divided; and there were—ayes 5, yeas 95.

Mr. KILGORE. Mr. Chairman, I think we ought to have a quorum when it comes to a question of this kind. I make the point of no quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from Missouri [Mr. WILSON].

Mr. WHEELER of Alabama. I ask unanimous consent that this bill go over until next Tuesday.

Mr. WILSON of Missouri. I object to the bill going over.

Mr. HENDERSON of Illinois. Is a motion that the committee do now rise in order?

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HENDERSON of Illinois. I inquired whether a motion that the committee do now rise is in order?

The CHAIRMAN. It is.

Mr. HENDERSON of Illinois. Then I make that motion.

The question was taken, and the committee refused to rise.

The CHAIRMAN. As many as favor the amendment of the gentleman from Texas [Mr. KILGORE] will pass between the tellers.

The committee divided; and tellers reported—ayes 5, yeas 115. So the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

HIRAM STIMSON.

The CHAIRMAN. The Chair desires to call the attention of the committee to the parliamentary status of the bill (H. R. 1424) for the relief of Hiram Stimson. The committee declined to order the bill reported with a favorable recommendation, and under that action its parliamentary status is defined on page 328 of the Manual, second session of the Fiftieth Congress, in these words.

When a vote is taken in Committee of the Whole, on a motion to lay aside a bill to be reported favorably in the House, and such motion is negatived, the bill is not thereby ordered to be reported adversely, but retains its position on the Calendar, and is subject to further debate and amendment.

The Chair thinks that the committee intended to report this bill to the House with an adverse recommendation, and therefore if there be no objection that order will be made, and the bill reported to the House with the recommendation that it lie on the table.

Mr. HOOKER of New York. I object.

Mr. RICHARDSON. Then, Mr. Chairman, I make the motion that the bill be laid aside with the recommendation that it be laid on the table.

Mr. HULL. I want to ask, Mr. Chairman, if that bill is now before the committee?

The CHAIRMAN. It is before the committee. It is the unfinished business.

Mr. HULL. My understanding was that the committee simply passed it over and went on to the next bill.

The CHAIRMAN. The committee has not finally disposed of the bill, but it is now properly before the committee as unfinished business, called up by the motion of the gentleman from Tennessee [Mr. RICHARDSON].

The question was taken on the motion of Mr. RICHARDSON, and the Chairman announced that the "ayes" had it, and the motion was agreed to.

Mr. HOOKER of New York. Division. [Cries of "Too late!"]

The CHAIRMAN. Was the gentleman on his feet for the purpose of asking for a division?

Mr. HOOKER of New York. I rose for the purpose of calling for a division.

The CHAIRMAN. Before the result was announced?

Mr. HOOKER of New York. Yes, sir.

The CHAIRMAN. The Chair, then, will accept the statement of the gentleman from New York. As many as are in favor of the motion of the gentleman from Tennessee—

Mr. WHEELER of Alabama. I ask unanimous consent—

The CHAIRMAN (continuing). Will rise and be counted. For what purpose does the gentleman from Alabama rise?

Mr. WHEELER of Alabama. I want to ask unanimous consent that this amendment be voted on. I want to say in that connection—

The CHAIRMAN. The Chair will state that debate is not in order.

Mr. WHEELER of Alabama. If we pass the bill with that amendment it forever disposes of this case, and this man who deserted will be forever debarred from receiving a pension; but I repeat that if we simply vote down the bill there is nothing to prevent this soldier coming here the next Congress and getting a bill passed; and I say we should close the matter now while it is before the House.

The CHAIRMAN. Debate is not in order.

Mr. WHEELER of Alabama. I have said all I wanted to say. The committee divided; and there were—yeas 60, yeas 24; so the bill was ordered to be reported to the House with the recommendation that it do lie on the table.

LUCY HASKELL.

The next bill on the Private Calendar was the bill (H. R. 5602) granting a pension to Lucy Haskell, mother, by adoption, of John Haskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Haskell, mother, by adoption, of John Haskell, late of Company G, One hundred and sixth Regiment New York Volunteers, to date from the approval of this act.

The report (by Mr. CURTIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5602) granting a pension to Lucy Haskell, submit the following report:

It is shown by competent evidence that Lucy Haskell is 72 years of age, and she alleges that she was the mother, by adoption, of John Haskell, who enlisted August 13, 1862, in Company G, One hundred and sixth New York Infantry, and died in service, June 28, 1863, of typhoid fever.

It appears in evidence that the soldier was born about June 2, 1843; that his mother was Eliza Watson, and that he had no acknowledged father. About January, 1845, the mother gave him, a baby, to Lucy Haskell and her husband, and the mother, by verbal agreement, relinquished all right and claim to him whatever. He was brought up to consider the claimant and her husband as his parents, and he knew no other, and was recognized in the

community as their son, and they gave him the same care and affection as to their own children, of whom there were three.

The claimant and her husband are aged and without sufficient means of support and are dependent on their own labor. The whereabouts of the real mother, if living, are unknown, and the claimant has had no knowledge of her for forty years. It is also shown that the soldier was never married.

Your committee return the bill with the recommendation that it do pass, after being amended by adding, after line 8, the words "at the rate of \$12 per month."

The CHAIRMAN. The question is on the amendment reported by the committee.

Mr. KILGORE. Mr. Chairman, I am inclined to think that is carrying the rule a little too far. The only argument in favor of this beneficiary is that she is old and indigent, and that argument might be made in behalf of a million of people in the United States. I do not think I would be willing to see this bill pass to-night. If she is old and indigent the State of New York ought to be able to take care of her.

Mr. McKINNEY. Was she not the soldier's mother to all intents and purposes?

Mr. KILGORE. I am not prepared to go into that. I have no objection to you going on and voting on the bill.

Mr. MARTIN. Will the gentleman from Texas yield to me?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Indiana?

Mr. KILGORE. Yes, sir.

Mr. MARTIN. I would like to ask the gentleman a question. Had the beneficiary in this case been the natural mother of the dead soldier she could have obtained a pension long ago under the general law. Now, being the adopted mother, having taken care of him from babyhood until he lay down in death while in the service, and having performed all the duties of a mother as fully as if she had been the real mother, why should she not be entitled to this recognition?

Mr. KILGORE. There was one important duty that she did not perform and that nobody but a mother could perform. But there is no proof in this case that she was dependent on this soldier for support a day in her life, or that he ever gave her any support. The committee say that it was established by competent evidence that she was his adopted mother, but that would not go for anything in law.

Mr. MARTIN. Will the gentleman permit a further suggestion?

Mr. KILGORE. Yes, sir.

Mr. MARTIN. Under the general law, had she been this soldier's natural mother, the proof that the gentleman speaks of would not be necessary.

Mr. KILGORE. Well, I think it is important where you go outside of the general law. The proof of the fact that he was the son of his mother and that he was dead would perhaps be sufficient under the present law to secure her a pension, but here you show no interest whatever that she had in his life other than the affection which she may have had for him.

Mr. CUMMINGS. Mr. Chairman, I would like to ask the gentleman who reported this bill why it is that the pension is to be granted to the adopted mother rather than to the adopted father?

Mr. MARTIN. By the general law, both parents being living, the pension always goes first to the mother.

Mr. BUSHNELL. What amount of property did the committee ascertain that the adopted father of this soldier, the husband of this woman, has?

Mr. MARTIN. The finding is that they are without special means of support and are dependent upon their own labor.

Mr. BUSHNELL. But is there any evidence before the committee as to the value of the father's property?

Mr. MARTIN. I would suggest that the gentleman put that question to the gentleman from New York [Mr. CURTIS].

Mr. CURTIS. Mr. Chairman, I would like to satisfy the gentleman on my left [Mr. BUSHNELL]. Mr. Haskell and his wife are poor people, without means of support, at least without means to the extent of making them at all comfortable. This child was given to them as an infant by a woman who had no husband. They took care of the child and raised him as well as they raised their own children. He went to the war and rendered service until sickness overtook him and he died. Now, had he been the natural son of this woman, then, as has been stated by the chairman of the committee, she would have been entitled to a pension from the date of his death; the law giving the pension first to the mother and next to the father.

Mr. BUSHNELL. Would she be entitled to receive a pension if her husband had means to support her?

Mr. CURTIS. If he had not the means to support her she would have been entitled to a pension. If he had such means, perhaps under former pension laws she would not.

Mr. BUSHNELL. I had something to do with these pension

matters several years ago, and I remember that inquiry was always made as to the amount of property possessed by the proposed beneficiary.

Mr. CURTIS. If the gentleman believes that the committee have looked after that matter with sufficient care he will accept the statement which the chairman of the committee has made and which I, the introducer of the bill, now make.

Mr. BUSHNELL. But the mere statement that the husband of this woman is "poor" is not definite enough. It is not such a statement as the Pension Office would require in order to determine whether the mother would be entitled to a pension even if she were the actual mother. What I want to get at is the value of the property of the husband. A man may be "poor" and yet have \$10,000 worth of property.

A MEMBER. Oh, no.

Mr. BUSHNELL. Comparatively poor.

Mr. CURTIS. I may not be able to answer the gentleman in detail as to the amount of actual money or property possessed by these people, but I do say that were the case to go before the Pension Bureau under the law as it now stands there would be nothing necessary in order to secure a pension but to prove that this dead soldier was the son of this woman, and this bill is designed simply to cure that defect in the case. Congress has passed such bills for twenty-five years past.

Mr. BUSHNELL. I do not know what the pension laws now are in respect to this matter.

Mr. COBB of Alabama. Does the gentleman say that nothing is required now by the law except to show that the woman had a son, that he was a soldier, and that he died?

Mr. CURTIS. And that she is in limited circumstances.

Mr. COBB of Alabama. Is it not necessary to show that she was dependent upon him for support?

Mr. CURTIS. She would be so if he were living.

Mr. COBB of Alabama. Has she not other children?

Mr. CURTIS. None who are able to support her. They have not the means. This was an adopted child.

Mr. COBB of Alabama. But the obligation on the adopted child to support the parent would certainly be no stronger than on a natural child.

Mr. CURTIS. But you can not get a result out of an article unless it is in it. These children are not able to support their parents.

Mr. COBB of Alabama. Was that in proof before the committee?

Mr. CURTIS. Yes, sir; as I recollect the proof.

Mr. BUSHNELL. Allow me to ask a question for information. What would be the effect if the natural mother of this deceased soldier should now appear? Would she not be entitled to a pension?

Mr. CURTIS. Not at all. She abandoned this child; it was accepted at the time as the child of this woman and her husband. The natural mother abandoned all her interest in the child.

Mr. BUSHNELL. Well, I do not see the matter in that light.

Mr. CURTIS. She could not resume the relation which she parted with forty years ago.

Mr. DICKERSON. Do you know whether she is now actually drawing a pension or not?

Mr. CURTIS. She is not. She left that part of the country more than forty years ago; she left almost immediately upon abandoning this child.

Mr. DICKERSON. Sometimes two persons get a pension on account of the service of a single soldier.

Mr. CURTIS. But no pension could be obtained without satisfactory proof being presented at the Pension Office. No one is now drawing a pension on account of the services of this soldier. That fact we have learned from the Pension Office.

Mr. COBB of Alabama. You have said that all that is necessary to enable a mother to draw a pension is to show that she had a son who was a soldier and who died in the service.

Mr. CURTIS. And that she was dependent upon him.

Mr. COBB of Alabama. Suppose the natural mother comes forward and proves—

Mr. CURTIS. She is not the mother of this soldier in contemplation of law, for she abandoned the relation of mother forty years ago.

Mr. COBB of Alabama. Does the gentleman say that there have been any legal proceedings to disrupt that relation?

Mr. CURTIS. I understand so.

Mr. COBB of Alabama. Ah! But has it been proved?

Mr. CURTIS. I do not recall the details of the matter, but it is my understanding that it was done in such a form as was acceptable; that there was a real abandonment of this child; that the real mother left that part of the country, and her present whereabouts, if she be alive, are not known.

Mr. COBB of Alabama. But the report of the committee states

that the actual mother simply gave this child to these people. Now, that fact alone would not dissolve the relationship of mother and son; and I submit that if this real mother should present herself, she would, under the gentleman's statement, be entitled to a pension.

Mr. CURTIS. That is not the fact; she could not obtain a pension.

Mr. SCOTT. If the real mother appeared and asked for a pension, Congress would have to determine whether the pension should be granted or not.

Mr. COBB of Alabama. But she might not come to Congress at all.

Mr. CURTIS. She could not go the Pension Office and get a pension; for the law would require that she should show the relationship and interest of a mother in the child; that this soldier as a child had been dependent upon her, and that in later years she was dependent upon him. This man has now been dead twenty-five years.

Mr. SCOTT. The real mother could not show that she had ever been dependent on this man for support.

Mr. CURTIS. Certainly not.

Mr. SCOTT. And for that reason she could not get a pension under the general law; she would have to come to Congress for the passage of a special bill if she asked for a pension at all.

Mr. COBB of Alabama. Is not every mother dependent upon her son for support where she has no means of supporting herself?

Mr. CURTIS. The natural mother is not this man's mother in contemplation of law. I adhere to that position.

Mr. COBB of Alabama. Is there any proof that this woman who now applies for this pension was ever dependent a day upon this man for support?

Mr. CURTIS. Yes; because she reared him in his infancy; and according to the law of our State he would be required to support her if he were now alive.

Mr. COBB of Alabama. The gentleman said a few moments ago, in answer to one of my inquiries, that the law required it should be shown the mother was actually receiving support from the son before he died. Did not the gentleman state the matter that way?

Mr. CURTIS. I do not think so.

Mr. McKINNEY. That is not a part of the general law.

Mr. COBB of Alabama. Well, if that is not required by the law, why do you make the point that the actual mother could not receive a pension because she could not be shown to have been dependent on this son?

Mr. CURTIS. She never had any actual relation to this child except for a few weeks after his birth. I must adhere to the position I have already taken on this question.

Mr. COBB of Alabama. But is there anything in the law to prevent the natural mother from receiving a pension?

Mr. CURTIS. Certainly.

Mr. COBB of Alabama. Will you show it to me, if you please?

Mr. CURTIS. It would take a long time to go over the pension laws; and at this late hour I am not disposed to undertake it.

Mr. COBB of Alabama. But now is the time. The Pension Committee ought to be prepared to meet these questions when they are raised. I respectfully submit there is nothing in the law requiring what the gentleman says is required. I make the issue, and I call for the proof on the part of those who hold the laboring oar.

Mr. MEREDITH. Mr. Chairman, this bill ought not to pass for two reasons. In the first place, notwithstanding what the gentleman from New York [Mr. CURTIS] has said, I am satisfied in my own mind that if the real mother of this man should be found and should make her application to the Pension Office, she would be entitled to a pension under the laws as they now exist.

Mr. SCOTT. How could she show her dependence on the son?

Mr. MEREDITH. She is not required to do so, as I understand it, under the law.

I am opposed to the bill for that reason in the first place. But there is another reason, Mr. Chairman, why I am opposed to the bill. I think we are stretching this pension business pretty far when we go around hunting up adopted mothers. Now, I have heard of adopted children, but this is about the first time in my experience that I have heard of this claim in behalf of an adopted mother, and I have no doubt in my own mind that if we establish this kind of a precedent here, there are quite a number of good old ladies who would be entirely willing to adopt the whole Army if they could get pensions thereby. We would get into the adoption business on a considerable scale. I do not think that we ought to embark upon it, and for that reason I object to the passage of the bill. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of the committee, it was adopted.

The question recurred on laying aside the bill to be reported to the House with a favorable recommendation; and on a division (demanded by Mr. EVERETT) there were—ayes 70, noes 20.

Mr. KILGORE. No quorum.

The CHAIRMAN. The Chair will appoint tellers.

Mr. KILGORE and Mr. MARTIN were appointed tellers.

The committee again divided; and the tellers reported—ayes 75, noes 10.

Mr. KILGORE. No quorum.

Mr. CURTIS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker *pro tempore* having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House having had under consideration the Private Calendar under the rules of the House, had directed him to report certain bills with sundry recommendations.

HIRAM STIMSON.

The first business reported from the Committee of the Whole was the bill (H. R. 1424) for the relief of Hiram Stimson, reported with a recommendation that the bill be ordered to lie on the table.

The recommendation of the Committee of the Whole was concurred in, and the bill was laid on the table.

JAMES A. DAVIS.

The next business reported from the Committee of the Whole was the bill (H. R. 4485) granting a pension to James A. Davis. The bill was read at length.

The question being taken on the engrossment and third reading of the bill,

Mr. BAILEY said: I demand a division.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that this bill go over with the previous question ordered on its engrossment and third reading—

Mr. DOCKERY. And on the passage of the bill.

Mr. BAILEY. Let me suggest to the gentleman that the same order be made with regard to the other bill.

Mr. WILSON of Missouri. This is the only bill reported favorably.

Mr. BAILEY. Then I am willing to withdraw the demand for a division on the engrossment and third reading of the bill, and will raise the question on the passage.

So (no further count being demanded) the bill was ordered to be engrossed and read a third time, and it was accordingly engrossed and read the third time. The question being on its passage,

Mr. BAILEY. I demand a division.

Mr. MARTIN. Now I ask unanimous consent that this bill go over with an agreement that the previous question be ordered on the passage of the bill.

In that connection, Mr. Speaker, I desire to submit a parliamentary inquiry. Would there be, if that order were made, fifteen minutes on each side for debate?

The SPEAKER *pro tempore*. The debate in the House, the Chair thinks, could not be had under that rule except by unanimous consent, the bill having been discussed in Committee of the Whole.

Mr. MARTIN. Then I include in the request that fifteen minutes on either side be allowed for discussion.

Mr. WILSON of Missouri. This matter has been fully debated already. I do not think that anybody desires further discussion. There is no opposition to the bill. Even the gentleman from Texas himself is in favor of it. He is only making the point on principle, he says.

Mr. MARTIN. Then I modify the request so far as the time for debate is concerned.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the previous question be considered as ordered upon the passage of the bill, and that it go over to be called up hereafter.

There was no objection, and it was so ordered.

NANCY E. RENFRO.

Mr. MCRAE. Mr. Speaker, I desire to call up the bill (H. R. 3202) from the Calendar of Unfinished Business, being a bill to pension Nancy E. Renfro. This bill has been favorably reported from the Committee of the Whole, and the previous question ordered on its engrossment and third reading. It ought to have been considered before the two bills just reported from the Committee.

The SPEAKER. The Chair thinks the gentleman is correct in that, and the bill will be read.

The bill was read at length.

Mr. MCRAE. I now ask the previous question upon the bill. The previous question was ordered.

The question being taken on the engrossment and third reading of the bill.

Mr. BAILEY. I demand a division.

Mr. DOCKERY. Mr. Speaker, a parliamentary inquiry. Has the previous question been ordered on the passage of this bill?

The SPEAKER *pro tempore*. On the engrossment and third reading of the bill.

Mr. McRAE. My motion was for the previous question on the passage of the bill.

The SPEAKER *pro tempore*. But under the rule the previous question can only apply as far as the engrossment and third reading.

Mr. McRAE. The previous question applied to that stage of the bill about a month ago.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the bill has not been ordered to be engrossed and read a third time.

Mr. McRAE. I think that is a mistake. This is one of the bills which came over by consent some time ago, and I believe is the only one that has not been passed. The time allowed was not sufficient to finish all of them on the Calendar.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. The previous question can now be ordered on the passage.

The SPEAKER *pro tempore*. It can be ordered now, the question being on the passage of the bill. The gentleman from Arkansas asks unanimous consent that the previous question be considered as ordered on the passage of the bill.

There was no objection.

The question being taken on the passage of the bill, on a division (demanded by Mr. BAILEY) there were—ayes 65, noes 1.

Mr. BAILEY. No quorum.

Mr. SCOTT. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 27 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ROCKWELL, from the Committee on Military Affairs: A bill (H. R. 7487) for the relief of Maj. Gen. George S. Greene. (Report No. 1080.)

A bill (H. R. 4883) to place Warren A. Woodson on the retired list for privates and noncommissioned officers of the United States Army. (Report No. 1081.)

A bill (H. R. 7780) to place the name of Capt. and Bvt. Brig. Gen. Allen L. Anderson on the retired list of the Army. (Report No. 1082.)

By Mr. CURTIS, from the Committee on Invalid Pensions: A bill (H. R. 6849) granting a pension to Lois P. Leonard. (Report No. 1083.)

By Mr. HARRIES, from the same committee: A bill (H. R. 7036) granting a pension to Lillie Ries, late a nurse at Jefferson Barracks. (Report No. 1084.)

By Mr. VAN HORN, from the same committee: A bill (H. R. 1085) granting a pension to Belle Carlton Mailloux. (Report No. 1085.)

By Mr. BOWERS, from the Committee on Military Affairs: A bill (H. R. 4833) to correct the military record of Joseph Wackerly. (Report No. 1087.)

A bill (H. R. 4925) to remove the charge of desertion against William Britton. (Report No. 1088.)

By Mr. PATTON, from the same committee: A bill (H. R. 6965) to perfect the military record of Warren Alonzo Alden. (Report No. 1089.)

By Mr. BOWERS, from the same committee: A bill (H. R. 2077) for the relief of William B. Price. (Report No. 1090.)

A bill (H. R. 4071) for the relief of George W. Schachleiter. (Report No. 1091.)

By Mr. PICKLER, from the Committee on War Claims: A bill (H. R. 6521) for the relief of Michael J. Fitzgerald. (Report No. 1126.)

A bill (H. R. 6884) for the relief of William W. Lowe. (Report No. 1127.)

By Mr. CROSBY, from the Committee on Invalid Pensions: A bill (H. R. 1861) for the relief of Robert Carrick, late first Lieutenant Eighth United States Cavalry. (Report No. 1125.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. MCKINNEY, from the Committee on Invalid Pensions:

A bill (H. R. 1086) to increase the pension of Stephen D. Smith. (Report No. 1086.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 4947) for the relief of Julia Connely—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5848) for the relief of Betsy Christian, of Loudon, Tenn.—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5344) to increase the pension of Mrs. S. A. Farquharson—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5347) granting a pension to Joel Harris—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5943) granting a pension to James Hickman—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PRIVATE BILLS, RESOLUTIONS, ETC.

Under clause 1 of Rule XXII, private bills, etc., of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 8174) for the relief of Lewis S. Bateman—to the Committee on Military Affairs.

By Mr. CAUSEY: A bill (H. R. 8175) for the relief of Sarah Burton—to the Committee on Claims.

By Mr. CROSBY: A bill (H. R. 8176) for the removal of mark of desertion from John Quinn—to the Committee on Military Affairs.

By Mr. COOMBS: A bill (H. R. 8177) to increase the pension of Mary Anne Hurst—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Illinois: A bill (H. R. 8178) for the relief of the heirs of Clifford Arrick, deceased—to the Committee on Patents.

By Mr. MEREDITH: A bill (H. R. 8179) for the relief of Andrew M. Cridler—to the Committee on War Claims.

Also, a bill (H. R. 8180) for the relief of Edgar E. Matthew—to the Committee on War Claims.

Also, a bill (H. R. 8181) for the relief of St. John's Episcopal Church of Centerville, Va.—to the Committee on War Claims.

By Mr. McMILLIN (by request): A bill (H. R. 8182) to remove the charge of desertion in the case of Sandy Edwards—to the Committee on Military Affairs.

By Mr. MCCREARY (by request): A bill (H. R. 8183) for the relief of Annie Horine, administratrix of George Horine, deceased—to the Committee on War Claims.

By Mr. MUTCHLER: A bill (H. R. 8184) for relief of Isaac S. Miller—to the Committee on Military Affairs.

By Mr. PAYNTER: A bill (H. R. 8185) for the relief of Rebecca A. Gallup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8186) for the relief of William R. Murphey—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8187) to increase the pension of Henry Ginnett—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 8188) to remove the charge of desertion from Wayne Towner, formerly of Company A, Second Regiment Illinois Cavalry, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama (by request): A bill (H. R. 8189) to increase the pension of Timothy Monahan—to the Committee on Invalid Pensions.

By Mr. LANHAM: A resolution providing for the consideration of House bill 6790, entitled "A bill for the reclamation of the arid lands of the United States, and for other purposes"—to the Committee on Rules.

By Mr. CULBERSON: A resolution setting apart the 24th and 25th days of May for the consideration of bills reported from the Committee on the Judiciary—to the Committee on Rules.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOVER: Petition of 253 citizens of Mechanicsburg, Pa., for closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Wrightsville, York County, Pa., asking for an amendment of the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of Mrs. Mary A. Brady, of York, Pa., in favor of restricting the traffic in alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa. (Eighth United Presbyterian Church), against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BROSIUS: Petition of the National Woman's Christian Temperance Union, bearing 146 signatures, against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

By Mr. BUNN: Five petitions of citizens of Franklin County, N. C., asking the passage of a law regulating speculation in fictitious farm products—to the Committee on Agriculture.

Also, petition of citizens of Johnson County, remonstrating against the passage of House bill 395, concerning lard and lard compound, and all similar measures—to the Committee on Agriculture.

By Mr. BURROWS: Petition from Kalamazoo, Mich., in regard to the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Memorial of Minneapolis Board of Trade, to extend river improvements to Minneapolis—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Minneapolis, Minn., for an amendment to the Constitution for religious liberty—to the Committee on the Judiciary.

By Mr. COBURN: Petition of Grand Army of the Republic Post No. 42, Department of Wisconsin, praying for the passage of a bill for the purpose of preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. COOMBS: Petition of teachers of the Adelphi Academy, of Brooklyn, N. Y., asking an amendment to the Constitution, prohibiting the enactment of any law respecting the establishment of any religion and prohibiting the use of public funds or credit on account thereof—to the Committee on the Judiciary.

By Mr. CRAIG of Pennsylvania: Petition of the Young People's Society, of Saylertown, Pa., in favor of closing the World's Fair on Sunday, also prohibiting sale of liquor on its grounds, and in favor of conducting art department according to the American standard of purity—to the Select Committee on the Columbian Exposition.

By Mr. CROSBY: Petition of C. F. Rochfuchs and others, in favor of putting postage stamps on the free list—to the Committee on Ways and Means.

By Mr. CULBERSON: Petition of citizens of Bowie County, Tex., against Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. DALZELL: Petition of Col. Sam. Black Council, Junior Order United American Mechanics, of Pittsburg, Pa., in favor of an amendment of the immigration and naturalization laws—to the Committee on the Judiciary.

Also, petition of the Twenty-second Congressional district of Pennsylvania, in favor of an amendment of the immigration and naturalization laws—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of citizens of Junction City, Kans., asking that the Labor Department be authorized and directed to investigate the slums of large cities—to the Committee on Labor.

By Mr. FORNEY: Petition of A. C. Wade and others, of Shelby County, Ala., favoring the passage of House bill 5353, option bill—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of the First Presbyterian Sabbath School, of Ottawa, Kans., asking that no liquor be sold in the World's Fair Grounds—to the Select Committee on the Columbian Exposition.

By Mr. GREENLEAF: Two petitions of Pittsford Grange, No. 424, of New York, one for the passage of a law to prevent gambling in farm products and the other to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

Also, petition of the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the same grange, to prohibit contracts discounting legal-tender currency—to the Committee on Banking and Currency.

By Mr. HARMER: Petition of citizens of Philadelphia, Pa., in favor of a constitutional amendment separating church and state—to the Committee on the Judiciary.

By Mr. HATCH: Petition of citizens of California, in favor of the passage of the antioption bill—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of Peter Weber Post, Grand Army of the Republic, of Fountain City, Wis., in favor of marking and

preserving the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. HAYES of Iowa: Petition of citizens of Bellevue, Iowa, against the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of Vail Post, No. 447, Grand Army of the Republic, of Iowa, in favor of marking the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. HENDERSON of Illinois: Petition of R. B. Frary and 13 others, ex-soldiers and sailors, members of P. L. Hills Post, No. 66, Grand Army of the Republic, Department of Illinois, for the passage of Senate bill introduced by Senator Quay, for the preservation and marking of the lines of the battle of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: Petition of 15 citizens of Cedar Falls, Iowa, favoring an amendment to the Constitution of the United States, prohibiting any appropriation for the purpose of aiding any religious society, institution, or undertaking under sectarian control—to the Committee on the Judiciary.

Also, paper from James F. McElmeel, Earlville, Iowa, favoring the antioption bill—to the Committee on Agriculture.

By Mr. HOAR: Petition of R. A. Williams and 49 others, native-born citizens of the United States, in favor of legislation to restrict immigration—to the Committee on the Judiciary.

By Mr. HOUK of Ohio: Petition of 46 veterans of the Mexican war praying for increase of pension—to the Committee on Pensions.

By Mr. KRIBBS: Petition of 45 citizens of Osceola Mills, Pa., in favor of a Constitutional amendment prohibiting any State from establishing any religion or appropriating any money for sectarian purposes—to the Committee on the Judiciary.

By Mr. LIND: Petition of W. W. Chapman and 15 other citizens of Redwood County, Minn., protesting against Sunday legislation with reference to the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. LITTLE: Petition of Joseph W. Harper for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LODGE: Petition of George A. Gardner and 45 others, of Boston, for speedy passage of the bill to provide international ratio between gold and silver and to suspend purchase of silver bullion and issue of Treasury notes thereon as provided in act of July 14, 1890—to the Committee on Coinage, Weights and Measures.

By Mr. LONG: Petition of Willow Assembly, No. 10190, Knights of Labor, of Henderson County, Tex., properly sealed and signed, favoring election of President and Vice-President and United States Senators by direct vote; prohibiting all Chinese labor from entering into competition with American labor, and that the Department of Labor look after the sanitary condition and methods of living by laborers among the crowded masses of large cities—to the Select Committee on the Election of President and Vice-President and Representatives in Congress.

By Mr. McMILLIN: Petition of J. O. Grimsley, for the relief of the South Cumberland Battalion.—to the Committee on Military Affairs.

By Mr. MCRAE: Petition of E. R. Martin and 22 others, of Howard County, Ark., for passage of the antioption bill—to the Committee on Agriculture.

Also, petition of J. M. Head and 81 others, of Little River County, Ark., for the antioption bill—to the Committee on Agriculture.

By Mr. MUTCHLER: Remonstrance of citizens of Pennsylvania against the bill to provide home rule for Utah—to the Committee on the Judiciary.

By Mr. PAYNE: Two petitions of citizens of Richland Township, Oswego County, N. Y., praying for regulating speculation in fictitious farm products—to the Committee on Agriculture.

Also, two petitions of Pulaski Grange, No. 730; one for the passage of a law to prevent gambling in farm products, and the other to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition from Oswego, N. Y., for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of the same grange, to prohibit contracts discounting legal-tender currency—to the Committee on Banking and Currency.

By Mr. PENDLETON: Petition of 21 citizens of Marshall County, W. Va., asking for the free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. POST: Petition of Stringtown Grange, No. 1668, of Illinois, for free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. RIFE: Memorial of 560 citizens of Perry County, Pa., in favor of House bill 401 limiting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of 69 citizens of Harrisburg and vicinity, asking for the passage of the sixteenth amendment to the Constitution relative to religion—to the Committee on the Judiciary.

Also, petition of 620 citizens of the Fourteenth Congressional district of Pennsylvania, praying Congress to enact a law restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SEERLEY: Petition asking passage of bill to mark the battle lines of Gettysburg—to the Committee on Military Affairs.

Also, petition of ex-soldiers and sailors of J. W. Hardin Post, No. 384, Grand Army of the Republic, Department of Iowa, in reference to marking lines of battle of Gettysburg—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of sundry persons of Hartford, Conn., relating to a constitutional amendment—to the Committee on the Judiciary.

Also, petition of the National Woman's Christian Temperance Union of Connecticut, bearing 172 signatures, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

Also, petition of the National Woman's Christian Temperance Union of Connecticut, bearing 229 signatures, against opening any exposition on Sunday where Government funds are used—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Petition of Hecker Post, No. 638, Grand Army of the Republic, to preserve battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. STOUT: Petition of citizens of Orion and Oakland, county of Oakland, Mich., in regard to dealing in fictitious farm products—to the Committee on Agriculture.

By Mr. EZRA B. TAYLOR: Two petitions, one of the First Presbyterian Church of Warren, Ohio, in favor of Sunday closing of the Exposition, and the other, of Christ Episcopal Church, for the same—to the Select Committee on the Columbian Exposition.

Also, petition of Fair View Farmers' Club, of Poland, Ohio, in favor of free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. WARNER: Petition of citizens of New York, in favor of a proposed sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WILSON of West Virginia: Petition of Grand Army of the Republic Post No. 12, of West Virginia, for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WOLVERTON: Memorial and petition of sundry citizens of Northumberland County, in favor of a sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, four petitions of citizens of Pennsylvania, as follows: Of Montana, of Milton, and Watsonstown, in the county of Cumberland, of Boaring Creek and Numedia, in the same county, praying for an amendment to the Constitution of the United States relating to the establishment of religion and prohibiting the use of taxes for sectarian purposes—to the Committee on the Judiciary.

Also, two petitions of sundry citizens of Northumberland County, Pa., in favor of the passage of House bill 401, relating to the restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of Shamokin, Northumberland County, for the same—to the Select Committee on Immigration and Naturalization.

Also, petition of members of the Home Missionary Society of Sunbury, Pa., against the removal of the Ute Indians from Colorado—to the Committee on Indian Affairs.

By Mr. WIKE: Protest of Farmers' Alliance and Industrial Union, No. 183, of Scott County, Ill., against the passage of the Brosius lard bill (H. R. 395) and praying for the passage of a general pure-food bill—to the Committee on Agriculture.

By Mr. WRIGHT: Two petitions of East Bend Grange, No. 940, of Pennsylvania, one in favor of pure-food bill and the other against gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, memorial of the same body, in favor of pure lard—to the Committee on Ways and Means.

Also, memorial of the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 16, 1892.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

GRAND RIVER, MICHIGAN.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of the survey of Grand River, below Grand Rapids, with a view of determining the existence or nonexistence of underlying rocks, the hydraulics of the river, and the detailed topography of the valley subject to the overflow; which was ordered to be printed and referred to the Committee on Rivers and Harbors.

CHEYENNE AND ARAPAHOE INDIANS, OKLAHOMA TERRITORY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior with its inclosures, submitting a supplemental estimate of appropriation for the support of the Cheyenne and Arapahoe Indians in Oklahoma, for the fiscal year ending June 30, 1893; which was ordered to be printed and referred to the Committee on Indian Affairs.

LATE ENSIGN D. T. TERRELL, UNITED STATES NAVY.

The SPEAKER laid before the House the bill (S. 570) to provide for the removal of the remains of the late ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi.

Mr. HOOKER of Mississippi. Mr. Speaker, the bill, the title of which has just been read, passed the Senate unanimously. It is to authorize the Secretary of the Navy to provide for the removal of the remains of Ensign Terrell from Sitka, Alaska, where he is buried, to his home in Mississippi. I ask the unanimous consent of the House that the bill may be taken up and acted upon at this time.

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] asks unanimous consent for the present consideration of the bill, which will be reported by the Clerk.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I would like to know what reason there is for the passage of this bill?

Mr. HOOKER of Mississippi. The reason is that this young man is a graduate of the Naval Academy, who was an officer on board the steamer Pinta, and who died while the vessel was in the harbor of Sitka, Alaska. His remains are buried at Sitka, and it is but proper that this action should be taken.

Mr. KILGORE. Is there any proposition to bring home the remains of the privates who died there, and have them buried among their people?

Mr. HOOKER of Mississippi. I do not know. He held simply the rank of ensign. Do you object?

Mr. KILGORE. I do.

The SPEAKER. Objection is made.

Mr. HOOKER of Mississippi. I ask the reference of this bill to the appropriate committee, and I hope there will be an early report upon it.

The SPEAKER. The bill will be printed and referred to the Committee on Naval Affairs.

SENATE BILLS REFERRED.

Senate bills of the following titles were severally laid before the House by the Speaker, read a first and second time, ordered to be printed, and referred to the committees named below:

A bill (S. 754) to authorize the sale of the site of St. Francis Barracks, Florida, the sale or removal of the improvement thereof, and to provide for a new site and the construction of suitable buildings thereon—to the Committee on Military Affairs.

A bill (S. 1665) to authorize the Grand Rapids Water and Electric Power Company, of Grand Rapids, Minn., to construct a dam across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1758) to provide for the erection of an additional fire-proof building for the National Museum—to the Committee on Public Buildings and Grounds.

A bill (S. 1796) to ratify and confirm an agreement with the Tonkawa tribe of Indians, in Oklahoma Territory, and to make an appropriation to carry the same into effect—to the Committee on Indian Affairs.

A bill (S. 2004) granting a pension to Mary Clare Kelly—to the Committee on Invalid Pensions.

A bill (S. 2021) granting the right and authority to the Mexican Gulf, Pacific and Puget Sound Railroad Company, a company organized under the laws of the States of Florida and Alabama, to build one bridge over each of the following-named rivers in the State of Alabama, viz, the Alabama River, the Warrior River, the Sipsey River, and the Tennessee River; the said bridges to be used, operated for and in behalf of the Mexican Gulf, Pacific and Puget Sound Railroad Company to carry freight and passengers by rail and otherwise—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2254) authorizing the Quincy Pontoon Bridge Company to construct and maintain a pontoon bridge across the Mississippi River at the city of Quincy, in the State of Illinois—to the Committee on Interstate and Foreign Commerce.

A bill (S. 2437) granting to the Topeka Water and Electric Power Company, of Kansas, the right to erect and maintain a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1737) for the relief of William A. Richards, United States surveyor-general of Wyoming—to the Committee on Claims.

A bill (S. 371) granting a pension to John Chamberlain—to the Committee on Invalid Pensions.

Joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Francisco Alcantara, of Venezuela—to the Committee on Military Affairs.

A bill (S. 524) extending the privileges of free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Joint resolution (S. R. 15) for the erection and location of a bronze statue of Christopher Columbus, and the removal of the Naval Monument to a new site—to the Committee on the Library.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. SMITH of Illinois, indefinitely, on account of important business.

To Mr. BABBITT, indefinitely, on account of sickness.

To Mr. STORER, until Wednesday, April 20, on account of important business.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT QUINCY, ILL.

The SPEAKER also laid before the House the bill (S. 2254) authorizing the Quincy Pontoon Company to construct and maintain a pontoon bridge across the Mississippi River at the city of Quincy, in the State of Illinois.

The SPEAKER. The gentleman from Illinois [Mr. WIKE] asks unanimous consent that the bill for the present lie on the Speaker's table. If there be no objection that order will be made. There was no objection.

MILITARY POST NEAR LITTLE ROCK, ARK.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 113) to establish a military post near Little Rock, Ark.

The bill was read, as follows:

Be it enacted, etc., That upon the city of Little Rock conveying, or causing to be conveyed, to the United States the fee simple title to not less than 1,000 acres of land situated within 10 miles of said city, and on or near a railroad, and constituting an eligible and suitable site for an army post, and to be approved and accepted by the Secretary of War for that purpose, then and thereupon there shall be established and located on said lands an army post of such character and capacity as the Secretary of War shall direct and approve; and upon the approval and acceptance of said lands by the Secretary of War for an army post, and in consideration of the conveyance to the United States of said lands, all the right, title, and interest of the United States in and to the parcel of land situated in said city, and commonly known as the "Arsenal grounds," and bounded on the north by Ninth street, and on the east by McAlmont street, and on the west by the Quapaw line, containing 36 acres, more or less, shall become vested in the city of Little Rock upon the express trust and condition that said grounds shall be forever exclusively devoted to the uses and purposes of a public park for said city.

SEC. 2. That for the purpose of defraying the expenses of locating said army post as aforesaid, and of constructing barracks, quarters, hospital, kitchens, mess halls, stables, storehouses, magazines, and other necessary and suitable buildings, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as is necessary, the same to be drawn from the Treasury and applied to said purposes under the direction of the Secretary of War: *Provided*, That no part of said sum hereby appropriated shall be expended until the aforesaid tract of land shall have been conveyed to and accepted by the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I did not hear the last part of the first section read. I hope it will be read again. It is the part in regard to the park.

The section was again read.

Mr. HOLMAN. I now see the purpose of the section; that is, that the land now owned by the Government at Little Rock is

to be transferred to that city in consideration of the fact that the city of Little Rock gives to the Government a tract containing not less than a thousand acres. Now, I have no objection to that bill, because I think it is a very proper point at which to locate a military post; but inasmuch as the title has not been transferred and the transaction has not been consummated, I think no legislation ought to be had until title is made to the United States. I will only consent to its coming before the House at this time with the understanding that the second section be stricken out.

Mr. TERRY. Mr. Speaker, in order to obtain unanimous consent for the consideration of the bill, and the assurance of the gentleman from Indiana that a proper appropriation will be made when the title is perfected, I will state to the gentleman from Indiana that I will make no objection to the second section being stricken out.

Mr. HOLMAN. And that it shall not be restored. [Laughter.]

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. Will the gentleman submit his amendment?

Mr. HOLMAN. I make the motion that the second section be stricken out.

The second section was again read.

Mr. TERRY. I move the previous question on the amendment.

Mr. DINGLEY. I would like to inquire of the gentleman from Indiana, on whose motion that section is to be stricken out, how this transaction can be carried out without an appropriation.

Mr. HOLMAN. My friend will see that no title has yet been acquired by the Government to the thousand acres of land.

Mr. DINGLEY. But there must be an appropriation in order to carry out the work which this bill authorizes.

Mr. HOLMAN. Not until the Government acquires title to that land.

Mr. DINGLEY. Then you simply want to postpone an appropriation for the work authorized by this bill.

Mr. HOLMAN. There is a uniformity in the application of that principle, and the gentleman from Maine can not point to an exception.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TERRY, a motion to reconsider the last vote was laid on the table.

RIGHT OF WAY THROUGH MENOMONEE RESERVATION, WISCONSIN.

Mr. LYNCH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5133) to authorize the Marinette and Western Railroad Company to construct a railroad through the Menomonee Reservation, in the State of Wisconsin.

The bill was read, as follows:

A bill (H. R. 5133) to authorize the Marinette and Western Railroad Company to construct a railroad through the Menomonee Reservation, in the State of Wisconsin.

Be it enacted, etc., That the Marinette and Western Railway Company, a corporation created under and by virtue of the laws of the State of Wisconsin, be, and the same is hereby, invested and empowered with the right of locating, constructing, equipping, operating, using, and maintaining a railroad, telegraph, and telephone line, running in an easterly and westerly direction, in, on, upon, and through the Menomonee Indian Reservation, comprised of township 30, in ranges 13, 14, and 15, in Shawano County, State of Wisconsin, with the right to construct, use, and maintain such tracks, turnouts, and sidings as said company may deem it to their interest to construct along and upon the right of way and depot grounds of said railroad herein provided for: *Provided*, That the company shall have the right to adopt the most feasible and practicable route in following the general direction hereinbefore specified.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railroad, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Indian reservation, and to take and use a strip of land 200 feet in width, with the length of 3,000 feet, in addition to the right of way, for stations, for every 6 miles of road, with the right to use such additional ground where there are heavy cut or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet on each side of said right of way, or so much thereof as may be included in said cut or fill; but no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same was taken.

SEC. 3. That before said railroad shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian members of said Menomonee tribe or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of said railroad. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appointment of three disinterested referees, a majority of whom shall be a quorum for the transaction of business, to be appointed, one by the President, one by the chief of the nation to which said occupant belongs, and one by the railroad company,

who, before entering upon the duties of their appraisements, shall take and subscribe an oath that they will faithfully and impartially discharge the duties of appraisement, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within twenty days from the completion thereof, and a majority of said referees shall be competent to act in case of the absence of a member, after due notice; and upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the judge of the district court for the eastern district of Wisconsin, upon application of either party. The person appointed by the President shall be chairman of said board, and shall appoint the time and place of all hearings within the nation to which said occupant belongs. Each of said referees shall receive for his services the sum of \$1 per day for each day they are engaged in the trial of the cause submitted to them under this act, with mileage at 5 cents per mile. A majority of the board, where all can not agree, may make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court for the eastern district of Wisconsin, having jurisdiction over the place where the land lies, which court shall have jurisdiction to hear and determine the subject-matter of the petition according to the laws of the State of Wisconsin for determining damages when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees or a sum equal to said award the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for a sum less than the award made by the referees, then the costs shall be adjudged against the party claiming damages. All proceedings of said district court upon appeal from the award of the referees shall be conducted in the same manner as an original action brought therein, except that the court may direct formal pleadings to be made and served.

SEC. 4. That said railroad company shall pay to the Secretary of the Interior, for the benefit of the particular nation or tribes through whose land said line may be located, the sum of \$50 per mile for each mile of road constructed and maintained in said Indian reservation, in addition to the compensation provided for in this act for property taken or damages done individual occupants by the construction of said road, to be paid as each 5 miles of the railroad is graded. If, however, the general council of the Menomonee tribe of Indians through whose lands said railroad may be located shall, within four months after the filing of maps of definite location as set forth in section 5 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, with the right of appeal to the court upon the same terms, conditions, and requirements as therein provided: *Provided*, That the amount awarded or adjudged to be paid by said railroad company for such dissenting nation or tribe shall be in lieu of the compensation the said nation or tribe would be entitled to receive under the foregoing provision.

SEC. 5. That said company shall cause maps, showing the route of its located line through said Territory, to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the chief or chiefs of said Menomonee tribe of Indians through whose lands said railroad may be located, and after the filing of said maps no claim for subsequent settlement or improvement upon the right of way shown by said maps shall be valid against said company: *Provided*, That when a map showing any portion of said railroad's located line is filed as herein provided for, said company shall commence grading said located line within one year thereafter or such location shall be void.

SEC. 6. That the officers, servants, and employes of said company necessary to the construction and management of said road shall be allowed to reside while so engaged upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in conformity with said intercourse laws.

SEC. 7. That said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railroad, wherever such roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid across the same.

SEC. 8. That said Marquette and Western Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards extinguishing or changing the present tenure of the Indians to their lands in said reservation, and will not attempt to secure from the said Indians any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the conditions mentioned in this section shall operate as a forfeiture of all rights and privileges of said railroad under this act.

SEC. 9. That all mortgages executed by said railroad company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian reservation, shall be recorded in the Department of the Interior, and the record thereof shall be *prima facie* evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 10. That Congress may at any time amend, add to, alter, or repeal this act, and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of said road, except as to mortgage or other lien that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Are there any amendments to the bill reported by the committee?

Mr. LYNCH. There are amendments reported from the committee and suggested by the Commissioner of Indian Affairs and the Secretary of the Interior.

The SPEAKER. If there be no objection, the question will be taken on the amendments in gross.

There was no objection.

The amendments are as follows:

Insert after the word "graded," in the eighth line, on page 5, the following: "And also \$15 per mile per annum so long as such reservation shall be used and occupied as a reservation by said tribe of Indians."

Also amend by adding a new section, to be designated as section 11, as follows:

"SEC. 11. That said railway shall not charge more for the transportation of freight or passengers through said reservation than for like services outside of the same."

Add after the word "county," in the eleventh line of section 1, the following: "and township 30 in range 16, Oconto County."

Add after the word "stations," in the seventh line of section 2, the following: "purposes not to exceed one station."

Strike out the words "the chief of the nation," after the word "by," in the twelfth line, on page 3, and insert the words, "the Menomonee Indians in general council."

Add at the end of section 3 the following:

"*Provided*, That all costs of appraisement and compensation of referees shall be paid by the railway company."

Add at the end of section 4 the following:

"*Provided*, That the title to all timber on the right of way herein granted shall remain in the Menomonee tribe of Indians, and shall be sold and disposed of for the benefit of said Indians under the direction of the Secretary of the Interior, all such timber to be removed within a reasonable time after the filing of maps of definite location of the right of way by said company, and the approval thereof by the Secretary of the Interior, to the end that the company shall not be hindered or delayed in the construction of its road."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LYNCH, a motion to reconsider the last vote was laid on the table.

THOMAS CHAMBERS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1095) for the relief of Thomas Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Chambers, of Mackinac, Mich., the sum of \$3,654.56, in full compensation for the additional expenses incurred by him in carrying the Canada mails, as contractor on route numbered 2443, from Sault de Ste. Marie, Mich., to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I think the report ought to be read, Mr. Speaker.

The report was read at length for information.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUTLER. Reserving the right to object, I desire to inquire if the Post-Office Department has made any recommendation for the passage of this bill?

Mr. STEPHENSON. The bill has passed the Senate twice.

Mr. BUTLER. But my question is as to whether the Post-Office Department has made any recommendation in regard to this bill.

Mr. STEPHENSON. The bill has passed the Senate twice.

Mr. BUTLER. That is not an answer to my question. If the Department has not made a recommendation approving it, I object.

Mr. STEPHENSON. It is approved by the Department.

The SPEAKER. Does the gentleman from Iowa object? The Chair understood the gentleman's objection to be conditional.

Mr. BUTLER. I got no answer to my question, and I object.

Mr. HERBERT. Regular order.

ORDER OF BUSINESS.

A MEMBER. Regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

Mr. MCRAE. Mr. Speaker, is it not proper that bills which have come over with the previous question ordered upon them should be first disposed of?

The SPEAKER. The Chair finds from the Journal that on last evening two bills were ordered to be engrossed and read a third time and the previous question was ordered upon their passage. Those bills will now be submitted to the House.

Mr. HULL. Mr. Speaker, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL. The Committee of the Whole at previous sessions reported several bills to the House which stand, I think, in exactly the same position as those reported last evening. Do not those bills come under the head of unfinished business?

The SPEAKER. As to the other bills to which the gentleman refers, the Chair understands that the previous question was ordered upon their engrossment and third reading, but not upon their passage. There is a distinction made in the rules and in the practice of the House, and where the previous question has been ordered on the passage of the bills they come up before the House in this way.

Mr. HULL. I understood that all these bills were on precisely the same footing.

The SPEAKER. The Chair does not so understand. It appears from the Journal that the previous question was ordered last evening on the passage of two bills. The Clerk will report the first bill.

JAMES A. DAVIS.

The first bill reported from the Committee of the Whole House on the state of the Union with the previous question ordered upon its passage was a bill (H. R. 4488) granting a pension to James A. Davis.

The bill was read in full, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NANCY E. RENFRO.

The second bill was a bill (H. R. 3202) to pension Nancy E. Renfro.

The bill was read in full, and passed.

Mr. MCRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the committees for reports.

SECTIONS 2807 AND 2881, REVISED STATUTES.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, reported back with a favorable recommendation the bill (H. R. 7026) to amend section 2807 and section 2881 of the Revised Statutes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EDUCATION AND CITIZENSHIP OF INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported back with a favorable recommendation a bill (H. R. 6878) to regulate the education and citizenship of Indians; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

MEMORIAL IN RELATION TO THE MISSISSIPPI.

Mr. HOLMAN. I ask the gentleman to withhold that motion for a moment in order that I may ask unanimous consent to have printed in document form a memorial in regard to the Mississippi River, which I think will be useful in connection with the river and harbor appropriation bill. It is a memorial by Capt. John Cowdon.

There was no objection, and it was so ordered.

The motion of Mr. HERBERT was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SHIVELY in the chair.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. HERBERT. Mr. Chairman, I yield now to the gentleman from West Virginia [Mr. PENDLETON].

Mr. PENDLETON. Mr. Chairman, I very much dislike to differ with the veteran economist of the House, because I have always honored the venerable statesman from Indiana [Mr. HOLMAN]. Nevertheless, I think that a time comes when we can go too far in the direction of economy. Under that belief I shall vote against the amendment of the gentleman from Indiana, and also, for another reason, against the amendment of the gentleman from Maine [Mr. BOUTELLE]. I do not believe that it is in harmony with Democratic policy not to try to continue to increase our Navy. I think the legislation upon that subject should be with a view to a steady increase in its strength and efficiency, but at the same time in harmony with the condition of our revenues. If there is one thing in this country that is popular with the American people, if there is one thing for which they will cheerfully vote appropriations, it is our Navy.

The Navy has been popular with our people ever since the war of 1812, and I recollect that in the campaign of 1884 one of the principal charges that the Democratic party made against the Republican administration of our Navy was, that while we had expended nearly \$300,000,000 in its support and maintenance, nevertheless at that time we did not have either in commission, in our harbors, or on the high sea, a single ship of war that was capable of facing one of the great ships of modern navies. I know that we criticised our Republican friends very severely upon that point, and that a general pledge was made that if Cleveland were elected in that campaign along with a Democratic Congress we would endeavor to do something to restore

the strength and efficiency of a navy of which we had ever been proud.

There are a great many good people in this country who flatter themselves with the idea that there will never be another war in which we may be engaged. It is true that we are most happily situated. It is true that we are far, as a general thing, from the quarrels that prevail among the great nations of Europe. But there never is a time when any nation, however happily situated, can claim for itself that it will always enjoy the blessings of peace. It is not necessary that we should have a great army, for the simple reason that we are protected from foreign invasion by our happy situation. To the south of us there is a Republic that has no desire at any time to engage in warfare with our country.

To the north of us lies Canada, which of itself would never willingly go to war with this country. Consequently, we do not need a great standing army, and probably never shall need it. But a navy is the one defense that this country needs. As Themistocles once said, a navy would be the "wooden walls of Athens," so a navy for this country would be our wooden wall. We have upon our Eastern seacoast more than ten thousand million dollars worth of American property in the great cities of Boston, New York, and Philadelphia in the North; Norfolk, Charleston, Mobile, New Orleans, and other cities in the South, and on the West we have San Francisco.

Now, I say it is wise for us to spend money in order to keep those harbors of ours in a state of defense, in order that whenever a war or a difficulty of any kind with a foreign nation may break out or be threatened, we shall not be restrained in our negotiations by the fear that we are unprepared to protect our commerce upon the high seas; that we may not be prevented from endeavoring to assert our rights by the argument that the agricultural products of our Western fields may be blockaded here in this country from the fact that we have no Navy adequate to their defense.

[Here the hammer fell.]

[Mr. HOLMAN withholds his remarks for revision. See Appendix.]

Mr. BOUTELLE was recognized, and yielded twenty minutes to Mr. FELLOWS.

[Mr. FELLOWS withholds his remarks for revision. See Appendix.]

Mr. HOLMAN. I yield fifteen minutes to the gentleman from Georgia [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I respectfully submit to the committee that if we decline to strike out from this appropriation bill the battle ship for which it provides we will lay ourselves open to the charge of having departed from the pledges which we deliberately made to the people at the opening of this session. By adopting the Holman resolution the country was led to understand that this Congress was pledged to retrenchment and reform, and that none of the public moneys would be expended except those that are necessary to carry on the different departments of the Government. I submit to this committee, with the greatest respect, that if we meant anything by that resolution, now is the time for us to demonstrate it.

The gentleman from New York [Mr. FELLOWS] spoke about the interior States. He alluded to the State of Georgia, which is a seacoast State. Coming from that State, I desire to say to him that we see no necessity whatever for increasing our Navy, and in the name of those people, oppressed by taxation, by favoritism in the law, by an industrial condition which does not give to the laborers the proper reward of toil, we are opposed to the committing of this Congress to any \$350,000,000 scheme to build up an American Navy on a competitive basis with European navies.

The gentleman says that war will surely come; that we will need this Navy. Let us stop and ask ourselves what wars have come upon us since we achieved our independence? I submit to this committee and to this country that it is not so much the guns you have, it is not so much the forts you have, it is not so much the ironclads you have, as it is the people that you have, which makes you a dangerous antagonist in war. Sixty millions of people, Anglo-Saxons, who never met an enemy except to crush him; Anglo-Saxons, who have been the vanguard of civilization and of successful war in modern times, have nothing to fear from any other nation on the face of the earth. By his line of argument the gentleman from New York [Mr. FELLOWS] would prove that if China had more cruisers, larger cruisers, more guns, and greater guns than Great Britain, then China would be a more dangerous antagonist than Great Britain! A more untenable position can not be taken.

Mr. Chairman, I submit to the committee that we have nothing to fear from any European nation whatsoever.

Let us take France. What have we to fear from France? She has a quarrel of more than a hundred years with Germany, and the word that leaps to her people's lips as they think about their latest war is "revenge." They think of fighting Germany, not us.

What have we to fear from Germany? Why, sir, that great people knows that any foreign war engaged in by them would lay Germany open to attack on the French frontier, and that the Republic would struggle to regain the lost provinces which the Empire had to surrender.

Now, let us go to England itself. All this talk means England. Let us see whether we have to fear England. Why, sir, it is well known to every gentleman upon this floor that England to-day is a huge nationality oppressed by its own weight. Spread over every portion of the map, with its colonies in every different zone of the earth, with its dependencies that scarcely preserve the semblance of dependencies, with a chronic quarrel on the Afghan frontier with Russia, with myriads of wild tribes in India ready to strike for independence, with Ireland like a thorn in her side, and ready at any time to smite her upon the flank, England dares not have any fight across the seas, where a thousand miles of ocean barrier make our surest defense from her assault.

Gentlemen speak about coast defenses, about armored vessels; but when from the hand of the Almighty was poured out that thousand miles of ocean, there was erected for us free of cost, to be maintained forever, the surest bulwark from European attack. It is well known that these monster war ships can not even come across the Atlantic or the Pacific without the greatest difficulty. They can hardly carry the coal necessary for the trip, much less a supply for subsequent operations. They can scarcely be managed upon the great deep. It will be remembered by this committee that at a peaceful review in the harbor of Portsmouth, in Great Britain, when there was nothing to be done except to make a display, that those great ironclads, the Thunderer, the Terrible, the Invincible, etc., fell foul of one another, and the English navy came near to disaster on a peaceful parade.

My friend from West Virginia [Mr. PENDLETON] said this is no time to economize. If there was a speck of war in the horizon I would agree with him, because the national welfare, the national honor must be maintained; but I beg leave to submit to this committee that every war we have yet had since our independence was a war of aggression. Within five days after our declaration of war in 1812 Great Britain withdrew her orders in council, the cause of war. The impressment of seamen, which was the only other surviving cause of war, we are warranted in believing could have been removed by the same peaceful methods. We all know that our grievances in that war were not the direct result of English aggression upon us, but originated in a furious contest raging between Bonaparte and Great Britain. They were not aimed at us primarily.

The war with Mexico was also a war of aggression. Mr. Chairman, that great captain, Gen. Grant, never gave his country a better lesson in statesmanship than when he demonstrated that by conservatism and prudence and firmness so delicate a question as that of the Alabama claims, involving a claim against the greatest nation on earth, could be settled by peaceful and honorable arbitration, and the \$15,000,000 award secured to the national coffers. I believe the time is approaching when wars—those barbarous settlements of disputes by an appeal to arms—will just as much be a relic of the past, things that we leave behind us in our advance to higher and better development, as are now the old, rude ways of trial by combat and dueling or any other method of personal strife.

Now, the gentleman says there is no need of economy. Upon that subject I desire to say briefly, that if he thinks there is no need of economy at this time he is strangely unobservant of those things that every man in this House should observe.

Just casually this morning I took extracts from several papers. I beg leave to call the attention of this House to them. The state of affairs they show is appalling and is worthy of consideration here. Sir, the real truth is that the enemies we have to dread in the future are, not Great Britain, not France, not Germany, not Italy, not Mexico, but our own people. What do I mean by that? I mean bad laws here at home; I mean class legislation at home; I mean overgrown and insolent corporations here at home; I mean the greed of monopolies here at home. I say, Mr. Chairman, if there ever was a time when that fact ought to impress itself upon this House, now is the time. It should certainly deter us from committing ourselves to the plan of spending \$350,000,000 upon our Navy.

Only two days ago we were reminded by the resolutions introduced by the gentleman from Mississippi [Mr. ALLEN] that thousands of people in the State of Mississippi are homeless and destitute, and suffering for food—holding out their hands and asking this National Assembly to give them relief.

A most distressing state of things! I find that the same is true in the State of Alabama, the State of the gentleman [Mr. HERBERT] who ably advocates this bill. I find that it is true in Arkansas; and I find it is true in Louisiana. And all around the domestic horizon there is trouble, Mr. Chairman. There is pestilence; there is flood; there are cyclones; there is poverty; there is industrial depression. There is suffering from unjust laws, and petitions that those laws be repealed and better ones made.

In that connection, Mr. Chairman, I desire to call the attention of the gentleman from New York [Mr. FELLOWS], who made such an eloquent speech on the floor, to an editorial in yesterday's St. Louis Republic. It is not the statement of a demagogue, not an agitator speaking in the line of his calling. It is the editor of one of the most powerful journals of the Southwest. What does he say? I am glad to see that I have got my friend's attention. What does the editor say?

Think of it—an increase of 153 per cent in the number of homeless farmers in Kansas in only ten years of Republican tariff taxes against return cargoes in exchange for farm surplus!

Think of it, over a third of the farmers in the two great Republican States of Kansas and Ohio homeless under the Republican taxation and finance of thirty years.

And remember that these figures of homeless farmers do not include those who have mortgages on their homes. There is a private mortgage debt of between two and three thousand millions of dollars on homes and farms in this country, and the bulk of it is on the producers of the Mississippi Valley.

If such statements, coming from such sources, do not arouse attention and create an irresistible demand for severe economy in spending the taxes of these people, then indeed are we drifting to dangers blindly, recklessly, hopelessly.

Now, I come to Georgia, my own State. The gentleman alluded to says we want "protection." So we do, but we do not want protection from England. We can protect ourselves from England. We do not want protection from France; France is not hurting us. But we want protection from outrageous legislation that is taxing our people to death; which is putting labor under the heels of monopoly, and making corporations greater than the citizen.

[Here the hammer fell.]

Mr. WATSON. I should like about five minutes more.

Mr. BOUTELLE. I have no objection to the extension of the gentleman's time, but it should be understood that it is to be a concession outside of the regular limit fixed for the debate.

Mr. DOCKERY. I ask unanimous consent that the gentleman from Georgia be allowed five minutes more, not to come out of the time allowed on either side.

There was no objection, and it was so ordered.

Mr. WATSON. Mr. Chairman, I call attention to an article from the New York World of April 13, inspired by a certain investigation set on foot by the Atlanta Journal, one of the most honest and straightforward opponents that I have and which my party has; a paper which fights us right "straight from the shoulder," but does it in that manly way which makes one glad that he has an honorable opponent to encounter. The Atlanta Journal, I say, has exposed a terrible state of affairs among the laborers in the city of Atlanta; a city that has had "booms" in real estate; a city that has been a paradise of real-estate gambling; a city that is great as a railroad center; a city that is rich in banking capital and in the splendid enterprise of its people; but a city where the corporation has oppressed the individual, and the laborer as he works does not get an adequate reward for his labor. I read:

ATLANTA, GA., April 11.
The Evening Journal says that "pestilence and famine exist in the Exposition Mills factory district as terrible as that in the Czar's domain. The living are starving by degrees, the dead are unburied. Many of the sufferers will be relieved by death before to-morrow dawns."

And at the conclusion of the article is this quotation from Dr. Hawthorne, an eminent Baptist divine, whose name is known all through the South and honored wherever known. Dr. Hawthorne says:

I have been in the slums of New York—

I hope the gentleman from New York [Mr. FELLOWS] will note that—

and other large cities, but I can truthfully say that I never saw misery or suffering equal to this.

It was attempted to be shown there that the statements of the Atlanta Journal were untrue. This factory tried to clear its skirts by the usual method of exonerating statements, justifying its conduct towards its employees and denying that unusual suffering prevailed among its employees.

In the Atlanta Journal which reached me this morning I see a statement in reply to the factory officials from the workmen themselves, signed with their names, and startling in its contents. They state that those mills, a tariff-protected industry, are paying to their laborers the magnificent sum of 36 cents a

day for their labor, and that the average wage fund in the factory district is 9 cents a head divided among the members of the family, out of which they must supply themselves with food, clothing, and medicine. No wonder the cry of distress is heard.

Now, with these facts I ask gentlemen whether it is strange that there should be pestilence and famine. One workman, W. N. Cochran, says that because he made an exposure of these facts and told the truth about the destitution which prevailed, in order that investigation and relief might be had, he was turned out of his employment at the factory, and would have to seek work in some other city. What a commentary upon our wretched system—one laborer cast adrift because he dared to say that other laborers were hungry, sick, destitute.

Now, Mr. Chairman, I beg leave to say to this House that what we want is not the building up of a \$350,000,000 navy, but what we want is relief, what we want is retrenchment, what we want is fair dealing under the law.

The gentleman from New York [Mr. FELLOWS] spoke of defacing records. Such motions as these made by the gentleman from Indiana on this bill deface no record. They preserve a record—the old Jeffersonian record of economy and of hostility to great naval and army establishments. Such a record deserves to be preserved and handed down, sacred and inviolate, to future times. [Applause.]

Mr. BOUTELLE. I yield twenty minutes to my colleague on the committee, the gentleman from Massachusetts [Mr. LODGE].

Mr. LODGE. Mr. Chairman, the purposes of a navy (which I believe is the subject under discussion, although we have been led away from it a little) are, as I understand them, the protection and development of commerce, the defense of American citizens and American interests in all parts of the world, and the protection of American coasts and American interests at home in time of war.

First, as to our commerce. We have got so much into the habit of referring to the decline of our foreign commerce that we are apt to forget that, though its amount is relatively small—much smaller than it ought to be—it is still absolutely very large. Over a million tons (an increase of 50,000 tons in the past year) engaged in the foreign carrying trade is not an interest to be lightly set aside. If to that is added our great coastwise and lake traffic, you will find that we stand second in the list of nations of the world and far ahead of those that come after us in point of total tonnage. Along the Atlantic coast alone we have 1,700,000 tons of coastwise traffic, and on the lakes 1,200,000 tons. If you turn to the statistics of the "Shipping World" you will find that in steamers of over 100 tons we stand fourth, while in sailing tonnage we stand second among the nations of the world. This great coastwise tonnage, as well as our foreign carrying trade, needs protection—the protection of the American flag on American public ships. Commerce can not be guarded except by a navy, and without armed protection it retreats and disappears.

Moreover, the development of commerce has followed naval supremacy. You may say what you please about English laws; but the great height of supremacy which England has reached in maritime commerce during the present century dates from the Napoleonic wars when with her victorious navy she swept from the sea every merchant ship of a hostile nation and suppressed nearly all the commerce of neutral flags. The navy of England is the great bulwark of her commerce, and we can not hope to build up our carrying trade unless we give it a similar protection.

Then, in the second place, for the protection of American business interests, and American citizens in all parts of the world wherever they may go, we want to have the American flag on American men-of-war. Every nation, barbarous or civilized, near or remote, should know that behind the American merchant and the American traveler is an American navy.

Lastly, and most important of all, we need protection for our coasts. I am the hearty and cordial friend of land defenses, and we must have them, but they are of slow growth and can not be everywhere. We must have powerful ships, heavy in guns and armor, able to fight at sea, and sufficient, with the support of fast cruisers, to keep a hostile fleet from ever coming within range of our coasts. These powerful ships are the true coast defenses, always ready to be moved in an instant to the point of danger.

Such danger exists. It is all very well for gentlemen to talk about our being in no peril of war; but wars do not come or stay away on theories; they come out of men's passions, rising hotly over disputed questions of fact.

The American people are as sensitive to their honor and their interests as any people on earth. Those interests may be attacked, that honor may be assailed, by any nation at any time. We can not tell when the occasion may come; but as we stand to-day, our great coast cities are undefended and helpless. I trust we may not have war with anyone, but I do not shut my eyes to its

possibility. But a little while ago and war with Germany seemed not improbable. If it had come we could not have touched Germany by land nor could Germany have reached us. But Germany could have ravaged our coasts and we should have been helpless.

Take the case of England. She is our neighbor by land as well as by sea. I sincerely trust that there may never be war with England. Neither the English nor the American people desire it, or wish for aught but friendly relations. Nevertheless, despite all this friendly feeling it is best to face facts. England has drawn about us, from Halifax to the West Indies, a line of strong fortifications and of naval stations. It is the same at Vancouver. If you will read the very able report of the gentleman from California [Mr. CUTTING] on the militia bill, you will see what preparations England is making on our northern border, and how readily she could bring in troops and blockade our ports with her ships. I am not an alarmist. I do not believe England wishes to make war on this country, and I am certain the English people have no such wish.

But English politics are violent. England has unscrupulous party men and party chiefs like the rest of the world, and the press of London is hostile with the violent hostility of ignorance towards the United States. It is not difficult to imagine the party to which we owe the invention of "jingoism," in a desperate struggle to retain political power, fomenting for party ends a quarrel which might easily result in war, although both nations were averse to it. Then these threatening preparations on the East and West and North would come in play, and where should we be without a powerful navy to meet the first assault? We should win in the end, but the loss of the first few months would outrun a hundredfold the cost of a larger navy than we have ever dreamed of building.

Gentlemen, moreover do not stop to calculate the enormous quickness with which modern wars are fought. Three months elapsed in this country between the firing on Fort Sumter and the first serious battle of the war because neither side was ready; but the battle which crushed France to the earth, the battle of Sedan, was within forty-nine days after the declaration of war. The battle of Lissa, a decisive battle in the war between Austria and Italy, a naval battle, was fought within thirty days.

No one doubts for a moment what the gentlemen who have preceded me have referred to—the bravery of the American people. We all know that Americans are brave; but bravery can not fight upon the seas without ships. You must have something to meet the enemy when he comes. You can build monitors on this floor in a few minutes, but you can not build them to fight at sea in that time.

In other words, if we want to have peace we must guarantee it, as the gentleman from New York [Mr. FELLOWS] said, by an efficient navy. Now, what have we got to protect our commerce, and meet the perils of possible war? The old Navy is practically gone. We have forty ships, counting the practice cruiser, in process of construction or building. When complete, although the ships are of the best types, it is still an utterly inadequate force for our needs. We have not to-day a single ship aloft that could meet an attack from the navies of any great power that might quarrel with us. We have a few such vessels building, but we must have more of them, and that, too, without delay. If war came we might put armies of millions into the field; but we could not prevent the destruction of a single one of the great cities that line our coasts on the Pacific and on the Atlantic. We are still, despite all that has been done, absolutely helpless before the navies of Europe, if any one of them at any time chooses to make war upon us.

That is not a fit position for this great Republic to occupy. We ought to be in a condition of assured defense. We have no desire for aggression; we have no desire for the acquisition of territory; but we ought to have a sufficient fleet to protect our cities and to prevent any other nation from blockading our ports. We have developed great plants and can now make our guns and armor ourselves. This is an immense step, but if shipbuilding is stopped we shall lose these plants and these mechanics with them, and such a loss would be a national disaster.

Gentlemen talk as if only the interests of the coast were involved. Sir, every bale of cotton, every bushel of our wheat that we sell to the outside world, may be locked up here by the fleets of foreign nations, because we have not the power to hold our own harbors in case trouble comes. The defense of our coast and commerce from even a selfish point of view is not sectional, but national in the highest and best sense.

Mr. Chairman, the policy of the United States in regard to the Navy has been a simple and uniform policy. It has been that of having an efficient navy—ships of the highest type—fleets large enough for defense, not large enough to tempt us to aggression or attack. This was the policy which raised the Navy to the point of glory which it won in the war of 1812. It

has been the policy of Federalists, and of Democrats, of Whigs and Republicans alike; it has been the American policy from the beginning. After the exhaustion of the great civil war, that policy was allowed to drop. Since then it has been taken up by Democratic and Republican administrations, by Democratic and Republican Congresses, and has been carried on.

It is not a work to be stopped and laid aside. If you cease building your ships you have the work all to do over again. You ought to add steadily, moderately, to your Navy year by year. It is this policy to which I wish to see this House give an ample support. I think we need much more than one ship, and the bill of the committee appears to me therefore to be utterly inadequate. The amendment proposed will involve only an expenditure of three to four million dollars a year for the building of these ships. England recently in one year appropriated £20,000,000 (\$100,000,000) to be spent in two years; and yet she has already the greatest navy in the world. We surely can afford to spend at the rate of from three to four millions of dollars a year to keep our Navy what the honor of our flag and the honor of our nation demand that it should be.

I have never, Mr. Chairman, in discussing naval legislation, brought in the question of party politics, and I never mean to do so. If I were looking solely to political advantage amongst my own people, I should ask nothing better than to have a Democratic House strike down all naval appropriations. But I do not regard this question as a Democratic or as a Republican question. I look upon it as a great American question, as a question of patriotism. I hope this House will vote a sufficient addition to the Navy without regard to party. When I vote on the Army or Navy, or on foreign affairs, I leave my party and my politics behind me.

I do not believe that our politics should go beyond the water's edge. I believe they should stop there, and that is why I advocate the amendment of the gentleman from Maine. Let us have a reasonable addition to the Navy. Let us maintain the policy for which we are all responsible, the American policy that in the past has given us a navy for which we never had occasion to blush. This is a policy which the people of this country, with very few exceptions, consider as of more importance than any other, and on which they are thoroughly agreed. I hope therefore the amendment of the gentleman from Maine will be adopted, and that we shall stand by the Navy as we ought to stand by it, mindful of our interests and never forgetting that it is our first duty to defend our homes and uphold the honor of the flag. [Applause.]

Mr. BOUTELLE. I yield ten minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. HERBERT. And I yield him ten minutes of my time.

Mr. CUMMINGS. Mr. Chairman, I am in favor of the amendment of the gentleman from Maine [Mr. BOUTELLE]. I shall vote for it. I hope it will prevail. But if it is defeated, I shall propose an amendment authorizing half of what is asked—one battleship and six torpedo boats. The Committee on Naval Affairs have unanimously agreed upon one cruiser of the type of the New York. The gentleman from Indiana [Mr. HOLMAN], after endeavoring to force out the recommendation on a point of order never sustained since the foundation of the Government, has moved to strike out even that. This, then, is a square issue—navy or no navy. Party pledges mean nothing, and each coastwise city must look out for itself in time of danger.

Only six years ago as a naval power we ranked below Turkey, Greece, Chile, Japan, Portugal, and even China. When the vessels now building are completed we shall still be lower than Italy, Germany, and Spain. Yet we have infinitely greater interests at stake. National safety requires that we shall be equal at least to the most insignificant of these powers. Were nine more battleships and thirty torpedo boats added to vessels already authorized we would still be inferior to Great Britain, France, Russia, and Italy. The amendment recommends only two of the nine, and only nine of the thirty torpedo boats. Compare our population, our seacoast, and our exposed interests with those of Italy or France, and the necessity for an increase of our Navy is apparent.

The report of the committee itself is the strongest argument in favor of the rehabilitation of the Navy. Its chairman has had years of service and experience. Twenty-four ships have been authorized while he has been at the head of the table. His integrity, energy, and devotion to the interests of the people have never been questioned. In convincing language he has set forth the necessity for the new navy. Prudent, vigilant, resolute to retrench as far as public safety will permit, his committee has recommended an increase so small that I am astonished that anyone should resist it.

There is no doubt in my mind, Mr. Chairman, but what the country expected far more. Less I know will not satisfy it. Even the gentleman from Indiana ought to understand that the

report was made to meet the extremist spirit of retrenchment, without the thought of extravagance. The committee does not even pretend to meet public expectation in the matter. But the gentleman from Alabama, its chairman, has the confidence of the people. His committee have tried to carry out their wishes as far as the situation here would permit. The temper of this House has been a continual menace.

The extravagance of the preceding Congress in general legislation was such that it was feared that this House would rush to the opposite extreme. Sir, extravagance is bad. I have fought against it as hard as anyone on this floor, but I know that over-economy in matters of this sort may be still worse. I will not say which is the worst, the miser or the profligate; but I know that in caring for public industries we ought not to play the part of either. We are not driven to either starvation or overfeeding, but to make a temperate and healthful use of what we have.

Sir, this is no party question. Parties have taken the lead in it as they have predominated, but it is so thoroughly a national question that they have been as one in pushing it on. If one has been disposed to go faster than another, both have agreed that there must be no halt. It is public policy, national safety. We must have the means to protect and the power to save. Must an English fleet anchor off Long Branch and throw a thousand-pound shot into the town of Aurora before the gentleman from Indiana is convinced of this?

Is it necessary for a British squadron to come to off Santa Barbara and pitch a shell over the Sierras and the Rockies into the city of Topeka to prove that this great country has an exposed seacoast? Good God, Mr. Chairman, you might as well refuse to bolt your front door because no tramp had tried it for a month as to assume that we can dwell in continued security because for so long we have not been put to our defense. In protecting our coast we protect the whole country. Ironclads and armored ships are coast defenses. They can be adjusted to every exigency.

Samuel J. Tilden sounded the alarm years ago. He called the attention of the nation to the fact that its ports were at the mercy of foreign assailants. The country responded to the warning. A Democratic Administration took the work in hand. A policy was defined. The people applauded it. It was prosecuted by an able, honest, frugal, and resolute Secretary of the Navy, William C. Whitney. He was succeeded by Benjamin F. Tracy, equally able, frugal, honest, and resolute.

It was said that his precautionary measures in the Chilean imbroglio had made a \$3,000,000 deficiency. There was not a word of truth in it. He kept within the appropriation throughout. Not a dollar was wasted. The work for the increase of the Navy has been carried forward on the lines laid down by his predecessor. It is still unfinished. What sort of a figure will the Democratic party cut if it now abandons it altogether? Prudent we will be, economical we will be, but let us draw the line at being niggardly.

By his estimates Secretary Tracy has welcomed our retrenchment policy. It can not be charged that he has been prodigal. He has reduced his estimates \$5,300,000 below what his own party actually appropriated for the increase of the Navy last year. The committee has cut down this estimate \$3,000,000 more, making in all a reduction of over \$8,000,000—a little less than half of what was appropriated last year. If the other heads of Departments had done as well proportionately in the way of retrenchment as Secretary Tracy in his estimates, this House would have an unprecedented record. But if the committees having charge of the appropriations for other Departments do as well as this committee has done the record will be truly marvelous.

Yet the gentleman from Indiana, while rubbing his hands over the retrenchment of the committee, proposes to knock out the only recommendation it has made. I hope he will desist, but if he continues his opposition, I hope, for the credit of this House, that he will be overwhelmingly defeated. It was proper that the committee, after cutting down the close estimate of the Secretary, should recommend the building of at least one of the few ships that he asked for. While the gentleman from Indiana will not concede even this, the country asks for more. I read from the editorial columns of the New York Herald of April 14. Speaking of the proposed amendment, it says:

There is a natural wish for economy not only among the members of Congress, but among the people of this country irrespective of party. No extravagance should be permitted by Congress in any Department of the Government.

But economy does not necessarily mean the mere refraining from spending. Indeed, that course may result in extravagance and waste of the worst kind. Most people now admit that we should have an adequate navy for the defense of our seacoast. To delay in building it may enormously increase its cost without securing its protection when needed.

It would be not extravagance but the truest economy to grant this moderate increase. When finished they would bring our first line of defense up to five fighting ships—a very moderate protection for the amount of property at risk. In any event the battle ships should be provided for. No reasonable expenditure for the new navy will be grudged by the voters of this country. No Congressman need fear that he will be adversely criti-

cised by his constituents for an affirmative vote for these ships. From Oregon to Florida, from Maine to Arizona, the importance of an effective navy is recognized. In authorizing the two additional battle ships Congress will be acting absolutely in harmony with the wishes of the nation.

What the Herald asks for is what the Secretary recommends. The press of the country is reiterating the Herald's demands. Even the Squeedunk Chronicle will not favor a reduction. The committee has refused the battle ships upon the ground that they believe the iron armor can not be furnished as soon as the vessels are launched. The Secretary, however, does not regard this reason as valid. He says that the House committee admits that the delivery of the armor under existing contracts can be completed in 1894. He adds that it is obvious that the new vessels which might be authorized this spring would not be ready for their armor until after the contracts are filled. The iron works have so improved their plants, the Secretary says, that they will be able to turn out 700 tons of armor per month after July 1, and at the end of two years they will have turned out enough for all the battle ships now in process of construction. The Secretary would like to see one or two battle ships authorized, and especially ten torpedo boats and a few small gunboats of from 800 to 1,000 tons each. The torpedo boats would not cost more than \$100,000 each, or \$1,000,000 in all, and the gunboats would not cost more than \$300,000 each. The torpedo boats could be built at various points along the Mississippi River and its tributaries, and some of them could be built on the lakes, if the treaty with Great Britain permitted.

Whatever the facts, time and opportunity ought not to weigh. What other nations have done we can do. All that we have to do now is to determine what we will do.

But the argument made against the battle ships does not apply to torpedo boats. These are essential for coast defense. France to-day has 215; England, 199; China, 69; Austria, with only its Dalmatian coast to protect, 65; Greece, 51; little Denmark, 34; Japan, 28, and Spain, 15, while the United States, with its thousands of miles of seacoast, and its scores of great cities thereon, has only 1.

Gen. Miles has well said that—

The first great desire of the nation is for peace—to forget the horrors of war—and this desire has lulled the people into a feeling of indifference alike unwarranted and unjustifiable. The men who know the real condition of the country hesitate to tell the exact truth about it. The actual knowledge is possessed only by the few who have made a study of the subject, who have had experience in warfare, and who know how great is the progress that has been made in the art of war during the last thirty years. There are some delusions, however, that seem to the military man almost unaccountable. The first is the supposition that there would be plenty of time in which to prepare for war. All history proves that many important wars were decided in a few weeks, some in a few days, and the great majority of them started without any notification whatever. In the last one hundred and ninety years in less than ten cases out of one hundred and twenty have there been any declarations of war preceding actual hostilities.

Another delusion is the one that 60,000,000 of people, with sixty billions of wealth, could depend upon its ingenuity to frighten a great military or naval power away from our frontier or our seacoast. As a matter of fact the ingenuity of man has been taxed for the last thirty years in inventing new engines of war, and American inventors have carried the creations of their genius to England, France, Germany, Russia, and even China, to get them adopted.

The general was arguing in favor of forts and fortifications, but his argument applies equally well to torpedo boats. They are an important factor in the defense of our harbors.

The general shows this in another paragraph:

Another delusion is in the supposition that mere numbers constitute military and naval strength. So many people forget the fact that steam power, electricity, dynamite, and other high explosives, steel guns capable of throwing a ton of iron 10 or 12 miles, smokeless powder, and machine guns are the engines of war now used by every civilized nation, and that it requires years to equip any considerable fort with these appliances.

The torpedo gunboats unquestionably ought to be authorized. The Navy we now have was enough to save us from war with Chile. When our Navy reaches the limit recommended by Secretary Whitney it may save us from war with more powerful nations. That limit should be reached as soon as possible.

The necessity for the torpedo boats is apparent, especially on the Pacific coast. England has a coaling station at Esquimault, in British Columbia. Puget Sound is open to invasion from Esquimault. There is not a gun in position for our defense. Yet the Pacific coast is abundantly able to provide for its own defense, if Congress will but say the word. If we will call for these torpedo boats, some of them can be built in Pacific shipyards. There is further necessity for the construction of torpedo vessels for use on the lakes. Neither the United States nor England can maintain war ships there, beyond the trivial treaty allowance. Yet the British have scores of light gunboats and torpedo vessels that could press through the St. Lawrence and the canals and levy tribute on a score or more of American cities.

Possibly we could send small torpedo crafts from New York to the lakes through the Erie Canal, but we only have one, and that is the Cushing. As it is, our lake cities are practically at the mercy of Great Britain in case of war. To-day Canada is building what she calls armored revenue cutters. They are

really fast cruisers. They can readily be armed and turned into commerce-destroyers. They are equipped with the best engines; they have space for three weeks' supply of coal; and the bunkers are arranged so as to protect the machinery from shot. They are provided with rapid-fire guns and bows for ramming. All this is suggestive.

Mr. Chairman, this is not an appeal for subsidy, or for a railroad grant, or for an infant industry, or for any scheme of plunder. It is the great Republic pleading for security. It is the completion of a work urged by Tilden and begun by Cleveland. More than three-fourths of the ships already authorized have been by Democratic Houses. This is the first time since the election of Mr. Cleveland that a Democratic House has been asked for as little as one ship. When the country is behind it, it ought to carry out its own plans. With a majority of two-thirds of the House, the people look to it for at least half the number of vessels recommended by the Secretary. They are sure to resent a refusal to authorize the one recommended by the committee.

Sir, one hundred and seventeen years ago this very hour a British detachment was being prepared for its march to Lexington. The vote on this bill will be taken on the anniversary of the battle. The war was prolonged because the Colonies were unprepared. The enemy was in the house because they were unable to bolt their front door.

That same nation again found us with our front door unbolted in 1814, and walked away with the city of Washington, burning the White House and the National Capitol.

To-day a naval foundry that has cost \$20,000,000 might be destroyed by such an invasion. We are able to bolt our door to-day; let us not decide adversely on such an anniversary. [Prolonged applause.]

During the delivery of the foregoing remarks the hammer fell. Mr. HERBERT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended.

Mr. WATSON. I hope that will be done.

Mr. BOUTELLE. I ask consent that the gentleman be permitted to finish his remarks.

Mr. CUMMINGS. I shall only want about five minutes longer. There being no objection, Mr. CUMMINGS resumed and concluded his remarks as above.

Mr. HOLMAN. Unless the gentleman from Alabama desires to proceed I would like to yield some time to the gentleman from Kansas [Mr. BAKER].

Mr. HERBERT. That will be agreeable to me.

Mr. BAKER. Mr. Chairman, I am free to confess that I feel a great delicacy in attempting to address this House at the present time. The pending question is one which I believe to be fraught with much interest to the American citizen, and my feelings are such towards it that I scarcely know how to approach the subject.

From my earliest infancy to manhood's estate I was taught to believe that that flag—our beautiful Stars and Stripes—was an emblem of peace and of happy homes. From early manhood to the present period in my life I have recognized as true the fact that the greatest bulwark of American independence is in the multitude of her peaceful, prosperous, and happy homes.

Such having proven true in the past, and realizing as we do in studying the history of other nations, that their greatest safety is to be found in the contentment and prosperity of their people, should we not as sacredly guard the prosperity and peace of our homes now and in the future as our forefathers did in the early history of this country? We are told by those who would increase the armed force, that there is danger, that we may anticipate some great catastrophe to our cities along the seacoast unless we continue to increase our Navy. From the time that I entered this House until the present moment, I have heard prophecies on every hand of the great evils that would befall us if we did not adopt certain measures.

If Balaam were to pass this way, we could furnish him at least two hundred prophets.

Mr. Chairman, let us with the eye of wisdom and experience look to the past, and what do we find? What have we done? Let us compare this nation and her developments with other nations. Time will not permit me to draw the parallel. But may we not truthfully say that we are without a parallel in the developments that go to make us the most prosperous nation of ancient or modern times. I warn you rob not the American homes to build a navy.

What have other nations done? Go with me to the period of Peter the Great. We find him at the head of a barbarous nation. He studies the arts of war through a navy. When he had learned to build a ship we find him at work as a common ship carpenter, and after he has constructed a navy then we may see him going forth to battle and to conquer the greatest hero of the day, Charles XII of Sweden. The next year we find him

building a city of thirty thousand houses on a frightful morass, destitute of stones and timber, cursed with the most harassing climate. You say, "What a hero!" "What a marvel!" Ah, my friends, you would say, "A nation awakened from barbarism, a frontier extended, a navy created, Charles XII vanquished, thirty thousand houses built in one year."

Let us turn to the other side of the picture now for a moment and this is what we see. The dominions of a tyrant extended. The building of thirty thousand houses at the cost of one hundred thousand lives. The banishment of Charles XII at the cost of a half million more. And besides all this twenty million people suffered worse than death by being made serfs. This tells in brief the history of Peter the Great of Russia, the greatest naval hero of his day. You may admire such a character, but give me a man that can stand alone. Give me a Howard or a Columbus; a man who would die for the welfare of others; not one who would make a great name for himself by the sacrifice of human lives; not one who could coolly calculate and plan the destruction of men with heart and soul in order to place a laurel wreath upon his own brow, and by so doing plant a whole country in cypress. And if such be wrong how much greater crime to society will a Christian nation be guilty of, by creating an armed power to enslave and sacrifice the lives of others in a time of profound peace.

May we not gradually advance to a higher civilization? Does not the enlightenment, education, and Christianity of the nineteenth century demand that difficulties between nations should be settled by arbitration and not by war? As I was taught to revere that flag, and as I claim that no man can go beyond me in love for it and for my country, I can see, as we are developing the military power of our country, that we are increasing a power which is inimical to civil liberty and to the well being of republican institutions. Such being the case, I feel it to be my duty to take my stand to-day and to say: Stay your hand in the construction of these monsters of the deep and let humanity speak.

Shall we advance forward and upward, or go backward to the dark ages of the past? You cannot point to a nation upon the face of the globe to-day which has a large army and navy where you do not find the arm of oppression. For they in themselves are an arm of power used to enslave the people.

I must confess that I feel a degree of fear in my own mind when I see at this time a disposition upon the part of many of the Representatives on this floor to increase the force of the military power of this Republic. Let us in the future try to build up happy homes. Let us have laws more just, that we may have States more prosperous. Let us cultivate virtue at home. Let us teach the world that there is a way which is wiser and better, more humane and godlike than to create armaments with which to destroy each other.

While listening to the discussion of this question on the floor of this House, my mind has reverted to the pages of history. I have seen George Washington on the one hand, with his love of home, his love of country, his love for humanity, and armed with the blessings of Almighty God, going forth to establish the freest, the purest, the best government on earth. I see what he was able to accomplish in a short period of time. Then my mind reverts back upon the other hand, to Napoleon Bonaparte, of France. What is his history? Every step he took in his march forward was upon the skull of a human being. And what are the monuments reared to these men to-day? We find Washington's name is embalmed in the hearts of his countrymen. But if you would rear a monument to Napoleon, it must be reared upon the skulls of 2,000,000 human beings who were sacrificed to gratify his ambition.

Mr. BOUTELLE. Was not George Washington first in war? Mr. BAKER. He was, most assuredly; but he was also first in peace. Shall we cultivate to-day the arts of peace or the arts of war? Has not the experience of the past demonstrated that just as you increase the army and navy of a country you deprive a people to that extent of their liberties? You can not point to a nation to-day which has a large army and which has a free people. It is impossible. Light and darkness never go hand in hand. The omnipotent God will bless the man or the nation that will settle difficulties upon the principles of justice and equity to mankind, but He will curse the nations which depend upon the instruments of destruction to maintain their power.

Where are we drifting? Where would you lead this nation? Shall this be a land of freemen or a land of serfs? Shall we not strive to make it the land of happy homes, of peace, and prosperity? And the answer which comes from the heart of every true man in this House is yes. We are told that England has a powerful navy. That is true. But what has she done? Let me tell you. She has enslaved Egypt, she has enslaved Turkey, she has enslaved the Argentine Republic, she has enslaved India. She has a great army and a great navy, which are the police force of the capitalists of that country by which they are enslav-

ing the nations of the earth. What shall we do? Shall we not cultivate the arts of peace? I tell you that when it comes to defending homes one American citizen is equal to five Englishmen.

England to-day has not as large a navy, when you take into consideration her commerce and the territory she has to protect, as the United States will have when she has her navy completed as it is now ordered. I, myself, have no sympathy with the idea that in order to protect ourselves and our free institutions in this age of the world we must increase the Army and Navy. I am willing to vote millions to build up the true interests of my country, but not one dollar to enslave its people.

Mr. HERBERT. Mr. Chairman, for my own part I would be glad to have the committee rise. The other gentlemen who are to speak seem indisposed to go on this evening. My colleague [Mr. ELLIOTT] is not feeling well, and the same is true of another gentleman. I will ask the Chair how much time is left for debate?

The CHAIRMAN. The gentleman from Alabama [Mr. HERBERT] has one hour and seventeen minutes remaining. The gentleman from Indiana [Mr. HOLMAN] has twenty-three minutes, and the gentleman from Maine [Mr. BOUTELLE] has thirty-two minutes.

Mr. HERBERT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHIVELY reported that the Committee of the Whole House on the state of the Union had had under consideration the naval appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. ENOCHS, indefinitely, on account of important business. To Mr. BANKHEAD, for ten days, on account of important business.

POSTAL APPROPRIATION BILL.

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 8224) making appropriations for the service of the Post-Office Department for the year ending June 30, 1893; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. McMILLIN and Mr. DINGLEY reserved all points of order. ADMISSION TO AMERICAN REGISTRY OF FOREIGN-BUILT SHIPS.

Mr. ATKINSON. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill for the free admission to American registry of ships built in foreign countries.

The SPEAKER. The Clerk will report the title of the bill upon which the minority report is submitted.

The Clerk read as follows:

A bill (H. R. 5441) for the free admission to American registry of ships built in foreign countries.

The SPEAKER. Without objection the minority report will be printed.

There was no objection.

And then, on motion of Mr. McMILLIN (at 4 o'clock and 8 minutes p. m.), the House adjourned until Monday, April 18, 1892, at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims: The bill (H. R. 2324) for the relief of the estate of P. F. Warterfield, deceased. (Report No. 1131.)

By Mr. WINN, from the Committee on War Claims:

A bill (H. R. 2804) for the relief of the legal representatives of John Baptiste Ashe. (Report No. 1132.)

A bill (H. R. 2548) for the relief of the legal representatives of William Johnnot, Joseph Torrey, and Thomas Blackwell. (Report No. 1133.)

By Mr. PATTON, from the Committee on Military Affairs: The bill (H. R. 2302) to relieve John W. Robinson of the charge of desertion. (Report No. 1134.)

CHANGES OF REFERENCE.

Under clause 2 of Rule XXII, committees were severally discharged from the consideration of the following bills; which were respectively re-referred as follows:

A bill (H. R. 4869) to increase the pension of T. J. Ferguson—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 4673) granting a pension to Mary Grogan—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 8171) granting a pension to P. A. Cartwright—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 1887) for the relief of Peyton Gill—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 7572) to pension Mrs. C. R. Hamilton—the Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, and a resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. PEEL: A bill (H. R. 8190) to ratify agreement with Kickapoo Indians, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 8191) to disallow attorney fees in pension cases—to the Committee on Invalid Pensions.

By Mr. FYAN: A bill (H. R. 8192) authorizing the Secretary of War to remove charge of desertion from Federal soldiers in the civil war—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 8193) repealing sections 1790 and 2093 of the Revised Statutes—to the Committee on the Judiciary.

By Mr. CHIPMAN (by request): A bill (H. R. 8194) to authorize homestead settlers to enter additional land—to the Committee on the Public Lands.

By Mr. HERMANN: A bill (H. R. 8195) making an appropriation for the establishment and maintenance of beacon lights and buoys at twenty-five different points on the Willamett River between the cities of Salem and Portland, in the State of Oregon—to the Committee on Interstate and Foreign Commerce.

By Mr. STONE of Kentucky: A bill (H. R. 8196) to incorporate the Petworth, Brightwood and Takoma Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEMPHILL: A bill (H. R. 8197) relating to the office of the register of wills in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SCOTT: A resolution asking for information from the Department of Justice regarding the grinding exactions of the gigantic sugar trust and its prosecution for violating the anti-trust law enacted July 2, 1890—to the Committee on the Judiciary.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ALLEN: A bill (H. R. 8198) for the relief of Isabella Rowsey, of Alcorn County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8199) for the relief of Thomas P. Young, of Alcorn County, Miss.—to the Committee on Claims.

By Mr. AMERMAN: A bill (H. R. 8200) for the relief of George McAlpin, to repay to him moneys unlawfully collected from him by the United States—to the Committee on War Claims.

By Mr. BYRNS: A bill (H. R. 8201) granting a pension to Louisa Kellman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8202) granting a pension to Mina Pape—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 8203) granting a pension to Prilla Prime—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 8204) for the relief of James Anderson, of Hardin County, Tenn.—to the Committee on War Claims.

By Mr. FELLOWS: A bill (H. R. 8205) granting a pension to Rose Vincent Mullin, a nurse in the late war—to the Committee on Invalid Pensions.

By Mr. FORMAN: A bill (H. R. 8206) to refer the claim of Adolph Mueller to the Court of Claims—to the Committee on Claims.

By Mr. HATCH: A bill (H. R. 8207) for the relief of James Griggs—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 8208) granting an increase of pension to Moses Parrott, for disabilities incurred in the Mexican war—to the Committee on Pensions.

By Mr. HEMPHILL: A bill (H. R. 8209) granting a pension to Mary A. Lyles, widow of James V. Lyles—to the Committee on Pensions.

By Mr. LESTER of Georgia: A bill (H. R. 8210) for the relief of William Rose, of Savannah, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 8211) for the relief of Jacob Rosenband, etc.—to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 8212) to increase the pension of Margaret Lamont—to the Committee on Invalid Pensions.

By Mr. PAYNTER (by request): A bill (H. R. 8213) for the relief of Frank Mott—to the Committee on War Claims.

By Mr. RIFE: A bill (H. R. 8214) to pension Robert H. Fry—to the Committee on Pensions.

By Mr. STONE of Kentucky: A bill (H. R. 8215) for the relief of Lysander H. Jennings, of Greene County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 8216) for the relief of David H. Hildebrand, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. TERRY (by request): A bill (H. R. 8217) for the relief of Charlotte Moore—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 8218) for the relief of Charles Schabelka, of Leadville, Colo.—to the Committee on Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8219) for the relief of A. Eckberger—to the Committee on War Claims.

Also, a bill (H. R. 8220) for the relief of A. A. Williamson—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8221) granting a pension to George W. Boyd—to the Committee on Invalid Pensions.

By Mr. WOLVERTON: A bill (H. R. 8222) to place upon the pension roll of the United States the name of William H. Lord, late member of Company C, One hundred and seventy-ninth Regiment of New York Volunteers—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 8223) for the relief of P. B. Robinson, administrator of William R. Collier, of Madison County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of citizens of Richmond County, N. C., against the Brosius lard bill and for a general pure-food law—to the Committee on Agriculture.

Also, three petitions of citizens of North Carolina, of Alfordville, members of Lebanon Church of Robeson, and members of Ashpole Presbyterian Church, against opening the Columbian Exposition on Sunday and against selling liquors on the exposition grounds—to the Select Committee on the Columbian Exposition.

By Mr. BEEMAN: Petition of 525 citizens of Yazoo County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. BELKNAP: Petition of William Denman and 93 others, of Grand Rapids, Mich., in regard to the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Grand Rapids, Mich., against the passage of House bill 4843—to the Committee on Agriculture.

By Mr. BOWMAN: Petition of Mrs. Alice Keler and 11 members of the Seventh Day Adventist Church, and 17 other citizens, of Audubon, Iowa, protesting against committing the United States Government to a union of religion and state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation—to the Select Committee on the Columbian Exposition.

Also, resolution adopted by the Davenport (Iowa) Businessmen's Association, favoring ample appropriation for the United States Weather Bureau—to the Committee on Agriculture.

By Mr. BRANCH: Papers in the claim of S. Barrett, of Pamlico County, N. C., for relief—to the Committee on Claims.

By Mr. BOUTELLE: Petition of citizens of Mapleton, Me., against opening on Sunday any exposition where Government funds are expended—to the Select Committee on the Columbian Exposition.

By Mr. BUNTING: Petition of Grand Army of the Republic post at Oleutt, N. Y., asking legislation to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BYRNS: Petition to accompany House bill 8014, to amend the military record of Charles Barry—to the Committee on Military Affairs.

By Mr. CAUSEY: Additional evidence in the claim of Sarah Burton, formerly Sarah White, of Lewes, Del.—to the Committee on Claims.

By Mr. CHIPMAN: Petition of Stonecutters' Association of

Detroit, Mich., for the enactment of a law prohibiting contract labor on Government works—to the Committee on Labor.

By Mr. COVERT: Petition of the charity organization of Castleton, N. Y., for legislation in prevention of railway accidents—to the Committee on the Judiciary.

By Mr. CURTIS: Two petitions of Norfolk Grange, No. 541, of New York, one for the passage of a law to prevent the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same grange, for the passage of a law defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of faculty and many students of Canton Theological School, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of an amendment to the Constitution to prohibit State laws establishing religion—to the Committee on the Judiciary.

Also, petition of sundry citizens of Allegheny County, Pa., in favor of laws amending the immigration and naturalization laws—to the Committee on the Judiciary.

Also, petition of sundry citizens of the Twenty-second Congressional District of Pennsylvania, in favor of amendment to the Constitution to prohibit State laws against the establishment of religion—to the Committee on the Judiciary.

Also, petition of sundry citizens of the Twenty-second Congressional District of Pennsylvania, in favor of amendment to the immigration and naturalization laws—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of citizens of Manhattan, Kans., asking for an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people—to the Select Committee on the Election of President and Vice-President and Representatives in Congress.

Also, petition of citizens of the same place, asking for the investigation of the slums of large cities—to the Committee on Labor.

By Mr. FORMAN: Two petitions of Turkey Hill Grange, No. 1370, of Illinois, one for the passage of a law to prevent the adulteration of food and drugs and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same grange, for the passage of a pure-lard bill—to the Committee on Ways and Means.

Also, petition of the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. GEARY: Petition of Grange No. 84, of California, favoring free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange No. 84, of California, for pure lard—to the Committee on Ways and Means.

Also, petition of Grange No. 84, of California, for pure food—to the Committee on Agriculture.

Also, two petitions of Kibisellah Grange, No. 288, of California, one for the passage of a law to prevent the adulteration of food and drugs and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition of the same grange, for free delivery of rural mails—to the Select Committee on the Post-Office and Post-Roads.

Also, petition of 29 citizens of Benicia, Cal., to put stamps on free list—to the Committee on Ways and Means.

By Mr. HARE: Two petitions of Excelsior Grange, No. 503, of Ohio, one to prevent gambling in farm products, and the other for the encouragement of silk culture—to the Committee on Agriculture.

Also, petition of the same grange, for the passage of a pure-lard bill—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. HATCH: Petition of Grand Army of the Republic, Post No. 158, of Missouri, in favor of marking battle lines at Gettysburg—to the Committee on Military Affairs.

Also, resolutions of the St. Louis Cotton Exchange, against publication of crop reports by the Department of Agriculture—to the Committee on Agriculture.

By Mr. JOHNSON of North Dakota: Petition of Gen. E. Farnsworth Post, Grand Army of the Republic, of Mayville, N. Dak., in favor of marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. LOUD: Petition of San José Grange, No. 10, praying

for the extension of the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of John Scales and others, for reform in spelling—to the Committee on Education.

By Mr. MEREDITH: Petition of Andrew M. Cridler, for relief—to the Committee on War Claims.

Also, papers in the claim of Edgar E. Matthew—to the Committee on War Claims.

By Mr. MILLIKEN: Affidavits of John R. Grant, Aaron Parker, Joseph Frost, Charles F. Parker, and George H. Rand, in claim of George H. Rand for pension—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Petition of Isaac S. Miller, of Carbon County, Pa., to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. PERKINS: Protest of H. Holcomb and 15 others, members of the Seventh-Day Adventist Church, at Storm Lake, Iowa, and 69 others of same address, against Congressional action in the matter of opening or closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PICKLER: Petition of 48 citizens of Yankton, S. Dak., and Congregational Church of said city to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 27 citizens of Estelline, S. Dak., asking that the World's Fair be kept open every Sunday during its continuance—to the Select Committee on the Columbian Exposition.

Also, three petitions of Grand Army of the Republic posts of South Dakota, as follows: Thomas S. Free Post, No. 123, Washburn Post, No. 15, Ricketts Post, No. 63, all asking for legislation to properly mark battle lines of Gettysburg—to the Committee on Military Affairs.

Also, of 33 citizens of McPherson County, S. Dak., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RIFE: Petition of 130 citizens of Lebanon County, Pa., for passage of a sixteenth amendment to the Constitution, relating to religion—to the Committee on the Judiciary.

Also, petition of 23 citizens of Harrisburg, Pa., praying Congress to enact legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SANFORD: Five petitions of granges of New York, as follows: H. Johnsville Grange, No. 695; Charlton, No. 661, and Amsterdam, No. 705, to prevent gambling in farm products. The two others, H. Johnsville, and Charlton, for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, three petitions by the same granges, Amsterdam, Charlton, and H. Johnsville, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of H. Johnsville Grange, for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of members of Gen. Philip Henry Sheridan Post, No. 630, Grand Army of the Republic of Waterford, N. Y., for legislation to properly mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. SNODGRASS: Petition of the Chamber of Commerce, Chattanooga, Tenn., asking for additional appropriation for the Weather Bureau—to the Committee on Appropriations.

By Mr. STOCKDALE: Petition of citizens of Adams County, Miss., against the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. WILLIAM A. STONE: Petition of citizens of Luzerne County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Luzerne County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Mercer County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Ohio, for the passage of House bill 401, to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STORER: Four petitions of citizens of Pennsylvania, three of which are from Mercer County, for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. EZRA B. TAYLOR: Two petitions of granges, as follows: Gosben Grange, No. 1103, of Ohio, to prevent gambling in farm products, and Milton Grange 733, for the encouragement of silk culture—to the Committee on Agriculture.

Also, two petitions of the same granges, to prohibit contracts

discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition of Goshen Grange, in favor of House bill 395—to the Committee on Agriculture.

Also, petition of Goshen Grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Trumbull County, Ohio, in favor of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the Young Men's Christian Association of Warren, Ohio, in favor of Sunday closing of the World's Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of 92 citizens of Randolph, Ohio, in favor of House bill 401, relating to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. TOWNSEND: Resolutions of Kilpatrick Post, No. 41, Grand Army of the Republic, and Ladies' Relief Corps, G. A. Smith Camp, No. 13, Sons of Veterans, of La Junta, Colo., to accompany House bill for the relief of Graham McClawson—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama (by request): Petition of Timothy Monahan, for increase of pension—to the Committee on Invalid Pensions.

By Mr. WHITE: Petition of 15 members of the Seventh-Day Adventists' Church, and others of Grinnell, Iowa, praying that Congress pass neither bill nor resolution closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Petition in support of claim of George W. Boyd—to the Committee on Invalid Pensions.

By Mr. WILSON of Missouri: Petition of F. A. Ennis, James Fitzpatrick, and 13 other soldiers and sailors of L. W. Weatherman Post, No. 473, Grand Army of the Republic, in favor of properly marking and preserving the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WIKE: Evidence to go with House bill 6905, granting bounty and back pay to Capt. A. D. Nash—to the Committee on Military Affairs.

SENATE.

MONDAY, April 18, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 12th instant, a letter from the Chief of Engineers, with accompanying papers from the Board of Engineers recently convened to examine and report upon the plans of a bridge over the entrance to Duluth Harbor, on Lake street, Duluth, Minn.; which, on motion of Mr. DAVIS, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting supplemental conclusions of fact and of law in the French spoliation claim relating to the ship *Speculator*; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Maritime Association of the Port of New York, praying for the construction of a breakwater and harbor of refuge in the vicinity of Cape Canaveral, Fla.; which was referred to the Committee on Commerce.

He also presented a petition of the Pittsburg (Pa.) Presbytery of the Reformed Presbyterian Church, praying the President and Congress not to approve the measure affecting Chinese immigration, commonly known as the Geary bill; which was ordered to lie on the table.

He also presented a memorial of the Milwaukee branch of the Lake Seamen's Benevolent Association, of Milwaukee, Wis., remonstrating against the employment of Canadian sailors in violation of the contract labor law; which was referred to the Committee on Education and Labor.

The VICE-PRESIDENT. The Chair has received a communication from Mr. James R. Young, the late executive clerk of the Senate, in the nature of a petition, which the Chair lays before the Senate, and which will lie on the table.

Mr. VEST presented resolutions adopted by the Merchants'

Exchange of St. Louis, Mo., favoring the passage of House bill 383, consolidating into one class third and fourth class mail matter, and making a uniform rate of postage of 1 cent for each 2 ounces; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the Farmers and Laborers' Union, of Perry County, Mo., favoring legislation against gambling in farm products; which were referred to the Committee on the Judiciary.

Mr. FAULKNER presented the petition of A. H. Hall and 38 other citizens of Ritchie County, W. Va., praying for the passage of an amendment to the Constitution of the United States prohibiting any State from the enactment of a law respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. HOAR presented a memorial of the Boston (Mass.) Society for Medical Improvement, remonstrating against the proposed reduction of the annual appropriation for the library of the Surgeon-General's Office, in that it would result in serious injury to the interests of medical science in the United States; which was referred to the Committee on Appropriations.

He also presented a memorial of members of the Methodist Church of New Bedford, Mass., remonstrating against the passage of the Chinese restriction bill; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of North Attleboro, Mass., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Scranton, Pa., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented the following petitions of Goshen and Berlin Heights Granges, Patrons of Husbandry, of Ohio:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of citizens of Henry County, Ill., praying for the regulation of speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Illinois, praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of 12 citizens of Mount Aetna, Pa., and a petition of 10 citizens of Middletown, Pa., praying for the adoption of an amendment to the Constitution of the United States prohibiting State or national aid for religious purposes; which were referred to the Committee on the Judiciary.

Mr. CHANDLER presented the petition of E. R. Brown, John Holland, Daniel Hall, Robert G. Pike, Samuel C. Fisher, C. H. Sawyer, George S. Frost, William S. Stevens, A. O. Mathes, C. S. Cartland, James W. Bartlett, B. Frank Neally, and J. H. Horne, of Dover, N. H., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Union Grange, Patrons of Husbandry, of New Hampshire:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. WILSON presented a petition of the Business Men's Association of Davenport, Iowa, praying that increased appropriations be made for the accommodation of the Weather Bureau Service; which was referred to the Committee on Appropriations.

He also presented a memorial of 12 members of the Seventh Day Advent Church and 16 other citizens of Audubon, Iowa, remonstrating against the passage of any legislation closing the

World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Presbyterian Church of Keota, Iowa, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Young People's Society of Christian Endeavor of Hedrick, Iowa, and a petition of the Iowa City Presbytery, praying that the World's Columbian Exposition be closed on Sunday and the sale of intoxicating liquors prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented a petition of the Kilpatrick Congregational Church, of Gage County, Nebr., officially signed, and a petition of 53 students of Doane College, Crete, Nebr., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicants be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Woman's Christian Home Association of Utah Territory, remonstrating against the petition of the present Legislative Assembly of that Territory, praying Congress to turn over the Industrial Home building for the use of the common-school system of Salt Lake City; which was referred to the Committee on Territories.

He also presented a petition of 22 citizens of Monterey County, Cal., praying for the passage of the so-called Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. STOCKBRIDGE presented a memorial of the Pittsburg (Pa.) Presbytery of the Reformed Presbyterian Church adopted at a meeting held in Youngstown, Ohio, remonstrating against the passage of what is known as the Geary Chinese bill; which was referred to the Committee on Foreign Relations.

He also presented the memorial of Franklin Squire and 54 other citizens of Ithaca County, Mich.; the memorial of J. C. Harris and 25 other citizens of Midland County, Mich., and the memorial of L. B. Kneeland and 19 other citizens of Ionia, Mich., remonstrating against any action by Congress looking to the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the faculty and students of Kalamazoo College, Michigan; a petition of the Evangelical Alliance, of Cincinnati, Ohio; a petition of the Trinity Reformed Church, of Wadsworth, Ohio; a petition of the faculty of Findlay College, Ohio, and a petition of citizens of Macon, Mich., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicants be prohibited thereat, and that the art department be conducted according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented sundry petitions collected by the National Woman's Christian Temperance Union of Michigan, containing 119 individual signatures and 1,000 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Allegan County, Mich., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Harmony and Douglass Granges, Patrons of Husbandry, of Michigan:

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petition praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

He also presented the following petitions of Goluen and Berlin Heights Granges, Patrons of Husbandry, of Ohio:

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. DIXON presented sundry petitions collected by the National Woman's Christian Temperance Union, signed by 54 members, of Scituate, R. I., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented sundry petitions collected by the National Woman's Christian Temperance Union of Massachusetts, containing 137 individual signatures and 2,763 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WALTHALL presented a memorial of the professors of the University of Mississippi, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MILLS presented sundry petitions, collected by the National Woman's Christian Temperance Union of Texas, containing 290 individual signatures and 924 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BUTLER presented the petition of Mrs. L. M. Bonner, Miss Amelia Brown, and 108 other ladies of the faculty and students of the Female College of South Carolina; the petition of Rev. William M. Grier, president, and 45 students of Erskine College, of Due West, S. C., and the petition of J. I. Cleland, president, and D. M. Feurson, clerk, of Clinton, S. C., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of T. P. Kilgore and 20 other citizens of Scarborough, S. C., praying for the passage of what are known as the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented the petition of M. W. Penrifoy, of Denny, S. C., praying for the passage of Senate bills 2824 and 2825, providing for an equalization of rates of duty between second and third class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the board of directors of the South Carolina penitentiary, praying that provision be made for the payment of arrears due to the State of South Carolina for the dieting of prisoners; which was referred to the Committee on Appropriations.

Mr. DAVIS presented a petition of citizens of Cottonwood County, Minn., praying for the enactment of a law imposing a tax on transactions referred to in the measures now pending, known as the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented a petition of Tailors' Union No. 88, of St. Paul, Minn., indorsed by the St. Paul Trades and Labor Assembly, praying for the passage of the bill for the abolition of the sweating system; which was referred to the Committee on Education and Labor.

He also presented a petition of Journeymen Tailors' Union No. 88, of St. Paul, Minn., indorsed by the St. Paul (Minn.) Trades and Labor Assembly, praying for the passage of the bill prohibiting tourists from bringing more than two suits of clothing from foreign ports free of duty; which was referred to the Committee on Education and Labor.

He also presented a petition of citizens of Albert Lea, Minn., praying for the adoption of a proposed sixteenth amendment to the Constitution prohibitory of the establishment of religion, etc.; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented the petition of John E. Whitecraft and 37 other citizens of Stanton County, Kans., praying for the passage of legislation regulating speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of the United Presbyterian Church and Sabbath school of Johnson County, Kans., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented the memorial of Dennis Huntley and 13 other members of the Seventh-Day Adventist Church of Hancock, Minn.; the memorial of W. W. Chapman and 15 other members of the Seventh-Day Adventist Church of Redwood Falls, Minn., and the memorial of F. P. Marshall and 10 other members of the Seventh-Day Adventists, of Fair Haven, Minn., remonstrating against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Charles E. Dyer and 62 other citizens of Minneapolis, Minn., praying for the adoption of an amendment to the Constitution of the United States prohibiting

any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of the Minneapolis (Minn.) Board of Trade, praying that adequate appropriation be made for the improvement of the Mississippi River between Minneapolis and St. Paul, in the State of Minnesota; which was referred to the Committee on Commerce.

He also presented a petition of the Minneapolis (Minn.) Board of Trade, praying for the passage of a bill to establish a public telegraph system under Government control; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALLISON presented a petition of citizens of Fairview, Iowa, praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Cedar Falls, Iowa, praying for the adoption of an amendment to the Constitution of the United States prohibitory of an establishment of religion by the States or the making of an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the petition of James C. Taylor Post, Grand Army of the Republic, of Algona, Iowa, praying for the passage of the bill giving preference to ex-Union soldiers in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the professors of Cornell College, Mount Vernon, Iowa, and a petition of the United Presbyterian Congregation, of Keota, Iowa, praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicants be prohibited thereat, and that the art department be managed according to the standard of American purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of members of the Seventh-Day Adventists Church of Storm Lake, Iowa, and a memorial of members of Seventh-Day Adventists Church of Grinnell, Iowa, remonstrating against any action by Congress in regard to the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BATE presented sundry petitions collected by the National Woman's Christian Temperance Union, of Tennessee, containing 48 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SAWYER presented a petition of citizens of Rock County, Wis., praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of the committee on postal affairs of the Merchants' Exchange of St. Louis, Mo., favoring the passage of House bill 383, consolidating into one class third and fourth class mail matter, and making a uniform rate of postage of 1 cent for each two ounces; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the St. Louis (Mo.) Cotton Exchange, remonstrating against the issuing and publication of the report of the Department of Agriculture on the distribution and consumption of corn, wheat, and cotton, as having a misleading effect; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present the petition of the heirs of Catherine E. Nelson, deceased, for a special act authorizing the payment to them of the accrued pension of the deceased. I move that it may accompany the bill to the Committee on Pensions.

The motion was agreed to.

Mr. COKE presented a memorial of citizens of Breckenridge, Tex., remonstrating against the passage of a general bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. GEORGE presented a petition of citizens of College Hill and other places in Mississippi, praying for the passage of what are known as the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Jefferson County, Miss., praying for the passage of what is known as the Butterworth option bill; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Mississippi, praying for such construction of the forfeiture act relative to the Northern Pacific Railroad Company's lands as will forfeit all the lands within the 40-mile boundaries and between the terminal limits drawn at right angles with the general course of the unconstructed road for 25 miles next to certain terminals of that road; which was referred to the Committee on Public Lands.

Mr. KENNA presented a memorial of citizens of Greenbrier

County, W. Va., praying for the regulation of speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

Mr. FRYE presented sundry petitions collected by the National Woman's Christian Temperance Union of Maine, containing 213 individual signatures and 150 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Bear River Grange, Patrons of Husbandry, of Maine:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 305, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. JONES of Arkansas presented a petition of citizens of Pope County, Ark., praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

Mr. DANIEL presented sundry petitions collected by the Woman's Christian Temperance Union of Virginia, signed by 71 members, and a petition of citizens of Chesterfield County, Va., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Board of Trade of Portsmouth, Va.; a memorial of the Chamber of Commerce of Petersburg, Va.; a memorial of the Board of Trade of Lynchburg, Va.; a memorial of the Board of Trade of Hampton, Va.; a memorial of the Board of Trade of Newport News, Va.; a memorial of the Chamber of Commerce of Norfolk, Va., and a memorial of the Council Chamber of West Point, Va., remonstrating against the passage of any bill changing the present pilotage system; which were referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Petersburg, Va., remonstrating against discriminations by subsidized steamship lines against the coffee trade of Newport News, Va.; which was referred to the Committee on Commerce.

He also presented a memorial of the Petersburg (Va.) Chamber of Commerce, remonstrating against the free coinage of silver; which was referred to the Committee on Finance.

Mr. PEPPER presented a petition of 243 citizens of Topeka, Kans., and a petition of 122 citizens of Eskridge, Kans., praying that the sale of intoxicating liquors be prohibited on the grounds of the National Soldiers' Home at Leavenworth, Kans.; which were referred to the Committee on Military Affairs.

He also presented sundry petitions collected by the Woman's Christian Temperance Union of Kansas, signed by 103 members, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HILL presented the petition of Mrs. L. Wall Anderson, of New York City, daughter of the late Maj. William Wall, of the United States regular Army, praying that she be granted a pension; which was referred to the Committee on Pensions.

He also presented sundry petitions collected by the National Woman's Christian Temperance Union of Richfield, Randolph, Turin, Dutchess Junction, and Coeyman's Hollow, N. Y., praying for the ratification of the Brussels treaty; which were ordered to lie on the table.

He also presented the petition of Thurber, Whyland & Co. and other citizens of New York City, praying for an amendment to the tariff act approved by the President, October 1, 1890, relating to the tax on tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Rochester (N. Y.) Chamber of Commerce, praying that an appropriation be made for a naval reserve on the Great Lakes; which was referred to the Committee on Naval Affairs.

He also presented resolutions of Watertown Grange, No. 7, Patrons of Husbandry, of Watertown, N. Y., favoring legislation prohibiting aid by appropriation, etc., of any religious sect, and for uniform naturalization laws; which were referred to the Committee on the Judiciary.

He also presented the memorial of John H. Eltinge and other citizens of Kingston, N. Y.; a memorial of citizens of Walkill, N. Y.; a memorial of E. E. Thomas and other citizens of Tarrytown, N. Y.; a memorial of citizens of Erie County, N. Y.; a memorial of citizens of Forestville, N. Y.; a memorial of citizens of Leinster, N. Y.; a memorial of the First Methodist Episcopal Church of Albany, N. Y.; a memorial of John B. Hillyer and

other citizens of New Springville, N. Y.; a memorial of the Presbyterian, Baptist, and Methodist churches of Ripley, N. Y.; a memorial of E. E. Walker and other citizens of New York; a memorial of the Methodist Church of East Aurora, N. Y.; and a memorial of citizens of Findlay Lake, N. Y., remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadricentennial (Select).

He also presented the petition of F. H. Parker Garrison, No. 34, Regular Army and Navy Union, West Troy, N. Y., praying for an amendment to the law providing for the retirement of enlisted men in the Army and Navy of the United States; which was referred to the Committee on Military Affairs.

He also presented the following petitions of Oceanum, Wright Settlement, South Shore, Villanova, Lenox, Sauquoit, Beaver Falls, North Scriba, Glen, Denmark, Auriesville, and Bethlehem Granges, Patrons of Husbandry, of New York, and the petitions of citizens of South Greece, North Galway, Pharsalia, Glen, Harrisburg, Carajaharie, Freetown, and Amsterdam, N. Y.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. 18) for the relief of Edward S. Armstrong;

An act (S. 440) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brule County, and Lyman County, in the State of South Dakota;

An act (S. 1643) authorizing the Velasco Terminal Railway Company to construct a bridge across the Brazos River, in the State of Texas; and

An act (S. 1645) making Velasco a support of entry.

REPORTS OF COMMITTEES.

Mr. WILSON. By direction of the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein.

Mr. PERKINS. The bill is brief, and if there be no objection I should like to ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MORGAN. I object to its present consideration.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 771) requiring transcripts of judgments obtained in the United States courts to be filed with county officers having charge of judgment records in certain cases, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 5816) to regulate the manner in which property shall be sold under orders and decrees of any United States court, reported it with amendments.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 195) providing that notice of the sale of real estate sold under the order, judgment, or decree of a United States court shall be published in the county and State where the property is located, and that the property after notice be there sold, and for other purposes, to report it adversely, the provisions of the bill having been incorporated in the bill just reported. I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2801) for the erection of a public building in the city of Jamestown, N. Y., reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on the Judiciary, to whom was referred the bill (S. 1842) to fix the fees of jurors and witnesses in United States courts in the State of Wyoming, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1611) to provide for the purchase of additional land in the square now occupied by the custom-house in the city of Baltimore, Md., and for the preparation of plans and specifications for a new custom-house building, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1760) to provide for the erection of a public building in the city of Fort Madison, Iowa, reported it without amendment, and submitted a report thereon.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds, to whom was referred a resolution in regard to constructing a shelter on the eastern approach to the Capitol for the inauguration ceremonies, to report it back with the recommendation that it be indefinitely postponed, and accompanied by a written report. I ask that the resolution go upon the Calendar, and that the report be printed.

The VICE-PRESIDENT. It will be so ordered.

Mr. WOLCOTT, from the Committee on the Library, to whom was referred the bill (S. 2248) to appropriate \$18,484.57 for the completion and dedication of the monument commemorating the surrender of Burgoyne at Saratoga, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 2915) to amend section 4415, Title LII, Revised Statutes of the United States, "Regulation of steam vessels;" which was read twice by its title.

Mr. FRYE. I report the bill under the suggestion of a communication from the Secretary of the Treasury which accompanies the bill, and the reasons there are given for it. Let the communication of the Secretary of the Treasury go with the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar, and the accompanying paper will be printed.

REPORT OF COMMISSIONER OF LABOR.

Mr. HAWLEY. I am directed by the Committee on Printing to report favorably the concurrent resolution which I send to the desk.

The concurrent resolution submitted by Mr. MANDERSON March 9, 1892, was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 35,000 copies, in cloth binding, of the annual report of the Commissioner of Labor relating to cost of production, earnings, efficiency of labor, and cost of living, 16,000 copies for use of members of the House of Representatives, and 8,000 copies for use of members of the Senate, and 11,000 copies for the use of the Department of Labor.

Mr. HAWLEY. The resolution is in the usual form. The number provided for is that ordered by the bill on printing which has passed the Senate. By an accident, for which the Committee on Printing is not responsible, the resolution has been for some time delayed. I ask that the Senate act upon it now.

The concurrent resolution was considered by unanimous consent, and agreed to.

CHEROKEE INDIAN LANDS.

Mr. HAWLEY. From the Committee on Printing I report a resolution to print 500 copies of certain Senate executive documents, being a message from the President and a letter from the Secretary of the Interior relating to the agreement with the Cherokee Indians. The resolution was offered by the Senator from Missouri [Mr. COCKRELL]. It is a matter of current business, and if there be no objection I ask that it be acted on now.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That there be printed for the use of the Senate 500 copies of Senate Executive Document 56, first session Fifty-second Congress, being a message of the President submitting an agreement with the Cherokee Indians for the cession of certain lands, and Senate Executive Document 63, being a letter of the Secretary of the Interior relative to the title by which the Cherokee Nation hold the Cherokee Outlet, said copies to be delivered to the Senate document room.

Mr. COCKRELL. The Senator from Massachusetts [Mr. DAWES] asks me if this printing includes the bill which was sent here by the Department. I presume it does.

Mr. DAWES. I think it is a part of the document.

Mr. COCKRELL. The two documents give all the information on the subject. There are quite a number of calls for it, and it ought to be printed.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 2916) for the relief of David H. Thompson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 2917) to remove the charge of desertion from the military record of Marcus Franklin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 2918) to provide for the survey of public lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 2919) to extend to Alaska the benefit of the laws encouraging in the several States and Territories instruction in agriculture and the mechanic arts; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. SANDERS introduced a bill (S. 2920) to establish a sub-port of entry; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VEST introduced a bill (S. 2921) to prohibit the making any contract by the Postmaster-General with any steamship company or common carrier that makes unjust discrimination against any port of the United States, as to imports, for carrying the foreign mails; which was read twice by its title.

Mr. VEST. In connection with the bill, before asking its reference to the Committee on Commerce, I desire to submit certain resolutions of the Merchants' Exchange of the city of St. Louis. These resolutions call attention to the fact, as alleged, about the existence of which I know nothing personally, that the United States and Brazilian Steamship Company, which is one of the subsidized lines under the act of Congress providing for special contracts in regard to carrying foreign mails, has refused to deliver coffee imported into this country from Brazil at the port of Newport News. It is stated in this series of resolutions, and it has been largely circulated in the public prints, that the president and principal owner of that company has publicly announced that the line will not hereafter deliver any imported coffee at that port on account of objections made to such delivery by merchants in the city of New York.

As a matter of course the Western and Southern country is very largely and, I might say, vitally interested in any such discrimination as this, because it directly affects the retail dealers and even the wholesale dealers of the Western cities and towns. I present these resolutions in connection with the bill and ask their reference with the bill to the Committee on Commerce, from which committee originated the original measure.

The VICE-PRESIDENT. The bill and accompanying memorial will be referred to the Committee on Commerce.

Mr. DANIEL. I beg leave to state in connection with the resolutions which have been submitted by the Senator from Missouri that I have resolutions to the same purport from a number of boards of trade in different cities of this country which I shall present perhaps to-morrow or the next day, and in connection with which I shall desire to submit a few remarks.

I wish now, as the bill and resolutions have been offered, to call the attention of the committee to whom they have been referred to the fact that a very injurious discrimination is being made against the commerce of our seaboard, which affects not only the Southern country but the West and Northwest in a very vital manner, and to express the hope that the committee may find some remedy for this egregious invasion of the equal rights of the people affected by this wrong.

Mr. COCKRELL. As bearing directly upon this subject I desire to present resolutions of the Associated Wholesale Grocers of St. Louis, Mo., referring to this matter of discrimination and protesting against it, and asking such legislation as will prevent this unjust and partial proscription of trade in the West and South.

I also present a memorial of the Merchants' Exchange of St. Louis, remonstrating against this discrimination against trade at Newport News. I ask that the memorials may be received in connection with the bill just introduced, and I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. DANIEL introduced a bill (S. 2922) to aid and encourage military training and instruction by donation of public lands; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS introduced a bill (S. 2923) amending the law on the subject of the jurisdiction of the circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PERKINS introduced a bill (S. 2924) to provide a more complete judiciary for the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 2925) for the relief of Henry F. Hicks, postmaster at Cambridge, Cowley County, Kans.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 2926) for the relief of Mathew Cowley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BARBOUR introduced a bill (S. 2927) for the relief of

Louisa S. Guthrie, widow and executrix of John J. Guthrie, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 2928) for the relief of the heirs of Catherine E. Nelson, deceased; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. WILSON submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted ten amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLEN. I submit an amendment to be proposed to the legislative, executive, and judicial appropriation bill, proposing to appropriate \$1,500 for the establishment and support of a branch hydrographic office at Port Townsend, Wash., including salary, stationery, office expenses, rental, if any, and collection of information. I am not certain whether the amendment ought to be referred to the Committee on Commerce or the Committee on Naval Affairs. I ask for instruction.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Commerce, if there be no objection?

Mr. DANIEL. I beg leave to offer an amendment intended to be proposed to the naval appropriation bill appropriating \$300,000 for the naval rendezvous and review in 1893, and I move that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. HALE subsequently said: What disposition was made of the amendment to the naval appropriation bill submitted by the Senator from Virginia in regard to the naval review?

Mr. DANIEL. Perhaps it ought to be referred to the Committee on Appropriations.

Mr. HALE. If the Senator will have it referred to the Committee on Naval Affairs, that committee will undoubtedly report it as an amendment to the naval appropriation bill.

Mr. DANIEL. It was referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. It was so referred.

Mr. HALE. Very well.

Mr. PETTIGREW and Mr. POWER submitted amendments intended to be proposed by them to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BOSTON HARBOR IMPROVEMENT.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate at his earliest convenience, what would be the cost of deepening the main channel of Boston Harbor to a uniform depth of 30 feet, and a uniform width of 1,000 feet; and also give to the Senate any facts in his possession, or that of the Chief of Engineers, showing the desirability of such improvement.

GOOSE LAKE, OREGON.

Mr. MITCHELL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate copies of any papers on file in the Department of Justice relating to the subject of the draining, or an attempt to drain Goose Lake, lying in the States of Oregon and California, by tapping the waters thereof by ditching, or by any other means.

ELECTRICITY IN FARMING OPERATIONS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted by Mr. PEPPER on the 14th instant, as follows:

Resolved by the Senate, That the Secretary of State be requested to obtain through our consuls, or otherwise, such information as he can concerning the use of electricity as a power in the propulsion of farm machinery and implements and in the propagation and growth of plants in foreign countries, and report the same to the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PEPPER. Mr. President, I desire to state in reference to

the resolution that there is now a good deal of interest being taken by farmers in different portions of the country, and more especially in the prairie region, as to the use of electrical power in farm machinery. I am receiving a large number of letters from persons engaged in like investigations. I have recently been presented with an illustration of the application of electrical power in compressing hay that is now in practical operation in Italy. I have information likewise in regard to the gardeners in and about the city of Paris that they are using electrical influences in the propagation of plant life. We are also undertaking the same thing here, and I have reliable information that already a plow has been driven through the soil of Kansas by electrical power.

My object in introducing the resolution is to obtain what information we can from foreign sources concerning this same matter. I believe it will not be long until largely horse power and steam power will be superseded in farm work. There is some necessity of that kind now apparent among the Western farmers particularly, where there is so much competition with large ranches and large landed estates. I therefore hope that the Senate will grant the request that I have asked in the resolution.

Mr. SHERMAN. I should like to have the resolution read again.

The Chief Clerk read the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CHINESE IMMIGRATION.

Mr. SHERMAN. I give notice that to-morrow, or as soon thereafter as possible, I shall endeavor to call the attention of the Senate to what is called the Chinese restriction bill, so that the Senate bill and the House bill may be considered. The reasons for early action are apparent to all Senators. The bill must be passed within twenty days in the form of law if it is to be passed at all, as the treaties expire, it is believed, some time in the month of May.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed and the Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The bill (S. 1742) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 7, after the word "to," to strike out the following words:

Lay tracks and run cars thereon from the intersection of its tracks on Sixth street with B street north; along Sixth street to F street north; along F street to Eleventh street west; along and with the line of Eleventh street to B street north; along B street north to its tracks on said B street near Center Market;

and to insert in lieu thereof:

Make the necessary connections and switches and run cars as follows: From the intersection of its tracks at Ninth street with B street NW., north on Ninth street to G street NW., over the tracks of the Metropolitan Railway Company; thence west on G street NW. to Eleventh street NW., over the tracks of the Eckington and Soldiers Home Railway Company; thence south on Eleventh street to E street NW. and east on E street to Ninth street, on the tracks of the Capitol, North O Street and South Washington Railway Company; thence south on Ninth street to B street on the tracks of the Metropolitan Railway Company.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the first word "that," to strike out "should" and insert "where;" in line 2, after the word "authorized," to strike out "coincide" and insert "coincides;" and in line 4, after the word "used," to strike out "when, on account of the width of the street or for other sufficient reason, it shall be deemed necessary by the Commissioners of the District;" so as to read:

That where any part of the track extension herein authorized coincides with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used.

The amendment was agreed to.

The next amendment was, in section 2, line 7, after the word "rights," to strike out "may" and insert "shall;" so as to read:

And the relative conditions of use and of chartered rights shall be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party and on such notice to the other party as the court may order.

The amendment was agreed to.

Mr. McMILLAN. This bill is for the purpose of extending the tracks of the Anacostia Railroad, the railroad which begins over at Anacostia and crosses the Navy-Yard bridge and extends down as far as the market. The people in Anacostia are very desirous of having this road extended farther down into the business portion of the city, and an arrangement has been made by which this company is allowed to use the tracks of the Metropolitan and the Eckington roads, so as to bring them into the center of the city and come back again to the market and connect the road without building any further tracks. That arrangement has been made, and it has been agreed to by all the companies concerned. It simply brings the people who use the road down farther into the center of the city, and does not require any more tracks to be built.

Mr. VEST. I ask the chairman of the committee what is the motive power to be used?

Mr. McMILLAN. Horse cars. It is an old horse-car road. It is a road that does not do a great amount of business.

Mr. VEST. When was the bill reported?

The VICE-PRESIDENT. On the 7th of March.

Mr. McMILLAN. The bill simply extends the line into the heart of the city, using the tracks of other companies.

Mr. VEST. It provides, then, for branches?

Mr. McMILLAN. No, nothing of the kind, but simply that they may use the tracks of the old company and come back to the market and go on their own tracks. It does not extend their own road at all.

Mr. PADDOCK. The object is to form a loop?

Mr. McMILLAN. It is simply to accommodate the people who use the road, so as to bring them down to the heart of the city.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGREEMENT WITH THE KICKAPOO INDIANS.

Mr. DAWES. Mr. President, the first bill on the Calendar has been taken up two or three times and then laid aside. I ask that it may be now taken up and disposed of.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory.

The VICE-PRESIDENT. This bill has heretofore been read at length and all the amendments of the committee agreed to. The question is: Shall the bill be reported to the Senate and the amendments made as in Committee of the Whole concurred in?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

DAVID DEALY AND MARY YOUNKIN.

The bill (S. 1504) for the relief of David Dealy and Moses Younkin was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in section 1, line 5, after the word "laws," to insert "if he is duly qualified;" in line 8, after the word "allow," to insert "Mary Younkin, widow of:" in line 9, after the word "laws," to insert "if the said Moses Younkin, when living, was duly qualified;" and in line 15, before the word "Younkin," to strike out "Moses" and insert "Mary;" so as to make the section read:

That the Commissioner of the General Land Office be, and is hereby, authorized and directed to allow David Dealy to enter, under the homestead laws, if he is duly qualified, the north half of the northwest quarter and lots 3 and 4 of section 16, in township 38 north, of range 2 east, of the Willamette meridian, and to allow Mary Younkin, widow of Moses Younkin, to enter under the homestead laws, if the said Moses Younkin when living was duly qualified, the north half of the northeast quarter and lots 5 and 6 of section 16, in township 38 north, of range 2 east, of Willamette meridian, both of said tracts lying in Whatcom County, in the State of Washington, and to issue patents to the said David Dealy and Mary Younkin for the respective tracts hereby authorized to be entered by them upon their making such proof as is required by existing laws and executive regulations of compliance with the requirements of the homestead laws: *Provided*, That the State of Washington by the proper State officer or officers thereto duly authorized by the laws of said State, or if no such officer or officers be so authorized then by a legislative act, shall signify assent to the entries hereby authorized in such manner as shall bar the said State from asserting in future any right to the described land under the grant of lands to said State for school purposes.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "surveyed," to insert "nonmineral;" so as to make the section read:

Sec. 2. That when the said State of Washington shall have signified her assent to the entries authorized by this act the proper officers of said State shall be entitled to select, on behalf of said State, other land of area equal to that to be covered by said entries, such land to be selected from any surveyed non-mineral and unoccupied public lands of the United States lying within the State of Washington, and to be held by said State as school land, as other lands granted or selected for school purposes are held under existing laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of David Dealy and Mary Younkin."

AMENDMENTS TO ARTICLES OF WAR.

The bill (S. 2470) to amend the Articles of War, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5978) to extend the time for making assessments for real estate, etc.

The message also announced that the House had passed the bill (S. 113) to establish a military post near Little Rock, Ark., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of the eulogies delivered in Congress upon the Hon. John R. Gamble, late a Representative from the State of South Dakota.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3202) to pension Nancy E. Renfro;

A bill (H. R. 4488) granting a pension to James A. Davis;

A bill (H. R. 5133) to authorize the Marinette and Western Railroad Company to construct a railroad through the Menominee Reservation, in the State of Wisconsin; and

A bill (H. R. 7519) to authorize the appointment of clerks of the United States circuit and district courts of Mississippi City, in the State of Mississippi.

YELLOWSTONE NATIONAL PARK.

The bill (S. 1843) to provide for the punishment of offenses committed in the Yellowstone National Park was announced as next in order.

Mr. VEST. Mr. President, let that bill go over. I wish to examine it.

The VICE-PRESIDENT. The bill will be passed over.

PUBLIC LAND SALES IN CALIFORNIA.

The bill (S. 1485) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State was considered as in Committee of the Whole.

Mr. SHERMAN. Mr. President, I should like to know what is the estimate of the amount involved by the bill?

Mr. PADDOCK. I think it is something more than a half million dollars; indeed it is probably over \$700,000.

Mr. ALLISON. Let the report be read.

The VICE-PRESIDENT. The report will be read.

Mr. PADDOCK. There is no written report accompanying this bill at this session. The bill passed the Senate in the last Congress and was reported favorably by the committee of the House and placed on the Calendar, but not reached for want of time.

The object of the bill is simply to place California on the same footing as all the other States in respect to the payment of 5 per cent of the net proceeds of the sales of public lands. I have here now the report of the House committee which was incorporated in the report of the Senator from Oregon [Mr. DOLPH], the chairman of the Committee on Public Lands of the Senate, presented at the last Congress. If the Senator so desires, that report can be read. The only thing in the present situation is that this provision which has been made for all the other States has not been made for California, and as a matter of decency it should be made at once.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. DOLPH January 8, 1890:

The Committee on Public Lands, to whom was referred the bill (S. 269) granting the State of California 5 per cent of the net proceeds of the cash sales of the public lands in said State, having duly considered the same, respectfully report:

A bill similar in its provisions was reported favorably by this committee and passed the Senate at the last Congress, and was favorably recommended for passage by the House Committee on Public Lands, but failed to be reached on the Calendar in the House.

House Reports Nos. 179 and 70, Fiftieth Congress, first session, were made on said similar bill and are now submitted herewith as a part of this report. The committee recommend that the bill do pass.

[House Report No. 179, Fiftieth Congress, first session.]

The Committee on Public Lands, to whom was referred the bill (S. 418) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, report as follows:

The bill is identical with House bill No. 1235. The committee has reported the latter bill and has recommended its passage.

For the reasons stated in the report thereon (Report No. 70), also recommend the passage of the present said Senate bill.

[House Report No. 70, Fiftieth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 1235) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State, make the following report:

A similar bill was reported from this committee in the Forty-eighth and Forty-ninth Congresses, and also reported in the Senate in the Forty-seventh, Forty-eighth, and Forty-ninth Congresses, and passed the Senate in the latter Congress, but was not reached on the Calendar in the House.

This bill is in accord with settled legislative precedents followed and adhered to by Congress in the case of every other public-land State heretofore admitted into the Union. It makes no grant other than or different from that made by Congress to every other public-land State in the Union, but simply places California upon an equal footing and the same plane with all other public-land States in regard to existing laws relating to the 5 per cent of the net proceeds of the cash sales of the public lands in said States respectively.

California, unlike the other new or public-land States, entered the Union without any enabling act; but the third section of the act under which she was admitted into the Union shows that the United States attached all the conditions to her admission, so far as those conditions could be performed by California, as were attached to the admission of all the other public-land States. But the United States have, up to this late date, failed, and, in the opinion of very many of her people, unjustly delayed to give to California, in consideration of those conditions, that equivalent which has been heretofore given to all the other public-land States named in the preamble of this bill.

While all the other public-land States have already received this 5 per cent grant as an equivalent or as an indemnity for considerations by them surrendered to the United States, California is the only public-land State which, having surrendered like considerations to the United States, has not as yet received this 5 per cent grant as a similar equivalent or indemnity for the surrender of similar considerations.

Section 3 of the act of her admission, approved September 9, 1850, is as follows:

"SEC. 3. And be it further enacted, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to and right to dispose of the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall nonresident proprietors who are citizens of the United States be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor."

A condition common to all the public-land States upon their admission to the Union, and in consideration of which the United States granted to them 5 per cent of the net proceeds of the cash sales of the public lands within their limits, was that they should never impose any tax upon the public lands of the United States within their respective limits, and that condition, together with other conditions and similar to those imposed upon the other public-land States, is thus found incorporated in the very act admitting California into the Union; and California, by accepting such conditions is likewise irrevocably bound to observe them all just the same as the other public-land States are bound to do.

Therefore the United States have already received from California, and that, too, in advance, the identical considerations for this grant as a full equivalent or as the indemnity now proposed to be made to her under the terms of this bill, and which is the consideration the United States received from every one of the other public-land States for making similar grants to them, and that, too, without a single exception as to any public-land State except that of California, which in this regard stands solitary and alone.

California, in contemplation of the objects of the Constitution of the United States—that all the States of this Union shall in all respects be as nearly equal as possible, and that all the new public-land States shall in all respects be as nearly equal to each other as possible—was therefore admitted into and is now in the Union, not on a footing of difference, but on one of perfect equality with each and all of the other public-land States so far as this 5 per cent grant or claim is concerned.

Your committee therefore recommend the passage of the bill.

Mr. SHERMAN. Mr. President, if California is the only State to be affected, I am somewhat surprised that some provision has not been made before. The titles in California are somewhat peculiar. California came into the Union as an organized community, and most of the titles, I suppose, had been granted under Mexican or Spanish authority.

Mr. PADDOCK. This does not touch the Mexican grants, but the public lands within surveys.

Mr. SHERMAN. I will ask the Senator whether, under this bill as it is now framed, the 5 per cent on lands granted to railroad companies will be included?

Mr. PADDOCK. Not at all. These acts are all alike in respect of these accounts. They are all treated in the same way in administration. The Government has never accounted at all for the 5 per cent of the proceeds of land grants. They are disposed of by the railroad companies themselves. On these grants themselves, as such, there is no allowance.

Mr. SHERMAN. Does the Senator understand that this places California simply upon the same basis as the other States?

Mr. PADDOCK. Exactly on the same basis as all the other States. An exception was made in the case of California from the fact that she had no preceding Territorial government and had no enabling act, but the same requirements that are found in all the enabling acts for the admission of States into the Union are found in the law admitting California when she was admitted, and California has complied with all those acts in all respects just like all the other States.

Mr. COCKRELL. If that be so, permit me to ask why it is that California has not been paid as the other States have been?

Mr. FELTON. For the reason, I will say to the Senator from Missouri, that California has suffered in a great many ways, not that alone. It has been so with her Indian wars; it has been so with other appropriations. It is simply because the matter has not been considered.

Mr. PADDOCK. Mr. President, in the earlier acts, prior to 1857, the money coming from the net proceeds of the sales of these lands under the 5 per cent plan was required to be used by the States for internal improvements, the building of roads and canals, but it was not practicable to make use of money in California on such account.

Mr. COCKRELL. On account of what?

Mr. PADDOCK. On account of making canals, etc., for the shipment of produce, etc. In 1857 the rule changed with the admission of the State of Kansas into the Union, and the proceeds resulting from the 5 per cent to that State went to the school fund. Since then that rule has obtained; but by reason of the peculiar situation in California in respect of the kind of improvements which had been appropriated for before, and because California had had no Territorial government, and no enabling act before it came into the Union in which to provide for it, the matter had not received attention.

But after the passage of the act of 1857 for Kansas it came to be understood that there ought to be the same provision made for California for the benefit of its school fund. The requirements, of course, on the part of the State have all been responded to by the State of California. That State has, through her Legislature, never interfered with the primary disposal of the public lands within her limits; has passed no law and done no act whereby the title of the United States to and the right to dispose of the same has been impaired or questioned. They have laid no tax or assessment of any description whatever upon the public domain of the United States, and in no case have nonresident proprietors who are citizens of the United States been taxed higher than residents. I paraphrase this section of the act under which California was admitted in order to present, by a change to the past tense, the idea that I have suggested. That was the requirement of the act, and all those requirements which are common to all the States, and on account of which they have received the 5 per cent, have been complied with fully and absolutely in the case of California. Therefore, there is no reason under heaven why that State should not receive the same compensation for the surrender of these rights that the other States have received when they have made similar surrenders under their acts for the protection of citizens of the United States in common with all others. There is no reason under the sun why it should not be placed on the same footing with them.

A similar bill passed the Senate during the last Congress. It has been two or three times reported favorably in both Houses, and because the act has not finally been passed is no reason why it should not be done now. An act of long-deferred justice is the very act which should be preferred above all others. If it is right that it should be done, it does not make it any the less our duty to do it now that it has been long delayed. All this ought to be a reason for doing this act of justice at once.

Mr. COCKRELL. Mr. President, there has been no delay and no injustice on the part of Congress towards California—not one particle—in this matter, and I beg to say to the Senator that I think he is very greatly mistaken on that point. The United States has done everything it agreed to do with California when she came into the Union. There was no promise in the act admitting California that she should have 5 per cent of the net proceeds of the sales of public lands. If there had been, they would not need the passage of this bill.

Mr. PADDOCK. If the Senator will allow me, I wish to say to him right here, that there was no enabling act in the case of California, as there had been in the case of other States, in which that provision had always been uniformly placed.

Mr. COCKRELL. But there was an enabling act authorizing California to be admitted into the Union.

Mr. PADDOCK. Yes; there was an act passed admitting it.

Mr. COCKRELL. There was no provision put in there, and consequently the State had no right on earth to any such thing, except a mere equity. If she had it in the act of admission, as the other States had, the Government officers would have paid it. That is what strikes me in the case.

Mr. PADDOCK. I should like to say in answer to that—

Mr. COCKRELL. It is not worth while to consume further time this morning with this bill. I ask that the bill may be laid over until to-morrow, so that we can look into the act of admission and see whether California did not receive some other equivalent for that equal to the 5 per cent at the time she was admitted.

Mr. PADDOCK. I first want to state my theory why it was not put into the act of admission, and that is that there was no preceding territorial form of government. California was admitted straight. In all other cases of public-land States there had been precedent territorial governments. Now, that very fact is in favor of California, because always where there have been preceding territorial governments there have been great expenses to which the Government of the United States has been subjected

for such territorial governments. In this case California saved to the United States Treasury every dollar of such expense and was ready, without such inchoate form of Statehood, to make its application for admission. It was the most economically admitted of any of all the public-land States. That is the difference, and there is no reason why there should be any question about this at all.

If the bill is to be passed over, I hope it may be passed over without prejudice.

Mr. COCKRELL. I ask that it retain its place on the Calendar so that it may be called up to-morrow.

Mr. PADDOCK. My recollection is that the Senator from Missouri was on the Committee on Public Lands when the bill was reported.

Mr. COCKRELL. I want to examine the subject, but I want to repel the idea that it was the neglect of the United States that this thing has not been done. I do not consider that it is that at all. My impression is that the bill is correct, but I want to look at the enabling act to see about it.

Mr. PADDOCK. Another thing. At the time California was admitted it was richer than any of the other States in respect of coin money, and it was not thought to be necessary to have such a provision. They made no such importunate and determined demand as the others at the time of their admission.

Mr. FELTON. Just one word. I desire to say that, whatever may have been the reason, the fact remains that all of the other States, under similar conditions which were prescribed and have been complied with, received the 5 per cent, while California remains without her 5 per cent.

The Senator from Missouri speaks of the simple question of equity. If I understand the meaning of the word "equity," it is even and exact justice that should be meted out to all. California has not received her proportion of the appropriation of the 5 per cent which has been given to other States similarly situated.

Mr. PADDOCK. I wish the Senator from Missouri would examine the state of the law, if he can, to-day, and let us consider this bill during the day.

Mr. COCKRELL. I will read for the information of the Senator the act for the admission of the State of California into the Union.

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February 13, 1850, and which, on due examination, is found to be republican in its form of government:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted,* That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States the State of California shall be entitled to two Representatives in Congress.

SEC. 3. *And be it further enacted,* That the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to and right to dispose of the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall nonresident proprietors who are citizens of the United States be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor: *Provided,* That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State.

Approved September 9, 1850.

Mr. PADDOCK. That is the usual provision in all such cases.

Mr. COCKRELL. This simply admitted the State and did not refer to these compacts. I should think upon principles of equity and fair dealing, having been admitted upon an equal footing with the original States in all respects whatever, that as a public-land State it ought to be placed upon an equality with the other public-land States, and there being no provision here, and I do not know of any legislation which could prevent it, I withdraw my objection to the bill, Mr. President.

The VICE-PRESIDENT. The objection to the consideration of the bill being withdrawn, the question is, Shall the bill be reported to the Senate?

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question is on agreeing to the preamble.

Mr. PADDOCK. I am disposed to move to strike out the preamble. If that meets the concurrence of the Senator from Missouri, I think it had better be stricken out.

Mr. COCKRELL. The preamble amounts to nothing. It only encumbers the record.

Mr. PADDOCK. I move to strike out the preamble. The motion was agreed to.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. McMILLAN. I move to reconsider the vote by which the Senate this morning passed the bill (S. 1742) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia, with the view of substituting for the Senate bill a House bill on the same subject, which is on the Calendar.

The VICE-PRESIDENT. If there be no objection the vote by which the bill referred to by the Senator from Michigan was passed will be reconsidered, and the bill will be indefinitely postponed. The Chair hears no objection, and it will be so ordered.

Mr. McMILLAN. I now move to take up Order of Business 463, being House bill 2786.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 2786) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

Mr. COCKRELL. I should like to ask the Senator in charge of that bill if the object is the same and the language is the same as the one we have already passed?

Mr. McMILLAN. The language is almost the same, but there is one section about the exchange of tickets, to which there is no objection. All the roads exchange tickets.

Mr. COCKRELL. It provides for running the cars on the same line?

Mr. McMILLAN. On the same line exactly.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENTRY OF BUILDING-STONE LANDS.

Mr. PETTIGREW. I wish to call up from the Calendar Order of Business 296, being Senate bill 1273, which was passed over the other day without prejudice.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone, under the placer-mining laws.

Mr. PETTIGREW. I wish to offer an amendment to the bill. There is a law relating to four of the States for the entry of stone and timber lands, and it is feared on the part of Senators from those States that perhaps this bill, if it becomes a law as it is, may effect the repeal of that in some way. Under that law only surveyed lands can be entered, while the stone lands that are worth anything in my State are unsurveyed, and they have been taken under the placer-mining laws, and some of them have been patented; but during the last three years the Department has decided that the placer-mining law does not apply to land which is suitable only for building stone. So I offer this amendment in order not to effect the repeal of the law.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 8 it is proposed to add:

Provided further, That this act shall not be construed to repeal or in any way modify or affect the act of June 3, 1878, in relation to the sale of timber and stone land in the States of California, Nevada, Oregon, and Washington

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. I should like to ask one question. Under this bill, if it becomes a law, how much land can any one person take up?

Mr. PETTIGREW. About 20 acres.

Mr. COCKRELL. Only one claim?

Mr. PETTIGREW. A person can take more than one claim, but under existing law no person can take, as I understand, to exceed 320 acres. He can take just as much as he could take under the gold-mining law. For instance, under the mineral law a person has to do \$100 worth of work a year on a tract of about 20 acres and do it for five years, and then pay \$5 an acre, the same as is done with the precious metals.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty minutes spent in executive session the doors were reopened.

CIRCUIT COURTS OF APPEAL.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which is the bill (S. 1615) to facilitate

the disposition of causes in the Court of Claims, the pending question being on the amendment submitted by the Senator from Virginia [Mr. DANIEL].

Mr. HOAR. According to the understanding last week, I desire to call up, as a privileged question, the motion to reconsider the vote by which the Senate passed the bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes." I desire to move to lay the motion to reconsider on the table, but I do not propose to make that motion if anybody wishes to be heard upon it.

Mr. PALMER. Has the motion to reconsider been entered?

Mr. HOAR. It is merely pending. I will move to lay that motion on the table, but I do not wish to do that if the Senator from Florida [Mr. CALL] desires to address the Senate upon it.

Mr. PALMER. I should like to state to the Senator from Massachusetts that the Senator from Florida, before he left, asked me to call attention to this subject and to invite the attention of the Senate again to one particular clause in the bill.

Mr. HOAR. It is not my purpose to make this motion until the debate on the motion to reconsider is over, if there be any, of course.

Mr. PALMER. I am not sufficiently acquainted with the rules to say what arguments could be addressed to the motion to reconsider. The object of the Senator from Florida who made the motion—

Mr. HOAR. The Senator from Florida who made the motion is now in his seat.

Mr. PALMER. Ah!

Mr. HOAR. If the Senator will pardon me, this is a bill to amend what is known as the judiciary act of 1891, which principally limits the taking of cases by way of exception from the district courts. When that bill passed on Thursday last the Senator from Florida [Mr. CALL] moved to reconsider, which is a privileged motion. I have given notice that I should call that up at 2 o'clock to-day. I propose to call it up, and it is now before the Senate. When such remarks have been made upon it as any Senator desires to make, I shall ask that the vote be taken upon it, by moving to lay it upon the table, which is the usual way of treating motions to reconsider. But I will not make that motion if the Senator from Illinois or any other Senator desires to speak.

Mr. CALL. Mr. President, my object in asking for a reconsideration of the vote by which this bill was passed was to enable the objections made by my colleague [Mr. PASCO] to be properly considered by the Senate. This bill, changing the word "may" into "shall," deprives a large number of persons of the absolute right of appeal, and it gives the appeal according to the sentence actually pronounced. The objection which was made by my colleague is certainly a very correct one, and that is that it gives to the presiding judge the opportunity of denying the right of appeal by fixing the sentence at some amount less than the amount actually provided as the penalty in the law, the amount of the punishment, either fine or imprisonment, the appeal may be taken.

This is done, it is true, in conformity with the recommendation of the Supreme Court of the United States where a man is sentenced to pay a fine or to suffer a certain period of imprisonment and the judge has the right to say, "I will affix the penalty so that this man shall not have the right of appeal;" it is unquestionably giving a power, and an arbitrary power, to the judge which he ought not to have; and considering the character of some of the judges which we have had—I will not say that we have now, but have had—in some portions of this country, it is a discretion which ought not to be reposed in them.

Mr. MORGAN. Will the Senator from Florida read that part of the bill the motion applies to?

Mr. CALL. The bill provides as follows:

That so much of the fifth section of the act of March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," as provides that appeals or writs of error may be taken from the district or circuit courts direct to the Supreme Court in cases of conviction of a capital or other infamous crime, is hereby repealed, so far as affects cases other than capital and excepting cases where the defendant may be—

And the change made by the amendment to which my colleague objected was the substitution of word "shall" for "may." Shall be sentenced to a fine of \$5,000 or upwards, or to imprisonment for more than one year.

It thus changes the right of appeal from a class of cases in which the liability to the punishment is created by law to those cases in which the judge shall actually impose this sentence.

Mr. MORGAN. If the Senator will allow me, I will state that the Senate the other day before the passage of the bill amended it so as to give the right of appeal in any class of cases

where the question that would arise was one of the validity or construction of an act of Congress.

Mr. CALL. I did not so understand it.

Mr. MORGAN (to Mr. HOAR). I am correct in that?

Mr. HOAR. Yes.

Mr. CALL. Giving the absolute right of appeal?

Mr. MORGAN. It gives the absolute right of appeal in all cases where the question in the case is as to the validity or construction of an act of Congress. It seems to me that that being so, the class of cases which the Senator doubtless has in his mind would reach the Supreme Court of the United States if the party convicted objected either to the validity of the act of Congress or as to its proper construction by the court.

Mr. CALL. I promised my colleague to present this view of his to the Senate, and I considered that his objection was entirely well founded.

Mr. MORGAN. I ask the Secretary, if he has the bill before him, to read the amendment which the Senate adopted.

Mr. CALL. I understand that whenever the judgment of the court is in anywise dependent upon the construction of an act of Congress the appeal would lie. It seems to me that that obviates to a very great extent the objection my colleague had to the bill so far as I can see it, and if there is no objection on the part of any other Senator, I shall have nothing further to say.

The VICE-PRESIDENT. The clause of the bill referred to by the Senator from Alabama will be read.

Mr. MORGAN. As amended.

The VICE-PRESIDENT. The clause will be read as amended.

The Chief Clerk read as follows:

That so much of the fifth section of the act of March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," as provides that appeals or writs of error may be taken from the district or circuit courts direct to the Supreme Court in cases of conviction of a capital or other infamous crime, is hereby repealed, so far as affects cases other than capital and excepting cases where the defendant shall be sentenced to a fine of \$5,000 or upwards, or to imprisonment for more than one year, saving and excepting writs of error already sued out; and in such cases the circuit court of appeals shall exercise appellate jurisdiction, in the manner and within the time prescribed in the sixth section of said act, and their judgments shall be final, except as provided in said section.

Mr. MORGAN. If the Senator from Florida will allow me a moment I will state that I offered an amendment to the bill which was adopted. It may not have been at that very point in the text, but it had reference to the same proposition if I remember correctly. It might have been offered to the other bill.

The VICE-PRESIDENT. The Chief Clerk will read the amendment inserted on motion of the Senator from Alabama to the bill (S. 1615) to facilitate the disposition of causes in the Court of Claims, etc.

Mr. MORGAN. Ah!

The CHIEF CLERK. In line 9, section 3, after the word "involved," insert the words "relates to the validity or construction of an act of Congress or;" so as to read:

Or where the question involved relates to the validity or construction of an act of Congress or is of such special importance as to require the decision of the Supreme Court.

Mr. MORGAN. That is the amendment I offered. It was not to this bill to which the motion applies now for a reconsideration, but to the other bill. It ought to apply to the pending bill.

Mr. CALL. If it does not apply to the pending bill the objection which was made by my colleague remains in full force.

Mr. MORGAN. Yes.

Mr. BERRY. If the Senator will permit me a moment, I will state that the objection made by the Senator from Florida [Mr. PASCO], who is absent to-day, was that under the present law an appeal would lie in all cases where the punishment might under the statute be a certain penalty; for instance, where the fine was \$5,000; but by the amendment proposed and adopted by the Senator from Massachusetts he cuts off appeals except where the penalty which may be actually inflicted amounts to that sum, and it would permit the judge trying the case to prevent the party from having the right of appeal by imposing a penalty of \$4,999. That was the objection raised by the Senator from Florida to the bill.

Mr. MORGAN. I thought I had met that objection by the amendment which I find I introduced to the other bill. The amendment is equally applicable to both bills. I think the amendment I introduced in the other bill would meet this objection.

Mr. HOAR. I shall have no objection, if it will remove the difficulty of Senators, to have the amendment inserted in the pending bill also.

Mr. MORGAN. It would remove my difficulty.

Mr. HOAR. My object is not to construe the bill so as to carry out solely my own convictions, but to get a bill if possible that will be generally satisfactory to Senators on both sides.

Mr. MORGAN. I will state for the information of the Sen-

ator from Massachusetts that I had the painful duty once of making the point in the Supreme Court of the United States upon one of our district judges in a case where he reduced the amount of recovery in a civil action in order to cut off the right of appeal. It was obvious that there was no other purpose for it in the world than that. It was an action upon coupons cut from bonds.

Mr. HOAR. We never can help that.

Mr. MORGAN. There were \$5,300 of coupons issued upon a note. The jury had been charged, and had retired to their deliberations. They were called back into court. The attorney for the plaintiff did not enter any *retraxit*, but he moved to amend his declaration by striking out \$400 of the coupons. The court allowed the amendment, and thereupon decided the cause. He decided if the jury believed the evidence they must find for the plaintiff and cut off all possible chance of exception and appeal, and saddle the judgment down upon men who believed that if they could have taken the opinion of the Supreme Court of the United States they would have been released. It was a suit against a county. With that little experience in my mind, I do not want this power left in the hands of any judge.

Mr. BERRY. If the word "shall" were stricken out and the word "may" left in the bill it would be all right.

Mr. HOAR. That would leave the law just as it now is.

Mr. BERRY. Precisely; and that is exactly what the Senator from Florida desired that it should be.

Mr. HOAR. I give my opinion for one, whatever it is worth as a lawyer, that the substitution of the word "may" for the word "shall" would not change the legal effect of the bill one particle except in some one case of somebody.

Mr. MORGAN. If that is true, why not put the word in?

Mr. BERRY. Why not leave it in the bill?

Mr. HOAR. But you do not want to leave the bill open and debatable; you want to make your meaning certain. If the Senator from Florida will pardon me one moment, it is to be remembered that from the beginning of the Republic till now no right of any person has existed to carry up these cases, capital or otherwise. They have wholly ended in the circuit courts of the United States, and ended, until the establishment of the circuit courts of appeal a little while ago, with a court held by but one judge, calling in the district judge sometimes, and then going up sometimes on a certificate of division.

This is an enormously new and large right which was given by the act of last year, and it seems to me that no Senator who does not want to break down the Supreme Court of the United States and bring its authority and strength into weakness and contempt would claim for a moment that that court ought to sit in every case of petty larceny and every case of the sale of liquor without a license, and all the cases under the sudden amendment which was put in last year (which the Senator himself who moved it afterwards thought was a mistake) would leave it. That is the way it is left now.

The Senator says if we fix a limit of the fine or a limit of the sentence which shall be the condition of the right to take the case to the Supreme Court judges will avoid that by putting it a little under the limit. Of course that can not be helped. That infirmity, if you have occasionally a judge capable of such a thing, is inherent in the case itself, if you make the right \$1,000 or \$100, or \$1. Now, if we could have by statute a definition of a class of cases that are of grave importance to the defendant, that should go straight up, we should all rejoice; but it is utterly impossible in the nature of the subject to do this in any other way. You have either got to have all criminal cases go up, which I do not think any considerable number of lawyers in this country would desire, or you have got to make somewhere a line in regard to the amount of the fine and the amount of the imprisonment. The line of \$5,000 is the old line of the jurisdiction in civil cases. The line of one year—I should like to have the attention of the Senator from Alabama and the Senator from Florida and the Senator from Arkansas to this proposition—the line of one year is the line of infamous punishment. It is not an infamous crime unless it may be punished by an infamous punishment, and it is not an infamous punishment unless the sentence is over one year. The courts of the United States can not sentence to hard labor unless they sentence for more than one year under the statute. They can not therefore in fact inflict an infamous punishment; and the reduction which the Senator from Arkansas is afraid the judges will make is a reduction from an infamous punishment to a punishment that is not infamous. That is the answer to his proposition, therefore, that the defendant is not infamously punished.

The difficulty with the present law, which I believe no single Senator who voted for it thought of or anticipated on either side of the Chamber, whether a lawyer or not a lawyer, is this: We said that infamous crimes should go up directly. The Supreme Court have held that a crime is an infamous crime whether it be in fact punished by an infamous punishment or not, if there is a

right or a discretion on the part of the court to punish anybody who has committed an offense by imprisonment for more than a year at hard labor. Therefore, under the present law if a man is sentenced to a fine of 1 cent without costs for the offense of selling liquor without a United States license, he may carry that case direct from the district court to the Supreme Court of the United States, because in the discretion of the court below he might have been sentenced to an imprisonment of two years at hard labor.

I want to call the attention of Senators again to this point. The committee have taken the only practical and reasonable way, with the actual punishment and not the possibility of punishing people for a crime defined in the same section of the statute as the true measure; and when the court, to avoid exceptions, reduces the punishment to under twelve months, they reduce it from a punishment which is infamous to a punishment which is not infamous. I think that is a reasonable and sound provision, and you can not better it. But I am perfectly willing, as I understand that will meet the objection of my friend from Florida, to put in also the limitation which was put in on the motion of the Senator from Alabama [Mr. MORGAN] to the Court of Claims bill. If it will meet the views of Senators on the other side, I am willing to add, "or where the decision affects the construction or validity of an act of Congress."

Mr. CALL. So far as I am concerned, it seems to me that the amendment which the Senator from Alabama proposes, opens the door of appeal quite as wide as the words "may be."

Mr. HOAR. It opens it. Still there is a class of cases scientifically defined—

Mr. CALL. I can not conceive of a case where a statute of the United States will not be drawn in question in that court.

Mr. MORGAN. That might be very true in the earlier court, but in the experience or practice of the court very soon questions would be decided, and the rule, of course, would apply to cases as they arose. The number of appeals would be very much decreased after that.

Mr. CALL. I understand every criminal case stands upon its own foundation, and as long as time will last the law for that criminal case made by the same court may be changed.

Mr. MORGAN. But a man has to enter into bonds for costs and the like, and when the decision has been made by the Supreme Court as to the validity or construction of the statute he is not apt to litigate very much more about it.

Mr. CALL. It is very true that that is a limitation, but that does not affect the right.

Mr. MORGAN. If the Senator will allow me, I propose to amend the clause so as to read:

So far as affects cases other than capital, and excepting cases where the defendant shall be sentenced to a fine of \$5,000 or upwards, or to imprisonment for more than one year, or in cases where the question decided includes the validity or construction of an act of Congress.

Mr. CALL. Mr. President, I will not delay action upon the bill any further than to say—

Mr. HOAR. Let that be done by unanimous consent. Let the bill be reconsidered, the amendment made, and the bill be passed. Then, if there be no objection, the Senator from Florida can proceed.

The VICE-PRESIDENT. The agreement will be considered as entered into, if there be no objection.

Mr. CALL. I only wish to make one remark in vindication of my colleague's position upon the bill now proposed to be made a law. This proposed law does provide that if a defendant shall be sentenced to a fine of \$4,999.99, or to an imprisonment of eleven months and twenty-eight or twenty-nine days, he can not appeal, without the amendment of the Senator from Alabama. That is a degree of punishment which in a great many cases is ruinous to people of limited means. They can never get out of imprisonment unless there is some provision for their discharge without paying that fine. It may be a matter of perjury, it may be a matter connected with elections, it may be something in which the person however violating the law may not have any deliberate purpose of guilt.

The Senator from Massachusetts thinks that the change of the words "may be" into the words "shall be" does not make any difference. Let us see:

Excepting cases where the defendant may be sentenced to a fine of \$5,000, or upwards.

That certainly refers to the liability.

Mr. HOAR. If the Senator will pardon me one moment just there, before he proceeds to comment upon my position, I will state that the words "may be sentenced" undoubtedly may mean may be sentenced under the law, the law would warrant such a sentence; or it may mean, as it would be frequently used, that the defendant may have been sentenced, which is a common use of the word "may." The man says if I may do so and so such and such a thing would happen. Now, the court have got to de-

cide between those two interpretations. The former interpretation would be holding that Congress had passed an important and grave bill, and in the debate had assigned a desire to limit the right of appeal as the reason for passing the bill, when in fact they had left the law just as it was without any change whatever, because that is the law now, that if a man is liable to such a sentence he can go right up whether he gets the sentence or not.

Therefore it seems to me beyond any reasonable question that the courts would say that the words "may be" mean just as "shall be" or "may have been," and they could not come to any other conclusion, because it would make an absurdity of the act if it had that meaning.

Mr. BERRY. If the Senator will permit me, if that be true, I can not understand why the Senator desires that the word "may" shall be stricken out and "shall" inserted. What the facts are we all know, since the law was passed authorizing appeals. There are certain judges whose rulings have been less arbitrary, who have paid more regard to the rights of the citizens and have been more cautious and more particular in the trial of causes than they were before. Under the present law, wherever it falls within the largest penalty that may be affixed or the maximum punishment in a certain class of cases, the appeal lies as a matter of right.

Now, you propose to say that wherever the punishment shall be so and so, then the appeal shall lie; otherwise it shall not lie. I say, and I repeat that which I said awhile ago, it leaves it within the power of the judge by reducing the penalty which he puts upon the man just below the maximum amount to deprive him of the right of appeal altogether, while the punishment would be just as severe, lacking a dollar, perhaps, or a cent, or a day's imprisonment as that which the man would be entitled to. It ought not to be left to the discretion of the judge.

Mr. HOAR. In one case it is infamous punishment, and in the other it is not. In the one case a man is sentenced to hard labor, and in the other he is not. In the one case he has a right to go to the court of appeals. It is only the question to which at all practically he takes an exception.

Mr. BERRY. I beg the Senator's pardon. Under the bill as reported and under the present law it would read, "and excepting cases where the defendant may be sentenced to a fine of \$5,000 or upwards, or to imprisonment for more than one year." Although the punishment was not so great as that, under the statute by which he is convicted it might be placed that way and then the appeal would lie; but if you strike out "may" and insert "shall" then, unless the judge affixes the penalty to the amount here stated, \$5,000, he would be deprived of the appeal. Therefore I insist that it ought not to rest within the discretion of the judge.

Mr. PALMER. I should like to ask the Senator from Arkansas a question. Is it the Senator's view that the word "shall" would alter the construction of the statute at all?

Mr. BERRY. I can not understand why the Senator from Massachusetts wants to strike out the word "may" and insert "shall," unless he thinks that it does.

Mr. PALMER. Does the Senator from Massachusetts want to strike out "may" and insert "shall"?

Mr. BERRY. Yes, he wants to strike out "may." It was done on Thursday last, and the word "shall" was inserted in its place.

Mr. PALMER. I supposed they were equivalent in the sentence.

Mr. BERRY. The word "may," as used in the present law, provides that an appeal will lie where the punishment may be so and so. If the word "may" is stricken out and "shall" inserted, then the appeal will only lie when the judge imposes that larger penalty; it being in his discretion to impose a larger or a smaller one.

Mr. PALMER. I should much prefer the word "shall" to "may," if it is meant to be a limitation after all.

Mr. BERRY. I do not want to leave the appeal limited to where the punishment is so great. The law we passed a year ago afforded great relief to certain citizens in the section of the country from which I come, and it has been a great restraint upon some of the judges, and I want that restraint to continue. Where the punishment amounts to one year's imprisonment or a fine of \$5,000, where it may be fixed as the present law is, I want the defendant to have the right of appeal to a higher court, and not leave it in the discretion of the judge whether an appeal shall or shall not lie.

Mr. PALMER. I really may have been looking at this proposed statute incorrectly. So far as affects cases other than appeal, and excepting cases where the defendant may be sentenced to a fine of \$5,000 or upwards or to imprisonment for more than one year, I had supposed that that would apply to any case where the penalty was discretionary. I am aware the judge might impose a sentence of \$5,000 or more or that he might impose a sen-

tence of \$5,000 or less, but am I to understand that it shall only apply to cases where the penalty was necessarily more than \$5,000 and necessarily an imprisonment of more than one year? I ask the attention of the Senator from Massachusetts. I repeat, I had supposed that this applies to cases where the penalty was discretionary, where it might be more or less than \$5,000 or where the imprisonment might be more or less than one year, and that the right of appeal would attach only in a case where a fine was imposed of more than \$5,000 or imprisonment for more than one year.

Mr. HOAR. If I correctly understand the Senator he is correct.

Mr. PALMER. Then the object of the word "shall" was to produce that change?

Mr. HOAR. It was to prevent any argument that it applied to all cases where the sentence was discretionary, whether the discretion was actually exercised to make it an infamous punishment or not.

Mr. PALMER. May I then be permitted to ask the Senator whether it would apply to a case where the court was at liberty to impose a fine of not less than \$100 nor more than \$10,000.

Mr. HOAR. Yes, sir.

Mr. PALMER. It would apply to that kind of a case?

Mr. HOAR. As I understand.

Mr. BERRY. An appeal would not be allowed in that case.

Mr. HOAR. Let me put a case which will illustrate it as well as any. If I am not mistaken in the length of time, the law for selling liquor without a United States license authorizes the imposition of a term of imprisonment not exceeding two years. The usual imprisonment in point of fact is about six months. An old Irish woman found with her jug under her bed would be fined, I suppose, \$5, and that would be the whole of it.

Under the law of last winter all such cases would go direct to the Supreme Court of the United States, and the Senator from Arkansas wants it done. He is very frank in stating it.

I do not think it is a good plan to have those cases go there. They can go to the circuit court of appeals. In the first place, it enables dishonest counsel to plunder and worry clients. In the next place, there is nothing in the question which requires them to come in and wait three or four years. Again, the other provision for the court of appeals is ample. What makes them go to the Supreme Court at all is that the court have held that a sentence to hard labor is an infamous punishment, and that an infamous crime is a crime which is punishable by an infamous punishment in the discretion of the court, whether it in fact be so punished or not. Therefore they have held that every case where the law gives this power to the court comes under it. Now, we say let the thing be determined by the fact whether the punishment is in truth infamous or not, and not by the fact whether it might be made so if the court chose to make it.

Mr. BERRY. I should like to ask the Senator from Massachusetts, if he will kindly permit me, what would be the result if under this provision a man was sentenced to be imprisoned for eleven months, we will put it? The language is "for more than one year." Then there would be no appeal under the act as amended by the pending measure.

Mr. HOAR. Then he would have to go to the court of appeals. He can not be sentenced to hard labor in that case; he can not be sentenced to the ordinary penitentiary; it must be only a sentence in jail, which is not an infamous punishment.

Mr. PALMER. I have not been satisfied with the statutes that make crime infamous or not on account of what the judge may do. Crime is either infamous or not according to what the accused did. I approve of so much of this proposed law as distinguishes crimes that are infamous in themselves, infamous from the character of the punishment necessarily inflicted, rather than what may accidentally be imposed by a judge.

But there is another point to which I desire to call the attention of the Senator from Massachusetts, and that is as to the very large amount of the minimum fine authorized to be imposed. Five thousand dollars is the minimum. The Senator from Massachusetts does not know the character of some parts of the country in which we live, and I hope he has none such in Massachusetts. There are portions of the State of Illinois in which \$5,000 would be esteemed a very handsome fortune, and to make the minimum fine \$5,000 would be to practically determine that class; my constituents would have to rally a good many friends, and an appeal in some cases would be impossible.

Mr. HOAR. To the Supreme Court?

Mr. PALMER. Yes, sir; to the Supreme Court. I do not remember, I will state to the Senator from Massachusetts, of an instance in Illinois where a fine of \$5,000 has been imposed by the United States circuit or district court. On the contrary, \$1,000 would be a very large fine to be imposed. I have been about the courts a good deal and I remember but one instance in

which a fine of \$1,000 was imposed. It occurs to me that the minimum ought to be very much less.

Mr. HOAR. What would the Senator suggest?

Mr. PALMER. My suggestion would be \$1,000.

Mr. HOAR. I am perfectly willing to make it \$1,000. I do not think that it is very important. Let that be a part of the unanimous consent, if the Chair has no objection.

Mr. CALL. Now, Mr. President—

Mr. BERRY. What was the proposition? I did not hear it.

Mr. HOAR. The Senate a little while ago agreed that the bill should be reconsidered, and the amendment which was suggested by the Senator from Alabama inserted and the bill passed. I have no objection to having the provision for a fine of \$5,000 reduced to \$1,000, if that will make it more acceptable.

Mr. BERRY. Then an appeal would lie where the penalty was \$1,000 or more?

Mr. HOAR. Yes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, at the beginning of line 13, before the word "thousand" strike out "five" and insert "one;" so as to read:

Where the defendant shall be sentenced to a fine of \$1,000 or upwards.

The VICE-PRESIDENT. The amendment will be agreed to if there be no objection. The Chair hears none.

Mr. CALL. Mr. President, I think the amendments which have been made answer to a very large extent, but not entirely, the purpose my colleague had in view. His idea was to give a man a right of appeal in all cases where any action of the party might affect his reputation injuriously or impute to him infamous conduct. The two amendments which have been made enlarge the right of appeal practically to that extent. The Senator from Massachusetts, I think, with that accurate discrimination and analysis which belong to him, has correctly stated to a very considerable extent the probable construction which would be placed by the court upon the words "may be" as contradistinguished from "shall be" in the statement that the court would probably construe the words "may be" by the purpose of the act, to wit, the limitation upon the right of appeal, and that therefore the change of the words "shall be" from "may be" would have practically little or no effect. For these reasons I think the amendments made by the Senator from Alabama and the Senator from Massachusetts and the reduction of the amount specified here will answer the purpose.

The VICE-PRESIDENT. If there are no further amendments the question is on ordering the bill to a third reading.

Mr. HOAR. The unanimous consent was that the bill should be reconsidered and this amendment made and the bill passed.

The VICE-PRESIDENT. Then the pending question is on the third reading of the bill.

Mr. HOAR. The question is on the title. Shall the title stand as reported?

The VICE-PRESIDENT. The question is on the passage of the bill, the Chair understands.

Mr. HOAR. The bill stands as passed. It was passed on Thursday, and a motion to reconsider was entered. By unanimous consent it has been reconsidered, the amendments made, and the bill passed. That has been done. So the only question is on the title.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes."

The VICE-PRESIDENT. The bill stands passed under the unanimous agreement. The Chair lays before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3202) to pension Nancy E. Renfro; and

A bill (H. R. 4488) granting a pension to James A. Davis.

The bill (H. R. 5133) to authorize the Marinette and Western Railroad Company to construct a railroad through the Menominee Reservation, in the State of Wisconsin, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7519) to authorize the appointment of clerks of the United States circuit and district courts of Mississippi City in the State of Mississippi, was read twice by its title, and referred to the Committee on the Judiciary.

EULOGIES ON THE LATE REPRESENTATIVE GAMBLE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed the eulogies delivered in Congress upon Hon. John R. Gamble, late

a Representative from the State of South Dakota, 8,000 copies, of which number 2,000 shall be delivered to the Senators and Representatives of the State of South Dakota, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased; and of those remaining, 2,000 copies shall be for the use of the Senate, and 4,000 copies for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said John R. Gamble to accompany said eulogies.

THE COURT OF CLAIMS.

Mr. GEORGE. I believe that the resolution relative to the appointment of a committee to inquire into the cause of the low price of cotton and the depressed condition of agriculture in the States raising cotton was made the special order for 2 o'clock to-day.

The VICE-PRESIDENT. The unfinished business is Senate bill 1615. It takes precedence under the rule of the special order.

Mr. GEORGE. But the special order is now in order.

The VICE-PRESIDENT. The unfinished business is in order.

Mr. GEORGE. I thought we were through with the unfinished business.

Mr. HOAR. The unfinished business, I understand, is the bill in regard to the Court of Claims.

Mr. GEORGE. Is that pending now?

Mr. HOAR. That is pending, and the question is on the adoption of the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. GEORGE. I find I was mistaken. I supposed that we had gotten through with the unfinished business.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

The Senate resumed the consideration of the bill (S. 1615) to facilitate the disposition of causes in the Court of Claims, the pending question being on the amendment proposed by Mr. DANIEL, which was, in section 1, line 4, after the words "Court of Claims," to insert "who shall be members of different political parties;" so as to read:

That there shall be appointed in the manner provided by law two additional judges for the Court of Claims, who shall be members of different political parties, etc.

Mr. CALL. Mr. President, the amendment proposed by the Senator from Virginia is intended to require that the judges who shall be appointed to this court shall be pure men, nonpartisan men. I suppose there will be no kind of controversy upon the point that a judge who is a partisan is not a pure man, is not an honorable man; that when he enters upon the high duties of that position he is required, whatever may be his devotion to principle which he may very well have, to disconnect himself entirely from considerations in the performance of his public duty. It is a great infirmity of the human mind that men can not do that, that even unconsciously to themselves they will be influenced by their associations and by their prejudices. The great object is to provide such surroundings in the appointment of men to this high office that they will be least liable to be influenced in the exercise of their duties by these considerations. Some progress is made by requiring that these men shall not be appointed so that one political party may control the exercise of judicial power.

It is idle to talk in this country, where you appoint all men, or a majority of them, to the exercise of any political function, and give to them the power over the lives and the property and the liberty of people, that they will not exercise it for those ends which address themselves to their minds as most important to the country and to themselves.

It is objected to this proposition that a court shall be nonpartisan; that the men who exercise these functions shall be beyond even suspicion; that it can not be done under the Constitution of the United States; that you can not limit the President's power of appointment. It seems to me that the Constitution is entirely plain in that respect. It provides that the President shall have power to appoint

All other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Inferior officers in this category, in this clause, are those contradistinguished from enumerated officers. There is no question about that, and Congress has the express power to vest the appointment of those officers otherwise.

Inasmuch as the President has no constitutional right to appoint them, in creating this office there can be no doubt that the Congress may impose conditions as to the character of men; they shall be honest men, they shall be men learned in the law; they shall be men possessing special qualifications. In creating the office that is necessarily assumed as a part of our power. This is a legislative tribunal. The court may be changed to-morrow

by Congress and the power to appoint these inferior officers in the technical language of the Constitution, can be vested by Congress otherwise than in the President of the United States. So it seems to me there is no force in the proposition that by the Constitution the President has the absolute or unlimited or unrestrained power of appointment which can not be affected by any legislation on the part of Congress.

But if we look at this country and consider now that every tribunal in the United States has been organized upon a party basis and with men conspicuous for their party relations and their party convictions, when we consider the fact that a great section of this country is entirely ignored and that the appointment to judicial office, notwithstanding the ability and the learning and the pure character of great numbers of men qualified for those positions in that country, has been almost entirely ignored, as if a ban of proscription had been placed upon them—when we consider that, it seems to me, whether we are of the one party or the other, we shall all recognize the fact that the safety of this Republic and the continued prosperity of this people depend upon the imposing of such qualifications and such limitations as may be possible upon this practice of organizing judicial tribunals with men distinguished for their partisan convictions and their party associations.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question recurs upon the amendment offered by the Senator from Virginia [Mr. DANIEL].

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CHANDLER. Mr. President, before voting upon this question I desire to say a few words.

I shall vote against putting this provision into this bill because I do not think that it is wise in providing benches of judges to declare that they shall be divided among the various political parties. I do not believe that a provision of that kind should be inserted in the statute books.

But, Mr. President, I wish to say further that I am in favor of a division by the appointing power of judges among the political parties. I do not believe in a partisan bench. I have always been in favor in my own State of having both political parties represented upon our supreme court, and that is now the settled policy of New Hampshire. Of our bench of seven judges, three are Democrats and four are Republicans. If there were to be a political revolution in the State to-morrow, instead of upturning the bench of judges one Republican would resign and a Democrat would take his place. I believe that that system is conducive to the correct administration of the law and altogether more satisfactory to our people and for the best interests of the State of New Hampshire I have always advocated it. I believe it is the true policy and I shall always continue in favor of that policy.

Now, Mr. President, I have the same view with reference to the Court of Claims. I believe it should not be a partisan tribunal, and I think one at least of these two judges who are to be appointed, if this law shall be enacted, should be appointed from the minority party, and that the bench of that court should not remain wholly composed of members of one political party. I believe that should be the action of the Executive in making appointments under this law in case the bill should pass both Houses of Congress.

I did not feel willing to vote in the negative without making this statement for the satisfaction, if it be any satisfaction, of the Senator from Virginia, who has moved this amendment. I believe that a partisan court, except under peculiar circumstances, is injurious to a State, injurious to a country, and does not conduce to the wisest and best administration of the laws. These are no new sentiments with me, although this is the first opportunity which I have had of expressing them upon the floor of the Senate.

Mr. DANIEL. Mr. President, I am gratified to hear the expression of sentiment from the Senator from New Hampshire, and I know those sentiments to be sincere and in accordance with the public policy which has prevailed not only in his State but in other States of this country, notably the State of Massachusetts, which has always, or at least for a long time, observed the policy of selecting judges from different political parties.

I am very much encouraged in the advocacy of this amendment to the bill by what has been said, and I am satisfied, whatever criticisms may be made upon the form of the amendment, that it represents a thought which is in the breasts of a majority of this body. I think that the language of this amendment may be so changed as perhaps to get the votes of some gentlemen who would not vote for it as it stands. I believe the language of the amendment as now framed is "who shall belong to different political parties." That language would seem to import that the appointee had to belong to some political party. Now, I would ask leave, Mr. President, to withdraw that amendment in that

shape, and to substitute instead of it the words "both of whom shall not belong to the same political party."

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the amendment submitted by him to the bill pending before the Senate may be withdrawn. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. DANIEL. Mr. President, in advocacy of the amendment as it now stands, let me say that this would leave the field entirely open, without the suggestion from Congress to the President to select any persons as judges, provided they were not all members of the same political organization; they might be members of none; that is to say, utter nonpartisans in political affairs.

As to the constitutionality of the amendment, it seems to me that Congress would stultify itself, and both branches of Congress would place themselves in a very peculiar position if, after legislating along this line for a series of years, over a decade, they were now to object to the legal embodiment of a thought which they confessedly declare to be in their own breasts, and to be in entire consistency with their convictions, because of some alleged notions of its unconstitutionality.

If that amendment as it is now proposed is unconstitutional, the affairs of this country have been unconstitutionally administered for ten years in the Interstate Commerce Commission, in the Civil Service Commission, and by all the other commissions in the creation of which Congress has given suggestions to the President that he should not appoint all the members from the same political party. All these arguments have been gone over time and again in both Houses, and by consonance of both political parties, by the judgment of nearly every one who now occupies a seat either in the Senate or in the other branch of Congress, these commissions were within the legitimate line of legislation, not that that provision makes a mandate which the President is bound to obey, but that it is a suggestion or directory law, so to speak, to him, embodying in an act of legislation a declaration of public policy. That is all.

Now, sir, as to that being public policy, gentlemen here upon this floor declare it to be their conviction that it is, and the country has indorsed such legislation when applied to bodies in which it was not as desirable that all parties should be represented as upon the bench.

I cordially agree in the remarks which were made on Thursday last by the Senator from Connecticut [Mr. HAWLEY]. He spoke in eulogy of the word "partisan" and of the character of the partisan, and I feel that everything that he said upon that subject is in consonance with truth. Men who are partisans are generally men who are earnest in their convictions and who, seeing as they conceive clearly the wisdom and justice of a particular idea, are enthusiastic and constant in its advocacy.

But, Mr. President, when partisans come up from different parts of this country with different education, with different prejudices and prepossessions of mind, the whole country would be bettered, in my judgment, if their local prejudices were tempered by the suggestions of thought which come from other minds which have been cultured in different ways and have had a more varied experience. It is by putting the partisan on one side against the partisan on the other side that wisdom is finally evolved out of that compromise of the operation of forces, and I hope to see the bench of this country, not only of the Court of Claims, but every bench of this country which consists of a body of judges, so composed that it may represent as nearly as may be the thought of the whole country and not the peculiar thought of a mere transient political organization or the sentiments of a momentary period in our history.

I should look upon that amendment as embodied in this bill as the *avant-coureur* of a judicial reform, and seeing that the President of the United States has himself gone in that direction by appointing judges from the Democratic party, although he is himself a Republican, I do not think that Congress ought to hesitate to indorse that liberality of executive judgment by expressing its approbation thereof in any manner which may be becoming to it as a legislative body.

The idea that this amendment is unconstitutional in the sense that it is a usurpation on our part of the executive prerogative has been refuted time and again for a series of years by the practice of Congress and by the accepted opinions of the country. We all realize that it does not go with the sanction of a mandate which is compulsory upon the President. He understands it, Congress understands it, and the people understand it, and why should we resist what is our own conviction of an appropriate, patriotic, and liberal result by a cheese-paring process which would attack the whole body of our legislation and the whole structure of our laws, if we were to apply to them the same methods?

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be stated.

The SECRETARY. In section 1, line 4, after the words "Court of Claims," it is proposed to insert "both of whom shall not belong to the same political party."

Mr. PALMER. Mr. President, I simply desire to comment upon one remark of the Senator from Virginia [Mr. DANIEL.] The Senator admits that Congress has no right to embody the terms of the amendment he proposes in a law, that it would be no law, that the President will not be required to obey it, and that it is a mere suggestion of ours which is not obligatory upon him. I believe I am correct in so understanding the Senator?

One other thing I have to say. The Senator objects to a construction of the Constitution which he contends is a cheese-paring construction of the Constitution. Mr. President, I am very much surprised—

Mr. DAVIS. I wish to inquire if the President approved the act, whether he would not thereby indorse its constitutionality?

Mr. PALMER. I suppose if the President did not approve the law it would be no law; still I apprehend he can do as he pleases about it. I take it for granted that the President is like a Senator with this difference: The Constitution requires that if the President approve a bill, he shall sign it. I hope that the time will not come in this country when a President will approve a bill which is not in consonance with the Constitution as he understands it. I will not undertake to say what is the proper understanding—

Mr. DANIEL. Will the honorable Senator allow me to interrupt him a moment?

Mr. PALMER. Of course. I shall be glad to hear the Senator.

Mr. DANIEL. I think the word "shall" would be construed in this connection exactly as the Senator thought it should be construed about fifteen minutes ago in another bill, that is, as "may."

Mr. PALMER. Then Congress would merely provide that the President "may," if he chooses, appoint or he may not appoint two men from the same party. I take it that he may not without our help.

I was about to say that I am demurring to this characterization of a constitutional objection as being a cheese-paring construction of the Constitution, and I am expressing my surprise that from the Old Dominion we should hear a constitutional objection, which is admitted to be sound, characterized as "cheese-paring." I had supposed that no part of that instrument was so unimportant as that it would be disregarded.

Mr. President, there is a principle far more important than that to me. I maintain that the purity and efficiency of this Government largely depends upon confining each Department of the Government to its own appropriate sphere. If it is the policy of the country that judges shall be appointed from different parties, or from no political party, the President will learn that from other sources than from Congress, because Congress has no right to tell the President, Congress has no right to pass a law which will invade the province of the President. The beginning is not the end. Rigorous adherence on the part of every department of the Government to its own functions and rigid and firm resistance on the part of each department to invasions from the other, is essential to the preservation of the Government.

The President must judge of his own policy, must judge of the proper policy to be pursued by his department. I go beyond that. I recollect that Gen. Jackson, whose day we celebrate, said that each department of the Government must construe the Constitution for itself. I believe that the President ought to construe the Constitution for himself, and that Congress ought to construe it for itself. If it would suit the Senate to pass this and to invite the House of Representatives to participate in the appointing power by limiting the number from whom the President shall choose, so be it.

Mr. VILAS. Mr. President, I find myself unable to agree to the amendment which the distinguished Senator from Virginia [Mr. DANIEL] has proposed, and without spending any time in debate I desire to state briefly why. I do not place it upon the constitutional ground entirely, although there seems to be force in that objection, but I understand the Court of Claims to be a part of the judicial system of the United States, to be in every proper sense one of the courts of the United States, and its judges ought to be of as exalted a judicial character and of as proper judicial qualifications as those of any other court.

Now, sir, I must, reluctantly as I differ with the distinguished Senator, enter my objection to any course of legislation which shall assume that the judges of the courts of the United States are to be appointed or to have appointment refused either because they belong or do not belong to a particular political party. The judiciary of the country has, and justly, with very few exceptions indeed, received universally the confidence of the people of this country as being trustworthy to decide questions sub-

mitted to them quite irrespective of party, and it is only when a party spirit has been infused into the bench of judges that the people of this country have ever felt distrust or a disposition to rebel against the judgments of our courts.

It seems to me, therefore, that to introduce into laws providing for judges the idea that the appointing power should take into consideration the partisan character of the persons who should go upon the bench is to infuse a dangerous and an unfortunate element of consideration. It seems to me that if a judge were under this provision appointed because he belonged to one party he would feel that it might be expected of him when a case came before him for judgment that he should follow the wishes of that party to which he had belonged.

I desire to see upon our benches of judges everywhere and all the time men who will have no hesitation in disregarding the wishes of the party to which they have belonged; men who will have no fear of subordinating their partisan wishes to their clear view of what the law is, and the law ought to be understood as being far above and far beyond the partisan wishes of anybody.

For that reason and simply because it seems to me that it would pass a partisan element into the judicial authority of the United States, which all good men ought to seek to exclude from it, I can not support the amendment of the distinguished Senator from Virginia.

Mr. HOAR. I do not wish to prolong the debate, but I wish to say, as a comment on the new form of this amendment, that the Senator from Virginia asks the Senate to enact for the first time in our legislative history that one judge shall be appointed as a Republican and one judge shall be appointed as a Democrat. That is the substance of what his amendment says.

Of course there are persons, as was said the other day, who do not belong to any political party, who, I think, probably might come in under the bill; and there are more than two political parties in the country, but practically, as we all know, that will be understood to be an affirmation by Congress of its desire, taking the Senator's own limitation of its potency, that in appointments to this court there shall be a judge who is appointed as a Democrat and another judge who is appointed as a Republican.

If that principle is carried out, the result so clearly stated by the Senator from Wisconsin [Mr. VILAS] will follow. The judge will be there, and be a Democrat. If the law provides that he shall be appointed as a Democrat, he will expect to act as a Democrat, or will be likely to so act. If the law provides that he shall be appointed as a Republican, he will be likely to act as a Republican on the bench.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia. The Chair will state that the former amendment of the Senator from Virginia having been withdrawn by unanimous consent, the Chair is of the opinion that the yeas and nays which were ordered upon that amendment do not apply to the vote upon the present amendment. Unless the yeas and nays are called upon the pending amendment the Chair will submit the question on its adoption.

Mr. HIGGINS. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. In section 1, line 4, after the words "Court of Claims," it is proposed to insert, "both of whom shall not belong to the same political party."

Mr. PEEFFER. I should like to suggest a very slight change in the wording of that amendment. I think it would sound a little better to omit the words "both of," and to put it in this form: "Who shall not belong to the same political party." I move that change, simply to omit the words "both of."

Mr. DANIEL. I will accept the amendment.

The PRESIDING OFFICER. The Senator from Virginia accepts the modification of his amendment proposed by the Senator from Kansas. The amendment will be stated as modified.

The CHIEF CLERK. In section 1, line 4, after the words "Court of Claims," it is proposed to insert "who shall not belong to the same political party;" so as to read:

That there shall be appointed in the manner provided by law two additional judges for the Court of Claims, who shall not belong to the same political party, who shall hold office for the same term and receive the same compensation as is now provided for the judges of said court.

Mr. DANIEL. I, too, Mr. President, dislike to prolong this debate, and yet I dislike also to be placed in a position which I do not feel fairly represents my attitude upon the subject.

The Senator from Illinois [Mr. PALMER] refers to my remarks as indicating that I realize that this provision is not constitutional, and yet desired it to go into the law as a sort of *brutum fulmen*. That is far from the fact, and I have been unhappy in expressing myself if any such deduction could be drawn from my language. The word "unconstitutional" is sometimes ambiguous in its meaning. There are laws which are recognized to be mandatory, and laws which are described in the books which con-

sider the interpretation of statutes as directory, and there may also be provisions in laws which are indicative of a public policy, and all these different classifications of legislation are recognized and interpreted as within the fair and just scope of Congressional power.

I admit that it seemed to me to be doubtful at least whether or not Congress had the power to impose upon the President the obligation to appoint in the manner indicated in this bill, but at the same time I contended, whether it be true or not that Congress could impose upon him the constitutional obligation to do so, it was in accordance with precedent and perfectly consistent and right that Congress should embody this provision as a directory clause of this proposed law, it being a suggestion of public policy which Congress, as the representative of the people, saw fit to put upon a statute.

The Senator from Illinois contends that it is never proper for Congress to express its judgment as to executive public policy. Why, Mr. President, there is hardly anything more common in legislation than for the Congress of the United States to express its judgment upon public questions by resolutions, by preambles, by all those methods which accompany the distinct statutory direction which indicates a certain sense or opinion which it desires may be suggestive to the President. It is doubtful, indeed, whether or not this clause might not be supported as constitutional in the sense of being a mandate. I have not contended for that position, because it was not necessary to uphold this legislation, and because my own mind, to say the least, was doubtful whether or not we could enact it in that effective and conclusive manner; but my attention has been called by the distinguished Senator who sits by my side [Mr. CULLOM] to the opinion of the Attorney-General upon the Civil Service Commission, which was given in 1871, and which is found on page 516, volume 13, of the Opinions of the Attorneys-General, in which this whole subject was thoroughly canvassed, and in which the Attorney-General of the United States gave it as his judgment that—

"Though the appointing power alone can designate an individual for an office, either Congress, by direct legislation, or the President, by authority derived from Congress, can prescribe qualifications, and require that the designation shall be made out of a class of persons ascertained by proper tests to have those qualifications."

That doctrine, Mr. President, as I believe, has since been upheld by the decision of the Supreme Court of the United States. So, for over twenty years, for a generation, the law officers of our Government, the courts of our country, and both branches of Congress have recognized the propriety of just such legislation as that which I have to-day proposed, with the single exception that it is now proposed to be extended to the courts.

I can not at all appreciate the force of the remarks of the Senator from Massachusetts [Mr. HOAR]. He says that if a judge is appointed as a Democrat he will be a Democrat after he is upon the bench, and if appointed as a Republican he will be a Republican after he becomes a judge. Certainly he will; but what of that? Because a man remains a Republican, is that any reason that he should become dishonest if he were not so to start with, and because he remains a Democrat is that any reason he should become dishonest if he were not so at the beginning?

The whole theory of this subject of distributing judicial and other offices rests upon the fact that human nature is the same the wide world over, whether it be designated on the outside by the term "Democrat" or "Republican."

Take the great crowd upon the streets that go up one side and down the other, take the men whom you meet in public life or upon the highways, and do you not have to ask them by what designation they go in order to find out? These distinctions are sometimes not even skin deep, but in other respects there is no reason why you should not appoint a man as a Democrat or as a Republican. Does not the President of the United States select the judges of the Supreme Court because they are Republicans? Does not the Senator from Massachusetts know the fact that the judges of the Supreme Court are selected because they are of the political faith of the Executive? Did not the Senator from Massachusetts himself accept a commission and was he not selected to sit upon the Electoral Commission because he was a Republican? And do we not all know, Mr. President, however ethereally you may talk about men lifting themselves up out of the atmosphere of the world in which they live, that it is impossible in the nature which God has given us that we can utterly do so, however much we may attempt it?

Mr. VILAS. If I may interrupt the Senator without interrupting him—

Mr. DANIEL. It is not an interruption.

Mr. VILAS. I was going to ask him if he thought the constitution of the electoral commission and the result which we got from it furnished a solid foundation for the hope of good results from a judiciary so constituted?

Mr. DANIEL. Mr. President, I am such a partisan upon that subject that I hardly think either the Senator from Wisconsin or myself is sufficiently elevated above partisan considerations to give an opinion that would carry any weight except with those who concurred with us.

Mr. PERKINS. Mr. President, with the Senator's permission I should like to ask him a question.

Mr. DANIEL. With pleasure.

Mr. PERKINS. Do you not in your own State have an appointive judiciary?

Mr. DANIEL. We have an elective judiciary, chosen by the Legislature.

Mr. PERKINS. I would ask if that judiciary is not made up exclusively of members of one political organization?

Mr. DANIEL. Yes, sir; every one of the judges of our supreme court is a Republican, and was elected as such.

Mr. PERKINS. How with those who have been chosen since?

Mr. DANIEL. Everytime the Democrats have gotten a chance they have put out the Republican and put a Democrat in with unerring accuracy. That is the way, Mr. President, that political parties have always done in my State and they will continuously do the same thing until there is by general concurrence an adoption of a different principle.

Mr. PERKINS. I should like to ask the Senator one more question.

Mr. DANIEL. Certainly.

Mr. PERKINS. I ask if this system at his home, of which he is speaking, receives his indorsement and approval?

Mr. DANIEL. Will the Senator tell me what that has got to do with this question?

Mr. PERKINS. I thought the Senator would see and would be frank enough to answer.

Mr. DANIEL. I will be frank with the Senator. It has.

Mr. PERKINS. I thought so.

Mr. DANIEL. Because I have been a partisan Democrat and I do not try to deceive the people by making them believe that I am something different, but I should be perfectly willing, and am willing here now in so far as my little influence might ever have anything to do with the subject, to pledge myself hereafter, if the Democrats shall control the seven judges of the Court of Claims, that they will at least, if this act shall be passed, have one Republican representative upon it, and that is all which we ask.

Our theories are sometimes better than our practices, and if our theories were not better than our practices we should be continuously getting worse instead of better. Now, I should be glad to see in my own State—I should be glad to see in every State—a representation upon the bench of all those permanent political parties which represented divergence in ideas. I think it is an education to a Republican judge to have a suggestion occasionally from a Democrat. I know it is an education to a Democrat to have those suggestions of thought which come from Republican teaching, and I have often changed my own opinions upon this measure or upon that or upon this public policy or upon that when I heard fully expounded the views and considerations which actuated those who advocated it, and which, in my narrow Democratic atmosphere, I would not hear if they were not so suggested.

There are none of us who are not capable of improvement, not even the Senator from Massachusetts, the Senator from Kansas, or the Senator from Illinois, and it is because I realize the fact that I want to improve myself and my party and my country that I desire to pursue those methods which will liberalize its thought and afford different opinions and opportunity of competition with each other when they are about to be expressed in the form of judicial interpretation.

Does any one to-day regret in all this country that there are one or two Democrats upon the Supreme Court of the United States? Is there a broad-minded, uplifted patriot amongst the Republicans of this land who is not glad, now that it is done, that there are two or three Democrats upon the Supreme Court of the United States, who, when great judgments are to be delivered, which lay down the law of this land for all of our countrymen, those who differ with the predominant thought may have some opportunity of expression and some opportunity of enlightening their associates who sit by their side? Especially in this inferior court, where claims come up from all parts of the country, would I like to see a representation from all parts of the country.

Nothing so much shocks my sensibility or my conscience as the idea of a judge who will debase his office and will give a partisan judgment, but, Mr. President, men who have any acquaintance with human nature know the fact that, whether it be John Marshall, who sits as Chief Justice of the United States,

or Fuller of Illinois, those men who go there carry the projection of their lives with them, the education of their boyhood with them, the experiences of their manhood with them, and that it is as utterly impossible for them to change the order of their being as it would be to add one hair to their heads or a cubit to their statue. We must get at justice, at equity, at right by the pooling of opinion, so to speak, by one opinion setting itself up against another, not by having one little coterie of men who move day after day and week after week and year after year in the narrow circle of a single groove and set of ideas.

Mr. President, I hope this amendment may be adopted. I have at least the satisfaction of knowing that it has the judgment of a majority of Senators of this body at its back, at least in the thought that it embodies. Why they should hesitate to let that thought find utterance, I can not understand, seeing that for twenty years our opinions of the Attorneys-General, the decisions of the courts, and the statutes of Congress abound with precedents broad enough to cover and swallow up every element of objection which they have made against it.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Virginia.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. BERRY. I think the other day the Senator from Missouri [Mr. COCKRELL] demanded the yeas on the passage of the bill.

The PRESIDING OFFICER. The Chair did not understand that any Senator demanded the yeas and nays.

Mr. BERRY. I will ask for them.

Mr. HOAR. I hope the Senator will not insist upon that. There is hardly a quorum present at this time.

Mr. BERRY. I think there is a quorum present, and I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a pair with the Senator from Delaware [Mr. GRAY]. If he were present I should vote "yea."

The PRESIDING OFFICER (Mr. FAULKNER, in the chair, when his name was called). The present occupant of the chair is paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. Were he present I should vote "yea."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were present I should vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE].

Mr. WARREN (when his name was called). I am paired with the junior Senator from Georgia [Mr. GORDON].

Mr. WILSON (when his name was called). I am paired with the senior Senator from Georgia [Mr. COLQUITT]. He not being present I withhold my vote.

The roll call was concluded.

Mr. CASEY. I am paired with the Senator from Florida [Mr. PASCO].

Mr. HIGGINS. I suggest to the junior Senator from Texas [Mr. MILLS] that we exchange pairs, so that the Senator from New Hampshire [Mr. GALLINGER], with whom he is paired, will stand paired with the Senator from New Jersey [Mr. MCPHERSON], and then the Senator from Texas and I can vote to make a quorum.

Mr. MILLS. That is satisfactory to me.

Mr. CALL (after having voted in the negative). I ask if the Senator from Vermont [Mr. PROCTOR] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. CALL. I withdraw my vote; I am paired with him.

Mr. HOAR. I hope the Senator will not withdraw his vote.

Mr. CALL. I desire to announce that my colleague [Mr. PASCO] is paired with the Senator from North Dakota [Mr. CASEY]. I understand the Senator from Massachusetts [Mr. HOAR] to request that I allow my vote to stand in order to make a quorum. I will comply with his request.

The result was announced—yeas 27, nays 18; as follows:

YEAS—27.			
Allen,	Frye,	Paddock,	Shoup,
Carey,	Hawley,	Peffer,	Squire,
Chandler,	Higgins,	Pettigrew,	Stewart,
Dawes,	Hiscock,	Platt,	Stockbridge,
Dixon,	Hoar,	Pugh,	Vilas,
Dubois,	Kyle,	Sanders,	Washburn.
Felton,	Mitchell,	Sawyer,	
NAYS—18.			
Barbour,	Cockrell,	Hill,	Ransom,
Bate,	Coke,	Jones, Ark.,	Vest,
Berry,	Daniel,	Mills,	Walthall.
Blodgett,	Gibson, Md.,	Morgan,	
Call,	Gorman,	Perkins,	
NOT VOTING—43.			
Aldrich,	Dolph,	Jones, Nev.,	Sherman,
Allison,	Faulkner,	Kenna,	Stanford,
Blackburn,	Gallinger,	McMillan,	Teller,
Brice,	George,	McPherson,	Turpie,
Butler,	Gibson, La.,	Manderson,	Vance,
Cameron,	Gordon,	Morrill,	Voorhees,
Carlisle,	Gray,	Palmer,	Warren,
Casey,	Hale,	Pasco,	White,
Colquitt,	Hansbrough,	Power,	Wilson,
Cullom,	Harris,	Proctor,	Wolcott.
Davis,	Irby,	Quay,	

So the bill was passed.

EXCLUSION OF CHINESE.

Mr. CHANDLER. I submit amendments intended to be proposed by me to House bill 6185, in reference to the exclusion of Chinese, which I ask may be printed.

The PRESIDING OFFICER. That order will be made in the absence of objection.

Mr. CHANDLER subsequently said: At the suggestion of other Senators I ask that my amendments intended to be proposed to the Chinese exclusion bill, which are brief, may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire, that the amendments proposed by him may be printed in the RECORD? The Chair hears none, and it is so ordered.

The proposed amendments are as follows:

Amendments to be proposed by Mr. CHANDLER to H. R. 6185:
Section 1, line 3, after the first "That," add "for fifteen years."
Section 1, line 21, strike out "absolutely prohibited" and insert "suspended for the period of fifteen years aforesaid."
Section 2, line 1, after "who shall," add "while this act remains in force."
Section 2, line 5, strike out "prohibited" and insert "suspended."
Section 7, line 13, strike out "five" and insert "two."
Section 12, line 3, after "of this act," add "other than those excepted in the first section thereof."
Section 13, at the end add:

"In case of the loss or destruction without the fault of any Chinaman of his certificate of residence which has been duly issued to him, a duplicate may be issued under rules and regulations prescribed by said Secretary of the Treasury."

SEC. 14. Strike out in lines 2 to 6 the words:

"And the provisions of all treaties now in force between the United States and the Chinese Empire, in so far as they or any of them conflict with the provisions of this act, be, and the same are hereby, abrogated, set aside, and repealed."

SEC. 14. At the end add:

"And provided further, That this act shall continue in force for fifteen years from and after the date hereof and no longer."
Amend the title by striking out the words "absolutely prohibit," and insert the word "suspend."

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes.

Mr. HARRIS. Before the question is put upon that motion, I will state that there is a special order for to-day.

Mr. GEORGE. I want to call attention to that.

Mr. HOAR. I will not interfere with the special order. The bill to which I have referred may come up as the unfinished business.

Mr. HARRIS. Let the special order come up as the unfinished business, and after that is disposed of the Senator can have his opportunity.

Mr. HOAR. Very well.

Mr. GEORGE. I call for the special order, Mr. President.

The PRESIDING OFFICER. The special order will be reported by title.

The CHIEF CLERK. A resolution submitted by Mr. GEORGE relative to the appointment of a committee to inquire into the cause of the low price of cotton and the depressed condition of agriculture in the States raising cotton.

Mr. PLATT. What has become of Senate joint resolution 9, in relation to the West Virginia direct tax, which stands first on the Calendar?

The PRESIDING OFFICER. That comes up to-morrow, April 19, at 2 o'clock.

Mr. GEORGE. Mr. President, I was going to suggest to the Senator from Massachusetts, now that I have got my resolution before the Senate, that it remain the unfinished business, and I

shall have no objection to its being informally laid aside and let the Senator from Massachusetts take the floor.

Mr. HOAR. I suppose the court of appeals bill will hardly pass to-night. It is an important bill. I presume the Senator's resolution will pass without debate.

Mr. GEORGE. No; there will be some debate upon it. I move that the Senate do now adjourn.

Mr. PADDOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw the motion to adjourn for the present?

Mr. GEORGE. I withdraw it.

Mr. PADDOCK. I think if the Senator from Mississippi would accept a slight modification of his resolution it would remove the objection which was raised the other day by some Senators on account of the scope and apprehended large expense of it. If the resolution can be confined to an investigation during the session of Congress, leaving the matter to be determined afterwards whether authority shall be given to investigate during the recess—

Mr. GEORGE. I can not exactly catch the drift of what the Senator from Nebraska is saying.

Mr. PADDOCK. I was saying that I thought it would remove the objection which was raised the other day if the Senator would accept an amendment or modification of the resolution.

Mr. GEORGE. The one the Senator suggested?

Mr. PADDOCK. The one I suggested.

Mr. GEORGE. I will state that I can not accept that. I move that the Senate adjourn.

Mr. PADDOCK. All right. I made the suggestion only for the purpose of getting immediate action.

Mr. HOAR. Will the Senator from Mississippi allow me one moment?

Mr. GEORGE. I withdraw the motion to adjourn.

Mr. HOAR. I simply desire to give notice that as soon as the special orders are disposed of I shall ask to take up the court of appeals bill for the District of Columbia.

It may be proper to say that while there has been a great deal of difference of opinion in regard to one matter connected with this measure, to wit, the limitation and extent of appeals to the Supreme Court of the United States, I am informed that all the conflicting opinions which have been heard of by the Senate or by the committee are reconciled by this measure as it stands. So I think there will not be a long debate on that subject.

MILITARY POST NEAR LITTLE ROCK, ARK.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 113) to establish a military post near Little Rock, Ark.

Mr. WALTHALL. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi.

Mr. HAWLEY. Mr. President, I am aware that the Senator from Mississippi is familiar with this subject, and I have no doubt his motion is right, but as the bill came from the Military Committee, I should like to hear what is the section stricken out.

The PRESIDING OFFICER. The section will be reported. The Secretary read the section proposed to be stricken out by the House of Representatives, as follows:

SEC. 2. That for the purpose of defraying the expenses of locating said army post as aforesaid, and of constructing barracks, quarters, kitchens, mess halls, stables, storehouses, magazines, and other necessary and suitable buildings, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$50,000, or so much thereof as is necessary, the same to be drawn from the Treasury and applied to said purposes under the direction of the Secretary of War: *Provided*, That no part of said sum hereby appropriated shall be expended until the aforesaid tract of land shall have been conveyed to and accepted by the United States.

Mr. HAWLEY. That leaves the bill without any appropriation.

Mr. WALTHALL. It strikes out the appropriation.

Mr. HAWLEY. Is the Senator content to have it in that shape?

Mr. WALTHALL. The friends of the measure are willing to have it in that form.

Mr. HAWLEY. I do not see how the bill is very effective without an appropriation. I do not see what good effect the bill will have without it. It can have no immediate effect.

Mr. JONES of Arkansas. The proposition in the bill is to exchange certain grounds held by the United States Government in the city of Little Rock, Ark., for a larger body of ground outside the city, to be used as a military post. Of course the exchange of title will have to be first perfected before anything else can be done. The objection was made in the other House to the consideration of the bill that it carried an appropriation. The gentleman in the other House in charge of the bill had to agree

to allow the appropriation to be stricken out. I am sure that there will be no difficulty in having an appropriation yet before this Congress expires to carry out the purpose of the bill, after the titles have been perfected.

The PRESIDING OFFICER. The Senator from Mississippi moves that the Senate concur in the House amendment.

The amendment was concurred in.

Mr. GEORGE. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 19, 1892, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate April 18, 1892.

APPRAISER OF MERCHANDISE.

James H. Butler, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, to succeed Cecil J. Karsner, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 18, 1892.

CONSUL.

Nicholas Wertheim, a German subject, to be consul of the United States at Moscow.

APPRAISER OF MERCHANDISE.

William C. Ralston, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California.

COLLECTOR OF CUSTOMS.

Henry Z. Osborne, of California, now collector of customs for the district of Wilmington, in the State of California, to be collector of customs for the district of Los Angeles, in the State of California.

APPOINTMENT IN REVENUE CUTTER SERVICE.

Thomas B. Brown, of Pennsylvania, to be a second assistant engineer in the Revenue Cutter Service.

PROMOTION IN MARINE HOSPITAL SERVICE.

Passed Assistant Surg. William A. Wheeler, of Indiana, to be a surgeon in the Marine Hospital Service of the United States.

PROMOTIONS IN THE NAVY.

Medical Director John Mills Browne, to be Surgeon-General and Chief of the Bureau of Medicine and Surgery.

Commodore James A. Greer, to be a rear-admiral in the Navy.

Capt. Henry Erben, to be a commodore in the Navy.

PROMOTIONS IN THE ARMY.

Cavalry arm.

Capt. Myles Moylan, Seventh Cavalry, to be major.

First Lieut. John C. Gresham, Seventh Cavalry, to be captain.

Second Lieut. Selah R. H. Tompkins, Seventh Cavalry, to be first lieutenant.

Second Lieut. Charles W. Farber, Eighth Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. Arthur L. Wagner, Sixth Infantry, to be captain.

Second Lieut. Robert L. Bullard, Tenth Infantry, to be first lieutenant.

Capt. Samuel R. Jones, Fourth Artillery, to be assistant quartermaster with the rank of captain.

Capt. Constantine Chase, assistant quartermaster, to be captain of artillery.

POSTMASTERS.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts.

Charles R. Van Giesen, to be postmaster at Weatherford, in the county of Parker and State of Texas.

Charles J. Hostrasser, to be postmaster at Hearne, in the county of Robertson and State of Texas.

Benjamin S. Johnson, to be postmaster at Puyallup, in the county of Pierce and State of Washington.

Leon L. Therme, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

Thomas A. Way, to be postmaster at Britt, in the county of Hancock and State of Iowa.

Fred E. Milliken, to be postmaster at Gardiner, in the county of Kennebec and State of Maine.

Diederich P. Buchholz, to be postmaster at Altamont, in the county of Effingham and State of Illinois.

Alex McElroy, to be postmaster at Rockford, in the county of Floyd and State of Iowa.

Cyrenius E. Morris, to be postmaster at Coon Rapids, in the county of Carroll and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, April 18, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

FRENCH SPOILIATION CLAIMS.

The SPEAKER laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the vessel "Ship Speculator," which was referred to the Committee on Claims, and ordered to be printed.

CLAIMS ALLOWED BY ACCOUNTING OFFICERS OF THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 2 of the act of July 7, 1884, schedules of claims allowed by the several accounting officers of the Treasury Department; which was referred to the Committee on Appropriations, and, with accompanying papers, ordered to be printed.

M. R. KIRKPATRICK.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of M. R. Kirkpatrick vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WOLVERTON, for four days, on account of important business.

To Mr. HENDERSON of North Carolina, for four days, on account of important business.

SWAMP-LAND GRANTS.

The SPEAKER. On a previous occasion the Committee on Public Lands was passed in the call of committees for motions to suspend the rules. The Chair recognizes the gentleman from Arkansas [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I am directed by the Committee on Public Lands to move to suspend the rules and pass the bill which I send to the desk.

The bill was read, as follows:

A bill (H. R. 5602) to adjust the swamp-land grants, to fix a limitation for the filing of claims thereunder, and for other purposes.

Be it enacted, etc. That it shall be the duty of the proper officers of the Treasury and Interior Departments, as soon as practicable, to adjust and settle the claims of any State against the United States for all lands which have been or may hereafter be sold, or otherwise disposed of by the United States that were included in any grant of swamp and overflowed lands to such State.

SEC. 2. That for all of said lands in any State which were sold for cash the said State shall have credit for the full amount of the purchase money received by the United States and the same shall be paid over to the governor or treasurer of said State; and for all of said lands in any State located with warrants or scrip or which were otherwise disposed of by the United States, and for which indemnity has not heretofore been granted, such State shall have indemnity in cash, the amount thereof to be limited to the price at which the lands were held at the date of their disposal by the United States, the said indemnity to be paid as herein provided in the cases where lands were sold for cash.

SEC. 3. That the Secretary of the Interior shall, when adjustments and allowances, if any, are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or otherwise disposed of, and a description of the lands for which such indemnity is allowed, with the names of the persons to whom sold, patented, or granted, and the date the same was sold or otherwise disposed of; and the Secretary of the Treasury shall cause such State to be credited with the amount or amounts so allowed and reported by the Secretary of the Interior, as of the last day of the year in which it was received or the lands otherwise disposed of, as the case may be, and apply the same on the payment of any debt of the State to the United States, if any, and pay the balance, if any, over to the governor or treasurer of the State.

SEC. 4. That the acceptance by any State or its legal representative of indemnity for any of the lands sold or otherwise disposed of by the United States shall be a relinquishment and waiver of all its right, title, and interest in and to such lands in place, and an acknowledgment and confirmation of the title thereto in the grantees of the United States.

SEC. 5. That all selections of lands heretofore made, and all swamp-land indemnity proofs now on file in the Department, taken in accordance with the rules of the Department at the date of the same, and which have not been finally rejected, shall be used in making adjustments under this act.

SEC. 6. That all claims for lands in place, for cash, lands, or other indemnity, under the swamp-land laws or under this act, shall be forever barred unless presented to the Secretary of the Interior within two years from the passage of this act.

The SPEAKER. Is a second demanded?

Mr. KILGORE. Mr. Speaker, I demand a second.

The SPEAKER. The Chair will appoint the gentleman from Arkansas [Mr. McRAE] and the gentleman from Texas [Mr. KILGORE] as tellers.

Mr. McRAE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that a second may be considered as ordered.

Mr. KILGORE. I object.

The SPEAKER. The tellers will take their places.

The House divided; and the tellers reported—ayes 155, noes 15. So a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from Arkansas [Mr. McRAE] to control the fifteen minutes' debate in favor of the proposition and the gentleman from Texas [Mr. KILGORE] to control the fifteen minutes against it.

Mr. McRAE. Mr. Speaker, the purpose of this bill is to adjust what is known as the swamp-land grant of September 28, 1850, and to provide a limitation upon the States for the filing of claims under it. The grant covered the whole of the swamp and overflowed lands, made thereby unfit for cultivation, and unsold at the time. All legal subdivisions the greater part of which was wet and unfit for cultivation were by the act declared to be swamp lands, and the Secretary of the Interior was required to prepare lists of such land as soon as practicable. Such lists were never made, and claims are still being presented each year by the States. The Commissioner of the General Land Office in his last report says that unless some act is passed the present force of examiners in the field and the clerical force in his office now employed on swamp-land indemnity must be continued from year to year for an indefinite period of time. He suggests a limitation of three years; the bill fixes two.

The grant was a present grant and all such lands have ever since remained so granted. The grant is the law and the deed—and the courts, both State and Federal, have, without exception, held that the title passed to and vested in the States immediately on the 28th day of September, 1850. The words of the grant are direct and positive, and the difficulty of ascertaining the character of the land does not affect the question. Some of these lands have been disposed of by the Government since the grant to the States. The purchasers of course get no title, and unless they purchase from the State they must lose their land and take a refund of their purchase money without interest under section 2362 of the Revised Statutes.

Under this bill the purchase money received, if sold, or the minimum price if otherwise disposed of, will be credited and paid to the States and the titles confirmed to the grantees of the United States, and thus end all trouble and litigation. If the States are willing to settle upon this basis certainly the United States should not object.

This bill does not in any way enlarge the original grant and makes no change in the method of determining the character of the lands involved. These matters are all left just where the original grant placed them. It gives no indemnity for any land unless it has been erroneously disposed of, and leaves the Interior Department to say what sales, if any, are erroneous.

Mr. KILGORE. I understand the gentleman from Arkansas to say that the main purpose of this bill is to quiet the titles of people who have purchased lands from the Federal Government which it was understood had been granted by that Government to the State governments.

Mr. McRAE. Yes; that is the main purpose.

Mr. KILGORE. Is there not another purpose, namely, to pay to the States money that those lands were supposed to be worth?

Mr. McRAE. The bill would only pay to the States the purchase money that the United States received for the lands. The lands belonged to the States by reason of the grant, and the Federal Government erroneously sold them and received the money for them, and why should the States not have the purchase price? The bill seeks to credit the money to the States that were entitled to land only after the Government itself has decided that it has made erroneous sales of such lands.

Mr. KILGORE. But is there not a great deal of controversy as to whether these lands were swamp lands?

Mr. McRAE. There has been in the past, and there will be in the future, much trouble and litigation upon this and other points, unless this or a similar bill should pass. We do by this measure all that can be done to end this trouble by providing a limitation, and leave the Department with all the power it needs to determine the character of the law. It leaves the Department itself to say, according to its own methods and in its own time, whether errors have been committed.

Mr. OATES. If the gentleman will allow me a suggestion. The object is to pay over to the States the money which the Federal Government realized from the sale of lands that belonged to the States.

Mr. McRAE. That and nothing more.

Mr. KILGORE. How long have these sales been going on?

Mr. McRAE. The act was passed September 28, 1850. An indemnity act in many respects similar to this was passed March 3, 1851, and I presume that some erroneous sales have been made from time to time since then.

Mr. KILGORE. And when the amount is ascertained that would be due to the States under this adjudication which you propose, would not an appropriation be then required, or do you provide for the appropriation?

Mr. McRAE. The bill does not provide for an appropriation, because I will not assume, until the Department so decides, that any great number of erroneous sales have been made; but whatever such sales there may have been the bill provides that the Government shall correct as I have stated.

Whenever the allowances have been made, if ever, then, of course, Congress will be expected to appropriate for it, just as it appropriates now to refund the money to the settlers if in States not indebted to the United States. Under the existing law annual appropriations are made for the purpose of refunding to the settlers. The bill will save the Government by the limitation upon claims and by credits on debts due it much more than it will cost, and do an act of justice to many of its grantees, and besides settle with the States now in default.

Mr. KILGORE. You say you are unwilling to presume that there has been any considerable number of sales made in violation of the arrangement between the States and the Federal Government. If that is so, would it not be better to let the matter stand as it is, and not throw the whole business into confusion by the passage of a complicated measure like this?

Mr. McRAE. This bill does not make but on the contrary relieves against confusion and trouble. It does not complicate but simplifies matters. It is simply a question whether or not Congress will do justice by those to whom it has erroneously granted lands.

Mr. McMILLIN. Will the gentleman permit me a question?

Mr. McRAE. Yes, sir.

Mr. McMILLIN. How much money does your committee estimate will be required to meet the obligations of this act?

Mr. McRAE. Possibly it will not require an additional dollar over the amount that will be required under the present law. Now there is no limitation upon the filing of claims. The bill makes one of two years.

Mr. McMILLIN. Then what good is the act?

Mr. McRAE. It quiets the title of these settlers and authorizes credits to the States. In short, it—

Mr. McMILLIN. Which section of it is intended to quiet the titles?

Mr. McRAE. I do not remember the number of the section, and I have not a copy of the bill at hand, but there can be no question about this.

Mr. McMILLIN. I see that the fourth section looks in that direction, but the balance of the bill does not touch that question at all. So far as I can see on the face of the bill it is mainly a bill to pay money to the States for swamp lands alleged to have been granted by the Federal Government.

Mr. McRAE. It does not provide for the payment of money for swamp lands "alleged" to have been granted, but for actual swamp and overflowed lands granted, and the bill leaves the question as to whether the lands were swamp lands or not exactly where the original grant placed it. It does not seek to change that in any particular.

Mr. McMILLIN. You can not give any estimate as to what amount will be required to meet the obligations provided for in this bill.

Mr. McRAE. The amount and number of erroneous sales can never be known until all the claims are passed upon one by one. This the bill directs the Department to do.

Mr. McMILLIN. The gentleman said he was not prepared to say that any would be required.

Mr. McRAE. I said that I was not prepared to say that the adjustment under this bill would cost more than under existing law and Department methods. Under the bill we will have an end of the matter, while under the laws now in force there is no end, and no final adjustment possible.

Mr. McMILLIN. But if there is not something to go out in consequence of this legislation then there has been no violation of the arrangement between the States and the Federal Government.

Mr. McRAE. The gentleman has certainly failed to understand that under the present law the States take the land in place and the settler gets the money he paid refunded to him. This bill reverses this, and gives the settler the land he bought and the States the money. I do not mean to be understood as saying that no money will be required to adjust these old grants, but I do believe that less actual money will be paid out in the end under this bill than under the present plan of adjustment. The most of the money accruing under this bill would be credited to States indebted to the United States. The Treasury officials will not adjust and pay our State because she is indebted to the United States, and they will not credit the sums when adjusted on the debt because the law does not authorize it, and Congress

will not give authority. That is our condition, while the State is annually advertised as in default.

Mr. HOLMAN. I hope my friend from Arkansas—

Mr. MCRAE. I can not yield to gentlemen any further. My time is too limited. Mr. Speaker, how much time have I left?

The SPEAKER. Eight minutes.

Mr. MCRAE. I reserve that time until gentlemen on the other side have exhausted their time.

Mr. KILGORE. Mr. Speaker, I am willing to yield any portion of my time to the gentleman from Indiana [Mr. HOLMAN] or the gentleman from Tennessee [Mr. McMILLIN]. I am not familiar enough with this question to discuss it; I will leave that for others who know more about it.

Mr. HOLMAN. Mr. Speaker, I have but a single word to say. I have not had time even to read this bill. I understand the general subject very well. This is a bill which affects a large number of States, including my own; and it will involve a large sum of money—nobody can tell how much. All I have to say is that I think the House ought not to pass a bill of such importance upon a motion to suspend the rules.

Mr. McMILLIN. Has the gentleman from Indiana [Mr. HOLMAN] any estimate of what expenditure will be required to meet the provisions of the bill in his State alone?

Mr. HOLMAN. It will require a very large sum of money. As the gentleman from Texas has already said, where in any State there is not land to be given in exchange for swamp land disposed of, then the money is to be paid; and it concerns my State to the extent of several hundred thousand dollars, in my judgment.

Mr. McMILLIN. Your State alone?

Mr. HOLMAN. Yes. I do not think such a bill ought to pass under a motion to suspend the rules.

Mr. STOCKDALE. As the gentleman from Indiana states that he is familiar with this general subject I would like to ask him a question. As I understand, this measure affects cases where lands have been granted by the Government to the States as swamp land under the act of 1850—

Mr. HOLMAN. Yes, sir.

Mr. STOCKDALE. And where afterward the Government sold these lands to settlers?

Mr. HOLMAN. They have been disposed of in various ways.

Mr. STOCKDALE. As I was saying, the Government sold to settlers lands which had previously been granted to the States. Now, whenever those cases came into court, both the State and the Federal courts have held that the grant to the State is paramount; that the State can oust settlers and hold the land. Now, the purpose of this bill is that in such cases the State shall not sue the settler, but shall accept the money that the United States Government received for this land, land which without this act could be recovered from the settler. Thus the effect of the bill is to prevent litigation.

Mr. HOLMAN. Well, up to this time no such suits have been brought; no State receiving a grant of land from the Federal Government has thought proper to make that the foundation of a claim against its citizens.

Mr. STOCKDALE. Suits have been brought by the grantees of the State against the grantees of the General Government over and over again.

Mr. HOLMAN. See how this bill will operate in a State like mine—the State of Indiana. A large grant of land was made to that State for the construction of the Wabash Canal; that grant embraced a large amount of swamp lands. Now, do you propose to pay Indiana, or the men who have obtained by assignment those claims?

Mr. MCRAE. No, sir; there is no provision for that in the bill; that provision, which was in some of the prior bills, has been stricken out of this one.

Mr. HOLMAN. It may have been; I have not had time to examine the bill carefully.

Mr. MCRAE. The gentleman should not misrepresent the bill. It provides for the redemption of no scrip and authorizes no payments except to the States.

Mr. HOLMAN. I know what the bill provided heretofore.

Mr. MCRAE. There is no such provision as you have discussed in the bill now.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] is entitled to the floor.

Mr. KILGORE. Mr. Speaker, I do not know anything about this bill. [Laughter.] I have some information that came to me from the Interior Department during the sitting of the Fifth Congress; and that information (whether it was accurate or not I am not prepared to say) was that it would cost the Government of the United States \$50,000,000 to settle this matter if this bill should go through.

Mr. MCRAE. Who made any such statement?

Mr. KILGORE. This is about the same bill which was pending in the Fiftieth Congress?

Mr. MCRAE. Who made any such statement? I challenge the truth of the statement, and demand that the gentleman state the authority on which he makes it.

Mr. KILGORE. Well, I am not bound to give my authority unless I want to. [Laughter.] But that is the information that came to me authoritatively from the Interior Department during the sitting of the Fiftieth Congress. Now, I understand this is the same bill, or about the same bill, that was then pending.

Mr. MCRAE. It is not the same bill; and I deny that any such statement was ever made by any officer of the Department in relation to this bill or one like it.

Mr. KILGORE. Was there not a bill similar to this pending in the Fiftieth Congress?

Mr. MCRAE. Not similar; it embraced the general features of this bill and much more. In this we have endeavored to eliminate everything to which there could be any reasonable objection.

Mr. KILGORE. There was just such a statement made to me at the Interior Department—not only in writing, but orally—in one of the offices of the Interior Department by a man who seemed to know what he was saying.

Mr. TERRY. Will the gentleman allow a question?

Mr. KILGORE. Yes, sir.

Mr. TERRY. I would like to ask the gentleman how it can cost the Government of the United States any more to credit the States with the \$1.25 per acre, if that is the price at which the lands were sold, than it would cost to give that sum directly to the party who is evicted or whose title is declared worthless, as the Government is in duty bound to do?

Mr. MCRAE. And as the Government does do every month in the year.

Mr. TERRY. Every settler who loses his land by reason of an invalid title from the United States has a right to go to the Government and have the purchase money refunded. I ask, then, how can it cost the Government one cent more to pay to the settlers in the swamp-land States what is due for their failure of title than it will cost to credit that amount to the States and have it settled in that way?

Mr. KILGORE. Well, I am not prepared to give an answer to the gentleman's question. I do not understand, as I stated before, exactly what the bill proposes. In fact, I do not know anything about it.

But I yield now to the gentleman from New Jersey [Mr. BERGEN].

Mr. HOLMAN. Before the gentleman yields I want to say a word.

The SPEAKER. How much time does the gentleman yield?

Mr. KILGORE. I yield five minutes to the gentleman from New Jersey.

Mr. BERGEN. Mr. Speaker, I want to answer the question which has just been propounded by the gentleman from Arkansas [Mr. TERRY] when the gentleman from Texas was occupying the floor. Of course if will cost the United States Government no more to pay directly to the settlers on these lands than it would to pay the same amount to the States. But the question is will the Government have to pay either the settlers upon these lands or the States?

A MEMBER. Of course, if their title is no good.

Mr. BERGEN. The whole question involved here is this, that the Government of the United States disputes the right of the States to make title to these lands. This bill proposes to settle that question by handing over the money which the Government of the United States has received for the lands to the States; thus conceding the claim that the State has the title and that the Government of the United States has been a trespasser.

Mr. MCRAE. Will the gentleman permit me—

Mr. BERGEN. Oh, I understand what the gentleman claims that this bill does.

Mr. MCRAE. Then, if you understand it you are not stating it correctly. It leaves the adjustment altogether with the Department, just as it is now. It hands no money over until the Interior Department admits an erroneous sale.

Mr. BERGEN. And this question is now brought into this House for settlement. The gentleman claims that it leaves the adjustment with the Department, but the ulterior question that is involved is, to whom do these swamp lands belong under the acts of 1850 and 1857? Do they belong to the State in which they are located, or to the Government of the United States?

Does the patent of the United States carry title or does the warrant from the individual State? That is the question that is involved.

Mr. OATES. That question is easily settled.

Mr. TERRY. The Supreme Court of the United States has already settled it.

Mr. BERGEN. It may be easily settled, but it is not to be solved in the manner provided here. The fact is that many of these lands are not swamp lands at all.

Mr. MCRAE. Then they did not pass under the swamp land act, and no indemnity for it could be allowed under this bill.

Mr. BERGEN. They are dry lands, but have been claimed by the States as swamp lands; and the right to make title to them as swamp lands is claimed on the part of the individual States, and so also the right to the moneys that have arisen from their sale. The United States disputes this and says that the States have no business to make title; and no right to receive the proceeds arising from the sales. Such is the situation to-day—such is the situation of this bill. Such was what was undertaken to be settled in the Fiftieth Congress and was defeated in the Fifty-first Congress, and is now undertaken to be foisted on this House under suspension of the rules.

Mr. PICKLER. The gentleman from New Jersey certainly does not wish to mislead the House. Does he not know—

Mr. BERGEN. It is proposed now to pass this bill through this House without full investigation or understanding of the subject and in opposition to the expressed opinion of Congress heretofore.

Mr. PICKLER. Does the gentleman undertake to say that this bill was defeated in the Fifty-first Congress?

Mr. BERGEN. And, Mr. Speaker, I was told by a late Commissioner of the General Land Office that the bill would carry \$80,000,000.

Mr. MCRAE. What Commissioner?

Mr. BERGEN. Well, you ought to know him better than I—under Mr. VILAS.

Mr. MCRAE. But what Commissioner made any such statement?

Mr. BERGEN. I said a late Commissioner. I have no doubt he was a good Democrat. The Commissioner of the Land Office under Secretary VILAS.

Mr. MCRAE. You say he told you that it would cost \$80,000,000. The gentleman from Texas says he told him it would cost \$50,000,000. Why he could have said it would cost \$100,000,000 just as easily. There is no truth in either statement.

Mr. BERGEN. He said it was exceedingly difficult for anybody to estimate exactly what such a bill would carry. He said it was a vicious bill, a dangerous bill for any Congress to pass; that it carried more than anybody could understand, because it undertook, under the provisions of the bill, to claim not only what the Government admitted was swamp land, but also what was reported to be such by the surveyors working either in the interest of the State or of individuals, and the surveyor was often an unreliable person or thought to be so by the Department. I think the bill is a bad bill.

Mr. KILGORE. I yield one minute to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, in that one minute I wish simply to say that the swamp-land laws are now being executed under the act of 1857. Nobody takes any exception to the operation of that law. It operates fairly and justly to all the States, and I hope that that law will not be interfered with by legislation at this late day.

Mr. KILGORE. I yield the remainder of my time to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, I would be glad if I could see the effect of this bill sufficiently to give it my support, because my strong inclination is to go with the report of the committee generally upon these questions; but up to this time, in a matter involving so much of the public lands in the then public-land States of the Union in 1850, we have not got one single expression from any man favoring this measure as to how much money it is going to cost, or what will be the expense to the Government, or what its operation will be.

Now, I do not know what would be the effect on cases of this kind. Maj. Albert Akers, one of the most vigilant and efficient officers of the Government, was sent by the last Administration into one of these States where swamp lands existed. He reported to the Interior Department that he found 400,000 acres of land in that State that had been set apart and treated as swamp lands on which there was not one acre of swamp.

Mr. MCRAE. Then those lands do not pass by this bill?

Mr. McMILLIN. That is what we ought to know with certainty.

Mr. MCRAE. We do know it with certainty, and there is nothing in the bill that would justify the statement that such lands would pass.

Mr. McMILLIN. Now, I stand ready to assist every settler and every State to the obtaining of legal and equitable rights under the law; but further than that, in giving the public lands of this Union, I am not inclined to go. If we can have this bill considered so as to show that it does that, and does no more than

that, then with all my heart I shall support it; but until then it seems to me that the interests of the Government are great enough to at least call for careful consideration of the matter, and that there should be more than fifteen minutes discussion on a side, when there is not even time to read the report. The bill may be right. The gentleman having it in charge, and the committing reporting it, certainly think so. But dealing as it does with our public lands, and possibly involving large appropriations first or last, I think it should, when disposed of, receive careful consideration, and be subject to amendment, if amendment should be found necessary.

Mr. MCRAE. I yield three minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, the gentleman from New Jersey especially, and some others, seem to misconceive the purpose of this bill and the case upon which it is made. The granting of swamp or overflowed lands by the United States to the different States of the Union in which the United States owned public lands carried the title to those lands into the States. Subsequently to their selection—and whether that was erroneous or not is not the question now—

Mr. BUCHANAN of New Jersey. It ought to be the question. That question should be considered and fixed by the bill.

Mr. OATES. There have been some errors in the selection of those lands. It is a fact that some lands which were swamp or overflowed at the time of the selection are now dry lands.

Mr. STOCKDALE. But the title has passed.

Mr. OATES. But the title passed by the grant, and when the Government participated in the location through its surveyors, the title of the State was perfect. Subsequently the United States sold or disposed of parts of these lands for homestead purposes, and by cash entry, at a dollar and a quarter an acre; and these lands are now occupied by settlers, in the main, and the question of title is thereby raised. Where is the title? These homestead purchasers have paid their money to the Government, but the Government has no title to grant them. Now, this bill proposes an adjustment with the States in which the title is, by paying back to the States the money which the Government realized for the sale of the land, whether it was homestead or whether it was cash entry. The bill simply provides for the return to the State of the money received by the Government for the lands sold. The Government had no right to sell lands to which it had no title.

Mr. BUCHANAN of New Jersey. Will the gentleman yield for a question?

Mr. OATES. My time is very short, but I will yield.

Mr. BUCHANAN of New Jersey. Does the bill provide for a return by the States to the Government of the value of the lands improperly taken as swamp lands?

Mr. OATES. The State has nothing to do with that, as I stated in the beginning.

Mr. BUCHANAN of New Jersey. Then it is a one-sided affair?

Mr. OATES. The gentleman assumes that the selections were made wholly by the State, when they were made by the State and the United States combined.

Mr. BUCHANAN of New Jersey. I am aware of that, and it was done fraudulently to a very large extent.

Mr. OATES. Then the United States ought not to take advantage of its own fraud.

Mr. BUCHANAN of New Jersey. But the State participated. [Here the hammer fell.]

Mr. MCRAE. I yield two minutes to my colleague [Mr. TERRY].

Mr. TERRY. Mr. Speaker, this bill does not add one cent of liability to what the Government is already liable for. If the Government of the United States has undertaken to convey to any citizen a title that it did not possess, then the Government of the United States is bound in justice to refund that amount of money to the settler whose title has failed. Now, instead of refunding that money to the settler this bill says that it shall refund that money to the State, and that the settler's title shall be quieted.

Under the law as it now stands the State or the State's vendee can evict the Government's vendee. The difference between the title conveyed by the United States and the State is simply this: Until the emanation of the patent of the Government of the United States the State's title is no more than a title under a bond for title. When a patent has emanated it is then a title as under a deed; but the Supreme Court of the United States has decided that the title took effect in equity the moment the grant was passed and the selection made.

Mr. DICKERSON. Will the gentleman yield for a question?

Mr. TERRY. I have not time to yield for a question. Mr. Speaker, gentlemen are opposing this bill on the ground that they have not had time to consider it. Beyond that there is nothing in their position. If they can not vote for a bill they do not understand, they can not vote for one in a hundred of the

bills reported to this Congress. They have to trust something to the committees, and why not do so in this instance?

The SPEAKER. The time of the gentleman has expired.

Mr. McRAE. I yield one minute more to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, as I understand the case, some of these gentlemen may not understand the process under which the selections of swamp or overflowed lands were made.

Mr. BLOUNT. Mr. Speaker, this is an important bill, and I hope we will have order.

The SPEAKER. The gentlemen will please cease conversation.

Mr. OATES. The principle upon which this land was selected was this: If the major portion of a subdivision was swamp or overflowed, although the minor part of it was dry land, it was selected as swamp land; and in that way gentlemen will see into what an error they fall when they say that a large amount of these lands selected were not overflowed. It is a fact that large quantities of dry lands were called overflowed lands because they were parts of subdivisions which the Government surveyors found to be swamp lands. Under the rule they were necessarily set aside as swamp lands. The United States surveyors made the surveys, the States made those selections, and reported them to the Interior Department. In that way they were set aside as overflowed lands.

The SPEAKER. The time of the gentleman has expired.

Mr. LIND. Will the gentleman from Alabama yield for a question?

The SPEAKER. The gentleman from Arkansas has two minutes remaining.

Mr. LIND. May I ask the gentleman from Alabama a question?

The SPEAKER. The time of the gentleman has expired and he can not answer a question.

Mr. McRAE. Mr. Speaker, I am sorry that we have not more time to consider this bill than we have. I am perfectly willing to have it examined and discussed fully. It will stand the strictest scrutiny. It has been favorably reported from the Committee on Public Lands. It was so reported in the Forty-ninth, Fiftieth, and Fifty-first Congresses. It has always received the approval of this House whenever it has been brought before it for its consideration. It is a just measure, if there ever was one presented to this House.

If the Congress of the United States does not mean to repudiate its contracts made with its settlers and the States, and to rob the one of their homes and the other of just credits due under every rule of honesty, then it ought to pass this bill at once. There were only 17 votes against it in the Committee of the Whole in the last Congress. The objections urged here to-day are unfair and unworthy of those who make them. They might have applied as against making the grant, but not against the adjustment of it. So far as my State is concerned, I regret that the grant was ever made. It has cost much more than the State can ever realize from it, but that is no reason why we should not provide for an honest, fair, and speedy settlement of it.

Mr. BERGEN. Did it pass the last House?

Mr. McRAE. It did not. It was there considered in the Committee of the Whole; considered during the morning hour, and talked to death.

Mr. BERGEN. Yes.

Mr. McRAE. A vote was had upon it in the committee by tellers in the Fiftieth Congress, and only 17 voted against it; but we were not able to get a vote in the House within the hour and so it went over.

Mr. BERGEN. Yes.

Mr. McRAE. This, Mr. Speaker, is a very serious matter to many settlers as well as to several States; it is to determine whether the homes they have acquired from this great Government shall be lost to them by bad faith on the part of Congress. Can this or any American Congress refuse a measure so fair and so honest? Gentlemen say that no settlers have been evicted. The records of the courts and the petitions of the purchasers contradict them. There is not a public-land State in this Union where there are not scores of such cases. Others will arise just as errors are made as they will so arise unless there is a limitation.

To prejudice members against this bill it is said that it will cost a large sum of money, stated all the way from one to eighty million dollars. I do not believe it; but if it is true what does it imply on the part of the Government and the Interior Department charged with the adjustment of the original grant? It means, Mr. Speaker, that they have made erroneous sales aggregating those sums, and that the Government has that large sum of money that it is not entitled to and will not return it. That is what you in effect say when you make such reckless statements, because no provision is made for the payment for any land except swamp lands that have been erroneously sold as dry lands. It implies incompetency if not dishonesty to the officers of the Gov-

ernment. The question is whether we will make the titles of the purchasers good or not.

Mr. BERGEN. Is any title being defeated by not passing this bill?

Mr. McRAE. There have been thousands of titles defeated, and many more will be if matters go on as they are now.

Mr. TERRY. There have been many titles defeated in Arkansas.

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN of New Jersey. I ask unanimous consent that the discussion on this bill be continued for thirty minutes. It is a very important bill, involving a large amount of money.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. BERGEN. I object. [Cries of "Don't!"].

Mr. McRAE. No objection is made on this side.

The SPEAKER (the question having been put). The Chair is in doubt, as this requires a two-thirds vote.

The House again divided; and there were—ayes 68, noes 50.

Mr. McRAE. Mr. Speaker, I demand tellers.

Tellers were ordered; and the Speaker appointed Mr. McRAE and Mr. KILGORE.

Pending the division by tellers.

Mr. KILGORE said: Mr. Speaker, would it be in order at this point to ask for the yeas and nays on this question?

The SPEAKER. It would.

Mr. KILGORE. Well, sir, I demand the yeas and nays.

The yeas and nays were ordered—38 members voting in favor thereof.

The question was taken; and there were—yeas 111, nays 77, not voting 139; as follows:

YEAS—111.

Alexander,	Crawford,	Hermann,	O'Neill, Mo.
Allen,	Culberson,	Hooker, Miss.	Owens,
Bailey,	De Armond,	Hooker, N. Y.	Paynter,
Baker,	Dockery,	Hull,	Pendleton,
Barwig,	Dolliver,	Johnson, N. Dak.	Perkins,
Beeman,	Durbin,	Jolley,	Pickler,
Bland,	Edmunds,	Kyle,	Sayers,
Blount,	Ellis,	Lane,	Scott,
Bowman,	English,	Lanham,	Seerley,
Breckinridge, Ky.	Epes,	Lewis,	Shonk,
Brickner,	Everett,	Lodge,	Stewart, Tex.
Bullock,	Fellows,	Long,	Stockdale,
Bushnell,	Fithian,	Lynch,	Stone, Ky.
Butler,	Forman,	Mallory,	Sweet,
Byrns,	Forney,	McAleer,	Tarsney,
Cable,	Fowler,	McCreary,	Terry,
Caldwell,	Furston,	McKeighan,	Tillman,
Caminetti,	Geary,	McRae,	Tucker,
Capehart,	Goodnight,	Meredith,	Wadsworth,
Catchings,	Hamilton,	Meyer,	Weadock,
Cate,	Hare,	Mitchell,	Wheeler, Ala.
Clancy,	Harries,	Montgomery,	White,
Clarke, Ala.	Hatch,	Moore,	Whiting,
Cobb, Ala.	Haugen,	Mutcher,	Williams, N. C.
Cobb, Mo.	Hayes, Iowa	Newberry,	Williams, Ill.
Cogswell,	Heard,	Oates,	Wilson, Wash.
Covert,	Henderson, Iowa	O'Ferrall,	Wise,
Cox, N. Y.	Hertbert,	O'Neill, Pa.	

NAYS—77.

Amerman,	Cheatham,	Harmer,	Richardson,
Alderson,	Clover,	Hemphill,	Rife,
Bacon,	Coburn,	Holman,	Shively,
Beltzhoover,	Cox, Tenn.	Hopkins, Ill.	Simpson,
Bentley,	Craig, Pa.	Houk, Ohio	Sperry,
Bergen,	Crosby,	Johnson, Ohio	Stackhouse,
Boutelle,	Cummings,	Johnstone, S. C.	Steward, Ill.
Bowers,	Curtis,	Kilgore,	Stout,
Bretz,	Dalzell,	Kribbs,	Taylor, E. B.
Broderick,	Daniel,	Lapham,	Van Horn,
Brookshire,	Davis,	Lawson, Ga.	Walker,
Brosius,	De Forest,	Little,	Warner,
Buchanan, N. J.	Dickerson,	Martin,	Watson,
Buchanan, Va.	Elliot,	McKinney,	Wheeler, Mich.
Bunn,	Enloe,	McMillin,	Wilke,
Bunting,	Gantz,	O'Neil, Mass.	Williams, Mass.
Burrows,	Greenleaf,	Page, R. I.	Yountans,
Busey,	Griswold,	Payton,	
Caruth,	Grout,	Payne,	
Causey,	Hallowell,	Raines,	

NOT VOTING—140.

Abbott,	Campbell,	Fitch,	Kem,
Alderson,	Castle,	Flick,	Ketcham,
Andrew,	Chapin,	Fyan,	Lagan,
Arnold,	Chipman,	Gelsenhainer,	Lawson, Va.
Babbitt,	Clark, Wyo.	Gillespie,	Layton,
Bankhead,	Cockran,	Gorman,	Lester, Va.
Bartine,	Compton,	Grady,	Lester, Ga.
Belden,	Coolidge,	Hall,	Lind,
Belknap,	Coombs,	Halvorson,	Livingston,
Blagham,	Cooper,	Harter,	Lockwood,
Blanchard,	Cowles,	Haynes, Ohio	Loud,
Boatner,	Crain, Tex.	Henderson, N. C.	Magner,
Branch,	Cutting,	Henderson, Ill.	Mansur,
Brawley,	Dingley,	Hitt,	McClellan,
Breckinridge, Ark.	Dixon,	Hoar,	McDonald,
Brown,	Doan,	Hopkins, Pa.	McGann,
Brunner,	Donovan,	Hork, Tenn.	McKaid,
Byrum,	Duncan,	Huff,	Miller,
Dunphy,	Dunphy,	Johnson, Ind.	Miliken,
Cadmus,	Enochs,	Jones,	Morse,

Moses,	Quackenbush,	Smith,	Townsend,
Norton,	Randall,	Snodgrass,	Tracey,
O'Donnell,	Ray,	Snow,	Turner,
Otis,	Rayner,	Springer,	Turpin,
Outhwaite,	Reed,	Stahlnecker,	Warwick,
Page, Md.,	Reilly,	Stephenson,	Washington,
Parrett,	Reyburn,	Stevens,	Waugh,
Pattison, Ohio,	Robertson, La.,	Stone, C. W.,	Wever,
Patterson, Tenn.,	Robinson, Pa.,	Stone, W. A.,	Wilcox,
Pearson,	Rockwell,	Storer,	Wilson, Ky.,
Peel,	Rusk,	Stump,	Wilson, Mo.,
Pierce,	Russell,	Taylor, Ill.,	Wilson, W. Va.,
Post,	Sanford,	Taylor, Tenn.,	Winn,
Powers,	Scull,	Taylor, J. D.,	Wolverton,
Price,	Shell,	Taylor, V. A.,	Wright,

Mr. DINGLEY. Mr. Speaker, I voted to make a quorum, but if there is a quorum without my vote I desire to withdraw it, being paired.

The SPEAKER. There is a quorum.

Mr. STOUT. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman in the Hall of the House and listening for his name when the roll was called?

Mr. STOUT. Yes, sir.

Mr. STOUT's vote was recorded.

Mr. O'FERRALL. Mr. Speaker, I desire to have my vote recorded. I was in the Hall when my name was called, but my attention was diverted at the time.

Mr. O'FERRALL's vote was recorded.

Mr. KILGORE. Mr. Speaker, I ask unanimous consent that my colleague, Judge ABBOTT, be excused on account of sickness. There was no objection, and it was so ordered.

The following-named members were announced as paired until further notice:

Mr. SPRINGER with Mr. REED.
 Mr. PENDLETON with Mr. SMITH of Illinois.
 Mr. HAYNES of Ohio with Mr. SCULL.
 Mr. BRYAN with Mr. O'DONNELL.
 Mr. BROWN with Mr. RUSSELL.
 Mr. BANKHEAD with Mr. MILLIKEN.
 Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.
 Mr. STAHLNECKER with Mr. CHEATHAM.
 Mr. PEARSON with Mr. JOSEPH D. TAYLOR.
 Mr. OUTHWAITE with Mr. CUTTING.
 Mr. LOCKWOOD with Mr. QUACKENBUSH.
 Mr. MOSES with Mr. CLARK of Wyoming.
 Mr. GEISSENHAINNER with Mr. WRIGHT.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. STEVENS with Mr. RANDALL.
 Mr. PARRETT with Mr. WAUGH.
 Mr. LIVINGSTON with Mr. DINGLEY.
 Mr. WINN with Mr. MORSE.
 Mr. CAMPBELL with Mr. WILSON of Kentucky.
 Mr. HARTER with Mr. BOWERS.
 Mr. TURNER with Mr. BARTINE.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. ARNOLD with Mr. TAYLOR of Illinois.
 Mr. PAGE of Maryland with Mr. RAY.
 Mr. BLANCHARD with Mr. HULL.
 Mr. COOPER with Mr. O'NEILL of Pennsylvania.
 Mr. WARWICK with Mr. SANFORD.
 Mr. WILLCOX with Mr. HUFF.
 Mr. HALL with Mr. TOWNSEND, until further notice, except on free coinage.

Mr. MANSUR with Mr. TAYLOR of Tennessee, from April 2 until further notice, not to be changed in the absence of either.

Mr. TURPIN with Mr. HOOKER of New York, including election case, until further notice, except on silver question.

Mr. PIERCE with Mr. LIND until further notice; also the Bland bill and all questions connected therewith; this pair not transferable.

The following for this day:

Mr. COMPTON with Mr. FLICK.
 Mr. ABBOTT with Mr. HENDERSON of Illinois.
 Mr. WASHINGTON with Mr. STEPHENSON.
 Mr. HENDERSON of North Carolina with Mr. DOAN.
 Mr. BRAWLEY with Mr. BINGHAM.
 Mr. RUSK with Mr. William A. STONE.
 Mr. BRUNNER with Mr. HITT.
 Mr. LAGAN with Mr. HOPKINS of Pennsylvania.
 Mr. BOATNER with Mr. STORER.
 Mr. PRICE with Mr. BELDEN.
 Mr. CRAIN of Texas with Mr. BELKNAP.
 Mr. CADMUS with Mr. POST.
 Mr. DUNPHY with Mr. KETCHAM, until Monday next.
 The following for one week:
 Mr. WOLVERTON with Mr. REYBURN.
 Mr. HOAR with Mr. BROSIUS.
 Mr. JONES with Mr. HERMANN, for one week, commencing April 11.

Mr. NORTON with Mr. POWERS, for two weeks, from the 12th instant.

Mr. SNODGRASS with Mr. HOUK of Tennessee, from April 6 to April 21 inclusive.

Mr. WILLIAMS with Mr. ENOCHS, on all political questions except the election contest case from New York.

Mr. WAUGH. Mr. Speaker, I believe that my pair is limited to political questions, but in order that there may be no mistake I withdraw my vote.

The SPEAKER. Upon this question the yeas are 112 and the nays are 77. Two-thirds not having voted in favor of the bill it falls to pass.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SHIVELY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 7093) making appropriation for the Navy.

Mr. HERBERT. Mr. Chairman, I yield forty minutes of the time under my control to my colleague on the committee, the gentleman from South Carolina [Mr. ELLIOTT].

[Mr. ELLIOTT withholds his remarks for revision. See Appendix.]

Mr. WHITE. Mr. Chairman, I have sat here in this House since the beginning of the session and have listened, but until we took up this naval appropriation bill have listened in vain for a voice bold enough to be raised in opposition to the war policy which at the present time so conspicuously pervades every department of this Government.

I must confess that it affords me infinite gratification to learn that I am not the only member upon this floor who holds to the conviction that civilized man the world over has outlived the period in his history when war can be said or held to be either necessary or useful. But if I were alone, and even if I were to be vigorously condemned in advance, I should not hesitate in the least in entering my most earnest protest against the prevailing delusion that the honor of the Government and the dignity of our people can be maintained only by building ponderous war vessels equipped with cannon 40 feet long, capable of throwing enormous masses of metal from 10 to 15 miles.

In protesting against this policy and voting against the proposition of the Naval Committee to enlarge our naval establishment by building an additional cruiser to cost nearly \$4,000,000 I am not actuated by the slightest trace of any treasonable motive or the least unfriendliness towards American institutions. On the contrary, I shall vote against this increase of our naval strength because of my intense conviction that liberty in this country can best be maintained and our institutions can best be perpetuated by abandoning the perilous war preparations urged by the committee and inspired by the Administration, and inaugurating a national policy more in harmony with the spirit of the age.

When you have built this modern navy of which we hear so much at an expenditure of three or four hundred million dollars what do you intend to do with it? Upon what nation do you intend to make war? Whose commerce will you sweep from the ocean? Where are the cities you are going to demolish? We certainly shall not need a navy wherewith to subjugate our own people. And is it not true that a firm determination to treat all others with absolute justice and fairness is the most efficient protection a nation can call to its aid?

To prepare for war is in many instances to invite it. When he has gone through a course of training, when he has hardened his muscles, the pugilist is naturally anxious to enter the ring. It has been stated during this debate that our Navy saved us from a war with Chile; the historic truth of that affair is that if it had not been for the indiscreet conduct of a part of our Navy, the occasion for a controversy would not even have arisen, much less any cause for war.

I am not antagonizing this measure because, being a Democrat, I might be expected to be willing to help discredit the policy of a Republican Administration. I well know a Democratic committee has brought this bill into the House, and I well remember that a Democratic Administration, which I did my utmost to help place in power, inaugurated the utterly inexcusable policy of building this modern navy.

I protest against the policy outlined in this appropriation bill in the name of our common humanity, in the name of that superior type of civilization which the closing years of the nineteenth century are so happily developing—a civilization depending for its success not upon the cruel methods of the barbarian,

not upon the explosive quality of gunpowder and dynamite, not upon the conflagration of cities nor the annihilation or mutilation of multitudes of excited men, but upon the common sense of the citizen, upon a constantly growing sense of right and wrong, upon the rapidly developing intelligence of the people—a civilization that eloquently appeals to the nobler traits of our nature, to our moral and intellectual qualities.

Mr. Chairman, I believe a time comes in the history of every nation when immortal renown can be garnered by boldly departing from antiquated methods and untenable ideas. Such a time has now come to the people of these United States. Instead of continuing the clumsy, cruel, and expensive agencies which an obedience to the merciless law which requires "an eye for an eye and a tooth for a tooth" makes necessary we should yield to the new, the better inspiration of doing "unto others as we would have them do unto us." Instead of preparing for war, of which there is not the slightest prospect anywhere, we should with one accord become the fervent advocates of universal peace and persistently urge upon other nations a general and a permanent disarmament. And, Mr. Chairman, is it not true that, in spite of all that is done to the contrary, modern thought is adjusting itself to this channel?

You may see here in this House and appropriate all the public money you can get your hands upon, build all the great battle ships possible, and justify your action with "burning eloquence and faultless rhetoric;" other powers throughout the world may do the same, but let me tell you, my Democratic brethren, while this is being done, while you are passing these bills, the opinion, the judgment of the world is crystallizing, steadily but irresistibly, against the policy you are pursuing, crystallizing against the delusion that the progressive, marvelous civilization we are so rapidly developing can be successfully defended only with the sword and the torch.

Mr. Chairman, I am utterly unable to agree with the gentlemen who have made such eloquent pleas for the enlargement of our Navy. It seems to me these gentlemen fail to take into account the supremely important fact that the world is rapidly growing out of the conditions which in the past made war justifiable, or if not justifiable, at least in some measure excusable. The "extenuating circumstances" (as lawyers term it) which may be cited to uphold war as it has been practiced in the past, have lost their force and standing, and can not justly be used in our day as pretexts and excuses for the purpose of perpetuating a condition of things altogether out of harmony with the progressive spirit of the age.

Something over a century ago our forefathers made the bold declaration that all men were created equal and that government by the people was the natural right of communities. This declaration startled the world, and it was both sneered at and resisted. But have we not demonstrated its truth with overwhelming success? The people of this country are to-day better prepared to make another bold move than our ancestors were for the task which they undertook.

Mr. Chairman, I believe the times are ready for the aggressive display of moral heroism. I believe mankind has reached that point in the unfolding of a superior civilization when the people of this country should step boldly to the front, courageously and aggressively champion the principles and the doctrines of universal peace, and urge with zeal and devotion the substitution of the peaceable, humane mode of arbitration for the confessedly barbarous methods of war. If we fail to lay hold of this opportunity to signalize our devotion to a system of moral ethics fundamentally correct and thus willfully reject the reward which is so temptingly offered, our folly will be inexplicable to our children and a source of regret to all our posterity. Whatever else may or may not happen one thing is inevitable, fate has decreed it, namely, our civilization is developing conditions which, in the near future will, nay must, emancipate civilized man everywhere from the unnatural, the unjust, the damnable servitude of the militant type.

Mr. Chairman, I believe the civilized nations of the earth are now standing upon the very border of a mighty change; I believe we are standing at the very door leading to a new era, and, though this door may as yet appear to be closed, I believe all that is necessary is that it be boldly pushed open, and there will be revealed to us a new land of promise, a new and a better time, when the nations of the earth will be bold enough and wise enough to repudiate antiquated methods and cut loose from the barbarisms and the superstitions to which we have so long and so tenaciously clung. A time when war, with its long list of wretched evils, will be heard of no more; a time when an appeal to our enlightened reason instead of to the sword, an appeal to the calm judgment of men instead of to their inflamed passions, an appeal to hard, common sense instead of to false pride, will have the force that will suffice to settle national questions as well as international misunderstandings and controversies.

Mr. Chairman, a thousand influences, seen and unseen, known and unknown, are at work getting ready the material out of which will finally be constructed the emancipation proclamation that will release a long-suffering world from the crushing weight of militarism. In the short time allotted me I am precluded from going into details. I will call the attention of the House to but two of these influences. It is true they are antagonistic in their character or nature and are working from opposite directions, but are, nevertheless, working in entire harmony to accomplish the one happy result, namely, to eliminate war from our civilization.

The one influence or force is to be found in the intense conviction which is forcing itself onto the minds of all thinking men and women the world over, that war is altogether too barbarous a method to be any longer employed by any Christian nation in the settlement of any sort of controversy—the conviction that we have reached that period in the development of a higher and a nobler type of civilized life when war can be no longer recognized as one of the determining factors of this superior civilization.

The other force or influence lies in the vast amount of knowledge we possess, and to which we are constantly adding, our knowledge of chemistry and mechanics, enabling us to compound explosives and to construct weapons, the killing power of which is so terrible as not only to intimidate the raw recruit but to send consternation to the heart of the bravest and the best disciplined army that can be mobilized and brought upon the gory field.

You, my Democratic friends, who intend to vote for this appropriation ought to remember that the principal armies of the world are now equipped with a weapon the destructiveness of which is so nearly perfect that it will be possible only in case of another encounter for a small fraction of the contestants to escape annihilation. One more war, possibly only one more battle, and the destruction of human life will be so disgustingly bloody and murderous that mankind will be driven to a sober contemplation of the awful spectacle—will be driven to the conclusion that the last vestige of the militant type that exists among us must be forever and entirely suppressed. [Applause.]

Now, Mr. Chairman, when we have once reached that point, which I am persuaded is not in the very distant future, then there will develop among us a purely untrammelled, industrial type. Men and women will grow up into better and purer beings, being controlled more by a sense of justice and less by the demands of a selfish nature, and the nations of the earth will conform their conduct to a higher and a nobler standard.

Mr. Chairman, I believe the people of this country have it in their power so to shape their conduct in their intercourse with foreign nations. I believe the Democratic party, being the exponent of public opinion, has it in its power to enact such legislation in this free Republic so as to hasten the advent of that blessed period of an eternal, unbroken peace of which prophets have so confidently prophesied, of which philosophers have so fondly speculated, and of which poets have so sweetly sung. [Applause.]

Mr. Chairman, I have prepared a resolution, which I will present to the House, and ask unanimous consent for its consideration, sometime in the near future, perhaps offer it in the shape of an amendment to the appropriation bill for the World's Fair, and I will conclude my remarks by reading it and calling the attention of the House and the country to the object aimed at.

Whereas war has always been recognized as the most calamitous evil with which a nation can be stricken; and

Whereas the trend of modern thought and the marvelous spread of intelligence among the masses of the people have combined to develop conditions in our civilization which render war less frequent than formerly and gives encouragement to the thought that by taking advantage of these conditions war may, in the future, be altogether averted and civilized man the world over released from the crushing weight imposed by enormous military and naval establishments; therefore

Be it resolved by the House of Representatives (the Senate concurring), 1. That it is the duty of the people of the United States in the fulfillment of their true mission to assume the leadership among the nations of the earth in the endeavor to bring about such mutual international compacts as will settle international controversies through the humane and peaceful mode of arbitration.

2. To give speed and efficacy to this movement the President of the United States is authorized and directed to invite in an especial manner, the nations of the earth to send delegates to an international arbitration congress to be held during the summer of 1893, in the city of Chicago.

3. The President is further authorized and directed to cause it to be known by the nations thus invited that this Congress will be considered and treated by the Government and people of the United States as of paramount importance. It is to be accorded first rank among all the congresses which are to be held during the Columbian Exposition year, the question of which it is to treat and for which it is expected to find a practical solution, affecting more vitally than any other the enduring character and glory of our future civilization.

4. The sum of — is hereby appropriated to pay the expenses connected with and growing out of this congress, and to provide for the hospitable entertainment of the foreign delegates who may attend by authority of their respective governments.

And now, my Democratic brethren, in conclusion, let me ap-

peal to you to forsake the policy that binds us to a dark and gloomy past, to a barbarous and a bloody history, and embrace a newer, a better gospel, a nobler inspiration that will link us to a brighter, a happier, a more glorious future. [Applause.]

[Mr. MARTIN withholds his remarks for revision. See Appendix.]

Mr. HOLMAN. Mr. Chairman, I yield the residue of my time to the gentleman from Ohio [Mr. HOUK]. I have only three minutes remaining; and inasmuch as the gentleman has not addressed the House during the present Congress, I ask unanimous consent that he be allowed fifteen minutes.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that the gentleman from Ohio [Mr. HOUK] be permitted to proceed for fifteen minutes. Is there objection? The Chair hears none.

Mr. HOUK of Ohio. Mr. Chairman, I do not propose to enter into a very lengthy discussion of the questions involved in this bill. For the sake of brevity I shall present in succinct form in the short time allowed me the views I entertain, and trust that the committee will accord me its attention for the short time that I propose to occupy the floor. The question presented to the committee in this discussion involves three different propositions:

First. The increase of the naval establishment by the construction of one 8,000-ton armored cruiser at a cost of \$3,500,000.

Second. An increase of the Navy by the construction of two sea-going line of battle ships at a cost of \$4,000,000 each, and ten torpedo boats at a cost of \$120,000 each.

Third. A proposition to strike out any proposition whatever for the increase of the Navy.

As I have not been in full accord with either of these propositions I did not feel entirely at liberty to solicit time from either of the gentlemen allowed by agreement to control the debate to express my views. I therefore now beg the indulgence of the House to state, through the courtesy of the gentleman from Indiana [Mr. HOLMAN], and with all practical brevity, the reasons that will control my vote.

I will say in the first place that the proposition that most comends itself to my judgment is one not yet before the committee; it is the construction of a sufficient number of torpedo boats, say from twelve to twenty, to answer the necessities of coast defense, a sufficient number to be placed upon the Great Lakes.

And I will say further in this connection, that I am in favor of the maintenance of an adequate and practicable naval power, in accordance with all existing conditions both here and abroad.

I freely concede to the very able and diligent Committee on Naval Affairs all that can be claimed for their superior knowledge of existing circumstances. I am aware, too, of the inauguration of a definite policy in 1883 for the rehabilitation of the United States Navy, and that the proposition of the committee is in the line of that policy.

But it is well known to Congress and the country that provision has already been made by law for the construction of twenty-five or more war ships and cruisers than we now have (not including torpedo boats), and which will cost when completed not less than \$40,000,000.

The important question here arises whether under existing conditions here and abroad this is not a sufficient naval force to answer fully the necessities of the country.

It is not claimed that an increased naval power is necessary, except in the contingency of war, although great force is ascribed to it as a preventive influence. Of course in time of peace our coastwise foreign and lake commerce is exposed to no dangers except those of the elements. That flag which hangs behind the Speaker's chair is its complete protection everywhere on the face of the earth, from all intrusion and interference.

Any American bottom over which that flag floats, in any water throughout the world, is in construction of international law, a portion of the soil of this Republic; and is far more secure than it would be if protected by triple steel plates and any number of guns without it.

That flag is the recognized symbol of the power of the United States, with its population of 65,000,000, and its material resources amounting to \$64,000,000,000 worth of property; and it is a known fact, recognized of all men, that if any American citizen over whom that flag lawfully floats, anywhere on the face of the broad earth, receives an injury in his rights of person or property, the entire power and resources of this Government are pledged to compel due atonement.

All mankind know this, and it needs no American line-of-battle ships or armored cruisers stationed anywhere to emphasize the fact.

The use of a navy is therefore only necessary in time of war; although it is claimed, and with much force, that its existence is also necessary not only to prevent war, but to insure its success-

ful prosecution in case it shall occur; but to what extent is a navy necessary to answer this purpose? Armed, fast-sailing cruisers, such as are provided for in this adopted policy for the rehabilitation of the Navy, and such as are here contemplated, are not constructed to fight battles, but only to destroy an enemy's commerce. As such an agency their necessity and efficiency can not be successfully disputed. We learned this expensive lesson by the cruise of the Alabama, and at an almost inestimable cost by the nearly total destruction of the American commercial marine during the late war; but is not the American Navy not already supplied with a sufficient number of such cruisers, including those whose construction is already provided for, to respond to this need in the event of war?

Besides, gentlemen, it must be considered that in this advanced age wars, except such as arise from the resentment or ambition of dynasties or from monarchical and despotic governments seeking territorial aggrandizement or increased power, are not likely to occur; and in this connection I may call the attention of the House to the fact that the most notable illustration in modern history of this truth was furnished by the Geneva arbitration between the United States and Great Britain in 1873.

No more serious or well-grounded cause of war can perhaps ever exist between this and any foreign government, than that which existed when negotiations were opened with England that led to the Geneva arbitration. The universal heart of this great people burned with a sense of insult, wrong, and resentment. The hereditary enmity to England was fully aroused, and our people would unanimously have embraced with alacrity the grim alternative of a war with England. Our Navy as compared with hers at that time was as a mere pigmy in comparison with a giant. Yet what do gentlemen who attribute so mighty an influence to the existence of a powerful navy as a preventive of war suppose were the considerations that induced Great Britain to agree to that arbitration?

My answer is, first, that it was the mysterious but all-prevailing and all-powerful influence of the spirit of modern civilization, which regards war as a relic of barbarism and a crime against humanity, unless all other means of adjustment have failed.

Second. Because England well knew that however great might or should have been the advantages gained by her in the beginning of a war with the United States, the mighty resources of this people, wielded with an intelligence and pertinacity unsurpassed and a courage and fortitude absolutely inexhaustible, would in the end have triumphantly vindicated our cause.

Third. Because she well knew, as she always must know, that a war with the United States must necessarily result to her in incalculable damage, the loss of a large part of her territory, and possibly impair the stability of her national existence.

It is not, therefore, as it seems to me, in this age of the world-wide American statesmanship, and it is not just to the industrial classes of our people to burden them with a heavy and contingent expenditure, through many years of certain peace, simply to be ready for the contingency of an improbable war.

But the second proposition embraced in the amendment proposed by the gentleman from Maine [Mr. BOUTELLE] only seems to me an aggravation of the evils to which I have adverted. This is simply to emulate the folly and false pride of foreign monarchical powers, by building up an American Navy to rival theirs in vain splendor and in magnitude.

The size of the navies of England, France, Russia, Italy, Austria, and Spain is cited to discredit ours; as though we were on dress parade before the world in a competitive show, and were being put to shame by the poverty of our display. Sir, although the navy of Italy is almost beyond comparison superior to ours, and embraces two of the most formidable battle ships afloat, with perhaps the exception of the Thunderer in the British navy, I scarcely think anyone even in the most threatening hour of the recent unpleasantness with that power apprehended that in case of war that Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans would have been bombarded or laid under contribution, or that there would have been the slightest doubt of the final result of the conflict.

And here let me say, in regard to this matter of bombardment and contribution to which our coast cities are said to be exposed, in the first place, such danger can not be warded off by fast-sailing cruisers or line-of-battle ships, but only by torpedo boats, rams, and monitors. And in the second place, does not every sane man know that in the event of any such injuries inflicted on our seaboard or lake cities in the final settlement of the terms of peace, every dollar of such damage would be exacted to be repaid with a penalty by the offending power. Nobody supposes for a moment that this country would ever be content with anything different than full and ample reparation for the injury inflicted upon us under such circumstances by any power.

Mr. BROOKSHIRE. Will the gentleman allow me to interrupt him to suggest that 40 per cent of the lands of the British

Empire are in Canada; and I should not think that they would be likely to jeopardize the ownership of that 40 per cent of their lands in order to have some fun bombarding us.

Mr. HOUK of Ohio. I thank the gentleman very much for the suggestion.

And now I wish to say a word in regard to the point made by the distinguished gentleman from Indiana [Mr. HOLMAN] of reliance upon the resources, genius, and warlike energy of our people as a complete protection in the sudden emergency of war. The gentleman's personal recollection will bear testimony of the truth of what I am about to say. It is this: That the little fighting device called the Monitor, which entirely revolutionized naval architecture and naval warfare throughout the world, was constructed in an unequipped open yard on the shores of the East River at Brooklyn, and was made ready to proceed on her immortal but brief cruise within the limit of a few months.

That little floating engine of war, almost level with the waves, made all the grand wooden battle ships that constituted the strength of all the navies of the world in 1862 as obsolete as the triremes of Phœnicia and Greece or the galleys of Rome that won for Octavius the dominion of the world in the Gulf of Actium, or the stately vessels of the Turks and of Venice in the fourteenth and fifteenth centuries.

Why, sir, whilst we have excelled all people that have preceded us in material, intellectual, and industrial development, we have shown in sudden emergency all the essential characteristics that constitute the most warlike people of the world.

We suffered an expensive experiment to demonstrate this fact; but it has been of inestimable value to our people; and not the least of its advantages has been that it has exempted us measurably, at least, from the necessity of taxing our people to maintain expensive and powerful military establishments.

The cruiser Alabama atoned for the gigantic injuries inflicted upon American commerce in her brief cruise, by furnishing at its close an object lesson to the onlooking nations of the world of American warlike energy and prowess on that fair midday of June, 1864, in her conflict with the Kearsarge and by heroically going to the bottom in the friendly waters of the English Channel. It was fitting that as an English shipyard had given her birth, in an English sea she should have found her grave.

That object lesson was not lost upon the British Government nor upon any of the naval powers of Europe. That one hour's terrific duel between those two celebrated American cruisers was a more effective and in its result a more lasting display of the warlike qualities of our people, than all the battle ships and cruisers we can ever put afloat in dress parade before the world.

And now I wish to say, that so radical has been the revolution in naval warfare and naval architecture that the real decisive battles of the future on the sea are not to be fought by brave and picturesque commanders and gallant tars, but are to be contested by grim machinery, worked, it is true, by brain and brawn, and are to be decided by dynamite and steel.

Take for illustration the two great decisive naval conflicts, the results of which were of controlling influence in the wars of which they were a part. The battle of Trafalgar, fought in the beginning of this century between the allied fleets of France and Spain on the one side and that of England on the other, and that between the Monitor and Merrimac at Hampton Roads sixty years afterward.

The first was fought between fleets of some three-score wooden men-of-war, grand battle ships, with guns ranged in broadsides firing solid shot, and manned by thousands of fighting sailors. England's greatest hero, Lord Nelson, stood upon his quarter-deck upon the Victory, and thence in full view of a thousand enemies and sharpshooters, from one of whom he received the bullet that changed in his death the disasters of the French navy, commanded the twenty-six ships of the English fleet in that memorable battle, the result of which drove French power from the ocean, but left to be pursued upon the land a career of continental conquest under Napoleon that shook the foundations of every capital in Europe, culminating in the terrific disaster of Moscow and the retreat from Russia, followed by the catastrophe at Waterloo but three years afterwards.

The other battle was fought between two unsightly ironclad monsters, of different model and construction, lying flat upon the bosom of the sea, operated by machinery incased in steel, no living foe on either craft in sight, the commander of the victor, the gallant Worden being cooped up in a steel-clad square cage of iron logs, on the foredeck, only large enough to give standing room for three men, and thence directed the cyclopean machinery that after successive hours of terrific pounding from but two immense guns, throwing 180-pound solid shot, drove her formidable foe discomfited from the field of battle; and yet it has been truly said that the then naval supremacy of England vanished in the smoke of that fight; and although less than twenty-four men constituted the crew that fought the Monitor in this memorable con-

test, but one of whom was wounded, besides the gallant Worden, so mighty was its results that the London Times, when the news reached England, the next day used the following language:

Whereas we had available for immediate purpose one hundred and forty-nine first-class war ships, we have now two, those two being the Warrior and her sister ironclad. There is not now a ship in the English navy apart from these two that it would not be madness to trust to an engagement with that little Monitor.

The war ships of all the maritime powers of the world, that had been constructed at a cost of hundreds of millions of dollars, were regarded as obsolete for war purposes, and, as I have said, a new and different method of construction has come into universal use.

Now I ask, in the face of such a lesson in an age that develops almost daily the most startling discoveries and utilization of hitherto unknown forces, whether in the midst of these inventive activities it is wise statesmanship to continue the expenditure of uncounted millions, raised from taxes on the people, to increase a naval power for which there will be no actual use for an indefinite time, and which may possibly be rendered obsolete by future discoveries.

And whilst I say this, I am still willing to make concessions to the prevailing custom of nations. I am not averse wholly to the rehabilitation of the Navy, but I do not want to see the process already accomplished go on indefinitely. It is a luxury alike expensive and unnecessary. Nor am I indifferent to the apprehension naturally enough felt by our fellow-citizens of an exposed seaboard.

I will gladly vote for as many torpedo boats or devices in that line as may be deemed necessary for the most complete seacoast defense, for in view of the changes in the method of naval attack and ship construction it is apparent that forts for sea force defense are not entirely sufficient.

These inexpensive structures, so easy to maintain and so immediately available for effective service, are a far better reliance in a time of threatened danger than line-of-battle ships. And now, but a word in conclusion.

We are at the opening of a new era, and soon to begin a new century. Organized force in armies and navies as a factor in modern progress, is being superseded by the subtler but far more powerful forces developed under the inspiration of human genius and intellect. The burdens imposed upon productive labor by following the examples of nations that have not yet emerged from the oppressive traditions of feudalism must be lifted from the shoulders of the people. It is for the American people to make, not to follow, examples in the march of human progress to better conditions.

We have no occasion to be afraid of war. Our strength is our security. Our resources, energy, and courage, our enterprise, intelligence, and over all an enlightened sense of justice and right, all combine to put the world under bonds to keep the peace towards the United States. Let us have peace.

During the delivery of the foregoing remarks, the time having expired.

Mr. PATTERSON of Tennessee said: Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. HERBERT. I should like very much, if possible, to conclude the consideration of this bill to-day.

Mr. HOUK of Ohio. I shall not occupy much additional time.

Mr. PATTERSON of Tennessee. I ask that the gentleman be allowed to conclude his remarks.

There was no objection.

Mr. BUTLER. I also ask unanimous consent that the committee may keep still so that we may hear what the gentleman is saying.

The CHAIRMAN. The suggestion of the gentleman from Iowa is entirely pertinent, and the Chair will endeavor to preserve order upon the floor.

Mr. HOUK of Ohio then resumed and concluded his remarks as above.

Mr. BOUTELLE. Mr. Chairman, inasmuch as there has been considerable indulgence permitted on the part of the committee in this discussion, I ask unanimous consent that the gentleman from New York [Mr. COVERT] may be permitted to address the committee for ten minutes, not to come out of my time.

Mr. HOLMAN. And I ask unanimous consent that the same privilege be extended to the gentleman from Iowa [Mr. BUTLER].

The CHAIRMAN. Is there objection to the request of the gentleman from Maine and the gentleman from Indiana?

There was no objection.

Mr. COVERT. Mr. Chairman, I desire first to acknowledge the courtesy of the gentleman from Maine [Mr. BOUTELLE], at whose request I am permitted to occupy the floor.

The gentleman from Georgia [Mr. WATSON] in speaking upon this proposition has evoked an echo of the so-called Holman

resolution introduced and passed at an early stage of the session, committing this House to the rejection of all appropriations whatever except such as might be needed for the support of the various governmental departments. I had hoped we might hear no more of this resolution or of the policy it sought to enforce.

I regarded this declaration at the time of its adoption as an empty statement, "full of sound and signifying nothing." There were some desks on the Democratic side of this Chamber to which the whiplash of the gentleman from Indiana could not reach, and my own was of this number. I for one did not vote for the resolution. There was no utility in the empty declaration it embodied: there was absolute wrong in a formal declaration in advance that negative action would be taken in legislative proceedings, no matter what emergency might present itself. Legislative bodies, like individuals, are judged not by empty prior declarations, but upon the work they perform.

I regarded the spirit of the resolution as a near and dangerous approach to a denial of the divine right of petition, a tyrannical procedure which has overthrown government abroad before the birth of our own Republic.

But this resolution and the declaration embodied in it, however strained they may be, are not of application here. The amendment proposed by the gentleman from Maine [Mr. BOUTELLE] seeks to provide only a fair and just appropriation for the support of a department, and a very important department, of the General Government.

It occurs to me that the committee have been too conservative in the preparation of this bill. The idea of undue economy has been permitted to prevail, rather than a due consideration of the necessities of the occasion. We have before us the official utterance of the Secretary of the Navy in this regard. In no uncertain terms he tells us that the amount carried by the proposed amendment can be utilized at the present time, and that the work sought to be accomplished by it is not only proper but necessary at this juncture. If there be one Department of the Government whose official head commands in large degree the confidence of the American people, that Department is the Department of the Navy.

I submit that due regard should be paid by the American Congress to utterances coming thus directly from one whose knowledge of the needs of the Navy entitles those utterances to the utmost consideration and respect. I ask this House not to be deceived by any wild idea of false economy in this regard. The people of this land have too deep a love for the Republic to be narrow in their views as to its proper support. National love and national pride combine in demanding that the Federal Legislature make adequate provision for the sufficient maintenance of every department of the General Government.

The people may be trusted to resent any attempt to make improper provision in this regard. A wide difference exists between extravagance on one hand and miserable penuriousness on the other. An invisible telegraphy goes out among the people, telling them what the needs of the Government are, and behind the suggestions of the Secretary, looking to the proper rehabilitation of the Navy and enforcing these suggestions, are the demands of the thoughtful and progressive people of this Republic.

In the last Congress, in addressing the House upon the question of the location of the forthcoming international exposition, I took occasion to say that the exposition would be incomplete without a naval parade in the harbor of New York; and that the navies of Italy and Spain, the lands of the discoverer's birth and adoption, should be invited to participate in the ceremonial. In that connection I gave to the House a detailed statement of the strength of the navies of Italy and Spain, relatively weak and inferior powers.

It is sufficient for my present purpose to say that Italy has today a fleet of eighty-six armored ships, (more than double the number in the American Navy), and in addition over one hundred other war vessels, and that Spain has a navy more than double the size of our own. National pride demands that this land of ours should strengthen and build up its maritime power, that it should rehabilitate its Navy, the protector of its commerce and the defender of its honor upon the high seas.

But not national pride alone makes this demand upon us as the representatives of the American people. The preservation of the safety of the Republic may be most seriously involved by a failure to make adequate provision for an efficient naval equipment.

But gentlemen tell us that this Congress is pledged to economy, seemingly forgetting that the truest economy consists in wise provision for averting disaster. We are told that our people are overburdened with taxation.

The gentleman from Georgia [Mr. WATSON] has drawn a pathetic picture of the wants and necessities of the people in some sections of the South and West. These conditions, however they may have arisen, whether from overproduction or overprotec-

tion, or from whatever other cause, are local only, and the matter is foreign to this discussion. I shall join most heartily and earnestly with the eloquent gentleman from Georgia in the advocacy of all measures which shall tend to cure these conditions and to prevent their recurrence. Want and pestilence are not the experiences in any large measure of the people of this land to-day, but the reverse of these conditions exists in almost every section of the Republic. Heaven's sunshine has streamed down upon our soil. Heaven's dews have moistened it. An abundant return has followed, and it is not the time to take despondent views of the conditions that surround us.

But the picture of distress as outlined by the gentleman from Georgia would be as nothing in comparison with the situation if our defenseless seacoasts were ravaged by the iron ships of some foreign and possibly inferior power. The gentleman from Ohio [Mr. HOUK], who preceded me, seeks to convey the impression that because this country is strong and powerful in other respects there is no need for an increase of its naval force. The argument is suggestive of a giant throwing aside his arms and exposing himself recklessly to the lances of an army of inferior men.

The time to prepare for war is the time of profoundest peace. The surest preventive of warfare is a perfect condition to meet it in the event of the dark war cloud lowering. Utopia does not exist as yet in any part of the world. The millennial day has not yet dawned upon this or upon any other land. No man can tell when the passions or the ambitions of nations may evoke the spirit of warfare—nor when its dark cloud may arise over the horizon.

It is our duty now, in the time of profoundest peace, to prepare like patriotic and like prudent men to meet any possible emergency that may arise. It is our duty to complete the work of building up our Navy and to make it worthy of the American Republic. Let us take rank in this regard, to some extent at least, with the other potential nations of the world.

The question of party politics has no part in this discussion. Arthur and Secretary Chandler, Cleveland and Secretary Whitney, alike labored to strengthen and improve this arm of the Federal service. The present Secretary of the Navy may be relied upon to use the power of his high office wisely and well if the desired authority shall be given him by this Congress.

Let American designers provide for the fashioning of American war vessels, to be constructed by American mechanics. Let a part of the present American policy be the perfection of an adequate American Navy. Let the work go on, not to martial music, but to the music of the hammer ringing out in the dockyards of the American Government. Every stroke of every hammer, every blow upon every anvil, will be an added signal of perfect peace to the people of this land. [Loud applause.]

The CHAIRMAN. What is the further pleasure of the committee?

Mr. BOUTELLE. I understood that the committee gave permission to the gentleman from Iowa [Mr. BUTLER] to occupy the floor.

Mr. BUTLER. I do not wish to occupy my time now. I will use it a little later.

Mr. BOUTELLE. I shall object to this unless the gentleman does occupy the time now. That was the understanding.

Mr. HOLMAN. The motion to strike out of course is the affirmative proposition, and we should not be compelled to now use all the time we have.

Mr. BOUTELLE. Well, but as I understand it, the gentleman from Indiana has had all his time. The Chair announced that he had occupied all his time.

Mr. HOLMAN. Yes, but the committee gave the gentleman from Iowa [Mr. BUTLER] some time, and he does not wish to use it now.

Mr. BOUTELLE. Now, Mr. Chairman, the committee extended its courtesy to the gentleman from New York [Mr. COVERT] at my request. At the request of the gentleman from Indiana [Mr. HOLMAN] the committee extends the same favor and courtesy to the gentleman from Iowa [Mr. BUTLER], and I submit that he ought to occupy the time now, if at all.

Mr. HERBERT. I hope very much we will be able to get through with this bill to-day. There has been a great deal of debate already upon it. I do not desire to object to any gentleman being heard, but it does seem to me that we have had nearly enough debate upon it, more than twice as much against the bill as there has been in favor of it, and I have only reserved to myself thirty-seven or forty minutes in which to conclude the debate. I hope gentlemen will not ask any more time. I was out for a moment and did not hear what the request was.

Mr. BOUTELLE. The gentleman from Alabama [Mr. HERBERT] perhaps does not understand the situation. I asked unanimous consent of the committee awhile ago to permit the gentleman from New York [Mr. COVERT] to speak his time, not to come out of the time divided between the three sides. The gentle-

man from Indiana [Mr. HOLMAN] thereupon requested that the same courtesy be extended to the gentleman from Iowa [Mr. BUTLER], and that was done. I submit that the gentleman from Iowa [Mr. BUTLER], to whom the courtesy was extended on those conditions, ought to occupy his time now.

Mr. HERBERT. I suppose he will do that.

Mr. HOLMAN. Oh, I do not think that ought to be required. The motion is to strike out, and I think we should have the right to close the debate upon that proposition.

The CHAIRMAN. The Chair thinks this is scarcely a matter that the Chair should be asked to rule upon.

Mr. BOUTELLE. The gentleman from Indiana speaks about the relative order of debate. The gentleman had exhausted the entire time accorded to his portion of this debate, and the permission to another gentleman to occupy the floor was entirely independent. It was a courtesy by the committee as a whole, and in justice to the gentleman from Alabama [Mr. HERBERT], the chairman of the committee, whose time is reserved—

Mr. BUCHANAN of New Jersey. And it being the third extension the gentleman from Indiana has had.

Mr. BOUTELLE. And it being the third extension the gentleman from Indiana [Mr. HOLMAN] has had, it seems to me obvious that I am justified in requesting that the time granted by the committee, outside of the arrangement, be occupied now.

Mr. HERBERT. I hope the gentleman from Maine [Mr. BOUTELLE] will go on. Let us get through with this bill.

Mr. BOUTELLE. I simply desire to say that I shall object to the extension unless the time is occupied now.

Mr. WHITING. You are too late.

The CHAIRMAN. The Chair hardly thinks the gentleman from Maine [Mr. BOUTELLE] can object now. There were no conditions attached at the time.

Mr. BOUTELLE. Mr. Chairman, is it understood that the time now remaining is to be divided between the gentleman from Alabama [Mr. HERBERT] and myself.

The CHAIRMAN. The time now remaining, except that which has been extended to the gentleman from Iowa [Mr. BUTLER], is to be divided between the gentleman from Alabama [Mr. HERBERT] and the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. What is the purpose of the Chair in regard to that extended time? Does the Chair mean that the gentleman from Iowa shall close debate or the gentleman from Alabama?

The CHAIRMAN. There was no modification or qualification attached to the request made as to the time when the gentleman should occupy the floor.

Mr. BOUTELLE. I submit that it was qualified by the very terms of the permission, that the extension should be granted to him on precisely the same terms as it was granted to the gentleman from New York [Mr. COVERT]. It was clearly understood, and it is clearly in order that the time should be occupied now.

The CHAIRMAN. The only limit was the amount of time given, not the time when it should be occupied, the Chair thinks. It is a matter of good faith with the gentleman as to when he shall occupy it; and the Chair does not feel called upon to say when he shall occupy it. [Cries of "Vote!" "Vote!"]

Mr. BOUTELLE. The Chair will certainly concede that the gentleman who offers the amendment, or the gentleman who represents the committee, shall close this debate.

The CHAIRMAN. That is a question of propriety, but the Chair thinks the gentleman will observe it is hardly a question of order at this time.

Mr. BOUTELLE. I believe that has been uniform custom of the House; but I will leave that to be settled between the gentleman from Alabama, in defense of his own privilege, and anyone else who sees fit to challenge it.

The most that I desire to say, Mr. Chairman, at this time, is in answer to the only serious objection that I understand has been urged by the majority of the committee against the authorization of these additional vessels; namely, that if they are authorized now, the armor can not be furnished by the time they will be ready for it. In reply to that assertion I will state that contracts for armor have been made as follows:

With Bethlehem Iron Company	Tons.
With Carnegie, Phipps & Co	6, 000

Total under contract	12, 703
Still to be contracted for, for ships thus far authorized	3, 800

Deliveries on the two contracts have already commenced, amounting in all to 300 tons, and more than one-fourth of the whole Bethlehem contract is already forged. It is estimated that deliveries will continue at the rate of 700 tons per month, so that the present contracts should be completed by September 1, 1893. It is believed that in the course of the next twelve or fifteen

months either of these establishments will be in condition to carry on extensive manufacture of armor in addition to that needed for the ships now in course of construction.

The amount of armor required for a battle ship like the three now building is 2,700 tons, but it should be borne in mind that the armor for a battle ship is not needed within eighteen months after her construction is commenced. Both of the establishments named claim to be able to furnish at the rate of 400 tons, or 800 tons total, after six months from the present time. It must be borne in mind that the casting of ingots and forging, in a new contract, should be done several months in advance of the completion of the old contracts, and that in order to keep these establishments occupied it will be necessary to give new orders before 1894 calendar year. I present the following statement, furnished me by the Bureau of Ordnance, of the amount of armor plate made by the Bethlehem Company up to the 5th instant:

THE BETHLEHEM IRON COMPANY, April 10, 1892.

Statement of the manufacture of armor plate up to April 5, 1892.

Ship or purpose.	Weight as forged.	Weight shipped or ready for shipment.
	Pounds.	Pounds.
Terror	680, 580	
Cruisers 7 and 8	43, 975	9, 970
Projectile test plates	257, 763	139, 173
Experimental test plates, 10 inches	101, 949	31, 682
Texas	229, 115	36, 782
Maine:		
Bulkhead plates	116, 500	75, 709
Slope to protective deck		112, 705
Monterey	1, 124, 243	415, 479
Battle ships 1, 2, and 3	868, 529	
New York	27, 700	
Amphitrite	96, 132	
Puritan	48, 200	
Total pounds	3, 594, 686	851, 500

Weight as forged, 1,604.77 tons.

Weight shipped or ready for shipment, 389.14 tons.

NOTE.—Among plates ready for shipment are those for the two barbettes of Monterey (157.57 tons), which will be shipped within a week.

I have also the following official letter from the naval officer who is now acting as inspector at the Bethlehem works, which clearly sets forth the assurances of a largely increased capacity for the production of armor there in the near future:

OFFICE OF INSPECTOR OF ORDNANCE,
BETHLEHEM IRON WORKS,
South Bethlehem, Pa., April 11, 1892.

SIR: Replying to Bureau's letter No. 2061, of April 8, 1892, I have consulted with the officials of the Bethlehem Iron Company and learn that the following additional facilities for finishing armor plate have been ordered and will be available in the near future.

Planers.	To plane length.	To plane width.	Ordered from—	When available.
	Feet.	Feet.		
One	30	8	William Sellers & Co.	Three months.
One	30	10	and Bennett, Miles & Co., Philadelphia, Pa.	
One	30	12		
One	30	11	Building here	Do.

Each of these planers will plane both edges of a plate at the same time, and they are to be powerful and specially built for heavy armor plates. The capacity of the four will be about equal to that of eight single side planers. The present machinery for finishing armor plates consists of three saws, two single side planers, one edge planer and shaper, and one drill press in the plate-trimming shop. I understand that with an additional edge planer and shaper this is practically the Creusot equipment for machining armor plate. In the new machine shop there are three planers and one drill press and in the old machine shop there are two planers, all capable of machining heavy armor.

With the installation of the four new planers I think the machining capacity will be about doubled. The additional forging facilities now under construction and which will be available within the year will enable plates to be forged closely to size and shape and thus do away with much machining, and consequently increase the output.

After a careful consideration of the condition of the plant in all its details, I am of the opinion that there will be a marked increase in the output of the finished plates within the next three months. It is difficult to estimate the actual number of tons per month at present, but I see no reason why it should not reach from 350 to 400 tons towards the end of the year.

I think deliveries commencing with this month, will gradually increase as the plant in all its parts gets into full operation, and experience is gained in the various stages of manufacture and fitting.

Very respectfully.

K. NILES,

Lieutenant and Inspector of Ordnance.

Commodore W. M. FOLGER, U. S. N.,
Chief of Bureau of Ordnance.

In addition to that, Mr. Chairman, I am glad to be able to state that the entire armor for the Monterey has been completed, and will be delivered during the present month. From Carnegie,

Phipps & Co., the other contractors, I have received a letter, dated March 23, in which they say:

In the month of February we shipped 165 tons of armored plate to apply on our contract with the United States Navy Department. Our shipments in March will aggregate about the same quantity. With increased finishing facilities, which will be available within sixty days, we hope to reach an average monthly production of not less than 350 tons.

These documents from the Navy Department, and from the contractors, engaged in this work, fully substantiate my contention that there will be no difficulty with regard to furnishing the armor of the proposed ships. That there should have been some delay up to the present time was to be expected, when we have been domesticating in our country great steel-forging establishments of a magnitude unparalleled in the industrial works of this country.

It was only natural that there should be some delay, which has been increased by the important experimentation of the Navy Department in regard to the character and quality of the plates. Some compensation for that delay is found in the fact that the perfection of the nickel and Harvey processes has largely increased the resisting power of the armor plates; so that we will have on the vessels under construction the very best armor of any navy, armor capable of a much greater resistance than that of any other country.

Upon one other point, which will be urged by the chairman of the committee, against the increased expenditure involved (while of course I am unable to anticipate exactly the line of his argument in that regard), I may perhaps satisfy the reasonable expectation of the committee by a general statement—that the total cost of the two battle ships proposed in my amendment will probably be, entirely completed, about \$11,000,000.

The armed cruiser authorized in the bill will cost, according to the authorization, \$3,500,000, exclusive of armament, and \$1,200,000 for her armament. The ten torpedo boats will cost \$1,200,000, and I have increased the limit for the torpedo cruiser by \$162,000. That will make an aggregate of \$17,062,000, which will be carried by the authorization for ships the construction of which will be extended over at least four years, probably more; so that the average annual additional expenditure involved by making this provision now will be in the vicinity of four and a quarter million dollars (\$4,265,500). And the aggregate cost of all the vessels proposed only equals the amount actually appropriated last year for expenditure in one year upon the increase of the Navy.

Now, if the argument of some gentlemen on the other side that we do not need a naval force at all is valid, then of course the expenditure of even \$4,000,000 a year for new ships can not be justified. But, Mr. Chairman, the policy of the Government in this regard has been determined and inaugurated. It has been indorsed by administrations of both political parties. It has been recommended by naval committees of both political parties, and the only difference between the present chairman of the committee and myself and other of his colleagues at this time is as to the period when we should commence the construction of the additional number of battle ships required.

In his report the chairman distinctly states his belief that we ought to have at least ten or twelve additional battle ships, and he states that there is no reason why we should not complete the authorization of these vessels within four years. If that is to be done, I submit that we can not begin too soon. If we authorize these two battle ships to-day they will not be put under contract until late in the fall at best, and it will be at least eighteen months to two years before they will be ready for their armor.

These vessels require at least four years, and probably longer, for their construction. If we authorize two battle ships in this bill we shall have two additional battle ships at the end of the time required to build them, which will be one year earlier than if we postponed action until the next session of Congress. If we do not put them in this bill and the committee and the House continue in the future to hold with the committee's report that we ought to have them, we shall at least have deferred the period of their completion by a full year. It is a simple question whether we shall perform the duty of the hour now, or put it off for twelve months. That is the only substantial issue between the bill as it stands and my amendment.

I will not stop to discuss at this time the peculiar views of the gentleman from Indiana [Mr. HOLMAN], because, whatever there may be behind them or whatever strength he may believe there is in them, or whatever support they may have in certain sections or localities, his opinion that we do not need any Navy has never been approved at any time by the representatives of the people of the United States. It has never had the approval of the executive department or of either branch Congress and, as a matter of fact, it has never had the approval of either of the great political parties in the declarations of their policy. Gentleman on the other side should remember that the very last Dem-

ocratic national convention made the work of reconstructing the Navy a matter of especial boast in its platform, as follows:

By intelligent management and a judicious and economical expenditure of the public money it has set on foot the reconstruction of the American Navy upon a system which forbids the recurrence of scandal and insures successful results.

These successful results are what I am seeking to promote by the amendment which I have offered. That amendment is in the direct line of our naval development. We can not afford to say that this country is unwilling to incur the expense necessary for accomplishing a result that all who understand the subject concede to be desirable. That we need these ships is recognized by everyone who has examined the subject carefully. If, as is believed by the experts of the Department, the best measure of economy in appropriations for the Navy at this time is to provide a sufficient number of powerful ships of sufficient strength in armor and battery to defend our coasts and to repel the assault of any nation that may venture to make war upon us, we can not excuse ourselves for delay which is simply for the sake of delay, the postponing to another year of that which we ought to do now.

Mr. Chairman, this is not a sectional question in any sense. The Navy is not a sectional institution. It is the Navy of the United States. It is the Navy, not of the North and the East, but of the South, of the West, and of the Pacific coast as well. I have myself favored, and shall continue to favor, legislation to establish one of the great naval depots on the Gulf, where I think we should have a well-equipped station.

To-day one of the most important naval establishments in the country is located in Virginia; and we have been developing it more rapidly and increasing its importance faster than that of any other navy-yard in the country; while in my own section the navy-yards at Boston and Kittery have not been utilized as their superior advantages and unexcelled facilities would fully warrant. I have made no complaint on account of the building up of the great naval establishment in the South; and have been willing to help to build up another. The Navy is a national institution.

The personnel of the Navy represents every part of our common country. Since the close of the war there have been appointed as the future officers of the Navy, by you, gentlemen, and your predecessors, from the States that engaged in the rebellion, no less than 540 cadets and acting midshipmen to officer our ships and command them in case of war. Why, sir, the gentleman from Indiana himself has appointed no less than nine of these future naval heroes that he would have fought battles on the ocean without ships and win naval victories without guns.

An examination of the naval roster shows that to-day there are on the active list of the Navy in the various corps not less than 227 officers appointed from the States that engaged in the rebellion—every one of them proud of his flag, every one of them anxious to serve his country, every one of them desirous that this great arm of our service shall be increased and strengthened as it ought to be.

Gentlemen, I appeal to the representatives of all sections of this country in behalf of a national interest. To gentlemen from the West let me say, no matter how far you may have gone into the interior, your footsteps toward the setting sun were followed by the fostering care and protection of the patriotic people of the East; and no advance of civilization, no onward march of the pioneer, was ever swift enough to outrun the fraternal care and the solicitous, patriotic interest with which the people of the seaboard and of the East have helped to make generous provision for everything that the nation could do for the promotion of your prosperity and the protection of your homes.

Gentlemen of the South, this is your Navy as well as mine. The building up of this great source of national security and power, this greatest of all hostages for our peace with all nations, is a duty that rests upon you as it does upon me—a duty to which I am reluctant to believe you will fail to respond. Only a short time ago, when a war cloud seemed to be hovering darkly upon our horizon, we heard numerous and gratifying expressions on the part of gentlemen from the South of a desire, in case hostilities should ensue with any other nation on the earth, to show to the country that that portion of our people who were alienated from us during a recent unfortunate period would be among the first to spring to the national defense and among the most eager and valiant in upholding the national honor.

I believe it; but, gentlemen, we do not need that sort of assurance from you. It is not necessary that this nation should be plunged into war or bathed in blood in order for you to prove your devotion to its interests and your pride in its glory. You have an opportunity here to-day to stand up for the prestige of the United States among the nations of the earth. You have an opportunity now, by putting behind you all the demagogic

considerations of a mistaken political expediency, that has been repudiated on this floor by representatives of your own party from several of the most important States of the Union—you have an opportunity, by making a reasonably liberal provision from the funds of the people for carrying forward the necessary work for the reestablishment of the American Navy, to show quite as conclusively as you possibly could in time of war that you desire to uphold the dignity and enhance the glory and power of our common country. [Applause.]

Mr. HERBERT. Mr. Chairman, has the time of the gentleman from Maine [Mr. BOUTELLE] expired?

The CHAIRMAN. The gentleman from Maine has twelve minutes left.

Mr. BOUTELLE. I yield five minutes to the gentleman from Wisconsin [Mr. MILLER].

Mr. MILLER. Mr. Chairman, the proposition to gradually increase our Navy I am confident will receive the cordial indorsement of the American people. Ever since the trouble with Chile I have been satisfied that our Navy should be materially increased. The fact is, that trouble would not have happened if we had a more powerful navy.

They regarded their navy as absolutely superior to ours, and I am not sure but what they were correct. They had conquered Peru and they became arrogant, and concluded their fleet could sail up to San Francisco and levy on that city for an amount that would replenish their depleted treasury. They probably counted upon assistance that would enable them to attack and levy upon our cities on the Atlantic coast. Had not a settlement been made they might have caused a destruction of property that would have entailed a loss that would have amounted to more than what a dozen such navies as we possess is worth.

When we recollect the immense destruction of property caused by the Alabama and Florida, which vessels would bear no comparison with vessels owned by the Chilean Government, we are justified in concluding that Chile could have damaged us seriously.

Now, sir, I do not think we should invite an attack from a country like Chile. For the matter of that I would not neglect to provide suitable defense, both by sea and land, that will prevent any power from interfering with the rights of our country or its citizens when in the performance of public or private business in foreign countries.

Do you think under like circumstances the sailors of Great Britain would have been subjected to so outrageous and disgraceful an attack as was made upon our sailors in the streets of Valparaiso? We all know nothing of the kind would have happened, and had such an attack been made we all know that a British fleet would have very soon appeared in the harbor of Valparaiso, and if suitable reparation had not been made the British fleet would have leveled that city to the ground.

But our situation was such that we were not in position to compel Chile to do justice until we had spent considerable time and a large amount of money in order to create a fleet of sufficient capacity to cope successfully with the Chilean navy.

This country possessing a population of 64,000,000, with large cities exposed for the want of proper defenses, I regard it as a necessity that we should materially increase our Navy, that it may correspond to a partial extent with the population and wealth of the country. We have an extensive coast and great interests to protect, and I believe we will save money by keeping up an efficient navy. We shall be less likely to have trouble with other countries.

I have noticed that in modern times the nations that are the most prosperous are the countries that have the largest navies. No one will deny that the supremacy and power of Great Britain on the globe is due to her navy. It was the same with Holland, when Von Tromp commanded her fleets and rode in triumph the Northern seas and the British Channel. It was the same with Spain, Italy, and Venice, as long as they retained their supremacy on the sea. Turn back the leaves of ancient history and we can trace the downfall of Egypt and the powerful nations of ancient times to the time they neglected their navies.

Nothing contributed more to our prosperity, glory, and importance in the early history of our country than the splendid record made by the Navy in the early days of the Republic. In those times, when the war vessels of England swarmed the seas, Paul Jones sailed his vessels in triumph through the British Channel, and Decatur, when this country was in its infancy, dictated terms to Algiers.

Let us keep pace with our competitors for the trade of the world and encourage our people in their competition by affording them protection in the most remote corners of the earth.

The money invested in vessels will give employment to people in various parts of the country. It will give employment to those engaged in mining coal and iron. It will give employment to the common laborer, to skilled artisans in iron and wood and the

machinery necessary to the construction of such vessels, and will result in distributing the money among the people.

Let us build vessels that will excite the admiration of our people and the admiration and wonder of the people in all parts of the world, and impress upon distant and surrounding nations the necessity of paying proper respect and consideration to the American citizen. [Applause.]

[During the delivery of the foregoing remarks, Mr. SIMPSON asked unanimous consent, which was granted, that Mr. MILLER'S time be extended for ten minutes.]

Mr. BOUTELLE. I waive the balance of my time.

Mr. HERBERT. Mr. Chairman, how much time have I?

The CHAIRMAN. Thirty-seven minutes.

[Mr. HERBERT withholds his remarks for revision. See Appendix.]

Mr. MCALEER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama [Mr. HERBERT] be extended for twenty minutes.

Mr. HOPKINS of Illinois. Mr. Chairman, I would like to know—

Mr. HERBERT. I will not take any more time, Mr. Chairman. I will ask permission to extend my remarks in the RECORD.

Mr. HOPKINS of Illinois. I wish to say to the gentleman from Alabama [Mr. HERBERT] that I do not object at all to the proposed extension of his time.

The CHAIRMAN. The time for general debate is exhausted.

Mr. HERBERT. Mr. Chairman, we want to get a vote upon this bill, and, as I think the committee are ready to vote upon it, I will not occupy any more time, but, with the permission of the committee, will extend my remarks in the RECORD.

There was no objection.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Maine [Mr. BOUTELLE], which the Clerk will read.

The Clerk read as follows:

On page 39, strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:

"The President is hereby further authorized to have constructed by contract, two sea-going, coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, with a coal endurance of about 5,000 knots on the total coal capacity at the most economical rate of speed, and to have the highest practicable speed for vessels of their class, to cost, exclusive of armament and of any premiums that may be paid for increased speed, not exceeding \$4,000,000 each; and ten torpedo boats at a cost not to exceed \$120,000 each.

"In the construction of all said vessels, including said armored cruiser, all other provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for the construction of each of said vessels, except said armored cruiser, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate.

"And the Secretary of the Navy is hereby authorized to readvertise for proposals for the construction of one swift torpedo cruiser of about 750 tons displacement, which was authorized by the act making appropriations for the naval service, approved June 30, 1884, and the limit of cost of said torpedo cruiser is hereby extended to \$512,000, exclusive of armament."

Mr. CAMINETTI. I move to amend the amendment of the gentleman from Maine [Mr. BOUTELLE] by inserting what I send to the desk.

The Clerk read as follows:

Insert after the word "advisable," second paragraph of Mr. BOUTELLE'S amendment, the following:

"In making proposals for contracts for building the vessels authorized by this act it shall be required that one of said coast line-of-battle ships, and such of said torpedo boats as may be intended for use on the Pacific coast, shall be built on or near the coast of the Pacific Ocean, or the waters connected therewith, and the remaining one of said coast line-of-battle ships and such of said torpedo boats intended for use on the Atlantic coast shall be built on or near the Atlantic coast, or the waters connected therewith, as the Secretary of the Navy shall approve: *Provided*, That if it shall appear to the satisfaction of the President of the United States, from the biddings for said contracts, when the same are opened and examined by him, that said coast line-of-battle ship can not be constructed at a fair cost on or near the coast of the Pacific Ocean, he shall authorize the construction of said vessel elsewhere in the United States."

Mr. BOUTELLE. Is that identical with the provision in the previous bill?

Mr. CAMINETTI. Yes, I have followed the law of 1889, the language of which I believe was drawn by the gentleman himself.

Mr. BOUTELLE. I accept the gentleman's amendment.

Mr. HEARD. I wish to ask the gentleman from California [Mr. CAMINETTI] and also the gentleman from Maine [Mr. BOUTELLE] whether the provision of the former law authorized the construction of a vessel on the Pacific coast unconditionally? Was there not some limitation with regard to cost?

Mr. BOUTELLE. This amendment as read contains a proviso which meets the gentleman's point.

Mr. HEARD. The former act provided, I believe, that if the vessel could not be built there within a certain limit of cost, it should be built somewhere else.

Mr. CAMINETTI. That is provided for here.

Mr. BOUTELLE. According to my understanding, this amendment follows the language of the previous law, which contained a proviso such as the gentleman from Missouri [Mr. HEARD] indicates.

Mr. HEARD. I did not hear that part of the amendment.

The CHAIRMAN. In the absence of objection the amendment of the gentleman from California [Mr. CAMINETTI] will be regarded as incorporated as a part of the amendment of the gentleman from Maine. The question is now on the amendment of the gentleman from Maine as amended.

The amendment was rejected; there being on a division (called for by Mr. BOUTELLE)—ayes 65, noes 101.

Mr. BOUTELLE. Perhaps the gentleman from Alabama [Mr. HERBERT], my colleague on the committee, will be willing to arrange for a vote by yeas and nays in the House on this proposition.

Several MEMBERS. Regular order.

Mr. BOUTELLE. I hardly supposed that would be assented to.

Mr. CUMMINGS. I beg to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 39, strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:

"The President is hereby further authorized to have constructed by contract one sea-going, coast-line battle ship designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, with a coal endurance of about 5,000 knots on the total coal capacity at the most economical rate of speed, and to have the highest practicable speed for vessels of its class, to cost, exclusive of armament and of any premiums that may be paid for increased speed, not exceeding \$4,000,000; and five torpedo boats at a cost not to exceed \$120,000 each.

"In the construction of all said vessels, including said armored cruiser, all other provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for the construction of each of said vessels, except said armored cruiser, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate.

"And the Secretary of the Navy is hereby authorized to readvertise for proposals for the construction of one swift torpedo cruiser of about 750 tons displacement, which was authorized by the act making appropriations for the naval service, approved June 30, 1890, and the limit of cost of said torpedo cruiser is hereby extended to \$512,000, exclusive of armament."

Mr. CUMMINGS. I do not desire to take up the time of the House on this amendment, and there is no necessity for it. The amendment simply provides for one-half of what the amendment of the gentleman from Maine called for.

The amendment was rejected; there being on a division (called for by Mr. CUMMINGS)—ayes 73, noes 99.

Mr. BOUTELLE. Mr. Chairman, I offer the following amendment for two light-draft steel gunboats, in connection with which I will print in the RECORD the following communication from Rear-Admiral J. G. Walker, United States Navy, commanding the squadron of evolution:

U. S. S. CHICAGO, FLAGSHIP OF THE SQUADRON OF EVOLUTION,
Montevideo, Uruguay, February 15, 1892.

SIR: I have the honor to call the attention of the Department to the sanitary condition of the east coast of South America, and to the naval force which the chief foreign powers maintain in the South Atlantic, and also to the objections which may be strongly urged against the permanent retention of unsheathed cruisers of large size upon this station. In Brazilian ports yellow fever is found practically throughout the year; in the summer frequently assuming an epidemic form, and in the winter existing in scattered and sporadic cases, at all times a menace to the health of unacclimated crews.

The concurrent testimony of all officers of large experience in South America is that vessels should visit Brazilian ports only when specific circumstances require them to do so; that at such times their stay should be of brief duration, and that strict sanitary regulations and precautions should be enforced. This involves the refusal of liberty to men, and the curtailment of many privileges which are usually granted to both men and officers, and which promote contentment and relieve the tedium and monotony of a long foreign cruise.

During this present season the yellow fever has been unusually severe in Rio Janeiro and Santos; and it has even appeared at Bahia, the one port of Brazil in which during several previous years it has been said not to have existed.

The unhealthiness of the coast of Brazil, therefore, practically limits cruising vessels to the estuary of the River Plate, of which the principal ports are Montevideo and Buenos Ayres. At Montevideo vessels of deep draft are obliged to lie 2 miles or more outside of the bay in the open sea. The weather is frequently boisterous, and during the winter almost incessantly so, rendering communication difficult and causing injury to boats, gangways, external chutes, and other articles of equipment. Wooden or sheathed vessels, coppered, go further in, lying at times without injury in the soft mud

of the bottom, but an unsheathed vessel can not do this without endangering the protective paint and risking destructive corrosion of the steel shell.

The anchorage for heavy ships at Buenos Ayres is still farther out, being 10 or 12 miles from the city. There is no harbor for large vessels, and in order to reach even this anchorage, heavy ships must be dragged through the mud off Point Indio where the water is shoal. Twenty feet can now be carried through the dredged channel into the "Boca," or harbor mouth and the artificial basins close to the city, but vessels lying in the basins suffer distinct military disadvantages in being tied up to the dock and in having their opportunities for drills and exercises much restricted. Moreover the sanitary conditions are not favorable to a long stay.

The only suitable vessels for cruising in the rivers and its estuary are small vessels built of wood or sheathed and coppered. Such vessels can be taken inside anchorage at Montevideo, and can visit Rosario, Colonia, and other river ports, lying always within easy communication with the shore, and can without hindrance from weather or surroundings keep up the drills which are necessary to military efficiency.

The great naval powers fully recognize these facts. England, whose commercial interests in the river are enormous, not alone because of the steamer lines running under her flag, but also because of the great number of her subjects in Uruguay and the Argentine and the vast quantity of English capital embarked in railway, banking, and other ventures, maintains a squadron of four small vessels, one corvette, and three gun vessels, under the command of a captain as senior officer. The French keep one small vessel under a captain's command, the Spanish one, the Italians two, the Germans none. The Spanish and Italian senior officers are commanders.

All these powers have steamer lines coming into the Platte, many citizens living in the river countries, and much capital invested in them. The United States Government alone maintains a flag officer on this station, and the United States cruisers at present here are the only men-of-war on the East coast of South America that can not anchor in the bay of Montevideo. All the small foreign vessels above mentioned are sheathed and coppered. The importance of the frequent docking of unsheathed vessels presents a tangible and serious objection to their long retention on this coast. There are no docks in the river capable of taking in large ships.

A cruiser like the Chicago, for instance, must go to Rio Janeiro, that being the only port on the coast that affords the requisite docking facilities; and to place a vessel in dock there involves not merely the risk but practically the certainty of infection by yellow fever. The bottom of a cruiser ought to be examined within four months of her last docking, say within two or three months of her arrival upon this coast. The alternative therefore speedily presents itself—either to risk the deterioration of her bottom or an epidemic of yellow fever among her officers and crew. Large ships have always been unsuitable for cruising duty upon this station, but large wooden ships were independent of those docking facilities, which can not be withheld from large steel ships without endangering their existence.

I venture to repeat the recommendation which I have previously made to the Department, that this station should cease to be a flag officer's command. The duties are inadequate to a flag officer's rank and position, and the expense is unnecessary. The new vessels of our Navy can be more economically maintained and can render better service elsewhere. I would recommend keeping a small vessel of light draft, preferably a special-service vessel, in the River Platte, and sending once a year a vessel from the North Atlantic Squadron to this coast, thence to the Cape of Good Hope, up along the east coast of Africa, and back home through the Suez Canal and the Mediterranean, occupying a year in the cruise. Round trips of this kind would have many advantages, would perform efficiently the cruising service required in time of peace, visiting many ports in regular rotation, and would involve only the absence of one ship at a time from the home sounding.

My personal interest in making these recommendations is small, my command of this station is only temporary and incidental to other contemplated service, and my cruise is approaching its close. But I have always opposed the assignment of a flag officer to this command, and with each visit to South America I am the more convinced that the suggestions which I submit are in the line of military efficiency and good administration.

Very respectfully,

J. G. WALKER.

Rear-Admiral United States Navy, commanding Squad of Evolution.

HON. SECRETARY OF THE NAVY.

The Clerk read as follows:

On page 39 strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:

"The President is hereby further authorized to have constructed by contract two steel gunboats of the most approved type, of about 1,200 tons displacement, to have a maximum speed of not less than 17 knots, and to cost, exclusive of armament, not more than \$500,000 each; ten torpedo boats at a cost not to exceed \$120,000 each.

"In the construction of all said vessels, including said armored cruiser, all of the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for construction of each said vessels, except said armored cruiser, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable.

If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate. And the Secretary of the Navy is hereby authorized to readvertise for proposals for the construction of one swift torpedo cruiser of about 750 tons displacement, which was authorized by the act making appropriations for the naval service, approved June 30, 1890, and the limit of cost of said torpedo cruiser is hereby extended to \$512,000, exclusive of armament.

Mr. CAMINETTI. With a modification striking out "battle ships" and inserting "gunboats," I renew the amendment which I formerly offered, and which was accepted by the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. I hardly think the gentleman will care to have that apply to a small appropriation of this kind.

Mr. CAMINETTI. Very well.

The CHAIRMAN. The gentleman from California [Mr. CAMINETTI] withdraws the proposition.

The question being taken on the amendment of Mr. BOUTELLE, it was rejected; there being on a division (called for by Mr. BOUTELLE)—ayes 68, noes 104.

Mr. CUMMINGS. I desire to offer one other amendment, and then I am through. [Laughter.]
The Clerk read as follows:

On page 39, strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:
"The President is also hereby authorized to have constructed by contract four torpedo cruisers of about 800 tons displacement, each to show a speed of between 22 and 23 knots per hour, to cost, exclusive of armament and torpedo outfit, not more than \$350,000 each; two light-draft gunboats of about 1,000 tons displacement, for special service in foreign waters, to cost, exclusive of armament, not more than \$350,000 each; and two first-class torpedo boats of the general type of torpedo boat No. 2, to cost, exclusive of armament and torpedo outfit, not more than \$120,000 each."

In the construction of all said vessels, including said armored cruiser, all other provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications thereof, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for the construction of each of said vessels, except said armored cruiser and four torpedo cruisers, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable. If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate.

The amendment was rejected, there being on a division (called for by Mr. CUMMINGS)—ayes 70, noes 97.

The Clerk proceeded to read the next paragraph of the bill.

Mr. HOLMAN. Mr. Chairman, there was a motion made to strike out.

Mr. BOUTELLE. Is not this too late?

The CHAIRMAN. The gentleman from Indiana incorporated his motion in the RECORD. It will be read.

The Clerk read as follows:

Mr. HOLMAN moves to strike out the pending section.

The amendment was rejected, there being on a division (called for by Mr. HOLMAN)—ayes 58, noes 120.

Mr. HOLMAN. Mr. Chairman, I offer the following substitute for the pending paragraph:

The Clerk read as follows:

Strike out all after line 15 on page 38 down to and including line 22 on page 39, and insert the following:

"That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract four torpedo boats, at a cost not to exceed \$120,000 each. In the construction of said vessels all the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. If the Secretary of the Navy shall be unable to contract at reasonable prices for the building of said vessels, then he may build such vessels in such navy-yard as he may designate."

Mr. BOUTELLE. Do I understand that this strikes out the provision for the armored cruiser?

Mr. HOLMAN. Yes.

Mr. BOUTELLE. And substitutes four torpedo boats?

Mr. HOLMAN. That is the effect of it. It strikes out the ship and substitutes four torpedo boats.

Mr. O'NEILL of Missouri. Why not make this provision in addition to the other?

Mr. BOUTELLE. Would it not save time to make it four row boats? It would be a good deal cheaper. [Laughter.]

The question was taken on the amendment; and on a division (demanded by Mr. HOLMAN) there were—ayes 45, noes 105.

So the amendment was rejected.

The Clerk read as follows:

UNDER THE BUREAU OF ORDNANCE.

Armament and armor: Toward the armament and armor of domestic manufacture for the vessels authorized by the act of August 3, 1886; of the vessels authorized by section 3 of the act approved March 3, 1887; of the vessels authorized by the act approved September 7, 1888; of the vessels authorized by the act of March 2, 1889; of those authorized by the acts of June 30, 1890, March 2, 1891, and this act, including the purchase and installation of new machinery for the breech-mechanism shop at the navy-yard, Washington, D. C., and torpedo outfits for the Atlanta, Boston, and Chicago, \$2,000,000.

Mr. BOUTELLE. Mr. Chairman, I desire to ask the chairman of the committee if provision is made in this appropriation for the ship provided for in this bill?

Mr. HERBERT. Oh, there is plenty in the bill for that ship.

Mr. BOUTELLE. I understand not.

Mr. HERBERT. I understand there is.

Mr. BOUTELLE. I move to amend by increasing the amount to \$3,500,000.

The question being taken, the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. HERBERT. Mr. Chairman, we have now concluded the reading of the bill, and I ask unanimous consent to turn back to page 13 and amend the title under the head of "repairs and preservations at navy-yards and stations" on that page.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HERBERT. I move to amend the total in lines 19 and 20 on that page, making the total for public works for navy-yards and stations \$588,900.

That amendment is rendered necessary by the striking out of the provision for the dry dock at Algiers, La., and this is simply a correction of the amount of the bill to conform to the action of the committee.

Mr. BOUTELLE. It is simply a correction of the footings.

Mr. HERBERT. That is all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out \$833,900 and insert in lieu thereof \$588,900.

The amendment was adopted.

Mr. HERBERT. I move that the committee rise and report the bill with the amendments to the House favorably.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SHIVELY reported that the Committee of the Whole House on the state of the Union having had under consideration the naval appropriation bill, had directed him to report the same to the House with sundry amendments and that as amended the bill do pass.

The SPEAKER. If there be no objection, the question will be taken on the amendments in gross.

There being no objection, the amendments were considered and adopted.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The question being on its passage,

Mr. BOUTELLE. I move to recommit the bill with instructions to report it back with an amendment which I send to the desk.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

On page 39, strike out all after the word "dollars," in line 10, to and including the word "designate," in line 22, and insert:

"The President is hereby further authorized to have constructed by contract two sea-going, coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, with a coal endurance of about 5,000 knots on the total coal capacity at the most economical rate of speed, and to have the highest practicable speed for vessels of their class, to cost, exclusive of armament and of any premiums that may be paid for increased speed, not exceeding \$4,000,000 each; and ten torpedo boats, at a cost not to exceed \$120,000 each."

In the construction of all said vessels, including said armored cruiser, all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. And in the contracts for the construction of each of said vessels, except said armored cruiser, such provisions for minimum speed and for premiums for increased speed and penalties for deficient speed may be made, subject to the terms of this bill, as in the discretion of the Secretary of the Navy may be deemed advisable.

If the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build said vessel or vessels in such navy-yards as he may designate.

And the Secretary of the Navy is hereby authorized to readvertise for proposals for the construction of one swift torpedo cruiser of about 750 tons displacement, which was authorized by the act making appropriations for the naval service, approved June 30, 1890, and the limit of cost of said torpedo cruiser is hereby extended to \$512,000, exclusive of armament."

The SPEAKER. The question is on the motion of the gentleman from Maine, to recommit the bill with the instructions just read.

Mr. BOUTELLE. Mr. Speaker, to save time I ask for the yeas and nays.

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] moves to recommit the bill to the Committee on Naval Affairs with the instructions just read, and on that motion he demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 135, not voting 131; as follows:

YEAS—62.

Amerman,	Caminetti,	Henderson, Iowa	Raines,
Andrew,	Castle,	Hooker, N. Y.	Ray,
Atkinson,	Cheatham,	Hopkins, Pa.	Reynolds,
Bacon,	Clancy,	Hopkins, Ill.	Rife,
Belden,	Cockran,	Johnson, N. Dak.	Rockwell,
Belknap,	Coombs,	Jolley,	Shonk,
Bentley,	Covert,	Little,	Sperry,
Bergen,	Cox, N. Y.	Lodge,	Steward, Ill.
Bingham,	Cummings,	Magner,	Sweet,
Boutelle,	Curtis,	McAleer,	Walker,
Bowers,	Daizell,	Meyer,	Waugh,
Brostus,	Durbinow,	O'Neill, Pa.	Weadock,
Buchanan, N. J.	Fellows,	O'Neill, Mo.	Wever,
Cable,	Griswold,	Payne,	Wilson, Wash.
Cadmus,	Harmer,	Perkins,	
Caldwell,	Haugen,	Post,	

NAYS—135.

Allen.	Culbertson,	Houk, Ohio	Patterson, Tenn.
Bailey,	Daniell,	Johnson, Ohio	Patton,
Baker,	Davis,	Johnstone, S. C.	Paynter,
Barwig,	De Armond,	Kem.	Richardson,
Beeman,	De Forest,	Kilgore,	Sayers,
Beltzhoover,	Dickerson,	Kribbs,	Scott,
Mount,	Dixon,	Kyle,	Seerley,
Bowman,	Dockery,	Lane,	Shively,
Branch,	Dungan,	Latham,	Simpson,
Breckinridge, Ky.	Edmunds,	Lapham,	Stackhouse,
Brickner,	Elliot,	Lawson, Ga.	Stewart, Tex.
Brookshire,	Ellis,	Layton,	Stockdale,
Buchanan, Va.	Epes,	Lester, Ga.	Stone, Ky.
Bullock,	Everett,	Lewis,	Stout,
Bunn,	Fithian,	Long,	Stump,
Bunting,	Forman,	Lynch,	Tarsney,
Bussey,	Forney,	Mallory,	Terry,
Bushnell,	Fowler,	Martin,	Tillman,
Butler,	Gantz,	McCreary,	Tucker,
Capehart,	Goodnight,	McKaig,	Van Horn,
Caruth,	Gorman,	McKeighan,	Warner,
Catchings,	Greenleaf,	McKinney,	Watson,
Cate,	Hallowell,	McMillin,	Wheeler, Ala.
Causey,	Halvorsen,	McRae,	Wheeler, Mich.
Chipman,	Hamilton,	Mitchell,	White,
Clarke, Ala.	Harries,	Montgomery,	Whiting,
Cobb, Ala.	Harter,	Moore,	Wike,
Cobb, Mo.	Hatch,	Mutcher,	Williams, Mass.
Coburn,	Hayes, Iowa	Newberry,	Williams, Ill.
Coolidge,	Heard,	O'Ferrail,	Wilson, Mo.
Cox, Tenn.	Hemphill,	O'Neil, Mass.	Wilson, W. Va.
Craig, Pa.	Herbert,	Otis,	Wise,
Crawford,	Holman,	Owens,	Youmans.
Crosby,	Hooker, Miss.	Page, R. I.	

NOT VOTING—131.

Abbott,	Donovan,	Lockwood,	Russell,
Alderson,	Dunphy,	Loud,	Sanford,
Alexander,	English,	McClellan,	Scull,
Arnold,	Enloe,	McDonald,	Shell,
Babbitt,	Enochs,	McGann,	Smith,
Bankhead,	Fitch,	Mansur,	Snodgrass,
Bartine,	Flick,	Meredith,	Snow,
Blanchard,	Funston,	Miller,	Springer,
Bland,	Fyan,	Milliken,	Stallnecker,
Boatner,	Geary,	Morse,	Stephenson,
Brawley,	Geissenhainer,	Moses,	Stevens,
Breckinridge, Ark.	Gillespie,	Norton,	Stone, C. W.
Bretz,	Grady,	Oates,	Stone, W. A.
Broderick,	Groat,	O'Donnell,	Storer,
Brown,	Hall,	Outhwaite,	Taylor, Ill.
Brunner,	Hare,	Page, Md.	Taylor, Tenn.
Bryan,	Haynes, Ohio	Parrett,	Taylor, E. B.
Burrows,	Henderson, N. C.	Pattison, Ohio	Taylor, J. D.
Bynum,	Henderson, Ill.	Pearson,	Taylor, V. A.
Byrns,	Hermann,	Peel,	Townsend,
Campbell,	Hitt,	Pendleton,	Tracey,
Chapin,	Hoar,	Pickler,	Turner,
Clark, Wyo.	Houk, Tenn.	Pierce,	Turpin,
Clover,	Huff,	Powers,	Wadsworth,
Cogswell,	Hull,	Price,	Warwick,
Compton,	Johnson, Ind.	Quackenbush,	Washington,
Cooper,	Jones,	Randall,	Willcox,
Cowles,	Ketcham,	Rayner,	Williams, N. C.
Crain, Tex.	Lagan,	Reed,	Wilson, Ky.
Cutting,	Lawson, Va.	Relly,	Winn,
Dingley,	Lester, Va.	Robertson, La.	Wolverton,
Doan,	Lind,	Robinson, Pa.	Wright,
Dolliver,	Livingston,	Rusk,	

Mr. BRETZ. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. GILLESPIE]. I do not know how he would vote. But if he were present I would vote "no."

Mr. KILGORE. I am paired with the gentleman from Maryland [Mr. RAYNER], but he and I do not disagree upon the pending question.

Mr. HENDERSON of Illinois. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. BLAND]. If he were present I should vote "aye" and he would vote "no."

The result of the vote was then announced as above recorded. The bill was then passed.

On motion of Mr. HERBERT, a motion to reconsider the last vote was laid on the table.

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Mr. OATES with Mr. EZRA B. TAYLOR, for the rest of this day.

Mr. SNOW with Mr. PICKLER, for one week.

Mr. BOATNER with Mr. STORER, for this vote.

Mr. BLAND with Mr. HENDERSON of Illinois, on naval appropriation bill, for the rest of this day. Mr. BLAND would vote against the bill and Mr. HENDERSON of Illinois for it.

Mr. GEISSENHAINER with Mr. BRETZ, on naval appropriation bill and all questions relating thereto.

Mr. PRICE with Mr. GROUT, for the rest of this day.

Mr. CRAIN of Texas with Mr. HITT, for the rest of this day.

Mr. ENLOE with Mr. BURROWS, for the rest of this day.

Mr. KRIBBS with Mr. WADSWORTH, on Boutelle amendment; if present Mr. WADSWORTH would vote for that amendment and Mr. KRIBBS would vote against it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks,

announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone under the placer-mining laws;

A bill (S. 1486) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State;

A bill (S. 1504) for the relief of David Dealy and Mary Youngkin;

A bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect;

A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States," and for other purposes; and

A bill (S. 2470) to amend the Articles of War, and for other purposes.

It also announced that the Senate had passed without amendment the bill (H. R. 2786) to amend this act giving the privilege and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

It also announced that the Senate had passed the following concurrent resolution; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 35,000 copies in cloth binding of the annual report of the Commissioner of Labor, relating to cost of production, earnings, efficiency of labor, and cost of living, 16,000 copies for use of members of the House of Representatives and 8,000 copies for use of members of the Senate, and 11,000 copies for the use of the Department of Labor.

REPRINT OF A REPORT.

By unanimous consent, on motion of Mr. ANDREW, report No. 821 was ordered to be reprinted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WASHINGTON, for to-day, on account of sickness in his family.

To Mr. WILLIAM A. STONE, for two days, on account of important business.

To Mr. SNOW, for two weeks, on account of important business.

To Mr. HOPKINS of Pennsylvania, for four days, on account of important business.

And then, on motion of Mr. McMILLIN (at 5 o'clock and 42 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bills; which were re-referred, as follows:

A bill (H. R. 7773) granting a pension to Samuel Robbins—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 2863) for the relief of the heirs of Alexander McCoppin, deceased—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 2874) for the relief of Cornelius Johnson, of steamship Brooklyn, United States Navy—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 4064) for the relief Bruno Nohl—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs;

A bill (H. R. 4293) to increase the pension of Mrs. Emeline C. Russell, widow of Charles A. Russell, late of Battery D, Fourth United States Artillery—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions;

A bill (H. R. 7781) to place Mrs. Lucy Ord Mason, widow of Lieut. John S. Mason, on the pension list—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. HEARD: A bill (H. R. 8225) to compel applicants for patents to prosecute their claims under such applications without unnecessary delay—to the Committee on Patents.

By Mr. CULBERSON (by request): A bill (H. R. 8226) providing for the appointment of shorthand reporters by the United States district and circuit courts—to the Committee on the Judiciary.

By Mr. PEEL: A bill (H. R. 8227) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes—to the Committee on Indian Affairs.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 8228) to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs and dissolving said corporation—to the Committee on the Judiciary.

By Mr. BUCHANAN of New Jersey: A resolution to print 5,000 copies of the proceedings attendant upon the formal presentation of the monument at Yorktown, Va.—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 8229) for the relief of Mathias Pedersen—to the Committee on War Claims.

By Mr. CATE: A bill (H. R. 8230) for the relief of Louis G. Sanderson, of Craighead County, Ark.—to the Committee on Pensions.

By Mr. CATCHINGS: A bill (H. R. 8231) for the relief of Aquilla Bowie, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8232) for the relief of Mary Ann Nagle, widow of Thomas K. Jones, of Warren County, Miss.—to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 8233) for the relief of William Noon, of Seventh United States regulars—to the Committee on Invalid Pensions.

By Mr. COOMBS: A bill (H. R. 8234) to increase the pension of David Parker—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 8235) for the relief of James B. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 8236) for the relief of the officers and crews of the rams Lioness, T. D. Horner, Dick Fulton, Mingo, and Sampson—to the Committee on War Claims.

By Mr. FYAN: A bill (H. R. 8237) to pension Abram Harges, late a soldier of the Seminole war—to the Committee on Pensions.

By Mr. GANTZ: A bill (H. R. 8238) correcting the military record of and granting an honorable discharge to Harmon Trupp, William Wardle, Louis Wells, and Charles Gillespie—to the Committee on Military Affairs.

By Mr. HEARD: A bill (H. R. 8239) granting a pension to Sarah M. Smith—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 8240) for the relief of Mrs. Mary H. Facemire—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 8241) granting a pension to William Oscar Stanley—to the Committee on Invalid Pensions.

By Mr. KRIBBS: A bill (H. R. 8242) granting a pension to George Van Vliet—to the Committee on Invalid Pensions.

By Mr. MCKAIG: A bill (H. R. 8243) for the relief of Elizabeth Bragonier, of Washington County, Md.—to the Committee on Military Affairs.

By Mr. MCCREARY: A bill (H. R. 8244) for the relief of the board of commissioners of the sinking fund of the county court of Madison County, Ky.—to the Committee on Claims.

By Mr. O'NEILL of Missouri: A bill (H. R. 8245) for the relief of the heirs of William H. Finch—to the Committee on War Claims.

By Mr. PAGE of Rhode Island: A bill (H. R. 8246) granting a pension to Bridget Brennan, widow of Thomas Brennan, late of Companies C and G, Second Regiment, Rhode Island Volunteers—to the Committee on Invalid Pensions.

By Mr. STEVENS: A bill (H. R. 8247) granting a pension to Mary Gilmartin—to the Committee on Pensions.

Also, a bill (H. R. 8248) granting a pension to Elizabeth H. Adams—to the Committee on Pensions.

Also, a bill (H. R. 8249) granting a pension to John H. Quimby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8250) granting a pension to Annie C. Brackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8251) for the removal of the charge of desertion from the record of Patrick McGarvey—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 8252) for the relief of David H. Hildebrand, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. TUCKER (by request): A bill (H. R. 8253) for the relief of Robert A. McGinnity—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 8254) to reimburse the trustees of the Cumberland Presbyterian Church, of Athens, Limestone County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8255) for the relief of R. W. Woody—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8256) for the relief of Benjamin F. Gullic—to the Committee on Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8257) for the relief of S. L. Carpenter, of Fayette County, Tenn.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Papers in the claim of Alice C. S. Banks, of Mississippi—to the Committee on War Claims.

By Mr. ARNOLD: Petition of citizens of Pemiscot County, Mo., against passage of the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

Also, resolutions of St. Louis Merchants' Exchange, with regard to ocean mail service—to the Committee on Interstate and Foreign Commerce.

Also, petition by the same exchange, in relation to 1-cent stamps—to the Committee on the Post-Office and Post-Roads.

By Mr. BRETZ: Petition of the pastor and members of the Christian Church of Washington, Ind., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BROOKSHIRE: Petition of J. C. Linn and 30 others, citizens of Vermillion County, Ind., praying for the passage of a law to regulate speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. BROSIUS: Petition of Presbyterian Church of Marietta, Pa., against opening the World's Fair on Sunday or selling liquor on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. CATE: Petition of Arkansas Conference of the Methodist Episcopal Church South, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of sundry citizens of Allegheny County, Pa., in favor of an amendment to the Constitution to prohibit any State from passing laws for the establishment of religion—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of ex-soldiers and sailors of Sedgwick Post, No. 4, Grand Army of the Republic, of Maine, for properly marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of citizens of Oxford County, Me., in favor of the passage of House bill 5353, commonly known as the option bill—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of Eugene Tellier and W. H. Dorward, for the support of the bill for the preference of ex-Union soldiers in the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. ENLOE: Two petitions of citizens of Tennessee, one of Madison County and the other of Carroll, remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Agriculture.

Also, petition of W. E. McDougal and others, praying for the relief of James Anderson, of Savannah, Tenn.—to the Committee on War Claims.

Also, petition of William Gwinn, of Hardin County, Tenn., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ENGLISH: Petition of Charles A. Colton, director of the Newark Technical School, Newark, N. J., for the exclusive use of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. FUNSTON: Three petitions of Greenwood Grange, No. 1087, of Kansas, one for the passage of a bill to prevent the adulteration of food, the second for the encouragement of silk culture, and the third to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of a law to prohibit contracts discrediting legal-tender currency—to the Committee on Agriculture.

Also, petition by the same grange, to prevent the adulteration of lard—to the Committee on Agriculture.

Also, petition of the United Presbyterian Church and Sabbath school, of Johnson County, Kans., in favor of observing the Sabbath by the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition by the same grange, for free delivery of mails in rural districts—to the Committee on Agriculture.

Also, petition of citizens of Scranton, Kans., for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Lawrence, Kans., for increase of appropriations for Haskell Institute—to the Committee on Indian Affairs.

By Mr. GRISWOLD: Four petitions of granges of Pennsyl-

vania, as follows: Two of Harbor Creek Grange, No. 385, one to prevent gambling in farm products, and the other, Mill Village Grange, No. 131, to encourage silk culture, and two of Mill Village Grange, No. 131, for the same—to the Committee on Agriculture.

Also, two petitions by the same granges, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, two petitions of the same granges, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition by Harbor Grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of citizens of Crawford County, Pa., for free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Erie County, Pa., favoring free delivery of mail—to the Committee on the Post-Office and Post-Roads.

By Mr. HALVORSON: Two petitions, one of D. Huntley and 13 others, of Hancock, Stevens County, Minn., and the other, of F. P. Marshall and 10 members of Seventh-Day Adventists, of Fair Haven, Stevens County, protesting against the passage of any bill closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of ex-soldiers and sailors of W. W. Preston Post, No. 145, Grand Army of the Republic, Department of Minnesota, for preserving and marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of John Emmerson and 48 others, of Center Church, South Center County, Minn., in opposition to a union of religion and the state—to the Committee on the Judiciary.

By Mr. HARE: Petition of Findlay College, Ohio, in relation to management of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HEARD: Petition of Harrison A. Glenn Post, No. 512, Grand Army of the Republic, of Missouri, in favor of the passage of a law providing for better marking the battle lines at Gettysburg battlefield—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: Petition of 57 citizens of the Third district of Iowa, against indiscriminate and excessive immigration to this country and the importation of Chinese—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the Business Men's Association, Davenport, Iowa, favoring liberal appropriations for the United States Weather Bureau—to the Committee on Agriculture.

Also, petition of 59 citizens of the Third district of Iowa, asking for an investigation of the occupations, earnings, sanitary conditions, and methods of living of the poor in large cities—to the Committee on Labor.

Also, resolutions of Johnson Division, No. 67, Order of Railway Conductors, Waterloo, Iowa, favoring the Henderson, George Milliken or other similar bills, and referring to other matters connected with the safety of trainmen—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER of New York: Petition of ex-soldiers and sailors of Seth B. Weed Post, No. 296, Grand Army of the Republic, Department of New York, for preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: Petition against the passage of House bill 4843, to limit the effect of the regulations of commerce between the Federal States and foreign countries in certain cases—to the Committee on Interstate and Foreign Commerce.

Also, petition of 46 citizens of Cleveland, Ohio, praying for adoption of an amendment to the Constitution in regard to religious matters—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

Also, papers in support of House bill 8063, to relieve Alfred Burgess from charge of desertion—to the Committee on Naval Affairs.

By Mr. JOLLEY: Petition of citizens of Hand County, S. Dak., to prohibit the opening on Sunday of any exhibition or exposition where United States funds are expended—to the Select Committee on the Columbian Exposition.

By Mr. LANE: Two petitions of citizens of Shelby, Ill., in favor of Washburn-Hatch bills—to the Committee on Agriculture.

By Mr. MCCLELLAN: Petition of Margaret Lamont, widow of Adolphus Lamont, for an increase of pension, to accompany House bill 8212—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of S. P. Baker and others, for the passage of a bill to mark battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Susan Wentworth and others, for closing the

Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. NEWBERRY: Petition from Chicago, Ill., asking that the Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition from Chicago, to amend the Constitution—to the Committee on the Judiciary.

By Mr. OTIS: Two petitions of citizens of Kansas, one of 159 citizens of Topeka, and the other of 224 citizens of Eskridge, asking for the prevention of the sale of all intoxicating liquors at the Soldier's Home at Leavenworth, Kans.—to the Committee on Military Affairs.

Also, petition of the Methodist Episcopal Church of Oakland, Shawnee County, Kans., to have all liquor licenses repealed in the District of Columbia and liquor banished from the national capital—to the Committee on the District of Columbia.

Also, petition of citizens of Waverly and 295 members of Waverly Presbyterian Church, Kansas, asking that the Columbian Exposition grounds be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RIFE: Petition of Robert Fry, of Spring Township, Perry County, Pa., for a special act granting him a pension—to the Committee on Invalid Pensions.

By Mr. SCULL: Memorial of citizens of Altoona, Pa., protesting against the passage of House bill 4843, restricting interstate commerce in oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Bloomington, Ill., for 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Petition of the board of supervisors of Christian County, Ill., in favor of House bill 5982, in regard to swamp land—to the Committee on the Public Lands.

Also, petition of John Dunn, of Illinois Central Railroad Company, against the abolition of the Bureau of American Republics—to the Committee on Foreign Affairs.

By Mr. STEVENS: Petition of the First Baptist Church, Winter Hill Congregational Church, the Broadway Methodist Episcopal Church, and the Broadway Congregational Church, all of Somerville, Mass., and 21 citizens of Clinton, Mass., protesting against the opening on Sunday of any exhibition or exposition where the United States funds are expended—to the Select Committee on the Columbian Exposition.

Also, petition of Patrick McGary, for removal of the charge of desertion—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to Mary Gilmartin—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Elizabeth H. Adams—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Annie C. Brackett—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John H. Quimby—to the Committee on Invalid Pensions.

By Mr. STEWART of Texas: Memorial of the State of Texas, asking for a harbor of refuge on the coast of Florida—to the Committee on Rivers and Harbors.

By Mr. STORER: Petition of the Evangelical Alliance of Cincinnati, against opening the World's Fair at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the United States Printing Company, of Cincinnati, praying for the passage of House bill 574, known as the trade-mark bill—to the Committee on Patents.

By Mr. TOWNSEND: Petition of W. T. Sherman Post, No. 23, Grand Army of the Republic, department of Colorado and Wyoming, for legislation to properly mark the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of the Ministerial Association of Pueblo, Colo., representing 18 churches, against any appropriation for the World's Fair unless upon condition that the same shall not be opened on Sunday, and that the sale of liquor shall be prohibited—to the Select Committee on the Columbian Exposition.

Also, statement and letters to accompany House bill for relief of Charles Schobelka, of Leadville, Colo.—to the Committee on Claims.

By Mr. WEADOCK: Petition of J. C. Harris and others, against closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WALKER: Petition of the National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Alabama: Papers in the claim of Oakley H. Bynum, of Lawrence County, Ala.—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Affidavit of Dr. B. F. Nayman, in the matter of Aford Faulkner, for relief—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, April 19, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

COURT OF CLAIMS FEES.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting, in response to a resolution of the 12th instant, certain information relative to fees charged by the officers of that court; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law in the French spoliation claim of Reginald Fendall, administrator of John Leonard, deceased, relating to the brig Calliope; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. VEST presented a petition of the Kansas City (Mo.) Paint, Oil, and Varnish Club, praying for the passage of House bill 187, providing for the consolidation of third and fourth class mail matter into one class, to be classed hereafter as third-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the following petitions of Friendship Grange, Patrons of Husbandry, of Missouri:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. MORRILL presented two memorials of sundry citizens of Vermont, remonstrating against any appropriation for the World's Columbian Exposition unless it shall be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PEPPER presented a petition of the Sabbath school at Eskridge, Kans., praying that the sale of intoxicating liquors be prohibited at the National Soldiers' Home at Leavenworth, Kans.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Woman's Christian Temperance Union of Topeka, Kans., and a petition of members of the Methodist Episcopal Church at Oakland, Kans., praying for the enactment of a prohibitory liquor law for the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PETTIGREW presented the memorial of Charles L. Abbott and 27 other citizens of Estelline, S. Dak., remonstrating against the proposed closing of the World's Columbian Fair on Sunday, and praying that it be kept open every Sunday of its continuance; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 191 citizens of Parker, S. Dak.; a petition indorsed by the Reformed Church of Sioux Falls, S. Dak., and a petition signed by 63 citizens of South Dakota, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a petition of citizens of Clarke and Cowlitz Counties, Wash., praying that an appropriation of \$5,000 be made for the survey of the Lewis River, in that State, from its mouth to Speliah Creek; which was referred to the Committee on Commerce.

Mr. FELTON presented a petition of citizens of Yolo County, Cal., and a petition of citizens of Sonoma County, Cal., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented a petition of San Jose Grange, No. 10, Patrons of Husbandry, of California, praying for the free delivery of mails in the rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SANDERS. I present a petition of the Bozeman (Mont.) Board of Trade, praying for the passage of the bill providing for the segregation of the northeast corner of the Yellowstone National Park. As a bill is now pending providing for the same legislation, I move that this petition lie on the table.

The motion was agreed to.

Mr. McMILLAN presented a memorial of the Michigan fish commission and the State game and fish warden, remonstrating against the passage of the so-called Lapham bill, to regulate the fisheries, and for other purposes; which was referred to the Committee on Fisheries.

He also presented the petition of Rev. J. W. Ferris and the officers of the Methodist Episcopal Church of Lapeer, Mich., praying for the closing of the World's Columbian Exposition on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be conducted in accordance with the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of F. W. Wheeler & Co. and other vessel men of Michigan, remonstrating against the passage of Senate bill 1755, to amend certain sections of Title LII of the Revised Statutes of the United States, and to carry into effect certain recommendations of the United States delegates to the International Marine Conference; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Muskegon, Mich., praying that an appropriation of \$75,000 be made by Congress for the improvement of the Muskegon Harbor, as one absolutely essential to protect the commerce at that port; which was referred to the Committee on Commerce.

He also presented the petition of J. H. Monroe and 46 other citizens of Detroit, Mich., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the petition of E. C. Woods and 53 other citizens of Calhoun County, Mich., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of 37 citizens of Kansas, praying for the passage of legislation preventing the issue of Federal liquor licenses in the State of Kansas; which was referred to the Committee on Education and Labor.

He also presented the petition of Rebecca Morgan, president, and R. Esther Smith, secretary, on behalf of the Woman's Foreign Missionary Society of the Friends' Church, praying for the enforcement of laws in the Territory of Alaska against the sale of intoxicating liquors to the natives of that Territory; which was referred to the Committee on Territories.

Mr. MILLS presented a memorial of citizens of Falls County, Tex., remonstrating against the passage of House bill 395, defining lard and imposing a tax thereon; which was ordered to lie on the table.

Mr. WARREN presented the petition of Edward J. Morris and 36 other citizens of Green River, Wyo., praying for the cession of the arid lands for purposes of irrigation and reclamation; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. PLATT presented a memorial of citizens of Blair County, Pa.; a memorial of citizens of Pitkin County, Colo.; a memorial of citizens of Alameda County, Cal.; a memorial of citizens of Franklin County, Ohio; a memorial of citizens of Northumberland County, Pa.; a memorial of citizens of Seneca County, Ohio; a memorial of citizens of Iroquois County, Ill.; a memorial of citizens of Buchanan County, Mo.; a memorial of citizens of Wilmington, Del.; a memorial of citizens of Lehigh County, Pa.; a memorial of citizens of Chicago, Ill.; a memorial of citizens of Peoria, Ill.; a memorial of citizens of Center County, Pa.; a memorial of citizens of Newton, Pa.; a memorial of citizens of Winnebago County, Ill.; a memorial of citizens of Northampton County, Pa.; a memorial of citizens of Luzerne County, Pa.; a memorial of citizens of Fairfield County, Ohio; a memorial of citizens of Cook County, Ill.; a memorial of citizens of Schuylkill County, Pa.; a memorial of citizens of Kane County, Ill.; a memorial of citizens of Mammoth, Utah; a memorial of citizens of Perry County, Ohio; a memorial of citizens of Du Page County, Ill.; a memorial of citizens of Athens County, Ohio; a memorial of citizens of Lebanon County, Pa.; a memorial of citizens of Cleveland, Ohio; a memorial of citizens of Carroll, Pa., and a memorial of citizens of Jefferson County, Pa., remonstrating against the passage of the Faulkner, Caine, and Teller bills, providing home rule for Utah Territory; which were referred to the Committee on Territories.

He also presented a petition of Bacon Grange, No. 118, Patrons of Husbandry, of Connecticut, praying that contracts discrediting legal-tender currency be prohibited; which was referred to the Committee on Finance.

He also presented the following petitions of Beacon and Colchester Granges, Patrons of Husbandry, of Connecticut:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mail in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the petition of Samuel P. North of Huron County, Ohio, praying to be reimbursed for services rendered the Government and for clothing and tools taken from him during the late war; which was referred to the Committee on Claims.

Mr. HOAR presented the petition of William M. Butler and other citizens of New Bedford, Mass., praying for the adoption of an amendment to the Constitution of the United States, prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. CHANDLER presented the following petitions of John Hancock Grange, Patrons of Husbandry, of New Hampshire:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. HARRIS presented a memorial of the Memphis (Tenn.) Merchants' Exchange, remonstrating against the passage of the bill to limit the effect of the regulations of commerce between the several States, and with foreign countries in certain cases; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY presented the petition of Rev. S. A. Ives and 80 members of the Baptist Church of Thompson, Conn., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be conducted according to the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of S. M. Cowles and 125 other citizens of Berlin and Kensington, Conn., praying for the free delivery of mails in the rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the following petitions of Berlin, Ashford, Bolton, Barkhamsted, Burritt, Border, Union, and Eureka Granges, Patrons of Husbandry, of Connecticut.

Petitions praying for the enactment of legislation for the encouragement of silk culture—referred to the Committee on Agriculture and Forestry.

Petitions praying for the enactment of legislation to prevent gambling in farm products—to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. HISCOCK presented a petition of citizens of Rochester, N. Y., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of the First Presbyterian Church of Le Roy, N. Y.; a petition of the Methodist Episcopal Church of Le Roy, N. Y.; a petition of the First Baptist Church of Le Roy, N. Y.; a petition of the First Methodist Episcopal Church of Olean, N. Y.; a petition of the First Presbyterian Church of Olean, N. Y.; a petition of the First Baptist Church of Olean, N. Y.; a petition of the People's Methodist Episcopal Church of Olean, N. Y.; a petition of the Homer Avenue Methodist Episcopal Church of Cortland, N. Y.; the petition of E. A. Robbins and 158 other citizens of Le Roy, N. Y.; the petition of Emily Smith and 19 other citizens of Chile, N. Y.; the petition of

George W. Mabie and 62 other citizens of Warrensburg, N. Y.; the petition of Mrs. G. R. Brown and 130 other citizens of Richville, N. Y., and a petition of the Methodist Episcopal Church of Woodlawn, N. Y., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of A. G. Dayan and 36 other citizens of New York City; the petition of J. E. Bartlett and 28 other citizens of New York City; the petition of W. M. Van Antwerp and 24 other citizens of Albany, N. Y., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union No. 98, of Brooklyn, N. Y., praying for the passage of House bill 257, constituting eight hours a day's work; which was referred to the Committee on Education and Labor.

He also presented the petition of E. L. McDowell and 19 other citizens of Chautauqua County, N. Y., and a petition of Chautauqua Grange, No. 571, Patrons of Husbandry, of New York, praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

He also presented the following petitions of Fair Play and Beaver Falls Granges, Patrons of Husbandry, of New York:

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. DAWES presented a petition of the executive committee of the American Baptist Missionary Union, remonstrating against the enactment of the bill passed by the House excluding the Chinese from this country and restricting the rights of domicile of Chinese now residing in this country; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. VILAS, from the Committee on Indian Affairs, to whom was referred the bill (S. 334) to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 7360) authorizing the construction of a wagon and motor bridge over the Missouri River at St. Charles, Mo., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2715) authorizing the construction of a bridge across the Kansas River, reported it with amendments.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 7365) to authorize the Illinois and Iowa Railway and Terminal Company to build a bridge across the Mississippi River at Moline, Ill., to report it without amendment.

Mr. CULLOM. I should like to ask the Senate to take that bill up and pass it. I have had several letters on the subject. It is a matter the two States of Iowa and Illinois are interested in.

Mr. VEST. I make no objection; but there are several bridge bills here, important to the parties interested and to the public in certain localities, and I intended to ask the Senate to take up those bills and dispose of them. I am receiving telegrams and letters all the time stating that parties want to commence construction and can not do it without the necessary legislation by Congress, and I intend to ask the Senate to take up these bills, probably this afternoon, if we can get time.

Mr. SHERMAN. I hope we shall go through with the routine business before that is done.

Mr. CULLOM. If that is to be done I will not ask that this bill be considered now. However, I am very anxious about this bill. I have had several communications on the subject.

Mr. VEST. I have no objection, of course, to its consideration, but there are four bridge bills on the Calendar about which there is considerable exigency, and I want to have them all considered.

Mr. CULLOM. I will not ask for the consideration of the bill at present, but I will join the Senator from Missouri in his request to have the bridge bills considered.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CAREY, from the Committee on Public Buildings and

Grounds, to whom was referred the bill (S. 2800) for the erection of a public building at the city of Dunkirk, N. Y., reported it without amendment, and submitted a report thereon.

Mr. STOCKBRIDGE, from the Committee on Indian Affairs, to whom was referred the bill (S. 688) to amend sections 1 and 2 of an act entitled "An act to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin," and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1090) to amend section 1 and section 2 of an act entitled "An act to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin," reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by the bill (S. 2920) to regulate the cutting and sale of timber reserved to the use of the Menomonee tribe of Indians in Wisconsin; which was read twice by its title.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1370) for the relief of the legal representatives of Mrs. Adeline Shirley, reported it with an amendment, and submitted a report thereon.

Mr. ALLEN, from the Committee on Claims. I report adversely the bill (S. 723) for the relief of the legal representatives of Mrs. Adeline Shirley. The reason for reporting this bill adversely is that its provisions are embraced in the other bill just reported.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, reported two amendments intended to be proposed to the army appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CLIMATIC FEATURES OF THE DAKOTAS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. PETTIGREW February 25, 1892, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring therein). That 5,000 copies, comprising the necessary text, tables, and charts, be printed of the paper entitled "Certain Climatic Features of the Two Dakotas," being a presentation of special information collected by the Weather Bureau for a long series of years as to temperature, rainfall, winds, barometric pressures, evaporation, and atmospheric disturbances, which are believed to have marked influence upon agricultural interests in the said States.

SEC. 2. That 1,000 copies be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies to be distributed by the Weather Bureau.

REMOVAL OF GARBAGE IN THE DISTRICT.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the resolution submitted by Mr. BLACKBURN on the 8th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Whereas there was appropriated by the last Congress the sum of \$24,000 for the removal of garbage in the District of Columbia for the year ending June 30, 1892; and

Whereas it is stated by the Commissioners for the District of Columbia in their last annual report now before Congress that said appropriation is already "practically exhausted," and an additional appropriation is asked for: Therefore,

Be it resolved by the Senate of the United States in Congress assembled. That the Committee of the Senate on the District of Columbia is hereby instructed to investigate the manner and methods by which said appropriation has been expended, and to report to the Senate at an early day the result of their investigations.

Also, that said committee is directed to report what changes have been made in the official management of the health department of the District of Columbia, and for what reasons; and if any unusual or unfair means have been used to accomplish such changes.

Also, if the present contractor for the transportation of garbage and the collection and transportation of dead animals in the District of Columbia is carrying out his contract according to the specifications thereof.

Also, if said contractor is an employé of the War Department, drawing a salary from the United States; and if so, why is he allowed to occupy such a double position.

Also, if said contractor has been awarded a five years' contract for the collection of garbage and dead animals in the District of Columbia; and if so, the amount of said contract; and if said contractor has been allowed to sublet said contract; and if so, to whom, and what consideration he received for the same.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2930) for the relief of George Webb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 2931) to provide for the survey and transfer of that part of Fort Randall military reservation in the State of Nebraska to said State for school purpose; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAULKNER introduced a bill (S. 2932) for the relief of William A. Griffin of Berkeley County, W. Va.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. STOCKBRIDGE introduced a bill (S. 2933) to limit the number of civil engineers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DIXON (by request) introduced a bill (S. 2934) for the purpose of limiting the conditions in patents granted to citizens of other countries, to those demanded of American citizens by these countries respectively, and for other purposes; which was read twice by its title, and referred to the Committee on Patents.

Mr. CULLOM (by request) introduced a bill (S. 2935) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. PLATT introduced a bill (S. 2936) for the relief of the United States Regulation Firearms Company; which was read twice by its title, and referred to the Committee on Patents.

Mr. MANDERSON introduced a bill (S. 2937) for the erection of a monument in the city of Washington to the memory of the late Commodore John Paul Jones; which was read twice by its title.

Mr. MANDERSON. I ask that the bill be referred to the Committee on the Library, and I desire to call the attention of that committee to some very valuable documents which accompany the bill. They were prepared by a gentleman who has given very great research to the history of this eminent naval officer, and I hope that they will receive consideration at the hands of the committee.

The VICE-PRESIDENT. The bill, with the accompanying papers, will be referred to the Committee on the Library.

Mr. CHANDLER introduced a bill (S. 2938) for the purchase of a marble bust of Ulysses S. Grant; which was read twice by its title, and referred to the Committee on the Library.

Mr. VEST introduced a bill (S. 2939) for the relief of Austin Aukrom; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 2940) for the relief of James A. Richardson, administrator of Ezekiel T. Keel, deceased, of Shelby County, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 2941) for the relief of John Schuh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2942) granting a pension to Lawrence Heffron, late private in United States Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2943) granting an increase of pension to Thomas H. Gohagan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2944) making the surveyor of the District of Columbia a salaried officer and to provide for more efficient service in the surveyor's office; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2945) granting an honorable discharge to Almond Munson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2946) to amend an act entitled "An act to incorporate The Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FELTON (by request) introduced a bill (S. 2947) to provide a national currency circulating medium and to provide for the circulation thereof; which was read twice by its title.

Mr. PADDOCK introduced a bill (S. 2948) to pension William H. Pierre; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2949) granting a pension to Josephine Glover; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2950) for the relief of the legal representatives of Samuel Woods; which was read twice by its title, and referred to the Committee on Claims.

Mr. FELTON (by request) introduced a joint resolution (S. R. 74) proposing an amendment to the Constitution in reference to a national money system; which was read twice by its title.

Mr. FELTON. I have been requested to say in connection with the measures introduced by me that it is the desire to bring the subject before the Finance Committee for their consideration. I am told that the sentiment is backed by a large number

of respectable and leading citizens. I move that the bill and joint resolution be referred to the Committee on Finance.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. ALLEN and Mr. FELTON submitted amendments intended to be proposed by them, respectively, to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted five amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PUBLICATION OF COPYRIGHTED BOOKS IN THE RECORD.

Mr. SANDERS. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the publication in the CONGRESSIONAL RECORD, without the consent of the proprietor, of a copyrighted book is an infringement of the right granted to such proprietor of the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, or vending the same, and whether the publication therein subjects any person who shall sell or expose to sale the CONGRESSIONAL RECORD containing such reprint to the penalties prescribed in section 4964 of the Revised Statutes of the United States, and whether any person is liable to the owner of such copyrighted book for damages for such publication; and if so, what person, and what action, if any, is desirable to be taken in view of the publication of copyrighted books in the CONGRESSIONAL RECORD; and that said committee have leave to report by bill or otherwise.

Mr. PLATT. I wish that the resolution may be printed and lie over. I should like to look at it.

The VICE-PRESIDENT. The resolution will be printed and lie over.

HEARINGS ON CHEROKEE AGREEMENT.

Mr. PLATT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, have power to employ a stenographer to report hearings in connection with Senate bill 2870, "to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes," and upon the relations existing between the United States and the five civilized tribes of Indians. Said committee, or subcommittee, shall have power to send for persons and papers; and the expenses incurred by such hearings shall be paid out of the contingent fund of the Senate, upon vouchers properly approved by the chairman of said committee.

IRRIGATION PUBLICATIONS OF GEOLOGICAL SURVEY.

Mr. POWER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested to furnish the Senate with information in relation to the following matters and at as early a date as practicable:

1. What documents, reports, monographs, papers, maps, and illustrations have been printed during the fiscal years of 1890-91 and 1891-92 for the United States Geological Survey in relation to irrigation, the storage of water, the measuring of streams, the construction and character of works in this and other countries, the survey of arid lands for reclamation purposes; also if any have been printed in previous years, not already published and distributed; and, if so, what relation such reports, etc., bear to the annual and special publications of the Geological Survey, as authorized by law, and at what date (if any such documents are now printed or printing) will they be ready for distribution?

2. What reports relating to arid-land reclamation and irrigation are in preparation in the offices of the United States Geological Survey and the United States Census; whether the same are now in course of printing; by whom are such reports being prepared, and under what authority of law; from what appropriations are the costs of said reports, papers, etc., being borne, and from what rolls are the persons employed thereat being paid, with a full statement or estimate of the cost of each of such publications or documents, both for preparation and printing, with the number to be printed and specific authority under which the work is being or has been done.

3. That the information asked shall include a statement as to whether any portion, and if so, what portions, of said reports, etc., have been previously published and circulated, either public or private papers and reports; also as to the authority of law under which such data have been gathered, the names and duties of those employed to obtain and prepare the same, the rolls on which they are now or were borne and paid, the amount of the payments to them while so employed, and the offices or divisions to which they were assigned.

Mr. PLATT. Mr. President—

Mr. HALE. Let that lie over.

Mr. PLATT. I wish to suggest that if the resolution is to be passed on, the word "directed" ought to be inserted in place of the word "requested." I think we ought always to direct a Department in such resolutions.

Mr. HALE. I should like to have the resolution printed and lie over.

The PRESIDING OFFICER (Mr. FRYE in the chair). Objection being made, the resolution will lie over, under the rule.

Mr. PLATT. Let the change be made from "requested" to "directed."

The PRESIDING OFFICER. The resolution has gone over. Mr. PLATT. I rose to make my suggestion before the objection was made.

The PRESIDING OFFICER. The Senator from Connecticut moves that the word "requested" be changed to the word "directed." Is there any objection? The Chair hears none, and that amendment will be made. The resolution will go over, under the rule.

GEORGETOWN AND TENNALLYTOWN RAILROAD.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia are hereby directed to forthwith investigate the operations of the Georgetown and Tennallytown Railroad Company, as to whether said company has complied with the laws and regulations governing it, especially in regard to roads, streets, and highways which are crossed by its track; whether the rails are placed upon proper grade; whether gates are sufficiently maintained, and whether the roadbed of said track and of the street in which it runs has been by said company made unsuitable for travel, and whether any arrangement has been made with any other company for the use of any part of its track or poles, and to report forthwith to the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 2388) to amend an act entitled "An act to authorize the Oregon and Washington Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the State of Washington, and to establish it as a post road."

FUNDING ACT OF ARIZONA.

The PRESIDING OFFICER. If there are no further resolutions, concurrent or other, the Calendar is in order.

Mr. PLATT. I desire to make a statement with reference to a bill on the Calendar, and then to ask unanimous consent that it may be taken up and disposed of at the present time.

The PRESIDING OFFICER. Without objection the Senator will be recognized to make a statement.

Mr. PLATT. The bill relates to a slight amendment in the funding act of Arizona. It is to make the interest on some bonds payable semiannually instead of annually. That is the only amendment to the law. It is necessary in order to enable the Territory of Arizona to sell its bonds under the act. An agreement has already been made for the sale of \$1,500,000 of bonds if the bill can pass Congress, and the transaction is simply waiting for the passage of the bill. The other House has passed the bill, and I ask that it may be disposed of this morning.

The PRESIDING OFFICER. The Senator from Connecticut asks, unanimous consent for the present consideration of the bill (H. R. 5499) to amend an act entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT. There is an amendment proposed by the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Committee on Territories report to add to section 2:

And no further Territorial legislation shall be necessary in order to make said Territory liable for the principal and interest of said bonds; and no further advertisement for the sale of \$1,500,000 of said bonds at not less than par shall be necessary.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. STEWART. Mr. President, I wish to call attention to the fact that this bill provides for the payment of interest in gold.

Mr. PLATT. Or in its equivalent in lawful money.

Mr. STEWART. Or in its equivalent in lawful money. It is the first measure passed by Congress, at least since the resumption act, which has made any distinction in the different kinds of United States money. I do not know but that the original act contained the same provision.

Mr. PLATT. The act passed by the Legislature of Arizona in 1887 contained the same provision. The same language is followed in this bill.

Mr. STEWART. This will probably be used by our gold friends to show that the people of Arizona are opposed to the free coinage of silver and that they have joined the gold combination. The bill in this form will undoubtedly be used as an argument for that purpose. I do not think it will be a very sound argument, because it is the gold men themselves who refuse to loan money to Arizona unless they can make these terms.

It is rather a forced loan, such as the gold men are in the habit of making. They take advantage of everything of this kind to patch up their cause, being unable to show that there is gold enough for use as money, or that the legislation of 1873 was wise legislation, or that prices are not changing all over the world in consequence of an inadequate basis for circulation. The fact that we have only about half the amount of metallic coin in the commercial world that we had eighteen years ago is not denied, and its baneful effects are felt everywhere and can not be denied by argument. The advocates of a gold standard resort to little catch things like this where a Territory is forced to accept their terms to prove that they have adherents and advocates.

A few days ago some industrious individual in the employ of the gold men ascertained that I had made some mortgages payable in gold in California, where the gold law prevails and where any man who does business must sign a note payable in gold. If he gets a discount at a bank, or if he does business in that country, he must do as they do. As I explained the other day, I gave no direction in regard to the matter; it was done by an agent, who took the mortgages on the usual blanks prepared by the gold men. That has been commented upon, and I think the editor of every leading paper in the United States has taken the trouble to write an editorial on it, as if that had anything to do with the grasp of contraction, as if that had anything to do with the oppression of mankind occasioned by the destruction of one-half of the basis of circulation!

I simply call attention to this matter. We shall hear from it again. I shall not take any further action than to call attention to it, because the Territory of Arizona is in a deplorable condition, with an enormous debt, and the people of that Territory think this measure will be some relief. They think this funding bill will put their finances in a better condition. Whether that be true or not, time will tell. At all events, I am disposed to allow them to manage their own affairs, and am willing that the gold trust shall have all the benefit of the provision in this bill; but they will call attention to the fact that Congress is recognizing a difference between the different classes of money which are in use.

Mr. PLATT. Mr. President, I am very glad that the Senator from Nevada does not feel it necessary to oppose this bill. I desire to make a simple statement about it.

The original act, which we are now asked to amend, was passed in 1887 by the Legislative Assembly of the Territory of Arizona. The only change that we make in it is to make the interest payable semiannually instead of annually. The law, so far as relates to the payment of interest in gold or its equivalent, is precisely the language employed in the original act by the Legislature in 1887. The sale of these bonds upon the contract which has already been made will save the Territory of Arizona about \$7,000 per month interest, and the people of that Territory are very anxious that the bill shall pass without further delay.

Mr. COCKRELL. Mr. President, the bill which was passed by the House of Representatives contains a provision that the interest "shall be paid in gold coin of the United States," without saying anything about "or its equivalent." The act of the Territorial Legislature of the Territory of Arizona contains the words that "the interest shall be payable in gold coin or its equivalent in lawful money of the United States."

Mr. PLATT. I think the Senator is mistaken about that.

Mr. COCKRELL. I am only going by the Senator's own report as he has it printed here.

Mr. PLATT. There is a mistake in the print. If the Senator will listen to the reading of the bill I think he will see that the language is all right.

Mr. COCKRELL. I not only listened to the reading of it, but I have it, and I am able to read, and I see the bill has not the words "or its equivalent in lawful money."

Mr. PLATT. I think the Senator is mistaken.

Mr. COCKRELL. We shall see who is mistaken.

Mr. PLATT. On looking at the bill I see the Senator is right.

Mr. COCKRELL. I rather thought the Senator from Connecticut was mistaken.

Mr. PLATT. I agree that I was.

Mr. COCKRELL. It is all right, then.

This bill provides further, in accordance with the language of the Territorial statute, that the principal of these bonds shall be payable in lawful money of the United States. The principal being payable in lawful money of the United States is the only reason why I shall make no objection to the passage of the bill, though I believe the principle is wrong in not making the interest payable in lawful money, but the principal is payable in lawful money.

Mr. KYLE. I wish to offer an amendment, to strike out, in line 11, of section 1, the words "gold coin" and insert "lawful money."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, line 11, after the words "paid in," it is proposed to strike out "gold coin" and insert "lawful money;" so as to read:

Said bonds shall bear interest at a rate to be fixed by said loan commissioners, but in no case to exceed 5 per cent per annum, which interest shall be paid in lawful money of the United States, etc.

The VICE-PRESIDENT. The amendment will be considered as agreed to, if there be no objection.

Mr. PLATT. No, Mr. President, it will not be considered as agreed to without objection, for I object to it.

The VICE-PRESIDENT. Then the Chair will put the question on the amendment.

Mr. KYLE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT. Mr. President, I desire to make this statement about the bill. The Territorial Delegate desires that the bill shall be passed in its present form; all the officers of the Territory desire that the bill shall be passed in its present form. The contract has been made for the sale of these bonds upon the theory that the bill would be passed by the Senate as it came from the other House, and I hope that no change will be made in it. It is a matter which it seems to me the people of the Territory have a right to regulate in their own way.

Mr. PEPPER. Mr. President, I shall trouble the Senate but for a moment. The request of the Senator from Connecticut [Mr. PLATT] is based upon the action of the Delegate from the Territory of Arizona, as I understand it.

Mr. PLATT. Certainly it is.

Mr. PEPPER. I am opposed to changing the tenor and the spirit of the laws of the United States at anybody's request except at the request of the people themselves. We are now just entering upon what I believe will be the most stupendous struggle in our history upon this very question as to whether or not we are going to pay or propose to pay our debts in gold instead of in lawful money of the United States, and I hope that this amendment will carry. If it be necessary to repeal the law and enact a new one very good, but it does not matter about that so far as I am concerned and the people whom I represent.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. KYLE], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DAWES (when his name was called). I am paired with the senior Senator from Alabama [Mr. MORGAN].

Mr. FAULKNER (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "yea" if the Senator from Vermont were present.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], and therefore withhold my vote.

Mr. PALMER (when his name was called). I am paired with the Senator from North Dakota [Mr. HANSBROUGH].

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE].

Mr. WARREN (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. Not knowing how he would vote on this question if present, I withhold my vote.

The roll call was concluded.

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote on this proposition, and I therefore withhold my vote. If he were present I should vote "yea."

Mr. HARRIS. I suggest to the Senator from Michigan [Mr. McMILLAN], he being paired with the Senator from North Carolina [Mr. VANCE] and I with the Senator from Vermont [Mr. MORRILL], that we transfer our pairs and record our votes.

Mr. McMILLAN. That is satisfactory to me, and I vote "nay."

Mr. HARRIS. I vote "yea."

Mr. CALL (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. PROCTOR], and therefore withdraw my vote.

Mr. CARLISLE. Is the senior Senator from Ohio [Mr. SHERMAN] recorded as voting?

The VICE-PRESIDENT. He is not recorded.

Mr. CARLISLE. I am paired with that Senator, and withhold my vote.

Mr. GEORGE. Has the Senator from Oregon [Mr. DOLPH] voted?

The VICE-PRESIDENT. He has not.

Mr. GEORGE. I am paired with him, and withhold my vote. If he were present I should vote "yea."

Mr. FELTON. I am paired with the Senator from Ohio [Mr. BRUCE]. If he were present I should vote "nay."

Mr. HISCOCK (after having voted in the affirmative). I am paired with the Senator from Arkansas [Mr. JONES]. I did not hear him vote, and therefore I withdraw my vote.

Mr. RANSOM. I am paired with the Senator from Maine [Mr. HALE], who is temporarily and necessarily absent from the Senate. I should vote "yea" if he were present.

Mr. HISCOCK. I suggest to the Senator that he and I transfer our pairs. I am paired with the Senator from Arkansas [Mr. JONES] and the Senator from North Carolina is paired with the Senator from Maine [Mr. HALE]. By a transfer of the pairs we shall both be at liberty to vote.

Mr. RANSOM. That is satisfactory to me.

Mr. HISCOCK. Then my vote may stand.

Mr. RANSOM. I vote "yea."

Mr. BERRY. Under the arrangement just made, my colleague [Mr. JONES of Arkansas] will be paired with the Senator from Maine [Mr. HALE]. If my colleague were present he would vote "yea."

Mr. PLATT (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Virginia [Mr. BARBOUR]. If my vote standing would make a quorum I should let it remain, but as I understand it will not, I desire to withdraw it for the present.

The result was announced—yeas 21, nays 15; as follows:

YEAS—21.			
Bate,	Dubois,	Kyle,	Vest,
Berry,	Gibson, Md.	Peffer,	Walthall,
Cockrell,	Hansbrough,	Pugh,	Wolcott,
Coke,	Harris,	Ransom,	
Colquitt,	Jones, Nev.	Stewart,	
Daniel,	Kenna,	Teller,	
NAYS—15.			
Allison,	Frye,	McMillan,	Stockbridge,
Carey,	Hawley,	Paddock,	Washburn,
Chandler,	Hiscock,	Pettigrew,	Wilson.
Dixon,	Hoar,	Sawyer,	
NOT VOTING—32.			
Aldrich,	Dawes,	Irby,	Proctor,
Allen,	Dolph,	Jones, Ark.	Quay,
Barbour,	Faulkner,	McPherson,	Sanders,
Blackburn,	Felton,	Manderson,	Sherman,
Blodgett,	Gallinger,	Mills,	Shoup,
Brice,	George,	Mitchell,	Squire,
Butler,	Gibson, La.	Morgan,	Stanford,
Call,	Gordon,	Morrill,	Turpie,
Cameron,	Gorman,	Palmer,	Vance,
Carlisle,	Gray,	Pasco,	Vilas,
Casey,	Hale,	Perkins,	Voorhees,
Cullom,	Higgins,	Platt,	Warren,
Davis,	Hill,	Power,	White.

The VICE-PRESIDENT. A quorum has not voted.

Mr. PLATT and Mr. COCKRELL. Let the roll of the Senate be called.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators responded to their names:

Allen,	Daniel,	Jones, Nev.	Ransom,
Allison,	Dixon,	Kenna,	Sawyer,
Bate,	Dubois,	Kyle,	Shoup,
Berry,	Faulkner,	McMillan,	Stewart,
Blackburn,	Felton,	Manderson,	Stockbridge,
Blodgett,	Frye,	Mitchell,	Teller,
Butler,	Gibson, Md.	Paddock,	Vest,
Call,	Gray,	Palmer,	Walthall,
Carey,	Hale,	Peffer,	Warren,
Carlisle,	Hansbrough,	Perkins,	Washburn,
Chandler,	Harris,	Pettigrew,	Wilson.
Cockrell,	Hawley,	Platt,	Wolcott.
Coke,	Hill,	Power,	
Colquitt,	Hiscock,	Proctor,	
Cullom,	Hoar,	Pugh,	

The VICE-PRESIDENT. Fifty-seven Senators have responded to their names. A quorum is present. The yeas and nays will be again taken on the amendment of the Senator from South Dakota [Mr. KYLE].

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "yea."

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], the Senator from Michigan [Mr. McMILLAN] and myself have consented to transfer our pairs, and I vote "yea."

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], and shall not vote unless it becomes necessary to make a quorum.

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE]. If he were present I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON].

The roll call was concluded.

Mr. FAULKNER. I am paired with the junior Senator from Pennsylvania [Mr. QUAY]. If he were present I should vote "yea."

Mr. PLATT. I suggest to the Senator from West Virginia that he and I transfer our pairs, so that the Senator from Virginia [Mr. BARBOUR] and the Senator from Pennsylvania [Mr. QUAY] will stand paired, and we shall be at liberty to vote.

Mr. FAULKNER. That is satisfactory to me.

Mr. GEORGE. Has the Senator from Oregon [Mr. DOLPH] voted?

The VICE-PRESIDENT. He is not recorded.

Mr. GEORGE. I am paired with that Senator, and withhold my vote. If he were present I should vote "yea."

Mr. HIGGINS. The Senator from South Carolina [Mr. BUTLER] and I have agreed to transfer our pairs. He is paired with the Senator from Pennsylvania [Mr. CAMERON], and I with the Senator from New Jersey [Mr. MCPHERSON]. We will transfer these pairs, so that we can both vote. I vote "nay."

Mr. BUTLER. Under that arrangement I vote "yea."

Mr. HISCOCK (after having voted in the negative). Has the Senator from Arkansas [Mr. JONES] voted?

The VICE-PRESIDENT. He has not.

Mr. HISCOCK. I am paired with that Senator, but I understand that the Senator from Rhode Island [Mr. ALDRICH], who is absent, is not paired. Therefore, I transfer my pair with the Senator from Arkansas to the Senator from Rhode Island [Mr. ALDRICH], and I will let my vote stand.

The result was announced—yeas 28, nays 24; as follows:

YEAS—28.			
Allen,	Cockrell,	Hansbrough,	Pugh,
Bate,	Coke,	Harris,	Ransom,
Berry,	Colquitt,	Hill,	Stewart,
Blackburn,	Daniel,	Jones, Nev.	Teller,
Blodgett,	Dubois,	Kyle,	Vest,
Butler,	Faulkner,	Mitchell,	Walthall,
Call,	Gibson, Md.	Peffer,	Wolcott.
NAYS—24.			
Allison,	Gray,	McMillan,	Platt,
Carey,	Hale,	Manderson,	Proctor,
Chandler,	Hawley,	Paddock,	Sawyer,
Cullom,	Higgins,	Palmer,	Stockbridge,
Dixon,	Hiscock,	Perkins,	Washburn,
Frye,	Hoar,	Pettigrew,	Wilson.
NOT VOTING—36.			
Aldrich,	Felton,	McPherson,	Snoup,
Barbour,	Gallinger,	Mills,	Squire,
Brice,	George,	Morgan,	Stanford,
Cameron,	Gibson, La.	Morrill,	Turpie,
Carlisle,	Gordon,	Palmer,	Vance,
Casey,	Gorman,	Power,	Vilas,
Davis,	Irby,	Quay,	Voorhees,
Dawes,	Jones, Ark.	Sanders,	Warren,
Dolph,	Kenna,	Sherman,	White.

So the amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. CAREY. Mr. President, I wish to make a statement with reference to this bill, which was considered by the Committee on Territories.

Mr. SMITH, the Delegate from Arizona, who is in favor of the free coinage of silver, appealed to the Committee to amend this bill. A law was passed in the last Congress providing for the funding of the indebtedness of Arizona. That law provided that interest should be paid in gold or its equivalent in lawful money.

Mr. KYLE. May I ask the Senator a question there?

The VICE-PRESIDENT. Does the Senator from Wyoming yield?

Mr. CAREY. Yes, sir.

Mr. KYLE. Does the law provide that the interest shall be paid in gold or in lawful money?

Mr. CAREY. In gold or its equivalent in lawful money, and that is the law on the statute book to-day.

Mr. SMITH came before the committee and said that unless this bill was amended and the interest made payable semiannually instead of annually, as in the law, they could not sell their bonds. He further stated—and it has been confirmed by the speech of the Senator from Nevada [Mr. STEWART]—that the universal custom in the Territory of Arizona, in Nevada, and in California, is to pay indebtedness, principal and interest, in gold.

I am opposed to the free coinage of silver. I am convinced that it is not right that this Government should to-day coin all the silver that may be presented at the mints. I do not believe in making contracts payable in gold, yet I believe it is the right of a Territory, or of a State, or of the Government of the United

States to make a contract in gold if it wishes to do so. On Mr. SMITH's personal appeal the Committee on Territories agreed to so report this bill.

What was the nature of his appeal? He stated that the people of Arizona were burdened with an indebtedness, they were paying \$150,000 per annum in interest, and they had to strain every nerve to raise the necessary amount to pay the interest. He says the minute that the law is amended as proposed by this bill the Territory of Arizona has a contract by which it can dispose of its bonds and save \$75,000 per annum.

These are the reasons why I voted as I did to maintain the provision of the bill, that the people of Arizona if they wished to do so, may make a contract to pay their interest in gold and not in lawful money, and they can not sell their bonds unless they do so.

Mr. TELLER. Mr. President, the provision to pay in lawful money is a provision to pay in gold or silver at the option of the debtor. At this time, fortunately, the term "lawful money" includes both gold and silver. In practice these people can pay in gold if they prefer. The United States has no obligation payable in gold save the gold certificates, in which case the Government acts simply as a trustee.

Why should we now discriminate in favor of one kind of money? Is there any condition of affairs in this country which justifies anybody in saying that gold is more valuable for payment than silver? Is it any advantage to the people of Arizona Territory to pay in gold? Is it any burden for them to pay in silver or paper, which is included in the term "lawful money?"

If the Territory of Arizona can not sell its bonds, it is because the people who have the money distrust that Territory. The State of Colorado is able to sell its securities payable in lawful money. It has recently sold at more than par \$300,000 of its bonds, payable in lawful money.

Mr. HISCOCK. At what rate of interest?

Mr. TELLER. Four per cent. I do not know what rate of interest is provided for in this bill.

Mr. PLATT. Five per cent.

Mr. TELLER. You can sell in any of the markets of this country the securities of any municipal corporation or any State that is solvent, payable in lawful money.

Mr. CAREY. I will say to the Senator that, if he will make inquiry, he will find that it is very difficult to sell Western bonds now.

Mr. TELLER. I am as well advised upon that subject as the Senator from Wyoming; I spend as much time studying these questions as the Senator from Wyoming; I am as familiar with the markets of the world as the Senator from Wyoming, and I can put in the markets of the world the securities of any solvent corporation in the United States payable in lawful money.

Mr. STEWART. You can not if the United States discriminates against it.

Mr. TELLER. The United States ought not to discriminate against its money of any kind. I say here, Mr. President, that if there is any difficulty in selling these bonds, it is not because the term "lawful money" is there. If these people are burdened with a great debt and are paying large amounts of interest, with proper management and proper attention they can get out of debt without burdening themselves with a payment which must ultimately cost them 40 or 50 per cent more, especially if the sentiments expressed by the Senator from Wyoming [Mr. CAREY] and the people who think with him shall prevail in this country. These people will, when they pay their debt, not only pay the interest with appreciated money year by year, but pay the principal with appreciated money.

"Lawful money" is the term used in the statute, or "coin of the United States." I am willing that the bill shall be amended so as to read "payable in United States coin." I am not willing to vote for the bill, and I will not give my vote for it, if the amendment is not allowed to stand; nor will I vote for any security made by the United States or by its authority which disparages one of the money metals, or even that respectable class of American money called greenbacks, which are included in the term "lawful money."

Mr. DANIEL. Mr. President—

Mr. PLATT. Will the Senator yield to me for a moment?

Mr. DANIEL. With pleasure.

Mr. PLATT. I regret very much that a simple bill of this sort should start anew this financial discussion in the Senate. I do not want to enter into it. We are not passing any independent law; we are simply approving an act which the Territory of Arizona passed some time ago, and I am perfectly content that the vote shall be taken. If the amendment is adopted as it is, I shall not call for a separate vote on it in the Senate. I appeal to the Senator from Virginia to let this bill be disposed of, but still, if he wishes to enter into the discussion, that is his right.

Mr. DANIEL. I yield to the appeal of the Senator not to ex-

pose the fallacies of the gold men any more. I think they have been sufficiently exposed by what has been said here.

Mr. PLATT. The discussion has been all on that side, I believe, so far.

Mr. DANIEL. I will consent, out of respect to the Senator, not to harrow his feelings any more, and let the vote be taken.

Mr. PALMER. Mr. President, I wish to say that I do not understand the question discussed by the Senator from Colorado [Mr. TELLER] to be involved at all. I understand that the people of Arizona have a debt which they suppose they can compromise upon certain terms which suit them, and that the only question before the Senate is whether the people of Arizona shall be allowed to regulate their own affairs in their own way, or whether we shall interfere with them and require them to adjust them according to our way.

I do not understand that the question discussed by the Senator from Colorado is involved at all, because the underlying question is this: Shall Congress undertake to regulate these matters for these people, which they understand and which concern them? Whatever burdens are assumed, they assume. I believe in the doctrine that the wisest people are those intrusted with the management of their own business, and that he who is interested is always wiser than the man who is not.

Mr. DANIEL. Mr. President, my friend from Connecticut [Mr. PLATT] does not exercise his powers of persuasion upon gentlemen who wish to speak upon the other side of this question, and until he gets a little more impartial I am afraid that I shall have to inflict upon him a few remarks, at least, in support of the Constitution of this country and of the bimetallic currency which was adopted for this nation just one hundred years ago.

Mr. PLATT. I assure the Senator that I shall listen to him with great pleasure.

Mr. DANIEL. I am very much obliged to the Senator.

Mr. President, this is just one of the little entering wedges by which Congress is invited to revolutionize the solemn policy which was declared to be the fixed policy of this Government a little over a year ago, to keep its constitutional metallic currency at par, that is, the coin of one metal at par with the other.

There is no difficulty inherent in the nature of the case in sustaining our silver metal at par with our gold metal when it is coined. We have a slang phrase, which even gentlemen who occupy the position of statesmen condescend at some time to use, in which they speak of our solid, old-fashioned, hundred-years-old silver dollar as an 80-cent or a 70-cent or a 69-cent dollar. Mr. President, it would be impossible for Ananias himself to embody in so many words a more unadulterated and unalloyed falsehood than is attempted to be imposed upon the people by any such declaration as that the silver dollar is an 80-cent or a 70-cent or a 69-cent dollar.

We are told also that values must be left to regulate themselves, as if money grew upon trees like apples and peaches grow; as if money sprang up in fields as wheat and corn spring up; as if anybody in the country who chose to do it could create money as he may create some fabric of the factory, or cultivate some product of the pasture or the field.

Mr. STEWART. May I interrupt the Senator?

Mr. DANIEL. It is no interruption.

Mr. STEWART. I wish to suggest that the silver dollar is worth a dollar when it has the stamp of the Government upon it, and it is only depreciated because of the policy which has been pursued in relation to silver.

Mr. DANIEL. I understand that, and I am going to say that before I get through, but we can not say everything at the same time when we are trying to put one argument on top of another.

Mr. President, this misstatement of fact that we have a depreciated dollar and this economic fallacy that Congress has nothing to do with regulation of value are the two errors that lie at the root of all the doctrines which are preached against our constitutional currency.

What is a dollar? A dollar is defined in our laws under our Constitution to consist of so many grains of silver, or of so many grains of gold plus the stamp of the Government and plus the power and force of the Government behind the stamp to make that coin accepted by all who may have the right to demand a dollar as legal tender in the discharge of debt. A cent is a mere mathematical expression for a hundredth part of that thing which is a dollar, and to speak of the silver dollar as containing only 69 cents is to say that 100 and 69 are the equivalents of each other—that 100 times one is 69.

Mr. President, as to this matter of the regulation of value, our forefathers one hundred years ago when they fashioned the Constitution appreciated—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. STEWART. I ask that the Senator be allowed to proceed with his remarks by unanimous consent.

The VICE-PRESIDENT. Is there objection?

Mr. PLATT. I hope that the bill may be disposed of this morning.

The VICE-PRESIDENT. The Chair hears no objection to the Senator from Virginia proceeding.

Mr. DANIEL. I will hurry through.

Our forefathers one hundred years ago, when they fashioned the Constitution, appreciated the fallacy of some economists who declare that you can not regulate values, and made it the duty of Congress not only to coin money, but "to regulate the value thereof."

Mr. President, whenever you put the dollar in the silver, you find the silver in the dollar, showing that when you coin money and give the metal the functional right of money, by that very act you bring all of our money to par.

I was astonished at the nature of the argument used by the Senator from Wyoming [Mr. CAREY]. He says that the people of Arizona are afflicted with debt, that they are poor and are appealing to Congress to increase their financial facilities to pay debt, and yet, in the same breath, he tells the Senate that he would deny to them the right to coin the metal which is stored in their own soil and make it money for the purpose of relieving them from that debt.

Mr. CAREY. If the Senator from Virginia will permit me to make a statement—

Mr. DANIEL. With pleasure.

Mr. CAREY. The law itself that we are legislating in reference to is an act of the Legislature of Arizona, a funding bill passed by the Legislature, which provides for the payment of the interest on the bonds in gold.

Mr. DANIEL. Why is Congress asked to give its approbation to that act?

Mr. PLATT. It is not asked to give its approbation to that act. It is simply asked to make the interest payable semi-annually instead of annually, as the act requires, and that at the request of the people of Arizona.

Mr. DANIEL. Then, Mr. President, if the people of Arizona want favor from Congress I would require them first to respect that public policy which Congress has declared to be the fixed policy of this nation, and I would grant no favor to any suitor who came seeking to undermine the money fabric of this country, to gorge those who are trying to turn us upon the single gold standard and to contract our currency. Least of all did I expect to hear a Senator who represents one of the fresh young States of this country, a land which God has stored with the precious metals, use arguments against these riches of his own country, and while appealing to Congress to relieve the wants of an indebted community, to proclaim that he is opposed to allowing that very community to use the means with which nature has provided them for their own relief.

Mr. President, this is but an indication to me that no wave of the wand can destroy a question which is as widespread as this nation, and which has its advocates in every hamlet, in every county, and in every State. The silver question is not going to down at any man's bidding or at any party's bidding. It will press itself for solution until our Constitution is obeyed and until the spirit as well as the profession of bimetalism is respected.

A distinguished statesman of New York, Mr. President, has called attention to the fact that there is now no ratio fixed between gold and silver. The Constitution provided that Congress should regulate the value of money in order that it might fix the ratio between these two metals. We have fixed the value of the gold dollar, we have fixed the value of the silver dollar, and we have fixed the value of gold bullion, but we have not fixed the value of silver bullion.

Gentlemen sometimes say that gold is of a value which supports itself. It does not support itself. The gold bullion is always equal to the gold dollar, because the law will turn it at the expense of the whole people of the United States into a gold dollar at any one's request. The idea of our Constitution was that we should have an automatic currency, that it should regulate itself as the blood is regulated in the system by the action of the heart, that demand and supply might adjust themselves to each other by laws which would operate of their own force without further legislation.

It was provided that we should have free coinage of gold and free coinage of silver in order that this result might be accomplished, and with the free coinage of both metals at that ratio that the law fixed, is it not evident that the metals would run into coin when there was want of money and run out of coin into jewelry and into ornaments when there was abundance? But as the law stands to-day, only the value of gold is fixed. How is it fixed? It is fixed by the fact that the people of this whole country at their expense established a mint and employ artificers and pay skillful workmen to turn any man's gold bullion into a dollar for him at his own will and pleasure. That, Mr. President, has appreciated the value of gold at least 25 per cent, as estimated by the economist and statistician.

Take your gold watch, your gold ring, your breastpin, your bracelet, and you can fling it into the mint any day and it will be handed back to you in dollars. Beat those dollars up by a hammer until they are shapeless, and the mint will turn them into dollars for you again at the expense of the people of this whole country, and all the wealth of the people and all the power of the Government is behind the value of gold, appreciating it and sustaining it as the equivalent of that thing into which it may be turned. But how is it with our money metal, silver? It is tossed about upon the marts of exchange at the pleasure of the bears and bulls of the market. They are permitted to make special contracts payable in gold dollars; they loan money of any kind and require payment in a particular kind, and the result is that the money of our country is being hoarded up by a few gold men and that they are attempting to prostitute the whole fabric of Government to the gormandizement and aggrandizement of themselves.

Is anyone idle enough to believe that the people who understand these things are going to quietly bow themselves out of court because a political party at one time or another, or a coterie of gentlemen in Washington City, say, "We do not want to make the issue." Political parties, Mr. President, do not make issues; Congresses do not make issues; the people make issues, and if they are not recognized by political parties the people will recognize them notwithstanding, and will hold to accountability those who refuse to obey their will.

We have seen here for a series of years the most remarkable spectacle that ever was beheld in the Republic. According to the conception of a republic, it is organized for the purpose of giving the people an opportunity to express their will, but according to the interpretation of the word "republic" as placed upon it by the practical politicians who have attempted to deal with our affairs here in Washington it is simply an establishment to give an opportunity to certain gentlemen who have opposing interests, as they conceive, to suppress the people's will. There is a majority to-day in both sides of Congress for the free coinage of silver if no alien or subtle influences were exercised upon the members here save those which they receive from their constituency when they leave their homes.

Why, Mr. President, is the people's will set aside? Why will not representatives stand up here and defend the things which their constituencies at home expected them to defend? Because it is said there is some policy of party which prevents. Can a party hide its head in a bushel? Can you quench the thoughts of the people by putting their issues in a bag, and say they are gone?

Mr. President, these issues will not down; they will rise again; they will come and come and come, as the widow came to the unjust judge, until, at last, he will accord what is asked "for the much clamor."

Not in this act nor in any act would I seek to establish one currency in this country for the rich and another for the poor. You have got your coinage laws now so arranged that the poor people never see a gold dollar. Gold has gone out of circulation, and in order that it may go only into the hands of those who are hoarding it up, we have even ceased to coin gold dollars. Let any poor person go to work to save up his hard earnings in a stocking, and he can not find a gold dollar anywhere to save. We have stopped coining it. If silver be a 70-cent dollar, as is proclaimed by some, you have so fixed it that the mass of the people can get nothing but 70-cent dollars, and so that the rich and powerful alone may get the gold, which is coined in larger denominations.

Mr. President, I have said enough for to-day, but I will call attention to one other fact, that you are creating by your coinage laws an aristocracy of money; you are making a difference between that metal which is obliged in its very nature to be the circulation of the people, and that metal which is obliged in its very nature to be the medium of large payments. Congress, and Congress alone, with the Treasury Department at Washington, is responsible for this confusion of our financial position. It does not come from anything inherent in the nature of the metals, but it is produced artificially, and the more sturdy and steady and unyielding are those who insist here upon one equal, uniform currency for the whole people, the sooner will this wrong be righted, and the sooner will the spirit of the Republic be represented in our circulating medium.

Mr. GRAY. Mr. President, I voted upon this bill precisely as I would have voted if the amendment had been to strike out a stipulation that this interest should be paid in silver. I voted that the people of Arizona should have the right which belongs to the people of every State in this Union—to make the best bargain they can when it becomes necessary for them to borrow money or to fund an existing loan.

I understand from those who represent the Territory of Arizona in the other House that the situation is just this: Already there is a loan outstanding in the Territory of Arizona, the prin-

cipal and interest of which is a burden upon the taxpayers of that Territory, drawing 10 per cent interest; and this Territorial law, which is now before the Congress of the United States for amendment, provides that it may be funded at a rate not greater than 5 per cent, the interest payable in gold.

As I understand, arrangements are already made by which the funding of that debt may be made upon those terms. That law was passed two years ago. The only amendment that is sought by the committee here is that the interest shall be payable semi-annually instead of annually. So I think our silver notions, if notions they be, are out of place here, especially as they interfere with the rights of the people of Arizona to do that which they think is best for them, and impose upon them a burden of something like \$75,000 of interest yearly in order to gratify persons who are so sensitive on this whole question of silver.

I do not think that anyone who votes "nay" on this amendment, as I did, is making a record one way or the other on the free coinage of silver.

My only reasons for so voting were that I believed that the people should have the right in a business point of view to do that thing which they believed to be best for their material interest, and it seems to me that we are exploiting our notions upon a great question, which, I confess, divides this country, and into which I am not going at all to enter at this time, but we are airing our notions about that question at the expense of the taxpayers of Arizona.

Mr. PUGH. Will the Senator allow me to ask a question of him?

Mr. GRAY. Certainly.

Mr. PUGH. The act of 1890 declares it to be the public policy of the United States to preserve the parity between gold and silver. Is not this bond or this contract in contravention of the declared public policy of the United States, and would any court enforce a contract which showed upon its face that it was against the public policy of the Government?

Mr. GRAY. Why, Mr. President, this bill, as I understand it, which is now before the Senate of the United States, having come over from the House of Representatives, to allow the people of Arizona to fund their debt at 5 per cent in lieu of a debt now bearing 10 per cent, has no more to do with the public policy declared in the act of 1890 than the thing which is most absolutely foreign to that which is capable of being conceived.

Mr. PUGH. We should not ratify a contract which shows on its face that it is contrary to the expressed public policy of the United States. You can not legalize a contract that is against public policy.

Mr. GRAY. Mr. President, the Senator from Alabama has asserted, but has not shown that this bill or the provision which is sought to be put into it, allowing these people to pay the interest in gold, is against the public policy declared in 1890 to preserve the parity between the two metals. How does this affect the parity between the two metals? I believe that absolute freedom of contract in regard to the money in which a debt is solvable will go further towards preserving the parity of the two metals than any legislation which is supposed to force a condition of things which can only exist by consent of those who are carrying on the business of the country.

I do not, therefore, see how the question of the Senator from Alabama is at all pertinent to the plain business proposition that is now before the Senate, to allow these people to create a debt whose interest shall be solvable in that metal which will require the least of it to pay the interest. If they must pay \$75,000 in gold, whereas they will be required to pay \$150,000 if payable in silver or gold, I do not see how the parity of the two metals comes into the question at all.

Mr. PUGH. I should like to ask the Senator if the bond would not show on its face that it was a discrimination against silver, that it was a discrimination in favor of gold, and if that discrimination would not be *per se* detrimental to the parity of the two metals?

Mr. GRAY. I can not see that it is a discrimination by law against one metal or the other to allow a man to make a contract in the fashion that is most beneficial to himself. That is not a discrimination by law. He may be for or against gold; he may have a penchant for silver; he may believe, as my friend from Alabama believes, that silver is a better money metal than gold and make a contract that the interest be payable in silver. I do not know that that is a discrimination by law.

Mr. PADDOCK. Mr. President, I desire to say just one word, and that is that my vote against this amendment had nothing in the world for its object except to enable the people of Arizona to carry out a contract which was conditioned upon this legislation, and which will save them \$75,000 yearly.

Mr. DANIEL. Will the Senator from Wyoming allow me to ask him a question for information as to a matter of fact? Are the bonds now outstanding payable in lawful money of the United States or in gold?

Mr. CAREY. I will state that I understand the indebtedness of Arizona is a floating indebtedness in warrants which are drawing from 10 to 12 per cent per annum.

I want to state further that the currency of Arizona is gold. I suppose if you wanted currency in Arizona to-day you would have to pay a premium for it. The business of the Territory is done in gold.

I should like to call the attention of the Senate to a fact which does not seem to be understood on this floor. The Territory of Arizona passed a bill for the funding of its indebtedness in 1887. On June 25, 1890, Congress approved that act of Arizona. Arizona had not the right to pass such a funding bill, because of the restriction which had been placed upon the Territory. It came to Congress and asked Congress to approve the act which it had passed, and Congress did so. That act states in specific terms that the interest shall be paid in gold or its equivalent annually.

Mr. TELLER. "Lawful money."

Mr. CAREY. Lawful money annually. All that Arizona asks to-day is a simple amendment which changes the manner of the payment to a semiannual payment. It does not change at all the kind of money to be used. It involves, as I understand, a million and a half of indebtedness. That is a large indebtedness for the Territory of Arizona. The Delegate has stated to me within a few minutes that unless the bill can be passed in the way proposed by the Committee on Territories it will be of no use to them; that they have made a contract, and they have come to Congress for relief, not to discuss the gold question, for that has been discussed heretofore; and I have no doubt that most of the gentlemen who are opposing this measure to-day voted for that proposition. It is a simple proposition. Will you allow the people of Arizona to pay their interest semi-annually or pay it annually? If you permit them to pay it semi-annually they can dispose of their bonds. That is all. I do not see why the silver question should be brought up, and it looks to me as if those who are opposing this measure propose to drive Arizona off from the gold basis, which they have maintained there, I believe, since the Territory was organized.

Mr. KYLE. May I ask a question of the Senator?

Mr. CAREY. Certainly.

Mr. KYLE. If the people of Arizona are willing to pay in either gold or silver, who is it that now makes the demand for the payment of the interest in gold?

Mr. CAREY. I suppose it is the parties who propose to take these bonds.

The Senator from Colorado [Mr. TELLER] thought that probably he had more experience than I in reference to bonds. I will state to him that last summer—

Mr. TELLER. The Senator will allow me to say that I made no such statement.

Mr. CAREY. That you were better informed.

Mr. TELLER. I said that I was as well informed about the markets of the world as the Senator from Wyoming, and I will insist upon that.

Mr. CAREY. I was not discussing the subject of the markets of the world. I was discussing the question of the sale of municipal bonds of the West. I will state that two or three years ago the Territory of Wyoming wanted to sell about two or three hundred thousand dollars of bonds for building an insane asylum, a capitol, and a university, and the Territory sold them for 112, 6 per cent bonds. Last summer I was telegraphed by some of my people that they wanted to sell some water bonds, which they asked me to look after. I had an offer on those bonds of 104, payable in lawful money, but the silver agitation was in full blast, and when I went back the next day the broker insisted that the bonds should be made payable in gold. I telegraphed to our people under no circumstances to consent to a gold payment. I do not believe in putting gold into bonds, principal or interest. I believe the payment of interest on those bonds should be in lawful money. But when a Territory comes with a Territorial act, I believe that those people know best what is for their interests, and I am not willing to vote against that which they believe to be for their interests, but will concede to them what they want.

Mr. KYLE. I am not going to make a speech, but the Senator has answered my question by saying that it was at the request of the money-lenders of the East that it was proposed that these bonds should be paid in gold rather than in the lawful money of our country. I submit that it is owing to the established policy of the money-lenders of the East that many of our mortgages throughout the West at present are made payable in gold at some time in the future. That is bad enough as affecting our present ratio between the two metals, gold and silver. We therefore protest when these parties come before Congress—

Mr. PLATT. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Arkansas in the

chair). Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. KYLE. When I finish my sentence.

These parties come before Congress and have inserted a clause here which apparently gives legal sanction to the discrimination between gold and silver, thereby more materially affecting the parity between the two metals.

Mr. PLATT. It is now practically 2 o'clock, and the unfinished business is entitled to be laid before the Senate, but I ask if we can not have unanimous consent now to have this bill disposed of. I am not asking any new vote in the Senate. The Senate has voted in favor of the amendment of the Senator from South Dakota, and I am not seeking it to reverse its action now. I ask that the bill be disposed of if there are no further amendments.

Mr. GEORGE. Not to displace the special order.

Mr. PLATT. Not at all, but we can dispose of it in a minute, I think.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the resolution of the Senator from Mississippi [Mr. GEORGE] relative to the appointment of a committee to inquire into the cause of the low price of cotton and the depressed condition of agriculture in the States raising cotton.

Mr. PLATT. Now, I ask unanimous consent that that resolution may be laid aside for a moment that we may have a vote on the bill which has been pending. I think the discussion is over.

Mr. PADDOCK. The resolution can be laid aside informally.

Mr. PLATT. If there is to be any further discussion, I shall withdraw the request.

The PRESIDING OFFICER. Is there objection to continuing the consideration of the bill which has been under consideration during the morning hour? The Chair hears none, and the bill is before the Senate. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to a third reading, read the third time, and passed.

Mr. PLATT. I move that the Senate insist on its amendments and request a committee of conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT, Mr. JONES of Arkansas, and Mr. FAULKNER were appointed.

CONDITION OF AGRICULTURE.

Mr. PADDOCK. I ask now that the resolution which is the special order may be considered. I will state that the objection which was made by one or two Senators the other day to this proposition has been withdrawn. I suppose it will only take a moment to pass the resolution. I think there will be no objection whatever to it. It was read at length the other day.

The PRESIDING OFFICER. The resolution of the Senator from Mississippi [Mr. GEORGE] is before the Senate, and the pending question is on the amendment reported by the Committee on Agriculture and Forestry, which will be read.

The SECRETARY read the amendment of the Committee on Agriculture and Forestry, which was, to strike out all after the resolving clause and insert:

That the Committee on Agriculture and Forestry be, and they are hereby, authorized and directed to ascertain in every practicable way, and report from time to time to the Senate, the present condition of agriculture in the United States, and the present prices of agricultural products; and if there be any of which the prices are depressed, then the causes of such depression and the remedies therefor. And particularly whether the reports of the Department of Agriculture on the distribution and consumption of farm products, published from time to time by authority of the Secretary of Agriculture, contribute in any way to such depression of the market prices of such products, and whether any proper governmental purpose is subserved by such publication, and whether such publication should be continued.

And for this purpose that they be authorized, by subcommittee or otherwise, to sit during the recess and sessions of the Senate, at such times and places as they may deem advisable, to employ a stenographer and such clerical assistance and such experts as they may deem necessary, and that they be authorized to send for persons and papers, the expense of such investigation to be paid from the contingent fund of the Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment to the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

WEST VIRGINIA DIRECT TAX.

The PRESIDING OFFICER. The Chair lays before the Senate the special order for this hour, which is Senate joint resolution No. 9.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 9) to direct the Secretary of the Treasury to pay to the governor of the State of West Vir-

ginia the sum appropriated by the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August 5, 1861."

The PRESIDING OFFICER. The question is on the amendment heretofore submitted by the Senator from Virginia [Mr. DANIEL], which will be reported by the Secretary.

The SECRETARY. It is proposed to insert at the end of the joint resolution the following as a new section:

SEC. 2. It is further provided that the Secretary of the Treasury be, and he is hereby, requested and instructed in respect to the bonds of Virginia held by the United States to make such settlement with the State of Virginia as a majority of the bondholders of that State have accepted or may accept through the bondholders' committee, and upon the receipt of such securities of Virginia as may be issued and apportioned to be received in lieu of the Virginia bonds held by the United States shall deliver them to the State of Virginia.

The amendment was agreed to.

Mr. ALLISON. I ask now that the joint resolution may be read at length, with the amendments incorporated.

The PRESIDING OFFICER. The joint resolution will be read as amended.

The Secretary read as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the governor of the State of West Virginia, under the provisions, conditions, and limitations of the act of Congress entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," which act was approved March 2, 1861, the sum of \$181,306.93, less the sum of \$27,328.18, which was paid to the governor of the State of West Virginia on the 25th day of August, 1891, to be held in trust for the citizens and inhabitants of said State, notwithstanding any claim by the Government of the United States against the State of Virginia.

SEC. 2. It is further provided that the Secretary of the Treasury be, and he is hereby, requested and instructed in respect to the bonds of Virginia held by the United States to make such settlement with the State of Virginia as a majority of the bondholders of that State have accepted or may accept through the bondholders' committee, and upon the receipt of such securities of Virginia as may be issued and apportioned to be received in lieu of the Virginia bonds held by the United States shall deliver them to the State of Virginia.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

THE CALENDAR.

The PRESIDING OFFICER. The Calendar, under Rule IX, is now in order. The first bill on that Calendar will be stated.

The bill (S. 871) to provide for fortifications and other seacoast defenses was announced as first in order.

Mr. PLATT. Mr. President, am I mistaken in supposing that the Senator from Massachusetts [Mr. HOAR], the chairman of the Judiciary Committee, gave notice that he would call up, when these other matters were out of the way, a certain bill?

The PRESIDING OFFICER. The Senator from Massachusetts yesterday gave notice, according to the recollection of the Chair, that as soon as the special order for this hour was disposed of he would call up a bill; but he has made no such motion.

Mr. PLATT. I ask unanimous consent that the Senate proceed to the Calendar, under Rule VIII.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the first bill on the Calendar will be stated.

The bill (S. 1588) for the relief of Charles B. Stivers was announced as first in order on the Calendar.

Mr. PLATT. What has become of Senate bill 1843, which stands at the head of the Calendar?

The PRESIDING OFFICER. The Chair is informed that it went over yesterday under some objection; that there was some mistake in the print, and it was sent to the Printing Office.

Mr. ALLISON. I ask that Senate bill 1588 may go over. I see that the Senator from Nebraska [Mr. MANDERSON], who reported the bill, is not in his seat.

The PRESIDING OFFICER. Does the Senator desire that the bill shall take its place under Rule IX?

Mr. ALLISON. No; let it retain its place.

The PRESIDING OFFICER. The bill will retain its place on the Calendar.

The bill (S. 1213) to encourage coöperation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof, was announced as next in order.

Mr. PLATT. I think perhaps that bill had better go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

The bill (S. 1999) for the relief of John G. Rose was announced as next in order.

Mr. ALLISON. Let that go over. I see that the Senator from Kentucky [Mr. BLACKBURN], who reported the bill, is not in.

The PRESIDING OFFICER. The bill will go over, retaining its place on the Calendar.

The bill (S. 1857) to further increase the naval establishment was announced as next in order.

Mr. PLATT. That bill had better go over, too.

The PRESIDING OFFICER. Does the Senator from Connecticut object to the consideration of the bill?

Mr. PLATT. The Senator who reported it is not here. I would not object if he were here; but it is a pretty important bill, and I suppose it will need some explanation. It may stand over until he comes in.

Mr. ALLISON. Let it stand over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over temporarily.

The bill (S. 2424) for the appointment of consuls to the Congo Free State was announced as next in order.

Mr. ALLISON. Let that bill be passed over for the present, until the Senator from Alabama [Mr. MORGAN], who reported it, comes in.

CHEYENNE AND ARAPAHOE RESERVATION.

Mr. JONES of Arkansas. I ask that the resolution reported from the Committee on Indian Affairs some days ago be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution called up by the gentleman from Arkansas, which will be read.

The resolution reported by Mr. JONES of Arkansas from the Committee on Indian Affairs on the 13th instant was read, as follows:

Resolved, That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to Choctaw and Chickasaw Nations for their interest in the Cheyenne and Arapahoe Reservation in the Indian Territory, submitted with this resolution, it is the opinion of the Senate that there is no sufficient reason for interference in the due execution of the law referred to.

Mr. ALLISON. That is an important matter. I hope the resolution will not be considered now.

The VICE-PRESIDENT. The resolution will be passed over without prejudice.

Mr. HOAR. Mr. President—

Mr. JONES of Arkansas. Will the Senator allow me a moment. I should like to ask if the Senator from Iowa would be willing to have some time fixed at which we can consider this resolution. It is an important matter, and I should like to have it considered at some time within a day or two. I will agree, if the Senator is willing, to take it up, say, day after to-morrow, immediately after the morning hour, at 2 o'clock.

Mr. ALLISON. I have no objection to the consideration of the question at any time when there is a full Senate and an opportunity may be given for its careful consideration. The Senator knows that this is an important matter, and it should be carefully considered.

Mr. JONES of Arkansas. If there is no objection, I should like to have a time fixed so that Senators may have notice that the resolution will come up at that time, and there can be a full consideration of it. I ask unanimous consent that the consideration of the resolution which has just been presented to the Senate be fixed for 2 o'clock on Thursday next, day after to-morrow.

Mr. ALLISON. I shall object to unanimous consent for consideration of this matter then. It is a matter of too much importance to be set down so early. At some time when we have an opportunity I shall be glad to see it taken up and considered, but it is a matter that can rest four or five days without public inconvenience, I think.

Mr. JONES of Arkansas. I am perfectly willing to allow the resolution to remain any reasonable length of time, and would like to have the Senator indicate any time when he will be willing to take it up.

Mr. HOAR. Suppose the Senator give notice now that he will call it up some day next week, say Tuesday or Wednesday.

Mr. JONES of Arkansas. I would prefer to have a time fixed that would be agreeable to the Senator from Iowa. That is all I desire.

Mr. ALLISON. Has the resolution been reached on the Calendar now?

Mr. JONES of Arkansas. No, it was reported by the committee and laid over.

Mr. PERKINS. I suggest that the Senator name Monday or Tuesday of next week.

Mr. JONES of Arkansas. I am willing for that, or for any day that will be agreeable to the Senator from Iowa.

Mr. ALLISON. I will confer with the Senator, and perhaps we can agree upon a time. I have not yet had time to look into the question. The Senator will remember that it is a matter of

considerable importance, and I am quite sure that nobody will be injured by delay.

Mr. JONES of Arkansas. My purpose in wishing to have a time fixed for the consideration of the resolution was that the Senate may be full, and that it may have due notice that the subject will come up at that time. I do not want to call it up in the absence of anybody here, and if we have a time fixed at which we can consider it, I suppose everybody who chooses to do so will be present. In pursuance of the suggestion made by the Senator from Massachusetts I give notice that I shall ask the Senate to consider the resolution at 2 o'clock on Monday next.

DISTRICT COURT OF APPEALS.

Mr. HOAR. I move that the Senate proceed to the consideration of the bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. HOAR. The amendments, which diminish the number of the court, I should like to have acted upon as the reading of the bill proceeds, if there be no objection.

The VICE-PRESIDENT. The Chair hears no objection, and that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, in section 1, line 6, before the words "associate justices," to strike out "three" and insert "two;" so as to make the section read:

That there shall be, and there is hereby established in the District of Columbia a court, to be known as the court of appeals of the District of Columbia, which shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior.

The amendment was agreed to.

The next amendment was, in section 2, line 2, before the word "thousand," to strike out "seven" and insert "six," and in line 4, before the word "thousand," to strike out "seven" and insert "six;" so as to make the section read:

That the said justices shall each receive an annual salary of \$6,000, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive \$6,500.

The amendment was agreed to.

The next amendment was, in section 4, line 5, before the word "dollars," to strike out "five hundred;" and in line 17, before the word "dollars," to strike out "five hundred;" so as to make the section read:

That there shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of \$3,000, payable quarterly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties; and his duties shall be such as the court may from time to time prescribe. The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter and paid into the Treasury of the United States; and said clerk shall receive such allowance for clerical assistance and necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of \$3,000 in any one year, payable, as aforesaid, at the Treasury of the United States.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "than," to strike out "two" and insert "three;" so as to read:

That the said court of appeals shall establish such terms of the court, not less than three in each year, as to it may seem proper and expedient; and it shall make such rules and regulations as may be necessary and proper for the transaction of the business to be brought before it, and for the time and method of the entry of appeals and for giving notice of appeals thereto from the supreme court of the District of Columbia, and such other rules and regulations as may be necessary and proper in the premises.

The amendment was agreed to.

The next amendment was, in section 6, line 15, to insert after the word "thereof," the words "or for any other reason whatever;" and in line 17, before the word "justices," to strike out "four" and insert "three;" so as to read:

If any member of the court shall be absent on account of illness or other cause during the session thereof or shall be disqualified from hearing and determining any particular cause by having been of council therein, or by having as a justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or for any other reason whatever, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate the justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist.

Mr. HOAR. In line 18 I move to strike out "the" and insert "a;" so as to read: "shall designate a justice or justices of the supreme court of the District of Columbia."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to line 12 of section 7.

Mr. HOAR. In section 7, line 9, after the word "term," I move to strike out the words "together with the original papers

and record entries duly certified." It is my purpose to put in a more comprehensive provision for that at the end of the section.

The amendment was agreed to.

Mr. HOAR. I move to insert in section 7, line 12, after the word "created"—a mere formal amendment—

Which said court of appeals is hereby vested with authority and jurisdiction to hear and determine the causes so transferred. The appellate power and jurisdiction of said general term is hereby abrogated and abolished, and no causes shall hereafter be heard in the said general term.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in section 7, line 16, after the word "granting," to insert "or dissolving;" and in line 17, after the word "attachment," to strike out the words "and the like;" so as to read:

Appeals shall also be allowed to said court of appeals from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting or dissolving injunctions, dissolving writs of attachment; and also from any other interlocutory order, in the discretion of said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interests of justice to allow such appeal.

The amendment was agreed to.

Mr. HOAR. I move to add at the end of section 7:

In all cases of appeal to the court of appeals and in the causes transferred to the court of appeals under this section, the original papers and duly certified copies of the necessary record entries shall be transferred and delivered to the court of appeals under such regulations as the court of appeals shall from time to time prescribe.

The amendment was agreed to.

The reading of the bill was continued to the end of section 10.

Mr. HOAR. In section 10, line 2, after the word "be," I move to strike out:

Rendered in writing, and shall be filed in such case as part of the record thereof.

And to insert:

Reduced to writing, duly authenticated and filed with the clerk of said court before any judgment, decree, or order shall be entered in pursuance thereof.

So as to read:

That the opinion of the said court of appeals in every case shall be reduced to writing, etc.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on the Judiciary was, in section 14, line 3, before the word "thousand," to strike out "six" and insert "five," and in line 5, before the word "thousand," to strike out "six" and insert "five;" so as to make the section read:

That the justices of the supreme court of the District of Columbia shall hereafter receive an annual salary of \$5,000 each, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive \$5,500.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. GEORGE. I move to strike out section 16 of the bill, in the following words:

SEC. 16. That the justices of the court of appeals hereby created and of the supreme court of the District of Columbia shall be deemed to be justices of the courts of the United States within the meaning of the law providing for the retirement of such justices upon their attaining the age of 70 years and having been in commission ten years or upward. And whenever any justice of the supreme court of the District of Columbia shall be appointed a justice of the court of appeals hereby created the terms of service of such justice in both courts shall be deemed continuous and as under one commission for the purposes of said law.

I think this motion to amend is proper at this time, and upon it I call for the yeas and nays.

Mr. HOAR. I desire to appeal to my honorable friend from Mississippi with this suggestion: This very proposition, as applied to the Court of Claims, was very thoroughly debated in the Senate on last Thursday the yeas and nays called upon it, and it was determined by a very large and decisive vote of the Senate. I desire to ask the Senator whether under those circumstances, the principle having been so fully discussed, he should call for the yeas and nays?

Mr. GEORGE. I do not propose to discuss it.

Mr. HOAR. It was a vote that had no partisan division about it, because there were many on the Senator's side of the Chamber who advocated the system. I ask the Senator whether he will not allow it to go without a call of the yeas and nays? Of course I do not wish to interfere with his own discretion as a Senator.

Mr. GEORGE. I have no desire at all to discuss the question. I am very much opposed to civil pensions, and I desire, as far as I am concerned, to discharge my duty by making the appropriate motion to rid the bill of the provision.

Mr. HOAR. It can hardly be supposed, my honorable friend will agree, that there would have been a change of opinion on the subject in the mind of any Senator within a few days. There

has been no change of the Senate, and it is merely for the convenience of the Senate that I make this appeal.

Mr. GEORGE. If nobody wants the yeas and nays I shall not call them. I make the motion to strike out section 16.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi, to strike out section 16 of the bill. (Putting the question.) The yeas appear to have it. The noes have it, and the amendment is not agreed to.

Mr. COCKRELL. As the yeas and nays have not been called, I desire to state upon the record that I voted "yea," to strike out the clause.

Mr. COKE. I desire to make the same statement.

Mr. MILLS. I call for the yeas and nays, so that we may have a record of it.

Mr. HARRIS. Yes, let us have the yeas and nays, so that we may all appear on the record.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "yea."

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], the Senator from Michigan [Mr. McMILLAN] and myself have consented, he being paired with the Senator from North Carolina [Mr. VANCE], to transfer our pairs. I vote "yea."

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were here I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were present I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], but I observe that on last Thursday when a similar proposition was before the Senate upon another bill he voted adversely to a proposition of this kind. I will therefore vote. I vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON]. Otherwise I should vote "yea."

The roll call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. MORGAN. I will vote to make a quorum. I vote "yea."

Mr. WALTHALL. Has a quorum yet voted?

The VICE-PRESIDENT. A quorum has not voted.

Mr. WALTHALL. I feel at liberty to vote, notwithstanding my pair, to make a quorum. I vote "yea."

Mr. GEORGE. If the vote still lacks a quorum, I can vote.

The VICE-PRESIDENT. A quorum has voted.

The result was announced—yeas 11, nays 36; as follows:

YEAS—11.

Bate,	Blodgett,	Colquitt,	Morgan.
Berry	Cockrell,	Harris,	Walthall.
Blackburn.	Coke,	Jones, Ark.	

NAYS—30.

Allen,	Hawley,	Perkins,	Squire,
Allison.	Hiscock,	Platt,	Stewart,
Call,	Hoar,	Power,	Stockbridge,
Chandler,	Jones, Nev.	Proctor,	Teller,
Cullom,	McMillan,	Pugh,	Vest,
Dubois,	Manderson,	Sanders,	Vilas,
Frye,	Mitchell,	Sawyer,	Washburn,
Hale,	Paddock,	Sherman,	Wilson,
Hansbrough,	Peffer,	Shoup,	Wolcott.

NOT VOTING—41.

Aldrich.	Dixon,	Higgins,	Quay,
Barbour.	Dolph,	Hill,	Ransom,
Brice,	Faulkner,	Irby,	Stanford,
Butler,	Felton,	Kenna,	Turpie,
Cameron,	Gallinger,	Kyle,	Vance,
Carey,	George,	McPherson,	Voorhees,
Carlisle,	Gibson, La.	Mills,	Warren,
Casey,	Gibson, Md.	Morrill,	White.
Daniel,	Gordon,	Palmer,	
Davis,	Gorman,	Pasco,	
Dawes,	Gray,	Pettigrew,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 20, 1892, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1892.

SURVEYOR OF CUSTOMS.

John R. Puryear, of Kentucky, to be surveyor of customs for the port of Paducah, in the State of Kentucky, to succeed John W. Cobbs, deceased.

PROMOTION IN THE ARMY.

Col. Frank Wheaton, Second Infantry, to be brigadier-general, April 18, 1892, vice Kautz, retired from active service.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 19, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read.

WHARFAGE OF MONITOR AMPHITRITE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy, with its inclosures, requesting an appropriation to pay the Harlan and Hollingsworth Company, of Wilmington, Del., for wharfage, care, and protection of the monitor Amphitrite; which was referred to the Committee on Appropriations, and ordered to be printed.

PRODUCTION OF PRECIOUS METALS IN THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Director of the Mint upon the production of the precious metals in the United States for the calendar year 1891; which, with accompanying papers, was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DEFICIENCIES IN APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Attorney-General, with its inclosures, submitting estimates of deficiencies, actual and estimated, on account of appropriations under the control of the Department of Justice; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BRIG CALLOPE.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the vessel Brig Calliope; which was referred to the Committee on Claims, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were severally read a first and second time, referred to the committees indicated below, and ordered to be printed:

A bill (S. 2470) to amend the Articles of War, and for other purposes—to the Committee on Military Affairs.

A bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone under the placer-mining laws—to the Committee on Public Lands.

A bill (S. 1504) for the relief of David Dealy and Mary Younkin—to the Committee on Private Land Claims.

A bill (S. 1486) granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State—to the Committee on Education.

A bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes"—to the Committee on the Judiciary.

A bill (S. 1797) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

REPORT OF THE COMMISSIONER OF LABOR.

The SPEAKER also laid before the House Senate concurrent resolution for the printing of the annual report of the Commissioner of Labor.

Mr. RICHARDSON. Mr. Speaker, that resolution has been reported by the Committee of Printing of the House, and I ask that it now be considered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the Senate resolution, which will be reported.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 35,000 copies, in cloth binding, of the annual report of the Commissioner of Labor, relating to cost of production, earnings, efficiency of labor, and cost of living, 16,000 copies for use of members of the House of Representatives and 9,000 copies for the use of members of the Senate, and 11,000 copies for the use of the Department of Labor.

Mr. RICHARDSON. This is the regular report of the Commissioner of Labor, and the resolution is simply to authorize the printing of that annual report.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. RICHARDSON. I only want to say a word. Heretofore 54,000 copies of this work have been printed, but the Joint Committee on Printing agree that 35,000 is sufficient. The resolution has passed the Senate, and I ask unanimous consent that it be agreed to by the House.

The question was taken, and the resolution was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

The joint resolution (H. Res. 29), on the same subject, was ordered to be laid on the table.

NATIONAL BANK, BRANCH OFFICE, CHICAGO, ILL.

Mr. BACON, from the Committee on Banking and Currency, reported back favorably with amendment the bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CAPT. JOHN G. BOURKE, UNITED STATES ARMY.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported back the resolution in regard to the alleged misconduct of Capt. John G. Bourke, United States Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LESTER of Georgia, indefinitely, on account of important business.

To Mr. JOHNSON of Indiana, for ten days, on account of important business.

To Mr. BYNUM, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 4429) to empower the Commissioners of the District of Columbia to grant respites and pardons in certain cases;

A bill (H. R. 5978) to extend the time for making an assessment of real estate in the District of Columbia outside the cities of Washington and Georgetown; and

A bill (H. R. 6286) to amend the charter of the Rock Creek Railroad Company.

VACATION OF LEAVE TO PRINT.

Mr. McMILLIN. Mr. Speaker, I am directed by the Committee on Rules to report the resolution which I send to the Clerk's desk, and I demand the previous question on its adoption.

The Clerk read as follows:

Resolved, That all orders heretofore made granting general leave to print remarks are hereby vacated and set aside.

Mr. McMILLIN. I demand the previous question on the adoption of the resolution.

The previous question was ordered.

Mr. BUCHANAN of New Jersey. Does that not leave it open for debate for thirty minutes?

The SPEAKER. It does.

Mr. BUCHANAN of New Jersey. I would like to ask the gentleman from Tennessee whether it is the intention to have that rule take effect at once?

Mr. McMILLIN. It is the purpose that it take effect at once. The effect will be to operate from now; and I will state to my

friend from New Jersey that it is a unanimous report of the committee.

Mr. BUCHANAN of New Jersey. I would like to call the attention of the gentleman from Tennessee to this fact. There are some members upon this floor who have not been transgressors in a certain line in the past, who have relied upon these leaves to print, and who have in good faith prepared matter upon the issues upon which said leaves were given to print and have not gotten that matter ready to go into the RECORD at this moment; and if it were ready, under the operation of the previous question upon this rule, this being adopted instantly, they could not get that matter into the RECORD, and in remedying an abuse which undoubtedly exists under the present arrangement, the gentleman is, unwittingly perhaps, doing injustice to gentlemen who in good faith have observed the letter and spirit of the rules of this House, and are left by the sudden change in a position which at least puts them in the attitude of having some of "love's labor lost."

Mr. McMILLIN. In response to what has been said by the gentleman from New Jersey [Mr. BUCHANAN] I will state that it is not the purpose of the Committee on Rules by this report to do injustice to anyone or to prevent a full discussion of the pending questions that are so important to the country. I will assure him further that it is the purpose of this side of the House to have considered at as early a day as possible two other bills relating to tariff duties, bills that have been already reported, and when they are considered I suppose there will be no difficulty in members getting an opportunity to discuss them fully.

Mr. CATCHINGS. I suggest to the gentleman that this resolution reported from the Committee on Rules simply withdraws the general leave to print, but does not prevent members from obtaining special leave.

Mr. McMILLIN. As suggested by my friend from Mississippi [Mr. CATCHINGS], this report simply withdraws the general leave, but if any gentleman desires to get individual leave to print, that is something which the House can grant without reference to this resolution. The resolution is not intended to hamper the House in the least in granting to individuals in the future leave to print, or in granting general leave, but its effect will be to make that a matter under the control of the House.

Mr. HOOKER of Mississippi. Mr. Speaker, I ask that the resolution be again reported.

The SPEAKER. The gentleman from New Jersey [Mr. BUCHANAN] has the floor; but if there be no objection the resolution will be again reported.

Mr. BUCHANAN of New Jersey. Not in my time.

The resolution was again read.

Mr. BUCHANAN of New Jersey. Now, Mr. Speaker, in response to what the gentleman from Tennessee [Mr. McMILLIN] has said, I will admit that the situation described by him is an ideal one, but unfortunately for some gentlemen upon this floor it is purely ideal, for it is well known that it is impossible for every gentleman to obtain the floor to discuss these matters either by the grace or without the grace of the committee, and it is also well known that some of those who do obtain the floor do not succeed, I suppose from the force of circumstances, in throwing the greatest possible light upon the particular questions at issue. It is impossible for as many gentlemen to obtain the floor as desire to be heard before the country. I say before the country, because we have arrived at a stage in our legislative experience when talk in this Chamber amounts to but little; it is addressed generally to some suffering chairman of the Committee of the Whole, who can not get away, and a few unemployed pages, and a great expanse of empty seats; but it goes out through the RECORD and through the periodicals to the people of the country, and those Representatives who desire thus to reach their constituents should have the means of doing so.

I know the trouble that it is sought to cure, and I am in entire sympathy with the attempt of the Committee on Rules. I voted the other day against laying the resolution of the gentleman from Michigan [Mr. BURROWS] upon the table, because I thought this abuse should be remedied, but I was outvoted; and now I do not want, at the price of my attempt to do right upon that occasion, to be cut off from all avenues of reaching a constituency which, heretofore at least, has placed some confidence in the remarks that I have uttered. Now I will yield to the gentleman from Maine [Mr. DINGLEY] such time as he desires.

Mr. DINGLEY. Mr. Speaker, I simply desire to ask the gentleman from Tennessee whether the Committee on Rules have taken into consideration the question of framing rules or regulations covering the matter of leave to print in the RECORD. We have had printed there already several volumes, obviously in violation of the whole spirit of the leave to print and of the rules of this House. Now, it seems to me that there may be rules framed that will properly guard this matter even when leaves to print are granted, so as to restrict the matter printed to that

which is intended to be covered by the ordinary leave. Of course we all recognize the fact that there have been serious abuses of the leave to print within the last week or two, abuses which have led to the report of this order revoking the leaves that have been already granted. I concur with the committee in the desire to remedy this abuse, but I hope the matter will not be allowed to rest there, but that we shall have some system of rules and regulations framed that will serve to prevent these unexampled abuses and at the same time preserve the reasonable right of members in this matter.

Mr. BUCHANAN of New Jersey. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has eight minutes remaining.

Mr. BUCHANAN of New Jersey. I reserve that.

Mr. McMILLIN. Mr. Speaker, in response—

Mr. HENDERSON of Illinois. Mr. Speaker, I wish to ask the gentleman from Tennessee a question. There are some members of the House, and I am one of them, who made some remarks in Committee of the Whole in the discussion of the free-wool bill, but whose remarks were withheld for revision and have not yet appeared in the RECORD. Now, is it intended to cut off the privilege of such members to print the remarks thus made and withheld for revision?

Mr. McMILLIN. That question has not been discussed in the Committee on Rules, and hence I can state only my own opinion, but my opinion is that this report, if adopted, will not prevent gentlemen who have actually made remarks from revising those remarks and having them inserted in the RECORD.

In reply to the gentleman from New Jersey, I wish to state, Mr. Speaker, that it has been two weeks, if I keep the record accurately in my memory, since we voted on the wool bill, and a week from last Thursday we voted, I believe, on the other bill passed here. The committee was of the opinion that the period of two weeks during which members have had general leave to print was such as not to leave any gentleman with a grievance if the privilege were terminated now. And, as I stated, it was the intention to leave the matter with the House to grant hereafter such leave to individual members or to members in general as the House might see fit, guarding that leave in such manner as may be deemed proper.

Now, in reply to the gentleman from Maine [Mr. DINGLEY], I will state that the committee did investigate somewhat, or at least consider, the question of a rule governing this matter. But any gentleman here who will attempt to frame a rule that shall give leave to print and yet place restrictions on it will realize how difficult the task is. And the committee were of opinion that the object would be accomplished by adopting this resolution, leaving the House when other bills may be considered either to give extensive time for debate or to give such leave to print as it may see proper at that time. I think this resolution will accomplish the whole object.

Mr. DINGLEY. Will the gentleman pardon a question?

Mr. McMILLIN. With pleasure.

Mr. DINGLEY. It is not, then, the intention of the committee to take any action respecting the large amount of matter that has been inserted in the RECORD contrary to the spirit of the rules within the last two weeks, which has been printed at the expense of the Government, and is now being distributed under the frank of members?

Mr. McMILLIN. That is a matter upon which the committee has not yet acted; and in advance of such action I do not feel authorized to speak so as to bind the committee. That is not the question here. The question is, what shall be done with this resolution?

Mr. Speaker, I reserve whatever time I have remaining.

The SPEAKER. The gentleman has eleven minutes.

Mr. BERGEN. I would like to ask the gentleman from Tennessee a question.

Mr. McMILLIN. Very well, I yield the gentleman one minute for that purpose.

Mr. BERGEN. I would like to know whether the gentleman does not think that this proposed resolution puts this matter in a very unfair situation—unfair to this side of the House? Of course the gentleman has known, and members of his party have probably known for some time, that such a resolution as this was contemplated; and now to bring the resolution into the House in this way at the present time without any notice at all—does not that appear to the gentleman to be taking an unfair advantage?

Mr. McMILLIN. In reply to the gentleman, I state unhesitatingly that nothing unfair has been contemplated, and no unfairness appears to be involved in this proceeding. Both sides of the House were represented in the Committee on Rules; and this report is not the action of our side alone; it was the action as well of representatives of the gentleman's own party members of the Committee on Rules. It appears to me no injustice can re-

sult; no member can have cause to complain, if after the lapse of two weeks he has not placed in the RECORD what he wanted to put there as his remarks on the wool bill.

Mr. BERGEN. But the gentleman will bear in mind that this side of the House undertook the other day what it thought a proper thing to do in a matter of this kind—to expunge from the RECORD those things which had been put into it in violation of the spirit of the rules.

I wish to ask the gentleman another question, whether all of Henry George's book has been printed in the RECORD?

Mr. McMILLIN. I have not paid close enough attention to the matter to speak positively as to what has been already printed. So far as any complaint in this matter is concerned, I will state to the gentleman that a member of this House, sitting not 15 feet from him, has published the same matter in the RECORD twice.

Mr. Speaker, I reserve the rest of my time.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I resume the floor, and yield two minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL of Pennsylvania. Mr. Speaker, there is one thing that strikes me in reference to this question. The more matter there may be printed in the RECORD, the more time this House has in which to transact its business. [Laughter.] Gentlemen can make short speeches, and then they can have leave to print—

A MEMBER. Long ones.

Mr. O'NEILL of Pennsylvania. And we can have the pleasure of reading what they print the next day in the CONGRESSIONAL RECORD. It gives us all great pleasure to read the speeches that we have not heard pronounced on the floor. [Laughter.]

Mr. Speaker, individually I wish to state how this rule if adopted will bear upon me. I have had it in contemplation to make some remarks upon some of the appropriation bills as they may come up in their turn in this House. I have been looking for material with which to illustrate my points in an argument occupying the five or ten minutes which might be allowed me. I have carefully cut out extracts from newspapers and preserved them. I want to pay proper compliments to my constituents [applause]; and I have two articles written by particular friends of mine—men noted in the scientific world and otherwise; and my idea was that when I might get up to occupy the floor on the sundry civil bill, or the legislative appropriation bill, I might be indulged in inserting in my remarks what these gentlemen have said. But if you adopt this resolution to-day I presume I shall be deprived of that privilege, and thus be denied the opportunity of sending out to the country important matter written by men of great scientific and other attainments who are constituents of mine.

[Here the hammer fell.]

Mr. BUCHANAN of New Jersey. Mr. Speaker, after listening to the explanation of the gentleman from Tennessee [Mr. McMILLIN] I do not hesitate to say that his report does an injustice. I know he does not mean to be unfair; but such will be the effect of this action. The effect will be to let every guilty man escape, and to punish every innocent one. Those who have already transgressed the spirit of the rule by printing in the RECORD matter which had nothing, or at least very little, to do with the subject under discussion, and which was written, not by themselves but by others perhaps as distinguished, will be allowed to retain that matter in the RECORD, while others, who have not transgressed at all, will not be allowed to print even their own lucubrations in that esteemed and flourishing periodical.

Now, how will this resolution operate in my own case? As is known to some members of the House, the condition of my health during the past few weeks has been such that I have scarcely been able to keep up with my current work.

I violated this morning all sanitary precautions by arising at an usually early hour, and before 7 o'clock was sitting at my desk penning some burning words on the tariff. I know that they are burning words, at least I know they are dry enough to burn; and I want in some way or other to spread these matters before the gaze of a waiting world. [Laughter.] If I can, by permission of some gentleman, have an opportunity, when the next tariff bill is under discussion, to give forth the benefit of my observations on this question, I shall be perfectly content, so far as I am individually concerned. But if the rule be adopted in the terms proposed, it may do an aspiring youth, albeit a modest one, a great injustice. [Laughter.]

I reserve the remainder of my time.

Mr. McMILLIN. I now yield three minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Speaker, I doubt not that the rule presented to the House this morning from the Committee on Rules is the outgrowth of the fact that the RECORD, which in my judgment ought to be simply a journal of the proceedings

of this House, an accurate transcript of what actually takes place, has been filled with a great deal of extraneous matter, as the House has witnessed during the last week or two, which should not have been printed under the general leave to print. The rule reported this morning is designed to revoke the permission heretofore given to print, in order that there may be no further violation of the proper rule that should apply in reference to such matters; and as an indication to the House itself, the gentleman from Tennessee [Mr. McMILLIN] has said that at some future time the Committee on Rules will probably present another rule on this subject, although, undoubtedly, a very difficult matter to deal with.

But it is at least an indication to the House that it ought to be very chary about giving this unstinted leave to print, generally, on subjects under discussion before the House. If a gentleman is interrupted in his speech, as the gentleman from New Jersey [Mr. BUCHANAN] so eloquently explained this morning, or rather interrupted in his contemplated speech, he ought to be allowed the opportunity of submitting it in some shape to the House. But it can hardly be said that this leave to print is of any practical value in reference to legislation in the House long after a bill or resolution to which it refers has been acted upon. And in answer to my friend from Pennsylvania [Mr. O'NEILL], to whom I always listen with a great deal of pleasure, I can only say he can never apply to the House for permission to add to any remarks, which he has submitted on the floor, when it would ever be denied him for a moment.

Mr. O'NEILL of Pennsylvania. I am very much obliged to my friend from Mississippi. Thank you.

Mr. HOOKER of Mississippi. There need be no apprehension on the part of any gentleman who wants to extend legitimate remarks on a subject actually under discussion in the House as to the extension of that privilege in all proper cases.

But, I take it, Mr. Speaker, that the action in the present case has been rendered imperiously necessary by the publication in the RECORD of a vast mass of extraneous matter not at all pertinent to the subject under discussion. It would be well if this right could be protected and yet materially restricted.

Mr. MILLIKEN. Will the gentleman from Mississippi allow me to ask him a question?

Mr. HOOKER of Mississippi. Certainly.

Mr. MILLIKEN. Do you not think it would be better to have expunged from the RECORD, at the time we made a motion to that effect a few days ago, all of this extraneous matter published up to that time?

Mr. HOOKER of Mississippi. I think not, for the reason that that would have been a harsh measure in reference to gentlemen who had already printed, and I think it would have also been a great injustice to the gentleman from Maine himself, for that action would have excluded an article that he himself had published. But not having taken that action, we ought at least now to see that no further abuse of the RECORD shall be committed.

Mr. MILLIKEN. Let me state to the gentleman from Mississippi that that action would not have been an injustice to me, for my article was not published until afterwards, and was only published then in retaliation for what had been done by gentlemen on the other side of the House.

Mr. HOOKER of Mississippi. That only shows that the gentleman himself committed the same wrong that he protests against by publishing extraneous matter in the RECORD which ought not to have been published under the general leave to print, and since two wrongs do not make a right, he ought to stand corrected by this rule.

Mr. MILLIKEN. You ought to correct the rule first.

Mr. McMILLIN. I now yield three minutes to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, this proposition, I desire to say, is the unanimous report of the Committee on Rules. It is made necessary by what must be apparent now to every member of the House, by the gross abuse of the general leave granted to members to print remarks in the RECORD. I sought, it will be remembered, very early to refer this infringement of our rules to the Committee on Printing, with a view to correct the abuse at the outset, when it was first discovered that some gentlemen on the other side of the House, conspiring together, had secured the printing in the public RECORD of an entire volume of Henry George.

We on this side of the House believed that the publishing of that book in the CONGRESSIONAL RECORD was the grossest violation of the privileges of this House, and that no member with any proper sense of propriety could have entered into any such conspiracy; but on a motion to refer the matter to a committee of this House to inquire into the propriety of such conduct we were voted down, and the majority of the House declared that such publication was entirely proper. That being so, there was no recourse for the minority except to meet, as we have, the ac-

tion of the majority, by publishing such documents as we saw fit in answer to the free-trade screed of Mr. George. About the only thing you have accomplished and the sum total of your achievements is to commit the Democratic party absolutely to the doctrine of free trade, bald and simple. [Laughter on the Republican side.]

In addition to that, you have committed your party, upon a yea-and-nay vote, to the monstrous doctrines of Henry George in their fullest scope, and used the public record and the money of the people to distribute that document at their expense. And not only that, but if you will examine the extracts from that book, adopted by the Democratic party, it will be found you have also committed your party to the single-tax doctrine and the abrogation of all duties; and the last chapter, published by the gentleman from Kentucky [Mr. STONE], denounces the farmer, as the owner of land, as the chief robber of all. [Laughter.] That he is the party who is robbing the people by pretending to own land, when in fact it belongs to all the people. The Democratic party having committed itself to these monstrous principles, I am not surprised, and indeed I very heartily join in the recommendation of the Committee on Rules, that it is proposed to stop the performance, with the view of saving the Democratic party from absolute annihilation. [Laughter on the Republican side.]

A MEMBER on the Republican side. From suicide.

Mr. BURROWS. And now one word. This order to print was granted on the 12th day of March. Some gentlemen on this side think we are cutting them off a little early. As I say, this order to print was made on the 12th of March, and it is now the 19th day of April. The bill passed the House and from its consideration on the 7th of April. Now, all gentlemen who desire to print have undoubtedly availed themselves of the opportunity before this time. If they have not, I am quite sure if any gentleman shall rise in the House after the adoption of this order and say that he has remarks prepared upon the wool question which he has not had the opportunity to deliver, and will satisfy the House that they are entirely proper and presented in good faith, he will have no difficulty in getting leave to print them in the RECORD.

Mr. STOCKDALE. I want to ask the gentleman from Michigan, who is a member of the Committee on Rules, a question—

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. McMILLIN. I yield to the gentleman from New York [Mr. WARNER] for one minute.

Mr. WARNER. Mr. Speaker, there may be reasons why this resolution should not be adopted, but they are not involved in the suggestions made by our friends on the other side, that the resolution is an oppression upon them. And since the wolf charged the lamb with muddying the spring, there has never been a case of greater assurance. When the gentleman from Michigan [Mr. BURROWS] called attention to the fact that the RECORD had been perverted, as he claims, he knew—because he is too well posted to give him the excuse of ignorance—that the gentleman from Iowa [Mr. DOLLIVER] had already incorporated in the RECORD column after column of the screed of Mr. Roswell G. Horr.

Mr. DOLLIVER. Two columns—

Mr. WARNER. And instead of making a motion that would have been promptly adopted by this House without any question whatever, to refer the whole matter of how far such privilege should be exercised under the leave to print, he made a special attack upon the action, under the leave to print, of certain other gentlemen, and made it in such shape that no self-respecting House could adopt the resolution.

Mr. PICKLER. I would like to ask the gentleman a question. The SPEAKER. The time of the gentleman has expired.

Mr. McMILLIN. I will yield another minute to the gentleman from New York.

Mr. PICKLER. Will the gentleman permit a question?

Mr. WARNER. Now, sir, if there is anything that appears plainly upon the RECORD as it now stands, it is this: That the gentleman from Michigan [Mr. BURROWS], knowing the extent to which his colleagues had already abused the privilege, possibly anticipating the extent to which they were already prepared to avail themselves of it, could they get an excuse, offered this resolution in a shape which must be voted down by any self-respecting House; and we now have the results in the advantage which his colleagues on the Republican side have taken of the action of the House.

Mr. BURROWS. Will my friend state on what day the article was printed in the RECORD by the gentleman from Iowa [Mr. DOLLIVER].

Mr. BUTLER. It is dated the 11th day of April.

Mr. WARNER. I find in the debate had upon the resolution of the gentleman from Michigan [Mr. BURROWS], on the 15th

day of April, 1892, that my colleague [Mr. FITHIAN] called attention to the fact that in the daily RECORD, pages 3453 and 3454, had already appeared the letter of Mr. Horr, inserted by the gentleman from Iowa [Mr. DOLLIVER].

Here the hammer fell.

Mr. McMILLIN. I yield half a minute to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Speaker, the House knows that the two best speeches made on this question, which were made by the gentleman from West Virginia [Mr. WILSON] and the gentleman from Georgia [Mr. TURNER], have not yet been printed.

Several MEMBERS. Mr. WILSON's speech has been printed.

Mr. WHEELER of Alabama. I ask, in view of this fact, that the gentleman from Tennessee [Mr. McMILLIN] will allow the amendment which I am about to offer.

The SPEAKER. The Chair will state to the gentleman that the previous question has been ordered, and that no amendment is in order.

Mr. WHEELER of Alabama. I ask unanimous consent to allow this amendment:

Provided, That this resolution shall not be construed to prevent any member who has spoken upon any bill upon which leave to print has been granted from revising his remarks and incorporating therein tables and minor extracts explanatory of his argument.

Mr. McMILLIN. I have already stated that it was not the purpose of the committee to prevent a gentleman from revising his own remarks heretofore made.

Mr. STOCKDALE. Would it prevent him from extending his remarks?

Mr. McMILLIN. I think not, when of his own production.

Mr. PICKLER. Does not that cut off any further discussion of the silver question?

Mr. BUCHANAN of New Jersey. I yield two minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. I would not occupy the time of the House except for the reason that I believe my offense in no sense justifies the offense which it is cited to excuse. I printed in the RECORD, without consultation with anybody, according to the custom which has long prevailed in the House, a letter of Mr. Horr, of the New York Tribune, consisting of less than two columns; and how any man in his senses can use that performance as an excuse for the printing of a whole volume in the RECORD I do not see.

Mr. McMILLIN. Why did the gentleman print it a second time? [Laughter and applause on the Democratic side.]

Mr. DOLLIVER. I printed it a second time because the Public Printer omitted from the original publication the material part of the letter to which I desired to call the attention of the country; because by the mutilation of my first copy my original intention had been frustrated, and for the general reason that after the vote taken in the House it was evident that it was entirely indifferent to the majority what was printed or how often it was printed.

Mr. FITHIAN. That will not do. The gentleman from Iowa [Mr. DOLLIVER] printed exactly the same caption to both speeches.

Mr. JOSEPH D. TAYLOR. When we were discussing the free-coinage bill there was yielded to me a little time by my friend from Illinois [Mr. TAYLOR], who controlled the time on this side of the House, and instead of saying what I had intended to say I spent the time in replying to the remarks of the gentleman from Missouri [Mr. HATCH] in regard to who was responsible for the demonetization of silver in 1873, and finding that I had consumed my time, I took leave to extend my remarks in the RECORD, and I withheld my remarks until I could have an opportunity of seeing the remarks of the gentleman from Missouri [Mr. HATCH], which were withheld for revision, and before I had an opportunity of revising my remarks I went away and have been absent since then, and have not had an opportunity of seeing his speech or of printing my remarks. I shall therefore, at the proper time, ask unanimous consent to print my remarks, as his speech will be incomplete without my reply to it.

Mr. PICKLER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLER. This resolution is general. I desire to inquire upon what bills this cuts off the leave to print, and whether the adoption of the resolution will permit any further debate in this House on the free coinage of silver?

The SPEAKER. The Chair can only state the substance of the resolution, which is that all general leaves to print heretofore granted are vacated and set aside.

Mr. PICKLER. Now, my question is, what questions are those?

The SPEAKER. The Chair is not informed as to any special bills.

Mr. PICKLER. We ought to make a record of that.

The SPEAKER. It covers all. [Cries of "Regular order!"] The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

INVESTIGATION OF BALTIMORE POST-OFFICE.

Mr. CATCHINGS. Mr. Speaker, I submit a report from the Committee on Rules.

Mr. BUCHANAN of New Jersey. I simply rise to make a personal request, Mr. Speaker.

The SPEAKER. Will the gentleman withhold it for a moment?

Mr. BUCHANAN of New Jersey. Yes.

Mr. CATCHINGS. I submit a report on House resolution 57.

The Clerk read as follows:

The Committee on Rules, to which resolution No. 57, introduced by Mr. RICHARDSON, was referred, recommend that the accompanying amendment thereto be adopted, and that as so amended the said resolution be agreed to.

The resolution was read, as follows:

Whereas in May, 1891, Mr. Theodore Roosevelt, Civil Service Commissioner, after a careful and extensive investigation concerning political assessments, and the use of official influence in the Federal offices to control elections in Baltimore, reported to the United States Civil Service Commission the following conclusions:

1. That a number of Federal officeholders took an active part in the primary elections of the Republican party.
2. That considerable sums of money were raised by these officials, partly contributed by themselves and partly by their fellow-officials, and were spent by certain of their number chosen for the purpose in paying the political expenses in these elections.
3. That certain of these officials by their own testimony admitted that they had violated the statutes of the United States touching the civil service, the punishment, upon conviction of said violations, being dismissal from office and fine and imprisonment.

And whereas in view of these violations of law, Commissioner Roosevelt recommended the removal of certain officials specified by him as guilty of such violations of law, and his findings and recommendations were concurred in by the whole Commission in a report addressed to the President;

And whereas resolutions have recently been adopted by the Civil Service Reform Association of Maryland, calling attention to the fact that, so far as is known to the public, no official action whatever has been taken in consequence of this report:

Resolved, That the Select Committee on Reform in the Civil Service is hereby authorized to make such inquiry in regard to the matter as they may think proper, and, if necessary, to send for persons and papers, administer oaths, and report to the House.

The amendment was read, as follows:

Amend by striking out all after the word "hereby," in the resolution, and inserting the following:

"Directed to investigate and report to the House:

"First. Whether all or any of the officials found by the investigation and report of the Civil Service Commission to have violated the law are still in office.

"Second. Whether any of such officials have been indicted or proceeded against in the courts on account of such alleged violation of the law.

"The said committee shall have authority to sit during the session of the House, to send for persons and papers, to administer oaths, and to report to the House at any time.

"The expenses of this inquiry shall be paid out of the contingent fund of the House, on vouchers approved by the chairman of said committee."

Mr. CATCHINGS. Mr. Speaker, I demand the previous question on the adoption of the report.

Mr. DINGLEY. I hope the gentleman will explain the change that is made by the amendment. I believe the original resolution as introduced directed the investigation of the President of the United States, and this is a resolution of inquiry.

Mr. CATCHINGS. My friend from Maine is entirely mistaken, Mr. Speaker. The resolution does not involve an investigation of the President of the United States.

My friend from Michigan [Mr. BURROWS] was afraid that the phraseology was such that it might bear that construction, but it was not the intention that it should have any such construction. However, the proposed amendment entirely obviates that difficulty, and I think that the resolution as it has been reported from the committee is entirely free from any objection.

Mr. DINGLEY. Mr. Speaker, I ask that the resolution be again read.

The report in full was again read.

Mr. HOPKINS of Illinois. Mr. Speaker, is debate in order on this?

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] has demanded the previous question.

Mr. HOPKINS of Illinois. Well, that allows fifteen minutes' debate on either side, as I understand.

The SPEAKER. But there has been debate, and, that being the case, no debate is in order after the previous question is ordered.

Mr. HOPKINS of Illinois. There has been debate on this?

The SPEAKER. There has been debate.

Mr. HOPKINS of Illinois. There were some questions put, but I did not understand that that was debate.

The SPEAKER. The rules provide that where there has been no debate before the ordering of the previous question thirty minutes' debate shall be allowed afterwards, fifteen minutes on each side, but where there has been debate before the ordering of the previous question, even though limited in amount, none is in order afterwards.

Mr. HOPKINS of Illinois. If the Speaker construes the question put by the gentleman from Maine [Mr. DINGLEY] to the gentleman in charge of the resolution as debate, the rule applies; but I did not apprehend that it would be so held by the Speaker. I desire to know if it is the purpose of the committee reporting this resolution to limit the Committee on Civil Service Reform simply to the consideration of the question whether the parties reported upon by the Civil Service Commission are still in office?

I will state to the gentleman that I understand—I do not know whether I am correctly informed or not, but I understand—that an investigation has been made by the Post-Office Department and that that report does not agree with the report of the Civil Service Commission; so it seems to me that if there is to be an investigation of this matter the committee investigating ought to be clothed with power to inquire whether, in the first place, there has been in fact any violation of the civil-service law, and if so, secondly, whether the parties who have violated it are still in office. As I understand these resolutions, however, they compel us to accept the conclusion of the Civil Service Commission as correct, and, assuming their investigation to be correct, our committee are to determine whether the parties concerned are still in office.

Now, I submit that that is not just or proper. I submit that if we are to have an investigation of this subject at all the committee that is to make it ought to be clothed with authority to investigate the truth or falsity of the charge that is made by the Civil Service Commission. No wrongdoing should be charged against the authorities at Baltimore without their having an opportunity of showing that the charges against them are false and unfounded.

Mr. RAYNER. That is right.

Mr. HOPKINS of Illinois. And I appeal to the gentleman in charge of this report to modify it to the extent of allowing the committee of investigation to inquire into the correctness of the charge itself.

Mr. CATCHINGS. Mr. Speaker, I assume as a matter of course that if there has been sufficient reason for the failure to discharge these officials who have been charged by the report of the Civil Service Commission with violation of the civil-service law, the committee of this House directed to make this investigation will be very glad to have laid before them any report which may have been made to the Postmaster-General or to any other official which justifies or seems to justify the retention of these parties in office. Indeed, I think I am warranted in saying that it would be a very great satisfaction to the committee to have Mr. Wanamaker present them with a copy of the report to which the gentleman from Illinois alludes. I think the resolution as it is drawn is broad enough. The country understands very well that there has been two reports upon this subject.

The report made by Mr. Roosevelt has been published and is accessible. Any gentleman who desires to examine it can send and get a copy of it. The report made to Mr. Wanamaker seems to have been kept secret. It has never been published; it has never been given out to the country; and therefore we can not assume here that there is a report which would justify the retention of these officials. The difference between the two reports is this: The report made by Mr. Roosevelt, charging these officials with this offense, is in print as a Government document, of which any gentleman can get a copy; but if there is a report taking a position adverse to this the country has not been advised of it. There have been rumors, and I presume it is a fact, that the Postmaster-General did have a report made to him by certain officials who were sent to Baltimore to investigate this question; but, as I have said, that report has never been given to the country, and therefore, *prima facie*, the case is, that these officers who have been charged by one of the officials of the Government with repeated violations of the civil-service law remain in office to-day. Now, if there is any justification for their retention in office, it can undoubtedly be shown upon this investigation.

Mr. BOUTELLE. What is the charge? What is the offense said to have been committed by these people?

Mr. HOPKINS of Illinois. If the gentleman will allow me right there, I wish to ask him whether he sees any objection to modifying the report so as to direct the committee to investigate the truth of these allegations?

Mr. CATCHINGS. I do. I see a very serious difficulty. It is not contemplated that this committee shall be sent to Baltimore to enter upon an investigation which will take three or four weeks of their time.

We simply want to ascertain whether Mr. Roosevelt has made this report, whether there has been a contrary report, and just what the facts are. When information upon these questions has been reported to the House, it will then be in order for the House to take such steps as it may deem proper. But we certainly do not intend, if we can help it, that this committee shall now be

sent off to Baltimore to investigate all these questions which have been investigated by Mr. Roosevelt and the results submitted to the country in his published report.

Mr. BOUTELLE. Will the gentleman answer my inquiry?

Mr. CATCHINGS. I did not hear it.

Mr. BOUTELLE. I want to know what is the general charge against these officers.

Mr. CATCHINGS. Oh, Mr. Speaker, I have no time to go into that question, and I decline to do so.

Mr. BOUTELLE. I simply want to know what is the general charge against these people.

A MEMBER. Attending political "primaries."

Mr. CATCHINGS. I will send you the report, and you can examine it for yourself.

Mr. BOUTELLE. Is it the charge that they attended a political caucus?

Mr. CATCHINGS. The gentleman can read this report to-night.

Mr. BOUTELLE. I would not spend so much time over it.

Mr. HOPKINS of Illinois. Now, Mr. Speaker, it seems to me—

Mr. CATCHINGS. Mr. Speaker, I would like to know how this debate is going on.

Mr. BOWERS. It is a "go-as-you-please" debate.

The SPEAKER. The debate has been proceeding with the consent of the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. I never gave my consent.

The SPEAKER. Different gentlemen sought the floor, and the Chair indulged them because the gentleman from Mississippi [Mr. CATCHINGS] did not object.

Mr. CATCHINGS. That was not my understanding; or I would have taken means to close the debate.

The SPEAKER. If the gentleman from Mississippi demands the previous question the Chair will submit it.

Mr. BURROWS. If the previous question be ordered, of course debate will be cut off; therefore, before the question is put, I ask the gentleman to yield to me.

Mr. CATCHINGS. I will gladly yield if I may be permitted to do so without waiving my rights.

The SPEAKER. The Chair will recognize the gentleman from Mississippi after the gentleman from Michigan is through.

Mr. BURROWS. Mr. Speaker, I desire only to say that it was impossible for the minority of the Committee on Rules to agree with the majority in recommending the adoption of this resolution. It will be observed that it proposes to make an investigation into two things: First, whether certain officers who were alleged to have been guilty of violating some statute in connection with elections still continue in office or have been removed; and, secondly, whether those officers have been prosecuted for the offense charged. Now, Mr. Speaker, the criticism made by the gentleman from Illinois [Mr. HOPKINS] has very great force. By this resolution the committee is not called upon to inquire into the question whether these charges were true or not.

Mr. BOUTELLE. They do not care anything about that.

Mr. BURROWS. The committee is not requested or directed to ascertain whether this report of the Civil Service Commission was true or false; but it is to accept the report as binding so far as showing that certain parties did violate the United States statutes in connection with a certain election; and then the committee is to inquire whether those officers have been dismissed or have been prosecuted.

Mr. CATCHINGS. My friend must admit that as the case now stands we are justified in assuming that—

Mr. BURROWS. I am quite sure, however, that if it should be disclosed that these parties have not been discharged from office or have not been prosecuted, the committee would come far short of its duty to the public did it not inquire into the reason why they have not been dismissed or prosecuted, and that inquiry might disclose the fact that it was discovered upon investigation that the charges were wholly unfounded and no such report as has been made was authorized by the facts.

Mr. CATCHINGS. But my friend will understand that that was not the proposition of the gentleman from Illinois. His proposition was that this committee should be required themselves to investigate these charges—

Mr. HOPKINS of Illinois. No, sir.

Mr. CATCHINGS. That was exactly what my friend from Illinois said.

Mr. HOPKINS of Illinois. Oh, no.

Mr. BURROWS. Mr. Speaker, I wish to say only this: If the only purpose be to ascertain whether certain officers named are still in office or have been dismissed, and whether they have been prosecuted or not, a simple resolution of inquiry directed to the Attorney-General would elicit the information desired. If a resolution of inquiry were directed to the head of the Department having this matter in charge, this information could

be obtained in twenty-four hours. But, of course, a formal investigation makes the matter more imposing than a simple resolution of inquiry would be.

Mr. CATCHINGS. If my friend understands this matter, he must see that this resolution does more than he states. It proposes to give this committee authority, which they have not now, to make such reasonable investigation in the general direction of this resolution as they may think proper.

Mr. BURROWS. The resolution contemplates an inquiry into only two questions—first, whether these parties are still in office—

Mr. CATCHINGS. The resolution as offered undoubtedly authorizes the committee to inquire into the fact whether the Postmaster-General has had such report made to him as appeared to justify his action in the case.

Mr. BURROWS. Allow me to make this inquiry, which perhaps will meet the difficulty; if it should be found by the committee that the parties named are still in office, or if dismissed have not been prosecuted, does my friend hold that the committee will be authorized to inquire into the reasons why they have not been dismissed or why they have not been prosecuted?

Mr. CATCHINGS. But, Mr. Speaker, unquestionably, if this report of the committee is adopted by the House, the committee would be entirely warranted in the course of their investigation of this question directly submitted, to accept from the Department any explanation they might suggest as to why they did not discharge these officers, or why, if guilty, no indictment was presented against them.

Mr. BURROWS. Then it will be understood, I presume, that the committee will be directed to inquire into the reasons why there was no prosecution?

Mr. ANDREW. From the Department.

Mr. CATCHINGS. With that limitation. But if the question of the gentleman carries the idea that this committee is expected to go to Baltimore to examine witnesses, and determine as to the truth or untruth of the charges that have been made, then I say no. But if my friend wants it understood that they shall accept such explanation as the Department may desire to give them I say yes.

Mr. ALLEN. Let me suggest to my colleague if it would not be well enough to put into the resolution the fact that if the report of the Civil Service Commission fails to inquire, it would inquire whether or not they are still in office?

Mr. BURROWS. Exactly.

Mr. CATCHINGS. I have no doubt whatever that we will get at all of the facts necessary in this investigation.

Mr. HENDERSON of Iowa. Will the gentleman from Mississippi permit me to ask this question? It can not be possible if one bureau of the Government—the Civil Service Commission—holds and has declared that the civil-service law has been violated and a great Department of the Government says that it has not been violated—

Mr. O'FERRALL. I rise to a question of order.

The SPEAKER. The gentleman from Iowa will suspend, and the gentleman from Virginia will state his question of order.

Mr. O'FERRALL. I desire to know under what rule the House is proceeding at this time?

The SPEAKER. There is no limit to this debate unless the previous question is ordered. The report of the Committee on Rules is being discussed.

Mr. CATCHINGS. In answer to the question, which I think I understand, of the gentleman from Iowa—

Mr. HENDERSON of Iowa. Permit me one moment further. I say that where two Departments of the Government—or the Civil Service Commission and a Department—have declared directly opposite things, whether that committee will accept the one which says these parties are guilty and ignore the one which says they are not guilty.

Mr. CATCHINGS. My friend must understand that that is not a question pertinent to this discussion. I have already stated to the gentleman from Michigan that so far as the public knows there has been but one report on this question, and that is the report of the Civil Service Commission, which is to the effect that the law in question has been grossly violated.

Now, if there is another report, as I said before, the country has not been advised of it. There have been, I will concede, rumors, and doubtless it is true, that there has been another report. But if there is one made by the Postmaster-General, or any other Department of the Government, which would seem to justify the retention of these employés, of course we will be glad to have it, and unquestionably the committee will ascertain and report the facts.

Mr. HENDERSON of Iowa. Then, as I understand it, the gentleman concedes that it will be the duty of the committee to inquire of the Post-Office Department touching these facts?

Mr. ANDREW. Certainly.

Mr. CATCHINGS. I have already made that statement. Now I demand the previous question.

The previous question was ordered; under the operation of which the amendment was agreed to, and the report of the committee as amended was adopted.

On motion of Mr. CATCHINGS, the motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BACON. Mr. Speaker, I ask unanimous consent, in view of the contested-election case to be called up at this time, that gentlemen having reports from committees may hand them in at the Clerk's desk for proper reference.

There was no objection.

NOYES VS. ROCKWELL.

Mr. O'FERRALL. Mr. Speaker, I now call up for consideration the contested-election case of Noyes against Rockwell, from the Twenty-eighth district of the State of New York.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

Resolved, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

Mr. O'FERRALL. Now, Mr. Speaker, I would like, if possible, to come to some arrangement with the gentleman from Alabama [Mr. COBB], who filed the minority report in this case, as to the time to be consumed. I will state that in a conversation with the gentleman from Alabama we agreed that five hours on each side would not be an unreasonable time. I ask, therefore, the unanimous consent of the House that five hours on each side be allowed for the discussion of this question. I understand that is satisfactory to the other side.

Mr. WHEELER of Alabama. Mr. Speaker, this is a matter in which the whole House takes a great interest; and while I believe that some time ago the gentleman from Alabama [Mr. COBB] felt that five hours' time would be enough, yet I am authorized to say that many gentlemen who desire to speak and to hear this case thoroughly argued feel that a greater length of time should be had, and I ask the gentleman from Alabama [Mr. COBB] to insist upon or ask for six hours on a side.

The SPEAKER. The gentleman from Virginia [Mr. O'FERRALL] submits a request that in the consideration of the pending election case debate be limited to five hours on a side.

Mr. COBB of Alabama. I agreed with the chairman of the committee that we would be content with five hours on a side; but as suggested by my colleague from Alabama [Mr. WHEELER] and by other gentlemen, that there are more gentlemen who desire to express themselves upon this case than I had any knowledge of at the time—

Mr. WHEELER of Alabama. And to hear the matter thoroughly discussed.

Mr. COBB of Alabama. The gentleman from Indiana [Mr. HOLMAN] suggests to me that we have plenty of time now, and he also suggests that we may have six hours on a side. Has the gentleman from Virginia [Mr. O'FERRALL] any objection to that, if the House will agree to it?

Mr. O'FERRALL. I have no disposition, Mr. Speaker, to cut off debate in this case. I am perfectly willing that there should be full latitude given, not only to the minority to express their views, but to the majority. So far as I am concerned, if it is the pleasure of the House to give six hours on a side, I shall not object.

Mr. CATCHINGS. Are not five hours enough?

Mr. O'FERRALL. I have thought five hours enough time. That was the understanding between the gentleman from Alabama [Mr. COBB] and myself. I have no disposition to cut off debate, or to allow any one to say that I am disposed to stifle debate upon this case.

Mr. COBB of Alabama. I do not want my colleague on the committee to understand that I am going back on any agreement. But if he is willing to have six hours on a side, under the circumstances—

Mr. O'FERRALL. I think we had better submit the original proposition to the House, for five hours on a side.

The SPEAKER. The gentleman from Virginia [Mr. O'FERRALL] asks unanimous consent that debate on the pending election case be limited to five hours on a side. Is there objection?

Mr. WHEELER of Alabama. I shall have to object.

The SPEAKER. Objection is made. The gentleman from Virginia [Mr. O'FERRALL] will proceed.

Mr. O'FERRALL. I move that the debate on this case be limited to five hours on a side.

The SPEAKER. The Chair will suggest that that motion would not be in order, but the gentleman can give notice that at

the expiration of a certain time he will move the previous question.

Mr. O'FERRALL. Then we will proceed without any limit. Mr. WHEELER of Alabama. You had better agree to six hours, and that will settle it. I will suggest to the gentleman—

Mr. O'FERRALL. I yield to the gentleman from Georgia [Mr. LAWSON] whatever time he may desire in the opening of this case.

Mr. WHEELER of Alabama. Let me ask the gentleman to agree to six hours, so that gentlemen can arrange their argument with a view to that time.

The SPEAKER. The gentleman from Georgia [Mr. LAWSON] is recognized, and the House will be in order.

Mr. LAWSON of Georgia. Mr. Speaker, this inquiry and investigation arise out of a Congressional election held in the year 1890, in the Twenty-eighth district of New York, composed of the counties of Chemung, Seneca, Schuyler, and Tompkins. It is a judicial question, and depends for solution upon the law and the facts of the case; and I shall endeavor to present the law and the facts as briefly as I can, consistently with clearness and fullness. The committee, after a careful and painstaking investigation, decided that Mr. Noyes, the contestant, was entitled to the seat, and that Mr. Rockwell, though holding the certificate from the proper authorities of his State, is not, upon a fair investigation of the case, entitled to that certificate.

The committee at the outset of its business during this session determined that it would examine all contested cases in the spirit of fairness, of truth, and of justice, and that no man should be ousted from his office in this House arbitrarily, as has been the case in many instances heretofore.

The trouble arose out of the methods which the county canvassers of the election adopted in making their returns. In respect to the canvassing of votes and making returns, the law of New York is somewhat peculiar. I do not know of any other State that prescribes the same provisions in regard to the canvass of votes and the returns of the officers.

In order that the House may have a clear conception of the origin of this inquiry and contest, it is proper for me to explain to some extent the methods which the law of New York requires to be adopted in the canvass of votes. It is required of the election inspectors that immediately after the close of the polls the votes shall be canvassed, and that three returns shall be made of those votes, to be distributed as I shall mention hereafter, before there is an adjournment of the election officers. This must be made at once. The law requires that the returns shall be of this character: After all the votes are counted it is the duty of the election inspectors to write upon the face of the return the whole number of votes cast at that precinct, and also the number of votes received by each candidate. These must all be written fully, not in figures, but in letters.

In addition to that it is required that the election inspectors at the same time, and before adjournment, shall paste to the back of the return a sample copy of every different kind of ballot which was cast at that election. The remaining ballots are required to be immediately destroyed, and upon that sample copy they shall write out the number of ballots of the identical kinds cast at that point. The election inspectors of six election districts in the county of Chemung and the city of Elmira failed to execute this law fully in that they failed to attach and number the sample ballots.

Mr. O'FERRALL. Mr. Speaker, it has been said that this is an important question, and if it is, I trust members will preserve order and hear it discussed.

The SPEAKER. The House will be in order.

Mr. LAWSON of Georgia. I can not expect, Mr. Speaker, to interest people who have already made up their minds. I believe if there is any gentleman here who has not made up his mind on the question, who desires to consider the question fairly, honestly, and judicially, he may possibly get some information from what I shall say, and what I shall read in the course of my remarks.

As I was going on to say, the election inspectors in six precincts in the city of Elmira failed to carry out this law with reference to the canvass and return of the votes thus cast completely. They did make up the returns so far as they were required to do it on the face of them. They did count the votes and enter the number of the votes on the face of the report; but they failed to paste on the back of these returns a sample of each one of the ballots, and failed to state how many ballots of these different kinds were cast in these different polling places.

It is proper just here to say that they were voting under a new law, which was then for the first time used in the State of New York, and the election inspectors in many of the districts, being inexperienced men, did not know that regulation still prevailed. They were, in many instances, advised that it was not necessary

for them to attach these sample ballots; and in one instance, particularly, I remember, a lawyer of Elmira, a Republican watcher, or officer engaged in the election, perhaps an inspector, advised them that it was not necessary to make the return under this new law, as it had been done under the old law. However that may be, the ballots were not attached to the returns in these different places. The next day when the return was presented to the board of canvassers, the clerk refused to receive the returns because of the absence of these ballots, and then the inspectors of the district were reassembled and recounted the votes cast. In some instances they recounted all the ballots, and then attached the sample ballots on the back of the report with the necessary statement as to the numbers cast.

Now, when the county canvassers—

Mr. WATSON. The great confusion seems to arise behind the seats.

The SPEAKER. The point is well taken. The House will please be in order. Gentlemen in the rear of the seats will please preserve order, or retire to the cloak room. The confusion comes largely from the rear of the seats.

Mr. LAWSON of Georgia. The county canvassers, when they came to make up their reports and to transmit their returns to the State canvassing board, made up their return from the ballots entered upon the back of the returns; and in all of those cases in which there was this apparent discrepancy between the number entered upon the face of the report, and the numbers entered upon the back of the returned ballots, the canvassers concluded that a canvass made from the face of the ballots on the back would be the more accurate method to determine who was elected.

That gave the election to Mr. Rockwell, the sitting member. Upon that being done, Mr. Noyes appealed to a special term of the supreme court of New York, sued out a writ of mandamus against the county canvassers, requiring them to again canvass the votes entered upon the face of the report and not upon the ballots on the back.

Now, lest there should be some confusion, I will explain that the supreme court is not the highest court in that State, as in many States. It is the second court from the highest, the court of appeals being the highest. The judge who gave that judgment against Mr. Rockwell was sitting in special term, and Mr. Rockwell appealed through the county canvassers to the general term of the supreme court consisting of three judges.

Upon consideration of the case in general term the three judges affirmed the judgment of the one judge who sat in special term. From this judgment there was again an appeal to the court of appeals, consisting of five Democratic and two Republican judges; and that court upon hearing affirmed the decision of the court below, and the county canvassers were peremptorily ordered to reconvene, recanvass, and retabulate the vote from the face of the report and not from the back. Upon that recanvass and recount of the vote it appears that Mr. Noyes was elected. Meanwhile, before all the courts had decided the question of appeal, the board of State canvassers had convened and issued the certificate to Mr. Rockwell.

Now, the question is, who was legally and properly entitled to the seat? The committee thought that in the beginning it was proper under the instructions of the court to consider the vote returned upon the face of the returns as the proper vote to be considered; first, because it was the decision of the State court and we thought that we could not go far wrong by considering the case as presented by that court, and that, indeed, it was proper for the committee, in the construction of a State law, to be controlled to a certain extent by the decision of the State courts, especially when that decision was made upon the specific law in question and in the case under investigation by the committee.

I will read what the court of appeals say in regard to this recount: what instructions they give to the committee, if the instructions are worth anything. I will not contend that it is absolutely binding upon us, but I say it is a proper thing to be considered. When we come to determine how these questions, originating in the State of New York, shall be decided, the question is, shall we consider them in the manner which the New York courts say is the proper method, or shall we depart from that and originate a method of our own? We thought it was safest to adhere to the method prescribed by the courts of that State as far as it would throw any light upon the subject. And in this case the court of appeals, which is the highest court of the State of New York, used these words:

In a government resting wholly on popular suffrage, few questions can ever come before the court so intimately connected with the very structure of political society, and exerting such a wide influence upon the public welfare, as those concerning the enforcement and construction of the laws relating to elections and the canvass and return of the votes. The act of the inspectors inspecting the vote in the body of the paper, the certificate that the same is correct, and the signature of each of them to the certificate is, so far as the county canvassers are concerned, fundamental, jurisdictional, and

controlling; while the words of the ballot are subordinate and incidental, and the duty of the inspectors in respect to the same is probably directory merely.

Now, that decision confronted us at the initiation of the investigation. We adopted it for what it was worth. Of course the question in the case is, who is entitled to the office? Not as to mere forms and methods of deciding how the vote should be counted, but who received the plurality or the majority of votes on that occasion. Therefore our investigation necessarily had to be extended into the manner of casting of the votes and the legality of the election and the legality of the returns themselves in order to ascertain to which of the candidates the office should be given. And after a painstaking investigation the committee was unable to find any reason to justify them in departing from the face of the return as embodying the true tabulation of the votes cast.

Why should we not take the recount as correct and controlling evidence of the number of votes cast? I state, in the first instance, that it should not be taken because it was unauthorized and contrary to law, and the law of the State of New York—I have it here if any gentleman wishes to read it—requires that immediately upon the conclusion of the canvass the inspectors shall adjourn. Their body is then dissolved. They have no further jurisdiction or authority. They are *functus officio*; and when the next day, or within the next two days, they assembled and attempted to recount the votes, they were nothing but a body of unauthorized interlopers.

Furthermore, the law requires that the ballots shall be destroyed immediately, before the adjournment of the election inspectors. Hence in contemplation of law there was nothing to be recounted. There was no legal testimony that could be resorted to in the shape of existing ballots. In the next place, in order for a recount to be of value, the ballots should have been carefully preserved; they should have been in some proper custody; they should not have been tampered with nor placed where they were liable to be tampered with by any unauthorized person. Yet the evidence is very clear that very little consideration was given to their preservation.

Mr. HOOKER of Mississippi. I desire to ask the gentleman a question for information. In speaking of the recount, does he refer alone to the five districts in the city of Elmira and in that county?

Mr. LAWSON of Georgia. Yes, sir.

Mr. HOOKER of Mississippi. And not to any other?

Mr. LAWSON of Georgia. And not to any other. But there were six districts instead of five. I do not maintain now, Mr. Speaker, that because the law authorized and required the ballots to be destroyed that therefore in the event they were not destroyed we would be prohibited from an examination of them to ascertain which candidate received the greatest number of legal ballots. This House may if it chooses go beyond that, and there is no physical limit to its prerogative. I do not maintain that. What I maintain is that the ballots had no existence in contemplation of law and that the board of inspectors had no existence in contemplation of law at the time of the recount; and, therefore, that it was unauthorized and contrary to the express provisions of the statutes of New York, under which the election was held.

But if we admit that the ballots ought to have been recounted, that they would cast any light upon this investigation, then we say they were not properly preserved. There seems to have been no purpose on the part of the election inspectors to preserve them securely and effectively. I presume they did not suppose there would ever be any occasion for a reexamination of them and hence they made no diligent effort to preserve them. I will read from page 5 of the majority report to inform the House as to the security of their preservation:

How were the ballots preserved?

There was no safeguard whatever thrown around them; they were in the custody of no one upon whom any responsibility rested; there was no care taken of them with a view to a possible recount; they were left exposed in every instance so that they could have been despoiled by the unscrupulous without fear of punishment, for they were in law as mere worthless paper. Full and ample opportunity was given to tamper with them and to change them.

In two instances there was no evidence whatever as to how they had been preserved or where they had been kept, the parties who had taken charge of them not having been examined as witnesses. In another instance they were left overnight and for twenty-four hours in the voting booth, a frail structure, and with simply a strip of white paper pasted partly around the box with mudlage, which it was not even necessary to break or tear when the box was opened. In another instance they were sealed with sealing wax, and with no stamp or mark on them, taken by one of the inspectors to his house and put in a little room, "just off from his dining room," where they remained until late in the evening of the 6th November (about forty-eight hours), when they were taken by him to the polling place and recounted. In another instance they were sealed with sealing wax, with no stamp or mark on them, and taken by one of the clerks to the house of one of the inspectors, and, according to his testimony, put in his dining room "in his writing desk," according to the testimony of his son, "on his writing desk," and on the following day they were taken to the clerk's office by him, and then back to his house by the clerks, and then recounted.

The law in regard to this question is that—

Before courts or legislative bodies can give weight to the results of a recount of ballots there must be absolute proof that the ballot box containing such ballots has been safely kept, and that the ballots are the identical ballots cast at the election.

I read this from Payne on Elections; the citation will be found in the majority report.

Another reason why we failed to give credence to the recount of the ballots was because the law of New York provides abundant and efficient machinery to make the first count a perfect one. There ought not to be any mistake about it. The report of the election inspectors, if they use the means and opportunities they have of making correct returns, ought to be absolutely perfect. There can be no error or discrepancy in the matter if the election officers do their duty, and they are presumed to have done it. The law of New York provides that there shall be in the first place five inspectors at each voting place, two of whom are to act as ballot clerks or distributors to the electors.

Mr. HOOKER of Mississippi. The gentleman will allow me to ask what length of time elapsed between the casting of the votes at the election and the recount.

Mr. LAWSON of Georgia. Some of the ballots were recounted the next morning, some the next afternoon, and I believe in one or two instances some were recounted on the second day afterward.

Mr. O'FERRALL. The evening of the second day.

Mr. LAWSON of Georgia. As I am informed by the chairman of the committee, some were recounted on the evening of the second day after the election.

As I was saying, there are five election inspectors. There are also two Federal supervisors, to act at each of the places where the votes are cast. There is also at least one election watcher belonging to each of the dominant parties. The latter are authorized to remain near the voting booth all day, are at liberty to challenge any voter, and then when the time comes for the counting and canvassing of the ballots they are permitted to go inside to witness the opening of the ballots, to examine the face of the ballots and see that the count is correctly made. The supervisors and the inspectors also have this right. You will find in all these instances, I believe, a statement by the officers that the count was carefully, though at times hurriedly, made in each instance.

Mr. HEARD. Does the law require that the inspectors shall be politically divided between the dominant parties?

Mr. LAWSON of Georgia. Three belong to one of the dominant parties and two to the other. The watchers are also divided between the parties; so are the supervisors. It is provided in the law that each of the dominant parties shall be represented in the counting of the vote, and what I mean by the dominant parties are the parties which polled the highest number of votes respectively at the next preceding election. Four different parties had candidates to be voted for on this occasion.

Mr. WHEELER of Alabama. The gentleman spoke of the length of time that elapsed after the election and before the recount. Is it not true that in the third district, Fifth ward, there never was a recount?

Mr. LAWSON of Georgia. There was one ward in which there never was a recount; but that is not one of the six in regard to which complaint is made.

Mr. WHEELER of Alabama. Is it not true that in one case the vote as recorded on the outside of the ballot after the recount showed 7 more for Rockwell than the original return?

Mr. LAWSON of Georgia. Yes, sir. I will allude to that before I conclude my argument.

Mr. WHEELER of Alabama. And if that record were correct, it would elect Mr. Rockwell?

Mr. LAWSON of Georgia. Yes, if true it would elect him. I will allude to that before concluding my argument.

Now, as I was remarking before the interruption, if the machinery provided by the law had been properly used, if the law had been in all respects complied with, it would have rendered a mistake or an error impossible; it would have rendered a discrepancy between the face of the returns and the indorsement upon the votes impossible. Now, we contend that in all these cases the canvass was done carefully. It was done in the presence of all the officers I have named. The ballots were opened and inspected by every one of these authorized individuals who desired to inspect them. The count was thus made up. The tally clerks compared their count in some instances with that of the supervisors to see that the count was perfectly correct.

In this manner the returns were made up on the night of the election, before there had been an adjournment, before other precincts could be heard from, before the state of the vote in the district as between the two candidates could possibly be known. These counts were made up before extraneous influences could have been exerted upon the inspectors, and before there was any

temptation to make a false return. I do not mean to intimate that the inspectors were influenced by any improper consideration, because I find nothing in the evidence in this case to impugn the motives or integrity of any of the inspectors, supervisors, or clerks—of any person legally connected with this business.

But I say, after the regular legal count was concluded there was opportunity for these extraneous influences; there was knowledge of how the canvass had gone; there was opportunity for people who were not inspectors and who had no legal connection with the vote to tamper with the ballots. If you will read the report you will see that very little care was taken of these ballots after they were cast and counted; they were accessible to any person who might have an interest or a purpose to tamper with them. And therefore, Mr. Speaker, the report of the majority of the committee has excluded this recount as altogether unreliable, and we do it, we think, in pursuance of the law which is applicable to the case.

As I have already said, sir, it is somewhat like a judicial investigation, involving both questions of law and fact, and it is necessary in the discussion of such a question to read principles of law here and there bearing upon particular facts at issue in the case. Here is a decision of a court bearing upon this question to the effect that—

A canvassing board, after once counting the votes and declaring the result according to law, has no power or authority to make a recount.

Mr. DICKERSON. Is that the New York law?

Mr. LAWSON of Georgia. No; this a Missouri authority.

When this duty is once duly performed it is performed once and forever, and can not be repeated.

In New York the statute is mandatory on the subject that the vote must be canvassed and the result ascertained and publicly proclaimed and the ballots destroyed before adjournment. When the adjournment occurs the board is *functus officio* for all purposes except one, the exception being that if it is found that there are clerical errors in their return they may be reconvened by the board of county canvassers to make a correction of such clerical error. But the law which provides for the reconvening of the inspectors expressly says that when they reconvene they can not change the decision which has been already made, after the count is concluded, and that their only function is to correct clerical errors; that the first decision must stand as made.

I read in this connection from McCrary on the Law of Elections, section 232, the report of the Committee on Elections in the Forty-second Congress in the case of Gooding vs. Wilson:

On examination of precedents it does not appear that this House favors the setting aside of official and formal counts, made with all the safeguards required by law, on evidence only of subsequent informal and unofficial counts without such safeguards. No instance was cited at the hearing where the person entitled by the official count was deprived of his seat by a subsequent unofficial count. On the principle it would seem that if such a thing were, in the absence of fraud in the official count, in any case admissible, it should be permitted only when the ballot boxes had been so kept as to be conclusive of the identity of the ballots, and when the subsequent count was made with safeguards equivalent to those provided by law.

And that reminds me, Mr. Speaker, that I omitted to state that these recounts were not made in any instance in the presence of all of the election officers. It was made in one instance in the presence of all of the inspectors of election, but not in the presence of the supervisors. The recount was made in other instances in the presence only of a part of the inspectors. Therefore the local machinery, even if the law so provided, was not brought into action when the recounts were made.

That being the state of facts, as the committee found them, it decided that the count made as directed by the court of errors of the State of New York should stand, and that it gave a small majority or plurality, as the case may be, in favor of Mr. Noyes, and that he was therefore entitled to the seat. But Mr. Rockwell's attorneys contended that the record and evidence as then made up on the face of the return should be purged of some illegal votes, which it appeared to them had been counted in favor of Mr. Noyes. That was done by the committee. There was one unregistered voter—

Mr. COX of Tennessee. Will the gentleman permit me to ask him a question just there?

Mr. LAWSON of Georgia. Certainly.

Mr. COX of Tennessee. In the recount to which you have called attention, and for which you say there was no authority, there were tally sheets kept, were there not?

Mr. LAWSON of Georgia. The record was kept on the day of the election.

Mr. COX of Tennessee. But did that tally sheet and the name and number of electors correspond with the number of votes found in the box?

Mr. LAWSON of Georgia. It did on the first count. They did not recount and compare the tally sheets on the second day, but merely counted the ballots and pasted sample ballots on the election return, as I understand.

Mr. COBB of Alabama. And on that second count the tally

sheets tallied with the lists. It was admitted in the argument before the committee that there is no discrepancy as to the number of the ballots.

Mr. COX of Tennessee. Then the second count corresponded with the names on the tally lists?

Mr. LAWSON of Georgia. That may be. I am not clear in my recollection about that, but I can not see how the taking of a number of votes from one candidate and giving them to another would affect the total vote on tally sheet; but to pass on. We gave Mr. Rockwell a vote which had been cast in the wrong ballot box and took from Mr. Noyes two votes that had been purchased. The contention was further that there were certain marked ballots which should have been thrown out.

Mr. HERBERT. Before the gentleman passes from this point will he permit a question?

Mr. LAWSON of Georgia. Certainly.

Mr. HERBERT. Was there any difference between the number of ballots, as counted on the evening of the election, and the tally sheets themselves?

Mr. LAWSON of Georgia. There was in one instance, I remember, a difference of one vote.

Mr. HERBERT. What was that?

Mr. LAWSON of Georgia. That was in a ward that I have not spoken of yet, an election precinct that I have not mentioned at all, but which I will mention before I get through.

Mr. HERBERT. I understand you that the tally sheets and the number of votes in the second count agreed.

Mr. LAWSON of Georgia. The gentleman from Alabama [Mr. COBB] said that.

Mr. COBB of Alabama. That is admitted to be true.

Mr. LAWSON of Georgia. I am not so certain as to the second count. My impression was that in the second count there was no special attention given to the poll list. But the changes did not affect the total vote; only the number of votes received by each candidate was changed by the recount.

Mr. COBB of Alabama. If my colleague will allow me to refresh his memory, when this matter was being discussed before the committee, I put that question to the attorney for the contestant and he said expressly that there was no difference between the tally sheets and the number of ballots on the second count; the only discrepancy was as to the division of the ballots between the two contending parties here, the contestant and the contestee.

Mr. ROCKWELL. And the majority report says the same thing.

Mr. COBB of Alabama. And the majority report says the same thing.

Mr. LAWSON of Georgia. I do not deny that.

Mr. HERBERT. I understand, then, that the tally sheets and the number of votes agreed in the first count and in the second count also.

Mr. COBB of Alabama. Yes, sir.

Mr. HERBERT. And the question then really is as to the division of the votes between these two parties.

Mr. COBB of Alabama. That is the whole of it.

Mr. WHEELER of Alabama. Mr. Speaker, I rise to a question of order. I wish to call attention to the fact that there are but five Republicans listening to this argument. I presume, of course, that they are not going to vote on this question at all. [Laughter.]

Mr. LAWSON of Georgia. It was contended that there were sixteen other votes that ought to have been excluded from this count, which votes were known as the Doyle votes. In two of the precincts in Elmira the name of Judge Earl, a candidate for reelection to the court of appeals, who was on both tickets, was erased, and the name of Doyle—

Mr. TRACEY. That was in Seneca County, I think; in Waterloo.

Mr. LAWSON of Georgia. I thank the gentleman. He is correct. In the town of Waterloo and in two polling places the name of Judge Earl, who headed both tickets, was erased, and in place of his name was written the name of a fictitious person, A. Doyle, B. Doyle, C. Doyle, etc., making 16 votes, which were counted in this instance in favor of Mr. Noyes by the majority of the committee, because the committee found no good reason to cast them out. Now, it will be argued, I presume, by the minority of the committee, that those votes were bribed, purchased, and fraudulent, but there is no evidence whatever in the record as to that fact except as to one of them, and the evidence in his case is only inferential.

Mr. FELLOWS. Will the gentleman permit me to make an inquiry here?

Mr. LAWSON of Georgia. Yes, sir.

Mr. FELLOWS. Since at some point in the discussion I shall reply, I desire to ask the gentleman if it is conceded by the majority that if the 16 Doyle ballots are rejected as illegal ballots, then is it conceded that Rockwell is entitled to his seat?

Mr. LAWSON of Georgia. Certainly; there are only 6 votes difference.

Mr. O'FERRALL. Oh, no, and I have no doubt that my colleague [Mr. LAWSON] and myself agree; for if the 16 Doyle ballots are to be excluded, then there are 28 ballots that are marked for Rockwell that will come under the same rule.

Mr. LAWSON of Georgia. Now, I say at the outset that there is no evidence touching these three purchased voters which shows that they voted the Doyle ballot, except perhaps as to one, and that is shown, if shown at all, by inference. It is stated that Mr. Ferris, a man who refused to sign his affidavit upon the last examination, voted a Doyle ballot. He does say in his evidence that he voted a Doyle ballot; but when we come to see where he voted, and into what box he placed his vote, it was not in the district where the Doyle ballots were polled. The Doyle ballots were polled in the fourth and fifth districts of Waterloo. Ferris voted in the second district of Waterloo.

As to another one, Sheridan, it is alleged that he voted a Doyle ballot because he received his ballot from a man named McArthur, in whose writing the name Doyle was shown to be; but Sheridan did not vote in either one of the districts where the Doyle ballots were found. Sheridan voted in the third district, and not in the fourth or in the fifth, all of which appears from the evidence in the record. Mr. Green, another man who says he was purchased—and, by the way, he is a Republican, and was bought by a Republican to vote the Republican ticket, as he states in his evidence—did cast his vote in one of the polling places where the Doyle ballots were found; but he does not say what kind of a vote he cast, and there is not a scintilla of positive evidence to show that he voted a Doyle ballot.

We do not know anything about these Doyle ballots. They may have been innocently cast by some people, for all we know, and for an entirely different purpose to that alleged. There were several other candidates besides the candidates for Congress, and some other individual may have fixed up this scheme. We do not know whether these ballots were invalid or not. We do not know whether they were fraudulent or not. There is no evidence whatever to show that they were fraudulent; and even if they are fraudulent, we do not know in whose favor the fraud was committed, whether for the candidate for Congress or for other candidates, of whom there were many.

It is in evidence that the same people who were alleged to be trading in votes on that day, and who are said to have purchased the votes of Ferris, Sheridan, and Green were equally zealous in behalf of the entire ticket.

They were Republican committeemen and ardent and zealous on election day, and they were equally industrious and equally earnest and zealous in behalf of the entire ticket as well as the candidate for Congress [Mr. Noyes]. That is the testimony in the case, and on that kind of testimony we have no authority whatever to throw out the Doyle ballots; and it is alleged and will be contended by the minority of the committee that there was a conspiracy in which three men—Mongin, McArthur, and Harmon—were engaged for the purchase of electors on that day. Harmon had been a Democratic officeholder, but it seems that on this occasion he was an active and aggressive Republican committeeman, and was very officious, as it appears, in getting votes for the Republican party. The other two men—McArthur and Mongin—were Republicans. Now, what is the evidence that there was a conspiracy between them, if it is contended that there was a conspiracy between these three men—what is the evidence?

It was to this extent only that Mongin and Harmon met in the morning of the election in Harmon's saloon and had a short conference. The evidence further is, touching this particular question, that Harmon sometime during the day told Attingen, a voter, that there was nothing in it for him and that he could not pay him anything, but to go to the Third ward and see McArthur; and the further evidence is that Mongin placed a small roll of bills in the hands of Warren and requested him to hand them to an unknown person whom he pointed out on the street. Now, that is the sum total of the evidence that there was a conspiracy. There was no plot, no plan, no agreement, no concert of action, no coöperation, no union of purpose disclosed by the evidence save as I have stated. But suppose we assume that there was a conspiracy, what was the effect of it? The effect is only to impute turpitude and criminality to the conspirators; it does not enlarge or extend the crime.

Mr. TERRY. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Certainly.

Mr. TERRY. Do I understand the gentleman to say that there is nothing in the evidence to show that Harmon and McArthur were acting together?

Mr. LAWSON of Georgia. Harmon sent a voter to McArthur, as I before stated; that is all I remember of any kind.

Mr. TERRY. He told the voter that he could go down there where the money was to be obtained.

Mr. LAWSON of Georgia. He did not say that money could be obtained. The voter asked Harmon if there was anything in it for him, and Harmon told him that he could not give him anything, but to go to McArthur.

But suppose there was a conspiracy—I have given you all the evidence of it—does it make it any worse, in the event some voter was bribed, than if there had not been a conspiracy. The whole effect of the conspiracy, the whole substance of the evidence relating to the conspirators, amounts to this: that if there was a conspiracy it imputes the turpitude of each one to them all alike; but it does not enlarge the scope of the crime; does not increase its turpitude, nor impart to it an effect more far-reaching than if it had been committed by one man only.

To illustrate, if the voters who cast the A. Doyle ballot were bribed to do so by the conspirators, the fact that a conspiracy existed would no more infect with corrupt purpose the voters who cast the B. Doyle ballot than if there were no conspiracy. In any event each person who voted a Doyle ballot must be judged by the facts attending his own case and not by the facts connected with either of the others. We can not affirm without evidence that because one man was bribed to vote a Doyle ballot, that therefore all who voted the Doyle ballots were bribed, no more than we can affirm that because one man who voted for Noyes was bribed, therefore all who voted for Noyes were bribed. The cry of conspiracy ought not to supply the place of evidence. It seems to me that a voter suspected of receiving a bribe ought to be judged as if he were on trial for the crime in a court of justice, presumed innocent until proven guilty by evidence which leaves no reasonable doubt, or by circumstances so clear and satisfactory as to exclude every rational hypothesis of innocence.

If it is true that there was a conspiracy, and that this man Green was bribed by them, and that he voted a "Doyle" ballot, still it would not indicate that anybody else was bribed by them.

Mr. COX of Tennessee. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. Certainly.

Mr. COX of Tennessee. As I understand, the first "Doyle" ballot commenced with the letter "A" and went on down regularly the alphabet.

Mr. LAWSON of Georgia. They commenced with "A" and went on down regularly.

Mr. COX of Tennessee. I understand you to say that in a different precinct only one such ballot was found?

Mr. LAWSON of Georgia. There were 16 voted, 5 at one and 11 at another precinct.

Mr. COX of Tennessee. Now, the point I want to ask is whether there was any such person as "Doyle"?

Mr. LAWSON of Georgia. The evidence is that Doyle was a fictitious person.

Mr. COX of Tennessee. Now, what is your solution of that word "Doyle" on the ballot?

Mr. LAWSON of Georgia. I think it identified the ballot.

Mr. COX of Tennessee. Now, why did they want to identify the ballot?

Mr. LAWSON of Georgia. I do not know. There is no evidence on that point. I can imagine many reasons why, but neither might be the correct one.

Mr. RAYNER. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Certainly.

Mr. RAYNER. If the name "A," "B," and "C." Doyle were all found upon these ballots it was for the purpose of identification.

Mr. LAWSON of Georgia. By no means. Conceding that they were put there for the purpose of identification by the person who put them on the ballot there is no evidence that the voter put them there or knew for what purpose they were put there. They were all in the handwriting of one man.

Mr. HOUK of Ohio. Will the gentleman yield to me for a question? Suppose a conspiracy, not for the purpose of serving their own personal interest, but for the purpose of advancing the interest of the candidate in whose employ they are, does not the guilt of conspiracy attach then to the party in whose interest they were acting and not confined to themselves personally?

Mr. LAWSON of Georgia. There is nothing in the record to warrant that assumption. I must decline to answer a question which impliedly imputes wrongdoing to persons who possibly are innocent, because in this case there is nothing to impute wrongdoing, so far as I understand the evidence, either to Mr. Noyes or Mr. Rockwell, or to any of Mr. Rockwell's friends on the day of election.

Mr. RAYNER. Let me ask the gentleman another question for information—for, of course, the gentleman's argument is an eminently fair one—if these names (indicating on the ballot) were

put here for identification, is the ballot a good ballot or a void ballot under the New York law?

Mr. LAWSON of Georgia. It is a good ballot.

Mr. RAYNER. Why?

Mr. LAWSON of Georgia. It has to be counted, and is not expressly or impliedly condemned by the New York statute.

Mr. RAYNER. If the names were put there for identification?

Mr. LAWSON of Georgia. Yes, sir.

Mr. RAYNER. Why is it a good ballot?

Mr. LAWSON of Georgia. The law of New York does not punish a man for voting a marked ballot; it punishes him for disclosing the secrecy of the ballot.

Mr. RAYNER. No, sir; it says:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

Whoever shall violate any provision of this section shall be guilty of a misdemeanor.

That is the law, and the unbending principle of law is that where the law makes an act a misdemeanor it makes that act unlawful and prohibits it. If the gentleman wants authorities upon that point, I can give him a hundred.

Mr. O'FERRALL. And I can give you a hundred to the contrary.

Mr. RAYNER. We will come to that further on. I will refer the gentleman to the law books, and I say again that the authorities all hold that where an act is made a misdemeanor the commission of that act is prohibited and is unlawful.

Mr. O'FERRALL. The authorities are precisely the other way.

Mr. HAYES of Iowa (to Mr. RAYNER). If that is not the law it ought to be.

Mr. RAYNER. It is the law.

Mr. WHEELER of Alabama and other gentlemen addressed the Chair.

Mr. O'FERRALL. Mr. Speaker, I appeal for order, and that the gentleman from Georgia be allowed to go on with his argument without interruption.

Mr. BAILEY. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. Certainly, I will yield for a question, because I wish a thorough discussion of everything in the case.

Mr. BAILEY. I desire to ask the gentleman from Georgia how he reconciles this contradiction, that the same ballot which sends the man who voted it to prison can send the man for whom it was voted to Congress?

Mr. LAWSON of Georgia. Mr. Speaker—

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. LAWSON of Georgia. I would like to answer first some of those that have been already asked, but I will hear the gentleman's question.

Mr. O'FERRALL. Mr. Speaker, I think it is apparent to everyone that the object and purpose of these interruptions is to interfere with the argument of the gentleman from Georgia [Mr. LAWSON].

Mr. COCKRAN. Mr. Speaker, I protest against the interruption of the gentleman from Virginia. I am dealing with the gentleman from Georgia. I have not addressed the gentleman from Virginia, and I hope the exigencies of this debate will not force me to do so.

Mr. O'FERRALL. And I am dealing with the gentleman from New York.

Mr. COCKRAN. You have no right to, for the gentleman from New York will not deal with you. I appeal to the Chair. I have asked the gentleman from Georgia whether he will yield to me for a question and he has said that he will.

The SPEAKER *pro tempore*. And when the gentleman from Georgia yields, the gentleman from New York will be recognized.

Mr. COCKRAN. He has yielded.

The SPEAKER *pro tempore*. Does the gentleman from Georgia [Mr. LAWSON] yield to the gentleman from New York?

Mr. LAWSON of Georgia. Yes, sir. I said I would hear the gentleman's question.

Mr. COCKRAN. Suppose those ballots were marked A, B, C, D, E, F, G, H, without the word "Doyle" upon them, and those marks had all been identified as being in the handwriting of one of the "workers" around the polling place, would the gentleman from Georgia then consider that they were marked ballots?

Mr. LAWSON of Georgia. I would. Any mark by which they could be identified would make them marked ballots.

Mr. COCKRAN. One more question. The report concedes that the name "Doyle" is fictitious.

Mr. LAWSON of Georgia. Yes, sir.

Mr. COCKRAN: How, then, does the name "Doyle" after these alphabetical marks render the ballots any less marked ballots?

Mr. LAWSON of Georgia. It does not make any difference whether they were marked "A," "B," "C," and so forth, or "A. Doyle," or "B. Doyle," or "C. Doyle;" the question is, were they marked for the purpose of identification, and did the man who voted them know it? The law says that no voter shall place any mark upon his ballot by which it can be identified. Now, I have said that there is no law in New York which punishes a man for voting a marked ballot. The ballot prohibited must be so marked as to distinguish it from every other ballot. Why is that prohibition made? In order that the secrecy and sanctity of the ballot box may be preserved and for no other purpose. It is also a misdemeanor for a voter to exhibit his ballot to another and thus disclose for whom he is voting. Ought that vote to be thrown out? Hence I say that the vote is a legal one, although the manner of casting it may have been illegal. The vote being merely marked does not exclude it. It has to be counted; it must be received by the inspectors and they must count it.

But if the man who votes it marks it for the purpose of identification, then he has committed a misdemeanor. But by no means do I concede that even in that event the vote itself must be cast out. The law which the gentleman on my right [Mr. RAYNER] refers me to is a law relating to contracts, not a law relating to elections. It is a law relating to contracts between parties. If a contract is such as to be *malum in se*, involving moral turpitude, it is void *ab initio*, and may be abrogated by any of the courts of the country. No rights can spring out of such contracts. There are other contracts which are prohibited by law that are not void, and a man may be punished for entering into them without the contracts themselves being void.

If you buy a horse on Sunday, it is against the law; in many of the States it is a misdemeanor; but your contract is not a void one except to this extent: that the courts withhold from you all means of enforcing the contract. The court leaves the parties to the contract where it finds them and leaves the contract as it finds it. If you can enforce it otherwise it is a good contract, binds everybody, and you obtain a good title to the horse.

Mr. RAYNER. But you can not enforce it.

Mr. LAWSON of Georgia. You can not enforce it in the courts; and to that extent only it is void. So in regard to these votes. A marked vote is not void. There is no moral turpitude in casting a marked vote; the law does not denounce a man for casting a marked vote; but if the vote is cast with the intention that it shall be identified, if it is cast for the purpose of disclosing how the party voted, that is a violation of the law. The only purpose of the law is to preserve the secrecy of the ballot inviolable, in order that the weak and humble man may be protected against the wealthy and powerful.

The law of the State of New York requires all these votes to be counted, and it nowhere invalidates them either expressly or by implication, and, with deference to the gentleman, I affirm that he can not find any law anywhere that invalidates the ballot thus cast. This is my answer to both gentlemen. In the case of these 16 Doyle ballots there is no evidence whatever that a single voter who put those tickets into the ballot box knew the mark was on them. Probably he may have known; but there is no evidence of it. The mark might have been placed there in the interest of a candidate at that election for some other office. McArthur put the marks on those ballots; there is no doubt of that; but the people who voted them may have done so in perfect innocence. McArthur may have had some ulterior reason for placing those marks on the ballots, a reason altogether unknown to the voter, who may have cast the ballot in perfect innocence, without knowing that there was any imputation to be cast upon him in that regard. So far as we know, that was the manner in which they were voted, because there is no evidence to the contrary, and we can imagine many reasons for thus marking them wholly consistent with the innocence of the voter.

Mr. HAYES of Iowa. Is it not a fact that the law of New York makes it an offense for anyone to give another one a marked ballot, no matter whether the voter himself knows that it is marked? It may be marked in order to enable a person who is buying votes to know how the elector votes; but the voter himself may not know that it is marked.

Mr. LAWSON of Georgia. If the man who casts the ballot does not know that it is marked, the vote would undoubtedly be legal. There is no penalty, as I now remember, against the person who furnishes a marked ballot.

Now, it is alleged that as this name Doyle was admittedly a fictitious one, and as 16 ballots cast were thus marked, these ballots are placed under suspicion, a suspicion of sufficient force to justify the ballot being rejected. Gentlemen have spoken about contracts. There are some contracts which always rest under suspicion whenever they are brought into question—under such

a load of suspicion as to defeat the contracts, unless the suspicion can be removed.

Contracts between a wife and an insolvent husband to the detriment of his creditors—contracts between near relatives to the detriment of anybody—contracts between people who occupy fiduciary or confidential relations are *ab initio* under suspicion—a suspicion sufficient to destroy them whenever they are called in question in any court, unless sufficient evidence be shown to remove the suspicion. The law prohibits contracts of that sort being made except upon fair, just, and equal terms, and arbitrarily denounces them as fraudulent, unless their innocence be shown.

But these votes do not come under any such rule. There is no such suspicion resting upon these votes as is calculated to invalidate them. The voter must be affirmatively shown to have been corrupted to void the ballot. To disclose for whom one voted is not a corrupt act, and can not invalidate the ballot.

If any one affirms that these votes were bought he must prove it. In an inquiry of this kind every affirmation must be proved by the person who asserts it, not by the person who denies it. Here were Harmon, McArthur, and Mongin. If there was suspicion resting upon these votes, and Mr. Rockwell wished to sift the matter to the bottom, it devolved on him to produce the proof, all other parties could rest on the presumption of innocence in their favor, he held the affirmative. He could have had these witnesses subpoenaed; he could have had their consciences sifted to ascertain the truth of this matter, and the laws of New York grant them immunity from prosecution in such cases even though they confess their own guilt. Now, I must leave the Doyle ballots. There is a good deal more that might be said upon that part of the case; but I have consumed a great deal more time than I ought to have done on account of the interruptions which have been made. I will introduce here an extract from an opinion of Judge Barnard, of the supreme court of New York, in a case that seems very like this, reported in a law journal:

As to the 18 ballots in East Fishkill, there is more cause for hesitation. Here it may be claimed that a man has gone to the voter and said: "We have designed a scheme under which we will agree to pay you for your vote if the ballot marked with this particular name on it comes out of the box." But you can not destroy 18 ballots because a man has gone to one voter and made such a proposition as that. You claim to have proof that this proposition was made to one or more parties and failed. You may surmise that in other cases it succeeded, but you can not take away these 18 votes on such surmise without a particle of proof.

I am not responsible for the enforcement of a law. To make out your case you must find the eighteen men who voted these ballots and take the list, A, B, and C, D, and E, F, each one by himself, and show he did it with evil intent. You rest your whole case on the assumption that every man is responsible for all there is on his ballot. The individual voter can not be deprived of his vote on such an assumption. There is no doubt evidence here of an illegal combination, but you can not destroy all the votes in the box on such evidence. A man may just as easily have voted one of these ballots innocently as with fraudulent intent. Suppose they tried to buy one man or two men on ballots marked in this way and failed? Suppose they bought some votes that were put in the box? That does not prove that all the votes that are alike were put there with wrong intent. These votes must be presumed to have been properly and honestly cast unless there is proof as to each voter to the contrary.

The gentleman from Alabama [Mr. WHEELER] asked me a question some time ago in reference to the vote in the third district, Fifth ward, of Elmira. Now, I ask the careful attention of those who are kind enough to listen to me. As to this particular vote in that ward there was no recount; but the statement made on the face of the returns differs from the statement upon the back of the returns—a difference of 7 votes in favor of Mr. Rockwell and against the contestant.

[Here the hammer fell.]

Mr. O'FERRALL. Mr. Speaker, there have been so many interruptions of the gentleman's remarks, I ask unanimous consent that he be allowed further time to conclude.

Mr. COBB of Alabama. I ask consent now that the time be extended so as to allow six hours on a side.

Several MEMBERS. No limit has been fixed.

Mr. COBB of Alabama. I thought there was.

Mr. O'FERRALL. Mr. Speaker, I ask the indulgence of the House for a moment in order that there may be some limit fixed to the debate, so that gentlemen may know how long they will have to stay here and when we shall come to a vote. A number of gentlemen have desired information on this point.

The SPEAKER *pro tempore*. Does the gentleman withdraw his request for unanimous consent?

Mr. O'FERRALL. I am trying now to arrive at a conclusion with the gentleman from Alabama.

Mr. COBB of Alabama. Let the debate go on.

Mr. O'FERRALL. Then I ask unanimous consent that the gentleman from Georgia may be permitted to conclude his remarks.

There was no objection.

Mr. COBB of Alabama. Now, will my colleague permit me to ask him a question which may shorten my own argument?

Mr. LAWSON of Georgia. Certainly.

Mr. COBB of Alabama. Do you admit that if the 7 ballots to

which you are about to refer are given to Rockwell they will seat him in this House?

Mr. LAWSON of Georgia. I think so. That is my own opinion. It makes a difference of 14 votes in the count.

Mr. WHEELER of Alabama. You are referring now to the third district, Fifth ward?

Mr. LAWSON of Georgia. Yes; the same district to which you referred in your question a short time ago.

Now, in the Fifth ward and third district of the city of Elmira the votes were canvassed in due form, and there was no recount after the adjournment of the election inspectors. One of the papers which they were required to make out was made out—was made out according to law—and that is the return of the election, which was completely made out. The sample ballots were pasted to the back of the return and the numbers marked on them. But there was a discrepancy between the face of the return and the numbers written on the sample ballots which was not discovered until the following day. It was not discovered the night after the count was made and when the work was done, and was not discovered until the next day, when the returns were made to the clerk of the court of Chemung County.

What are the facts? On the first count—but, Mr. Speaker, it is best in this case to read the evidence, because I think I can show from that that this return was made and that the ballots were entered on the back during the following night, and I think the evidence becomes clear, at least to my own mind, that these ballots were tampered with, and that a change was made after the day of the election and before this subsequent transaction. Now, if you will give me your attention I will explain why I think so. It will be found on page 141 of the record in this case, about the middle of the page, what the testimony is bearing upon this point. This is the testimony of one of the inspectors of election. He says that the face of the returns showed 87 for Rockwell and 73 for Noyes, but that on the back of the sheet it showed 94 for Rockwell and 66 for Noyes, and that he thinks that the back of the return was correct and that the mistake was on the face.

Mr. COBB of Alabama. And that is the testimony of a Republican inspector?

Mr. LAWSON of Georgia. He was a Republican inspector. Another witness testifies to the same thing. Another witness, an election inspector, states the same; that in his judgment the back of the return was correct and that the face was not correct.

Mr. COX of New York. Did the county canvassers canvass the votes—the ballots themselves, or the face of the return?

Mr. LAWSON of Georgia. They canvassed from the ballots.

Mr. COX of New York. Did they claim to do it in the other case?

Mr. LAWSON of Georgia. They counted from the ballots in every case.

Mr. COX of New York. As ordered by the court?

Mr. LAWSON of Georgia. They counted from the ballots in every case until ordered to do otherwise by the court, and then they counted from the face of the returns.

It will be seen that that would make a difference of 14 votes, taking seven from one and giving them to the other, on the returns. Now, what is the fact about the result? These two gentlemen whose testimony I have referred to, think the ballots as numbered were correct. The discrepancy was not discovered until the next day, and the ballots were never recounted to discover where errors occurred. They left the polling place that afternoon supposing the vote was correct and that the face of the returns and the back agreed, but they ascertained the next day that they did not agree. Now, what is the truth about it?

Mr. TRACEY. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Yes, sir.

Mr. TRACEY. I would like to have it clearly stated for my own information what the effect would be, taking the face of the returns alone in this particular case?

Mr. LAWSON of Georgia. It would seat Mr. Noyes.

Mr. TRACEY. I remember in the other case the court of appeals decided that the face of the returns should be taken.

Mr. LAWSON of Georgia. Yes, sir.

Mr. COBB of Alabama. And in this too.

Mr. LAWSON of Georgia. Yes.

Mr. TRACEY. And it would be necessary to take the back of the returns in this case to give the seat to the sitting member?

Mr. COBB of Alabama. That is if you leave the Doyle ballots in.

Mr. O'NEILL of Missouri. If you leave all the fraudulent ballots in.

Mr. LAWSON of Georgia. Now let us see how the votes were counted. I read from the testimony in this case on page 140:

Q. Did any of the inspectors recount any of the votes that were counted by another?

A. Yes, sir.

Q. Well, was that done with all the ballots?

A. Well, I couldn't say.

Q. You recollect it was done to some extent?

A. Yes, sir.

Q. But you can't say whether that was done with all the ballots or not?

A. No, sir.

Mr. COBB of Alabama. Will my colleague permit me, that was on the first count, on the night of the election.

Mr. LAWSON of Georgia. Oh, yes; there was but one count of these ballots, and this was on that one count.

Q. After the ballots had been counted, were the returns made out then?

A. Yes, sir.

Q. And signed?

A. Yes, sir.

Q. Any sample ballots annexed to the returns pasted on in any way that night?

A. Yes, sir; there was one; one return; we had to make out three; we only made out one with sample ballots on.

Q. Now, was there indorsed on the back of each of the sample ballots the number of that kind that had been cast?

A. Yes, sir.

I now read from page 142, about the middle, being from the cross-examination of the same witness, further to show the accuracy of the count.

Q. And different ones, while that count was proceeding, had and kept different tally sheets?

A. Yes, sir.

Q. Several different ones?

A. Yes, sir.

Q. And as the count was announced by the different members of the board, these different persons put it down and footed it up?

A. Yes, sir.

Q. And no count of any new name was proceeded with until all these persons had agreed that the count tallied, was it?

A. No, I wouldn't say that they all agreed.

Q. Well, whether they all agreed or not, they agreed that some certain count was correct, didn't they?

A. Yes, sir.

Q. Then isn't it true that if, at the outset, they found a discrepancy, they sought to adjust that and find where the discrepancy was and get it correct?

A. Yes, sir.

Q. And that would be done?

A. Yes, quite naturally.

Now, from another witness the statement is substantially the same as the last. From this it appears satisfactorily to my mind that when the counting was so carefully done on that evening, there being only about 175 or 180 votes to count for the different candidates, it being done with the particularity and carefulness indicated, there being a recount, a tally kept, a checking from one to the other during the entire count, the count when they completed it was obliged to be correct. There were five inspectors, two supervisors, two election watchers, and, I think, two tally clerks, all engaged in that particular count; and as it appears from the evidence in the case, all earnestly endeavoring to have the count made correct. It was correct. I have no doubt of its correctness; and when made correct it was put in the face of those returns, 87 for Rockwell and 73 for Noyes.

Now when they put the ballots on the back of this return they had not aggregated them to ascertain whether they agreed in number with the numbers on the tally sheet or face of the return. All that was necessary for the inspectors to do when pasting sample ballots on the back of the return was to say so many votes were cast like this one, so many votes cast like this, and so on as to every sample. There was no necessity to name the person for whom the ballots were cast, the face of the ballots disclosed that fact, and to name all the candidates would have imposed onerous labor on the officers. They did not aggregate them that night, or else they would have discovered the discrepancy; nor was it their duty to aggregate the numbers on the sample ballots at any time.

What transpired after that? You see from the particularity and from the carefulness of the inspectors of election, tally clerks, and all, that it is incredible that there was a mistake in it on that evening. It is impossible that there should have been a mistake made in that count on that evening. When, therefore, did the mistake arise, and how did it arise? The evidence is that the votes that were polled at that precinct were put in a ballot box that was left in the polling booth unlocked.

The evidence further is that the returns made by the inspectors were put in a different ballot box, and that ballot box was locked. The evidence further shows—and I will not take the time to read it now, but gentlemen can correct me if I mistake it, and I hope they will—that both these ballot boxes were left in the voting place, which was a skating rink, being a part of a livery stable.

The evidence further is that they remained there over night, until the next day, and that a gentleman came along by the inspector's house the next day and told him that that booth was open. The inspector went and found the booth open, found the ballot box opened, and the box containing the returns, which he had locked the evening before, unlocked.

Mr. COBB of Alabama. And Stapleton swears he unlocked it.

Mr. LAWSON of Georgia. Oh, no; the gentleman is mis-

taken. Mr. Stapleton did not swear to that. I know my friend does not mean to misstate the testimony, but he is mistaken about it. Stapleton was not present. No one was present but Davis and Westbrook. That is the condition in which they were found the next day. The ballots which had been voted, all but the sample ballots which were pasted on the returns, were in a box left there unlocked the evening before.

Mr. TERRY. Were these Doyle ballots where they could have been reached in the same way?

Mr. LAWSON of Georgia. I do not know.

Mr. TERRY. I understand the question narrows down to the Doyle ballots.

Mr. LAWSON of Georgia. I do not know whether you are going to narrow it down to that or not.

Mr. TERRY. I understand from the report of the committee that it turns on them.

Mr. COBB of Alabama. The gentleman is mistaken.

Mr. WHEELER of Alabama. The other point is just as strong in favor of Mr. Rockwell.

Mr. COBB of Alabama. If the gentleman will wait until the minority have a chance on this he will see that it does not turn on the Doyle ballots at all.

Mr. LAWSON of Georgia. I knew the gentleman would come to that after awhile. That is the reason I was so particular to examine the evidence. To recapitulate, the evidence shows that the election inspector, in whose charge the ballots were, left the ballots in that voting place in a ballot box unlocked. He left the returns at the same place in a ballot box that he locked.

Mr. BUSHNELL. In whose custody were they left?

Mr. LAWSON of Georgia. It was said they were left in the custody of Mr. Miller, because Mr. Miller owned the livery stable. It was not a dwelling house. No one lived in it at all, but Mr. Miller occupied this building as a livery stable, and the ballots were supposed to be left in his custody. He was not an election officer and had no right to their custody.

Mr. WHEELER of Alabama. The evidence shows, on page 141, that Mr. Davis took them.

Mr. LAWSON of Georgia. Mr. Davis did take them, but the question now is, what he did with them afterward. He left them in that polling place in that way, and some time the next day a man by the name of Westbrook came to his residence and told him that the voting place where he had left these ballots was open.

He went there, found that it was open, found not only that the ballot box which he left unlocked the night before was still unlocked, but he found also that the ballot box in which he left the returns was unlocked. Somebody had tampered with those ballots, somebody knew where they were, and what was necessary to be done in this election. It was the day following the election and everybody knew about how the vote had been cast.

I have no doubt many of you will ask how could the ballots constituting a part of the return have been changed in the event they were tampered with? I will read on that matter from the clerk who did the writing. Here is what he says, on page 145, in cross-examination. This is the man who wrote upon the ballots and made out the return. He was one of the clerks of election:

Q. In writing what you did on the back of the ballots there was nothing whatever, was there, to prevent the putting on of a paster or the changing of a name by erasure and by writing; it wouldn't interfere with you writing in any way, would it?

A. No, sir.

Mr. COX of New York. What ballot was this?

Mr. LAWSON of Georgia. These are simply the ballots he was asked about, and which were pasted to the back of the return.

Q. You wouldn't be able by your having written on it to detect that in any way?

A. Well, if there was a paster over the writing I could tell it, of course.

Q. But your writing is up at the top of the ticket, ordinarily, above where the printing or the pasters come?

A. Yes, sir.

Q. That was almost, if not entirely, so in every case?

A. Yes, sir.

Now, another witness on the same point says, on page 154:

Q. There are a great many varieties of tickets pasted on that original return?

A. Yes, sir.

Q. So many it would be simply impossible to recognize and identify every one?

A. Yes, sir.

Q. And you would not be able even the next day to recite or remember all of the different combinations of names on the tickets, would you?

A. No, sir.

Q. If pasters had been put on some of the tickets there would not be any way of your detecting it, would there?

A. No, sir.

Q. And then when you came to make up the copies, those copies were made after this one that you had completed on election night?

A. Yes, sir.

Q. And those copies were made from those tickets without any recounting or any tally or any checking?

A. No, sir.

Q. You simply followed what you found, in making those two returns, upon the original return?

A. Yes, sir.

Mr. COX of New York. He would know what existed on the body of the paster—on the back?

Mr. LAWSON of Georgia. Oh, no; the votes must appear on the face of the canvass, and nothing appears in the report but the number of the ballots cast.

Mr. COX of New York. Cast like this?

Mr. LAWSON of Georgia. And you must aggregate these ballots in order to find out, because there were other ballots. There were split ballots.

Mr. COX of New York. But the primary paster shows that kind of ballot; so many cast, and then of another kind, and these must equal the number on the face of the return.

Mr. LAWSON of Georgia. He must show how many of them there were, and how they got there. That is the way these tickets are made up. The gentleman who did the writing says that after the writing was done the tickets could have been changed, that a change or erasure might have been made on the tickets without his being able to detect it, because the writing was on the top of the ticket, and the change would have occurred below; and therefore it could have been done without his being able to detect it. So great was the difference and variety of tickets, he could not tell whether they had been changed or not. Now, what was necessary to make this change? It was the easiest matter imaginable. The man who found and unlocked the ballot box containing the returns, and who wanted to make the change, had nothing to do but to look on the back of the report, and he would find, possibly, 7 split ballots for Noyes, and all that he had to do then was to erase the name of Noyes and put in the name of Rockwell. The deed would have been done. Or he might have put a Rockwell paster on the Noyes ballot.

Mr. COX of New York. Why were not these tickets in the custody of the canvassing inspectors? Do not they keep them?

Mr. LAWSON of Georgia. They were in this box, left in the polling place.

Mr. COX of New York. They did not retain them?

Mr. LAWSON of Georgia. No, they left them in the polling place.

Mr. WHEELER of Alabama. Here is the evidence of a Republican who said they were not interfered with. Here are five lines that overturns your whole argument. [Laughter.]

Mr. LAWSON of Georgia. I read that, or a portion of the testimony of the witness which is substantially the same.

Mr. WHEELER of Alabama. You omitted to read that. Please read it. A Republican says they were not tampered with.

Mr. LAWSON of Georgia. I will read it:

Q. But you have no reason to believe that any alteration was made by anybody, have you?

A. No, sir; I don't believe there was.

Q. Now, you recognized your own handwriting upon the back of each one of these tickets on the original returns, didn't you?

A. My name is not on the original returns.

Q. But you wrote on the back of the ticket that was pasted on the original returns the number of votes cast?

A. Yes, sir.

Q. That has not been disturbed in any way?

A. No, sir.

Of course his writing had not been disturbed. I did not contend that his writing had ever been disturbed; but I contend that in all probability, taking all the evidence together, because you must take it all together and not a scrap here and there, showing how accurately these returns were made, showing how carefully and judiciously these election officers acted in making up the returns, you will find that incorrectness and error were impossible. Then the inquiry is made how was it that the error crept in there.

In prosecuting the inquiry we find that somebody had control of the ballots who had no right to their possession. We do not know who it was, but somebody went into the room where they were left, unlocked the box, and had control both of the ballots and of the returns. Now, this man says he does not believe there was any change, but the very same man says that if there had been a change he could not have detected it.

Mr. WHEELER of Alabama. He said it was possible there could have been a change. Anything is "possible."

Mr. LAWSON of Georgia. He said that if there had been a change he could not have detected it. Why? Because his figures and his written lines were not disturbed. But we maintain that the change was made below his figures and lines.

Mr. WHEELER of Alabama. There is not a particle of evidence of that. It is a mere assumption.

Mr. LAWSON of Georgia. Yes, sir; the whole record is luminous with evidence of it. To be sure, there is no testimony which states specifically that that thing was done, for probably no one saw it done but the guilty perpetrator, but if you will take the record from page 140 to page 155, every line tends to show that there was something of that sort done.

Mr. WHEELER of Alabama. There is not a single word to show it.

Mr. LAWSON of Georgia. I say that the whole investiga-

tion is perfectly luminous with testimony to show that those ballots were tampered with.

Mr. WHEELER of Alabama. Will you not read some of it? Read a single line which shows that. I have read the testimony, but I can not find a line of that character.

Mr. LAWSON of Georgia. I have already admitted that there is nothing stating in so many words that the change was made, but in such a case you do not expect testimony of that definite kind. If all the evidence cumulatively shows the fact so clearly as to produce conviction, why do you insist on specific words to prove the same fact? Do you suppose that the guilty party will make confession?

Mr. HOOKER of Mississippi. Will the gentleman permit me to ask him a question?

Mr. LAWSON of Georgia. Yes, sir.

Mr. HOOKER of Mississippi. I see in the report of the majority, on page 4, this question propounded: "Why were they recounted?" And that question is answered by a statement that they were recounted for the reason that the county clerk refused to receive the returns because there was no specimen ballot attached to those returns, as required by the law of New York. Was there any other ground for the recount than that?

Mr. LAWSON of Georgia. None at all that I know of.

Mr. HOOKER of Mississippi. And it was because of the action of the county clerk that the recount was had.

Mr. ELLIS. I wish to ask the gentleman a question. If I understand the election statutes of New York they require that the return made by the inspectors shall be accompanied with specimens of the several kinds of ballots, showing the number of ballots taken for each person, which statement shall be written in words at length, and which shall be attached to the back of their statement and constitute a part of such statement. Now, I understand that in this case the inspectors failed to attach those sample ballots to their returns, and that that was the ground on which the county clerk refused to receive them.

Mr. LAWSON of Georgia. Yes, sir; I have so stated.

Mr. ELLIS. Now, the question I wish to ask the gentleman is: Was this defective return made by the inspectors a return upon which the contestant could have insisted that he had received any number of votes? In other words, was it a return upon which he could have based or maintained an application for a mandamus to compel the proper canvassing board of New York to have issued to him a certificate of election, or to count the votes taken in the wards where these errors in the returns occurred, or was it a void paper?

Mr. LAWSON of Georgia. The proper way would have been for the county canvassers to have convened the election inspectors and correct their clerical errors. The law demands that this shall be done.

Mr. ELLIS. But was it a void paper in the form in which they first returned it?

Mr. LAWSON of Georgia. I think not—certainly not.

Mr. ELLIS. Could the contestant have relied upon the paper in its defective or void form to secure himself any votes, or for any purpose whatever?

Mr. O'FERRALL. The court said it was not defective.

Mr. LAWSON of Georgia. The face of the returns showed the number of votes cast for each candidate at the election.

Mr. ELLIS. I understand that; but the statute requires that the return shall have attached to it a sample of each kind of ballot cast, the number of each, and for whom cast. Now, in the absence of those sample ballots, could the report of the inspectors be considered for any purpose whatever?

Mr. LAWSON of Georgia. I think so. The sample ballots were required to be placed there and the ballots themselves destroyed in order that there might be no subsequent scrutiny into the qualifications of the voters after the voting was past, and also in order that the secrecy of the ballot might be preserved. That was the object; and not to canvass the election from them; because the New York courts expressly say that you can not refer to those sample ballots to indicate who was elected, but that you must take the face of the returns.

Mr. ELLIS. But here is a plain provision of the statute which requires that the election inspectors shall return with their report these sample ballots, that they shall attach them to their report and shall write, partly upon the ballots and partly upon the paper, the number of votes of each kind cast; it takes all this to make the complete returns. Now, in the absence of those sample ballots would not the return be not only defective but void?

Mr. LAWSON of Georgia. Nothing of the sort. The courts have decided that the election must be determined from the face of the returns, and that the sample ballots have nothing to do with the count, and they forbade there being a count of the ballots in this case. Hence, whether the sample ballots were present or were not did not affect the election at all.

Now, Mr. Speaker I am about through, and I am very glad I

am, as I suppose other gentlemen are. [Laughter.] I must apologize to the House for having detained them so long, but I suppose gentlemen understand that my remarks have been considerably protracted by interruptions.

Now, in regard to this last count, the testimony, to my mind, is as conclusive as it can be that there was no error in the count, and that the discrepancy which exists between the face of the returns and the numbers of the sample ballots resulted from a tampering with those ballots on the night after they were cast or from a mistake of the clerk who wrote upon the ballots. He may have written the wrong number on some of the ballots. I can not exclude that conviction from my mind. I have examined the case with the purpose of seeing whether I could escape that conviction and give Mr. Rockwell the seat. I am not imputing anything improper to the sitting member. He was not present, and, so far as we know, had no knowledge of anything wrong. There is nothing in any of this testimony from beginning to end to impute any wrongdoing or misconduct either to the contestee or to the contestant. It was the friends of the candidates who seemed to be overzealous, and the friends of Mr. Noyes alone who attempted to purchase votes in this case.

Now, Mr. Speaker, in opening this case I have said what I had to say from a stern sense of duty. I am a partisan. I believe that the principles of the Democratic party are altogether right and the principles of the Republican party altogether wrong. Changing the remark of Mr. Ingalls, I say, I admit that there are some bad Democrats—not many, but a few; and that there are some good Republicans—not many, but a few. So I am a partisan; and when you find me attempting to oust from a seat in this House a Democrat, you must know that I do so from a sense of duty of the sternest character. And I think that wherever the path of duty leads no man should fear to go. [Applause.]

Mr. COBB of Alabama rose.

Mr. HAUGEN. I understand that the gentleman from Indiana [Mr. JOHNSON] would like to speak now, because he wants to go away.

Mr. COBB of Alabama. I will state, Mr. Speaker, that on account of engagements which require my colleague on the committee, the gentleman from Indiana [Mr. JOHNSON] to leave, the arrangement we had made is changed, and the gentleman from Indiana will now, by his own request, follow on the same side which has been argued by the gentleman from Georgia [Mr. LAWSON].

[Mr. JOHNSON of Indiana addressed the House. See Appendix.]

Mr. BACON was recognized.

Mr. O'FERRALL. Mr. Speaker, I want to rise to a question of order at this time in regard to this matter of recognitions.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. O'FERRALL. If I understand the way this matter stands now, the recognition for discussion belongs to the members of the committee. Each member of the committee would have, under the custom of the House, one hour in his own right. The gentleman who has just occupied the floor spoke in his own right as a member of the committee. The gentleman from Georgia who preceded him spoke as a member of the committee in his own right.

Now, I think under the rules of the House, and I want the Chair to rule on it now—under the rules of the House at this time no man can be recognized to address the House on this question except a member of the committee, unless time is yielded to him by a member of the committee who has the floor. Of course the gentleman from Alabama can take the floor now in his own right as a member of the committee and yield to whom he pleases.

Mr. BACON. The Speaker has recognized me and I am entitled to the floor.

Mr. O'FERRALL. Does the Chair hold that the gentleman from New York is entitled to the floor?

Mr. BACON. I have already been recognized.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from New York because he was informed the gentleman from Alabama was not ready to proceed.

Mr. COBB of Alabama. Mr. Speaker, I rise to a question of order.

Mr. BACON. I understand the gentleman from Virginia to raise a question of order against my occupying the floor at this time.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Alabama is controlling the time on that side and would be entitled to the floor if he claimed it after the gentleman from New York concludes.

Mr. COBB of Alabama. Will the Chair hear me on that question before deciding it?

The SPEAKER *pro tempore*. Certainly.

Mr. COBB of Alabama. I claim that unless there is an agree-

ment for time, and the control of that time is put into the hands of certain gentlemen of this House, one man has as much right on this floor to recognition as another. There is no rule that gives the members of the committee preference over any other member, except by the courtesy of the House; and that is never done except when there is an agreement about the limitation of time, and the control is put in the hands of certain members. Now, the gentleman from New York is recognized, I understand, in his own time, just as any other member of the House would be recognized.

The SPEAKER *pro tempore*. The present occupant of the Chair was following what he regards as the universal practice of the House since he has been a member of it. It has generally been regarded, so far as the present occupant of the Chair knows, and without exception, that the Chair has the right to recognize any member who rises to discuss a measure. But the Chair also recognizes the fact that there has been a custom by which members in charge of a particular measure from a committee have had this privilege accorded to them—

Mr. COBB of Alabama. That is where there is an agreement at the time.

The SPEAKER *pro tempore*. Undoubtedly. The Chair agrees with the gentleman from Alabama that there is no rule on the books to that effect, and if it is to be invoked, the Chair should be glad to have it pointed out. The Chair is following what it believes to be the practice of the House.

Mr. O'FERRALL. Now, Mr. Speaker—

Mr. BACON. Mr. Speaker, before any such ruling takes me off the floor, I would like to have gentlemen produce authority for it.

Mr. O'FERRALL. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. O'FERRALL. I want to understand the ruling of the Chair. I have certainly always been under the impression that the universal rule of practice in the House has been for each member of the committee to have an hour in his own right when a report is made, and that no one outside of the committee can speak unless some member of the committee yields him a portion of his time.

The SPEAKER *pro tempore*. Will the gentleman from Virginia be kind enough to show the Chair any such rule embodied in our code of rules?

Mr. O'FERRALL. I think there is such a rule.

The SPEAKER *pro tempore*. The Chair would be glad to see it.

Mr. COBB of Alabama. The matter of courtesy—not the rule—is this: That the Chair would recognize any member of this committee who wanted to speak; but no member of the committee desiring to speak now, the Chair is perfectly right in recognizing the gentleman from New York [Mr. BACON].

Mr. O'FERRALL. Then, Mr. Speaker, for what length of time does the Chair recognize the gentleman from New York?

The SPEAKER *pro tempore*. For one hour.

Several MEMBERS. The rule fixes that.

The SPEAKER *pro tempore*. The Chair would be glad to have the gentleman from Virginia refer to any printed rule to the contrary.

Mr. O'FERRALL. That has been my understanding of the practice during my long service in the House. I have not the rules at hand. I will submit this question to the Chair: When will we reach any conclusion? Suppose every member of the House should desire to occupy an hour.

The SPEAKER *pro tempore*. The Chair knows of no way by which a conclusion can be reached, except by agreement, unless the previous question is ordered.

Mr. BACON. Mr. Speaker, the gentleman of the committee who last addressed the House said in concluding that this side of the House could afford to deal with this question upon the merits. This side of the House can not afford to deal with it upon any other basis than that of doing exact justice according to the merits of this controversy. Particularly is this true since we find that the Democrats on the Committee on Elections are divided and submit views which can not be reconciled.

Coming from the State of New York, and being somewhat familiar with the course of the litigation between the parties to this contest in the courts of that State, I have listened with surprise to the assertions made on behalf of the majority of the committee, that those decisions can be in any way of service in determining what this House should do with this election case. There was presented to the courts in that litigation a single formal question, as to the method of canvassing this vote, and it involved nothing of the merits. It involved no determination as to who was entitled to the seat in this House. It involved no discussion of the propriety with which the election had been conducted or the votes counted. The single question before the courts was—

Mr. RAINES. May I ask my colleague a question?

Mr. BACON. I can not yield; it interrupts me in such a way that the gentleman must excuse me.

The single question involved in that controversy was whether boards of canvassers were entitled to take the figures which appeared in the summaries made by the inspectors of election and make a canvass from them, or whether they should take the figures put upon the ballots attached to the canvass sheet and make the canvass from them; and the courts decided that the formal certificate, the formal statement appearing upon the face of the canvass sheet, should be controlling upon the ministerial officers or boards of canvassers, and that they should make up the statement from those figures and not from the figures which were upon the ballots. They did not undertake to determine who was elected. They had no jurisdiction or authority upon any such question. Our courts, particularly of late years, have been careful to restrict themselves to the decision of the questions which the case before them presented, and having passed upon that question, our courts go no further.

I am reminded that in the court of last resort, in the prevailing opinion in that case, the contestant was instructed by the court that it was a formal question only with which the court had to deal in that controversy, and that the question upon the merits was to be decided by another tribunal, to wit, this House; and therefore this case comes here with no decision of the courts of the State of New York upon the question which the gentleman calls upon us to decide, as to whether Mr. Rockwell or Mr. Noyes, upon the merits of this case, is entitled to a seat in this House.

Now, sir, in determining that question, I take it that this House will lay aside all technical questions as to who had the affirmative, as to who was entitled to the certificate. We are here to determine, as the gentleman says and says correctly—and we can not afford to determine this controversy in any other way—who, upon the legal proofs here, is entitled to the seat. I confess, sir, from my examination of the proofs and of the majority report, that I am compelled to conclude that the majority of the committee have fallen into error.

I wish to confine myself now to a discussion of a single proposition of the many already discussed. When I take this majority report, I find that, figured out, as they figure it, Mr. Noyes's majority was just 6, and included in that were 16 ballots known as "Doyle" ballots, concerning which this House has already heard something, and about which I desire to say something.

Mr. Speaker, the election of 1890 was held in New York under a new ballot law, a system of which we knew nothing. The exigency which created that ballot law, and carried it through the Legislature, grew out of corruption which became so rife and so public in the State of New York that it created a scandal, which compelled the attempt to secure a system by which we could get rid of actual corruption of the voter.

To this end the Legislature enacted that the ballots should be printed at the public expense; that they should be put into the hands of sworn officers of the law; that those officers should deliver them to the ballot clerks. The ballots were to contain the names of all the candidates to be voted for at the election. There was to be a ballot provided for the nominees of each party. Each kind of printed ballot and a blank ballot were to be given to each elector by the poll clerk. The voter was to be separated from every other citizen by a hundred feet or more before he reached the poll clerk. He was to take these ballots, and to go into a private place where he was alone and unobserved, and there was to prepare his ballot, and coming back he was to deposit one of them as his vote, and to give up the others to be destroyed.

Now, superadded to that, the system made a provision under which each party might furnish a "paster" ballot. A paster ballot as it was furnished, although the law perhaps does not require it, contains the titles of the offices and names of the candidates for each office. These ballots were furnished by the respective parties. The poll-workers had them, and they were given to the electors to take with them into the booths, and in a large number of instances the voters used them by pasting them upon the official ballot. Prior to that election Robert Earl had been upon the bench of the court of appeals of the State of New York for a full term. His conduct, his integrity, and his learning had won for him such a warm and general regard, that both of the great parties of the State put Mr. Earl in nomination through their regular machinery.

There was nobody contesting the place with him. His name was upon the printed ballots of both parties, and upon the paster ballots of both the great parties. But when the vote came to be counted, it was found that not only in this Congressional district but wherever in the State of New York there was a doubtful contest for a local office, and one to which a suspicion of corruption attached, Robert Earl's name disappeared, and "John Doe," "Richard Roe" or "John Smith," or blank "Doyle" were voted for associate judge of the court of appeals.

In the end it became a matter of public notoriety in the State of New York that those who sought to corrupt the poll of that State had devised a scheme of having their poll workers strike off Mr. Earl's name and substitute a fictitious name. The pasters thus doctored, were put in the hands of the voter whose vote was to be obtained by improper influences. When the canvass of that poll was taken, if it showed that the particular name "John Roe," or "Richard Doe" had been voted for as justice of the court of appeals, this transaction was closed, and the corrupted voter received his compensation. That did not occur in this district only, but it occurred all over the State of New York wherever there was a contest that involved some local influences, and there was some man who was willing to corrupt his fellow-citizens.

It is a matter of public notoriety, and I speak of it here because I am called upon to meet the suggestions contained in this report. The majority report says that the facts are—

Neither the Republican nor the Democratic party made a nomination; but the State committee of both parties placed the name of Robert Earl on their respective party tickets.

That is not an accurate statement, because it is not true that the parties did not make a nomination. The nomination was made by the committees, with the consent of both parties, because nobody desired to contest Mr. Earl's election.

The committee says:

It seems that there was some dissatisfaction with this action of the State committees, both among Republicans and Democrats.

And they offer that to the House as an explanation of the crossing out of the name of Mr. Earl and the insertion of the name "Doyle."

Now, Mr. Speaker, from wider knowledge of what occurred in the State of New York and from more accurate information, I say to this House that the reason why the name of Robert Earl disappeared from these tickets and the name of other people appeared in that place, was not because anybody was dissatisfied with Judge Earl; it was not because his nomination was a subject of criticism or dissatisfaction, but because some one desired to know that a particular ballot for which he was to pay a particular compensation was in the box; and that the best way to accomplish that was by striking off the name of Mr. Earl, whose election was not jeopardized by it, and the removal of whose name enabled the buyer of votes to determine whether the ballot he agreed to pay for was voted.

So extended was the system, that there were actually books kept in which the name of the voter was put down and the name that was substituted in the place of Earl put opposite to it, so that when the vote was counted and the canvass made up gentlemen could tell whether "John Doe's" ticket had been voted by the man to whom it was given.

Mr. LAWSON of Georgia. Will the gentleman permit me to ask him where in this record there is any evidence of that sort?

Mr. BACON. There is no evidence of it. I have not said there is any evidence. I said that the fact was as I have stated from my own knowledge and upon my personal responsibility.

Mr. LAWSON of Georgia. But the gentleman will admit that we have to determine cases by the evidence that comes before the committee and that appears in the record.

Mr. BACON. I will admit that this committee has honestly and fairly discharged its duty with the light which it had, but I will also say to the gentleman that there can be no possible objection to further light being thrown upon the subject, and if this information which I am imparting assists other gentlemen than the committee to arrive at a conclusion different from that at which the committee arrived, that seems to me to be a proper use to make of it. It seems to me proper that I, coming to a different conclusion from the committee, should state to the House the reason why I believe that the name of Earl disappeared, and that in my judgment it was not, as stated by the committee, because the electors were dissatisfied with Mr. Earl.

Mr. LAWSON of Georgia. But the gentleman will admit that the committee ought not to be criticised for not considering evidence that was not before them.

Mr. BACON. I have not criticised the committee. The gentleman surely could not have misunderstood me as to that.

Mr. ALLEN. We are glad to have this additional information. It may set the committee right. [Laughter.]

Mr. BACON. Now, Mr. Speaker, taking the situation in New York as it was, I ask the attention of the House to these Doyle ballots, their history, and their peculiarity. In the first place, there was no man named Doyle who was a candidate. Nobody pretends that the ballots were prepared or cast by any voter who desired that anybody by the name of Doyle should be elected an associate justice of the court of appeals of the State of New York.

Where did these Doyle ballots come from? They came from the hands of a Republican worker, Duncan McArthur, who him-

self wrote the names upon the pasters. Now, what manner of man was McArthur? This was the situation at that poll as I understand it. Across the street, on either side of the highway, were two polls at which these ballots were found. This McArthur was a busy and industrious "worker" for Mr. Noyes. He spent the day floating between the two places, and in both those ballot-boxes "Doyle" ballots appeared, the name being in the handwriting of McArthur. That is a conceded fact.

Mr. TUCKER. Did each of the 16 "Doyle" ballots have the same initial?

Mr. BACON. No. I will come to that later, and it is an important feature in the case. But I want to point out first to the House that those "Doyle" ballots were all written by the same man, who was an industrious supporter of Mr. Noyes at the polls. That is a conceded fact. It is also practically undisputed that McArthur was a corrupter of voters, a buyer of votes at that precinct. That is sworn to in this record.

I ask the House to bear in mind that that testimony was given on behalf of the contestee, and that when Mr. Noyes came to reply to it and the opportunity came for producing rebutting evidence, McArthur did not appear as a witness, did not come forward to explain why he put those sixteen names on those ballots, or to state whether or not he had committed the crime of buying at least one man to vote a ticket upon which Mr. Noyes's name appeared. If that was an honest writing of the name on those ballots, if it was not a writing for the purpose of identifying the ballot, if those men were not corrupted by McArthur, why is it that he does not come forward and testify and tell us the truth? Account for his absence if you can, gentlemen, upon any theory consistent with any other view of the case than that McArthur knew, as I myself am convinced, that every one of those "Doyle" ballots was that of a purchased vote paid for at a certain price.

Mr. BUSHNELL. Does it really appear that this McArthur was in the employ of Mr. Noyes?

Mr. BACON. It appears that he was buying votes; it does not appear directly that it was with Mr. Noyes's money, but it does appear that he was buying votes and that Mr. Noyes was the beneficiary of at least one purchase which McArthur made on that day. But gentlemen say, "There were other names on these ballots in other places; why do you not say that they were put there for the purpose of identifications?" Well, gentlemen, it often happens that the shrewdest criminal convicts and destroys himself by his very shrewdness.

Mr. McArthur had sagacity enough to devise a scheme of writing "Doyle" on certain tickets; other men wrote "Smith;" some wrote "Sam Small." But the cunning of Mr. McArthur, who seems to have been the busiest man in this business, failed just at this point. Instead of writing "Doyle," "Boyle," etc., he started out with the alphabet and wrote "A. Doyle," "B. Doyle," "C. Doyle," "D. Doyle," etc., proceeding alphabetically with the 16 ballots which were found in the box, each one bearing the name "Doyle," but with a different initial. Now it is asking us to lay aside our intelligence and it is asking us to deny ourselves the use of our common sense if you expect us to shut our eyes to the natural and inevitable conclusion to be drawn from such a course of conduct. The object was that whoever voted an "A. Doyle" ballot or a "B. Doyle" ballot or a "C. Doyle" ballot or any other ballot similarly inscribed might be able to prove by the canvass sheet that he had voted the ballot which he agreed to vote, which had been given him by this busy friend of Mr. Noyes.

Mr. COX of Tennessee. The gentleman will allow me to suggest, too, whether it is not rather remarkable that all these ballots bearing the name "A. Doyle," "B. Doyle," "C. Doyle," etc., were cast for Mr. Noyes.

Mr. BACON. Of course that furnishes, as I was about to say, conclusive evidence of the purpose. This thing was not an accident. What innocent and honest purpose can gentlemen suggest? If voters did not wish to vote for Earl why could they not strike his name off? Why was it necessary to place the name of somebody else over his name? But as the object was identification, when this man adopted the name "Doyle" and put a different initial on each of these tickets he had just the measure of identification which was necessary to connect the ballot with the voter, and enable him to claim the reward for which he had labored.

Mr. LAWSON of Georgia. I understood the gentleman to say some time ago that Mr. Earl was obnoxious to the disreputable element in the State, and because of that fact his name was stricken off and another voted in his place.

Mr. BACON. I have not given utterance to any such sentiment.

Mr. LAWSON of Georgia. I so understood the gentleman.

Mr. BACON. The gentleman is asking me a question based upon a misunderstanding, and I hope he will allow me to proceed.

Mr. LAWSON of Georgia. If I misunderstood the gentleman, I regret it.

Mr. BACON. You did misunderstand me entirely. Judge Earl was not obnoxious to any man in the State of New York, so far as I ever heard.

Now, Mr. Speaker, the statute of the State of New York declares that no voter shall cast a ballot marked for the purpose of identification. I insist that if it is possible to demonstrate, short of the testimony of the voter himself, that the intention of the mark on the ballot was to identify it, the testimony in this case—these ballots, this use of the alphabet, and the fact that these ballots came out of the hands of the same man—furnish conclusive evidence of the intent that these ballots should be identified.

But the gentleman who last spoke for the majority of the committee said that this does not render the ballot void. Mr. Speaker, there is no proposition of law better settled than that any act which is done in violation of the commandment or the prohibition of a statute is void and can form the basis of no legal right for any man. Why, Mr. Speaker, the majority of the committee throws out 2 votes for Mr. Noyes which it says were purchased and therefore void. There is no statute in the State of New York which declares that a ballot bought and paid for shall not be counted. Does any man contend that with proof of corruption presented the ballot of a man whose vote had been bought could be lawfully counted?

No, sir. Because the people of the State of New York had learned that any system which did not prevent the identification of the ballot cast by the voter after the election would be futile to destroy the corruption which was rife in that State—for that reason the law of the State put a ballot which was marked so that it could be identified, upon the same basis as a ballot which was proven to have been corruptly bought and paid for. The one ballot must be rejected just as the other must, not because the statute says so, but because the law will not permit, no court will permit, a legal right to grow out of the violation of a public statute and the doing of a public wrong.

Mr. O'FERRALL. Will the gentleman allow me to interrupt him?

Mr. BACON. Briefly.

Mr. O'FERRALL. I understand the gentleman to say that at the time this election was held in 1890 there was no statute of the State of New York which required the rejection of these ballots because they were marked.

Mr. BACON. I say there was no express enactment of this sort.

Mr. O'FERRALL. Now let me ask further, has not the law of the State of New York been amended since so as to provide that ballots marked for the purpose of identification shall be rejected?

Mr. BACON. Undoubtedly.

Mr. O'FERRALL. So that the purpose of the later law was to do what the law did not do before?

Mr. BACON. No, sir; the purpose was simply to write into the statute book that which was already the common law without the statute.

Several MEMBERS. That is true.

Mr. BACON. But, Mr. Speaker, I have occupied more time in this discussion than I meant to do. To summarize the matter, I say that justice and right, as well as the law of the State of New York fairly applied, require that those 16 ballots with their markings should be deducted from the total, leaving as the result, Mr. Rockwell with a majority of 10.

To that, sir, gentlemen of the committee reply that there were 28 ballots which had some sort of distinguishing mark upon them on which Mr. Rockwell's name appeared. Mr. Speaker, I have looked at the testimony with regard to these ballots to see how much force there was in this contention, and I say to the House that it is impossible to produce, out of that testimony, any evidence by which the ballots thus marked could have been identified as having been voted by any individual. They had some sort of mark on them, and it is described as a check-mark or a figure, that is described by some witness as being so inartistically or inaccurately made that they were unable to determine whether the mark was intended for a 3 or a 5 or an 8.

Mr. O'FERRALL. Will the gentleman allow an interruption in that connection?

Mr. BACON. Well, I would rather be permitted to go on.

Mr. O'FERRALL. Very well.

Mr. BACON. But the gentleman can proceed with his question.

Mr. O'FERRALL. You say the ballots which were marked with a check mark in one corner and a figure 8 or 5 in the diagonal corner were not so marked that they could be identified?

Mr. BACON. I have not so stated.

Mr. O'FERRALL. I so understood you.

Mr. BACON. I said that the mark in one corner was so inex-

act, or inaccurately made, that it was difficult to determine whether it was intended for an 8 or a 5, and in effect that it was not possible for them to distinguish the ballot or the elector.

Mr. O'FERRALL. How then could they identify the men who voted the Doyle ballots?

Mr. BACON. Because when the canvass was made up they would return in the canvass sheet the "A. Doyle" ballot, and the "B. Doyle" ballot, and soon, each being different from the other.

Mr. O'FERRALL. But when the ballot had a check mark on one corner and a figure 5 on the other corner, supposing that there were ten of these, and that there was a sample ballot pasted on the lot and written across it that there were ten of that particular ballot inclosed, would not that be an identification?

Mr. BACON. Well, that is supposing something.

Mr. O'FERRALL. It is somewhat of a supposition, but there is a good deal of supposition all through this case. Suppose that on the day of the election a Democrat or some other man should go up to one of the Democratic managers and say, "On the day of election I can deliver to you 28 votes for Democrats. What will you give for them?" The answer is, "Two dollars," for that seems to have been the price paid up there. "But how will I know that they are delivered?"

Mr. BACON. Will you not prefer to discuss this in your own time?

Mr. O'FERRALL. I thought you had yielded me the time.

Mr. BACON. I yielded for a question and not for an argument; but go on.

Mr. O'FERRALL. Very well. "Now, how will I know that they have been delivered?" The answer is made, "Mark 28 ballots by a check mark of some kind in one corner and a figure 5 or an 8 or any other number in another corner, and if you do not find these ballots deposited you will know that I have not complied with my agreement."

Mr. WILLIAMS of Illinois. Suppose only 14 appear, what then?

Mr. O'FERRALL. The same principle would apply.

Mr. WILLIAMS of Illinois. They could not tell which of the 14 had done it.

Mr. O'FERRALL. And you can not tell which of the 16 Doyle ballots did it either.

Mr. BACON. But, Mr. Speaker, to resume—

Mr. TRACEY. I hope the gentleman from New York will answer that question.

Mr. BACON. No, I will not take time to answer it.

Mr. TRACEY. There are some of us who would like to have the information. We are here, some of us, for the purpose of getting information and determining what we should do.

Mr. BACON. If the gentleman from New York would prefer to go on himself I will yield.

Mr. TRACEY. No; I only want to hear the question answered.

Mr. BACON. That, Mr. Speaker, is the condition of the evidence as it appears on the record with regard to these ballots. The law under which this contest was begun required that notice should be given by contestant of the grounds of his contest; that the contestee should answer; that the issue made by these papers should then be tried out by the examination of witnesses; that the testimony on the part of the contestant should be taken and closed within a given time; that the testimony on the part of the contestee should be taken within a given time, and that thereafter, if the contestant desired to offer any rebutting evidence, he should within a certain given time put it in.

Now, in this case Mr. Noyes made no pretense of attack upon the certificate given to Mr. Rockwell upon any allegation that there were any improper votes cast or counted for him. He went to trial without any such allegation. He proved his case to his own satisfaction. He rested. He was met with the proof upon the part of the contestee. The Doyle ballots and other ballots turned up in that evidence. He did not attempt to deny the existence of these Doyle ballots. He did not in his rebutting evidence seek to explain them. He did not call in persons alleged to have been bribed or to have done the bribing. He did not put this man McArthur, who wrote these ballots and distributed them, upon the stand; but he went outside the ward and introduced testimony upon a new ground of contest—testimony to which the contestee in this case has never had an opportunity to reply—testimony which never has been and never could be answered by Mr. Rockwell, because the law put up the bar and said, "The testimony in this case must close."

Will you gentlemen say that upon such a state of facts you will take this testimony into consideration in determining this question? Will you say to this man who never was accused by his antagonist of having committed an impropriety, and against whom there was not offered a particle of evidence tending to prove impropriety upon the part of anybody who voted for him, until after the law had put up the bars and said to him that he

should not meet this evidence, you will consider that evidence and deprive him of the seat to which he is proven to have a clear title?

Now, Mr. Speaker, this evidence does not come here unassailed. It does not come here without suspicion. The contestee at the only place and the only time which the law permitted him, sought to have that testimony removed and expunged from the record, as it should have been; but for some reason this Election Committee declined to pass upon this question, and coming here with this improper testimony in the case, seek to meet the result which follows inevitably from the proper evidence in the case upon the issues which the parties themselves framed, by testimony which refers to something that is not in contest between the parties, and concerning which Mr. Rockwell has had no opportunity to offer explanation or to give evidence.

Sir, it would be a gross injustice to permit this testimony, which in no court of justice would have been admitted, to weigh with us in determining the rights of these parties. Mr. Noyes selected the ground for his contest. He was met and beaten upon that ground. He can not, after the time has been so limited that his opponent can not meet another allegation, be permitted to drag in a new ground and to assert a new reason for turning Mr. Rockwell out of his seat.

Mr. O'FERRALL. Will my friend indulge me for a moment? He has referred to the committee.

Mr. BACON. No, I think I must decline to be interrupted. My voice is used up. I will yield to my colleague [Mr. CUMMINGS] such of my remaining time as he may desire.

The SPEAKER *pro tempore*. The gentleman has thirty minutes remaining.

Mr. CUMMINGS. Mr. Speaker, this case seems to hinge in a great measure upon what are known as the Doyle ballots. To give the House an indication of what the leading Republican editor in Seneca County thinks of the effect of the Doyle ballots upon this case I send to the Clerk's desk and ask him to read an editorial article from the Seneca County Journal of April 13, published in Seneca Falls, N. Y., the home of Charles E. Andrews, 2 miles from Waterloo.

The Clerk read as follows:

THE BETRAYAL OF COL. NOYES.

Who is responsible for the prospective failure of Col. Noyes to obtain his seat in Congress? Every man who has traced the course of the procedures in the contested-election case of Col. Noyes against Maj. Rockwell for the seat in the House of Representatives from this district is aware of the fact that but one thing now stands in the way of the seating of Col. Noyes by the Democratic House. That one thing is the unrefuted, and probably irrefutable, evidence of the infamous Doyle ballots in the town of Waterloo. A thoroughly partisan committee of Democrats has been compelled to admit that this Republican, Col. Noyes, received the greater number of ballots cast in the district; that an effort was made through the manipulation by inspectors and arbitrary, illegal rulings by county canvassers to defraud Noyes of a sufficient number of ballots to insure his defeat; and that, through a series of legal investigations, reaching to the highest court of the State, the title of Col. Noyes to the certificate upon the face of the returns under the laws of the State was fully established. All these conclusions freely acknowledged, the committee recommends the seating of Noyes. Now comes in the consideration that, despite these conceded and proven facts, the House may at any moment assume its constitutional prerogative to "judge of the qualifications and election of its members."

It is upon this provision that all the hopes of Rockwell are now suspended, for under this that matter of the fatally corrupt "Doyle ballots" will come before the House with all the legal force possessed by Judge COBB of Alabama; while the specious eloquence of BOURKE COCKRAN and the pyrotechnic gush of JOHN R. FELLOWS will present a picture to the minds of the Democratic Congressmen all the more disastrous to the aspirations of Col. Noyes, because of the inherent truthfulness of its details. The men chosen to the House of Representatives are not dullards. No Republican member who listens to Judge COBB's report but will be conscious that each one of the "Doyle" ballots represented a corruption of the franchise, which, under the laws of the State, was felonious and punishable as such. They will meet the possibly erroneous allegation, also, that these were what are considered in the law "marked ballots," which should have been rejected by the inspectors. It may be easily imagined that these incidents and facts will afford any Democratic legislator a reasonable excuse for voting somewhat against his reason, but very much in accordance with his prejudices. Thus, it must be seen that but for this miserable, unnecessary, illegal, and corrupting "Doyle" conspiracy Col. Noyes would beyond question be awarded his seat.

Will it be asked here in Seneca County, "Who are the authors and actors in the 'Doyle ballot' infamy?" If the query be made, the answer comes readily to the mind of any observant elector in this county. The evidence taken before Referee Hulbert in Waterloo during that contest is quoted from in the Rochester Herald dispatch which we reproduce elsewhere. It introduces the names of J. B. H. Mongin and Duncan McArthur, of Waterloo, as the supposed promoters and abettors of the plan for the violation of the law. It is a little singular that the Herald did not include also the evidence of Charles T. Andrews, which is before the committee, who unblushingly admitted that he (Andrews) and Mongin and ex-Senator Sweet contributed the \$2,000 for unexplained uses in the interest of Col. Noyes. After the conference between Andrews, Mongin, Owens, and another at the Courier office five days before that election it was known by the inner circle that a heroic effort was to be made for a specific purpose to increase the vote of Col. Noyes in Waterloo, and that the "limit" of the felony in each case was to be \$10. It will thus be seen that the \$2,000 acknowledged in the evidence of Sunday-School Superintendent Andrews provided the blood money to buy the souls of the men who voted the "Doyle" ballots in Waterloo under the skillful guidance and benign patronage of "Ben" Mongin, "Dunc" McArthur, and "Andy" Harmon.

Is it not perfectly plain that the responsibility for having thus humiliated Col. Noyes and the Republicans of the district rests upon the fragile consciences of Charles T. Andrews, J. B. H. Mongin, and Duncan McArthur?

Mr. CUMMINGS. Now, Mr. Speaker, I want to say that that is the leading Republican newspaper, and the one having the largest circulation in Seneca County. Its editor has evidently discovered that honesty is the best policy, and I commend that policy to Republicans as well as Democrats upon the floor of this House.

Mr. BACON. I yield the balance of my time to the gentleman from Alabama [Mr. WHEELER].

Mr. O'FERRALL. I hope the gentleman will yield to allow me to make a motion to adjourn.

Mr. COBB of Alabama. As a member of the committee I shall claim the right to the floor in the morning.

The SPEAKER. The gentleman from New York [Mr. BACON] yields the balance of his time to the gentleman from Alabama [Mr. WHEELER].

Mr. O'FERRALL. I hope the gentleman will yield for a motion to adjourn.

Mr. WHEELER of Alabama. I will yield for a motion to adjourn.

Mr. O'FERRALL. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent leave of absence was granted as follows:

To Mr. PEEL, for two weeks, on account of important business.
To Mr. CATCHINGS, for three days, on account of important business.

To Mr. AMERMAN, indefinitely, on account of sickness.
And then, on motion of Mr. O'FERRALL (at 5 o'clock and 9 minutes p. m.), the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PEARSON, from the Committee on Invalid Pensions: A bill (H. R. 7146) to pension Anna Morgan Burns. (Report No. 1138.)

By Mr. WEVER, from the Committee on Claims: A bill (S. 1423) for the relief of Jacob I. Cohen and J. Randolph Mordecai, administrators of M. C. Mordecai. (Report No. 1139.)

By Mr. BELKNAP, from the Committee on Military Affairs: A bill (H. R. 2810) placing James W. Long, late a captain United States Army, on the retired list. (Report No. 1140.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 5348) granting a pension to Sarah J. Mallony—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5346) granting a pension to William Luten—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5345) granting a pension to Mary Ann Lafferty—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (S. 776) for the relief of the heirs of Charles B. Smith, deceased—the Committee on Claims discharged, and referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LAWSON of Virginia: A bill (H. R. 8258) for the erection of a public building in the city of Portsmouth, Va.—to the Committee on Public Buildings and Grounds.

By Mr. PEEL: A bill (H. R. 8259) to dispose of the timber lands of the State of Arkansas at cash entry—to the Committee on the Public Lands.

By Mr. LONG: A memorial of the Texas Legislature, indorsing the project of building a breakwater and harbor of refuge, according to the prayer of the State of Florida—to the Committee on Rivers and Harbors.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CLOVER: A bill (H. R. 8260) granting an increase of pension to Stephen Seybold, of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8261) to reimburse Henry F. Hicks for loss sustained by robbery of post-office, Cambridge, Kans.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES of Iowa: A bill (H. R. 8262) granting an increase of pension to Henry I. Muhs—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8263) to restore to the pension rolls the name of Louisa J. Reeves—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 8264) for the relief of Capt. George H. Perkins—to the Committee on Naval Affairs.

By Mr. RUSK: A bill (H. R. 8265) for the relief of Mary Jane Johnson—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8266) to refer the claim against the United States of Judge R. Burns to the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 8267) to grant a pension to R. O. Pickett—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of 26 ex-soldiers and sailors, members of Grand Army of the Republic Post No. 74, of Rockland, Mass., for preserving and marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ATKINSON: Two petitions of citizens of Pennsylvania, as follows: Of Shade Gap and of Middleburg, praying for the passage of an amendment to the Constitution of the United States prohibiting States from contributing to the support of any sectarian or ecclesiastical organization or to interfere with religious liberty—to the Committee on the Judiciary.

By Mr. BERGEN: Resolution of Lincoln Council, No. 100, Order of United American Mechanics, of Glassboro, N. J., urging an amendment of the naturalization laws—to the Committee on the Judiciary.

By Mr. BOWERS: Two petitions of Arroyo Grange, No. 74, of California—one for the passage of a law to prevent the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BULLOCK: Petition of citizens of Clear Water Harbor, Fla., asking for the closing of the Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. BURROWS: Resolutions of the Reformed Church in America at South Macon, Mich., protesting against the desecration of the holy Sabbath day by the opening of the Columbian Exposition on the Christian Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. CABLE: Protest of the Farmers' Alliance and Industrial Union of Illinois, against the passage of the Brosius lard bill (H. R. 395), and praying for a pure-food law—to the Committee on Ways and Means.

Also, petition of P. H. Wessel and others, of Moline, Ill., in favor of a proposed sixteenth amendment to the Constitution—to the Committee on the Judiciary.

Also, protest of the Farmers' Alliance and Industrial Union, No. 309, of Mercer County, Ill., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

Also, petition of citizens of Rock Island, Ill., in favor of a proposed sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CAINE: Petition of 184 citizens of Utah and San Pete Counties, Utah, asking for an appropriation of \$6,000 to enable them to build reservoirs in which to store water for the irrigation of about 6,000 acres of land now lying worthless for want of irrigation—to the Committee on Appropriations.

By Mr. CARUTH: Papers to accompany House bill 8203, granting a pension to Priscilla Prime—to the Committee on Invalid Pensions.

By Mr. CAUSEY: Memorial of the American Medical Association, praying for the passage of bill to disseminate information of results of Government laboratories concerning the identification of drugs—to the Committee on Patents.

By Mr. CHEATHAM: Petition of John J. Odum, of Northampton County, N. C., praying the passage of the Paddock or the Edmunds or some similar measure against the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. CRISP (by request): Resolution adopted by the Board of Directors of the Maritime Association of the Port of New York, urging the establishment of a harbor of refuge in the vicinity of Cape Canaveral, Fla.—to the Committee on Rivers and Harbors.

By Mr. DIXON: Petition of certain citizens of Helena, Mont., against the passage of the Hatch bill, relating to oleomargarine—to the Committee on Agriculture.

By Mr. ENGLISH: Papers in the claim of Elizabeth Cahill, widow of Lawrence Cahill, to accompany House bill 7467—to the Committee on Invalid Pensions.

Also, petition of Lucy Meehan for the removal of the charge of desertion against Thomas P. Meehan, to accompany House bill 7733—to the Committee on Invalid Pensions.

By Mr. ENLOE: Petition of Mrs. E. J. Roach and others, of Carroll County, Tenn., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of the Chicago Implement and Vehicle Club for an appropriation to the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. HAYES of Iowa: Paper from Iowa City Presbytery, asking that the Columbian Exposition be closed on Sunday and the sale of intoxicants be prohibited therein—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Illinois: Petition of S. E. Robinson and 35 other citizens of Alba Township, Henry County, Ill., praying for the enactment of a law imposing a tax upon all transactions whereby parties contract or agree to sell at a future time any of the articles and under the circumstances mentioned in the bill designated as the Washburn-Hatch anti-option bills—to the Committee on Agriculture.

By Mr. HERMANN: Petition from citizens of Dalles City, Oregon, for the Washburn-Hatch anti-option bills—to the Committee on Agriculture.

By Mr. HOLMAN: Petition of Local Assembly 1450, Knights of Labor, of Lawrenceburg, Ind., favoring the collection of statistics as to the slums of cities—to the Committee on Labor.

Also, papers to accompany House bill for the relief of Mrs. H. Facemire—to the Committee on Invalid Pensions.

Also, petition of the Ministerial Association of Rushville, Ind., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KRIBBS: Petition of 37 citizens of Forest County, Pa., in favor of the passage of House bill 401, to amend the immigration laws—to the Committee on the Judiciary.

By Mr. LAYTON: Petition of F. Reynolds Lodge, No. 291, of the Brotherhood of Railway Trainmen, of Springfield, Ohio, praying for legislation requiring railroads to equip their cars with the power brakes and automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also, petition of 160 members of the Presbyterian Congregation, of Logan and Hardin, Ohio, praying for the closing of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Remonstrance of the Boston Society for Medical Improvement against the proposed reduction in the annual appropriation for the library of the Surgeon-General's Office—to the Committee on Appropriations.

By Mr. MITCHELL: Petition of members of George M. West Post, No. 165, Grand Army of the Republic, Department of Wisconsin, asking that further provision be made for preserving and properly marking the lines of battle at Gettysburg—to the Committee on Military Affairs.

Also, resolutions of Milwaukee branch of the Lake Seamen's Benevolent Association, protesting against the importation of Canadian seamen in violation of alien contract labor law—to the Select Committee on Immigration and Naturalization.

Also, resolutions of Robert Chivas Post, Grand Army of the Republic, of Milwaukee, in reference to the proposed appropriation for the national encampment—to the Committee on Appropriations.

By Mr. NEWBERRY: Petition of Garrett Biblical Institute, of Evanston, Ill., praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Libby, McNeill & Libby and L. C. Young, praying the passage of the bill introduced by Hon. J. J. O'Neill, of Missouri, known as House bill 584—to the Committee on Patents.

By Mr. OATES: Petition of citizens of the county of Bullock, Ala., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. O'NEILL of Pennsylvania: Memorial of the Centennial Board of Finance, for the closing of its affairs and its dissolution—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Two petitions of citizens of Hardeman and Fayette Counties, Tenn., remonstrating against

the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. PEEL: Petition of J. M. L. Thomasson and 22 other citizens of Drew County, Ark., asking for the passage of the anti-option bill—to the Committee on Agriculture.

Also, resolution of the Annual Conference of the Methodist Episcopal Church South, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Two petitions of Lincklaen Grange, No. 703, of New York; one in favor of prohibiting the adulteration of food and drugs, and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, in favor of House bill 395, defining lard—to the Committee on Ways and Means.

Also, petition by the same grange, for a law prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of citizens of Oneida, Madison County, N. Y., for an international arbitration commission—to the Committee on Foreign Affairs.

Also, petition of the town of Lincklaen, Chenango County, N. Y., for the free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. RIFE: Petition of 74 citizens of New Buffalo, Perry County, Pa., and of the Fourteenth Congressional district for the passage of House bill 401 amending the immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 37 citizens of Palmyra, Pa., and of the Fourteenth Congressional district against the passage of House bill 7690, for the local government of the Territory of Utah, and to provide for the election of certain officers in said Territory—to the Committee on the Territories.

By Mr. REYBURN: Petition of David S. Thompson relative to investigating the methods and practices of the Census Office—to the Select Committee on the Eleventh Census.

By Mr. RUSK: Petition of Mrs. Emily J. Fardy, widow of the late John T. Fardy, for relief—to the Committee on Claims.

By Mr. SAYERS: Petition of citizens of Mason County, Tex., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. SCULL: Memorial of 94 citizens of Somerset County, Pa., in favor of House bill 401 relative to immigration, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. STAHLNECKER: Petition of George Heyman, asking appropriation to complete the improvement of the Savannah River, under plans of the engineer in charge as adopted by last Congress—to the Committee on Rivers and Harbors.

Also, petitions of citizens of White Plains, N. Y., asking the passage of House bill 401, entitled "An act in amendment to the various acts relative to the immigration and importation of aliens under contract to perform labor"—to the Select Committee on Immigration and Naturalization.

Also, petition of Joseph B. See and 19 others, praying the passage of the same bill—to the Select Committee on Immigration and Naturalization.

By Mr. STEPHENSON: Petition of Franklin Squire and others, members of the Seventh Day Adventists, protesting against a union of religion and the state—to the Committee on the Judiciary.

Also, petition of National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of citizens of New York City, favoring the passage of the Lodge bill providing for the suspension of the purchase of silver bullion—to the Committee on Coinage, Weights, and Measures.

By Mr. WADSWORTH: Petition of members of the Presbyterian Church and congregation of Holley, Orleans County, N. Y., favoring the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WARWICK: Two petitions of citizens of Ohio, as follows: Of Trinity Reformed Church of Wadsworth, and of Presbyterian Church of Holmesville, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wayne Post, Grand Army of the Republic, of Orville, Ohio, for the passage of a bill to mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WEVER: Petition of Wing Post, No. 147, Grand Army of the Republic, Department of New York, for preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. WILLIAMS of Massachusetts: Petition of 72 members of the Newton (Mass.) and other theological institutions, praying

that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Missouri: Petition of Thomas Blue, Samuel D. Tanger, and 34 other ex-soldiers and sailors of the civil war, and now of John Kelsey Post, No. 278, Grand Army of the Republic, Department of Missouri, favoring the marking and better preserving at Gettysburg the lines of that battle—to the Committee on Military Affairs.

By Mr. WILSON of Washington: Three petitions of citizens of the State of Washington, as follows: Of 20 citizens of Klickitat, of 9 citizens of the State of Washington, and of 19 citizens of Lincoln County, all praying for the passage of the Washburn-Hatch anti-option bill—to the Committee on Agriculture.

Also, two petitions as follows: Of 73 citizens of Ring County, and of 17 others of the same county, remonstrating against the reduction of duty on hops—to the Committee on Ways and Means.

Also, resolution of the Seattle Chamber of Commerce, praying the removal of the restrictions of the Puyallup Indian Reservation—to the Committee on Indian Affairs.

By Mr. YOUNG: Petition of H. A. Fenner and others, of Michigan, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, April 20, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 24, 1892, a list of the subordinates in that Department not specially appropriated for, etc.; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of Thomas Bowman, president, and James B. Kenyon, secretary, of the Northern New York Conference of the Methodist Episcopal Church, composed of over 200 churches and representing over 28,000 church members, "earnestly remonstrating against the passage of the severe Chinese exclusion act now pending before the Senate," praying that unfriendly legislation be stayed and that instead uniform laws relative to immigration be enacted that shall equally apply to persons coming from all nations to our shores; which was ordered to lie on the table.

He also presented the petition of Peter Hutton and 30 other citizens of Southington, Conn.; the petition of Rev. Joseph Danielson and 341 members of the Congregational Church of Southington, Conn.; the petition of George A. Francis and 60 other members of Gospel Mission Church of Southington, Conn.; the petition of John C. Breaker and 21 other citizens of Southington, Conn.; the petition of Mrs. H. M. Fisk, president, and 40 members of the Woman's Christian Temperance Union of Connecticut, and the petition of A. J. Cutting and 200 members of the Methodist Church of Southington, Conn., praying Congress to prohibit the opening on Sunday of any exhibition or exposition where United States funds are expended; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented a memorial of citizens of the United States, remonstrating against the passage of the so-called Geary bill for the exclusion of Chinese, and praying that section 14 of the act of May 6, 1882, be amended so as not to include Chinese who came into the United States prior thereto, with the intention of becoming citizens; which was ordered to lie on the table.

Mr. CASEY presented a petition of 228 citizens of Fairmount and Thompson, N. Dak., and a petition of 171 citizens of Ellendale, N. Dak., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of citizens of Fresno County, Cal., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Grass Valley Grange, Patrons of Husbandry, of California:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. WOLCOTT presented a petition of the Farmers' Alliance and Industrial Union of Fort Collins, Colo., praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Alliance and Industrial Union of Fort Collins, Colo., praying for the passage of legislation regulating speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the First Presbyterian Church of Ottawa, Kans.; a memorial of the First Presbyterian Sabbath School of Ottawa, Kans., and a memorial of the Young People's Society of Christian Endeavor of Ottawa, Kans., remonstrating against the opening of the World's Columbian Exposition on Sunday and praying that the sale of intoxicants be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. McMILLAN presented sundry petitions collected by the National Woman's Christian Temperance Union of Michigan, containing 134 individual signatures and 1,611 representative indorsements, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COKE presented two petitions of citizens of Bagwell, Tex., praying for the closing of the World's Columbian Exposition; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. McPHERSON presented a petition of the faculty and students of the Union Biblical Seminary, of Dayton, Ohio; a petition of the students of the Union Theological Seminary, of Virginia; a petition of the students of the Theological Seminary of the Reformed Church, of Lancaster, Pa.; a petition of the students of the Wittenberg Theological Seminary, of Springfield, Ohio; a petition of the faculty and students of the Theological Seminary of Princeton, N. J.; a petition of the Theological Seminary and Lincoln University, of Chester County, Pa.; a petition of the students of the Moravian Theological Seminary, of Bethlehem, Pa., and a petition of members of the Theological Seminary of Virginia, praying that no loan be granted in aid of the World's Columbian Exposition unless it be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the amendment submitted by Mr. DANIEL on the 18th instant, intended to be proposed to the naval appropriation bill, providing for a naval review, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 1289) to increase the efficiency of the Engineer Corps of the Navy, reported it with an amendment, and submitted a report thereon.

Mr. McMILLAN. I am instructed by the Committee on the District of Columbia to report back without amendment the bill (H. R. 6658) to vacate that part of Madison street, Georgetown, west of Back street, and extend Y street in Burleigh, in the District of Columbia, and to ask that this bill take the place of Order of Business 496, Senate bill 2619, to vacate that part of Madison street, Georgetown, west of Back street, and extend Y street, in Burleigh, in the District of Columbia, now on the Calendar, and that the Senate bill be indefinitely postponed.

The VICE-PRESIDENT. The House bill will be placed on the Calendar and the Senate bill indefinitely postponed, if there be no objection.

Mr. HARRIS. The House bill just reported, it is asked, shall take the place on the Calendar of the Senate bill indefinitely postponed.

The VICE-PRESIDENT. It is so ordered.

Mr. PEPPER, from the Committee on Claims, to whom was referred the bill (S. 477) for the relief of Jane Boller, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. DAVIS, from the Committee on Foreign Relations, to whom was referred the bill (S. 2229) for the relief of the owners and crew of the Hawaiian bark Arctic, reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom the subject was referred, reported a bill (S. 2951) directing the Interstate Commerce Commission to ascertain and

report to Congress annually certain information in respect of the adoption by common carriers engaged in interstate commerce of a uniform system of automatic couplers on freight cars, and for other purposes; which was read twice by its title.

Mr. VILAS, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 1352) for the relief of August Leschinsky, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. VILAS. I am directed by the Committee on Claims, to whom was referred the bill (S. 2154) for the relief of the heirs of Joseph Nicholson Chambers, late a resident of the parish of East Feliciana, in the State of Louisiana, to report it adversely. At the request of the junior Senator from Louisiana [Mr. WHITE] I ask that the bill be placed on the Calendar, instead of being indefinitely postponed.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 2283) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported it with an amendment.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1358) for the relief of Clara A. Graves, Lewis Smith Lee, Florence P. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SANDERS, from the Committee on Claims, to whom was referred the bill (S. 1424) for the relief of the Atlantic Works, of Boston, Mass., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 60) for the relief of the estate of James T. Sanford, deceased, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 378) for the erection of a public building at Menominee, State of Michigan, reported it without amendment, and submitted a report thereon.

DISTRICT PRODUCE DEALERS' LICENSE TAX.

Mr. PERKINS. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2460) to repeal the license tax of \$25 per year now imposed upon produce dealers in the markets of the District of Columbia, to report it back favorably without amendment, and to submit a written report thereon. I make this report for the Senator from New Hampshire [Mr. GALLINGER], who has been called from the city. The bill is brief, and if there is no objection to it I should like to have it considered now. The District government is quite urgent about it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information only.

The bill was read, as follows:

Be it enacted, That the annual corporation license tax of \$25 per year, now imposed by an ordinance of the District of Columbia upon dealers in farmers' produce, such as butter and cheese, poultry, eggs, fruits, and vegetables, or any other articles of family provisions, in the markets of the District of Columbia, is hereby repealed, to take effect at the end of the present license year, April 1, 1892.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. PERKINS. I would say in explanation that under the existing law this tax must be paid before the 1st of May, and hence the necessity of an early consideration of the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. None.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EULOGIES ON THE LATE REPRESENTATIVE GAMBLE.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a House concurrent resolution, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed the eulogies delivered in Congress upon Hon. John R. Gamble, late a Representative from the State of South Dakota, 8,000 copies, of which number 2,000 shall be delivered to the Senators and Representatives of the

State of South Dakota, which shall include 50 copies to be bound in full Morocco, to be delivered to the family of the deceased; and of those remaining, 2,000 copies shall be for the use of the Senate, and 4,000 copies for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said John R. Gamble to accompany said eulogies.

Mr. MANDERSON. The concurrent resolution is in accord with the later action of the two Houses, and is exactly the provision provided for in the general printing bill.

The concurrent resolution was agreed to.

POSTAL SAVINGS DEPOSITORIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report a resolution, and I ask that it be now considered.

The resolution was read, as follows:

Resolved, That the argument of the Postmaster-General on the subject of postal savings depositories, addressed to the chairman of the Senate Committee on Post-Offices and Post-Roads, be printed, and that there be printed 3,000 additional copies, 1,000 of which shall be for the Senate and 2,000 for distribution by the Postmaster-General.

Mr. MANDERSON. This is a very important and valuable compilation of the custom that obtains in foreign countries with reference to postal savings banks, and also an argument with reference to that subject-matter made by the Postmaster-General and addressed by him to the chairman of the Senate Committee on Post-Offices and Post-Roads. That committee recommend the printing of the document in this number. I find that the cost of it will be trifling, under \$300, and it certainly is a matter of sufficient importance to receive this consideration.

The resolution was considered by unanimous consent and agreed to.

LIST OF CONGRESSIONAL DOCUMENTS.

Mr. MANDERSON. I am directed by the Committee on Printing to report a concurrent resolution to print additional copies of the list of Congressional documents, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 2,000 copies of the list of Congressional documents prepared by the superintendent of documents, Department of the Interior, be printed and delivered to that officer, of which he shall supply 2 copies to each Senator, Representative, and Delegate in Congress, and the remainder shall be distributed to public and other libraries.

Mr. MANDERSON. This document contains in very compact form a complete list of all Government publications from the Fifteenth to the Fifty-first Congress, inclusive. The cost is trifling to print it in this number, and it is, I think, of very great importance that it should be printed.

The concurrent resolution was agreed to.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 2952) for the relief of Prentice Holmes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2953) to provide for the support of the office of the register of wills of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PEPPER (by request) introduced a bill (S. 2954) to tax land in the District of Columbia at its full market value, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GRAY introduced a bill (S. 2955) for the relief of Sarah Burton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 2956) for the relief of Jacob Walhart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DANIEL introduced a bill (S. 2957) to provide for the erection of a public building at Portsmouth, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2958) to provide for the erection of a public building at Salem, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 2959) to provide for the erection of a public building at Radford, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 2960) granting an honorable discharge to Bury J. O'Brien; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2961) granting a pension to Lydia Ferris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2962) granting a pension to Mary Cochran; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2963) granting a pension to Elizabeth Breshear; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE (by request) introduced a bill (S. 2964) to establish a composite dollar; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HIGGINS submitted six amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 35,000 copies of the annual report of the Commissioner of Labor relating to cost of production, earnings, efficiency of labor, and cost of living.

The message also announced that the House had passed a bill (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 4429) to empower the Commissioners of the District of Columbia to grant respites and pardons in certain cases;

A bill (H. R. 5978) to extend the time for making an assessment of real estate in the District of Columbia outside the cities of Washington and Georgetown; and

A bill (H. R. 6288) to amend the charter of the Rock Creek Railroad Company.

DELAWARE AND REHOBOTH BAYS.

Mr. HIGGINS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with copies of the correspondence of the Congressional delegation of Delaware and the War Department, together with copies of reports of December 18, 1891, and February 4, 1892, with inclosures from W. F. Smith, United States Army, Major of Engineers, retired, all in relation to the location of the proposed waterway between Delaware Bay and Rehoboth Bay, on line of the inland waterway between Chincoteague Bay and Delaware Bay.

HOUSE BILL REFERRED.

The bill (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PUBLICATION OF COPYRIGHTED BOOKS IN THE RECORD.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day relative to infringement of copyright by the CONGRESSIONAL RECORD. The resolution will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. SANDERS, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the publication in the CONGRESSIONAL RECORD, without the consent of the proprietor, of a copyrighted book is an infringement of the right granted to such proprietor of the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, or vending the same, and whether the publication therein subjects any person who shall sell or expose to sale the CONGRESSIONAL RECORD containing such reprint to the penalties prescribed in section 4964 of the Revised Statutes of the United States, and whether any person is liable to the owner of such copyright book for damages for such publication; and if so, what person, and what action, if any, is desirable to be taken in view of the publication of copyrighted books in the CONGRESSIONAL RECORD; and that said committee have leave to report by bill or otherwise.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CHANDLER. I suggest to the Senator from Montana to make the instruction to the Committee on Patents instead of the Committee on the Judiciary.

Mr. PLATT. I should like to ask the Senator from Montana whether he desires the passage of the resolution now? I have not examined the RECORD this morning, but I think there is to be found in the RECORD action by the other branch (and I suppose it is not improper to speak of anything that is in the RECORD) by which the practice which has prevailed of inserting documents, books, and all that kind of matter in the RECORD has been stopped by action of the other branch of the Legisla-

ture. Therefore I ask whether the Senator desires to pursue the matter suggested by his resolution.

Mr. SANDERS. Mr. President—

Mr. CHANDLER. Will the Senator allow me a word?

Mr. SANDERS. Certainly.

Mr. CHANDLER. I do not understand that any action has been taken that strikes out from the RECORD the half dozen volumes that have been put into it within the last two weeks, nor does it prohibit the reestablishment of the practice at any moment when an attempt may be made to reestablish it. It seems to me the resolution is a wise one, in order to determine once for all whether that thing shall be done, not merely in the past but in the future, and it is just as likely to be done hereafter as has already been the case.

Mr. PLATT. I do not want to oppose the resolution if the Senator who introduced it or other Senators think that there is necessity for it since the action of the other branch of the Legislature in regard to such matters.

Mr. WILSON. I think that this is a matter of some importance and that it ought to be considered by a committee. I therefore move to refer the resolution to the Committee on Patents, so that that committee may consider the subject and report.

Mr. McPHERSON. I should like to have the resolution again read.

The VICE-PRESIDENT. It will be again read.

The Chief Clerk read the resolution.

The VICE-PRESIDENT. The question is on the motion to refer the resolution to the committee on Patents.

Mr. SANDERS. Mr. President, this resolution is a search after abstract truth, but it is a search after a truth which concerns the Senate; and as nothing in the resolution has reference to the other House, I see no reason why we should not pursue this inquiry, for we are already encumbered in the CONGRESSIONAL RECORD with the publication of several books, the property in which is in citizens of the United States. It seems to me that before the CONGRESSIONAL RECORD shall be put into a permanent form we should know whether the publication of it is in violation of rights that we have secured by law, and if such publication is, those books, however poetic they may be, can be expunged from the RECORD and the citizens of the United States can be informed whether by selling a copy of the CONGRESSIONAL RECORD they incur the penalties which are denounced against literary piracy.

I think the information sought for by the resolution is not useless and has not been superseded by any discontinuance of the policy that has heretofore been maintained by any class of men or body of men. I am particularly anxious for the information myself, because if it shall be affirmed that it is the right of Senators to print copyrighted books, I wish to make some selections out of the libraries and spread them before the people of the United States, they being books which, in my judgment, are useful to be comprehended and understood. I do not know of any cheaper way than the way indicated, provided it shall be determined by our Judiciary Committee that this is proper.

Besides that, there is a large number of people, very excellent of character and very disappointed in their expectations, who have been guilty of divers and sundry copyrighted noncirculative books, and how can the circulation of those books be more easily forced than by republishing them in the CONGRESSIONAL RECORD?

I think the resolution should pass, but I am somewhat indifferent as to the committee to which it should go.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa [Mr. WILSON] that the resolution be referred to the Committee on Patents.

The motion was agreed to.

IRRIGATION PUBLICATIONS OF GEOLOGICAL SURVEY.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. POWER April 19, 1892, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish the Senate with information in relation to the following matters and at as early a date as practicable:

1. What documents, reports, monographs, papers, maps, and illustrations have been printed during the fiscal years of 1890-91 and 1891-92 for the United States Geological Survey in relation to irrigation, the storage of water, the measuring of streams, the construction and character of works in this and other countries, the survey of arid lands for reclamation purposes; also if any have been printed in previous years, not already published and distributed; and, if so, what relation such reports, etc., bear to the annual and special publications of the Geological Survey, as authorized by law, and at what date (if any such documents are now printed or printing) will they be ready for distribution?

2. What reports relating to arid-land reclamation and irrigation are in preparation in the offices of the United States Geological Survey and the United States Census; whether the same are now in course of printing; by

whom are such reports being prepared, and under what authority of law; from what appropriations are the costs of said reports, papers, etc., being borne, and from what rolls are the persons employed thereat being paid, with a full statement or estimate of the cost of each of such publications or documents, both for preparation and printing, with the number to be printed and specific authority under which the work is being or has been done.

3. That the information asked shall include a statement as to whether any portion, and if so, what portions, of said reports, etc., have been previously published and circulated, either public or private papers and reports; also as to the authority of law under which such data have been gathered, the names and duties of those employed to obtain and prepare the same, the rolls on which they are now or were borne and paid, the amount of the payments to them while so employed, and the offices or divisions to which they were assigned.

Mr. HALE. That resolution was read in full yesterday. I objected to it and it went over. I have since examined it and am in favor of it.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT. If the morning business is concluded, the Calendar under Rule VIII is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 113) to establish a military post near Little Rock, Ark.; and

A bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

EXCLUSION OF CHINESE.

Mr. TELLER. If agreeable to the Senate, I should like to call up the resolutions introduced some time since by the Senator from Alabama [Mr. MORGAN] touching the silver question, for the purpose of submitting some remarks thereon.

The VICE-PRESIDENT. The Chair lays the resolutions before the Senate.

Mr. TELLER. I do not desire to interfere with any business of the Senate, but this seems to me to be as favorable an opportunity as I shall get.

Mr. SHERMAN. I have no objection to interpose if the Senator will allow me a few moments to give the state of the law in regard to the Chinese question.

Mr. TELLER. Certainly.

Mr. SHERMAN. I gave notice that I would call up the bill reported from the Committee on Foreign Relations in respect of Chinese immigration. At that time the committee were of the opinion, or seemed to be, without any very careful examination of the law, that the present law for the exclusion of Chinese immigration would expire on the 6th of May of the present year. By a more careful investigation, and by examining the amendments which have been made to the act of May 6, 1882, I became entirely satisfied that the act of 1884 extended the time two years, so that the law prohibiting Chinese immigration does not expire until some time in July, 1894. Therefore there is no immediate pressure to urge the passage of the bill reported by the Committee on Foreign Relations. Certain Senators desire to speak upon the subject, however, and at some time when it is convenient to them I shall call the bill up, but not to-day.

THE FINANCIAL SYSTEM.

The VICE-PRESIDENT. The Chair has recognized the Senator from Colorado [Mr. TELLER] as entitled to the floor on the resolution heretofore submitted by the Senator from Alabama [Mr. MORGAN].

Mr. WILSON. Unless the Senator from Colorado is anxious to proceed now, I should like to suggest that we occupy this morning on the Calendar until 2 o'clock. The Calendar is increasing.

Mr. TELLER. I should prefer, if I am to speak at all, to speak now.

Mr. WILSON. The Calendar is increasing every day.

Mr. TELLER. Of course, if the Senator objects I shall not speak.

Mr. WILSON. I shall not go to that extent, but I merely make the suggestion that it would be well to have the Calendar considered until 2 o'clock.

Mr. TELLER. Mr. President, I suppose, in the condition in which the friends of bimetalism find themselves to-day in this country, perhaps I should apologize to the Senate for taking its time from the Calendar, touching unimportant and trifling bills,

which pass this body from year to year to die somewhere else. A subject that touches every human being in civilized society, a subject which comes home to every American citizen with peculiar force and peculiar interest, would, in ordinary times and under ordinary circumstances, scarcely require an apology from a member of the Senate who flatters himself at least that he has given it honest thought and honest study, which he believes to be the duty of every American Senator on this, in his judgment, the most important question which has been presented to the American public since the close of the war.

But, Mr. President, we have fallen upon evil times. We have felt the great power, the tremendous influence of political and partisan attachments and political and party relations. We are told now that the question which, I repeat, touches every living man in civilized society, which affects his welfare, his prosperity, is not of so much importance and consideration as it is to have a certain man of one political party or the other elected for the ensuing four years as Chief Executive. We have felt that influence here. We have felt it in other places which the proprieties of debate and the relation which should exist between the two legislative branches of this great Government prevent me from characterizing or speaking of in terms which I should like to employ.

There is no one who does not know that in the election of 1890 the voice of the American people was heard with peculiar strength and with peculiar clearness and with peculiar emphasis upon the question of the use of silver as money in this country. It elected a Democratic House largely from Republican districts, districts which had never sent a Democrat to Congress, revolutionized the condition of affairs, and sent Democrats there mainly on this question. I know that now it is the fashion to say, and especially on this side of the Chamber, that it was because of certain tariff legislation which was not then understood, and which it is asserted now has become very popular, commonly called the McKinley bill.

Mr. President, I assert here, and I believe the consensus of opinion of those who examine this subject will bear me out, that that was not a revolt against tariff legislation; it was a revolt of the people against the currency legislation of this country. Of course just what force has created this great revolution will always be a question of doubt, because you can not determine those questions with absolute certainty; but does anybody deny—and if anybody here will challenge the statement I am about to make, I will with pleasure wait to hear upon what ground—does anybody deny that a great majority of the House of Representatives as elected were known to be in favor of the use of silver to the utmost and unlimited extent ever proposed by anyone in this body or in the other? A two-thirds vote when that House assembled, untouched and uninfluenced by the considerations of which I have spoken, was in favor of the free and unlimited coinage of silver in this country.

Mr. President, on two occasions this Senate, practically the same now as then, by decided majorities declared in favor of the free and unlimited coinage of silver, 42 votes in favor to 25 against. Is it possible that the American Senate has changed its views on this subject? Is it possible that the men fresh from their constituents who announced that they were in favor of the free coinage of silver have changed their views? Is it not apparent that some agency or some cause has arisen since to affect their conduct and to, for a time at least, compel them to suspend the execution of what they declared when they were elected was the will of their constituents?

What are the agencies? First—and I mention that first because I think that it has been the most powerful agency—the executive department of this Government for three years under the present Executive has been hostile to the scheme. I do not say it is more hostile than its predecessor. I need not dilate nor expatiate upon this subject, nor need I produce the proof unless somebody challenges the assertion, and when anyone does I will produce the proof. The newspapers everywhere which represent the Executive have declared that they spoke with authority when they said he was prepared to and would veto a free-coinage bill. In another place the representatives of the President, in sympathy with him politically and seeking his renomination, did not hesitate to speak with authority and say that the President of the United States would veto the bill which it was then thought was surely to pass.

The great metropolitan journals of the Republican party have made it the principal claim for the renomination of the present incumbent, that he stood "like a wall" against the wishes of the House and the Senate on this question of finance, and that while the people might get wild, and while even the American Senate, supposed to be the most conservative body in the world, free from extraneous influences, more independent in its action than any other body—when it, too, lost judgment and went for free coinage, the President, with greater patriotism, with greater

intelligence, with greater devotion to the interests of the country, stood as the safeguard to Wall street and the money bags of that region.

So no man can deny when I say here the Executive influence during the last year has been the potent influence which has controlled the party which has professedly, at least, been friendly to silver, so that it rallied, when the crisis came and the opportunity to put itself on record arrived, one-tenth of its members in another place!

Mr. President, I have been for fifteen years the humiliated observer of the power of Federal patronage upon people, outside at least. It might not be becoming in me to say that I am more independent than my fellows, more uninfluenced by these considerations ordinarily than others. I believe we are all more or less susceptible to such influence. I am only now speaking of the fact that the influence exists and has been exerted, and the dire effects have been seen in the lack of proper legislation.

Another influence has been brought to bear. It is said the Republican party as a party can not commit itself to free coinage; that it can not commit itself to a liberal silver policy. Why? Because the great State of New York, with more electoral votes than any other, with a greater population and greater wealth, is the State that we are contending for in every Presidential election, and that a liberal policy touching the silver question, especially free coinage, would be detrimental to the interests of the party in that State, and we can not afford to antagonize that sentiment. So, the interests of the country, the interests of the great West and the Northwest, which, as I shall attempt to show before I get through, independent of the States producing silver, are particularly interested in this question, go for nothing that a political party may continue in control.

On the other hand, the Democratic party with equal zeal are contending for the great State of New York. In a Democratic House, where uninfluenced—if it is proper for me thus to speak—there would have been a vote sufficient to pass the bill over the veto of the President, it lacks to-day a majority because the Democratic party were afraid that if the Democrats in that body put themselves squarely on record on the question of free coinage, approving it, the State of New York would cast its vote for the Republican party.

Sir, I understand the power of patronage and party prejudice, and party zeal. When the free-coinage bill was introduced in this body in December, I know whereof I speak when I say that the banks of New York City organized themselves for the purpose of defeating this legislation, and I venture to say now there is not a bank in the United States known as a national bank which has not been appealed to by that organization to contribute funds and influence to the defeat of silver legislation.

I know when the bill was before the House that telegrams from bankers, telegrams from brokers, telegrams from chambers of commerce and boards of trade were piled in upon the members, petitions were presented, and we were told that if this legislation took place there would be dire disaster, when every one of those petitioners knew that there was no probability of the bill becoming a law, when they knew they had in the Executive chair now, as they had during the last Administration, a friend who would brave public sentiment and the wishes and wants of the people to please them.

Why were they so solicitous? Why were they so anxious? Not about the passage of the bill. The chief opponents of the bill in the House stood there declaring that they had assurances that if the bill passed the House and the Senate it would never become a law. Oh, Mr. President, this is not a fight which is confined to America. This is not a contest in which the American people are alone engaged; it is as wide as the world.

The United States is the greatest nation to-day in the world, without exception. Russia, in numbers is greater, but in wealth we are greater than Russia; in strength we have no equal. The influence of this nation upon the continent of Europe touching silver is more potent than even that of Great Britain. It was to prevent the expression by the representatives of the American people of a friendliness to silver which brought about this great effort. That is why the banks organized, that is why consolidated capital made this effort here with a lobby which in number and in strength I declare has had no parallel since I have been in public life. If you can prevent the American people from declaring in favor of bimetallicism, practical bimetallicism—not bimetallicism merely by resolution, but practical bimetallicism—you can probably prevent Europe from returning to bimetallicism. That is the reason why the contest was made, and that is what the fight was for.

Mr. President, some of our friends have been surprised and some of them have been discouraged. Allow me to say for myself that I was neither surprised nor am I discouraged. I knew that whenever it appeared to the class of men who have been the opponents of silver in this country—and they are insignificant in

number, but great in influence and power—I knew that when the time approached when they thought what we were doing would have its effect, not in bringing free coinage here, but in encouraging and stimulating bimetallism abroad, we should be met with just such opposition as we have encountered.

Does anybody suppose that the men who hold the credits of the world, so great in amount that I dare not mention them, for they are beyond the comprehension of ordinary men—does anybody suppose the men who hold those credits, and who take, by reason of the present condition of affairs financially in this country and in the world, 30 per cent more, nay, more than that, nearly 40 per cent more, from the people who owe these debts than they would under a proper system of currency, will tamely and quietly surrender the advantage which they secured by so much effort and so much labor? They will appeal to our fears, to our cupidity, and to our partisan attachments, and if there are other methods to which they can resort they will be sure to use them.

Mr. President, it is organized capital against the unorganized productive energies of the people. Capital will make itself felt. Why? Because it has a grip and a grasp through these credits upon the great productive energies of this country and the world. If anybody who has observed believes that the hand of greed with its grasp will unlock it in the interest of the masses, he is mistaken. They will unlock it only when we have in the executive chair of this country and in both Houses of Congress men who are in sympathy with the toiling millions of men who are suffering by reason of the false system of American finance, a system that is not peculiar to this country. Can any man tell me why for eighteen consecutive years in free democratic America, in despot Russia, in liberal France, in liberal England, in all the countries of the world, the prices of commodities have been year by year going lower and lower? "Oh!" say they, "it is cheaper production; it is cheaper transportation; it is overproduction." Ah, Mr. President, it does not make any difference whether the article is produced cheaply or dearly, the same inflexible rule applies to it, and down it goes.

I do not care to dilate at great length upon this subject. I did not rise this morning to make an extended speech, but I want to touch on one or two other things, and then I shall leave the subject, but before this debate closes I shall return to it again.

I will only add touching the fall of prices, that the wheat crop this year amounts to 611,000,000 bushels, 125,000,000 bushels more than the crop of 1880, after we had put ourselves on a specie-paying basis. More than 200,000,000 of it have gone to Europe; there are 15,000,000 more American mouths to feed, and yet the wheat crop of the United States with a short crop in Europe, with famine in Russia brings very many millions of dollars less than the comparatively short crop in 1880.

Mr. WASHBURN. Mr. President, if the Senator will allow me to interrupt him—

Mr. TELLER. It will not interrupt me; go on, sir.

Mr. WASHBURN. I would ask why the same reason for the low prices of wheat would not have existed six months ago, after the crop was harvested as now? Wheat, you understand, is now something like 25 cents a bushel less than it was for three months after it was harvested.

Mr. TELLER. I think the Senator could have answered that better even than I can answer it, but I can answer it. Last fall after the wheat crop was harvested it was reported that there was a shortage very much in excess of what turned out to be true. It was supposed that Russia had no wheat whatever for export, and yet Russia has sent this last year into the markets of the world 100,000,000 bushels of wheat.

Another agency in putting up the price of wheat, as the Senator will recognize, is the peculiar condition of affairs at Chicago with reference to dealing in wheat. I think he will not deny that the condition there had much to do with temporarily putting up the price of wheat.

Mr. WASHBURN. Not so much as putting down the price of wheat later.

Mr. TELLER. I have not gotten through.

Mr. WASHBURN. I asked the Senator a question which I regarded as very pertinent, but the reasons for the decline in the price of wheat are not based on the silver question.

Mr. TELLER. Mr. President, I will touch that. What I am trying now to show is that there has been a falling in the prices of all commodities. I am not now referring to the question of the particular fall of wheat prices, but I will touch on that before I get through if my voice does not fail me.

I want to impress on the Senator from Minnesota that there is nothing in the range of human production, whether it be cotton goods or a thrashing machine, that has not depreciated in price more than 30 per cent in eighteen years. I want to impress upon him also that in this great American Republic, with its millions of farms, there is not a farm to-day, unless it is where the influ-

ences of town growth may have changed results—there is not a farm in the older sections of this country which is worth as much to-day as it was eighteen or twenty years ago. Of course this does not apply to the new lands recently entered and recently taken from the Government, because there the communities have grown and land has increased in value; but I mean to say that in the State of Massachusetts, in the State of New York, in the State of Delaware, and in the State of Illinois the farms are not as valuable as they were twenty years ago. I selected wheat as an illustration; I might have taken corn and cotton and hay and cattle, and all other things produced by human hands.

I do not intend to spend much time on the question of the peculiar influence of silver upon wheat, because I proposed when I rose to leave that for another occasion; but since the Senator from Minnesota [Mr. WASHBURN], who represents the State which I believe produced more wheat last year than any other State in the Union, and whose people have more interest in the silver question than the people of Colorado, has asked a question about it, I will illustrate how it is.

In the year 1873, when silver was demonetized, India for the first time sent wheat to the European market; she sent then 290,000 bushels. This year, in eleven months, she has sent 50,000,000 bushels of wheat to compete with the wheat-growers on American soil. At the time silver was demonetized here, Russia had never put into the markets of the world more than twenty-five or twenty-six million bushels of wheat. In less than six months now, with a famine in one-third of her land, she has put 100,000,000 bushels of wheat in Europe.

India had never sent any wheat; she never could send any wheat while silver was at par. Russia had never sent much wheat. She labored under disadvantages.

Mr. HIGGINS. Will the Senator yield to me for a question? Mr. TELLER. I will in a moment.

She labored under disadvantages. Russia is a paper country, nominally bimetallic, but in fact with an irredeemable paper currency; consequently the silver that went to Russia went there just as metal came here during the war and was sold at a premium.

Mr. STEWART. The silver rouble is the unit of value there.

Mr. TELLER. And in that way we have stimulated these two countries to send 150,000,000 bushels of wheat to Europe—and to that extent—to destroy the market for American wheat.

South America, which had never up to 1873 been a competitor with us in wheat, has become a great competitor with us in wheat for the same identical reason that the South American countries are on a silver basis, and silver in many sections of South America is to-day at a premium over their paper.

The Senator from Delaware desired to ask me a question, and now I will hear him.

Mr. HIGGINS. I wanted to ask the Senator if it was not the fact that in 1873, when silver was demonetized in this country, there was a lack of sufficient railroad facilities in India for the wheat to get from the country where it was grown to market, so that for that reason, even if a different state of things financially had existed, could they have sent wheat abroad at that time?

Mr. TELLER. It is possible that they could not have sent it abroad at that time even with silver at present prices, but it is notoriously true, as the Senator must know, that they could not send it to-day if silver were worth \$1.29.

Mr. HIGGINS. That is another question.

Mr. TELLER. A Senator asks me where they got the money with which to build the railroads. Great Britain built the railroads for them.

Mr. STEWART. And charged it to them.

Mr. TELLER. Of course India is paying for them. The financial policy of Great Britain has been to never pay anything out to anybody where she does not get a full equivalent back.

Mr. President, we have a low price for cotton in this country, and it has been growing lower and lower year by year. The cotton-growing regions, which are the agricultural regions of this country, along and relating closely to the great Mississippi Valley country, are desirable sections of country so far as we are nationally concerned, and they have produced for many years a vast amount of our exports. They have brought into this country in exchange for the cotton untold millions of gold—if that is a blessing, and I think it is. They are to-day suffering from low prices. Undoubtedly they are suffering somewhat from overproduction, but they are also suffering from underconsumption. That is the great trouble.

India under this system of finance has increased her output of cotton. India, which was not a competitor with any country in the export of cotton until since this question of silver came before the public, has become a decided competitor with us in the country that used the great bulk of American cotton—Great Britain. Eighty millions of raw cotton was exported last year from India. I believe a little of it struck this continent, but not enough to affect us. The most of it went to England, and went

there to the exclusion of American cotton. About \$35,000,000 worth of manufactures of cotton went mostly to China, and destroyed the British market, or at least lessened the sales there, and thus crippled our market for cotton in England.

I have here before me the London Economist of April 2, in which it is declared that for the last quarter the consumption of cotton in Great Britain was 13 per cent less than it was for the corresponding quarter the year before.

Mr. GRAY. May I ask the Senator a question, entirely for my own information?

Mr. TELLER. Certainly.

Mr. GRAY. I ask the Senator whether he will explain, if it does not take him aside from the line of his argument, what the mechanism of the process is by which the vitiation of silver has brought the large export of wheat from India in competition with the grain grown in the United States?

Mr. TELLER. I will explain that to the Senator, and it is not difficult of explanation. I will take as an illustration the price of silver to be 90 cents an ounce. It costs to ship wheat from Bombay, Calcutta, and other places in India, to Great Britain just about twice what it costs us to ship it from New York. It passes through a region of country hot and unhealthy even for wheat, and when it reaches Great Britain it is not the best of wheat, and not as good as ours, but it comes in competition and fixes the price of American wheat. Now, let us see how it is done. The Indiashipper can buy wheat for \$1.20 a bushel, and he can send it to Great Britain and sell it for 90 cents a bushel and make money. The American, who sends his wheat to Great Britain and sells it for 90 cents a bushel, gets 90 cents and no more.

The English shipper, who takes it from India to Great Britain and sells it, gets gold for it. He takes that 90 cents and buys an ounce and a third of an ounce of silver. That costs him \$1.20. What does he do with that silver? He takes it back and puts it into rupees at \$1.38 an ounce. He has got from \$1.84 to \$1.85 for his wheat, while the American wheat-grower, owing to this beautiful system of finance of ours, has got his 90 cents. He gets a little more than that, for wheat has been worth a little more than 90 cents. I only use this as an illustration.

Does the Senator understand now how that is done? If not, I will explain further.

Mr. GRAY. I should like to have the Senator explain further.

Mr. TELLER. The Senator does not see it yet. Let him take his pencil and a tablet; let him put down the price of wheat in Bombay at \$1.20; let him add to it the 14 cents, the cost of transportation, and he has got \$1.34. That is what it will cost when it gets to England, and he realizes \$1.84 or \$1.85, according to the market price of silver, for his wheat. Can the Senator make the subtraction of \$1.34 from \$1.85 and find a fair margin for the Indian exporter?

Mr. GRAY. I do not want to interrupt the Senator, but in both cases, both for the bushel of wheat shipped from this country and the bushel of wheat shipped from India, the producer is paid in London or in Liverpool in gold, is he not?

Mr. TELLER. Certainly, and if the American wheat-grower buys silver he brings it back here, and it is still at the same price it was when he got it in London, and it will not buy any more than his 90 cents of gold. But if the Indian merchant takes it back to India it buys as much, ounce for ounce, whether it is in coin or in bullion, as it did thirty years ago. That is, the purchasing power of an ounce of silver is in India \$1.38, and it has cost him 90 cents.

Mr. GRAY. I will ask the Senator whether the 90 cents which the American grower gets for his wheat in Liverpool when it comes back here is not equivalent to 90 cents in gold?

Mr. TELLER. Certainly it is.

Mr. GRAY. Then, what right has he to complain?

Mr. TELLER. Mr. President, he is so stupid in this country that he does not complain. [Laughter.] The American wheat-growers have sat by and clapped their hands for both of these great political parties who have been cutting their throats. They will complain after awhile. But still the fact is, our producer has for his bushel of wheat 90 cents and the Indian has for his \$1.84 to \$1.85, Liverpool price, in silver.

Mr. BUTLER. May I ask the Senator from Colorado if the same principle does not apply to the price of cotton?

Mr. TELLER. Certainly. I shall come to that in a moment.

Mr. President, I hope to make this so plain that the Senator from Delaware can see it. When he realizes that the rupee in which they put the silver—and it does not make any difference whether it is in the rupee or whether it is in the bullion bar, because, the mint being open, practically the bar is of the same value as the rupee—when they take that, they go out and they buy wheat that has not risen in price. Wheat has not risen in India. In this country if you should attempt to buy in silver bul-

lion you would find that there was such a divergence between your bullion and your wheat that you could not make a profit, but there is no such thing in India.

Take cotton. The price of cotton in Liverpool governs the price of cotton, of course, in the United States. The Indian exporter of cotton puts his cotton into Liverpool and takes his pay in gold at 90 cents an ounce, and when he goes back and buys cotton with it he buys it at \$1.38 an ounce. That is the purchasing power of his 90 cents in gold converted into silver.

The Senator from Delaware may challenge the statement, as I heard it often challenged, that silver in India has the same purchasing power now that it had thirty years ago. If he does, I am prepared to show by a recent article from a London financial paper that the facts are as I state.

Mr. GRAY. I do not challenge the statement at all. I am groping somewhat in the dark, and I was quite sincere when I asked the Senator a question for information, but really the answer that he gave to me would seem to have this corollary, that it would be necessary, in order that the American farmer should realize the profit that the Indian farmer realizes on the sale of his wheat, that we should have a disparity in the purchasing power of gold and silver.

Mr. TELLER. Oh, Mr. President—

Mr. GRAY. I am sorry to provoke the impatience of the Senator.

Mr. TELLER. I suppose I ought not to be provoked to impatience. Have I said anything that can be tortured by any fair man into such a suggestion? I have simply undertaken to deal with a plain undisputed fact that a 10-year-old boy could understand, and I know the Senator from Delaware does.

Mr. GRAY. If I have come under the disapprobation of the Senator I am sorry.

Mr. TELLER. I simply said that while this condition of affairs exists the American wheat-grower is put on an unfair basis. He sells his wheat for 90 cents and the other man sells his for \$1.38, and the purchasing power of the \$1.38 is exactly 48 units more than the purchasing power of the 90 cents.

Mr. GRAY. I beg the Senator will not think that it is for the sake of interruption that I ask the question that I am about to ask him. I am not doing it for the sake of exploiting my superior knowledge; on the contrary, I am afraid I shall be exploiting my superior ignorance. I will ask this question for my own information: Is the practical ratio of silver to gold in India that of 16 to 1?

Mr. TELLER. The Senator from Delaware has been, as I know, asserting himself to be an authority on this subject for several years.

Mr. GRAY. I beg the Senator's pardon; I have not.

Mr. TELLER. Then I have been mistaken, because I have heard the Senator several times vote against free coinage, and I remember some speeches that the Senator made on this floor against free coinage, and yet the Senator does not know what the ratio is between gold and silver in India! It is 15 to 1. A study of this question necessitates some knowledge of the relation of gold and silver in the different countries of the world.

Now, I desire to get back to cotton. Before silver was demonetized there was practically no export of India cotton. That has grown up because the condition applied precisely to cotton which is applied to wheat, and applied also to India corn, which, for the first time in the history of India, is being raised in that country to a considerable degree, and if this condition of affairs continues we shall not only lose the cotton trade, but we shall lose the wheat trade and the corn trade.

I call attention to the fact that the exports of cotton from India amounted to \$80,000,000 last year, and manufactured cotton to thirty-five or forty millions more, mostly to China, but not all. That, I say, deprived either England or the United States of that market, and thus it is that 13 per cent less of cotton was used during the last quarter than was used the corresponding quarter the year before.

Let me call attention for a moment to a statement made in a public meeting in the city of Manchester a few years since. The people of Manchester, in Great Britain, are all free-coinage men. So they are in Lancashire. They do not count much; they do not really have much more influence than the American farmer has in this country—very little more. The people who have the money and who are taking toll of all industries treat them just as the people of this country who have the money and who are taking toll from the industries of our country treat the producers in this country; but, nevertheless, they have the right of free speech there as we have in this country, and they speak out and they tell what their complaint is, and here is a little of it:

We find that for the first time in the history of the cotton trade competition has grown up, which is seriously displacing a portion of Lancashire industry. That displacement has become so great that I have no hesitation

in saying that it amounts in wages alone over the district of southeast Lancashire to £1,000,000 per annum.

These wage-earners are the men who are manufacturing American cotton.

This loss of industry, traced to this question of the operation of silver in relation to gold, is clearly shown to have made a loss to industry during the last ten years of £1,000,000 per annum in wages. Now, the markets of China and Japan were in this position eleven years ago. We exported from this country to those markets 29,000,000 pounds weight of yarn per annum.

I desire to attract the attention of Senators whose people are raising cotton to this statement. Let me repeat it:

We exported from this country to those markets—

That is, China and Japan—

29,000,000 pounds weight of yarn per annum. At that time there was competition from the Bombay mills, but it was a much less annual export than ours. They sent to the same markets about 8,000,000 of heavy coarse yarn, as against our 29,000,000. We find that ever since these great variations of exchange set in during the last eleven years, trade between the Bombay mills—

This was in 1887—

trade between the Bombay mills and these Eastern markets has grown up to 100,000,000 pounds—

From 8,000,000 pounds to 100,000,000 pounds per annum.

Mr. STEWART. And it has increased enormously since.

Mr. TELLER. This statement was made in 1887, and the increase has been even greater since than before. Now, let us see how Great Britain increased her output of cotton yarn. To continue the quotation:

The growth between these Indian mills and the farther East is thirteenfold in eleven years, and in our case it has diminished from 29,000,000 to 26,000,000 pounds.

Mr. President, the cotton-growers of the South can see where their market for cotton has gone. Great Britain ought, in the nature of things, to increase equally with India. India increased thirteenfold. Great Britain lost from 29,000,000 pounds to 26,000,000 pounds.

It would be a very proper thing to inquire whether there is anything in the productive power of the Bombay mills to account for this change. Of course the fact is that they have a cheaper rate of labor.

That is what I call the attention of the American wheat-grower to. The foreign producer has cheaper labor than the American wheat-grower, whether he does the labor with his own hands or hires his neighbors sons to do it for him.

But when you take the cost of mills or of working expenses and effective labor, and when you take what is actually paid for labor, a pound of yarn costs more to-day there than the same pound does here. How is it that the cheaper producer is being displaced by the dearer producer?

That is what he asks.

It is clear when we sell a bale of yarn, and we sell it in Shanghai or Hongkong, at a dollar—say, worth 4s. 6d.—

He sells it for silver in China—

when exchanged into gold money it comes down to 3s. 1d.

That explains how the dearer producer is driving the cheaper producer out of the market. If the Senator from Delaware who does me the honor to listen does not understand that system of finance I will give him an opportunity to look at this article, and I think when he has completed the investigation he will thoroughly understand it.

Mr. GRAY. Is it not because of the disparity between the legal value and the bullion value of silver?

Mr. TELLER. It is because of the disparity between gold and silver in England and because in China silver still maintains its purchasing power as of old. Does not the Senator know that more than one thousand two hundred millions of the human race are using silver at a ratio that makes it worth \$1.30 an ounce or more in those countries?

Mr. GRAY. That is the question I asked awhile ago, and I do not think the Senator comprehended it or he would not have answered me in the way he did.

Mr. TELLER. I hope I did not answer the Senator offensively.

Mr. GRAY. Not offensively; but instead of answering my question I think the Senator put me in a false position.

Mr. TELLER. Oh, no; I did not mean to do that.

Mr. GRAY. Was it not the same reason, let me ask the Senator, that made the difference in India in the price of wheat, that the bullion value of silver was less than the legal or lawful value?

Mr. TELLER. No; the bullion value in India is the mint value.

Mr. GRAY. The mint value, I mean. That is the proper term.

Mr. TELLER. The bullion value in China is the mint value. They have only had a mint in China about two years.

Mr. GRAY. I mean relatively with gold.

Mr. TELLER. They do not use gold. That is the trouble. The whole country is on a silver basis, and it is on exactly the same silver basis it was thirty years ago. When silver depreciates goods rise in value. It has not depreciated, and the goods

have not risen in value in India or China and other silver-using countries.

Mr. BUTLER. We come in competition with them. There is the evil.

Mr. TELLER. It is all explained here. They go to China. They sell a bale of yarn for 4s. and 6d. That is paid in silver, because that is the only currency there, and you have to get it in silver if you trade with them. Now, when you have that 4s. and 6d. you can not use that 4s. and 6d. in silver in Great Britain or the United States. You must put it into gold, and then it is 3s. and 1 penny. There is the difference. One shilling and 5d. on every bale of yarn is the premium that the India producer gets over the producer in Great Britain, and of course he can afford to produce it at a greater cost because he sells it at a greater price, because the silver to him is the same thing that it was one hundred years ago.

So, we are building up a competition in cotton, in wheat, in manufactured goods, and we are building it up for the benefit of the Indian and the English Government, and not for our own benefit. This speaker from whom I have quoted continues and says it is a bonus of 30 per cent. "And this is the complaint of the Manchester manufacturing people." This is the complaint also of the Lancashire manufacturer. This ought to be the complaint of the American wheat-grower. He ought to be presented on this floor and everywhere else by men who are willing to give to this question study and thought. It touches him, it comes home to him in his cabin, it determines the question of his ability to remove the mortgage on his farm; and if he continues much longer to adhere to his political traditions simply because they are traditions, I shall be greatly mistaken. He can have redress. Whenever you can put silver to par he can secure relief, and he will never get it until that is done.

Fifty million bushels of wheat from India this year, 100,000,000 bushels next, 200,000,000 bushels the next, and you are practically and entirely driven out of the markets of the world. Do you suppose that the American wheat-grower in North Dakota, South Dakota, or Minnesota can raise wheat with the ryot of India, or the low class of men who raise wheat in South America or Russia? The ryot of India can be hired day in and day out for 5 cents a day. You can go to South American wheat countries where you can hire men for 30 cents a day. You can go to Russia and hire men for a mere fraction of half a dollar. The American wheat-grower, if he does the labor himself, thinks he must have more than a dollar a day; and he can not hire men unless he pays them practically that, when you count the board and the support he is compelled to give them.

Mr. MCPHERSON. Will it interfere with the Senator if I ask him a question?

Mr. TELLER. Nothing interferes with me on this subject.

Mr. MCPHERSON. I do not quite understand the Senator's logic, and perhaps it will enable me to understand it more correctly. I can not conceive of a condition in which there is a country with an open mint ready to take and bound to take all the supplies of silver that may be sent to it and coin it into money at the ratio of 15 to 1, and understand how there should be any surplus silver in the world. I can not understand for the life of me what difference it makes to the people of this country or to the people of England what may be the standard in India. I can not understand how it affects the London market for wheat, for cotton, for cattle, for corn, or for any product that we export to England because they have a gold standard while India has a silver standard.

Mr. TELLER. That is exactly the reason. If they had a gold standard in India, then it would have no effect. The Senator knows very well that up to 1873 not a bushel of wheat could ever come or had ever come from India. He knows very well that if silver to-day went to par not another bushel would come. If one country was not on a gold basis and the other on a silver basis the conditions I have detailed could not exist.

Mr. President, I did not intend to-day to touch the question of the price of wheat in India, but that seemed to arise incidentally, when I was mentioning the great fall of all products, and I have been tempted to dilate somewhat upon the condition of things that I should much rather have left to another time. I wish to leave that subject for the present at least. I think if the Senator from New Jersey will take the pains to carefully examine this question he can not doubt the conclusions at which I have arrived. They are the admitted conclusions of the financial papers of Great Britain, as I have before stated. They do not hesitate to say that the advent into Europe of India wheat is the result of the relation between silver and gold. Nobody disputes it in that country.

Now I come to one other question upon which I desire to spend a few moments, and I shall not continue my remarks at any length thereafter I think. We hear now everywhere the cry of "an honest dollar." That has been the shibboleth of our opponents—"an

honest dollar"—and they assert that every man who is in favor of the free coinage of silver is dishonest; that he is in favor of a cheap dollar; that he is a repudiator of the public faith. What is the purpose, and what is the object of free coinage? It is to make the bullion out of the silver dollar worth just as much as the bullion in the silver dollar with the Government stamp. Can anybody tell me why 25.8 grains of gold, as at all time in this country, or at least since that amount was fixed, the bullion has been just as valuable as the coin?

It has been as valuable because you could put your bullion without expense into coin. Whenever you have established a mint and opened it, and said that all the silver in this country or any other can go to it, then the bullion outside of the mint is for all practical and currency purposes reduced to coin. That is what has kept up the price of gold when gold fell in Europe with the great output of Russian and Australian and the California mines. It was because the mint in this country and the mints of the world were opened and received all the gold that came and coined it that the price did not fall more than it did. Not an ounce of silver did we coin for many years. We coined the cheaper metal, which was gold, and we kept it from depreciating because we had an open mint. France coined more than \$500,000,000 of gold within a few years for the express purpose of keeping it at par with silver. Yet in spite of all that silver went in the English markets to a premium of 2, 3, and in one instance 10 per cent above gold. What would have been the result if the mints had been closed against gold? It would not have been worth the coinage rate.

The purpose, then, of the free-silver people is to put silver bullion to par. But we are talked about as if we were in favor of taking 70 cents' worth of bullion and making it into a dollar. When we have opened our mints there will be no 70-cent bullion in this country; it will immediately take the price of the mint. Does anybody deny that?

Mr. HIGGINS. If the Senator will allow me, I will say that is just the great point of division.

Mr. TELLER. The great point of division! There can be no point of division on that. Suppose there are \$100,000,000 of silver in this country to-day uncoined. You open your mint. What can you get for it? One hundred million silver dollars, legal-tender dollars, of just as much purchasing power as the dollar composed of gold. Is not that true to-day? The poor silver dollar that I have heard for fifteen years in this Chamber denominated a cheap dollar, a nasty dollar, a dishonest dollar, will buy as much, and what is infinitely of more importance to the American people, it will pay as much as a gold dollar. It requires as much labor, as many commodities, and as much sacrifice to obtain it as it does to obtain the gold dollar. Can the Senator from Delaware tell me why the present silver dollar is a dishonest dollar?

Mr. HIGGINS. I should like to answer the Senator's question by asking another, and that is whether in the Republic of Mexico, where they have free coinage, the Mexican dollar buys as much as a dollar in gold will buy?

Mr. TELLER. They have free coinage in Mexico, but Mexico does not have a legal-tender gold money. She is on a silver basis.

Mr. HIGGINS. Then, in further answer to the inquiry of the Senator as he put it to me, I would say that the question is whether we could retain the purchasing power of the silver dollar.

Mr. TELLER. I will address myself to that in a moment. I want to say that the silver dollar in Mexico has the same purchasing power exactly, except on account of the general fall in prices, that it ever had, and that has really given it a higher purchasing power. The next question the Senator asked is one I was about to address myself to. If we have free coinage can we maintain that relation between gold and silver which I declared to be indispensable to prosperity in this country? The Senator says that is the question. Why can we not do it? Does the Senator doubt that if we should put all the American product into coin we could maintain that relation? I think not. A limited amount we have maintained. I heard it said here by the distinguished Senator from New York [Mr. Evarts], who is not now with us, that while he was not prepared to vote for free coinage, there could be no question about our ability to use all of the new silver that may be produced; that if we were not threatened with the coin silver of the world we would be safe to go to free coinage.

That brings me, then, to this question: Are we threatened with any inundation of silver from Europe, from China, from Asia, or from anywhere? It has been the stock in trade of the people who are opposed to free coinage to say in this Chamber, "You can not maintain the equilibrium between the two metals; you will be overthrown by the avalanche of silver that will come from abroad, and gradually your gold will go out and you will be left on a silver basis."

Mr. President, I should deplore very much to be on a silver basis, but I will repeat what I have said before, and what the great financial authority of France, Mr. Cernuchi, said in the convention of 1881: "If France must go to one metal or the other, France must go to silver." Then he went on to say why it was better for France to be on a silver basis than on a gold basis.

So I say, as much as I would lament the fact that we were on a single-standard basis, I infinitely prefer, in the interest of my country, that we should be on a silver basis. We should have more money. We should be able to trade with more people, with silver at par in those countries. We ought, on a silver basis, to take the entire Asiatic trade away from Great Britain. We ought, on a silver basis, to take the entire South American trade away from Great Britain.

It would not be an unmixed evil if we should come to a silver basis. I would deplore it, because I do not believe there is silver enough in the world to do business on with silver alone, because I think the two metals must be kept at parity, if possible, in the interest of commerce, and in the interest of trade, and in the interest of men.

Where is the silver coming from? Recently I took up a report of another body, and I saw in it that the free-silver people asked the United States to lift, unaided, \$3,800,000,000 of European, Asiatic, South American silver to the dignity of money. Do not the Senators sitting around me know that that \$3,800,000,000 is lifted now to the dignity of money? Do they not know that not a dollar of it could be coined in an American mint without a loss of 3 cents on its face, much of it 10? To lift the whole world's silver is the kind of argument we have been met with for years. Who is going to send it?

Mr. HIGGINS. Will the Senator yield to a question?

Mr. TELLER. Certainly.

Mr. HIGGINS. I am prompted to ask a question of the Senator because of the assurances that were held out to the Senate when the silver bill of 1890 was pending that if we should enact a law by which four and one-half million ounces of silver should be purchased per month it would take up what the distinguished Senator from Nevada [Mr. Jones], who sits on my left, called the slack, and practically bring silver to par.

Mr. TELLER. I do not care about being interrupted if the Senator wants to ask me something out of the order of my remarks. I am not making a prepared speech, but I am trying to make this speech in the direct order in which I think it ought to be made.

I will touch that question before I get through, and I hope satisfactorily to the Senator from Delaware. I am now touching upon the subject of the danger, which is the great bugbear, which is the black beast, that has been held up before us for fifteen years to frighten us from doing that which our judgment, I think, tells us we ought to do, that a great flood of silver money will come from abroad, and we shall be unable to retain our gold. Where will it come from? I shall not spend much time on this point. Will it come from England? She has \$105,000,000 of subsidiary money doing duty up to \$10 as a legal tender, and doing duty infinitely above that, doing as much money duty in Great Britain as her \$350,000,000 of gold, which is all she has, although she claims to have \$500,000,000. It is the money of everyday transactions in that country. It is the money that the man takes to the market; it is the money with which he pays his ordinary bills, with which he pays his servants. It is the money of the ordinary business of life. If it should come here it would come here at a loss of not less than 8 cents on a dollar, saying nothing of insurance, interest, and all the other items which must be included.

Mr. MORGAN. I should like to remind the Senator from Colorado that the largest piece of silver coinage of England is a shilling.

Mr. TELLER. I think the crown.

Mr. HIGGINS. A crown.

Mr. TELLER. A crown I believe is 120 cents. That is the largest, but their crown, which is worth 120 cents, contains very much less than our silver dollar. It will be admitted that we can not get silver from England. She could not spare it. Then let us go to France.

Mr. MORGAN. I do not think that there is any coinage of the crown in England now.

Mr. TELLER. It is in circulation.

Mr. MORGAN. I am talking about the coinage laws of Great Britain. The largest piece now coined is, I understand, a shilling.

Mr. TELLER. Now, let us go to France. France has \$700,000,000 of money, according to the Treasury reports; \$700,000,000 which belongs to France. She has \$120,000,000 of silver belonging to other people. She has had the opportunity for five years to take gold for this \$120,000,000 at the French ratio of 15 to 1, which she has declined, in the interest of commerce and trade

and humanity, to take. She keeps it and circulates it as money. While it does not bear her imprint, yet she makes it good to the people, because she says you bring it to us and we will give you French money, gold or silver, as you wish, and she declines to exchange it for gold with the countries whose stamp it bears. Bimetallic France would no more discard her silver than we would discard voluntarily our gold. Bimetallic France has stood in the interest of trade and commerce as the equalizer of the two metals when there was likely to be a disparity because of the great output of gold. Then she sent her silver to India. She sent her dear money to India as to-day she is sending her dear gold to England to buy council bills, and thus she makes the dear money that she possesses bring her a greater amount of imports than she could with her cheaper money—cheaper only in Great Britain, not cheaper in France.

I saw in a paper a day or two since a statement that the silver of France did not circulate as money. There is more silver than gold in circulation in France. While the stock of gold is greater, silver is the money of the people of France. It is the money that the peasantry of France put away for a rainy day. It was silver that they brought out of its hiding when the Government of France asked for a loan and the French people put up seven dollars for one. France will not sell us her silver. Her history is a denial of that statement. Any man who will take the pains to study the question of French finance since the days of Napoleon will see that she is wedded to the bimetallic system as no other nation in the world has been. There are not more than half a dozen men of reputation in all France, men of any considerable character, who are in favor of the single gold standard.

Mr. STEWART. There are only \$450,000,000 of silver outside of France in Europe.

Mr. TELLER. If France will not send us any silver who will? She could not send us very much without disturbing the business relations of the country. Austria has some silver, it is said. Austria for forty years has not been able to redeem her paper in either silver or gold, and while we have been debating the silver question in this country, Austria, on a paper basis, has been considering what kind of metallic basis she would have. When it looked favorable for silver in this country Austria inclined toward the bimetallic system.

When, on the contrary, it looked unfavorable she inclined towards the gold system, and there is every prospect to-day that she may go to a gold basis, driven to it by the irregular market of silver, owing to the discrimination in which we have joined the world against silver. But she could not send us more than fifty or sixty millions at most if she could send that much. What would that amount to if it came? The Senator from Nevada [Mr. STEWART] says that there are only \$450,000,000 of silver all told in Europe outside of France. The Senator has that too high, according to my figures, by at least one hundred million.

Mr. STEWART. I think it is too high; but that is the highest estimate put on the amount.

Mr. TELLER. They can not send us three hundred millions of silver, and we can consume that without difficulty. I know that Senators ask, can you do it? I heard some of the most illustrious members of this body on this subject fourteen years ago; I heard it from the Chairman of the Committee on Finance, I heard it from the present Chairman of the Committee on Foreign Relations, then Secretary of the Treasury, that you can not maintain in this country more than fifty millions of silver on a par with gold. Nearly five hundred millions now are practically maintained at par—four hundred millions and more of silver dollars are maintained at par as good as gold.

The argument that you can not safely open your mints because you will be flooded with silver is an argument on a par with the one which I first mentioned, that you can not have an honest dollar unless you have put as much bullion in it as a gold dollar will now buy. I assert that no man here has ever on this floor been able to show with any degree of certainty, or even to a sufficient degree of certainty to alarm prudent men, that we could be overcome by an avalanche of silver.

Suppose the silver came here, what would become of it? It must be exchanged for our products. Oh, they say, it would be exchanged for gold. It would be if we wanted silver more than gold; and we would sell our gold whenever it was to our financial interest to sell it, as we sold to Europe in the month of May last \$1,000,000 of gold every day, the holy Sabbath included. Seventy-two million dollars of gold in less than four months went to Europe from America, and every dollar of it, if the Treasury Department does not lie, went at a premium.

If the financial reports of the great money center of the world are not false, every dollar of it cost more in New York than it could be got for at the mint in the city of London. Bar gold has been quoted for a year past, I think without exception, at a higher rate than the mint value thereof in Great Britain. The only country that has gold at a premium (except in the sense that

I shall, if I have time to speak of it, show that gold in this country may be said to be at a premium over products)—the only country that has gold at a premium over its mint value is Great Britain. This gold was absolutely essential to the peace of Great Britain and Europe. The financial condition was such that they had to have it and they sent for it and they got it, and they can command the gold of this country in spite of anything we can do.

Do Senators believe that we can hold gold when the great creditor nation that holds two thousand millions of our securities demands it? All she has to do is to put a premium on it, or, what is the same thing, say, "I will sell you these securities at a little below the market price," and then the gold goes. It will go, without a mint, without silver coinage. It will go, if on a gold basis, when they want it. We can not command it; we can not hold it. No debtor nation can command the market for gold. Yet we are asked to tie ourselves to the only metal that there is any danger we shall lose and we are told that that is in the interest of honest dollars and honest contracts!

Seventy-two million dollars of gold went out of this country, and the only people who were frightened in this country were the bankers and the brokers and the newspaper men of New York. They did their utmost to create a panic and a fright. They said the gold is going, the currency is to be contracted. The American farmer and the American merchant did not take fright. They knew that there were \$400,000,000 of legal-tender money that Great Britain would not take and could not take under the present condition of affairs.

So I say, first, there is no danger of an influx of silver, and, secondly, that if Europe wants our gold she will get it in spite of us. If France and Italy and Germany should discard their silver money for gold they would get our gold whether our mints were open or whether they were closed—if not all, a great share of it.

Mr. President, I pass that point for the present. Now, I want to come down to a thing that touches me and touches my party. What is to be the relation of the Republican party to this question of currency as applied to silver? Heretofore we have contended that the silver question was nonpolitical, and we found ourselves in accord with our brethren on the other side of the Chamber holding different political views from us. We found no difficulty in acting with them upon this great economic question. To us it appeared to be above partisan feeling and above political influences, and we have acted with them now for many years with singular accord on this subject.

It is possible that we Republicans of the West have two reasons why we are in favor of silver as money. One is that we produce to-day nearly one-half of the silver of the world. We have been compelled by our relation to that industry to study the question of finance as touching silver. We may not be as capable as our Eastern brethren in handling financial questions, but we have been at least as industrious. It was a matter of interest to us. We have been helped and aided by the people living near us whose sympathies were naturally with us upon the currency question, not simply because we produce silver, but because they had suffered by the depreciation of all the products of human labor. We came here two years ago with high hopes and expectations. We had elected a Republican Administration upon a platform carefully and deliberately prepared, which declared that—

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its effort to demonetize silver.

Many of us were so confiding that we actually believed when that was put in our platform at Chicago that it meant what it said. We thought it meant that we were in favor of silver as money. Does any sane man say to me, you can use silver as money in the broad sense if you do not open to it your mints as you open your mints to gold? We thought the Republican party actually condemned the course of the late Democratic Administration in their efforts to repeal what we call the Bland act.

Mr. President, do you wonder that there were high hopes and high expectations, and that Colorado stood third in the list of Republican States for the present Executive? One very stump, in every camp we proclaimed that we were the party of silver. The Democratic party, in deference to its candidate and his known hostility to silver, did not dare to speak upon it. The only utterance that we could learn of was when a distinguished member of the committee on resolutions was accosted by a member from Colorado—I speak now of the Democratic convention—and he said, "What is the plank on silver?" and he replied, "Damn silver!" We believed that we had at last reached the point that the Republican party at least was in favor of financial relief to the people by the utilizing of the great output of silver on equal terms with gold.

I believe I state a fact when I say that every silver-producing camp in my State gave to the present Chief Executive a ma-

majority. When we came here in December we were met with a proposition, if not an Administration proposition at least *quasi* so, for the purchase of bullion, for making the United States Treasury the conduit through which the silver could pass to India, and that was all there was of it. We were told by the friends of the Administration everywhere that if we did not accept that we would get nothing. We preferred to have nothing. We made the fight for free coinage here in this body, and we won. We lost in the other House, although I never have doubted, nor do I believe anybody else doubts, that there was a clean majority of that House in favor of free coinage, and they were restrained only from expressing their wishes by undue and improper Executive interference. We were told in the public press, and we were told otherwise, that a free-coinage bill would be vetoed by the present Executive.

Sir, you can imagine the disappointment of the representatives of Colorado. You can imagine something of the disappointment of the people of that State. We made a fight for the best thing we could get. We got but little in the way we wanted, and yet we got something that is better than nothing. We got that because the Executive knew and because the opponents of free coinage in this Chamber knew that if we did not get that we should present to the Executive a free-coinage bill which he would be either compelled to sign or to veto.

That brings me to another question which I have intended for some time to mention. My attention having been called to it recently again by some public utterances, I desire to make my statement here. There came from the House of Representatives during that Congress a bill that has been commonly dubbed the force bill. It was an election law. It went to a committee of which I am a member, as I was then. It had the attention of that committee for many days. The fifty-six sections, with which it came, were reduced, if I mistake not, to twenty-eight by that committee. I was a member of the majority of that committee. Without my vote that bill could not have got into the Senate unless at least the Senate had discharged the committee and ordered a report.

I consented that the bill might be reported to the Senate. Standing in my seat when it came here so reported, I reserved to myself the right to move any amendment to it, to propose any modification of it, and I declared that as it then stood it would not receive my vote. Two years nearly have elapsed. I have read that bill with care and attention more than twenty times; I have read it again in the light of calm consideration; and I repeat that if it was presented to me now with the question of my support or party dismissal I should not vote for the bill. A more infamous bill, in my judgment, never passed the threshold of the Senate. Avowedly in the interest of good government, it was instigated, in my judgment, by men whose interest was in preventing a free expression of the voters at the polls.

I have not time now to speak of that bill in detail. I was at that time laboring under a disability of voice that prevented me from speaking on it. I want to say here that my attitude on that bill had no relation, no connection directly, remotely, or otherwise with the question of silver. There is not a member who voted with me on the silver question and who voted with me on the election bill who will not bear me out when I say the statement that we contracted with members on the other side of the Chamber for their support for the free-coinage bill upon the ground that we would vote against the force bill is absolutely untrue, without the slightest foundation in fact.

If this story had not been repeated *ad nauseam* I would not add what I will add. What the late distinguished Senator from Kansas, Mr. Plumb, did say in the Senate I will only repeat, that the opponents of silver in this Chamber entered into a negotiation, some of them at least, with the other side of the Chamber, and proposed to them if they would side-track free coinage they would side-track the election bill; that bill which was said to be of more importance than all other bills. That proposition was declined by the free-silver men on the other side of the Chamber.

Another bill came here. It was a bill of vast importance and I think of great value to the country. It came in competition, as it were, with the election bill. The Senator from Massachusetts, who sits on my right and who was the chairman of the committee which reported that bill [Mr. HOAR], was anxious to take the election bill up and dispose of it before anything else, but he was in such a hopeless minority that he must have felt a good deal discouraged when he polled this side of the Chamber on that proposition. So the tariff bill came up and displaced the other bill, which ultimately came to an untimely end, greatly, I think, to the satisfaction of almost all, even my own side of the Chamber and the American public at large.

Mr. President, I have digressed in this way to show the method by which the silver men have been attacked. We are charged

with betraying our party. We are charged with disregard of the high obligations that are upon us to preserve the elective franchise. I yield to no man in devotion to the purity of the ballot; I yield to no man in his desire that the public shall have the fullest expression of its will. I am so much in favor of that in the sense I now use it that I do not care to interfere with the expression of public will, even though it shall be against mine. I have confidence that the public will right itself on all questions if it gets wrong. I voted against the election bill practically, though not directly, because I believed it to be a bad bill, and not because the Senators on the other side of the Chamber had supported or intended to support free coinage or bimetalism in any shape that it might be presented.

Mr. President, I am brought to the very last thing that I care to speak of now, and I apologize to the Senate for the delay, for I assured the Senate when I rose to speak that I only intended to speak on one or two points, and I thought three-quarters of an hour would be ample. But I have been led into some digressions outside by reason of inquiries and interruptions. I now come to the last question: What is the attitude of the Republican party to be in regard to silver? Are we to be put at the next national convention upon a gold-standard platform, or are we to have another misleading plank in our platform that shall mean one thing on the stump and another thing in executive administration? We hear we are to be put on a gold-standard platform.

I was present at the birth of the Republican party; I participated in its first gathering; and I did not have the incentive that many of my associates sitting about me had to go into a new party, for I was not a member of a decaying party; I was a member of the dominant party, the party that in all probability would continue then to elect Presidents for a generation and to fill all the public offices everywhere. When the party with which I had been connected from my boyhood, and to which my father had belonged and been an honored member, forsook the great principles of democracy as I understood them, I found no difficulty in turning my back on that party and finding new political associates.

I do not anticipate turning my back on the Republican party, because I do not anticipate that the Republican party is to be the party of the gold standard; but if the signs of the times mean anything, if the efforts that are now being made to repeal the act of 1890 and leave us without any legislation touching silver mean anything at all, they mean that there is to be an effort made at the Minneapolis convention to put the Republican party in antagonism to silver.

I can not speak for the people of Colorado. They have honored me beyond my desert. They have sent me here by four different votes. I am here now by their consent and concurrence without much controversy, and while I know something of the people with whom I have lived for almost a generation, I do not pretend to speak for them. Many of them will be attached to the party to which they belong, and remain with it no doubt, whatever may be its attitude on the financial question, but if anything can be gathered by the present condition in Colorado it will be very unsafe for the Republican party to attempt to put us upon a gold platform at Minneapolis; it will be very unsafe for the Republican party, so far as that State at least is concerned, to attempt to go in any way against our utterances heretofore upon the silver question.

Fifteen years ago last fall I came into this body. I came in with the admission of Colorado, the Centennial State. We were the agency that gave to the Republican party the President that year. Without our vote the Democratic party would have had an unquestioned majority of the electoral college, and the controversy that arose, embittered somewhat and ugly, would have been avoided, but there would have been a Democratic House, and a Democratic Senate following it soon, and a Democratic President. Since I first came into this body there has been one Congress when the Senate was Democratic. There has been no Congress, as I recollect, that the votes of Nevada and Colorado were not needed on this floor to make this a Republican body.

I want to say now to the Senate, and I am saying it here that it may reach the American public, that it may reach the leaders of the Republican party—I do not say it in the excitement of the hour, I say it in the cool and calm deliberation of much thought, weighing well my words and the import of them and the criticism that they will bring me—if the Republican party stands for the gold standard, the four silver-producing States will not, in my judgment, hereafter be able to act in cooperation with the Eastern Republicans in this or any other body.

Why should we do so? We have local interests, we have general interests touching the currency question that we believe to be paramount to any other question. We supported the McKinley bill, not because we had a local interest; we supported it

because we believed the general good of the country required a sacrifice on our part. Our local interests are against the bill. We are not the producers of manufactured goods. If they can be had cheaper it would appear to be better for us to buy them cheaper. We believed that the prosperity of the whole nation was bound up in the system of protection, and we have stood for it here and at home, and we intend to stand for it in the future. We make no threats. We are protectionists from principle, but we can not support and assist in the control of the Government by a party that is hostile to every local interest that we have and the general interest of the country as we understand that general interest.

I do not intend that anybody shall infer from the remarks I have made in my criticism of the Republican party, in my statement of the dangers which have threatened us, which now threaten us at Minneapolis, that I expect that the Democratic party will be any more liberal towards us as a party. It is true that we have had from that side of the Chamber many generous supporters. It is true that for the many years that we have been here endeavoring to secure a proper recognition for silver we have looked to men sitting on the other side of the Chamber with a certainty that they were our friends in this contest. But like our party, the Democratic party is in the toils of a power it dare not offend, and the danger is that these two great political parties in their anxiety to secure the State of New York, controlled as it is by a little circle in and about Manhattan Island, will neglect and repudiate the interest of the great masses of the country and act exactly alike on this silver question.

Mr. President, I beg the indulgence of the Senate for what may appear to some to be matters that ought not to be brought here, and I want to assure my associates on this side of the Chamber that I do not come here and make these statements without great regret. No man who is a man criticises those with whom he is associated politically or in any other way except that it be as a matter of duty. I have felt compelled and impelled to say what I have said because of my belief that the question of silver money, the use of the two metals, is the great question now presented for the solution of mankind.

I stated in the beginning that it was a question touching every man. It is a great economic question. It touches not the material interests alone; it touches the intellectual and the moral condition of all men. Can we destroy one-half of the money of the world—that is what it actually means on our part—can we destroy one-half of the money of the world and not create distress. Can we do the business of the world and continue the progress and the development that have been going on since 1845, not only here, but all over the world, on the least amount of money metal, gold?

I do not believe it. I believe the adoption of the gold standard in this country means the adoption of the gold standard throughout the world.

The Senator from Delaware [Mr. GRAY] put a question to me which evidently refers to the efforts being made for an international conference. I introduced in July, 1890, a resolution for an international conference. I have stated once on the floor of the Senate that it came to naught. I state now that it came to naught through the influence of the executive department of the Government. I introduced another resolution for an international conference early in this session. It has come to naught so far. In my judgment it will come to nothing. And yet we are told that this is the only way to rehabilitate silver, that it is the only way to secure bimetalism.

I have ever been in favor of an international conference that should open all the mints of the world if possible, and if not, as many as could be opened. What has been done by the opponents of silver? Has any gold man ever suggested, except when he wanted to defeat free coinage, an international conference? Has the Executive taken any steps? Is he taking any now? Is not the power with him? We shall have an international conference when we have elected an Executive who is in favor of it. We shall have open mints all over the world when we have an Executive and a Legislature back of him in favor of doing that. We shall make ourselves felt in European politics and European finance when we try, but we have not tried and we can not try until we have all the departments of the Government in accord on this subject.

Let us meet this question fairly. Are we to go to a gold basis absolutely, or are we to use the two metals on equal terms? The Senator from Ohio [Mr. SHERMAN], who presided over the Treasury Department, told us that the Bland act would bring us to a silver basis. Every Executive we have ever had since has told us the same thing. Every Secretary of the Treasury, unless it be the present one, told us the same thing. Are we in a better condition with the act of 1890? If the Bland act was dangerous, is not the act of 1890? The act of 1878 elevated all the silver purchased to the dignity of money. The act of 1890 leaves it as

a commodity, not by the law but by the practice of the executive department. If we were in danger of a silver basis under the act of 1878, are we not equally in danger under the act of 1890?

We are not going to a silver basis. We are either going to have bimetalism in this country or we shall go to a gold basis, and with it will come the depreciation and the destruction of property, as it came to Great Britain when she changed her system from silver to a gold standard. By the act of 1815, put in force in 1821, she brought dire disaster upon all the industries of that country. That act changed the entire land system of Great Britain. The independent farmer of Great Britain disappeared under that act and its operations. When you have adopted the gold standard in this country the independent farmer will disappear, as he disappeared in Great Britain.

When you have given to the dollar a purchasing power, as you have now, 30 per cent more than normal, when you have added to it by the entire destruction of the silver of the world as you propose, so that a dollar will buy what it took two dollars to buy when bimetalism existed, you have doubled the debt; you have put upon the struggling debtor a burden that he can not stand under. He can scarcely now stand erect in manhood under the great accumulation of debt. This is the great debtor period of the world. The debts are a hundredfold more than they were three hundred years ago, and you are by a depreciation of all products, by means of the gold standard, practically to double this great indebtedness, not only here but all over the world. Can you view the prospect with equanimity? We can not look at it with satisfaction, nor can we look at it with composure.

Mr. President, it will not do to say that you can not destroy this civilization. It will not do to say that the splendid achievements, intellectually and morally and commercially, of the last fifty years can not be destroyed by bad finance. Rome and Greece in their glory might have said the same thing. In many things their civilization was greater and higher than ours. In many things they were our superiors. Gradually, for the lack of money, the civilization of Rome went out, and we had the long dreary wilderness through which the race marched from the days of the decay of Rome to the discovery of America. When the great treasury chambers of the world were opened, when Europe felt the reviving influences of the millions of gold and silver from South America, then the shackles were lifted from all the industries of the world. Nay more, and what is more important, they were lifted from the mind and the morals of men. The human race moved upward in its plane. Great and good as was the commercial growth and development, it was nothing compared with the mental and moral growth of the people of the world for three hundred years.

The history of the world may repeat itself. Make use of the money we have, and we are the strongest people in the world. Cast it aside, and there will be distress and disaster and gradual decay. From 1809 to 1846 there was a fair prospect that the world was returning to the conditions before the discovery of America. The output of silver and gold had ceased. Business fell off, all products were low, and general distress prevailed, and until the great output of gold in Russia, there was a condition that in a degree remarkably resembled the condition of the world at the time of the discovery of America. When the gold poured in from Russia, from Australia, and California, every industry revived, commerce increased, and I make no idle statement when I say that from 1846 to 1892, in splendor of achievement, in splendor of progress, in splendor of development of all that goes to make life worth living, we have exceeded that of any two hundred years in the history of the world.

It is to be attributed to the use of metallic money, with the full privilege of using all that was produced. With such object lessons before us, can we deliberately pursue a course that shall destroy one-half the money in existence and leave the world without a sufficiency of currency, not enough even to keep the metallic stock in existence as it now exists?

I may be a fanatic, I may be an enthusiast. Every word I have uttered upon this subject lies close to my heart. I believe it, and I want to repeat, I warn my party, great as it has been in achievements, great as it has been in its history, much as its members are attached to it, it can not afford to put itself on the side of a contraction to the extent of one-half of the volume of the money of the world, either by deliberate action in that direction or by a refusal to affirmatively act in opposition to that attempt.

Mr. SANDERS. Mr. President, I do not desire to submit to the Senate at the present time any observations upon the question of the free coinage of silver. The State of Montana, next to the State of Colorado, is the largest producer of that metal. But the Senator from Colorado has been pleased to speak of the political affiliations of the four silver-producing States, and to prophesy something of their future political identification. That the people of those States are deeply interested in this question

can not be denied; but speaking for the State of Montana, I am certain that she will not change her political identification in any spirit of petulance or for any purposes of revenge.

Indeed, looking at this question as presented by the Senator from Colorado, I am reminded of a young friend of mine who on the evening of the election a year ago last fall as he watched the count of the returns of the town in which I reside and listened to the telegraphic reports from surrounding villages and cities became discouraged, and when he found his political party overwhelmed declared that he would leave the State. He went home and packed up his library. The next morning he came down and bought a morning paper which contained telegraphic reports of the results of the election from Maine to Texas and from Florida to Oregon. Being interrogated as to his purpose to leave the State he said he had changed his mind, for he did not know where to go. [Laughter.]

Whenever the time shall arrive when the people of the silver-producing States, dissatisfied with existing conditions, shall proceed to inquire how they can best subserve their public interests by political action, they will determine their identity and identification soberly and with the modesty of tearful duty.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the following acts:

An act (S. 418) to change the time for holding the circuit and district courts of the United States for the western district of Missouri; and

An act (S. 1342) for the relief of John R. Blankenship.

HOUSE BILL REFERRED.

The bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a bank office upon the grounds of the World's Columbian Exposition, was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 21, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1892.

ASSISTANT TREASURER UNITED STATES.

John R. Tanner, of Illinois, to be assistant treasurer of the United States at Chicago, in the State of Illinois, to succeed Daniel Dustin, deceased.

REGISTER OF LAND OFFICE.

Lafayette C. Smith, of Stockton, Kans., to be register of the land office at Kirwin, Kans., vice Webb McNall, resigned.

THIRD LIEUTENANTS, REVENUE-CUTTER SERVICE.

John G. Berry, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed J. E. Reinberg, promoted.

William E. W. Hall, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed J. M. Moore, promoted.

Samuel P. Edmonds, of Missouri, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed F. H. Dimock, promoted.

Walker W. Joynes, of South Carolina, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed L. L. Robinson, deceased.

Edwin V. D. Johnson, of Indiana, to be a third lieutenant in the Revenue-Cutter Service of the United States, to succeed C. B. Fengar, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1892.

PROMOTION IN THE ARMY.

Brigadier-general.

To be brigadier-general, Col. Frank Wheaton, Second Infantry.

APPRAISER OF MERCHANDISE.

James H. Butler, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

DISTRICT JUSTICE OF THE PEACE.

John H. O'Donnell, of the District of Columbia, to be justice of the peace in the District of Columbia, to be assigned to the city of Washington.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frank L. Coombs, of Napa, Cal., to be envoy extraordinary and minister plenipotentiary of the United States to Japan.

ASSISTANT TREASURER.

John R. Tanner, of Illinois, to be assistant treasurer of the United States at Chicago, in the State of Illinois.

REGISTER OF LAND OFFICE.

Lafayette C. Smith, of Stockton, Kans., to be register of the land office at Kirwin, Kans.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 20, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AWARDS OF THE THIRD AUDITOR OF THE TREASURY.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, for the consideration of Congress, transmitting a list of awards made by the Third Auditor of the Treasury under the provisions of the act of March 2, 1861; which was referred to the Committee on Indian Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FITHIAN, for one week, from Friday, April 22, on account of important business.

ORDER OF BUSINESS.

Mr. O'FERRALL. Mr. Speaker, I call up for consideration the contested-election case of Noyes vs. Rockwell.

Mr. HOPKINS of Illinois. I ask the gentleman to yield to me for a moment, to ask unanimous consent for the consideration of a bill.

Mr. O'FERRALL. I will yield for that purpose, if it does not provoke any discussion.

BRANCH NATIONAL BANK AT THE WORLD'S FAIR.

Mr. HOPKINS of Illinois. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition.

The bill was read, as follows:

Be it enacted, etc. That any national bank located in the city of Chicago and State of Illinois which may be designated by the World's Columbian Exposition to conduct a banking office upon the Exposition grounds is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs: *Provided*, That the branch office authorized hereby shall not be operated for a longer period than two years, beginning not earlier than July 1, 1892, and closing not later than July 1, 1894.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GOODNIGHT. I do not know that I understand what the purpose of that bill is.

Mr. HOPKINS of Illinois. It is to permit the establishment of a branch office of a national bank on the grounds of the Exposition at Chicago. The grounds of the Exposition are 7 miles from any bank, and this is to enable persons interested to do certain banking business necessary. The Comptroller of the Currency recommends that it be done, and to authorize a Chicago national bank to establish a branch there, so that parties at the Exposition may be able to do their banking business.

Mr. GOODNIGHT. A local bank?

Mr. HOPKINS of Illinois. No, a national bank.

Mr. GOODNIGHT. Can not that accommodation be furnished through a private bank?

Mr. HOPKINS of Illinois. No, it could not.

Mr. GOODNIGHT. Why not? They are doing business all over the country.

Mr. HOPKINS of Illinois. It would not have the confidence that one of these national banks would. This is a unanimous report from the committee.

Mr. GOODNIGHT. I do not see any demand for it; but if the gentleman wants it, and it is needed for the World's Fair, I shall not object.

Mr. HOPKINS of Illinois. It was asked for by the board of officers of the Exposition.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The amendments of the committee will be reported.

The Clerk read as follows:

In line 4, after the word "Illinois," strike out the word "which."
In line 6, after the word "grounds," insert "and upon such designation being approved by the Comptroller of the Currency, said bank."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOPKINS, a motion to reconsider the last vote was laid on the table.

REPORTS OF COMMITTEES.

Mr. O'FERRALL. I ask unanimous consent that any gentleman who may have reports from committees may be permitted to hand them to the Clerk.

There was no objection, and it was so ordered.

REMARKS OF MR. WALKER OF MASSACHUSETTS.

Mr. RICHARDSON. Mr. Speaker, some days ago an order of the House was adopted relative to some remarks made by the gentleman from Massachusetts [Mr. WALKER].

Mr. O'FERRALL. I can not hear the gentleman.

Mr. RICHARDSON. I say a few days ago some remarks made by the gentleman from Massachusetts were referred to the Committee on Printing. A report was made recommending that a portion of his remarks be excluded from the RECORD. There was no objection to the bulk of his remarks, and their publication in the RECORD has been suspended.

Now, Mr. Speaker, I ask unanimous consent, and I hope there will be no objection, that so much of the remarks of the gentleman from Massachusetts as have not been objected to, and not included in the report of the Committee on Printing, be printed in the permanent RECORD.

There was no objection, and it was so ordered.

NOYES VS. ROCKWELL.

Mr. O'FERRALL. Mr. Speaker, I now call up for consideration the contested-election case of Noyes against Rockwell.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

Resolved, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

The SPEAKER. The gentleman from Alabama is entitled to the time yielded him by the gentleman from New York [Mr. BAON].

Mr. WHEELER of Alabama. Mr. Speaker, I have great respect for the chairman of the Committee on Elections, who made this report in favor of unseating Mr. Rockwell; and also for the gentleman from Georgia [Mr. LAWSON], but I am convinced from an examination of the record, which I made with great care, that they have committed a very great error in both the law and the facts of this case. The report, in the very beginning, contains a very flagrant error. They state that the burden of proof rests upon Mr. Rockwell, who has the certificate—who has the judgment of the election officers and the board of canvassers in his favor, because they say they find evidence that causes them to think that Mr. Noyes had a majority of the votes, and therefore they say that the burden of proof is upon Mr. Rockwell.

There can not be a more erroneous principle of law laid down than that. We all know that where a chancellor decides a case upon a question of evidence, and the case is appealed, the burden rests upon the appellant to show that the chancellor was wrong. Now, suppose for the purpose of illustration that a chancery case was pending between Mr. Rockwell and Mr. Noyes, and that the chancellor should decide the case in favor of Mr. Rockwell, what would we think of an appellate court which should render an opinion based upon so erroneous a principle? What would we think of an appellate court which would state in their opinion reversing the case, "We decide the case against Mr. Rockwell, and in order to make our decision possible, we also decide that the burden rests upon Mr. Rockwell to show that the chancellor was right in rendering an opinion in his favor?" And this is practically the position taken by the majority report of the Committee on Elections.

The law says the burden of proof should be upon Noyes, and it remains there and can not be removed. It is necessary for the committee to take the position which they have taken in order to bring in this report.

I think they have committed another grave error. On the very

last day that evidence could be taken in rebuttal Mr. Noyes took evidence in chief, evidence which it was impossible for Mr. Rockwell to refute.

The committee should not have regarded that testimony at all; they should have suppressed it; but they throw it into this House as one of the strongest grounds for unseating Mr. Rockwell. There could hardly be a greater error than that, and it seems to me that these errors inflict a great wrong upon a Democrat by a Democratic House of Representatives. [Laughter.] Then, in order to sustain their report, they have incorporated a newspaper report of a decision by Judge Barnard, which they ought not to have done, because a newspaper report of a decision published, I believe, in a Republican paper, ought not to be made the basis for unseating a member of this body; but it gives me great pleasure to inform the House that the principle laid down in this decision upon which they rely, and must rely to win their case, has within the last ten days been disapproved by the court of appeals of New York. The more I have studied the evidence the more I become convinced that there is no ground for the report of the committee in the case before us.

Now, Mr. Speaker, there is but one thing for this House to consider, and that must be determined by the pleadings and evidence in the record. The question is which candidate had the greatest number of legal ballots in the boxes cast by legal voters when the polls closed at 5 o'clock November 4, 1890.

The officers of election certified that Mr. Rockwell received 12,440 votes, and Mr. Noyes 12,351, giving Mr. Rockwell 89 votes more than Mr. Noyes.

The majority of the Committee on Elections give Mr. Noyes 12,404 votes, and they give Mr. Rockwell 12,398, thus giving Mr. Noyes a majority of 6 votes.

The evidence in the case is reduced to a very narrow point. We will first consider the question of the changes made by the Committee on Elections in the returns from six election precincts in the city of Elmira. These were the only election precincts or districts where there was any contest as to the number of votes cast for the candidates.

The majority of the Committee on Elections, I think with great impropriety, on page 6 of their report, state the votes at these six election districts, as I will read:

That the House may have all the facts we give here a table of the result of the two counts as claimed by the attorney for Rockwell in his brief:

	Official.		Unofficial.	
	Noyes.	Rockwell.	Noyes.	Rockwell.
First district, First ward	82	103	81	104
Second district, First ward	119	62	115	66
Second district, Third ward	34	25	34	28
Fifth district, Third ward	125	110	123	111
Third district, Fifth ward*	73	87	66	94
Fourth district, Sixth ward	55	71	47	79
	1488	458	466	481

* There was not a recount in this district. (See Record, 146, 148.)

† Majority for Noyes, 30.

‡ Majority for Rockwell, 15.

I want to have the majority of the Election Committee explain by what right they put the word "official" over the table which foots up so as to give Mr. Noyes a majority of 30 in these six election districts, and I also ask them by what authority they place the word "unofficial" which foots up so as to give Mr. Rockwell 15 majority. There is nothing in Mr. Rockwell's brief to authorize or justify it, although the report heads the table with these words:

We give here a table of the result of the two counts as claimed by the attorney for Rockwell in his brief.

There was certainly nothing in Mr. Rockwell's attorney's brief to justify it, and in truth and in fact the figures which gave Mr. Rockwell 15 majority were the official figures acted upon by the county officials and the board of canvassers and certified to Congress by the State board of canvassers. These are the returns which the members of the committee seeking to unseat Mr. Rockwell assert are unofficial, and the same gentlemen assert that the counts or returns which give Noyes 30 majority are official, in the face of the fact that they were discarded by the county election officials and State board of canvassers, and in face of the further fact that these counts or returns were never certified to Congress.

I insist, Mr. Speaker, that the committee ought to reverse their captions, because according to the evidence the counts which give Rockwell 15 majority are "official," and the counts which give Noyes 30 majority are not "official."

Mr. Rockwell's attorney in his brief, page 7, recites the votes in these districts, as follows:

	Noyes.		Rockwell.	
	First count.	Second count.	First.	Second.
First district, First ward	82	81	103	104
Second district, Third ward	34	34	25	26
Fifth district, Third ward	125	123	110	112
Third district, Fifth ward	73	66	87	94
Fourth district, Sixth ward	55	47	71	79
Second district, First ward	119	115	62	69

The whole question so far as these boxes affects the case is, which count is correct, the one called the first count, or the second count. The question is which count truthfully states the number of ballots in these six boxes for the two candidates when the polls closed November 4, 1890. There is but one way to determine this, and that is by the evidence from the record. Now, as the committee only claim 6 majority for Noyes, if the committee should decide everything in this case for Noyes, except the count in the third district, Fifth ward of Elmira, that Mr. Rockwell would be elected.

In other words, Mr. Rockwell only needs 7 of the 45 votes which the evidence shows he was entitled to and which the majority of the Committee of Elections take from him and give Noyes.

These 45 votes were counted for Mr. Rockwell by the inspectors of election, by the county officials, and by the State board of canvassers, and Congress has no right to take them from Mr. Rockwell; but even if Congress should do so we are compelled to deduct the illegal 16 Doyle ballots from Noyes, and that would elect Mr. Rockwell, even though we concede everything else to Mr. Noyes.

Before we proceed with the evidence I will refer to a decision of the appellate court of New York, which seems to have misled the committee.

It is true that the Supreme Court of New York has rendered a decision which simply refers to what the canvassers ought to have done under the law, and in that decision they say that the canvassers ought to have reported the first imperfect returns and acted upon them, instead of the later and accurate returns. They say further, that in deciding the question before them, they seem to wish it to be fully understood that they do not decide this contest, and the court does pretend to decide it. The decision does not go further than to lay down a rule for the guidance of inspectors in the elections which are to take place hereafter. The court says this contest must be decided by another tribunal, namely, the House of Representatives.

Now, what are we to base our decision upon? There is but one question for us to decide. Let me repeat we are to take the evidence in this cause and learn from it how many legal votes Mr. Rockwell had in those six precincts when the polls closed at 5 o'clock on the 4th day of November and how many Mr. Noyes had. That is all we have to do. It makes no difference about the returns. We are to cut right short at 5 o'clock on the 4th of November and determine from the evidence what was the condition then.

Mr. HOOKER of Mississippi. How are you going to ascertain that?

Mr. WHEELER of Alabama. I am glad my friend has asked that question. We are to ascertain it by the evidence, as we do in every other election case that is brought before this body, and the evidence is overwhelming and uncontradicted that at that time, 5 o'clock on the 4th of November, 1890, Mr. Rockwell had a number of votes which elected him by nearly one hundred majority.

That was the first election ever held under the new law. It required six times as many officers as had been usually employed in the elections in New York, and therefore most of them were quite inexperienced. The evidence is that these inexperienced men—I have the evidence here page by page—the evidence is that they counted these votes hurriedly and counted them illegally, and did it by simply pouring out the ballots on a table, dividing them out into several piles, and counted them out as you would count silver dollars. They divided what they called the "straight" Democratic tickets and the "straight" Republican tickets and put them down as so many for Rockwell and so many for Noyes.

Then they found a number of "split" tickets, and those "split" tickets they proceeded to count and to give Rockwell credit for the tickets with Republican headings that had his name on them, and to give Noyes credit for the tickets with Democratic headings that had his name on them. But, this being Rockwell's home, there were a great many tickets voted by his personal Republican friends which had the name of Noyes pasted over with

the name of "Rockwell," and in the returns which the officers made by the first count they committed the error of not giving Mr. Rockwell credit for all the ballots of this character to which he was entitled.

We insist that what was called the first count was illegally, hurriedly, and improperly conducted, and as a consequence many errors were committed.

To illustrate: In the fourth district of the Sixth ward the counting was done illegally. In what was called the first count only four persons participated. Two of them were not inspectors; they were radical Republicans and unqualified partisans. They were intruders and were not sworn. The ballots were dumped on a box upon the table and the two inspectors and the two intruders each counted a handful of ballots, and the proof shows that these unsworn Republican intruders counted but 71 votes for Rockwell, when in fact he received 79, and that they counted 55 for Noyes, when in fact he received but 47.

The majority of the Committee on Elections insist on upholding this illegal and erroneous count in order to sustain them in turning Mr. Rockwell out of his seat in this body.

There is abundant evidence in the record to show the hurried and improper manner by which this first count was conducted. Mr. Charles B. Davis, page 147, testifies:

Q. Was this count of the first night made hurriedly?

A. Why, yes; it was a long day—from 7 or 8 o'clock. We were all in a hurry to get away. I know I was, and we made it hurriedly.

James P. Halliday, one of the inspectors, testified, page 146:

Q. How was the count made on election night as to being done hurriedly or otherwise?

A. I think we hurried through pretty fast.

Mr. Stapleton, the Republican inspector, testifies on this subject, as follows:

Q. To be correct, there was no special or undue haste in that proceeding, was there?

A. Oh, there was considerable hustle, of course, as there always is on election night.

Q. Simply they were busy about it?

A. Yes; they were busy trying to get through; worked fast.

Q. Trying to get through as rapidly as they could?

A. Yes, sir.

Again, on page 145, I read from the evidence:

Q. Was this count which was made the first night hastily made?

A. I should think it was.

Q. All in a hurry to get away?

A. Yes, sir; naturally so.

The evidence of all the witnesses shows that the first counting of the votes upon which the returns were made was done illegally, besides being hurriedly done and that it was inaccurate. I give below the evidence of James R. Colburn, editor, who was inspector in the Second district, First ward. He testifies that as soon as the polls were closed the ballots were counted, as I will read, page 119:

Q. Will you state how the votes were counted?

A. Well—

Q. That is, first state what was done with the ballot box?

A. The ballot box was unlocked by myself, I believe, and the contents poured out on the table, and they were divided into six or seven or eight piles. I couldn't remember just exactly which.

Q. Just state what persons actually participated in the counting.

A. Well, there was myself, Mr. George, Mr. Park, Mr. Loring, Mr. Chrisler, Mr. Miller, and Mr. Wells; I think that was all.

Q. You first counted the entire number of ballots and compared it with the poll list?

A. Yes, sir; well, the ballots were divided into—each one took a separate pile: I think Mr. George divided the piles.

Q. Did you find that the whole number of ballots corresponded with the poll list?

A. I think so, to the best of my recollection.

Q. Then each person took a number of ballots and opened them?

A. Yes, sir.

Q. And put them in piles?

A. Yes, sir.

Q. Were the straight tickets counted by themselves?

A. Yes, sir.

Q. And the splits themselves?

A. Yes, sir.

Q. Who acted as tally clerk?

A. Mr. Miller; he acted as tally clerk, and had a pile of tickets also.

Q. Now, when each person had completed his count, did he call off verbally to the tally clerk?

A. Yes, sir.

Q. As to the straight tickets you simply called off so many straight tickets?

A. Yes, sir.

Q. And as to the splits did you call off the name?

A. The straight tickets were called off, then laid aside.

Q. In the splits did you call off the name of each person, how many votes he had?

A. I presume so.

Q. What is your recollection?

A. That is my best recollection.

Q. Did any one present verify the count of another person?

A. No, sir.

Q. So the only method was by each person calling off to the tally clerk and his taking it down?

A. Yes, sir.

Q. That constituted the basis of the count?

A. Yes, sir.

The above is a substantial description of the method of counting adopted by the inspectors in each of the six districts in ques-

tion. In every one the inspectors poured the ballots out of the box on the table and divided them up in several piles, and some inspector would count one or more piles, first, as they state, counting the straight tickets and then counting the split tickets.

Anyone at all familiar with the conduct of elections will admit that such a method of counting ballots would most probably involve errors, and particularly would this be the case when the work was done hurriedly.

It appears from the evidence that Elmira was the home of Mr. Rockwell, and that many Republicans, from personal reasons, voted for him by substituting the name of Mr. Rockwell for that of Mr. Noyes on the Republican ballots.

These were called split tickets, and it is natural that officials in a hurried count, conducted as this counting was done—that the officials in counting the straight Republican tickets would in some instances fail to observe that Mr. Rockwell's name had been pasted over that of Mr. Noyes.

It was in this way that in Mr. Rockwell's home he failed on the first count to get credit for all the split ballots which were cast for him. It will be seen that four causes combined to give Mr. Rockwell less votes than were cast for him:

1. Inexperienced election officials.
2. Hurried action of the inspectors in estimating the votes.
3. Illegal method of counting the votes.
4. The number of split tickets cast at the boxes located at the home of Mr. Rockwell.

Now, the statute of New York (paragraph 42) provides that the inspectors shall paste upon the returns one specimen of every kind of ballot voted, and shall write, partly on the ballot and partly on the return, the number of ballots of that kind that have been voted. They did that in one instance only, and did it on but one of three returns. On account of the failure of the election officers to comply with that part of the law, it being the first time it was required by the law of New York, the returns were sent back, and the officials then proceeded to examine the ballots and paste them on the returns and write upon them the number of ballots of each kind, as the law required them to do.

But to be fully understood I will read the exact words of the law:

Section 42 of the code of New York, under which this litigation arose, is as follows:

The canvass shall be completed by ascertaining how many ballots of the same kind, corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received; and the result being found the inspector shall securely attach to a statement of such canvass, one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for electors of President or Vice-President; and they shall state in words at full length, immediately opposite such ballot and written partly on the ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received which correspond with the one so attached, so that one of each kind of the ballots received at such election, for the officers then to be chosen, shall be attached to such paper, with a statement of such canvass. (Sec. 42.)

In complying with this law the evidence is emphatic that the inspectors or managers of the election acted with deliberation and care and they testify that the returns written upon the ballots which were pasted upon the returns show a correct result.

If the evidence of these witnesses, including both Republicans and Democrats is correct, then Mr. Rockwell is unquestionably elected, and as this evidence is not impeached or in any way contradicted Congress is bound to accept it as the truth.

William Carpenter was an inspector for the first district, First ward.

He testifies, page 109:

Q. How was this second count made as to being made carefully?

A. Well, I didn't—I think they counted it carefully; they counted it over about a dozen times, to try to straighten the back of the returns, you know.

Q. And how long did you remain together?

A. I don't know; we must have worked there until pretty near midnight, I guess.

Q. Well, sir; from the part that you took in that count and the work that was done there, what do you say as to that second count being correct?

A. Why, of course, as near as I know, I should think it was.

Q. That is your best judgment from the work that you did there and the efforts that you made to get at it?

A. Yes, sir.

The uncontradicted proof is, that in making the second count, when they pasted a ballot of each kind on the back of the returns, the inspectors found in the first and hurried count they had by accident counted one "split" vote for Noyes which further inspection showed belonged to Rockwell.

Henry Loring was an inspector for the second district, first ward.

He testifies, page 115:

Q. Did you satisfy yourself that the second set of returns correctly represented the vote before you signed it?

A. Yes, sir; I assisted in the count.

Q. Why was it that new returns were made instead of altering the old returns?

A. I don't remember why that was; I think the clerk instructed the board to get new returns and fill them out.

Q. Was there anything said on the subject of the number of erasures that would be made upon the face of the old returns, if you attempted to alter them?

A. I don't remember that.

The uncontradicted evidence shows that when the inspectors pasted the ballots on the outside of the returns from this precinct or district, they found that they committed an error in the first count by counting four "split" ballots for Noyes that should have been counted for Rockwell.

James R. Colburn, another inspector, second district, First ward, testifies on this subject, as follows, page 121:

Q. Then you made out a new set of returns?

A. Yes, sir.

Q. And did you assist in pasting on the sample ballots?

A. I don't remember whether I assisted in pasting them on or whether Mr. Wells and Mr. Andrews did that; I think they did that and I wrote "so many ballots of this kind."

A. Yes, sir; and Andrews were both Republicans?

A. Yes, sir. I may have pasted some on; I don't remember positively.

Q. And you wrote on the back of the ballot, partly on the ballot and partly on the paper, the number of ballots of each kind?

A. Yes, sir.

Q. And did you correctly write the number as the count showed?

A. Yes, sir; I wrote them on one and Mr. Andrews wrote on the other.

Q. You wrote on one set of returns and he on the other set of returns?

A. Yes, sir.

Q. There were three sets made?

A. I think I probably wrote on two; I don't think Mr. Wells did; I don't remember.

Q. Then these returns were signed by the inspectors?

A. Yes, sir.

Q. From the part that you took in that count are you able to say that that count was a correct count of the ballots?

A. Yes, sir.

John T. Lennox was inspector in the second district, Third ward. His testimony regarding the second count, when they complied with the law and pasted the ballots on the returns, is as follows, page 127:

Q. Who produced the envelope of ballots?

A. Mr. Moss.

Q. Was it opened in your presence?

A. Yes, sir.

Q. Was it in the same condition when produced there that it was the night before?

A. I should say it was, to the best of my knowledge.

Q. Bore no evidence of having been opened?

A. No, sir.

Q. Then what did you do by way of getting your sample ballots?

A. Well, we went at it the same as we did to count them the night before.

Q. Did you divide them up into piles?

A. Yes; we went through them, he and I.

Q. And assorted out the different kinds?

A. Yes, sir; straight Republicans, straight Democratic, the same as we had the night before.

Q. And did you ascertain by count the number of each kind of ballot?

A. I think we did.

Q. And were one of each kind of ballot pasted upon one of the returns?

A. It was, yes, sir.

Q. Who did the writing on the back as to the number of that kind of ballot?

A. Mr. Moss.

Q. And having done that did you complete the other two returns?

A. We did.

Q. Where there was only one of one kind of ballot that had been cast and you required three of that kind, how did you get the other two?

A. Manufactured them.

Q. Out of the straight ballots?

A. Yes, sir.

Q. About how long were you engaged in that work?

A. I should think about two hours; or about that.

Q. Did you do it carefully?

A. Yes, sir.

Q. Did both you and Mr. Moss assist in putting the ballots into piles and counting them?

A. We were the only ones that did it.

Q. You two did the work together?

A. Yes, sir.

The witness testifies that what was called the second count was done carefully, occupying about two hours.

John P. Harrington, an inspector in the fifth district, Third ward, testifies as follows, p. 131:

Q. Did you meet with the board on the following night?

A. I did.

Q. Where?

A. In the booth.

Q. Who were present?

A. There was Mr. Wise and Lobdell, George L. Dale, George Dale, and myself.

Q. Any of the United States supervisors there?

A. Mr. Duhi.

Q. What was done then?

A. Why, we opened the box to get out the ballots to attach to the returns.

Q. Who unlocked the box, as you remember?

A. I don't remember whether Mr. Wise unlocked it or I did.

Q. Then did you select your sample ballots?

A. We started in to, yes, sir.

Q. Were they—each kind of a ballot put in a pile by itself?

A. Yes, sir.

Q. And did you find out how many ballots of each kind of ballots there were?

A. Well, when we left the night before the ballots were done up or supposed to be done up separate and wrapped up, and when we picked up the Republican straight tickets and took off the first two that we came to to attach to the returns one of those tickets was a split Republican ticket with Rockwell's name in it.

Q. That was in a pile of straight Republican tickets?

A. Yes; in a pile of straight Republican tickets.

Q. Well, in order to make this count and get your sample ballots and the

number of each kind of samples you had to count all the tickets there were, didn't you, over again?

A. I don't know as we counted all the tickets over again.

Q. How was it possible to find how many ballots there were of each kind if you didn't count each kind?

A. Well, when we found that error there we went through the straights and found there was two tickets in the straights that didn't belong there, that should be with the splits.

Q. Now, Mr. Harrington, you ascertained there in that count how many straights there were, didn't you?

A. Yes, sir.

Q. And how many of each kind of splits there was?

A. Yes, sir.

Q. To do that you had to count each kind, didn't you?

A. We did; yes, sir.

Q. In order to write on the back of them, so many of this kind of ticket cast?

A. Yes, sir.

Q. So you did count every ballot that was in the box over again; isn't that true?

A. I don't remember whether we counted all the splits over again or not; they were done up in separate bundles and indorsed; wrapped up with rubbers around them.

Q. Do you mean that each kind of split —?

A. No, the split tickets were all rolled up together; the split tickets—we had to assort them.

Q. You had to assort them and find out how many there were of each kind?

A. Yes, sir; to make copies.

Q. And in what were supposed to be straight Republican tickets you found two tickets in favor of Mr. Rockwell?

A. Yes, sir.

Here we have positive evidence that in the first count two tickets were counted for Noyes which belonged to Rockwell.

Mr. Harrington proceeds in his evidence as follows, page 132:

Q. Did you find any other errors?

A. Yes, sir.

Q. On other offices?

A. On judge of the court of appeals; they returned only 2 votes to me on the night before, and in looking them over we found 3 ballots had been cast for Francis Gerow instead of 1; and also for Isaac Andrews.

Q. How many did the face of the returns show that Isaac Andrews had received?

A. Thirteen, I believe.

Q. And by the ballots themselves?

A. He had 14.

Q. On the face of the returns, how many had Mr. Noyes received?

A. On the face, 125.

Q. And by the tickets themselves, how many had he?

A. One hundred and twenty-three.

Q. And on the face of the returns, how many did it show Mr. Rockwell had received?

A. One hundred and ten.

Q. And by the tickets themselves?

A. One hundred and twelve.

Q. Were there any Republican statesmen who were present while you were making this recount?

A. There were several.

Q. Who were they?

A. Senator Fassett, Mr. Wright, Rook Stowell—oh, I don't know; I couldn't name them; the booth was crowded.

Q. Did they claim they had no right to alter the face of the returns?

A. They did; Senator Fassett didn't know much about it either way.

Q. So you decided not to alter the face of the returns?

A. Yes, sir.

Q. And didn't alter them?

A. Did not.

Q. But you did paste upon the returns a sample of each ticket cast and write upon the back the number of that ticket that were cast?

A. Yes, sir.

Q. And left it for the board of supervisors to determine the question?

A. Yes, sir.

Q. Now, from the count that you made there that night, did you satisfy yourself that this second count was correct?

A. I satisfied myself that the ballots were correct that were attached to the returns.

Q. And did you satisfy yourself that that correctly showed the number of votes that had been cast for Representative in Congress?

A. Yes, sir; I did.

It will be seen here that the witness reiterates that the second count was correct, and that Mr. Rockwell should have 112 votes at the box instead of 110 as at first reported. All this evidence is corroborated by Mr. Fred. H. Wise, another inspector of the fifth district, Third ward, who testifies that the election was held and the ballots counted in an illegal way. He testifies that the ballots and returns were locked up and sealed. He then testifies, page 137:

Q. On the following day you were notified the county clerk refused to file the returns?

A. Yes, sir.

Q. Did you understand that he required that sample ballots should be annexed to them?

A. Yes, sir.

Q. When you learned that what did you do?

A. Why, we had to go down to the booth and open up the box and take out the ballots.

Q. You did go down to the booth and reconvene?

A. Yes, sir.

Q. Did you see the ballot box unlocked?

A. I did; yes, sir.

Q. Who unlocked it?

A. I unlocked it myself.

Q. You unlocked it yourself?

A. Yes, sir.

Q. Of whom did you get the key?

A. Of Mr. Dougherty.

Q. From aught that you could see, was the box in the same condition that it was when it had been locked up the night before?

A. Yes, sir.

Q. It was necessary for you to break this paper that was around it?

A. No; it was not necessary to break the paper —

Q. It didn't entirely surround the box, then?

A. No; it didn't entirely surround the box.

Q. Now, who were present that evening?

A. Well, there was a United States supervisor there and the United States marshal there, and Dale and Harrington and Lobdell and John Daly and myself, besides Dale's son.

Q. While you were engaged in this work did anybody else come there?

A. Yes; there were four or five other gentleman came there—Mr. Fassett, Mr. Wright, and two or three others.

Q. They were the Republican county committee?

A. Yes, sir.

Q. Did they proffer any advice?

A. Mr. Fassett wanted to know what we were doing. We told him that we were fixing our returns. He wanted to know if we had done anything with the ballots, and we told him we hadn't.

Q. What did you do there that night after you unlocked the box and got the ballots out again?

A. We then figured up our tally-sheet to see where the mistake was—to find out where the mistake was that had been made. Of course we couldn't touch the ballots or anything like that.

Q. Couldn't what?

A. We wouldn't touch the ballots after the first time that we pasted them on to a proof sheet.

Q. You must, of course, have got a sample of each kind of ballot and pasted them on the returns?

A. Oh, yes; we had to have that.

Q. And then didn't you ascertain how many of that kind had been cast?

A. Yes, sir.

Q. Found out how many of each kind of ballot that you pasted on the returns had been cast?

A. Yes, sir.

Q. In order to ascertain that it was necessary to count all the ballots over, wasn't it?

A. Why, yes; we had to do that to have it prove up.

Q. And that was done?

A. That was done.

Q. Now, was your attention called to the fact that in a pile of Republican straight tickets two split tickets for Mr. Rockwell were found there that night?

A. Yes, sir; there were.

Q. Who discovered that?

A. Mr. Harrington discovered that when he took the wrapper off from the pile of tickets.

Q. Was your attention called to those tickets?

A. Yes, sir.

Q. You saw them?

A. Yes, sir.

Q. Did you see that they came from a pile of Republican straights?

A. From a pile of Republican straight tickets; yes, sir.

Q. What was the aggregate number of votes as shown by the sample ballots that were cast for Mr. Rockwell?

A. One hundred and ten for Mr. Rockwell and 125 for Mr. Noyes.

Q. That was on the face of the returns?

A. That was on the face of the returns.

Q. Now, by the sample ballots how many appeared to have been cast for Mr. Rockwell and how many for Mr. Noyes?

A. One hundred and twelve for Mr. Rockwell and 123 for Mr. Noyes.

Q. Did you find other discrepancies as to other officers?

A. Yes, sir.

Q. From the time the board adjourned on Tuesday night up to the time you made this second count had this booth remained locked?

A. It had; yes, sir.

Q. And could you see that the ballots had been in any way interfered with or disturbed?

A. They had not been touched; nobody touched them at all.

Q. From the count you made there that night what do you say as to the result which you obtained from the sample ballots being the correct count of the votes for Representative in Congress?

A. I should say the correct count was 112 for Mr. Rockwell.

Q. As shown by the sample ballots?

A. As shown by the sample ballots.

Q. And 123 for Mr. Noyes?

A. And 123 for Mr. Noyes.

Q. As the returns were filed eventually, you didn't alter the face of them in any way from what they were written on the night of the election?

A. No, sir.

Q. That question was discussed somewhat, was it not?

A. Yes, sir.

It will be seen that this witness positively swears that the correct count of that box was 112 for Rockwell and 123 for Noyes. This would give 2 more votes for Rockwell and take 2 votes from Noyes, making a difference of 4. Now, if everything else was yielded for Noyes this would show that his majority was reduced to 2 votes. But we have seen that in the first district of the First ward the evidence showed that the inspectors made a mistake of 1 vote against Rockwell and 1 vote in favor of Noyes, which would make 2 for Rockwell; and this would have made the vote a tie. But in the second district, First ward, the evidence shows that they counted 4 ballots for Noyes that should have been counted for Rockwell, and this being correct would have given Rockwell a majority of 8. None of this evidence is either contradicted or impeached.

Patrick H. Stapleton, an inspector, third district, Fifth ward, was a Republican.

At this voting place the law was complied with so far as concerned the pasting of the ballot upon one return. He testifies, page 40, as follows:

Q. Did you assist in the counting?

A. Yes, sir.

Q. Was the ballot box, its contents emptied upon the table?

A. Yes, sir.

Q. And the ballots divided up among you?

A. Yes; each took a pile.

Q. Did the number of ballots agree with the poll list?

A. Yes, sir.

Q. Who acted as tally clerk?

A. Well, I couldn't say exactly; two or three of them kept a tally sheet of their own; then the clerk he kept a tally sheet, or tried to, at least.

Q. Who was that?

A. Mr. Dahoney.

Q. Did you count the straight tickets first?

A. Yes, sir.

Q. And the split tickets afterwards?

A. Yes, sir.

Q. After the ballots had been counted were the returns made out then?

A. Yes, sir.

Q. And signed?

A. Yes, sir.

Q. Any sample ballots annexed to the returns, pasted on in any way, that night?

A. Yes, sir; there was one; one return; we had to make out three; we only made out one with sample ballots on.

Q. Now, was there indorsed on the back of each of the sample ballots the number of that kind that had been cast?

A. Yes, sir.

Q. What was done with the remainder of the ballots?

A. Well, I couldn't say; I didn't keep any track of them.

And page 141:

Q. Well, what was done with the returns?

A. Why, Mr. Davis took them.

Q. Now, do you recollect ascertaining the next day that the clerk would not file the returns?

A. Yes, sir.

Q. What was done then?

A. Reconvened the board.

Q. When?

A. I don't know whether it was the next day or the day after.

Q. Who were present when the board was reconvened?

A. The full board.

Q. Anybody else?

A. The United States supervisor.

Q. Mr. Rae, a Republican there, a Republican watcher?

A. Not at that time; he was on the night of the election.

Q. What did you do at this second meeting?

A. Made out two other reports.

Q. What did you do with the box containing the ballots?

A. It was left in the booth.

Q. Well, I know; but didn't you take it to get any ballots out of it?

A. Oh, yes.

Q. You unlocked it then?

A. Yes, sir.

Q. Who did that?

A. I couldn't say.

Q. And what was done after you unlocked it and got the ballots out?

A. We took the ballots and pasted them on the two other sheets, to correspond with the one we had made out; the original one.

Q. And indorsed them in exactly the same way?

A. Yes, they had been indorsed previously; we had made out three returns and all ready to sign, but there was no sample ballots on but one.

Q. So you had to annex sample ballots on two of the returns and write on the back of the sample ballots the number that had been cast?

A. Yes, sir.

Q. Was that done right there?

A. Yes, sir.

Q. And did the three returns then correspond?

A. Yes, sir.

Q. Well, now, was it discovered there that there was any discrepancy between the face of the returns and the sample ballots?

A. Not at that time.

Q. How soon afterwards?

A. After they were offered for filing.

Q. Were you present when they were offered for filing?

A. Not at the time they were offered; I went up there, but I went out.

Q. Then what was done after you found there was that discrepancy?

A. Called the board together again to make good the discrepancy.

Q. What did you do at that meeting of the board?

A. We didn't do anything; somebody told us we had no legal right to change it, so we left them in their original state.

Q. And filed them just as they were?

A. Yes, sir; at least I suppose so; I wasn't over there.

Q. Now, do you recollect the number of votes that were cast for each candidate for Representative in Congress, as shown by the sample ballots?

A. By the same ballots—the back of the sheet?

Q. Yes.

A. I think it was 94 for Rockwell and 66 for Noyes, if I remember right; I won't be positive, though.

Q. Now, do you know what the face of the returns showed as the vote?

A. I think it was 87 and 73.

Q. Eighty-seven for Rockwell and 73 for Noyes?

A. Yes, sir.

Q. Well, you participated in the count that was made?

A. Yes, sir.

Q. And in the selection of the sample ballots that were first attached the night of election?

A. Yes, sir.

Q. Which, in your opinion, was the correct count?

A. Why, I think the back of the sheet was correct; that the face of the returns were not correct.

Q. In order to get at the sample ballots and indorse upon the back of each of them the number of that kind cast, it was necessary on election night to find the number of each kind of ballot and count them, wasn't it?

A. Yes, sir.

Q. And that was done?

A. Yes, sir.

Q. And that number was written on the back of the sample ballot how many of that kind there were?

A. Yes, sir.

Q. So you can't see how any error could have crept in as to that way of counting?

A. No; but it seems as though it did.

Q. Not in getting at the number from the backs of the ballots; there was an error, as you understand, on the face of the returns in footing up the totals the other way?

Yes, sir.

It will be seen here that a Republican inspector testifies that the returns on the back of the sheet which gave Rockwell 94 votes and Noyes 66 votes was correct, and the face of the returns

which gave Rockwell 87 votes and Noyes 73 votes was not correct.

In passing, let me here state that this evidence of a Republican inspector gives 7 additional votes for Rockwell and 7 less for Noyes, and this elects Mr. Rockwell beyond any question, and I want to call the attention of the House to the fact that Mr. Stapleton's evidence is not impeached, refuted, or contradicted in any way whatever. It will be observed that there was no recount at this box. The returns written on the ballots in compliance with section 42 of the code were made on the night of the election, and they show and the evidence shows clearly that Rockwell got 94 votes and Noyes 66.

The majority report gave Rockwell 87 votes and Noyes 73 votes. There is not a particle of evidence in the record to justify this. The only testimony on the subject is that the figures are not correct. The only thing that Congress has to determine in regard to this box is the number of votes which each candidate received.

Congress has got nothing to do with the returns. The only question before Congress is to determine the number of votes cast for each candidate as shown by the evidence before them, and all the witnesses testify that the count was correct which gave Rockwell 94 votes and Noyes 66 votes; and they testify that the count which gave Rockwell 87 votes and Noyes 73 votes was not correct.

As we have before stated, the majority report, made by the gentleman from Virginia [Mr. O'FERRALL], only claims a majority of 6 for Noyes. Now, if every other point was yielded to Noyes, it will be seen that the evidence regarding this box would overcome the 6 majority claimed for Noyes and give Rockwell a majority of 8. This shows there is no justification whatever for the action of the gentleman from Virginia [Mr. O'FERRALL], the gentleman from Georgia [Mr. LAWSON], and their six Republican colleagues in making a report by which they sought to deprive Mr. Rockwell of his seat and give it to his Republican opponent, Mr. Noyes. The majority have been repeatedly called upon to point to a single line or word of evidence contradicting this testimony, and they have been unable to do so.

All the evidence concurs that this count, upon which Mr. O'FERRALL bases his report, was made irregularly, illegally, and with undue haste.

The distinguished gentleman from Georgia [Mr. LAWSON], who opened this case, asserted that he believed these returns were changed, but I called upon him to point out a single word of evidence in the record to sustain this assertion, and he was unable to do it.

I will now read from a Republican's evidence (Mr. Stapleton, one of the inspectors), page 145, to show that they were not altered. It is as follows:

Q. But you have no reason to believe that any alteration was made by anybody, have you?

A. No, sir; I don't believe there was.

Q. Now, you recognized your own handwriting upon the back of each one of these tickets on the original returns, didn't you?

A. My name is not on the original returns.

Q. But you wrote on the back of the ticket that was pasted on the original returns the number of votes cast?

A. Yes, sir.

Q. That has not been disturbed in any way?

A. No, sir.

Q. Partly on the paper and partly on the ticket?

A. It was started on the top of each ticket and extended across the sheet.

Q. On the front?

A. Yes, sir.

The evidence shows that the returns from this precinct were taken by Mr. Davis, one of the inspectors, who testifies in regard to them as follows, pages 149 and 150:

Q. What was done with the returns?

A. They were placed into a box; one of the ballot boxes.

Q. Was that locked up?

A. Yes, sir.

Q. Did you take the key?

A. Yes, sir.

Q. What did you do with the box?

A. It was left right there in the polling place.

Q. In whose charge?

A. In charge of Grant Miller, who was one of the Republican inspectors.

Q. Now, the next day did you get the returns?

A. Yes, sir.

Q. What did you do with them?

A. Took them over to the county clerk's office.

Now, in order to unseat Mr. Rockwell the majority of the Committee on Elections, six of them being Republicans, ask us to presume that these returns were tampered with, and yet the evidence shows that they were made out and sworn to be correct by one Republican (Stapleton) and that they were left in charge of another Republican (Grant Miller).

The evidence of James H. Kane and Charles B. Davis with regard to the Third district, Fifth ward, is quite similar to that of Mr. Stapleton's.

Mr. Kane testifies, page 148, as follows:

Q. When they got through with making the canvass, then the next thing in order was the pasting on of these sample ballots, wasn't it?

A. Yes, sir.
 Q. Now, who singled them out or selected them for Mr. Stapleton to paste on?
 A. Well, that was the Republican inspector.
 Q. And he took them and pasted them on?
 A. Yes, sir.
 Mr. Davis testifies, page 149, as follows:
 Q. Were the returns made out that night?
 A. Yes, sir.
 Q. Was there a sample ballot of each kind of ballot cast annexed to one of the returns?
 A. One of the returns.
 Q. Who did the actual writing on the ballots that were affixed to that return?
 A. A young man—Stapleton.
 Mr. Davis also swears (page 151) as follows:
 Q. You filed the returns as they were finally?
 A. Yes, sir.
 Q. Now, in annexing the sample ballots what do you say as to whether the sample ballots showed truly the vote for Congressmen; the back of the returns?
 A. I think they did; every reason to believe it.
 Q. From the time that that original return was made election night and the ballots pasted thereon, was that original return changed in any manner whatever from the time it was filed in the clerk's office?
 A. I don't think it was possible.

He also testified as follows, page 154:
 Q. Mr. Miller, then, was in possession of the whole thing?
 A. Yes, sir.
 Q. And he is the Republican inspector?
 A. Yes; a nice man, too.
 Q. Now, Mr. Davis, had these returns been disturbed in any way that you could see?
 A. I will swear not.
 Q. Now, you didn't ever discover any discrepancy between the face of the returns and the backs, but it was discovered by the county clerk or one of his deputies, who informed you?
 A. Yes, sir.

James P. Holliday was inspector of the fourth district, Sixth ward. He testified (page 156) as follows:
 Q. How was the count made on election night as to being done hurriedly or otherwise?
 A. I think we hurried through pretty fast.
 Q. On this recount, when you got the number of each kind of ballots, how was that done?
 A. Well, we took our time at that time.
 Q. Was it done carefully?
 A. Yes, sir.
 Q. What do you say, from your participation in the work, as to whether it was done correctly the second time?
 A. I think it was.
 Q. To ascertain correctly the number of each kind of ballot?
 A. Yes, sir.
 Q. Who actually wrote upon the ballots the number of each kind cast?
 A. William Clark.

George D. Wright, chairman board of inspectors, fourth district, Sixth ward, testifies as follows, page 160:
 Q. This second meeting that you had, where you ascertained the number of each kind of ballot, was that carefully made?
 A. Yes, sir.
 Q. And you participated in that work?
 A. I did.
 Q. What do you say as to whether, in your judgment, you arrived, at that second meeting, at the correct result as to the number of votes that had been cast for each candidate?
 A. Well, now, we didn't compare the ballots with the—
 Q. I understand; but what do you say as to the result being correct that second time?
 A. According to the ballots cast I should say they were correct.
 Q. Each kind of ballot was carefully counted?
 A. Yes, sir.

We see here two witnesses testifying positively that they counted ballots at first hurriedly; that they then counted them carefully and found that they had made a mistake in the first count by giving eight too many votes to Noyes and eight too few to Rockwell. Messrs. O'FERRALL, LAWSON, and their six Republican colleagues on the committee insist upon the incorrect count, which makes a difference against Rockwell of sixteen votes. There is no excuse or palliation for this. It will be seen that, yielding everything else to Mr. Noyes, and giving Mr. Rockwell what he is entitled to at this box, Mr. Rockwell is elected.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. McCREARY. I ask unanimous consent that the gentleman from Alabama [Mr. WHEELER] be allowed fifteen minutes more. He thinks he can finish in that time.

Mr. COBB of Alabama. Mr. Speaker—
 Mr. TRACEY and Mr. MONTGOMERY objected.
 Mr. WHEELER of Alabama. Does my colleague [Mr. COBB] object to my going on?

Mr. COBB of Alabama. I do not know yet. If this time is not to come out of the time of the majority side—

Mr. TRACEY. I withdraw my objection.
 The SPEAKER. Objection is made by the gentleman from Kentucky on the right [Mr. MONTGOMERY].

Mr. WHEELER of Alabama. I ask to be heard in my own time. I have spoken thus far in the time of the gentleman from New York [Mr. BACON].

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. COBB], a member of the committee, who desires to address the House.

Mr. WHEELER of Alabama. Then I ask unanimous consent to print the rest of my remarks.

Mr. BURROWS. I think we ought to know what these remarks are to be.

Mr. WHEELER of Alabama. Well, they are—

Mr. BURROWS. I think I shall have to object for the present.

Mr. HOOKER of Mississippi. I hope the time of the gentleman from Alabama will be extended ten minutes.

The SPEAKER. Objection is made by the gentleman from Kentucky [Mr. MONTGOMERY]. The gentleman from Alabama [Mr. COBB] is recognized.

Mr. HOOKER of Mississippi. I rise to a parliamentary inquiry. Has there been any division of time agreed upon by the minority and majority members of the committee?

The SPEAKER. None that the Chair is aware of.

Mr. HOOKER of Mississippi. Then why is not the gentleman from Alabama [Mr. WHEELER] entitled to recognition?

The SPEAKER. Because the gentleman from Alabama [Mr. COBB], the member of the committee who filed the views of the minority, desired to address the House, and was recognized.

Mr. HOOKER of Mississippi. I understood the temporary occupant of the chair yesterday to rule on a point of order which was made, that a gentleman who obtained the floor, whether he belonged to the committee or not, was entitled to be heard.

The SPEAKER. Undoubtedly, but the gentleman from Alabama [Mr. WHEELER] had not the floor except for fifteen minutes, which he has exhausted.

Mr. HOOKER of Mississippi. The gentleman from Alabama [Mr. WHEELER] having addressed the Chair, for the purpose of taking the floor in his own right before the gentleman from Alabama [Mr. COBB] did—

The SPEAKER. But not being recognized by the Chair, the gentleman from Alabama [Mr. WHEELER] is not entitled to the floor. The gentleman from Alabama [Mr. COBB] is recognized.

Mr. COBB of Alabama. Before I proceed, Mr. Speaker, if my colleague from Alabama [Mr. WHEELER] wants fifteen minutes, I am willing, if the objection made by other gentlemen is withdrawn. When I addressed the Chair, I simply wanted to make a statement as to the condition of this matter.

Mr. HOOKER of Mississippi (to Mr. COBB of Alabama). Yield him fifteen minutes.

Mr. COBB of Alabama. I do not want to yield the gentleman my own time.

Mr. HOOKER of Mississippi. Why not? Your time is unlimited.

Mr. COBB of Alabama. No, it is not.

Mr. HOOKER of Mississippi. Why not?

Mr. COBB of Alabama. Because there has been no agreement; and I am entitled to only an hour. If the House will agree to give me fifteen minutes afterward—

Mr. HOOKER of Mississippi (to Mr. COBB of Alabama). Trust to the generosity of the House.

Mr. WHEELER of Alabama. I believe it is agreed that I may go on.

The SPEAKER. The Chair has recognized the gentleman from Alabama [Mr. COBB]. If he yields to his colleague—

Mr. COBB of Alabama. I yield my colleague from Alabama [Mr. WHEELER] fifteen minutes.

Mr. WHEELER of Alabama. Mr. Speaker, I am very much obliged to my colleague—

Mr. HAUGEN. Inasmuch as the time of the gentleman from Alabama has been extended, I would like to ask him a question in connection with what he was saying a few moments ago.

Mr. WHEELER of Alabama. Certainly.

Mr. HAUGEN. The gentleman stated, when criticising the report of the Committee on Elections, that the opinion of Judge Barnard in the case of the people of the State of New York *vs.* The board of canvassers of Dutchess County was reversed.

Mr. WHEELER of Alabama. Yes, sir; on the merits of the case.

Mr. HAUGEN. I have before me the decision of the supreme court in that case showing that it was affirmed.

Mr. WHEELER of Alabama. That is on technical grounds.

Mr. HAUGEN. Not only was the decision affirmed on technical grounds, but in the decision before me I find this language:

We think, however, that the quashing of the writ was right upon the merits, even had it been regularly issued upon notice.

And turning over to the end of the decision I find these words: Order affirmed.

Mr. WHEELER of Alabama. Judge Barnard's decision, so far as it affects the question we are discussing, was reversed by the supreme court, but since the gentleman has called attention

to this matter I want to criticize for a moment right here a report which he has submitted in this case. While all the rest of the committee advocate throwing out the two bribed votes for Noyes, the proof being positive that they were bribed and that they were given to the voter by one of Noyes's workers, the gentleman himself, true to Republican principles, asserts that there is not an iota of evidence here to establish that they should be rejected.

Mr. HAUGEN. The gentleman I think misunderstands. I contend that there is nothing tending to show that they were cast for Noyes.

Mr. WHEELER of Alabama. Yet you know that they were given to the men who voted them by one of Noyes's workers, and were paid for by him, and that is pretty good evidence that they were cast for him.

Mr. HAUGEN. But there is no evidence of that fact, I contend. Why did you not ask the witnesses whether they voted for Mr. Noyes or not, if you wanted to go into that matter?

Mr. WHEELER of Alabama. The proof was positive that these two men were bribed voters, and that they were bribed to vote by the corruptionist McArthur. They were corrupt men and criminal, and yet the gentleman from Wisconsin insists that Mr. Rockwell should let his case rest upon the evidence of these two corrupt men. I will read the exact language of the gentleman from Wisconsin [Mr. HAUGEN] in his report:

I agree with the views of the committee except as to its action in deducting from the total number of votes cast for Noyes 2 votes, as having been cast by Sheridan and Green, for the reason that these voters were bribed to vote the Republican ticket. There is nothing in the evidence to show that either Sheridan or Green voted for Noyes or voted the Republican ticket.

But, Mr. Chairman, I do not wish to consume my time in this colloquy with the gentleman from Wisconsin.

I want to call the attention of the House to the fact that in the third district of the Fifth ward of the city of Elmira there was no recounting, but on the night of the election the officers having counted the ballots and made their returns, proceeded immediately to paste the sample ballots on the returns and to write upon them, and on the returns, as required by law, the number of ballots cast of that kind. According to that return so made up and certified Noyes received 66 and Rockwell 94 votes. According to the returns on the inside Rockwell received 87 votes and Noyes 73. That question was before the court, and I admit that the court passed, not on the question as presented by the ballots in this district, but upon the question presented by the other districts where the count was made the night afterwards.

The court of appeals says:

In our opinion the statement made on the night after the election must control the action of the county commissioners.

But the court says:

It is claimed that the actual result at the polls was different in fact from that shown by this statement that question must be left for the determination of another tribunal.

But even with regard to them, the only Democrat I believe on that court says, as this House will see, that the evidence presented from the returns on the outside was more likely to be accurate, and should have been taken rather than the returns on the inside. Judge Earl says in the decision, in deciding the case:

There is certainly ground for claiming—

This is Judge Earl, the most eminent judge in New York; a man so eminent that he was voted for by both political parties and no man appeared in the race against him.

Mr. O'FERRALL. Will the gentleman allow a question?

Mr. WHEELER of Alabama. Yes, sir.

Mr. O'FERRALL. I understand you to say that this gentleman is the only Democratic judge on the court of appeals upon the bench in the State of New York.

Mr. WHEELER of Alabama. Well, I may be incorrect about that.

Mr. O'FERRALL. That was your statement.

Mr. WHEELER of Alabama. Yes.

Mr. O'FERRALL. I want to inform the gentleman that five out of the seven who compose the judges of that court are Democrats.

Mr. WHEELER of Alabama. Well, Judge Earl is the most eminent of them all. He says:

There is certainly ground for claiming that a detailed statement made up of the numbers of each kind of the ballots was more reliable than the general statement composed of totals reached by adding up the ballots. The general statement must have been reached by adding up the votes contained in all the ballots of every kind, and there is one chance of error, that of mistakes in addition, which is absent from the detailed statement.

He therefore says that these returns on the outside are more reliable than the returns on the inside, and the evidence shows that these returns were kept by Grant Miller, a Republican inspector, and yet the gentlemen who argue this case assert, and the report of the committee asserted, that the returns made may have been, and probably were, changed during the period be-

tween the night of the election and the next day. But yet when I come to examine the evidence I find that these returns were in the custody and safe-keeping of a Republican inspector.

Mr. BUCHANAN of New Jersey. And consequently were safe.

Mr. WHEELER of Alabama. Certainly they were safe from being changed to benefit a Democrat.

Now, Mr. Speaker, with all of this evidence showing that these returns on the outside were the correct returns, ten witnesses testifying to that, and not one testifying otherwise, and it being admitted that this House must decide this case upon evidence, I ask any member how he can bring his conscience to decide a case in favor of contestant, without one particle of evidence to sustain it, when we have ten, most of them possibly Democrats, but a minority of Republicans, all testifying that the returns on the outside, which elected Rockwell, were correct and reliable and that the others were not?

And Mr. Stapleton, a Republican, in the third district, testifies emphatically that he wrote the returns on the outside, and that those present the correct returns of the votes cast that day, and that the returns inside do not report the correct returns of the votes cast that day. And taking that box alone, admitting everything else for the contestant, Mr. Rockwell is elected by at least 12 votes.

Without a particle of evidence to sustain them, the men who are responsible for this report attempt to excuse themselves by stating that it is possible that a fraud was practiced in favor of Mr. Rockwell. It is absolutely absurd to suppose that six different inspectors of each of the six districts would at the same time conceive of carrying out the same character of fraud. It is also ridiculous to suppose that if a man determined to commit a fraud he would do it on a scale so small.

Now, there is another question which I can not discuss very fully, as to these Doyle ballots. The statutes of New York stated at that time that a ballot with a mark on it was illegal and that anyone who voted it should be punished.

The exact language of the law is:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

Whoever shall violate any provision of this section shall be guilty of a misdemeanor.

Now, gentlemen come and argue that because the law did not say at that time that such ballots should be rejected, they were rightfully counted. There could not be a more erroneous principle of law laid down than that. Judge Cooley and Sedgwick and other great writers upon law lay down the principle in this wise: They say it makes no difference whether the statute says they shall be rejected or not. I refer now to page 605 of Cooley on Constitutional Limitations. They say that in those States which say a ballot is illegal and must be rejected, that the part of the law which says they must be rejected is simply declaratory of a constitutional principle, and that where a law says that a ballot is illegal it is the duty of the election officers to reject it whether the law says it shall be done or not.

Judge Cooley says (Constitutional Limitations, page 604):

The mode of voting in this country at all general elections is almost universally by ballot. The distinguishing feature of this mode of voting is that every voter is thus enabled to secure and preserve the most complete and inviolable secrecy in regard to the persons for whom he votes, and thus escape the influences which, under the system of oral suffrage, may be brought to bear upon him, with a view to overbear and intimidate, and thus prevent the real expression of public sentiment. In order to secure as perfectly as possible the benefits anticipated from this system, statutes have been passed in some of the States which prohibit ballots being received or counted unless the same are written or printed upon white paper, without any mark or figures thereon intended to distinguish one ballot from another.

After giving this statement of the system, Judge Cooley proceeds to use this emphatic language, page 605:

These statutes are simply declaratory of a constitutional principle that inheres in the system of voting by ballot, and which ought to be inviolable, whether declared or not. In the absence of such a statute, all devices by which party managers are enabled to distinguish ballots in the hands of the voter, and thus determine whether he is voting for or against them, are opposed to the spirit of the Constitution, inasmuch as they tend to defeat the design for which voting by ballot is established.

The same principle is laid down in Sedgwick on Statutes, page 71. He says:

We have also to notice the rule that if a statute inflicts a penalty for doing an act, the penalty implies a prohibition and the thing is unlawful, though there be no prohibitory words in the statute.

I can not discuss these Doyle ballots very fully, but I will assert that the evidence conclusively shows that every one of these 16 ballots had upon it a mark by which it could be identified from every other ballot cast at that election.

No lawyer can possibly contend that these Doyle ballots should be counted; and if they are rejected, as they should be, the case is bound to be decided in favor of Rockwell.

As the committee can not answer us on this point they endeavor to meet it by 23 ballots cast for Rockwell all of which had a figure 8 in one corner.

I submit that the majority committed a great error in their effort by which they seek to use this alleged evidence as an argument to prevent, if possible, the rejection of the grossly illegal Doyle ballots which were cast for Mr. Noyes. It is a gross injustice to class the 28 Rockwell ballots in the same category as the grossly illegal Doyle ballots. The difference is as great as the difference between night and day. The committee committed a serious error in not rejecting the 16 Doyle ballots from the count. Mr. Rockwell put them in issue in his answer to the notice of contest. He introduced positive and legal proof that the Doyle ballots were illegal ballots, and he went further and showed clearly that they were marked for corrupt purposes. He proved that they were marked by a party election manager working in the interests of Mr. Noyes, and whom the proof shows was engaged in buying votes for the contestant. These ballots should be rejected because the evidence sufficiently shows that they were bribed votes, and because the evidence positively shows they were marked in violation of the law; and above and beyond that, the proof is sufficiently conclusive that the marking was done for corrupt purposes.

But even if the 28 ballots had been in issue, and even if they were proved by legal evidence, the character of marks on these ballots does not make them illegal.

Even the decisions which the gentleman from Virginia [Mr. O'FERRALL] quotes makes the distinction between ballots like the 28 Rockwell ballots and the 16 illegal Doyle ballots.

With regard to ballots very similar to the 28 ballots, Judge Barnard says—I read from the majority report, pages 10 and 11:

Here were 31 ballots with only an ink mark on them—nothing whatever to show that there was any design in placing it there or that there was anything connected with the ballot signifying any intent on the part of the voters. You can't deprive these thirty-one men of their votes because they happened to have an ink mark on them.

It is singular that this very decision has something to say about votes very similar to the Doyle votes, that is, votes that were evidently marked with a design or scheme to carry out a plan of bribery.

Judge Barnard says:

As to the eighteen ballots in East Fishkill, there is more cause for hesitation. Here it may be claimed that a man has gone to the voter and said: "We have designed a scheme under which we will agree to pay you for your vote if the ballot marked with this particular name on it comes out of the box."

Under the law Mr. Noyes can not try the case upon any issue which is not made by his notice of contest. Mr. Noyes did not refer to the 28 Rockwell ballots in his notice of contest, therefore they can not come into the case. But in addition to that the evidence by which Mr. Noyes seeks to impeach these ballots was not taken legally. The law provides how the evidence shall be taken, and any evidence taken contrary to law is illegal, and such evidence should not be considered by the Committee on Elections. Under the law Mr. Noyes had forty days in which to take his evidence in chief. Then Mr. Rockwell had forty days in which to take evidence, and then Mr. Noyes had ten days in which he was authorized to take evidence only in rebuttal.

Now, on the last day of the ten days in which Mr. Noyes was authorized to take evidence only in rebuttal of the evidence taken by Mr. Rockwell, this contestant, Mr. Noyes, proceeded to and did take the evidence by which he sought to impeach the 28 ballots cast for Mr. Rockwell. As no question affecting the integrity of these ballots was put in issue by Mr. Noyes, for that reason alone this body has no right to give them any consideration, and we are also inhibited for the reason that there exists no legal evidence regarding them. For these reasons I submit that the two Democratic and six Republican members of the Committee on Elections who are responsible for the majority report committed a gross error in alluding to these ballots in their report.

Now, Mr. Speaker, I have a number of cases here which the gentleman from Michigan [Mr. BURROWS] is afraid to have go into the RECORD—

Mr. BURROWS. Oh, no; I am not afraid to have them go into the RECORD.

Mr. WHEELER of Alabama. They are the decisions of State supreme courts on this very point.

Mr. BURROWS. I am not afraid of them at all.

Mr. WHEELER of Alabama. Then let them go in.

Mr. BURROWS. I have no objection to them if they relate entirely to this case.

Mr. WHEELER of Alabama. Entirely; so much so that they are conclusive of it, my friend. [Laughter.]

I will now give my friend from Michigan a little good New England law.

The laws of Massachusetts and Vermont do not make it a misdemeanor to cast a ballot different from what is prescribed.

The constitution of Massachusetts says:

Every member of the house of representatives shall be chosen by written votes.

In the case of *Henshaw vs. Foster*, 9 Pickering, 312, printed votes had been rejected. On appeal in the supreme court, Chief Justice Parker delivered the opinion of the court, saying:

If printed votes are not written votes within a fair construction of the terms of the constitution of the Commonwealth, the plaintiff's vote was rightly rejected.

The constitution of Vermont says:

The freemen of each town shall bring in their votes for governor with his name fairly written.

At an election held in Vermont printed votes were used.

In *Temple v. Mead*, 4 Vermont, 539, the question was brought before the supreme court of that State. The court said:

From the terms "fairly written" it has been supposed by some that no other vote could be received except those where the name of the person voted for was written with pen and ink. And if our decision is to be governed by the practice which probably prevailed at the time the constitution was adopted, and we are to suppose that the framers of that instrument meant to adopt that term as it was then understood in its ordinary acceptation, and intended to exclude every other species of writing, then indeed we must come to the conclusion that all votes must have the name of the person voted for written with pen and ink, and exclude every other species of writing, even that which is now so commonly used, writing with a pencil.

It will be observed that the constitutions of Massachusetts and Vermont do not say in mandatory terms that if the ballots are not written they must be rejected, but nevertheless the supreme judges of both of these law-abiding Commonwealths state that—

If printed votes are not written votes within a fair construction of the terms of the constitution of the Commonwealth the plaintiff's vote was rightly rejected.

Those judges took the broad view that laws must be obeyed, and if votes were cast which were not such as the law prescribed they must be rejected. The judges of those States are the jurists whose decisions are the foundation of much of the law of our country. They have been approved and followed by the new States all over the Union.

Those judges held that the laws of the Legislature must be sustained and upheld, and such teachings did much to instill in the people that respect for law which has been characteristic of the inhabitants of New England.

In Oregon there is no penalty for voting an illegal ballot, except that it shall not avail the candidate.

The law is not mandatory, yet the supreme court of that State decides that a ballot which does not conform to the statute shall not be counted.

Eighth Oregon Reports, pages 449, 500, 501:

Appellants * * * claim that the court below erred in holding that the inspectors rightly rejected the colored ballot.

The authorities cited to sustain this proposition are not in point. They perhaps sufficiently illustrate the principle governing the construction of statutes defining the duties of public officers as to their being mandatory or directory merely, and the reluctance of the courts to construe statutes providing the manner of elections so as to defeat the public will as through the ballot-box, but disclose no instance where a voter has been accorded the privilege of disregarding a plain provision of law intended to promote the purity and secure the independence of elections, even in depositing his vote.

Section 30, page 572, of the code of Oregon provides that—

All ballots used at any election in this State shall be written or printed on plain white paper, without any mark or designation being placed thereon whereby the same may be known or designated.

The voter in this instance is conclusively presumed to have had knowledge of this requirement, and to have had it in his power to comply with it by using a proper ballot.

It was a matter entirely under his own control, and if he chose to disregard the law he can not complain if the consequence was that his vote was lost.

The correct principle is announced in the case of *Kerr v. Rhodes*, 46 Cal., 398, which holds—

That a ballot cast by an elector in good faith should not be rejected for failure to comply with the law in matters over which the elector had no control, such as the exact size of the ticket, the precise quality of the paper, or particular character of type or heading used, where the law has provisions to that effect; but if the elector willfully neglect to comply with requirements over which he has control, such as seeing that his ballot when delivered is not so marked that it may be identified, the ballot should be rejected. (American Law of Elections, sec. 463.)

Ledbetter v. Hall, 62 Mo., 422. The code says:

It is the duty of the judges to cause to be placed on each ballot the number corresponding with the number of the voter offering the same, and no ballot not numbered shall be counted.

In this case the votes cast in Miller Township were not numbered. The court below and supreme court held they could not be counted, and this elected the contestant.

Mr. O'FERRALL. Now, if the gentleman will allow me, I simply want to call his attention to the case of *Giddings vs. Clark*, of the Third district of Texas, decided in the Forty-second Congress upon the unanimous report of the Committee on Elections, Democrats and Republicans, in which this language is used:

We think it plain that inasmuch as the statute which fixes a penalty for marking a ballot does not expressly declare that a marked ballot shall be thrown out, the board erred in rejecting the vote of this county upon this ground.

Now, sir, in a case from Virginia, of *Mackenzie vs. Braxton*,

the unanimous report of the committee, Democrats and Republicans, was to the same effect.

Mr. WHEELER of Alabama. The question did not arise in either of those cases whether the ballots should be rejected on account of the principle of law which governs this case, and I think the gentleman does not state the case in all its bearings. As the gentleman states it, it would be an erroneous decision.

Mr. O'FERRALL. That was the precise point.

Mr. WHEELER of Alabama. But I say where such cases have arisen of late years, the courts have decided that illegal ballots should be rejected, whether there is a prohibition or not. Any other view of the case would be to decide that to cast an illegal ballot would send the voter to jail and the man voted for to Congress. No man will in this enlightened age contend for such an absurd construction of law.

I have the decisions here which show that the question involved in those cases has no application whatever to this case. In the case we are considering, the Doyle ballots were marked for an illegal purpose and the men that voted them willfully violated the law by voting marked ballots. In the cases of Giddings vs. Clark and Mackenzie vs. Braxton, the voters handed legal ballots to the inspectors and the inspectors or managers of the election marked the ballots after they had been voted. I read from the original report by Mr. McCreary, afterwards in Hayes's cabinet, and the author of a standard work upon elections:

By a reference to the statute here referred to, it will be seen that it is made a misdemeanor for any judge of election to place any number or mark upon the ticket of any voter; but it is not declared that the vote of a legally qualified voter shall be rejected because his ballot is marked by the judges. We should not be inclined to put a construction upon this statute which would enable an officer of election to destroy the effect of a ballot cast in good faith by a legal voter by placing a number or mark upon it. A ballot may be thus marked or numbered without the knowledge or consent of the voter, and it would be manifestly unjust that he should in this way be deprived of his vote.

Mr. McCreary, in making the report, recites the points in the case of Mackenzie vs. Braxton in these words:

The precise point was decided in the late case of McKenzie vs. Braxton, already quoted from, and in which the committee used the following language, which is entirely applicable to the facts in this case:

"In Virginia the law which was in force until near the time of this election required the ballots to be numbered. A short time prior to the election in question, this provision was repealed. It seems that at a few precincts the officers of election were not advised of this repeal, and consequently numbered the ballots as they had been in the habit of doing before."

It seems to me inexcusable for the Committee on Elections to cite these cases as applicable to the case now before the House. They will see that Judge McCreary rests his action in these cases solely on the ground that the ballots should not be rejected because they were legal ballots cast in good faith by legal voters, and to reject such a ballot would be enabling an officer of election to destroy a ballot cast in good faith. The difference between those cases and this case is as great as the difference between light and darkness.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. WHEELER of Alabama. Now I ask leave to print the rest of these decisions.

The SPEAKER. The gentleman from Alabama [Mr. WHEELER] asks unanimous consent to extend his remarks in the RECORD.

Mr. BURROWS. What will be the character of the extension?

Mr. WHEELER of Alabama. It will be some of the evidence in this case and the decisions of the courts, which are conclusive of the case.

Mr. BURROWS. You say you wish to print the evidence. You might print the whole of it, and there are hundreds of pages of it.

Mr. WHEELER of Alabama. No; I wish to print very little of it; what I have prepared to speak upon and have alluded to, and it will not occupy three pages.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. FUNSTON. I object.

The SPEAKER. Objection is made.

Mr. COBB of Alabama was recognized.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. COBB] be allowed to proceed without limit. Other members of the committee have had the same privilege.

There was no objection, and it was so ordered.

[Mr. COBB of Alabama withholds his remarks for revision. See Appendix.]

Mr. MAGNER. Mr. Speaker, in the Fifty-first Congress nine Democratic members of the House were expelled and eight Republican contestants were seated in their stead. This action was done under what was considered the stress of great political necessity, and the merits of the individual cases were little in-

quired into by the Committee on Contested Elections, and less considered by the House when brought before that body for judgment. The action of the last House of Representatives in this respect attracted widely the attention of the country, and the result proved disastrous to the principle of partisan determination in the contests between members as to their rights to seats in this House.

Profiting by the experience of our opponents in the last House, some of the Democratic members of this Congress, it seems to me, in their desire to show to the people of the country that they are not actuated by such base motives as prompted our Republican friends in the Fifty-first Congress, and that they can rise superior to party prejudices and party passions, go to the other extreme and select from the members of this House a victim whom they wish to immolate as a vicarious sacrifice to their strained notions of justice and right, and that they may pose before the people of the country as the possessors of superior political virtues.

The law under which the election in the Twenty-eighth Congressional district in the State of New York, from which this contest springs, took place on the 4th day of November, 1890, was conducted under what is known as the "ballot reform act." It is chapter 262 of the laws of the State of New York, of the year 1890, and is entitled "An act to promote the independence of voters at public elections, to enforce the secrecy of the ballot, to provide for the printing and distribution of ballots at public expense."

No legislative enactment in our time has received as much attention from legislators, from the public press, and from the people of the State of New York at large as did this famous enactment. It was for three years before the State Legislature of New York, being first adopted by one branch of that Legislature, then by the other, then by both; vetoed once or twice by the governor, and finally, after a great deal of discussion, when the merits of the measure were well displayed and when every section and line of the enactment were well understood or should have been well understood it became a law in 1890.

The object of this enactment was to prevent the debasement of the elector and the elective franchise, and this object was sought to be accomplished in two ways, (1) by printing and putting the ballots in the hands of the voter at public expense, and thus doing away with a form of corruption known as employing "workers" at the polls; and (2), by affording means to the voter of preventing others from knowing how he voted, and compelling him to use these means and see that no one should know.

These two predominating ideas course through every section of this act from the first to the forty-sixth, just as the hot blood courses through all the gates and alleys of the human body, and every word in the enactment from its very title to the date of its effect breathes with bated breath "secrecy." This enactment revolutionized the method of voting in the State of New York more thoroughly than any change ever proposed since the adoption of the plan of voting by ballot.

It revolutionized the rights of the voter and the rules of law laid down by the courts from time immemorial, by which those rights have for years been determined, for while it did not rob any citizen of his constitutional right to vote it placed upon him greater duties in the manner of its exercise and threw upon him as a prerequisite to its exercise the necessity of putting upon it the seal of absolute secrecy.

It was not enough under the provisions of this act that the voter should enjoy the privilege of concealing from the world the candidate for whom he voted, the law cast this upon him as a duty, imposed a penalty for the violation of it, and made it a prerequisite to the effective exercise of the right to vote.

All the provisions of this act requiring secrecy on the part of the elector are mandatory from the moment he enters the polling place until he has deposited his ballot in the box, and they all show that this was the intention of the Legislature when the law was enacted. The secret booths, with the conveniences for writing, in which, in the words of the law, "the voters may prepare their ballots screened from observation as to the manner in which they do so;" the guard rail excluding all persons 6 feet from the voter from the time he enters till he leaves; the provision requiring the voter to retire alone to one of the booths, there prepare his ballots, fold them so as to effectually conceal the contents of the ballots; and finally, to remain inside the booths for at least three minutes, though he may be ready to come out before that time has elapsed; all show that the act intends that the voter must use active vigilance, must be on his guard, must scrutinize and watch, and must be diligent to prevent anyone from knowing how or for whom he votes.

All these precautions he must observe before he deposits his ballot in the box or he can not exercise the right, and the election officers can prevent him. And in the same spirit the law provides that he who has escaped the vigilance of the election offi-

cers, or has acted against the spirit of the law where their vigilance could not detect him, and has succeeded in voting though violating the law by placing a mark upon his ballot by means of which it can be identified as the one voted by him, becomes by the very act guilty of a misdemeanor. And to say that the voter who has thus succeeded in defying the plain provisions of the law, who has overcome the scrutiny of the officers delegated to enforce it, and who has become guilty of a crime thereby, is entitled to have that vote recorded would be to suggest an easy method of defeating the fundamental purpose of the statute.

For the only ones knowing whether the voter marked his ballot for the purpose of afterwards identifying it are the voter himself and the person who receives the benefit of his shame. It is not to the interest of either of these persons that the truth shall be proclaimed, and these plain provisions of the statute would thereby become more mischievous than useful. As Chief Justice Ruger says in construing this act in *People ex rel. Nichols vs. Canvassers of Onondaga County* (41 New York State Report, 731):

It (the statute) imperatively requires that every ballot cast shall be of the same size, shape, color, and have the same indorsement. The purpose of the act seems to require that these provisions should be held to be mandatory and that a disregard of them upon any pretense whatever should constitute a violation of the law and cause a forfeiture of any benefit to be derived from such illegal ballots. The vigorous enforcement of these penalties is the principal mode by which obedience to the law was expected to be secured.

And again, referring to the effect of any different construction, and one looking to a record of the ballots not complying with the provisions of the law, at page 734 the same judge says:

The law so construed leaves the candidate confessedly elected by illegal ballots to avail himself of their aid in entrenching his position, so that, if he can ever be dislodged therefrom it can only be when the lawfully elected candidate is in the remote future enabled to prove the agency whereby the illegal transposition of ballots was accomplished, and the secret intent with which it was done. An act leading to such results might, we believe, be more appropriately termed a statute to encourage the violation of the right of elective franchise than one to protect and purify it.

Suppose that one of the other mandatory provisions of this act had been thus violated, and the elector had succeeded notwithstanding the vigilance and scrutiny of the election officers in getting his ballot in the box, for instance that he had used a green or a blue colored paper ballot, the law prescribing a white one, does anyone contend that his vote would be counted?

Mr. BLOUNT. Is there anything there about the color and shape of the ballots?

Mr. MAGNER. The question in this case was upon the indorsement on the ballot. The law in that case provided that the indorsement should be on the back, and that the number of the election district should be named in it. The county clerk of Onondaga County took the official Republican ballots that should have been given to the first district and put them in the Second, and those for the second he put in the first, and only Republican ballots were thus transposed. The effect of this transposition of Republican ballots was that when the voter left the secret booth with his ballot carefully folded, and the contents secured from observation, as he thought, if he had used one of the official Republican ballots provided by the election officers, the watcher could observe that he held in his hand a ballot with a wrong indorsement, that while he was voting in the first district he had an official Republican ballot indorsed as of the second district, and as the transposition was only of Republican ballots, the contents thereof, and the candidates voted for by the electors were as well known to the election officers as though the voters proclaimed them from the house-tops.

In that case the court decided that the provisions of this act were mandatory, and although this transposition of ballots was done by mistake, or inadvertence, and though the county clerk had been derelict in his duty, and these ballots transposed by mistake, notwithstanding the provisions of the act were mandatory on the voter, and the law cast upon him the duty of exercising active vigilance in carrying out its provisions requiring the secrecy of the ballot, and as the voter had not exercised that vigilance in seeing that he had a proper and a lawful ballot, he must suffer the penalty and lose all the benefit derived by him under the statute, to wit, the right to have his vote "with the distinguishing mark" counted, 1,252 votes of the duly qualified electors of the county were thus cast out.

This is the decision of the court of appeals on this very act, and on the fundamental principle embodied in it—the secrecy of the ballot.

Suppose that one of the mandatory provisions of this act had been thus violated, and the elector had succeeded, notwithstanding the vigilant scrutiny of the election officers in casting his ballot. For instance, that it was a green or a blue paper ballot while the law prescribed for a white one, does anyone contend that a vote of that character, having been deposited, would be counted?

The gentleman from Indiana [Mr. JOHNSON], of the majority of the committee, yesterday in speaking of this provision in section 35 of the act, that no voter shall place any mark upon his

ballot by means whereof it can be identified as the one voted by him and that he was guilty of a misdemeanor in so doing, declared as a proposition of law that these provisions did not make the vote void, and stated as his reasons therefor, that the Legislature in 1891 amended this act by adding to this section the words "that this ballot shall be declared void and of no effect," with another amendment to section 31 providing for the retention of such marked ballots to have their validity passed upon by the supreme court in mandamus proceedings, and for the first time was the right given to the board of canvassers to throw out these marked ballots.

These amendments, as a careful reading of them will show, had a directly opposite effect, and tended not to broaden and enlarge the powers of the board of canvassers in the matter of rejected marked ballots, but to curtail and restrict them. The measure in question was a novel law and its workings in 1890 when first tried were unknown. Various constructions had been given to all of its provisions, and that section preventing the marking of ballots and prescribing it a felony for a voter so to mark them was generally interpreted as giving to the local boards of canvassers the judicial functions of determining whether a ballot was marked, whether it was marked by the voter for the purpose of identification, and whether the ballot should be counted or rejected.

These were considered to be too large powers to repose in a board of canvassers generally composed of plain, unlearned men, and unfortunately too often of ignorant ones. The Legislature then in the following session amended this law by declaring unequivocally what had been generally conceded before, to wit: that these marked ballots should be void, and then by an amendment to section 31 took away from the board of canvassers the right so to declare them void and provided that they should be separated and preserved, and that in proper proceedings instituted in the supreme court the question of the marking, of the intention of the voter in so marking, and of the validity of the ballots, should be fully and fairly determined.

We quote the amendment in full showing this construction to be the only fair one that can be made.

[Laws of 1890 as amended 1891.]

SEC. 31. When an inspector of election or other election officer or duly authorized watcher shall, during a canvass of the votes, or immediately after the completion thereof, declare his belief that any particular ballot or paper affixed thereto has been written upon or marked in any way with the intent that the same may be identified, the inspectors shall write their names on the back thereof and attach it to the original certificate of canvass and include in said certificate a statement of the specific grounds upon which the validity of such ballot is questioned. * * * Such ballots shall be counted in estimating the results of an election, but within thirty days after the filing of the certificate declaring such result, a writ of mandamus may issue out of the supreme court against the board of canvassers or officers acting as such board, by whom the ballots were counted, upon the application of any candidate voted for at the election, to require a recount of the votes, and all questions relating to the validity of such ballots, and as to whether they were properly counted, shall be determined in such proceeding.

This, then, was the amendment of the Legislature of 1890, taking from the board of canvassers the judicial function which the act of 1890 gave them and reposing it in the supreme court, to be exercised by them in proceedings in mandamus to be undertaken within thirty days after the filing of the certificate.

Mr. CRAWFORD. Will the gentleman permit a question?

Mr. MAGNER. Yes, sir.

Mr. CRAWFORD. I understand that in the case of the "Doyle" ballots it can be very readily ascertained who cast them, because they were canvassed and returned.

Mr. MAGNER. Yes, sir.

Mr. CRAWFORD. But how would it be if there was a contract between a party and the voter that this party was to put a certain sign or check-mark or a figure upon the ballot which the voter was to vote—in that case could it be ascertained, after the ballot was counted, whether or not the voter had voted that ballot according to agreement?

Mr. MAGNER. It is the privilege of any individual citizen to act as a watcher of the canvass of the vote, and if the man is present during the canvass and knows the mark that he himself placed upon the ballot, he has an opportunity to see that ballot come out as the canvassers are handling the vote.

Mr. CRAWFORD. But could he ascertain that fact after the ballots were counted and the result announced?

Mr. MAGNER. Under the law of New York, after the ballots are counted they are immediately destroyed, unless there are defective ballots which are attached to the return and sent to the county clerk's office for preservation.

Mr. CRAWFORD. But in this case these ballots were not destroyed.

Mr. MAGNER. The other ballots were destroyed. Some ballots were retained. I do not know whether these were retained under the law which provides for the retention of defective ballots, or not. I will say this, however, that in the State of New York this was the first time when this elective system was tried.

The officials were ignorant of some of its provisions, and inexperienced in the working of the act, and there was a great deal of friction in the trial of the new method at that election, and a good many mistakes were made both by the election officers and by the electors.

Mr. BAILEY. I wish to ask the gentleman a question. Is not this true on that point, that a ticket which was merely marked would not have to be filed as a sample ballot, and that therefore no man could know that that ballot had been delivered unless an election officer?

Mr. MAGNER. Not necessarily. Any person could ascertain it. The canvass of the ballots by the election officers in New York is done openly. There are present first, the election officers, the supervisors of election, and, in addition to those, there are certain "watchers" who are appointed under the provision of the law by any of the candidates. In addition the canvass, as I have said, is made open and above board, in public, and any citizen has the right to go there and witness the canvass, though it is not his right to handle the ballots. So it is the privilege of any person who knows that a ballot is marked and knows the mark to be present, and see it afterwards if he can identify it.

Mr. BRECKINRIDGE of Kentucky. What is the statute of New York as to identification? Does it make the ballot void?

Mr. MAGNER. That has been my contention, and I have cited the decision of the court of appeals to that effect. The words of the law are:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

In the same section it is also provided that—

Whoever shall violate any provision of this section shall be guilty of a misdemeanor.

Mr. BRECKINRIDGE of Kentucky. Is there any decision of the New York courts to the effect that if the mark is placed upon the ballot not by the voter but by somebody else that makes the ballot void? The law which the gentleman has cited prohibits the voter himself from marking his ballot for identification; but suppose the voter does not do it, but some other person makes the mark—what is the effect?

Mr. MAGNER. Do you mean where some other person makes the mark and the voter takes that ballot and casts it knowingly.

Mr. BRECKINRIDGE of Kentucky. Yes.

Mr. MAGNER. Why, then, the voter makes the mark his own. It needs no decision of a court to sustain that proposition; it is elementary.

Mr. COCKRAN. Certainly, and he is liable to go to the penitentiary for it.

Mr. MAGNER. For instance, in this case Donald McArthur writes the name "A. Doyle" upon the ballot in place of Robert Earl a real candidate, and gives it to the voter and the voter takes it knowingly and votes that marked ballot; by doing so that mark becomes the act of the man who votes the ballot, and he takes all the consequences of the act as though it were in his own handwriting.

Mr. BRECKINRIDGE of Kentucky. Now, is there any statute or any decision of the New York courts which makes the proposition which the gentleman has just stated the law of New York?

Mr. MAGNER. The whole act to which I have referred has been adjudicated by the court of appeals in a decision rendered last December; and in that adjudication, while the court does not touch directly upon this identical section, it does touch upon another section of like character. The court refers to the whole general spirit of the law and to the fundamental principles involved therein. In the prevailing opinion of the court, written by the chief justice, speaking of some provisions which would include this one, Chief Justice Ruger says:

It—

Meaning the statute—

imperatively requires that every ballot cast shall be of the same size, shape, color, and have the same general indorsement. The purpose of the act seems to require that the provisions should be held to be mandatory, and that a disregard of them upon any pretense whatever should constitute a violation of the law and cause a forfeiture of any benefit to be derived from such illegal ballots. The vigorous enforcement of the provisions of these penalties is the principal mode by which obedience to the law was expected to be secured.

Mr. O'FERRALL. The point in question here was not before the court?

Mr. MAGNER. It is the same statute.

Mr. O'FERRALL. I understand that.

Mr. MAGNER. And the fundamental principle involved in this decision is the same as that involved in the construction of this particular section.

Mr. O'FERRALL. I want to know whether the court makes the decision that the ballot must be rejected.

Mr. MAGNER. Yes; and the court did reject the ballot in

this particular case—it rejected 1,252 ballots upon a mistake of the county clerk of the county of Onondaga.

Mr. BUSHNELL. Will the gentleman please mention the name of the case and the report?

Mr. MAGNER. It is the case of the People *ex rel.* Nichols vs. The Canvassers of Onondaga County. It is reported in 129 New York Reports, and also in 41 New York State Reports. The decision to which I refer is the opinion of the court, written by the chief justice, Judge Ruger.

In this same opinion, referring to a proposed construction of it, the effect of which would be merely the punishment of the offender and at the same time hold the ballot by him cast a valid vote, and the argument thereupon that such a construction should be adopted, if possible, in this case, as it would prevent the voter from being disfranchised, the court says:

The law so construed leaves the candidate confessedly elected by illegal votes to avail himself of their aid in intrenching his position, so that if he can be dislodged therefrom it can only be when the lawfully elected candidate in the remote future is enabled to prove the agency whereby the illegal transposition of ballots was accomplished and the intent with which it was done. An act leading to such results might, we believe, be more appropriately termed a statute to encourage the violation of the right of elective franchise rather than one to protect and to purify it.

Now, apply these same legal principles in construing this particular section. The section provides that—

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him. * * * Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Suppose, now, we adopt any other construction than that these ballots are illegal and invalid and can not be counted, of what effect are those provisions in the section? The section says that he who marks a ballot shall be guilty of a misdemeanor. Of what effect is this provision unless you visit upon the man who does this illegal act the penalty of having his ballot declared invalid and forfeited?

Mr. O'FERRALL. You can punish him for the misdemeanor.

Mr. MAGNER. How can you punish him? The only persons who know of the violation of law are the man who buys the sacred honor of the voter and the man who sells it. Is it to the credit of anybody for these parties to give to the world, the one the proof of his own turpitude, the other the proof that he has profited by it? How can you prove this violation of law in any way except by the testimony of the man who sells his vote and the man who purchases it? The act not being susceptible of proof in any other way, of what effective use are these words in the statute which was enacted for the purpose of guarding the ballot and protecting the elector in the exercise of his franchise?

Mr. RAYNER. Will the gentleman allow me a suggestion?

Mr. MAGNER. Certainly.

Mr. RAYNER. Is it not the uniform opinion of the text-writers on this subject that where the law makes an act of this kind a misdemeanor the ballot, if voted for the purpose of identification, is void?

Mr. MAGNER. Under these provisions of law—

Mr. RAYNER. Outside of the provisions of the statute, I want to give the gentleman a citation of three lines from the work of Sedgwick on this subject, which I think will clear up a good deal of confusion in reference to this question. He says:

We have also to notice the rule that if the statute inflicts a penalty for doing an act, the penalty implies a prohibition, and the thing is unlawful though there be no prohibitory words in the statute.

Now, does not that cover exactly the case in point?

Mr. MAGNER. Undoubtedly; and I say, what is more, to the majority of the committee—I say the act was so construed by the people of the State of New York, and by the electoral officers in the various election precincts in that election of 1890; and I say that the amendment of the Legislature adopted in the year 1891 to the preceding act was adopted to overcome the effects of just such a construction of this act, and to prevent the great possible dangers that followed such a construction.

You will observe, of course, that the majority of the election officers in the various precincts in any of the States must of necessity be selected from the unlearned and plain people. These men are not and should not necessarily be men learned in the law. The amendment of 1891 to the act robs the local boards of election canvassers of the powers as judicial officers which the act of 1890 allowed and commanded these men to exercise, to wit, the right of determining whether the ballot was marked, who marked it, how it was marked, if it was marked for purposes of identification, and then of determining in a judicial way that this ballot so marked was void, or that the individual who had marked it was guilty of a misdemeanor. And the Legislature in 1891 adopted this amendment, which declared in express terms the same provision here, with the addition that such ballots should be void and of no effect.

They first settled all question as to whether the ballots so marked should be valid and be counted, and then took from the boards of canvassers the right so to declare, as they had done

the year before, but provided that they should make a statement of the facts and preserve the marked ballots while they destroyed the others, and return the marked ballots to the county clerk, specifying all of the facts in relation to them, and then allow any person who was interested in the election as a candidate or otherwise to go before the supreme court in mandamus proceedings and there have the court determine whether the ballots were marked and were illegal or legal, and whether or not they should be counted. The amendment enacted in 1891 took away, as I have said, the right which this law gave to the local board of canvassers in the election districts, and it is an historical fact that they exercised that power in 1890, the year this election took place.

Mr. RAYNER. Will the gentleman permit a further brief interruption?

Mr. MAGNER. Certainly.

Mr. RAYNER. The gentleman from Indiana [Mr. JOHNSON], in his remarks on yesterday, cited a statute just passed in the State of New York.

Mr. MAGNER. It is the same one whose provisions I have just been discussing.

Mr. RAYNER. The act of 1891 makes such a ballot void without guilty intent on the part of the voter; but that intent must be shown under the old law. As I understand the present law of New York, the difference between the statute of then and now, the present law makes such ballot void whether the intent is shown or not.

Mr. MAGNER. This is the same, and the very same provision. The provisions of the act are the same, and instead of the act of 1890 being enlarged by this amendment, it was restricted and cut down and the rights and duties of election officers under it were, instead of being enlarged, curtailed and despoiled. The questions they formerly determined under the act of 1890 were relegated to the supreme court by the new law.

Mr. RAYNER. Precisely.

Mr. MAGNER. Now let us apply the principles enunciated by the court of appeals of the State of New York on this identical statute to the facts presented here. Apply them, if you will, to the Doyle ballots. Here we have 16 ballots, marked "A. Doyle," "B. Doyle," "C. Doyle," etc., down the series in alphabetical order, all, according to the undisputed testimony, having the name Doyle, with the letters of the alphabet prefixed, written in lead pencil in the handwriting of one Duncan McArthur, a Republican worker and bribe-giver.

The name Doyle being a fictitious person whose name was voted for as a candidate for judge of the court of appeals over the name of Robert Earl erased on all these ballots. The name of the Republican contestant is voted for on all of them, and these 16 ballots gave him his plurality of 6 votes.

The gentleman from Georgia, Judge LAWSON, who opened the discussion on behalf of the contestant, admitted in his argument that these marks were made on the ballots for the purpose of identification when they should appear in the canvass of the votes. He admitted that; and who can doubt the truth of that fact who recalls the character of the parties, and all the circumstances attending the transaction. It is so evident that I will not presume on the ignorance of my hearers to rehearse the facts and enter an argument for the purpose of proving it.

Now, these 16 ballots can not, under the provisions of this act and the decision of the court in the State of New York in regard to them, be counted in favor of the contestant in this case.

It is agreed by all the members of the Committee on Elections who report in favor of the contestant that upon all the equities in this case, giving to each man that which he is entitled to equitably on the facts of the case, that there is only a plurality of 6 votes in favor of the contestant here, that Col. Noyes at that election received only 6 more votes than his Democratic competitor, the sitting member, and that that meager plurality is partly made up by counting in his favor the 16 marked Doyle ballots.

I hold that it is unnecessary for us to prove either bribery, fraud, or corruption in this case. It is sufficient for us to prove that these 16 ballots were marked as forbidden by the law; and we, as the court of last resort, to whom has been referred the determination of this contest, have the right to exercise, and should, in justice, in equity, and in right, determine that these 16 ballots should not be counted for the contestant here, and that the sitting member is still elected by a plurality of 10 votes. That is the law as determined by the court of appeals of the State of New York. It is sufficient for us to exercise it, and to declare that the contestant should hold his seat in this House.

Mr. COX of Tennessee. Will the gentleman allow me to ask his attention to a matter right there?

Mr. MAGNER. Yes, sir.

Mr. COX of Tennessee. Will you be kind enough to give us

your view in regard to the mark that was put on the 28 ballots cast for Rockwell.

Mr. MAGNER. The gentleman from Tennessee has reminded me that it is claimed in this case that 28 ballots were cast for Mr. Rockwell, which under a like determination should not be counted for him by us. I first must refer to these ballots by stating that the question as to them does not properly belong to the record here.

The gentleman from Virginia [Mr. O'FERRALL] in interrogating the gentleman who last spoke here [Mr. COBB of Alabama] stated that the contestee in his pleadings in this case, in the answer to the contestant's notice of contest, did not specify any allegation whereby these 16 Doyle ballots should be a subject of controversy here.

Mr. O'FERRALL. Not as marked ballots.

Mr. MAGNER. I tell the gentleman that the pleadings do allow that question to come in, and I refer to the record in this case to show the same. On page 9 of the record, in his answer, the contestee says:

And the said Hosea H. Rockwell further alleges that the said Henry T. Noyes, at or about the time of his nomination for Representative in Congress in said district, paid and contributed to the Republican managers in the four counties comprising said district, or caused to be paid to said managers either directly or indirectly the sum of \$10,000, and that thereafter the said Henry T. Noyes paid and contributed or caused to be paid and contributed directly or indirectly at various times large sums of money to the said Republican managers in said four counties, amounting to the additional sum of \$10,000 with the intent and purpose to bribe the electors in said counties who would otherwise have voted for the said Hosea H. Rockwell, to vote for the said Henry T. Noyes for said office at said election and to refrain from voting for the said Hosea H. Rockwell for said office at said election, and that other and additional large sums of money were paid and contributed by other persons with the intent and purpose last aforesaid, and that the sums of money paid and contributed as aforesaid were used, employed, and paid by the said Henry T. Noyes and his personal and political friends to a great number of voters in said counties, comprising said Twenty-eighth Congressional district, to induce such voters to vote for the said Henry T. Noyes for said office or to refrain from voting for the said Hosea H. Rockwell for said office or to induce such voters to come to the polls or to remain away from the polls at such election, and large sums of such money were also paid to many of said voters as a consideration for and on account of such voters having refrained from voting for said Hosea H. Rockwell or having voted for said Henry T. Noyes, or both, or having come to the polls or remained away from the polls at such election.

I now inform the gentleman that under the pleadings in this case every one of these 16 ballots was perfectly material and competent evidence to prove the fact that there had been corruption of the voters, and that Noyes and his friends had paid voters for the purpose of voting corruptly at that election, and that these ballots, marked as they were—and one of them I believe proved to have been paid for by one of Mr. Noyes's friends—were material and competent evidence under this allegation. And having been admitted in evidence-in-chief in this case, being evidence in the case for one purpose, they can be used for any purpose for which the application of them can be made.

Mr. O'FERRALL. Will the gentleman allow me?

Mr. MAGNER. Certainly.

Mr. O'FERRALL. The point that I made was this: That there is no charge whatever in the answer of contestee in regard to the marked ballots. There is a general charge here of bribery and of fraud, but there is no specific charge and no general charge as to marked ballots.

Mr. MAGNER. But there is a charge as to bribery, and these ballots tending to prove that fact were put in the record as evidence of that fact, and being in evidence for that purpose can be used as proof for any purpose in the case. That is a familiar rule of law and of evidence, and the gentleman is too good a lawyer not to be aware of that.

Mr. BRECKINRIDGE of Kentucky. Is there any statement in the pleadings on either side which makes a distinct issue either as to the 16 Doyle ballots or as to the 28 marked ballots which now appear in this case?

Mr. MAGNER. No, sir; there is no distinct allegation as to either.

Mr. BRECKINRIDGE of Kentucky. There is nothing in the pleadings which alleges anything specifically either about the 16 Doyle ballots or the 28 marked ballots which are alleged to have been cast for Mr. Rockwell?

Mr. MAGNER. No, sir.

Mr. STOUT. Are we strictly confined to the pleadings here, as jurors in this case?

Mr. MAGNER. I think we should be confined to the record.

Mr. BRECKINRIDGE of Kentucky. There is in the pleadings no allegation which makes an issue as to these marked ballots as marked ballots? These matters are altogether to be found in the proof?

Mr. MAGNER. That is the fact.

Mr. BUTLER. I wish to ask the gentleman a question, in order to cover this whole case. Is there any allegation in the contestant's first notice of fraud or bribery on the part of the contestee?

Mr. MAGNER. As I understand it he makes the whole case upon the certificate, upon the decision of the court of appeals awarding him the certificate of election on the question of counting the returns in six election districts.

Mr. O'FERRALL. I will say this, that in my view of the case there is no allegation to sustain either the consideration of the 28 marked ballots for Rockwell or the 16 marked ballots for Noyes; that under the strict pleadings in this case neither can be considered.

Mr. MAGNER. But the gentleman must remember this, that the 16 marked ballots were properly put in evidence, and no objection was made to their admission.

Mr. O'FERRALL. So were the 28.

Mr. MAGNER. They were put in in rebuttal, and no opportunity was given the contestee in this case to controvert or refute the testimony, or to explain them; they were put in under objection, and there was a motion made to strike out the testimony.

Mr. O'FERRALL. If my friend will allow me, I will state that it has been the custom of the Committee on Elections, and in most of the courts, to allow documents to be filed at any time. Now, this was in the nature of documentary evidence, and even in the event that the attorney for Mr. Rockwell had been given until doomsday, it would have made no difference.

Mr. MAGNER. If an opportunity had been given Mr. Rockwell he could possibly have procured, in opposition, the men who voted these ballots to explain whether there was any mark there that they intended for the purpose of identification; and if there was, and it was proven in this case that these ballots were corruptly put in, then the same rule would apply, and they would have to be rejected.

Mr. O'FERRALL. That does not answer the question I asked.

Mr. MAGNER. I hope it does. It is as near as I can get to it.

Mr. COCKRAN. Will the gentleman from Virginia permit me to ask him a question?

Mr. O'FERRALL. I have not the floor.

Mr. MAGNER. I will yield to the gentleman to ask a question.

Mr. COCKRAN. I want to put a question to the gentleman from Virginia [Mr. O'FERRALL]. Is it not a fact that Mr. Rockwell, when the testimony was received upon these 28 ballots, offered his objection, and made a motion to strike out the evidence?

Mr. O'FERRALL. Made a motion? Where, in the committee?

Mr. COCKRAN. As to the 28 ballots, in the committee.

Mr. O'FERRALL. Oh, yes.

Mr. COCKRAN. And that the motion has never been denied.

Mr. O'FERRALL. It has never been acted upon.

Mr. COCKRAN. And never denied. Now, I ask the gentleman if, in a proceeding in a court, or anywhere where a controversy is to be decided by testimony, where evidence is received over an objection, and a motion is made to strike out that testimony, is the inquiry exhausted before or proceeded with until the judge has disposed of that motion?

Mr. BRECKINRIDGE of Kentucky. Right at that point I desire to ask, was any motion at any time made by Mr. Rockwell to reopen the case on the matters that were brought out?

Mr. COCKRAN. That formal motion was never made.

Mr. O'FERRALL. It never was. I understand the motion spoken of by the gentleman from New York [Mr. COCKRAN] was made, and I propose to answer the question frankly and candidly as best I can.

When the contestant undertook to introduce witnesses to prove these 28 marked ballots objection was made by the attorney for the contestee and the witnesses were advised by his attorney not to answer the question, and they refused to answer.

Mr. MAGNER. Some of them did.

Mr. O'FERRALL. They were the Democratic officers who refused to answer; but subsequently the Republican officers were put upon the stand and were interrogated, and they went on to state the character of these ballots. When the matter came before the committee counsel for the contestant gave notice that he would make a motion to expunge that testimony from the record.

Mr. COCKRAN. The contestee.

Mr. O'FERRALL. The counsel of the contestee made that motion. That matter was not decided by the committee. The committee have not passed upon it, for the reason that from the view the committee took of this case it was not necessary.

Mr. COCKRAN. That is right.

Mr. O'FERRALL. The committee did not think it necessary to pass upon it.

Mr. COCKRAN. Then the motion has not been passed upon?

Mr. O'FERRALL. No; and there are a great many other questions we did not want before the committee. But the ques-

tion is now before the House, and it is perfectly competent for it to determine whether or not it will throw out these 16 marked ballots for one man and count the 28 marked ballots for another man.

Mr. MAGNER. It can in this case, under the law, throw out the one and count the other. I can take the record and show conclusively why they should throw out the 16 votes in the one case and count the 28 in the other. [Applause.]

Mr. BUSHNELL. I want to inquire of the gentleman at what period of time after the election it was discovered that there were 28 marked ballots cast for Mr. Rockwell?

Mr. MAGNER. I will tell the gentleman under the Revised Statutes applicable to this case forty days are allowed for the contestant to put in direct proof under his pleading; forty more days are then allowed the contestee to put in direct and rebuttal proof against the proof put in by the contestant; then ten days are allowed the contestant to put in rebuttal proof only, and on the last of the ten days, the very last day, when only rebuttal proof could properly be admitted, this contestant was allowed to put in proof of these 28 marked ballots.

Mr. BUSHNELL. What I want to get at is this: At what time does the proof show that it was discovered that those 28 ballots were marked?

Mr. O'FERRALL. The night of the election.

Mr. MAGNER. The canvassers in canvassing the ballots discovered that these were marked.

Mr. BRECKINRIDGE of Kentucky. Were those 28 ballots preserved as sample ballots, or, under the law of the State of New York, was it the duty of the inspectors to destroy them?

Mr. MAGNER. It was their duty to destroy them. Only defective and sample ballots are kept under the law. These were destroyed.

Mr. BRECKINRIDGE of Kentucky. Were these destroyed in point of fact?

Mr. MAGNER. I presume so.

Mr. HAUGEN. No; the proof is that they were carried off by Mr. Sheehan, an inspector of election.

Mr. BRECKINRIDGE of Kentucky. But under the law of New York they were required to be destroyed?

Mr. MAGNER. Yes, sir.

Mr. O'FERRALL. And a Democratic inspector carried them off in his pocket.

Mr. COCKRAN. The Republicans alone seem to have been virtuous.

Mr. BUTLER. Is it correct, as has been stated here, that the 16 ballots—

[Here the hammer fell.]

The SPEAKER *pro tempore*. The House will be in order. The time of the gentleman from New York [Mr. MAGNER] has expired.

Mr. MAGNER. I believe I have an hour, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman's hour has expired.

Mr. BRECKINRIDGE of Kentucky. I ask unanimous consent that the gentleman from New York [Mr. MAGNER] be given more time, for he has shown such a disposition to answer questions and so many of us are ignorant of this subject that I think it will be wise for the House to give him the additional time. He has shown not only a disposition to answer but a capacity to answer which must be very satisfactory to all the members who are seeking for information about the case and the law which governs it.

A MEMBER. How much time does the gentleman desire?

Mr. MAGNER. I can finish in half an hour.

Mr. PENDLETON. Mr. Speaker, I ask unanimous consent that the gentleman from New York be allowed half an hour more time.

Mr. O'FERRALL. I suggest fifteen minutes, Mr. Speaker.

Mr. MAGNER. Why, the gentleman himself has taken fifteen minutes of my time. [Laughter.]

Mr. O'FERRALL. No doubt I have; but it has resulted from the gentleman's own remarks.

By unanimous consent, the time of Mr. MAGNER was extended for half an hour.

Mr. MAGNER. Now, Mr. Speaker, I shall refer to the 28 marked ballots that were cast for Col. Rockwell, and I think I shall redeem my promise to show that the 16 marked ballots for Noyes should not be counted, and, at the same time, that the 28 marked ballots for Rockwell should be counted and given credit for, although they are improperly and falsely in the record of this case. The law of the State of New York which we are discussing says:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

Now, let us take the record and see what these 28 ballots were. There were six witnesses examined as to those ballots. Two of them were the Democratic inspectors and, under the ad-

vice of counsel, they refused to disclose any information that they had upon the subject. The others who were examined were Republicans and friends of the contestant, Mr. Noyes. Now let us see what they say about these 28 ballots and see if they come under the provision of the law which describes fraudulent and void ballots. I shall quote from the record the testimony of each and all of these witnesses. I read first from page 24 of the record the testimony of Mr. Tubbs, a Republican inspector. He says:

Well, some of the ballots were marked with a check mark, a small check mark, in the left-hand corner and others in the upper right-hand corner with a small check mark.

Q. Any other marks upon them?

A. Yes, something like figures.

Now, I read from the testimony of Charles Tidd, another Republican inspector. He says:

There were two marks on each ballot, a check mark in one corner and something like a figure in the corner diagonally opposite.

Next I read the testimony of Horace Batterson, a Republican, a friend of Mr. Noyes. He says:

Well, there was a check mark in one corner on them and something that looked like the figure "8," and still it was curled up a little more, in the corner diagonally opposite.

Mr. TUCKER. Was he an inspector, too?

Mr. MAGNER. No, I believe he was a watcher. The other two were inspectors. I read now the testimony of W. J. Daniels, a watcher. He says:

These marks were the same that have been described here before, a check mark was in one corner and something like a figure in the corner diagonally across.

Mr. DUNPHY. On each ballot?

Mr. MAGNER. On each and every one of the twenty-eight. The testimony of each and singular of these six witnesses is to the effect that those ballots were marked with a check mark and that diagonally opposite was something like a figure, whether it was an "8" or not none of them positively say.

Mr. BUTLER. Does the gentleman say that this evidence came in at such a time that under the rules of procedure the contestee had no chance to answer it?

Mr. MAGNER. Yes, sir; it came in on the very last day allowed for the presentation of evidence in rebuttal, and the contestee had no chance to reply or to prove anything about this matter.

Mr. BUSHNELL. Was it ever known who did cast any of those 28 ballots?

Mr. MAGNER. No, sir; nobody can tell. These witnesses were asked, each and every one of them, whether they knew anything about these ballots or the intention of the voter in casting them. Let me refer to some of the testimony on this subject. Here, for instance, is the testimony of Tubbs:

Q. Did you know at the time the meaning of the marks upon them?

A. No, sir.

Q. Have you since learned anything about the marks upon them?

A. No.

Here is the evidence of the next witness, Tidd, on this point:

Q. Did you at the time know anything of the meaning of the marks upon these ballots?

A. No.

Q. And have you since learned anything?

A. I have not, positive.

The next witness is Batterson. Here is his testimony:

Q. Had you any knowledge of the meaning of these marks upon these ballots?

A. No, sir.

Q. Have you learned since?

A. No, sir.

The next witness is Daniels, whose testimony is as follows:

Q. Did you know at that time anything about the meaning of the marks upon the ballots?

A. No, sir.

Q. Have you learned since?

A. No, sir.

It will be seen that these witnesses, all Republicans and friends of Col. Noyes, testify to these facts—that these 28 ballots were each of them marked with a check mark on one corner and diagonally opposite a figure of some kind.

Mr. DE FOREST. The decision of the court of appeals, to which the gentleman has referred, is predicated, I believe, upon the statute—

Mr. MAGNER. I hope the gentleman will allow me to go on.

Mr. DE FOREST. Which has been enacted since the election.

Mr. MAGNER. Yes, sir.

Mr. DE FOREST. And the statute as amended contains the express provision that ballots which are marked shall be rejected?

Mr. MAGNER. I have gone over all that question and shown that the statute was amended and the rights of the canvassers curtailed.

I mean no discourtesy, but if the gentleman will permit me to continue the line of my present argument I will answer his question as soon as I can.

The testimony of these witnesses is that these ballots were marked in identically the same way; that these persons whose testimony was obtained were not aware at the time of the election of the meaning of those marks upon the ballots and had not acquired any knowledge of the meaning subsequently; that it was impossible from the character of the marks to distinguish one ballot from another, or to tell who cast one or another of those ballots, or the whole 28 of them.

Now, the prohibitive provision of this act as to marked ballots is:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

I ask the gentleman from Virginia [Mr. O'FERRALL] whether he can place his hand on one of these 28 ballots and say, as the law requires, that he can identify that ballot, or that any man on God's earth can identify any particular one of these ballots as the ballot cast by any individual voter on the 4th of November, 1890.

Mr. O'FERRALL. Why, the very decision which the gentleman stands upon was a decision in a case where every ballot was marked and the court ruled, as the gentleman says, that they must go out.

Mr. MAGNER. In that case the ballots were marked so that they were distinguishable.

Mr. O'FERRALL. They were marked exactly alike.

Mr. MAGNER. Each and every one was distinguishable.

Mr. O'FERRALL. How distinguishable?

Mr. MAGNER. I will show you how. The Republican ballots that were to be used in the Second district were marked "First district," and *vice versa*, so that it was possible for any person to determine who it was that voted a Republican ballot and who voted a Democratic ballot.

Mr. O'FERRALL. How could any man tell who voted a Republican ballot? Was the voter's name on it, or was there a number upon it?

Mr. MAGNER. It could be told by the indorsement that it was a Republican ballot that the man voted; and that was why the court of appeals ruled out those ballots.

Mr. O'FERRALL. But they were all marked alike.

Mr. MAGNER. Let me explain the matter. The Republican ballots and the Democratic ballots in each election district were numbered alike; that is, there were four sets of ballots—Socialistic-Labor, Prohibition, Democratic, and Republican.

The Republican ballots in the first election district had district number 2 indorsed on the outside so as to be seen by the election officer, when the ballot was folded and handed to him by the voter to be placed in the ballot box, and in the second election district the ballots had the indorsement marked district number 1. The Democratic and other official ballots were correctly indorsed, now when a Republican voter presented his folded ballot to the election officer, if he voted the Republican ballot the election officer would observe that it was improperly indorsed and would thereby know how he voted and if he did not vote a ballot with this wrong indorsement the officer would know that the voter did not vote a Republican ballot, and so also, in the second district, the officers there would see that the Republican ballot was marked for the first district, and so on.

Mr. O'FERRALL. Were not the Democratic ballots marked in the same way?

Mr. MAGNER. No, sir.

Mr. O'FERRALL. Most assuredly they were.

Mr. MAGNER. No, sir; they were not. The first district Democratic ballots had on them first district, while the first district Republican ballots had on them the second district, thus reversing the number, so that they could be readily distinguished. That is the point. These are the conditions that exist in the case at bar, and the rule of law enunciated by the court of appeals in interpreting this statute must be applied here.

Now, Mr. Speaker, I think I have demonstrated from the testimony of these people that it is utterly impossible to identify any one of these 28 ballots, or for anyone to determine that any particular man voted any of them. Neither the provisions nor the spirit of the law was therefore violated when these ballots were voted giving them the worst possible aspect which the testimony in this record will permit. The Republican election officers who canvassed these votes admitted that neither at that time nor since were they able to determine who of the 28 persons had cast a single ballot. They can not be identified, and are therefore not objectionable under the provisions of this act, because the secrecy of the ballot has as far as they are concerned been still maintained—

Mr. TRACEY. Will the gentleman allow me a question?

Mr. MAGNER. Certainly.

Mr. TRACEY. Is there anything in evidence which will enable us to know who voted any of the Doyle ballots?

Mr. MAGNER. Yes, sir.

Mr. TRACEY. I would be glad if that was explained.

Mr. MAGNER. Duncan McArthur, the Republican worker and bribe-giver, according to the evidence marked all the ballots by his own hand and gave them to the electors, who afterwards voted them. Let us assume that he gave the ballot marked "A. Doyle" to John Smith: When that vote was canvassed and the ticket with the name of "A. Doyle" appeared to be counted in the result Duncan McArthur knew that John Smith had performed his share of the bargain. When the man who gave the Doyle ballot marked "B. Doyle" to Tom Jones discovered in the canvass that the "B. Doyle" ballot was turned out of the box to be counted he knew that Tom Jones had deposited the ballot with the officers of election, and that Tom Jones had worked out his share of the bargain, and was entitled to his price. Thus you see that the ballot was marked by the voter for identification and that it was subsequently identified as the one voted by him.

A MEMBER. Is it shown clearly that Duncan McArthur wrote all of these ballots?

Mr. MAGNER. Yes, sir; every one of them.

Mr. TRACEY. That is admitted.

Mr. MAGNER. Undoubtedly.

Mr. BUSHNELL. In his handwriting?

Mr. COBB of Alabama. That is not questioned.

Mr. BRECKINRIDGE of Kentucky. And each one of these could be identified separately?

Mr. MAGNER. Yes, sir; each one of them could be identified.

Now, Mr. Speaker, another point I will refer to, which seems to have a good deal annoyed and disturbed some of my Democratic colleagues from New York; I refer to the decision of the court of appeals in the case of *The People ex rel. Noyes vs. Rockwell*.

In that case the court of appeals did not decide or attempt to decide, and the judges in determining the case did not take into consideration or attempt to consider the merits of the contested-election case between these parties. I read from the decision of Judge O'Brien, who rendered the prevailing opinion:

The controversy arises upon the conceded fact that there was before the board of county canvassers a certificate of the inspectors of election which contained one result of the vote for member of Congress in the body of the paper, and another and different result in the writing on the attached ballots. The board canvassed and estimated the vote for member of Congress in these districts according to the writing on the ballots, and not according to that contained in the body of the paper, and this method of canvassing and estimating the result gave Rockwell 481 votes and Noyes 466 votes, or Rockwell 23 votes more, and Noyes 22 votes less than the number announced at the close at the canvass by the inspectors, and inserted by them in the certificate. The question is whether the board of county canvassers in thus canvassing and certifying the vote performed the duty imposed upon them by the law. It was not their duty to ascertain which of the candidates was in fact elected, nor even which of them in fact received the greatest number of votes in the six districts, but simply to determine from the documentary evidence before them, furnished by the action of the inspectors, and upon which alone they could act, the number of votes given for each candidate respectively for Representative in Congress.

This document, from which the canvassers are required, in a ministerial capacity, to estimate and certify the vote, is called in the statute a statement, and this controversy arises from what appears to be an honest difference of opinion between the learned counsel who have presented the case as to the true scope and meaning of that word. On the one hand it is argued that when there is a conflict between the writing on the attached ballot and that inserted in the body of the paper the board in canvassing the vote is bound by the latter, while on the other hand it is insisted that the attached ballots and the writing thereon are a part of the statement, and it is within the power of the board to estimate and certify the true vote from them. The question thus becomes one purely of construction.

Now, in the determination of that case there were pleadings, as in this case, and the issues were raised by the pleadings. It was what is known as a mandamus proceeding, to compel certain specified canvassers of election to return certain certificates and returns made by them to the board of county canvassers. In the answer was denied the right of the court to so order, and solely and simply was this question determined. And when the court afterwards says:

If it be claimed that the actual result at the polls was different in fact from that shown by this statement, that question must be left for the determination of another tribunal—

they meant by this that the court of appeals of the State of New York had no jurisdiction, and never had, to determine contested-election cases. That court is not a court of original jurisdiction. It can not originally determine any controversy between any citizens. It must be brought there on appeal from the courts of original jurisdiction. It can only consider such facts as are presented in printed statements, and can not go outside thereof to inquire or determine. They knew and they meant by that that it could not be determined in this proceeding who was elected as member of Congress, Noyes or Rockwell, for that question was not before them, and they knew that they had no jurisdiction to determine it if it did not regularly come on an appeal from the proper tribunal.

If Mr. Rockwell had had an opportunity in the courts of the State of New York to test the merits of this case as they have been presented here by the record of the case before us, I have

no doubt as to what would be the final judgment when that august body, the court of appeals, had been reached. I have no doubt that it would be the same as that which I have tried here to contend for in regard to the merits of this controversy, and that is in accordance with the adjudication they have already given upon this statute and upon the fundamental principle involved in it, which was brought out in the senatorial contested-election cases from which I have quoted. Even the Supreme Court could only dispose of this case when brought before them under proper proceedings.

Not in this mandamus proceeding could the supreme court determine the rights of the contestant and the contestee upon the merits of this contest. That would have to be undertaken in a different proceeding. This is merely a proceeding to mandamus certain ministerial officers, to perform a specific duty laid out for their performance by the statutes of the State. There is, however, a proceeding wherein this question could have been decided between these people in the courts of the State of New York. That proceeding is known as *quo warranto*, and that is the only manner in which it could have been decided. But that action could not be brought in this case, by Mr. Rockwell, for the reason that Mr. Rockwell had the certificate of election.

By the act of the State board of canvassers in awarding him a certificate of election he received the very best title that could be given him, and he must be satisfied with that muniment of title. He could not controvert that or dispute the validity of that muniment of title to the office. It was the highest title that could be had by any man seeking the office. He could not begin proceedings *quo warranto*, for he already had the title to the office. He could not raise the question in any way, because he had possession; and therefore in the courts of his State he was debarred from going into the merits of this controversy, and it was determined between them upon a side issue, the relevancy of which I do not concede here, which I have not touched upon.

But why did not the contestant here, who had the right to institute such proceedings and have this controversy determined on its merits because he had not the certificate, why did he not institute such an action? No, he preferred to come before this House upon a technical title, seize advantage of a side issue determined in his favor, and trust to befool the members and work upon their strained notions of justice and right.

We owe this contestant no favor here. This House is the sole judge of the qualifications of its members and their rights to seats on this floor. Under all the rules of law applicable to this case, the sitting member, Mr. Rockwell, should retain his seat, and such should be the judgement of this House if it deals fairly and justly between these parties.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles: when the Speaker signed the same:

A bill (S. 1113) to establish a military post near Little Rock, Ark.; and

A bill (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed joint resolution and bills of the following titles; in which concurrence was requested:

Joint resolution (S. R. 9) to direct the Secretary of the Treasury to pay to the governor of the State of West Virginia the sum appropriated by the act of Congress, entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861";

A bill (S. 1615) to facilitate the disposition of causes in the Court of Claims;

A bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes; and

A bill (S. 2460) to repeal the license tax of \$25 per year now imposed upon produce dealers in the markets of the District of Columbia.

It also announced that the Senate had concurred in the resolution relative to printing eulogies delivered in Congress upon the Hon. John R. Gamble, late a Representative from the State of South Dakota.

It also announced that the Senate had passed the following concurrent resolutions; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That 2,000 copies of List of Congressional Documents, prepared by the Superintendent of Documents, Department of the Interior, be printed and delivered to that officer, of which he shall supply two copies to each Senator, Representative, and Delegate in Congress, and the remainder shall be distributed to public and other libraries:

Also—

Resolved by the Senate (the House of Representatives concurring). That 5,000 copies, comprising the necessary text, tables, and charts, be printed of the paper entitled "Certain Climatic Features of the Two Dakotas," being a presentation of special information collected by the Weather Bureau for a long series of years as to temperature, rainfall, winds, barometric pressure, evaporation, and atmosphere disturbances, which are believed to have marked influence upon agricultural interests in the said States; that 1,000 copies be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies to be distributed by the Weather Bureau.

It also announced that the Senate had passed with amendments the bill (H. R. 5499) to amend an act entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. PLATT, Mr. JONES of Arkansas, and Mr. FAULKNER the conferees on the part of the Senate.

FUNDING ACT OF ARIZONA.

Mr. SMITH of Arizona. I ask unanimous consent to nonconcur in the Senate amendments to the bill (H. R. 5499) to amend an act entitled "An act approving, with amendments, the funding act of Arizona," approved June 25, 1890, and agree to the conference asked for by the Senate.

There was no objection, and it was so ordered.

DISTRIBUTION OF AWARDS BETWEEN UNITED STATES OF AMERICA AND THE REPUBLIC OF MEXICO.

Mr. GEARY, from the Committee on Foreign Affairs, reported back favorably the bill (S. 606) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. GEARY also, from the Committee on Foreign Affairs, reported back favorably the bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RECIPROCITY IN COMMERCIAL RELATIONS BETWEEN UNITED STATES AND REPUBLIC OF MEXICO.

Mr. ANDREWS, from the Committee on Foreign Affairs, reported back favorably joint resolution (H. Res. 32) to promote greater reciprocity in the commercial relations between the United States and the Republic of Mexico; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC GROUNDS, ABINGDON, VA.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 4620) to authorize the Secretary of the Treasury to consent to the use of a portion of the public grounds of the United States in the town of Abingdon, Va., for a public street; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. O'FERRALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (H. R. 6207) to carry out the findings of the Court of Claims in the case of David Miller. (Report No. 1146.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred, as follows:

The Committee on Invalid Pensions was discharged from the consideration of the following bills, and the same were referred to the Committee on Pensions:

A bill (H. R. 1556) to increase the pension of H. S. Mayhall;
A bill (H. R. 7292) increasing the pension of Nancy B. Moree;
A bill (H. R. 7291) increasing the pension of William Peay; and
A bill (H. R. 6572) to increase the pension of E. Shoppeel, of Harriman, Tenn.

The Committee on Invalid Pensions was discharged from the consideration of the following bills, and the same were referred to the Committee on Military Affairs:

A bill (H. R. 5841) for the relief of Elihu Wilburn, of Pine Mountain, Tenn.;

A bill (H. R. 4316) for the relief of William H. Nave; and
A bill (H. R. 5909) for the relief of Ruben Scott.

The Committee on Naval Affairs was discharged from the consideration of the following bills, and the same were referred to the Committee on Claims:

A bill (H. R. 7941) for the relief of Mary C. Matthews;

A bill (H. R. 8041) for the relief of R. C. Jones; and

A bill (H. R. 8030) for the relief of the heirs of Lieut. Commander Wilson McGunagle, United States Navy.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. SMITH of Arizona: A bill (H. R. 8268) to amend chapter 559, page 1093, volume 26, United States Statutes at Large—to the Committee on the Public Lands.

By Mr. HARVEY: A bill (H. R. 8269) granting to the Chicago, Rock Island and Pacific Railway Company the use of certain lands at Chicasha Station, Ind. T.—to the Committee on Indian Affairs.

By Mr. BRODERICK: A bill (H. R. 8270) to provide for the furnishing of certain public documents to soldiers' homes—to the Committee on Military Affairs.

Also, a bill (H. R. 8271) to grant to the Chicago, Rock Island and Pacific Railway Company a right of way through the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BURROWS: A bill (H. R. 8272) to limit the number of civil engineers of the Navy—to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 8273) for the relief of night inspectors at the ports of New York and Baltimore—to the Committee on Claims.

By Mr. WARNER: A bill (H. R. 8274) for the relief of certain officers of the Navy—to the Committee on Naval Affairs.

By Mr. CARUTH: A resolution to extend the elevator shaft in the southwest corner of the House wing of the Capitol down to the level of the terrace floor—to the Committee on Public Buildings and Grounds.

By Mr. LONG: A resolution instructing the Committee on the Post-Office and Post-Roads to make inquiry and report a bill to properly adjust the difference and simplify the code of rules governing the transmission of printed matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BLAND: A resolution instructing the Clerk of the House to pay the widow of James B. Snell, deceased, a sum equal to six months of his salary; also to pay for the expenses of last sickness and funeral expenses—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BULLOCK: A bill (H. R. 8275) granting a pension to Abraham B. Simmons, of Capt. Thomas Fripp's company, in Col. Brishbane's regiment, South Carolina Volunteers, in the Florida Indian war—to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 8276) for the relief of D. G. Griffith—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 8277) for the relief of the heirs of Henry Herriman—to the Committee on Claims.

Also, a bill (H. R. 8278) for the relief of the heirs and legal representatives of the late Hannibal Day—to the Committee on Military Affairs.

By Mr. CROSBY: A bill (H. R. 8279) for the relief of the legal representatives of Samuel Woods—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 8280) for the relief of Mary J. Calvin—to the Committee on Invalid Pensions.

By Mr. HALVORSON: A bill (H. R. 8281) for the relief of Anna W. Osborne—to the Committee on Claims.

By Mr. HARE: A bill (H. R. 8282) for the relief of Jacob Folkar—to the Committee on Military Affairs.

By Mr. HEMPHILL (by request): A bill (H. R. 8283) granting an honorable discharge to Bury J. O'Brien—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: A bill (H. R. 8284) granting arrears of soldier's accrued pension to the widow of Martin Horber, late sergeant Company G, One hundred and seventh Ohio Volunteers—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8285) for the relief of Martha A. Jones—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8286) for the relief of Mary R. Kirkpatrick, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. RAYNER (by request): A bill (H. R. 8287) for the relief of Michael Z. Hammen—to the Committee on Claims.

By Mr. STONE of Kentucky: A bill (H. R. 8288) for the relief of George Bradshaw—to the Committee on Military Affairs.

Also, a bill (H. R. 8289) for the relief of the legal representatives of W. B. Greer, deceased—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8290) for the relief of the heirs of Dr. Nathan Fletcher—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Petition of C. W. Beck, of South Onondaga, N. Y., and 38 others, against the favorable consideration of House bill 6790, for the reclamation of arid lands—to the Select Committee on Irrigation of Arid Lands in the United States.

Also, two petitions of Onondaga Hill Grange, No. 682, of New York, one urging legislation to prevent dealing in options or futures and the other to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, urging the prompt passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. BULLOCK: Petition of J. T. Terrell, and 83 others, of Byron Center, Mich., against a union of religion and the state—to the Select Committee on the Columbian Exposition.

By Mr. BUNTING: Petition of Charles P. Sprout Post, No. 76, Grand Army of the Republic, of New York, asking support of the bill calling for the laying out and improvement of the outlines of the battlefield of Gettysburg—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of D. G. Griffith, late postmaster at Elkader, Iowa, for the reimbursement of certain money-order funds stolen from him by H. A. Seibert—to the Committee on Claims.

By Mr. CAPEHART: Evidence to accompany House bill 7371, to remove the charge of desertion from the record of Robert E. Morrow—to the Committee on Military Affairs.

Also, petition of A. H. Hall and others, of Ritchie County, W. Va., asking for the passage of the proposed sixteenth amendment to the Constitution, prohibiting the passage of any law by a State establishing any religion or prohibiting the free exercise thereof—to the Committee on the Judiciary.

By Mr. CASTLE: Memorial of citizens of Washington County (Minn.) Farmers' Alliance, in favor of the option bill—to the Committee on Agriculture.

By Mr. CAUSEY: Three petitions of Port Penn Grange, No. 9, one to prevent gambling in farm products, the second to encourage silk culture, and the third to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Agriculture.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. CLOVER: Petition of Henry F. Hicks, signed by the patrons of the post-office at Cambridge, Kans., to accompany House bill 8261, asking that he be reimbursed on account of the robbing of the post-office—to the Committee on the Post-Office and Post-Roads.

Also, petition of ex-Union soldiers, for increase of pension to Stephen Seybold—to the Committee on Invalid Pensions.

By Mr. COGSWELL: Petition of members of Charles Sumner Post, Grand Army of the Republic of Massachusetts, for legislation to mark the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. CRAIG of Pennsylvania: Petition of 53 citizens of McKeesport, Pa., in favor of an amendment to the Constitution prohibiting any State from passing law respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. CUMMINGS: Two memorials of citizens of New York, praying that the metric system may be used exclusively in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of New York, in favor of an internal-revenue tax of \$10 per 1,000 on paper-wrapped cigarettes—to the Committee on Ways and Means.

By Mr. CURTIS: Two petitions, one of members of Glendale Grange, No. 548, of New York, and the other of Lafarville Grange, No. 15, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of Jefferson County, for regulating speculation in fictitious farm products—to the Committee on Agriculture.

Also, petition of Lafarville Grange, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of Glendale Grange, for the passage of House bill 375, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. CUTTING: Resolution of the Traffic Association of California, memorializing Congress to amend the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. FUNSTON: Resolutions of the Friends' Church of Cotton Wood Falls, Kans., for the prohibition of the sale of liquors in Alaska—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HARTER: Petition of Morris Grange, No. 256, of Ohio, in favor of the Hatch bill—to the Committee on Agriculture.

By Mr. HENDERSON of Illinois: Memorial of the Presbytery of Rock River, in the State of Illinois, against the passage of the bill now pending in Congress and which is designed to substitute the licensed liquor traffic in Alaska for prohibition and also against Sunday opening and liquor selling at the Columbian Exposition—to the Committee on the Territories.

By Mr. HITT: Petition of R. D. Woolsey and 41 others, of Polo (Ill.) Post, No. 84, Grand Army of the Republic, for bill to mark battle lines of Gettysburg—to the Committee on Military Affairs.

Also, protest of Farmers' Alliance and Industrial Union, No. 109, of Jo Davies County, Ill., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, memorial and protest of 55,000 members of the New York Conference of the Methodist Episcopal Church, against further oppressive legislation against the Chinese people—to the Committee on Foreign Affairs.

By Mr. HOOKER of New York: Petition of ex-soldiers and sailors of Fuller Post, No. 246, Grand Army of the Republic, department of New York, Little Valley, N. Y., asking for the preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. KEM: Petition of citizens of Nebraska, asking that the World's Fair be closed on Sunday—to the Committee on Appropriations.

Also, petitions of citizens of Nebraska, asking for the passage of anti-option bills—to the Committee on Agriculture.

Also, petition of citizens of Nebraska, asking for an amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of citizens of Nebraska, asking that the World's Fair be kept open on Sunday—to the Committee on Appropriations.

Also, petition of citizens of Nebraska, asking for the passage of a pure-food bill—to the Committee on Agriculture.

Also, petition of 1,700 citizens of Western Nebraska, asking for an appropriation for irrigation in Western Nebraska—to the Committee on Appropriations.

By Mr. McCLELLAN: Petition of the Baptist Young People's Union of Christian Endeavor of Columbia City, Ind., for closing the World's Fair on the Sabbath and against the selling of liquor within the National Exhibition—to the Select Committee on the Columbian Exhibition.

By Mr. SIMPSON: Petition of citizens of Pratt County, Kans., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. SNOW: Two protests of Farmers' Alliance Industrial Union of Illinois, one No. 317 and the other No. 302, of Livingston County, both against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of W. S. Page, asking that on and after July, 1893, the metric system of weights and measures be used exclusively in the customs service—to the Committee on Coinage, Weights, and Measures.

By Mr. TAYLOR of Illinois: Petition of citizens of Chicago, Ill., numerously signed, in favor of the World's Fair being open to the public on each Sunday of its continuance—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Chicago, in favor of the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHITE: Petition of members of church of Keota, Iowa, praying for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

THURSDAY, April 21, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Vice-President being absent, the President *pro tempore* took the chair.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of March 24, 1892, a list of all persons under the War Department, and stating their names, legal residences, compensation, duties, etc.; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims relating to the brig Betsey; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

EULOGIES ON THE LATE SENATOR WILSON.

Mr. GORMAN. Mr. President, I desire to give notice that on Friday, the 6th of May next, immediately after the morning business, I shall ask the Senate to consider resolutions in reference to the death of my late colleague, Ephraim K. Wilson.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of 28 manufacturing firms of Cleveland, Ohio, remonstrating against the admission to this country of foreign-built beet-sugar machinery free of duty; which was referred to the Committee on Finance.

He also presented a petition numerous signed by citizens of Ridgeville, Ohio; a petition of the Presbyter of Wooster, Ohio, and a petition of the Reformed Presbyterian Church of Northwood, Ohio, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented the memorial of Mrs. L. Robinson, of Bonds Village, county of Hampden, State of Massachusetts, remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented a memorial of three members of the Seventh-Day Advent Church and 38 other citizens of Forest City, Iowa, remonstrating against the closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DIXON presented a petition of 26 citizens of Rhode Island, praying for the passage of legislation subjecting oleomargarine to the provisions of the laws of the several States; which was referred to the Committee on Agriculture and Forestry.

Mr. VEST presented the memorial of John Wilson and other citizens of Neosho, Mo., remonstrating against the passage of legislation committing the United States Government to a union of church and state; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present a memorial of S. M. Baker and other leading citizens of Wellsville, Mo., remonstrating against the passage of a general bankruptcy law. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. FRYE presented the following petitions of the Bethel Grange, Patrons of Husbandry, of Maine:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. FELTON presented a petition of citizens of Glenn County, Cal.; a petition of citizens of Shasta County, Cal., and a petition of citizens of Cayucos, Cal., praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

Mr. PEPPER presented a petition of the Wage-Workers'

Political Alliance of the District of Columbia, praying for the passage of Senate bill 1672, relating to the subject of botanical medicine and practitioners; which was referred to the Committee on the District of Columbia.

Mr. CALL. I present a petition of the Washington County Alliance of Vernon, Fla., indorsing the efforts of their friends in Congress, and praying for the passage of legislation to emancipate the farming and industrial classes from the unjust taxation of organized capital. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. GORMAN presented a petition of Burnside Post, No. 22, Grand Army of the Republic, of Baltimore, Md.; a petition of the Naval Veteran Association of Maryland; a petition of the Merchants and Manufacturers' Association of Baltimore, Md.; a petition of Custer Post, No. 6, of Baltimore, Md.; a petition of the Naval Veteran Association of Baltimore, Md.; a petition of the Dodge Post, No. 44, Grand Army of the Republic, of Baltimore, Md., and a petition of the Wilson Post, No. 1, Grand Army of the Republic, of Baltimore, Md., praying for the passage of legislation transferring the Revenue Marine Service to the naval establishment; which were ordered to lie on the table.

Mr. VILAS presented the memorial of M. H. Brown and 37 other members of the Seventh Day Advent Church of Milwaukee, Wis., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MCPHERSON presented the petition of Rev. Dr. Rudolph Wiczorek, pastor of the Evangelical German Lutheran Church of New York City, praying that a pension be allowed Charles H. Rosch, who served in the Indian war in Florida; which was referred to the Committee on Pensions.

He also presented a petition of the Bureau of Charities of Newark, N. J., praying for the passage of legislation to secure the adoption of safer appliances for coupling railroad cars; which was ordered to lie on the table.

He also presented a petition of Moorestown Grange, Patrons of Husbandry, of Burlington County, N. J., praying for the passage of legislation to prevent gambling in farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of the students of the Drew Theological Seminary, of Madison, N. J.; a petition of the Presbytery of New Brunswick, N. J., and a petition of Rev. Judson Conklin and 89 members of the Clinton Avenue Baptist Church of Trenton, N. J., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2882) for the relief of John M. Davis, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2613) to amend sections 2807 and 2881 of the Revised Statutes, reported it with amendments.

Mr. FRYE. I report back adversely from the Committee on Commerce the bill (S. 1806) to amend sections 2774 and 2807 of the Revised Statutes, the bill just reported making provision for the purposes of this bill. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (S. 1600) to provide for the completion and repair of quarters, barracks, and stables at Forts Washakie and McKinney, Wyo., reported it with amendments, and submitted a report thereon.

Mr. PEPPER, from the Committee on Claims, to whom was referred the bill (S. 364) for the relief of Barker Williams and others, reported it with an amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Territories, to whom was referred the joint resolution (S. R. 72) relative to the erection of a penitentiary in the State of North Dakota, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2298) for the relief of James L. Townsend, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 710) providing for the relief of William C. Spencer, of Maryland, late captain Seventeenth Infantry, United States Army, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 898) to furnish the Gettysburg Battlefield Memorial Asso-

ciation, at Gettysburg, Pa., with specimen of arms, accouterments, etc., used by the armies in the battle of Gettysburg, for exhibition and preservation at the Gettysburg Museum, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 2058) to establish the rank of Arza B. Gilson, of Havana, Ohio, as major of the One hundred and sixty-sixth Ohio Volunteers;

A bill (S. 1976) for the relief of Charles Banzhaf; and

A bill (S. 1654) for the relief of David M. Watson.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 64) for the relief of John A. Lynch, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2359) to place John M. Cunningham on the retired list, reported adversely thereon; and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 713) authorizing and directing the Secretary of War to contract for the purchase of the letters patent granted to the late Beverly Kennon for his invention of a counterpoise battery, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HOAR. I am directed by the Committee on the Judiciary to report back adversely the bill (S. 387) to prohibit the allowing of attorney's fees in cases of foreclosures of mortgages in courts of the United States when it is forbidden by State laws in the courts of the State. The same is true of this bill; the provisions have been inserted in another bill.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. PADDOCK subsequently said: I ask that the vote by which Senate bill 387 was indefinitely postponed be reconsidered, and that the bill may be placed on the Calendar with the adverse report of the committee. I may wish to say something about it.

Mr. HOAR. I have no objection if the Senator desires that to be done, but I will state to him that the Judiciary Committee has recommended in the House bill which has been reported favorably and is pending in the Senate the insertion of a provision limiting attorneys' fees in all cases to those fixed in the Revised Statutes, which are in most instances only two or three dollars a case, and which do not exceed \$20, I think, in any case whatever, cutting up by the roots the system of taxing large attorney's fees in mortgage sales and all those things.

Mr. PADDOCK. I am not sure that that will satisfy me, and I prefer to have the bill placed on the Calendar for personal reasons.

Mr. HOAR. Very well; the Senator can look at the bill.

The PRESIDENT *pro tempore*. The vote indefinitely postponing the bill will be reconsidered, and it will be placed on the Calendar with the adverse report of the committee, if there be no objection. The Chair hears none.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1494) to create additional associate justices of the supreme court of the District of Columbia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HOAR. I am instructed by the Committee on the Judiciary to report back adversely the bill (S. 2264) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes." A similar bill has already passed the Senate.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. HOAR. I am also instructed by the Committee on the Judiciary to report back adversely the bill (S. 2353) in relation to the Court of Claims. The provisions of this bill have passed the Senate in another bill.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. CHANDLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 826) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, reported it with an amendment.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes, to report it with amendments. I give notice that I shall call up the bill to-morrow morning after the routine business.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. McPHERSON introduced a bill (S. 2965) for the relief of Capt. George H. Perkins; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 2966) to amend rule 7, section 4233, Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2967) for the relief of the heirs of Davis B. Bonfoey; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 2968) to provide for a May term of the district court of the United States for the eastern district of South Carolina; which was read twice by its title.

Mr. BUTLER. I beg leave to accompany the bill with a letter from Judge Simonton, the district judge of South Carolina, to which I beg to invite the attention of the Committee on the Judiciary, and ask if we can not have early action in regard to the bill. It seems to be a matter of some importance.

The PRESIDENT *pro tempore*. The bill and accompanying paper will be referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 2969) granting a pension to Clark Martin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2970) for the relief of H. K. Belding; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN introduced a bill (S. 2971) authorizing the restoration of the name of Thomas Hynes, late first lieutenant First United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2972) to refund to the corporate authorities of Frederick City, Md., the sum of \$200,000 exacted of them by the Confederate army under General Jubal Early, in 1864, under penalty of burning said city; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON of Maryland (by request) introduced a bill (S. 2973) for the relief of Thomas Stack; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 2974) granting an honorable discharge to Ephraim Morrison; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2975) granting an honorable discharge to William Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 2976) for the construction of a public building at Flint, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SAWYER introduced a bill (S. 2977) for the relief of the Stockbridge tribe of Indians, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CULLOM introduced a bill (S. 2978) granting an increase of pension to James T. Smith; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. GIBSON of Maryland submitted six amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

SALE OF NONMINERAL LANDS.

Mr. POWER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate, and at as early a date as practicable, with a detailed statement of all moneys received by the General Land Office, and the cost of survey and sale of same for all nonmineral lands sold from the public domain during the past ten fiscal years, up to and ending June 30, 1891, within the areas now included in the States of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Washington, and Wyoming, and the Territories of Arizona, New Mexico, Oklahoma, and Utah. This information to be arranged by fiscal years, under receipts and expenditures, by States and Territories and by land districts within the same.

SALMON FISHING IN ALASKA.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Fish Commissioners be, and he is hereby, directed to communicate to the Senate any information in his possession relative to salmon fishing in Alaska, its extent, and whether the methods employed in catching salmon are likely to diminish the supply and eventually exterminate the salmon, together with his opinion as to what measures should be adopted for the protection and preservation of the salmon industry in Alaskan waters.

DYNAMITE-GUN CRUISER VESUVIUS.

The PRESIDENT *pro tempore*. Is there further morning busi-

ness? If there be no further morning business, the first case on the Calendar under Rule VIII will be stated.

The bill (S. 1558) to remit the penalties on the dynamite-gun cruiser Vesuvius was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remit to the Pneumatic Dynamite Gun Company, of New York City the time penalties exacted by the Navy Department under the contract with that company for the construction of the dynamite-gun cruiser known as the Vesuvius, the United States having suffered no damage by the delay in the construction, and the cruiser having been accepted by the Department as satisfactory.

Mr. COCKRELL. I should like to hear some explanation of the bill.

Mr. BLACKBURN. The Committee on Naval Affairs made this report, and it is based largely upon the letter of the Secretary of the Navy, which I will ask to have read at the desk.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

NAVY DEPARTMENT, Washington, February 11, 1891.

SIR: Referring to the letter from the Committee on Naval Affairs of the Senate, under date of the 28th ultimo, inclosing a copy of S. 4559, "to remit the penalties on the dynamite-gun cruiser Vesuvius," and requesting my views upon the subject of the bill, I have the honor to state that the vessel has been completed and accepted, and while there were great delays in her completion, extending to a period of four hundred and thirty-four working days, the Government has sustained no damage by reason of such delay.

Very respectfully,

B. F. TRACY, Secretary of the Navy.

HON. J. D. CAMERON,

Chairman Committee on Naval Affairs, United States Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN KANSAS.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein. It is a local matter. The bill was read to the Senate the other morning and the Senator from Alabama [Mr. MORGAN] then objected to its consideration. He informs me that he is satisfied with the bill. It is a matter of some local importance to our people, and I ask for its consideration now.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has been heretofore read at length as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. VEST. When this bill was called up the other day I made no objection to its consideration, but I rose for the purpose of making a statement that I will make now. I do not propose that my action in not opposing the bill shall be considered as any indorsement of the present judicial system that prevails in the Indian Territory.

This bill simply transfers the place of holding court from Topeka, in the State of Kansas, to another point in that State which is more adjacent to the Indian Territory, but retains the jurisdiction over offenses committed in the Indian Territory in the court. I want to say, and I propose to make it effective whenever I can, that I am utterly opposed to the whole system of dragging Indians out of the Indian Territory in order to try them before courts in Texas, Arkansas, or Kansas. But the Senate has refused hitherto to apply the proper remedy to this system, and I do not oppose the pending bill simply because it is a question of expense. It puts the court nearer to the Indian Territory, but retains what I consider a most vicious system, to which I have alluded.

Mr. PERKINS. I wish to say simply that I agree with the Senator from Missouri that this jurisdiction ought to be exercised elsewhere, and I have for years contended that courts in the Indian Territory should be organized to do this work. Whenever the committee of which the Senator is a member will report such a bill I shall give to it my cordial indorsement and support. But, as suggested by him, this is not creating a new jurisdiction. This jurisdiction exists now in the courts of the United States, and under the provisions of the bill the court is taken nearer to the corner of the Indian Territory than at present, and the cost to the Government of the United States will be less and the convenience of the people and the Indians better accommodated. There is a public building at Fort Scott now, no expense is incurred in that particular, and the bill simply provides that a term of court shall be held there.

The bill was ordered to a third reading, read the third time, and passed.

CONSULS TO THE CONGO FREE STATE.

Mr. MORGAN. When I was absent from the Senate (and I have not been absent from this body twenty minutes except on

public business) the bill (S. 2424) for the appointment of consuls to the Congo Free State was passed over informally. I ask that it be taken up.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amendment in section 1, line 9, before the word "Point," to strike out the word "Bonona" and insert "Banana."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REAR-ADMIRAL JAMES E. JOUETT.

The bill (S. 204) in relation to the pay of Rear-Admiral James E. Jouett, retired, was considered as in Committee of the Whole. It provides that Rear-Admiral James E. Jouett, of the United States Navy, retired, shall be paid the highest pay and compensation of his grade as a rear-admiral.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN NICKLES.

The bill (S. 1415) for the relief of John Nickles was considered as in Committee of the Whole. It appropriates \$1,016 to pay the claim of John Nickles for the purchase price paid by him to the United States for 400,000 feet of lumber, laths, and logs bought by him from the Government at Big Cottonwood Canyon, in the Territory of Utah, on the 28th of September, 1876, the title to which has failed; and the further sum of \$236.80, being the amount paid out by Nickles as costs of court in litigating the title to the property with the adverse holders thereof, making a total sum of \$1,252.80.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. CHARLES COLLEGE, MISSOURI.

The bill (S. 30) for the relief of St. Charles College was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments. The first amendment was, in line 10, after the word "occupation," to strike out the words "and to find, award;" so as to read:

That the Secretary of War is hereby authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the alleged use and occupation by the United States military authorities for Government purposes, during the late war, of the college buildings and grounds of St. Charles College, in St. Charles County, Mo., the actual value of such use and occupation, and certify to the Secretary of the Treasury what amount, if any, is equitably due to said St. Charles College from the United States as the reasonable value of such use and occupation.

The amendment was agreed to.

The next amendment was in line 13, after the word "occupation," to strike out the remainder of the bill.

Mr. COCKRELL. I ask that the vote may be first taken on striking out these words, following the word "occupation," in line 13:

And for damages to such buildings and grounds, the natural result of such use and occupation.

Let the vote be taken on that as a separate amendment first.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the committee striking out the words indicated by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. I hope that the amendment striking out the remainder of the bill will not be agreed to.

Mr. MITCHELL. The Senator from Kansas [Mr. PEPPER] who reported the bill is not in his seat, but on consultation with him I find that that is an error, and the amendment should not be agreed to.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 15, after the words already stricken out, the committee report to strike out the following:

And that the Secretary of the Treasury is hereby authorized and directed to pay to said St. Charles College, out of any money in the Treasury not otherwise appropriated, the amount, if any, so found to be due from the United States; and the acceptance by said St. Charles College of any sum paid under the provisions of this act shall be in full satisfaction of all claims of every kind and nature for said use and occupation, and all damages resulting therefrom.

Mr. MITCHELL. I will state that it has been the practice heretofore of the Committee on Claims and of the Senate in these church cases to make an appropriation direct for such amount as the War Department may find to be due.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. ROSE.

Mr. BLACKBURN. I ask that Senate bill 1999, for the relief of John G. Rose, be now considered. It was reached on the Calendar and passed over without prejudice.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1999) for the relief of John G. Rose. It proposes to direct the Secretary of the Navy to amend the records of the Navy Department so as to place the name of John G. Rose on the roll as an acting master's mate from the time of his second enlistment, February 10, 1865, to the time of his discharge, January 30, 1868, and to cause an honorable discharge to be delivered to Rose as an acting master's mate, to take the place of the discharge as seaman which he now holds. The proper accounting officer of the Treasury Department is to open and adjust the account of Rose as an officer in the United States Navy, and to allow and pay to him the difference between the pay of seaman and acting master's mate from February 10, 1865, to January 30, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMANDER DENNIS W. MULLAN.

The joint resolution (S. R. 57) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ESTHER J. BOONE.

The bill (S. 1033) granting a pension to Mrs. Esther J. Boone was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Mrs. Esther J. Boone, of Lincoln, Nebr., who, by exposure and overexertion, lost her hearing while serving as a hospital nurse and sanitary agent from 1862 until the close of the war of the rebellion, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILSON subsequently said: I ask unanimous consent that the vote by which the bill (S. 1033) granting a pension to Esther J. Boone was passed may be reconsidered.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the vote by which the bill (S. 1033) granting a pension to Esther J. Boone was ordered to a third reading and passed may be reconsidered. If there be no objection, it is so ordered, and the bill is before the Senate.

Mr. WILSON. I think there was a mistake made in the amendment to that bill. It provided for granting to this person \$24 per month; an amendment has been made reducing that to \$12. I ask that the report of the committee may be read. It certainly seems to me that the Senate will grant the amount provided for in the bill, for if there is a more meritorious case than this it has not come to my observation recently.

The PRESIDENT *pro tempore*. Does the Senator desire the reconsideration of the vote by which the amendment of the committee was agreed to?

Mr. WILSON. Yes, I ask that that be reconsidered.

The PRESIDENT *pro tempore*. It will be so ordered in the absence of objection. The question is on the amendment as proposed by the committee. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK March 19, 1892:

The Committee on Pensions, to whom was referred the bill (S. 1033) granting a pension to Mrs. Esther J. Boone, have examined the same and report: The claim was rejected by the Bureau of Pensions on the ground that claimant was not in the service of the United States, but was a civilian employee and not entitled to a pension under existing laws.

The records of the War Department show that claimant was a nurse in the general hospital at Keokuk, Iowa, from June 13, 1862, to December 31, 1864. Under date of July 9, 1867, M. K. Taylor, surgeon, United States Army, retired, certifies that Mrs. E. J. Boone was regularly appointed a matron or nurse in the general hospital at Keokuk, Iowa, under the charge of affiant; that her length of service and the capacity in which she served can be ascertained by the pay rolls of the medical purveyor then stationed at St. Louis, who paid the civilian employees of the hospital.

In certificate filed August 2, 1887, J. D. Miller, late assistant surgeon of the Eleventh Regiment Iowa Volunteer Infantry, certifies that claimant was en-

gaged as a hospital nurse from March 1, 1862, till the hospitals were broken up in 1865; that to the knowledge of the affiant the said claimant was actively engaged all the time in caring for the sick and wounded and forwarding supplies.

In affidavit filed August 2, 1887, H. T. Cleaver, late assistant surgeon United States Army, certifies that claimant served in the capacity of matron in the Estes House or Fifth Street Hospital, at Keokuk, Iowa, in the employ of the United States, from the spring of 1862 till the close of the said hospital in July, 1865, during which time affiant was acting assistant surgeon in charge of the hospital.

Pension is claimed on account of deafness contracted while employed as hospital nurse at Keokuk, Iowa, in the service of the United States during the war of the rebellion.

In affidavit filed January 18, 1889, Dr. W. F. Peck, of Davenport, Iowa, testifies that he is well acquainted with claimant, who was formerly a nurse in the Iowa Soldiers' Orphans' Home, at Davenport, Iowa, and that she was compelled to give up her position in said home on account of imperfect hearing caused by inflammation of the throat, contracted while a nurse in hospitals during the war of the rebellion.

In a certificate filed January 18, 1889, Dr. H. B. Lowry, president of the board of United States examining surgeons at Lincoln, Nebr., states that claimant is totally deaf in her left ear and almost totally deaf in her right ear; that she can not hear a watch in contact with either ear.

The evidence shows that claimant rendered valuable service to the Government as a hospital nurse during the war of the rebellion, and that she contracted deafness incident to said service. It is also shown that she is incapacitated for certain kinds of employment by reason of the said deafness.

The facts seem to warrant favorable action, and your committee therefore recommend the passage of the bill.

Mr. PADDOCK. Mr. President, I desire to say, in answer to what the Senator from Iowa suggested, that there was no mistake, no error made in fixing this amount. There was regret felt by the committee that this amendment had to be made. It was made for the reason that in another place, where there has also to be action had on these bills, a rule has obtained in times past that fixes the pension rate of army nurses, whatever the disability may be, at \$12 per month. My own desire was that the amendment should not be made in the committee, and I was very anxious to report the bill at the full amount named therein, but for the reason stated it was considered by the committee to be better that the rule which has obtained should be followed.

Mr. COCKRELL. I should like to ask the Senator from Nebraska if the Senate has not already at a former session passed a bill fixing the amount of pension for army nurses at \$12 per month, and whether all other bills of this character have not been made to conform to that rule?

Mr. PADDOCK. They have. That rule has obtained. I think a bill for a general law was passed through the Senate, but failed in the other House.

Mr. COCKRELL. Certainly; it was passed here in the last Congress.

Mr. PADDOCK. I think this is one of the most meritorious cases ever presented to the Committee on Pensions since I have had the honor to serve upon that committee, but it does not stand alone of its class. There are some others of equal merit which have been laid aside, because it seemed necessary to do so in order to secure action.

Mr. COCKRELL. I think in every case that has passed this Congress \$12 has been inserted. I have been watching these bills very closely, and if the Committee on Pensions has reported a greater amount than \$12 it has escaped my observation. I do not think it has done that, and I hope the Senator from Iowa will not insist upon the amendment he has suggested.

Mr. WILSON. My judgment of the case is based upon the statement of facts in the report of the committee. Here this applicant has in effect lost her hearing, as the proof states. She can not even hear with either ear the tick of a watch: the hearing is entirely gone. The proof is positive as to the incurrence of the disability. It does seem to me that \$12, in view of the many bills which have been passed at \$20 and \$25, is too small an amount for a case of this kind.

Mr. PADDOCK. If the Senator will allow me, I am compelled to say that he is in error as to a large number of cases having been passed at the rate of \$20 and \$25. I do not remember any such case in the past four years. I think one case of very great merit—perhaps it was in the Fifty-first Congress—was passed at \$20.

Mr. WILSON. A number of cases have been passed as high as \$25.

Mr. PADDOCK. I should be very glad myself to vote for the amendment of the Senator if such should be the sense of the Senate.

Mr. WILSON. I will move to amend the amendment by reducing the amount from "\$24" to "\$20."

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa to the amendment of the committee will be stated.

The CHIEF CLERK. In line 9, it is proposed to strike out "\$24" and insert "\$20;" so as to read:

And pay her a pension at the rate of \$20 per month.

Mr. PLATT. I would just as soon vote for \$24 a month as for \$20. If we take it out of the rule \$24 is not too much. It is simply a question of whether we are going to stand by the rule

which has been adopted in all these cases, and while I should be very glad to vote for twenty or twenty-four dollars in this case, I feel compelled to stand by the rule.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee, which will be again stated.

The CHIEF CLERK. In line 9, before the word "dollars," it is proposed to strike out "twenty-four" and insert "twelve;" so as to read:

And pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES B. STIVERS.

Mr. COCKRELL. In the absence of the President *pro tempore* who is now in the chair, Senate bill 1588, Order of Business 389, was passed over without prejudice yesterday or the day before. I ask that it may be now considered.

The PRESIDENT *pro tempore*. The bill having been passed over without prejudice is in order.

The bill (S. 1588) for the relief of Charles B. Stivers was considered as in Committee of the Whole. By it the provisions of law, regulating appointments in the Army by promotions in the line are suspended for the purpose and only so far as they affect Charles B. Stivers; and the President of the United States is authorized, in the exercise of his discretion and judgment, to nominate and, by and with the advice and consent of the Senate, to appoint Charles B. Stivers, late a captain in the Seventh Infantry Regiment, to the same grade and rank of captain in the Army of the United States, in the infantry service, and to place him upon the retired list of the Army as of the date of December 30, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT DOUGLAS MILITARY RESERVATION.

The bill (S. 1602) granting a right of way on the Fort Douglas military reservation, in the Territory of Utah, was considered as in Committee of the Whole.

The Salt Lake City Railroad Company, a corporation duly organized and existing under the laws of the Territory of Utah, and operating its electric lines upon the streets of Salt Lake City, its successors and assigns, are by the bill granted a right of way, not to exceed in width 50 feet, on the Fort Douglas military reservation, for a street railway, beginning at a point, to be approved by the Secretary of War, on the southwest line of the reservation, opposite Mount Olivet Cemetery, and running thence northeasterly over route to be approved by the Secretary to a point near the present military headquarters.

Mr. COCKRELL. In line 20, after the word "revocation," I move to insert "by the Secretary of War," so as to show clearly that the revocation is to be made by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAND ARMY OF THE REPUBLIC ENCAMPMENT.

The bill (S. 1819) authorizing the issuing and loaning of the ensigns, flags, signal numbers, etc., of the United States for the purpose of decorating the streets of the city of Washington on the occasion of the meeting of the encampment of the Grand Army of the Republic, in the month of September, 1892, was announced as next in order on the Calendar.

Mr. HAWLEY. Unless it is absolutely required that this bill shall be read through, I wish to offer as an amendment, in the nature of a substitute, a House joint resolution on the same subject, with an amendment or two.

Mr. COCKRELL. Is the joint resolution referred to by the Senator on the Calendar?

Mr. HAWLEY. It is not.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut desire that the House joint resolution shall be taken up in lieu of the Senate bill?

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to offer the House joint resolution as a substitute for this bill.

Mr. COCKRELL. Then the Senator should call that resolution up.

Mr. HARRIS. The Senator should ask to take up the House resolution.

Mr. HAWLEY. In lieu of the Senate bill the House joint resolution, which I hold in my hand, has been referred to the Military Committee, and I am instructed to offer it as a substitute for this bill.

Mr. HARRIS. That would make it a Senate bill, which would have to go to the other House for concurrence. The Senator should report the joint resolution to the Senate from his committee, and ask that it be considered instead of the Senate bill.

Mr. HAWLEY. I will do that.

Mr. HARRIS. That is the better plan.

Mr. HAWLEY. Then I report from the Committee on Military Affairs the joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army encampment in September, 1892, with certain amendments, and move that the Senate bill be laid aside, and that the Senate proceed to the consideration of the joint resolution.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks that the pending bill be laid aside temporarily, and that the Senate consider the joint resolution just reported by him from the Committee on Military Affairs. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army encampment in September, 1892.

Mr. HAWLEY. There are certain amendments reported by the committee.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Military Affairs will be stated.

The first amendment was, in section 1, line 4, after the word "be," to insert "and they are hereby;" in the same line, after the word "chairman," to strike out the word "on" and insert "of;" after the word "and," at the end of line 12, to insert "are;" and in line 16, before the word "shall," to insert "they;" so as to make the section read:

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to Louis D. Wine, chairman of the subcommittee in charge of street decorations, or his successor in said office, for the purpose of decorating the streets of the city of Washington, D. C., on the occasion of the encampment of the Grand Army of the Republic in the month of September, 1892, all of the United States ensigns, flags (except battle flags), signal numbers, etc., belonging to the Government of the United States, as in their judgment may be spared and are not in use by the Government at the time of the encampment. The loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 10th day of September, and they shall be returned by him by the 30th day of September, 1892.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the words "and so forth," to strike out "in the order and condition in which they were received;" and at the end of the section to add:

To secure just payment for any loss or damage to any of said ensigns, flags, and signal numbers not necessarily incident to the use specified.

So as to make the section read:

SEC. 2. That for the protection and return of said ensigns, flags, signal numbers, etc., the said Louis D. Wine, or his successor in office, shall execute and deliver to the President of the United States, or to such officer as he may designate, a satisfactory bond in the sum of \$50,000 to secure just payment for any loss or damage to any of said ensigns, flags, and signal numbers not necessarily incident to the use specified.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. HAWLEY. Now, I move that the Senate insist on its amendments, and ask for a committee of conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. PROCTOR, and Mr. PALMER were appointed.

Mr. HAWLEY. Let the Senate bill on the same subject be indefinitely postponed.

The PRESIDENT *pro tempore*. Senate bill 1819, on the same subject, will be indefinitely postponed.

INVESTIGATION OF CITY SLUMS.

Mr. KYLE. Order of Business 361, being a joint resolution providing for an investigation relative to the "slums of cities," was passed over without prejudice. I should be glad to call it up now.

The PRESIDENT *pro tempore*. The title of the joint resolution will be stated.

The CHIEF CLERK. A joint resolution (S. R. 46) providing for an investigation relative to the slums of cities.

The PRESIDENT *pro tempore*. The Chair is informed that the joint resolution has been read at length, and there is an amendment pending by the Senator from Connecticut [Mr. HAWLEY].

Mr. HAWLEY. I know that the Senator from Delaware [Mr. GRAY] desires to speak upon this resolution. I do also. I should rather it were not taken up now. I ask that it be passed over without prejudice. I must be out of town for three or four days and I do not wish to speak now, but I wish to speak for perhaps ten, fifteen, or twenty minutes on the matter hereafter.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects to the present consideration of the joint resolution. Being objected to, it will be passed over.

Mr. HAWLEY. I do not do this for any factious reason, but I want to speak on the joint resolution.

Mr. KYLE. I give notice that I shall call it up at some time when it will be convenient for the Senator from Connecticut.

Mr. HAWLEY. I am obliged to be absent until next Tuesday evening. I shall be ready at any time after that.

Mr. KYLE. Since the consideration of the joint resolution heretofore I have received a communication from the Commissioner of Labor, in which the matters are explained in reference to it, and I think it will all be satisfactory.

The PRESIDENT *pro tempore*. The joint resolution will be passed over, retaining its place on the Calendar.

JESSE W. FINCH.

The bill (S. 1138) to confirm title to 80 acres of land in the State of Washington to Jesse W. Finch and his grantees was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLEN. There are amendments reported by the Committee on Public Lands to the preamble.

The PRESIDENT *pro tempore*. The amendments to the preamble will be stated.

The amendments were, in line 3 of the second clause of the preamble, after the word "sixteen," to insert "north;" and in the same line, after the word "range," to strike out "four" and insert "forty-three;" so as to read:

Whereas on the 5th day of December, A. D. 1878, the east half of the southeast quarter of section 4, in township 16 north, of range 43 east, of the Willamette meridian, containing 80 acres, in the State of Washington, was located under and with said certificate, in the name of Jesse W. Finch, the local land officers accepting the same as legal and valid, etc.

The amendments were agreed to.

The preamble as amended was agreed to.

FREDERICK GRAMM.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2332) for the relief of Frederick Gramm. It is a direction to the Secretary of War to so amend and correct the military record of Frederick Gramm, late a private soldier in Company B of the Fifty-sixth Regiment Ohio Volunteers, as to remove the charges of desertion, and to show that Gramm was captured by the enemy on June 25, 1862, and paroled on June 28, 1862, and permitted by Maj. Gen. Grant, commanding the district, to pass from Memphis, Tenn., to his home in Ohio, to remain until notified of his exchange or otherwise ordered and duly exchanged by General Orders No. 10, War Department, January 10, 1863, and ordered to return to his command, and absent without leave until March 5, 1863, when he enlisted in the Navy of the United States for two years, served faithfully, and was honorably discharged at the expiration of his service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ERNEST ULRICH.

The bill (S. 2374) for the relief of Ernest Ulrich was considered as in Committee of the Whole. It proposes to direct the Secretary of War to correct and complete the record of Ernest Ulrich, late a member of Company G, First Missouri Engineers, so as to show him discharged on or about October 20, 1862, by reason of having furnished his son, Christian Ulrich, as a substitute, who, under the name of his father, completed the term, veteranized, and was honorably discharged on July 22, 1865, and to issue to Ernest Ulrich a certificate of such discharge of the date of October 20, 1862.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTER JAMES E. TOLFREE.

The bill (S. 2224) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the

Whole. It is a direction to the Secretary of the Treasury to pay to James E. Tolfree, paymaster, United States Navy, the sum of \$4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES BLAKE.

The bill (S. 2223) for the relief of Pay-Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Charles Blake, pay clerk, United States Navy, \$700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF SUPPLIES.

The bill (S. 550) to amend section 3709 of the Revised Statutes of the United States, relating to purchase of and contract for supplies, was considered as in Committee of the Whole. It proposes to amend section 3709 of the Revised Statutes of the United States by inserting after the word "services," in the first line thereof, the words "in excess of \$200;" so that the section as amended shall read:

SEC. 3709. All purchases and contracts for supplies or services in excess of \$200 in the War or Navy Department of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles or performance of service. When immediate delivery or performance is required by the public exigency the articles or service required may be procured by open purchase or contract at the places and in the manner in which such articles are usually bought and sold or such services engaged between individuals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHT OF WAY ACROSS FORT DOUGLAS MILITARY RESERVATION.

The bill (S. 1605) granting a right of way through certain lands of the United States in the Territory of Utah, was considered as in Committee of the Whole. It purpose to grant a right of way, not to exceed 50 feet in width, to the Popperton Place and Fort Douglas Rapid Transit Company, a railroad corporation duly organized and now existing under the laws of the Territory of Utah, across the Fort Douglas military reservation, for a street railway, the railway to enter upon the reservation from Logan avenue, Popperton Place, Salt Lake City. The location and width of the right of way shall be subject to the approval of the Secretary of War, and the privileges thus granted shall be subject to revocation or such changes as may be required by him, and such changes shall be made at the expense of the railway company, and no stables shall be erected on the reservation, and no part of this land or right of way shall be used for storage of cars.

Mr. COCKRELL. I suggest in line 12, after the word "revocation," the insertion of the words "by the Secretary of War."

Mr. HAWLEY. I have not a copy of the bill before me. I do not understand how that is omitted.

Mr. COCKRELL. It is an oversight, I presume, in preparing the bill. It should read: "shall be subject to revocation by the Secretary of War or such changes as may be required by him." I move to insert the words "by the Secretary of War," so as to show clearly that the revocation is to be the Secretary of War and not by Congress.

Mr. HAWLEY. "Revocation by him" must refer to the Secretary of War, and nobody else.

Mr. COCKRELL. It might or might not, according to the construction.

Mr. HAWLEY. I have no objection to the amendment for the sake of greater certainty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIM OF GEORGE T. AND GUY P. VANCE.

The next business on the Calendar was the following resolution, reported by Mr. WHITE from the Committee on Claims, March 10, 1892:

Resolved, That the claim of George T. Vance and Guy P. Vance, executors of the estate of William L. Vance, deceased, late of Memphis, Tenn., represented by Senate bill numbered 40, be, and the same is hereby, referred to the Court of Claims, with all the papers in the case, under the provisions of the act of March 3, 1883, commonly known as the "Bowman act," as amended by

the act of March 3, 1887, commonly known as the "Tucker act," to find the facts for the information of Congress.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The question is on agreeing to the resolution.

The resolution was agreed to.

THREATENED SIOUX INVASION OF NEBRASKA IN 1890 AND 1891.

The bill (S. 2476) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was in line 3, after the words "Secretary of" to strike out "War be, and he," and insert "the Treasury;" in line 4, before the word "directed," to strike out "authorized and;" in the same line, after the word "directed," to strike out "to settle" and insert "through the proper accounting officers of the Treasury, to audit and pay;" in line 6, after the words "incurred by," to insert "and for;" after the word "State," at the end of line 11, to strike out "to the Secretary of a full, accurate, and detailed statement or estimate," and insert "of statements;" in line 14, after the word "said," to strike out "national guard," and insert "State for said purpose;" in line 16, after the words "sum of," to strike out "fifty" and insert "forty-two;" and at the end of the bill to insert:

Provided, That the pay and allowances to the officers and enlisted men of said national guard shall not exceed the pay and allowances of the Army of the United States.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed, through the proper accounting officers of the Treasury, to audit and pay the actual and necessary expenses incurred by and for the national guard of the State of Nebraska, called into the service of that State by Governor Thayer in the year 1890 and 1891, to repel a threatened invasion and raid, then imminent, by the Sioux, on presentation by the Governor or other proper authorities of said State of statements of the actual and necessary expenses incurred by said State for said purpose, accompanied, so far as possible, with the proper vouchers and satisfactory proof of the correctness thereof; and that the sum of \$42,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the pay and allowances to the officers and enlisted men of said national guard shall not exceed the pay and allowances of the Army of the United States.

The amendments were agreed to.

Mr. MANDERSON. Abundant reasons for the passage of this bill appear in the report, which is made by the Committee on Military Affairs. It is not along report. I will ask that it be printed in the RECORD, and I desire to supplement it with some material received since the report was made, in the nature of letters written at the time of the Sioux war by Gen. Miles, who was commanding the United States troops in that conflict, and from Hon. James E. Boyd, governor of Nebraska. I ask that these letters be attached to the report, and be printed in the RECORD.

The PRESIDING OFFICER. That order will be made in the absence of objection.

The report made by Mr. MANDERSON, from the Committee on Military Affairs, March 10, 1892, is as follows:

The committee report in favor of the passage of this bill, with certain amendments indicated in the following print of the bill as proposed to be passed:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby directed, through the proper accounting officers of the Treasury, to audit and pay the actual and necessary expenses incurred by and for the National Guard of the State of Nebraska, called into the service of that State by Governor Thayer in the years 1890 and 1891, to repel a threatened invasion and raid then imminent by the Sioux, on presentation by the Governor or other proper authorities of said State of statements of the actual and necessary expenses incurred by said State for said purpose, accompanied, so far as possible, with the proper vouchers and satisfactory proof of the correctness thereof; and that the sum of \$42,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary to carry out the provisions of this act: *Provided*, That the pay and allowances to the officers and enlisted men of said National Guard shall not exceed the pay and allowances of the Army of the United States.

The Sioux Reservation, with its 18,000 square miles, occupied by about 22,000 Sioux Indians, is located in great part in South Dakota, along the northern border of Nebraska, and in part in the last-named State. Brave and warlike, and retaining much of their original savagery, they are a foe to be feared, and their outbreak or threat of war causes dreadful anticipation among all settlers in their vicinity. The events of the winter of 1890-91 are too notorious and of too recent a date to need more than the faintest reference to them. Trouble threatened during all of the summer and fall of 1890, and in November was so imminent and a threat of such magnitude that, with Gen. Miles in command, a large body of United States troops was placed within striking distance of the hostile Indians.

The whole border was greatly alarmed and many settlers fled from their farms, taking refuge in the towns in Northwestern Nebraska. Indeed such action was recommended by the officers of the Government, and the War Department distributed arms among the frontiersmen for their better protection. The latter part of December, 1890, after the battle of Wounded Knee and the retreat of about 4,000 hostile Indians to the Bad Lands along White River, about 15 miles from the Nebraska line, a general Indian war involving all the tribes of the powerful Sioux Nation seemed unavoidable and danger to life and property was great. On January 2, 1891, the governor of Nebraska ordered the First Brigade of the Nebraska National Guard to the frontier to cooperate with the United States troops under Gen. Miles. The

First and Second Regiments responded promptly, and under the command of Gen. L. W. Colby took positions as indicated in the following plan:

These troops were moved by rail from different parts of the State, and Company A, light artillery, and Troop A, of cavalry, were placed and held in readiness to move. The headquarters of the brigade were established at Rushville, Nebr., and the danger was threatening for a distance of 150 miles east and west and for 30 miles north and south. Hundreds of settlers had fled from their homes, leaving their stock and property uncared for. At Chadron alone there were 130 families of settlers gathered in from the neighborhood, dependent upon the public for shelter and food, and much the same condition obtained in all the frontier towns. Gen. Colby established a line of fortified posts or camps north of the line of towns on the Elkhorn Valley Railroad, with a reserve force at each important town.

The appearance of the State troops gave encouragement and confidence to the people, and the National Guard was a valuable adjunct to the troops of the Government stationed on the Indian reservation. General Miles approved of the disposition of the State troops. Many of the settlers returned to their homes. Strict military discipline was maintained in all the camps, and the National Guard of Nebraska won additional credit by prompt, cheerful, and able performance of their duties. On January 12, 1891, Gen. Miles communicated with Gen. Colby that the Indians showed every disposition to comply with the orders of the authorities. He said:

"I feel that the State troops can now be withdrawn with safety, and desire, through you, to express to them my thanks for the confidence they have given your people in their isolated homes."

On January 13, Gen. Victor Vifquain, adjutant-general of Nebraska, wired Gen. Colby:

"Your command will remain at the front until the lives and property of citizens are perfectly secured. Be more vigilant than ever; advise me daily. You will withdraw your command when everything is safe, not before."

On January 14, with the approval of Gen. Miles, Gen. Colby moved the troops to their homes. The campaign was made in the depth of winter in a country affording the severest of weather, and officers and soldiers vied with each other in the performance of their duty.

The following letter, lately received from the adjutant-general of Nebraska, is self-explanatory:

"STATE OF NEBRASKA, OFFICE OF ADJUTANT-GENERAL,
Lincoln, March 5, 1892.

"DEAR SENATOR: I mail you this day the report of the Indian campaign of 1890-91, as submitted to the Legislature, duly certified to by the governor. The Legislature loaned the money, so to speak, until the Federal Government should refund the same. I call your attention to pages 17 and 19 for dispatches of Gen. Miles, especially page 17, the last sentence of which commences: 'I feel that the State troops can now be withdrawn with safety,' etc. This shows that the State troops were needed; that they did not go to picnic in midwinter. The truth is that the position occupied by the Nebraska National Guards cut off the last chance for the escape of the Indians west of the Black Hills."

"The Legislature appropriated \$37,200; I asked for \$40,000. They thought they knew better than I did and they were mistaken; it will certainly take \$42,000 to settle everything."

"I do not think that you wish to be burdened with one thousand different vouchers. The appropriation clause can read: '\$42,000, or as much thereof as necessary, to be at the disposal of the Secretary of War to be paid to the State after the vouchers have been submitted to that official,' or words to that effect. We will then take steps to present the vouchers, which I am now compiling for that purpose. Do you not think this the best way?"

"I am, Senator, yours, respectfully,

"VICTOR VIFQUAIN,
Adjutant-General."

"SENATOR CHARLES F. MANDERSON,
Washington, D. C."

The letters ordered to be printed are as follows:

STATE OF NEBRASKA, EXECUTIVE DEPARTMENT,
Lincoln, March 14, 1892.

MY DEAR SENATOR: When in the month of January, 1891, I became the chief executive of Nebraska, the whole of the State militia, with the exception of a company of infantry and a troop of cavalry, was mobilized in the northwestern part of the State, and had been there several days, for the purpose of protecting the lives and the property of the citizens of this State from the attacks of the hostile Sioux Indians, then in insurrection at the Pine Ridge Agency, a portion of which is located within the confines of this State.

On settlers, the nearest to the reservation, had already been driven from their homes; the rural population had in fact gathered in the towns along the line of railway, and danger was so imminent that United States forces were gathered at the reservation.

It is a matter of history how this trouble was settled, and the report of L. W. Colby, commanding First Brigade Nebraska National Guard, will enable you to see that the services of the Nebraska National Guard were appreciated by Gen. Miles, commandant of the combined Federal and State forces. I received many calls for assistance from the people, but had assurance from the general in command of the Nebraska National Guard that he was in position to protect the lives and property of the citizens. The position he occupied with his command proved of great advantage to the commander of the United States forces, inasmuch as it virtually prevented the retreat or escape of the hostiles.

If there ever was an emergency in the history of Nebraska, whether as a Territory or State, wherein the militia was needed for the protection of the people, I certify that the emergency which caused Governor John M. Thayer to call out the militia the latter part of 1890 was the one; for the reason that if the Nebraska National Guard had not been stationed where they were the Indians would have broken out and devastated the northwestern portion of our State in spite of the United States forces. This is a well-established fact.

I trust, Senator, that you will be enabled to procure such an appropriation as will reimburse the State for the necessary expenses it incurred in protecting our citizens against invasion.

I am, Senator, yours, respectfully,

JAMES E. BOYD, Governor.

HON. CHARLES F. MANDERSON,
United States Senate, Washington, D. C.

HEADQUARTERS DIVISION OF MISSOURI,
Pine Ridge, S. Dak., January 4, 1891.
GOVERNOR OF NEBRASKA,
Lincoln, Nebr.:

I understand that there are some State troops along the line of the railway, prepared to render service if required. They would be most effective deployed along the line of settlements near the northern boundary of Dawes

and Sheridan Counties, in small detachments of six or eight men, at the ranches and isolated homes, to give confidence and security. A few men at such places can protect property and lives of the citizens, and contend against any number of Indians that might attempt to raid the settlements. There are always enough men in the towns to protect them. If necessary I can furnish ammunition, but not arms.

MILES, Major-General, Commanding.

HEADQUARTERS DIVISION OF MISSOURI,
Pine Ridge, S. Dak., January 2, 1891.

GOVERNOR OF NEBRASKA,
Lincoln, Nebr.:

Capt. Ruhlen's (quartermaster) telegram is received, regarding protection to settlements in Davis and Sheridan Counties. The hostile camp is near White Clay Creek, tributary of White River, and troops are now between the settlements and the hostiles. It would give confidence and protection to those settlements to put the companies of State troops along the settlements near the reservation, and it might also be well to furnish these settlements with arms, which would aid them in protecting their homes.

MILES, Major-General, Commanding.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FORT MISSOULA MILITARY RESERVATION.

The bill (S. 1912) granting a right of way through the Fort Missoula military reservation, in the State of Montana, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after line 22, to strike out:

And the agreement of the Secretary of War heretofore made under which the railroad now controlled and operated by the Northern Pacific and Montana Railroad Company was constructed and is now operated and maintained across said military reservation is hereby in all things ratified and confirmed.

And insert in lieu thereof:

The granting of the right of way hereinbefore recited is conditioned as follows: If at any time it may be deemed expedient by the Secretary of War that this authority be revoked he may cause notice to that effect to be given to the Northern Pacific and Montana Railroad Company, whereupon the right and privileges herein granted shall cease and determine, and the said railroad company shall, without delay, at its own cost, take up its tracks and remove the same and all other railroad material from the said reservation without damage to the soil, leaving the same in as good order and condition as at the granting of this authority.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIGHT-HOUSES AND AIDS TO NAVIGATION.

The bill (S. 1627) providing for sundry light-houses and other aids to navigation was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, on page 1, under the headline "Lake Ontario," line 10, before the word "light-ships," to insert "two small;" so as to make the clause read:

On Bay State Shoal, at the cross-over, two small light-ships, at a cost not exceeding \$800.

The amendment was agreed to.

The next amendment was, on page 2, under the headline "Lake Erie," to strike out lines 22, 23, and 24, as follows:

At Huron Harbor, Ohio, a steam fog signal and range light on pier, at a cost not exceeding \$4,700.

The amendment was agreed to.

The next amendment was, on page 2, line 30, after the word "exceeding," to insert "eight thousand;" so as to make the clause read:

For moving range lights, Maumee River, Ohio, so as to properly light the new channel, at a cost not exceeding \$8,000.

The amendment was agreed to.

The next amendment was, on page 2, under the headline of "Detroit River," line 37, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

For a light-ship of suitable pattern, to take the place of the private light-ship now maintained by vessel-owners at Bar Point, and to be located in American waters at a point to be determined by the Light-House Board, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 2, line 38, after the word "two," to strike out "lights" and insert "small light-ships;" and in line 41, after the word "exceeding," to insert "one thousand;" so as to make the clause read:

At Limekiln Crossing, Detroit River, two small light-ships at the north-western and southwestern corners of the cut, to replace private lights now maintained at those points by vessel-owners, at a cost not exceeding \$1,000.

The amendment was agreed to.

The next amendment was, on page 3, line 42, after the word "a," to strike out "light-ship" and insert "light-house;" in line 43, after the word "with," to strike out "fog bell, or a light on cluster of piles," and insert "a steam fog signal;" in line 44, after

the word "private," to strike out "light" and insert "lights;" and in line 45, before the word "thousand," to strike out "three" and insert "thirty-five;" so as to make the clause read:

At Ballards Reef, Detroit River, a lighthouse with a steam fog signal to replace private lights at this point, at a cost not exceeding \$35,000.

The amendment was agreed to.

The next amendment was, on page 3, line 46, after the words "lights to," to insert "mark the;" and line 47, after the word "center," to insert "line of;" so as to make the clause read:

On Grosse Isle, Detroit River, range lights to mark the center line of the channel from the foot of Fighting Island to Mamajuda Light, at a cost not exceeding \$2,500.

The amendment was agreed to.

The next amendment was, on page 3, line 55, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For range lights above Grassy Island, Detroit River, at a cost not exceeding \$2,500.

The amendment was agreed to.

The next amendment was, under the headline "Lake Huron," on page 3, to strike out lines 57 to 60, as follows:

On Scarecrow Island, a light and fog bell, at a cost not exceeding \$15,000.

On Middle Island, a light and fog signal, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, line 62, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

On Poes Reef, Straits of Mackinaw, a light-ship of suitable pattern, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 3, to strike out from line 64 to line 69, inclusive, as follows:

On Graham Shoal, Straits of Mackinaw, a light-ship of suitable pattern, at a cost not exceeding \$15,000.

On St. Martins Reef, head of Lake Huron, a light-ship of suitable pattern, at a cost not exceeding \$30,000.

The amendment was agreed to.

The next amendment was, on page 4, under the headline "St. Marys River," in line 73, after the word "moving," to strike out "upper;" so as to make the clause read:

For moving St. Marys Ranges, at a cost not exceeding \$5,000.

The amendment was agreed to.

The next amendment was, on page 4, to strike out lines 75 and 76, as follows:

For light-ship above Round Island, at intersection of ranges, at a cost not exceeding \$10,000.

The amendment was agreed to.

The next amendment was, on page 4, under the headline "Lake Superior," to strike out lines 78 and 79, as follows:

At Crisps Point, a light and fog signal, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 4, line 82, before the word "fog," to insert "steam;" so as to make the clause read:

At Big Sable Point, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 4, line 85, before the word "fog," to insert "steam;" so as to make the clause read:

At Big Bay Point, between Granite and Huron Islands, a light and steam fog signal, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 4, to strike out lines 87 to 90, inclusive, as follows:

At Point Abbye, entrance to Huron Bay, a light-ship and bell, at a cost not exceeding \$15,000.

At Traverse Island, a light and a fog signal, at a cost not exceeding \$30,000.

The amendment was agreed to.

The next amendment was, on page 5, line 94, before the word "fog," to insert "steam;" so as to make the clause read:

At Eagle Harbor, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 5, line 99, before the word "fog," to insert "steam;" so as to make the clause read:

At Portage Lake Ship Canal a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 5, to strike out lines 107 and 108, as follows:

On Gull Island, Apostle Group, a light and bell, at a cost not exceeding \$10,000.

The amendment was agreed to.

The next amendment was, to strike out lines 111 and 112, as follows:

At Bark Point, a light and fog whistle, at a cost not exceeding \$15,000.

The amendment was agreed to.

The next amendment was, on page 6, line 115, before the word "Superior," to insert "At;" so as to make the clause read:

At Superior Bay, lights, at a cost not exceeding \$1,300.

The amendment was agreed to.

The next amendment was, on page 6, to strike out lines 119 to 123, inclusive, as follows:

At Rock of Ages, a light and fog signal, at a cost not exceeding \$125,000.

At Rock Harbor, reestablish light and establish fog signal, at a cost not exceeding \$10,500.

The amendment was agreed to.

The next amendment was, on page 6, under the headline "Lake Michigan," in line 127, before the word "fog," to insert "steam;" so as to make the clause read:

At Seul Choix Point, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 6, line 129, before the word "fog," to insert "steam;" so as to make the clause read:

On South Fox Island, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 6, line 131, after the word "and," to insert "steam;" so as to make the clause read:

On north end North Manitou Island, a light and steam fog signal, at a cost not exceeding \$30,000.

The amendment was agreed to.

The next amendment was, on page 6, to strike out lines 133 and 134, as follows:

On southeast point North Manitou Island, a light and fog signal, at a cost not exceeding \$30,000.

The amendment was agreed to.

The next amendment was, on page 7, line 137, before the word "fog," to insert "steam;" so as to make the clause read:

At Ludington, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 7, line 139, before the word "fog," to insert "steam;" so as to make the clause read:

At St. Joseph, a steam fog signal, at a cost not exceeding \$5,000.

The amendment was agreed to.

The next amendment was, on page 7, line 141, before the word "fog," to insert "steam;" so as to make the clause read:

At Manitowoc, a steam fog signal, at a cost not exceeding \$5,500.

The amendment was agreed to.

The next amendment was, on page 7, to strike out lines 147 and 148, as follows:

At Rock Island, a light ship of suitable pattern, at a cost not exceeding \$20,000.

The amendment was agreed to.

The next amendment was, on page 7, line 151, before the word "fog," to insert "steam;" so as to make the clause read:

At Little Gull Island, a light and steam fog signal, at a cost not exceeding \$30,000.

The amendment was agreed to.

The next amendment was, on page 7, to strike out lines 153 and 154, as follows:

At Pointe aux Barques, a light and fog signal, at a cost not exceeding \$25,000.

The amendment was agreed to.

The next amendment was, on page 7, in line 155, to strike out the word "Noque" and insert "Noquette;" so as to make the clause read:

At Squaw Point, Little Bay de Noquette, a light, at a cost not exceeding \$5,000.

The amendment was agreed to.

The next amendment was, on page 7, line 157, before the word "Peshtigo," to insert "or near;" and in the same line, to strike out the words "light-ship with fog whistle," and insert "light-house and steam fog signal;" so as to make the clause read:

At or near Peshtigo Shoal, Green Bay, a light-house and steam fog signal, at a cost not exceeding \$10,000.

The amendment was agreed to.

The next amendment was, on page 8, line 164, after the words "for the," to strike out "purchase of four light-ships of suitable pattern; one of said light-ships to be stationed at or near Eleven Foot Shoal, one at or near Drisco Shoal, one at or near Poverty Island Shoal, and one at or near Whale Back Shoal" and insert in lieu thereof "construction or purchase and equipment of one or more light-ships for service on the Great Lakes, and said appropriation shall be immediately available therefor;" so as to make the clause read:

That the sum of \$60,000, heretofore appropriated by act of Congress, August 30, 1880, for the building of a light-house on Eleven Foot Shoal, Green Bay, be applied, under the direction of the Light-House Board, for the construction or purchase and equipment of one or more light-ships for service on the Great Lakes, and said appropriation shall be immediately available therefor.

The amendment was agreed to.

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The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5499) to amend an act entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WASHINGTON, Mr. KILGORE, and Mr. PERKINS, managers at the conference on the part of the House.

BOSTON HARBOR IMPROVEMENT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 18th instant, a letter from the Chief of Engineers, dated the 19th instant, together with a copy of a letter from Lieut. Col. S. M. Mansfield, Corps of Engineers, relative to the cost of deepening the main channel of Boston Harbor; which was read.

Mr. HOAR. I desire to ask the chairman of the Committee on Commerce to examine that report and see whether the map which accompanies it should be printed or not, as well as the letter; and, if so, that he will make the proper motion.

Mr. HARRIS. Had it not better be referred to the Committee on Commerce? Then the committee can order any printing they desire.

Mr. HOAR. I wish to have the matter advanced. It relates to an important improvement in Boston Harbor, which I want to have the committee consider in time for the river and harbor bill.

Mr. FRYE. I think that ordering the printing of the map will cause such delays that it will probably be useless at this session of Congress, and perhaps it had better not be printed, but let the communication be printed and referred to the Committee on Commerce.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. The communication and accompanying papers, except the map, will be printed and referred to the Committee on Commerce.

MILITARY POST NEAR HELENA, MONT.

Mr. HAWLEY. I dislike to ask the Senate to take up a bill out of its order, but I am going out of town for four or five days, and I am pressed by the Secretary of War, the Senators from Montana, and various citizens to ask for the early consideration of Senate bill 1881, to establish a military post near the city of Helena, in Lewis and Clarke County, in the State of Montana. I ask unanimous consent that it may be considered now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1881) to establish a military post near the city of Helena, in Lewis and Clarke County, in the State of Montana.

The bill was reported from the Committee on Military Affairs, with an amendment in section 2, line 3, after the word "quarters," to insert "hospital;" so as to read:

SEC. 2. That for the purpose of defraying the expenses of locating the said army post as aforesaid, and of constructing barracks, quarters, hospital kitchens, mess halls, stables, storehouses, magazines, defenses, and other necessary and suitable improvements and buildings, there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$300,000, or so much thereof as may be necessary, the same to be drawn from the Treasury and applied to said purposes under the direction of the Secretary of War.

The amendment was agreed to.

Mr. HAWLEY. This is a bill of so much importance and asking for so much money that I ought perhaps to put on record a brief statement about it.

This is a matter which has been long considered by the War Department. The establishment of this post is recommended by the Secretary of War, by the General commanding the Army, the general commanding the Department of the Missouri, and the general commanding the Department of Dakota. It is a part of a general system for rearranging the posts of the Army, which has become a wise and necessary policy.

We have no longer what is called technically "a frontier." The abolishment of small posts and the concentration of troops at points strategically strong and conveniently situated for quick distribution in case of necessity is a policy which is being carried out by the War Department. Pursuant to this policy, Fort Shaw, Fort Logan, Fort Ellis, and Fort Maginnis, in Montana, have all been discontinued, while other small posts and camps where military forces have been stationed in former time have

disappeared. This affords the Government the opportunity to acquire 1,000 acres of land free of cost for the purposes of the act.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. CALL. Here is a very large appropriation for the establishment of a military post. We passed a bill a few days ago establishing a post in the State of Florida, for the erection of entirely new barracks, and the appropriation, I think, was \$20,000. The \$300,000 here proposed to be appropriated, especially in the present condition of the Treasury of the country, seems to me to be a large amount.

Mr. HAWLEY. Well, Mr. President, the Senator is correct; it is a large amount; but it is a matter, as I say—I can only repeat what I have already said—that the Secretary of War, the General commanding the Army, and the generals of various departments recommend. It causes the discontinuance of four very considerable forts and a number of small posts.

Mr. McPHERSON. Where is it located?

Mr. HAWLEY. In Helena, Mont. The Senators from Montana understand the question fully. I think the bill is wise and economical. I think it is most decidedly an economical measure.

Mr. SANDERS. Mr. President, the establishment of this post in that vicinity has been approved by various generals commanding the Army from the days of Gen. Grant down until now. It was the judgment of Gen. Sheridan, as it is now of all the army officers familiar with that region, that it is in the interest of the economy.

In response to what the Senator from Florida [Mr. CALL] is pleased to say, I will state that the bill itself contemplates as a condition precedent a very considerable contribution from the people in that region. A thousand acres of land at any place where it is likely this post will be established in that vicinity will not be likely to be worth less than from fifty to one hundred dollars an acre; and while I do not very cordially or enthusiastically support that portion of the proposition, I am satisfied that it will be accepted and the conditions be complied with.

There are a number of small posts remote from railroads which have been or are to be abolished there. The point selected in this bill is one from which railroads diverge at almost every point of the compass. It is near to our northern frontier, and troops can be maintained at the post to be established here much more cheaply than they can at the various posts to be abolished and those which have heretofore been abolished.

While it is true that the appropriation is somewhat large, I do not know, and I do not suppose indeed that it will be possible, that it will all be expended this year; but the creation of such a post as will accommodate the army which must live somewhere at that point will be accompanied with some expense. That expense, however, will be largely reimbursed by the saving which will result to the Government by removing the troops from posts which are now very expensive. Gen. Merritt, I believe, states that Fort Custer, which is one of the posts contemplated to be abandoned, is the most expensive post in the United States to supply, and inasmuch as at that point the necessity for a military force has ceased to exist, it is contemplated that it shall be abolished and that the troops shall be stationed at this new post.

There is no apprehension that the property will not be worth twice as much as the Government proposes to appropriate by this bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ECKINGTON AND SOLDIERS' HOME RAILROAD COMPANY.

The bill (H. R. 410) to amend the charter of the Eckington and Soldiers' Home Railroad Company was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, line 8, after the word "avenue," to strike out:

Thence southeasterly along New Jersey avenue to C street northwest; thence east along C street to North Capitol street, and thence south along North Capitol street to B street north, and also beginning at the intersection of G street and New Jersey avenue, east to Massachusetts avenue; thence southeasterly along Massachusetts avenue to North Capitol street, and—

And insert in lieu thereof:

and First street; thence south along First street NW. to C street NW.; then east along C street to New Jersey avenue; thence south along New Jersey avenue to a point in the center of said avenue at a distance of not less than 150 feet from the north curb line of B street north. Returning north along New Jersey avenue to D street; thence west on D street to First street NW.; thence north on First street to G street, and along G street to Fifth street NW.; also, beginning at the intersection of G street and New Jersey avenue; thence across New Jersey avenue to and along G street to North Capitol street.

The amendment was agreed to.

The next amendment was, in section 1, after line 27, to insert:

Also beginning at the intersection of New Jersey avenue and C street NW.; thence east on C street to Stanton square; thence around Stanton square,

on the south side thereof, to C street NE. and along C street to Fifteenth street NE.; thence north on Fifteenth street to D street NE.; thence west on D street to Fourth street; thence south on Fourth street to and along C street to New Jersey avenue and the point of beginning. *Provided*, That until C and D streets shall be paved and provided with sewers to Fifteenth street the company shall not be required to construct its road beyond Twelfth street, and shall have authority to make connection with D street through Twelfth street.

The amendment was agreed to.

The next amendment was, in section 1, line 54, after the word "its," to strike out "line" and insert "lines;" so as to read:

Said company shall charge not exceeding 5 cents fare for one continuous ride from any point on its lines to the terminus of its main line or any of its branches.

The amendment was agreed to.

The next amendment was, to insert at the end of section 1 the following additional provisos:

Provided, That the construction of said railroad on any street where there are or may be any mains, fixtures, or apparatus pertaining to the Washington Aqueduct shall be subject to such conditions as may be approved by the Secretary of War, which conditions must be obtained and be accepted in writing by said company before commencing any work on such street, and no steam cars, locomotives, or passenger or other cars for steam railroads shall ever be run on the tracks of said company over any such main, fixture, or apparatus. The said railroad shall be subject to the requirements of section 15 of the act of Congress approved February 28, 1891, entitled "An act to incorporate the Washington and Arlington Railway Company of the District of Columbia." The said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States to the credit of the Washington Aqueduct such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may deem necessary, any of the work that the said company may neglect or refuse to complete; and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus, and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in case of emergency, be made only on the order of the Secretary of War. The exercise of the rights by this act granted are to terminate at the pleasure of the Secretary of War in case of persistent neglect by said company, or by its successors, to make the deposits, or to comply with any of the conditions, requirements, and regulations aforesaid.

The amendment was agreed to.

Mr. McMILLAN. I am instructed by the Committee on the District of Columbia to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In section 1, line 39, after the word "street," it is proposed to insert:

Also beginning at the present terminus of the Eckington and Soldiers' Home road on Fourth street extended, thence along and wholly outside of the present Bunker Hill road, on land to be acquired by said company by gift or purchase and made a part of said road, to a point to be located by the commissioners of the District of Columbia, west of Brooks Station: *Provided*, That nothing contained in this act shall be taken to require the extension provided for in this clause before said road shall have been widened as herein provided for: *Provided further*, That the tracks of said company on Lincoln avenue shall be taken up within thirty days from the passage of this act, and the roadway shall be restored to public uses in such manner as the Commissioners of the District of Columbia shall direct.

The amendment was agreed to.

Mr. McMILLAN. In line 84, on page 4, in section 1, I move to strike out "sum" and insert "sums."

The amendment was agreed to.

Mr. McMILLAN. In section 1, line 89, before the word "disbursements," I move to strike out "its" and insert "their;" so as to read: "with an account of their disbursement in detail."

The amendment was agreed to.

Mr. McMILLAN. In section 3, line 3, after the word "act," I move to insert "except as otherwise expressly provided for."

The amendment was agreed to.

Mr. CALL. Mr. President, I should be very glad if the Senator from Michigan in charge of this bill would explain the necessity for it.

Mr. McMILLAN. The object of the bill is to enable the Eckington road, which now runs to the Soldiers' Home and the Catholic University, to extend its lines, which now run on G street, up to the Baltimore and Ohio depot first, using the tracks of the present companies, so that it is not necessary for them to build a track except on one block. Between Fourth and Fifth streets, on G street, they will have to build to connect the two lines. Then they use the tracks of the Belt Line until they get up to New Jersey avenue, when they use the tracks of the Metropolitan line.

Then it was thought best, instead of permitting new charters to be granted for the purpose of building new lines on the northeast side of the city, to extend this road up to Fifteenth street northeast. That enables passengers in the northeast part of the city to take the Eckington cars, which will take them either

down to the Treasury Department in the center of the city with transfers to Georgetown, or will take them to the Soldiers' Home for the sum of 5 cents. If we were to allow charters to be given to those who are demanding them in the east end, it would simply mean that a passenger would have to pay 10 cents to take the same ride. This bill has had careful attention from the committee; it was examined very carefully, and we think it is a very good bill indeed, satisfactory to the citizens and advantageous for the District in every way. It has behind it petitions from hundreds of people.

Mr. MORGAN. I wish to ask the chairman of the committee whether this proposed railway line passes along G street between Fourth and Fifth?

Mr. McMILLAN. It now runs on G street.

Mr. MORGAN. It runs to Fifth street on G?

Mr. McMILLAN. Yes, sir.

Mr. MORGAN. Is it proposed to extend it from Fifth to Fourth on G?

Mr. McMILLAN. Yes; to fill up that gap, and then connect with what is called the Belt Line.

Mr. MORGAN. You can not put two lines of railway in that street without ruining it.

Mr. McMILLAN. They do not. There is no track there at all now.

Mr. MORGAN. I mean that you can not put a double track there without ruining that street.

Mr. McMILLAN. There is a double track on G street.

Mr. MORGAN. Up to Fifth there is, but not beyond that, not between Fourth and Fifth.

Mr. McMILLAN. The Senator will remember that on G street at that point the Pension Office is situated.

Mr. MORGAN. Yes, I know, and that is the reason why you can not get a proper width of street there to put in two tracks.

Mr. McMILLAN. I do not think there is any difficulty about it. I have driven down there myself and looked at it very carefully.

Mr. MORGAN. I lived on that street for four years, and I know it to be the fact.

Mr. HARRIS. The street from Fourth to Fifth is as wide as it is from Fifth to Fifteenth.

Mr. MORGAN. No, not as wide.

Mr. HARRIS. It is quite as wide; and on one side there are no buildings. On the north side there are buildings.

Mr. MORGAN. On the south side there is the Pension Office.

Mr. HARRIS. Of course, and there is an open space.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. McMILLAN. The majority of the people who live there have no objection to this road. The track is laid very smoothly; the new pattern of rail is used, and when it is asphalted over there will not be any difficulty about it, and it will be a very great convenience to have this road extended that one block.

Mr. MORGAN. What is the motive power?

Mr. McMILLAN. Electricity.

Mr. MORGAN. Overhead?

Mr. McMILLAN. Underground or the storage battery. It is expressly provided in the bill that nothing else shall be used. It must be either underground or the storage-battery system.

Mr. VEST. They may use the present power that they have.

Mr. McMILLAN. That is storage. They use on New York avenue now the trolley system, but that has to be done away with now very soon. The company has been using for some time the storage system.

Mr. VEST. The language of the bill, I notice, is

"If electric wires or cables are used.

"If" they are used.

Mr. McMILLAN. There is no doubt that they may use a cable, I suppose, but they can not use overhead wires. That is absolutely prohibited.

Mr. VEST. I simply quote the language, which implies that they may use other power.

Mr. HARRIS. There is no other method except the trolley or overhead system, the storage battery, or the conduit system. The provision is exactly the same that was inserted, I think, upon the amendment of the Senator from Missouri a year or two ago in a similar measure. It will require putting under ground any wire or cable that is used for conducting the electric power.

Mr. MORGAN. Will it prohibit the use of horses for traction purposes?

Mr. McMILLAN. There will be no horses on this road.

Mr. VEST. It does not prohibit the use of them. I will say to the Senator from Michigan that the amendment I offered some years ago and which is now the law prohibited the use of overhead wires; that was all. But the language of this bill would permit them to use any power they saw proper. There is no in-

hibition on them at all. It simply says, "If electric wires or cables are used, * * * the same shall be placed under ground;" but it does not say what they shall use.

Mr. HARRIS. If the Senator from Missouri will look at the act providing for the extension on G street, passed two or three years ago, I think that the language in this bill is precisely the same as the language in that in respect of the power, and under that extension act storage batteries have been exclusively used. I think I can safely say that nothing else is contemplated in this extension than the use of storage batteries.

Mr. McMILLAN. I think that they do not contemplate using anything else.

Mr. VEST. I should like to ask the chairman of the committee a question. I am not so familiar with these streets as I possibly ought to be. Where would this road run on B street?

Mr. McMILLAN. It does not run on B street. It runs upon New Jersey avenue within 150 feet of B street. That was done at the request of the property-owners and people who live there. They agreed to that suggestion, so that the people could take cars coming to the Capitol here on New Jersey avenue; but objection was made to coming up to B street, and that was stricken out of the bill.

Mr. VEST. It runs then within 150 feet of B street?

Mr. McMILLAN. Yes, sir.

Mr. HARRIS. To the Baltimore and Ohio depot, within 150 feet of B street.

Mr. MORGAN. There ought to be a restriction in the bill against the use of horse power.

Mr. McMILLAN. The committee have no objection to an amendment of that kind. There is no danger of horse power being used, I can assure the Senator.

Mr. MORGAN. There is always danger when there is an opening for a railroad company.

Mr. HARRIS. If the Senator will suggest an amendment, there can be no objection to prohibiting the use of horse power.

Mr. McMILLAN. I have no objection to it.

Mr. MORGAN. In section 1, line 39, after the word "provided," I move to insert, "That horse power shall not be used on said line for traction purposes, and;" so as to read:

Provided, That horse power shall not be used on said line for traction purposes, and that if electric wires or cables are used to propel its cars over any of the routes hereby authorized within the limits of the city of Washington the same shall be placed under ground.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. McMILLAN. I move that the Senate request a conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. McMILLAN, Mr. HARRIS, and Mr. PERKINS were appointed.

EXCLUSION OF CHINESE.

Mr. DOLPH. I move to take up for present consideration the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States.

Mr. BATE. Why can we not go on with the Calendar regularly?

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. BATE. Why can we not go on with the Calendar regularly?

Mr. DOLPH. As I explained when the bill was reported, in my judgment it is of the utmost importance that it shall receive early action, and if the bill is taken up I am going to give my reasons in support of my proposition.

Mr. BATE. I have no doubt it will get us into a general debate on the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to take up the bill, and the motion is not debatable.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That all laws now in force prohibiting and regulating the coming into this

country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

SEC. 4. That any such Chinese person or person of Chinese descent, once convicted and adjudged to be not lawfully entitled to be or remain in the United States, and having been once removed from the United States in pursuance of such conviction, who shall be subsequently convicted for a like offense, shall be imprisoned at hard labor for a period of not exceeding six months, and thereafter removed from the United States, as hereinbefore provided.

Mr. CHANDLER. I move to amend the text of the original House bill. In section 1, line 3, after the first word "that," I move to insert "for fifteen years;" so as to read:

That for fifteen years from and after the passage of this act it shall be unlawful for any Chinese person or persons, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. DOLPH. Mr. President, at the time I reported this bill I suggested that there was a necessity for speedy action on the part of the Senate, from the fact that the other House had not considered the Senate bill, but had sent to the Senate another bill, a House bill, so that neither bill could become a law without passing one branch of Congress. I stated that in my judgment there was no more reason why the Senate should act upon the House bill than why the House should act upon the Senate bill, and that if the House had amended the Senate bill by striking out all after the enacting clause and inserting the House bill, the matter would have gone into conference and some agreement could probably have been arrived at by which some legislation could have been had extending the existing laws for the exclusion of Chinese.

I stated that in my judgment on the 6th day of May next the present law for excluding Chinese would expire. There seemed to be some question in the minds of some Senators as to whether I was correct or not, and I learn from the RECORD that the chairman of the Committee on Foreign Relations yesterday stated that he had given further examination to the subject and that he was clearly of the opinion that the existing laws will not expire until the 5th of July, 1894; that is, ten years from the passage of the amendatory act of 1884. I am sorry to be compelled to disagree *in toto* and emphatically with the position taken by the chairman of the Committee on Foreign Relations and with any other Senator or lawyer who asserts that such is the proper construction of the act of 1884.

I had not when I reported the bill examined the authorities on the subject, but my own good judgment taught me that it must be that I was right. Since coming into the Senate Chamber this afternoon I have looked at some authorities, and I think I find authority to fully bear me out in my proposition. The first section of the act of May 6, 1882, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act—

To this language I call the attention of my colleague, because I think he has fallen into an error by not closely examining this provision of the section. I repeat—

And until the expiration of ten years next after the passage of this act—

Not after the expiration of the ninety days—

And until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come, after the expiration of said ninety days, to remain within the United States.

In 1884 we found it necessary to amend the law so as to provide that no Chinese laborers should come from any foreign port or place. The question having arisen whether they must not come from China under the original act and whether we could exclude when they came from an English or other foreign port, Congress amended the law. It amended the first section, and that is all that is necessary to consider in examining this proposition. It is all that throws any light upon the subject whatever. Instead of amending it by saying that there should be stricken out of it certain words or that there should be inserted in it certain words, it amended it by saying it should be amended "so as to read as follows." In interpreting an amendment to a statute it is important to observe the manner in which it is amended. Suppose we had

merely provided that there should be inserted in the act the words which were inserted by this amendment of the act, "from any foreign port or place," would anyone contend that we had at all changed the time during which Chinese laborers were prohibited from coming into the United States by the original section? We would not have touched the question. But instead of amending it in that way we amended it by saying—

That section 1 of the act entitled "An act to execute certain treaty stipulations relating to the Chinese," approved May 6, 1882, is hereby amended so as to read as follows:

Section 1 of the act of 1884 provides—

That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States.

All that Congress was seeking to do was to provide that Chinese laborers should not come from any foreign port or place. They were not attempting to deal with the question of time during which they should be precluded from coming. They did omit the provision that they should not come after the expiration of ninety days, and why? Because that provision had expended its force; the ninety days had run. The prohibition against the coming of Chinese laborers did not take effect until after the expiration of ninety days from the time the original act had been passed, and therefore there was no necessity to repeat those words; they were no longer in force; they had performed the office it was intended they should perform.

Mr. MITCHELL. May I ask my colleague a question?

Mr. DOLPH. Certainly.

Mr. MITCHELL. Would not the construction of the amendatory act placed upon it by my colleague have the effect to shorten the period of suspension ninety days?

Mr. DOLPH. There is just where my colleague is mistaken, and that is what I am trying to explain to him. The original act did not provide that the Chinese should be prohibited from coming into the United States for ten years after the expiration of ninety days. There is where my colleague is in error. The original act provided that after the expiration of ninety days they should be precluded from coming for ten years from the passage of the act.

Mr. MITCHELL. The original act says in so many words:

That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended, and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

Mr. DOLPH. I agree to that. My colleague has not changed my statement in regard to the matter at all. They could freely come for ninety days after the passage of the act. I suppose that was intended to enable those who were on shipboard on their way to the United States to come in, and then from that time until ten years from the passage of the act they were precluded from coming—not ten years from the expiration of ninety days, but ten years from the passage of the act. They were precluded only nine years and nine months by the original act from coming to the United States. So if the act of 1884 is read as part of the act of 1882 it does not change the time a particle, because it is said they are precluded from coming for ten years from the date of the passage of the act.

There is where my colleague has fallen into an error, in supposing that if the first section of the act of 1884 was inserted in the act of 1882 and read as part of it, it would shorten the time for which the Chinese were precluded from coming to the United States. That is not true. So, I say, that Congress was not dealing with the question of time. It only sought to amend the act by providing that Chinese should not come from any foreign port or place, and it did not change the time in which Chinese were prohibited from coming into the United States one moment, either to extend it or to shorten it, under that view of the case.

I had an impression—and I had not looked at the authorities when I made that report—my own judgment taught me that where you amend a section of a previous act "to read as follows," the section must be read just as if it were cut out and pasted in the original act in place of the section amended. I think I have found some authorities, hastily looking for them this morning since I came into the Senate Chamber, because I was absent when the Senator from Ohio made the statement yesterday, that bear me out. I read from the case of the *People vs. Sweetser*, in the 1st Dakota Reports, from the syllabus first:

An amendment becomes a part of the original act, whether it be the change of a word, figure, or line, or the striking out of an entire section, or striking out and inserting, or in any other way modifying or altering its provisions. When an amendatory act sets forth the entire sections amended, they are to be construed as introduced into the place of the repealed sections, and in view of the provisions of the original act after such introduction.

I now read from the opinion in the case:

As the provisions of section 4, act of 1872-73, applied to sections 1 and 2

of that act, and as section 1 has been repealed by the enactment of a substitute, it is now contended that there is no punishment prescribed for a violation of the provisions of the act of 1874-'75.

This was in regard to the licensing or sale of intoxicating liquors.

There might be something in this position were this act of 1874-'75 an independent, isolated act, perfect and complete in all its provisions, and not amendatory to the act of 1872-'73, nor necessarily connected with its provisions by its very language, as well as its relation to the same subject-matter, and having the same object and purpose. If the last act had amended the former one by reducing the penalty in the bond, or by enlarging or abridging its conditions, or had it struck out all of section 1 relating to a bond, and left it simply unlawful to sell without license, or had it struck out all relating to a license, and made it unlawful to sell without first filing the bond, would not the provisions of section 4 still have applied? Certainly so clear a proposition could not be questioned. If it could be amended piecemeal, now a part and then a part, until it might be an entirely new section, why might it not be done by one act, by at once striking out and inserting, or amending so as to read entirely different?

I think no principle plainer or better settled than that an amendment becomes a part of the original act, whether it be the change of a word, figure, or line, or the striking out of an entire section, or striking out and inserting, or in any other way modifying or altering its provisions.

Where an amendatory act sets forth the entire sections amended, they are to be construed as introduced into the place of the repealed sections, and in view of the provisions of the original act after such introduction. (*McKibben vs. Lester*, 9 Ohio N. S., 627.) Thus the words in the amendatory act "under the limitations herein provided" must be held to apply to the limitations of the original act after the amended sections are in place. (*Ibid*; also, *Conrad vs. Nall*, 24 Mich., 275.)

The amendment of a statute by a subsequent one operates, as to all acts done subsequent thereto, as though the amendment had been a part of the original statute. (*Holbrook vs. Nichol*, 36 Ill., 161.) And in England it has been held that where a new proviso was substituted for an old one in nearly the same terms, the new proviso and the original statute must be read as one act; i. e., as though the proviso had originally been in the amended form. (*Queen vs. St. Giles*, 3 E. & E., 224.) I therefore hold that section 1, chapter 21, laws of 1874-'75, was enacted in lieu of and took the place of section 1, chapter 25, laws of 1872-'73, the new being substituted for the old section, and that this new section and the old statute into which it has been inserted must be read as one act, as though it originally had been in the amended form, and any one violating its provisions is punishable as provided in section 4.

Mr. MITCHELL. May I ask my colleague a question?

Mr. DOLPH. Certainly.

Mr. MITCHELL. I wish to suggest to my colleague if, as he has stated, where the amended act is precisely the same, with no material change or amendment, it would read and stand as the original act, is it not the fact that where an amendatory act incorporates a new element or omits an element in the old one, then the act is to be read as of the date and from the date of the amendatory act?

Mr. DOLPH. These decisions are right contrary to that. Wherever you say that a section of a certain act shall be amended so as to read as follows, no matter what changes you make concerning it, it must be incorporated in and read as a part of the original act. Of course if it provides any new penalties or makes any new provisions it can only apply to acts committed after the amendment is made, but so far as the construction of it is concerned and so far as the act itself is affected by it, not considering acts already committed in violation of it, it must be read as part of the old act; it must be inserted in it.

Mr. HOAR. I should like to be permitted to put a suggestion or question to the honorable Senator from Oregon, if it is agreeable to him.

Mr. DOLPH. I shall be pleased to hear it.

Mr. HOAR. I should like to ask why it is profitable to discuss this matter at this time. If the Senator will pardon me for stating the attitude of it as I understand it, I should like to have him consider this view. There is no question that the Judiciary Committee have acted upon this suggestion or view of the law, in which his colleague differs from him, and the conclusion which his colleague has reached has been submitted to the full committee, but they have not yet acted upon it.

Mr. MITCHELL. The matter has been held back at my request that that element might not come here, in order that we might get early action upon the pending bill.

Mr. HOAR. Yes. I should like to say for myself that I was able to give a slight examination of the matter when it was first brought up in the committee, and I found myself at that time unable to concur with the junior Senator from Oregon in the conclusion which his colleague is now opposing, and my investigations brought me to the same results which the Senator from Oregon now on the floor has reached. But I had not time to examine the subject carefully; my capacity for such work was interrupted, and I have not been able to resume the inquiry. So I do not wish to be understood as expressing an opinion, but only an inclination.

However, it seems to me that there is no Senator here, whatever may be his views of this question or whatever may be his views on the policy of dealing with the Chinese, who would not agree first that this is a question of doubt, such eminent authorities as the two Oregon Senators among others differing about it. It being a question of doubt, whether they like or dislike the old act of 1882, the question whether this body of persons are

entitled to come in here during the next three years in opposition to the almost unanimous will of both houses of the Legislature ought not to be left open.

Mr. DOLPH. I quite agree with the Senator, and I am coming to that point directly.

Mr. HOAR. Would anybody hesitate in passing a joint resolution to this effect, that the provisions of the act of 1882 shall be continued in force until a certain time in 1894?

Mr. DAWES. As amended.

Mr. HOAR. Yes; as amended. I think five minutes would settle the whole matter.

Mr. MITCHELL. It would still be better if we could pass this bill in some proper form before the 6th of May so as to avoid all question.

Mr. HOAR. Much may be said against this bill, which I, for one, may say if it is pressed as it stands now.

Mr. DOLPH. I quite agree that there should be no delay in acting upon the bill reported from the Senate Committee on Foreign Relations, whether I am right or wrong in my premises. I was not attempting to discuss anything that had been done by the Committee on the Judiciary. I was entitled to address my colleague as I did on account of a conversation I had with him on this question, and I took the liberty of calling his attention to the fact that the coming of Chinese was only limited by the act of 1882 for ten years from the passage of the act. I do not think that it has been ever suggested to me that there should be any delay to act upon this bill until the Committee on the Judiciary can be heard from.

But inasmuch as the chairman of the Committee on Foreign Relations yesterday stated that he had examined it and had come to a satisfactory conclusion that the law did not expire until the 5th day of July, 1894, or that in substance, and as if that impression got out it might prevent us from coming to an agreement with the other House as to some legislation which is necessary to continue existing laws in force, I thought it was well for me to give my opinion of the law of the case. I regret, as I say, to differ from the chairman or other members of the Committee on Foreign Relations who have examined this question and agree with him, and I should extremely regret to find that my opinion on a question of law was not in accord with the opinion of a majority of the Committee on the Judiciary, but I can not help it. I have been in the habit all my life of disagreeing with people on questions of law and trying conclusions with them until some court of last resort determined which was right. That is the only way this question can be settled if it ever arises.

Now, what I contend is that where changes are made by an amendatory act the amendment becomes a part of the original statute, no matter what the changes are. If the section of an original act is amended "so as to read as follows," if it is amended so that the amended section takes the entire place of the original section, that section must be incorporated and read as a part of the original act. That is my proposition. As I said, that is not a very material question.

I read in one of the New York papers yesterday morning a dispatch from Seattle which stated that there were 2,000 Chinese in British Columbia along the line waiting their opportunity to come to the United States after the 6th of May; that the Six Companies had employed eminent counsel to defend them in attempting to come in and try in the courts the question as to their right to come.

It is very likely if we shall fail to get any legislation extending the existing laws on the subject that the Treasury Department may instruct its agents and collectors of customs to keep out the Chinese, but the moment a Chinese subject was prevented from landing in the United States he would sue out a habeas corpus and some inferior court would pass upon his right to come, and if the court held that he had a right to come, that the law preventing the coming in of Chinese had expired, that ruling would govern, I suppose, the executive department of the Government, and the question might not finally be determined by the Supreme Court of the United States for years. So if there is a difference of opinion, if the question is at all doubtful, it is the part of wisdom to act upon the supposition that the law will expire on the 6th of May and get additional legislation.

Mr. President, that is about all I desire to say. I had the honor to report a bill early in the session, which I introduced, I think, the first day when bills were in order, to extend the existing laws to prevent the coming of Chinese to this country, and making certain provisions to enable existing laws to be more thoroughly enforced. I believe it was satisfactory to all parties interested in the Senate; that is, reasonably so. It was so far satisfactory that they allowed it to pass without a word of opposition, and made no objection to it from the time it was reported until the time it was passed. As I said before, the other House, instead of acting upon that bill, ignored it entirely, and passed a separate bill requiring, in order that an act may be secured

extending the provisions of the existing law, either that the other House shall still take up and act on the Senate bill or that we shall take up and act on the House bill.

The moment the bill came into the Senate—or as soon as I had an opportunity to do so—I had it referred to the Committee on Foreign Relations. At the very first meeting of the committee they acted upon the bill. They acted upon it by striking out all after the enacting clause and substituting the Senate bill for it, a bill which has been once passed. Whatever may be said as to the necessity for more stringent legislation it seems to me that the part of wisdom now is to take up some measure that we can get through without unnecessary delay, that will continue existing legislation and enable it to be enforced, and then if the other branch of Congress wants to send us a more drastic measure on the subject all they have got to do is to take up the Senate bill, amend it to suit themselves, and send it here, or any Senator can introduce a Senate bill and send it to the Committee on Foreign Relations. I am anxious to do the most practical and the best thing to be done. I am anxious that some practical legislation shall be agreed upon by both branches of Congress and receive the approval of the President before the 6th of May, to at least continue existing legislation, and then I am willing to go on and consider any further propositions that may be made on this subject. That is all I desire to say.

Mr. FELTON. Mr. President, I first desire to say that I am in accord with what the Senator from Oregon has just said in regard to the importance of passing some measure at this time. It is evident that very able Senators upon this floor and lawyers disagree as to whether the existing law expires on the 6th of next May or two years thereafter; but I in no way agree with the Senator from Oregon in his last remark. I think it is better for all that whatever legislation we have at this time ought to be the best legislation we can get that will exclude these people, and as an evidence of why I desire it I propose to submit some remarks.

Mr. President, I approach this discussion with reluctance, conscious of the fact that there exists a sentiment among worthy citizens who, having little or no practical knowledge of this subject, are opposed to their exclusion, and as in past Congresses, this question has been very ably discussed, I can hope to add but little for your consideration; and, therefore, should have remained silent, but for the fact that I represent, in part, a constituency who have suffered from the evils of Mongolian immigration for over a third of a century, and who have learned by bitter experience the great economic and moral objections to the incoming of this people.

This question is political, social, and economic. It is a question of civilization, and we of the Pacific coast would preserve ours, the Western type, and not submit to the Eastern. To preserve ours we must exclude the other—the Eastern. They will not mingle or fuse, and were this possible the resulting type would have the vices of both without the virtues of either.

The Chinese race, born in the infancy of peoples, has as a race and nation existed for a period of time so vast as to be incomprehensible to the human intellect.

While the races of the West have come and gone, leaving scarcely an imprint to mark their existence, while they, under ever changing environments, have contended for existence and supremacy, mingled and formed new nations, of higher types and civilization, this single race has come down the ages, in one long, unbroken, undeviating line, uninfluenced by example or contact with the other or Western nations, they are the creation of one environment and unchanged conditions. For 3,000 years before the birth of Christ, and during their existence they have maintained without change the same religion, the same form of government, the same manners, habits, and customs.

A paternal form of government, the earliest known, in which the power of life and death has ever been at the will of the rulers, from the Emperor down to and including the head of families, and trial by peers unknown. Whatever the outward form of religion professed, and though, perhaps, conforming to its pomp and circumstance, the Chinese venerate and worship only the spirits of their ancestors. They are without God, without conscience, without charity, devoid of sympathy and gratitude—fatalists. They are a mighty nation, composing nearly one-half the population of the earth—a race to be feared. They are highly intelligent, with great comprehensive powers, persistent, cunning, patient, born diplomats, painfully industrious, frugal to parsimony—the question with them being not what they need, but what they can do without and sustain life.

Through five thousand years heredity, intensified by isolation, has produced and reproduced their race characteristics until they are concrete; unchangeable, mentally, physically, or morally. And though wherever they go they disseminate vices that kill mentally and physically and transmit their effect to the third and fourth generations, they are more to be feared for their virtues than their vices; born and innured through centuries to

toil and privation there is no competing with them by those born in and accustomed to the requirements of Western civilization, however low the type may be. To do so life would not be worth the having.

Experience has taught us that wherever they are, regardless of disadvantages, that in whatever avenue of industry or labor they engage, they have, without exception, driven forth from thence all competition. They come to us without wealth and absorb ours. True, we have their labor, but its price is sent home to enrich the land of their birth, and thus are we monthly the poorer by millions of dollars that under other immigration would remain in and increase our national wealth. They consume but the minimum, the greater portion of which is imported from their native land, thus again depriving our citizens of the opportunities for labor, as consumption is a prerequisite to production. Their immigrations have been invasions. In no instance have they been welcomed to any country by its inhabitants; but, on the contrary, from their first migration down to the present time they have not only been met with protests, but persecution and bloodshed have been the result.

The history of their early migrations teaches us that though massacred by the tens of thousands and the deportation of the remainder, they have repeatedly returned and endured the same persecution and fate, until now they practically dominate and possess that land.

The history of their emigration to and deportment from the Philippine Islands is a "chapter of persecution," rapine, carnage, and horrors for nearly one hundred years.

There are other notable instances, had I the space to include them.

On our own soil, in this decade, history but repeated itself in the Rock Springs massacre, its perpetrators incited by the same cause, the same spirit, and giving the same reasons for the outrage as were given three hundred years ago. There must be some fundamental reason for these recurrences, and if this people are permitted to further invade us we must expect repetitions.

In all the history of their migration there is no instance of their ever having assimilated with any other race, submitting or conforming to its laws, religion, or customs. Race prejudices and antipathies innate in mankind were too resistant. Change of conditions, however great, has never produced any change in them. They, under all conditions and circumstances, have remained true to their civilization. Wherever they are, they are a people apart, without social intercourse with other races.

Races so dissimilar can not assimilate and hence can not exist together in unity, peace or prosperity—one or the other must survive and the older, the simple, will exhaust the newer and more complex. This is a law of nature, and China, with from six hundred and fifty to seven hundred and fifty millions of people to draw from, if permitted, will possess this land.

In the earlier history of our nation, when society was comparatively simple and our country sparsely settled, our forefathers were imbued with the French theories of "liberty, equality, and fraternity," and declared this land a "refuge for the oppressed and destitute of all nations." They believed that a Democracy, pure and simple, would evolve a high state of civilization, in which all mankind should and would share.

Since which time the great teacher "Experience" has taught us "wisdom," and that the extreme theories of the brotherhood of mankind were inconsistent and impossible with a complex state of society; that other factors than fraternity and benevolence were necessary to build up and preserve the nation and its civilization. That the fundamental principle underlying human nature is selfishness—deny it who may—one of self-preservation, "enlightened selfishness," and without which civilization would not have reached its present high type; that to preserve this it was necessary to protect it, not only from bad civilizations, but from the pauper, the criminal, the vagabond, and anarchist elements from whatever source they might come. That an intelligent people was necessary to perpetuate a government "of the people" and rule by public opinion. That to become intelligent both time and means were required for education; that to procure these the laborer must be protected and a more general diffusion of wealth among the masses must be provided, and that by the only possible method, viz, an increase in their wages and the reduction of the hours of labor, now made possible by "natural power, engendered and put forth by material objects," the elements being the motive power directed by the hand of labor, the result a multiplication of production and wealth many fold. That for the creation of wealth the law of supply and demand must operate conjointly, consumption being necessary for production, and that to consume labor must be employed, and, as an economic writer puts it, "to enlarge the social opportunities of the masses."

And hence, in consonance with this new and practical economic sentiment, we have legislated against the importation of

the products of cheap labor, we have passed laws against the incoming of the low-price and contract labor of Europe, of paupers, convicts, insane, and vagabonds, and to prevent the influx of the most immoral and the cheapest of all labor, the Mongolian. But our laws are incomplete, they are defective, hence evaded, and, in consequence, do not meet the desired end.

These defects more especially apply to the exclusion of the Chinese; as it is far more difficult, next to impossible, to legislate against a race that has nothing in common with us, but whose interest and sentiment are averse to ours and who have no regard for the sanctity of an oath, than against a race of our own type.

The Chinese have a sovereign contempt for our civilization and no regard for our rights or laws; and when we contemplate that in their veins courses the blood of over fifty centuries, without an alien taint, is it remarkable that they should feel their superiority, and have no respect for our civilization or God, whom they say man killed? They have laws unto themselves: unwritten laws, traditions, which bind and govern them. With them the end justifies the means, and that end, however accomplished, is their migration from an overpopulated and poverty-stricken land—where the struggle for life is so severe that the old, the infirm, the incurable sick, and the female infant are thrown into the gutter to starve and die, as they could not produce but would consume; where the laws permit of the parents selling their offspring into slavery; where woman is a chattel and supposed to be without a soul; where the punishment for crime includes both the death of the offender and that of all of his relatives over 16 years of age, and by cruel and barbarous methods; where individuals are bitten to death by their fellow-craftsmen for an infringement of their rule—to that Western land where a mixture of the Caucasian race have come, assimilated, and created a free, humane, and enlightened Government and phenomenal wealth.

On the western shores of this continent, in Australasia, and upon the islands of the Pacific Ocean, whose farther waters brake on the shores of the Yellow Sea, have met the tides of immigration which parted company on the plains of Asia at some prehistoric period—the one going East, the other West, and there has commenced the struggle which shall determine which civilization shall predominate—the simple or the complex? And the action taken by us to-day may, and probably will, influence the destiny of a nation for good or evil.

The question now is, shall we exclude this people? And if answered in the affirmative, then we must ignore all sentimentality and technicalities and, without delay, by direct methods exclude.

But some say to do so, granting the necessity, would be violating treaty obligations. In this I do not agree with them. As it is contended by the highest authorities on international law, and as the highest tribunal in our land has decided that under our Constitution treaties and statutes are alike the laws of the land, and hence the latest act of the treaty or legislative making power must prevail over any previous act, it follows that a Federal statute contrary to a provision of a treaty necessarily repeals that portion of the treaty. And as a treaty, under the law and usages of nations, is simply an agreement between two or more powers for their mutual advantage and depends for its duration and validity upon equity. (Most treaties from their very nature are transitory.) Where conditions change and that which was intended to be mutual and equitable proves to be the reverse and either party is injured thereby, treaties naturally are and should be modified or ignored in the interests of justice and national safety.

Says one high authority on international law:

A treaty pernicious to the state is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the state for whose sake the government is intrusted to him.

Says the same writer:

The nation itself, being necessarily obliged to perform everything required for its preservation and safety, can not enter into engagements contrary to its indispensable obligations.

Another uses the words:

A total change of the circumstances renders a treaty no longer obligatory.

And a very able lawyer and writer says:

It is not to be permitted that the liberties, the prosperity, the evolution and development of nations should be arrested by the weight of unchangeable treaties, which, under verbal forms, might place the industries and the social and political interests of a country in jeopardy.

Such conditions now exist between the Governments of the Empire of China and the United States by reason of the Burlingame treaty.

The effect of this treaty has been and is anything but mutual or equitable. While a portion of her race occupy our soil we are practically prevented from entering the "Flowery King-

dom" for either pleasure or profit. While we have, say, two hundred thousand of this people in the United States, there are less than eleven hundred Americans, all told, in China. They are absorbing our substance and returning no equivalent for the same. Our civilization is threatened; our industries paralyzed wherever they appear; our labor driven from employment; our women and children prevented from earning their bread; they have arrayed section against section; have and are disturbing the peace and prosperity of the land. Their presence means ruin to our laboring classes, and hence greatly complicates the labor question, fast becoming a high political one, and one that confounds the ablest thinkers—hence these very conditions have rendered the treaty nugatory.

Article 5 of this treaty has strikingly shown the want of statesmanship by those who negotiated and accepted it. It has proved to be not only unwise, but an outrage upon the social and material interests of the whole nation. I quote it:

Cordially recognizes the inherent and inalienable right of man to change his home and allegiance and also the mutual advantages of the migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

The advantages of this section have almost wholly inured to the benefit of the Chinese; but, conceding the principle, is not the right to prevent for cause inherent? Otherwise it would be illogical and absurd.

This article also contains a proviso that certain laws shall be passed by both the contracting powers concerning the forced immigration of coolies and making it a penal offense, viz:

For a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

In pursuance of which the United States enacted stringent laws for the carrying out of that provision. China, however, has utterly failed and neglected to pass such a law or to take any effective steps to prevent emigration under contract and by compulsion, and it is a well-known fact that there are many instances where this provision has been ignored; where Chinese subjects have been sold for a certain period to labor, and some for vilest purposes, have been compelled to emigrate and fulfill their contract. I think it is within the truth to say that 50 per cent of those here came in violation of this article and of our contract-labor law. (I have a copy of a contract, authenticated by a minister of the gospel, which I would append to my remarks were it not too indecent for publication.)

China has committed a flagrant violation of this most important provision of the treaty.

Article 6 in effect provides, that while "the United States grants to the Chinese the right of access, of travel, trade, or permanent residence," in any and all parts of our country, without restriction, China only grants to the citizens of the United States simply the right to reside in certain seaports beyond the precincts of which they are not permitted to go under pains and penalties.

Under these conditions, that is, the utter inequality of this treaty, its injustice to the American people, the violation by the Chinese of its most essential provisions, to the injury of our moral sentiments, and industries, we should not hesitate to abrogate this treaty and preserve our civilization, our institutions, and people.

Why should we at this time hesitate to exclude? We have already in the passage of the Scott law abrogated a portion of the treaty, and it has been so decided by the highest judicial tribunal in the land.

Mr. President, my objection to the pending bill is that it is practically a reenactment of the present law, which has not and can not answer the end for which it was intended. Its only practical effect has been to turn the tide of this immigration from an American line of steamers to San Francisco to a British line of steamers to Victoria, British Columbia, where the Canadian Government receives \$50 a head for their reception and the United States gains the Chinaman all the same, as it is a notorious fact that their numbers have increased but slightly in Canada, and that they have come over our 3,000 miles of northern border practically whenever they desired. And this measure provides no protection against that illegal invasion. The cost of policing that distance to prevent their incoming renders it impossible.

The substitute which I have offered contains a provision for a system of registration of those now in the country which might be practicable and accomplish the desired end. It certainly is worth a trial.

It perpetrates no indignity or hardship upon those now in this country and entitled to remain, if they are honest. But it will probably prevent the illegal incoming of others by collusion and false oaths.

I also object to the pending bill as it reenacts the "merchant" clause, which provides for the return of this supposed class by certificate.

This provision of the law has proved a fruitful source of fraud, corruption, and conspiracy, and the evasion of the spirit and intent of the law.

There is no "merchant class" in the sense we use the word; they are traders among themselves and as a rule in a small way. They are of the coolie class (with rare exceptions) and on a par only with the laboring class, and receive no greater consideration, save on account of their wealth, for which the Chinese have the profoundest respect. When the coolie laborer desires to return to his native land, be he a laborer in the field, factory, or household servant, he becomes a merchant by paying into some trading establishment a matter of \$50 or \$100 and departs for his native land.

If he shall desire to return he is provided with the certificate for that purpose; if not, he sells it to one of his kind, posts him in regard to localities, and when he comes he presents his certificate, and if his identity (which is exceedingly difficult to determine) is questioned, he unhesitatingly commits perjury, is set free, by the "sacred habeas corpus" writ (a process unknown in Asia), and when the time set to determine his identity shall have arrived he has disappeared, leaving only an utterly worthless bond made acceptable under the law by the false oaths of his bondsmen.

Sir, I would prevent the shame and outrage of these daily impositions upon our people and their demoralizing influence.

From whence emanates this sentiment of opposition to their exclusion? Can it be possible that in this land of intelligence and plenty that this opposition should be instigated by the sordid motives of a few that prefer immediate gain to the perpetuity of our civilization and institutions, the peace and prosperity of the masses of our people? Is this objection from a commercial standpoint? If so, let me inform those high-minded patriots, with a lively appreciation of their own interests, that they know nothing of the character of this race. The Chinese do not now nor will they purchase from any source anything whatsoever that they can do without; they will purchase from the cheapest source; they will sell to us all they have, if we will pay for it, for the reason that they are confronted with conditions that compel them to do so. To do otherwise would mean their starvation.

Mr. President, the people of the Pacific coast do not desire to maltreat, to persecute, or to deport the Chinese now within our borders. They recognize their rights under the treaty to remain and enjoy them until they voluntarily leave, and hence do not desire to interfere with them. But we would and will, if possible, prevent the further incoming of this race or the return of those who shall voluntary leave.

We would have this nation follow nature's laws and integrate a higher type of our civilization, one more distinct, special, more American, and would protect its evolution from all danger, real or threatened. We would first take care of ourselves, recognizing that in so doing we were making our "greatest contributions to the welfare of humanity."

In other words, Mr. President, we would not permit the purity and sweetness of our national waters to be contaminated or polluted by the mingling of its pure streams with the impure from any source whatsoever. We would first use of them whatever portion we require and then permit them to flow on and to the fullest extent possible purify the noxious streams of less fortunate conditions.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

Mr. DOLPH. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, line 3 of the text, after the word "that," insert the words "for fifteen years;" so as to read:

That for fifteen years from and after the passage of this act it shall be unlawful for any Chinese person or persons, etc.

Mr. PLATT. May I inquire how that amendment comes before the Senate? I thought there was an amendment to the bill proposed by the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair understands that this is an amendment proposed to the text of the bill which is proposed to be stricken out by the amendment of the committee. It is a perfection of the text that is proposed to be stricken from the bill by the committee.

Mr. SHERMAN. Mr. President, I think it is but right for me to state the general view that was taken by the Committee on Foreign Relations with respect to this bill and also my own opinion as to the best mode of disposing of the subject-matter.

The bill as it came to us from the House of Representatives

contains severe restrictions such as would read very strangely in a law of the United States. It seems to me that in severity of language and in its prohibition of the ordinary rights of humanity it goes far beyond any bill that probably was ever introduced into the Congress of the United States.

Mr. MITCHELL. If the Senator will allow me I will state that the bill is a precise copy, with one or two verbal amendments, of a bill that I introduced here seven years ago and have been introducing at every session, and which has I think received the approval of the press generally of the Pacific coast.

Mr. SHERMAN. That does not at all conflict with what I have stated. I shall read some of the sections. When the bill came before the Committee on Foreign Relations it was fairly considered, and it was deemed best on the whole by that committee, without division of opinion, that instead of passing this very severe measure, some of the provisions of which might probably be tolerated and some of the provisions of which ought not to be as we thought inserted in any law of the United States, a better way to deal with this question would be to postpone action upon the bill practically and to provide for the continuance of the present regulations restricting Chinese immigration for a period of ten years.

When the report was made it was assumed as a matter of course upon the face of the act of 1882 that the existing law would expire on the 6th of May, 1892. Afterwards, it is true, upon further examination of the law of 1884 and of the amendments that have been made to it there was an opinion prevailing with some Senators, with many Senators I may say, that the present restrictions on Chinese immigration would not expire until 1894, and therefore that there was no special hurry for action upon this matter. But I admit that if there is a doubt about this point, if the Senator from Oregon [Mr. DOLPH] may be right that the act of 1884 does not extend the time for ten years after the passage of that act, we ought not, in the face of the possibility that the courts of the United States would take a different view of the law and construe the act of 1884 as simply a repetition of the law of 1882, that doubt ought not to be disregarded. If there is a fair doubt on that subject this or some measure in regard to continuing existing restrictions on Chinese immigration ought to pass. It was in that view that the Committee on Foreign Relations, adopting the ideas suggested by the Senator from Oregon, reported as a substitute for the House bill, a bill it had previously agreed to, to extend the present laws, with some additional provisions, ten years from the 6th of May, 1892. The amendment suggested by the Committee on Foreign Relations is very short, and I will simply name its provision. It provides—

That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

Then section 2 provides for certain penalties against Chinese who "when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China." It provides for the removal of those whom it shall be ascertained are here unlawfully, against the spirit of the existing law.

Section 3 of the substitute provides for a rather novel rule of law; it was so regarded by lawyers:

That any Chinese person or person of Chinese descent arrested under the provisions of this act shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.

Throwing the burden of proof upon the Chinamen who are here. The fourth section provides:

That any such Chinese person or person of Chinese descent, once convicted and adjudged to be not lawfully entitled to be or remain in the United States, and having been once removed from the United States in pursuance of such conviction, who shall be subsequently convicted for a like offense, shall be imprisoned at hard labor for a period of not exceeding six months, and thereafter removed from the United States, as hereinbefore provided.

The bill as reported from the Committee on Foreign Relations does continue in full force all the laws and regulations now in existence under the act of 1884, or under the act of 1882, or under another act which was passed in 1888. All the restrictions, limitations, etc., which from time to time have been deemed proper to prevent the importation of Chinese laborers into this country are continued in full force for ten years after the passage of the act which is assumed to be before either of the present acts would expire. Besides that, it adds very severe penalties to those who are here now in fraud of our law or in disregard of the operations of the laws, who have come here from Canada or from other places without having the right to come here under existing law.

It seems to me it is much wiser to adopt some such provision as this, at least for the present, and if hereafter experience shows that a far more rigid law should be applied it may be furnished from time to time as occasion shall arise.

That was the view taken by the Committee on Foreign Relations. My own impression is, and my conviction is, that it would

be better for the Senate if they take the same view of the subject-matter that the committee did and agree to this amendment, without going into any detailed examination of the original law, without examining it too closely, and let the whole subject go to a committee of conference, where the matter may be fairly considered, and if there is any additional restriction, any additional penalty or obligation necessary, it may be fairly considered in a committee of conference, and then it can be brought before us for approval or disapproval.

On the other hand, an attempt to patch up or change the bill sent to us by the other House, it seems to me would leave a very harsh and cruel law, against the spirit of our civilization, contrary to all the ideas that have been taught us as belonging to every man of every race and of every clime, unchristian, adopting the extreme policy of the Chinese of old, who forbade for generations upon generations any person of any other race coming among them except the Asiatic races. Indeed, we should fall back upon the very principles and policy which we warred against and which the European nations warred against when China was compelled to open her doors to the progress of modern civilization.

Let us look at the sections of the bill passed by the other House. It is not necessary for me to go into any detailed argument about the measure. I will read the sections, and let us see whether the Senate of the United States is prepared to adopt this worse than Draconian code in order to prevent this evil. I do not doubt from my observations in San Francisco that Chinese immigration is injurious and ought to be restricted; but under existing laws it has been restricted. There are now fewer Chinese in California than there were ten years ago. I have the census tables before me. There was a very careful statement and a very careful analysis made of the Chinese population, and it turns out that in 1880 we had more Chinese in this country than we had in 1890.

Mr. MITCHELL. Will the chairman of the committee allow me to state that while that may be true—I do not know how it is—so far as California is concerned, it is a fact as shown by the census, as I think the Senator will find, that since 1882 there has been an increase in the United States at large of 30,000 Chinese?

Mr. FELTON. If the Senator from Ohio will permit me, I would simply like to observe in reply to what he has just stated that I think no dependence can be placed upon the census about the number of Chinese. In so far as they can they will not permit of being recorded. I know that to be a fact from a personal experience of a third of a century. They are averse to it. I have no idea that the census of Chinese is correct.

Mr. SHERMAN. We must take the official documents that are furnished to us as the best evidence after all, because whatever opinions gentlemen may form about the refusal of Chinese to be registered they do not weigh in the scale. It is the interest and object of every enumerator of the census to put down all these classes.

In reply to the observation made by the Senator from Oregon [Mr. MITCHELL], as I understand from this table there was no separate record of Chinese except in California, and therefore I do not know upon what basis he can state that the number of Chinese in the United States has increased. According to the statements here made it seems there was a very careful examination and enumeration made in California. I will read what is stated in this census bulletin:

A special count by race was also made by this office for the State of California, in order to separate the Chinese and Indians from the rest of the population, as required by the laws of that State, for the purposes of State apportionment. The results of this special count are shown by counties in the following table. For the State as a whole the white population has increased from 767,181 in 1880 to 1,111,558 in 1890, an increase of 344,377, or 44.89 per cent.

Nearly 50 per cent, we will say.

The colored population in the State shows an increase during the decade of 5,419, or 90.05 per cent, while there has been a decrease in the Chinese of 3,451, or 4.59 per cent. The whole number of Indians in the State is less in 1890 than in 1880 by 3,922, or a decrease of 24.10 per cent. The number of Japanese in 1890 as compared with 1880 is large, although relatively small as compared with the whole population. The number of Japanese returned in 1890 is 1,090, as against 86 in 1880. The total population of the State for 1890 is 1,338,130, as compared with 894,694 for 1880, the increase being 343,436, and the per cent of increase 39.72.

Here are the counties given, showing that in most of the counties of California there was a very large decrease in the number of Chinese. In San Francisco I believe the number had increased. I will ask the Senator from California if the county of San Francisco embraces much territory besides the city?

Mr. FELTON. Scarcely any.

Mr. SHERMAN. I see that in San Francisco, which is the city, the number of Chinese was 25,870 in 1890 while it was 21,745 in 1880. Consequently the Chinese population has increased about 4,000 in the city of San Francisco, but it has very largely decreased and is very slender indeed in most of the other counties of California. So under the operation of the existing law, which was passed two or three years after the census of 1880 and

its full operation did not take effect until under the law of 1884, the actual number of Chinese in California has decreased. It is to be presumed in the absence of any other evidence that in the other parts of the United States the number has decreased. We know that there are scarcely any east of the Missouri River.

Mr. MITCHELL. If the Senator will allow me, it seems to me that just the reverse ought to prevail, because California is where they come, and they scatter out gradually over the United States.

Mr. SHERMAN. If they have actually decreased in California, to which they come, and it is very natural there would be a larger population of them there as it is nearer their home, it is not likely that they have increased in other parts of the country. At any rate there is no evidence of it.

Mr. MITCHELL. There has been an overflow from California all the time.

Mr. SHERMAN. The gentlemen who provided for the census did not require a special count of Chinese in the other parts of the country, nor have I heard the probable number stated. I appeal to the experience of every Senator and to his knowledge whether there is any considerable number of Chinese coming to our own country. I know in the State of Ohio the number is absolutely infinitesimal, and I presume that east of the Missouri River there are very few. I can not say how many there are, but only here and there may be seen a Chinese sign that a man from that country washes clothes.

This, then, although an evil which it was proper to arrest, is not a threatening evil. It is not now a growing evil. The trouble, I understand, grows by the unlawful introduction of Chinese from Canada, from the city of Vancouver, across our border. Here and there no doubt they drift into our country; yet after all there are more going out than there are coming in.

Is it worth while, therefore, to meet this diminishing evil, for us to resort to such drastic and extreme legislation as is proposed here? Let me turn again to the bill and let us see what are its provisions, and whether it is wise on the whole for the Senate of the United States to pass the House bill under the heat of a local feeling. It is a feeling in which we sympathize with our friends, but we wish they would mitigate this evil in somewhat of a modern and Christian way.

I have no doubt in time the Chinese population in San Francisco will rapidly decrease, and under the operations of the measure proposed by the Senate committee here, with the severe penalties that are provided against those who are brought in unlawfully and who are not now here in our country, the number will gradually diminish. They go away. The natural instinct of the Chinaman is to go home to die. His dead body goes if he does not go before death. The tendency is in that direction. There are no ties of family; there is nothing to induce these people to stay here, and I have no doubt, feeling as they do that they are unwelcome guests here, that they are not in harmony with our civilization, the number of these people will gradually diminish.

Mr. MITCHELL. Will the Senator allow me to ask him a question, which he can answer as he goes along?

Mr. SHERMAN. Certainly.

Mr. MITCHELL. I assume that the bills in both Houses proceed upon the assumption that Chinese immigration to this country is a great evil and ought to be suspended or prohibited, one or the other. Now, what is the precise objection to the House bill? Is it because it violates the treaty between this country and China? Is that the objection?

Mr. SHERMAN. I was just about coming to that point.

Mr. MITCHELL. In this connection I desire to call the attention of the chairman of the Committee on Foreign Relations to the fact that the act which is proposed to be extended by the amendment of the Foreign Relations Committee is just as much a violation of the treaty in my judgment as is the House bill, because that act, which is known as the Scott exclusion act, which was passed October 1, 1888, provides that any Chinese laborer now in this country, or who was in this country at the date of the passage of that act, and who had left the country and had not returned before the passage of the act, should be absolutely and forever excluded from returning, which is in direct contravention of the provisions of the treaty of 1880.

Mr. FRYE. Will the Senator from Ohio allow me to interrupt him?

Mr. SHERMAN. Yes, sir.

Mr. FRYE. I wish to read a telegram which I received from C. P. Huntington, who is now in California, and whose very business leads him to examine into these matters pretty carefully:

SAN FRANCISCO, CAL., April 15, 1892.

Hon. W. P. FRYE.

United States Senate, Washington, D. C.:

Since my arrival here have learned what effect the passage of Geary bill would have on both Chinese and Americans. Thousands of Chinese in transit

across the United States landing at ports under regulations made by Secretary of Treasury, January, 1883, have paid American transportation companies since restriction act over \$350,000 for transportation alone. Should that bill become a law this traffic would go to foreign companies, via Canada and Panama. Since passage of restriction law, custom-house records show 22,000 more departures than arrivals at this port. Hundreds of wealthy Chinese merchants representing firms here have gone to China and other countries on business under faith of existing laws, having property interests here valued at hundreds of thousands of dollars. The Geary bill would debar them from returning and virtually confiscate their property. Much has been said about thousands of Chinese crossing the boundary from Canada. Collectors of British Columbia report for 1891, 3,275 arrivals at British Columbia ports, and 2,277 departures for China. I trust good business sense of American people and love of fair play and justice will find expression in Congress sufficiently strong to defeat this wicked bill. Our West coast possessions were obtained in the first half of this century by the best and greatest men in our country as much or more to secure the commerce of the orient as for the territory itself. California has the best climate in the world and her soil is unsurpassed, so if the commerce of the 400,000,000 people of China is not disturbed, it can be said that they, the great men who secured California to the Republic, builded better than they knew.

C. P. HUNTINGTON.

Mr. MITCHELL. I should like the Senator to read that portion—

The PRESIDENT *pro tempore*. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. SHERMAN. Yes, but I hope after this I shall not be interrupted further.

Mr. MITCHELL. I shall not interrupt any more. The telegram was read before my attention was called to it, and I should like to hear that portion of it read which speaks about certain Chinese going away.

Mr. FRYE. It was about the merchants, was it?

Mr. BUTLER. No, about the number going away.

Mr. MITCHELL. The number who had gone away and who would not return.

Mr. FRYE. The portion of the telegram to which the Senator refers is as follows:

Since passage of restriction law custom-house records show 32,000 more departures than arrivals at this port. Hundreds of wealthy Chinese merchants, representing firms here, have gone to China and other countries on business under faith of existing laws having property interests here valued at hundreds of thousands of dollars. The Geary bill would debar them from returning and virtually confiscate their property.

Mr. SHERMAN. Mr. President, as the Senate can see, I am not making a formal and set speech, but merely calling attention to the elements of this proposition. I wish now to read the bill which has been sent to us from the House of Representatives. It is provided in section 1:

That from and after the passage of this act it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well as those who are now within the limits of the United States, and who may hereafter leave the United States—

That is, if a Chinese person goes beyond the limits of the United States and wants to come back again, whatever may be the motive that led him away, if he comes back again—

and who may hereafter leave the United States and attempt to return as those who have never been here, or, having been here, have departed from the United States (save and excepting only the following classes, that is to say—

Here are the exceptions—but before reading the exceptions I will read the language through—

have departed from the United States (save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon the business of that Government, with their body and household servants), to come to or within, or to land at any port or place within the United States; and the coming of Chinese persons to the United States, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted from and after the passage of this act be, and the same is hereby, absolutely prohibited.

Mr. President, the former law went upon the idea that the Chinese laborers, the Coolies, this degraded class of population should be excluded from the United States. It was difficult, I remember, when those laws were being passed to describe precisely the character of such Chinese as we wished to exclude, but it was then admitted and it is conceded on all hands that among the Chinese, as among other peoples, there are persons of education and standing, great merchants, dealers in large transactions, men whose commerce is of immense value to our country, honest producers, as well as the floating class which naturally come first into the United States. The idea, then, was, going upon the same principle that we are now seeking to enforce against other foreigners, that we should exclude the vicious, the criminal classes, the paupers, those who were naturally, from their habits and associations, degraded and would tend to degrade our civilization.

We applied the same rule to the Chinese then, only in a broader way, than we do to all other nations, although we can not succeed in every case and exclude them, but we allowed merchants, traders, dealers, educated persons, all persons not in the pro-

scribed class to come to our country. They do not come to any great extent, but they come more or less, some of them very intelligent, respectable men.

The first section of this bill not only prevents anybody, except the few I will name hereafter, however educated and refined, whatever may be their interest here, their commerce, their trade relations—they are 400,000,000 people—every man of them except the few I will mention is forbidden to land upon our shores. If they do land they are liable to be sent to prison for five years, as I will show hereafter, an absolute Draconian decree, it seems to me, and it is a barbarous one for us. There is no occasion for it, and it could only be justified by circumstances which do not now exist.

If we have not extended this exclusion heretofore to the right persons, we should define them and describe them better, and certainly not exclude the whole race of four hundred million human beings with an older civilization far than we can boast of, with great wealth, great commerce, vast cities, with every sign of modern civilization, now adopting our rapid modes of transit, employing our railroad and telegraph and telephone systems, and adopting the most advanced works of civilization of our country and of Europe. We exclude these people absolutely, so that no Chinaman can come here without as much difficulty as Marco Polo had who explored China and who was the only man of all the European race who for ages had entered that kingdom. He had all sorts of adventures, some of which are told. I have no doubt, with a great deal of freedom, but, Mr. President, do we desire to adopt that kind of civilization? Whom do we admit? Whom do we except from this rule? Let us see.

(Save and excepting only the following classes, that is to say: Such Chinese person or persons as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon the business of that Government, with their body and household servants.)

Then, there is a provision that even those body servants must be described in order to distinguish them from the rest, according to regulations to be prescribed by the Secretary of the Treasury. We admit, therefore, none but the diplomatic and consular representatives of China. Why should they come here? What would consuls come to this country for except to look after the interests of their country and the interests of their countrymen? As a matter of course, if you exclude all the people of China, you exclude the whole consular service. What would consuls come here for except to look after the property, the rights, and interests of their people?

What is a diplomatic representative sent here for? Is there anything wrong or indecent or improper in the conduct of the legation which comes here? Why should their minister come if the Chinese are all to be excluded? Why make this exception? Why not say to the Chinese, their civilization, and population of four hundred millions of people, "None of you shall come here except a diplomatic representative?" For what purpose? Why should they send a minister here? Sir, the passage of such a bill as this is sure to break off all the diplomatic relations between the United States and China.

What, then, becomes of our commerce? We are dependent upon China for tea. We have a vast commerce with China. I have not the figures before me, because the statement I am now making is upon the spur of the moment, but you know it amounts to many millions of dollars, and we were compelled to get our teas for a time through England, and we could not get any tea here except it came through certain houses in England; but more recently we have direct communication with China, and we have lines of ships bringing their productions here. Why, sir, you pass this bill, and not only will you have no Chinese diplomatists here, no consuls here, but you will have no relations with them, you will have no commerce with them. China would send her tea to the city of Vancouver, now springing up rapidly on the Pacific coast, and which, under this Draconian system, will soon rival San Francisco in its commerce and trade, and which is even now a most beautiful place. It is a place marked out for a city. The city of Vancouver may some day rival San Francisco if you cut off all the great Pacific coast commerce from the United States.

Mr. President, it seems to me that while we are desiring to accomplish a good object and to limit so far as we can by reasonable and proper laws the immigration of Chinese and cool laborers, we ought not to do anything which would disturb our diplomatic relations with China. We have thousands of American citizens in China, amongst them some of the very best of our land, men and women full of religious fervor who go there to teach the principles of our religion. What would result to them, what would result to the property of our merchants in those cities? We bombarded them in order to compel them to open their doors to the entrance of our people and our missionaries, and now we are excluding their diplomatists and consuls,

for why should they come when no Chinaman can be allowed to come here?

You may deal with the Chinese nation as you may with a weak and feeble power. They never will invade you except in a peaceful way. If you choose to limit their power to invade you in this way you can do it. They are not dangerous enemies, but they are very dangerous in a commercial sense, and that great Empire of China can fill the commerce of all the European nations with their untold wealth, with their coffers and with their trade, and we shall be excluded from all commercial relations with them. They are the best aids to our friends in the West, for they, with India, take nearly all the silver or a large proportion of the silver of which there is now rather too much on our hands.

Why, Mr. President, it does seem to me that this absolute exclusion of the whole Chinese race at a single stroke is one of those things which ought to cause Senators at least to pause a while before they fall into a maelstrom which may go far beyond the limits of their vision.

Now, let us follow this bill a little further, because there is nothing better to illustrate my views than reading the language of the bill itself. Here is another provision:

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel and land, or attempt to land or permit to be landed, any Chinese person, excepting such whose coming into the United States is not prohibited by this act, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine of not more than \$500 for each and every such Chinese person so brought, and may also be imprisoned for a term not exceeding one year, etc.

There any vessel which happens to take on board a Chinese laborer, a marine, a sailor—and the Chinese are among the best sailors in the world, as we know by history and description—or cooks, or washermen, or men in any kind of humble pursuit, if that Chinaman lands at San Francisco for any purpose, this vessel is responsible in these damages and the captain of that vessel may be sent to the penitentiary for one year.

Mr. MITCHELL. I ask the Senator if that is not the existing law?

Mr. SHERMAN. It only applies to certain classes of persons.

Mr. MITCHELL. That law the Senator proposes to extend.

Mr. SHERMAN. It only applies to certain classes of persons. It would not apply to a gentleman who came here. Probably ten or twenty millions of Chinamen are not within the prohibition of existing law. A Chinese merchant, a Chinese who does not happen to be within the commercial or diplomatic service can not come here, a man of education, and there are among these Chinamen men of the highest education, who know as much of the arts and sciences as we do in our most favored land, and yet for bringing such a person here—if he remained on ship-board out on the ocean, he probably would not come within the penalties of this bill, but if he was landed at San Francisco to see that beautiful and magnificent city, which has risen within a few years, not only would he be punished criminally, but the captain of the vessel, the officers of the vessel, would be responsible in fines and penalties.

Let us go a little further:

That Chinese persons brought on such vessel shall not be permitted to land, except in case of absolute necessity, and must depart with the vessel on leaving port.

Why, sir, is a Chinaman, one solitary Chinaman, so great a danger as an enemy to our civilization that we can not allow him to see our beautiful cities and ports? This goes far beyond the limits of ordinary law. Let us go a little further:

That if any Chinese person in-bound on such vessel, while the same is within the jurisdiction of the United States, shall escape from such vessel and on its departure shall remain within the United States, such vessel shall be liable to all the penalties herein provided for bringing Chinese into the United States.

Here is a peculiar statute. If a Chinaman should come over in a vessel and against the will of the owners of the vessel, land, and should not return, then the vessel owners are responsible, although they were not guilty even of *laches*—they are responsible in these severe penalties and the vessel may be confiscated, although the Chinaman's escape may be against the will of the owners of the vessel.

SEC. 3. That the Chinese persons mentioned in section 1 of this act—

That is the diplomatic and consular Chinamen—

as excepted from the provisions of exclusion herein provided shall be admitted to the United States upon the production of the official credentials of such officers and the identification by them of their body and household servants in such manner as may be prescribed by the Secretary of the Treasury.

So that any man in Washington here may go up to the Chinese minister and demand his identification under this proposed law. He may ask the Chinese minister to show him his credentials by which he is permitted to live in this country, and the minister must show them, and those credentials must be prescribed and approved by the Secretary of the Treasury. What is the object of that? Here is a provision aimed alone at these diplomatic

and consular officers who must be prepared, when anybody chooses to demand their credentials, to show their right to be here. This, it seems to me, would be insulting them even if they would come here.

Let us go a little further. I do not care about reading all this bill, because it is full of these extreme and harsh measures which are to be resorted to:

SEC. 5. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Here is another:

That any person who shall knowingly bring into or cause to be brought into the United States, by land or otherwise, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel or otherwise, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding \$1,000 and imprisoned for a term not exceeding one year.

I do not think it necessary to read much more of this bill.

Mr. CHANDLER. Will the Senator read the proviso at the top of page 6, at the end of section 8?

Mr. SHERMAN. Certainly.

Provided, That the Secretary of the Treasury may make such rules and regulations as will allow Chinese, other than Chinese laborers or artisans, to temporarily visit the United States, and, under such rules, and in accordance therewith, but not otherwise, such Chinese may be permitted to temporarily visit the United States; but such right shall never be given to any Chinese laborer or artisan.

That is, a man by securing the proper permit beforehand may temporarily visit the United States; but he can not land without being subject to the penitentiary unless he can in some way get notice to the Secretary of State or the Secretary of the Treasury and obtain a permit to come into our country. This "land of the free and home of the brave" can not allow a person of that character to come in and land upon our shores unless he gets a permit before his coming here, because, forsooth, his civilization would destroy ours, the civilization of 65,000,000 people!

I do not know how our people would get back from China. They have been so long in China that perhaps they have inherited and adopted the habits and customs of the Chinese, and I think they ought to be excluded as well. Here is another provision:

SEC. 14. That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed, and the provisions of all treaties now in force between the United States Government and the Chinese Empire, in so far as they, or any of them, conflict with the provisions of this act, be, and the same are hereby, abrogated, set aside, and repealed: *Provided*, That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act, or any acts hereby repealed, but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Mr. President, I do not deny that the Congress of the United States has full power to repeal a treaty as it has a right to repeal a law, but the reasons for the repeal of a treaty must be apparent and satisfactory to the general judgment of mankind. Any nation which violates unduly and for slight cause a treaty in which it has solemnly engaged would be denounced among the civilized nations of the world. England, for trespassing once or twice in its history upon this sacred ground, gained an epithet which has stuck to it and will stick to it probably for ages to come. No, sir: no nation can violate a treaty except for supreme cause, and we did not do it ten or twelve years ago.

Mr. BUTLER. Will the Senator allow me here in this connection to read article 4 of the treaty of 1880, which is on the line of what the Senator is saying?

Mr. SHERMAN. Certainly; I was just going to refer to that treaty.

Mr. BUTLER. Article 4 of the treaty of 1880 says:

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Mr. SHERMAN. That is our treaty of 1880?

Mr. BUTLER. Yes; in our treaty of 1880, showing what is absolutely necessary before we can pass this restrictive legislation.

Mr. SHERMAN. Mr. President, I know we did take the utmost care before these laws were originally passed. We gained from the Chinese a concession which probably no other nation would give, that is, a concession that we should exclude all her laboring classes. They have always maintained the position that they were opposed to the emigration of their own countrymen, their own subjects, and they yielded to us the right, before we passed the law of 1882, to exclude certain persons who were

deemed unfriendly to our civilization; but, even in spite of that, we went a little beyond what I think was permitted by that treaty.

Mr. MITCHELL. Will the Senator allow me right there?

Mr. SHERMAN. I do not like these constant interruptions.

Mr. MITCHELL. The Senator states that the Chinese Government always have been willing that their laborers shall not emigrate to this country; that they do not desire them to come to this country. Why, then, I ask the chairman of the Committee on Foreign Relations, did the Chinese Government hesitate and absolutely refuse, finally, to agree to a treaty which we made here in 1888 for that purpose? A treaty was entered into and was amended in the Senate slightly and sent back to the Chinese Government, but they held it there month after month and month after month, giving us no satisfaction.

Mr. SHERMAN. I am inclined to think that some of the provisions of that treaty of 1888 gave the Chinese offense. They did not refuse to allow us to make a prohibition of the kind of people that we wanted to exclude, but now this bill goes far beyond any proposition ever made before in the Congress of the United States. This attempts to repeal by wholesale rights acquired under existing treaties by the Chinamen who are now here and are supposed to be here under existing treaties. They were either here before immigration was prohibited or they were here in fraud of the law, and when they are here in fraud of the law I do not care what measures are taken to exclude them. I know the difficulty sometimes of identifying them, but most of them are here by virtue of our treaties and in pursuance of our treaties, many of them owning property acquired here in our country.

Mr. President, is it right for us by one fell blow to strike at these treaties? If we do so, we shall get a name among the civilized nations of the earth that we do not deserve. The United States has never until now in its intercourse violated the terms of a treaty so far as I know. I do not think that imputation or charge has ever been made against the American people. Our treaties are like other laws liable to be repealed; yet we have not violated them, and here we propose by wholesale to violate them.

Now, sir, it is the duty of the Committee on Foreign Relations to look to this part of the law especially, because we are compelled constantly, in the negotiation of treaties and in passing upon treaties with all the nations of the world, to see whether the terms we are exacting are reasonable. We require stipulations from them in the clearest terms, and we would enforce those stipulations, cost what it might; but here it is proposed to strike down all these treaties, to banish all these people practically, because they will all have to go, and for what? Because, forsooth, probably 150,000 Chinamen are living in servile labor among 65,000,000 of people, with a certainty that they can not increase under the existing law, and with the actual fact proven that in the only place where we have authentic information they have diminished.

I say if there is ever an occasion for violating a treaty it ought to be for some great cause. When our national life or existence or civilization is in peril; then we may possibly violate a treaty according to international law, because, after all, every nation must decide for itself and its own safety and the preservation of its civilization must be its supreme law. We, therefore, if our territory, our civilization, or our institutions were threatened by any foreign power, would fight to the last gasp.

These Chinamen may not fight with us. They are not a warlike race in the sense that the modern Christian nations are. We do not fear them, but for the very reason that we do not fear their physical power we ought to fear the moral power that they have a right to exercise over our action.

We have made these treaties with them: we have recognized them as among the treaty-making powers of the world. We, with the civilized nations of Europe, forced them into that position, and now, sir, it would be unmanly, it would be unjust, it would be un-American for us to violate those treaties and break them down without stronger cause than we have here to-day.

Mr. President, after making these remarks, I scarcely think it worth while to go into the other branch of this question, the money question, the question of commerce, stated in the telegram read by the Senator from Maine [Mr. FRYE]. I have had laid upon my table since I commenced speaking, a statement showing that we have imports from China of \$19,000,000 worth. There is a trade. You break off all diplomatic and consular relations with those people and that trade will flow into other channels just as sure as fate. There is no doubt about it. Eager rivals would be glad to have us adopt this policy. Great Britain would return us a vote of thanks for transferring to her our commerce with China.

Why have we not this prejudice against the Japanese? They are increasing among us. No objection is made to them. Why is it that we do not have greater restrictions on immigration

from all the countries of the world? Because we want their labor; we want them to help develop our industries, our resources. This is a new country, where labor is desired. If, as I verily believe from the discussion we have had, these Chinese laborers are a threat, a danger to our institutions locally wherever they settle, we have already stopped the current of immigration, and there is no danger of it now. Every year, and year by year, it will diminish more and more, until no doubt, under the operation of existing laws and the laws which will be extended by our amendment to this bill, we shall probably get rid of this mass; not a large mass, but this considerable mass of undesirable population, and we probably shall have Chinese of a higher type amongst us, better fitted to represent their people.

I think under the circumstances, therefore, for our honor, for the safety of our people, for the safety of our commerce, and in consideration of the example that we set to other nations, all we ought to do is to continue the policy which has been going on in harmony with the Chinese Government. Let us do what we agreed to do, that is, whenever we propose to pass a law, send the proposed law to the authorities of China and ask them to confer with us about it.

This bill does not deal with American citizens. It deals with Chinese who have no allegiance to our country. We are bound by obligations of honor and duty to pay the same regard to the rights and interests of foreigners who have their homes here amongst us, as to our own people. Why should we rush in here, merely for a barren danger, break down our diplomatic relations, and drive away whatever Chinese we have here among us merely to prevent a possible injury to the Pacific coast for a short time, a danger which has already been averted and turned aside?

Mr. HALE. As the Senator has repeated referred to the value of our diplomatic relations with China as a deterrent from passing any such bill as the House of Representatives has sent us, will the Senator, who is chairman of the Committee on Foreign Relations, state to the Senate what is the present condition of the diplomatic relations between this country and China?

Mr. SHERMAN. I do not know of anything except this proposition that would disturb them, nor would I care about communicating it if I did.

Mr. HALE. What is the extent of the diplomatic intercourse between this country and China at the present time—through what ministers are we dealing with China?

Mr. SHERMAN. We have an embassy here from China, a very respected one.

Mr. BUTLER. And we have one in China.

Mr. SHERMAN. We have a minister in China, Mr. Denby. We maintain the same diplomatic and consular relations, I will say, so far as they will allow, with China as we do with the most civilized nations of the world.

During all the time the Chinese legation have been here, it is hardly worth while for me to say that I have never heard that they have done anything whatever in the slightest degree improper or wrong. They are treated everywhere like the other representatives of foreign powers. I think they are respected wherever they are known. They are liberal, I am told also, to charities, and in every respect they are just like the representatives of any other country represented here by a minister.

Mr. HALE. Does the Senator say that the present diplomatic relations with China are as complete and as cordial as with other countries where ministers have been sent and accepted?

Mr. SHERMAN. Undoubtedly they are. I know nothing to the contrary, and never have heard of anything.

Mr. President, I again recur to what I think it is proper for the Senate to do. As a matter of course it will do as it pleases. If it is proposed to amend, as the Senator from New Hampshire [Mr. CHANDLER] proposes to amend this bill, I do not think it is capable of amendment. The foundation of it is wrong. It goes far beyond what I think any Senator would desire to go in his cooler moments. If, therefore, the proposition of the present law, somewhat enlarged and strengthened by provisions adopted as an amendment to this bill, should go to a committee of conference, I have no doubt whatever that if there is anything in the existing order of things that needs especially to be corrected it can be then corrected. For us to waste time upon it in making long arguments or long debate about it, it seems to me would only stir up feeling, create animosity, and probably lead, even before the passage of the bill, to the breaking off of diplomatic relations. I do not say that upon any facts which exist, but I know from the nature of men that there is no nation in the world that would not resent the passage of such a bill. We are aiming this bill at the most powerful, in some respects, certainly the most populous, nation in the world, without cause and without reason.

Mr. WILSON. Mr. President, I do not feel like extending support to the bill now under consideration. I do not believe that in any respect it involves correct doctrines for this nation to follow. We have in times past given some very definite ex-

pression in respect of questions involved in the field which this bill covers. In 1868 the Congress of the United States formulated a doctrine which is very decidedly contrary to the one which we find embodied in this bill. In the Fortieth Congress an act was passed, from which I read the following:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this Government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this Government.

That is a very definite declaration of doctrine. Very strenuously does it stand to-day in opposition to the first section of this bill.

What happened next after the passage of that bill? We had in this country at that time an embassy from China. The act from which I have read was approved on the 27th day of July, 1868. On the 28th of July, 1868, the first day after the approval by the President of the act to which I have referred, a treaty was signed between China and the United States, and in that treaty, in article 5, I find this language:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for the purposes of curiosity of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

That was the doctrine upon which the United States and China stood side by side and hand in hand on the 28th day of July, 1868.

Mr. BUTLER. Was that the first treaty?

Mr. WILSON. Not the first.

Now, what had we been doing prior to the month of July, 1868, from the date of the adoption of our Constitution and the organization of the Government of the United States on down to that day? We had been insisting in the presence of all nations that this doctrine of expatriation should be recognized. Everywhere we presented it; no crowned head in Europe had failed to hear our expression; there was no division of sentiment amongst those who founded our Government. We declared that in express terms in the sentiments uttered by the fathers of the country and by our statesmen, as definitely as this act of 1868 provides, and all the way down that line of march. When we made our appeal to the crowned heads of Europe they said, "Oh, no, once a subject, always a subject; we can not recognize any such doctrine as that." No country recognized it until 1868, when the Emperor of China, through his embassy here, extended his hand and said "Yes, I will agree," and this Government grasped his hand warmly and gave him the thanks of the Republic of the United States, because in the whole line of nations he was the first to approve of our doctrine.

Now, what have we done? The first one of the nations consenting to our doctrine and embodying it in treaties was the first one we picked out to slap in the face as the march went on.

It is not, in my judgment, in accordance with the true dignity of a great nation to do this, and, therefore, I feel to-day as I felt when the Scott bill was pending in the Senate that it was my duty to vote against it, as I shall vote against this bill.

Mr. President, I do not wish to occupy the time of the Senate in much discussion, but it seems to me that if the members of this body—and if they will not do it, the people, not only of this country but of others will—compare that act of 1868 with the first section of this bill, and if it were possible for any human mind to devise a more direct opposite of that declaration of ours of 1868 than this first section presents, I have never discovered it.

"The right of expatriation is a natural and inherent right of all people." Now, it is said as the bill comes to us from the House:

That from and after the passage of this act it shall be unlawful for any Chinese person or persons, whether subjects of the Chinese Empire or otherwise, as well as those who are now within the limits of the United States, and who may hereafter leave the United States and attempt to return as those who have never been here, or having been here, have departed from the United States (save and accepting only the following classes, that is to say, such Chinese person or persons as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls-general, consular and commercial agents, including other officers of the Chinese or other governments traveling upon the business of that

Government, with their body and household servants), to come to or within, or to land at any port or place within the United States; and the coming of Chinese persons to the United States, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted from and after the passage of this act, be, and the same is hereby absolutely prohibited.

Mr. MITCHELL. Will the Senator allow me?

Mr. WILSON. Certainly.

Mr. MITCHELL. The Senator has talked about the inalienable right of expatriation, and has read from a treaty entered into between the Chinese Government and this Government in 1868, I think it was.

Mr. WILSON. Yes.

Mr. MITCHELL. Is it not a fact, and will he not admit it to be true, that by the treaty the Chinese Government entered into with the United States in 1880 the Chinese Government waived that right and consented that the United States might enact laws in direct contravention to the doctrine of expatriation being an inalienable right?

Mr. WILSON. I recognize that fact, and yet I think, if it had not been for the breach of faith which this Government manifested in its intercourse with China, China never would have consented to any such thing being done. It was because we were not true to the doctrines which we had proclaimed and stood by from the organization of the Government down to 1868, that China was willing to make some other kind of arrangement.

Mr. President, while there may be a great many unpleasant things and inconveniences growing out of Chinese immigration to this country, so there are in respect of other classes of immigrants.

Mr. DAWES. I should like to put to the Senator an interrogatory. I ask if our representatives who made that treaty with the Chinese Government did not declare to the Chinese representatives that their only purpose was to be authorized to exclude improper persons of particular classes and nothing more?

Mr. MITCHELL. It related to laborers by name.

Mr. DAWES. Did they not declare that it was their purpose and that the United States would never go further than to legislate against bad men of particular classes?

Mr. MITCHELL. Here is just what they did, if the Senator will allow me.

Mr. DAWES. I am not asking what they did; I am asking what they represented to the commissioners on the part of China. I know what they did, and I know what we did immediately after we got that treaty. Put the two side by side, and if there is anything in the English language which contradicts itself, it is that.

Mr. MITCHELL. The Senator would not have the Chinese Government go back on their final agreement, whatever they may have said in negotiating that agreement.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] is entitled to the floor. Does he yield?

Mr. MITCHELL. If the Senator will allow me, we shall see what they did agree to.

Mr. DAWES. I am not disputing about what they did, but they agreed to it upon assurances which were given them.

Mr. WILSON. I believe I am entitled to the floor.

The PRESIDENT *pro tempore*. Senators will please address the Chair and proceed only after being recognized by the Chair. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. WILSON. Not at present.

The PRESIDENT *pro tempore*. The Senator from Iowa declines to yield.

Mr. WILSON. I can not yield at present for the reason that I think I can conclude my remarks in less time than the Senator from Massachusetts and the Senator from Oregon can get through with their colloquy.

Mr. MITCHELL. All right.

Mr. WILSON. Mr. President, I have only one request to make in concluding the few remarks I shall make on this subject, and that is, for Senators who think we should pass this bill to take that first section of it and then to take the act of July 27, 1868, and as a third part the article of the treaty between China and the United States, which I have read, and place them at the head of their beds and go down to sleep and dream about them, and see whether in that triangle of governmental purposes and declarations they can find anything which will make them feel entirely satisfied with a vote in favor of the passage of a law containing the first section of this bill.

Mr. FELTON. Mr. President, I should like to ask the Senator one question before he takes his seat. Admitting this inherent right in mankind to go wherever they please, whether they are desired or not, what consistency was there in this Government passing a law against contract labor? What right had we to pass that law against honest and expert men who wanted to come here and make their living?

Mr. WILSON. Was the Senator from California in favor of the passage of that law?

Mr. FELTON. Most assuredly I was.

Mr. WILSON. Doubtless, then, the Senator has better reasons than I could give him why that law was passed. I think we have done a great many things in the way of legislation which we might have put in better condition and better shape than we did.

Mr. FELTON. The Senator may be right, but it strikes me that the power to prevent the admission of objectionable people to this country is as inalienable and inviolable as my right to protect my life and property. These inherent rights depend a good deal upon the surrounding conditions.

Mr. WILSON. The Senator forgets the difference between the cases. In the case to which he refers we were regulating the incoming of Chinese, and in order to formulate some conditions for the protection of our society which we thought were proper, and where the condition of persons proposing to come in was such that we could exclude them without any violation of principle, we declared the power to exclude those, as when a man does wrong, when one of our own citizens does something which he should not have done, if it does not amount to a crime which may put him in the penitentiary or the jail, or impose a fine upon him, a great many of our citizens would be very apt to shun him, and not give him that countenance in society which he had received before. That is a matter of regulation and this is a matter of utter exclusion. That is the difference.

Mr. BUTLER. Mr. President, I do not know that I care about detaining the Senate at this late time of the day except to call attention to a few of the provisions of this bill, and in that connection to call attention to the provisions of the treaty which this Government entered into with the Chinese Government. I should like however to read article 1 of the treaty in connection with the last three lines of the first section of this bill from the House. The bill reads:

And the coming of Chinese persons to the United States, whether for the purpose of transit only or otherwise, excepting the classes hereinbefore specifically described and excepted, from and after the passage of this act, be, and the same is hereby, absolutely prohibited.

Now, I wish to read the treaty of 1880 in connection with that provision in this bill:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects, or threatens to affect, the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

That is the first article.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Article 4, which I read while the Senator from Ohio [Mr. SHERMAN] was on the floor, provides:

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking, and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Mr. President, there is a solemn treaty between the Government of the United States and the Chinese Government. The Senator from Oregon [Mr. MITCHELL] stated awhile ago, I believe, that the act of 1888, known as the Scott act, had abrogated that treaty, and he rather advanced that fact as an argument in favor of the passage of this bill as it came from the House, this bill equally abrogating the treaty which I have just read.

Mr. MITCHELL. Will the Senator allow me?

Mr. BUTLER. Yes, sir.

Mr. MITCHELL. The Senator has read the treaty now and, as I understand, he objects to the text of the House bill because it is in contravention of the terms of the treaty, which I admit it is. Does the Senator hold that the act of October 1, 1888, known as the Scott exclusion act, is not in contravention of any of the sections he has just read?

Mr. BUTLER. I was just coming to that. I think it is.

Mr. MITCHELL. There can not be any question about that.

Mr. BUTLER. I have no question about that, and I think the passage of that act in the light of what has occurred since was a disgrace to the Congress of the United States.

Mr. MITCHELL. But the honorable Senator from South Carolina is a member of the Committee on Foreign Relations—

Mr. BUTLER. I was not at that time. I am now.

Mr. MITCHELL. I understand the Senator is giving his support to the proposed amendment of that committee for the House bill, which extends the Scott exclusion act for ten years.

Mr. BUTLER. No, but it extends the act of 1882.

Mr. MITCHELL. It extends all acts, the act of October 1, 1888, just as much as the others.

Mr. BUTLER. So much the worse for it. In view of the fact that the Senator has called my attention to it, I think I shall vote against the substitute.

Mr. MITCHELL. I think the Senator will have to do so in order to be consistent.

Mr. BUTLER. The substitute is harsh enough, but the bill as it comes from the House I say, and say with all respect to those who have been instrumental in its passage, is a disgrace to this country. That is my deliberate judgment. Here we are inviting the Chinese people to engage in commercial intercourse with us by every possible means known to civilized people, and yet we turn in the very teeth of it and insult them by the passage of an act like this.

Why, Mr. President, I have never heard, I have never known in a civilized country such a proceeding as this which we propose. I should regret such a course on the part of this Government in dealing with these people, who, the Senator from Ohio said so properly, are not a warlike people, but they are at least entitled to some consideration at our hands. Time and again they have yielded to the exactions and the demands of this Government with regard to their own people.

The Burlingame treaty, I believe, was agreed to in 1868, and our country at that time regarded it, as I have no doubt it was, as the greatest diplomatic triumph of modern times. This country had been the first to induce the Chinese people to break down their wall of exclusion and to admit foreigners among them. We all remember with what triumph Mr. Burlingame returned from China with his Chinese companions and what a great triumph in diplomacy it was regarded. We have gone on from time to time, as has been pointed out by the Senator from Iowa [Mr. WILSON], announcing the doctrine upon which this Government could and would stand, and yet in response to a demand from a very limited area of this country, the Pacific coast, we are proposing now by the passage of this bill to throw insult into the face of these people and to violate every treaty stipulation which we have ever made with them. If, as the Senator from Oregon has stated, we did that in the act of 1888, I for one, sir, am ready to call a halt in that disgraceful proceeding.

Mr. MITCHELL. I will say—

The PRESIDENT *pro tempore*. Does the Senator from South Carolina yield to the Senator from Oregon?

Mr. BUTLER. Of course I yield.

Mr. MITCHELL. I will call attention to the precise point I make. In article 2 of the treaty it is provided, among other things, as follows:

And Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

That is the treaty. The Scott exclusion act says this:

That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

Mr. BUTLER. Precisely, Mr. President. So much the worse, as I stated awhile ago. I have regretted a dozen times that I voted for what is known as the Scott act, but I am not going to perpetrate the same folly by voting for this bill.

Mr. CHANDLER. Will the Senator allow me to make a suggestion?

Mr. BUTLER. Certainly.

Mr. CHANDLER. The Senator did not vote for the law, but he took occasion to show the fact, by inquiries of the Senator from Ohio and the Senator from Oregon, that the Scott act was a violation of the treaty. Having shown that fact, the

Senator stated that he was willing to go as far as any other Senator in excluding the Chinese, and that he would vote for the bill, although it was in violation of the treaty. When the vote was taken the Senator was absent, and the Senator from Pennsylvania [Mr. CAMERON] announced his pair, but the Senator from South Carolina took occasion to declare the fact that the act of 1888 was a deliberate violation of the treaty.

Now, then, the treaty having been broken in that way by an act of Congress which passed the Senate once, although no quorum voted, without a vote in the negative, and at last with only three votes in the negative, it has seemed to me, with all due deference to the Senator from Ohio, that if additional legislation is wanted Congress ought not necessarily to refrain from adopting it because the treaty may be thereby violated. The Senator from Iowa [Mr. WILSON] asks me who the three were.

Mr. HOAR. Mr. President—

Mr. CHANDLER. One is the Senator from Iowa [Mr. WILSON], another is the Senator from Massachusetts [Mr. HOAR] who has just risen, and the other was the Senator from Georgia, Mr. Brown. I am not certain whether other Senators were paired against the bill or not, but on the day when there was no quorum the vote was 37 to none, and on the day when it was passed the vote was 37 to 2.

Mr. HOAR. Will the Senator allow me to make one remark? While there were seven wise men in Greece, there seemed to be only three in the Senate at that time. [Laughter.]

Mr. BUTLER. I am much obliged to the Senator from New Hampshire for calling my attention to what I did say. I now recall it. I had forgotten whether I had voted on the bill or not, but if I had voted for it I should have felt very much ashamed of it, I can say with perfect frankness.

Mr. CHANDLER. Will the Senator allow me to read what he said?

Mr. BUTLER. The Senator has stated it substantially. I have no objection to the Senator reading what I said, but I think he has stated it substantially.

Mr. CHANDLER. The Senator says he regrets the violation of the treaty, that he votes for the bill with regret, but he should vote for it. The Senator will allow me again to say that the Committee on Foreign Relations report a bill extending the law which violated a treaty, and yet say to us we must not amend the House bill because it will be violating the treaty.

Mr. BUTLER. Two wrongs do not make a right. I will say very frankly to the Senator from New Hampshire that if I had voted for that bill violating the treaty I should have felt very much ashamed of it. I am very much ashamed of having stated what I did say in regard to it, because I think it was wholly unjustifiable.

But returning to the pending bill, in addition to what was said by the Senator from Ohio I want to call attention to section 11, which provides:

That the collector of customs of the port where any vessels arrive having Chinese persons aboard who are seeking admission to the United States shall determine who are and who are not Chinese, and his decision may be reviewed by the Secretary of the Treasury, and not otherwise. Said collector shall have the right to administer oaths and take and hear testimony, and pending such investigation by such collector such person shall remain on board the ship bringing such person to the United States.

Now, here is what I want to call special attention to:

When the writ of habeas corpus is issued to determine the right of any Chinese person to land in the United States whose right to land has been decided adverse to such Chinese person by any collector of customs, pending the hearing of such petitions and until the final determination of such proceeding, the persons in whose behalf such writ was issued shall remain in the custody of the United States collector of customs, and shall not be admitted to bail, and if before the decision in the proceeding the vessel upon which such Chinese person arrived departs from the United States, and the proceeding is determined against such petitioner's right to land, such Chinese person shall be returned to China after such determination.

SEC. 12. That it shall be the duty of all Chinese persons within the limits of the United States at the time of the passage of this act to apply to the commissioner of internal revenue of their respective districts within one year after the passage of this act for a certificate of residence, and any Chinese person within the limits of the United States who shall fail or refuse to comply with the provisions of this act, or who, within one year after the passage hereof, shall be found without such certificate of residence, shall be adjudged by the court before whom he may be brought as being unlawfully within the limits of the United States and subject to the same fines and penalties as though he had unlawfully come into the United States in the first instance.

Then in section 13 the bill provides that—

The certificate shall contain a true photographic copy of the applicant, together with his name, age, local residence, and occupation, and a duplicate of the same shall be filed in the office of the commissioner of internal revenue of the district within which such Chinaman makes application. On making application for such certificate the applicant shall pay to the commissioner of internal revenue of the district within which such Chinaman makes application the sum of \$3 for such certificates. The fee collected under the provisions of this act shall be paid to the Treasurer of the United States and shall be set apart and be known as the "Chinese certificate fund," and shall be used to defray all the expenses of enforcing this act.

Mr. FELTON. Will the Senator allow me to make a remark?

Mr. BUTLER. Certainly.

Mr. FELTON. I desire to say for the information of the Senate that I do not know of any Senator here who favors that bill as it stands. There have been some amendments submitted by the Senator from New Hampshire and others that will entirely cure many of the objections which lie against the bill. For instance, in the matter of the entire exclusion the amendment is before us already to make that a term of fifteen years. The time is immaterial, so far as that is concerned. The only desire which controls us in the whole bill and amendments is simply to prevent the coming of those people under the present laws into the United States; that is all.

Mr. BUTLER. It seems to me that the present laws are stringent enough, as has just been pointed out by the Senator from New Hampshire and the Senator from Oregon.

Mr. FELTON. But they are not effective.

Mr. BUTLER. Then what earthly use is there in our passing at every session of Congress, or at every other session, or as often as we please, acts which can not be enforced?

I can not understand that that justifies us in proceeding to violate the treaty obligations between this Government and another, as section 14 of the bill does. The amendment proposed by the Senator from New Hampshire I do not understand cures that difficulty. Perhaps gentlemen of larger experience than mine may remember instances, but I have never known where a treaty between two great powers has been terminated without some notice on the one side or the other.

I believe in diplomatic circles and in the intercourse between great nations, or nations that are not great, the usual courtesies—I might say decencies—that exist between civilized countries should be observed in the termination of a solemn treaty. Yet we propose to do that by an act of Congress without consulting the other party to the treaty.

I trust, Mr. President, that this bill will not receive the sanction of the Senate of the United States and add to the very unsatisfactory condition which this Government occupies to the Chinese Government.

Mr. CHANDLER obtained the floor.

Mr. SHERMAN. I have been conferring with some Senators, and I will ask if there can be unanimous consent to take a vote upon this measure at 5 o'clock to-morrow evening. I should like the Chair to ask for the unanimous consent of the Senate to take the vote to-morrow evening at 5 o'clock, and in the mean time we can proceed to the consideration of the bill immediately after the morning business to-morrow, so as to give Senators full opportunity to be heard.

The PRESIDENT *pro tempore*. The Senator from Ohio asks the unanimous consent of the Senate that the bill be taken up to-morrow after the conclusion of the routine morning business, and that the vote be taken upon it at 5 o'clock to-morrow. Is there objection?

Mr. HARRIS. What is the necessity for depriving the morning hour of the time that is usually devoted to the Calendar under Rule VIII?

Mr. SHERMAN. I have no objection to let it be taken up at 2 o'clock.

Mr. HARRIS. After 2 o'clock I have no objection.

Mr. HOAR. I desire to ask the Senate to take up to-morrow morning after the routine business a bill which is not yet quite reached on the Calendar. It is about the middle of the eighth page, and we are about the beginning of the sixth. It is the bill for the relief of the College of William and Mary, in Virginia. I made the report on that subject when I was a member of the other House, and I take an interest in it. I shall leave town Monday afternoon, so that either to-morrow or Monday is the only time it can be taken up when I shall be present.

Mr. MORGAN. I hope that will be done, because the Senator from Massachusetts knows more of that question, I think, than any other member of this body, and it will not lead to any debate.

The PRESIDENT *pro tempore*. The Chair will first dispose of the pending request, which is the request of the Senator from Ohio that the Chinese exclusion bill shall come up as the unfinished business at 2 o'clock, and be proceeded with after 2 o'clock to-morrow, and that the vote be taken on the bill at 5 o'clock to-morrow. Is there objection?

Mr. CALL. I object.

Mr. CHANDLER. Before consent is given I want to understand whether it may appear that we shall have from 2 to 5 o'clock for debate.

Mr. MORGAN. The proposition is objected to. The Senator from Florida objects.

The PRESIDENT *pro tempore*. Is there objection?

Mr. CALL. I object.

The PRESIDENT *pro tempore*. The Senator from Florida objects to unanimous consent.

Mr. SHERMAN. All right.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate—

Mr. HOAR. I did not mean to ask that consent now, but I should like to give notice that to-morrow, immediately after the routine business, I shall ask unanimous consent, if there is no objection, that the bill for the relief of the College of William and Mary may be taken up.

Mr. CALL. I understood that it is the Chinese exclusion bill for which unanimous consent was asked.

Mr. HOAR. That of course will come up at 2 o'clock.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts ask for unanimous consent?

Mr. HOAR. I will do so now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate that the bill (S. 2566) for the relief of William and Mary College of Virginia, being Order of Business 449 upon the Calendar, be considered by the Senate at the close of the morning business to-morrow. Is there objection?

Mr. SANDERS. I should like to inquire of the Senator from Massachusetts if this is a personal accommodation to him. Does he contemplate being absent from Washington, and therefore ask that the bill be considered to-morrow?

Mr. HOAR. I expect to ask a leave of absence for the rest of the session, and to depart from Washington next Monday at 3 o'clock, so that if we do not sit on Saturday, to-morrow will be the only time we can take up the bill with any prospect of my dealing with it.

Mr. SANDERS. I certainly do not think anyone will object under those circumstances.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts?

Mr. FELTON. I should like to know for information what condition that would leave the pending measure in?

The PRESIDENT *pro tempore*. The pending measure comes up at 2 o'clock as the unfinished business, and its consideration will be continued after that time.

Mr. FELTON. If unanimous consent is given for the consideration of Senate bill 2566, and it is not concluded at 2 o'clock, what is the result?

Mr. HOAR. It does not interfere with the pending bill.

The PRESIDENT *pro tempore*. It does not interfere with the unfinished business in the least. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor on the pending bill.

Mr. CHANDLER. I yield to the Senator from Montana [Mr. SANDERS].

Mr. SANDERS. In making this agreement I trust that we shall be able to dispose of that matter and also of this, complying with the request of the chairman of the Committee on Foreign Relations as well as with the request of the Senator from Massachusetts. It is advanced here as a legal opinion that two weeks from to-day there is no legislation excluding this class of people from the United States, and it is important either that that matter shall be determined as not being a proper interpretation of the law or that new legislation be had.

In my own view, and that is all I desire to say on the subject, the existing legislation continues until 1894, but I think there ought not to be an uncertainty hanging over the country in that respect, and it ought to be made certain.

Mr. SHERMAN. If this matter is not disposed of to-morrow evening within a reasonable time for adjournment, I give notice now that I shall try to-morrow, if I can, to get a session on Saturday to close it. I think it is important to dispose of the matter and leave no doubt about the construction of an act of Congress.

Mr. CHANDLER. I thought the understanding was that we were to vote at 5 o'clock to-morrow.

Mr. SHERMAN. The Senator from Florida objected, and it goes over.

The PRESIDENT *pro tempore*. The Senator from New Hampshire is entitled to the floor.

Mr. SHERMAN. Will the Senator yield to a motion to adjourn?

Mr. CHANDLER. Very well.

Mr. SHERMAN. The Senator from New Hampshire has the floor, and I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from New Hampshire being recognized on the pending bill, the Senator from Ohio moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 22, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 21, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY APPROPRIATIONS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1892, and for prior years; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ARISING UNDER THE ACT OF JULY 4, 1864.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a list of claims arising under the act of July 4, 1864, examined and allowed since February 7, 1891; which, with accompanying papers, was referred to the Committee on War Claims, and ordered to be printed.

RICHARD MAYES.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the Court in the case of Richard Mayes vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

B. F. CASH.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of B. F. Cash vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

L. D. ALLEN.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of L. D. Allen vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

BRIG BETSEY.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the vessel, brig Betsey; which was referred to the Committee on Claims, and ordered to be printed.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED.

The SPEAKER also laid before the House the following Senate bills; which were read a first and second time, referred to the committees indicated below, and ordered to be printed:

A bill (S. 1615) to facilitate the disposition of causes in the Court of Claims—to the Committee on the Judiciary.

A bill (S. 2460) to repeal the license tax of \$25 per year now imposed upon produce dealers in the markets of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes—to the Committee on the Judiciary.

Also, the following Senate concurrent resolutions:

Resolved by the Senate (the House of Representatives concurring), That 2,000 copies of the list of Congressional documents prepared by the superintendent of documents, Department of the Interior, be printed and delivered to that officer, of which he shall supply 2 copies to each Senator, Representative, and Delegate in Congress, and the remainder shall be distributed to public and other libraries—

to the Committee on Printing.

Resolved by the Senate (the House of Representatives concurring therein), That 5,000 copies, comprising the necessary texts, tables, and charts, be printed of the paper entitled "Certain Climatic Features of the Two Dakotas," being a presentation of special information collected by the Weather Bureau for a long series of years as to temperature, rainfall, winds, barometric pressures, evaporation, and atmospheric disturbances, which are believed to have marked influence upon agricultural interests in the said States.

Sec. 2. That 1,000 copies be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 2,000 copies to be distributed by the Weather Bureau—

to the Committee on Printing.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill (H. R. 5499) to amend an act entitled "An act approving with amendments the funding act of Arizona," approved June 25, 1890, Mr. WASHINGTON, Mr. KILGORE, and Mr. PERKINS.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HERBERT, indefinitely, on account of sickness.

To Mr. HARTER, four days, on account of important business.

ORDER OF BUSINESS.

Mr. O'FERRALL. Mr. Speaker, I demand the regular order, the further consideration of the case of Noyes against Rockwell.

Mr. CLANCY. I ask the gentleman to give way to me for about three minutes.

Mr. O'FERRALL. Will you withdraw the bill if it leads to debate?

Mr. CLANCY. If there is any debate I will withdraw it.

WILLIAM F. C. NINDEMANN.

Mr. CLANCY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7281) granting a pension to William F. C. Nindemann, late of the Jeannette expedition to the Arctic Ocean.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of William F. Nindemann, late of the United States ship Jeannette, in the expedition to the Arctic Ocean.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLAND. I would like to have some explanation of it. I would like to know what the bill will carry.

Mr. CLANCY. The bill does not carry anything. The matter will be referred to the Pension Office, so that this man may be pensioned under the law.

Mr. BLAND. What would the pension be under the law?

Mr. CLANCY. Possibly about \$10 a month.

Mr. BLAND. Possibly; but probably more.

Mr. CLANCY. He was a sailor in the Jeannette, and as he did not rate as an officer, he can not have a large pension.

Mr. BLAND. I would like to have the report read at any rate. I do not like to see these bills passed without knowing anything about them.

Mr. O'FERRALL. I will have to demand the regular order.

Mr. CLANCY. Wait a minute; it will not take but a minute now.

The report was read at length for information.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I did not catch the reading of the report, and I would like to ask the gentleman if this man was in the military service?

Mr. CLANCY. He was in the naval service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUTLER. Reserving the right to object, I would like to ask one or two questions. Has this bill been through the Committee of the Whole on a Friday night session?

Mr. CLANCY. It can not be reached; it is a case of special urgency.

Mr. BUTLER. Has it been reported by the Committee on Pensions?

Mr. CLANCY. It has been reported for a long time.

Mr. BUTLER. I think it will have to take its chance on a Friday night session; and I will have to object.

The SPEAKER. Objection is made.

Mr. CLANCY. I ask the gentleman to withdraw his objection.

UNITED STATES AND BRAZIL STEAMSHIP COMPANY.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent that a set of resolutions passed by the Memphis Merchants' Exchange be printed in the RECORD. These resolutions are in the form of a protest from the Merchants' Exchange against the action of the United States and Brazil Steamship Company, at present, as I am informed, a subsidized line, which refuses to receive coffee in Brazil destined for delivery at the port of Newport News, in Virginia.

I do not wish to occupy the time of the House in making any extended remarks at this time. I do wish to have the resolutions printed in full in the RECORD for information. In this way I can bring to the attention of the House and of the Committee on Interstate and Foreign Commerce a matter of very great, and I might well say vital, importance to the people of the South and Southwest. If the allegation contained is true a great steamship company, for some reason which does not appear, but which can be readily imagined, is discriminating in favor of one port as against another. I am informed that prior to a recent date this steamship company has been receiving coffee in Brazil destined for interior points in the United States, on a through bill of lading, and landing the consignment at Newport News at the same rate of freight charged for delivering it at New York City. The steamship company, although its vessels touch at Newport News just the same as formerly, has refused to land consignments of coffee at any port except New York. This is exceedingly unjust. Some legislation is necessary, and if this line is receiving a sub-

sidy under any contract made or about to be made by the Postmaster-General under recent law, that subsidy ought to be withheld unless the steamship company will treat all shippers and all ports alike. I intend to introduce a bill on the subject to-day, and hope no objection will be made to printing the resolutions in the RECORD in full.

Mr. BURROWS. Why was it necessary to cumber the RECORD with them?

Mr. WASHINGTON. They are very brief.

Mr. REED. As if anything could cumber the RECORD! [Laughter.]

Mr. BURROWS. Let them be referred to the committee.

The SPEAKER. Objection is made.

Mr. BUTLER. Mr. Speaker, I withdraw the objection which I made a moment ago to the request of the gentleman from New York [Mr. CLANCY].

The SPEAKER. The gentleman from Iowa withdraws his objection to the pension bill called up by the gentlemen from New York. Is there further objection?

Mr. SNODGRASS. I object.

Mr. O'FERRALL. Now, Mr. Speaker, I yield for a moment—

The SPEAKER. The Chair will state to the gentleman from Virginia that he can not yield the floor. If he withdraws the contested-election case, then the Chair will exercise the right of recognition.

Mr. O'FERRALL. Then I demand the regular order, unless the House will indulge the gentleman from Ohio [Mr. JOHNSON] for a moment.

Mr. JOHNSON of Ohio. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

LEAVE TO SIT DURING SESSIONS OF THE HOUSE.

Mr. JOHNSON of Ohio. To ask the consent of the House that the committee investigating the assessments of the District of Columbia be permitted to sit during the sessions of the House.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. O'FERRALL. Now, Mr. Speaker, I ask unanimous consent that gentlemen having reports of committees to submit may hand them to the Clerk.

There was no objection, and it was so ordered.

Mr. CLANCY. Mr. Speaker, the gentleman from Tennessee [Mr. SNODGRASS] withdraws his objection to the pension bill I have called up.

Mr. O'FERRALL. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Virginia [Mr. O'FERRALL] calls up the contested-election case of Noyes vs. Rockwell. The Clerk will read the resolutions.

The Clerk read as follows:

Resolved, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

Resolved, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

Mr. DEFOREST. Mr. Speaker,

The SPEAKER. The Chair recognizes the gentleman from Connecticut.

Mr. CLANCY. Mr. Speaker, the objection to the pension bill which I called up is withdrawn.

The SPEAKER. The Chair can not again submit the request of the gentleman from New York unless the contested-election case is withdrawn.

Mr. CLANCY. It is not a question of submitting it again, Mr. Speaker; the objection is withdrawn.

The SPEAKER. If the gentlemen from Virginia withdraws the contested-election case, then the Chair must recognize the right of recognition himself.

Mr. O'FERRALL. I do not withdraw it, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut [Mr. DEFOREST] is recognized.

Mr. DE FOREST. Mr. Speaker, I was going to say that if there was no objection I would yield a few moments of my time to the gentleman from New York [Mr. CLANCY] for the consideration of his bill.

The SPEAKER. The bill could not be considered in the time of the gentleman from Connecticut when he is recognized for debate upon the contested-election case.

Mr. DE FOREST. Mr. Speaker, constrained as I feel myself to be from a sense of duty to vote in favor of the resolution recommended by the majority of the committee, and thus in favor of unseating a Democratic member of this House with whom we have been pleasantly associated from the beginning of the session, I desire to avail myself of the opportunity extended to me by the courtesy of the chairman of the committee very briefly to explain my reasons for so doing.

It seems to be conceded, sir, upon all hands that the proper rule for our guidance in the disposition of questions of this character is the law of the State where the election was held out of which the controversy has arisen.

The privilege which we enjoy under the Constitution to act as judges of the qualifications and election returns of our own members is not an arbitrary privilege to be exercised by us capriciously or under the dictation of party prejudice or personal preference, but a solemn duty, to be performed conscientiously and deliberately, under a sense of the obligation of the official oath that we have taken and in accordance with certain well-defined principles and precepts of justice; a duty, sir, as judges upon the bench; as jurors in the box, to determine those qualifications and election returns in accordance with the law of the land; and that law, except so far as it is prescribed by the Constitution of the United States and acts of Congress passed in pursuance thereof, is the law of the State, the people of which have elected the member to come here as their representative.

This being the principle by which we are to be guided, the first question which presents itself for our consideration and determination here is: To whom did the certificate of election in this case lawfully belong? That arises here strictly as a preliminary question. It would not ordinarily be so. Ordinarily it would be conceded that the certificate of election raised a prima facie title in the holder which it was incumbent upon the contestant to overthrow by affirmative proof. But in this case circumstances have been called to the attention of the Committee on Elections and by that committee have been investigated and reported to this House, which make it our duty to go behind the face of the certificate and to ask whether or not the certificate was properly granted and to whom, under the laws of the State of New York, it justly belonged. And, sir, it is impossible to resist the conclusion that the certificate was improperly granted, and that it ought to have been awarded to the contestant in this case, and not to the contestee.

The reasons for this conclusion have been amply explained in the arguments of gentlemen who have preceded me. They are fully elaborated and illustrated in the report submitted by the majority of this committee. It is not necessary now to recapitulate those reasons. Suffice it to say that the courts of the State of New York have so decided—the special term of the supreme court of the State; then, on appeal, the general term of the supreme court of the State; again, on appeal, the court of appeals of the State, the court of last resort, the final expounder and determiner of that law by which we all agree that we are bound, have all declared that the returns made out on the night of the election, at the time that the law required them to be made out, are the only proper basis of the canvass. These returns—that canvass predicated on these returns—gave the election to the contestant, Mr. Noyes. To him, therefore, by the decision of the courts of the State of New York, the certificate of election should have been awarded.

I take it, Mr. Speaker, therefore, to be our bounden duty to treat the parties to this contest precisely as though that had been done which by the law of the State of New York ought to have been done. I take it to be our duty to treat them as though the certificate had been issued to and was held by the contestant, Mr. Noyes, instead of the contestee, and as though the seat had been awarded to and were now occupied by him, and as though the contestee were here asserting and offering to prove and bound to prove that the returns are wrong, and that he and not the present contestant was lawfully elected and entitled to the seat.

Such being the situation, then, what has been done? The face of the returns gives a plurality of 16 votes to the contestant, Mr. Noyes. The Committee on Contested Elections of this House, by additions and deductions about which there is no dispute now, have reduced that plurality to 6. There it stands, and, sir, there is no serious attempt made, as I regard the record and papers in this case—there is no serious demand made to overturn that plurality in favor of Mr. Noyes, except by virtue of what are termed the "Doyle" ballots. I say no serious attempt. No other attempt is hinted at in the report of the minority of the committee submitted in support of their views in this case.

The learned gentleman from Alabama [Mr. COBB], who yesterday expounded the views of the minority, said that when the report was prepared they never contemplated any such attempt. It seems to me that the learned gentleman from Alabama must be mistaken when he says this change of mind is due to some new discovery in connection with the case, for we know that when that minority report was made up all of the evidence in the case had been read, considered, and passed upon by the committee. No other facts can properly be considered here. Are we to believe that the sagacious gentleman from Alabama, in the examination of all of these facts, did not discover the ground to which since that report has been made and submitted and since the de-

bate on this question has begun he has seen fit to shift his position.

Mr. COBB of Alabama. Will the gentleman allow an interruption?

Mr. DE FOREST. Certainly.

Mr. COBB of Alabama. You must remember that I was not present in the committee when that discussion was had on this question, and you must remember further that I have not shifted my position at all. I still hold that the "Doyle ballots" ought to go out. But my contention is that even if they do not go out, Mr. Rockwell still on the other ground would be entitled to the seat.

Mr. DE FOREST. Mr. Speaker, I had supposed that the gentleman had taken part in the consideration of the case in the committee, the result of which he seems so much interested in. I had supposed when he expounded the views of the minority in this case so ably, he was talking of transactions in which he had been personally engaged. When he said that such and such things appeared in the course of the investigation which are not stated in the record or report; when he says such and such things do not appear, which gentlemen on the other side claim, I supposed he was talking from personal observation and knowledge. But it appears from what the gentleman now says that he was not so far present during the progress of the case as to ascertain the essential facts, which are now deemed material and which ought to have been known to him.

Mr. COBB of Alabama. Let me say further that so far as I know and believe, there was no analysis of the record attempted in the committee.

Mr. DE FOREST. It seems to me—and I am not here, of course, to dispute the honorable gentleman, and would not for the world call in question anything that he says—but it seems to me, looking at all the papers in the case, that when the minority report was made and submitted to the House, the ground which is now taken by the gentleman was abandoned, and that abandonment was for obviously good reasons—for the reason that the gentleman saw it was untenable and unreliable in his view of the case.

Mr. COBB of Alabama. The gentleman, I trust, will do me justice. He will find nothing in my remarks of yesterday abandoning the position at all.

Mr. DE FOREST. Very well; let any gentleman read the report of the minority and see whether he can find anything which hints at the claim made yesterday that this second count is to be relied on as evidence of the true state of the vote. On the contrary, such a view is distinctly disavowed. The minority report declares that the principal question is in regard to the Doyle ballots. If that so-called second count were relied on there would be no necessity whatever for the contestee bringing the question of the Doyle ballots to the attention of the House, for he would be elected without reference to them. The minority report says that the principal contention is in regard to the Doyle ballots. It starts out with the hypothesis that Mr. Noyes is entitled to the plurality of 16, which the face of the returns gives him, and he goes on to reduce that plurality; and in order to accomplish that purpose it brings in the matter of the Doyle ballots as a necessary factor.

I say it seems to me that when the minority report was made out the learned gentlemen who made it realized the insurmountable difficulties that lay in the way of the claim now made in regard to that second count—the impossibility of this House of Representatives with any respect for itself taking into consideration or giving any weight at all in the scales of justice between these parties to that so-called second count; a count made at a time when the law did not allow it to be made; a count of ballots which the law did not allow to be counted and which in the mean time had been open to public interference; a count of ballots a portion of which the proof shows had been tampered with; a count made by inspection officers acting not by their full number in any case—in some cases by three out of five, in some cases by two out of five, in some cases by three out of five a part of the time, and two out of five a part of the time—an incomplete count that did not take into consideration all the territory where the omissions occurred; a count made after a lapse of sufficient time to ascertain what the result had been in that entire Congressional district, and how necessary it was to effect a change in this particular locality in order to affect the entire result; a count which resulted in a change of just about votes enough to overturn the result in that entire Congressional district.

Mr. O'FERRALL. Mr. Speaker, I rise to a question of order. There is too much confusion in the Hall.

The SPEAKER. The House will please be in order.

Mr. O'FERRALL. I do not like to make the charge, but it seems to me there are some gentlemen on this floor who whenever any member is addressing the Chair in favor of the ma-

majority report endeavor to divert attention from such remarks by confusion and disorder.

The SPEAKER. The House will please be in order.

Mr. DE FOREST. I say it is impossible for this House, with any respect for itself, or with any respect for the rights of the parties, to entertain for a single moment that so-called count as evidence of the correct state of the vote.

Mr. WHEELER of Alabama. I would like to ask the gentleman a question. He stated that all these counts, the result of which was written on the back of the ballots, were made a day or two after the election.

Mr. DE FOREST. I do not know that I did.

Mr. WHEELER of Alabama. I think you did.

Mr. DE FOREST. I said that this so-called second count was made a day or two after the election.

Mr. WHEELER of Alabama. Is it not true that in the Fifth ward, third district, the count was made not a day or two after the election, but that night?

Mr. DE FOREST. I do not know as to that.

Mr. WHEELER of Alabama. You ought to know, because that is the fact.

Mr. DE FOREST. I know that this second count was made after the first meeting of the board, after they were supposed to have performed their duty, after they had adjourned and separated—when they had become *functus officio*, and had no right to act any further.

Mr. WHEELER of Alabama. Do you not know that in the case of the Fifth ward, third district, nothing of that kind occurred?

Mr. DE FOREST. That may have been so in one precinct; the gentleman will not claim that the facts were not as I state in the others.

Mr. WHEELER of Alabama. But this one precinct is enough to elect Mr. Rockwell, if you admit the fact which I assert.

The SPEAKER. Members desiring to interrupt the gentleman on the floor will please address the Chair.

Mr. DE FOREST. Of course the House can not, with any respect for the rights of the parties, entertain any such proposition as that. Why, the gentleman who has just inquired of me in regard to this matter took exception to the way in which the majority of the committee in their report set out the results of these two counts, as they are called. Over the result as it was certified to at the lawful time by the lawful board and in a lawful manner—over the result showing the number of votes received by the candidates respectively they have written "Official;" and over the parallel columns at the right, setting out the vote as it is claimed the second count showed it to be, is the word "Unofficial."

The distinguished gentleman from Alabama [Mr. WHEELER] yesterday took exception to this action on the part of the majority of the committee; he seemed to imagine that this performance, which was gone through with a day or two after the official count was made, constitutes a part of the official returns of the vote that was cast for the candidates respectively.

Nothing of the kind, sir. Nothing could be further from the truth. This writing which is supposed to be put upon the sample ballots does not state at all the number of votes received by the candidates respectively. It simply states the number of pieces of paper that were put in the ballot box of the description indicated by the samples, and that is all.

No gentleman can say that that, on the face of it, imports the true condition of the vote. A mathematician, an unofficial person, inspecting those sample ballots, assuming that the work has been correctly and properly done, can figure out the number of votes received by the candidates respectively; but the words written upon that return and on the back of those ballots does not state how many votes were received by the candidates respectively. It does not constitute a part of the official returns of the number of votes received by the candidates respectively at all.

Mr. WHEELER of Alabama. Then why does the law require it to be put there?

Mr. DE FOREST. For another reason, in order that it may be seen upon inspection whether the ballots were in conformity with the law, whether there was anything about those ballots which would invalidate them in case they were ever called in question.

Mr. WHEELER of Alabama. And then, when you reach the Doyle ballots, that do not conform to the law, you say, "Count them."

Mr. DE FOREST. I will reach that presently. You argued this case very exhaustively and very ably, and I ask the privilege, not to do the same thing, but to do the best I can.

Mr. WHEELER of Alabama. Thank you.

Mr. DE FOREST. So, then, I say that it is obvious to my mind that the minority of this committee, able gentlemen as they are,

when they adopted the course which they have outlined in the minority report, did so, because they comprehended and realized the unanswerable difficulties in the way of an attempt to rely upon this so-called second count. Why, sir, we are supposed to act judicially. Would any court in the world receive evidence of this so-called second count for the purpose of showing the actual condition of the vote? Why, not for a moment.

The authorities are unanimous to the effect that before any such evidence will be received it must be affirmatively, clearly, and satisfactorily shown that no opportunity has intervened for any unlawful tampering with the ballots. Not only is that not shown, but it appears that one of these boxes that was left locked was found on the second occasion to be unlocked. Somebody had been there. Somebody had had an opportunity to take out these ballots, unfold them, and tamper with them.

Mr. WHEELER of Alabama. A Republican inspector, Mr. Miller, had been there.

Mr. DE FOREST. Gentlemen argue that because the ballots were folded up and put back in the same position as any rogue, of course, who had common sense, would put them back, that therefore they could not have been tampered with. All that was required was on a straight Democratic ticket, if there was a paster in favor of Mr. Noyes, this person who was tampering with the ballots could strip it off; or a dishonest person who wanted to favor the interests of Mr. Rockwell, who had a paster for him, could stick it on to a straight Republican ticket. There was the opportunity. Under such circumstances what court, I say, would receive that evidence? No court would receive it for a single moment. And would the courts of the State of New York, if this question came properly before them, for a single moment have received evidence of the so-called second count. Of course they would not.

Mr. HOOKER of Mississippi. Will the gentleman allow me to ask him a question?

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. DE FOREST. Yes, I will yield for a question.

Mr. HOOKER of Mississippi. I want to ask for information. You have agreed to the majority report, as I understand. The question is asked on the fourth page of that report—

Why were the votes recounted?

And the answer is—

It appears that the county clerk refused to receive the statements of the results because sample copies of the ballots were not attached, and they were left in the hands of one of the inspectors in the respective districts aforesaid that the sample ballots might be attached, and this being done they were returned to the clerk's office and there deposited.

And then the further question is asked, by whom were the ballots recounted. Now, in point of fact, were they recounted at all, and, if so, by whom?

Mr. DE FOREST. I understand the majority report to say that these canvassers reconvened when they found that the county clerk refused to receive the returns in that form, reconvened in their respective precincts—that is, part of them reconvened; three out of five in one place, two out of five in another, three out of five part of the time and two out of five part of the time in another case, and perhaps all of them in another case, and perhaps in another precinct there was no recount at all made. So the report states.

Mr. O'FERRALL. That is correct.

Mr. DE FOREST. Very well, the gentleman concedes it, it appears. That is all I know about the facts. I gathered my information from what I saw in the report, and from what I have heard in the argument.

Now, I ask if any court in the State of New York with any respect for the law, with any respect for itself, would receive evidence of this so-called second count, made under such circumstances; would receive a count made upon ballots which the statute law of the State had required to be destroyed. Of course it would not, any more than it would allow a party who had suppressed evidence, who had stolen it from the opposite party and refused to produce it when called upon by the court, to introduce it in his own behalf. No court would stultify itself by so doing. A court which did so would make itself the instrument of circumventing that law which it was constituted and sworn to enforce and defend. It would in substance and effect be receiving evidence which the statute law said should not be received; and, sir, we are proposing to govern ourselves somewhat by the rules of justice and by the law of the State of New York.

Why, I say, sir, it is very clear to my mind that the minority, in making their report, saw the difficulties of this position and deliberately abandoned it, and now have returned to it again, not so much because they think it is a stronger position as because they think perhaps it may divert observation from the weakness of the one they have taken in the report, and divide the forces of the enemy.

So, then, I come back to the proposition, that no serious attempt is made here to impeach this remaining plurality of 6

votes, which stand in favor of Noyes, except by virtue of the so-called "Doyle" ballots. Now, then, in regard to those the contestee says they should all be excluded.

Mr. TUCKER. Do they appear in the record by virtue of the recount?

Mr. DE FOREST. No; they were put in the record by putting them on the return which the inspectors made the second time. The contestee asserts that these 16 ballots known as the "Doyle" ballots should all be rejected. His case depends upon the affirmative of that proposition, as I look at it. That proposition he is bound to establish, under the burden of proof that rests upon him, as it ought to rest in this case, not by assertion, not by conjecture, not by an appeal to party feeling and personal friendship, such as has been going on in this House almost from the very day this matter was submitted to the committee, but upon evidence, legal evidence, a clear, fair, satisfactory preponderance of legal evidence, such as courts will receive, such as juries are permitted to consider. There is no other safe or lawful rule for us to follow. If we cut from that mooring it is impossible to conjecture the extremes of injustice to which the currents and gusts of party prejudice may carry us.

Sir, it ought to be borne in mind that this is not simply a question between the immediate parties in this contest. It is a question in which all those who voted the 16 Doyle ballots are interested; it is a question in which the entire population of that Congressional district are interested; it is a question in which the whole body politic of all parties and persuasions is interested. It is a question of public consequence, of public justice, of public morality, of infinitely greater importance than the mere personal right and ambitions of the two worthy gentlemen who are striving for this prize.

And, sir, it is a question which we of the majority, charged with the sole responsibility, and with the sole right to determine it, with no court of appeal where our actions can be reviewed, our errors, if we commit any, rectified, or our bad precedents, if we establish them, destroyed, a question which we conscious, as we must be, of a certain bias in favor of those of our own political affiliation, which we ought to approach and consider and dispose of with an impartiality so unswerving, with a candor so spotless as to rise above all suspicion, all possibility of reproach and criticism. Of all questions it is a question in which we ought to be thankful for, and tenaciously adhere to those well settled principles of evidence, and those rules of judicial procedure which immortal practice and the wisdom of the ages have sanctioned and established. Such being the principles which are to guide us, what has been done?

Why, it seems to me now, so far from having produced that clear satisfactory preponderance of evidence which justice requires, the contestee has utterly failed to produce any legal evidence at all. Think for a moment what is claimed. He says, in the first place, that these Doyle ballots are to be excluded as void upon their face. That is his first proposition. Why void upon the face? Because, he says, they are so marked as to be capable of identification. Why void upon the face, for that reason? Because, he says, of the statute of the State. But the statute of the State does not expressly say so. By implication, he says, the statute by prohibiting the marking of ballots renders them void.

Mr. BAILEY. Will the gentleman from Connecticut permit me to ask him a question?

Mr. DE FOREST. Oh, yes, sir.

Mr. BAILEY. Conceding that election laws in their usual form are directory, is it not true that when the State goes further and seeks to enforce its direction by denouncing a penalty for disobedience, the law then becomes mandatory?

Mr. DE FOREST. It is not true that the ballots under such circumstances are void, and I am going to proceed to demonstrate that. It is not true by the decisions of the courts, by the precedents of Congressional committees, in reason, in justice, or in any other way. The contestant claims that the statute, by prohibiting the marking of ballots, impliedly renders marked ballots void. Now, if the hypothesis was correct the legal conclusion would not be correct. Even if it were true that these 16 ballots on their face appeared to be contrary to the law, it would not be correct as a legal proposition to say that they are, *ipso facto*, void, in the absence of a statute of the State of New York so expressly declaring.

While it is true as a general proposition, which no lawyer will dispute, that a thing which the law prohibits will in law be considered void, while that is true in regard to most contracts, while it is true in regard to most transactions, it is a rule not without very great and very notable exceptions. The familiar exception of the marriage contract occurs to all our minds. From the foundation of the common law and by the decisions of the courts, almost unanimous, of all civilized States, that contract is held to be valid unless the statute expressly declares that it shall

be void, no matter how many informalities and illegalities enter into it.

Mr. WHEELER of Alabama. On the ground of public policy. Mr. DE FOREST. Precisely; and this is on the ground of public policy, as you will see when I come to the decisions. No matter how many formalities which the law enjoins are omitted, no matter how many formalities which the law prohibits are introduced, the contract is held to be valid unless the statute expressly declares to the contrary. Other exceptions might be cited, and among them this very case that we are now considering, the case of a ballot deposited by a voter which is admitted to be contrary in form to what is required by the law of the State. That question has been decided. It is not a new question. It has been decided in the State of Colorado, in the case of Kellogg vs. Hickman, beginning on the two hundred and fifty-sixth page of 12 Colorado Reports. I refer to page 260, and I read:

I find no case, and I think none can be found, where the deduction of such votes from the count is allowed in the absence of legislative expression against counting or receiving the same. It will be seen that the enactment under consideration does not in terms prohibit the elector from voting a ticket printed on paper different from that prescribed; nor does it declare against the counting or receiving of any such ticket. The parties voting at an election are considered by some courts as parties to a contest of this kind.

Mr. COBB of Alabama. Does the law there punish the party voting such a ticket?

Mr. DE FOREST. I will look and see. [Reading:]

The legislative intent of the requirements of section 1281, General Statutes of 1883, as to the form, size, color of paper, etc., of ballots to be used by voters, and making it unlawful to print for distribution, or to distribute at the polls, ballots not conforming to the requirements thereof, was to guard the secrecy of the ballot and secure to the voter the right of suffrage free of restraint; but, after a ballot has been voted, received, and counted, the courts are not authorized, in the absence of constitutional restrictions as to the manner of exercising the right of suffrage, in declaring such ballot illegal merely because printed on paper of different quality, color, or dimensions from that prescribed in the section mentioned.

There is no difference in principle between the requirement that a ballot shall be of a certain color and the requirement that it shall have no distinguishing mark upon it, because the color of a ballot is a more distinguishing mark almost than any other that could be placed upon it.

Mr. GREENLEAF. From what authority is the gentleman reading?

Mr. DE FOREST. The supreme court of Colorado.

Mr. WHEELER of Alabama. Does the gentleman say that he can not find any authorities contravening that?

Mr. DE FOREST. I do.

Mr. WHEELER of Alabama. Then he ought to be impeached. He does not know anything about law. I can give him twenty authorities. [Laughter.]

Mr. DE FOREST. Oh, I have no doubt of it.

Mr. BAILEY. The law there declares the act to be unlawful, but does it denounce a penalty against it?

Mr. DE FOREST. Gentlemen are taking my time. I will read another authority which will answer the gentleman, a Wisconsin case, *The State ex rel. Briesen vs. Barden*:

The ballots for judicial officers and those for other officers elected on the same day being required by section 89, Revised Statutes, to be put into separate boxes, ballots having the word "Judiciary" printed on the back thereof, are not void under section 3, article III, constitution (which provides that "all votes shall be given by ballot"), nor under section 10, chapter 461, Laws of 1885 (which makes it an offense to print or circulate printed ballots having any printing, engraving, device, or mark of any kind upon the back thereof).

In the Colorado case also it was made an offense, which implies that there was a penalty. I do not know that the text of the decision states what the penalty was. But here is this New York case, which the gentleman yesterday discoursed about; and he omitted to say, if I followed him correctly, that the decision there was predicated upon a law which has been passed since this election that we are considering was held.

Mr. MAGNER. I beg the gentleman's pardon; it is the same act.

Mr. DE FOREST. I beg your pardon; it is not.

Mr. MAGNER. I explained that matter in my speech, and I am willing to do it now if you will yield to me.

Mr. DE FOREST. It was the act as amended which was construed by the court.

Mr. MAGNER. It was this identical act.

Mr. DE FOREST. The amended act.

Mr. MAGNER. I say the amendment detracts from the force of the original act.

Mr. DE FOREST. I understand your argument; but the act as amended, which was under construction in the case and which the gentleman cited, contains that express provision without which the court say that a ballot can not be rejected. The act provides that if upon the ballot or upon any paper affixed thereto, a writing or mark of any kind has been placed by the voter or by any other person to his knowledge with the intent that such

ballot shall afterwards be identified as the one voted by him, it shall be void and of no effect.

Mr. MAGNER. Does the gentleman claim that the court of appeals adjudicated that section in its decision?

Mr. DE FOREST. Yes, sir.

Mr. MAGNER. The gentleman, I respectfully submit, has not read correctly the decision which he quotes.

Mr. DE FOREST. Very well; perhaps not.

Mr. WHEELER of Alabama. Judge Cooley, in his book, contravenes that position.

Mr. DE FOREST. The court, in the course of the opinion which it rendered, said that—

In the absence of some clear and positive prohibition in the statute against counting such ballots, the tendency of the courts would undoubtedly be in the direction of effectuating as far as possible the intent of the voter.

Then the court goes on and cites as a ground of the decision the section passed since the election which we are now discussing, to supply a deficiency in the law as it then existed.

Mr. MAGNER. The gentleman will allow me to inform him that the amendatory act did not affect the original act in the manner the gentleman claims, but took away from the board of canvassers a right which they had before possessed.

Mr. DE FOREST. I understood your argument yesterday; but I read the law myself, and take the liberty of drawing my own inferences from it. Where the court in its opinion states that in the absence of any such provision the ballot would not be rejected, and refers to that section as a reason for rejecting it, my inference is—I may be mistaken—that if the ballot is rejected it must be done by virtue of that provision. Not only is this the law as expounded by the courts so far as their adjudications have been brought to our attention (and no gentleman has introduced any case to the contrary, unless it is the one that the gentleman talked about), but in addition to that the course which has been pursued by the Committee on Contested Elections in the Congress of the United States has been the same.

Reference was made here yesterday to Smith's Digest of Contested Elections, by reference to which it will be found that in the Forty-second Congress a Republican committee gave the seat to a Democrat, and in so doing refused to exclude ballots which, by the theory now advanced, ought to have been excluded. A second case in the same volume proceeds on the same theory, and refers to the prior case as its authority.

So I say we are justified in the assertion that the legal proposition which gentlemen make here—even if the hypothesis assumed were established, that these Doyle ballots are upon their face in contravention of law—the legal proposition which is made here that therefore those ballots are void upon their face is unsound and untenable.

But the difficulty lies deeper than this. The difficulty is that those ballots do not upon their face appear to be contrary to the statute. The statute referred to in the report of the minority, the statute upon which so much stress is laid as imposing criminal punishment upon anyone who marks a ballot, does not prohibit absolutely the marking of a ballot, but it prohibits the marking of a ballot by the voter himself.

Now, obviously, it does not appear upon the face of these ballots who marked them. Perhaps they were marked by the voter himself, perhaps not; but that is a matter which is not determined by the face of the ballot. You can not say, therefore, that the ballot on its face is contrary to law. If these 16 ballots were placed side by side it would appear, as found in the majority report, that they were not marked by the voters themselves, but by another person, the marking being in one handwriting.

But considered separately, as they must be considered, it does not appear upon the face of the ballot whether it is contrary to law or not. Therefore it can not be said, in any view of the case, that these ballots on their face are void; and if that position could be maintained it would not help the gentleman any because there are 28 ballots cast for Mr. Rockwell which were marked, and, as I contend, so marked as to be capable of identification.

Mr. MAGNER. Does the gentleman contend that any person witnessing the canvass of those votes could determine that a single one of those ballots was so marked as that it could be identified as having been cast by any particular voter or elector on that day?

Mr. DE FOREST. It is not necessary it should be so marked.

Mr. MAGNER. Does the gentleman contend that these ballots were so marked that any person looking at any ballot after the vote was cast could tell by the mark upon it what individual had cast that particular vote?

Mr. DE FOREST. Neither could that be done in the case of the Doyle ballots.

Mr. MAGNER. Will the gentleman answer the question?

Mr. DE FOREST. I have answered it so far as it relates to this controversy.

Mr. MAGNER. You admit that it could not be done.

Mr. DE FOREST. I do not give way to the gentleman further.

Mr. MAGNER. Then you refuse to answer the question?

Mr. DE FOREST. You refused to answer me on yesterday when you were talking in my time.

Mr. MAGNER. I answered that the Doyle ballots are identifiable, that they can be identified—

Mr. DE FOREST. Oh, Mr. Speaker, it is perfectly evident that a third person could not tell from an inspection of the Doyle ballots who voted them. The parties who were concerned in the fraud, if fraud there was, themselves might tell, and so they could also with reference to the 28 ballots that were voted for Rockwell.

Mr. MAGNER. They were marked all alike.

Mr. DE FOREST. They were marked with a lead pencil and some of them in one place and some in a different place, some with one combination and some with another, and the gentleman knows and this House must know that it is absolutely impossible to make two marks with a lead pencil that would be precisely alike and that could not be separately identified by the party who made them. The evidence shows that they were checked differently, the marks being in one position on one ballot and in a different position on the other, and, as I have said, the combination of numbers being different on each. But suppose they were alike and that you have a conspiracy of twenty-eight persons to vote them, headed by some ringleader. So I say, Mr. Speaker, it would not help the contention of the contestee, for if he was right in all of these positions he would be still in the minority when the 28 ballots are excluded.

But they say no notice was given in the notice of contest. Neither was there any notice given to Mr. Noyes in the answer that these Doyle ballots would be considered or any claim predicated upon them. And so I say, sir, that the gentlemen are driven back to the proposition that these 16 Doyle ballots were in fact obtained by bribery. And the burden of proof is on them.

Now, what have they done? I repeat that to my mind there is an utter failure of evidence to sustain that proposition. Think of it for a moment. Only one of these 16 ballots has been investigated, a ballot supposed to have been cast by one Ollie Ferris.

Now, it is perfectly evident to any man who considers this matter that there is no legal evidence presented to sustain that point. No lawyer here would claim that such an affidavit would be admissible as evidence in a cause on trial before a court, an affidavit which the man expressly repudiated as incorrect, which he refused to sign, in which he began and ended by denying that he had ever been bribed, until just at the close of his testimony the reporter seems to have put in words to the effect that he had received a pair of pants for doing it. But he refused to sign the testimony, on the ground that it was not accurate.

Every lawyer knows, and every gentleman who has ever had any experience in any legal proceedings whatever knows, that that is not legal evidence. But assuming that it is, for the sake of the argument, and that this testimony is admitted, and that it is believed, would the House feel justified on the strength of it in holding that this man, Ferris, was bribed to vote one of these ballots? Assuming that they did, and the vote was rejected, what then? Here is still a plurality of five votes remaining in favor of Mr. Noyes, a plurality which I say there is not the first glimmer of evidence to overthrow. Is there?

Gentlemen have set out in the minority report an array of facts which they say is established by the proof submitted. But the trouble with these facts is that not one of them is legal evidence which would be considered in a judicial examination of the question. Is there one? We will suppose, as suggested in the views of the majority, that they have identified one man who voted a Doyle ballot and whose vote they are trying to impeach. You arrest and arraign the man, and the learned gentleman from Alabama [Mr. COBB] and the learned ex-district attorney from the State of New York [Mr. FELLOWS], who is interested in this matter, eminent counsel both of them, are employed if you please to conduct the prosecution.

What evidence are they going to give to us in support of that contention? Does anybody believe that they would go before any court and claim the facts they set out here in this minority report as admissible evidence to sustain the prosecution? Does anyone imagine that the learned gentlemen would seriously claim that the fact that some one else was bribed would be legal evidence to prove that this man was bribed, or that the fact that McArthur was a bad man and bribed others was legal evidence that he bribed this man, or that the fact that McArthur prepared these ballots in the absence of any proof that this man knew McArthur had any conference with him, or received from him or anyone else any consideration for his vote or was influenced in any degree by any corrupt motive, would be evidence of this man's guilt? Does anybody believe that these gentlemen would have the face to offer that evidence in a court of law to

sustain a claim for conviction? We will not require them to prove it beyond a reasonable doubt as in criminal cases, but simply by the preponderance of testimony as in civil cases. Is there anything here that they would seriously think of offering.

There is not a lawyer on this floor, and there is not a layman who has had the slightest acquaintance with judicial proceedings, who does not know that there has not been a magistrate on the bench since the days of Dogberry who would receive such evidence.

Mr. COBB of Alabama. If the gentleman will refer to the decision of the supreme court of New York, the one cited by the minority—

Mr. WHEELER of Alabama. I know the gentleman desires to be fair.

Mr. DE FOREST. Please do not interrupt me.

Mr. WHEELER of Alabama. You have made such a mistake. It is a very important matter—

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. DE FOREST. I am arguing this matter, and I do not wish to be interrupted.

Mr. WHEELER of Alabama. You have made a statement which misleads the House and I want to correct you.

Mr. BLOUNT. I rise to a question of order.

Mr. WHEELER of Alabama. I ask the gentleman to yield to me for a moment to correct an error that he has committed.

Mr. DE FOREST. I say that every lawyer and every layman who knows anything about judicial proceedings knows that there is not a court of ordinary intelligence—

Mr. BLOUNT. Mr. Speaker, I desire to submit, with respect to every gentleman in this House, without reference to his views, that we have had scarcely a connected argument on either side of this case by reason of interruptions, and I hope that where a gentleman wishes that the House may hear him these interruptions may be restrained.

Mr. WHEELER of Alabama. But do you not think it is proper that any man who makes a mistake should be corrected?

Mr. BLOUNT. There is a regular parliamentary way for doing that, and gentlemen are entitled to proceed without interruption if they do not desire to be interrupted.

The SPEAKER *pro tempore*. On each occasion when anyone has arisen to know if the gentleman from Connecticut [Mr. DE FOREST] desired to yield the Chair has asked him if he desired to yield, and in each case has had no response, and the gentleman has allowed the interruption. The Chair will endeavor to enforce the rule.

Mr. WHEELER of Alabama. Now, I ask the gentleman if he will allow me to correct him in an error he has made?

Mr. DE FOREST. I must decline to be interrupted.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. DE FOREST. An effort is made here to invoke the principles of the law of conspiracy, which I suppose is perhaps what the gentleman referred to.

Mr. WHEELER of Alabama. No.

Mr. DE FOREST. But in order to avail themselves in any respect of that law it is necessary for them to show a conspiracy embracing the entire sixteen men who are supposed to have voted these ballots, and there is not the first semblance to any such conspiracy even suggested in the claim of the contestee.

The offenses which are claimed to have been committed are not offenses which in their nature are capable of the application of the law of conspiracy. The claim is not that sixteen men conspired together to commit one crime, which would make the evidence of what each one said and did admissible against the rest, but the claim is that sixteen separate and distinct offenses were committed by sixteen separate and distinct individuals. Nobody asserts and nobody believes that if these sixteen men were bribed they agreed together to be bribed. There was no necessity for it and no motive for it, and no man who had made up his mind to be bribed, who was intellectually capable of criminal responsibility, would be such a fool as unnecessarily to take into his confidence fifteen other men who could do nothing but betray him. There is not anything within the scope of the contestee's hypothesis here which approaches the domain of the principles of the law of conspiracy so as to make this evidence of other parties admissible against anyone who is supposed to be on trial.

All your evidence goes out. The misconduct of McArthur and his character, the fact that other men were bribed, the fact that McArthur bribed other people, the fact that he prepared these ballots, is all ruled out as irrelevant, immaterial, and inadmissible. The ballot itself would not be admissible. The very ballot that the man you are trying for bribery is admitted to have cast is not admissible, for it does not upon its face import crime. It is just as consistent on its face with the theory of innocence as it is with the theory of crime. Other men, many of them, in that election, voted just such ballots, whose honesty no question is made about; voted ballots with fictitious names

in place of the candidate for associate justice of the court of appeals, because they were dissatisfied with the nomination.

The record shows that others voted for fictitious names. That is no evidence of an unlawful motive. The ballot upon its face is just as consistent with the theory of innocence as with the theory of crime, and everywhere and always, where an act is equally consistent with innocence and crime, the presumption is against the theory of crime and in favor of the theory of innocence; and your ballot would not come in, and your prosecution would stand absolutely naked, with nothing but the bare, uncorroborated information itself.

The time of Mr. DE FOREST having expired, Mr. HAUGEN yielded to him to enable him to conclude his remarks.

Mr. DE FOREST. And it is upon that stage of the case we are asked to act, upon a bare, uncorroborated suggestion of fraud, that we, this House of Representatives, acting as judges of the qualifications and election returns of this gentleman, are asked to set aside the verdict which the people of that Congressional district, in accordance with the law of that State, as shown by the returns made out and certified under the decisions of that State, have solemnly rendered.

We ought not to allow ourselves, sir, to do it. We ought not to allow ourselves to listen to the suggestion of party feeling and personal friendship so far as seriously to entertain such a proposition. It would, in my judgment, cast a blot on the honor of the Democratic majority of this House which time would not readily obliterate, which none of us would ever cease to regret, and which this contestee himself in his heart of hearts would not be willing to share.

The SPEAKER *pro tempore* (Mr. COMPTON in the chair). The time of the gentleman has expired. The gentleman from Wisconsin [Mr. HAUGEN] is recognized.

Mr. WHEELER of Alabama. I ask unanimous consent that the time of the gentleman from Connecticut may be extended one minute, so that he may answer a question which I desire to ask him with reference to this very case of Clark vs. McKenzie.

Mr. HAUGEN. I do not yield to the gentleman.

Mr. WHEELER of Alabama. I want to correct the gentleman in his statement about this case.

The SPEAKER *pro tempore*. The gentleman declines to yield.

Mr. HAUGEN. I will state to the gentleman from Alabama that there will be an opportunity of that kind given to the minority, and in your own time you can make that statement.

Mr. WHEELER of Alabama. The gentleman does not want him corrected. The gentleman wants to have the wrong law before the House.

Mr. HAUGEN. Mr. Speaker, this discussion has taken an exceedingly wide range. If the reports submitted by the majority and minority of the Committee on Elections form the issue that is before the House, it would be exceedingly difficult to recognize that as the issue from the discussion here. For my part, Mr. Speaker, I think that the reports submitted by the members of the Committee on Elections place fairly before the House the questions which should determine its action. There are two salient points in controversy—the legality of the 16 so-called "Doyle" ballots which were cast for the contestant, Mr. Noyes, in Waterloo, and the legality of the 28 marked ballots cast for the contestee in the city of Elmira.

The minority report does not question the fact, as stated in the report of the committee, that the court of appeals of the State of New York has settled the right of the contestant to the certificate of election. The question of the recount ought not to be before this House. That question was before the court and was determined by the court, and so conceded in the views of the minority, but has been thrown in here during the discussion to vex and confuse the minds of members whose numerous duties prevent them from a careful and close examination of the record.

A great deal of time has been expended here in endeavoring to make the House believe that this recount, had some days after the election in the county of Seneca, is entitled to more credence than the count that was made by the officers of the election immediately after the closing of the polls. The New York statute provides that after the votes are canvassed the ballots shall be destroyed. It also provides that samples of the different kinds of tickets cast shall be attached to the returns with the number cast of each class indorsed upon the sample. There are three separate statements or returns required. So that where only one ticket of a particular kind is found in the box it becomes necessary to manufacture two like it in order to comply with the law. Now, it is very evident that where ballots are ordered to be destroyed the law can make and does make no provision for a recount. A recount under those circumstances can have no legal recognition. The authorities are uniform, that in order to give any weight to a recount, even where expressly provided for by law, it must appear affirmatively that the ballots have been preserved by the proper officer, and that no opportunity has been

given to tamper with them. But where the law prescribes that they shall be destroyed there can be no such custody.

But it is claimed that the statements upon the sample ballots would show the actual vote cast. I think the law intended that it should, but the court of appeals, in this very case of Noyes against the board of supervisors, says that where there is a discrepancy between the face of the returns and the aggregate of figures upon the sample ballots, the former shall control. The county clerk of Seneca County testifies that this law requiring the attachment of sample ballots to the returns was disregarded in three-fourths of the precincts of that county. It further appears that the local inspectors did not deem it necessary to attach to the returns samples of split tickets, but only samples of regular party tickets. And they were led into that mistake, if it be a mistake, by the construction placed upon the law by the secretary of state of the State of New York. Let me refer to the code of election laws sent out by the secretary of state to all the election officers before this election.

The Legislature of the State of New York in 1890 ordered that the secretary of state should send to the election officers of the State the election laws in codified form, and that he should include in the election code prepared by him, such suggestions and directions as to the procedure at the polls as were deemed proper. I presume that he naturally consulted, in a matter of that kind, the legal officers of the State. In compliance with that act of 1890, the secretary of state did send out an election code, and in that code I find this amongst his instructions: "The statement of the canvass having been duly made out, one of each kind of the regular ballots that have been given for the officer who is to be chosen, except for electors for President and Vice-President, must be securely attached to the statement."

It will be noticed that he uses the words "regular ballots," and that was quite naturally taken to mean the regular party tickets by the election officers. And so we find that the split tickets were destroyed in most of the precincts with the other ballots. So not only could there be no recount, but there could be no reliable or intelligent recasting of the vote from the figures on the sample ballots.

There is no charge of fraud against any of the local officials. They may have acted with entire innocence.

The gentleman from New York [Mr. MAGNER] who addressed the House on yesterday stated that the contestee in this case never had a day in court, and that the decision of the supreme court had nothing to do with the merits of the case; that the court would not go into the question of the legality or illegality of the ballots upon the mandamus proceedings before it. There is certainly nothing in the law of 1880, under which these proceedings were brought, in any manner limiting or abridging the court in getting all the facts in dispute before it and determining the very merits of the controversy. That law is set forth at length on the tenth page of the report. I will read so much of it as seems to bear upon the question I am discussing:

Whenever it shall appear by affidavit that errors have occurred in the determination of the board of county canvassers in any county in this State, the supreme court may by order require said board to correct such errors, or show cause why such correction should not be made, and in the event of the failure of said board to make such correction, or show cause, as aforesaid, the said court may compel said board by writ of mandamus to correct such errors; and if such board of county canvassers shall have made its determination and dissolved, such court may compel it to reconvene for the purpose of making such corrections.

If these Doyle ballots so called, which have been discussed here so much, and of which all the members of the House know something by this time, were improperly counted for the contestant in this case, this law certainly seems to give to the contestee the right to have brought that question before the supreme court of the State of New York and to have had it settled. Not only was it perfectly proper under this law—the law is plain on that point—but the very decision in the Nichols case, which the gentleman cited here yesterday was based upon a state of facts exactly similar to this. That question was brought before the supreme court in that case. The court took jurisdiction and decided as to the legality of certain ballots, and the court of appeals sustained the decision of the supreme court and, by the decision of the highest tribunal in the State of New York, 1,252 men were disfranchised.

Mr. COBB of Alabama. Will my colleague on the committee yield to me for a moment?

Mr. HAUGEN. Certainly.

Mr. COBB of Alabama. Do you not know that under that narrow proceeding of mandamus in this case of Noyes vs. Rockwell, no issue was presented except the one as to whether the returns should be counted from their face or from the numbers on the sample ballots? Do you not know that that alone was the issue?

Mr. HAUGEN. It was the issue, because the contestee at

that time hoped to succeed by joining issue upon the facts set forth in the contestant's petition. Contestee chose to make that the only issue, waiving his privilege to have the other questions passed upon, as I think he might under this law.

Mr. COBB of Alabama. It was the issue made by the contestant, and the contestee was confined to it.

Mr. HAUGEN. Oh, no; when the contestee joined issue with the contestant he could have brought that whole matter in. It takes two parties to make up the issue. He might have brought separate proceedings had he been very anxious to have these matters all settled by the courts of his State.

I will read the first sentence in the Nichols case—

Mr. COBB of Alabama. Just a moment.

Mr. HAUGEN. I do not want the gentleman to take up all my time. I am not going to occupy three hours. [Laughter.] However, I yield for a question.

Mr. COBB of Alabama. I just want to bring the attention of the gentleman to the true condition of this matter. The contestant commenced a proceeding by mandamus, and in his affidavit for the writ of mandamus alleged only one error committed by the canvassing board. That error was, that they counted from the sample ballots and not from the face of the returns, and, having made that issue, nothing could have been before the court under the narrow mandamus proceeding except that one point.

Mr. O'FERRALL. Will my colleague, Mr. HAUGEN, yield to me, to ask the gentleman from Alabama a question?

Mr. HAUGEN. I yield to the chairman of the committee [Mr. O'FERRALL].

Mr. O'FERRALL. I want to ask the gentleman from Alabama whether or not Mr. Rockwell, the contestee, could not have introduced an independent proceeding in the way of mandamus, and brought this question before the court, and whether he did not decline or fail to do so?

Mr. COBB of Alabama. He could not have done it because he had the certificate of election, and there was nothing on which he could base an appeal to the court.

Mr. O'FERRALL. But his title to the certificate of election was being attacked in the court by Mr. Noyes, and he could have instituted an independent proceeding.

Mr. COCKRAN. Can the gentleman cite any authority for that?

Mr. O'FERRALL. Your own New York statute gives authority.

Mr. COCKRAN. Which statute?

Mr. O'FERRALL. The statute of New York; the law of 1880.

Mr. COCKRAN. Gives authority for the man holding the certificate to bring such a proceeding?

Mr. O'FERRALL. Yes; the man holding the certificate.

Mr. HAUGEN. Mr. Speaker, I can not yield any further; I would like to have a little of this time myself. [Laughter.]

Mr. BUTLER. You are having as little of it now as you can possibly have. [Laughter.]

Mr. HAUGEN. But the contestee did not have any certificate of election when these proceedings were instituted and did not have it until after the special term decided against him. The officers of the canvassing board of the county of Seneca testified that when they were served with the writ of mandamus in this case they understood that this matter of the "Doyle" ballot was involved in the proceedings. If they were not brought in issue before the supreme court that is certainly the fault of the contestee. The courts were open to him and he might have had all these disputed questions determined. I will read just the first sentence from the opinion of the court in the Nichols case in order to indicate the nature of that case. Judge O'Brien says:

The supreme court has awarded a peremptory writ of mandamus directed to the board of supervisors of Onondaga County, as a board of county canvassers, commanding them to reject and exclude from their statements and computation of the votes cast for Rufus Peck in that county for the office of senator for the twenty-fifth senatorial district, certain ballots cast in the ninth election district hereinafter mentioned.

The court took jurisdiction and rejected the challenged ballots—1,252 of them.

I say, Mr. Speaker, that the record in this case shows that the contestee himself considered that the merits were involved. If he did not, why did he fight it in the way he did? Why did he spend his time and his money and make every effort in his power to get a decision in his favor in the supreme court and in the court of appeals of the State of New York?

Two actions were commenced, one in Seneca County and one in Chemung. Each passed through the special and general terms of the supreme courts for those counties, the judges in each case holding in favor of the contestant. Appeals were taken to the court of appeals and that court sustained the decision of the lower courts, and it is idle to say now that the contestee went through all this harassing procedure merely for the purpose of

establishing a precedent to apply to the local officers of election and on the theory that there was nothing involved touching the merits of his case. He did not so understand it, and if he had come here with the decision of the court of appeals in his favor he certainly would have rested his case upon that decision, as he would have had a right to do.

We all admit that this House is not absolutely bound by the decision of the court; but I stand in this case exactly where I stood when the election case from Pennsylvania was considered by this House a few weeks ago. I then honestly thought that the court of the State of Pennsylvania had settled the question which ought to control the decision of the House in that case; and I think now that the court of appeals of the State of New York has settled the question before us in this case—not so as to bind us absolutely, of course, because we can overrule the decision of the court if we think proper.

When the question has been so distinctly and fully presented to the court as this question has been, it would seem that the decision of such a tribunal ought to be accepted rather than be overturned by this House, because, with all due respect to the House, I think its decisions in matters of this kind do not command the highest respect.

Mr. Rockwell did not hold the certificate of election at the time the mandamus was applied for by Mr. Noyes. The mandamus proceedings were commenced and argued in November upon affidavits sworn to in November, and the certificate was obtained by Mr. Rockwell in December.

All this appears in the record. It would certainly have been more in accordance with propriety if the officers had delayed the issuing of that certificate until the decision could have been had from the highest court of the State. But the certificate was rushed through immediately after the decision of the supreme court in special session and sent to the contestee without awaiting the decision of the higher courts.

I shall not go over in detail the arguments which have been made on the other side; but I want to touch on a few matters which have been referred to. As I see the gentleman from New York [Mr. CUMMINGS] before me, I want to say that I am credibly informed that the newspaper article which he introduced here on day before yesterday was taken from a paper which did not support Mr. Noyes in this campaign. Whether it was a Republican or Democratic paper I do not know, but I understand it did not support Mr. Noyes. So that the article ought not to come in here with any particular weight.

Mr. CUMMINGS. My friend is right. Achilles "sulked in his tent."

Mr. RAINES. Achilles did not stay in his tent; he was out working against Mr. Noyes.

Mr. HAUGEN. I do not know anything about that matter myself. The article was brought in here in such a way that the inference might naturally be drawn that it was an expression from a friend of Mr. Noyes. That is not so. I do not know that this ought to have any particular bearing on this case, but the statement in that newspaper article shows, if it expresses the views of the editor, that he thinks Mr. Noyes was elected. But the case ought not to be determined upon evidence of that character. We have to adjudge this case upon the facts before us.

So far as I am concerned, I am not situated so fortunately as the gentleman from New York [Mr. BACON] who addressed the House the other day. He said he spoke from his own personal knowledge. Now, I have no personal knowledge about this matter. I have bestowed considerable time and attention upon this record, and I think I know something about it. In my statements here I state what I understand to be sustained by the record, and by the matters brought to our attention in the argument of counsel.

I have before me the views of the minority in this case, and as I said at the outset, I think the minority make only one issue here; and that is as to the casting out of the Doyle ballots and the casting out of the 28 marked ballots in the city of Elmira. In the written views which, as a member of the committee I submitted to the House separately upon this case, I took exception to the admission made by the minority in their report, that 2 votes should be deducted from the total of Mr. Noyes's vote as having been cast by these two men who, it is alleged, were bribed to vote for Mr. Noyes.

I do not contend that there is no evidence to show that an effort was made to bribe these men; I admit there is some evidence to show that; but in order to warrant the deduction of votes from a man's aggregate of votes it is necessary that there should be not only an attempt made but that it should be carried out. And I contend there is no evidence in the record to show that these men voted the Republican ticket or voted for Noyes. If this attempt at bribery had been made in proximity to the polling place, I admit there would be some force in the position taken here with reference to those 2 ballots; but the evidence is that the attempt

was made at some place remote from the polls; and there is no evidence, so far as I have been able to discover, to show that these men voted as these alleged bribers wanted them to vote.

But as far as that goes it does not change the result. Nothing hinges on that. These two ballots, admitting them or deducting them, in either event would not change the result of the election; and for that reason I did not dwell at length on them, but simply dissented from the view of the committee in deducting them.

Mr. WHEELER of Alabama. Then, on your theory you could not convict a man of murder, unless you saw the bullet that killed him go into him. [Laughter.]

Mr. HAUGEN. Not at all; that is not a parallel case. That is the gentleman's own conclusion. The law of New York provides for a secret ballot. It was undoubtedly enacted for the purpose of doing away with the temptation to buy voters, and to defeat the object of the briber. Why, you can buy a voter in New York under the present system of voting, but you can not tell whether he complies with his bargain and votes as he promises. He can not be followed into the booth where he finally selects and prepares his ticket.

Now, in the report of the minority, my friend from Alabama [Mr. COBB] takes the position that the pasters on the ballots, under the law of New York, must be printed entirely, and can have no writing whatever upon them. I presume that it is for the purpose of showing that the Doyle ballots, all of which had "Doyle" written upon them, were within the meaning of the law "marked ballots," and that they could not be admitted or considered under any circumstances. He says in his report that even though it is not proven that the voters were bribed, he falls back upon the theory that they were marked ballots, and under the law should be excluded.

Mr. COBB of Alabama. I hope my friend will allow me a single moment just there.

Mr. HAUGEN. Very well; please be brief.

Mr. COBB of Alabama. My friend over here on this side made the same error in the course of his argument. I did not assert that the mere fact that they were marked ballots would exclude them; but I allude to it as a circumstance which, taken in connection with other circumstances, would warrant their rejection.

Mr. HAUGEN. Well, nearly all of the members of the House no doubt have the report of the gentleman from Alabama before them. I do not desire to misquote my friend from Alabama, and I do not think that he would suspect me of doing such a thing. But in order that there shall be no misunderstanding I quote the gentleman's own language. He says in his report, near the bottom of the fifth page:

But we would not be understood to assert that the intent with which the Doyle names were put on the ballots should be disclosed. It is quite sufficient if these names were "marks" by means of which the ballots so marked could be identified as having been cast by certain persons.

Mr. COBB of Alabama. Certainly, unless the marking—

Mr. HAUGEN. Well, I have quoted the gentleman on that point and quoted him accurately, and I think I must decline to yield further.

Now, the enactment by the Legislature of New York of what is known as the law of 1890 was the result of much contention on the part of the parties in the Legislature and the executive of the State. This is not the original bill which was introduced in the Legislature, commonly known as the Saxton bill; the one enacted into law is a modification of that. I understand that this is called the Saxton law, but it is not the original bill; and I think I can show the House that the intention of the Legislature when it passed this act was not to prohibit the writing of names on the paster which the law permits to be affixed to the official ballots.

The original Saxton bill in New York was, as I understand it, a bill to carry out the Australian system, so called, in its purity, and was a bill providing for official ballots only. A man would, under it have had to go into a booth, and there select the candidate for whom he desired to vote from the names of all the candidates for a particular office without assistance, and step out and vote that ballot—an official ballot and none other. That bill passed the Legislature, and was presented to the governor of the State and the governor vetoed it. I have before me the senate journal of New York for 1890. Governor Hill based his veto on constitutional grounds, and is quite elaborate as to the meaning in the constitution of the word "ballot."

He said:

The constitution guarantees to the people a continuance of the right to vote "by ballot," which they enjoyed at the time of its adoption. (Article 2, section 5.)

The kind of ballot proposed by this bill is not the kind of ballot then in use, nor that which the constitution contemplated.

In fact the species of conglomerated ballot now sought to be adopted has only been invented a few years, and was wholly unknown when our present constitution went into effect.

A paper ticket containing the names written or printed or partly written

and partly printed, of the candidates and of those only for whom an elector intends to vote, and containing the names of the offices which they are to fill, is the ballot which was in existence when our constitution was adopted, and was so defined by the statute.

That species of ballot can not be changed without an amendment of the constitution. The Legislature has not power to alter it.

Then he goes on to argue in favor of manhood suffrage, and it is very good doctrine that he lays down. In compliance with the suggestions contained in the veto message, the Saxton bill was reintroduced with modifications thought sufficient to overcome the objections of the governor. One of these changes was to the effect that a complete ticket, called a paster, might be placed on the official ballot. A man may take a ticket from anybody outside the polling-place and fix it up to suit himself or have it prepared for him. The law does not prohibit that.

Then, under the arrangements made in New York for voting, he can take that ticket into the booth with him. He can not vote any but an official ballot, but he can take the sticker ballot, containing the names of all the candidates, if you please, and put it on the face of the official ballot, and it becomes thereby a part of the official ballot; and the law provides that the names that are pasted onto the official ballot shall be counted, and that the names printed thereon shall be disregarded whether covered or not by the sticker.

Mr. COX of New York. That is to do away with the educational qualification, is it not?

Mr. HAUGEN. I understand it was to do away with the educational qualification. The governor stated in his veto message that if the purely Australian system was enacted into law in the State of New York a great many men would be prevented from casting their ballots, and he said that such a law would be unconstitutional and that he never would sign such an act.

What is there, then, to hinder any man who prepares a ballot for an illiterate voter from marking it so that the man who prepares it can tell whether it comes out of the ballot box or not? There is nothing to prohibit it. If I write a name into a ballot for a man I will know when that ballot comes out of the ballot box whether he voted it. If he can not read or write and places confidence in me, and I betray him by marking his ballot so that it may be known to me, by writing a fictitious name upon it, is his ballot as to the rest of the ticket to be excluded? Is he to be disfranchised because of his misfortune and my dishonesty? There is no such law anywhere, and there can not be.

Now, there is nothing upon the face of these Doyle ballots to show that there was any fraudulent purpose in casting them. They are all perfect in themselves. The name is written in there, and according to the rules generally laid down by the courts the name that is written must control as between that and the name that is printed, because it is supposed to show more definitely the intent of the voter. There were other fictitious names used on ballots cast in that district than the name of Doyle. Our friend Sam Small got some votes for judge in this district. It was a fictitious name. No such man lived in the precinct where the vote was cast. Several other fictitious names, which I do not now recall, were voted.

But they say there was a conspiracy existing here between Mongin, McArthur and Sweet as to these Doyle ballots. Mongin was the Congressional committeeman for Seneca County. Within the party he was the man who was to look after the interests of Mr. Noyes in that county. Now, there is nothing in this evidence anywhere to connect Mongin with those Doyle ballots, not one particle of proof. He did not buy any of these votes that it is alleged were bought.

There is testimony to show that he was present in the saloon of Andrew Harmon on the day of election; but there is nothing to show that he did anything improper. The witness who testifies he was there did not hear him say anything about the election. He did not hear him talk about buying votes or hear him say anything that would cast any suspicion upon his errand there. For aught that appears in the evidence, he was entirely innocent of any connection with these Doyle ballots, and there is nothing in the evidence to show that the Doyle ballots were designed to help Mr. Noyes.

The different Doyle names were written into the tickets in lieu of the name of the regular candidate for judge of the court of appeals. The Democratic and Republican State committees had usurped the power of placing a Democrat in nomination for that high office. Many Republicans were dissatisfied with this, and it is quite likely that the insertion of these fictitious names for judge was merely an expression of indignation on the part of the voter against the assumption of authority by the committee.

These Doyle votes were all on pasters, as I have said, and they were all on Republican pasters. There is some evidence going to show that McArthur had written this name "Doyle" upon the tickets. McArthur was a merchant in the town of Waterloo and a man of good standing. He and Mongin are both in business there, good citizens as far as the evidence shows. Let us look at

the evidence as to Mongin. The contestant says he was the Congressional committeeman. He says he paid him no money.

Nugent, the county clerk, says he was a Republican worker. Sheradin saw him in Harmon's saloon. But Andy Harmon was the man that Sheradin dealt with, and not Mongin. Leddick says he thinks he saw him in Harmon's saloon, but he is not positive. He says he was a Republican worker. That is all the evidence there is upon that subject, except the evidence of a man by the name of Warren; and the minority report dwells with some little detail on that, and claims that there is evidence to show that Warren paid a man some money at the request of Mongin to vote one of these Doyle ballots. All the evidence there is on that subject is that Warren was going down the street, and he passed by where Mongin was standing, and Mongin said "Do you see that man over there?" He said he did. Mongin said "I wish you would take this money and hand it to him."

This was said openly and before everybody. He said he took the money, went along, and when he got to where the man was, he said: "Mongin sent this money to you," and handed it to him. He was asked by the attorney for the contestee if there was anything suspicious about it, if he did not suspect something wrong; and he said he did not; that there was nothing suspicious about it. It was something that was done openly on the street, before everybody, and that is all the evidence there is on that subject. They claim that there was an attempt to bribe that stranger whom nobody knows, whose name is not given in the record, and who it does not appear was a voter in the precinct.

Now, as to Ollie Ferris, I will not spend much time upon his testimony. It is here before you unsigned. It is repudiated by Ollie Ferris himself. He says he did not say what the reporter had reported him as saying. I want to say this testimony was taken by agreement of counsel by a shorthand reporter, and several days after it was taken it was transcribed and submitted to the witnesses and signed, and when this testimony was submitted to Ferris he said that he was not correctly reported, and refused to sign it.

I have no more respect for Mr. Ferris than has the gentleman from Alabama [Mr. COBB]. I think his testimony is so contradictory, he was so evasive in his answers, that not much weight should be given to it; but when he repudiates the statements that he is reported to have made, there is no sense in taking that repudiated statement and considering it as evidence. Now he is the only man who says that he voted a Doyle ticket. The other men who are alleged to have been bribed do not say that the tickets voted by them were Doyle ballots.

The contestee has received everything that he can properly ask. He has received the benefit of the 2 ballots of Sheridan and Green.

Now, as to Mr. Green I simply want to say this: The testimony here shows that he is a Republican, and I can not see what object there could be in bribing a Republican to vote the Republican ticket. That is not the kind of man who is solicited to vote by the use of money. There can not be any object in that. But I say the majority of the committee has given the contestee credit for that vote. The gentleman from Connecticut [Mr. DE FOREST] has argued the question of the Doyle ballots so well that I shall not dwell upon them longer.

But I will consider briefly the 28 marked ballots cast in the city of Elmira. It is stated here by those who have opposed the report of the committee that those 28 ballots can not be considered in this case for the reason that there was no notice given in the notice of contest that they would be challenged. Neither is there any notice given in the answer of the contestee that the Doyle ballots would be challenged, and that evidence can not be brought in here unless it be brought in under the broad, sweeping charge that is made as to bribery.

Now, I think we are all pretty well agreed, so far as the committee is concerned, that it is not shown that the Doyle ballots were bribed ballots, but that if they are excluded they must be excluded as marked ballots, and then I say that there is nothing in the answer of the contestee challenging any marked ballots. Testimony was received regarding them. They are before the House now. It has not been the desire of the committee to keep anything bearing upon the case from being considered; but I say the two cases stand upon ground that is precisely alike. The Doyle ballots are before you as marked ballots, and those 28 ballots are also before you as marked ballots, notice of neither having been given in the notice of contest or in the answer.

I ought to say, perhaps, one more word before leaving the Doyle ballots. The majority has been challenged here to explain why Mongin, McArthur, and Sweet were not put upon the witness stand in the village of Waterloo when this question was up for consideration, and made to testify in respect to their action in relation to these Doyle ballots and in relation to the election on that day. Why, Mr. Speaker, these witnesses, I am informed, were in court. It is a peculiar state of affairs in this case, and a

departure from the rule in submitting evidence before the Committee on Elections, that the subpoenas issued for witnesses have not been returned to the committee. There is no record of the subpoenas issued, as is usually the case.

But I am informed that contestee subpoenaed about forty witnesses at Waterloo where these Doyle ballots were cast, and among them were Mongin, McArthur, Sweet, and Andrews. These are the very men who are charged with having corrupted the voters. Now, I state here, and I say that it is not in the evidence, but I state it upon information which I believe to be true, that Mongin and McArthur, and Sweet were in the court room during the taking of all this evidence for the contestee at Waterloo. They were there expecting to be called to testify. They were there until the close of the case at Waterloo, and they were not called. Why should the contestant call witnesses that the contestee had summoned, and who were present ready to be sworn? That ought to dispose of that question.

Mr. HENDERSON of Illinois. Subpoenaed by them?

Mr. HAUGEN. Subpoenaed by the contestee. They were in the court; they were waiting to be sworn, and not called to be sworn. I will state that I am informed that that is the fact by Mr. Sutherland, the attorney for the contestant. At that time the contestee was trying to overcome this majority of 16 that was declared to have been cast against him by the decision of the court of appeals of the State of New York. He recognized the fact that the burden of proving that he was elected had shifted to him, even if he did hold the certificate of election. It is generally agreed by all the attorneys who have discussed the case that where the law provides that the ballots shall be preserved they must be preserved in accordance with the law in order to be considered.

Now, how were these Doyle ballots preserved? They were carried around in the vest pocket of the chairman of the election board of the precinct. The day after election he appeared before the board of county canvassers with the returns and said, "Here are some tickets that we had some doubt about," and reached down into his pocket and fished out these ballots. [Laughter.] Now, I do not know how much contention there was over the Doyle ballots during the count on the evening of the election, but the law as to the sticking on of one of the sample ballots to each of the three returns was not complied with as to these Doyle ballots.

If it was complied with, then we can not tell whether the Doyle ballots before us are copies or originals, because there was only one of each kind, and the law provides that there shall be three sample ballots in each case; that is, where there is only one ballot of a certain kind cast, two others must be manufactured in order to comply with the law requiring that a sample ballot shall be put upon each one of the three returns.

Coming down now to the 28 votes which were cast in the city of Elmira, those ballots were all Democratic stickers, having a figure in one corner and a certain check mark in the other corner, the marks varying so that sometimes the check mark and the figures were in reverse positions.

Now, what are the facts as to those 28 ballots? They were challenged at the polling place. The Republican members of the board of canvassers on the evening of the election challenged those ballots, and said they ought not to be counted; that the mark upon them was not a name, but a distinguishing mark, and that therefore they ought not to be counted. The Republicans were overruled by the Democratic members of the board, who constituted the majority. I think the gentleman from Alabama [Mr. WHEELER] stated yesterday that they were not in the majority, but he was mistaken. If he will look at page 26 of the record he will find that there were three Democrats and two Republicans on that board. Those marked ballots were challenged; but they were admitted. They were counted, and go to make up the total vote of the contestee in this case.

Evidence in regard to them was introduced or attempted to be introduced by contestant. On page 22 of the record we find that the chairman of the town board was called and put upon the witness stand. He was a Democrat, a Democratic inspector of election in his ward, as he testifies. It appears afterwards by the testimony of another witness that he was the chairman. The question was put to him:

When the count was being made did you notice among the ballots for Representative in Congress any marked ballots?

Under the instruction of the contestee's counsel he refused to answer that question. Why did he refuse? Was it because it would have injured Mr. Rockwell's case to have had him answer it? Is that the reason? It is fair to presume that when a man refuses to answer under the instructions of counsel the counsel is afraid of his answer. At least, if he had answered that first question then he would have been required to answer these other

questions which also were put to him, and which he also refused to answer:

Q. How many marked ballots were among the ballots at that election? What kind of ballots as to Republican, Democratic, or Republican or Democratic pasters?

Q. Was there considerable discussion among the board as to whether such ballots should be counted?

Q. What was the character of the marks upon the ballots, and give a description of the same?

Q. Were these ballots counted?

Q. After the count were they destroyed with the other ballots?

Q. What disposition was made of them?

Q. Had you any knowledge of the meaning of the mark upon these ballots?

Each one of those questions he refused to answer under instructions of contestee's counsel. This witness is Mr. Sheehan, the chairman of the board. Michael Connelly, also a Democrat, a clerk of election, was sworn, and under instructions of contestee's counsel he refused to answer. Jerry McCarthy likewise, John D. Donovan likewise, and Thomas Cooklyn in the same manner.

We come, then, to the testimony of Mr. Tubbs, a Republican member of the election board. He goes on and testifies as to these marks that have been described here, and says that Mr. Sheehan carried those ballots off in the ballot box with him, and that he has never seen them since.

Now, if Mr. Sheehan had answered these questions put to him, demand would undoubtedly have been made upon him to produce those ballots, and they might have been produced here and we could have judged for ourselves whether they should be regarded as marked ballots or not. But the friends of contestee have destroyed or suppressed the evidence and deprived this House of the opportunity of determining for itself whether the ballots should be counted or should be thrown out, and now he wants the benefit of their wrongdoing. It looks, at least, a little suspicious that such a course should have been pursued by contestee's counsel.

Now, Mr. Speaker, all the evidence tending to show that there was any conspiracy in this case is found on page 59 of the record. There is some evidence which undertakes to impute improper motives to men—I will not call it evidence—but there are charges involved in the questions of counsel. In almost every instance I might say, except as to the two witnesses who swear that they were bribed, or that the attempt was made to bribe them, the witness denies the imputation implied in the questions of counsel.

We have to meet here charges that are not proved by witnesses—charges which, if found in the record at all, are merely involved by implication in the questions of counsel. On page 59 the attempt is made to prove that there was a conspiracy. The testimony is brief, and I will read it. I read from the testimony of John Coughlin, taken at Waterloo:

Redirect examination by Mr. STANCHFIELD:

You have heard as a matter of public rumor that Andy Harmon was bought up by Mongin and was buying Democratic tickets all day?

I heard it on the street.

Matter of public notoriety?

Yes, sir.

Has been ever since election day?

Yes, sir.

By Mr. MANNING:

Did you hear that Mr. Mongin had hired Burrall's office there and opened a bank there within 150 feet of the polls?

Somebody did it.

In which parties were rushed in and paid off?

I don't know whether they were rushed in and paid off or not.

Did you hear such report?

I heard they had rented—

Was it notorious in the street—that is, what the object was?

They had a house of some kind there; I don't know what it was.

Weren't most of the visitors there purchasable Democrats?

That I couldn't say.

Now, that is all the evidence there is on this question of conspiracy. The man testified that he had no knowledge of anything of the kind; yet the charge goes out, and it is argued seriously before the House, that there was in this case a conspiracy which ought to defeat the contestant. As has been suggested, if we are to take the questions of counsel as evidence we might establish almost anything.

Now, this man Harmon—I do not know whether I ought to say anything about him—was, it seems, a Democrat. He was a lock-tender on the canal; had been appointed by the Democratic authorities. His appointment was very unsatisfactory to the local Democracy; they were very bitter against him, and he—more in a spirit of revenge I presume than because of any love for the Republican party—worked for the Republican ticket all day on election day. He is the man who, one of the witnesses says, paid him \$2. But I leave that.

But, Mr. Speaker, a mere suspicion certainly ought not to determine a case of this kind either for or against the contestant.

On this point allow me to make a citation from the report of the minority. They say, referring to the 28 ballots cast at Elmira—

This evidence may perhaps raise suspicion of wrongdoing. But suspicion of fraud does not establish it.

We say the evidence as to the Doyle ballots may perhaps raise suspicion of wrongdoing, but suspicion of fraud does not establish it.

As to the law of bribery, I desire to say a few words, and I will close. I refer in the first place to the case of "The People *ex rel.*, Timothy F. Bush, respondent, against William L. Thornton, appellant, reported in 25 Hun., 456."

This was a *quo warranto* brought by Bush to oust Thornton from the office of county judge of Sullivan County, for which office the two were candidates in November, 1878. The certificate of election showed Thornton to have received the greater number of votes. He was sworn in and entered upon the discharge of the duties of his office. The action was tried by the court without a jury, and judgment was rendered in favor of the plaintiff, ousting the defendant from his office upon the ground that the defendant had bribed enough voters to bring about his election by the publication of a circular pledging himself, if elected, to accept less than one-half the statutory salary and in addition to pay the expenses of the care of his office.

An appeal was taken to the general term. That court reversed the judgment below upon the ground that the plaintiff had failed to prove actual bribery; that he had only proved it by inference, which was not sufficient to sustain a judgment which, in effect, deprived a certain number of voters of their votes. The general term say, at page 459:

No proof was given on the trial, nor was any offered, showing or tending to show by just legal intent that any vote was cast for the defendant by reason of his promises and pledges to accept \$1,200 for his services in case of his election.

I want to say that in Wisconsin the reverse of this has been judicially held on a similar state of facts. It has been held there that where a candidate for office offers to remit a part of his salary in case of his election, that is bribery. But the court of New York has held that this alone is not sufficient proof of bribery; and I presume that gentlemen who are professedly States rights Democrats will take no exception to my citing decisions of the courts of New York:

The court continues, at the bottom of page 460:

Now is it made to appear that there were 235 or 234 illegal votes counted for the defendant? It was laid down in *ex parte* Murphy (7 Cowen, 153), that the fact should be shown affirmatively that a sufficient number of improper votes were received for the successful party to reduce it to a minority if they had been rejected or the election should stand. In *The State ex. Olin* (23 Wis., 309), it was held that the burden of proof was upon the party denying the legality of the vote actually cast, and that this rule applied to a vote obtained by bribery.

The court then cites the case of *The State against Purdy* (36 Wis., 212), as holding in effect—

That if the defendant succeeds in showing * * * that certain votes were obtained by bribery, the votes so obtained should be rejected.

Assuming it proved here that 2 ballots were cast by voters who had been bribed, the majority in this case has rejected those 2 ballots.

The court then continues, at the bottom of page 461, in these words:

It can not be fairly presumed that a person committed an offense on proof simply that he was tempted. The court should not presume in the absence of any satisfactory evidence of the fact that any voter acted in giving his vote both immorally and criminally. This was a matter to be proved—a fact to be substantiated by competent evidence—before it could be made the basis of judicial action.

The court continued, citing from *The People vs. Cicott* (16 Mich., 305):

No voters who have honestly voted ought to lose their ballots unless it is impossible to give them effect.

The court then say in this case:

It may seem highly probable that some of the electors accepted the alleged bribe and gave the defendant illegal votes. This, however, is not made certain either by direct proof of the fact, or by fair and necessary legal intent.

On page 463, the court continue:

Therefore, in the absence of affirmative proof that there were at least 264 illegal votes (that is, in this case at least 264 votes cast by the bribed voters) allowed to the defendant in the county canvass, the judgment of ouster against him can not be sustained on the ground that he did not receive a majority of the legal votes cast at the election.

Relying upon this ground as a basis for a judgment of ouster against the defendant, the relator must make the affirmative proof above indicated or fail in the action.

It will be noted in this connection that the decision of the court of appeals in the proceeding instituted by Noyes against the county canvassers amounted in effect to an award of the certificate of election to Mr. Noyes, and that the burden of proof is cast upon Rockwell to show that he (Rockwell) actually received a majority of the legal votes.

We contend that the mere production of a few marked ballots does not of itself prove that they were cast by bribed voters; and, in the language of the opinion above quoted, we argue that "this was a matter to be proved, a fact to be substantiated by competent evidence before it could be made the basis of judicial action," and that "no voters who have honestly voted ought to lose their ballots unless it is impossible to give them effect," no matter how "highly probable that some of the electors accepted the alleged bribe and gave the defendant illegal votes."

The courts do not deal in probabilities, but demand proof. The marked ballots are entirely consistent with innocence on the part of the voter. Many men are ignorant; many even are unable to read. It was lawful to distribute pasters; these marked ballots were all pasters, and I think it is "highly probable" that most, if not all of them, were cast by voters voting them because they could be more certain of voting the ticket of their choice by accepting these pasters from a man whom they recognized, than by taking the chance of going alone into the booth and selecting the right ballot from the large number of official ballots put into their hands.

It is in evidence that at the election of 1890 there were placed in the hand of every voter by the election officers, a full Republican ticket, a full Democratic ticket, a full Prohibition ticket, a partial Socialistic Labor ticket and a blank ballot containing the titles of the offices to be filled, with places to write in the names of the candidates, making five official ballots given to every voter. It is easy to see, therefore, how the ignorant man, or even how one of moderate capacity would much prefer to get a paster in his hands which he was sure was the right one, before he enters the booth at all, rather than to take his chance of making a mistake in identifying from these five official ballots the particular one that he wished to cast.

Because the man who handed the voter this paster had previously marked it, and possibly intended to attempt to buy the vote of some other elector, does not prove that the particular elector who cast it had been offered a bribe or that he cast it because of a bribe. Indeed, the mere fact of the marking of the ballot does not even render it "highly probable that some of the electors gave the defendant illegal votes."

But even assuming that three, which is the greatest number claimed by Rockwell, were actually bribed for Noyes, and assuming that one of those three (which is the only one of the three who is proved, if you take his alleged statement unsigned and repudiated as proof, to have cast a Doyle ballot) is one of the number who voted the Doyle ballots produced, that proof does not prove anything beyond the act of a single voter—does not prove that any other Doyle ballot was put into the ballot box with any evil intent.

Of course the burden of proof is not sustained by mere evidence that raises a suspicion. The definition of burden of proof given in the second volume American and English Encyclopedia of Law, page 649, is:

The obligation imposed upon a party who alleges the existence of a fact or thing necessary in the prosecution or defense of an action, to establish it by proof.

Volume 7 of the same Encyclopedia, at page 95, lays down the doctrine that—

If the commission of a crime is directly in issue in any proceeding, criminal or civil, it must be proved beyond reasonable doubt. The burden of proving that any person has been guilty of a crime or wrongful act is on the person who asserts it.

The court of appeals of New York, in the case of *Morris et al. vs. Talcott*, 96 N. Y., 100, said, at page 107:

A party therefore relying upon the establishment of a cause of action or a right to a remedy against another based upon the alleged commission of a fraud by such person must show affirmatively facts and circumstances necessarily tending to establish the probability of guilt. In order to maintain his claim. When the evidence is capable of an interpretation which makes it equally as consistent with the innocence of the accused party as with that of his guilt, that meaning must be ascribed to it which accords with his innocence, rather than that which imputes to him a criminal intent.

In an action to recover damages for alleged false representations in the sale of certain stock (*Hatch against Spooner*, 37 New York State Reports, 151) the general term first department said, page 156, after citing the above case:

In cases of this description fraud must be established by evidence necessarily leading to that conclusion. If an inference consistent with innocence may be deduced from the proofs, such inference must be drawn as matter of law, and a jury can not be permitted to speculate upon the question as to whether fraud did or did not exist.

The rule therefore in New York is very strict. The burden being upon Rockwell to show that the Doyle ballots were cast by bribed voters, he must sustain that burden by positive evidence necessarily leading to that conclusion, or else he must fail in his case.

If it be argued that the demand for strict common-law evidence of the actual bribery of the voter before the rejection of his vote is to be had puts too great a task upon Mr. Rockwell, and if it

be urged that it is extremely difficult to produce the identical voter and induce him to testify that he cast a particular ballot and was bribed to do so, it is a perfect answer to say that for years the courts in Canada have been demanding and receiving just exactly this sort of evidence.

All the elections to the Canadian Parliament are now subject to review by their courts. It is now some time since it was reported that eleven Conservatives and eight Liberals had been turned out of the present Canadian Parliament as the result of contests carried on in their courts. In Canada the identical voter who was bribed to vote is put upon the stand and makes the contestant's case. The statutes of New York are framed to encourage the freedom of such a witness in a New York contest. Chapter 94 of the laws of 1890, under which law this election was held, after fixing the penalties for buying votes at section 41, and the penalty for selling votes or accepting bribes at section 41 a, says at section 41 c:

A person offending against any provision of sections 41 and 41a, in this act, is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or investigation, in the same manner as any other person, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying. A person so testifying shall not thereafter be liable to indictment, prosecution, or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.

While, therefore, the burden was upon Mr. Rockwell to prove, if it were a fact, that the Doyle ballots were cast by bribed voters, the law gave him every opportunity to sustain that burden. The bribed voter could in this case, as in the Canadian cases, have freely and fearlessly testified to the facts, and the United States statutes gave to Mr. Rockwell the power by subpoena to compel the attendance of such witness, enforced by punishment in the United States courts if the witness refused to testify. In face of the aid which the criminal statutes of the State of New York proffered to Mr. Rockwell, and the aid which the statutes of the United States proffered him, if he was not willing to undertake to sustain the burden of proof cast upon him, or if undertaking it, he failed in the attempt, no one can logically charge that Mr. Noyes occupies any technical position when he stands upon his rights as an American citizen, to say that the certificate of his election which the court of appeals awarded him has not been successfully attacked by Mr. Rockwell.

Mr. GILLESPIE obtained the floor and said: I yield for a moment to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Speaker, it is agreed that all discussion on this case shall be concluded this evening except the remarks which the gentleman from New York [Mr. FELLOWS] and myself may desire to submit to-morrow. The gentleman from New York will speak then, and I will conclude the discussion. That is the agreement that has been arrived at.

Mr. CAMINETTI. I object.

Mr. O'FERRALL (not hearing the objection). And at the expiration of my remarks I shall move the previous question.

The SPEAKER *pro tempore* (Mr. COMPTON). Objection is made by the gentleman on the right.

Mr. O'FERRALL. Who objects?

The SPEAKER *pro tempore*. The gentleman from California [Mr. CAMINETTI].

Mr. O'FERRALL. Well then, Mr. Speaker, I give notice now that on to-morrow, after I conclude my remarks, I shall move the previous question. The gentleman from New York [Mr. FELLOWS] will precede me to-morrow morning; and I will close the debate.

Mr. GILLESPIE. Mr. Speaker, I realize the difficulty of saying anything at this time that will be of interest to this House in connection with the pending case, but I feel it to be my duty as a member of the Committee on Elections to express my reasons for having been in part responsible for the minority report before this body. To my mind there is no intricate question of law involved here, nor any conflict of testimony that will embarrass anyone in the consideration of the case. The trouble, I fear, in the discussion is that we have wandered into the byways, not sticking close enough to the law of the case.

The gentleman from Wisconsin who preceded me thought it was true that the proceeding in the courts in New York had concluded our investigations here. I think not. I will differ with the gentleman, and I will call his attention to the very last words in the prevailing opinion, in the proceedings in the courts of New York, wherein they expressly say they have not determined the very question that we are here to determine, and that is who is actually elected a member of Congress from the Twenty-eight district of the State of New York? The proceeding in the New York courts is, as any legal mind will comprehend, a very narrow proceeding. It was a mandamus proceeding. It was a mandate, or writ, from a superior court to an inferior tribunal, directing that they should do a certain thing. What was it? It

was to take into consideration certain statements that they had passed upon before. They did that. They concluded their duties, and that was the end of that proceeding.

Now, then, sir, we come to the real question here involved. Who is actually elected as the member to represent that district in this Congress? The majority report say that the contestant, Mr. Noyes, had a clear majority of 6 votes. Mr. Speaker, if he has a clear majority of the legal votes in that district he ought to be seated. He ought to be seated regardless of any feeling and regardless of every feeling, if that assertion be true. I would ask this House in behalf of this case to do its whole duty, to do it fairly, to do it honestly, and then we will have done our part of the duty devolved upon us, and until then we will not have done it.

Now, sir, what is the first question that is raised? If this man has not a clear majority of 6, has he any majority, or is the contestee, Mr. Rockwell, entitled to the seat by reason of having a clear majority on his part? That depends upon three propositions which must be considered.

First, was the will of the people in the third district of the Fifth ward, city of Elmira—although I may possibly be mistaken in that—was their will, as they expressed it at the ballot box in that election, announced? If it was not announced or truly announced, it is the duty of this court to record it as they wished it to be recorded. It is true that on the night of the election in the third district, Fifth ward, there was a clerical error made in tabulating the returns. It is true that the board reported on the face of the returns that Mr. Rockwell had received 87 votes and that Mr. Noyes had received 72 votes. But it is true, as a matter of fact that is uncontroverted in the record, that on that night the same board discovered the fact that 94 votes had been given for Mr. Rockwell and 66 for Mr. Noyes, or a difference of 14 in favor of Mr. Rockwell, which overcomes all that is claimed by the majority. That is one ground, and it has been so thoroughly discussed concerning the evidence that I will not further refer to it.

Now I come to another point, the marked ballots; and I will state this as a leading proposition, as my belief, and that is that when a statute prohibits a certain thing to be done, and if I do that prohibited act, the act itself is void. That is the law. That is now the law, has always been the law, as it is now and always will be, notwithstanding the gentleman's opinion that he speaks from Colorado or any other court. At least I am convinced that that is the law and will retain my opinion.

Now, then, let us understand about these marked ballots. Because a ballot is marked, the simple marking of it does not invalidate it. It is not under the law of New York a fact that because a ballot is marked it must be thrown out. That is not the law. Just as I said a moment ago, we have been drifting off into the byways concerning the New York law. Let us stop and see what the law itself provides. It is plain, unequivocal, and easily understood. It does not require a legal mind to construe it. It says:

No voter shall place any mark upon his ballot by means of which it can be identified as the one voted by him.

That is plain. Any man can understand it. Therefore, if the 28 ballots that are spoken of were marked as stated, and could be identified as the ballot of any particular man, and it was properly in the record—and for the sake of argument I will concede that it is properly there, although, as a matter of fact, it is not—but if any one of these 28 ballots or a number of them could be identified as the ballots cast by any individual they ought to go out, and I would vote to exclude them. But they say, "Why will you insist on retaining the 28 ballots, and ask to have the 16 known as the 'Doyle ballots' thrown out?" For the very reverse of the proposition; for the very reason that the 16 ballots can be identified as the ballots cast by particular individuals.

There is the distinction between the two classes of marked ballots. One has a mark by means of which it can be identified as the one voted by a particular person, and the other has not. That is not hard to understand. That is why I say, as a legal conclusion, that the 28 ballots can not go out under any circumstance whatever; and I say that under the same law the 16 ballots will go out; and I have given my reasons. Is there one of the 16 ballots that could not be identified as the ballot of some particular individual? A certain individual voted "A," and a certain other individual voted "B;" but tell me, will you, how one of the 28 voters of the 28 series of ballots can tell which one of the 28 he voted? The absurdity of such a thing is brought out in a question that was asked in this House, and that was, "Suppose I mark my ballot so that I might identify it, and I put it in the box, will it be thrown out?"

Then he follows with another question: "Suppose my neighbor marks his ballot just exactly like mine, will his ballot go out?"

Why, no; for the very reason that neither he nor his neighbor

could then tell which one he had voted. But suppose that the gentleman should vote a ticket marked "A. Doyle," and his neighbor should vote a ticket marked "B. Doyle." Could they not identify them? And if a ballot is designated with a mark by means of which it can be identified as the one voted by a particular person, it comes within the letter and the spirit of the law and goes out.

Now, there is another reason why this contestee should retain his seat. It has been spoken of lightly. The gentleman from Connecticut [Mr. DE FOREST] told this House that there was not a lawyer who, under the evidence concerning bribery and conspiracy, would go before a court and argue it. Let me say to him that I am a lawyer, and I will go before this court or I will go before any court, and I will say to him that under the same evidence, without contradiction, if he has any interest in the result he had better get out from under it.

I charge, Mr. Speaker, that a man by the name of Mongin, a man by the name of Harmon, and a man by the name of McArthur entered into a conspiracy; that upon that day they were acting in concert, for a common purpose, and that common purpose was the bribery of voters; and I believe I can convince you of it. I will concede the fact that bribery and fraud are hard to establish, for several reasons. One reason in particular is that the best proof lies in the breasts of the participants. Therefore the law in its wisdom opens wide the door and allows parties to bring in all the circumstances and prove all the little details; and from the circumstances they build up conclusions; and that is the only way it can be done in that class of cases.

Now, Mr. Speaker, it is an admitted fact that every one of these Doyle ballots was in the handwriting of one Duncan McArthur, who, as I say, is one of the conspirators, who lives in one ward, while the other two conspirators live in another ward, just across the highway. Now, let us see who these individuals are. Duncan McArthur is a committeeman, perhaps a ward politician. Mr. Mongin belongs to a reputable firm of business gentlemen, Sweet, Mongin & Cook; a man in high standing, he thinks, no doubt. As a matter of fact, he is a man of means. Mr. Harmon, the other conspirator, keeps an unlicensed whisky shop in the town. There are the three individuals who conspired together to purchase votes in the interest of Col. Noyes.

On pages 50, 51, and 52 of the record will be found the testimony of Edward Nugent, wherein he swears that Mongin, McArthur, and Harmon were ardent, active supporters of Col. Noyes. On page 68 Charles T. Andrews swears that Mr. Mongin was a heavy contributor to the cause of Noyes. Now, that is the situation of the parties in this contest. How do we get them together? Let me show you. On pages 58 and 59 Charles H. Leddick swears that it was common rumor then and thereafter that this man Mongin had bought Harmon, and that Harmon had bought Democrats. He further tells you that this reputable gentleman, Mr. Mongin, upon the morning of election is found in this disreputable place in consultation with Mr. Harmon. He tells you, too, that they went behind the refrigerator and that they had a close, secret conference there, and that standing there was a man by the name of Abram D. Sheradin. Sheradin follows with his testimony, and he tells you that immediately Andy Harmon bought his vote for the sum of \$2.

What were they talking about? What were Mr. Mongin and Mr. Harmon there for? Simply to seize this man and buy him, as the evidence shows, and that evidence is uncontradicted. Now, there are two of the conspirators together. How about the third? Jacob Attinger, on page 80, says that he went into Andy Harmon's on election day; that he saw Andy Harmon have a large roll of bills, something unusual, and he said to him, "Andy, is there anything in it," and Andy said, "Yes, but you vote in the Third ward, and you will have to go and see Duncan McArthur." Duncan McArthur was the third conspirator. What would he have to go and see Duncan McArthur for? Why would that follow the inquiry "Is there anything in it?"

"Yes, there is something in it, but you must go and see Duncan McArthur." And what? Now, we are at McArthur. On page 74 Calvin Green testifies, and they did not dare cross-examine him on the witness stand. He tells you that he sold his vote to Duncan McArthur on that day for \$2. How did he get it? He went to Duncan McArthur, who took him around the corner of the engine house and had some conversation with him, and said to him, "Here is a ticket, a Noyes ticket. You vote that and I will make it right with you to-night." Did he do it? That very evening he gave the voter \$2. Why did he wait until night? Was he suspicious of his customers? Was he afraid the man he was buying would not deliver the goods? Did it occur to his mind, "Here, I will give you a Doyle ballot and if that Doyle ballot comes out, I will give you \$2, and if it does not I will not."

Ollie Ferris is another witness, and the gentlemen of the majority have taken the trouble to copy his testimony entirely into

their report. They ought to have copied the other I have referred to. I will dismiss Ollie Ferris with simply one word, and that is that he sold his vote to Duncan McArthur and got his price. Did Mr. Mongin buy anybody? Indirectly he bought the vote of a strange man. In the testimony of young Warren it said he bought an unknown man's vote upon election day. He said to the young man, "Here's a roll of bills. You take it up and hand it to that man. Tell him that Mongin sent it." That is the way to work on election day. Do it through somebody else, so that you will not be found out. Mongin was afraid, and so he did it through another person. To say the least, it was a very suspicious circumstance.

Now, then, Mr. Speaker, the strong evidence as to the truth of that is the fact that it is not denied. Mr. Mongin never has opened his mouth. Mr. McArthur, who stands, charged with bribery, has never opened his mouth. The only man who has is a man that the majority say is a Democratic renegade. And how did he do it? Immediately after the election a local paper, which is edited by a man by the name of Stahl, wrote an article and inserted it in his paper, and in that article he charged that Andrew Harmon had sold himself to the Republican party.

He furthermore charged, that on the day following the election he doffed his threadbare, shiny suit and appeared in a brand new McKinley suit with Noyes's name on the collar. [Laughter.] Following the publication of that article came a libel suit. Mr. Harmon concluded that there was some defamation in that article, and he sued Mr. Stahl for damages. What followed? Under the statutes of New York it was necessary that Mr. Stahl should go into court and file what is called "an affidavit of defense," and he must file that instrument under oath, and he did it. And what did he say? Did he say "I did not mean to harm you, I take it all back?" No, sir. He said: "What I said of you, Mr. Harmon, is true; and more than that is true. You not only sold yourself to the Republican party, but you bought Democrats. You conspired with others to buy Democrats, and you did it."

That affidavit is on file, and it is under oath of the editor of that paper. That makes the issue between the parties, and they go to trial. It is put regular upon the trial list. It got to trial. That day Mr. Stahl, the editor, with his counsel and his witnesses are there. Mr. Harmon is not there. A verdict, or decree of the court against him is made for \$69.94 costs. That is what it cost Mr. Harmon to make this effort to establish his good character.

Now, Mr. Speaker, I will not detain the House but a few minutes longer. I want to say this, that it is the law, as old as laws are, that if a man is confronted with a proposition that is derogatory to his character, or anything against his honor, or against even his honesty in any way, and he does not refute it, then it is a circumstance that may be proved as of weight against his defense, and assists in the establishment of the claims against him. I have read this record, and have read it carefully. I have gone over and over it, and I have concluded against the interest of the contestant; but before I concluded I consulted the law that I might be sure, and I will read it to you:

When evidence of bribery by an active supporter of the respondent is given the court will draw an unfavorable conclusion from the neglect or refusal of the person so charged to explain his conduct in the witness box.

That is the conclusion of the law and that is the conclusion I come to because it is the law, and because I have come to that conclusion I intend to vote for the contestee, believing that he has been honestly and fairly elected a member of this House. If the time has come when you will throw open the doors of Congress to the Representative of bribe-givers and bribe-takers, then open another door that honest men may go out; for, with the coming of such a time comes danger if not fatality to the institutions of this Government. [Applause on the Democratic side.]

Mr. WIKE. Mr. Speaker, it will not be necessary for me to review the canvass of votes in either of the counties or any of the districts involved here in order to present to the House the view of this case that I am disposed to take, and shall detain the House for only a brief time because I can set forth the reasons that have led me to my conclusion without, as I hope, being tedious. I desire to address myself particularly to those who differ from me in the opinion they hold of this case, and, perhaps in the vote that they will finally give upon the determination of it, because I desire they and all the members of the House should be put in possession of the reasons which have influenced me in coming to the conclusions at which I have arrived.

I judge from the faces of those around me, as well as from the absence of so many usually seen here, that a conclusion has probably been already reached in the minds of most of the members of the House, and therefore I feel that I am simply putting on record the reasons that have influenced my own mind and lead me to the support of the report of the majority of the committee. I am not willing to believe, although I have heard it jocularly

suggested that the margin is so small between the contestant's vote and the vote of the contestee that the simple matter of prejudice ought to be sufficient to overcome it. In addressing so responsible a body as this, of course I refer to such an idea merely as a suggestion which finds expression in a jocular sense.

Mr. Speaker, if the *lex talionis* could be applied in this case and save the consciences of the men who apply it in removing a majority of only 6, it might perhaps very well be applied by this side for the offense committed in the last House in removing majorities of thousands without law or justice, but I deign to consider that view further than to say that if it is merely a naked excuse that is sought for keeping the contestee in his seat that possibly might be found in the record of the testimony in the case. Let me say, however, to you, Mr. Speaker, and to this House, that it is not a sufficient answer to the objections to such a course to say that the other side of the House in the last Congress sought an excuse to override a majority, not of 6, but of 10,000. Yes, as suggested by the gentleman from Indiana [Mr. MARTIN], 13,000. I want to impress upon the minds of those who may hear me that if there is any difference it ought to be in favor of a very careful and conscientious consideration of the question presented in this case when it is to be determined upon such a small margin as the one involved in the matter before us.

Let me say further to my Democratic friends that it ought not to be even intimated in argument, either in this House or out of it, that our Republican friends have done in the last Congress that which lets down the bars for our action in this case. It is not simply the seating of one of the parties to this contest that is involved, it is not simply the dignity of this House, but the people have an interest in the determination of this question and they demand of us a conscientious examination of the case and a conscientious application of the rules of law and justice in its determination, unbiased by prejudice or partisan considerations.

If I wanted any evidence of the fact that the people not only were interested, but that they took an active interest in the manner and result of these contest proceedings, I would point to the results which followed from the wanton disregard of law and justice in dealing with the seats of members in the last House, and I warn you, my fellow Democrats, on this floor, from inviting the curse on your party the Republicans of the last House called down on theirs, by the shameful denial of the right of the majority in so many districts, to be represented in the National Legislature. While many questions contributed to swell the overwhelming majority that returned the unprecedented majority to this House in the election of 1890, yet I conceive that no one question was so potent in producing those results as the unwarrantable action of the Republicans of the last House in unseating numerous lawfully elected members for the notorious purpose of giving them a working majority, excepting only the question of tariff reform.

Passing from these matters, I call attention now to a most remarkable circumstance in this case, as shown by the record. Not merely a circumstance either, but a very weighty and important, if not a controlling, fact. The argument and contention now made to sustain the cause of the contestee is based almost exclusively upon the fact of the discovery of the "Doyle" ballots so called, which are claimed to be marked ballots. The remarkable thing about this is that this contention seems to be entirely an afterthought of the contestee and his attorneys in the case. The record discloses that the contestee has the certificate of election and holds his seat here against and in defiance of a line of decisions in the supreme court of New York at its special term and again at its general term, and finally in the court of appeals, which is the highest court in the State.

The board of canvassers in five districts, by a recount that has been fully and sufficiently considered in this discussion, reversed the result of the election as shown by the first canvass and gave a majority to the contestee. Mr. Noyes, the contestant, who was shown upon the face of the returns to have been elected, brought a suit in the supreme court of New York to compel the board of canvassers to count and return the votes as indicated on the face of the returns, and which showed a majority for the contestant.

These courts, all Democratic, sustained the application of the contestant and directed the board of canvassers to disregard the recount and canvass, and return only the votes shown from the face of the returns. That canvass was finally made and showed the contestant Noyes was entitled to the seat, but in the mean time, before the final decision of the court of appeals was rendered in June, 1891, but after the first one had been announced by the supreme court, Mr. Rockwell had procured his certificate of election from the State authorities at Albany, on which he has been admitted to his seat.

The recount having been thus annulled and set aside by the highest judicial authorities in the State of New York because it was unlawful and made without authority, the original grounds

for claiming and holding the seat, has been wholly abandoned by the contestee, and he rests his case now on the subsequent discovery of the Doyle, or "marked" ballots as he calls them.

The supreme court annihilated the contention that the recount gave any color to Mr. Rockwell's claim of election and knocked the props from under his line of defense to the contestant's case; and consequently he shifted it to a reliance on the objections insisted upon as to the Doyle ballots, which otherwise would never have been thought of.

If the courts decided the case correctly, and they were practically unanimous, then there was nothing left of the original claim that Mr. Rockwell made to the certificate and to the seat, and those lawyers who make a different contention can not be sincere. It is too plain a case thus far for legal doubt, or even, so to speak, for legal quibbles.

I will not, therefore, discuss at length the legality of that recount; it has been sufficiently considered in this debate to show that the court was clearly right, if that was at all necessary. There is hardly a pretext made in earnestness now that there was any legality or justice or honesty in it, because the law required the ballots to be destroyed on the canvass and promulgation of the vote on the night of the election and before the board of canvassers adjourned. After the board had adjourned there is abundance of authority to show that any additional act by it would be *functus officio*, and it could proceed no farther in the matter of canvassing the votes. If there were clerical defects or errors in the certificates or in matters of form, the clerk or canvassers might supply omissions or make corrections, but as to farther canvassing the vote or determining the result their powers were at an end. But these questions relating to the recount are *res adjudicata*, as I repeat again having been decided by the highest judicial authority of the State of New York, and we, as Democrats, should bow to such determination.

So this contest was at an end, if it had been left there. There was nothing else disclosed in the answer of Mr. Rockwell to contestant's case, except the charge of bribery; and not a word of reference is made in that answer to the claim that there were any marked ballots in question at all. No mention or allusion is made of the Doyle ballots. They were never thought of, as I contend, until after the questions of the recount were decided by the supreme court against the contestee.

But while these matters were being determined, the contestee had, as I have stated, under the machinery of New York politics, procured his certificate, which under the decisions cited he never should, nor could have secured. Consequently, having abandoned all claim under that recount, he occupies here the position which Mr. Noyes ought to occupy: Mr. Rockwell ought to be the contestant in this case, in order that the real attitude and rights of the parties could be more easily and properly understood.

Mr. WHEELER of Alabama. The gentleman is mistaken in saying that any claim on the part of the contestee under the recount has been abandoned; nothing has been abandoned.

Mr. WIKE. The real right to the certificate in this case is to be determined by the official count, not by a recount of ballots, the boxes containing which had been broken open and, as it has been proved, tampered with, and the recounts made forty-eight hours after the official count had been completed and declared. How can gentlemen contend that men whose official authority had thus expired could reassemble and revivify the board that had by law ceased to exist and recount ballots that the law expressly provides should have been destroyed on the night after the election? How can we rely upon a recount of that kind, surrounded with all the possibilities of fraud and corruption, that have been shown to surround the ballots in question and offer that result to us instead of the original returns, as evidence of the result of the election, and should we accept it, because otherwise we decide against the interests of one of our political friends? If gentlemen have not abandoned the recount they ought, in common honesty to have done so, and as I insist they did do.

Mr. WHEELER of Alabama. Will the gentlemen please explain any infirmity in the count in the third district, Fifth ward, where there was no recount—where they counted the ballots and wrote out the returns and pasted the ballots on the outside on the night of the election? This election district is not affected by the decision of the supreme court. The decision expressly confines its rulings to the other five election districts.

Mr. WIKE. I am not able to answer the gentleman in reference to that particular district, for I have not the part of the record relating to it before me or in my mind.

Mr. WHEELER of Alabama. The supreme court says, page 182:

In our opinion the statement in the body of the paper as to the votes for Congress in the five districts made on the night after the election must control.

They expressly refrain from any decision as to the sixth district or the third district of the Fifth ward.

Mr. WIKE. I do not care to have the gentleman make his argument now. He has already had the floor, and will have it again, I presume.

Mr. WHEELER of Alabama. No; I shall not have it again. That third district, Fifth ward, is decisive of this case—

Mr. WIKE. I do not so understand it, by any means.

Mr. WHEELER of Alabama. Because it makes a difference of 14 votes. In that district the work was completed on the night of the election, at least as to one return.

Mr. WIKE. By the count as made by both sides of the committee this case rests substantially upon the validity or invalidity of the Doyle ballots—16 in number.

Mr. WHEELER of Alabama. Oh, no.

Mr. WIKE. Mr. Speaker, I do not believe it necessary to discuss before this House any further the validity of that recount, because it is literally annihilated by the courts of New York—and Democratic courts at that. For once we can not complain that our Republican friends stole a march on us there, and we should show our consistency by standing at last by our own courts.

Mr. WHEELER of Alabama. But the court excluded that district from the decision.

Mr. WIKE. I understand perfectly well that the court excluded nothing. It simply directed the board of canvassers to canvass that vote, not by what the recount might show, but what the statement on the face of the returns showed the vote to be when the polls closed. The court held that the canvass which was to prevail was the canvass made according to law, not one made one or two days after the election in violation of law, when, according to the provisions of the law, the ballots should have been destroyed at the close of the polls by the board before it adjourned.

Mr. WHEELER of Alabama. The decision of the court was confined to five districts: this third district, Fifth ward, was not embraced in the decision. The court made a decision as to five districts, but not as to the other; and this other, which is not touched by the decision of the court, should be decisive of this case.

Mr. WIKE. As I have indicated, the claim on which Mr. Rockwell holds his seat is based upon the recount; and when a final decision was made upon that question against him, he then sought to occupy some other ground.

I am not sufficiently familiar with the practice prevailing before the Committee on Elections to determine how or why they finally concluded that there was sufficient in the answer of the contestee to permit him to go into the question of the Doyle ballots.

There is not a syllable in his answer that claims that there were any marked ballots. Contestee simply claims that there were \$10,000 put into the hands of Republican managers, and that it was used for the purpose of bribery, which has no proof to sustain it; but I will read the language in that particular of the answer itself:

With the intent and purpose to bribe the electors in said counties who would otherwise have voted for the said Hosea H. Rockwell, to vote for the said Henry T. Noyes for said office at said election and to refrain from voting for the said Hosea H. Rockwell for said office at said election, and that other and additional large sums of money were paid and contributed by other persons with the intent and purpose last aforesaid, and that the sums of money paid and contributed as aforesaid were used, employed, and paid by the said Henry T. Noyes and his personal and political friends to a great number of voters in said counties comprising said Twenty-eighth Congressional district to induce such voters to vote for the said Henry T. Noyes for said office or to refrain from voting for the said Hosea H. Rockwell for said office or to induce such voters to come to the polls or to remain away from the polls at such election, and large sums of such money were also paid to many of said voters as a consideration for and on account of such voters having refrained from voting for said Hosea H. Rockwell or having voted for said Henry T. Noyes, or both, or having come to the polls or remained away from the polls at such election.

There is not the slightest reference to any marked ballots, or to the Doyle ballots anywhere to be found in the answer. But these gentlemen do charge now, and the gentleman from New York [Mr. MAGNER], in his very able speech last evening, told us it was perfectly admissible to come in here and show after the first case had all vanished into thin air that under that clause of this answer which I have just read it was competent and proper to allow the contestee to come in and point out that there were certain marked ballots voted, and that these marked ballots, being the Doyle ballots, changed the result of the election. I am not sufficiently acquainted with the practice before the committee, as I have stated, to see how it is possible to permit such a change in the issues without amending the pleadings; but the result is, at all events, that these gentlemen have shifted their position from the recount, and placed it on the new discovery of the Doyle ballots, which they claim were marked ballots, and cast by bribed voters. Now, there are two branches to that case as newly presented. Were they marked ballots, or were they cast by bribed voters?

A MEMBER. Both.

Mr. WIKE. Both. Very well. Now, they can not rely on

the one branch of this case to establish the other. It may be that both assertions are true, but there must be sufficient proof to sustain either of the allegations independently of the other. One does not necessarily depend on the other. And I would like to have the attention of the gentleman from New York if present, for I desire him to answer now whether he conceives it would have made any difference as to the character of the ballot if the names A. Doyle, B. Doyle, C. Doyle, and so on had been printed in them; whether in his judgment they would have been marked ballots in that event without these names being inserted with a lead pencil or without the erasure of Earl's name? He would say no, I presume, and that it would make no difference.

The simple fact that the name of "A. Doyle" being written instead of printed, could not make any difference as to its being a marked ballot. It certainly can not as to these ballots. That these were all fraudulent ballots then rest on a single question, and that is that there is some proof to show that the man who wrote the names there had been trying to buy votes and probably did buy one or two. There is not a scrap of evidence that he ever bought or offered to buy any of the voters of the Doyle ballots except what Ferris says about his own.

That is the most that can be said in reference to it. I would ask the gentleman from Virginia, the chairman of the committee, which of the Doyle ballots Mr. Ferris voted?

Mr. O'FERRALL. He did not know whether it was an A. Doyle or C. Doyle or D. Doyle or any other Doyle.

Mr. WIKE. Very well. Then there is no testimony to impeach any of the Doyle ballots. However, as the argument has proceeded on that ground, let us suppose that it was the A. Doyle ballot. The testimony of Ferris is set out in the record, and they claim it supports the allegations of fraud in this case as to the Doyle ballots, but I do not believe that if property to the value of a nickel was at stake on the strength of this testimony, that you would give it any weight whatever, much less to take such testimony in support of a claim for the seat of a member of Congress. But not only that, the rights of the people are involved in this controversy and are made to depend on his testimony. Read what he says and how he says it. It is set forth here in the record. You are familiar with it, and I will not take the time of the House to read it. But on that testimony alone they say that McArthur had not only bought Ferris's vote; and his testimony did not pretend to relate to any other, but that he had bought the votes of the 15 other voters of the Doyle ballots—a most violent presumption indeed!

Now I wish to call attention to what the minority say in their report, and which is indisputably the law of the case. It is an admission which it occurs to me entirely disposes of the case so far as the fraud is concerned. They say:

Indeed the contestant does not pretend that these ballots should not be counted.

That is with reference to the 28 marked ballots cast and counted for Rockwell.

As he says in his brief he only calls attention to that to show that the Doyle ballots should not be excluded. This evidence may, perhaps raise a suspicion of wrongdoing. But suspicion of fraud does not establish it.

Hearken to that language. That is what the gentleman from Alabama [Mr. COBB], who spoke yesterday, and the gentleman from Pennsylvania [Mr. GILLESPIE], who has just taken his seat, say in their report, namely: that the suspicion of fraud does not establish it. But they go on to say:

If the circumstances in regard to the Doyle ballots considered apart from the influence of the New York statutes go no further than to raise a suspicion they should not be excluded.

Now, I insist that all that this evidence possibly can do is simply to raise a suspicion that McArthur might have bought other votes.

It is further contended, however, as I infer from an interrogatory by the gentleman from Maryland [Mr. RAYNER], addressed very pertinently to the gentleman from New York [Mr. MAGNER] yesterday afternoon, and an inquiry by the gentleman from Texas [Mr. BAILEY], that a ballot should not be counted if the effect of casting it would be to send the voter to the penitentiary or subject him to fine and imprisonment. The authority that Mr. RAYNER read was simply to the effect that if the statute fixed a penalty to voting such a ballot then, that that fact should exclude the ballot so voted. That is not the law as interpreted by the supreme court of Texas. A decision of that court was read yesterday to countervail that position and the authority read by the gentleman from Maryland. And I will read it again, because it is worthy of consideration in this connection. It will be for some person better versed in these matters than I pretend to be to determine which is right, but at all events it is not controlling.

The court say:

We think it plain that inasmuch as the statute which fixes a penalty for marking a ballot does not expressly declare that a marked ballot shall be thrown out * * * the board erred in rejecting the vote of this county upon this ground.

When the law does not require a ballot to be thrown out because it is marked it will not be disregarded though a penalty is fixed for voting it.

Mr. WHEELER of Alabama. What is that case?

Mr. WIKE. I quote from the remarks of the gentleman from Virginia [Mr. O'FERRALL], the chairman of the committee, and you will find it on page 3823 of the RECORD. It is the case of McKenzie vs. Braxton. I have not the volume of the report at hand.

Mr. WHEELER of Alabama. I know the gentleman wants to be correct. I have the case in my hand. It has been paraded in this House as an authority, and it is no authority at all.

Mr. WIKE. I will leave that to the House. I do not want the gentleman from Alabama to discuss it in my time.

Mr. WHEELER of Alabama. Will you read the opinion, then?

Mr. WIKE. As the gentleman manifests so much zeal I will permit him to read it himself.

Mr. WHEELER of Alabama. I will read from the original report in the case of Giddings vs. Clark. This was a case in which ballots were rejected:

By reference to the statute here referred to it will be seen that it is made a misdemeanor for any judge of election to place any number or mark upon the ticket of any voter, but it is not declared that the vote of a legally qualified voter shall be rejected because his ballot is marked by the judges. We should not be inclined to put a construction upon this statute which would enable an officer of election to destroy the effect of a ballot cast in good faith by a legal voter by placing a number or mark upon it. A ballot may be thus marked or numbered without the knowledge or consent of the voter.

These ballots were marked by the judges after they had been voted, and this decision does not apply to the case we are discussing.

Mr. WIKE. I do not want the gentleman to read that whole opinion. It will take too much time.

Mr. WHEELER of Alabama (continuing).

and it would be manifestly unjust that he should in this way be deprived of his vote.

That is the case of Giddings vs. Clark; and the case of McKenzie vs. Braxton that they parade here is exactly the same. I will read that now. [Laughter.]

The decision then says:

This precise point was decided in the late case of McKenzie vs. Braxton, already quoted from, and in which the committee use the following language: "In Virginia the law which was in force until near the time of the election required the ballots to be numbered. A short time prior to the election in question this provision was repealed. It seems that at a few precincts the officers of election were not advised of this repeal, and consequently numbered the ballots as they had been in the habit of doing before."

That is the whole substance of it. The election officers marked them, and that decision says properly that the man should not be deprived of his vote, and that decision is paraded here as an authority in this case.

Mr. WIKE. They say this: That a mark put on the ballot by another person than the voter himself would not invalidate the ballot, and in the case we are considering of the Doyle ballots there is no pretense that the voter marked them, if they were in fact marked.

A MEMBER. What authority is that?

Mr. WHEELER of Alabama. An authority they have been parading here all day.

Mr. WIKE. Mr. Speaker, the decision applies as much to this case as to the one to which the gentleman seeks to apply it. I took the extract as I found it in the speech of the gentleman from Virginia [Mr. O'FARRALL] and read it from his speech of the other day. It is to the effect that a mark upon a ballot, not made by the voter himself does not invalidate the ballot; and it is in evidence here that the voters did not mark the Doyle ballots, but that McArthur wrote the name of Doyle in the ballots, which is all the marking on them that is claimed, and there is not a scintilla of evidence here before this House that either the man Ferris or any of the fifteen others who voted Doyle ballots, either marked them or knew they were marked for the purposes of identification. There is not a pretext that anybody else had ever heard of the ballots being so marked, or knew anything about them.

Admitting now that the proper test is that if the evidence before us were sufficient to send the voters of the Doyle ballots, or some of them, to the penitentiary or to imprisonment for voting an unlawful ballot, then these ballots, or so many of them as were voted by such voters, ought to be excluded. But there is no pretense here that the evidence before us would even tend to convict any voter of any of these ballots, with the possible exception of Ferris. I will ask every lawyer within the sound of my voice to place himself upon (in imagination) the bench and imagine that he is called upon by the contestee to instruct the jury before whom, we will suppose, these sixteen voters who cast the Doyle ballots are on trial for having sold their votes, or for having unlawfully marked their ballots. The instruction called for is in substance that "the evidence" now before us "tending to convict Mr. Ferris of having unlawfully sold his vote is sufficient, in the opinion of the court, and the jury are so instructed—to convict

the other fifteen men of bribery, and that they should convict them accordingly!" Why, the contestee would be laughed out of court. Such a case could have no standing. What becomes of the test therefore that if the evidence is sufficient to convict the voter then these ballots should be rejected. The inference is that if the evidence is not sufficient to convict, if it is not sufficient to imprison, then the ballots ought to be admitted and counted.

I am speaking now of the question of fraud. These gentlemen making the minority report say that if the evidence in this case is not sufficient to raise a legal inference of fraud the mere suspicion is not sufficient to exclude these ballots; and to convict each voter the proof must be sufficient to show the criminal intent of each in the violation of the election laws of the State of New York.

Mr. COBB of Alabama. Will the gentleman yield to me for a question?

Mr. WIKE. Certainly.

Mr. COBB of Alabama. Does the gentleman hold in a civil proceeding that it is necessary to prove fraud beyond a reasonable doubt?

Mr. WIKE. I am now answering the contention that you and your friends have made, that the voting of these ballots ought to send the voters to the penitentiary; that these ballots ought not to be counted, if the evidence in this case would convict the voter of a criminal offense, and I am trying to show that there can not be any reasonable pretext in the minds of any lawyer that there is sufficient evidence in this record upon which to found a legal presumption against the voters of any of these ballots. That is what I am seeking to do. It is an issue of your own making. I do not say that in a civil case it would require the same proof, but it would require proof of fraud, because, as every lawyer knows, there must be proof of fraud and that it will never be presumed under any circumstances without sufficient proof.

There is not a particle of testimony here against these voters, and there can not be, for they are not even known. The fact that McArthur has been convicted in your minds of having been engaged in the practice of buying other votes does not convict the voter of these ballots for having sold their votes. These ballots were all voted by Republicans. If the tickets voted had been Democratic tickets with Noyes's name upon them, and had been voted by Democrats, it would have created a stronger impression of fraud than is now presented. They were Republican tickets from the top to the bottom, with the exception of the name of Doyle. There was nothing strange that the name of Doyle should appear only on Republican tickets, for in fact in all human probability they were voted only by McArthur's friends, who was a Republican committeeman and an electioneer.

It is asked, however, what motive other than that of a fraudulent and dishonest one there could have been in placing the name of Doyle upon these ballots? My answer to that is that the criminality, if there was any connected with the marking and voting of these ballots, must be upon the part of the voter himself, and no matter what criminal intent some other person may have had in preparing the ticket it could not affect the voter unless he himself were connected with the criminality by some guilty knowledge or participation.

It is assumed with much positiveness that there could be no other possible motive in marking these ballots than in connection with some unlawful purpose. But I do not concede this, for it is quite evident to my mind that McArthur might have had a purpose in identifying these votes that would not in any way involve the voter in any unworthy motive, much less a criminal intent. For instance, McArthur might well have said to himself, "I want to preserve the evidence as to the tickets that I give out at this election," or "I wish to see if 16 persons who pretend to be Republicans, and vote the ticket straight, but of whom I have some doubts as to whether they really do in fact vote a straight ticket, as they pretend to me they do, or not;" and with this determination he inserts in these ballots the name of Doyle, as indicated in the ballots. He might then well say to each of these voters that "I would like you to do me the favor of voting for my friend Doyle to-day, as I wish to pay him a compliment, and you can do no possible good by voting for Earl, who is on both tickets and bound to be elected anyway."

Or, again, he might say to these voters who might be bosom friends of his, "I don't like Earl, for he is a Democrat and decided a suit against a friend of mine on account of political prejudice, and I want to give him a black eye by showing him that he can not get all the votes in this ward." And in consequence of the friendship between McArthur and the voter, the latter might well say, "It makes little difference to me, and if it will be any accommodation or satisfaction to you Mr. McArthur, I will vote for your friend Doyle," and proceeds to vote it accordingly.

I presume there could be no fraud or criminality imputed to the voter who was thus connected with the voting of the Doyle ballots. Is it not as reasonable to suppose some such innocent pur-

pose on the part of the voter in casting these ballots as it is to presume without any evidence of the facts that he is a criminal that should be sentenced to the penitentiary or any other imprisonment? It is as easy to impute this honest motive to the voter as it is to impute a criminal intent, and it is not only the law and justice to presume that where an act may be susceptible of two constructions that the one should be given it which is in favor of innocence.

I think this answers the question as to what other possible motive there could be in voting these Doyle ballots than that of a criminal one, and illustrates the absurdity of jumping at the conclusion that the intent in voting these ballots must have necessarily been a fraudulent and criminal one on the part of the voter.

I am not trying to excuse or extenuate the acts or character of the man McArthur, who wrote the name of Doyle in these ballots. He ought perhaps to be convicted for bribery in connection with that election, and it would seem from the evidence that he ought, though not particularly or especially in the matter of the Doyle tickets. But I do not think it reasonable to convict of a crime sufficient to send to the penitentiary or other imprisonment the men who may have innocently received and voted the tickets that he (McArthur) had prepared, without a hearing, no matter what his (McArthur's) intent might have been in putting Doyle's name upon them.

It is not at all improbable that there are many voters in the city in which the Doyle ballots were cast, as they are in almost every other city of the same size in the country, who would care no more for Earl under such circumstances, or, for that matter, who might have no more knowledge of him than the man in the moon, nor than they had of the imaginary Doyle himself. To my mind it is not strange that 16, or twice that number, for that matter, might be found in such cities, who would just as soon, to accommodate a friend, and without reward or criminal intent, vote for a Doyle as for an Earl or any other person on the ticket in whom they were not particularly interested, and especially if such person stood in relation to the ticket as Earl did to the tickets voted on the day of the election in question.

As I have said, where you can give one of two interpretations to an act or condition of things, one that will imply guilt and the other innocence in relation to an individual, the interpretation that the law requires to be given is that the one which is consistent with innocence should be adopted instead of that which would imply guilt or criminality. In addition to the innocent instances I have given under which these ballots might have been cast, a dozen other equally as innocent reasons, I have no doubt, could be assigned, and as there is no evidence in this case to impute wrong to the voters of these ballots in the record, other than possibly to Farris, then, by all the rules of law, of justice, and propriety, as well as of decency, in fact, no wrongful imputation should be indulged as against the voters of at least 15 of the ballots in question.

So much for the fraud and criminality connected with the preparation and voting of the Doyle ticket. But it is said by those who advocate the retention of the contestee in the seat to which I think the contestant is entitled that the name written on the ticket is of a character to constitute it a marked ticket within the meaning of the statute, so as to exclude it from consideration in the canvass of the vote. And that raises the question whether the writing of a name in ink or with a pencil on the ticket of the person for whom the voter seeks to vote is any more of a "marking" of the ticket than it would be if the name were printed, which has already been discussed.

It is sufficient for me in this connection to call attention to what a dangerous state of affairs it would lead, to authorize the canvassers of the votes at an election to throw out all such votes as contained names that would enable them at their discretion to throw out of the count such as they might conclude of their own volition contained the names of fictitious persons, or persons who were not candidates, or whose names they might conclude were put on the ticket simply to mark them for purposes of identification. This would be a very dangerous and alarming power with which to clothe the canvassers of elections in these corrupt times. Of course where the law prohibits the counting of votes for persons not regularly nominated a different rule might apply, but it does not arise in this case.

A corrupt board of canvassers might easily say in counting the votes, "There is no such man as this; we do not know him. The voter did not intend to vote for this man, and he put his name on the ticket so as to mark it, and we will throw it out." That would never do. I contend these 16 voters had as good a right to mark the name of Doyle on their tickets in pencil themselves, or have others do so, and to vote them, as anybody would have had to vote a printed ticket with the name of Doyle printed upon it. So that it occurs to me there is nothing here which raises any presumption of fraud committed on the part of any of the 15 voters that

could give the canvassers any pretext whatever to exclude them from the count on the ground that they were marked ballots or otherwise.

It is sought, however, to break the force of our contention for the application of the rule of the presumptions of innocence and honesty alluded to by the claim that the contestant should have called McArthur to explain these ballots and identify the voters of them; and gentlemen on the other side contend that it is a suspicious circumstance that McArthur was not called by the contestant.

Now, if there is so much in what McArthur knew about these pretended fraudulent votes, why did they not call him themselves? I do not know of anything that has shifted the burden of proof in this case except the fact, as I have tried to demonstrate, that the canvass made under the direction of the court of appeals of the State of New York in law and justice shifted that burden of proof from the contestant to the contestee, because it held in effect that the former was entitled to the certificate; so that whether you regard him as entitled to the certificate or not, one of these parties had just as much power and as much right and was under as much moral and legal obligation to call McArthur as the other.

But the contestee insists that he could not trust him, and God knows I would not, nor do I know who would; but of this there can be no doubt, the contestee might have called him as well as the contestant. What inference is to be drawn from the fact that he was not called? None on earth except that he was of such character that his testimony could not be relied upon for any purpose. It is a rule of law that the party calling a witness vouches for his credibility and can not contradict or impeach him if he swears falsely. So it is not strange then that the contestant should not choose to put himself in the power of a person guilty of bribery and who would perhaps be as ready to commit perjury as bribery.

A word now about the 23 marked ballots cast for the contestee. How did the contestee bear himself with reference to the charges and suspicion of fraud that attach to those ballots? I answer, in a way to excite and raise the gravest suspicion as to their honesty. The "Doyle" ballots, it will be remembered, were put into the box and canvassed and the return made without any exception being taken or protest made. Not so with these 23 marked ballots which went into the box in favor of the contestee. There was a protest against them then and there at the canvassing of the votes on the ground that they were marked ballots, contrary to law, and should be excluded from the count. "Ah, but," says the gentleman from Pennsylvania who has just taken his seat, "you could not identify those ballots." How does he know that? He says they are in the record far enough to be discussed, and he proceeds to consider what some one or two witnesses have said about them.

Now, if those ballots are far enough into the record of this case for him to discuss them, I may also be permitted to consider them. He says that judging from the evidence, those ballots could not identify the voters casting them. I do not know whether they could or not. The fact is that they are marked with three different figures, a "3," a "5," and an "8," as the evidence heard and as the record discloses, in the lower left-hand corner. Then there were counter check marks in pencil which may have been made in various shapes on the opposite corner diagonally. These marks are not very definitely described, but by means of a simple check mark you might indicate a dozen different persons or things, depending on the turn, form, size, or character of the mark. These marks, taken in combination with the figures in the case, might easily be made to identify 50 or 100 voters to one familiar with them or who held the proper key.

It is said there is no evidence of fraud here. I do not know. Why do we not know? I will tell the gentlemen. If they are content on the side of the contestee to discuss this testimony that came only partially into this record why did they not let all the testimony come in? The contestant tried to have this whole matter fully explained, and to show exactly what these characters were, and what they meant. The contestee, by his attorney, objected to that testimony. The contestant, called the Democratic inspectors as witnesses to testify. If there had been a fraud committed in the interest of the contestee who would be more likely to know better about it than Democrats? Who could know anything about it but Democrats? But when those Democratic witnesses were called, taking the cue from the objection or exception of the attorney for the contestee, they refused to testify, and stood dumb before the inquiry that sought to make plain the fraud involved in the cabalistic marks and characters. The Republican witnesses, not being so ready to accept the cue, did proceed, after the objection was made, to testify, but they said substantially that they did not know anything about the matter except, in a general way, that the ballots were marked in the manner I have stated, and why should they have known more.

But was it not rather a suspicious circumstance, to say the least, that the contestee here, by his attorney, refused to let Democratic witnesses, including the Democratic inspectors of elections, the officers who held the election, testify to what they knew about the marks upon these ballots? It is said in answer to this that the case was closed and that the contestee would not have an opportunity to rebut whatever might be testified on that subject.

Now, as I said, with all respect yesterday to the gentleman from Alabama, that is "too thin" an excuse for suppressing the facts that might shed such a world of light as to the character of the marks upon these tickets.

It is said that the committee never passed upon this branch of the case, and that it is hanging in the air yet. Why, Mr. Speaker, that committee is nothing but an instrument in the hands of the House. This House is the court to determine this question. The committee could not bar it. No law can bar us from investigating this question as to any fraud that may be claimed to surround it. And if it came to that I would insist before this august tribunal that if these Democratic judges and canvassers of election or anybody else for that matter could explain this transaction, we ought not to let it go to the country that we had permitted their testimony to be suppressed by the objections and protests of the contestee.

You do not need the vote or presence of Mr. Rockwell in this House so seriously in a political sense that any point of overpowering necessity arises, if it is fair to suspect that such an improper influence could affect the vote of a Representative. There is more than one majority here. Legislation can not be affected. Do not let it go to the country that you have refused to hear the testimony of the Democratic judges who held the election when there is a charge of fraud committed in the interest of the sitting member. If that point stood in the way of arriving at a true result I would unhesitatingly say let the whole matter be recommitting for a further investigation that shall not be hampered by technicalities. I know there are many members whose votes would not be given in favor of excluding one set of these ballots without the other in any event, unless you go to the bottom of the matter, and there is no reason why they should.

However, there is no necessity for recommitting this contest, because the contestee has not votes enough, if you count the Doyle ballots, which ought clearly to be counted, to seat him, even with the 28 marked ballots counted in his favor.

With one other observation I shall conclude, for I have already trespassed longer on the patience of the House than I anticipated in commencing these remarks. I want to call attention to the condition under which these Doyle ballots reach us. The law requires that the vote be canvassed and returned, not only on the face but on the back of the returns. As I have already said (and every lawyer will agree with me), when the officers had canvassed the votes and made their returns and adjourned, they had completed their duty and power under the law, except that under certain conditions they might be called upon to correct a clerical error.

Now, I want to read from the evidence to show how these Doyle ballots came before us. I do not know whether it has been read or not; but it seems to me interesting and pertinent in this connection. I know nothing about the machinery by which those Doyle ballots were produced in this House yesterday by the gentleman from Alabama [Mr. COBB], but how did they get into the record? There is no evidence about the voting of these Doyle ballots, but we have them here to speak for themselves. They were produced by one of the Democratic canvassers the day after the election at the clerk's office. The return at the poll where these ballots were cast was made out properly on their face and that return was put into the hands of a supervisor without the sample ballots as required by law being put upon the back as they should have been.

The result was stated upon the face of the return; and this was signed by all the judges of the election. At this point they adjourned. It was some time during the next day that one of these gentlemen, whose powers as an officer were *functus officio*, of course, so far as any act of his might be concerned, repaired to the clerk's office, and taking these Doyle ballots from his pocket, directed that they should be placed upon the back of the return in order to give validity or effect, as he supposed, to the returns, and to cure some supposed defect that there may have been in making them out.

I do not put much stress upon that fact except to show that some interested person might have had access to and discovered these Doyle ballots for the first time after this board adjourned.

Mr. COBB of Alabama. The gentleman does not seem to be familiar with the evidence, which is clear to the point that these Doyle ballots were counted and noted on the night of the first count. There is no doubt about that.

Mr. WIKE. Of course they were counted; I understand that. I said they were. I said the result was made out and put on the

face of the returns. But the ballots were not destroyed. Here is the point I want to make: This, the case of the contestee, is surrounded by suspicious circumstances which can not be explained on any ground that will free it from the taint of fraud and corruption; not necessarily, however, on his part. I only put this case as the record puts it. Why were not these ballots destroyed, as they should have been, on the night of the election? These Doyle ballots ought not to have been destroyed, because they ought to have been returned the night of the election on the back of the returns as sample ballots, but why were not the remainder destroyed? At the very poll where these Doyle ballots appeared the ballots were kept over—what for? That is the serious question. If it did not take the gentleman from Alabama [Mr. WHEELER] so long to answer, I would like to ask him why the ballots were not destroyed?

Mr. COBB of Alabama arose.

Mr. WIKE. Well, I do not know but that the one gentleman from Alabama is about as bad as the other. [Laughter.] However, I will hear him.

Mr. COBB of Alabama. The reason is given in the evidence; it is put down in the record. It was a matter of uncertainty with these inspectors, they never having performed duty before under this Australian system, whether the ballots should be destroyed or preserved.

Mr. WIKE. Why did they destroy half of them and preserve the other half?

Mr. COBB of Alabama. They did not destroy a single ballot, because on the recount the same number appeared as on the first count.

Mr. WIKE. I will leave the gentleman to settle that question with the witness whom I shall put upon the stand. I ask the Clerk to read from the record in this case the testimony of Daniel H. Berry. It is short, and it answers the question whether the ballots were destroyed or not destroyed, and how the Doyle ballots finally got onto the back of the returns.

This testimony will be found on pages 84 and 85 of the printed record.

Mr. COBB of Alabama. There were certain ballots destroyed, but—

Mr. WIKE. Well, listen to the testimony, which the Clerk will please read.

The Clerk read as follows:

Daniel H. Berry sworn:

Examined by Mr. MANNING:

You reside in Waterloo?

I do.

And you have lived here most of your life?

Yes, sir; 40 years.

You live in the lower ward?

Yes, sir.

What is the number of your election district?

Fifth.

And as inspector of election did you make a certificate?

I did.

With the other inspectors, and filed it in the clerk's office here?

Yes, sir.

Is this the certificate?

Yes, sir.

With the votes attached thereto?

Yes, sir.

Were those the ballots that were actually voted?

Yes, sir.

And affixed by you to the certificate?

Caused to be affixed; they are.

Affixed to the one returned to the county clerk; that one you have in your hand?

Yes, sir.

Cross-examined by Mr. SUTHERLAND:

You didn't attach those tickets yourself?

No, sir.

Who did?

George H. Hulbert.

What official position did he bear to the board of inspectors of election?

None. He placed them there at my request.

When?

As chairman of the board—the morning after election.

Where?

In the county clerk's office.

Where did you get the ballots he affixed?

I saved them from the ballots cast.

Were there any ballots attached to the certificate you handed to the supervisors?

No, sir.

Were there any ballots attached to the ticket you filed in the town clerk's office?

No, sir.

You signed your certificate the night of election before the board adjourned, as the law requires?

I think we did.

You signed each of the certificates printed on the regular printed returns, did you not?

Yes, sir.

And the board adjourned?

Yes, sir.

And there were no ballots pasted on the certificate when the board adjourned?

Not that night.

Who else was present the next day in the county clerk's office beside yourself and Mr. Hulbert when these tickets were pasted on?

The other inspectors of the board.

Which ones?

Mr. Bird and Mr. Welch.
Where was Mr. Bowers?
At his work I suppose.
He was not at the clerk's office when these ballots were pasted on?
No, sir.
He signed the certificate the day before as inspector of election?
Yes, sir.
Who is this man Welch?
He was here.
Who is he? One of the board?
One of the ballot clerks.
His name does not appear in the certificate.
No, sir.
You didn't destroy the ballots that were voted at the close of the polls?
No, sir—not all—some of them.
How many did you keep?
I kept those ballots that was cast for the Doyle family.
How many others?
That was all.
Did you destroy all the other ballots that night?
No, sir.
What did you do with them?
Sealed them up.
The ballots that were voted?
Sealed them up in the ballot box.
Did you know the law required you to destroy them?
I destroyed part and sealed the place up.
How many did you preserve from destruction?
I couldn't say.
About how many, would you say?
I destroyed more than half.
You kept nearly one-half from destruction; where are they now?
I don't know.
Are they still in the ballot box, as far as you know?
No, sir.
When did you take them out of the ballot box?
I don't know as I took them out of the ballot box.
So far as you know they are still there? These Doyle ballots were not kept in the ballot box?
No, sir.
You kept them in your pocket?
Yes, sir.
And you took them out of your pocket the day after in the county clerk's office?
Yes, sir.
Sworn to before me the 23d day of March, A. D. 1891.
[SEAL.]

GEO. H. HULBERT,
Notary Public in and for Seneca County, N. Y.

Mr. WIKE. Now, I hope the gentleman from Alabama is sufficiently answered.

Mr. COBB of Alabama. Will you just allow me one moment?

Mr. WIKE. Well, I think the gentleman has had ample time in his three hours consumed yesterday to make his speech.

Mr. COBB of Alabama. As I explained on yesterday, the law requires—

Mr. WIKE. Oh, we know what the law requires. Let us not go over that again.

Mr. COBB of Alabama. I was going to explain, as to this testimony, that other witnesses testified—

Mr. WIKE. Well, I would greatly prefer that the gentleman should speak in his own time, as mine has about expired.

Mr. COBB of Alabama. Very well; I will not interrupt the gentleman further.

Mr. WIKE. So, Mr. Speaker, I was correct in my statement that a portion of these ballots were not destroyed; and I repeat this question once more, why were they not destroyed? If any of them were destroyed, why not all of them as the law required? The law requiring their destruction does not apply, of course, to the sample ballots that should have been attached to the returns, but to all the other ballots cast at the election. If these men destroyed a portion of the ballots they must have known that the law required their destruction; and hence they must have had a purpose in reserving a portion from destruction. How many did they destroy? Probably none. At any rate they reserved enough for a nest egg; enough for seed; a margin, to graft upon in case of an emergency.

It was understood perfectly well that there was a close election and there must have been some reason for refusing to destroy those ballots as the law required, and the fact that some were kept over to the next day affords abundance of suspicion that they were kept for some fraudulent and improper purpose. There were six districts in which the ballots were not destroyed, and the conclusion is irresistible that they were held over for the purpose of a recount in the event it became necessary to overcome any small majority that might appear the next day or the day after in favor of Mr. Noyes. The necessity arose. The golden opportunity anticipated presented itself. A majority of a few votes in the contestant's favor had to be overcome, and the recount was accordingly made that overcame it. It was for this villainous purpose, politically speaking, in all human probability, that the ballots were not destroyed, as the law required they should be, on the night of the election. Nothing approaching this outrageous proceeding having the appearance of fraud and corruption occurs in the case of the contestant anywhere along the line from beginning to end.

[Here the hammer fell.]

[Mr. ALLEN withholds his remarks for revision. See Appendix.]

The SPEAKER *pro tempore*. The gentleman has twenty minutes of his time remaining.

Mr. O'FERRALL. Mr. Speaker, there was an understanding that the time for debate this afternoon was to be divided equally between the two sides, and I think now that the time has been occupied in opposition to the report of the committee, and that it is only right that somebody present representing the majority of the committee should be heard.

The SPEAKER *pro tempore*. The gentleman from Mississippi is entitled to one hour. Every gentleman has been allowed to address the House for an hour who had the floor in his own right.

Mr. ALLEN of Mississippi. Then I yield the floor to the gentleman from Missouri [Mr. DE ARMOND], as I understand my friend from New York [Mr. COCKRAN] will not address the House to-day.

Mr. O'FERRALL. There was certainly a distinct understanding that the time this afternoon was to be divided equally between the two sides. This puts that side in the lead, and we have the right to introduce somebody if anyone desires to speak in behalf of the majority. I will appeal to my friend from Alabama [Mr. COBB] if that was not the understanding?

Mr. COBB of Alabama. I will inquire of the Chair how the time stands?

The SPEAKER *pro tempore*. After the expiration of this hour fifty minutes will have been used by those in favor of retaining the contestee in his seat in excess of the time consumed on the other side. The gentleman from Mississippi [Mr. ALLEN] occupied forty minutes.

Mr. BLAND. That would give the other side the next hour, which would equalize the time.

Mr. COBB of Alabama. I will state what I agreed to. We did come to this agreement, and upon that agreement the chairman of the committee made the announcement. We agreed together that this afternoon should be devoted to the debate on this question, with the further understanding that two speeches were to be made to-morrow morning, one on either side, and that the recognition should be, so far as we could control it, to equal up the time between the two sides this afternoon.

The SPEAKER *pro tempore*. The Chair is informed that the House gave no consent to such an agreement.

Mr. COBB of Alabama. I understand that.

Mr. BLAND. But the next hour can be given to gentlemen on the other side.

Mr. O'FERRALL. I had no idea on earth when I gave notice this morning that this agreement would be objected to. It was clearly understood that that arrangement would be carried out, and that the gentleman from New York [Mr. FELLOWS] and myself should close the debate to-morrow.

Mr. COBB of Alabama. Let us understand this thing, for I want the House to carry out the agreement, if it will, in good faith. It is right that it should be done, and so far as I can have any influence I will insist upon it. Just as it stands at present how is the time between the two sides? The Chair stated that after the expiration of this hour—

Mr. O'FERRALL. There are twenty minutes remaining to the gentleman from Mississippi, I understand. Let him yield it.

Mr. COBB of Alabama. Are you content to permit that?

Mr. O'FERRALL. I am; and I suppose that I will have time afterwards to equalize it.

Mr. DE ARMOND. Mr. Speaker, there is but a single phase of this case upon which I wish to present my views. I assume that we desire to dispose of the contest upon its merits. I certainly wish to consider it in that light. The portion of the case to which I wish to refer is that with relation to the Doyle ballots.

When the officers of election, in counting the ballots, came to the first one of this series, say the "A. Doyle" ballot, perhaps it did not arrest their attention. A little further along another, we will say the "B. Doyle" ballot, is found.

Perhaps the coincidence is noted, there being no such man as "A. Doyle" and no such man as "B. Doyle." A little further along another ballot is found marked "C. Doyle." The coincidence is still more marked. And so they count on, and in a little while there is found a "D. Doyle" ballot and an "E. Doyle" ballot, and a ballot with "F. Doyle" upon it and another with "G. Doyle," and so on to "T. Doyle." How far now would any reasonable man, any election officer, have to go in the handling of these ballots before a question would arise, Why this peculiar marking? Why is one man here voting for A. Doyle, another man for B. Doyle, another man for C. Doyle, and so down through the alphabetical line, until 16 of these peculiarly marked tickets are in the box?

Are there other peculiarities about them? Except that the name of Earl is stricken out of the printed ballots and the name "Doyle," with the varying initials, substituted, the tickets are the same. Now, suppose that an inquiry has arisen—and I say it would arise in the mind of any man—why this peculiar mark-

ing? How would you seek to solve that problem? When you look at the "A. Doyle" ballot alone—I say very frankly, on looking at that alone—no fair man ought to be willing to throw it out.

A. Doyle may be the voter's choice, or the fiction "A. Doyle" may be a mere whim of the voter. The man has a right to strike out the name of any candidate and insert the name of any other candidate, or any other person, or a name of his own creation. When you look at the "B. Doyle" ballot alone there would be no reason for throwing it out; but here are a series. You would look at the lot, would examine and compare the handwriting. You would find a striking similarity in this handwriting. "A. Doyle," "B. Doyle," "C. Doyle," and so on down the list—the names are all apparently in the same handwriting. And all the DoYLES are mythical creations.

Let us call some person acquainted with the handwriting, if such person can be found; see whether anybody knows whose writing it is. Yes, here is a witness; and here is another witness who knows the handwriting. The sworn testimony is before us. It is established beyond dispute or controversy that some particular man wrote all these Doyle names upon these ballots. Who is this man? He is named. He is identified. He is Duncan McArthur. What connection and relation had he to these ballots? Where does he live? Where is he to be found? In what business is he engaged?

Well, you find that this man was an active worker for one of the tickets; that there was no contest whatever with respect to the office for which Earl was a candidate, his name being printed on all the Republican and Democratic tickets and posters, but that the contest was between the other persons named on the respective tickets for other offices. What ticket was this man in favor of? In favor of the ticket which you find here marked with these names, A. Doyle, B. Doyle, C. Doyle, etc. How did this man manifest his interest in the result of the election? The evidence discloses that. He was one of a party handling "a fund."

The evidence further discloses that the man who did the writing on the Doyle ballots, Duncan McArthur, was engaged in the shameless business of corrupting voters, of buying persons to vote this party ticket. Now, having progressed thus far, I submit the question to any fair-minded man, sitting as a juror, without asking or saying whether the marked tickets were Republican or Democratic, without asking or saying anything about who would gain or who lose by counting or throwing out these Doyle ballots, what is your conclusion in regard to this series of ballots? Are they honest ballots?

Some man, actuated by a whim, some passing fancy, might put "A. Doyle" on his ticket; another happen, maybe, to put "B. Doyle" on his ballot. But these 16 ballots are not such freaks, for the same man did all the marking upon all of them. That same man was engaged in the business of procuring as many votes as he could for that particular ticket, and engaged, as the evidence shows, in procuring them by bribery. He did procure some votes for that ticket in that way. Now, up to this point there is absolutely no possibility, on this evidence, of doubt or error. The tickets were marked and voted. They were undoubtedly marked by McArthur. He is identified by name, by residence. He is right there in the very town where these votes were cast and where, later on, this testimony was taken. That man was a worker for one of the parties, for one of the tickets. He caused himself to be greatly interested in the result, resorted to the law-defying and law-breaking business of buying votes.

Now, who would gain and who would lose if these votes are counted? That question answers itself. If further facts are to be brought out, who shall bring them out? Should the man who challenges these ballots, Rockwell, be required to prove by this corruptor, this discredited man, McArthur, further facts to make good his challenge? That is precisely where this case hinges, so far as these ballots are concerned. If it is necessary for the man who asks for their rejection to make that proof from out of the mouth of the man who bought the votes against him and who, no doubt, paid for them, then these 16 votes ought to be counted, for Rockwell did not call McArthur. But I submit to every man of common experience, whether you or I, or any other man having gone that far, having brought this evidence absolutely home to this man, having proven on him this corruption, should be required to produce his testimony in corroboration? When you produce a witness you say, in effect, to those who are asked to pass upon the case, "Here I bring before you a man who knows something—a man who will swear to something, on which you may rely and form your conclusions; I bring to you a man who knows the truth and will speak the truth."

As a matter of human experience, as a matter of law, as a matter of practice in the courts, as a matter of common sense, would any man pursue that course? Would any man who has been the sufferer by bribery, who has been the victim of this vile abuse,

be required to call this man who has degraded the ballot had disgraced himself, and say of him "here is a credible witness, and from the lips of this man, from these polluted, blackened, stained lips you will get the truth; upon this man my hopes shall rest."

Now, gentlemen, let us turn the matter around. Here is the other man, the man who is to get the full benefit of those ballots, the contestant. He learns from the testimony that McArthur has been buying votes. He knows that McArthur has been working for him, and to him McArthur would be absolutely fair and candid, no doubt. He hears witnesses swear that McArthur has been engaged in this bribery, and he knows that he will get the benefit of those votes if they are counted. Now, naturally the man who was to get the benefit of those disputed ballots would be interested in the determination of this matter.

What would he do? Would there be any hesitancy on his part in going to McArthur and saying to him, "You see what this testimony is; you were right here while they were taking it. Here is this testimony which is liable to be damaging to both of us. It is liable to convey impressions that will be very injurious to me and to you. How is it? What do you know about these Doyle ballots? What explanation have you to make? What do you say to this charge of bribery?" It is past human comprehension, absolutely past human comprehension, why such questions were not asked in behalf of Noyes, or if asked, why we have not the answers, if they could help Noyes's case.

Now, this man is charged with having bribed voters, and Noyes is going to get the benefit of those votes if they are counted, but will be defeated if they are not counted. What would Noyes or his attorneys naturally do under such circumstances? Would it not be a duty to go to the man who could explain, and ask him for an explanation? Is there any other common sense basis of conduct? Is there not a connection between the parties, though total strangers? They may have never met in the world. Is there not a necessary connection which warrants one in going to the other and saying: "This thing looks a little ugly; it is capable of a bad construction, and I want you to give me an explanation of it."

I say it is past human comprehension that a man would not do that much for himself. Mr. Speaker, asserting it as a conclusion and not as a fact in testimony, I feel warranted in saying that it was done, and that the explanation could not be made.

Now, take it from another view. Here is a man living in the town where this damaging testimony is taken, an active partisan, as any man has a right to be while he is a decent man at the same time: here is a man living in this town, an active worker for his ticket. That brings no reproach upon him; none at all. But it is said in testimony that he has done a great wrong. Men swear that he has committed bribery; has corrupted voters; has committed an offense, which if proved beyond a reasonable doubt would put him behind the bars, and which, even as a charge, though not proved beyond doubt, leaves him a marked, disgraced man in the community.

Now, is that man going to remain dumb if he can explain the transaction? I say, Mr. Speaker, in view of all that has been shown about these ballots, any implicated man of prudence, any man of fairness, any man of reason, would try to explain them if it could be done. But there is not a solitary thing shown in explanation, although there was abundant opportunity. In such a case the conclusion is to my mind absolutely irresistible that those ballots were procured by bribery; that those ballots are such ballots as under the laws—not only the statutes of the State of New York, but all laws known to decent people everywhere—are to be excluded from the count.

Yet, I know that honest men disagree about this question as about other questions. I know that matters present themselves to different minds in different shapes, and I am merely trying to convey to the House in brief form the view of this case which to me seems correct. I take it for granted that it is the intention, as it is the duty, of every gentleman here to vote his own honest judgment upon this question. With these ballots marked, as has been said, as a man would mark them if he wanted to be able to determine the particular voter who voted each particular ballot, with the question of who did mark them uncontroverted, and that person proven a briber for that ticket, with every opportunity for explanation presented in the very town where this transaction took place, right under the shadow of the residence of the man charged with the bribery, I believe it is certain that the explanation would have come if there was any decent explanation to be made.

It is said that these ballots might have been marked innocently. It is said that the men who voted them might have voted them innocently. Well, who could have pointed out the men who voted them? Obviously the man who handled them and wrote "Doyle" upon them, if anybody. It could have been ascertained in two ways. Any man who voted one of those bal-

lots could have come forward and told of it; and McArthur might have given the names. But who on Rockwell's side could have gone through the streets of that town of Waterloo and summoned those men, and by any sort of magic looked into their consciences and hearts and determined who voted the Doyle ballots?

If this had been a casual marking, if it had not been an intentional marking for a corrupt purpose, what was to prevent any man who had voted one of those ballots from coming forward and saying: "Here, you challenge," say, "this 'B. Doyle' ballot; you say it ought to be thrown out. I voted that 'B. Doyle' ballot; do not throw it out. That is an honest, clean ballot." The men who voted those 16 ballots could have come forward and offered some explanation; and McArthur could have told who voted them.

Rockwell, the contestee in this case, could not possibly have hunted up those 16 men; the contestant might possibly have done it with the aid of the man who marked the ballots and who probably—I think certainly—knew the men to whom he gave them.

What better method than this of determining after election whether certain given ballots had been voted as agreed could have been devised by any bribe-giver? None under the sun. Mr. Speaker, if we determine this contest as a matter of right, as a matter of justice, we shall, I believe, throw out the Doyle ballots. The testimony before us tends very strongly to prove that they are the ballots of corrupted voters, ingeniously marked to be identified. The failure of Noyes to call McArthur has all the force of an admission that all that is testified to concerning McArthur and all that may be fairly inferred from it is true. The failure of McArthur to offer to testify, to insist on testifying, is full confession of all the guilt imputed to him. By the sternest of facts and of logic the Doyle ballots are condemned, and since the contestant's case is hopeless without them, the contestee is entitled, in my judgment, to retain his seat.

Mr. CHIPMAN. Mr. Speaker, I am well aware of the gravity of this occasion. We are not here to ask the question in the immortal language of a late statesman, "Which is our damned rascal?" We are here to perform a sacred duty. There is involved in this case, not simply the right of the individual to the seat, not only his own integrity, but there is involved the dignity and purity of this House, and above all the rights of the people of the district whose election is in controversy. And in considering such a question it is our duty to approach it dispassionately. Any man who feels aught of resentment at the course pursued in this House during the last Congress—any man who is conscious of aught of heat or of prejudice, should pause and reconsider his position, because he is in a condition which renders him an unsafe person to act in a matter of this importance.

I can not consent, and I never will consent, to following any example set here in the past or bowing to any exigency of my party, to consider a question of this kind as a partisan question. Farewell to American liberty, farewell to the rights of constituencies when that rule prevails in this body. That we should be judicial, that we should be intelligent, that we should be fair—not that we should be partisans—is the exact duty which is demanded of us now.

There has been a great deal of discussion, which, with all respect to the gentlemen around me, I consider profitless. A great deal of law has been cited—good enough in its place, but whose place is not in this case. For instance, one gentleman cited from a work upon statutes by a leading author the general proposition that an act prohibited is an illegal act.

Unquestionably that is so; but if the gentleman had taken pains to notice the collocation of the clause in the authority, he would have found that it was confined entirely to the enforcement of contracts—not to the exercise of a political right or function by a citizen. On the contrary, in reference to an act of this kind—the act of voting—when without corrupt motives the voter's ticket may be marked so that another may know whose ticket it is—while if he consents to this, he may be subject to the penalty prescribed by the statute, yet that statute does not pretend, nor can it be made by any construction to mean, to take away from him his franchise as a voter. You can not extend the penalty. That is a familiar principle in all law.

Need I argue it to lawyers; need I argue it to American citizens jealously conscious of what liberty is? You can not add a punishment to the punishment fixed by a statute. You can not say that the man shall be punished by fine and imprisonment, because the statute says so, and in addition to that, shall be punished by losing his vote—unless he has been guilty of corrupt conduct in connection with it. Fraud retains its old place and its old consequences in the election laws. A man may violate the statute as to marked ballots and yet be guilty of no corruption, which, under the old rule, would discredit his vote.

There are two aspects of this New York law: First, is the old policy of an honest ballot, the policy which we have been struggling to attain for years and years in this country, and which we hope now we are on the point of perfecting. But added to

that is the policy that the voter shall keep his vote absolutely secret. Heretofore it has been his privilege to tell how he voted; or he might refuse even in a court of justice to tell. He might do just as he pleased. But now the law comes in and says: "This is not your privilege; it is not your personal right simply; but it is the privilege, the right, the protection, the grand need of society; and we have framed this provision in order to insure freedom from dictation and to render corruption hopeless of success. So that when the law says this it says it in a reasonable sense."

The object is to prevent corruption and dictation; and if the voter marks his ballot so that others may know it as his, the law says: "While you may not be corrupt, still you shall be punished for doing this because it is against public policy." And on the other hand the law says: "If in addition you have been guilty of corruption, whatever punishment is affixed to corruption shall be meted out to you, for you are guilty of two offenses—first, of marking your ballot contrary to the statute, and secondly, of committing fraud, both of which the statutes punish."

Now, upon both the reports here there can be no doubt that Mr. Noyes was entitled to the certificate of election. The decision of the highest court in the State of New York is decisive upon that point. Not the ballots pasted on the back of the statements—or what we generally call the returns of the vote made by the canvassers—but the statements themselves, the court of appeals say, in their decision, are "fundamental, jurisdictional, and conclusive." Can language be stronger than that? Do gentlemen know what that language means, coming from a court of last resort? "Fundamental, jurisdictional, conclusive!" That is, the statement was all that the county canvassers could act upon, all that the board of State canvassers could act upon.

It is final so far as they are concerned. Their duties are purely ministerial; they have no judicial power to sit and try the question whether the ballot is marked so that the man who voted it might be ascertained by that mark. They can not hold a court upon every occasion when they are counting ballots and trying to ascertain the result of elections. It would be monstrous if at the whim or caprice of any election officer the ballot of a citizen might be cast out without a full, judicial hearing. A pretty portal that would be to the sanctity of election—a most singular reform of the elective franchise, which would allow canvassers in the heat and zeal and hurry of an election, without hearing testimony, without the responsibility of an oath being put upon anybody, to disfranchise a citizen and cast out his ballot upon a determination that it was marked so that others might know who voted it. To ascertain that certainly requires a judicial procedure.

So that it will be seen we start from this position—that Mr. Noyes was entitled to the certificate. Whether the 16 Doyle ballots were legal or not, whether the 28 Rockwell ballots were legal or not, Mr. Noyes starts from that position; and if the returning board of the State of New York had respected the decision of that high tribunal, the court of appeals, the only body to whom is confided by the institutions of that State the duty of determining what the law is, they would have given Mr. Noyes the certificate.

Mr. MOORE. Will the gentleman allow an interruption? The court of appeals did not pronounce on the case when the returns were before the authorities in New York.

Mr. CHIPMAN. I may be in error about that. But still the essential fact remains—and that is the fact which is important in this connection—that Mr. Noyes, under the decision of the supreme court of the State, was entitled to the certificate.

Mr. O'FERRALL. The certificate was issued, if the gentleman will permit me to interrupt him, after the decision of the supreme court in special session.

Mr. CHIPMAN. I do not know what process there was; I do not know by what means the decision was circumvented; I do not know why this spectacle is presented of the court of appeals of this great State, which alone has the power to construe the law, deciding one way, and a body not at all clothed with that power, but having a ministerial capacity only, deciding in another way. I care not. The grand fact, the root, the foundation fact, the one from which we start in our entire investigation of this case, remains that either the supreme court of New York was wrong or Mr. Noyes was entitled to the certificate. Now, gentlemen, if we do not desire to evade what is exactly spread before our eyes, if we do not wish to cheat our own senses, if we are not overcome by prejudice, if it is not our will that our prejudices should overwhelm us, or that partisan zeal shall outrun our discretion, that fact must of necessity have great weight in the discussion of this matter and in the determination of the result.

We start there. I do not care about the other votes, the scattering votes, discussed by gentlemen—some of whom succeeded in bringing the majority down to 6, and in some instances to 2 or 3.

I care nothing about these. The question is raised over the Doyle ballots principally; but I submit, and hope I can maintain, to this House that there is a greater question still than the Doyle ballots, and that is in reference to the 28 marked ballots which it is contended are not in testimony. So far as the Doyle ballots are concerned, they may or may not have been put into the box corruptly. It is barely possible that they may not have been.

My judgment is that there was probably corruption in connection with these ballots. Whether there was or not the testimony is before you, and it is for you to determine one way or the other. But testimony was offered in regard to the 28 ballots which were marked in a peculiar manner. It is said that they came in after rebuttal; came in too late under the statute. I grant that. I have no quarrel with that position; but is a gentleman willing to occupy his seat in this House, is he willing to embark his honor upon a mere technicality? That is the question.

But, sir, there is a higher question still remaining. Are we, with a fact of this nature staring us in the face, to ignore it entirely, and say the technical rules of law deprive this great body of acting in a way which is compatible with its dignity and its power? Sir, you have a law of contests; but a contest is not necessary to a decision of the right to a seat here. You can not by any statute deprive the House of the full and affluent power to determine the right of a man to a seat. You can not bind yourselves to the technicalities of a statutory proceeding. You have no constitutional capacity to do that. Ordinarily you ought to be so bound; ordinarily whatever is required by statute to be done in these cases should be done.

But here a wonderful thing happens. Here, in the beginning of the reform so eulogized by my friend from Mississippi [Mr. ALLEN], are two facts thrust upon us from the same district in the great State of New York, one the Doyle ballots and the other the 28 marked ballots with the 5 and the 8 and the check marks thereon. Can we shut our eyes to their existence? Suppose a man comes on this floor and subsequently admits that he is an alien, that he never was naturalized. Will you wait until somebody contests his seat? Will you let him stay here in violation of the Constitution and of your rights, day in and day out, until a technical contest is presented before you unseat him? By no means. You would simply say, "Depart; you have no right here."

Now, in regard to these 28 votes. I appeal to gentlemen to know what were they marked for? Who knows, uninvestigated as it is, but that it was a piece of subtler villainy than even the Doyle transaction? Was it done from a spirit of idle sport? Was it, like the Doyle ballots, a mere retail corruption, or a corruption by job lots *en masse*? Then who was the villain; who committed the wrong; and why were these marks put on the ballots? If the position just taken by the gentleman from Mississippi [Mr. ALLEN] is correct, that any mark on the ballot which would designate it is *prima facie* evidence of fraud, why does not the gentleman who is holding this seat arise and say to the House: "You have the power; let me go on; this man took me unawares—this contestant; he came upon me unprepared; I had not the time; but you can give me the time, give me all the days of this Congress, to vindicate my honor and to vindicate my right to a seat here." You could do it; he could do it.

There is nothing in the Constitution to prohibit it, but everything to invite it, and no statute can curtail the power to do it. There is everything to commend such a course, and for that reason I have no doubt that this case should be recommitted to the committee to give the gentleman an opportunity to dispel the doubt which exists in the minds of many to-day. Sir, if the presumption is conclusive that the alphabetical Doyle marks on the Noyes ballots are evidence of fraud, it is equally conclusive that the numeral marks and checks on the Rockwell ballots are evidence. It is only on such a presumption that each and every of the Doyle ballots can be invalidated.

Sir, it is of more importance that every seat here shall be a clean seat than that any particular man shall sit in it.

Mr. HAUGEN. Will the gentleman permit an interruption? Mr. CHIPMAN. Certainly.

Mr. HAUGEN. In regard to these 28 ballots, the gentleman is aware that the counsel for contestee objected and instructed the witness not to answer the questions put.

Mr. CHIPMAN. I heard that. I do not wish to say anything acrimonious.

Mr. HAUGEN. It appears in the record.

Mr. CHIPMAN. I repeat, I do not wish to say anything acrimonious. There might be a view of this subject which would call for an outburst which I do not regard proper on this occasion. It might be that some of you gentlemen would have stood up manfully and said, "I will waive everything. This smirches me." To use a favorite expression of my friend from Mississippi [Mr. ALLEN], some of you would have said, "This fly-blows me. I will not submit to it. I will not rest under the imputation, and

if the law does not give me the time, the House will give it to me, and I will assert my own dignity and my own honor."

But, Mr. Speaker, I repeat it is of more importance that there shall be clean seats here than that you or I or any particular man shall be here. The liberties of the people are involved in just such issues as this. If we treat lightly a contest for a place here, if we juggle and gamble with the ballot box upon this floor, what becomes of your ballot reform? What becomes of the dignity of your institutions? Of what honor is a place in this House? If you are here, the poor creature the product of fraud, of twilight methods, of doubtful means, what honor to put "M. C." at the end of your name? What glory to go forth and be ranked with the wretches who do mean and doubtful deeds?

Mr. O'FERRALL. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the announcement of the vote, by unanimous consent leave of absence was granted as follows:

To Mr. WILLIAMS of Illinois, until May 7, on account of important business.

To Mr. NEWBERRY, for ten days, on account of important business.

To Mr. BELKNAP, for two days, on account of important business.

To Mr. BOWERS, for two days, on account of important business.

ENROLLED BILL SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 2786) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; when the Speaker signed the same.

The motion was agreed to.

Accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, and referred to their appropriate Calendars, as indicated below:

PENALTY FOR CARRYING OR SELLING DEADLY OR DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back as a substitute for Senate bill 1060 the bill (H. R. 8294) to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MEMORIAL ASSOCIATION, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back Senate concurrent resolution amended so as to read: Joint resolution (H. Res. 121) relating to Memorial Association of the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SEMIANNUAL STATEMENTS BY FOREIGN CORPORATIONS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back with an amendment the bill (H. R. 6793) to provide for semiannual statements of foreign corporations doing business in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CENTENNIAL BOARD OF FINANCE.

Mr. BUCHANAN of New Jersey, from the Committee on the Judiciary, reported back the bill (S. 2107) to enable the Centennial Board of Finance, incorporated by an act approved June 1, 1872, to close its affairs and dissolving said corporation; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ONE-HORSE CARS, CITY OF WASHINGTON.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 8122) to prohibit the use of one-horse cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GLEN ECHO RAILROAD COMPANY.

Mr. HEARD also, from the Committee on the District of Columbia, reported back as a substitute for House bill 7315, the bill

(H. R. 8295) to authorize the Glen Echo Railroad Company to cross the Washington Aqueduct; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 3914) granting a pension to Frank Rabiska—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3915) granting a pension to Mrs. J. F. Clark—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6743) for the relief of Eugene B. Payne—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8233) for the relief of William Noon, of Seventh United States regulars—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. TERRY: A bill (H. R. 8291) for the relief of certain persons residing in the original Hot Springs Reservation in the State of Arkansas—to the Committee on the Public Lands.

By Mr. WASHINGTON: A bill (H. R. 8292) to prohibit the making of any contract by the Postmaster-General with any steamship company or common carrier that makes unjust discrimination against any port of the United States, as to imports, for carrying the foreign mails—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWSON of Virginia: A bill (H. R. 8293) to authorize the construction of a railway across the Government reservation at Willoughby Spit, Virginia—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 8311) to provide for a national currency circulating medium, and to provide for the circulation thereof—to the Committee on Banking and Currency.

By Mr. BOWERS: A joint resolution (H. Res. 122) proposing an amendment to the Constitution in reference to a national money system—to the Committee on the Judiciary.

By Mr. WILLIAMS of Massachusetts: A resolution to print the report of the Director of the Mint on the production of the precious metals for the year 1891—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BACON: A bill (H. R. 8296) to reimburse John Waler, former postmaster at Monticello, N. Y., for moneys expended in carrying the mail—to the Committee on Claims.

By Mr. BUCHANAN of New Jersey: A bill (H. R. 8297) for the relief of Laura C. Slack—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 8298) to pension Emma Johnson, blind and dependent daughter of Daniel D. Johnson, Company B, One hundred and forty-second New York Volunteers—to the Committee on Invalid Pensions.

By Mr. FYAN: A bill (H. R. 8299) for the relief of Winter Frost, administrator of Seaburn M. Johnson—to the Committee on War Claims.

By Mr. HAYES of Iowa: A bill (H. R. 8300) correcting the muster of Second Lieut. E. D. Hadley—to the Committee on Military Affairs.

By Mr. HARMER: A bill (H. R. 8301) for the relief of John S. Walter, late second lieutenant of Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry—to the Committee on Military Affairs.

By Mr. HOUK of Ohio: A bill (H. R. 8302) for the relief of John R. Brown—to the Committee on Military Affairs.

By Mr. MCKINNEY: A bill (H. R. 8303) for the relief of James E. Morrill—to the Committee on Military Affairs.

By Mr. MILLIKEN: A bill (H. R. 8304) granting a pension to Ruth M. Haskell—to the Committee on Invalid Pensions.

By Mr. PATTISON of Ohio: A bill (H. R. 8305) granting a pension to Nancy J. Lloyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8306) granting a pension to Josiah R. Pickett—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 8307) authorizing the appointment of Dr. Ira L. Sanderson as assistant surgeon in the United States Army—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 8308) for the relief of G. P. Reeves—to the Committee on Invalid Pensions.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 8309) granting an increase of pension to Sarah A. Carr—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 8310) granting a pension to Robert S. Campbell, veteran of Seminole war, 1837—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Two protests of Farmers and Laborers' Union, one of Scott County, and the other of Cape Girardeau County, Mo., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

By Mr. ATKINSON: Papers in the matter of Delphine P. Baker, of the city of New York—to the Committee on War Claims.

By Mr. BARWIG: Petition of voters of the Second Congressional district of Wisconsin, for support of the bill introduced by Hon. D. B. HENDERSON, of Iowa, in favor of safety car-couplers and automatic brakes—to the Committee on Interstate and Foreign Commerce.

By Mr. BENTLEY: Petition of N. B. Hinckley Post, No. 227, Grand Army of the Republic, for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BLAND: Two protests of Farmers and Laborers' Union of Missouri, one of citizens of Crawford County and the other of Callaway County, against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. BROOKSHIRE: Petition of P. A. Peel and 41 others, of Sullivan County, Ind., and members of the Seventh Day Adventist Church, against the passage of any bill or resolution by Congress with reference to the closing of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BURROWS: Protest of members of the Seventh Day Adventists, of Michigan, against the Congress of the United States committing the Government to a union of religion and the state—to the Select Committee on the Columbian Exposition.

By Mr. CATE: Papers in the claim of William D. Allen, of Madison, St. Francis County, Ark.—to the Committee on War Claims.

By Mr. CURTIS: Two petitions of the Ox Bow Grange, No. 691, of New York, one to prevent gambling in farm products and the other for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. DE ARMOND: Protest of Pierce Hackett and other citizens of Bates County, Mo., against the Brosius lard bill (H. R. 395) and for a general pure-food bill—to the Committee on Agriculture.

Also, petition of Calhoun (Mo.) Post, Grand Army of the Republic, for the bill to preserve the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, protest of Farmers and Laborers' Union, No. 1312, of Missouri, against the Brosius lard bill (H. R. 395), and for a pure-food bill—to the Committee on Agriculture.

By Mr. DOCKERY: Protest of Farmers and Laborers' Union, No. 3106, of Dekalb County, Mo., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. DUNGAN: Petition of Col. Val. Cupp Post, Grand Army of the Republic, of Fairfield County, Ohio, in favor of marking the battle lines of Gettysburg—to the Committee on Military Affairs.

By Mr. FYAN: Protest of citizens of Newton County, Mo., against closing the exposition at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

Also, remonstrance of Gaither Post, No. 462, Department of Missouri, Grand Army of the Republic, against appropriations for the decorations of battlefields, etc.—to the Committee on Military Affairs.

Also, protest of Farmers and Laborers' Union, No. 57, of Newton County, Mo., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

Also, protest of Farmers and Laborers' Union, No. 1143, of Barry County, Mo., against the passage of the Brosius lard bill (H. R. 395), and praying the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. GRISWOLD: Petition of citizens of Erie, Pa., for the passage of House bill 401 in regard to immigration and importation of aliens—to the Select Committee on Immigration and Naturalization.

By Mr. HARMER: Petition of John S. Walter, late second lieutenant of Company B, Thirteenth Regiment Volunteer Cavalry of Pennsylvania—to the Committee on Military Affairs.

By Mr. HARTER: Petition of the National Philatelic Society, to place postage stamps on the free list—to the Committee on Ways and Means.

By Mr. HATCH: Two protests of Farmers and Laborers' Union of Missouri, one of Macon County and the other of Adair County, protesting against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

Also, resolutions of National Grange, Washington, D. C., in favor of pure-food law—to the Committee on Agriculture.

By Mr. HENDERSON of Iowa: Petition of Raymond Parke Lodge, No. 197, of the Brotherhood of Railroad Trainmen, North Dakota, urging legislation for the protection of railroad employees—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the conference of the State railroad commissioners with the Interstate Commerce Commission urging Congress to give legislation for protection of railroad employees—to the Committee on Ways and Means.

Also, resolutions of the Bricklayers' International Union, No. 3, Dubuque, Iowa, favoring the passage of House bill 257—to the Committee on Labor.

By Mr. HOOKER of New York: Petition of F. T. Williams, of New York, in reference to the reduction of letter postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

Mr. HOPKINS of Illinois: Petition of citizens of Lake County, Ill., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HULL: Resolutions of the Des Moines (Iowa) branch of American Stonecutters, for enforcement of the eight-hour law on public buildings, and that all material proposed for public buildings by contract shall be excluded—to the Committee on Labor.

By Mr. LODGE: Remonstrance of the American Tool and Machinery Company and 12 other manufacturers of such machinery, in Boston, against admission to this country of foreign beet-sugar machinery free of duty—to the Committee on Ways and Means.

By Mr. MARTIN: Remonstrance of B. F. Anderson and 84 other citizens of Denver, Ind., against legislation to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, affidavits of Lydia Bollman, Charles L. Curtis, and Ellen Bollman, in support of House bill granting pension to said Lydia Bollman—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of Walter L. Parker Post, No. 156, Grand Army of the Republic, of Maine, to mark the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Ruth M. Haskell, for increase of pension—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: Petition of citizens of Pennsylvania, for an amendment to the Constitution prohibiting States from granting the right of suffrage to persons not citizens of the United States—to the Committee on the Judiciary.

By Mr. O'NEILL of Pennsylvania: Memorial of the Woman's Silk Culture Association of the United States, asking for an appropriation of \$10,000 a year for three years for making silk culture a permanent industry—to the Committee on Agriculture.

Also, remonstrance of citizens of Philadelphia, adopted at a meeting held in the Fifth Baptist Church, against appropriating or loaning money to the Columbian Exposition unless upon condition that the fair be closed on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. OTIS: Petition of the Woman's Foreign Missionary Society of the Friends Church, of Barclay, Kans., protesting against the sale of intoxicating liquors to the natives in Alaska—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PATTISON of Ohio: Petition of John W. Davis and others of Thomas J. Nolan Post, No. 659, Grand Army of the Republic, Fairfax, Ohio, asking for the marking of battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. RAY: Two petitions of East German Grange, No. 478, of New York, one for the passage of a law to prevent the adulteration of food and drugs and the other to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. STEPHENSON: Petition of David Wood and 15 other church members and 62 other signers, of Alma, Mich., to close the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH D. TAYLOR: Memorial of Lindlay M. Fullis Post, No. 123, Grand Army of the Republic, of Ohio, signed by 32 members thereof, praying for legislation preserving and marking the lines of Gettysburg battlefield—to the Committee on Military Affairs.

Also, two petitions of citizens of Ohio, one of Columbiana, having 220 signatures, and the other, of Jefferson County, having 180 signatures, praying for the passage of House bill 401, introduced by Hon. WILLIAM A. STONE, of Pennsylvania—to the Select Committee on Immigration and Naturalization.

Also, memorial of J. H. Reaves Post, No. 223, Grand Army of the Republic, of Ohio, signed by 33 members thereof, praying for legislation preserving and marking the lines of Gettysburg battlefield—to the Committee on Military Affairs.

By Mr. TERRY: Two petitions of citizens of Arkansas, one of Mill Creek Township, Franklin County, and the other of Johnson County, against dealing in futures—to the Committee on Agriculture.

By Mr. TRACEY: Petition of F. J. H. Merrill, of New York, favoring the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. WARWICK: Petition of the Presbytery of Wooster, Ohio, against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WASHINGTON: Resolutions of Merchants' Exchange of Memphis, Tenn., protesting against the action of the United States and Brazil Steamship Company, in refusing to deliver coffee at the port of Newport News, Va.—to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, April 22, 1893.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, with a request for favorable action thereon, a recommendation from the Commissioner of Indian Affairs relative to the granting of pensions and medals to certain Indians of the Standing Rock Agency, together with copies of correspondence relating thereto and drafts of bills to carry the recommendation into effect; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Rev. James A. Worden and other citizens of Philadelphia, Pa., praying that no money be appropriated for the Columbian Exposition except on condition that it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HOAR presented a petition of Congregational ministers of Boston, Mass., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented the memorial of F. C. Pierce and other citizens of Vernon County, Mo., remonstrating against the passage of any legislation by Congress committing the Government to a union of church and state; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. McPHERSON presented the petition of Andrew Alcorn and 77 other citizens of Perth Amboy, N. J., praying for the adoption of an amendment to the Constitution of the United States, providing that no State shall pass any law respecting an establishment of religion or make appropriations for sectarian purposes; which was referred to the Committee on the Judiciary.

Mr. BATE presented a petition of citizens of McNairy County, Tenn., praying for the passage of the Butterworth option bill; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of Elijah Seils, secretary, and 6 other Federal officers of Utah Territory; the petition of Frank Hoffman, department commander, and 3 other officers of the Grand Army of the Republic of Utah Territory; the petition of Hugh Anderson and 25 other citizens of Salt Lake City, Utah; the petition of J. S. Langston, commander George R. Maxwell Post, Grand Army of the Republic, and 22 other citizens of Salt Lake City, Utah; the petition of J. Melton and 33 other citizens of Salt Lake City, Utah, and the petition of Frederick Solomon and 7 other citizens of Salt Lake City, Utah, praying that if any disposition is to be made of the Industrial Home property at Salt Lake City, Utah, it may be set aside for the use of a sol-

diers' home for disabled and needy soldiers and sailors; which were referred to the Committee on Territories.

Mr. PROCTOR presented the memorial of Daniel Wilcox and other members of the Seventh Day Adventist Church at Jamaica, Windham County, Vt., remonstrating against Congress committing the Government to a union of religion and the state by the passage of any legislation to close the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Clarke W. Harrington, of Hampton, Va., praying that he be appointed custodian of the Yorktown Monument, in Virginia; which was referred to the Committee on Appropriations.

Mr. PLATT presented a memorial of Colchester Grange, Patrons of Husbandry, of Connecticut, remonstrating against the passage of legislation allowing gambling in farm products; which was referred to the Committee on the Judiciary.

He also presented a memorial of citizens of Washingtonville, Pa.; a memorial of citizens of Lehigh County, Pa.; a memorial of citizens of Luzerne County, Pa.; a memorial of citizens of Sandusky, Ohio; and a memorial of citizens of Chester County, Pa., remonstrating against the passage of the Faulkner, Caine, and Teller bills to provide home rule for Utah; which were referred to the Committee on Territories.

Mr. FRYE presented the petition of Rev. C. M. Emery and 42 other citizens of Norridgewock and South Norridgewock, Me., praying for the passage of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion, or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented a petition of 29 members of Vincent Mountfort Post, No. 22, Grand Army of the Republic, Department of Maine, praying for the passage of legislation providing for the marking of battle lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

Mr. DANIEL presented the memorial of W. W. Hubbell, of Appomattox County, Va., remonstrating against the passage of any legislation permitting the free importation of wool; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a petition of the Woman's Christian Temperance Union of Ypsilanti, Mich., praying that the Chinese exclusion act be not made to apply to those who come with wives and families to make permanent homes in this country; which was referred to the Committee on Foreign Relations.

He also presented the memorial of W. H. Falconer and 25 other members of the Jefferson Seventh-Day Advent Church of Pittsford, Mich.; the memorial of John T. Terrell and 23 other members of the Seventh-Day Advent Church of Byron Center, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the passage of any legislation by Congress committing the Government to a union of church and state; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Bath Grange, Patrons of Husbandry, of Michigan:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. CULLOM presented a petition of sundry citizens of Rockford, Ill., praying for the adoption of an amendment to the Constitution of the United States, prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 2174) to incorporate the Cross-Town Railroad of the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2805) to establish a botanic hospital and home and a free school in the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the

bill (S. 2852) to change the name of the Capitol, North O Street and South Washington Railway Company, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1965) to reimburse James M. Trotter, late recorder of deeds of the District of Columbia, for amount expended for record books of the office of recorder of deeds in said District, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. STEWART. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, to report it with amendments. I give notice that I shall call the bill up on Monday next.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the resolution of the common council of Sault St. Marie, Mich., in favor of an appropriation for the completion of the new post at Fort Brady, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the memorial of the Legislature of Oregon, concerning the reestablishment of Fort Klamath as a military post, asked to be discharged from its further consideration; which was agreed to.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Agriculture and Forestry, to whom was referred an amendment submitted by himself intended to be proposed to the agricultural appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations and that it be printed; which was agreed to.

APPEALS IN CAPITAL CASES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2171) to amend section 766 of the Revised Statutes of the United States, to report it favorably, with an amendment. I call the attention of the Senator from New Jersey [Mr. MCPHERSON] to the report.

Mr. MCPHERSON. I ask the chairman of the Committee on the Judiciary if he will object to my requesting the unanimous consent of the Senate for the immediate consideration of the bill?

Mr. HOAR and Mr. HARRIS. Let the bill be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 766 of the Revised Statutes be amended by adding thereto, at the end of said section, the following words: "Provided, That said appeal shall not stay execution in capital cases unless accompanied by an order from the judge from whose decision such appeal is taken, restraining the sheriff or other officer from executing the sentence of the trial court."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DOLPH. I should like to know what the section is that is proposed to be amended and what the bill is before I consent to its being considered at present.

Mr. HOAR. I will make an explanation, if it please the Senate. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment of the committee will be stated.

The CHIEF CLERK. Add to the bill:

Or unless such order be obtained from some justice of the Supreme Court of the United States.

Mr. HOAR. The section of the Revised Statutes of the United States referred to authorizes an appeal to the circuit court of the United States, among other things, where any person convicted in a State court claims to have acted under the authority of any statute of the United States, or under any authority derived from the law of the United States, or that he is restrained of his liberty in violation of the Constitution or any law or treaty of the United States, or where he justifies his act by setting up an authority from any foreign power, the latter being intended to cover the old McLeod case, which my friend from Oregon [Mr. DOLPH] knows as thoroughly as anybody, who was formerly a citizen of the State of New York, where it arose.

The provision of the Revised Statutes further is that where an application is made to a circuit court of the United States for a habeas corpus, and an appeal is taken, no action of the State authority shall be of any validity thereafter until the appeal is decided. That provision was originally applied only to a case where the prisoner set up the action of a foreign government in justification, but by a subsequent statute that provision is extended to all cases, the result of which is that a person sentenced

capitally in a State court may apply to a circuit court of the United States and set up that he was acting under some authority of the United States in the matter for which he is convicted, or that he is restrained of his liberty in violation of the Constitution or any law or treaty of the United States, and if the habeas corpus be denied by the circuit court he can appeal to the Supreme Court of the United States, and in such cases all proceedings in the State must be suspended. When the case reaches the Supreme Court of the United States, and is just ready for decision he can withdraw his appeal, or his claim can be overruled by the Supreme Court of the United States, he takes another application to a circuit court and another appeal, and so on forever.

Judge Sawyer, a very eminent and learned judge, lately deceased, held—and the circuit court in New Jersey deems itself bound by the precedent established by Judge Sawyer—that the overruling of one appeal or the withdrawal of one does not prevent a new application and a new appeal founded on precisely the same cause. Although Judge Green, of the New Jersey circuit, does not think that is a sound view, he feels constrained to follow it. So no person can be executed capitally in this country. There is a man in New Jersey who has been sentenced by the court of that State to be executed for an atrocious murder of his own wife. He pleaded guilty, and the court under the law of New Jersey declared the murder to be murder in the first degree, and he was sentenced to be executed. He comes into the circuit court and claims that that is in violation of the Constitution of the United States, which provides a jury trial in all capital cases, although it has been again and again declared by the Supreme Court of the United States that that provision of the Constitution does not apply to State courts, but only to courts of the United States, which is as well settled a doctrine of law as any in the reports. Still Judge Green, denying his application for a habeas corpus, feels constrained to grant his appeal, and, one having been granted and withdrawn by the petitioner, he comes and asks anew and gets another one, so that the State authority is absolutely defied.

The bill proposes to remedy that by providing that the proceedings in the State where an appeal is taken shall not be delayed unless one of two things happens: either the judge who denies the application for a habeas corpus and grants the appeal shall make an order directing the State authority to proceed no further, or, in order that that may not rest exclusively on the discretion of the judge whose judgment is appealed from, that such order shall be obtained from any justice of the Supreme Court of the United States. This appeal has existed only since 1885 in the suspension of this class of cases, and we think we have carefully guarded it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HALE. I shall not object if it takes no time.

Mr. HOAR. It is over now.

Mr. PALMER. I should like—

The PRESIDENT *pro tempore*. Does the Senator from Illinois rise to object to the consideration of the bill?

Mr. PALMER. I merely want to ask a question.

Mr. HALE. I object, if it gives rise to debate.

Mr. HOAR. I think all the time has been taken that will be required.

Mr. PALMER. I merely want to ask if the bill would still permit applications to be made to any justice of the Supreme Court.

Mr. HOAR. Certainly, the application may be made to any justice of the Supreme Court.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on the Judiciary to add to the bill:

Or unless such order be obtained from some justice of the Supreme Court of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. HOAR. There is a brief letter from the attorney-general of New Jersey to the Senator from New Jersey, which I ask may be printed in the RECORD as part of my remarks.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

The letter is as follows:

STATE OF NEW JERSEY, OFFICE OF ATTORNEY-GENERAL,
Trenton, February 10, 1892.

MY DEAR SENATOR: I desire through you to call the attention of the Judiciary Committee of the Senate to the importance of an immediate amendment of Revised Statutes 764, as amended by the act of March 3, 1885.

Judge Sawyer, *in re* Sun Hung and another, 24 Federal Reporter, page

723, thus speaks of the section as it stands: "Upon examination I have come to the conclusion that I have no discretion in the matter, and that the right of appeal is absolute. I think the act must have passed without due consideration, without appreciating the effect or the consequences of an unlimited right of appeal." Other circuit courts have taken the same view of the act, and the courts of the United States are being used in cases where they have no jurisdiction to stay the execution of the criminal laws by the State courts. There have been several cases, but perhaps the most striking is the case of Hallinger, which was before Judge Green, judge of the district court of New Jersey. The case was this: About a year ago Hallinger pleaded guilty in the court of oyer and terminer of the county of Hudson to an indictment setting forth the facts constituting atrocious murder of his own wife.

Under the New Jersey statute and in accordance with the settled practice of the State the judge fixed the degree of murder which the law applied to the facts as murder in the first degree. He was accordingly sentenced to be hung. A few days before the time of execution application was made to Judge Green for a writ of habeas corpus under the act of 1867, extending the power of the United States judiciary "to all cases where any person may be restrained of liberty in violation of the Constitution or any treaty or law of the United States" (see section 754, chapter 30, title habeas corpus, Revised Statutes 1878). The petition alleged that Hallinger was deprived of his liberty contrary to the Constitution of the United States and the constitution of the State of New Jersey, because he had not had a trial by jury. Judge Green refused to grant the writ, and petitioner took an appeal; the judge allowed the appeal under the statute. The petitioner did not prosecute the appeal, but suffered it to be dismissed by the Supreme Court of the United States. In accordance with the practice in New Jersey another day was fixed by the judge for the execution, which was the 10th of February. On the 6th an application was made to Judge Green again for another writ of habeas corpus; the petition containing the full record of the court and alleging, as before, that the detention was in violation of the constitution of the State and of the United States because the culprit had not had a trial by jury. The attorney-general of the State was notified after the judge had refused the writ, but before the appeal papers had been indorsed. He objected to the appeal being granted on the ground that the judge himself had decided that he had no jurisdiction in the matter, and therefore no appeal would lie; that in *Jugro's* case (140 U. S., page 291) the court held that the statute made the appeal a stay from all proceedings in the State court "until final judgment;" that the former appeal should be considered as an estoppel from a new application for release from the same imprisonment.

Judge Green agreed entirely with the attorney-general, but felt himself bound by the decision of Judge Sawyer and the words of the act to grant the appeal, although on the face of the petition itself it appeared that it simply was an effort to examine into error from a writ of habeas corpus directly from a court of oyer and terminer of the State to the Supreme Court of the United States. This construction of the statute is contrary to the ruling of the Supreme Court of the United States *in re Lange* and *Ex parte Parks*, where it is held that if a court has jurisdiction and a writ of error lies under a writ of habeas corpus, it will be also observed that it is settled law that the fifth amendment to the Constitution of the United States does not guarantee the right of trial by jury in the State courts, and the allegation is therefore simply that the State law is not in accordance with the State constitution, and this is the only question presented to the United States judge, and for which reason he of course promptly refused the writ.

My own judgment is that Hallinger could have been hung to-day without any risk whatever. Judge Green refused to make any declaration on the subject, and directed the sheriff to take the advice of the attorney-general. In view of the fact that Judge Green granted the appeal against his will, because he felt bound by the decision of Judge Sawyer, and that Judge Sawyer, in making the decision, had pointed out the evil which would flow from his construction, and the fact that Judge Harlan held in *Jugro's* case that the appeal was an absolute stay. I advised the sheriff to disobey the sentence of our own court.

Under these circumstances Judge Green has suggested that the power of appeal should be discretionary in the court or judge refusing the writ. As this is also the opinion of Judge Sawyer, it would seem to be proper that such an amendment should be immediately made to relieve the State authorities from the dilemma in which they are placed; or it is suggested that the same end would be reached by declaring that no appeal should be a stay, but giving discretion to a judge of the supreme court or the presiding judge of the circuit court of appeals to grant a stay in his discretion.

You will see the importance of immediate action in this matter, and I will thank you to present it to the proper committee, and if I can be of any service in further explanation I will be glad to attend on being notified.

I am, very truly, yours,

JOHN P. STOCKTON.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was passed.

LANDS AT DETROIT.

Mr. WILSON. By direction of the Committee on the Judiciary I report back favorably without amendment the joint resolution (H. Res. 10) for the release of all claim of the United States to lot 18, section 2, governor and judges' plan, Detroit. Inasmuch as it is a matter of some importance in connection with quieting title, I ask that the joint resolution may be considered at the present time. It will give rise to no debate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HALE. If it gives rise to no debate I shall not object.

Mr. WILSON. I do not think it will incur any debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WILSON. In explanation of the joint resolution, I will state that it was submitted to the Secretary of the Interior for any suggestions or information that he might desire to communicate to the committee, and he referred the matter to the Commissioner of the General Land Office, who has reported fully upon it, and from which report I will read two brief paragraphs. Referring to the report of the House Judiciary Committee, he says:

It appears from said House Judiciary report that the western part of the lot in question "passed by due conveyance into the possession of Gen. Lewis Cass," and further, that "a search through the Departments here fails to show a title in Gen. Cass to the eastern portion of the said lot." I am therefore of the opinion that the Government has never in any manner parted with title to the eastern portion of said lot 18, except as provided by the

above-cited act of August 29, 1842, in accordance with which fee-simple title to all public land in the original site of Detroit passed to the mayor, recorder, and aldermen of said city.

Said last-named officials were required to make report of their proceedings to Congress on or before January 1, 1844. Presuming that they did so without having conveyed to anyone the portion of the lot in question, and in view of Mr. Glover's long and undisputed possession of the same, I respectfully recommend the removal of all cloud to his title thereto by the passage of the resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT BUILDING PERMITS.

Mr. WOLCOTT. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia, to report it favorably with amendments, and I ask unanimous consent for its immediate consideration. The matter is one of great importance.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. What is the object of the joint resolution?

Mr. WOLCOTT. Let the amendments be read.

The PRESIDENT *pro tempore*. The amendments of the committee are now in order, and will be stated.

Mr. KENNA. Let the joint resolution be read as proposed to be amended.

The PRESIDENT *pro tempore*. The first amendment will be stated.

The CHIEF CLERK. In line 6, strike out the words "until further provided for by," and insert in lieu thereof "less than 40 feet in width, during the first session of the Fifty-second;" so as to read:

That the Commissioners of the District of Columbia are hereby instructed not to issue any more permits for buildings intended for human habitation in alleys in the District of Columbia less than 40 feet in width during the first session of the Fifty-second Congress.

Mr. WOLCOTT. There is another amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment proposed by the committee.

Mr. KENNA. Let the joint resolution be read as it would stand if amended.

The PRESIDENT *pro tempore*. That may be done for the information of the Senate. The amendments, however, must be proceeded with in a parliamentary way.

Mr. KENNA. For that purpose I ask that it be done. It is very short.

The PRESIDENT *pro tempore*. The resolution will be read as it would read if amended.

The Chief Clerk read the resolution as proposed to be amended, as follows:

The Commissioners of the District of Columbia are hereby instructed not to issue any more permits for buildings intended for human habitation in alleys in the District of Columbia less than 40 feet in width during the first session of the Fifty-second Congress; and that all such permits heretofore granted on alleys less than the width aforesaid shall be revoked where construction shall not already have been actually begun.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment reported by the Committee on the District of Columbia which has been read.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. The committee report to add to the joint resolution:

And that all such permits heretofore granted on alleys less than the width aforesaid shall be revoked where construction shall not already have been actually begun.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. WOLCOTT. I move that the Senate request a conference with the House of Representatives on the joint resolution and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WOLCOTT, Mr. McMILLAN, and Mr. HARRIS were appointed.

BILLS INTRODUCED.

Mr. DAVIS introduced a bill (S. 2979) for the relief of Edward Dorsey, late Company C, First United States Colored Troops; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2980) to correct the military record of Michael Collins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 2981) for the relief of the

Citadel Academy of Charleston, S. C.; which was read twice by its title.

Mr. BUTLER. I ask that the bill be referred to the Committee on Military Affairs; and I beg to call the attention of the committee to the affidavits of the superintendent of the Citadel Academy and two officers of that institution, and also a letter from the War Department in regard to the destruction by fire of its ordnance stores by the Government, the object being to relieve that institution of any money liability on that account.

The PRESIDENT *pro tempore*. The bill and accompanying papers will be referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 2982) to restore to the pension roll the name of Mary F. Prindle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 2983) to authorize the construction of a railway across the Government reservation at Willoughby Spit, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a joint resolution (S. R. 75) authorizing the printing of 2,000 copies of the Twenty-third Annual List of Merchant Vessels of the United States, for the year ending June 30, 1891; which was read twice by its title.

Mr. FRYE. I ask that the joint resolution be referred to the Committee on Printing. I call the attention of the chairman of the Committee on Printing to the fact that the edition of that book is very small. It is a list of names of vessels. I think the edition is only 2,000, and the vessel-owners of Maine, I am informed, want to take up nearly the whole of the edition themselves.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Printing.

Mr. WILSON introduced a bill (S. 2984) defining "lard" and imposing a tax on manufactures of compound lard; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO BILLS.

Mr. WALTHALL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAL OBSERVATORY HEARING.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearings before the Committee on Naval Affairs on Senate bill No. 1703, to provide for a more perfect organization for the United States Naval Observatory, and for other purposes, be paid out of the contingent fund of the Senate.

WILLIAM AND MARY COLLEGE, OF VIRGINIA.

Mr. HALE. I gave notice yesterday that I should call up the urgent deficiency appropriation bill on the close of the routine morning business this morning. I learn that the Senator from Massachusetts [Mr. HOAR] is desirous of leaving the city within a short time, and that he has a bill which will involve no debate, and I will not at present interfere with him. If the bill takes up much time I must ask the Senate to go on with the appropriation bill; but I will not interfere now.

Mr. HOAR. I call up Senate bill 2566, according to the agreement yesterday.

The PRESIDENT *pro tempore*. By the unanimous consent of the Senate, given yesterday, the Chair lays before the Senate the bill (S. 2566) for the relief of William and Mary College of Virginia.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the College of William and Mary, in Virginia, \$64,000 to reimburse that college for the destruction of its buildings and other property destroyed without authority by soldiers of the United States during the late war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR subsequently said: I ask that the report, which is brief, in regard to the bill (S. 2566) for the relief of William and Mary College of Virginia may be printed in the RECORD.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Massachusetts asks that the report of the Committee on Claims on the bill referred to by him, which was passed this morning, be printed in the RECORD in connection with the action of the Senate upon the bill. If there be no objection that order will be made. The Chair hears none.

The report, submitted by Mr. WHITE March 6, 1892, is as follows:

The Committee on Claims, to whom was referred Senate bill 2566, submitted the following report:

A bill similar in its nature has been before Congress for many years, has often been reported favorably in the House and in the Senate, and has passed the House and Senate at various times, but never reached consideration in both Houses of any one Congress.

Your committee adopted now as their own the report made in the House of Representatives, first session, Forty-fourth Congress, on behalf of the Committee on Education and Labor, by the Hon. GEORGE F. HOAR. That report, as will be observed, apart from technical legal considerations, bases its conclusions upon broad and comprehensive lines of justice and public policy. These findings, being predicated on exceptional conditions, can give rise to no fear of engendering thereby a general rule to do harm if invoked in the future.

The report is as follows:

"On the 9th day of September, 1862, the principal building of the College of William and Mary was destroyed by fire. This college is in the town of Williamsburg, 35 miles from Fort Monroe, on territory which remained under the control of the United States during nearly the whole of the war. Williamsburg is situated on the narrowest part of the peninsula, partly in the county of York and partly in that of James City. York County was in the hands of the Union troops from May, 1862, to the close of the war. It was never during that time treated as rebel territory; was expressly excepted from President Lincoln's original proclamation of emancipation; it formed a part of the State of Virginia, which had for a time its seat of government at Alexandria under Governor Pierpont, was represented in Congress, and gave the necessary constitutional assent to the separation of West Virginia. The college is a little over the line in James City, but was in the town of Williamsburg, and was held by the Union forces, as was York County, and was practically Union territory as much as the rest of the town of which it formed a part.

"Before the fire the United States took possession of the college buildings for military uses. Its rooms contained hay and other stores and cavalry equipments. The day before the destruction of the building a court-martial was going on in it, which was not over at the time of the destruction. On the morning of May 9, after a conflict between the Union forces and a body of rebel cavalry, the latter got possession of the place for a few hours. After their withdrawal, some returning stragglers of the garrison, provoked by defeat and under the influence of drink, set fire to the building and prevented the residents of the neighborhood from extinguishing the flames till it was wholly consumed.

"The sum appropriated by the accompanying bill is somewhat less than the actual value of the building, which was erected in 1859, and is without the addition of interest.

"We are of the opinion that the United States should restore the building so destroyed, for several reasons which do not apply to any other claim which ever which can hereafter be made for the injury or destruction of property during the rebellion. The Government had taken possession of the property for its own purposes, excluding the owners and preventing them from taking any measures to secure its protection. This was on what was practically friendly and not hostile territory, and the case should be treated as if it had happened in Washington or Philadelphia.

"There are other considerations which appeal most powerfully alike to reason and patriotic feeling in demanding this relief.

"Every civilized nation has its hallowed spots, about which its patriotic memories cluster, and whose names arise before the imagination whenever these memories are stirred. Sometimes these spots are the scenes of famous battles, as Bunker Hill, or Saratoga, or Yorktown; sometimes the places where the foundations of great States have been laid, as at Jamestown or Plymouth; sometimes where great civic events occurred, as in Independence Hall or Faneuil Hall; sometimes the dwelling places or burial places of heroes or statesmen, as Mount Vernon or Westminster Abbey; sometimes the venerable institutions of learning which have educated and trained the great benefactors of the people, as Oxford and Cambridge, Harvard, Yale, Princeton, and William and Mary. Under our form of government these hallowed spots are in the custody of States. But they hold them as trustees for the whole people and the people have a right to demand that they should hallow them as the gratitude and affection of the whole people. Unless this be true, the American people, alone among civilized nations, are without any common objects of national reverence.

"The colleges of the period preceding the war of the Revolution were among the most potent forces in accomplishing our independence and founding our Constitution. Among them, none can claim precedence over William and Mary. The names of Washington to whom she gave and to whom she gave influence in peace we owe the vindication of our liberties and the successful inauguration of our Constitution; Jefferson, author of the Declaration of Independence, who announced the great law of equality and human rights; Marshall, without whose luminous and far-sighted exposition the Constitution could hardly have been put into successful and harmonious operation, are inseparably connected with hers. She first called Washington into the public service in his youth, giving him her commission as deputy surveyor; the office of surveyor-general being then held by the corporation of the college. He was for the last twelve years of his life chancellor of William and Mary. Jefferson and Marshall were her graduates. We doubt if any college in America or Europe can, in proportion to the whole number borne on its catalogue, show so large a list of names famous for conspicuous patriotic service or can extract from its history a passage like this, which is taken from President Ewell's historical sketch of William and Mary:

"Besides her long roll of most eminent divines, lawyers, and physicians in private life, she has given to the country two eminent Attorneys-General of the United States; to the House of Representatives of the Congress of the United States, nearly twenty members, and to the Senate of the United States, fifteen Senators; to Virginia and other States, seventeen governors; to the country, one historian and numberless eminent writers; to the State and the United States, thirty-seven judges; to the Revolution, twenty-seven of her sons; to the Army of the United States, a lieutenant-general and a score of principal and subordinate officers; to the United States Navy, a list of paladins of the sea, headed by Warrington and Thomas Ap Catesby Jones; to the colleges and university, twelve professors; to the nation, three Presidents—Jefferson, Monroe, and John Tyler; to independence, four signers of its Declaration; to the first American Congress, its President; to the Federal Judiciary, its most eminent Chief Justice, John Marshall; to the Federal Executive, seven Cabinet officers, and to the convention which framed the Constitution of the United States, Edmund Randolph, its chief author and draftsman.

"In all she has given to her country more than two hundred heroes and sages who have been preëminently distinguished in public service and place."

"Your committee are of opinion that if the accidents of war had led to the injury of Mount Vernon, of the house or the tomb of Washington, or of Independence Hall in Philadelphia, we should have hastened to repair the injury. We shall more truly honor Washington by restoring the living fountain of learning whose service was the pleasure of his last years than by any empty act of worship or respect toward his sepulcher.

"There is another view of this matter which impresses some of the members of your committee with very great force. It is unquestionable that, by the law of nations, institutions of learning are exempted by all civilized nations from the hostilities of war.

"They are to be classed, in this respect, with public libraries, monuments, collections of art or science, hospitals, etc. The Government of the United States, in its Instructions for the Government of Armies in the Field, originally prepared by Dr. Lieber, revised by a board of officers, of which Maj. Gen. Hitchcock was president, and approved by President Lincoln in 1863, binds itself by these rules:

"Extract from General Order No. 100, Adjutant-General's Office, section 2, paragraphs 34 to 36:

"34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, museums of the fine arts, or of a scientific character, such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

"35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places while besieged or bombarded.

"36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace. In no case shall they be sold or given away, if captured by the armies of the United States; nor shall they ever be privately appropriated or wantonly destroyed or injured."

"It is needless to multiply citations. Every authority on the law of nations who touches this subject, from Grotius to Halleck, agrees that the destruction of property of this class is a violation of this law. But it can not be maintained that the Government is liable for all injuries committed either by its authority or wantonly by its troops, without orders, upon property protected by this rule. But there are many examples in history which seem to place the case of endowed institutions of learning, established by funds given for public purposes, upon grounds of their own, and give them a peculiar title to reparation when so injured which is not possessed by the public school or even by the church. The funds or buildings of the public school are public funds belonging to the hostile sovereign and appropriated to the fulfillment of a function which that sovereign undertakes to perform for the citizen. The funds or buildings of the church, though consecrated to the highest objects, are the property of particular sects and are neither within the control nor for the use of mankind at large. But, in the language of an eminent judge, 'the arts and sciences are admitted among all civilized nations as forming an exception to the severe rights of warfare, and as entitled to favor and protection. They are considered, not as the peculium of this or that nation, but as the property of mankind at large, and as belonging to the common interest of the whole species.' (Case of the Marquis de Smerueles, Stewart's Rep. Nova Scotia, page 482.)

"The endowed corporation of the college can do nothing except hold and apply its fund to a cause which is for the benefit of mankind at large. It can not commit an act of war, and the hostile character can not properly be imputed to it. While a violation of the law of nations in the conduct of the war for the suppression of the rebellion can not constitute a claim upon the Government of the United States, using the term 'claim' in the sense of legal constraint, we believe this Government should, in dealing with an American college, imitate the frequent examples which history furnishes, where the most highly civilized nations and the most famous commanders have respected their moral obligations by making voluntary reparation at their own expense of injuries inflicted on endowed colleges and kindred institutions by the operations of war.

"During the battle of Princeton, the Americans, in dislodging the British from the college building, fired a cannon shot through the walls; Washington, in order to make good to the college the damage sustained by the fire of his troops, made the trustees a present of 50 guineas.

"During the war of Independence the buildings of William and Mary were repeatedly occupied by British troops. They were in every instance respected as sacred to the cause of letters and left intact. After the close of the war, Louis XVI, the ally of America, caused the buildings accidentally destroyed by the fire of his troops to be replaced and every injury to be repaired.

"Thus it appears that a Virginian, the chancellor of the College of William and Mary, rendered to a Northern college the justice which is now asked for her. Thus it appears that a foreign monarch rendered, under like circumstances, to William and Mary herself the justice which she now asks of her countrymen of the Republic.

"The British troops under Tryon, when they occupied Yale College in 1779, spared Yale College, although its students in arms harassed their approach. But President Clap's manuscripts were carried off. President Stiles addressed a letter to General Tryon, in which he represented that 'a war against science had been reprobated for ages by the wisest and most powerful generals. The irreparable losses sustained by the Alexandrian library and other ancient monuments of literature have prompted the victorious commanders of modern ages to exempt these monuments from the ravages and desolations inseparable to the highest rigors of war.' General Tryon replied that, 'disposed by principle as well as inclination to prevent the violence of war from injuring the rights of the republics of learning, he very much approved of the president's solicitude for the recovery of the manuscripts,' and caused every effort to be made for their recovery and restoration.

"In the war with Great Britain of 1812 a quantity of paintings and prints, designed for the Academy of Arts at Philadelphia, were captured by the British on their passage from Italy and taken into Halifax. Dr. Croke, the distinguished judge of the admiralty court, without hesitation ordered them to be restored, saying, in addition to the passage already quoted, 'Heaven forbid that such an application to the generosity of Great Britain should ever be ineffectual.' (Case of the Marquis de Smerueles, above cited.)

"We believe that to follow the example of Washington, of Louis XVI, of Judge Croke, of Tryon, will make every college in America safer, if civil strife or foreign war should ever hereafter disturb our peace. Every new State, as it takes its place in the great family, makes haste to establish its university. Their pupils, scattered over the country, retain an attachment for them and for each other which is one of the strongest bonds of the Union. In her bloodiest and angriest civil strife England has respected her great schools and colleges. The cause of William and Mary is, in this respect, the cause of every college in the country.

"The act of April 23, 1884, entitled 'An act to increase the endowment of the University of Alabama from the public lands in said State,' and another act for the indemnity of the theological institution in Alexandria, furnish exact precedents for our action in reporting the accompanying bill and recommending its passage by the House.

"A bill like the present passed the House in the Forty-second Congress, but it was not reached in the Senate for want of time. It was received with expressions of approbation by the press of all parties and by persons connected with the colleges throughout the country."

URGENT DEFICIENCIES.

Mr. HALE. I ask that the appropriation bill reported yesterday, and printed, be laid before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be acted on as they are reached in the reading.

The PRESIDENT *pro tempore*. It will be so ordered in the absence of objection.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "State Department," on page 2, after line 3, to insert:

Columbian Historical Exposition at Madrid: For the expense of representation of the United States at the Columbian Historical Exposition to be held in Madrid in 1892 in commemoration of the four hundredth anniversary of the discovery of America, \$25,000, or so much thereof as may be necessary, to be expended under the direction and in the discretion of the Secretary of State; and the President is hereby authorized to appoint a commissioner-general and two assistant commissioners, who may, in his discretion, be selected from the active or retired list of the Army or Navy, and shall serve without other compensation than that to which they are now entitled by law, to represent the United States at said exposition; that it shall be the duty of such commissioners to select from the archives of the United States, from the National Museum, and from the various Executive Departments of the Government such pictures, books, papers, documents, and other articles as may relate to the discovery and early settlement of America and the aboriginal inhabitants thereof; and they shall be authorized to secure the loan of similar articles from other museums and private collections, and arrange, classify, and install them as the exhibit of the United States at the said exposition; that the President is authorized to cause the detail of officers from the active or retired list of the Army and Navy, to serve without compensation other than to which they are now entitled by law, as assistants to said commissioners; and the said commissioners shall be authorized to employ such clerical and other assistance as may be necessary, subject to the approval of the Secretary of State.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 3, after line 24, to insert:

Payment to State of Montana: To reimburse the State of Montana for moneys paid and expended in defraying so much of the expenses of the constitutional convention held therein in 1889, pursuant to an act entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States," approved February 22, 1889, as have not heretofore been paid by the United States, \$7,331.09, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Fish hatchery, Northville, Mich.: The act approved August 30, 1890, entitled, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes," shall be construed as giving to the United States Commissioner of Fish and Fisheries authority to expend the sum of \$5,000 therein appropriated for the erection of new buildings at Northville, Mich., for such constructions as may be necessary for the development of the work of the Fish Commission at that place, including the introduction of a water supply, the construction of ponds, and repairs to the present buildings.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 8, to strike out the clause from line 8 to line 14, inclusive, as follows:

Rent of buildings: That if the whole of the \$16,000 already appropriated for rents for the General Land Office shall not be expended for that purpose, the Secretary of the Interior is hereby authorized to expend such part of the unexpended balance thereof as may be necessary to rent rooms for office or storage purposes for any of the bureaus or offices of the Interior Department.

The amendment was agreed to.

The next amendment was, on page 8, after line 14, to insert:

Eleventh Census: For salaries and necessary expenses for continuing the work of compiling the results of the Eleventh Census, \$100,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 8, line 22, before the word "roof," to strike out "iron" and insert "metallic," so as to make the clause read:

For covering alleyway adjoining Department of Justice building for use of the Court of Claims, including flooring, glass, and metallic roof, front and rear walls, or sash, steam heat, party wall, painting, set of cases full length of the room, and cutting doorway, to be done under the supervision of the Architect of the Capitol, \$4,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 1 to line 4, on page 9, as follows:

Eleventh Census: For salaries and necessary expenses for continuing the work of compiling the results of the Eleventh Census, \$100,000, to be available until expended.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," to strike out the clause from line 8, on page 9, to line 2, on page 10, inclusive, as follows:

For editing and preparing for publication a new edition of the Postal Laws

and Regulations the Postmaster-General be, and he is hereby, authorized to use any sum not exceeding \$2,000 of the appropriation of \$40,365, provided for the printing and publishing of said edition by "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," approved March 3, 1891, which sum of \$2,000, or so much thereof as may be necessary, he may direct to be paid to any officers or employees of the Post-Office Department whom he may designate for that purpose, in consideration of their services rendered out of the regular Department hours, in the editing and preparation of the same, and the said appropriation of \$40,365 is hereby continued and made available until the completion of the printing and publishing of the edition of laws and regulations to which it applies.

The amendment was agreed to.

The next amendment was, under the head of "Senate and House of Representatives," on page 10, in line 8, after the word "House," to strike out "three thousand" and insert "five thousand eight hundred;" so as to make the clause read:

SENATE AND HOUSE OF REPRESENTATIVES.

For the expenses of the typhus fever and immigration investigation to be made by the Senate Committee on Immigration and the House Select Committee on Immigration and Naturalization under concurrent resolution of the Senate and House, \$5,800, or so much thereof as may be necessary; to be advanced or paid, in sums as needed by the Secretary of the Senate, on the joint orders of the chairmen of said committees.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

SENATE.

For stationery and newspapers, \$500.
For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$10,000.

For fuel, oil, and cotton waste, and advertising for the heating apparatus, \$2,862.
For fuel, oil, and cotton waste, and advertising for the heating apparatus, fiscal year 1891, \$43.02.

For purchase of furniture, \$14,750.

For services in cleaning, repairing, and varnishing furniture, \$300.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, \$1,430.

For miscellaneous items, exclusive of labor, \$8,900.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LEONARD I. BROWNSON.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the first case will be reported.

The bill (S. 1430) for the relief of Leonard I. Brownson, late first lieutenant, Company K, Fifth Vermont Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the President of the United States be, and he hereby is, authorized to revoke and set aside so much of General Orders No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of the date of September 18, 1864; and said Leonard I. Brownson shall not be entitled, by virtue of this act, to any pay or allowance subsequent to said September 18, 1864.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPERTY RIGHTS OF MARRIED WOMEN IN THE DISTRICT.

The bill (S. 2280) to amend sections 727 and 729 of the Revised Statutes, relating to the District of Columbia, was considered as in Committee of the Whole.

Sections numbered 727 and 729 of the Revised Statutes relating to the District of Columbia are by the bill amended so as to read:

SEC. 727. In the District of Columbia the right of any married woman to any property, personal or real, belonging to her at the time of marriage or acquired during marriage by her trade, business, labor, or services carried on or performed on her sole and separate account, or in any other way than by gift or conveyance from her husband, shall be as absolute as if she were unmarried, and shall not be subject to the disposal of her husband nor be liable for his debts.

SEC. 729. Any married woman may contract and sue and be sued in her own name, and in matters having relation to her sole and separate property, or her trade, business, labor, or services carried on or performed on her sole and separate account, in the same manner as if she were unmarried, and may make notes, drafts, or other negotiable or business paper or evidence of indebtedness, and the same shall be of like effect and valid in law as if made by an unmarried woman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PREVENTION OF CRUELTY IN THE DISTRICT.

The bill (S. 1714) to prevent cruelty to children in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, to strike out section 2, as follows:

SEC. 2. That any parent or guardian, in the District of Columbia, who unreasonably neglects to provide for the support of his or her minor child or ward shall upon conviction of such unreasonable neglect be punished by fine not exceeding \$20, or by imprisonment not exceeding six months.

The amendment was agreed to.

The next amendment was, in section (4) 3, in line 9, after the word "individuals," to strike out "and the knowledge and acts of agents and employes of such corporations and companies, in regard to animals owned or employed by them, shall be held to be the knowledge and acts of such corporations and companies themselves;" so as to make the section read:

SEC. (4) 3. That section 12 of the act of August 23, 1871, entitled "An act for the prevention of cruelty to animals in the District of Columbia" is amended to read as follows: "That in this act the word 'animals' or 'animal' shall be held to include all living and sentient creatures (human beings excepted), and the words 'owner,' 'persons,' and 'whoever' shall be held to include corporations and incorporated companies as well as individuals."

The amendment was agreed to.

The next amendment was, in section (5) 4, line 8, after the word "not," to strike out "less than ten days nor;" so as to read:

SEC. (5) 4. That a person being the owner or possessor or having charge or custody of a maimed, diseased, disabled, or infirm animal, who abandons such animal, or leaves it to lie in the street, or road, or public place more than three hours after he receives notice that it is left disabled, is guilty of a misdemeanor, punishable by a fine of not less than \$10 nor more than \$250, or by imprisonment in jail not more than one year, or both.

The amendment was agreed to.

The next amendment was, in section (6) 5, line 2, after the word "docking," to strike out "or by any other operation performed for the purpose of shortening the tail;" so as to make the section read:

SEC. (6) 5. That whoever cuts the solid part of the tail of any horse in the operation known as docking, and whoever shall cause the same to be done or assist in doing such cutting (unless the same is proved to be of benefit to the horse), shall, upon conviction thereof, be punished by imprisonment in the jail not exceeding one year or fine of not less than \$100 nor more than \$250.

The amendment was agreed to.

The next amendment was, in section (7) 6, line 7, after the word "not," to strike out "less than \$10 nor;" and in line 9, after the word "not," to strike out "less than ten days nor;" so as to make the section read:

SEC. (7) 6. That any person who acts on foot, instigates, promotes, carries on, or does act, as assistant, umpire, or principal, or attends or in any way engages in the furtherance of any fight between cocks, fowls, or other birds or dogs, bulls, bears, or other animals, premeditated by any person owning, or having custody of such birds or animals, is guilty of a misdemeanor, punishable by a fine of not more than \$250 or by imprisonment in jail not more than one year, or both.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. McMILLAN. I should like to ask if the numbers of the sections have been changed?

The PRESIDENT *pro tempore*. That will be attended to by the enrolling clerk in the enrollment of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. I think the title ought to be amended by adding the words "or animals" after the word "children."

The PRESIDENT *pro tempore*. The Senator from Tennessee suggests that the title of the bill should be amended. The Chair hears no objection, and the title will be amended to read as follows: "A bill to prevent cruelty to children or animals in the District of Columbia, and for other purposes."

PUBLIC BUILDING AT WOONSOCKET, R. I.

The bill (S. 2331) for the erection of a public building in the city of Woonsocket, R. I., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS ADJOINING NAVAL STATION, PORT ROYAL.

The bill (S. 1290) to provide for the purchase of lands adjoining the United States naval station, Port Royal, S. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to add at the end of section 3 the words "ten thousand dollars, or so much thereof as may be necessary, out of any moneys in the Treasury not otherwise appropriated;" so as to make the section read:

SEC. 3. That for the purchase of the lands hereinbefore described there is hereby appropriated the sum of \$10,000, or so much thereof as may be necessary, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LAND OPPOSITE GOSPORT NAVY-YARD.

The bill (S. 1543) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport navy-yard, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment was, in section 1, line 9, after the word "purposes," to strike out:

Provided, That he can obtain the same at a price by him considered to be fair and reasonable.

So as to make the section read:

That the Secretary of the Navy be, and he is hereby, authorized and directed to negotiate and contract for the purchase at private sale of the tract of land known as "Cedar Grove," containing 50 acres, with a water front of 1,600 feet on the Elizabeth River, immediately opposite to the Gosport navy-yard, for the purpose of constructing a wet dock, and for other purposes.

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

And provided further, That where he is unable to purchase such lands at what he may deem a reasonable price, or where the owner or owners of said lands or any part thereof may be unable for any reason to vest by voluntary conveyance a complete and valid title to any part of said lands hereinbefore described, then the same shall be acquired by condemnation, agreeably to the act of Congress of August 1, 1888, relative to such condemnations, and to the laws of the State of Virginia for the condemnation of land for public uses in that State.

So as to make the section read:

SEC. 2. That to enable the Secretary of the Navy to make the said purchase the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no money shall be expended for the purchase of said land until a valid title to the same shall be vested in the United States and the State of Virginia shall have released and relinquished jurisdiction over the same and exempted from taxation said land and such buildings as may hereafter be erected thereon, so long as the same are the property of the United States: *And provided further*, That where he is unable to purchase such lands at what he may deem a reasonable price, or where the owner or owners of said lands or any part thereof may be unable for any reason to vest by voluntary conveyance a complete and valid title to any part of said lands hereinbefore described, then the same shall be acquired by condemnation, agreeably to the act of Congress of August 1, 1888, relative to such condemnations, and to the laws of the State of Virginia for the condemnation of land for public uses in that State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF PROPERTY UNDER UNITED STATES COURT DECREES.

Mr. WOLCOTT. I desire to offer amendments to the bill (H. R. 5816) to regulate the manner in which property shall be sold under orders and decrees of any United States court, and I ask that the amendments be printed.

The PRESIDENT *pro tempore*. Does the Senator desire to have them referred?

Mr. WOLCOTT. No, I prefer that they shall lie on the table, as the bill is on the Calendar.

Mr. WOLCOTT subsequently said: Referring to House bill 5816, to which I offered amendments a few moments ago, after further consideration and consultation with some members of the committee, I move that the bill be recommitted to the Committee on the Judiciary, with the amendments I have offered. I think that will facilitate action.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Colorado asks that the bill referred to by him, together with the amendments intended to be proposed by him, be recommitted to the Committee on the Judiciary. Is there objection? The Chair hears none, and that order will be made.

PRESIDENTIAL SUCCESSION.

The bill (H. R. 3927) to amend "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President," approved January 19, 1886, was considered as in Committee of the Whole. It proposes to amend the first section of the act of January 19, 1886, by inserting after the words "Secretary of the Interior" the words "or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of Agriculture."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WORLD'S COLUMBIAN EXPOSITION.

The joint resolution (S. R. 42) extending an invitation to the King and Queen of Spain and the descendants of Columbus to participate in the World's Columbian Exposition was considered as in Committee of the Whole.

The joint resolution was reported from the Select Committee on the Quadro-Centennial with an amendment, in line 9, before the word "that," to insert "and;" and in line 11, after the word "entertainment," to strike out "and that a sufficient sum to pay the expenses thereof is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State, according to the provisions of section 291 of the Revised Statutes;" so as to make the joint resolution read:

Resolved, etc., That the President of the United States be, and he hereby is, authorized and requested to extend to His Majesty Alfonso XIII. to Her

Majesty the Queen Regent of Spain, and to the living descendants of Christopher Columbus an invitation to attend the opening ceremonies of the World's Columbian Exposition as the guests of the Government and people of the United States; and that under his direction the Secretary of State shall make suitable arrangements for their reception and entertainment.

Mr. COCKRELL. Mr. President, at the end of line 5, after the word "to," I move to insert the names of the living descendants of Christopher Columbus, so that there shall be no controversy about either who they are or their numbers. The names are found in a letter from Mr. Curtis, who has furnished me the information in regard to it.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri will be stated.

The CHIEF CLERK. After the word "to," in line 5, it is proposed to insert:

(Christobal Colon de La Cerda, the Duc de Veragua; second, the Marquis de Barboles, his brother; and third, Don Christobal de Larreategui y Aguilar, his son, their wives and children, if any.)

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF ARTICLES FOR THE COLUMBIAN EXPOSITION.

The joint resolution (S. R. 43) requesting the loan of certain articles for the World's Columbian Exposition was considered as in Committee of the Whole.

The joint resolution was reported from the Select Committee on the Quadro-Centennial with amendment, in line 8, after the words "loan of," to strike out "the" and insert "any;" in line 13, after the word "reception," to insert "transportation;" after the word "exhibition," at the end of the same line, to insert "safe-keeping;" and in line 18, after the word "protection," to strike out the remainder of the joint resolution, as follows: "And that a sum of money sufficient to pay the expenses attending the reception and entertainment of these guests shall be appropriated, out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State, according to the provisions of section 291 of the Revised Statutes."

So as to make the joint resolution read:

Be it resolved, etc. That the President be, and he hereby is, authorized to request of the Government of Her Majesty the Queen Regent of Spain, of the municipal government of Genoa, of the Duke of Veragua, the descendant of Columbus, and of such other persons or corporations as may be thought proper, the loan of any articles, papers, books, maps, documents and other relics of Christopher Columbus and those who were associated with him, or with the discovery and early settlement of America, for exhibition at the World's Columbian Exposition; that the Secretary of State shall make such provision as may be necessary for their reception, transportation, exhibition, safe-keeping, and return; that the Secretary of the Navy shall be authorized, if necessary, to detail one or more vessels for their transportation; and that the Secretary of War shall detail whatever military guard may be necessary for their care and protection.

The amendments were agreed to.

Mr. COCKRELL. That is a pretty sweeping joint resolution. Unless there is some urgent necessity for it, I think it ought to go over. I should like to hear some explanation of it.

Mr. SHERMAN. The chairman of the committee is not at hand. I would rather he should make the explanation; but I think there is a great deal of urgency from the State Department that these joint resolutions should be acted upon, so that the invitations may be given.

Mr. COCKRELL. This provides:

That the President be, and he hereby is, authorized to request of the Government of Her Majesty the Queen Regent of Spain, of the municipal government of Genoa, of the Duke of Veragua, the descendant of Columbus, and of such other persons or corporations as may be thought proper, the loan of any articles, papers, books, maps, documents, and other relics of Christopher Columbus, etc.

Mr. SHERMAN. The articles, I think, will be given. The description of the articles can be given by Mr. Curtis. I understand there is no doubt about the number and even the inventory of the articles that will be exhibited under this provision.

Mr. CULLOM. I hope the joint resolution will be passed. I think there is nothing in it which is not fully understood.

The joint resolution was reported to the Senate as amended, and the amendments concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

INVITATIONS TO WORLD'S COLUMBIAN EXPOSITION.

The joint resolution (S. R. 41) extending an invitation to the Presidents of the American Republics and the governors of the American colonies to participate in the World's Columbian Exposition was considered as in Committee of the Whole.

The joint resolution was reported from the Select Committee on the Quadro-Centennial with amendments: In line 11, before the word "that," to insert "and," and after the word "that" to insert "under his direction;" in line 13, after the word "suitable," to strike out "arrangement" and insert "arrangements;" in the same line, before the word "reception," to strike out "the"

and insert "their;" and in line 14, after the word "entertainment," to strike out the words:

Of these distinguished guests, and that a sum of money sufficient to pay the expenses attending the reception and entertainment of these guests shall be appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended under the direction of the Secretary of State according to the provisions of section 291 of the Revised Statutes.

So as to make the joint resolution read:

Resolved, etc. That the President of the United States be, and he hereby is, authorized and requested to extend an invitation to the presidents of the several other American republics, and to the governors of colonies, to participate in the ceremonies attending the dedication of the buildings of the World's Columbian Exposition on the 11th, 12th, and 13th of October, 1892, and the ceremonies attending the opening of the Exposition on the 1st of May, 1893; and that, under his direction, the Secretary of State shall make suitable arrangements for their reception and entertainment.

The amendments were agreed to.

Mr. COCKRELL. I should like to know why it is considered important that there should be two invitations to these officials of our sister republics, one for October and one for May?

Mr. SHERMAN. This resolution does not require two invitations, but it requires an invitation to two different celebrations, because the law provides for two different celebrations. The law provides for a celebration in October next and also for the formal opening of the Exposition in May next. These are two events, which really make one invitation, so that there are not two invitations.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. TARKINGTON

The bill (S. 2592) granting an increase of pension to William C. Tarkington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Tarkington, of Indianapolis, Ind., late captain and quartermaster in the volunteer service of the United States during the war of the rebellion, at \$30 per month, in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL M. CAMPBELL.

The bill (S. 2593) granting an increase of pension to Samuel M. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel M. Campbell, of Marion County, Ind., late a private in Company C, Seventh Regiment Indiana Volunteers, at \$30 per month, in lieu of the pension he is now receiving.

Mr. COCKRELL. Let the report be read, Mr. President.

The PRESIDING OFFICER (Mr. PLATT in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. TURPIE, March 15, 1892:

The Committee on Pensions, to whom was referred the petition for granting an increase of pension to Samuel M. Campbell, of Marion County, Ind., have examined the same and report:

The soldier enlisted as a private in the Seventh Indiana Regiment on the 4th day of September, 1861. He served until December 31, 1862, when he was discharged for disability incurred in the service, as shown by his discharge. He reenlisted as a private in the Second Battery Indiana Light Artillery, and served until July 3, 1865, when he was again honorably discharged. He is now a pensioner at the rate of \$17 per month, and his claim for increase has been rejected by the Pension Bureau on the ground that he is now receiving the highest rate that can be technically allowed him for his disability.

The soldier is 47 years old, and it appears from the evidence that his wife is an invalid unable to work; that neither have any property; there are no children; the two are dependent upon the husband's pension for subsistence. The soldier is unable to do any kind of manual labor.

It appears from the testimony of his comrades on file, and also from that of physicians, that he is now suffering from varicocele of the left side; also, that he has fistula of the rectum, one opening high up, from which there is a constant discharge. He has a rapid heart, which beats ninety to the minute; is partially blind in the left eye. He has a bronchial affection, an emaciated and haggard appearance. He is described as a physical wreck and as suffering from total disability.

Under the circumstances the committee think there ought to be an increase of the pension in this case to the rate of \$30 per month, and therefore report a bill for his relief and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. S. A. FARQUHARSON.

The bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the name "Farquharson," to strike out "and to allow the said Mrs. S. A. Farquharson the difference between \$8 and \$25 per month from the date of the death of the said Maj. Robert Farquharson;" so as to make the bill read:

Be it enacted, etc. That the Commissioner of Pensions be, and he is hereby, directed to pay to Mrs. S. A. Farquharson, widow of the late Maj. Robert Farquharson, of the First Regiment Tennessee Volunteers, Mexican war, a pension of \$25 per month, that being the pension paid to the late Maj. Robert

Farquharson, in lieu of the pension of \$8 per month heretofore paid to Mrs. S. A. Farquharson.

SEC. 2. That this act shall take effect from its passage.

The amendment was agreed to.

Mr. HARRIS. As I understood the reading of the first line of that bill, it is an instruction to the Commissioner of Pensions. The PRESIDING OFFICER. The part of the bill referred to will be read.

The Secretary read as follows:

That the Commissioner of Pensions be, and he is hereby, directed, etc.

Mr. HARRIS. I suppose that is sufficient, but I was in doubt as to whether it should not be "the Secretary of the Interior."

Mr. BATE. I move to strike out "Commissioner of Pensions" and insert "Secretary of the Interior."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 3, after the words "that the," it is proposed to strike out "Commissioner of Pensions" and insert "Secretary of the Interior;" so as to read:

That the Secretary of the Interior be, and he is hereby, directed, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL P. GLENN.

The bill (S. 1188) granting a pension to Samuel P. Glenn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "ten" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll, at the rate of \$20 per month, in lieu of the pension which he now receives, the name of Samuel P. Glenn, late private Company E, Fourth Regiment Illinois Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHN KINNEY.

The bill (S. 1675) granting an increase of pension to John Kinney, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of John Kinney, late a member of Company I, First Regiment of United States Infantry, in the war with Mexico, at \$12 per month, such pension to be in lieu of the one he is now receiving.

Mr. VILAS. I ask that the report in reference to that bill be read, for I desire the Senate to observe that it is proposed by the bill to increase the pension of a Mexican war soldier, simply on the ground that he is destitute and under special circumstances of need.

Mr. PADDOCK. "Destitute and aged," for which there are many precedents.

Mr. VILAS. That is the case with all the soldiers of that class.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. PADDOCK, March 15, 1892:

The Committee on Pensions, to whom was referred the bill (S. 1675) granting an increase of pension to John Kinney, have examined the same and report:

Claimant served as a private in Company I, First Regiment United States Infantry, from February 27 to October 29, 1847, in the war with Mexico, and is now drawing a pension of \$8 per month, under the act of January 29, 1887, allowing pensions to survivors of Mexican war.

Increase of pension is asked on the ground that claimant is wholly disabled for manual labor, and being in destitute circumstances \$8 per month is not sufficient to provide him the necessities of life.

In affidavit executed January 14, 1892, J. D. Pickett, of Fairfield, Iowa, testifies that claimant is an old man, broken down in health, and it is only a question of time when he will require the constant care and attendance of another person; that he is totally unable to perform any manual labor, and that the \$8 per month which he is now drawing is inadequate to supply his wants.

In affidavit executed January 14, 1892, B. F. Cox, of Fairfield, Iowa, testifies substantially as above.

In a petition signed by Rollin J. Wilson, H. B. Keltner, E. D. Hoops, John F. Loehr, Aaron Scott, George B. Waltz, Frank O. Croy, S. L. Macchesney, H. B. Mitchell, Halle W. Dale, J. F. Wilson, jr., W. F. Goodban, J. C. Millikin, M. D. R. D. Jenkins, James M. Hinkle, J. D. Pickett, A. W. Jaques, Nat Pierce, Perry King, Levi Thomas, Adam Lines, G. R. Manner, J. L. Haney, T. F. Higley, Daniel B. Wilson, C. E. Noble, William N. Woodside, W. H. Mohr, G. A. Unkrich, John C. Leeds, T. M. Gray, Paul Sheridan, James Barr, H. W. Weikert, Horace H. Fulton, A. Z. Tarrell, Orlander Flower, J. E. Thomas, Eugene Campbell, M. D., E. F. Ammons, A. C. D. Bradshaw, W. Warwick, and M. C. Carpenter, M. D., the passage of the bill is asked on the ground that claimant is wholly unable for manual labor by reason of physical disabilities, and is without means of support other than his pension of \$8 per month which he is now drawing.

The facts seem to warrant favorable action, and your committee therefore recommend the passage of the bill.

The bill was reported to the Senate.

Mr. VILAS. Mr. President, I wish to ask the attention of the Senate to the proposition involved in this bill. We have been piling up pension appropriations until the country staggers

under the load, and industry everywhere in the United States is suffering by the oppression of taxation imposed by the National Government. Now, I do not ask that there shall be any cessation of proper pensions, but I do ask attention to the fact that it is a gross injustice to the soldiers of the late war who have not been admitted to pensions that an increase shall be granted whenever somebody files a particular petition to support a bill, asserting that the claimant is needy and destitute and can not perform manual labor. Observe that there is no other reason given for the passage of this bill than simply this, that increase of pension is asked on the ground that the claimant is wholly disabled for manual labor, and being in destitute circumstances, \$8 per month is not sufficient to provide him the necessities of life.

If that be a good reason in this case, I shall ask that the bill be amended so that, instead of coming here, every Mexican war pensioner shall have the right to go to the Commissioner of Pensions, who can examine the evidence better than the Committee on Pensions of the Senate or the Senate itself, in every case where the claimant is wholly disabled for manual labor, and being in destitute circumstances \$8 per month is not sufficient to provide him the necessities of life. Why every one should not have it as well as this one, I leave the Senate to decide.

Mr. VEST. Mr. President, I took occasion the other day to say that I had never been very enthusiastic on the subject of wholesale pensions, and I repeat it now, but I hope that the time will never come when any man who has fought for this country in any war and is reduced to the condition this claimant seems by unquestionable proof to be now in, shall become the inmate of a pauper asylum or poorhouse. It would be a scandal and disgrace to every individual citizen of the United States if such a thing should happen, and I am prepared to say, and I think I voice the sentiment almost unanimously of this Chamber, certainly this side of it, when I say that whenever any claimant who served in the last war shall present the proof found in this case he will receive the vote of every Senator here in favor of an increase of his pension.

The gross abuses of the pension law furnish no argument against relief in a case like this. Against those abuses I have unavailingly lifted my voice and given my vote repeatedly in this Chamber. The people of the United States are entirely willing in all sections and in every locality to vote the largest pension to the real deserving soldiers of the last war who come to the unfortunate condition of this present claimant, but they are not willing, and it can not be said too often, to vote millions of dollars out of the public Treasury to men who are entirely able to support themselves, but not willing to do so. That is the entire issue in regard to pensions before the honest people of this country to-day.

When the Senator from Wisconsin speaks of a general law, he knows that that involves delay, not only delay but probably defeat to any such measure. There are to-day few of the Mexican war veterans living, a very inconsiderable number of them, and in no war ever waged by this country was the glory of the American soldier better illustrated, and certainly never was there larger increase of material wealth to the people of the United States than in the result of the Mexican war. If we to-day should increase the service pension of the Mexican war soldiers to twice the amount now received, it would only be just and proper.

Mr. KENNA. If the Senator will allow me, I wish to suggest to him in that connection that the pensions awarded to the Mexican war soldiers are not only of recent origin, but in their case there were no arrears allowed.

Mr. VEST. No; there have never been any arrears of pension granted to them.

Mr. BATE. Not only that, but their pension is only \$8 a month and the soldiers of the last war get \$12.

Mr. VEST. Exactly. If there were an analysis of the pension provisions now upon the statute book as between the soldiers of the different wars which have been waged for this country, it would show that gross injustice has been done to the soldiers of the Mexican war. If we put anything like a commercial valuation upon their services, leaving aside the fact that the soldiers of the last war preserved the life of the country, as the phrase now goes, in point of territory and absolute money paid into the Treasury of the United States, all our wars have not equalled in result that of the Mexican war alone; and to say now that we will deny an increase of pension to this old man, who did his duty as a soldier in that war faithfully to the country, and who is now destitute, and expected under existing legislation to live upon a pension of \$8, it seems to me, sir, is almost an appalling proposition in a country like ours.

I am not only willing to vote for this bill, but I would be willing to double the pension to every veteran of the Mexican war. I know there is a prejudice against that war. I know it is said, and I have heard it said in this Chamber, that it was a war for the extension of human slavery. I know that it is said in some

quarters that it was a political war. Mr. President, the men who went into Mexico and bore the American flag in honor and glory across those plains had nothing to do with the political aspect of it. The men who went to Mexico were not politicians. This man went there for no political purpose, but simply to serve his country, and now in his old age he appeals to that country that he shall not become the inmate of a poorhouse. I regret, Mr. President, that hesitation should exist for one moment in regard to a case like this.

Mr. PADDOCK. Mr. President, I desire only to say in behalf of the committee that the assumption of the Senator from Wisconsin [Mr. VILAS] that this is a new departure, a new precedent, in the line of pension legislation, is altogether a mistake. There have been a number of such cases as this, where the beneficiaries had reached an advanced age, were infirm and dependent on relatives, or were absolutely destitute and without any means of support whatever. Bills have been passed, not a great many, but those cases have all been very carefully considered. It has been, however, the rule in the Pension Committee ever since I have had the honor to be a member of it, and where cases like this were presented, appealing to the sympathy and to the humanity of everybody, that there should be a moderate increase.

So far as I am concerned, I do not hesitate to say here now that I would vote for an amendment to the general law which would increase the pension from \$8 to \$12 per month for every one of the soldiers of that war who now survives.

As to the peculiar situation of this claimant, the particular circumstances which surround his case, my friend the Senator from Iowa [Mr. WILSON] resides in the same town in which he lives, and will be able to make a statement.

Mr. WILSON. Mr. President, I have some personal knowledge of the person named in this bill, and I can state from that knowledge that the Senate will make no mistake about doing a proper act by the passage of this bill. The case in all of its elements is meritorious, and I hope there will be no hesitation in giving the bill its passage.

Mr. CALL. Mr. President, I desire to take this opportunity to say that there are two classes of men who served the country in a military capacity who have been neglected to a very great extent. Those are the soldiers of the Mexican war and the soldiers of the several Indian wars which have occurred in the history of this country.

Those men are very few in number, and many of them are of the most extreme and advanced age. They are almost universally and entirely destitute, and very generally incapable of manual labor. I have sought upon various occasions to have both of these classes of men advanced to a reasonable pension, but up to this time have failed.

I can see no possible objection to granting to an old soldier of the Mexican war who is diseased, disabled, the presumption existing that it is largely because of his military service, a pension adequate to his absolute necessity. So of the soldiers of the Indian wars, many of whom are to-day in a condition of the most extreme destitution, and all of them of a very advanced age.

I shall cheerfully vote for this bill, notwithstanding my objection to increasing the expenditures of the Government. I shall also be glad to vote for a bill granting a pension to the survivors of the Indian wars in such cases.

Mr. VILAS. Mr. President, I am neither prepared nor am I in physical condition to-day to enter into any discussion of the general questions involved in pension legislation, and I shall attempt nothing of the kind. I intended no more by asking that the report be read, and by the remarks which I had the honor to submit, than to attract the attention of the Senate to the fact that no reason was assigned why this pension should be increased, except that single one, twice repeated in the report, that the claimant is wholly disabled for manual labor, and, being in destitute circumstances, \$8 per month is, in the language of the report, not sufficient to provide him with the necessities of life.

Mr. WALTHALL. Does not the report say something about his age?

Mr. VILAS. The age is not given. There are cases where extreme age furnishes special reasons for such action.

Mr. BATE. Allow me to make a suggestion to the Senator from Wisconsin. Take the date at which soldiers entered the Mexican war, take the date at which they retired, and they must be at least 64 or 65 years old, if they entered at the proper age.

Mr. COCKRELL. Sixty-six years old, the report states.

Mr. BATE. Some were younger, like my friend the Senator from Mississippi [Mr. GEORGE], who sits before me, but I say the majority of them, nine out of ten, are over 65 years old to-day, and they are but few in number. I know many of them personally; I know their necessities.

I agree with the Senator from Wisconsin in regard to the pension laws and the propriety of having a revision. I agree that our taxpayers are groaning and staggering under the weight of

the burden thus imposed, as he says. That is all true; but here are these soldiers who have brought immense wealth to the country, and now after this lapse of time when so many are in extreme old age, if one of them is not able to support himself he ought to be sustained by the Government. It is just and proper.

I only rose to call attention to the fact that they are necessarily men of extreme age. My attention was called to the fact by the Senator from Mississippi [Mr. WALTHALL] asking the age of this applicant.

Mr. VILAS. I recognize the age of these men and alluded to it in what I first said on the subject. I recognize also and allow the full measure of glory which is due to the soldiers who served in the Mexican war. I recognize the justice of the remarks made by the distinguished and the eloquent Senator from Missouri [Mr. VEST]. All that I ask the Senate to do is to be just, and not to be indulging in personal favoritism for influences which all these soldiers can not have. Therefore, to follow the exact language of the report, I propose this amendment to the bill: To strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized to increase the pension of every pensioner who is now on the rolls at \$8 per month on account of service in the Mexican war, and who is wholly disabled from manual labor, and is in such destitute circumstances that \$8 per month are insufficient to provide him the necessities of life, to \$12 per month.

That is the exact language of this report. If it is right for one, it is right for all.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and is hereby, authorized to increase the pension of every pensioner who is now on the rolls at \$8 per month on account of service in the Mexican war, and who is wholly disabled from manual labor, and is in such destitute circumstances that \$8 per month are insufficient to provide him the necessities of life, to \$12 per month.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. WILSON. I feel quite willing to join the Senator from Wisconsin in effecting liberal legislation for the veterans of the Mexican war; but I suggest to him that this is not a proper method for the treatment of this bill. The adoption of his amendment simply means the defeat of the bill at the present time. If the Senator from Wisconsin is so anxious to treat the veterans of the Mexican war as he provides in this amendment, let him prepare and introduce a bill which will cover all the cases and I shall be willing to walk along hand in hand with him; but I do ask the Senate not to single out this particular case in order to defeat it by imposing upon the bill now the amendment which the Senator proposes.

Mr. VEST. Why not add the provisions of the amendment to the bill as it now stands before the Senate? It is very probable, not to say possible, that if this amendment should be adopted it takes the place of the entire original bill, and that this claimant will probably be in his grave before the law is enacted. It is unjust to him to make this the occasion of this legislation, however much I may be in favor of it. If the Senator will agree to add the amendment to the bill, I shall certainly vote for it, though I will vote for it in any event; but without any personal acquaintance with this claimant at all, I think it would be unjust, as the Senator from Iowa states, to endanger the pending bill by the amendment. There never has been a case, at least since I have had my attention called to the pension business, since I have been a member of the Senate, where such facts as are stated in this bill have failed to elicit the relief asked for any soldier of any war in which this country has been engaged.

This sort of legislation is simply like the exercise of the equity jurisdiction of a court; it is simply the correction of that wherein the law by reason of its universality is deficient. It is applying the relief to the specific facts which are brought up in each case to the equitable knowledge of the court. Now, this claimant shows a state of facts in his behalf which entitles him to relief, and I am for giving him that relief now. I am for giving it to every other veteran who comes here with the same sort of showing to the Congress of the United States. Then, I am in favor, in addition to that, of the amendment offered by the Senator from Wisconsin, and when that is adopted there will be no necessity for any special legislation.

Mr. HARRIS. I hope the Senator from Wisconsin will offer his amendment as a second section to the bill, and not as a substitute. It will encounter very much less opposition, if it encounters any opposition at all, in that form. I shall be glad to vote for it in that form, and shall of course vote for it in either form, but I prefer that it shall be added as a separate section.

Mr. WILSON. The suggestion submitted by the Senator from Tennessee, if it should be effected, will result in the defeat of this bill ultimately. Let the Senator from Wisconsin put his proposition in a separate bill, and let that case, as he may pre-

sent it, stand by itself; but do not deprive this aged and disabled man of the opportunity of the small relief which this bill proposes to extend.

Mr. HARRIS. Will the Senator allow me to ask him why it must defeat this bill? Is it not perfectly simple and easy, if this amendment is attached, that the Senate may insist upon it and ask a conference with the House of Representatives upon the disagreeing votes? It need not defeat and need not delay the bill one week's time.

Mr. WILSON. The difficulty is, Mr. President, that it will lead to unnecessary delay in the matter of the relief of this particular individual; and considering the facts in his case as I know them I do hope that this amendment will not, in either form, be placed upon the bill, but that the Senator from Wisconsin, after this bill may be disposed of, or at such time as he may elect, will introduce an independent bill extending the relief he suggests.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States, the pending question being on the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER]. The bill is before the Senate as in Committee of the Whole, and the Chair recognizes the Senator from New Hampshire.

Mr. PADDOCK. I ask the Senator from New Hampshire to yield temporarily to the bill which has been under consideration.

Mr. CHANDLER. I have no objection to the unfinished business being delayed for a few moments if debate is not to be prolonged.

The PRESIDENT *pro tempore*. The unfinished business will be temporarily laid aside, unless there be objection, for the purpose of continuing the consideration of the pending bill.

Mr. DOLPH. I shall have to object if it is going to take any time.

Mr. PADDOCK. I want to address an appeal in a single word to the Senator from Wisconsin, that he withdraw his amendment and allow this bill to pass while this man is still living, that he may get the relief. Of course, if this amendment should prevail and the bill go to the other House, it comes under a different parliamentary rule, which would necessarily delay it, and very likely it might delay it to the end of the session, if not longer. By the rule under which it would naturally go as a special act, it would require hardly any time at all to pass the bill, and it seems to me it is an act of very great unfairness to a beneficiary situated as this man is to lumber up his bill and cause its defeat as proposed.

So far as I am concerned, I am in favor of the proposition of the Senator from Wisconsin. I would delight to vote for that amendment as a general proposition, but situated as I am here to-day, representing the committee, I shall be compelled to vote against the amendment of the Senator from Wisconsin, because I have not the authority to do otherwise than to present the bill as it is.

Mr. VEST. This whole controversy is over \$48 a year. That is the extent of this controversy. I think by an accurate calculation we have spent about three times that amount in discussing it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. Mr. President, I simply want to add a word why I do not accede to the suggestion of some of the Senators in regard to the place where this amendment should be applied to the bill. I do not stand here to urge the increase of these pensions. I am not pressing for any such measure. I am simply insisting upon justice as between pensioners. In all that has been said with reference to this particular case, you find the same reason in reference to every other case, for I have adopted as the basis of the amendment the exact language of the report as furnishing the reason for the passage of the bill in this case. If that be a sufficient foundation for the increase of a pension the claimant in this particular case is neither entitled to have a pension when others in exactly the same circumstances do not have it nor is he entitled to be preferred one minute to the others in point of time. They stand all on the same footing and on the same line.

Mr. DOLPH. Let the amendment be read as it stands now. The Secretary read, as follows:

Be it enacted, etc. That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of every pensioner who is now on the rolls at \$8 per month on account of services in the Mexican war, and who is wholly disabled from manual labor, and is in such destitute circumstances that \$8 per month are insufficient to provide him the necessities of life, to \$12 per month.

Mr. BUTLER. I shall vote for that.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. The title should be amended.

The PRESIDENT *pro tempore*. The title will be amended.

The title was amended so as to read: "A bill granting an increase of pension to soldiers of the Mexican war in certain cases."

EXCLUSION OF CHINESE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States, the pending question being on the amendment proposed by Mr. CHANDLER in section 1, line 3, of the text, after the word "that," to insert the words "for fifteen years;" so as to read:

That for fifteen years from and after the passage of this act it shall be unlawful for any Chinese person or persons, etc.

Mr. CHANDLER. Mr. President, it has not seemed to me very material whether this bill goes into the hands of a committee of conference by the adoption of the Senate committee substitute or by amendments of the House bill. It is conceded that the House bill has harsh provisions in it which will not meet with the approval of the Senate. It did not occur to me that there would be any objection to amending the House bill by depriving it of any features which are too severe and objectionable and making it one which might receive the approval of a majority of the members of the Senate.

Mr. President, I am of the opinion that the situation as regards immigration requires that more stringent laws should be passed against the Chinese, and I am particularly desirous of saving the seventh section of the House bill, which is as follows:

Sec. 7. That any Chinese person, or persons of Chinese descent, entering the United States or any of its Territories by crossing its boundary lines, or entering therein in any other manner whatever contrary to the provisions of this act, or found unlawfully in the United States or its Territories, may be arrested upon a warrant issued upon a complaint under oath filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court, or before any United States court; and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be imprisoned in a penitentiary for a term not exceeding five years, and at the expiration of such term of imprisonment be removed from the United States to the country from whence he came: *Provided*, That when Chinese persons found unlawfully in the United States shall have come into the United States from China by way of contiguous foreign territory they shall be returned to China.

I think that the term of imprisonment is too severe, and I propose to move, as appears by the printed amendment before the Senate, to strike out "five years" and insert "two years," and I see no objection to reducing the term still more, provided some term of imprisonment is still retained in the bill.

It has been discovered that there is a very large migration of Chinese into the United States through Canada and Mexico. I hold in my hand various communications from the Secretary of the Treasury to the Senate giving accounts of the migration from Mexico and from Canada of many Chinamen, and I will read a few. I read from Senate Executive Document 97, Part 9, Fifty-first Congress, first session, a letter of Secretary Windom, dated June 2, 1890, to the Senate, inclosing the report of Consul Myers, at Victoria, British Columbia, of May 16, 1890. The consul says:

CONSULATE OF THE UNITED STATES,
Victoria, British Columbia, May 16, 1890.

SIR: As the Chinese question continues of interest to the Department, I beg leave to report, somewhat in detail, the manner in which twenty-two of the Celestials passed over into the United States from this place Monday night, May 12, or at least they are reported to have gone by those who saw part of the transaction, and I give the circumstances in corroboration.

These Chinese, part of the last arrival at Vancouver, were taken across the Straits of Fuca by the steam propeller North Star. She is a British craft of only 53 tons, net burden, 40 feet long, breadth of beam 9.7 feet, depth 4 feet. She is owned in halves by Frederick Jones and Angel Kaftee, the latter being her sailing master. She is known as a craft of piratical tendencies, smuggling, etc.

On the 7th of May she took out a clearance for Saturne Island, and then hid away in her anchorage until the night of the 12th. The Chinese were taken on board at about midnight and she then quietly slipped out of the harbor.

There is also a report in the same document, 97, part 7, from the Chinese inspector, Mr. Datus E. Coon, at San Diego, Cal., to the Secretary of the Treasury, dated April 2, 1892, in which he speaks of the difficulties alluded to in a letter of one James Russell to Hon. William Vandever, a member of Congress. This Chinese inspector says:

Mr. Russell mentions that the "Scott exclusion act" is a failure. That is practically true as to its execution: for example, should an officer take a Chinaman to the State line to-day, he will undoubtedly follow that officer back to the city the first dark night, and make his way to some point inland where recognition and the facts of his recent arrival could not be substantiated.

The arrest, confinement in jail, and arraignment before the commissioner furnishes the most ample opportunity for the stranger Chinaman to make all necessary arrangements through his friendly countrymen to be returned to the United States the second time, and conducted to some interior town where our officers could not find him, if identification were possible. A Chinaman wishing to disguise himself can easily deceive his own friends. In going from one town to another they generally change their name and ap-

parcel, so that identification by United States officials is extremely difficult at best.

We have learned from letters found upon the persons of these prisoners that the smuggling into the United States of Chinamen is a profitable traffic of no small dimensions, and is backed by very heavy capital, the principal headquarters being in San Francisco and China.

The evidence seems to be that contracts are made in China to deliver safely each Chinaman on American soil, and a guaranty given. If the delivery is made in safety the money (\$140) is paid. The Chinamen are provided in China with tickets to various ports in Mexico, and on arrival in the harbor of San Francisco have been transferred "in transit," as most convenient, to a "coaster," as was the case recently of the steamship Newbern, taking Chinamen in the harbor of San Francisco from the steamship City of Pekin and dropping them in Ensenada, Lower California; or at other times, should the Panama Steamship Line have a steamer in port, these people would be taken down the coast further, from whence they will work their way back to the United States, as has already been demonstrated to us.

But the real destination of the Chinaman is the United States, and no matter where he lands, be it Mexico or Canada, he will at the earliest possible moment work his way to his original destination.

In Document 97, part 6, there is inclosed in a letter from the Treasury Department of May 8, 1890, a letter from George W. Whitehead, special agent at Suspension Bridge, N. Y., dated April 30, 1890, in which he says:

SIR: I have the honor to report that Special Employé Lewis, of this office, arrested two Chinamen yesterday, who had smuggled themselves into the United States from Canada, and that said Chinamen have been placed in custody of the United States marshal, pending examination before a commission. A large number of letters in the Chinese language were found, but nothing of a contraband nature.

I respectfully invite attention in this connection to the fact that, according to my information, there are a large number of Chinamen in Toronto, Ontario, recently arrived from Victoria, British Columbia, who will, it is believed, find their way into the United States. Wing Tai & Co., of 405 Yonge street, and Lee Wing, 128 Queen street, Toronto, are prominent leaders of their countrymen, and are said to receive \$30 per head for landing them across the line.

In Document 97, part 8, Secretary Windom sends to the Senate in a letter of May 23, 1890, the report of Consul Viosca as to the arrival at Mazatlan, Mexico, "of one hundred and thirty-two Chinese, more or less, destined for the various Gulf ports of Mexico, who, so far as he is informed, intend to proceed thence to the United States, it being insinuated that eighty-five of them are on their way to the State of Ohio." I read the letter from Consul James Viosca to the State Department:

UNITED STATES CONSULATE,
La Paz, Mexico, April 21, 1890.

SIR: I deem it my duty to report to the Department of State that the steamer City of Sydney arrived at Mazatlan on the 18th instant with, more or less, one hundred and thirty-two Chinese destined for the various Gulf ports of Mexico. Of the above number twenty-seven were landed at the said port of Mazatlan, and one hundred and five were transhipped to the Mexican steamer Alejandro on the same date, twenty of whom were bound for Altata and the balance, eighty-five, for Guaymas.

From authentic information received from the officers of the said steamer Alejandro, there is no doubt that the eighty-five Chinese going to Guaymas are going with the intention of being introduced through the frontier into the United States, and it is even insinuated that they are on their way to the State of Ohio. Their place of precedence being Australia, a number of them speak the English language.

Part 5 of the Document No. 97 contains another letter from Secretary Windom, of April 29, 1890, in which he says:

It will be seen that while perhaps the number of Chinese so entering can only be a matter of conjecture, yet there is very little doubt but that, owing to the extended frontier, which it is impossible to guard with the limited means at the disposal of the Department, they are occasionally crossing the boundary in small parties without detection.

In part 4 of the document there is a communication from Collector Phelps, of San Francisco, to the Secretary of the Treasury, of April 12, 1890, which says:

The City of Pekin, arriving March 25 ultimo, brought seventy-nine Chinese holding through tickets to Guaymas, Mexico, who were transferred to steamer Newbern; all landed at Ensenada, and a part of them, in attempting to enter the United States, have been arrested and are now in jail at San Diego. On 10th instant Oceanic arrived, having on board eighty-seven Chinese holding through tickets for Guaymas. It is sought to transfer these to the Panama steamer which touches at Mazatlan but not at Guaymas. This I have refused. Since June last two hundred and fifty-six Chinese have been sent in transit to Guaymas and one hundred and thirty-six to Mazatlan. Eighty-six of these it is known have stopped at Ensenada, and I have information that others are entering the United States at Nogales. I regard my action as important in execution exclusion act. Please telegraph approval.

In apparently the first of the series of communications constituting Document 97, Secretary Windom, on April 12, 1890, says:

The alleged violations appear to consist mainly in the use of fraudulent certificates, in smuggling across the northern and southern frontiers of Chinese laborers, and in the existence of a general system among Chinese residents in this country and Canada for the fraudulent landing of Chinese laborers within the territory of the United States.

Part 2 of the document contains a letter from Collector Berry, of San Diego, to the Secretary of the Treasury, dated April 7, 1890, saying:

Thirteen Chinamen, part of list of over eighty transferred in San Francisco Harbor, March 25 from City of Pekin to Newbern and by Newbern landed at Ensenada, Lower California, March 27, were captured at Mexican line yesterday before daylight; balance of list no doubt on way here to cross line in same way. Necessary to guard both harbor entrance and about 20 miles boundary line from coast inward. Additional temporary officers absolutely necessary. Can they be appointed? No deputy marshal here, and local constabulary will not assist, because no pay in it. Vigorous action would probably break up this mode of smuggling.

The Committee on Immigration of the Senate, and the Select Committee on Immigration and Naturalization of the House of the Fifty-first Congress were directed to make an investigation into the operation of the immigration laws, and a subcommittee consisting of one Senator and two Representatives visited the Pacific coast. The Senator who acted as chairman was the Senator from Washington [Mr. SQUIRE], and the testimony which was taken is printed as House Report 4048, Fifty-first Congress, second session, on Chinese immigration made by Mr. Lehlbach. There is abundant evidence to be found in this report showing the constant inroad of Chinese into the United States from British Columbia. I will detain the Senate by reading from the statements of one or two witnesses. On page 20 is to be found the testimony of Mr. Fred. H. Oliver, who is one of our inspectors on the border. He is asked this question:

Q. Do you believe many Chinese have come over the border in violation of the law other than those you speak of?

A. I have reason to believe that quite a number have come across the eastern Cascade Mountains.

Q. Can you form any estimate of what number?

A. Something like three or four hundred for the last year.

He is also asked:

Q. Do you know anything about the number of Chinese there are in British Columbia?

A. I think Victoria is about the best place to find out how many Chinese come across the border to any point we have. For this reason, every Chinese man who goes there pays a tax of \$50 a head. He is registered, and each year he remains there he pays the government of British Columbia a certain amount of money, something like \$8 or \$10. They keep track of them in that way. Now, I think up to the end of the fiscal year in June, I saw the report and I think there were either 5,000 or 7,000 Chinese that had landed in that year, and there were only 2,000 remained there of the 7,000 that had landed. Seven thousand landed, and out of that number 5,000 left, or else 5,000 landed and it was 3,000 that had left, I am not sure whether it was 5,000 or 7,000 that landed.

Mr. Charles B. Wood, a special deputy collector at Port Townsend, Puget Sound, gives the following testimony:

Q. How many Chinese do you think have come in from British Columbia to the United States unlawfully during the time you have been in the Government service, say since April, 1889?

A. On an average about fifty a week.

Q. That is an average?

A. Yes, sir. They have not all come into the Puget Sound country, but they have come into the United States from British Columbia. They go east over the Canadian Pacific and go down into North Dakota. There are lots of them there.

Q. That would be about 2,600 per annum?

A. Yes, sir.

Q. Now what means have you at arriving at these figures?

A. Simply from the list of Chinese persons that come on the steamers running between Vancouver and China and the number that remain in British Columbia.

Q. Do you think a detective stationed at Victoria on the British Columbia side would be of any use, or have you such an officer over there?

A. No, sir; we have no official there now.

Q. Do you know anything about the number of Chinese in Victoria?

A. I presume there are between 3,000 and 5,000 Chinese in Victoria.

Q. And then, as I understand you, you arrive at this by keeping track of the number of arrivals from China?

A. Yes, sir.

Q. By vessels coming into Victoria and Vancouver, in British Columbia, and then trying to account for their absence?

A. Yes, sir. There are those things to be considered. We are on very friendly terms with a special agent they had there and with the collector at Victoria. When a Chinaman leaves there he takes a certificate in order that he may come back; that is, if he has paid his \$50 head tax, he takes his certificate so that he can go back without paying the tax again, and we have had information from there of 125 leaving in one month. In that way then there were quite a number of others that came in that did not pay this tax but slipped away from the vessel and came over to this side of the line.

Q. How many do you think have come in on this side of the Cascade Range?

A. In that length of time?

Q. Yes, sir. How many of that number?

A. Probably 800 or 1,000.

Q. Then you have more of them come in on the other side of the mountain?

A. Yes, sir; on the other side and east.

Q. I mean more particularly this collection district.

A. I don't think there are that number that come into this collection district.

Q. How many would you say would come into this collection district?

A. Probably 1,200 or 1,500 per annum.

Q. And of that number 800 or 1,000 come in on the waters of Puget Sound?

A. Yes, sir.

Mr. Charles M. Bradshaw, of Port Townsend, collector for the district of Puget Sound, being asked to make a statement as to the enforcement of the Chinese exclusion act, says:

The difficulty in enforcing it on this northern border is that the Chinese have a landing place in British Columbia. They come there and by paying \$50 to the British Columbian Government get into that country. We subsequently get the Chinamen. At Victoria particularly it is quite a business in importing Chinamen; they desire to get rid of them themselves and many men make good wages by assisting them across the boundary line here. They come over mostly in small boats. They go first, however, on board a steamship, coming from Hongkong to Victoria or Vancouver, British Columbia. From there they go to Victoria and make their start, with few exceptions.

Some go further on towards Montreal and cross the boundary at Detroit, and along on that border and reach Eastern cities. That I only know, however, from such information as I can get from the Chinese themselves who are engaged in importing, and who do not deny their complicity. These steamers bring out from 60 to 120, one steamer every three weeks. I think probably we get here, on this side, two-thirds of these men. British Columbia retains some of them, and their Chinese population is increasing much faster than ours is, proportionately.

Q. You mean that particular locality at Victoria?

A. Or Vancouver Island more particularly; they reach the north end of the island.

Q. How many do you think come over here per month?
A. That would be very hard to tell. I do not think, however, it exceeds 50 or 60. Some of them we catch and return them to Victoria, and they make another start. One Chinaman that can be readily identified has been taken back to Victoria five different times.

Mr. D. B. Hannah, a business man at Tacoma, says:

I don't suppose, if the truth was known, that there is one Chinaman in five in Washington Territory to-day who did not come in against the laws of the United States. I don't hardly think there is one in ten. During the years before they were excluded from this town I want to tell you a little experience I had in this matter. Down at the Tacoma Mills there was a Chinese structure built in the hollow there, and there was one built down here just south of the wharf at the steamboat landing. The Chinese constructed an innumerable number of houses and shanties, some two, and some one-story, and I think one or two three-story houses. One day there would be fifty Chinamen in the houses down there at that mill; the next day there would be three hundred. These Chinamen were brought from Victoria in schooners and rushed into this place down here below Old Town, as it is called, and there they were landed and conducted by parties living in Old Town into these shanties and placed in those houses, from fifty to two hundred in a night, and the same way on this wharf.

Having given these statements from the testimony, I read from the report submitted by Representative Lehlbach representing the subcommittee:

In this connection your committee will state that the fact that some Chinese manage to surreptitiously come into the United States from British Columbia across the boundary seems to be established by the testimony; but this number does not exceed three hundred annually.

There is a head or landing tax of \$50 charged by the Columbian authorities, and no Chinaman can land at Victoria who has not paid it. That, together with the vigilance of our own customs officers, is sufficient, in the judgment of your committee, to prevent any increase in this supposed number.

The Chinaman is very shrewd and cunning and will resort to all practices in order to obtain admission to the country. The Chinese have employed counsel in San Francisco, whose duty it is to sue out writs of habeas corpus for all Chinese arriving in this country at that port who are denied a landing by the collector. The petitioners for the writ are allowed to give security for their appearance in court. They give their own countrymen as security, who willingly swear that they are worth double the amount of recognizance, although the officer taking the bail knows from past experience that such bail piece is utterly worthless, and that in these cases of habeas corpus large fees and costs accumulate, which have to be paid, and a very small percentage of Chinamen so landed are ever deported to China.

It appears that the number of these cases amounted to 7,000 in the year 1888, and since then to 1,992. A very large number of the cases remain untied on the court dockets. Of the cases disposed of above 67 per cent are ordered to be remanded and deported, and of this number so remanded less than 5 per cent are ever found and deported. Very few suits have been instituted upon the forfeited bail piece, as the United States district attorney informed the subcommittee that such suits would only result in further cost to the Government, as no property belonging to the bondsmen could ever be found to satisfy judgment. Another fact elicited is that the counsel generally employed in these cases are also attorneys of the Chinese consul and of the Six Companies. This has been a fruitful source of increasing the Chinese population, and your committee would suggest that in these cases no Chinaman be allowed to become security for the appearance of a petitioner unless he shall deposit, either in money or interest-bearing securities, in bank, to the credit of the case, the amount of such recognizance.

The subcommittee also ascertained that quite a number of Chinamen came into this country from Mexico. This subject was also carefully investigated at San Francisco and also at Los Angeles and San Diego.

In the last report of the Secretary of the Treasury, Mr. Foster, dated December 7, 1891, the Secretary, referring to his construction of the laws that all Chinese unlawfully coming should be sent back to China, says:

The Department therefore ordered all such persons returned to China, regardless of the avenue of their entrance into this country, with such success that Chinese immigration was practically broken upon the Mexican frontier and measurably checked on the Canadian frontier. But within the last few months the instructions of the Department for deportation to China have been stayed in some instances by the action of the courts in returning such persons to Canada as the country from whence they came, and while the Department has not relaxed its efforts to enforce the law, it has been unable, as a result of such judicial action, to withstand the great influx of Chinese laborers along our Canadian border. It is undoubtedly true that the Chinese population of the United States has been considerably increased within the past year by the addition of Chinese laborers who have entered by way of Canada. Syndicates have been formed and much capital has been invested to further this unlawful immigration.

Mr. President, I have felt that it was important to detain the Senate sufficiently to place upon record some of the recent evidence showing why we need more stringent laws in order to prevent an influx of Chinamen over the Canadian border. The Senate will notice that the Dominion of Canada imposes a tax of \$50 per head upon every Chinaman coming into British Columbia, and that while the Government of Canada gets the \$50 we as a general rule get the Chinaman. I saw a newspaper report concerning the late Sir John Macdonald, the prime minister of Canada, shortly before his death, saying that when he was waited upon by a delegation of Canadians to complain concerning the introduction of Chinese into the Dominion of Canada he said that they ought not to feel disturbed, for "we get \$50 for every one who comes in and he immediately goes over into the United States." I do not know whether Sir John Macdonald said this or not, but at any rate the facts were substantially as he is reported to have stated them; and it is necessary that a very stringent law should be enacted to meet the cases of Chinese migration across the border.

It may be thought a harsh proceeding to imprison Chinamen coming here unlawfully and after their terms of imprisonment

to send them to China. The necessity, however, is a very evident one. Unless the Chinamen coming unlawfully into the country are placed in prison, the penalty of a return to China or across the border is of no value whatever. The Chinaman can move easily; he gets transportation at the expense of the United States about the time that he is ready to go across the border or is ready to go to China again. When he wishes to return to this country once more there is no difficulty in his coming here, and therefore practically, as has been shown by the testimony which I have read and as will appear from much other testimony that is accessible, there is no way of keeping Chinese out of this country except by imposing a term of imprisonment upon them. Put them in prison for a limited period of time and deport them after they have served the term of imprisonment, and this penalty will be effective, and no other will be effective. Therefore I am desirous that the Senate shall adopt section 7 of the House bill.

We have been told by the Senator from Ohio [Mr. SHERMAN] that we ought not to undertake to amend the House bill, but ought to adopt the Senate committee substitute, because the House bill is in violation of the treaty with China. I do not discover in the facts, as I have investigated them, any reason why we should withhold our consideration from the House bill because of anything that is contained in the Chinese treaty of 1880. If that treaty stood to-day intact, if it had never been violated by us, or if the conduct of China herself had been such as to satisfy the United States, I might think that it would not be best to pass this measure until efforts had been made to negotiate a new treaty with China; but Senators can not be unmindful of the exact situation, which is that this treaty has been already violated by the act of 1888. A new treaty had been negotiated by Mr. Bayard. It had been sent to the Senate, and had been agreed to by the Senate on the 7th of May, 1888, with two amendments to article 1 and article 7. Toward the close of article 1 the coming of Chinese laborers was prohibited for twenty years, and the Senate added this clause:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

And to article 7 there was added:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

Those amendments were submitted to the Chinese Government and they were not agreed to by that Government.

Mr. MITCHELL. The Senator is speaking now of the amendments proposed by the Senate to the treaty of 1888?

Mr. CHANDLER. I am speaking of the Senate amendments to the treaty of 1888.

Mr. MITCHELL. How many were there; two?

Mr. CHANDLER. There were two amendments.

Mr. MITCHELL. I wish the Senator would read them again.

Mr. CHANDLER. I have once read them, and I will send the treaty to the Senator from Oregon, so that he can see just what they are. I have two copies.

Mr. MITCHELL. I have been trying to get a copy.

Mr. CHANDLER. Now, the Chinese Government having refused to consent to these two Senate amendments to the treaty, what was called the Scott bill was introduced in the House of Representatives, passed that body and came to the Senate, and on the 6th of September, 1888, on a vote in the Senate, there were 37 yeas and no nays, there being no quorum. On the 7th of September the vote was again taken, and there were 37 yeas and 3 nays, of Senator Brown of Georgia, Senator HOAR of Massachusetts, and Senator WILSON of Iowa, and the bill was passed by the Senate. It was approved by the President, and there has been upon the statute book ever since this law known as the Scott law.

It distinctly appeared in that debate that this law was a violation of the treaty. That fact was developed with a great deal of distinctness by the Senator from South Carolina [Mr. BUTLER], and he secured an admission to that effect from both the Senator from Ohio [Mr. SHERMAN] and the Senator from Alabama [Mr. MORGAN]. I read from the proceedings of September 3, 1888, in volume 19 of the RECORD, part 9, Fiftieth Congress, first session, as follows:

Mr. BUTLER. I simply rose for the purpose of asking the Senator from Ohio, as a member of the Committee on Foreign Relations, whether if this measure should become a law it would not be in direct conflict with an existing treaty between this Government and the Chinese Government?

Mr. SHERMAN. I think it is inconsistent with the treaty, but as the Chinese Government have declined to make a change in the treaty, we have an unquestioned right to pass this proposed law.

Mr. BUTLER. But the point I want to make is whether there is a treaty now existing between the United States and the Chinese Empire with which this bill would come in conflict if it should become a law?

Mr. SHERMAN. Undoubtedly.

Next the Senator from South Carolina said:

I have been opposed, and I am now, to the introduction of Chinese into this

country. I have always been opposed to it, and I will go as far as the Senator from Colorado or any other Senator in excluding them from this country; but I do like to see a little bit of consistency in gentlemen charged with the consideration of such grave matters as are presented to us in this whole question of Chinese immigration. I shall vote for the bill. I am very sorry, however, to be informed by the Senator from Ohio that it is a violation of a treaty.

Mr. TELLER. It is no violation of a treaty.

Mr. BUTLER. Well, that it is an abrogation of a treaty. I am very sorry to do that. I do not believe that the Senate would for one instant consider a proposition of this kind if it related to a strong, vigorous, active power in friendly relations with us.

The Senator from Oregon [Mr. MITCHELL], on page 8218, said: Of course the bill, as all must concede, is in direct contravention of the provisions of the second article of our existing treaty with China.

The Senator from Alabama [Mr. MORGAN] made the same statement.

The Senator from Oregon [Mr. MITCHELL] said on September 6, 1890, page 8339:

I desire, however, to ask him whether in his judgment or opinion as a lawyer this pending bill does abrogate and repeal material provisions of our existing treaty with China?

Mr. MORGAN. I have not any more doubt of it than that I have the honor of speaking from this desk.

Mr. MITCHELL. Nor I.

Mr. MORGAN. Nobody that I have ever heard of denies it. It is a repeal by repugnant or oppugnant legislation.

Mr. MITCHELL. No doubt of it.

Mr. MORGAN. I should have been better satisfied if the House had come out and stated "article so and so is hereby repealed." Nevertheless, lawyers will not disagree as to what the effect of this is to be.

So we have the distinctly admitted fact, the fact unquestioned either then or now, that the Scott law of October 1, 1888, was a violation of the treaty with China.

Mr. TELLER. I should like to suggest to the Senator from New Hampshire that the term "violation" does not apply. It is an abrogation.

Mr. MITCHELL. A repeal.

Mr. TELLER. A repeal. A violation is when some act is performed while the treaty remains in existence. It is not considered when a nation repudiates in a proper way a treaty that it violates it. It abrogates it.

Mr. CHANDLER. I ask the Senator whether he considers the treaty now in force?

Mr. TELLER. So far as the legislation is contrary to the terms of the treaty the latter is *pro tanto* repealed, or abrogated, if you choose that term, not violated.

Mr. CHANDLER. I do not now fully understand the point of the Senator. Of course this is not a mere question of language. As the Senator from South Carolina showed in the debate of 1888, it makes no difference, whether you use the word abrogation or violation. The same colloquy took place then that is now going on as to which word should be used.

Mr. TELLER. Will the Senator allow me to state why there is a wide distinction between the abrogation of a treaty and the violation of a treaty?

Mr. CHANDLER. I am willing to have the Senator state what the difference is in the situation now, whether one word or the other is used.

Mr. TELLER. I understand that when we enter into a treaty with China or any other nation the Government of the United States retains for itself, as every other nation in the world does, the right at any time to abrogate that treaty or any portion of it. It covenants with the power that it makes the treaty with that it will not violate the treaty, and if it violates the treaty then the other power has a right to complain, but it has no right to complain of an abrogation. So there is a wide distinction between the violation of a treaty and its abrogation. For instance, if we had a treaty with China by which the Chinese people could come here, and if our officials had, without law, prohibited the landing of those persons, leaving the treaty intact, that would have been a violation of the treaty, and China would rightfully complain of that; but after we had passed a law which justified our officials in their exclusion China had no right to complain because she took the treaty with us subject to the provision of general law that we might retire from it whenever we saw fit without her concurrence.

Mr. CHANDLER. I do not exactly understand the difference; but I perceive the Senator from South Carolina does understand it, and I hope that when he comes to speak on this subject he will elucidate that point a little more clearly for the benefit of the Senator from Colorado.

Mr. BUTLER. I was just waiting with some anxiety to see how the Senator from New Hampshire was going to get out of the dilemma in which I found myself in the former debate. I do not think he has got out of it any better than I did.

Mr. CHANDLER. I think it is a distinction without a difference.

Mr. MITCHELL. Will the Senator allow me a word?

Mr. CHANDLER. I do not understand now what the point is of the Senator from Colorado, but I have no doubt the Senator from Oregon will make it entirely plain.

Mr. BUTLER. The Senator from Oregon will make it entirely clear.

Mr. MITCHELL. I think the Senator from Colorado made it entirely plain. I think it is not a distinction without a difference. I think the difference is marked and well defined. For instance, we make a treaty with a foreign government—with China, if you please—and before Congress in its sovereign capacity undertakes to repeal or abrogate the treaty the executive department of the Government does some act in direct contravention of the terms of the treaty. That would be a violation of the treaty, because the treaty still remains in existence; but if the sovereign power acting through Congress, as it rightfully may, repeals the treaty or abrogates the treaty, that is not a violation of the treaty, but an abrogation or a repeal of the treaty.

Mr. CHANDLER. In that sense of course Congress never could violate a treaty; it would only abrogate it.

Mr. TELLER. That is all.

Mr. CHANDLER. If the Executive fails to conform to the treaty that would be a violation of it; but after all my point is that a portion of this treaty has been destroyed, and is not now in existence. I ask the Senator from Colorado whether he considers the rest of it in existence or not?

Mr. TELLER. There is no question but that we might repeal one section, and then the country with which we treated might if they saw fit repeal the rest of it. They could repeal the whole thing and say, "if we can not have that section we will not have any."

Mr. CHANDLER. As I understand the case the treaty remains in force until it is abrogated by a new treaty or an act of Congress.

Mr. TELLER. By one action or the other.

Mr. BUTLER. We must be careful in the words we use.

Mr. DAWES. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. CHANDLER. Yes, sir; I desire a contribution from the Senator from Massachusetts.

Mr. DAWES. Then when we enter into a treaty with a nation, no matter what its terms are, it means we are bound to keep it only so long as we have a mind to.

Mr. CHANDLER. That I understand to be the position of the Senator from Colorado.

Mr. DAWES. Is that the position of the Senator from New Hampshire?

Mr. CHANDLER. I have not yet defined my view on that subject. I was about to define my position when the Senator from Colorado made his old point of 1888, that there is a difference between an abrogation and a violation. I am getting light on the subject, and if all Senators will contribute to inform me I have no doubt I shall understand it before I get through.

Mr. TELLER. Will the Senator allow me a moment?

Mr. CHANDLER. Certainly.

Mr. TELLER. The Senator from Massachusetts refers to this as a new doctrine. The Senator will find it laid down in Puffendorf, he will find it laid down in Vattel, that this is the law, and it has been declared in the Senate for many years.

Mr. DAWES. I find this laid down in Puffendorf and Vattel, that every nation has the power—

Mr. TELLER. That is what I am talking about.

Mr. DAWES. To break its treaty, just as every individual may have the power to break his contract; but it takes the consequences. If the nation with whom it has made the treaty has the power to redress the wrong it may. Every nation can abrogate by law a treaty. A declaration of war is the abrogation of all treaties with the nation with whom we may make war, but we take the consequences. We make a treaty with China, we bind ourselves that it shall be inviolate for ten years, and that when ten years are at an end we are to give six months' notice. Now, I understand the Senator from Colorado to say we have a perfect right at the end of five years to cut it in two. That means, as I said before, that when we make a treaty we agree that we will be bound by it just as long as we have a mind to be.

Mr. TELLER. That is perhaps what it amounts to. I will not subscribe to the doctrine the Senator has just declared, that a declaration of war avoids all treaties, for I think the modern authorities are that it does not avoid all treaties. It may suspend treaties for the time being, but it does not avoid them.

Mr. CHANDLER. Now, I ask the Senator from Massachusetts whether he thinks it makes any material difference in the discussion of this subject whether we use the word "abrogate," or "violate"?

Mr. DAWES. Not the slightest, according to my idea. There are very many ways of breaking a treaty in two. One is by an act of Congress, and one is by the act of the Executive; or the individual may violate it.

Mr. CHANDLER. Then the Senator from Massachusetts and

I am in accord on that subject. He asks me what my opinion is. My opinion is that we have already violated or abrogated this treaty by act of Congress.

Mr. PLATT. Does the Senator mean entirely or partially?

Mr. CHANDLER. Philologically we have done it, certainly. To what extent we have abrogated it or violated it is a question for discussion. My argument is, in order to overcome the objection of the Senator from Ohio that we must not amend the House bill but must take the Senate bill which the Committee on Foreign Relations recommend to us, that having violated this treaty or abrogated this treaty in part or in whole, it will be no great further offense to amend the House bill instead of taking the Senate substitute.

Mr. DAWES. Then let me inquire, does the Senator mean to say that since we have violated it once we may twice?

Mr. CHANDLER. I think that that is a very fair argument for the Senator from Massachusetts.

Mr. BUTLER. I will say to the Senator that that was the argument made by me to the Senator from Oregon yesterday.

Mr. CHANDLER. To anticipate a little, I will say to the Senator from Massachusetts that there is no other proposition before the Senate except to violate it.

Mr. DAWES. To violate it again?

Mr. CHANDLER. Yes, to violate it again.

Mr. DAWES. And the justification is that we have violated it once before?

Mr. CHANDLER. Yes, and there is nobody here who proposes not to violate it again. It is violated by the House bill and it is violated by the Senate substitute, or abrogated, whichever Senators choose to call it.

Mr. HISCOCK. May I make a suggestion to the Senator?

Mr. CHANDLER. Certainly; I am getting a great deal of enlightenment.

Mr. HISCOCK. Suppose we violated the treaty once, which I grant, then doubtless China had the power to abrogate the treaty, to declare it off? China did not do that, but continued it in force for eight or ten years after that, all of the other provisions remaining. Now, is not that practically a consent to the treaty with the amendment that has since been made to it by the United States?

Mr. CHANDLER. There is a very good answer to that, which the Senator will see when I get a little further along. China has not assented to the abrogation. She has refused to receive a new minister from the United States because we passed the law of 1888. She says she will not take him; that she hopes the Secretary of State will get that law repealed, and that if we will repeal that law she will receive the minister, much as she disliked his utterances.

Mr. PLATT. The Scott law?

Mr. CHANDLER. The Scott law. The Senator from New York will hardly pretend under those circumstances that China has acquiesced in our abrogation of the treaty; and if the Senator will wait until after I get through with this point I will call his attention more particularly to the position of China on that subject.

But before the Senator from Massachusetts [Mr. DAWES] leaves the Chamber I want to say, as he has asked me whether I think we have done right or not, that I have looked to see what his record and mine were on the original abrogation. I find that neither of us voted, but I find that my colleague, Mr. Blair, said:

If my colleague [Mr. CHANDLER] were here he would vote "yea." He is unavoidably detained from the Senate for a few days.

I will not disown my colleague's statement. I will put myself in the condition of the Senator from South Carolina, and say that I presume I should have voted for that bill if I had been here, and I might have been ashamed of it ever after, as he says he has been and is.

Mr. BUTLER. I am delighted to have the Senator from New Hampshire agree with me.

Mr. CHANDLER. The Senator from Massachusetts [Mr. DAWES] is not recorded as having voted, and therefore we have no authentic ascertainment of his views, and do not know whether he would have been willing to participate in this violation of the treaty.

Mr. DAWES. The Senator from Massachusetts was unfortunately going between the room of the Committee on Appropriations and this Chamber about half the time during the discussion of this and other matters about that time, and was unable to devote much time to this subject. I see that the Senator from New Hampshire is familiar with that interesting volume which he has before him. He will find in the CONGRESSIONAL RECORD a speech which I made upon this question, in which I made known to my constituents and to those to whom my opinions were of the slightest consequence that I utterly opposed that whole legislation, and tried to show its immoral character and its wickedness.

Mr. CHANDLER. Then I have no doubt that if the Senator had been present and voted there would have been four votes against the bill instead of three.

Mr. DAWES. He would certainly have voted against it if he had been here.

Mr. PLATT. I know how disagreeable interruptions are, but I will ask the Senator from New Hampshire if he will not permit me to make a statement as to the extent to which the law passed in 1888 was repugnant to the treaty, as I understand it. By the treaty of 1880 we did provide that Chinese laborers who were then in the United States should be allowed to come and go of their own free will and accord. That was in 1880, and had reference solely to those Chinese laborers who were then in the country. By the law of 1888 we did provide—

That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

So as to those Chinese laborers who were in the United States in 1880 when the treaty was adopted and who had left it and were absent at the time of the passage of the law in 1888, or who left it thereafter, I think the law was repugnant to the treaty; this is its extent and no more. The treaty did not apply to Chinese laborers who had come after 1880. There was no exemption for them in the treaty, but as to those Chinese laborers who were in the United States in 1880 the law undoubtedly was repugnant to the treaty.

Mr. CHANDLER. The offense was a small one undoubtedly. The fact now stated by the Senator from Connecticut was clearly and felicitously shown by the Senator from Oregon in the debate on the law of 1888. The precise effect of that law upon the treaty and the extent to which the law violated the treaty very clearly appear from the Senator's speech at that time.

But, Mr. President, the point is this, that we did pass a bill in admitted violation or abrogation of a portion of the treaty, and it became the law of October 1, 1888. We had passed on September 13, 1888, on the assumption that China would consent to the Senate amendments to the treaty, a long statute, which stands upon the records of the two Houses as an obsolete law, because China did not consent to the amendments of the treaty, and the treaty never came into existence. Therefore we passed the law of October 1, 1888, which was in violation of the treaty, and now the point I make is that it is proposed by the Senate committee that this very law of October 1 we shall continue for ten years longer. Therefore the whole argument against the adoption of the House bill because it is in violation of the treaty or in abrogation of the treaty falls to the ground. It is just as legitimate and appropriate for us to violate the treaty in other particulars as it is to do it by the reenactment of the law of October 1, 1888.

Mr. President, I do not think that the Chinese Government is in a condition to expect from us that we shall refrain from passing such laws on the subject of Chinese immigration as it seems good to Congress to pass. The attitude of the Chinese Government is very clearly stated in the correspondence which is before the Senate and has been made public in reference to the rejection of my late colleague, Senator Blair, as minister to China.

Mr. PLATT. What is the number of the document?

Mr. CHANDLER. It is Executive Document E, of the Fifty-second Congress, first session. I approach this point with some feelings of trepidation, because I am painfully conscious of the fact that every Senator who votes for this House bill is thereby forever disqualified from being a minister to China.

We all enter upon this debate and upon this vote under this ban, that if we vote for a law which the Chinese Government does not like we shall none of us ever have the opportunity of being received by the Chinese Government as minister to the Celestial Empire. It is a disability which may rest heavily upon some Senators. I can think now of only two Senators who are not likely to be under that ban. One is the Senator from Ohio, who has already been mentioned in the dispatches of the Chinese Government as a Senator whose course in this body meets with the approval of that empire, and should the Senator after thirty-six years—

Mr. SHERMAN. I will give the Senator my chance.

Mr. CHANDLER. I am now making myself ineligible. Should the Senator, after his thirty-six years in the Senate, wish to visit a foreign country as the representative of some Republican Administration, as the venerable Senator from Maine [Mr. Hamlin] desired to do—and was sent to Madrid—the Senator will be received in China; and I judge that if there should be a Democratic Administration, the Senator from South Carolina, on account of his frank acknowledgment that he has made in the Senate to-day, might also be received there. But I can think of no other Senators who will not be likely to be disqualified from being ministers to China when I consider the position of the Chi-

nese Government with reference to my late colleague, Mr. Blair. I read from this executive document what took place at the State Department on June 23, 1891:

The minister says to the honorable Mr. Wharton that he sent right away by cable to the Tsung-li Yamén the message which Mr. Wharton asked, that the Government of the United States thought that the Chinese Government had made a mistake as to Mr. Blair's record and that it hoped a reconsideration of its action might be taken.

The minister has received a cablegram from the Viceroy Li Hung Chang, communicating the answer of the Tsung-li Yamén, and he is directed to say that Mr. Blair is not popularly regarded in China. It is possible some of the reports sent there may not be all correct, but the Chinese Government understands that he voted for the exclusion law of 1888, when he was a Senator, and it has received copies of his speeches in which he compared the Chinese in the United States to "yellow fever" and to "pestilential diseases," and said the Government had the same right to keep the Chinese out of its territory as these diseases.

It is informed that he did favor putting off the law for two months to know what had become of the treaty, but at the same time he praised the law and said "it accomplishes an untold good," and he declared that he was in favor of sending out of the country the Chinese laborers now in it, which he called "this great continental nuisance," which "ought to be abated by State and national laws." And these speeches were made after speeches had been made by Mr. SHERMAN, the chairman of the Foreign Affairs Committee, and by Mr. EVARTS, once Secretary of State, which are quoted in the note of his predecessor to Mr. Blair of July 8, 1889, in which the first said that if Great Britain passed such a law against the United States he would be in favor of war—

That is the Senator from Ohio. The Chinese Government understands that the Senator from Ohio in the Senate said: "If Great Britain passed such a law against the United States he would be in favor of war"—

and the latter said it was the first time the United States had done such an insulting thing.

Now, I come to the important part of this communication. I read on page 9:

The minister says that the passing of that law while the treaty was being considered has had a very bad effect in China. If the President or the Secretary of State could do anything to repeal that law and to put in force again the treaties—

If the Senator from New York [Mr. HISCOCK] were here I would call his attention to that language—

and to put in force again the treaties, the situation in China would be much changed; and then it would not make much difference what Mr. Blair has said and he would be well received if the President asked for it. But Mr. Wharton must know that the last Chinese minister had written to Mr. Bayard and afterwards to Mr. Blaine long notes, and that he had also written Mr. Blaine notes complaining of the passing of that law, showing by great American public men that it was against the treaties and in violation of all the conduct of the United States to all other governments, and that its passage had done great harm and loss to many thousands of poor Chinese; and Mr. Wharton must know that the United States Government has not made any answer to these complaints.

The minister, therefore, lays the question before Mr. Wharton and asks him to lay it before the President, whether before any satisfaction is given to China or any answer is made to those notes, it is reasonable to ask that Government to receive as minister one of the men who voted for that law and who has made such speeches against the Chinese as the ones which have been seen by the Tsung-li Yamén. The Chinese Government has always been anxious to preserve the very best and friendliest relations with the United States, and has always tried to treat its ministers with the greatest consideration and confidence, and it will be very sorry if its conduct in this matter is not agreeable to the President; but the viceroy believes the President can understand the situation in China, and will see that it was not possible to take any other course.

There is the position of China to-day. China declares that the treaty has been violated. China declares that the treaties are not in force. China rejects a minister on account of something which he is supposed to have said in the Senate of the United States, and then deliberately announces that if the President and the Secretary of State will repeal the Scott law and again put in force the treaty, no matter what Mr. Blair has said he will be well received, if the President desires it.

I submit that under these circumstances there is no condition of treaty negotiation and no condition of amicable relation between the United States and China which calls upon us to hesitate in the slightest degree to put upon our statute book such legislation as we think ought to be enacted in the interest and for the welfare of the people of the United States.

Mr. DAWES. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. CHANDLER. Certainly.

Mr. DAWES. Does the Senator call to mind the many times that we have complained of Great Britain for violating the treaty of 1818 on our eastern coast, and insisted upon it that she should observe the treaty? Does it follow that because we admit that she has violated it that we have given it up; that because Great Britain has violated it in repeated instances therefore she is at liberty to violate it just as much as she pleases, and that because we complain that she has violated it therefore we admit that the treaty is no longer in force?

Mr. CHANDLER. In the case which the Senator cites I suppose Great Britain never admitted that she had violated the treaty. In this case the Chinese Government says we violated the treaty, and we admit that we violated the treaty. The Chinese Government says that she will not receive a United States minister duly appointed by the President with the consent of the

Senate, on account of words spoken in debate upon this floor, but that she will receive him if we will repeal the law.

The Senator asks me if that destroys the treaty. I say no, it does not destroy the treaty, but it shows such a condition of intercourse between this Government and China as justifies us in putting upon the statute book concerning Chinese immigration any law that the interests of our people require.

Mr. BUTLER. The Senator will certainly not hold to that proposition when he reflects that the fourth section of that treaty provides the manner in which it shall be repealed or abrogated. The treaty itself provides for it, as almost all treaties with foreign powers do.

Mr. CHANDLER. I am free to admit that I think the situation between the Chinese Government and the United States is a bad one. It is unfortunate in two particulars. It is unfortunate in this, that whereas we negotiated a treaty in 1888, which was amended by the Senate and the amendments were not accepted by China, and we thereupon proceeded to pass a law which was in partial abrogation of the treaty, there has been so far as we can learn, no negotiation whatever upon this delicate subject with the Chinese Government from 1888 down to this hour.

Mr. MITCHELL. Will the Senator allow me right there to make a suggestion in answer to the one made by the Senator from Massachusetts a moment ago as to something Great Britain had done in reference to our treaties? I wish to call the attention of the Senator to the fact that Great Britain in 1870 passed an act abrogating in large part the extradition treaty of 1842, which we had with that Government.

Mr. CHANDLER. I do not understand that it is any very unusual course for a country to pass a law in derogation or in partial abrogation or in violation—I am a little confused in these terms—of a treaty. I do not understand that it is unusual.

Mr. DAWES. I want to get right with my friend from Oregon. I admit that they had the power to break the treaty. It is a question of power and not of right. We have the power to say we will no longer be bound by our agreement, but it is not a right.

Mr. MITCHELL. That is true; we not only have the power but all the law writers on the subject go a step further and say that whenever any treaty between two nations becomes pernicious in its effect and its operations towards the institutions of one of them, then it is not only the right but the duty of the sovereign power to abrogate it.

Mr. DAWES. I say so, too.

Mr. CHANDLER. Now, I say the situation is unfortunate. It seems to me, with all due deference to those who know more about this subject than I do, that when the new treaty had failed and the amendments to it had been refused by China and a law had been passed partially abrogating the treaty, that negotiations should have been resumed. But four years have passed and no such negotiations have taken place, and now the only position of the Chinese Government on this subject is expressed in this correspondence in connection with the rejection of Mr. Blair, which, as I have already suggested, seems to me a matter of serious importance.

Mr. DAWES. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. CHANDLER. Certainly.

Mr. DAWES. The Senator says that we negotiated with China, in the first instance, before we passed the Scott law, but that that treaty was not accepted by China. Does it not amount to this: We tried to get a treaty with China that would permit us to pass the Scott law and failed. Then we passed the Scott law without the consent of China. That is to say, we cut the treaty by a statute, which we had the power to do. The Senator's argument is that having done that we have done a great deal bigger wrong than this one, which is a little one, and that it is not so bad as the other.

Mr. CHANDLER. The case is not quite correctly stated by the Senator. If a law was before the Senate in favor of abrogating the law of 1888 and restoring the treaty, then the Senator's argument would be pertinent, but nobody proposes that. The law of 1888 expires with the law of 1882 on the 6th of the coming May, and it is now proposed that we shall renew that violation of the treaty. I say that if we can do that at the instigation and upon the recommendation of the Senate Committee on Foreign Relations, we can also go further in our legislation by the adoption, after amending it as we choose, of the bill on the subject which has passed the House of Representatives.

Mr. DAWES. Suppose a burglar should stand up in court in answer to an indictment and say, "four years ago I stole out of this very house twice as much as you have accused me of here now; you have never done anything about that for four years, and I set that up as a justification for the present robbery."

Mr. CHANDLER. I wish the Senator from Massachusetts

had been here when the law of 1888 was passed. With his eloquent voice joined to that of his colleague, who was here and cast his vote against it, perhaps that law might have been stayed. But I confront the Senator from Massachusetts with the fact that that law did pass almost unanimously, and that the case now before the Senate is whether we shall confine ourselves to simply renewing that violation of the treaty or whether we shall go a little further and cover the whole subject of Chinese immigration in accordance with the interests of the American people.

Mr. MITCHELL. Will the Senator allow me just there to remark that the only member of this body who made a vigorous and determined effort to stay the passage of the Scott exclusion act is the man whom the Chinese Government rejects as minister to that country.

Mr. CHANDLER. I am very thankful to the Senator from Oregon for recalling me to my text, and I hope now I may be allowed to proceed without interruption. It is entirely true, as shown by the papers before the Senate, that my colleague, Senator Blair, was almost the only Senator who made a vigorous fight to stay the effect of the Scott law until China could act upon the amendments of the treaty. So we have this case in reference to China, that in order to force a repeal of the Scott law she has selected the one man of all others whom she should not have selected, and rejected him as minister to China in order to dictate to the United States that the Congress must repeal the Scott law.

Mr. President, there have been no negotiations in reference to this treaty or the subject-matter of the treaty which it seems was violated in 1888 by the Government, and so far as appears there has been little if any communication by the Administration with the Chinese Government in relation to the rejection of Senator Blair on the ground that he had made speeches in the Senate which were not acceptable to the Chinese Government, although that Government offered, if the law could be repealed, to receive him if the President desired it. In Senator Blair's letter of June 22, 1891, to Mr. Wharton, he says:

In 1882, Senate bill 71, a proposed exclusion act, passed both Houses of Congress and was vetoed by President Arthur.

I opposed and voted against the bill on its passage, and also sustained and voted for the veto by which the bill was defeated, although the bill was supported by a majority of the Senate.

House bill No. 5804 was passed in the same Congress by which the treaty of 1890 was carried into effect by the suspension of the immigration of Chinese laborers until the year 1892. The President approved the bill and it became a law, and this is the "exclusion act." I opposed and voted against it.

I did not speak at all upon either bill, nor upon the subject-matter.

Passing from 1882 to 1888, it appears that the Scott bill was adopted by a vote of 37 to 3, and Senator Blair voted for it, as he had voted for it on the previous day.

Having voted for the bill, I had the right to move to reconsider, and immediately did so, saying that my purpose was to move the amendment which I sent to the desk, which was read, and is as follows:

"Add a new section:

"SEC. 5. This act shall not take effect until the expiration of sixty days after its passage, unless the pending treaty between China and the United States be rejected by China within that time, but shall take effect immediately upon such rejection; and this act shall take effect upon the expiration of sixty days after its passage, provided that said treaty shall not within that time have been ratified. If within sixty days from the passage of this act said treaty shall have been ratified by China, then this act shall be void."

On the 13th day of September I modified the amendment so as to substitute "November 1" for "sixty days," and providing that—

"The President shall at once make known the passage of this act, by the most expeditious method, to the Emperor of China."

When I made this motion, Mr. GORMAN, a leading Democratic Senator, said:

"I am delighted that the Senator from New Hampshire [Mr. Blair] has made this motion that he has and offered the amendment that he has. It only demonstrates that we have acted in great haste," etc.

Mr. Blair further says:

The motion, the proposed amendment, and myself were all strongly assailed and defended, the debate proceeding with animation and occasionally with considerable heat until the 17th of September, when the motion failed by one vote, viz, 20 yeas and 21 nays.

Mr. President, in 1891 Senator Blair, with this record and without any solicitation on his own part, or on the part of any friend of his, was selected by the President of the United States as minister to China. He was rejected by China by means of telegrams which were sent to the acting minister here, and were by him called to the attention of Mr. Blaine. On the 29th of April, 1891, Mr. Blaine telegraphed to Mr. Blair, then at Chicago, on his way to China:

Better return to Washington.

Mr. Blair came to Washington, and on the 15th day of June, 1891, Mr. Wharton had this conversation with the Chinese minister:

In a conversation with the Chinese minister, had to-day at the Department, after referring to the communications from his Government already left by the minister at the Department stating its unwillingness to receive Mr. Blair as the accredited minister from this country, I asked him, entirely confidentially and unofficially, whether it was not possible that his Government had made its decision in the matter without being in possession of all the facts of the case. I stated to him that I wanted to feel that the decision

had not been reached under any misapprehension, and I therefore requested him unofficially to telegraph his Government in an entirely informal manner, inquiring whether upon my offering to present all the facts of Mr. Blair's action exactly as they happened, for the complete and thorough information of the proper authorities, the Chinese Government would be willing to reconsider its decision and consider such new facts as might be so presented.

I wish the Senate to notice that Mr. Wharton did not condemn the reasons given by China; he did not present any facts in opposition to those reasons, but he simply asked the Chinese chargé whether his Government would hear the Government of the United States on the question:

The minister asked me what new facts we proposed to present.

I announced that I was not then prepared to say, but had simply to request a reopening of the matter by the Chinese Government, in order that I might have an opportunity to inform it fully of Mr. Blair's position, so that we could in this country have the satisfaction of feeling that the unwillingness of his Government to receive Mr. Blair, if it should so finally express itself, was based upon no misapprehension of fact.

The minister said that he would telegraph to his Government what I had said and would inform me of the answer as soon as received.

It must be noted that Mr. Blair was going to China in order to supersede Mr. Denby. Simultaneously with the request which Mr. Wharton made of the Chinese chargé d'affaires that the Chinese Government would kindly hear the Government of the United States on the question whether a Senator should be rejected as a minister on account of words spoken in debate in the Senate, and whether it would hear the United States on the question of allowing Mr. Denby, then in Pekin, to be superseded by Mr. Blair, Mr. Wharton telegraphed Mr. Denby:

[Telegram.]

DEPARTMENT OF STATE, Washington, June 15, 1891.

Had an unofficial conversation with the Chinese minister to-day and suggested to him that perhaps Chinese Government had decided Blair case under misapprehension of facts. Minister promised to telegraph his Government and inquire whether they would reconsider their decision so that additional facts might be submitted. This entirely unofficially.

WHARTON.

So on the very day when the Acting Secretary of State requested the Chinese minister to ask the Chinese Government if it would hear new facts in reference to Mr. Blair a telegram was sent to Mr. Denby, who was to be superseded, in order that he might take such part in the proceedings as it might please him to take.

Mr. President, that was the only communication that was made by the United States Government in defense of Mr. Blair. It will be seen that it was merely this request, without an objection or a protest against rejection of a minister on such grounds. Mr. Blair fittingly closed his letter of June 22 as follows:

If the tests applied to my conduct in this case are to be acquiesced in by our Government, freedom of discussion in and out of the halls of legislation, and of intercourse between the Executive and Congress, will be ended on the one hand, or on the other representation of our country abroad by men who have taken part in public affairs must cease.

And therewith he tendered his resignation. On the 23d of June, the day after this letter was written and the resignation tendered, came the memorandum from the Chinese legation here in Washington, in which the objections to Mr. Blair are reiterated, but the statements are made which I have read, that if the Scott law can be repealed the Chinese Government will receive Mr. Blair notwithstanding anything he may have said.

Mr. Blair submitted another letter at a later period. The President accepted Mr. Blair's resignation on the 6th of October, and the same day, for the first time, we find an attempt made by the Administration to vindicate Mr. Blair, to defend him from the criticisms which had been made upon him by the Chinese Government, and to protest to that Government against the rejection of a minister from the United States on account of words spoken in debate in the United States Senate.

This was done in a letter of October 6, addressed by Mr. Wharton to Mr. Denby, and I call attention to the remarkable fact that there is not a particle of evidence anywhere that the views expressed in that communication have ever yet been called to the attention of the Chinese Government, or have ever yet reached the Chinese Government, or any representative of the Chinese Government. The letter of Mr. Wharton closes as follows:

As I have said, the incident is in fact closed by the action of Mr. Blair in placing his commission in the President's hands. That circumstance, however, does not make it less incumbent upon the Government of the United States to frankly and fully state its views touching the incident itself. Silence would ill comport with our own self-respect or be just to the Government of China.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Would not one suppose that the views contained in this letter written October 6, the first time at which pen was put to paper in defense of Mr. Blair or in protest against the action of the Chinese Government, would in some way reach the Chinese Government? Would it not be inferred that Mr. Denby would communicate these views to the Chinese Government after Mr. Wharton had said "silence would ill comport with our own self-

respect or be just to the Government of China"? What followed? The next paper in the correspondence is the following:

Mr. Denby to Mr. Blaine.

LEGATION OF THE UNITED STATES.
Peking, November 28, 1891. (Received January 8.)

SIR: I have the honor to state that I have read with great interest and complete concurrence your dispatch No. 659, of the 6th ultimo, wherein you discuss and deny the right of a foreign country to refuse, on an insufficient ground, stated and relied on, to receive an envoy duly accredited by the Government of the United States to its court.

Your dispatch will be of great service to this legation should the question involved ever arise here.

I have, etc.,

CHARLES DENBY.

So the protest of the Government of the United States, made after the Chinese Government had refused to receive a minister and demanded the repeal of a law, and said they would receive the minister if the law could be repealed, the protest of the Government of the United States against that action was sent to the minister in China who was to be superseded and filed by him in the archives at Peking, with the remark that "your dispatch will be of great service to this legation should the question involved ever arise here."

Mr. DAVIS. I should like to ask the Senator from New Hampshire if Mr. Blair had not resigned before that dispatch was sent, and the question become an abstract one so far as China was concerned?

Mr. CHANDLER. I should be unwilling to think that the Senator thought, when the Secretary of State wrote the Chinese minister that "silence would ill-comport with our own self-respect or be just to the Government of China," that the question had become so far an abstract one that the views of our Government must be kept secret from the Government of China. I do not think the Senator believes that.

Mr. DAVIS. I should like to ask the Senator if he does not think that the reply of our foreign office was an answer to a communication from the Chinese Government theretofore received at the State Department; that it grew out of the previous correspondence.

Mr. CHANDLER. It does not so appear, and I have undertaken to make it apparent to the Senator that there has been no correspondence on the subject; that there has not been a public record made except of conversations between Mr. Wharton and some person of the Chinese legation here, and that this Government did not put pen to paper until the 6th day of October, when it accepted Mr. Blair's resignation; while the protest to which the Acting Secretary of State then did put his name has, so far as we know, never come to the knowledge of the Chinese Government to this day.

Mr. DAVIS. Perhaps I was too narrow in the use of the word correspondence, but I should like to ask my friend from New Hampshire if the paper to which he is now referring was not the direct outcome and the consequence of the diplomatic intercourse, verbal or written, that had taken place between the State Department and the Chinese embassy or the Chinese foreign office?

Mr. CHANDLER. It had relation to the Blair case, if that is what the Senator means. But I say it was the first time the Administration, which of its own accord had pushed Mr. Blair into this office, ever put pen to paper to vindicate him in the humiliation which had been put upon him, and to protest to the Chinese Government that it could not reject ministers because of words in spoken debate in the United States Senate without disturbing the friendly relations between it and the United States Government. When the letter of October 6 was received by Mr. Denby, he filed it away and said the views met with his entire concurrence, and that the letter would be of great use should the question ever arise there.

Mr. MITCHELL. Will the Senator allow me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL. Has the Senator from New Hampshire any information as to what reply, if any, the State Department received to the dispatch of March 25, 1892, from Wharton to Denby?

DEPARTMENT OF STATE, March 25, 1892.

If you have not already communicated Instruction 659, October 6, to the Chinese Government, do so immediately.

WHARTON, Acting.

What is the response to that, if any?

Mr. CHANDLER. That was sent less than a month ago. It was only when in January a resolution was passed calling upon the State Department for this correspondence, and a month later another resolution was adopted calling upon the President for the correspondence that Mr. Wharton seemed to have tried to find out whether the Chinese Government ever knew that we objected to their rejection of Mr. Blair on account of a speech made in the Senate. I call the attention of the Senator from Minnesota to the fact that this Government had never even said until

October 6 that we did not regard the reasons as good. The Secretary of State had asked the minister whether the Chinese Government would hear the Government of the United States, and the minister said, "No; we will not hear the Government; we reject the minister; but if you will repeal the Scott law then we will take him, no matter what he has said."

When at last the President did cause his Acting Secretary of State to put upon paper a protest against this gross wrong that had been perpetrated upon a citizen of the United States it was sent to the legation in Peking; it met with the concurrence of the minister who was to be superseded, so he wrote, and he forthwith buried it in the archives and gravely informed the Secretary of State that it would be very useful if the question ever arose in Peking. Now, that the Senator from Minnesota has asked me a question about Mr. Blair's resignation, I venture to call attention to a further fact.

Mr. DAVIS. I wanted the Senator to fix the dates.

Mr. CHANDLER. When Mr. Blair wrote the letter of June 22 making his own vindication, which nobody had made for him, he tendered his resignation. On the 9th of July it appears that for reasons which are stated in his own memorial, now before the Committee on Foreign Relations, of which the Senator from Minnesota is a member, he recalled his resignation, as follows:

Mr. Blair to Mr. Wharton.

WASHINGTON, D. C., July 9, 1891.

DEAR SIR: I hereby withdraw the tender of my resignation as minister to China, made in my letter to the President of the 23d ultimo, now in your possession, and will thank you to inform the President.

I have, etc.,

HENRY W. BLAIR.

Mr. Wharton to Mr. Blair.

DEPARTMENT OF STATE, Washington, July 10, 1891.

SIR: I have received your letter of the 9th instant, withdrawing the tender of your resignation as minister to China, made in your letter of the 23d ultimo, to the President, now in my possession; and, in accordance with your wish, I shall inform the President of your action this afternoon.

I am, sir, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

But on the 6th of October the President accepted the resignation which had been withdrawn, and there is the whole record. On the 6th of October the Acting Secretary tried to vindicate Mr. Blair by a letter to Peking, which nobody ever knew of or heard anything of until these communications came into the Senate on the 4th of April, and the President on the same 6th of October accepted the resignation which had been withdrawn. The minister at China buried the vindication; but when Mr. Wharton came to contemplate the two resolutions of the Senate calling for the correspondence it seems for the first time to have occurred to him that Mr. Denby might not have communicated the views of this Government to the Chinese Government, and so he telegraphed him:

DEPARTMENT OF STATE, March 25, 1892.

If you have not already communicated Instruction 659, October 6, to the Chinese Government, do so immediately.

WHARTON, Acting.

The Senator from Oregon asks me if anything has been heard since that date. I do not know whether anything has been received in reply to that communication, but I have been informed by the Senator from Oregon nearest me [Mr. DOLPH] that up to the 25th day of March, 1892, he has reason to believe that the Chinese Government had not received any knowledge of the contents of the letter of October 6, 1891.

Mr. DOLPH. I was so informed by a gentleman of intelligence and veracity, who undertook, I think, to speak on communication with the minister in this city.

Mr. MITCHELL. But is there information accessible now from any reliable source as to whether that communication has yet been delivered to the Chinese Government?

Mr. CHANDLER. There is not; and, moreover, while I am informed that Mr. Denby, the present minister, who has one son as his own secretary of legation, has another son in the employ of the Chinese Government in Peking, I can not learn from the State Department whether the latter fact is true or not, although I have inquired.

My information, I take occasion to say, came from Senator Blair himself, who told me that he had been informed that Minister Denby had a son in the employment of the Chinese Government at a large salary in Peking. If this is not so, if anyone will give me the exact facts and I find I am mistaken, I will withdraw the statement as publicly as I now make it.

But I submit that the conduct of our Government towards the Chinese Government, in view of the rejection of Mr. Blair, followed by the demand that the Scott law shall be repealed, has not been such as was due from the President, who had accredited Mr. Blair to China and sent him toward his work there, and was not such as was required by the dignity and the honor of the United States.

Mr. President, while I have said what I have thought I ought to say in relation to my late colleague, I am not insisting that his rejection as minister to China by itself should constitute a reason for our violating any treaty with that nation; but I do say that it is an incident in connection with our relations to the Chinese Government that has a bearing upon the question of the manner in which we shall do what we really wish to do about Chinese immigration.

We have not taken up the subject of Chinese immigration by diplomatic negotiation; since the treaty fell to the ground in the summer of 1888 we have allowed the question to remain still and dead until now.

We have permitted our accredited minister to be rejected under the circumstances which appear in this correspondence, and now we are told that we ought not to amend the House bill because it abrogates a little more of the treaty than the Senate substitute does; that our friendly and amicable relations with the Emperor of China are such that we should content ourselves with violating the treaty only a little by the reenactment of the law of 1888, of which the Chinese Government demands the repeal, stating that it will make the relations of the two countries much more friendly, and that, although it would prefer some Senator of the United States, if a Senator is sent, who has voted against these laws, still it will then take Mr. Blair or anybody whom the President may desire to send.

Mr. President, I hope the various amendments which I have submitted to the House bill will be adopted, and if any other amendments are needed, such as Senators may prepare, to soften the features of that bill and yet preserve it in substance, that those amendments will be made, and I then see no reason why the bill should not, under those conditions, go into the hands of a conference committee—which is, after all, the great method of legislation by Congress—and be there put in such shape that it may become a law, as properly as it may go into a conference committee through the total rejection of the House bill and the adoption of the substitute reported by the Senate Committee on Foreign Relations, simply because it has this peculiar merit, that it violates the treaty a little less than the House bill violates it.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. BATE. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

Mr. SHERMAN. I hope that will be withheld until we shall see whether the pending bill can be disposed of to-night.

Mr. BATE. I am acting on the idea that the bill can not be concluded to-night.

Mr. SHERMAN. I shall feel bound to object to adjourning over owing to the nature of the pending business.

Mr. BATE. I will yield if it is desired by the Senator for any special purpose.

Mr. SHERMAN. I will state to the Senator from Tennessee that it is important in any aspect of this question that it should be disposed of to-day or to-morrow, because it is believed by many Senators that the treaty and all arrangements respecting Chinese immigration will expire on the 6th day of May, which is only a few days off.

Mr. BATE. I shall certainly not press the motion if the Senator has any special reason.

Mr. SHERMAN. I have stated the reason. If Senators are not willing to remain to-night and pass the bill, and I suppose they are not, then let us meet to-morrow, take it up and dispose of it.

Mr. BATE. Very well; I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

EXCLUSION OF CHINESE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States.

Mr. DAVIS. Mr. President, I have listened to the discussion of the bill under consideration, especially to the remarks of the Senator from New Hampshire [Mr. CHANDLER], with a great deal of interest. In my judgment very many momentous things are involved in the matter. This entire question of immigration, its quality, its extent, and in some places its fearful degeneration, afford not only themes for profound thought, but also for profound apprehension. I think it is well for the Senate and the country that the great activity and acumen of the Senator from New Hampshire, as chairman of the Committee on Immigration, can find ample scope in relation to these problems.

It is not alone, Mr. President, a question of immigration from China, but it is a question also of the class and quality of an influx which threatens to come to us from other places, of its effect upon the integrity of our institutions, upon the unity of our country. I do not wish for a moment to be conceived as at all attacking that great element of immigration out of which we have grown so great, so that this is the land where intelligence,

virtue, and adaptability to the principles of self-government can find employment for their personal representatives, wherever born I go as far as anybody in acquiescing in the conviction that we can not guard too carefully against the irruptions into our population of those whose racial differences are so great as to set a wide gulf between them and us, which may not be passed; I also shall ask anyone to go as far as I am willing to go towards that other pole of this controversy—that we should protect the people of this country against an irruption of crime, unsocial elements, those agencies which are hostile to all governments, republics, or limited or absolute monarchies. This question is drawing around American intelligence a circle within which we must enter, and within which we must act. This Chinese question is the smallest segment of that circle.

We have been compelled to pass laws against undesirable immigration, applicable as well to Europe as to Asia, and much as has been said on this subject, much as attention has been directed to the Chinese aspect of this controversy, I venture to say that more illicit immigrants come into this country every year from Europe through the port of New York, or over the boundary line from Canada, than during the same period come from China by way of the coast of the Pacific.

Mr. President, I have no set remarks to make on this subject, and in a sort of discursive way shall present partly in explanation and partly in controversy of some things that the Senator from New Hampshire has said, what has occurred to me, and I do not expect to be at all consecutive.

Right here it occurs to me to mention, as illustrative of what I shall advance at somewhat more of length hereafter, that I do not understand that the Chinese Government as a government at all favors any exodus of its people. They are not a migrating race. Wherever they go they retain the *animus revertendi*; they domicile themselves in no foreign land; their children are not born in a foreign land; they do not expect to be buried in a foreign land.

So that in this matter we have not got to contend in its large and general aspect against the operations of a government which, as a government, is trying to impose its people upon us, to rid itself of a surplus population, to pour the Orontes of its vice into the Tiber of our virtues, as was complained of in ancient Rome.

We are dealing with a nation which is unwilling that its subjects shall come amongst us, which calls them back by its laws and customs, even the custom of burial, upon every opportunity. China, I understand, up to a certain time, when, I think, by very unwise action on our part our diplomatic relations became strained, in this particular aspect was considering, and it was to be hoped was willing, by treaty, to concede the thing which we finally took by our legal right of statutory enactment.

Elsewhere it is different. There is a race instinct in the European world which sends its population to this country, seeking in most instances to affiliate themselves with our institutions. There are other elements in those countries which send immigrants here because they belong to the criminal classes, and there are also vast turbulent classes there who seek refuge from a system of government where the policemen reign and order is made secure by armies, to a country which they fondly imagine to be going fast and loose, and which may be more easily subjected to every anarchistic, nihilistic, and socialistic idea of which society is sought to be made the prey.

Now, Mr. President, the fact is that the treaty of 1880 between the United States and China has not been observed by the United States in some particulars. There is not much use in caviling about the choice of words to express what our legislative action was, but certainly to say we "violated the treaty" is not the proper phrase. I agree entirely with the Senator from Colorado [Mr. TELLER] in his opinion of the proper use of language in that respect. Under our system of government it was held by the Supreme Court of the United States in the Tobacco Cases, in *Wallace*, I think, and it has been held subsequently, that a treaty becomes a law by virtue of the cooperation of one branch of the law-making power with the executive, and can, so far as the instrumentalities and functions of our Government are concerned be, as to and by our Government, in all respects or in any particular respect, abrogated or annulled by statute. It is simply a governmental, constitutional, function of the United States to repeal or amend that which was a statute, namely, a treaty, which was the supreme law of the land.

But these nice discriminations as to the use of words do not do away with another consequence and consideration which lies far back of any matters which are involved in this discussion. While we have the legal right, the right of power, to abrogate or amend by legislative act a treaty, and do not violate that treaty in so doing, so far as physical violation is concerned, yet, Mr. President, if, in so doing, we take away or attack any rights which have been vested under that treaty, if we repeal that treaty before a time to which it has been stipulated by its terms it

shall stand—if we undertake to and do make the condition of one of the contracting parties worse than it would have been if we had not so proceeded against it, then there has been a moral breach of our obligations, of which, as the Senator from Massachusetts [Mr. DAWES] remarked a few moments ago, we must take the consequences.

Now, that we have done this thing in regard to China there is not a particle of doubt, and I am here frankly to say that for my own participation in the passage of that act of 1888 I have nothing but the profoundest regrets. No nation, however great, ever derived any lasting or ultimate benefit from thus proceeding against any nation, however weak or small.

We have proceeded in this way against a nation, august by its antiquity, that was old when the foundations of Rome were laid, which rested serenely in the bosom of untroubled centuries of repose until by force by other powers, and, so far as we are concerned, by pressure which was almost akin to physical force, she was compelled to unseal her boundaries and enter into relations with the civilized world.

It is a matter of history, Mr. President, that China never sought those relations which we are abusing. She was content through unnumbered centuries, and would have been content to-day, to remain as she was had other nations not enforced by forces, physical and moral, which were irresistible in their character, the relations of the civilized world upon her. She has a homogeneous and pacific people, strong in numbers—infinite strength—strong in her institutions, which are almost infinitely old; but she was and is a pacific people. There is not a warlike European nation to whom, as has been remarked, we should have dared to perpetrate the injustice of the act of 1888.

Now, I complain of this House bill because it is a rank, radical, unblushing, unmitigated repudiation of every treaty obligation which remains between us and China, and a disavowal of our duty to observe any rights vested under those treaties. I say, without at present going into detail in this matter, that that is an act which this country can not afford to do. It has been said by the Senator from New Hampshire [Mr. CHANDLER] that we admit that certain portions of this treaty have been violated; but I assert that the violation of one portion of a treaty by one party does not suspend or abrogate the entire treaty. The offended government can, it is true, at its will denounce the unviolated portions of the treaty and annul them by reason of the breach of the obligation made by the offending government, but China has never done this. Our commercial relations with her go on as usual; all the instrumentalities of intercourse, so far as provided by treaties, are in full and efficient operation.

Of course, Mr. President, it was a matter of deep personal regret to every one who has the pleasure of knowing Senator Blair, that he was not received by the Chinese Government as the minister of the United States. Personally I think, and probably personally everybody here thinks, that an injustice was done to him; but if there is any one thing settled in the law and principles of diplomatic intercourse it is this, that where a person accredited from one country to another is not *persona*—I dislike that phrase—is not personally acceptable to the receiving Government, all that Government has to do is simply to state that as a reason why he will not be received, and it is not obliged to go any further.

The reasons can not properly, and they never do properly, except by courtesy, and then with no consequence as to the result of the argument, become a matter of diplomatic debate or intercourse. Governments do not in such case reason with each other except in some such gossiping way as between the Chinese minister and Mr. Wharton, as to the personal reasons why an accredited minister is not gratifying to the feelings of the country to which he is sent. A simple statement of the objection ends the case. The Chinese Government in this case did precisely what it had the right to do; did precisely what this Government did in principle in the case of citizen Genet before the beginning of this century, when it sent him away; precisely in principle what we did as to Sir Sackville West; precisely what the court of Austria did as to our own Government within the last ten years, when it took exception against our minister on the ground of his religious faith. We could make no objection.

Mr. CHANDLER. Will the Senator allow me a question?

Mr. DAVIS. Certainly.

Mr. CHANDLER. I have obtained the correspondence concerning the rejection of Mr. Kelley both by Italy and Austria, and Mr. Bayard states very distinctly the right and duty of the United States, when a Government gives reasons, to remonstrate against the character of those reasons.

Mr. DAVIS. Why, of course, Mr. President, I do not find any fault with the Government for standing up for its own citizen and remonstrating, but the idea, because Mr. Blair has been declared to be personally not acceptable to China, that our in-

ternational duties, our treaty obligations, and our duty to abstain from violating them in the manner proposed, and to the extent proposed, by this House bill—the idea that those duties are abrogated by that discussion, is that which I am trying to controvert.

Mr. CHANDLER. If the Senator will allow me, no one has made any such assertion as that.

Mr. DAVIS. Now, let me ask the Senator a question. Does not Mr. Bayard in that same dispatch take precisely the position I took a moment ago?

Mr. CHANDLER. I will read the sentence, if the Senator will allow me.

Mr. DAVIS. If the Senator will read that sentence I will yield for that purpose.

Mr. CHANDLER. I will read it. August 31, 1885, Mr. Bayard says:

Nations, like individuals, are the proper guardians of their own self-respect and honor, and the people of the United States must decide upon their acceptance of the novel conditions of diplomatic intercourse which have been set up and insisted upon by Austria-Hungary in the case of Mr. Kelley.

Mr. Bayard makes a vigorous and manly and eloquent protest against the rejection by Austria-Hungary of Mr. Kelley for the reason assigned by that Government for making the rejection. Of course he does not deny the right of Austria-Hungary to refuse to receive Mr. Kelley, but when Austria-Hungary refused to receive him on certain untenable grounds, Mr. Bayard deemed it his duty to make most vigorous and earnest and manly and honorable and creditable protest.

Mr. DAVIS. So he did; but as I am enabled to read by the courtesy of my friend, the Senator from Colorado [Mr. TELLER], Mr. Bayard proceeded to say:

While thus making reply to the only reason stated by your Government as the cause of its un readiness to receive Mr. Kelley, permit me also to remark that the President fully recognizes the highly important and undoubted right of every Government to decide for itself whether the individual presented as the envoy of another state is or is not an acceptable person, and, in the exercise of its own high and friendly discretion, to receive or not the person so presented. This right, so freely accorded by the United States to all other nations, its Government would insist upon should an occasion deemed to be proper arise.

Mr. CHANDLER. Now, Mr. President—

Mr. DAVIS. I hope the Senator will allow me to go on.

Mr. CHANDLER. In that connection, will the Senator permit me to make another statement?

Mr. DAVIS. Certainly.

Mr. CHANDLER. In this same letter Mr. Bayard says:

Whilst this Government concedes as freely as it exercises the right to refuse to receive an envoy, yet when that right is so exaggerated and expanded as to become a virtual claim of the function of selection as well as of rejection we must demur.

And then, when he states the reason, Mr. Bayard says:

These considerations are simply intolerable.

The issues thus raised are grave, and I will not now pursue their discussion, as they will in all probability be submitted to the representatives of the American people upon the meeting of the two Houses of Congress in December next.

Mr. DAVIS. Yes, and he then proceeded to acquiesce in the position taken by the Austrian Government and sent another minister to Austria, where he was received.

Mr. President, China, while protesting against the passage of the act of 1888, crying out against its existence, asking that it be repealed, does not say as a condition that unless these things are undone it will receive no person as a minister from the United States. It does not declare that no person can be accredited from this country to that and received until that obnoxious statute is repealed. It simply says—and gives a reason which no one here thinks is a valid one—that it will not receive Mr. Blair. It was not obliged to give any reason whatever for it. All it had to say was that this person is not acceptable, as in the old jingle:

I do not love thee, Doctor Fell,
The reason why I can not tell;
But this alone I know full well,
I do not love thee, Doctor Fell.

Mr. MITCHELL. Will the Senator allow me—

The PRESIDENT *pro tempore*. Does the Senator from Minnesota yield?

Mr. DAVIS. I should prefer that my friend from Oregon would not interrupt me.

Mr. MITCHELL. Very well.

Mr. DAVIS. Mr. President, let us consider for a moment in a cursory way what this House bill proposes to do. We must premise by conceding that at this time and for many years there has been a large number, and now a lessening number of Chinese in this country, rightfully here, to whom the faith of our Government is pledged by treaty stipulations for their protection the same as citizens of the most favored nation. That these rights of residence, of going and coming, and perhaps to a certain extent of the right to acquire property are the creations of our solemn laws, a treaty, the law of the land, that we have im-

paired those rights in some degree in the exercise of the attempt of prevention does not absolve us from any obligation which binds us to that country.

By the treaty of 1880 it was provided that the United States might regulate, limit, or suspend the coming or residence of Chinese laborers, but should not prohibit it; that other Chinese and Chinese laborers now in the United States should be allowed to come and go freely—stipulations plainly repudiated by this bill.

This bill provides that it shall be unlawful for any Chinese person, except such Chinese person or persons as may be duly accredited to the Government of the United States as ministers plenipotentiary or other diplomatic representatives, consuls-general, etc., to come to, or within, or to land at any port or place within the United States, whether for the purpose of transit only or otherwise.

All that is absolutely prohibited, and in another section further along, as if to make an exhibition of our bad faith and plainly avow and glory in it, the treaty which gave these rights is expressly repealed, annulled, and abrogated. Such, I think, are the expressions.

Well, what does that first section mean, Mr. President? It means the practical suspension of all intercourse between these countries. It certainly means, if China is a nation of any spirit whatever, the entire suspension of all diplomatic relations between that country and this. Here, while we are anticipating the unexampled prosperity which we are enjoying, and are about to enjoy, through trade with foreign lands, we deliberately, by statutory annulment of a treaty with the oldest and most populous and undoubtedly the wealthiest empire in the world, although little is accurately known of its resources, close up every avenue of trade and commercial intercourse.

As my friend from Wisconsin [Mr. SAWYER] suggests, it is a sword which cuts both ways; and the question may be asked what is to become of our people in China in such a total dissolution of all relations, social, business, religious, and diplomatic? The Chinese are absolved from protecting anybody, great public feeling being excited there as here. Our people massacred the Chinese at Rock Springs. Can any better action be expected towards our people from those who do not possess one virtue in the world, according to my friend, the Senator from California [Mr. FELTON], and yet who have preserved a state upon an immutable foundation for perhaps five thousand years?

That is an immense commerce, Mr. President, we are throwing away. To get at it England made the opium war, and grasped Hong-kong; to acquire it, the French established themselves in Tonquin, Cochinchina, Annam, and Cambodia, and the civilized world brought all its moral and physical forces to bear upon that Empire, until twenty-four ports—I think that is the number—were made free and open. We propose to give that commerce over to foreign nations who are more sensible and of better faith than we; to cut ourselves off entirely from any commercial intercourse with these people; to go further, and break down the work of those good men and women who for more than fifty years have been seeking to establish the religion of our Redeemer in those lands, simply because there exists in our midst a decreasing remnant, brought here at our solicitation, and that too of the most undesirable classes in that Empire.

Why, we all remember when that treaty was made whereby those people came here; how it filled the gap of labor upon the Pacific coast; how the Chinese shoemaker was taken to Massachusetts, I believe; how, when the rewards of gold and silver mining were such upon the Pacific coast that the white man's labor was too costly for ordinary purposes; when the Central Pacific Railroad could not have been taken over the mountains without these men, it was then considered a great boon to American industry, and a great triumph of American diplomacy that this docile population, working for cheap wages, were introduced.

I freely admit that in the process of time and with the increase of population upon the coast their presence there seems to be no longer desirable. I suppose it can not be denied that we have there the least desirable people of the Chinese Empire, and accordingly our legislation has proceeded, and without strenuous resistance by the Chinese Government, from year to year to stop that influx of population. If the statistics quoted by the Senator from Ohio [Mr. SHERMAN] the other day are correct, the Chinese population in the United States has been decreasing from year to year.

For the quarter ending September 30, 1891, the imports and exports of merchandise to China and Hongkong and Japan—I can not separate them, because they are not separated in the statistical register—with the United States for the quarter ending September 30, 1891 were, imports \$10,954,000; the exports were \$3,488,000 for the quarter of the year, and of this for that quarter of the year San Francisco had \$4,236,000 of the imports and \$968,000 of the exports. In the year 1890 the trade of Great Britain to China, exclusive of Hongkong, was imports into

China \$33,000,000 in round numbers; the exports to Great Britain were \$18,000,000. For the same year the imports from the United States into China were about \$5,000,000 and the exports about \$11,000,000.

That is the kind of commerce, a growing commerce, which we are asked to give up to our rivals simply because under present processes and, perhaps, through the defective administration of the laws, we can not get rid of those people fast enough.

Mr. FRYE. Will the Senator allow me to put right in there one statement?

Mr. DAVIS. Certainly.

Mr. FRYE. The cotton manufacturers of the United States recognize the fact that China is the most promising country in the whole world, and more promising than all the rest of the countries of the world, for the exportation of our cotton manufacturers to, and that exportation has been increasing very rapidly within the last year.

Mr. DAVIS. I am very glad the Senator from Maine reminds me of that fact, and it also reminds me of a very interesting statement that I heard made the other day by the Senator from Alabama [Mr. MORGAN], who is so universally informed upon everything known. He stated that a cotton manufacturer in Alabama took into consideration the situation and, he being a man of judgment, went to New York and saw the Chinese consul to find out precisely the kind of cotton goods that his countrymen would take. He went back to Alabama and made those goods honestly, as he was told to do. He sent samples to the consul, who sent them to China for inspection, and they were inspected not as we inspect goods, but every thread was taken out, and they went through such a course of inspection the like of which I never heard. The consequence of that was that that Alabama manufacturer got Chinese orders and is getting them to-day, and the whole establishment, with all its powers, is devoted to the production of cotton for that market.

Mr. President, I do not think there is enough in this Chinese question as it is and as it promises to be to warrant doing what the House bill proposes we shall do. I do not see any danger of the submergence of 65,000,000 of people by the 110,000 Chinese who are now in this country, and who are rapidly decreasing, and can only be increased by a scattering few hundred who may come over our lines in the course of a year.

I said a few moments ago the Chinese Government is not seeking to take possession of our institutions. It has no such desire. It does not care to see its people go abroad; it requires them to come back. I wish, Mr. President, the case were so all over the rest of the world. I wish that in another continent, where the authorities are willing that certain classes of their people may be suffered to come to this country, they would not seek to possess themselves of our institutions or unduly to influence them. There is more matter for profound concern in the attempts of Herr Cahensly made last year to denationalize American institutions and plant as many nations as there are people of foreign tongues in our midst than in all the Chinese questions which have arisen since 1858.

He proposes to use the power of the Catholic hierarchy to bring about this great political result. I rejoice that I can speak upon this subject without the offense of bringing in religious matters, because it is infinitely to his renown that Leo XIII, the greatest statesman since Ganganelli who has sat in the chair of St. Peter, repulsed the attempt as soon as it was formally submitted to him. But this attempt was not instigated by the American hierarchy at all. I believe it met with the reprobation of Cardinal Gibbon, and I have reason to know it met with the reprobation of Archbishop Ireland.

The memorial of Herr Cahensly, who is not a prelate—he is a layman, a member of the Prussian Diet, intimate with Dr. Windthorst, whose letter he adopted—in his memorial presented to the Vatican said:

6. The want of representatives of the different nationalities of emigrants in the episcopate.

As every nationality has its own characteristics, its own habits and customs, it is important, also, that the priests should not only speak the language of the emigrants, but that they should be of the very same nation. Hence it is desirable that every different national group of emigrants should be organized into a distinct parish, with a priest of its own nationality.

Some are of the opinion that the language can not be kept beyond the second generation, and that the grandchildren of the immigrants will certainly speak nothing but English.

The facts of experience offer triumphant objections to this opinion.

It is part of this scheme that the various foreign languages shall be perpetuated in this country by this segregation of people according to their nationalities. I am speaking solely of the political aspects of this question. For my part, Protestant born and Protestant bred, I do not care what kind of bishops are sent to this country as a matter of faith. Where it touches political questions, I deem it right to call the attention of the country to

it. As to matters of faith they can send them to us as *in partibus infidelium* for all that I care.

I desire to reiterate that this most impudent attempt to bring to bear the elements of various nationalities upon our institutions met with the stern reprehension of that great ecclesiastical statesman who presides over the Vatican. But the movement is going on in its political aspect, and is being pressed to-day.

We, a nation of diverse people, of one language and of many creeds, are building upon the basis of Christianity a national edifice that aspires to the heavens, and it is plotted to scatter the builders by a Babel confusion of tongues.

We would—
continues the memorial—

We would think it a gross pretension were any particular nationality to arrogate to itself the mission of Americanizing the others.

We do not want any foreign nationality to Americanize the American people.

In the United States, where the church is composed of immigrated nations that are already civilized and Christianized, but differ in character, habits, and customs, as well as language, this need of national bishops representing the respective nations, makes itself imperiously felt.

Why should there be a representative of that kind for any nation in the bosom of American citizenship?

Again, the harmony and concord between the different nationalities are affected by this question.

Various nationalities that come into America are to be settled and provided for by a foreign instrumentality.

If the episcopate be handed over almost exclusively to one single nationality, to the detriment of the others, a feeling of uneasiness, of general discontent, is created among these last, a feeling which assumes the proportions of jealous national rivalries, feelings wounded and shocked in every sacred right and interest belonging to these same nations.

It is perfectly amazing throughout this entire memorial how utterly oblivious this intruder is to the fact that there is an American nationality, an American people, destined to become throughout an American stock. We are to his mind a nation upon whom the political intrigues of the European world are to operate all their own theories at their own sweet will. The idea of American nationality consolidated into a unity is to be combated by alien influences, operated by foreign governments, and for as many tongues and as for as many people as there are tongues we are to be relegated, if it is possible, to the condition in which the polyglot Indian tribes were when this country was discovered.

It is desired and wished—

So proceeds the memorial—

that concord and harmony should reign among the different nations that go to make up the church of the United States; nothing is more desirable, nothing more essential.

The sole and only way to attain this end is to give to every one of these nations bishops of their own, bishops belonging to each, who will represent their respective nations in the episcopal body just as those nations are represented among the parochial clergy and among the faithful.

Every nation that has not its bishops is an uncrowned nation, a nation without chiefs, without protectors, without guides of its own, a nation without head, a decapitated nation, that feels itself profoundly humiliated, sacrificed, consequently a discontented and jealous nation, a nation that will never live in harmony with better-favored nations which it accuses of defrauding it of its rights and wounding it in its sacred interests.

How beautiful that would be from any standpoint, even of the gentleman who penned that memorial or the convention which adopted it! It had not conceived the idea of a composite American nation of one language and one blood, but instead of that the disintegrating idea of many nations arrayed against one another and represented by people from abroad, appointed from foreign lands, who can not speak our language, but appointed here because they speak the foreign tongue, appointed here for the purpose of perpetuating it through the first and second generations.

Again he says—

Moreover, this question affects the interests of the countries from which emigration takes place.

This, to my mind, is the most important part of the document—

Moreover, this question affects the interests of the countries from which emigration takes place. Through their emigrants the nations are acquiring in the great Republic an influence and an importance of which they will one day be able to make great profit.

These nations are so well aware of this that they are doing everything in their power to have those of their nationalities settled in the United States develop and strengthen themselves in every respect. The time has come when governments can no longer remain indifferent to this grave and important question.

For example, is it a matter of no consequence to England, Ireland, France, Germany, Italy, Canada, Hungary, Spain, and other governments that they number in a youthful country, and one full of prospects, millions of fellow-citizens, forming part of the nation, and taking an active part in industry, commerce, politics, social life, and public affairs?

It must not be lost sight of that the American nation, the people of the United States, is not a people of one race only, but of all races, of all nationalities. Every race, every nationality may take its place in the sunlight. Precisely owing to this fact, and because religion is the corner-stone and the keystone of every social fabric, the nations have an immense interest in their emigrants being represented in the episcopate of the United States by bishops of their own.

There was never, Mr. President, a more infamous attempt to prostitute religious power to political purposes than the one proposed in that memorial. This man is no inconsiderable man. He moves with no inconsiderable allies. He is, or was, a member of the Prussian Diet. It is stated that Herr von Schloetzer, the German representative at Rome, is in hearty accord with him and supported this memorial; that Austrian families of high rank, moving in noble and royal circles, were interested in the scheme. It is to the glory of the American Catholic hierarchy that they have fought this proposition and are fighting it to-day. With a man less wise than the present Pontiff very serious consequences might have ensued.

I have not gone out of my way to bring this subject here. It forces itself upon the attention in the present connection, and it so far dwarfs by contrast the dangers to be apprehended from China that I could not refrain from doing it. Reading all that has been said against the Chinese, and reading and pondering what has been attempted, how infinitely Confucius rises above Cahansey.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire [Mr. CHANDLER].

Mr. McPHERSON. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 3 of the text of the original House bill, after the word "that," it is proposed to insert "for fifteen years;" so as to read:

That for fifteen years from and after the passage of this act it shall be unlawful for any Chinese person or persons, etc.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. BUTLER. Is it the policy and purpose of the Senate to act upon the amendments of the Senator from New Hampshire before they act upon the amendments of the Committee on Foreign Relations?

The PRESIDENT *pro tempore*. This is a perfection of the text of that which is proposed to be stricken out, and therefore, under the rule, this is a proper amendment and in order.

Mr. SHERMAN. We are all familiar with the rule. Amendments are quite in order to the original House bill as it stands, and so amendments to the amendment of the Senate committee are in order; but I suggest to Senators whether, under the circumstances, we had not better take one test vote as between the two propositions, and then let amendments be offered to that proposition. I ask unanimous consent, if that is in order, and I suppose it is, that that course may be pursued. It is the only way by which we can avoid the numerous votes which otherwise will be necessary.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent of the Senate that the vote first be taken on the amendment proposed by the Committee on Foreign Relations.

Mr. SHERMAN. And then that be open to amendment.

The PRESIDENT *pro tempore*. If that shall be adopted by the Senate the amendment of the committee will then be open to amendment, and if it shall be lost the text of the House bill, which is proposed to be stricken out, will be open to amendment.

Mr. FELTON. Before the vote is taken I desire to say that I listened attentively to the remarks of the Senator from South Carolina [Mr. BUTLER] yesterday and to the remarks which have been submitted to-day—

Mr. HOAR. Has unanimous consent been given to take the question in the form suggested?

The PRESIDENT *pro tempore*. The Chair does not so understand. He supposed the Senator from California [Mr. FELTON] had risen for the purpose of debating it.

Mr. HOAR. I understood the Senator from California to say before the question was put he wished to address the Senate.

The PRESIDENT *pro tempore*. Does the Senator from California rise to object to the unanimous consent asked for?

Mr. FELTON. Yes, sir. I simply desire to say that I listened attentively to the Senator from South Carolina [Mr. BUTLER] yesterday, and also to the Senator from Minnesota [Mr. DAVIS] who has just spoken. They spoke of the bill as it came from the other House. It is not the intention of any Senator upon the floor, as I understand, to pass that bill, if it were possible, in the shape in which it came from the House. The amendments to that bill have not been read, and many Senators are not aware of what the effect of those amendments will be.

Now, sir, as I understand it, the amendments which have been submitted, and one or two additional amendments which I have to submit, will make this bill precisely what the present law is, with this exception: It will provide means which will prevent Chinese coming across the border. It will obviate the greatest difficulty, and that is where there is more fraud and more corruption than in anything else in connection with this subject, the return of cool laborers under the guise of merchants.

I undertake to say, at the expense of repeating myself, that there is no such class as a merchant class. The law is avoided; it is evaded. All that we on the Pacific coast desire is simply to make the present law operative, and by the amendments proposed this bill will make it operative and in no sense violate the treaty any further than it has already been violated. It was thought that the House bill could be amended better than the substitute reported by the Senate committee, and hence the discussion has occurred upon that bill.

Mr. BUTLER. May I ask the Senator from California if those amendments may not apply just as well to the substitute of the Senate Committee on Foreign Relations?

Mr. FELTON. I think not.

Mr. SHERMAN. Oh, yes; they can.

Mr. FELTON. I do not desire to antagonize the wish of the Senate. Of course I will defer to the opinion of older and wiser men, but if we shall have an opportunity to present these amendments, which I have not had time to do, because my attention has been turned to the other bill, then I shall have no objection to taking the course proposed.

Mr. DOLPH. I understand it to be part of the agreement that any amendments may be received if the substitute shall be adopted.

Mr. CULLOM. The substitute of the Senate committee will be opened to amendments.

Mr. FELTON. In justice to myself and the people I represent I do not want to see the opportunity cut off for proposing amendments.

Mr. SHERMAN. My proposition was simply that we take up one or the other of the two propositions and perfect it. I prefer to take that course and act upon the amendment of the Committee on Foreign Relations, with the understanding distinctly that the amendment if adopted shall be open to amendment to strike out, to insert, to change or to add to it in any way.

The PRESIDENT *pro tempore*. Is there objection to the request for unanimous consent as stated?

Mr. CHANDLER. I object—

Mr. HISCOCK. Do I understand the Senator objects to our having a test vote?

Mr. CHANDLER. I have not finished my sentence yet. I will do so. I object for the purpose of saying that I have had some consultation with Senators who desire the House bill perfected, amended, and changed in some respects. I said myself in the opening of my remarks that it was not material to me whether this bill went to conference upon the Senate amendment or the text of the House bill. I also said that what I was especially desirous of accomplishing was such an amendment of the present law or such an addition to the present law as will keep out this immigration by land from Mexico and from British Columbia.

There are certain clauses in the Senate bill which make the proposed new law more severe than the existing law now is, and it is possible that the precise object which I desire to accomplish may be accomplished by an additional clause to the Senate substitute. I will do what is thought advisable by the Senator from Oregon. If, however, the Senate amendment reported by the Committee on Foreign Relations should be adopted, time should be given to submit to the amendment reported by the committee other amendments which may be thought desirable.

Mr. SHERMAN. Would it be sufficient to let it go over, then, after that course is taken, until to-morrow?

Mr. CHANDLER. Yes, until to-morrow.

Mr. BUTLER. Let us have the vote first.

Mr. MITCHELL. Mr. President, I had intended to make some observations on this general subject, but if a vote can be had this evening on the whole question, so as to dispose of it, I shall forego doing so and shall not occupy the time of the Senate at all. If, however, that can not be done, I should like to take the floor.

Mr. DOLPH. I should like to state that the proposition of the Senator from Ohio is that a test vote be taken to determine whether we proceed with the House bill or the Senate substitute. In either case the bill we adopt is to be open to amendment and, of course, discussion for any length of time; that is to say, if the Senate substitute be adopted, any Senator can offer an amendment to add any portion of the House bill.

Mr. MITCHELL. I can only speak for myself individually. That will be perfectly agreeable to me.

Mr. DOLPH. It would not cut off anybody.

Mr. MITCHELL. I prefer the House bill most decidedly to the Senate bill.

Mr. CHANDLER. I will withdraw my amendment, and let the vote be taken on the amendment proposed by the Senate committee.

The PRESIDENT *pro tempore*. The Senator withdraws his amendment.

Mr. CHANDLER. Not exactly. I withdraw all my amend-

ments if none others are offered, and the vote can then be taken on the Senate substitute, with the understanding that time shall be given to make amendments to that substitute.

Mr. BUTLER. That is the proposition.

The PRESIDENT *pro tempore*. The amendment being withdrawn, the question is on the substitute reported by the Committee on Foreign Relations.

Mr. MITCHELL. Mr. President, is it the intention of the Senate to attempt to close the debate this evening?

Several SENATORS. Oh, no.

Mr. SHERMAN. Senators are not willing to stay to-night.

Mr. MITCHELL. Then I hope the Senate will adjourn.

Mr. SHERMAN. The pending proposition is the text upon which amendments will be made, and the Senator will have as full opportunity of discussion as he has now. All we do is to save the trouble of amending two separate and distinct propositions when the final vote must be taken on one or the other.

Mr. MITCHELL. That is perfectly agreeable to me; and if I desire to say anything at all I desire to say it before that vote is taken. I do not know that it will influence anybody, but upon that proposition I desire to be heard.

Mr. DOLPH. I say to my colleague that I suppose we can offer any provision of the House bill as an amendment to the Senate substitute.

Mr. MITCHELL. I am perfectly willing that the vote shall be taken on either proposition and amended afterwards, but before that vote is taken, if discussion is to proceed, I wish to have my say.

Mr. CHANDLER. I understand the Senator from Oregon to wish that there should be a test vote taken, and that the yeas and nays may be called. Now, I understand him further to say that he would like to speak before the vote is taken.

Mr. MITCHELL. Certainly, unless we can proceed to vote on all the propositions and decide them. If we can do that, then I shall refrain from speaking.

Mr. CALL. Mr. President, I propose to address some observations to the Senate upon the subject of this bill, and while I am entirely willing to remain here if the rest of the Senators are, I suppose that the discussion will not be continued into the night. I am indifferent as to whether the vote shall be taken upon the House bill or the Senate substitute, but I suggest to the Senator from Oregon that if the vote results in the substitution of the Senate amendment, then his observations, of course, will not be in place, and he will have to go over the same ground again. If the Senate by a test vote displaces the House bill and puts the substitute before the Senate and he desires to amend it again, he will be going back to the House bill.

EXECUTIVE SESSION.

Mr. TELLER. Mr. President, I move that the Senate adjourn.

Mr. PLATT. Will the Senator withdraw that to allow me to move that the Senate proceed to the consideration of executive business for a few moments?

Mr. TELLER. Certainly.

Mr. PLATT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 23, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 22, 1892.

GOVERNOR OF ARIZONA.

Nathan O. Murphy, of Prescott, Ariz., to be governor of Arizona, *vice* John N. Irwin, resigned.

POSTMASTERS.

Walter M. Scott, to be postmaster at Orange, in the county of Orange and State of California, in the place of Robert E. Tener, whose commission expires May 10, 1892.

George Sanborn, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

James A. Foote, to be postmaster at Anoka, in the county of Anoka and State of Minnesota, in the place of James C. Frost, whose commission expired April 12, 1892.

Charles E. Luce, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of Amos Coggs-well, whose commission expired April 9, 1892.

James E. Williams, to be postmaster at Waterville, in the county of Lesueur and State of Minnesota, the appointment of a

postmaster for the said office having, by law, become vested in the President, on and after April 1, 1892.

Iver W. Chantland, to be postmaster at Mayville, in the county of Traill and State of North Dakota, in the place of Elmer I. Smith, resigned.

Charles J. Wheeler, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1891.

Mary A. Brown, to be postmaster at Hillsboro, in the county of Washington and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

CONSULS.

Joseph A. Jones, of Massachusetts, now consul at Aden, Arabia, to be consul of the United States at Zanzibar, vice Edward D. Ropes, jr., resigned.

George F. Lincoln, of Connecticut, to be consul of the United States at Antwerp, to fill a vacancy.

Dwight Moore, now vice-consul at Aden, Arabia, to be consul of the United States at that place, vice Joseph A. Jones, nominated to be consul at Zanzibar.

INDIAN AGENT.

Richard Hudson, of Silver City, N. Mex., to be agent for the Indians of the Mescalero Agency in New Mexico, vice Hinman Rhodes, to be removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 22, 1892.

APPOINTMENT IN THE NAVY.

Henry Delano Wilson, a resident of New York, to be an assistant surgeon in the Navy.

PROMOTIONS IN THE NAVY.

Passed Assistant Engineer John A. B. Smith, to be a chief engineer in the Navy.

Lieut. Commander George M. Book, to be a commander in the Navy.

Lieut. Leavitt C. Logan, to be a lieutenant-commander in the Navy.

Lieut., junior grade, Richard T. Mulligan, to be a lieutenant in the Navy.

Ensign John H. Gibbons, to be a lieutenant, junior grade, in the Navy.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 22, 1892.

The House met at 12 o'clock noon and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The Journal of the proceedings of yesterday was read and approved.

JOHN MONKS ET AL.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy, submitting for an appropriation in each case the papers in the claims of John Monks and Son and F. W. Vanderbilt, of New York City; ordered to be printed, and referred to the Committee on Appropriations.

PURCHASE OF POST TRADERS' BUILDINGS.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting a letter from the Adjutant-General, recommending a further appropriation to enable the War Department to pay a fair price for such of the post traders' buildings remaining at permanent military posts as may be suitable and actually necessary for the army service; ordered to be printed, and referred to the Committee on Appropriations.

JOHN SNYDER, DECEASED, AND G. W. SPATES, DECEASED.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting copies of the findings of the court in the cases of the following-named persons against the United States: John Snyder, deceased, and G. W. Spates, deceased; ordered to be printed, and referred to the Committee on War Claims.

CHANGE OF REFERENCE.

The SPEAKER. On yesterday a letter from the Secretary of the Treasury, relating to certain claims growing out of the Oregon and Washington Indian war of 1855-56, was erroneously referred to the Committee on Indian Affairs. They are audited claims, and ought to go to the Committee on Appropriations.

Without objection, that change of reference will be made. The Chair did not observe that they were audited claims.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. PATTON, for this day, on account of important business.
To Mr. SHONK, for one week, on account of important business.
To Mr. WILSON of West Virginia, for five days, on account of important business.

REPRINT OF A BILL.

By unanimous consent, on motion of Mr. STEVENS, the bill (H. R. 5572) was ordered reprinted, the supply having been exhausted.

VACANCIES ON BOARD OF MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to report to the House the joint resolution (H. Res. 97) and request its immediate passage. The title is "Joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892." It will be observed that the vacancies occurred on the 21st of April, 1892, and it should have been disposed of before.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Gen. William J. Sewell, Gen. Martin T. McMahon, Capt. John L. Mitchell, and Maj. George Bonebrake be, and are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers for the term of office commencing on the 21st day of April, 1892, to fill vacancies which will occur by expiration of terms of office.

The SPEAKER. Is there objection to the present consideration of the joint resolution just read?

Mr. LOUD. I object.

INVESTIGATION OF CERTAIN NATIONAL BANKS.

Mr. BACON. Mr. Speaker, I am instructed by the Committee on Banking and Currency to submit the resolution which I send to the Clerk's desk, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Banking and Currency have leave to sit during the sessions of the House, and that for the purpose of conducting the investigation ordered to be made by said committee, there be paid out of the contingent fund of the House, on the draft of the chairman, the necessary funds for that purpose in sums not exceeding \$500 at one time.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BAILEY. I did not understand the reading of the resolution, and would like to have it read again.

The resolution was read again.

Mr. WATSON. Mr. Speaker, several important matters of a general nature have been referred to that committee and not reported back, and without some excuse is given for it I shall object to the consideration of this resolution.

The SPEAKER. Objection is made.

SAFETY OF NATIONAL BANKS.

Mr. BACON. Mr. Speaker, I am directed by the Committee on Banking and Currency to report back to the House the bill (H. R. 5681) "for the better control of and to promote the safety of national banks" with Senate amendments, with the recommendation that the Senate amendments be nonconcurring in, and that the request of the Senate for a committee of conference be agreed to.

The title of the bill was read, as follows:

A bill (H. R. 5681) for the better control of and to promote the safety of national banks.

The SPEAKER. This is a House bill with Senate amendments. The Senate requests a conference, and the Committee on Banking and Currency report the bill back with the recommendation that the Senate amendments be nonconcurring in, and that the conference asked for be agreed to.

Mr. MCRAE. Mr. Speaker, does that require unanimous consent?

The SPEAKER. It does.

Mr. MCRAE. Then what is the purpose of the committee?

Mr. BACON. The purpose is to nonconcur in these Senate amendments and get the bill back to the House without the amendments on it, the Committee on Banking and Currency not thinking the amendments ought to be there.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Senate amendments are nonconcurring in and the conference asked for agreed to. The Chair will appoint the conferees during the day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which concurrence was requested:

A bill (S. 1558) to remit the penalty on the dynamite-gun cruiser Vesuvius:

A bill (S. 2424) for the appointment of consuls to the Congo Free State;

A bill (S. 204) in relation to the pay of Rear-Admiral James E. Jouett, retired;

A bill (S. 1415) for the relief of John Nickles;

A bill (S. 30) for the relief of St. Charles College;

A bill (S. 1999) for the relief of John B. Rose;

A bill (S. 1033) granting a pension to Mrs. Esther J. Boone;

A bill (S. 1588) for the relief of Charles B. Stibers;

A bill (S. 1602) granting a right of way on the Fort Douglas military reservation, in the Territory of Utah;

A bill (S. 1138) to confirm the title to 80 acres of land in the State of Washington to Jesse W. Finch and his grantee;

A bill (S. 2332) for the relief of Frederick Bramm;

A bill (S. 2374) for the relief of Ernest Ulrich;

A bill (S. 2224) for the relief of Paymaster James A. Tolfree, United States Navy;

A bill (S. 2223) for the relief of Pay Clerk Charles Blake, United States Navy;

A bill (S. 550) to amend section 3709 of the Revised Statutes of the United States relating to purchase of and contract for supplies;

A bill (S. 1605) granting a right of way to certain lands of the United States in the Territory of Utah;

A bill (S. 2476) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891;

A bill (S. 1912) granting a right of way through the Fort Missoula military reservation, in the State of Montana;

A bill (S. 1627) providing for sundry light-houses and other aids in navigation;

A bill (S. 1881) to establish a military post near the city of Helena, in Lewis and Clarke County, in the State of Montana; and

Joint resolution (S. R. 57) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government.

It also announced that the Senate had passed with amendments joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army encampment in September, 1892.

It also announced that the Senate had passed with amendments the bill (H. R. 410) to amend the charter of the Eckington and Soldiers' Home Railroad Company, and asked a conference with the House on the bill and amendments, and had appointed Mr. McMILLAN, Mr. HARRIS, and Mr. PERKINS as the said conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes; in which concurrence was requested.

It also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

A bill (H. R. 3927) to amend "an act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President," approved January 19, 1886.

A bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes and to fix the time for holding court therein; and

Joint resolution (H. Res. 10) for the release of all claims of the United States to lot 18, section 2, governor and judges' plan, Detroit.

It also announced that the Senate had passed with amendments joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia, asked a conference with the House of Representatives on the joint resolution and amendments, and had appointed Mr. WOLCOTT, Mr. McMILLAN, and Mr. HARRIS as said conferees on the part of the Senate.

BETSEY WORTHINGTON.

Mr. CROSBY. I ask unanimous consent for the consideration of the bill (H. R. 5200) for the relief of Betsey Worthington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$40 per month, the name of Betsey Worthington, widow of Ransford Worthington, who was a member of the Massachusetts militia and served in the war of 1812.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. McMILLIN. Reserving the right to object, I ask that the amendments be read.

The amendments were read, as follows:

In line 5, strike out the word "forty" and insert "twenty-five;" and in line 8, after the word "twelve," insert "said pension to be in lieu of the amount now drawn by her."

Mr. CROSBY. I would like to have the report read.

The report was read for information.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I think we had better have the regular order.

The SPEAKER. The gentleman from Texas demands the regular order. The regular order is the call of committees for reports.

ORDER OF BUSINESS.

Mr. O'FERRALL. I demand the regular order.

The SPEAKER. The gentleman from Virginia calls up the contested-election case of Noyes against Rockwell, and the Clerk will read the resolutions.

Mr. O'FERRALL. Mr. Speaker, I ask unanimous consent that gentlemen who have reports from committees to make may be permitted to hand them to the Clerk.

Mr. McMILLIN. I think there should be a call of the committees for reports.

The SPEAKER. The gentleman from Tennessee objects.

Mr. ENLOE. I would like to know if the question of consideration can be raised on the contested-election case.

The SPEAKER. The Chair thinks it can.

Mr. ENLOE. Then I raise the question of consideration.

The SPEAKER. The gentleman from Virginia calls up the contested-election case of Noyes against Rockwell, and the gentleman from Tennessee [Mr. ENLOE] raises the question of consideration against that; and the question is, Will the House proceed to consider the contested-election case?

The question was taken, and the motion was agreed to.

NOYES AGAINST ROCKWELL.

The resolutions were read, as follows:

Resolved, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

Resolved, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. FELLOWS].

[Mr. FELLOWS withholds his remarks for revision. See Appendix.]

Mr. FELLOWS. I yield seventeen minutes to the gentleman from New York [Mr. COCKRAN].

Mr. O'FERRALL. Now, Mr. Speaker, that time was yielded to the gentleman from New York [Mr. FELLOWS].

Mr. FELLOWS. It is therefore in my control; is it not?

Mr. O'FERRALL. I do not understand it that way.

The SPEAKER *pro tempore*. The Chair does not think that it is a good proposition to say—

Mr. CUMMINGS. I ask unanimous consent that that time may be yielded to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. I hope the gentleman will withdraw that request.

The SPEAKER *pro tempore*. The Chair has not completed what he had to say. The practice of the House has been, so far as the observation of the present occupant of the chair goes, to allow gentlemen, when they have been conceded time, to transfer that time. Under that practice the Chair thinks the gentleman from New York [Mr. COCKRAN] will be entitled to proceed.

Mr. O'FERRALL. I will not appeal, Mr. Speaker.

Mr. COCKRAN. I want to say to the gentleman from Virginia [Mr. O'FERRALL] that there will be no disposition to curtail his time; that we want this matter as fairly presented to the House as it possibly can be; and I am perfectly certain that he will be as generous to this side as we will prove generous to him when he comes to close the debate.

Mr. O'FERRALL. I will say to the gentleman, however, that they have occupied much more time upon that side than we have occupied.

Mr. WHEELER of Alabama. I have a paper in my hand from the Speaker's clerk, showing that the time occupied by the friends of Mr. Rockwell up to last night was seven hours, and the time occupied for Mr. Noyes was six hours and thirty-five minutes, so there is only a difference of twenty-five minutes.

Mr. O'FERRALL. The gentleman from Alabama is as annoying to the House as a mosquito in New Jersey. [Laughter.]

Mr. WHEELER of Alabama. I want to say to the gentleman from Virginia that he can not bulldoze me. [Laughter.]

The SPEAKER *pro tempore*. Does the gentleman from New York yield?

Mr. COCKRAN. No; and I hope my seventeen minutes are being kept intact.

The SPEAKER *pro tempore*. The House will be in order.

Mr. O'FERRALL. Mr. Speaker, the gentleman from New York [Mr. COCKRAN] can proceed if the gentleman from Alabama [Mr. WHEELER] will allow him to do so. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COCKRAN] is entitled to the floor, and the House will please be in order.

Mr. COCKRAN. Mr. Speaker, this question has been discussed so fully, so thoroughly, and so ably, that so far as the presentation of the facts is concerned, it would be an utterly unnecessary task to attempt to elaborate them any further at this stage of the proceedings. I am rather induced to address the House because of the extraordinary process of reasoning which has been adopted by some of the gentlemen who have supported the majority of the committee and by a desire to point out to them the conclusion to which their logic must necessarily tend.

A gentleman to whom I have always looked up as one of the best lawyers in the House [Mr. CHIPMAN] closed the discussion last night with the extraordinary proposition—and I trust he will correct me if I do not state his proposition with accuracy—that although these Doyle ballots may be bribed, corrupted, fraudulent, inasmuch as there is no legislative provision declaring that a bribed vote shall be void, therefore the votes are good and valid and sufficient to elect a member of this House and to maintain him in his seat. Is that the proposition which the gentleman stated to us?

Mr. CHIPMAN. Does the gentleman yield?

Mr. COCKRAN. I would be glad to have the gentleman state whether I have quoted him correctly or incorrectly.

Mr. CHIPMAN. I made no such proposition, with all respect to the gentleman from New York. My proposition is that until those ballots are proved to be corrupt they must stand.

Mr. COCKRAN. Surely the gentleman did not take twenty minutes to establish that proposition.

Mr. CHIPMAN. But allow me to say to the gentleman on his proposition, that it has been denied all the way through upon your side of this case.

Mr. COCKRAN. It is a little extraordinary, after all that has been said, that we should still be in doubt as to what was meant on the one side or the other.

Now, if I understood the gentleman's argument yesterday, it was that while all the proof pointed to the corruption of these Doyle ballots, nevertheless, as there was no specific penalty against bribery which would exclude them from the ballot box, you can not by implication extend a penal statute so as to make the exclusion of a ballot the penalty of corruption, and it was to that proposition, as I understood it, that for twenty minutes he addressed himself in the closing hour.

Now, that is the naked, bald, proposition that I desire to submit to the members who support the position of the majority. I want to submit that right here to this House, so that every man present will understand precisely the character of the contention upon which the majority has planted itself, and that is whether bribery, corruption, treason itself, when practiced by the enemy, shall be taken to the bosom of the majority against which it was leveled and suckled into an effective political force, sacred before the laws of this country. Why, sir, if there were no contest before the House, if Mr. Noyes sat in this seat, and nobody appeared to question his right to represent his district, and it became apparent to the members of this body that one single vote cast for him had been purchased; that he was the beneficiary of one single vote acquired by corrupt and discreditable methods, it would be the duty of this House, and it would be the duty of every member of it, under the Constitution, to expel him as something too unclean for contact with honorable men. [Loud applause.]

We who for the last four years have been denouncing the corruption of the party represented by the gentlemen on the other side of the House, if the theory of the majority be correct, must apologize in sackcloth and ashes to the men whom we have denounced. If this be the correct doctrine, let us apologize to Mr. Dudley, of Indiana, and declare that the expression in his letter referring to "blocks of five" was a noble and enlightened expression. If a corrupt and purchased vote be good, it is equal to the vote of the best and most upright citizen. You can not have anything better than a good and valid vote. Now, we are told that with all the marks of corruption appearing on these 16 ballots; with the silence of the sixteen persons who voted them, and who, if they could have appeared before the committee of this House and given an honest reason for the marking of the votes, would to a man have risen to resent all imputation on their honesty; with the silence of the author of the handwriting on these marked ballots, who, if he could explain his conduct would have been produced and his explanation put in proof—with these circumstances before the House, we have gentle-

men who assume to represent here the party of political purity, declaring that these ballots are as good as those cast by the honest, independent, unpurchased, and unpurchasable citizens of this country. [Applause.]

This, then, is the explanation which the gentleman from Virginia [Mr. O'FERRALL] has proposed. This is the position which he must occupy in this contention. This is the determination for which he must argue before this House.

Sir, I would not barter the record of the Democratic party on contested-election cases for fifty seats in this House. I would not for any temporary party advantage barter the record of fairness which was made in the Fiftieth Congress when a Republican was kept in his seat by Democratic votes, rather than any imputation should be placed upon his character.

I would not for any number of seats surrender the advantage we enjoy in contrast with your [turning to the Republican side] conduct in marching down into districts and overturning majorities of 7,000 or 8,000; rushing cases to a conclusion without argument on the floor of this House; trampling on character; attempting even to put an imputation of blood upon the hand of as honest, upright, gentle, pure a man as ever sat within the halls of this representative body. [Loud applause on the Democratic side.]

Now, when the people of the United States have risen and reduced you to a shattered, shivering remnant outside the breastworks by reason of that record, it is amazing and disheartening to find that a gentleman from the great State of Virginia should think proper to place himself at your head and feel that the leadership of such a troop is a captaincy of which he might be proud, and that he should appeal for support to the Democratic side upon the claim that corruption and bribery are equally upright in the eyes of the law with honesty and patriotism. [Loud applause on the Democratic side.]

Mr. Speaker, if there were one particle of basis, one shadow of authority, for the assertion that the 28 ballots cast in the city of Elmira for Mr. Rockwell bore any appearance of having been marked for the purpose of bribery, I would be the first to vote for his expulsion from this House. We can not afford to take the position of apologizing for the crime towards the eradication of which all our efforts are pledged, in the denunciation of which we have spent four years before the American people, and concerning which we have succeeded in awakening the consciences of the electorate, as was proved by the results of the elections for the last two years. If the theory advanced here be correct, if these 16 ballots are good and valid ballots, I trust that the door of the White House will be opened to a certain extinguished statesman of Indiana, and that the tardy hospitalities—may I say the deferred welcome—of the past four years will be compensated for by abundant feasting from this to the end of the term. [Laughter and applause on the Democratic side.]

I trust that we shall not wipe from our party record the proposition found in the platform adopted by the Democrats of Indiana only yesterday, that the sale of a Cabinet office in return for a corruption fund was a disgrace to the political system of this country. [Applause on the Democratic side.] For what can be more meritorious than the purchase of votes if the doctrine of the gentleman from Michigan is to be held by this House? But, Mr. Speaker, we on this side who speak in defense of Mr. Rockwell's title to his seat speak for it not because he is a Democrat. We speak for it not because he is opposed by the party which has always trained its guns upon honesty in political methods; we speak for it because he was elected by the voice of the unpurchased electorate of his district; we speak for it because upon the report of the majority itself the evidence is overwhelmingly in his favor. And when they seek to impair his right it is by insinuation and not by evidence; it is by statement and not by proof; it is by a charge smuggled into this record and never established by testimony in the committee.

Why, I ask the gentleman from Virginia [Mr. O'FERRALL], why was not the motion to strike out the testimony concerning those 28 ballots either granted or denied? Why did not the committee give Mr. Rockwell some notice that the testimony would be considered a part of the case, so that he might have an opportunity to rebut it? The gentleman from Virginia is a lawyer as well as a statesman and a soldier. It is his chivalry rather than his judgment that has betrayed him into the wrong camp. I do not blame him for the attitude he has taken upon this floor, though I deplore the fact that he should be found in bad company. I do not dispute the right of a Republican to his seat merely because he is a Republican. But when that party comes here with a plea for fair elections, I say it is only just and proper that it should be compelled to bear at the bar where it pleads the odium of the bad character acquired by it in every Congress where it has had control of the Committee on Contested Elections. [Applause on the Democratic side.]

I say now to the gentleman from Virginia and to this House,

it is not for a Democrat that I plead: it is for the rights of the people of the United States: it is for the purity of the ballot box, not for any one person who claims here the benefit of the votes that were contained in it. I speak for the sanctity of the altar of sovereignty itself, and I say that the seat secured to Mr. Rockwell by a majority of the unpurchased votes of his district is sacred in the eyes of the law, is protected by every letter of our Constitution, and should be defended by every honest impulse of our nature. And I say to the gentleman from Virginia that when the vote of this House shall be counted on this question the majority of his followers will be found amongst those who have not hesitated to steal character, or to try to steal it, when a political outrage was to be accomplished, among those who leveled the power of the law, or sought to level it, against the freedom of elections in his own State; and that if a man is to be judged by the character of the company he keeps, the gentleman from Virginia will need to ask the indulgence of the majority of his associates on the Democratic side of the House.

I say to you, Mr. Speaker, that in speaking for the right of Mr. Rockwell to hold this seat I speak for the purity of elections, for an honest expression of the popular will, for the inviolability of the ballot box. I believe that no partisan advantage would compensate for the loss that would be sustained by any unfair exercise of judicial power in this House. We have seen the effect of the disregard of every principle of justice upon the minority. We have seen to what proportions in this House that powerful party has shrunk. Far be it from me to ask my party associates to follow any course which would bring them to the brink of the same abyss into which the minority were plunged in 1890.

But I appeal to every side of this House to fairly consider the character of these Doyle ballots, and to treat them as the palpable fruits of corruption deserve to be treated. I have a right to appeal to you gentlemen on the Republican side. I have fought side by side with you when the character and the right of one of your own party was assailed by what I conceived to be an unjust report. I hope that when this vote is recorded there will be found some men on this side of the House [the Republican side] to declare their belief that purchased votes can not be considered as the expression of the popular will, and that no title to a seat can be maintained upon a record tainted with bribery, corruption, and fraud, and which seeks to establish itself not by denial of crime, but by an attempt to shelter itself behind a technicality unfairly and improperly injected into the case by the report of the majority. [Loud applause.]

[Here the hammer fell.]

[Mr. O'FERRALL withholds his remarks for revision. See Appendix.]

The SPEAKER. The Chair understands that the substitute offered by the minority of the committee is regarded as pending.

Mr. O'FERRALL. I move the previous question.

The SPEAKER. Is it understood that the substitute of the minority is pending?

Mr. COBB of Alabama. It is so understood.

Mr. O'FERRALL. Pending the motion for the previous question, I yield two minutes to the gentleman from Michigan [Mr. CHIPMAN], who wishes to make a correction.

The SPEAKER. Does the gentleman from Virginia withdraw the demand for the previous question?

Mr. O'FERRALL. Yes, sir; for the present.

Mr. CHIPMAN. Mr. Speaker, the gentleman from New York [Mr. COCKRAN] misstated entirely the position which I took here yesterday. He represented me as assuming a position entirely ridiculous—making a man of straw and then proceeding to attack him.

Mr. COBB of Alabama. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CHIPMAN. I simply want to make a personal explanation.

Mr. COBB of Alabama. I was going to ask whether we shall be entitled to the same time on our side.

The SPEAKER. The gentleman from Alabama will state his question of order.

Mr. CHIPMAN. I will sit down if the gentleman from Alabama objects to my proceeding. I simply wanted to put myself right on the record.

Mr. COBB of Alabama. Without argument?

Mr. CHIPMAN. I do not propose to make any argument.

Mr. COBB of Alabama. Then I withdraw my objection.

Mr. CHIPMAN. The gentleman from New York represented me as saying that fraudulent votes could be counted. On the contrary, what I did say was this:

On the contrary, in reference to an act of this kind—the act of voting—when without corrupt motives the voter's ticket may be marked so that another may know whose ticket it is—while if he consents to this, he may be subject to the penalty prescribed by the statute, yet that statute does not

pretend, nor can it be made by any construction to mean, to take away from him his franchise as a voter. You can not extend the penalty. That is a familiar principle in all law.

Need I argue it to lawyers? need I argue it to American citizens jealously conscious of what liberty is? You can not add a punishment to the punishment fixed by a statute. You can not say that the man shall be punished by fine and imprisonment because the statute says so, and in addition to that shall be punished by losing his vote, unless he has been guilty of corrupt conduct in connection with it.

I said exactly the reverse of what the gentleman from New York represented me as saying, and if he had listened or read he would have known that such was the case.

Mr. O'FERRALL. I renew the demand for the previous question.

The SPEAKER. The gentleman from Virginia demands the previous question upon the resolutions reported by the committee, and upon the substitute submitted by the minority of the committee.

The previous question was ordered.

Mr. BRYAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. Would it be in order at this time to make a motion to recommit this contest with instructions that testimony be taken in regard to the 16 Doyle ballots and the 28 marked ballots?

The SPEAKER. The Chair thinks that motion is not in order at this time. The rule provides that a motion to recommit may be made either before or after the previous question is ordered upon the passage of a bill. It has been frequently held by presiding officers that the word "bill" in this case is used as a generic term, applying to and including all legislative propositions which can properly come before the House. So that in this case the House must first dispose of the substitute, which is but an amendment; and after the disposition of that, when the question shall be upon the original resolutions as amended or without amendment, the motion to recommit will be in order.

Mr. BRYAN. Then if we vote down the substitute, we can have the question on the motion to recommit.

The SPEAKER. The motion to recommit may be made whether the substitute be voted down or not. The Clerk will report the resolutions reported by the committee.

The Clerk read as follows:

Resolved, That Hosea H. Rockwell was not elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is not entitled to the seat.

Resolved, That Henry T. Noyes was elected a Representative to the Fifty-second Congress from the Twenty-eighth Congressional district of New York and is entitled to the seat.

The SPEAKER. For these resolutions the minority of the committee have offered a substitute, which will be voted on first. The proposed substitute will be read.

The Clerk read as follows:

Resolved, That Henry T. Noyes was not elected and is not entitled to a seat in the Fifty-second Congress.

Resolved, That Hosea H. Rockwell was duly elected the Representative to the Fifty-second Congress from the Twenty-eighth district of the State of New York, and is entitled to a seat in said Congress.

The SPEAKER. The question is upon agreeing to the resolutions just read.

Mr. BRYAN. What I desire is that we may have a vote against seating either of the parties to the contest.

The SPEAKER. These resolutions can be divided, if any gentleman demands a separate vote.

Mr. BRYAN. I call for a division.

The SPEAKER. A division is demanded, and the vote will now be taken on the first of the resolutions submitted by the minority, which will be read.

The Clerk read as follows:

Resolved, That Henry T. Noyes was not elected and is not entitled to a seat in the Fifty-second Congress.

Mr. O'FERRALL. Do I understand a separate vote on this resolution is called for?

The SPEAKER. That is the understanding of the Chair.

Mr. BRYAN. I have asked for a division, so that we may vote, if we like, against seating either of the parties to the contest. That is the way I want to vote.

The SPEAKER. The Chair understood the gentleman to ask for a separate vote on these two resolutions. The first question is upon the first of the resolutions.

Mr. O'FERRALL. On this question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 98, not voting 90; as follows:

YEAS—140.

Abbott,	Barwig,	Bloom,	Brunner,
Alexander,	Beaman,	Boatner,	Bryan,
Allen,	Beltzhoover,	Branch,	Bullock,
Babbitt,	Bentley,	Breckinridge, Ky.	Bunn,
Bacon,	Blanchard,	Bretz,	Busey,
Bailey,	Bland,	Brookshire,	Bushnell,

Butler,	Ellis,	Lane,	Page, Md.
Byrnes,	English,	Latham,	Patterson, Tenn.
Caminetti,	Enloe,	Lapham,	Pearson,
Campbell,	Epes,	Lawson, Va.	Rayner,
Capehart,	Everett,	Layton,	Richardson,
Caruth,	Fellows,	Lewis,	Rusk,
Castle,	Forney,	Livingston,	Sayers,
Cate,	Fowler,	Magner,	Shell,
Chipman,	Fyan,	Mallory,	Shively,
Clancy,	Gantz,	McAleer,	Snodgrass,
Clark, Ala.	Geary,	McClellan,	Stackhouse,
Cobb, Ala.	Gillespie,	McCreary,	Stewart, Tex.
Cockran,	Goodnight,	McDonald,	Stockdale,
Compton,	Gorman,	McKale,	Stone, Ky.
Coombs,	Grady,	McKinney,	Stout,
Covert,	Hallowell,	McMillin,	Tarsney,
Cox, N. Y.	Hare,	Melroe,	Terry,
Cox, Tenn.	Harries,	Meredith,	Tillman,
Craig, Pa.	Hatch,	Meyer,	Tucker,
Crain, Tex.	Hayes, Iowa	Mitchell,	Van Horn,
Culbertson,	Heard,	Montgomery,	Warwick,
Cummings,	Hemphill,	Moses,	Washington,
De Armond,	Henderson, N. C.	Mutcher,	Weadock,
Dixon,	Hooker, Miss.	Oates,	Wheeler, Ala.
Dockery,	Houk, Ohio	O'Neill, Mass.	Whiting,
Donovan,	Johnstone, S. C.	O'Neill, Mo.	Williams, N. C.
Dunphy,	Kribbs,	Outhwaite,	Wilson, Mo.
Durborow,	Kyle,	Owens,	Wise,
Elliott,		Page, R. I.	Youmans.

YAYS—98.

Andrew,	Cutting,	Johnson, Ohio	Simpson,
Atkinson,	Dalzell,	Jolley,	Sperry,
Baker,	Daniell,	Jones,	Stephenson,
Belden,	Davis,	Kem,	Stevens,
Bergen,	De Forest,	Kilgore,	Steward, Ill.
Boutelle,	Dingley,	Lawson, Ga.	Stone, C. W.
Bowman,	Dolliver,	Little,	Stone, W. A.
Broderick,	Edmunds,	Long,	Taylor, Ill.
Brosius,	Enochs,	Loud,	Taylor, Tenn.
Buchanan, N. J.	Flick,	Martin,	Taylor, E. B.
Buchanan, Va.	Forman,	Miller,	Taylor, J. D.
Bunting,	Funston,	Moore,	Taylor, V. A.
Burrows,	Greenleaf,	O'Donnell,	Wadsworth,
Cable,	Griswold,	O'Ferrall,	Walker,
Cadmus,	Grout,	O'Neill, Pa.	Warner,
Caldwell,	Halvorson,	Otis,	Watson,
Causey,	Hamilton,	Pattison, Ohio	Wever,
Cheatham,	Haugen,	Payne,	Wheeler, Mich.
Clark, Wyo.	Henderson, Iowa	Perkins,	White,
Clover,	Henderson, Ill.	Quackenbush,	Wike,
Colburn,	Hitt,	Raines,	Williams, Mass.
Coolidge,	Hoar,	Ray,	Wilson, Ky.
Crawford,	Hooker, N. Y.	Sanford,	Winn,
Crosby,	Huff,	Scott,	
Curtis,	Hull,	Seerley,	

NOT VOTING—90.

Alderson,	Fithian,	McKelghan,	Russell,
Amerman,	Geissenhainer,	Milliken,	Scul,
Arnold,	Harner,	Morse,	Shonk,
Bankhead,	Harler,	Newberry,	Smith,
Bartine,	Haynes, Ohio	Norton,	Snow,
Belknap,	Herbert,	Parrett,	Springer,
Bingham,	Hermann,	Patton,	Stahlnecker,
Bowers,	Holman,	Paynter,	Storer,
Brawley,	Hopkins, Pa.	Peel,	Stump,
Breckinridge, Ark.	Hopkins, Ill.	Pendleton,	Sweet,
Brickner,	Houk, Tenn.	Pickler,	Townsend,
Brown,	Johnson, Ind.	Pierce,	Tracey,
Bynum,	Johnson, N. Dak.	Post,	Turner,
Catchings,	Ketcham,	Powers,	Turpin,
Chapin,	Lagan,	Price,	Waugh,
Cobb, Mo.	Lester, Va.	Randall,	Willcox,
Cogswell,	Lester, Ga.	Reed,	Williams, Ill.
Cooper,	Lind,	Reilly,	Wilson, Wash.
Cowles,	Lockwood,	Reyburn,	Wilson, W. Va.
Dickerson,	Lodge,	Rife,	Wolverton,
Doan,	Lynch,	Robertson, La.	Wright,
Dungan,	Mansur,	Robinson, Pa.	
Fitch,	McGann,	Rockwell,	

So the first resolution was adopted as a substitute.

Mr. WILSON of Washington (having voted). I desire to withdraw my vote. I am paired with my colleague on the Indian Committee, Mr. PEEL of Arkansas. If he were present he would vote "aye" and I should vote "no" on this question.

Mr. LODGE. Mr. Speaker, on this question I am paired with the gentleman from Mississippi [Mr. CATCHINGS]. If present he would vote in favor of Mr. Rockwell and I should vote in favor of Mr. Noyes, and on this resolution I should vote "no."

Mr. STORER. I am paired with Mr. CHAPIN of New York. He would vote in favor of this resolution and I would vote against it.

Mr. DUNPHY. Mr. Speaker, I have a dispatch just received from my colleague, Mr. FITCH, in which he states that he is sick at his home.

Mr. TAYLOR of Tennessee. I am paired with the gentleman from Missouri [Mr. MANSUR], but voted because I had an understanding with him that I could cast my vote on this question, as Col. O'FERRALL will bear witness.

Mr. REED (having voted). I desire to withdraw my vote, as I understand there is some question regarding my pair with Mr. SPRINGER. I prefer there should be no question about the matter, and hence withdraw the vote.

Mr. MILLIKEN. I desire to say that I am paired with Mr.

BANKHEAD of Alabama. If present he would vote "aye" and I should vote "no."

The following pairs were announced:

Until further notice:

Mr. SPRINGER with Mr. REED.
Mr. BANKHEAD with Mr. MILLIKEN.
Mr. HAYNES of Ohio with Mr. SCULL.
Mr. PENDLETON with Mr. SMITH of Illinois.
Mr. WILSON of West Virginia with Mr. MORSE.
Mr. PEEL with Mr. WILSON of Washington.
Mr. TURNER with Mr. BARTINE.
Mr. COWLES with Mr. DOAN.
Mr. LESTER of Georgia with Mr. HERMANN.
Mr. PARRETT with Mr. WAUGH.
Mr. ALDERSON with Mr. HOUK of Tennessee.
Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.

Mr. BROWN with Mr. RUSSELL.
Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
Mr. BYNUM with Mr. TOWNSEND.
Mr. NORTON with Mr. SHONK.
Mr. COOPER with Mr. RANDALL.
Mr. GEISSENHAINER with Mr. WRIGHT.
Mr. PIERCE with Mr. LIND.
Mr. MANSUR with Mr. TAYLOR of Tennessee.
Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7.

Mr. SNOW with Mr. PICKLER, for one week from April 18.
Mr. COBB of Missouri with Mr. POWERS, for two weeks from April 12.

Mr. WOLVERTON with Mr. REYBURN, for one week.

Mr. HARTER with Mr. BOWERS, on the tariff and silver bills.

The following were announced as paired on the contested-election case of Noyes vs. Rockwell:

Mr. HOLMAN with Mr. HARMER.
Mr. BRAWLEY with Mr. BINGHAM.
Mr. PATTON with Mr. BOWERS.
Mr. STUMP with Mr. KETCHAM.
Mr. CATCHINGS with Mr. LODGE.
Mr. HARTER with Mr. STAHLNECKER. If present Mr. STAHLNECKER would vote for Mr. Rockwell and Mr. HARTER would vote for Mr. Noyes.

Mr. FITHIAN with Mr. HOPKINS of Illinois. If present Mr. FITHIAN would vote in favor of Mr. Rockwell and Mr. HOPKINS would vote in favor of Mr. Noyes.

Mr. AMERMAN with Mr. RIFE.

Mr. CHAPIN with Mr. STORER.

Mr. NEWBERRY with Mr. BELKNAP.

Mr. REILLY with Mr. HOPKINS of Pennsylvania.

Mr. ARNOLD with Mr. LOCKWOOD. If present Mr. ARNOLD would vote for Mr. Rockwell and Mr. LOCKWOOD would vote for Mr. Noyes.

Mr. DICKERSON with Mr. JOHNSON of Indiana. Mr. DICKERSON, if present, would vote to retain Mr. Rockwell in his seat.

Mr. JOHNSON, if present, would vote to seat Mr. Noyes.

The result of the vote was then announced as above recorded.

[Applause on the Democratic side.]

The SPEAKER. The question is on agreeing to the next resolution as a substitute proposed by the minority of the committee; which the Clerk will now read.

The Clerk read as follows:

Resolved, That Hosea H. Rockwell was duly elected the Representative to the Fifty-second Congress from the Twenty-eighth district of the State of New York, and is entitled to a seat in said Congress.

Mr. O'FERRALL. On that I demand the yeas and nays.

The SPEAKER. The motion is to substitute the resolution just read for the resolution reported by the Committee on Elections, and on that the gentleman from Virginia demands the yeas and nays.

Mr. TRACEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRACEY. If this motion is carried there can be no further motion made respecting this case, can there?

The SPEAKER. Of course the House will have to adopt the resolutions. This is merely substituting the resolutions submitted by the minority of the committee for those reported by the majority of the committee.

Mr. TRACEY. But if this resolution is adopted it declares Mr. Rockwell entitled to his seat as a member.

The SPEAKER. If the resolution is adopted it will be an amendment to the resolution reported from the committee, and the question must then be taken upon the resolution as amended.

Mr. BRYAN. If the substitute is adopted, and when the question is pending on the resolutions as amended, will it be in order to move to recommit this subject to the Committee on Elections with instructions.

The SPEAKER. The Chair thinks so. The question will then be on the adoption of the resolutions as amended.

On the pending question the gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 106, not voting 94; as follows:

YEAS—128.			
Abbott,	Cockran,	Hare,	O'Neil, Mass.
Alexander,	Compton,	Harries,	O'Neill, Mo.
Allen,	Coombs,	Hatch,	Outhwaite,
Babbitt,	Covert,	Hayes, Iowa,	Owens,
Bacon,	Cox, N. Y.	Heard,	Page, R. I.
Bailey,	Cox, Tenn.	Hemphill,	Page, Md.
Barwig,	Craig, Pa.	Henderson, N. C.	Patterson, Tenn.
Beeman,	Crain, Tex.	Hooker, Miss.	Pearson,
Beltzhoover,	Culberson,	Houk, Ohio	Rayner,
Bentley,	Cummings,	Johnstone, S. C.	Richardson,
Blanchard,	De Armond,	Kribbs,	Rusk,
Bland,	Dixon,	Kyle,	Sayers,
Blount,	Dockery,	Lane,	Shell,
Boatner,	Donovan,	Lanham,	Shively,
Branch,	Dunphy,	Lapham,	Stewart, Tex.
Breckinridge, Ky.	Durborow,	Lawson, Va.	Stockdale,
Bretz,	Elliot,	Layton,	Stone, Ky.
Brookshire,	Ellis,	Lewis,	Tarsney,
Brunner,	English,	Livingston,	Terry,
Bullock,	Enloe,	Magner,	Tillman,
Bunn,	Epes,	Mallory,	Tucker,
Bussey,	Everett,	McAker,	Van Horn,
Bushnell,	Fellows,	McCreary,	Warwick,
Byrnes,	Forney,	McDonald,	Washington,
Carmine,	Fowler,	McKinney,	Weadock,
Caminetti,	Fyan,	McRae,	Wheeler, Ala.
Campbell,	Gantz,	Meredith,	Whiting,
Caruth,	Geary,	Meyer,	Willcox,
Cate,	Gillespie,	Mitchell,	Williams, N. C.
Clancy,	Goodnight,	Montgomery,	Wilson, Mo.
Clarke, Ala.	Gorman,	Moses,	Wise,
Cobb, Ala.	Hallowell,	Mutchler,	Yountans.

NAYS—106.			
Andrew,	Cutting,	Johnson, Ohio	Seerley,
Aldinson,	Dalzell,	Jolley,	Simpson,
Baker,	Daniel,	Jones,	Sperry,
Belden,	Davis,	Kem,	Stephenson,
Bergen,	De Forest,	Kilgore,	Stevens,
Boutelle,	Dingley,	Lawson, Ga.	Steward, Ill.
Bowman,	Dolliver,	Little,	Stone, C. W.
Broderick,	Edmunds,	Long,	Stone, W. A.
Brosius,	Enochs,	Loud,	Stout,
Bryan,	Flick,	Martin,	Taylor, Ill.
Buchanan, N. J.	Forman,	McKaig,	Taylor, Tenn.
Buchanan, Va.	Funston,	Miller,	Taylor, E. B.
Bunting,	Grady,	Moore,	Taylor, J. D.
Burrows,	Greenleaf,	Oates,	Taylor, V. A.
Cable,	Griswold,	O'Donnell,	Wadsworth,
Cadmus,	Grout,	O'Ferrall,	Walker,
Caldwell,	Hall,	O'Neill, Pa.	Warner,
Causey,	Halvorson,	Otis,	Watson,
Cheatham,	Hamilton,	Pattison, Ohio	Wever,
Chipman,	Haugen,	Payne,	Wheeler, Mich.
Clark, Wyo.	Henderson, Iowa	Perkins,	White,
Clover,	Henderson, Ill.	Post,	Wike,
Coburn,	Hitt,	Quackenbush,	Williams, Mass.
Coolidge,	Hoar,	Raines,	Wilson, Ky.
Crawford,	Hooker, N. Y.	Ray,	Winn.
Crosby,	Huff,	Sanford,	
Curtis,	Hull,	Scott,	

NOT VOTING—94.			
Alderson,	Fitch,	McGann,	Russell,
Amerman,	Fithian,	McKeighan,	Scull,
Arnold,	Gelsenhainer,	McMillin,	Shonk,
Bankhead,	Harmer,	Milliken,	Smith,
Bartine,	Harter,	Moree,	Snodgrass,
Belknap,	Haynes, Ohio	Newberry,	Snow,
Bingham,	Herbert,	Norton,	Springer,
Bowers,	Hermann,	Parrett,	Stackhouse,
Brawley,	Holman,	Patton,	Stahlnecker,
Breckinridge, Ark.	Hopkins, Pa.	Paynter,	Storer,
Brickner,	Hopkins, Ill.	Peel,	Stump,
Brown,	Houk, Tenn.	Penileton,	Sweet,
Bynum,	Johnson, Ind.	Pickler,	Townsend,
Capehart,	Johnson, N. Dak.	Pierce,	Tracey,
Castle,	Ketcham,	Powers,	Turner,
Catchings,	Lagan,	Price,	Turpin,
Chapin,	Lester, Va.	Randall,	Waugh,
Cobb, Mo.	Lester, Ga.	Reed,	Williams, Ill.
Cogswell,	Lind,	Reilly,	Wilson, Wash.
Cooper,	Lockwood,	Reynolds,	Wilson, W. Va.
Cowles,	Lodge,	Rife,	Wolverton,
Dickerson,	Lynch,	Robertson, La.	Wright,
Doan,	Mansur,	Robinson, Pa.	
Dungan,	McClellan,	Rockwell,	

So the second resolution submitted by the minority of the committee was agreed to.

Mr. HOUK of Ohio. Mr. Speaker, I desire to state that I was paired with the gentleman from Ohio [Mr. HARTER] upon this question, but finding that he was paired with the gentleman from New York [Mr. STAHLNECKER] I felt myself at liberty to vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The amendment is agreed to. The Clerk will now report the resolution as amended by the House.

Mr. McMILLIN and Mr. BRYAN addressed the Chair.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, pending that, as there is only half an hour remaining until the recess begins, we will not have time to take more than one yea-and-nay vote, and for that reason I ask unanimous consent that the hour for taking the recess be postponed until the determination of the matter.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent to postpone the hour at which the House shall take a recess until the evening session until such time as this matter is determined. Is there objection?

There was no objection.

The SPEAKER. The Clerk will now report the resolution as amended.

The Clerk read as follows:

Resolved, That Henry T. Noyes was not elected, and is not entitled to a seat in the Fifty-second Congress.

Resolved, That Hosea H. Rockwell was duly elected a Representative to the Fifty-second Congress from the Twenty-eighth district of the State of New York, and is entitled to his seat in said Congress.

Mr. BRYAN. Mr. Speaker, I submit the motion which I send to the Clerk's desk.

The SPEAKER. The gentleman from Nebraska [Mr. BRYAN] moves to recommit the case with the following instructions, which the Clerk will report.

The Clerk read as follows:

That this election contest be recommended to the Committee on Elections with instructions to take testimony concerning the 16 Doyle ballots cast for Noyes and the 28 marked ballots cast for Rockwell, in order to ascertain the reason for the irregularities which appear, or to allow the parties to do so, and to report to the House as soon as convenient the testimony and the recommendation.

Mr. WHEELER of Alabama. I move to lay that motion on the table.

The SPEAKER. The Chair will state to the gentleman from Alabama [Mr. WHEELER] that his motion is not in order.

Mr. BYRAN. Mr. Speaker—

Mr. OTIS. Mr. Speaker—

The SPEAKER. The gentleman from Nebraska.

Mr. BYRAN. I demand the previous question.

Mr. OTIS. I ask to amend that motion.

The SPEAKER. The gentleman from Nebraska [Mr. BRYAN] demands the previous question upon his motion. If that is voted down, then the amendment will be in order. Then, if it is sustained, the amendment will not be in order. The question is upon the demand for the previous question upon the motion to recommit with instructions.

Mr. CARUTH. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman from Kentucky will state it.

Mr. CARUTH. The House having voted that Mr. Noyes was not elected a Representative from the Twenty-eighth Congressional district of the State of New York, on a yea-and-nay vote, and then, on a yea-and-nay vote, having voted that Mr. Rockwell was elected a member and that he is entitled to his seat, my parliamentary inquiry is, would it not be an absurdity to say that we could now recommit this matter to the committee?

The SPEAKER. The Chair will state to the gentleman from Kentucky that this case stands exactly as a bill would stand before the House. If a bill were reported here carrying an appropriation of \$5,000, and if the House should amend it by inserting "\$100,000" in place of "\$5,000," then the bill as amended would still have to be voted upon in order to pass it.

Mr. CARUTH. But I wish to suggest to the Speaker that the difference is that we have already passed this bill.

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Nebraska [Mr. BRYAN] demands the previous question upon the motion to recommit with the instructions submitted by him.

The previous question was ordered.

The SPEAKER. The question now is upon the motion to recommit with instructions.

Mr. WHEELER of Alabama. Mr. Speaker, is it not in order now to move to lay that on the table?

Mr. SPEAKER. It is not.

Mr. O'FERRALL. Mr. Speaker, on the motion of the gentleman from Nebraska [Mr. BRYAN] let us have the yeas and nays.

Mr. OTIS. I rise to a parliamentary inquiry.

The SPEAKER. The Chair will call the attention of the gentleman from Alabama [Mr. WHEELER] to the fact that in the first session of the Forty-ninth Congress it was held that a motion to lay on the table a motion to recommit a bill, with or without instructions, is not in order.

Mr. OTIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OTIS. I desire to offer an amendment to the recommendation—

The SPEAKER. The previous question having been ordered,

the motion is not amendable. The question is upon the motion of the gentleman from Nebraska [Mr. BRYAN].

Mr. O'FERRALL. And upon that I ask the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 124, not voting 94; as follows:

YEAS—110.

Andrew,	Crawford,	Hull,	Seerley,
Atkinson,	Crosby,	Johnson, Ohio	Simpson,
Baker,	Curtis,	Jolley,	Sperry,
Barwig,	Cushing,	Kem,	Stackhouse,
Belden,	Dalzell,	Kilgore,	Stephenson,
Beltzhoover,	Daniell,	Little,	Stevens,
Bergen,	Davis,	Long,	Steward, Ill.
Boutelle,	De Forest,	Loud,	Stone, C. W.
Bowman,	Dingley,	Mallory,	Stone, W. A.
Breckinridge, Ky.	Dolliver,	Martin,	Stout,
Broderick,	Enoch,	McCellan,	Taylor, Ill.
Brosius,	Epes,	McKelghan,	Taylor, Tenn.
Bryan,	Flick,	McMillin,	Taylor, E. B.
Buchanan, N. J.	Forman,	Oates,	Taylor, J. D.
Bunting,	Funston,	O'Donnell,	Taylor, V. A.
Burrows,	Greenleaf,	O'Ferrall,	Tracey,
Cable,	Griswold,	O'Neill, Pa.	Wadsworth,
Caenus,	Groat,	Otis,	Walker,
Caldwell,	Hall,	Pattison, Ohio	Warner,
Capehart,	Halvorson,	Payne,	Watson,
Castle,	Haugen,	Perkins,	Wever,
Causey,	Henderson, Iowa	Post,	Wheeler, Mich.
Cheatham,	Henderson, Ill.	Quackenbush,	Wike,
Chipman,	Hitt,	Raines,	Williams, Mass.
Clark, Wyo.	Hoar,	Ray,	Wilson, Ky.
Clover,	Hooker, N. Y.	Scott,	Winn.
Coburn,	Huff,		
Cooldge,			

NAYS—124.

Abbott,	Covert,	Harries,	O'Neill, Mass.
Alexander,	Cox, N. Y.	Hatch,	O'Neill, Mo.
Allen,	Cox, Tenn.	Hayes, Iowa	Owens,
Babbitt,	Craig, Pa.	Heard,	Page, R. I.
Bacon,	Crain, Tex.	Hemphill,	Page, Md.
Bailey,	Cubbers,	Henderson, N. C.	Patterson, Tenn.
Beeman,	Cummings,	Hooker, Miss.	Pearson,
Bentley,	DeArmond,	Houk, Ohio	Rayner,
Bland,	Dixon,	Johnstone, S. C.	Richardson,
Blount,	Dockery,	Kribbs,	Rusk,
Boatner,	Donovan,	Kyle,	Sayers,
Branch,	Dunphy,	Lane,	Shell,
Bretz,	Durbinow,	Lanham,	Shively,
Brookshire,	Edmunds,	Lapham,	Snodgrass,
Brunner,	Elliott,	Lawson, Va.	Stewart, Tex.
Buchanan, Va.	Ellis,	Layton,	Stockdale,
Bullock,	English,	Lewis,	Stone, Ky.
Bunn,	Eloc,	Livingston,	Tarsney,
Busey,	Everett,	Magner,	Terry,
Bushnell,	Fellows,	McAleer,	Tillman,
Butler,	Forney,	McCreary,	Tucker,
Byrnes,	Fowler,	McDonald,	Van Horn,
Caminetti,	Fyan,	McKinney,	Warwick,
Campbell,	Gantz,	McRae,	Washington,
Caruth,	Gentry,	Mock,	Wheeler, Ala.
Cate,	Gillespie,	Meyers,	Whiting,
Clancy,	Goodnight,	Mitchell,	Williams, N. C.
Clarke, Ala.	Gorman,	Montgomery,	Wilson, Mo.
Cobb, Ala.	Grady,	Moore,	Wise,
Cockran,	Hallowell,	Moses,	Yumans.
Compton,	Hare,	Mutchler,	

NOT VOTING—94.

Alderson,	Fitch,	Mansur,	Rockwell,
Amernan,	Fithian,	McGann,	Russell,
Arnold,	Geissenhainer,	McKalg,	Scull,
Bankhead,	Harmer,	Milliken,	Shonk,
Bartine,	Harter,	Morse,	Smith,
Belknap,	Haynes, Ohio	Newberry,	Snow,
Bingham,	Herbert,	Norton,	Springer,
Blanchard,	Hermann,	Outhwaite,	Stahlnecker,
Bowers,	Holman,	Parrett,	Storer,
Brawley,	Hopkins, Pa.	Patton,	Stump,
Breckinridge, Ark.	Hopkins, Ill.	Paynter,	Sweet,
Brickner,	Houk, Tenn.	Peel,	Townsend,
Brown,	Johnson, Ind.	Pendleton,	Turner,
Bynum,	Johnson, N. Dak.	Pickler,	Turpin,
Catchings,	Jones,	Pierce,	Waugh,
Chapin,	Ketcham,	Powers,	White,
Cobb, Mo.	Lagan,	Price,	Willcox,
Cogswell,	Lawson, Ga.	Randall,	Williams, Ill.
Coombs,	Lester, Va.	Reed,	Wilson, Wash.
Cooper,	Lind, Ga.	Redly,	Wilson, W. Va.
Cowles,	Lockwood,	Reyburn,	Wolverton,
Dickerson,	Lodge,	Rife,	Wright.
Doan,	Lynch,	Robertson, La.	
Dungan,		Robinson, Pa.	

The SPEAKER. On this question the yeas are 110, the nays 124; so the House refuses to recommit with instructions; and the question now is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

On motion of Mr. COBB of Alabama, a motion to reconsider the last vote was laid on the table. [Loud applause on the Democratic side.]

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair announces as conferees on the bill (H. R. 5681) for control of and to promote the safety of national banks Mr. BACON of New York, Mr. Cox of Tennessee, and Mr. WALKER of Massachusetts.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. PENDLETON, for ten days, on account of important business.

To Mr. WRIGHT, indefinitely, on account of sickness.

To Mr. COOMBS, for five days, on account of sickness in his family.

To Mr. OUTHWAITE, for the rest of the day, on account of illness.

The SPEAKER. The hour of 5 o'clock having arrived, the Chair declares the House in recess until 8 o'clock, and designates the gentleman from Tennessee [Mr. RICHARDSON] to preside at the evening session.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock by Mr. RICHARDSON, as Speaker *pro tempore*.

Mr. MARTIN. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the private Calendar.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. KILGORE. Mr. Speaker, I want a count; I wish to know how many are here.

The House divided; and there were—ayes 30, noes 4.

Mr. KILGORE. What was the count?

The SPEAKER *pro tempore*. The ayes are 30, and the noes 4.

Mr. KILGORE. I fear the Speaker's count was not accurate. I do not think there are more than twelve here. I make the point of order that we ought to have more members present.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. KILGORE] makes the point of no quorum. The Chair will appoint the gentleman from Texas [Mr. KILGORE] and the gentleman from Indiana [Mr. MARTIN] as tellers.

The House again divided; and tellers reported—ayes 40, nays none.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order, and the Clerk will report the first bill.

LUCY HASKELL.

The first business on the Private Calendar was the bill (H. R. 5602) granting a pension to Lucy Haskell, mother, by adoption, of John Haskell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Haskell, mother, by adoption, of John Haskell, late of Company G, One hundred and sixth regiment New York Volunteers, to date from the approval of this act.

The committee recommended that the bill be amended by inserting at the end of the bill the words "at the rate of \$12 per month."

The report, which has already appeared in the RECORD, was read.

Mr. MEREDITH. Mr. Chairman, I want to inquire if this is not the same old lady who was here last Friday night.

The CHAIRMAN. The Chair will state, in reply to the question of the gentleman from Virginia, that this bill was under consideration when the committee rose on last Friday evening.

Mr. CURTIS. Mr. Chairman, this is the bill that was before the House last Friday night, and some were anxious to know whether or not these people are dependent—the father and mother; whether this child ought to have treated these people as parents, and whether or not, in the case of the return of the woman who was the natural mother of this child, she could have taken the place of the adopted parent. This young man Allen was given to Mr. Haskell and wife when he was but a few months old—a year and upward.

They raised him as their own child. At that time they had no children. They educated him as well as they were able. Before entering the service he labored for them, when in the service he sent them money, and at his death they mourned him as a child of their own. Their three other children, to whom reference has been made and respecting whom some information is desired, were born subsequent to the adoption of this child by the Has-kells. One of those three died.

Another one, a daughter, went west and is living in very moderate circumstances, without any ability to render aid to her parents. The other, a son, is unable to contribute to the support of others and is scarcely able to take care of himself. The parents are without means. Their entire income will amount to but very few dollars a year. They have a little house in a small hamlet which would be worth but a very small sum of money if offered for sale, and the income from it, if rented, would probably not exceed \$50 a year.

Ever since the war the country has recognized this class of claims as just and proper, and at every session of Congress pensions of this kind have been granted. It may be asked why a general law is not passed to provide for such cases, and it can be said in answer that it is better to leave the few cases of this character that there are in the country to make known their claims and let Congress decide upon each one separately, because were they to be covered by a general law it would in all probability be so elastic as to let in many who would not be justly entitled to benefit by it. I do not believe there is any question now in the mind of any gentleman present regarding the merits of this bill in view of the laws of like character which we have heretofore passed and the principle upon which those laws were passed. If there is any special information desired respecting this case, I should be glad to give it so far as I am able.

Mr. KILGORE. Who prepared this report?

Mr. CURTIS. The gentleman from New York who has the pleasure of addressing his friend from Texas prepared the report.

Mr. KILGORE. Then the gentleman from New York unfortunately prepared a very meager report. There is not anything in that report which would indicate that these people are needy. There is not anything in that report nor in the statement made by the gentleman from New York in the presence of this fragment of the House to indicate that they relied at all upon this adopted child for help or that he ever contributed to their support.

Mr. BUCHANAN of New Jersey. The gentleman from New York distinctly said that he did.

Mr. KILGORE. There is not anything in that report, if I remember it correctly, to indicate that this lady is in straitened circumstances except the general statement that she is poor. I believe that statement does appear. Besides, the report does not say that she is married. It does not refer to the fact that she has children living, and this committee never obtained any information upon that point until this evening from the statements made by the gentleman from New York [Mr. CURTIS] supplementing the report. Now, I do not want to reflect on the Committee on Invalid Pensions, nor to reflect on the gentlemen writing reports upon these pension cases, but I do think it is due to the House in these cases that all the facts and circumstances relating to every material question involved in the case should be stated in the report, so that the House may draw its own conclusions as to the merits. Besides, the general statement is made in that report that the mother of this child is not known to these people and that her whereabouts is unknown.

This was a natural child taken by these people and raised to manhood, when he enlisted in the Army. Now, it is legitimate to assume that the mother of this child is living and that she is drawing a pension by reason of the fact that he lost his life in the war. How are we to determine? The report is silent on that point. No investigation has been given to that feature in the case.

Mr. CURTIS. Will the gentleman give way for a piece of information?

Mr. KILGORE. I will hear any inquiry that the gentleman wants to propound to me.

Mr. CURTIS. I was going to answer some statements that you were making without sufficient knowledge of the facts.

Mr. KILGORE. I would like to be corrected if I am making an incorrect statement.

Mr. CURTIS. I have not the slightest doubt of that. This report does state that these people accepted this child and adopted him as their own, and that they had also three children of their own. It does state that the actual mother of this child went away and has been gone for forty years without any information in regard to her being had in that community; it states also that the adopted mother, in whose behalf this bill is introduced, is 72 years old and that the father is still older. The report gives a great deal of the information to which reference has been made by my friend from Texas [Mr. KILGORE], though not all that he desires.

Additional information has been given by the gentleman who introduced the bill. He has stated to the House his information on these several points, and will now say again that Mr. Haskell is 74 years of age; Mrs. Haskell, 72. They are poor people; they raised this child, and he made return to them before going to the Army, by rendering such service as he could, and after entering the Army by contributing from his funds. They did really depend upon him.

Mr. KILGORE. Is that matter stated in the report—that they relied upon this child for support?

Mr. CURTIS. Not to the extent I am stating it now; but I am satisfied that when it is now communicated to the House, even my friend from Texas will not dispute the origin or correctness of the statement.

Mr. KILGORE. I assume the gentleman is making a state-

ment of facts which have come to his knowledge; but I do not know anything about the source of his knowledge.

Mr. CURTIS. It is obtained from credible people in the town where this lady lives.

Mr. KILGORE. The information may be derived perhaps from some attorney in this city; some claim agent or pension agent may have told the gentleman about it, or the friends of these people may have posted him. I am not disputing that the gentleman tells the truth so far as he knows it. I would not undertake to do that. I would not do it if I were a much smaller man than he is. [Laughter.]

Mr. DAVIS. You are very cautious.

Mr. CURTIS. I recognize my friend's discretion. [Laughter.]

Mr. KILGORE. Now, Mr. Chairman, the principal foundation for this claim is that these people are old and that they are poor.

A MEMBER. Is not that enough?

Mr. KILGORE. Well, there are possibly ten million people in this country who are honest and poor and old.

A MEMBER. Why not give them all pensions?

Mr. KILGORE. That seems to be the idea. That was the idea of some of our friends here in the last Congress. Now, I do not think this case is a proper subject for special legislation. I do not think these people have earned the bounty of the Government. I do not think that anybody to whom they had the right to look for support has earned it in their behalf, and if this is so, the fact that these people are poor and old amounts to nothing; it can not be considered in this connection. My benevolent friend from New York has had his sympathies aroused in behalf of these people; that is perfectly natural, and I sympathize with them too. But then there is a duty upon us which I insist we ought to perform, each man according to his own convictions.

Mr. SCOTT. Will you allow me a question?

Mr. KILGORE. Certainly.

Mr. SCOTT. I knew you would. I wish to ask whether you do not consider that this case is as meritorious and comes as much within the spirit of the law as if this soldier had been the son of these people in fact as well as by adoption?

Mr. KILGORE. Well, I do not; if I did I would not make this opposition to the bill. And if such were the case, then the mother could go to the Pension Office and secure a pension. Under the general law these people, as the case now stands, are excluded.

Mr. CURTIS. My friend will permit me to say that at the Pension Office no person can receive a pension by reason of the military service of any individual unless that service is established; and no two persons ever receive a pension on account of the same service except in the case of widows with children under 16 years of age; and they must be specially designated.

Now if this woman should apply at the Pension Office for a pension she would be obliged to show her connection or relationship to this child, and the proof must be furnished, which can not be done; and if she could do so, any pension that might have been granted to any other person on account of the services of this soldier would cease.

Mr. KILGORE. The law, then, is against the granting of this pension in the Pension Office.

Mr. CURTIS. Of course it is, because the natural mother is not known and has no claim.

Mr. KILGORE. I wish to say—and this is a part of my answer to the gentleman from Illinois [Mr. SCOTT]—that if the applicant in this case had been dependent upon this adopted child, if these people had raised him, had been dependent upon the fruits of his labor, and had no other child, then I would not make any question about this case, because it would approach so near to the requirements of the general law that I could not consistently make objection.

Mr. CURTIS. But these children of their own have rendered them no service; can not do so. One is dead, the other is resident a great distance from the home of her parents, and has no means of contributing to their support.

Mr. KILGORE. That is not stated in the report.

Mr. CURTIS. No, but that is the statement I make now for the information of my friend, who wants this pension to go through if he is satisfied there is merit in it. I accept the statement he has so frequently offered in this House; this is a question of merit with him.

But now I hope I have satisfied my good friend from Texas of the absolute dependence of these people upon this child; and in his absence the Government should render this aid, since my friend has conceded that it would be but an act of truth and justice in such cases.

Mr. KILGORE. Now, do I understand that the law—and I am not familiar with the law on this subject and that is why I ask the question—would give the mother a pension if this had been her own son?

Mr. CURTIS. Yes, sir.

Mr. KILGORE. She at the same time having a living husband?

Mr. CURTIS. Yes, sir.

Mr. KILGORE. Then what are you going to do with the father? Is he overlooked?

Mr. CURTIS. He is overlooked and is number 2, the widow being number 1. The Government have recognized in this matter, my friend from Texas must recollect, that the granting of a pension to the mother under such circumstances is the first step in the payment of the indebtedness of the Government to its disabled soldiers.

Mr. KILGORE. But suppose they had another son, and he had gone into the war, say at a later period, and had been killed, would his father get a pension on account of his loss?

Mr. CURTIS. No, sir; the Government grants but one pension under such circumstances in a family.

Mr. KILGORE. Would not the mother get another increase by reason of it?

Mr. CURTIS. No, sir.

Mr. KILGORE. Oh, you will be here asking for that. [Laughter.]

Mr. CURTIS. Oh, no; the committee have rejected just such cases.

Mr. KILGORE. I have not heard of a case like this since I have been here. In fact there is no evidence of the legal adoption of this child, at least I do not know of any, and although I do not think I will be likely to stickle on that question, yet it takes a process of law for people to adopt a child, as my friend knows.

Mr. CURTIS. I recognize that.

Mr. KILGORE. And there is no statement in the report of my friend from New York that there was any legal process employed in the adoption of this child. On the contrary, it is a case where the mother seems to have been adopted. Now, it seems to me that it would be better to let this lie over for awhile and let us look a little further into it.

Mr. CURTIS. I have stated that this child was adopted by these people.

Mr. KILGORE. According to law?

Mr. CURTIS. According to law.

Mr. KILGORE. What evidence has the gentleman of that fact?

Mr. CURTIS. I am informed by a neighbor who is without interest in the case that this child was regularly adopted. Now, I have not seen the papers, but I assume that so far as the law required compliance it has been complied with, and every circumstance connected with it indicates that he was actually and regularly adopted. I may state that the final settlement of the soldier when made, on his death, was reported to his people and paid to them, so that a recognition by the Government of his relation to these people has been already made establishing the fact that he was regarded as their child. The settlement of the amount due him at the time of his death would not have been made with his family if there had been any doubt of that fact.

Mr. KILGORE. If a lawyer had written to you and told you that this child was adopted by these people you would know what it meant, but if it was a layman or nonprofessional person who wrote you, knowing nothing of the meaning of the word "adoption," or the provisions of the law in regard to it, then he would probably use the term in the common acceptance of the word in the community, when a family takes charge of a child, for instance, and raises it. I think we had better let this stand over until we get more information upon it.

Mr. PAYNE. If these people had taken the child as an infant and brought it up and treated it as they would a natural child of their own, does it not follow that the child should render some service? Of course when the child grew up it ought to render service in return to these foster parents for their care.

Mr. KILGORE. How old was the boy when he went to the war?

Mr. CURTIS. He was about 20 years.

Mr. KILGORE. I am much inclined—

Mr. PAYNE. Oh, you are inclined to let it go through. [Laughter.]

Mr. CURTIS. Let it go before the House on its third reading and I will answer the gentleman any question he wants answered.

Mr. KILGORE. Well, you overpersuade me. [Laughter.]

The CHAIRMAN. The question is on the amendment.

The amendment recommended by the committee was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID L. TRUAX.

The next business on the Private Calendar was the bill (H. R. 2902) for the relief of David L. Truax.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to David L. Truax, dependent son of John Truax, late a private in Company D, Eighty-second Indiana Volunteers, the pension of \$18 per month heretofore made payable to his guardian, said payments to include all sums accrued and accruing by reason of the act of August 19, 1890, for his relief.

Mr. KILGORE. Let the report be read.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2902) for the relief of David L. Truax, have had the same under consideration and now submit the following report:

On the 19th day of August, 1890, a bill for the relief of the claimant was passed by Congress providing for the payment to him "through his legally constituted guardian at the rate of \$18 per month." The committee making the report said:

"The proposed beneficiary is the imbecile son of John Truax, deceased, late private in Company D, Eighty-second Regiment Indiana Volunteers. The father's death was the result of his service, and occurred while in the service at Murfreesboro, Tenn., of fever. The son was pensioned under the general law until he arrived at the age of 16 years. He is a helpless cripple and a weak-minded person, the result of a spell of fever; is wholly incapacitated for mental or physical labor, and is a charge upon his brothers and sisters who are all poor people. His mother is dead and no other person is drawing a pension on account of this soldier's death."

The laws of Indiana in such cases made and provided are such that before a guardian can be appointed, a jury must determine upon examination of competent witnesses that the person named is of unsound mind to such an extent as to require the appointment of a guardian. In the case of this beneficiary, whose legal residence is in the State of Indiana, a jury investigated his sanity and decided that he was not insane or sufficiently imbecile to warrant the appointment of a guardian. The Commissioner of Pensions being informed of this action declined to pay the amount of said pension to the claimant herein or to any other person except his legally constituted guardian, and adds:

"This Bureau is powerless to act in the matter, and until a guardian has been duly appointed to represent this claimant or legislative action removes this barrier, the claim must remain in *status quo*."

The claimant being permanently disabled and in pressing need of the relief granted him by the act of Congress referred to, the committee submit a favorable report and recommend the passage of the bill.

Mr. BAILEY. Mr. Chairman, I would like to ask the gentleman in charge of this bill a question. Is the chairman of the Committee on Invalid Pensions in charge of it?

Mr. MARTIN. Yes, sir.

Mr. BAILEY. I understand the report to say that the jury in the State where the beneficiary resides find that he is not an imbecile; that he is not a lunatic. I do not see why he could not earn his own living.

Mr. MARTIN. Because he is permanently disabled. He is a helpless cripple.

Mr. BAILEY. Then let me ask the gentleman from Indiana if it is true that Indiana has made no provision for the support of her helpless cripples? Does she expect the Federal Government to take care of them all?

Mr. MARTIN. Where the child, as in this case, has been deprived of his natural support because of the death of his father, who was in the Union Army, dying in the service, of a fever contracted while there, in such a case, as between the State and the United States, it seems to me clear that the United States ought to provide for him rather than the State of Indiana.

Mr. BAILEY. That is not exactly my question. I asked the gentleman if Indiana made no provision for cases of this kind?

Mr. MARTIN. Yes, I believe there are provisions. Whether they will touch this particular case I can not say. Mr. Chairman, with the permission of the gentleman, I want to call his attention to this fact: This is simply for the purpose of enabling this beneficiary to obtain the benefit of an act passed by the last Congress, giving to him the amount specified in this bill. The trouble is simply this: that act requires the payment to be made not to him but to his guardian. Being of the age that he is, a guardian could not be appointed for him unless a jury of that State should, under the law, find that he was so unsound of mind as to be incapable of managing his own estate.

Upon the trial of that matter, after the law had been passed by Congress in 1890, the jury found that he was not a person of unsound mind within the meaning of the statute of that State. But I want to call your attention to this fact: Under the act of June 27, 1890, had the child been at the time of the passage of the act under the age of 16, then on account of his being a helpless cripple he would have been entitled to a pension under that general law. But because he was over the age of 16 when that law went into effect, the ruling of the Department cuts him out, and therefore it is necessary, in order that he may obtain this relief, to apply to Congress for the passage of this special bill.

Mr. BAILEY. But, as I understand the case, either the Federal Government or the State of Indiana must take care of this cripple?

Mr. MARTIN. Yes.

Mr. BAILEY. Well, it seems to me that, he being a citizen of the State of Indiana and his father before him having resided there, the State of Indiana, like all the other States of this Union, ought to make provision for this case.

Mr. PAYNE. May I make one suggestion? If that rule was

enforced no person in the country who happened to be a proper subject for the pauper laws could be pensioner, because every State takes care of its paupers; and if a person who would be entitled to a pension otherwise was a pauper, under the definition of the gentleman from Texas, the Federal Government could not give any pension if that idea were to be carried out.

Mr. BAILEY. Well, certainly the Federal Government, by its laws, has not recognized this to be a proper case for a pension, because you have to come in here to get a special act passed.

Mr. SCOTT. Let me suggest to the gentleman that, as I understand, there is already a special act granting a pension to this person, to be paid to his guardian; but owing to his mental condition he can not have a guardian appointed.

Mr. BAILEY. Then, as I understand, it is simply a question as to whom the payment shall be made?

Mr. SCOTT. That is the point exactly. That is all there is to it.

Mr. BAILEY. Well, then, I have no objection to it.

The CHAIRMAN. The question is upon laying aside the bill with a favorable recommendation.

Mr. KILGORE. Mr. Chairman, I understand that there is a law in force now authorizing the payment to this beneficiary of the sum of \$18 a month. Is that so?

Mr. MARTIN. No, not to him, but to his guardian, and he can have no guardian appointed.

Mr. KILGORE. Well, now, you are enacting another law. The original act provides that it shall be paid to his guardian, but it so turned out that he could not have a guardian appointed under the Indiana law, as I understand it. Now, does this bill propose to amend that law and direct the payment of the pension to the beneficiary himself?

Mr. MARTIN. Yes, sir.

Mr. KILGORE. I understand it to be an act authorizing the putting of his name on the pension roll and paying him \$18 a month.

Mr. COOPER. Mr. Chairman, if the gentleman will allow me—

Mr. KILGORE. Does it change the amount provided?

Mr. MARTIN. No; the only change is to direct the money to be paid to him instead of to his guardian.

Mr. KILGORE. This is, then, an amendment to the original act?

Mr. MARTIN. That far it is; but let me suggest that this very bill, now before this committee for consideration, refers to and is based upon the act passed by the last Congress.

Mr. KILGORE. Then it was so?

Mr. MARTIN. It is the act of 1890. I am reading from the bill.

Mr. KILGORE. All I wanted to arrive at was that we should not duplicate this law, and have it so that the guardian sometime in the future could draw \$18 for him, and he draw \$18 on his own account.

Mr. COOPER. I want to say to the gentleman that this case is mine. He is a constituent of mine, and the effect of this bill is simply to enable the beneficiary to draw a pension which has heretofore been granted to him by act of the last Congress.

Mr. BAILEY. It does not increase the pension.

Mr. COOPER. It does not increase it. It does not increase the charge upon the Government. It only changes his relation.

Mr. SCOTT. It simply directs to whom it shall be paid.

Mr. COOPER. That is all. Heretofore the pension was granted and was to have been paid to a guardian, but by a jury he has been declared to have more sense than would require him to be deprived of the right to control the pension, and we seek to give it to him.

Mr. BAILEY. In other words, it has been proven that he was more helpless when he was applying for a pension than when he wanted to get a guardian.

Mr. COOPER. That is right.

Mr. LANE. Mr. Speaker, I desire to offer a few remarks on this case. If that is true, the last Congress was imposed upon. The rule of the committee for several years has been that where a child was imbecile and required a guardian, the amount was fixed at \$18 a month, and if he was not in that condition, then it was fixed at a much less sum, generally at \$12 a month.

So that if this be the case, there is some objection to this bill in its present form; and I think that the amount of the pension granted in the bill ought to be reduced. It was passed in the last Congress on the assumption that the beneficiary was an imbecile, and the proof was that he was insane.

Mr. SCOTT. He has gotten better since.

Mr. LANE. There is no evidence that he has ever gotten better. It was fixed at \$18 a month on the assumption that he would require a guardian, and the bill fixes it at that sum because a part of the amount would be required to pay the fees of the guardian. I submit that it is not proper, if this beneficiary

is not an imbecile, that he should have more than other children under like circumstances, and the amount ought to be reduced, in justice to others, to the usual amount in such cases.

Mr. COOPER. In answer to that, Mr. Chairman, the proof before the committee during the last Congress showed that the beneficiary was a person of weak mind. The fact about it was that he had a spell of fever when he was a child, and he failed to develop physically and mentally. He was not insane, and has never been insane according to the definition of insanity by the statute law of Indiana; but he is a person who lacks that vigor of mind and strength and grasp of intellect that well-developed persons have. He is not capable of making his living, and yet he is not insane. That is the situation of the case.

The bill was ordered to be laid aside with a favorable recommendation.

MARY JEWETT TELFORD.

The next business on the Private Calendar was the bill (H. R. 5021) granting a pension to Mary Jewett Telford, an army nurse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Mary Jewett Telford (formerly Mary Jewett), now a resident of Denver, Colo., at the rate of \$50 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The amendment recommended by the committee was read as follows:

In line 6 strike out "fifty" and insert "twelve."

The report (by Mr. JOLLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5021) granting a pension to Mary Jewett Telford, submit the following report:

By affidavits and original commission and discharge it appears that Mary Jewett Telford performed services as nurse in hospital No. 8, Nashville, Tenn., and after serving as nurse for some time she was, on November 28, 1863, commissioned as nurse by James E. Yeatman, president Western Sanitary Commission at St. Louis, Mo. Her services as nurse was rendered under the name of Mary Jewett.

She was discharged from her service as nurse on June 6, 1864, and returned to her home in Lima, Washtenaw County, Mich. Nearly all the time she served as nurse she was the only woman in hospital No. 8, Nashville, Tenn., and in said hospital there were 600 beds, kept well filled, and that she visited each of the seven wards every day.

In said hospital there were long flights of stairs without elevators. Her severe work in said hospital brought on spinal difficulty and nervous fever, which compelled her to withdraw from the service as nurse, and from which she has suffered since she left the service in June, 1864, and from which she is suffering now. Her grand services as nurse is fully established by affidavits and letters. She suffered from these physical disabilities and diseases from the time she left the service until the present time.

That these diseases caused her to leave the service is fully established by affidavits. She was a healthy woman when she commenced her services as nurse, and she has not been healthy since that time. She is totally incapacitated for mental toil and is able to perform but little physical labor.

She was married to Jacob Telford July 3, 1864, at Lima, Washtenaw County, Mich., and her husband is living at the present time and is receiving a pension of \$8 per month for a gunshot wound through the groin at Stone River, Tennessee, on December 30, 1862, while he was a member of Company B, Fifth Indiana Infantry.

The family of Mary Jewett Telford consists of her husband and three orphan girls adopted by her. Her husband has been ever since he was discharged from the military service of the United States subject to prolonged attacks of inflammatory rheumatism in its worst type, and has been in consequence unable to support his family for many years, and Mary Jewett Telford and her husband have no home, land, stock, capital, or financial dependence of any sort except Mr. Telford's pension.

Your committee recommend that the bill be amended by striking out the word "fifty," in 6 of the bill, and by inserting in lieu thereof the word "twelve," and, as thus amended, your committee recommend that the bill do pass.

Mr. KILGORE. Mr. Chairman, I was interrupted during the reading of the report, and did not find out how long this lady served as a nurse. Is there any gentleman present who knows about this bill?

Mr. JOLLEY. She went into the service in November 1863, and served until June 6, 1864.

Mr. KILGORE. Is she a married woman?

Mr. JOLLEY. She was not then, but she is now.

Mr. KILGORE. She is now?

Mr. JOLLEY. Yes, sir. Her husband draws a pension of \$8 a month. They have no land, or property of any kind, and just live off their pension.

Mr. KILGORE. Was she a married woman when she served as nurse?

Mr. JOLLEY. No, sir; she was not.

Mr. KILGORE. I would like to inquire for information whether they keep a roll of the army nurses so as to be able to verify their service?

Mr. BUTLER. She had a regular commission.

Mr. JOLLEY. She had a commission.

Mr. KILGORE. In the service?

Mr. McKINNEY. All these cases are referred by us to the War Department, and we get our authority from that Department.

Mr. BUCHANAN of New Jersey. The committee does attend to its business then?

Mr. KILGORE. Better let it go? [Cries of "Let it go!"] [Great laughter.]

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside with a recommendation that it do pass.

LAURA E. SKEELS.

The next business on the Private Calendar was a bill (H. R. 1742) for the relief of Mrs. Laura E. Skeels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Mrs. Laura E. Skeels the pension and arrearages which were due her mother, Mrs. Nancy M. Elmendorf, under pension certificate 189143.

The report (by Mr. SNOW) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1742) granting a payment of accrued pension to Laura E. Skeels, submit the following report:

Alexander F. Elmendorf enlisted August 21, 1831, in Company K, Second New York Cavalry, and died in service December 9, 1864. In July, 1880, a pension certificate numbered 189143 was issued to allow pension to his dependent mother, Nancy M. Elmendorf, at the rate of \$8 per month from December 10, 1864. Prior to the issuance of this certificate, however, the mother for whose benefit it was issued had died, on January 9, 1880, and hence no part of this pension was ever paid to her, and the entire amount reverted to the United States Treasury, except a certain sum stated at \$206.21, which was paid under section 4718, Revised Statutes, to reimburse the persons who bore the expenses of the last illness and funeral of the decedent.

The object of this bill is to permit the payment to Mrs. Laura E. Skeels, the daughter of Mrs. Elmendorf, the dependent mother above named, the amount of accrued pension which would have been due the mother up to January 9, 1880, if she had lived to receive her certificate, less the amount paid from such accrued pension as reimbursement for funeral expenses, and the amount involved is, in round numbers, about \$1,240, which sum was legally due under the pension laws, but which can not now be paid because of the death of the beneficiary.

It appears from evidence submitted that the soldier's mother left two daughters, Mrs. Laura E. Skeels and Emily S. Elmendorf, who still survive. The latter waives all right, title, and interest in the accrued pension of her mother and all right to make claim or petition for the same, and testifies under oath that her sister, Laura E. Skeels, had the entire care and alone contributed to the support of their mother until her death. Mrs. Skeels also testifies that she alone had the care of her mother, who repeatedly stated that it was her desire and wish that she, Mrs. Skeels, should receive the pension due her to reimburse her for expense incurred in taking care of the mother during her life.

It appears from the papers on file in the Pension Office that Mrs. Skeels is the sister of the soldier as claimed, and it is also shown that she is entirely dependent on her own exertions for a living.

Your committee therefore return the bill with the recommendation that it do pass after being amended by adding after line 7 the words "after deducting the amount already paid under section 4718, Revised Statutes, as reimbursement for funeral expenses;" also by inserting the word "accrued" before the word "pension" and striking out the words "and arrearages" in line 5; also, by striking out the word "were," in line 5, and inserting in lieu thereof the word "was."

Mr. LANE. Mr. Speaker, I make the point of order that we have no jurisdiction of that bill. It is not a pension bill; it is a claim for a lump sum of money.

The CHAIRMAN (Mr. DOCKERY). The Clerk will report clause 3 of Rule XXVI.

The Clerk read as follows:

3. The House shall on each Friday, at 5 o'clock p. m., take a recess until 8 o'clock, which evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions, and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only; such evening session not to extend beyond 10 o'clock and 30 minutes.

The CHAIRMAN. The Chair thinks the point of order made by the gentleman from Illinois [Mr. LANE] is well taken. This bill seems to be in the nature of a claim.

Mr. BUTLER. Mr. Chairman, I rose to say a word upon that point before the ruling, but perhaps the Chair will hear it now.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BUTLER. As I understand the rule, it provides for the consideration of bills reported from the Committee on Invalid Pensions, and the Committee on Invalid Pensions reported this bill. Whether that committee ought to have had jurisdiction of the bill or not is not the question here. When the bill was so referred without objection that gave the committee jurisdiction, and when the bill is reported, it is a bill reported from the Committee on Invalid Pensions, and therefore, in my judgment, comes under the rule.

The CHAIRMAN. The phraseology of the rule as reported by the Clerk is somewhat different from that of the rule which obtained in the last Congress.

Mr. HULL. One word, Mr. Chairman, before the Chair decides this question finally. This is a bill for the disposition of an accrued pension. It is not in the nature of an ordinary claim; it is a pension claim purely.

The CHAIRMAN. Certainly it is a pension claim, but still it is a claim.

Mr. HULL. It simply provides for the disposition of an accrued pension.

The CHAIRMAN. But in the opinion of the Chair that does not alter the fact that it is in the nature of a claim.

Mr. BUTLER. I should like to hear the rule read again.

Paragraph 3 of Rule XXVI was again read as above.

The CHAIRMAN. Paragraph 2 of Rule XXVI of the last House provided for the consideration of "private pension bills."

The rule of the present House would seem to warrant the consideration of any "private bill" reported from the Committee on Pensions or from the Committee on Invalid Pensions, but the Chair thinks it was clearly the intention of the House to limit the business of these Friday evening sessions to bills granting pensions reported from these two committees.

Mr. BUTLER. Mr. Chairman, I will ask the question directly: Is not this a private bill reported from the Committee on Invalid Pensions?

The CHAIRMAN. It is.

Mr. BUTLER. And does not the rule provide for "private bills" reported from that committee?

The CHAIRMAN. It does; and under a construction strictly technical this bill would be in order; but the uniform practice, so far as the present occupant of the chair is advised—and he has attended these evening sessions for nearly ten years—has been to limit the business of such sessions to the consideration of pension bills reported by the Committee on Pensions or the Committee on Invalid Pensions.

Mr. MARTIN. The gentleman from Illinois [Mr. LANE] having withdrawn his point of order, I ask unanimous consent that in the absence of the gentleman from Illinois [Mr. NEWBERRY], who introduced this bill, and the gentleman from Illinois [Mr. SNOW], the member of the Committee on Invalid Pensions who reported it, the further consideration of the bill be deferred.

The CHAIRMAN. The Chair did not understand the gentleman from Illinois to withdraw the point of order.

Mr. LANE. No, I did not; but I will if the gentleman wishes to have the bill laid over.

Mr. MARTIN. If there be no objection, I ask that the bill be passed over without any prejudice.

Mr. KILGORE. I think that the Chair ought to rule on this question of order.

The CHAIRMAN. The Chair has ruled on the question.

Mr. KILGORE. Well, then, that is the end of it.

Mr. MARTIN. I ask the gentleman from Illinois [Mr. LANE], in view of the absence of the two members who are intimately connected with this bill, to withdraw his point of order for the present.

Mr. LANE. I will do so if the bill is to be laid over for the evening.

The CHAIRMAN. The gentleman withdraws the point of order; and if there be no objection the bill will be laid aside without prejudice. The Chair hears no objection, and it is so ordered.

The Clerk proceeded to read the next bill on the Calendar.

Mr. KILGORE. Before we leave the case just now under consideration I want to have a motion put on record—

The CHAIRMAN. The Chair will state to the gentleman that that bill has already been passed over; no objection was made.

Mr. KILGORE. I want to raise this question of order—

Several MEMBERS. Too late!

The CHAIRMAN. The Chair will state to the gentleman from Texas that the order with regard to passing the bill over was made without objection, and the Clerk was proceeding to read the next bill.

Mr. KILGORE. The only reason I wanted to make the point now was that I did not wish to have it regarded as waived.

MRS. JENNY Y. WADE.

The next business in order was the bill (H. R. 2073) granting a pension to Mrs. Jenny Y. Wade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be placed on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jennie Y. Wade, widow of Alfred B. Wade, late colonel of the Seventy-third Regiment Indiana Volunteer Infantry.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2073) granting a pension to Mrs. Jennie Y. Wade, submit the following report:

The claimant herein is the widow of Alfred B. Wade, who was lieutenant-colonel of the Seventy-third Indiana Infantry. The records of the War Department show that the soldier was enrolled August 27, 1862, and honorably discharged July 1, 1865. There is no record of any disability while in the United States service. The soldier was drowned February 27, 1877, never having applied for a pension, and the widow filed her application May 4, 1883, alleging that her husband contracted chronic diarrhea in the United States service, which resulted in vertigo, and while suffering therefrom he fell out of a boat and was drowned. The claim was rejected July 19, 1891, on the ground that the evidence adduced by special examination of the claim failed to connect the soldier's death with any disability contracted in the United States service.

W. E. Gorsuch, Henry C. Morgan, and James R. Eaton, comrades, and Surgeons Charles H. Applegate and Seth F. Myers testify that the soldier contracted chronic diarrhea in the service. A number of witnesses testify that the soldier suffered from vertigo from 1868 to date of his death. One witness testifies also that the soldier suffered from vertigo while he was in the Army, and the existence of this trouble within a short period of his discharge is proved beyond a reasonable doubt. The claim is made that the vertigo was due to the diarrhea. The soldier's death was caused by drowning in the Kankakee River, Indiana, falling overboard from his boat while hunt-

ing on that river, and it is claimed that his fall was due to vertigo. There was an intimation shortly after his death that he might have committed suicide, but this theory was not entertained and was abandoned. From a lengthy notice of his death in the South Bend Tribune, March 3, 1877, the following theory of his drowning was advanced, and was borne out by all the surrounding circumstances:

"He was seated in one end of his boat eating his dinner and steering the boat with an oar held under his arm. While thus engaged he was seized with one of his dizzy spells, which had troubled him much of late, and falling to one side, careened the boat sufficiently to throw him out in the river; that the water revived him, and he struck out for shore, but failed to reach it, though being an excellent swimmer, on account of the icy coldness of the water, chilling him into a state of numbness. The end of the boat being filled with water, his hat lying in the opposite end, the dinner pail open, gloves off, and one oar missing, all of which goes to show this theory is the true one."

The following extract from a letter to the Commissioner of Pensions, written by Clement Studebaker, of South Bend, a man of the very highest standing and of unimpeachable veracity, effectually wipes out the theory that the soldier committed suicide:

"Mrs. Wade has pension papers awaiting your approval, as I understand it, and I am told that there is some hitch in passing upon them by reason of reports circulated to the effect that Col. Wade's death was due to suicide. This report has never had any foundation in fact, and has never for a moment been credited by those who best knew Col. Wade in life. The exact facts respecting his death must be more or less a mystery, but that its cause was vertigo, to which malady I well knew that Col. Wade was seriously subject, there is every reason to believe."

"I knew Col. Wade intimately and have never doubted that one of these attacks was the cause of his death. I am also knowing to the fact that this was the belief of Mr. Colfax, who was himself subject to them and well knew their prostrating and dangerous effects from experience, dying, as you are aware, himself finally from vertigo, or some of its phases. Nothing but the wildest improbability could form the basis of a story to the effect that Col. Wade took his own life. He had apparently everything to live for, nothing to make him wish to hasten his end. He was a gallant soldier and an honorable, high-minded citizen."

John Stillwell, special examiner, in his report states:
"There can be no doubt but what Col. Wade had vertigo and dizziness in the service. There is no fact to the contrary. I am of the opinion that the soldier had vertigo in the service and that it was of service origin, and that he died from having a spell of vertigo and falling in the water, and being unconscious, was drowned. The case is a meritorious one and should be admitted."

John W. Clappett, special examiner, who examined all the witnesses at South Bend, in his report says:

"After a very careful and as thorough examination as the nature of the claim would permit, following closely the suggestions contained in accompanying slip of reviewer, I am of the opinion that the claim is meritorious and that the soldier died from the results of disease contracted in line of duty in United States military service. It is in evidence that the soldier suffered greatly from chronic diarrhea, which so enfeebled his system that vertigo ensued, beginning about one year after discharge and increasing in severity until death by drowning in February, 1877."

"Three reputable physicians declare the vertigo to have been the result of chronic diarrhea. One witness, James H. Eaton, states under oath that he saw the soldier suffer from a slight attack of vertigo while still in the service, and locates the place to have been Nashville, and the time just prior to starting on the 'Straight raid.' On this raid the soldier, then adjutant of his regiment, was captured, and remained in Libby Prison for ten months before exchange. After exchange he was promoted successively to major, lieutenant-colonel, and colonel of his regiment, although it does not appear that he was ever mustered as colonel. It is in evidence that he suffered continuously with vertigo and that he had a slight attack on the Sunday before his hunting trip, and a severer one a short time previous; also that he complained of vertigo to Dr. Brown at the river edge before putting off to his boat and was urged by Dr. Brown not to go off alone on this trip. It is also in evidence that he was not permitted generally to go alone on such journeys, and that the last was the exception."

Mr. N. T. Colby, special examiner, in his report says:
"The evidence now on file convinces me that the claim is one of merit: that the 'spells' whatever they may have been—apoplexy, epilepsy, or heart failure—were the result of an enfeebling disease contracted in his military service, to which no doubt his long imprisonment in Libby Prison at Richmond greatly contributed."

Col. Wade was one of the most distinguished soldiers of Indiana, and all the evidence shows him to have been an honorable, upright, and most excellent gentleman.

The bill was laid aside to be reported to the House with a favorable recommendation.

OBE SUTHERLAND.

The next business in order was the bill (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States volunteer army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Obe Sutherland, late a teamster in the Quartermaster's Department of the United States volunteer army, on the pension rolls and pay him a pension of \$50 per month.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1379) granting a pension to Obe Sutherland, submit the following report:

Your committee, having duly considered said bill, adopt the report of the Senate Committee on Pensions, which is as follows, to wit:

"This applicant was a teamster, and his claim was rejected by the Pension Bureau April 8, 1891, on the ground that he was not in the military service."

"The testimony shows that while enroute from Salt Lake to Fort Bridger, during the winter of 1894-'95, both of his hands and feet were frozen, resulting in the amputation of both of his feet at the instep and the fingers of both hands."

"It seems that this applicant was a slave at the beginning of the war, but he ran away from his owner in 1862 and went with a squad of United States soldiers to Pilot Knob. He states that shortly after this he was examined and received a military uniform and accouterments, and believed that he was a private in some company of the Twenty-fifth Missouri Infantry Volunteers. They drilled him some time and finally gave him his choice of taking a six-mule team or to go to Gen. Blunt at Fort Scott. He chose the six-mule team and freighted from Leavenworth to Salt Lake. About mid-winter of 1894-'95, while in the Green River Valley, en route between Salt

Lake and Fort Bridger to get military supplies, the train was caught in a snowstorm. The snow became knee-deep, and Sutherland's hands and feet were frozen, with the result above stated."

"His present condition is most pitiable. By an operation last winter, rendered necessary by his injuries, some of the bones in his feet were removed. He sleeps on a bed of straw in a barn, and manages to drive a buggy for his board by holding the reins in the stubs of his arms."

"The committee believe that the claimant should be pensioned."

"And your committee therefore recommend the passage of the bill."

Mr. BAILEY. Mr. Chairman, I will not consent to see any bill passed here that gives a man \$50 a month for doing nothing; and I say to the chairman of the committee [Mr. MARTIN] that I shall be glad if he will consent that this bill be passed over, because I shall feel constrained to make the point of no quorum against it even in Committee of the Whole.

Mr. MCKINNEY. Without investigation?

Mr. BAILEY. Yes, sir. I will not consent to give any man \$50 a month for doing nothing. There are thousands of men in the country who are unable to earn \$50 a month by their work.

A MEMBER. Some of them do not make that much in twelve months.

Mr. BAILEY. No, sir. Of the 4,000,000 negroes in the South there is not one in a thousand that makes it.

Mr. MARTIN. I desire to call the attention of the gentleman from Texas to a statement of facts. The gentleman speaks of many persons not being able to earn \$50 a month. Let me remind him of the fact that for twenty-five years—

Mr. BAILEY. The gentleman is consuming time for nothing, for I shall insist on the point of no quorum rather than allow this bill to pass even in Committee of the Whole.

Mr. MARTIN. Mr. Chairman, in view of the thinness of the House—

Mr. LIVINGSTON. Will the gentleman from Indiana consent to an amendment striking out "fifty" and inserting "fifty-five"?

Several MEMBERS. Say "twenty-five."

Mr. LIVINGSTON. I move to strike out "\$50" and insert "\$20."

Several MEMBERS. Say twenty-five.

Mr. LIVINGSTON. No, \$20 is enough.

Mr. BAILEY. Well, I will agree to that; I will agree to allow the bill to go through here giving this man the wages of a farm hand; but even then I shall vote against the bill.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "\$50" where it occurs in the bill and insert in lieu thereof "\$20."

Mr. CURTIS. Mr. Chairman, I have been out for a few moments from the Hall, but I wish the gentleman who moves this reduction would examine the case a little further. I think he would have no disposition to insist upon this amendment. This matter was brought to the attention of the committee by a Senator from Missouri.

Mr. LIVINGSTON. Let me say to the gentleman that the Government does not propose to pay a bounty, but to support the man handsomely; and that is as far as I think we ought to go.

Mr. CURTIS. This is an exceedingly meritorious case, but if the gentlemen insist—

Mr. BAILEY. I do insist.

Mr. CURTIS. Very well; I have nothing further to say, if the committee thinks it right to cut the amount down.

Mr. TARSNEY. Before final action is had on this bill I desire to say just this: That while I have grave doubts of the wisdom of the extension of the pension system to those who were not in the military service, if you concede that principle at all, then I can see no equity or justice in the reduction of this man's pension from \$50 to \$20 per month. It is not a question of the Government compensating this man for the loss of ability to earn a livelihood. We take into consideration in the report of the committee, and it is no doubt set forth clearly in the report, that this man has suffered from injuries received, which sufferings can not be compensated in dollars and cents. Not only is he deprived of his power to earn a livelihood, but for the past twenty-five years he has suffered agonies from his injuries, as shown in this report, and, I doubt not truthfully, such that the gentleman from Georgia could not be compensated for with all the wealth of the country.

Mr. LIVINGSTON. Would \$50 a month compensate him in your opinion?

Mr. TARSNEY. No, sir; no amount would compensate him. Mr. LIVINGSTON. Then the Government ought not to undertake to do it. I am willing to support him, and that is as far as we can go.

Mr. TARSNEY. I think the amount fixed in the report is as low as it should be. I would deny him everything unless you give him what the bill asks for, which is only what is fair and equitable.

Mr. BAILEY. Very well, I will be glad to deny him everything so far as I am concerned. I have no hesitation whatever in stating that I agree with the gentleman from Missouri that it is a very bad policy to pension men who were not in the military service of the Government.

Mr. CURTIS. My friend must certainly be mistaken in that statement. This man was employed in the military service.

Mr. BAILEY. Oh, yes; I understand, driving a wagon.

Mr. CURTIS. Yes, driving a wagon; but it must be remembered that he was assigned from the ranks to the performance of that duty. He was found to be an excellent driver, was detailed for that purpose from the ranks, and remained with the team and with the property of the Government until he received these injuries for which this pension is proposed.

Mr. BAILEY. I think my friend from New York had better examine this case a little more closely, and he will find that the man was not a soldier.

Mr. CURTIS. I have the word of a Senator from Missouri, and I have seen the action taken upon the case in the Senate committee—

Mr. BAILEY. The report that was read from the desk here does not say that he was a soldier. He thought he was, but that did not make him one.

Mr. LIVINGSTON. Why cannot he draw a pension under the general law if he was a soldier?

Mr. CURTIS. I can not tell you the reason nor the details connected with the Pension Office. But if he was first enlisted and then transferred by the order of the commander of his company or regiment he certainly was a soldier. Possibly he may not have been mustered in as a soldier, but he was enrolled as such.

Mr. LIVINGSTON. Oh, he ran away from his master and went there for a living.

Mr. CURTIS. No, sir; he had no master to run away from.

Mr. BAILEY. If he was a soldier why could he not get on the pension roll under the law?

Mr. LIVINGSTON. That was my question.

Mr. CURTIS. Let me explain. This man was enrolled and went into the service, but it turned out that in the assignment of the different duties to be performed he was found to be an excellent teamster, and was assigned to that department, when he was desirous of going and would have preferred being in the ranks. He was left in charge of the train, and it must be remembered that it was as important to the command to bring forward the provisions and the ammunition trains as anything else.

However, if the gentleman prefers \$20, if that is his measure of the sufferings this man has undergone and the responsibilities of the Government towards him, let us give him the amount and pass to other questions.

Mr. BAILEY. I believe I have the floor yet.

The CHAIRMAN. The Chair understood the gentleman to yield to inquiries.

Mr. BAILEY. I am perfectly willing to yield for a free interchange of views.

But, inasmuch as I made the first objection, I feel it incumbent upon me to say this in response to what the gentleman from Missouri [Mr. TARSNEY] has said, that while it is true in this case and in many others that the Government can not make compensation for sufferings undergone—for it must be remembered that the Government never undertakes to compensate the widow for her grief over the loss of the husband who sleeps in some unknown grave—the most that it has ever been asked to do for the widow or crippled soldier is what the husband or the soldier himself could have done for themselves had they not been disabled in the Government service.

Now, if you proceed upon that principle, I submit it to the candor of gentleman that you have no right to assume that the beneficiary under this bill could have earned more than 4,000,000 of his race in the South could have earned. I do not think so. If you are going to undertake a pension policy that compensates people for the loss of their husbands, fathers, brothers, sons, then, indeed, we will have reached the point which Senator HOAR declares we have reached, a bankrupted Government. But if you adopt the other, and as it appears to me the more sensible policy of doing for them what they might have done for themselves, this man is certainly not entitled to over \$20 a month, if he is entitled to anything.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. LIVINGSTON].

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

NATHANIEL LANG.

The next business was the bill (H. R. 2370) for the relief of Nathaniel Lang.

The bill was read, as follows:

Be it enacted, etc., That Nathaniel Lang be, and he is hereby, relieved and

absolved from the sentence adjudged against him by a court-martial on the 20th day of January, A. D. 1865, and he is hereby restored as of that date to his rank as captain of Company F, One hundred and twenty-first Pennsylvania Volunteer Infantry, and that the Secretary of War be, and he is hereby, authorized and directed to issue to said Capt. Nathaniel Lang an honorable discharge from said company and regiment, to date and to take effect from January 20, A. D. 1865.

Mr. HARRIES. Mr. Chairman, I raise a point of order against that bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HARRIES. It is that under the rule this bill is not properly before the committee. At these Friday night sessions we have authority to remove charges of desertion only. This is to relieve a person from the sentence of a court-martial.

The CHAIRMAN. The bill does not show on its face whether the court-martial involved a charge of desertion or not.

Mr. TARSNEY. We had better have the report read.

Mr. BUCHANAN of New Jersey. I would suggest that pending the decision of the Chair upon the point of order the report be read.

The CHAIRMAN. The Clerk will read the report. The bill is not sufficiently explicit to enable the Chair to determine whether the point of order is well taken or not.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2370) for the relief of Nathaniel Lang, having considered the same, would recommend the passage of the bill as a measure of relief to a meritorious soldier.

The facts upon which your committee rely for such recommendation are set forth in the report from the Secretary of War, and various affidavits of parties who knew the facts, submitted herewith and made a part of this report. The Committee on Military Affairs reported favorably upon a similar bill in the Fiftieth and Fifty-first Congresses.

The CHAIRMAN. The Chair would suggest to the committee that this report is of great length, and possibly the gentleman who submitted the report [Mr. CROSBY] can make a statement sufficiently explicit to determine the question of order. The bill itself does not reveal the nature of the charge against the soldier, upon which court-martial proceedings were had.

Mr. CROSBY. Perhaps I can explain it, if the Clerk will again read the title of the bill, so that I can know what bill it is.

The Clerk read as follows:

A bill for the relief of Nathaniel Lang.

Mr. CROSBY. I think the report had better be read.

The CHAIRMAN. Then the report will have to be read, because it is impossible for the Chair to determine from the reading of the bill whether the court-martial involved the charge of desertion or not.

Mr. CHARLES W. STONE. Mr. Chairman, the bill under consideration was introduced by the gentleman from Ohio [Mr. EZRA B. TAYLOR]. He is not present. I have some knowledge of the facts of the case. The charge was not one of desertion, but of disrespect to a superior officer, growing out of the use of too much liquor on a certain occasion.

The CHAIRMAN. On the statement made by the gentleman the bill is clearly not in order at this time and the Chair therefore sustains the point of order.

DE LOSS CRAMER.

The next business was the bill (H. R. 793) to amend the military record of De Loss Cramer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of De Loss Cramer, late lieutenant of Company F, Fourteenth Regiment New York Volunteers, by expunging from said record the dishonorable discharge imposed by a court-martial.

The committee recommended the following amendment:

To strike out all after the word "volunteers," in line 6, and insert in lieu thereof the following:

"And to issue to said Cramer an honorable discharge; but the said Cramer shall not be entitled to any pay or emoluments on account of the passage of this act."

Mr. TARSNEY. Let us have the report read.

The report (by Mr. ROCKWELL) was read as follows.

The Committee on Military Affairs, to whom was referred the bill (H. R. 793) to amend the military record of De Loss Cramer, respectfully submit the following report:

De Loss Cramer enlisted May 17, 1861, as a private in Company F, Fourteenth New York Volunteers, to serve for the term of two years. He was a brave and faithful man and soldier; was early promoted to be first lieutenant, and so continued until within about two months of the end of the period of his enlistment, about which time some visitors from the Ninety-seventh New York Regiment, raised in the neighborhood of his home, visited the boys of the Fourteenth Regiment, and some of them becoming convivial and were making considerable noise when Lieut. Cramer joined them. The jollification attracted the attention of Col. Davis, passing by, who asked the boys to make less noise, when one John Manchester, one of the visiting boys of the Ninety-seventh Regiment, said: "Go to hell, you son of a gun."

Col. Davis charged the utterance of these words upon Lieut. Cramer, substituting for the word "gun" a more offensive word, and upon this charge Lieut. Cramer was court-martialed and convicted of being drunk and disorderly and of speaking the offensive words imputed to him. Cramer was a man so loyal to his friend that he would rather suffer wrong than betray him, and he therefore plead not guilty, but made no defense.

After the close of the war proofs were submitted to the War Department showing that Cramer was not the person who had used the words imputed to him, but the Department held that as Cramer was also convicted of being drunk and disorderly, the conviction would not be disturbed.

It is believed that sentence of dishonorable dismissal from the service would not have followed a conviction upon the sole charge of being drunk and disorderly, and as the proofs presented entirely exonerate Lieut. Cramer from the graver offense imputed to him, his record should be amended and an honorable discharge be granted him.

Your committee have reported an amendment to the bill proposed, by striking out all after the word "volunteers," in line 6, and by adding at the end thereof the words "and to issue to said Cramer an honorable discharge," and as so amended recommend that the bill do pass.

Mr. BUTLER. I raise the point of order that this bill does not come under the rule for Friday night, it not being a charge of desertion, nor a bill reported from the Committee on Pensions or on Invalid Pensions.

The CHAIRMAN. The Chair will examine the bill.

Mr. BUCHANAN of New Jersey. I raise the point of order that the point made by the gentleman from Iowa [Mr. BUTLER] comes too late. The report has been read, which we all know to be in the nature of debate.

The CHAIRMAN. Does the gentleman from New Jersey insist upon his point of order?

Mr. BUCHANAN of New Jersey. Yes; that it comes too late.

Mr. BUTLER. We had to wait until we saw the nature of it before we could make the point.

The CHAIRMAN. The Chair is inclined to think that the point of order made by the gentleman from New Jersey is well taken. The report is in the nature of debate.

Mr. TARSNEY. Is not this a jurisdictional question? If the House has not jurisdiction on this subject at this Friday night session, then no laches and no failure to make the point at a particular time would make any difference.

The CHAIRMAN. It seems to the Chair that the point of order should be made before the consideration of a measure is entered upon, and the reading of the report is in the nature of debate.

Mr. TARSNEY. This House is vested with a limited jurisdiction upon these matters.

The CHAIRMAN. That is true.

Mr. TARSNEY. And therefore it is a jurisdictional question.

The CHAIRMAN. The Chair will suggest to the gentleman from New Jersey [Mr. BUCHANAN] and to members of the committee that, in the judgment of the Chair, the committee should adhere not only to the letter of the rule which provides for these evening sessions but also to its spirit. This bill seems to be without the terms of the rule, and therefore the Chair thinks it ought not to be considered.

Mr. BUTLER. I would like to make another suggestion. I rose to make this point of order two or three times, and went to the Chair to make an inquiry on the point, and then came back and was trying to make the point of order.

Mr. BUCHANAN of New Jersey. I will solve all this difficulty. I made this point upon my own responsibility, and upon the same responsibility I withdraw it.

The CHAIRMAN. The Chair will now hear the point of order raised by the gentleman from Iowa. Will the gentleman kindly state his point of order again, as the Chair was not giving attention to the bill when it was being read.

Mr. BUTLER. The point of order I made was that this bill is not reported by the Committee on Pensions or the Committee on Invalid Pensions, and does not come under the other list, for the removal of the charges of desertion, and therefore not in order for consideration on Friday nights.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CURTIS. Mr. Chairman, would it not be in the power of the House—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CURTIS. I rise to make a parliamentary inquiry. Would it not be within the power of the House to grant unanimous consent for this bill to go forward, the report having been read, and its consideration having been entered upon?

The CHAIRMAN. The Chair thinks the power of the House during these evening sessions is limited by the terms of the special rule under which it is acting.

MARY ISABELLA HUTCHISON.

The next business on the Private Calendar was the bill (H. R. 5377) granting a pension to Mary Isabella Hutchison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Isabella Hutchison, sister of William Hutchison, late of Company A, One hundred and third Regiment Pennsylvania Volunteers.

The report (by Mr. KRIBBS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5377) granting a pension to Mary Isabella Hutchison, submit the following report:

William Hutchison enlisted in Company A, One hundred and fifth Regi-

ment Pennsylvania Volunteers, on August 23, 1861, and died while in the service on the 24th day of October, 1862. The claimant, his sister, and another sister since dead, were living with him at and prior to his enlistment, and were dependent upon him for support. Neither of them was ever married.

The evidence before your committee, consisting of the affidavits of nine neighbors, one of whom is the family physician, shows that the claimant is not of sound mind and never was; that she is poor, incapable of earning her own living, and entirely dependent upon others for her support. Her helpless and dependent condition is becoming more serious as she grows older. She is now 54 years old. There is not now and never has been any pension on account of the death of this soldier. The parents were dead before the soldier's enlistment.

The committee think this a proper case for a favorable report, and recommend the passage of the bill with the following amendment, adding after the last word of the bill the words "deceased, at the rate of \$18 per month, to be paid to her legal guardian or person legally appointed to have charge of her person and estate."

Mr. SCOTT. Mr. Chairman, I would like to ask a member of the committee, or any gentleman who has this bill in charge, why the amount is placed at \$18 rather than the amount usually reported in such bills?

Mr. KRIBBS. On account of her requiring a guardian to look after her person and to superintend the expenditure of the pension. It is the usual amount given in such cases.

Mr. SCOTT. Now, I would like to ask another question, if the gentleman will answer it or some other gentleman, and that is whether it has been customary in this House to pass bills granting a pension to sisters of a soldier? I understand that the rule of the Senate is not to do that.

Mr. KRIBBS. It has been done in former cases, I understand. The gentleman will learn from the reading of the report that this sister and another sister lived with the soldier before his enlistment. The other sister died, leaving this sister with no one to care for her. The soldier contributed to their support, and neither of them was ever married.

Mr. MEREDITH. I would like to ask the gentleman a question. Is she a person of unsound mind?

Mr. KRIBBS. Yes, sir.

Mr. MEREDITH. Why not send her to an asylum in your State? Have you not an asylum in that State?

Mr. KRIBBS. We have.

Mr. MEREDITH. That is the proper place to send her.

Mr. KRIBBS. The amount is fixed at \$18 because she can not take care of her person, and she requires a guardian to expend this fund for her benefit.

Mr. SCOTT. Then she requires a nurse.

Mr. KRIBBS. There is no nurse.

Mr. LANE. I will say that this is the usual amount in such cases, and has been for years.

Mr. SCOTT. Has it been customary to grant pensions to sisters?

Mr. LANE. Yes.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with the recommendation that it do pass.

MRS. JENNIE B. MORRIS.

The next bill on the Private Calendar was the bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Jennie B. Morris, of Des Moines, Park County, Iowa, as the widow of George H. Harris, late a teamster in the Twenty-sixth Regiment of Iowa Volunteers, and pay her a full widow's pension from and after the passage of this act.

The report (by Mr. BUTLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris, submit the following report:

This applicant, Jennie B. Morris, was the widow of George H. Harris, late a teamster in the Twenty-sixth Regiment of Iowa Volunteers, and as such widow she was pensioned under certificate No. 9222, under the name of Jane Harris, which pension she continued to receive until she was married to Mr. E. T. Morris, August 16, 1877.

Said marriage proved a very unhappy one, with no alleged fault on the part of this claimant, and on April 14, 1887, the district court of Polk County, Iowa, did grant a decree of divorce legally separating the parties to said marriage, and leaving this claimant entirely dependent on her own labor for support.

Evidence to establish the excellent character of this claimant, Mrs. Jennie B. Morris, is furnished by numerous prominent citizens of Des Moines, Iowa, among them Hon. Gilbert B. Pray, clerk of the supreme court of Iowa, Isaac Brandt, postmaster of Des Moines, Iowa, and John R. Shaffer, secretary of the State Fair Association of Iowa.

This claimant is now in destitute condition, and greatly in need of the pension formerly received and now asked to be restored, as evidenced by many of the best of Des Moines citizens.

All the alleged facts in this case are also directly sustained by the declarations of Hon. J. A. T. HULL, member of Congress from the Seventh district of Iowa in this House.

The case appears to be a worthy one and in harmony with numerous precedents.

Wherefore, your committee reports back the bill with the recommendation that it be amended as follows: Strike out the word "Park," in the fifth line, and insert in its stead the word "Polk," so as to read "Polk County, Iowa;" also, add to the last clause of said bill the following: "And during the continuance of her present unmarried state," and that as so amended the bill do pass.

Mr. TARSNEY. Mr. Chairman, now we have got along very well to-night. We have had some discrimination and consideration in these cases. The bills have been considered on their merits, and we found no difficulty in transacting business when considering them on their merits. Now, I think, we have got to a place where we should be a little cautious. A pension seems to have been given to a man who was in the employ of the Government as a teamster and not as a soldier. After he died his widow received, perhaps under this indiscriminate pensioning business, this pension. It was possibly passed inadvertently, and perhaps she was granted a pension wrongfully.

Mr. HULL. Will the gentleman yield to me for just one statement?

Mr. TARSNEY. Certainly.

Mr. HULL. The man was enlisted as a private in that regiment and detailed as a teamster, just as in all our companies men were enlisted as soldiers and detailed as teamsters. The gentleman knows that from his own experience.

Mr. TARSNEY. The report does not show that.

Mr. HULL. He was pensioned as a private soldier.

Mr. TARSNEY. The report does not contain that information.

Mr. HULL. The report perhaps may not contain that statement, but that is the fact.

Mr. O'NEILL of Missouri. Why does not she get a pension in the usual manner, from the Pension Bureau?

Mr. HULL. Because she married again.

Mr. BUTLER. Mr. Chairman, inasmuch as I drew the report myself, I would like to make a statement in regard to the reason it does not mention the service. It was perhaps inadvertent; but the fact that this woman received a pension on the death of her husband in the regular way of receiving pensions was considered evidence sufficient that her husband was a soldier, and if that is not stated in the report it was possibly left out because it was not thought necessary to state the fact, but it was a fact that he was an enlisted man.

Mr. TARSNEY. Concedethat she was the widow of a soldier detailed as a teamster; he died and she drew her pension until such time as she voluntarily relinquished it in order to enter into the marriage relation with another person. She married and voluntarily gave up her pension. Now, the Government can not be held to insure the happiness of all these second marriages. [Laughter.] I do not want the Government to be placed in the position of an insurer that when one of these widows marries a divorce will not follow.

Mr. JOSEPH D. TAYLOR. But has it not been the uniform practice in this House when the widow of a soldier remarried and again became single, and when a bill to restore her pension was reported here, to pass that bill? And is not the Government a gainer by the remarriage in these cases?

Mr. TARSNEY. There have been many customs established here in regard to this class of business that are more honored in the breach than in the observance. When this woman ceased to occupy the position of the widow of that soldier the obligation of the Government to aid in her support ceased, and she took the risk of obtaining support from her second husband.

Mr. RAY. Did not this widow do the best she could to relieve the Government? She went and married again and did all she could to relieve the Government of the expense of her pension. [Laughter.] She acted in good faith. Now, if she has made a failure of it, she ought not to be blamed.

Mr. LIVINGSTON. She had her choice to take her pension or her husband; why did not she keep her pension?

Mr. RAY. But she relieved the Government of the payment of that pension for the period of her remarriage. Now, ought we to take advantage of that fact?

Mr. TARSNEY. Suppose—for there is nothing to the contrary in the report—that this woman entered into this second marriage to better her condition; that she married a man who had plenty of property and that, because they could not live together happily, she obtained a divorce and is now independent by reason of the alimony that she receives; yet she comes here and asks for a restoration of her pension.

Mr. KILGORE. Would not this character of legislation have a tendency to break up families? [Laughter.] Many of these women might prefer to have \$10 or \$15 a month to a sorry husband. [Laughter.]

Mr. BUCHANAN of New Jersey. And would not that be justifiable in some cases? [Laughter.]

Mr. KILGORE. I think perhaps it would, but we do not want to legislate against public policy. Now, it is public policy to encourage people to get married and stay married, and everything should be done to make marriage a success, but this has a tendency to make it a failure. [Laughter.]

Mr. TARSNEY. So far as I am individually concerned I will vote a pension to any woman who has been deprived by death

of the support of her husband who was a soldier so long as she herself manifests a regard for that relationship and for his memory by remaining a widow; but when she marries again she ceases to occupy that relation to him and the obligation of the Government to her ceases, and I will not vote for any pension under the conditions presented by the report in this case.

Mr. HULL. Mr. Chairman, the gentleman from Missouri said that this woman was probably living upon alimony resulting from her second marriage and divorce.

Mr. TARSNEY. I did not say that. I said there was nothing in the report to show that that was not the case, or might not be the case.

Mr. HULL. I will accept that statement. Now, I want to say for the benefit of the gentleman and the committee that this woman received no alimony whatever, but on the contrary was left in much worse condition than before the marriage. When the divorce was granted she was left absolutely without means of support except by her own efforts. Her husband lives in Des Moines, and he is a gentleman that I regard highly in many respects, although I think he has failed largely in his duty. He gives to this committee a statement that the divorce was from no fault of his wife's, but solely on account of his own fault.

Mr. TARSNEY. I have not imputed any fault to her.

Mr. HULL. As has been suggested, she saved the Government this pension money during the period of her remarriage, for if she had not married again she would have been drawing the pension right along. She is now earning her living by her own efforts as a sempstress.

Mr. KILGORE. Has the husband any means?

Mr. HULL. If he has he keeps them.

Mr. KILGORE. Is he not well off?

Mr. HULL. I think he is not. He is an attorney there. At all events, he contributes nothing to her support.

Mr. MEREDITH. You say the second husband was an attorney?

Mr. HULL. Yes, sir.

Mr. MEREDITH. Then he knew that if she remarried the pension would cease?

Mr. HULL. Undoubtedly.

Mr. MEREDITH. And she also must have known from him that when she remarried it would cease.

Mr. HULL. Oh, yes. She lived with this man only a short time and then the marriage tie was dissolved. She went to work to make a living for herself without appealing to the Government, and the question now is whether, when she is old and absolutely unable to continue the struggle longer, this House will refuse to restore her pension.

Mr. MEREDITH. This woman entered into this contract with her eyes open; she took the risk of this business; and, failing to make a happy marriage, she now comes back and asks the Government to renew the pension.

Mr. HULL. Mr. Chairman, if this were the first case of this kind ever presented to the Government I would say there might be some reason in the argument urged here. But the Government having time and time again recognized the justice of placing these old ladies on the pension roll under circumstances of this kind, I claim that it comes with poor grace from the gentleman from Missouri [Mr. TARSNEY], who was himself a Union soldier, to raise his voice against it.

Mr. TARSNEY. The gentleman says that if this were a new question he would have no hesitancy about adopting my view of it. Is it ever too late to abolish a bad practice?

Mr. HULL. I do not admit that it is a bad precedent. I said that my friend from Missouri might raise his objection with more probability of success if this were a new question. But unless there is something directly affecting the character of the claimant, it seems to me that to single out a particular case and say that we will refuse to renew the pension is not fair.

Mr. SCOTT. Will the gentleman state the age of this woman?

Mr. HULL. I think she is about 70.

Mr. KILGORE. Was she the wife of the soldier at the time of the war?

Mr. HULL. Yes; she was the wife of the soldier all through the war. And I think I can state why she married the second time. It was supposed she would better her condition. She had a little child, and was working with a sewing machine to support and educate her daughter. I have no doubt she thought she would better herself.

Mr. KILGORE. By marrying a lawyer! [Laughter.]

Mr. HULL. Yes, by marrying a lawyer.

Mr. MCKINNEY. How long did she live with this last husband?

Mr. HULL. One year.

Mr. MCKINNEY. Then she lived with a lawyer one year!

Mr. HULL. Yes; and she ought to have a pension for that. [Laughter.]

But it does seem to me, gentlemen, that this case does not stand alone. It is a case of which we have many parallels. It is a case in which we have the testimony of the best people of Des Moines, without regard to party, that this woman is absolutely a deserving woman; that she is absolutely poor, and dependent upon her own efforts for her daily bread. It seems to me that under all the circumstances this proposition to restore her to the pension roll presents as good a case as this House has ever had before it in the past.

Mr. HAYES of Iowa. Mr. Chairman, it is unquestionably true that the precedents in the past action of Congress have been in favor of granting pensions in this class of cases. And certainly if we are going to change the precedent and the rule heretofore adopted there ought to be some strong and cogent reason for doing so. If this were an entirely new proposition, I should be in favor of the rule as it has been adopted. Certainly Congress ought to do nothing to discourage the marriage of this class of women. The marriage in such cases is an advantage to the Government, as it is thereby relieved from the burden of paying the pension. I repeat we ought to do nothing to discourage—

Mr. MEREDITH. Do you think that the Government ought to encourage divorces? And do we not encourage divorces when we allow women under these circumstances to come back and have their pensions renewed?

Mr. HAYES of Iowa. No, sir, we are not encouraging divorces; and any such theory is decidedly far-fetched, for the reason that if this were a matter resting on business considerations the woman would not marry and give up her pension. The fact that she does so shows that it is a matter outside of any question of mere business.

But to return to my line of remark, I say that Congress ought to do nothing from any standpoint—from the standpoint of business or any other—to discourage marriages under these circumstances, for the reason that so long as the marriage relation continues the Government is relieved from the payment of the pension and these marriages do not all turn out to be failures; so the Government is a gainer in any event. I say that in those few and exceptional cases where by reason of the death of the second husband, or by reason of the second marriage being so unfortunate that the parties can not stay together and therefore become divorced, the widow is left dependent and in poor circumstances, there is no reason why the Government should not restore to her the pension which she lost by reason of a marriage that has proved to be unfortunate.

The CHAIRMAN. The question is on agreeing to the amendments, which the Clerk will report.

The amendments were again read, considered, and adopted.

The question recurred on laying the bill aside to be reported to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. HULL. I demand a division.

The committee divided; and there were—ayes 50, noes 16.

Mr. EVERETT. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. EVERETT and Mr. MARTIN were appointed tellers.

Mr. SCOTT. Pending the division by tellers, I ask unanimous consent that this bill be passed over without prejudice.

Mr. HULL. That will leave it on the Calendar, to be called up hereafter?

The CHAIRMAN. That will be the effect of the order. Is there objection to the request of the gentleman from Illinois?

There was no objection, and it was so ordered.

MISS ADDA L. BOODGER.

The next business on the Private Calendar was the bill (H. R. 5766) granting a pension to Miss Adda L. Boodger, of Lockport, N. Y.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant a pension to Miss Adda L. Boodger, daughter of William Boodger, who served in the Ninety-fourth New York Infantry, enlisting in January, 1862, serving until June, 1865.

The report (by Mr. CURTIS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5766) granting a pension to Adda L. Boodger, submit the following report:

William Boodger enlisted in Company I, Ninety-fourth New York Infantry, February 14, 1864, and was discharged June 2, 1865, by reason of disability from gunshot fracture of left ileum received at battle of Weldon Railroad. He died April 16, 1875, from swelling and abscess of throat.

Adda L. Boodger, the daughter of the above-named soldier, was born July 9, 1854, and was consequently nearly 21 years of age at the date of his death.

It is alleged that the soldier left no widow surviving him, and it is shown by the affidavit of Dr. Shimeon T. Clark, of Lockport, N. Y., that from her childhood the daughter, Adda L. Boodger, has suffered from curvature of the spine, causing anchylosis of the dorsal vertebrae; she has also a deformity of the breast bone. She is 4 feet 4 inches in height, weighs 75 pounds, is active and intelligent; but by reason of her deformity and weakness has always been

dependent on her friends. The father left no estate, and but for the clemency of friends the claimant would have been a public charge.

William Landers and Frank Zimmerman testify that the claimant has two brothers who served in the Army and who are both still living; that her father received a pension during his lifetime, and that her mother died some fourteen months before her father's death; that the claimant is small, feeble, and practically entirely helpless.

The claim was rejected by the Pension Bureau on the ground that there is no provision of law under which she can be pensioned in view of the fact that the claimant was over 16 years of age at the date of the soldier's death.

In view of the physical condition of this soldier's daughter, your committee return the bill with the recommendation that it do pass, after being amended as follows:

In line 4 strike out the words "grant a pension to" and insert in lieu thereof the words "place upon the pension rolls, at the rate of \$10 per month, the name of;" in line 5, after the word "in," insert the words "Company I, of;" in line 6, strike out all the words after the word "Infantry," and strike out all of lines 7 and 8.

The amendments recommended by the committee were severally considered and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM S. WOODWARD.

The next business on the Private Calendar was the bill (H. R. 2398) granting a pension to William S. Woodward.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William S. Woodward, of Brooks County, Ga., late a private in Captain Durant's company of the battalion of South Carolina volunteers, commanded by Major Harlee, in the Indian war of 1836, at the rate of \$8 per month.

The report (by Mr. WILSON of Missouri) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2398) granting a pension to William S. Woodward, have considered the same and report:

The claimant was (as shown by the records of the War Department) enrolled at Charleston, S. C., January 20, 1837, as a private, to serve three months in Capt. Durant's company, Harlee's battalion, South Carolina militia, and was mustered out of service with the company April 29, 1837.

From the sworn statements of the claimant and Garington Owens and Schley Owens, citizens of Brooks County, Ga., it appears that the claimant is now 77 years old, so infirm as to be unable to do any manual labor, in very bad financial condition, and with three helpless daughters dependent upon him for support.

There are many precedents for the allowance of the pension, and your committee therefore return the bill with a favorable recommendation.

Mr. TARSNEY. That report, as I gather from the reading of what I could hear of it, recites the fact that this claimant was enrolled in the State militia of South Carolina. I desire to ask if there is any information that he ever performed any military service for the United States? It might have been in time of peace, of course, but unless there be some information on that point we do not want to establish a precedent for giving service pensions for the militia of a State. I ask, for information, if he actually performed any service, as I was not able to hear a portion of the report?

Mr. WILSON of Missouri. I will inform my colleague that these troops were raised by the State, and were in the service of the United States, commanded by United States officers.

Mr. TARSNEY. That is the information I desire to receive. In what war were they engaged?

Mr. WILSON of Missouri. They were in actual service, as is shown by the report of the War Department.

Mr. TARSNEY. In what year was this man in the service?

Mr. WILSON of Missouri. In 1836 or 1837.

Mr. TARSNEY. That is satisfactory.

Mr. WILSON of Missouri. It was in the Indian wars; what is known as the war of 1836. It began in 1836.

Mr. TARSNEY. That explanation is satisfactory.

Mr. ENOCHS. What is his age now?

Mr. WILSON of Missouri. He is about 77 years old.

Mr. Chairman, I move to strike out \$8 per month and insert \$12. The pensions for the war of 1812 allowed all of these old soldiers \$12 per month, and it has been the rule of the committee to grant pensions at that rate. The gentleman from Georgia [Mr. TURNER], who introduced this bill, thought \$8 was the rate, but intended to offer that amendment. I will therefore perform the service which the gentleman himself desired to perform, because of his absence; that is, to strike out "eight" and insert "twelve."

The question being taken on the amendment of Mr. WILSON of Missouri, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MERIDY SMITH.

Mr. MOSES. Mr. Chairman, I ask unanimous consent to call up a bill to increase the pension of the widow of a Revolutionary soldier. It will take but a minute. The lady is very old. There are only eight of these pensioners, I believe, in the United States. There can be no objection to it. It will take three months to reach it on the Calendar, and the old lady may be dead by that time.

The CHAIRMAN. The Clerk will report the bill, after which the Chair will ask if there be objection to its consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Meridy Smith, widow of William Smith, a soldier in the Revolutionary war, from \$12 per month to \$30 per month, and pay the same to her during her natural life.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5722) increasing the pension of Meridy Smith, have considered the same and respectfully report as follows:

A similar bill was before your committee at the second session of the Fifty-first Congress, and the favorable report therein, numbered H. R. 3689, is adopted by your committee as their report, and the bill is returned, recommending its passage.

[House Report No. 3689, Fifty-first Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 13061) increasing the pension of Mrs. Meridy Smith, have considered the same and report:

Meridy Smith is the widow of William Smith, who served as a soldier in the Revolutionary war. She is now receiving a pension at \$12 per month under the general law pensioning widows of the soldiers of the Revolution.

Accompanying the bill is the testimony of William Wise and C. H. Stamps, citizens of Newman, Ga., setting forth that Mrs. Smith's pension of \$144 per year is insufficient to afford her a comfortable support, and that she has no property whatever, aside from a few poor articles of household furniture and wearing apparel; also that she is now about 85 years old and requires the constant attention of another person.

The passage of the bill is recommended.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. MOSES]?

There was no objection.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. KILGORE. Mr. Chairman, this is a very considerable increase—from \$12 to \$30 a month. A hundred per cent would be a very considerable increase.

Mr. LIVINGSTON. This lady is a Revolutionary pensioner.

Mr. MOSES. There are only eight of them in the United States.

Mr. KILGORE. But I am talking about the consistency of the House in these matters. Of course the amount is very small, taken by itself.

Mr. MOSES. If the gentleman from Texas will allow me, I will state—

Mr. ENOCHS. She is a very old lady, and there are only eight of these pensioners, as I understand, in the United States; and \$30 is certainly not too much.

Mr. BUCHANAN of New Jersey. Let us put them all in.

Mr. ENOCHS. She can not last more than a year or two probably.

The bill was ordered to be laid aside with a favorable recommendation.

BETSEY WORTHINGTON.

The next business was the bill (H. R. 5200) for the relief of Betsey Worthington.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$40 per month, the name of Betsey Worthington, widow of Ransford Worthington, who was a member of the Massachusetts militia and served in the war of 1812.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5200) for the relief of Betsey Worthington, have considered the same and report:

The claimant is the widow of Ransford Worthington, who was a private of Capt. H. Day's company of Massachusetts Militia in the war of 1812. He was a pensioner on account of said service until his death, which occurred October 16, 1878, and his widow (this claimant) was then placed on the pension roll. She receives \$12 per month.

The testimony of Dr. Judson W. Hastings, of Agawam, Mass., shows that the claimant is 96 years old, and without any means of support except her pension; also, that on November 13, 1891, she suffered a fracture of left thigh and has since required the constant services of nurses day and night, being unable to move herself in bed without help.

The doctor also testifies that the claimant has other physical troubles due to weakness and old age, which add to the difficulty of caring for her, and that she is a worthy woman who gave two sons to the Union Army.

The above testimony is fully corroborated under oath by Charles W. Hastings, postmaster of Agawam, Mass.

The passage of the bill is recommended with an amendment fixing the rate of pension at \$25 per month, and showing that the same is to be allowed in lieu of the amount now drawn by her.

Mr. BUCHANAN of New Jersey. It seems to me, Mr. Chairman, if this amount is to be reduced in accordance with the suggestion of the committee, it ought not to be reduced below the rate fixed in the case we have just considered. In the last bill the increase was to \$30 per month, and it seems to me that this amendment reducing the amount to \$25 per month ought not to prevail.

Mr. SCOTT. This is for the war of 1812.

Mr. BUCHANAN of New Jersey. But I understand this lady is 96 years of age and crippled by reason of a broken hip and otherwise helpless.

Mr. CROSBY. And she is ten years older than the other lady. Mr. KILGORE. I hope the gentleman from Massachusetts will be satisfied with \$25 per month.

Mr. CROSBY. I am not satisfied with it, but I will have to be satisfied with what I can get.

Mr. KILGORE. Is this the same bill the gentleman spoke to me about.

Mr. CROSBY. It is the same bill. Now, here is the point about it: This woman is 96 years of age. She is supported by charity. She is bedridden with a broken hip and has to have a nurse all the time. She may be dead by this time. If she is not she will not probably live six months.

Mr. BUCHANAN of New Jersey. The amendment proposes to reduce the amount to \$25 a month. I move to amend the amendment by making it \$30 a month.

The CHAIRMAN. The question is first upon the amendment to the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN].

The amendment to the amendment was agreed to.

The amendment proposed by the committee, as amended, was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

Subsequently,

Mr. WILSON of Missouri said: Mr. Chairman, there was another amendment recommended by the committee, to the effect that this amount should be in lieu of the amount she is now receiving. This lady is now receiving \$12 a month. I do not think the latter amendment was acted upon by the committee.

The CHAIRMAN. It seems that the amendment was not acted upon. If there be no objection the amendment will now be considered and the Clerk will report it.

The Clerk read as follows:

Said pension to be in lieu of the amount now drawn by her.

The CHAIRMAN. If there be no objection this amendment, reported by the committee will be considered as agreed to, and the amended bill will be laid aside with a favorable recommendation.

There was no objection, and it was so ordered.

GEORGE W. WHITE.

The next business was the bill (H. R. 6767) granting an increase of pension to George W. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. White, late a member of Company B, Gray's Battalion Arkansas Volunteers, in the Mexican war, and pay him a pension at the rate of \$30 per month in lieu of the pension he is now receiving.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3767) increasing the pension of George W. White, have considered the same, and respectfully report as follows:

The claimant was a private in Company B, Gray's Battalion Arkansas Volunteers, and served nine months in the war with Mexico. He is now pensioned at \$9 per month under the Mexican war service pension act of January 29, 1887.

In his application for relief by special act of Congress the claimant swears that he is 85 years old and that his wife is 89 years old and in very feeble health, confined to her bed most of the time. He further avers that he owns no personal property whatever, except household goods, and that his pension constitutes his sole income.

Hon. CASE BRODERICK, a Representative in Congress from Kansas, certifies that he has been acquainted with claimant for twenty-five years, and knows the facts stated by the claimant to be true. Also that his sole property consists of 20 acres of ground in the country, with very cheap improvements thereon, and that he has no income for himself and aged wife except his said pension of \$9 per month.

The passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$20 per month.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

JONATHAN RAMEY.

The next business was the bill (H. R. 3587) for the relief of Jonathan Ramey, Mexican war veteran.

The bill was read, as follows:

Be it enacted, etc., That Jonathan Ramey, of Perry County, Ark., having, while serving in the First Kentucky Cavalry, received serious injuries at the battle of Buena Vista, which have disabled him ever since, he is hereby granted a pension of \$10 per month from the date of said battle, February 23, 1847, and that he be enrolled on the pension list from said date, and have his pension audited and allowed from said date, and the arrearages paid to him at once.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3587) for the relief of Jonathan Ramey, have considered the same and report:

The claimant was a private in Company B, First Kentucky Cavalry, and served from June 6, 1846, to June 7, 1847, in the war with Mexico.

On January 28, 1875, he filed an application for pension, declaring that at Buena Vista, Mexico, on the 23d of February, 1847, his horse fell with him and injured his foot. This claim was rejected by the Pension Bureau, but for what cause does not clearly appear—presumably, however, because the

records of the War Department contained no mention of the injury, and the claimant furnished no proof in support of the claim.

Subsequently his name was placed on the pension roll at \$8 per month, under the Mexican war survivors' act of January 29, 1887.

In his petition for relief by special act of Congress Mr. Ramey declares that he received the injury above referred to at the battle of Buena Vista, and that the right foot and toes were crushed in such a manner as to cause varicose veins and result in lameness, from which he has suffered ever since.

Matthew F. Minor testifies that he served with the claimant in the Mexican war, and saw him just after the battle of Buena Vista with his right foot so swollen that he could not wear his shoe, and witness understood at the time that the claimant received said injury in the manner heretofore described. Mr. Minor also testified that the claimant is so lame as to necessitate the use of a cane.

James A. Vance and William Clemmons, citizens of Perryville, Ark., testify to an acquaintance of several years with the claimant and know that he has always been lame in right foot and leg, and they have always understood that he received his injuries in the alleged manner. They further testify that he is unable to earn his support by manual labor and that he has no property or income aside from his pension of \$8 per month.

Two petitions asking that the relief prayed for may be granted were before your committee. One of these is signed by 234 citizens of Perry County, Ark., and the other, which recites that the claimant has no property of any consequence and is entirely unable to earn a living by reason of age and physical condition, is signed by 65 citizens of the same county and State.

After careful consideration your committee recommend that the bill be passed, amended, however, so as to fix the rate of pension at \$20 per month, the same to begin from the date of the passage of the act and to be in lieu of the amount now drawn by the beneficiary.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with the recommendation that it do pass.

WILLIAM F. C. NINDEMANN.

Mr. CLANCY. Mr. Chairman, I ask unanimous consent that the bill (H. R. 7281) granting a pension to William F. C. Nindemann, late of the Jeannette expedition to the Arctic Ocean, be taken out of its regular order and considered at this time.

The CHAIRMAN. The gentleman will send up the bill which the Clerk will report, after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of William F. C. Nindemann, late of the United States ship Jeannette, in the expedition to the Arctic Ocean.

The CHAIRMAN. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none, and the question is, Shall the bill be laid aside with a favorable recommendation?

Mr. KILGORE. I submit that the report ought to be read.

The CHAIRMAN. The Chair will state that the report is of sufficient length to consume the time up to the hour of adjournment.

Mr. KILGORE. Then there should be some statement made respecting the case.

Mr. CLANCY. If the gentleman will permit me, I will make a brief explanation of the bill. In 1873 this man was in the service of the United States.

Mr. KILGORE. In the naval service?

Mr. CLANCY. He was in the naval service and was selected as one of the men who was most competent and fit, because of his physical health and strength, to go on this expedition on the Jeannette to the Arctic Ocean, and all the gentlemen know the history of that expedition. He is now a cripple through having at that time selected to do this work for the Government. Because of his strength he was selected to make a long march in search of relief, and for sixteen days he was on the ice day and night, and slept on it. He and his companion traveled over 1,000 miles. All I ask is that he be allowed to go to the Pension Department to be placed upon the pension roll according to his own grade.

The bill was ordered to be laid aside with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MARTIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RICHARDSON having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY, from the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report them to the House with various recommendations.

The first bill reported from the Committee of the Whole was the bill (H. R. 2902) for the relief of David L. Truex.

Mr. MARTIN. I ask unanimous consent that an order be made that the previous question be considered as ordered to the engrossment, third reading, and final passage of each of the bills reported from the Committee of the Whole now before the House.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. MARTIN] asks unanimous consent that the previous question be considered as ordered upon the engrossment and third

reading of the several bills with the amendments which have been agreed to in committee, and to include the final passage of the bills. Is there objection?

Mr. KILGORE. I do not think it is competent for the House to order the previous question to that extent all at once. The previous question can be ordered to the engrossment and third reading, and after that is exhausted it can then be ordered on the final passage, and I think that is as far as it is in the power of the House to go.

The SPEAKER *pro tempore*. On the question of order, the Chair thinks it is competent for the House, by unanimous consent, to agree to an order for the previous question to include the passage of the bills. However, if the gentleman from Texas objects, it will not be done.

Mr. KILGORE. I disagree with the Speaker on that subject, and therefore I will have to follow my convictions and object to the previous question being considered as ordered on the final passage of the bills.

The SPEAKER *pro tempore*. Objection is made.

Mr. MARTIN. Then I modify my request so that the previous question may extend to the engrossment and third reading of the bills.

The SPEAKER *pro tempore*. The gentleman from Indiana modifies his request so as to ask unanimous consent that the previous question may be considered as ordered upon the amendments to the several bills, in the order in which they were agreed to by the committee, to include the engrossment and third reading of the several bills. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MARTIN. I now ask unanimous consent that the previous question be considered as ordered to the final passage of the bill (H. R. 5722) increasing the pension of Meridy Smith, a Revolutionary widow.

The SPEAKER *pro tempore*. The gentleman from Indiana also requests that the previous question be considered as ordered upon, not only the engrossment and third reading, but the final passage of the bill (H. R. 5722) for the relief of a Revolutionary widow. Is there objection?

Mr. KILGORE. If you will include in that order the beneficiary in the bill presented by the gentleman from Massachusetts [Mr. CROSBY], the gentleman from Arkansas [Mr. TERRY] for the relief of Jonathan Ramey, the gentleman from Indiana [Mr. SHIVELY], and the gentleman from Georgia [Mr. MOSES], I will agree to it. Those four bills.

Mr. MARTIN. I hope there will be no objection.

The SPEAKER *pro tempore*. The gentleman from Indiana will please state the numbers and titles of the bills.

Mr. MARTIN. The bills are: the bill (H. R. 2073) pensioning Mrs. Jane Y. Wade; the bill (H. R. 5209) for the relief of Betsey Worthington; the bill (H. R. 5722) increasing the pension of Meridy Smith, a Revolutionary pensioner; and the bill (H. R. 3587) for the relief of Jonathan Ramey, a Mexican war veteran.

Mr. CLANCY. I ask to have the bill (H. R. 7281) granting a pension to William F. C. Nindemann, of the Jeannette expedition to the Arctic Ocean, included in that order.

Mr. MARTIN. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request made that the previous question be considered upon the final passage of these bills?

Mr. KILGORE. With the right of debate under the rules. Some one may want to debate the bills.

The SPEAKER *pro tempore*. The gentleman had better state the length of time to which the debate shall be limited.

Mr. MARTIN. Let it be limited to fifteen minutes on each side.

Mr. WILSON of Missouri. I ask the same upon the bills 344, 345, 346 on the Calendar.

The SPEAKER *pro tempore*. The Chair will remind gentlemen that the hour for the adjournment of the House will arrive in a few moments. The question before the House is, Shall the previous question be considered as ordered on the final passage of the five bills named, with the right of fifteen minutes' debate on each side? Is there objection to the request? The Chair hears none, and it is so ordered.

The hour of 10 o'clock and 30 minutes having arrived, the Chair declares the House adjourned until 12 o'clock to-morrow.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. FLICK, from the Committee on Invalid Pensions: A bill (S. 639) granting an increase of pension to Michael O'Brien. (Report No. 1153.)

By Mr. MCKINNEY, from the same committee: A bill (H. R. 2034) for the relief of Susan T. Salisbury. (Report No. 1155.)

By Mr. PEARSON, from the same committee: A bill (H. R. 6233) granting a pension to Thomas T. Prather. (Report No. 1156.)

By Mr. FLICK, from the same committee: A bill (H. R. 3118) to pension John S. Dunham. (Report No. 1157.)

By Mr. MARTIN, from the same committee: A bill (S. 2187) granting a pension to Margaret M. Rice. (Report No. 1158.)

A bill (H. R. 4712) for the relief of Juan Pacheco, of New Mexico. (Report No. 1159.)

By Mr. BUTLER, from the same committee: A bill (H. R. 8017) granting a pension to Elizabeth Voss. (Report No. 1160.)

A bill (H. R. 7236) granting a pension to Julia S. Tompkins. (Report No. 1161.)

A bill (H. R. 7234) granting a pension to Mary Millard. (Report No. 1162.)

By Mr. LOUD, from the Committee on Claims: A bill (H. R. 5428) for the relief of the widow and heirs of Samuel Kramer. (Report No. 1163.)

By Mr. PATTON, from the Committee on Military Affairs: A bill (H. R. 5519) for the relief of Daniel Eldridge, Company D, Fifteenth Illinois Volunteers. (Report No. 1164.)

By Mr. SCOTT, from the Committee on War Claims: A bill (H. R. 1483) for the relief of Dr. John N. Groves. (Report No. 1165.)

By Mr. COBB of Missouri, from the same committee: A bill (H. R. 8339) for the relief of Thomas J. Anderson, administrator of David B. Anderson, deceased, in lieu of Miscellaneous Document 45. (Report No. 1166.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

By Mr. HARRIES, from the Committee on Invalid Pensions: A bill (S. 851) granting a pension to Sophia J. Hamilton. (Report No. 1154.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 7305) to pension Martin McDermott—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8279) for the relief of the legal representatives of Samuel Woods—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 5708) granting a pension to George W. Jones—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. DUNPHY: A bill (H. R. 8312) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: A bill (H. R. 8313) to regulate the sale and transportation of prison-made goods—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: A resolution to refer the claim of A. L. Hartridge, executor of William Battersly, deceased, and H. F. Willink, executor of Henry J. Dickerson *et al.* to the Court of Claims—to the Committee on War Claims.

By Mr. BACON: A resolution granting leave to the Committee on Banking and Currency to sit during the session of the House for the purpose of conducting investigation ordered by said committee, and for the necessary funds for that purpose not to exceed \$500—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COGSWELL: A bill (H. R. 8314) to correct the mili-

tary record of Elbridge W. Guilford—to the Committee on Military Affairs.

By Mr. ENOCHS: A bill (H. R. 8315) for the relief of John K. Dixon—to the Committee on Military Affairs.

By Mr. HALLOWELL: A bill (H. R. 8316) granting a pension to Anna M. Holstein, a hospital nurse during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. HOAR: A bill (H. R. 8317) granting a pension to Catharine H. Thayer, widow of Daniel Thayer—to the Committee on Invalid Pensions.

By Mr. PAGE of Rhode Island: A bill (H. R. 8318) for the relief of heirs of Philip C. Rowe—to the Committee on Claims.

By Mr. PENDLETON: A bill (H. R. 8319) for the relief of George H. McQuain—to the Committee on War Claims.

Also, a bill (H. R. 8320) for the relief of Jacob Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8321) for the relief of D. D. Halbert—to the Committee on War Claims.

Also, a bill (H. R. 8322) for the relief of the personal representatives of James A. Smith—to the Committee on War Claims.

Also, a bill (H. R. 8323) for the relief of A. Westfall—to the Committee on War Claims.

Also, a bill (H. R. 8324) granting a pension to Jere S. Fish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8325) removing the charge of desertions from the record of the War Department as to David P. McMorrow, of Braxton County, W. Va.—to the Committee on Military Affairs.

Also, a bill (H. R. 8326) for the relief of John W. Ramsburg, of Lewis County, W. Va., for lumber taken by the United States Army during the late war—to the Committee on War Claims.

Also, a bill (H. R. 8327) for the relief of the heirs of the late Moses Cunningham, of Braxton County, W. Va., for lumber taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 8328) for the relief of estate of Martha A. Jones, deceased, late of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. STONE of Kentucky: A bill (H. R. 8329) for the relief of Mrs. Dudley—to the Committee on War Claims.

Also, a bill (H. R. 8330) for the relief of Nathan Joiner—to the Committee on War Claims.

Also (by request), a bill (H. R. 8331) for relief of the heirs of E. H. Burnside, deceased—to the Committee on War Claims.

By Mr. VINCENT A. TAYLOR: A bill (H. R. 8332) granting an increase of pension to Joseph P. Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8333) granting a pension to Abby Jane Ward—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 8334) to correct the record of Erasmus O. Louke—to the Committee on Military Affairs.

By Mr. BRUNNER: A bill (H. R. 8335) for the relief of Charles E. Behle—to the Committee on Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8336) for the relief of estate of B. B. Neville, deceased, of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8337) for the relief of the estate of Presley W. Harden, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8338) for the relief of John Jones, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON: Petition of St. Thomas Council, No. 287, Order of United American Mechanics, praying for the passage of a law amending the naturalization laws—to the Committee on the Judiciary.

Also, petition of the citizens of Richfield, Pa., praying for the passage of an amendment to the Constitution of the United States prohibiting States from contributing to the support of any sectarian or ecclesiastical organization or to interfere with religious liberty—to the Select Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of George W. Jones, of Dubuque, Iowa, praying for a pension—to the Committee on Pensions.

By Mr. BYRNS: Petition of Mina Pape, to accompany House bill 8202, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of Mrs. Louisa Kellman, dependent mother of Louis Kellman, late of Company E, Eighth Regiment Indiana Infantry, to accompany House bill 8201, for a pension—to the Committee on Invalid Pension.

Also, petition requesting that the military record of Adam

Thomas, late of Company H, First Regiment of Missouri Infantry Volunteers, be amended, to accompany House bill 8132—to the Committee on Military Affairs.

By Mr. COCKRAN: Protest of citizens of New York against the proposed abolition of the Bureau of American Republics—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolutions of the United Presbyterian Preachers' Meeting, held at Pittsburg, Pa., April 11, 1891, against the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of the Twenty-second Congressional district of Pennsylvania, in favor of a constitutional amendment to prohibit legislation by the States in favor of the establishment of any religion—to the Committee on the Judiciary.

By Mr. DINGLEY: Two petitions of citizens of Oxford County, Me., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

Also, two petitions, one of E. A. Butler and others and the other of Addison Austin and others, against the provisions of House bill 7023, to encourage American shipping—to the Committee on Merchant Marine and Fisheries.

Also, petition of Bethel Grange, No. 56, of Maine, for the passage of a law to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

By Mr. DOCKERY: Sixteen protests of members of Farmers and Laborers' Union of Missouri, as follows: Five petitions of DeKalb County, four of Gentry County, two of Worth County, of Clay and Ray Counties, of Stanberry, Gentry County, of Ray County, of Caldwell and Platte Counties, all against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. ENGLISH: Petition of the Bureau of Associated Charities of Newark, N. J., to secure the adoption of safe appliances for coupling cars—to the Committee on Interstate and Foreign Commerce.

By Mr. FITHIAN: Affidavits to accompany House bill 8280 for the relief of Mary J. Calvin—to the Committee on Invalid Pensions.

By Mr. FYAN: Protest of Farmers' and Laborers' Union, of McDonald County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HARTER: Petition of the Presbytery of Wooster, against opening the World's Columbian Exposition on Sunday, and against the sale of liquors therein—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HEARD: Two protest of Farmers and Laborers' Union of Missouri, one of citizens of Hickory County and the other of Saline County, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HENDERSON of North Carolina: Papers in the claim of John Miller, of Catawba County, N. C.—to the Committee on War Claims.

By Mr. HITT: Memorial and resolution of Universal Peace Union of Philadelphia, Pa., against the Chinese exclusion bill—to the Committee on Foreign Affairs.

Also, memorial and petition of R. S. Snyder and 95 others, of Rockford, Ill., for a sixteenth amendment, prohibiting State laws establishing religion—to the Committee on the Judiciary.

Also, protest of Charlotte Taylor and 14 others, of Plum River, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Four petitions of citizens of Pennsylvania, as follows: Of Armstrong County, of Jefferson County, of Indiana County, and Westmoreland County, relative to the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

Also, three petitions of Green Valley and Farmers' Hope Granges, Patrons of Husbandry, of Pennsylvania, as follows: relative to pure food, to gambling in farm products, and relative to silk culture—to the Committee on Agriculture.

Also, petition by the same granges, relative to prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same granges, relative to pure lard—to the Committee on Ways and Means.

Also, petition by the same granges, relative to free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition numerously signed by citizens of West Newton, Pa., favoring the passage of the per diem rated service pension bill—to the Committee on Invalid Pensions.

Also, petitions relative to the closing of the World's Fair on the Sabbath, the sale of liquor within the exhibition, and the management of the art department, from the Presbyterian Church, Manor Station, Pa.; the New Salem Presbyterian Church, representing 400 persons, of Delmont, Pa.; citizens of Mount Pleasant, Pa., representing 500 persons; citizens of Irwin, Pa., representing 3,000 persons; St. Paul's Congregational Reformed Church of Adams, Pa., representing 160 persons; the Lutheran, Baptist, Methodist, United Presbyterian, and Presbyterian churches of Worthington, Pa., representing 472 persons; the Presbytery of Kittanning, Pa., comprising fifty-one congregations, with a membership of 6,854; the Methodist Episcopal Church, Big Run, Pa., representing 250 persons, and the Ladies' Missionary Society of the United Presbyterian Church of Greensburg, Pa., representing 36 persons—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Resolutions of the Massachusetts State Dairy Bureau, State Board of Agriculture, and State Grange, in favor of early action on the so-called Paddock bill—to the Committee on Agriculture.

By Mr. LONG: Petition of J. R. Mills, L. H. Lunsford, and 25 others, of Cherokee County, Tex., in favor of the Ocala demands of the Alliance—to the Committee on the Judiciary.

Also, petition of B. F. Elkins, William McIntosh, and 20 other citizens, of Robertson, Tex., against the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. McALEER: Petition of Ernest A. Congdon, praying that the metric system of weights and measures authorized by the act of Congress, approved July 28, 1866, shall be used exclusively in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. McRAE: Resolution of the Sabbath school of the Methodist Episcopal Church South, at Prescott, Ark., protesting against the opening of the World's Fair on Sunday, and the selling of intoxicating liquors on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. MUTCHLER: Protest against passage of the bill for home rule in Utah—to the Committee on the Territories.

By Mr. NORTON: Seven protests of Farmers and Laborers' Union of Missouri, as follows: Of citizens of Stoddard County, of Callaway County, of Butler County, of Oregon County, of Callaway County, of Cedar County, and of Bollinger County, all against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. OWENS: Petition of Fry's Valley Grange, No. 1136, of Ohio, for the passage of a law to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of Newton Stanton Post, No. 596, Grand Army of the Republic, of Ohio, asking for marking of grounds at Gettysburg—to the Committee on Military Affairs.

By Mr. PEARSON: Petition of Col. James F. Charlesworth and 44 others, ex-soldiers and sailors, members of Drummond Post, No. 203, Grand Army of the Republic, Department of Ohio, favoring the marking and better preserving at Gettysburg the lines of that battle—to the Committee on Military Affairs.

By Mr. PENDLETON: Petition of citizens of Marshall County, W. Va., favoring the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

By Mr. PERKINS: Protest of J. W. Cory and others, of Spirit Lake, Iowa, against the passage of a general bankruptcy law—to the Committee on the Judiciary.

By Mr. RAYNER: Petition of Richard C. Hall and others, of Baltimore, Md., protesting against the passage of Senate bill 362, providing for the removal of the Southern Ute Indians—to the Committee on Indian Affairs.

By Mr. SCOTT: Two petitions of citizens of Illinois; one of Post No. 146, Grand Army of the Republic of Illinois, and the other of Post No. 141, Grand Army of the Republic, for preserving and marking the battle lines of Gettysburg—to the Committee on Military Affairs.

By Mr. SEERLEY: Petition of citizens of Bonaparte, Iowa, protesting against any action of Congress towards closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STEPHENSON: Petition of W. C. Hebner and 16 others, of the Seventh-Day Adventists of Montcalm County, Wash., against committing the United States Government to a union of religion and the State—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Six petitions of citizens of Pennsylvania, as follows: of Jefferson County; of William Scott Post, No. 407, Grand Army of the Republic; of Allegheny County; of Carbon County; of Crawford County, and of Carbon County, for the passage of House bill 401 restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Pennsylvania, for the passage of an amendment prohibiting States from establishing a system of religion, etc.—to the Committee on the Judiciary.

Also, three petitions of citizens of Westmoreland County, Pa., for passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny County, for the same bill—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Allegheny County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STEVENS: Two petitions of citizens of Michigan, favoring the exclusive use of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. EZRA B. TAYLOR: Petition of soldiers and sailors of Rock Creek, Ohio, in favor of marking and preserving the lines of the battle of Gettysburg—to the Committee on Military Affairs.

By Mr. VINCENT A. TAYLOR: Petition of 201 voters and ladies of North Ridgeville, Ohio, that the World's Fair be closed on Sunday, and the sale of intoxicating liquors within the grounds be prohibited—to the Select Committee on the Columbian Exposition.

Also, resolution of Lorain County (Ohio) convention of the Woman's Christian Temperance Union, of 300 women, that no national loan or appropriation be voted to the World's Fair unless it be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Petition of citizens of West Cliff, Custer County, Colo., in favor of free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. TRACEY: Petition of citizens of West Troy, favoring the passage of the O'Neill bill, H. R. 584—to the Committee on Patents.

By Mr. WHEELER of Alabama: Papers in the claim of James W. Stewart, of Lauderdale County, Ala.—to the Committee on War Claims.

By Mr. WILLIAMS of Massachusetts: Petition of Frank S. Hart, civil engineer, of South Framingham, Mass., asking that the metric system of weights be used in United States custom-houses on and after July 1, 1893—to the Committee on Coinage, Weights, and Measures.

SENATE.

SATURDAY, April 23, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th instant, a letter from the Chief of Engineers relative to the location of the proposed water way between Delaware Bay and Rehoboth Bay; which was read.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, will be printed, and referred to the Committee on Commerce. The map which accompanies it will not be printed.

COURT OF CLAIMS REPORTS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed by that court in French spoliation claims relating to the schooner Jane; which, with the accompanying papers, was ordered to be printed, and referred to the Committee on Claims.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law and the opinion of the court in French spoliation claims relating to the sloop Martha; which, with the accom-

panying papers, was ordered to be printed, and referred to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. HOAR. Mr. President, I ask leave of absence from and after Monday next for the remainder of the session.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks leave of absence from the Senate from and after next Monday for the remainder of the session. Is there objection? The Chair hears none, and leave is granted.

PETITIONS AND MEMORIALS.

Mr. STOCKBRIDGE presented the memorial of Leander Kellogg and other citizens of Michigan, remonstrating against the passage of any legislation by Congress looking to the union of church and state; which was referred to the Committee on the Judiciary.

Mr. MORRILL presented the following petitions of Guiding Star Grange, Patrons of Husbandry, of Vermont:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. SHERMAN. I present a petition of the Universal Peace Union, a respectable body, giving their views in regard to the Chinese bill as passed by the House of Representatives. As that matter is now under consideration, I move that the petition lie on the table, and that it be printed as a document.

The motion was agreed to.

Mr. SHERMAN presented a petition, numerous signed by citizens of Ross County, Ohio, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Cincinnati (Ohio) Board of Trade and Transportation, and the Cincinnati (Ohio) Chamber of Commerce, praying for the passage of legislation to purchase the locks and dams of the Monongahela Navigation Company at Pittsburg, Pa.; which was referred to the Committee on Commerce.

He also presented the petition of William H. Blymyer, a citizen of the United States, praying for the adoption of a proposed scheme for international arbitration; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of E. F. Block and 10 other citizens of Champaign County, Ill., and a petition of citizens of Morgan County, Ill., praying for the passage of the Butterworth option bill; which were referred to the Committee on the Judiciary.

He also presented the petition of T. B. Lovell and 19 other citizens of Jersey County, Ill., and a petition of sundry citizens of Jersey County, Ill., praying for the passage of legislation imposing a revenue tax upon compound lard; which were ordered to lie on the table.

He also presented the following petitions of South Flatt, Eureka, Jordan, Alta, Galva, Excelsior, Heyworth, and Friendship Granges, Patrons of Husbandry, of Illinois:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. FELTON presented a petition of citizens of Sacramento County, Cal., praying for the passage of legislation regulating speculation in fictitious farm products, which was referred to the Committee on the Judiciary.

He also presented the following petitions of the American River Grange, Patrons of Husbandry, of California:

Petition praying for the enactment of legislation to prevent

gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. VILAS presented a petition of a number of Indians of the Stockbridge and Munsee tribes in the State of Wisconsin, praying for the passage of Senate bill 2873, providing that they may be given title to the lands they now occupy; which was referred to the Committee on Indian Affairs.

Mr. MITCHELL presented a petition of the Chamber of Commerce of Fairhaven, Wash., praying for the passage of legislation looking to the speedy completion of the Nicaraguan Canal; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Woman's Silk Culture Association of the United States, praying for the passage of legislation for the encouragement of silk culture, and that an appropriation of \$10,000 per annum for three years be made for the establishment of this industry in the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Arkansas presented the memorial of Allen Meeks and other members of the Seventh-Day Adventists of Pike County, Ark., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any bill or resolution closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. W. Brown and other citizens of Fordyce, Ark., remonstrating against the passage of a general bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of N. G. Ferguson and 7 other citizens of Salt Lake City, Utah; the petition of A. M. Worms, department commander, Grand Army of the Republic, of Ohio; the petition of C. S. Palmer, department commander, Grand Army of the Republic, of South Dakota; the petition of J. M. Pipes, commander, Department of the Potomac, Grand Army of the Republic, of Washington, D. C.; the petition of M. W. Mann, department commander, Grand Army of the Republic, of Texas; the petition of C. L. Davidson, department commander, Grand Army of the Republic, of Iowa; the petition of James Donnelly and 15 other citizens of Salt Lake City, Utah; the petition of W. H. H. Clayton, department commander, Grand Army of the Republic, of Arkansas; the petition of W. H. Chapman and 30 other citizens of Salt Lake City, Utah; the petition of J. B. Fuller, department commander, Grand Army of the Republic, of California; and the petition of T. J. Lewis and 30 other citizens, Salt Lake City, Utah, praying that if any disposition is to be made of the "Industrial Home" property at Salt Lake City, Utah, it be set aside for the use of a soldiers' home for disabled and needy soldiers and sailors; which were referred to the Committee on Territories.

He also presented the following petitions of Seneca Grange, Patrons of Husbandry, of Nebraska:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. HISCOCK presented the memorial of John Ackley and 11 other citizens of Madison County, N. Y., remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any bill or resolution closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Judiciary.

Mr. HOAR presented the memorial of David E. Cook and other members of the Seventh-Day Adventists, of Dukess County, Mass., remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any bill or resolution closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented the memorial of Mrs. Alva Howe and 12 other residents of Weston, Vt., remonstrating against Congress committing the United States Government to a union of

religion and the state in the passage of any bill or resolution closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented a memorial of citizens of Spirit Lake, Iowa, remonstrating against the passage of any general bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented the petition of John Svenson, of Winneshiek County, Iowa, praying that relief be granted him for the loss of property owned by him in Minnesota; which was referred to the Committee on Public Lands.

He also presented a petition of the Christian Endeavor Society of Hedrick, Iowa; and a petition of Order Young People's Society of Red Oak, Iowa, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Seventh-Day Advent Church of Bonaparte, Iowa, remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DOLPH presented a petition of sundry citizens of Douglas County, Oregon, praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented resolutions of the St. Louis (Mo.) Merchant Tailors' Exchange, at a meeting held March 25, 1892, indorsing the Torrey bankrupt bill; which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1777) for the erection of a public building at Salem, Ala., reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 2985) granting an increase of pension to John Kinney; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2986) providing for the appointment of a supervising engineer of mail trains; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SANDERS introduced a bill (S. 2987) creating an additional land district in the State of Montana; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. JONES of Arkansas introduced a bill (S. 2988) for the relief of Josiah Freeman Herring, of Company K, Fourth Georgia Volunteers, Indian war; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 2989) granting the use of certain lands in the Hot Springs Reservation in the State of Arkansas, to the Barry Hospital; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 2990) for the relief of George W. McKinney; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CAREY submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STOCKBRIDGE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

INTERNATIONAL MONETARY CONFERENCE.

Mr. TELLER. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President be, and is hereby, requested to inform the Senate what steps, if any, have been taken towards the securing of an international conference to consider the question of free coinage of silver at the mints of the nations participating in such conference, or as to the enlarged use of silver in the currency system of said countries; and that he is also hereby requested to transmit to the Senate copies of all correspondence between the United States Government and the governments expected to participate in the proceedings of such international conference, if any such correspondence has been had.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I have no objection if the usual clause is inserted, which is always done in resolutions addressed to the President, "if not incompatible with the public interest."

Mr. TELLER. I have no objection to those words being put in, but I can not see how it can be possible that a disclosure of what has occurred could be incompatible with the public interest. However, let those words be put in.

Mr. SHERMAN. That is the usual language always adopted.

The PRESIDENT *pro tempore*. The Senator from Colorado modifies his resolution, and the modification thereof will be stated.

The CHIEF CLERK. In the first line, after the word "requested," insert the words "if not incompatible with the public interest;" so as to read:

Resolved, That the President be, and is hereby, requested, if not incompatible with the public interest, to inform the Senate, etc.

The resolution was considered by unanimous consent, and agreed to.

INQUIRY CONCERNING RAILWAYS.

Mr. CALL submitted the following resolution; which was read:

Resolved, That a special committee of the Senate shall be, and is hereby, created, to consist of nine members, chosen by resolution of the Senate, who shall be charged with the duty of inquiring into and reporting to the Senate the present value per mile of the railways of the United States; also the present capitalization of the same, and the difference, if any, between the capitalization and the actual cost of construction and equipment of said railways; also to inquire and report to the Senate the gross and net receipts of all and each of the railway companies in the United States; the number of employees and the compensation paid to each; the amount of the bonded indebtedness; the amount of its outstanding capital stock; the kind and value of all property, whether money, stocks, and bonds, or real and personal estate; the names and residence and amount of stock or bonds held by each stockholder or bondholder of each and all of such railroads.

That the committee shall have power to send for persons and papers and to compel their attendance, and to employ a clerk and stenographer.

That the committee shall also inquire and report to the Senate whether any of said railway companies, their stockholders or bondholders, agents or employees have used or attempted to use their corporate privileges or powers, or money, to influence and control the elections of members of Congress or the members of the State Legislatures.

Mr. CALL. I ask that the resolution may be printed and lie on the table, to be called up hereafter.

The PRESIDENT *pro tempore*. The resolution will be read.

Mr. MORGAN. I suggest an amendment which I hope the Senator from Florida will concur in and put in the resolution; that in reporting the amount of stocks and bonds issued by railroad corporations the committee will also report whether they are held in the United States or held abroad, and at what rates of interest.

Mr. CALL. I accept the modification. I ask that the resolution may be modified in that form.

The PRESIDENT *pro tempore*. The modification of the resolution suggested by the Senator from Alabama, and adopted by the Senator from Florida, will be made and the resolution will be printed and lie over.

The Chief Clerk will report the modification.

The CHIEF CLERK. Add to the resolution the following words:

That the committee shall also report the amount of stocks and bonds owned or controlled abroad, and the rate of interest.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule.

PORTAGE CANAL AND IMPROVEMENT COMPANY.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to send to the Senate as soon as may be the report of Maj. C. E. L. B. Davis on the Portage Canal and Improvement Company.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1415) for the relief of John Nickles.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOCKERY, Mr. COMPTON, and Mr. HENDERSON of Iowa, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5681) for the better control of and to promote the safety of national banks, agreed to the conference asked by the Senate on the disagreeing

votes of the two Houses thereon, and had appointed Mr. BACON, Mr. COX of Tennessee, and Mr. WALKER managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 2786) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia, and it was thereupon signed by the President *pro tempore*.

EXCLUSION OF CHINESE.

The PRESIDENT *pro tempore*. Is there further morning business? If not, the Calendar under Rule VIII is in order.

Mr. SHERMAN. I move that the Senate proceed to the consideration of the unfinished business. I believe that was the understanding, so that we may have the full day on it.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of the unfinished business, which is the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment in the nature of a substitute reported by the Committee on Foreign Relations.

Mr. TELLER. Mr. President, I do not intend to debate the merits of the bill. That has been done by several Senators who agree with the action of the committee. I only rise because yesterday I made a statement of what I understood to be the well-established rule of international law, which seems to have been questioned by the Senator from New Hampshire [Mr. CHANDLER], and perhaps by others. I desire to say that, whatever may be our relations with China, I do not think there can be any dispute as to what the law on the subject touching the rejection of a minister whom we proffer to China is. I understand it to be an elementary principle that a minister serves as such with the consent of both nations, and both nations must consent before he can be a minister. He must be received as well as sent. I have myself been unable to find any case (and my attention has been called to this matter on several occasions) where it has been considered offensive for a nation to reject a minister sent to it. I find the authorities to be uniform on the subject that the nation to whom he is sent is to judge for itself. The nation to whom the ambassador or minister is accredited is not required to give any reasons why the minister is not acceptable. As stated by the Senator from Minnesota [Mr. DAVIS] so well yesterday, all it has to do is to say that it does not want him.

Mr. Fish, Secretary of State during the administration of General Grant, declared that not only a nation was not required to give a reason for the rejection of a minister or for his recall, but that no self-respecting nation would do it. So if the Chinese Government rejected Minister Blair, or refused to receive him, it is not a ground of complaint here, and our legislation should proceed exactly as if it had accepted that minister.

But it is said that the Chinese Government gave reasons why it would not receive him and that those reasons were untenable. There is nothing in that. It was not required to give any reasons. If it gave reasons that were not sufficient, it still was left with the unquestioned right to fall back and say, by giving no reason if it chose, it would not receive the minister.

I have taken a little pains to look up this subject since it was called up. I do not intend to take more than a moment or two on this point. I just want to call attention to the authorities:

Every foreign agent depends upon the double will of the two Governments—of that which sends him, and of that which is to permit the exercise of his functions within its territory—and when either of these wills is refused or withdrawn his authority to act within that territory becomes incomplete.

That is the language of Mr. Jefferson, Secretary of State, to the minister of France, and that was touching the conduct of a minister who had been received, but the principle as laid down is the same. I find later this declaration:

No instance is recollected of one power pressing another equally independent to recognize against its will a minister to whom objections of a personal nature are entertained.

That is Mr. Monroe, Secretary of State, to Mr. Onís, in 1815. I find also the following:

A minister from a foreign sovereign will not be received when there are personal objections to him, and when the nomination is forced, not as a matter of courtesy, but in defiance of such objections.

That is Mr. Dallas, Acting Secretary of State, to Mr. Onís, in June, 1815.

It must be borne in mind that an envoy is a person as well as the abstract representative of his government, and that it is the prerogative of every government to require that those with whom it deals be *personæ græ*, and to decide the question for itself. This Government has on several occasions

availed itself of this personal right, without thereby being supposed to reflect on the representative character of the person himself, and still less upon the collective representative character of his associates.

That is Mr. Frelinghuysen, Secretary of State, to Mr. Morgan, in 1884. There are quite a number of cases where ministers have been recalled, and the same rule, I understand, prevails exactly as when the minister is not received.

Every government has the right to have the representative of another power an acceptable person, and no government has the right to expect of another the retention of a representative who indulges in personal abuse of the head of the government to which he is accredited, as Mr. Catacazy has done.

This is Mr. Fish, Secretary of State, to Mr. Curtin. This is what he referred to, and this is laid down as the general rule:

The declaration of the authorized representative of the power to which an offending minister is accredited is all that can properly be asked, and all that a self-respecting power could give.

I think it must be admitted that we have no ground of complaint against China because Senator Blair was rejected as minister. They had a right to reject him on absolutely false premises or without any whatever.

I wish to say just a word about the abrogation of treaties, and I shall not dwell on that point, because I understand that the Senator from Oregon who sits on my left [Mr. MITCHELL], who made a few years ago a very able presentation of the law on that point, will probably say something on the subject now. I understand the rule to be exactly as I laid it down yesterday. Every nation that treats with another treats with the understanding that that nation may retire from the treaty at any time it sees fit, and it may do that notwithstanding there is a provision in the treaty that it shall continue for a limited period of time. All treaties that are not stipulated to expire at a particular time, unless in the very nature of the circumstances surrounding which they treat, are for unlimited periods. A stipulation that a treaty shall remain in force five years or ten may be annulled by either of the contracting parties at will.

The Senator from Massachusetts [Mr. DAWES] says when that is done the country must take the responsibility. That is true; there is no doubt about that. There might be such a condition of affairs that the abrogation of one section of a treaty, or the whole treaty by one nation without conferring and consulting with the other might be very offensive, and it is possible out of that might grow complications very important and sometimes very disastrous; but the rule remains just as I have stated it, that legislation in this country by the national legislative body will set aside any treaty inconsistent with the provisions of that enactment, whether it was intended so to be done or not.

In the Cherokee Tobacco Case, which has been mentioned, the Supreme Court fairly decided that doctrine, where there was no reason to suppose that the legislative branch of the Government intended to set aside the treaty, but did in fact by the enactment of a law that was entirely inconsistent with the provisions of the treaty; and that is certainly true when the legislative department of the Government purposely abrogates a provision of a treaty.

The Senator from New Hampshire seemed to think that the terms "abrogate" and "repeal" are synonymous with "violation." To abrogate a treaty, or to repeal a treaty, is a legal right which is always presumptive of a moral right. The violation of a treaty is presumptive of wrong. A treaty should be enforced while it remains, and repealed or abrogated whenever it is improper or contrary to the interests of the nation to enforce or to maintain its provisions.

Mr. President, I do not need to speak to any extent of the merits of this bill. The bill as it comes here from the other House may be, and doubtless is, exceedingly harsh in its provisions; but there is one thing certain, that the public sentiment in this country demands the exclusion of this class of people from the United States, or, in other words, if not the exclusion of those who are here the exclusion of those who may seek to come. I remember very well some ten or twelve years ago, perhaps ten, when this question was presented to the Senate for the first time—

Mr. DAWES. In 1882.

Mr. TELLER. In 1882, some Senator says. I do not recall the exact time. I remember there was a very determined opposition to the bill, based upon the high ground that this country is the asylum and the refuge and the home of all peoples. We who favored then the restriction of the Chinese maintained, as we maintain now, that the exclusion of the Chinese from this country is no violation of that well-established and honored rule. We also maintained that rigid and strict rules may be enacted touching the immigration of people not of the same class as the Chinese, if we saw fit. The question of the immigration of a class of people who are entirely different from ours, a class of people with whom we can have no social relations and with whom our people can not and will not amalgamate, pre-

sents, in my judgment, a very different question from that which is presented even when we come to consider the undesirable immigration of persons from foreign countries who are of our family.

We can assimilate with the most objectionable classes that come here from Europe; they become in a few years a part and parcel of the American citizenship, and we shall find in one or two generations at most a homogeneous people in language, in sympathy, in feeling, and in taste, possibly not altogether in religion; but in all those things that go to make a harmonious people and that induce coherence and peace within the borders of a nation, there will be no distinction between the children of the immigrant of to-day and the children of the immigrant of 200 years ago.

Mr. MORRILL. May I ask the Senator from Colorado a question before he leaves that subject?

Mr. TELLER. Certainly.

Mr. MORRILL. I am inclined to believe that Congress has the power to pass a law which would supersede a treaty, but now I should like to ask the Senator from Colorado whether he thinks other nations have the same power?

Mr. TELLER. Oh, Mr. President, I thought I stated explicitly that all nations have that power.

Mr. MORRILL. Then, I should like to ask the Senator whether Japan can repeal the treaties which are existing between it and several other nations, especially with England, in relation to the duties on imports?

Mr. MITCHELL. We have done it over and over again.

Mr. TELLER. I should have a very poor opinion of a nation which would surrender that right, and I do not believe that the Japanese nation, or even the Chinese, have ever surrendered any right of that character. I have no doubt that any treaty may be retired from.

Mr. MORRILL. Japan has endeavored to secure a release from her treaty from Great Britain for years, and has not succeeded.

Mr. TELLER. Very well, Mr. President, Japan may not be willing to abrogate the treaty, and thus, perhaps, create friction and complaint in Great Britain, not of a legal character, but of another character. We have been trying to get rid of a treaty with Great Britain for a great many years, too, and a great many people in this country believe we got rid of the treaty by the action of Great Britain in violating it.

There has never been quite such a condition of affairs that anybody wanted to propose the absolute repeal or abrogation of that treaty—I refer to the Bulwer-Clayton treaty—and yet neither the United States nor Great Britain, I think, is to the highest extent respecting the terms of that treaty. It is very evident that the people of the United States would insist upon the abrogation of that treaty whenever it should appear that it was inimical to the interests of the great masses of the people of this country.

We shall never assimilate with the Chinese; we never shall assimilate with them, because even if we would they will not.

I listened with great interest to the very able speech of the Senator from Minnesota [Mr. DAVIS] when he spoke of these people, of their great civilization, their great age, their great wealth, and their great numbers. They are a very wonderful people, and perhaps the most wonderful thing about the Chinese people is that practically they are to-day where they were a thousand or two thousand years ago, and that to the Chinaman is the highest possible evidence of his superiority over all other men. In the whole catalogue of nations there is no nation that is so thoroughly satisfied with itself and its surroundings as the Chinese. Their civilization to them is infinitely superior to the civilization of Europe and America. They believe that their scholastic attainments are infinitely greater and better than the scholastic attainments of any other people in the world, and they are as unchangeable now in this, the last of the nineteenth century, as they were when they were first touched and we first learned of them through Marco Polo, of whom the chairman of the Committee on Foreign Relations [Mr. SHERMAN] spoke a few days since. They will, in contact with the civilization of Europe and America, remain Chinese, and so a reason exists for keeping them out of our country that exists for keeping out of the country no other class of people who desire to come here.

The Senator from Minnesota said that Chinamen did not come here to remain, but they came here with the intent to return. That is the objectionable feature of this immigration; it is objectionable because they come here simply to take money out of the country and return to their homes. They take no part in building up the society in which they live. The lowest immigrant who comes from Europe, whether he be a convict, pauper, or otherwise, comes here and contributes something to civilized society; he puts his children in school, and the great mass of them contribute materially to the prosperity of this country,

but China contributes simply what is contributed in any country by cheap labor. The Chinaman comes in competition with the American laborer and deprives him of opportunities. While the Chinese laborer is absolved from all obligation to society whatever, the American citizen is compelled to bear all the burdens of society. The Chinaman can work for 50 cents a day and lay up money; the American citizen can not maintain his family on twice that, because he must educate his children; he must pay his part of the taxes; he must support the church and the State and the Chinaman does neither.

Mr. President, I am in favor of a restricted immigration of all classes of people to this country. I confess that if it were left to me to determine how that should be done, I should be unable to arrive at any plan which would be acceptable to myself. Of the five or six hundred thousand people who come to us from abroad every year, eight-tenths of them at least will make desirable citizens. They come here with some degree of wealth, and promote the industries and interests of this whole nation.

It is said that it costs a thousand dollars to raise a man to manhood. These men come here with that expense having been incurred, and if they bring nothing but their person and their power to earn money and their willingness to support society, as they do, they have brought at least a thousand dollars for each one who comes, which enters into and becomes a part of the profit that we are making in the industrial pursuits of this country. The Chinaman does not do that, because whatever may be the profits that he makes here, he retires with them whenever he gets through and takes them away.

While the Chinaman is objectionable, and the legislation in relation to him ought to go upon the theory that he is to be excluded, I do not myself think that we can afford to pass harsh and unreasonable laws. The Chinese who come here with our consent are entitled to the rights of domicile; they are entitled to the protection of the law, and there is no way that I know of, without an infraction, if not of a law, at least of the decencies which should be shown from one nation to another, by which we can compel those within our borders to retire; but we have an unquestioned right to say that no more shall come, and we may say that no class shall come; we may say that the merchant and the scientist shall remain away. It may not be proper to do that; that is to say, it may be bad policy to do that; but our right to do it nobody can deny.

The Senator from Ohio [Mr. SHERMAN] spoke of the trade that we were having with China. Why, Mr. President, the trade of the United States with China is so insignificant that it can not be brought here as an argument at all. How much is our trade with China? We buy of China about three times as much as China buys of us. It is true, as the Senator said, they take some of our silver, an inconsequential amount. In ten years they have taken from England \$26,000,000 of silver, and from us they take anywhere from a million and a half to five millions per annum. So our commercial relations with China are of no great value.

The Senator from Maine [Mr. FRYE] said it was now believed that we had in China a great market for manufactured goods. Last year our trade with China was not one-half what it was a few years ago—I mean our exports of cotton cloths and things of that character. I have the statistics here before me. In 1889 we sent 118,000,000 yards of cotton cloth to China; in 1890 we sent a little over 80,000,000 yards of cotton cloth to China—

Mr. SHERMAN. I think the figures which the Senator gives are slightly mistaken in this respect. A portion of the trade with China goes through English channels; it nearly all goes that way, and nearly all the imports are brought in in that way, except tea, which is brought in direct.

Mr. TELLER. I am talking of our trade. If we should get into difficulty with China, I suppose England would still buy goods of China and sell them to us. That great trading nation will hardly stop buying goods of China and bringing them to us because we are in difficulty with China.

In 1885 our exports of merchandise to China were \$10,530,000; in 1886, \$11,562,000; in 1889, \$6,466,000; and in 1890, a little over \$5,000,000; so that since 1885 we have lost practically one-half of our export trade with China.

Mr. President, I do not intend to intrude a silver debate into the Chinese bill, except to say that while China remains on a silver basis and the United States is for all practical purposes of trade and commerce on a gold basis our trade will gradually run down and finally cease.

India sent last year into China more than £13,000,000 in value of goods, against ours of a trifle more than \$5,000,000, and that was fully explained the other day when I read the statement by Mr. Felton, a manufacturer of Manchester, England, who said when they sent a bale of yarn down there they received for it 4s. 6d., and when they had converted it into English money it was 3s. 1d. When we send our goods to China and exchange them for silver, as we are compelled to do, unless we exchange

them for tea, when we bring back the silver and convert it into gold we have lost on the transaction, while the merchant of India finds his silver with the same purchasing power that it ever had.

I find that our trade with Asia is practically nil. I find that India has a trade with Asia of more than £24,000,000 sterling, a trade which has been built up practically since the demonetization of silver here in 1873, and if our manufacturers ever expect to send manufactured goods to China it will only be when some different system of finance has been adopted in this country.

Mr. President, I would not favor harsh and unfair legislation because we do not trade with China, nor would I release or remit one iota of what is right and proper when we come to deal with those people with reference to their exclusion because of the trade with China, whether it is great or whether it is small.

Mr. STEWART. Mr. President, I do not rise to protract this debate. I have discussed this question so often that my views are well understood and I believe they are now in harmony with those of nearly all the thinking people of the United States. There was a time when there was a great diversity of opinion on the question of Chinese immigration to this country, but I think there is practically none now. The American people are now convinced that the Chinese can not be incorporated among our citizens, can not be amalgamated, can not be absorbed, but that they will remain a distinct element, and in this country they will simply be a servile and disturbing element, interfering with our labor system, taking the labor from our people, and interfering with our whole social system. Where they are, you can not have American civilization. Churches, schools, and everything which pertains to American civilization disappear before their civilization, and when they come in sufficient numbers our race must disappear before them. That is our experience.

The attention of the country has been recently called to immigration from Europe, and there is a pretty settled purpose now to exclude all foreigners who can not be incorporated into the body politic; all who are criminals or paupers or diseased in any way. There is more attention now being paid to that subject than ever before. We must do it for self-preservation and for the protection of our laboring people. The attention of the East is called to that question, and there is a pretty uniform sentiment that while the immigration from Europe of good people is still desirable, and that they can still add to our prosperity and we welcome them here, yet in that immigration we have to be more cautious and circumspect than we have been heretofore.

There is a disposition on the part of many countries in Europe to unload their paupers and criminals upon us. Transportation has become so cheap that that is an easy way to get rid of undesirable classes, and we find a disposition to flood us with that element. The attention of Congress is called to it, and there is a general disposition to prevent the importation of paupers and criminals from Europe.

As to the Chinese, they have many qualities which commend them to us. They are industrious, they are frugal, they can live on very little; but they come in severe competition with our people. They do not bring their families. They perhaps present to us a more immoral condition than they would if they had their families and the surroundings which they have at home; but in this country, where they get together in towns, they foster an immoral element, which is very prejudicial to the good order of society. Anyone who visits San Francisco, goes through their quarters, and sees how they live, will be shocked with the condition of things there; and where they are in considerable numbers white labor is excluded, at least that is the case in California and the other States on the Pacific coast. We would have had, I doubt not, nearly double the population there now of white American citizens if it had not been for competition with this race, with whom our laborers can not compete, who live on less, and whose society is such that it absolutely excludes the whites.

I do not wish to put anything in the bill that shall be unnecessarily harsh, for I have no unkindly feeling toward the Chinese, and our people have none, but we want a bill sufficiently guarded that will accomplish the purpose and exclude them. This seems to me a necessity. The Chinese are a very shrewd people, and resort to many devices which are cunning to evade our laws; and that creates the necessity for additional safeguards.

I rose, however, more for the purpose of expressing my gratification that the country had come to understand the question, and that it is now adopting sufficient means to accomplish the purpose. The country has come to the conclusion that we can not encourage these people to come among us; that their presence is destructive to our form of civilization, and that we do not want them. We do not want to do anything cruel or harsh to them, nor make our laws any more severe than is necessary to keep them away from our shores. We have to do that.

I believe we should have an American policy that, while we welcome good people of all countries of our own race who can

amalgamate with us and become a part of the body politic, hereafter there shall be more energy devoted to exclude the undesirable classes. They are already crowding our laborers who are struggling for support in this country, when they are brought here in large numbers and forced into our industries. It is a matter which the principles of ordinary self-preservation require that additional attention should be given to. I am glad that the Committee on Immigration is investigating these subjects thoroughly, and I believe that we shall work out a system which will protect our people from this invasion. But so far as the Chinese are concerned there is no way of assorting them. The coolies are all of the same class, and if they are allowed to come here at all they will produce incalculable harm to our people and to our country.

Mr. HISCOCK. Mr. President, since the commencement of the first agitation of the exclusion of Chinese laborers, I certainly have favored that policy, and, I believe, in the other end of the Capitol I gave my assent by my vote to a bill providing for the exclusion of Chinese.

I am not in favor of the violation of treaty obligations with China or with any other nation until diplomacy has exhausted itself in efforts for the amendment of our treaties. In this connection, I propose to say a word or two in respect to the violation of our treaty obligations with China by the law of 1888. There was a violation of the treaty of 1880 by that act. How serious was it? Bear in mind that it was a separate treaty, or a treaty having respect only to the immigration of Chinese here.

The treaty provided that teachers, students, merchants, Chinese, who from curiosity desired to come here with their body and household servants, should have the liberty to do so. It was then provided that Chinese residents here at that time should have the right to go to China and return at their pleasure. Eight years after the last provision to which I have referred was withdrawn from by the Government of the United States by a law. This occurred eight years after the treaty was entered into, and I remember very well that it was an element in the discussion of that law at that time that after the lapse of eight years, taking into account the Chinamen who must have died or must have returned to permanently remain in China, there could be but very few who would desire to avail themselves of the right to return here under that treaty obligation.

It was true that the Chinese population had increased here in those eight years and that it certainly had not increased by the birth of Chinese here. It was therefore obvious that the evidence upon which a Chinaman could return here was practically negotiable, and that frauds were being perpetrated by Chinese laborers upon the law which was then in force and upon the treaty. The result was, taking into account the frauds to which I have referred and taking into account the small number of Chinamen who had the right or could choose to exercise the right to go hence to China and return here, that it was no very serious violation of the treaty to pass that law.

Mr. MITCHELL. Will the Senator allow me?

Mr. HISCOCK. I will.

Mr. MITCHELL. The provisions of that act applied to every Chinese laborer in the United States.

Mr. HISCOCK. I know it did.

Mr. MITCHELL. So that from and after the passage of that act it became impossible, under its provisions, if any Chinese laborer then in the United States left the United States for him to return.

Mr. HISCOCK. I understand that, bear in mind—I call the Senator's attention to it—by the treaty obligation we entered into in 1880 Chinese laborers who are now in the United States were to be allowed to go and come of their own free will. It was supposed that a large proportion of the Chinese population here in 1888 were here in fraud of that treaty and the legislation of Congress. We do not differ about the facts. We had the right to prohibit by law Chinese immigration here of others than those who were here when this treaty was made, and we did prohibit it. The act which was passed subsequent to this Chinese treaty did prohibit Chinese laborers from coming here, unless they were here when this treaty was entered into and had returned to China and desired to come back.

What is the violation of the treaty proposed by the bill reported by the Committee on Foreign Relations? We have the right to prohibit the importation or immigration here under that treaty of all Chinamen who were not domiciled here on the 17th day of November, 1880. Nearly twelve years have passed since that treaty was negotiated, and how many Chinamen do Senators suppose there are who desire to avail themselves of the privileges reserved to them under the treaty of 1880, twelve years since it was agreed to by the two governments? The number must have been reduced very largely, and yet it is true that the Chinese population here has increased. Technically, it would be a violation of treaty obligation, I suppose, on the face of the law

if fifty years hence Congress should pass a law that no Chinese laborer should come to this country or should suspend their coming here for a certain period of time; and yet we understand that at that time there would not be in existence probably a Chinaman who could avail himself of the treaty stipulation of 1880.

Mr. MITCHELL. May I interrupt the Senator?

Mr. HISCOCK. Certainly.

Mr. MITCHELL. I am not quite sure that I understand him on another point. Do I understand the Senator to say that Congress has a right to inhibit the return to this country, under penalties, of any Chinese who were here prior to the adoption of the treaty of 1880 without transgressing the provisions of that treaty?

Mr. HISCOCK. No; I do not say it has not got the power to do it. What I am trying to demonstrate is that when we pass a law which does prohibit the return here of Chinamen who were residents of the United States, who were domiciled in the United States on the 17th day of November, 1880, it can affect but a very few people, and can not be a very serious matter as between the two high contracting parties.

Mr. MITCHELL. Why?

Mr. HISCOCK. Simply because the application of the law is to a very few Chinamen indeed. Therefore, I made the illustration on that it might be in terms a violation of treaty obligations if fifty years from now we should pass a law prohibiting all Chinese laborers from coming here. It might be in violation of the treaty stipulation in terms, and yet we know that practically the law could not affect a single living Chinaman.

What does the substitute reported by the committee provide? It continues the violation of the treaty which was first violated by the Scott law, and yet in the four years which have elapsed since the passage of that bill, by the laws of nature the number of persons have been constantly decreasing to whom the law could apply or from whom it could take any right under the treaty. What I am arguing is that, after the lapse of twelve years from the enactment of the treaty, there can be but a very few Chinamen who were domiciled here then who can be affected by the law which we may pass.

I was about to refer to the bill reported by the Committee on Foreign Relations. It does not extend prohibition of immigration or suspension of immigration beyond the provision of the law of 1888, but it does this, which it seems to me that everyone opposed to Chinese immigration should be satisfied with: Under its provisions a Chinese laborer here, against whom we would guard the country and our civilization, is presumptively here in violation of law; certificates that such persons were here in 1880 have been abrogated; a Chinese laborer has no right here, and the burden of proof, at least, is thrown upon him. I said he had no right here; the burden of proof is thrown upon him to establish his right to be here, and if he fails to establish it affirmatively he is exported from the country.

The passage of this measure must, in my judgment, of necessity result in a practical banishment from the Pacific States of the Chinese laborers; that is, if the people of California, of Oregon, and the other Chinese States see fit, or if there is anyone member of any of those States who sees fit to prosecute the Chinaman under the provisions of this act, he can drive the whole race, or all the members of the race who are here, if they are laborers, from our shores. Is not that severe enough? Is not that remedy enough if enforced, against our being troubled with Chinese laborers in this country?

Now, I desire to call attention to what the House bill proposes. When the treaty of 1858 was entered into our ports were free to the citizens of every nation on earth. There was no inhibition against Chinamen, and they could come here freely. With that condition of things we made a treaty with China, and she had the right to regard that law or the condition of things existing at that time as a part of the treaty. The treaty was founded upon the condition of things which existed then; it was founded upon the rights which Chinese might enjoy under our laws to immigrate to this country, and I say that when we pass a law which restricts the rights and privileges which American citizens gained under the treaty, and which the Chinese at that time enjoyed under our law, we virtually violate the treaty of 1858.

Let us look at it for a moment. There was an article in that treaty in regard to the privileges of United States vessels in Chinese waters. Certain privileges were conceded to this Government by the Chinese Government. They had all the privileges conceded to us in our waters if they chose to exercise them. It is true they never have exercised them, but practically in respect to the rights which our vessels have in their waters, if China chooses that such should be the case, we abrogate the treaty of 1858.

Article 11 is in respect to the privileges of United States citizens in China, not laborers, but our travelers, our teachers, our missionaries, our merchants. Under our law all that China gave

us by article 11 her citizens might enjoy in the United States. They conceded the right, enumerated in that article to our citizens, and when we practically withdraw by law from China the right of her citizens to come here, excepting laborers, it is a practical suspension and abrogation if China chooses to treat it so of the provisions of article 11 of the treaty of 1858, a valuable concession.

Article 12 is in respect to the privileges of citizens of the United States residing at open ports in relation to trade. There again Chinese merchants had all the rights they conceded to American citizens.

Rights in respect to our shipwrecked vessels were conceded to us by article 13. Of course, Chinese vessels do not come to the United States, but they have the right to come under our law. Practically that concession to them was written in this treaty, and yet we propose to abrogate it. Certain ports were designated which our citizens might enter for the purposes of trade and to reside with their families. To the Chinese our ports were free. It was again practically written in this treaty that they should have the right to come to our country and engage in commerce with our people at all our ports.

Article 15 is in respect to commerce and tonnage duties—

Mr. GRAY. I will ask the Senator what he is reading from now?

Mr. HISCOCK. I am reading from the treaty of 1858. I will read a clause of article 16.

Collectors of customs at the open ports shall consult with the consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

That was far more than we had conceded to them by our laws.

Article 17 refers to pilots and servants and teachers.

Article 18 is in respect of the duties of custom-house officers, enacting provisions in respect to mutineers and deserters and by that article providing that an asylum should not be granted, however, to Chinese criminals.

There are other articles of the treaty in respect to customs, the right of citizens of the United States to reexport articles, a provision in respect to tonnage and customs duties, the transshipment of goods, in respect to the collection of debts, in regard to the treatment of United States vessels in the time of war between China and other powers; a jurisdiction in respect to the rights of property in persons was provided and provision made for communication between citizens of the United States and Chinese local officers; religious freedom which Chinamen enjoyed here was granted to American citizens there.

Now, I say that in respect to all these matters to which I have referred, the passage of the House bill into law would be a practical abrogation of the treaty. In respect to laborers there is now a separate treaty, which, under the provisions of the Senate substitute, in my judgment, in effect would not be very seriously violated; but what I argue is, that when a treaty is entered into between two nations and concessions are made by the one to the other, the law of the other at that time covering those concessions in respect to immigration there, practically the law in existence in the more liberal government, is incorporated into the treaty, at least the treaty is to be construed with reference to the law existing in the country having the more liberal policy than that of the government making concessions.

However, I did not rise to discuss this bill at any very great length. I did desire to do what I have done, point out practically the extent to which we are violating the treaty of 1880 by the Senate bill, demonstrating, as I believe I have, that in respect to Chinese subjects, with a decrease in twelve years of the number whose rights under that treaty might be violated, pointing out the limitations of the violation of the treaty and showing really how inconsequential they are and then, to point out beyond that, the extreme violation which we should perpetrate if we should pass the House bill.

I do not understand that Senators complain that because of the immigration to this country, the coming to this country—I will withdraw the word "immigration"—the coming to this country temporarily of other than the laboring classes, the destiny of the United States is to change, that our civilization is to be destroyed, that the Asiatic hordes are to dominate us. They do not claim that. I do not understand that they claim that the laboring classes of our country will be imperiled if those outside of the laboring classes enumerated in the treaty of 1880 are permitted to freely come here. Who are they?

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants.

Those are the classes which, if we pass the Senate substitute, will still be permitted to come here. Is there any peril to our advancing civilization by that right being continued? The objection does not come from merchants, the objection does not come from teachers, it does not come from those in this country

who fear that there may be a vast immigration here of curiosity-seekers or those traveling for curiosity; and I have failed to hear anyone in the discussion of this question advocate or advance the idea that there is peril in our confining our legislation to Chinese laborers alone. Certainly, under the strict provisions incorporated into the Senate substitute, casting upon the Chinaman here the burden of proof to establish his right to be here—

Mr. FELTON. Will the Senator allow me?

Mr. HISCOCK. Let me add that I do not believe that the civilization of California is threatened, that the merchants of California are threatened, and that there is really any peril to the citizens of that State.

Mr. FELTON. Will the Senator permit me to say that that is a matter of opinion? I understood the Senator to say that he had heard no complaint with regard to the admission of anybody except laborers. The objection which I have been trying to make and have the Senator understand is that through the inefficiency of the present laws, the coolie class, the laboring class, the lower class, the class who come here under contract, almost invariably by reason of the merchants' clause, assuming that disguise, are filling up the country, and that should be prevented.

Mr. HISCOCK. As I understand now from the Senator, if the Chinese laborers can be prohibited, he is satisfied; but he believes that under the laws at present in force there is an invasion, a fraud perpetrated by the Chinamen and that they come here under the merchant clause as traders, as teachers, and it is desired to provide against that. I call his attention again to the provisions of the Senate substitute that the burden of proof is thrown upon the Chinaman to prove that he is in one of those excepted classes which have the right to come here.

Mr. FELTON. I will answer the Senator by saying that when a Chinaman is once in the country, I defy him or anyone else to identify him and determine under which class he came.

Mr. HISCOCK. I ask the Senator to wait a moment. He need not throw his defiance at me. It is for the Chinaman to prove to what class he belongs. Bear in mind it is not for me and it is not for the Senator or his constituents to prove the class to which the Chinaman belongs. His being here is presumed to be in violation of law, and the burden of proof is thrown upon him to establish his right to be here. When you shift the burden of proof, as it is in this bill, I believe if the people of California choose to enforce the provisions of the law the effect will be an exodus of Chinamen from the shores of the United States.

Mr. FELTON. I should like to have the Senator state how the means are to be obtained of getting at the class to which these people belong.

Mr. HISCOCK. I reply to the Senator that the citizens of California are not to furnish the means. Oh, no; the Chinaman must himself, affirmatively establish his right before the officers of his State, men subject to the weaknesses of human nature and doubtless not in sympathy with the immigration of Chinamen here. The officers of his State have it devolved upon them to be satisfied with the affirmative proof of the Chinese immigrant here that he does not belong to the inhibited class of laborers. The question of his employment is open, what he is doing, and he must establish by that, by his domicile, how he lives. He is to be subjected, he and his witnesses, to a searching investigation to prove that he is not a Chinese workingman.

Mr. FELTON. Mr. President—

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from New York yield to the Senator from California?

Mr. HISCOCK. Certainly.

Mr. FELTON. The Senator has been very courteous to me, and I exceedingly dislike to interrupt him so often, but I should like in connection with what he has just said to observe simply that there are probably a hundred thousand Chinese upon the Pacific coast, more or less, and I think there are 75,000 of them in California alone—

Mr. HISCOCK. What do they do?

Mr. FELTON. Everything.

Mr. HISCOCK. Laborers?

Mr. FELTON. Yes; and they do everything. Now, I ask the Senator if he thinks it possible to arraign every one of those 75,000 before the court to determine when and how they got here?

Mr. HISCOCK. Why not?

Mr. FELTON. We have not courts enough for that.

Mr. HISCOCK. I reply, yes, sir; certainly.

Mr. FELTON. I reply that it is impossible to do it.

Mr. HISCOCK. Why? The municipal authorities of the city of San Francisco, of any other city, the county officials of every county in that State, if there is in his State existing the sentiment that I suppose does exist against Chinese laborers residing here, will make it their business, I have not the slightest doubt in the

world of it, and when a few examples have been made these people will take their flight from our shores.

What next in respect to the Senate bill which I think should satisfy the Senator? The difficulty that has heretofore existed has been that the law practically provided little more than to keep them out. We go further than that now. If found here the Government is to put them out.

Mr. FELTON. When the Government can find out whether they are entitled to be here or not.

Mr. HISCOCK. Again I call the Senator's attention to the fact that that is not the Government's inquiry.

Mr. FELTON. Then I will reply we shall want all the attorneys and the courts that there are in the whole country to accomplish this.

Mr. HISCOCK. I do not know about that. It does not look to me like a very serious matter.

Mr. FELTON. It is because the Senator is not familiar with it.

Mr. HISCOCK. In the State in which I reside and have the honor in part to represent, if there were 75,000 men of an alien race, contrary to the provisions of the law and with the burden of proof thrown upon them to prove their right to be here, they would witness but few rising and setting suns in that State. If public opinion justified the execution of the law, it would be executed summarily. Bear in mind that this is a summary provision. These people are not to be indicted and tried. A summary examination disposes of them. If there was a public sentiment to justify the execution of that law they would be speedily banished from that State, as I have no doubt they will be from the State of California.

Mr. FELTON. I should like to ask the Senator one more question; if in the case of 75,000 people he would have the entire lot arrested when he could by another system simply arrest those who are not entitled to be here?

Mr. HISCOCK. In the first place, you may limit your arrests under the Senate bill to the same extent to which you would exercise it under the House bill. So far as the immigration to this country is concerned, once here, in my judgment this proposed law is as efficacious as the other measure in providing for their return. I say to the Senator again, that 75,000 people who are believed to be a blight upon society, a curse to your State—what is the population of California?

Mr. FELTON. One million two hundred thousand.

Mr. HISCOCK. Among 1,200,000 people would speedily be driven from them and sent abroad.

Mr. FELTON. So they will be, I will tell the Senator, whenever we have a law that will permit it.

Mr. HISCOCK. I say to the Senator in reply to that, and I do not care to prolong the discussion so far as I am concerned, the bill of the Senate Committee on Foreign Relations provides ample remedies for them. The bill of the House goes further than that, and in my judgment nullifies the provisions of other treaties that it is for the interest of American citizens should be continued in force. The Senator has been kind and I will not interrupt him further.

Mr. MORGAN. Mr. President, I am reluctant to enter into this discussion or to delay the action of the Senate even for a moment upon this very important bill, but as the proposed substitute comes from a committee of which I am a member and meets my entire concurrence, I think it is my duty to make some statement of the grounds upon which I predicate my support of the substitute reported by the Senate Committee on Foreign Relations.

I think that the real merit and essence of the attitude of the two Governments towards each other upon this question of immigration and immigration of citizens of the respective countries is perhaps overlooked in coming to a solution of this question. We started out in 1868 with this very strong declaration in the Burlingame treaty, as it is called:

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The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for the purposes of curiosity or trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

That is a very broad declaration. It is a broader one than we have with any other government in the world that I know anything about. It announces the right of expatriation, the right of adopting the citizens of other countries into the citizenship of this country and of China, and provides for a perfectly free migration and immigration from one country to the other of their citizens without any restriction whatsoever. On the contrary,

that sort of interchange of population is encouraged very earnestly by that treaty.

Before that time we had passed laws, however, acting upon our inherent sovereign rights without respect to whether it suited China or not, to prohibit under heavy penalties the coolie trade. The coolie was *sub modo* a slave importation. It was the old slave trade somewhat modified by false pretenses; more than that, it was by actual fact, for the coolies were actually bought up by merchants in Hongkong and in that vicinity from the very lowest class of Chinese population, and were put on board ships under pretended contracts for limited terms of service, when the truth was that they were imported simply as the slaves of the men who got them and sold them to the importers.

So we put laws upon our statute book to prohibit that. Then we followed it up with the treaty of 1868, where we provided for a voluntary migration and emigration of the citizens of the respective countries, but protested very earnestly against any citizen of the United States or any citizen of China exporting or deporting from either country to the other or to any foreign country, persons who had been engaged to come under what might be practically called an involuntary system.

We tried that for eleven years, and we found that the effect of it was to bring a vast number of Chinese here for the purpose of being engaged in opening up the Pacific Slope, in railway works, in the vineyards and orchards of that country, in the wheat fields, in fact in all the menial lines of service. The Chinese who were brought here were taken up as very convenient servants; and we found that it was introducing into the American country a second form of slavery, one where the caste was just as distinctive as it was between the slave and his owner, and where the opportunity of the Chinese to intermingle with our communities was prohibited by public instinct and public conscience as firmly as it was between the negroes and the white people, or even more so. It was attended with every feature of slavery and servitude of a menial sort, except that having here the writ of habeas corpus we did not have the right to imprison the man's body and hold him under restraint and carry him where we pleased. That was about the only difference.

Now, when the American people struck down African slavery they struck down slavery for good and all in the United States. They never had any trouble about Indian slavery, for there never yet was a full-blooded Indian who was made a slave. It is the only race of people in the world I have ever heard of among whom slavery never existed in any form at all according to their own tribal organic laws, and it is the only race of people upon whom slavery has never yet been imposed. We had no trouble with the Indian race to get them out of the reach of the menial attitude of slaves in our country.

The Chinese and the negroes, however, we could handle in that respect, and we always handled them in such way as to put them beneath our feet, to make servitors of them at our will and pleasure, except in the case of the Chinaman when we give him an opportunity to trade. He could outwit us in traffic frequently, and as a matter of economy, of mere personal expense, he could always live cheaper than our American people could; so he became in this country a slave and a nuisance. We speak of him now in the literal sense that he occupied here. He was a slave, and he was a nuisance.

Thereupon the Californians and other people on the Pacific slope and in the vicinity of that part of the United States became very much excited upon the subject of the prohibition of the immigration of Chinese into this country. Then we modified our treaty of 1868 by a treaty that we made with China in 1880, by the free consent of that Government introducing into the treaty of 1880 a new principle, which revoked the former principle that was incorporated in the treaty of 1868.

What was that new principle? It took the distinction between the right of immigration and migration to the respective countries and the right of hospitality, a broad distinction very clearly defined in the treaty of 1880. China was consenting to it because she saw, as she confessed then and more distinctly confessed in later diplomatic intercourse, that her people were entirely unacceptable in this country, and that they could not rise to any social level, even the lowest in the United States, with the white people, and that they could not even become the recognized equals of our former slaves. They are a race that to-day in public estimation, in the gradations of public opinion, form a substratum beneath that of those people who were once held in slavery here and were imported into this country from Africa.

China, then, was perfectly content to carry out what was her true and has been her long-established policy of holding her people within her own domain. China struggled for many years to hold her commerce within the walls of exclusion, and she succeeded for a long time. Finally we broke those walls down partially. They never have been entirely broken down. There are only a few ports in China now to which you can export goods

from the United States. The same sentiment caused the Chinese Government also to wish to include her citizenship within similar walls and to prohibit immigration.

That was the settled policy of the Chinese Government. It perfectly accorded with Chinese tastes and wishes and purposes, for there are no people in this world who are better contented with the form of government that has been over them for many centuries than the Chinese. I do not suppose that a Chinaman can now be quoted as having ever expressed or entertained a hope or a desire to have the institutions of China liberalized in the direction of the rights of self-government amongst the people. They are content with monarchy, it makes no difference how severe it may be; they are proud of it; they adhere to it. They have a national pride which amounts in every instance, I think, to a personal pride on the part of the Chinese that their Government represents the highest possible ideas of civilization. They believe it, and they are very happy in that belief. So they do not want to emigrate for the purpose of establishing permanent residences in any other country in the world that I know anything about.

I have never yet heard of a colony of Chinese voluntarily assembled with a view of becoming a part of a foreign government, and there building up social or political institutions. I never have heard of one expressing any dissent in respect of his monarchical government under which he lives. So they are a very contented people, and the policy of the Chinese Government accords entirely with the sentiments of the whole body of the population of that great Empire, containing, I suppose, between four and five hundred million souls, in respect of their exclusiveness in regard to commerce, heretofore scarcely broken down or impaired at all, and their exclusiveness in respect of migration and emigration to and from their country.

In 1880, for the purpose of extending Chinese trade, for the purpose of giving to their wealthier and their more educated classes the opportunity of visiting freely all the different parts of the earth—which in themselves were very good purposes—they consented to change the characteristics of the treaty of 1868, which provided for free migration and emigration and for the adoption of a new citizenship, to the mere rights of hospitality between the two countries of the citizens of each country in the other. That is the treaty of 1880.

Therefore we confined the right of Chinamen to come to this country to classes that stood above what they call and we call the laboring classes. The distinction was taken between those men who might come here and make a permanent settlement possibly, or a settlement for a number of years in this country, and those who were mere visitors, and who while here would enjoy the rights of hospitality.

When after 1880 we found it necessary to go still further with our legislation and to put very strong restrictions upon the importation of Chinese laborers, that class of people who might be disposed to remain here where they could get good wages, China made no objection of any serious character, because it did not infringe upon the true intent and purpose of the treaty of 1880, which was a treaty of hospitality.

The hospitality provided for in the treaty of 1880 was not infringed or restricted by our legislation. But our legislation was severe, and it began to make some impression upon the more enlightened classes of Chinese. Thereupon during the Administration of Mr. Cleveland, March 16, 1888, a treaty was negotiated for the purpose of smoothing out and having a more definite ascertainment of the real hospitality that the countries should exercise towards each other, which contained this very singular provision:

Whereas on the 17th day of November, A. D. 1880, a treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States; and

Whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States; and

Whereas the Government of the United States and the Government of China desire to cooperate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries:

Now, therefore, the President of the United States, etc.—

Appointed Mr. Bayard and the Chinese Government appointed Mr. Chang Yen Hoon to negotiate that treaty of 1888, which was sent here for ratification.

I can speak freely about this because the injunction of secrecy has been removed from it.

Mr. GRAY. So, if the Senator will allow me, it appears by the attempted negotiation of that treaty or its actual negotiation—

Mr. MORGAN. Its actual negotiation.

Mr. GRAY. It appears by the actual negotiation of that treaty

that we were about to accomplish with the friendly consent of China all that could be accomplished by the harsh exclusion laws passed since that date or before that date. Is not that true?

Mr. MORGAN. Yes; that is true. The Chinese Government had quite as intelligent a view as we have had of this treaty. They understand the exact extent and the purpose also which operated in limiting or restricting the treaty of 1880, and in changing utterly and entirely the whole meaning and purport of the treaty of 1868.

The Chinese Government, through their minister here, signed the treaty of 1888, of course with perfect authority from that Government, for it must be remembered that if a Chinese minister makes a treaty with a foreign country and makes it obligatory in its terms and characteristics which he has not been authorized in advance to make, when he returns to China he simply receives the sharp edge of a sword on the back of his neck and his head falls into a basket, and that is the end of that minister. So they negotiate with their lives in their hands, and they do not put any expressions into treaties of a permanent and vital character, such as this was, without the prior consent of the emperor.

Mr. DAVIS. I wish the Senator would tell us why the Chinese Government did not ratify that treaty.

Mr. MORGAN. I am going to point that out now. When that treaty came into the Senate there were two provisions inserted here by way of amendment. In article 1 this provision was put in:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

Mr. MITCHELL. Will the Senator allow me?

Mr. MORGAN. Certainly.

Mr. MITCHELL. Does the Senator from Alabama think that that provision changes at all the legal effect or fair construction of the provisions of the treaty as it had been sent to the Senate?

Mr. MORGAN. I thought it did at the time, and I voted against that amendment in consequence of that belief.

Mr. MITCHELL. The Secretary of State, in his communication to the President, made the statement distinctly that it covers that ground.

Mr. MORGAN. There is no doubt that the Chinese Government understood that it was a total abandonment of the former treaties, and that it was a breach of faith on the part of the United States, and was wicked. That is the way they looked at it. I was asked the reason why the Chinese Government did not consent to this treaty, and I am pointing it out. That is one reason.

Mr. GRAY. Because that amendment was placed on it?

Mr. MORGAN. Of course. Then there was another amendment to Article II:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

That meant the original certificate, and if it had been lost no copy of it could be proved; it could not be established in any way except that the Chinaman to whom the certificate had been issued should actually produce it before he could come back. That related to the evidence upon which his right of reaccess to this country was predicated.

There are the two reasons why the Chinese Government rejected that treaty after having authorized their plenipotentiary here to sign it. Those provisions, in my opinion, produced this effect upon the treaty of 1888. They gave a coloring to it, put a gloss upon it which offended the Chinese people, while it might not have actually disturbed the legal, technical construction of the text of the treaty itself. But that is the fact. Thereupon and before that treaty could be ratified there came over from the other House the Scott bill, as it was called, which in a flurry of political excitement which was very much like some we are likely to get into now, the Senate took up and passed.

Mr. DAVIS. I should like to ask the Senator if, when the so-called Scott bill was passed, when it came over here the Chinese Government was not deliberating upon this treaty and the amendments to it, and had declined to ratify them?

Mr. MORGAN. The fact is this: The treaty had gone to China by cable, and they were deliberating upon the treaty as it had been signed and the amendments. They were of course satisfied with the treaty, as they had authorized it to be signed, but they objected to the amendments. However, before we knew what their decision was we passed the Scott law. What they might have done if we had not passed the Scott law I am unable to say. The Scott law differed a little in its stringency from the provisions by way of amendment of the treaty; it was a little more stringent, but not much. Perhaps the difference is hardly wor-

thy of consideration. At the same time, it was a provoking cause to China, doubtless; I know it was, for withholding any consideration, I will not say consent to, but any consideration of these amendments; and so that treaty went by the board and the Scott law came in.

Since the Scott law was enacted and that treaty was rejected by China our relations with China have been practically as good as those with any other of the great civilized powers of the world. Very recently some missionaries from all of the great civilized powers have suffered in China, but the Government of China has also suffered, and suffered very fearfully, from an invasion that came down upon Peking from the northern provinces of China. In that country there are two or three secret societies of the most desperate and determined character, all of which are political and all of which are at war with the Empire. It is a quarrel that has lasted through many centuries, and is represented on the part of the assailants and the people by secret societies.

The Chinese Government have always to be on the lookout for outbreaks from these secret associations, and foreign people are frequently involved against the wish, or consent, or approbation of the Chinese Government, because these people, in order to foster their own secret organizations, to keep up the *esprit de corps* amongst themselves of murder and abominable outrage upon everybody that they choose to attack, keep up the ancient war upon foreigners which has existed in China, in Korea, in Japan, and in India, among all of those races, really of one family, along the coast of the Pacific Ocean.

Counting out these things which are to be credited entirely, I think, not to the hostility of the Chinese Government to the United States, or indifference on the part of that Government towards our relations with her, but are to be accredited to the personal hostility of certain classes of Chinese against all foreigners—counting that out, we have had no cause of a quarrel with China since the passage of the Scott act. On the contrary, our commerce has been going along there freely and with profit to both sides; and we to-day find ourselves confronted with this situation: Notwithstanding the utter change in our relations with her in respect of the right of emigration and migration of people to and from each country, and notwithstanding we have entirely abrogated the idea of permanent emigration from one country to the other, China has still proceeded in her even, smooth way; has kept her diplomatic representatives here; and there has been really no disturbance between the Chinese and the people of the United States resulting from the Scott act, nor is there any threat or apprehension of a disturbance.

Now, then, the question arises, is it proper, is it necessary, is it wise, that we should start on a new scheme of legislation which destroys the right of hospitality that is provided for in the treaty of 1880, and limit that down in such a way as that no man could come from China here except a foreign minister with his servants or a consul with his servants? That is about the limit now of the measure that is presented to us by the House of Representatives, as I understand it. Having abandoned the treaty of general free intercourse between our citizenship and their citizenship as secured in the Burlingame treaty, modified in the treaty of 1880, can we now deny to China by an act of Congress properly the rights of hospitality that were secured in the treaty of 1880, and is it wise to do it?

I can see no reason for giving offense to China by the further legislative modification of the rights of hospitality which were secured by the treaty with that country of 1880, when our experience has been that there has not arrived a large accession, to say the least of it, of Chinese people on the Pacific Slope or in other parts of the United States.

It is costing us some money to keep them out, but that is only a part of the police expenditure of the country which we have to sustain anyhow. A few of them get through Mexico and a few get through British Columbia, but the number that come here are scarcely to be called inconvenient. They do not come in such numbers as to present any real body of competitors in the great mass of work that is to be done in this country, and when they come here they distribute themselves among the railroads, where labor is pretty hard to secure anyway, and in the laundries, and in the kitchens, and in the gardens, and in the vineyards and other places where careful, patient, and painstaking hand service, menial service, is required.

So far as my observation has extended they have not seemed to be an inconvenience on the Pacific coast. I have had the honor or pleasure of visiting that coast on three occasions in the last few years and being a good deal associated with the people there, and it seemed to me that the Chinese service that was rendered in a domestic way upon that coast was of very great value and a great comfort to many people, inasmuch that I have always doubted to some extent the sincerity on the part of a great many persons in that part of the country to keep them out. But when I see their representatives here very earnestly

advocating the most extreme measures for the purpose of their exclusion, I must give up the idea that they want to shut them out entirely.

But they distribute themselves over the country. I suppose there are probably 300 or 500 Chinamen in Washington City to-day, yet we are scarcely conscious of their presence. They are not a disturbing element in society or government here. The police have very little to do except once in awhile to raid them when they are unwilling to raid somebody else; they find a gambling shop and make a little out of it, sometimes reputation and sometimes profit. That is about all the public laws here have to do with China. You scarcely ever hear of their committing outrageous offenses of any kind at all. They do not concern themselves about politics, and in that particular they must be a very happy race of people.

The exigency is not of sufficient importance to demand this harsh legislation, which is in direct violation of the treaty of 1880, for we have guaranteed in that treaty that their merchants, traders, scholars, visitors of different kinds, shall have access to this country, and shall have free and honorable access to it. By the way, we are apt to learn a good deal from them as well as they are from us in their visits to this section of the world. I think that the exigency has not presented itself to demand of the Congress of the United States the exercise of that harsh power of repealing treaties, if indeed we have got the power in Congress, in that which is now presented for the consideration of the Senate. I suppose we might say that we have the power in a broad sense, but there are a great many powers we have that we should exercise very carefully.

We have the physical power, as the Senator from Delaware [Mr. GRAY] suggests, and we could put it in the form of a statute here; we can execute it; but we must recollect that is a boom-erang, for we have a very enterprising race of men in the United States who are beginning now to take lessons from their British ancestry and who are searching out the remote parts of the world for the purpose of carrying our commerce to it. We have a recent adoption by the Republican party of a great Democratic doctrine of reciprocity, which I am delighted that they have fallen into so gracefully, notwithstanding that they are always disposed to capture and appropriate to themselves everything that they can lay their hands on and claim it by the first original title. We have that reciprocity doctrine now abroad in the land.

We received from that country free of duty \$14,577,887 worth of merchandise during the year ending the 30th of June, 1891. Besides that we have \$4,743,963 of dutiable goods coming in, making a total commerce of importations of \$19,321,850 during the last year. Then our exports for the same period of time have amounted to \$8,700,318. That is no inconsiderable commerce, and it seems not to have been affected by the Scott law, for China after all understands that the Scott law was not a restriction upon the treaty of 1880. It operated upon laborers and not upon the exempted classes, but the act that we are proposing now abandons that idea and includes laborers and all of the classes exempted under the treaty of 1880 in a common refusal to admit them to any access to our shores.

There is prosperity in the commerce between China and the United States. It is just the dawn of prosperity between the two countries. It has not been more than thirty-five years since we gained our first commercial rights in China, and in that time, amidst great embarrassments, during part of which we were conducting amongst ourselves a terrible civil war, our commerce has run up continually, imports and exports have continually run up, fluctuating a little. At the same time it has got to be a very important commerce.

The Canadians and the British understand the value of that commerce, it seems, a good deal better than we do, for they admit Chinamen to come into Vancouver and spread themselves over the Canadian territory, and they make cheap rates of freight to China. They make contracts with the transpacific lines of steamers so as to bring Chinese commerce freely into Canada and across Canada to Great Britain. They encourage trade with China. They are after the trade of China in every possible form. It has been but a few years since, having large crops of opium raised in India, a country that is favorable for the production of that narcotic, they went to war with China and captured Hongkong, and established themselves right on the coast of China, so as to be able in that way, through force of arms and territorial acquisition, and through fortifications, to protect them hereafter, and through great navies that they send there to protect them still further. They have set themselves to work to reap a harvest out of China the richness of which the British people understand.

With the assistance of the Canadian railroad across the continent they are outstripping us in building up commerce with China. Instead now of our throwing away that rich field of com-

merce, we ought to cultivate it, and if we can cultivate it, and do it successfully, and increase it, as we can increase it by friendly, hospitable relations between our country and China, why should we not do it?

Is the influx of the Chinese into this country under existing laws inflicting upon us a damage greater than would be inflicted upon us by the loss of \$22,000,000 or \$24,000,000 of trade annually between the two countries? We can not possibly conceive that that is true, and if it is not true it is a very unwise step to put China into an attitude where she would break up her commercial relations with us.

China the moment we pass this law has a perfect right to say to us, "Every treaty relation between the United States and China is abrogated. You have broken the treaty by your legislation; you have repealed it; you have passed a law upon the asserted basis of your right to repeal a treaty; you admit the conflict between the law and the treaty, and you assert the right to repeal it, and when you pass the law of course you repeal it, and when you have done that we are exonerated, we are excused from any further compliance with it; so the treaty is abrogated." They have nothing to do but to withdraw their representation from here, and they are on just as safe ground as they were ever; we can not harm them and they can not harm us; but the misery of the situation is that we can not do them any good and they can not do us any good. Now, shall we put ourselves in that category?

If the commerce of China, as my friend from Delaware [Mr. GRAY] suggests, is in competition with our commerce in any respect this measure is an admirable system of protection; we ought to pass this bill for the sake of protecting our commerce against Chinese competition, for we are certain to lose every silver of it.

Mr. FRYE. If they should go into manufacturing cotton cloth they have good territory.

Mr. MORGAN. The Chinamen can not manufacture cotton cloth to compete with our friends in the North or in the South in the United States, because they have not the skill, they have not the chemical knowledge, they have not the power of inventing machinery and putting it in operation. For many years to come, perhaps for hundreds of years to come, China will be as dependent upon us or almost any civilized country, as France or England, for cotton-spinning machinery as she is to-day for the finer cotton fabrics that we send there.

But, Mr. President, I look to the opening up of a trade with China on a very immense scale as being something that we are about to arrive at, and we shall find, as I think, that that is one of the most compensatory lines of commerce that we can possibly engage in. The Chinese are learning already, as the Hindoos have been taught, to use wheat flour in place of rice flour, or in addition to rice flour, for the sustentation of human life. They have heretofore not enjoyed that great blessing of mankind because they have not known how to make it productive, how to make it useful and palatable, but now they are engaged in the production of wheat more than they have been in the past, and India has got a very large wheat-exporting country.

The English people, among other blessings that they have conferred upon India under their rule there, have taught them to grow wheat. China is to become a very great market for the wheat produced on the Pacific coast, and the Pacific coast needs that market. It really has no competitor for the Chinese and Japanese and Korean trade in wheat, except in India, and Great Britain wants every bushel of wheat that she can get from India. So the Pacific coast, if we will cultivate proper relations and put ourselves to work to accomplish the result, will find herself possessed of a market there for her wheat far exceeding in value anything that can be found in London or Liverpool.

Then the market for cotton is growing, and I am very much concerned about that, because we are continually accused here of flying in the face of Providence and producing too much of the good things that He has enabled us to produce upon our soil and with our climate.

Mr. FRYE. I should like to put a little bit of a speech right into the Senator's here.

Mr. MORGAN. I know it will be a good one, and better than mine, and I shall be very glad to hear it.

Mr. FRYE. The Committee on Commerce has been considering appropriations for rivers and harbors, and the Senators from the Pacific coast have been as usual very careful of the interests of their people and have been soliciting very large appropriations. The main ground for those appropriations has been that the Pacific commerce was to be really the commerce of the United States of America, that Puget Sound, for instance, was to be the scene of an enormous oriental commerce. Now, if the people of the Pacific coast build a Chinese wall by insulting the people of China or the Government of China, so that they will not send any of their commerce here, or permit us to send any of ours

there, what becomes of the necessity of any further improvements of rivers and harbors on the Pacific coast?

Mr. MORGAN. Now, Mr. President—

Mr. MITCHELL. Will the Senator from Alabama allow me to ask a question in reply?

Mr. FRYE. I interrupted the Senator from Alabama, and if he yields I will hear the Senator from Oregon with great pleasure.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Certainly.

Mr. MITCHELL. I wish to inquire of the Senator from Maine, in view of the fact that we have paid in gold and silver to China over \$200,000,000 in the last twenty years to pay our balances, whether he thinks under that state of circumstances they are going to break off trade with us if we pass an exclusion bill?

Mr. FRYE. I have no doubt of it at all.

Mr. MITCHELL. I have.

Mr. FRYE. I have not the slightest doubt of it under the sun. If this bill should pass Congress, if the Emperor of China in less than sixty days did not declare his ports closed to the commerce of the United States and withdraw diplomatic relations, I am entirely mistaken in the Emperor of China and the minister from China here in this country now. I beg pardon of the Senator from Alabama.

Mr. MORGAN. I knew when the Senator from Maine took the floor he would say something that I should be very happy to have inserted in the body of my speech. Inasmuch as he is a gold man and I am a bimetallic man, a silver man, as I am called, I will call his speech "apples of gold set in pictures of silver," when we come to serve out the tea of China upon this beautiful tray that has been presented here by the remarks of the Senator from Maine. The American people are going to have that tea, ladies particularly, and if China concludes to send her tea to London instead of sending it to New York, we will buy the tea, but we will buy it secondhand. That will be the difficulty. We will give up our direct intercourse with China for the sake of keeping out a few travelers here, and the balance of trade will be just the same, except that Great Britain will enjoy the first pull at it.

That will be the whole result. But we shall have the tea. The President might reimpose, since he thinks he has the power to do it, the highest tax upon tea, yet he would scarcely perceptibly reduce the consumption of that favorite beverage of our breakfast tables and tea tables in this country; it would come here just the same. The question is simply presented whether the United States in this case, as in a great many other cases that might be cited, will conduct its own business upon its own principles with foreign countries, without the intervention of a go-between.

I am tired of Great Britain as a go-between for all the commerce of this country imported and exported; and I am particularly tired of having Great Britain fix for us a single gold standard to which we have got to bring down the cost and price of every commodity imported and every commodity produced in this country, she furnishing the yardstick and lengthening it or shortening it at her pleasure to command our commerce, and she and Germany having control of bonds enough of the United States to harvest every dollar that our laboring people can make in the next fifty years in paying the principal and interest of these bonds if all their surplus profit should be devoted to the matter.

I was diverted from the point when I had an opportunity to say one word in favor of my unfortunate friend, the silver question, and my unfortunate friends, the silver people; but still it was apposite, and I thought I would say a word on that subject. Inasmuch as the Senator from Ohio and myself are now in harmony upon this treaty, I would assign our coin relations with China as being one of the principal reasons why we ought not to enact this bill, the prospect of our having in China a market, if you please, for a part at least of that enormous surplus of silver bullion which the Senator from Ohio is heaping up in the Treasury of the United States, and after awhile we shall either have to coin it or bring it under the hammer and sell it, unless the Secretary of the Treasury under some law which I believe we have enacted, or which he pretends we have enacted, shall go out and borrow gold from the other parts of the world and redeem our coin certificates and leave the silver still hoarded up in the Treasury.

I did not intend, Mr. President, to be led off into this, but it is a legitimate part of this argument, as in fact it is a legitimate part of every argument that concerns any transaction between the United States and foreign countries relating to commerce. But I merely wish to reassert that we can not afford to give up Chinese commerce, either present or prospective, and especially can we not afford to release the little hold we have already gained upon the prospective commerce of China because there

are there four hundred and odd million people, laborious, frugal, industrious, and economical, compelled to be economical by the narrowness of the country and the superabundance of their population, and they are people to whom we are obliged to send a large amount of supplies, and an increasing amount as their capacity for consumption increases.

So I think the relations between the United States and China upon the basis of the treaty of 1880 are just and proper and safe for both countries. We find that in the *précis* to the treaty of 1888 negotiated by Mr. Bayard and signed by the plenipotentiaries of both Governments, a declaration was made that the Governments are in perfect accord with each other as to the wisdom of the general public policy of both countries for the exclusion of Chinese laborers from this country. We are in harmony about that, and let us preserve the harmony. After having accomplished as much as we have, and gotten along as we have with China to this day, do not let us for the mere sake of gratifying the caprices of some or the apprehensions of others violate the whole spirit of our existing treaty with China, and deny hospitalities to her people absolutely under the treaty of 1880.

Mr. SANDERS. Mr. President, I desire to say a word upon this subject, and that, too, not alarmed at existing conditions either for our religion or our civilization. The American Christian does not surrender his faith in a spirit of petulance or because legislative action does not accord with his desire. I am not conscious that anywhere in the United States during the quarter of a century that this population has been somewhat numerous within our borders anybody has ever been challenged by a disciple of Confucius to compare the faith or philosophy of Confucius with the religion of Jesus Christ in an intellectual debate upon any forum. Religious convictions like philosophies maintain their ground or are abandoned from purely intellectual considerations, and never until it shall be capable of being maintained in debate and in public thought that the religion of the Chinese Empire is preferable to our own is there the remotest cause for apprehension that the religion which prevails in the United States is in danger therefrom.

What may be said of our faith, if such we have, may also be said of our civilization. Outside the confines of China and so much of the surrounding lands as were described as the "ancient East" no opinion prevails that the civilization of that land is superior to ours. Whoso should make such an assertion would be laughed off the forum of public discussion. It is idle to pretend that the trend of the centuries is in that direction.

Notwithstanding these things are so, there is in my view ample reason why legislation like unto that which is proposed should be passed by the Congress of the United States, and when passed should be enforced. I am very mindful of the hesitation with which the people of the United States arrived at the conclusion that there was need of such legislation as this. My own intellectual experience accorded with theirs. The example of George Washington and the fathers of the Republic, the pride which they had in the land which they founded, their hope, often expressed, that it should ever remain a refuge for the oppressed of every kindred and tongue from all the lands under the sun, was very alluring, and none of us willingly abandoned the idea that the flag of our country was broad enough and strong enough to cover all classes and peoples that should flock to our shores, and that the social forces that operated here would assimilate them all into the civilization which here prevails.

These things being so, it was only under the pressure of an urgent necessity that we consented to enter upon an inquiry whether it was wise or prudent or proper—whether, indeed, it was in fulfillment of the expectation of the founders of the Republic—that this vast population coming from that country should be permitted to come here in such numbers as were threatened, for it had occurred that during the century since this Government was founded we had annihilated the distances that separated those lands from ours, and we became, as it were, next-door neighbors to all the peoples who live in that effete and ancient civilization and are wedded to it, and are petrified immovably and unchangeably in it.

We found another fact to be true, that the cupidity of men had succeeded in organizing processes by which something more than a normal influx of these people was obtained. Companies finding in the business of transporting them a great profit had sent out their emissaries into all that land and by artificial and abnormal processes had stirred within them a desire to come to the new Republic of America. As a result there was and has been a continually increasing influx of those peoples to these shores of ours.

The conditions therefore were changed, and we were brought face to face with a problem that our fathers never faced and that in their wisdom they never apprehended. We started to curtail Chinese immigration. Challenged as this legislation was, it was examined with great care and it was formulated in a law which

I undertake to say, while it was not entirely satisfactory to the people more immediately interested, was a law with which they would have been reasonably content provided it had been enforced. But I undertake to affirm in this presence that that law is excellent as a story in the books but is not a fact in our social or commercial history. It is and it has been trodden under foot. It is and it has been disregarded. We who were more immediately interested in this matter consoled ourselves by saying if those people who are now here shall be the limit of that class of population the natural desire of individual members of it to return to their native land will certainly diminish somewhat the number, and from time to time, in a few years we can confidently rely upon the diminution, and by their death within a short period the extinction, of this class of people here.

It is some time since this legislation was upon your statute books, but, as a matter of fact, by the concurrent opinion of all men, I think I may say we have not diminished the number of the Chinese within the limits of the United States at all, and, on the contrary, I believe it to be true that their number has increased since the law was passed.

Two years ago we raised a joint committee of the two Houses of Congress and sent them in quest of information upon that subject. They brought back a vast mass of opinion evidence from a great many people living as far east as Spokane Falls, in the State of Washington, and as far south as San Diego, in the State of California. They said, as the conclusion at which they had arrived, that if this legislation which we now have could be enforced—I read from their report—

We are of the opinion that a reenactment of the present law, making the exclusion of coolies permanent, and a vigorous enforcement of that law and the proper facilities given the officials to bring about such enforcement, is all that is necessary in the premises.

That leads me to say that the existing legislation upon this subject does not proceed upon the hypothesis that it is essential to either our religion or our civilization. It is a law for the protection of American industry, and as such, if any law can be defended upon grounds economic in their character like that, is amply justified by the conditions and circumstances that existed when it was passed and the peril that was threatened and imminent at that time.

I know there is a theory extant that no nation has a right to use its frontier as an element of protection, and it stands upon a high moral and poetic basis of the universal brotherhood of the human race. It can be defended poetically, philosophically, and theoretically, but in the hard experience of human life, in the varied interests that various nations take upon themselves to forward and strengthen, I think the practical sense of mankind justifies the use of a national frontier to protect itself from such competitions as will impair the rewards which it offers to labor, and upon the ground of protection to American industry, to American workmen, to American toilers, the legislation that we have passed needs no further argument for support.

Now, it becomes us to inquire, as we are to determine for probably ten or fifteen years the conditions which shall exist, what we can do to allow certainly a normal diminution of this class of undesirable people so that ultimately they may be withdrawn from our presence. I undertake to say that if the twelve years that have passed is to be the measure of exclusion as to its effect upon these people, then we need some new legislation radically different from any we have had before. But as a matter of actual truth if we had enforced existing legislation with half the spirit that we enforced our other economic legislation we should not have had confronting us now the united conviction of the people where these Chinese are most numerous that the existing legislation is inadequate for the task that it has assumed. It is because we have not enforced this law that the opinion obtains there that new legislation is to be desired.

I do not find it necessary to say anything with reference to the quality of these people, desirable or undesirable. I agree entirely with the proposition that, in the first place, we must do that which the public faith and the public honor require, and that in any legislation which we shall enact here to-day we must have regard to those great principles of morality which underlie human action and forbid us to wrong any human being. We must have further regard to that no inconsiderable number of American citizens who within the Empire of China upon errands of beneficence or commerce, which is but another form of beneficence, are engaged in business there.

As to what has been pleased to be said about this legislation being in violation of a treaty there is inserted impliedly in every treaty the prerogatives which appertain to the high contracting powers and which, as they exist not by constitutional assumption, not by legislative creation, not by contract, but are inherent in governments and are a part and parcel of its prerogatives, stand as if they were inserted in every treaty under all circumstances, to be called into action and acted upon whenever in

the judgment of the nation that entered into it, its supreme good requires that it shall be done. That authority and power is one that is incapable of suspension and incapable of annihilation. It can not be transferred; it exists in the order and nature of things.

Mr. President, let us see how this law has been enforced. We have five or six thousand miles of frontier. Of this about 4,000 miles is a frontier of land. On either side of us these Chinese can come with great ease. In fact, our Northern neighbors are making their influx into their communities a matter of speculation, and I know of no more happy financial situation than is occupied by the British Northwest provinces who are able, in the first place, out of the commerce of the importation of Chinese to make a reasonable profit to land them upon their shores, to collect the price of bringing them there, to collect \$50 for their admission, and then to project them through the various canyons or over the prairies into the United States.

The legislation heretofore had upon this subject has proceeded upon the ground that its necessity was not required by any danger to our civilization or our religion, but as an economic defense of American labor. It sounds somewhat strange in a statute of the United States made in the name of a people who are laborers and who believe in the dignity of labor, and who in a career of two hundred and fifty years have done more than any other nation to dignify labor, to find put upon the statute books a law which discriminates against laborers, which proceeds upon the hypothesis that laborers are not as good as other people, which assumes as its essential postulate that only those who are demoralized and wicked and degraded labor, and a law which denies to the laborers of another country privileges which it accords to its teachers, its diplomats, its merchants. Not stopping to say anything as to that discrimination, and confessing indeed that a philosophical method of dividing these people was not convenient, I affirm that the word itself was selected because it was designed and desired to protect the laborer of the United States.

The misfortune of this matter has been that these people, adroit, shrewd, cunning, and in this respect not restrained by moral sensibilities or convictions, have been able to elude the discriminations sought to be introduced by the law. It is within the common observation of every gentleman who lives in that region that any Chinese person who, having been here one, five, or twenty-five years, desires to go back to China and return to the United States, no matter what avocation he has pursued, whether it be that of mining, whether it be that of farming, whether it be that of a household servant or a laundryman, finds no difficulty whatever in becoming a merchant and in satisfying the requirements of the law and obtaining a leave of absence practically from the United States as a merchant and immunity for his return. I do not believe that the law has operated to keep in the United States a solitary Chinese subject or person who has desired to go to his native land and then to return here.

Now, let us see some of the processes by which the law is evaded. Speaking for that region of country with which I am more immediately familiar, we have in the customs district of Montana and Idaho a frontier of 600 miles, of which not 20 miles is of such a character but that these people by night or by day may cross it when and where they please. The Congress of the United States two years ago, for the protection of at least 7,000 miles of frontier, of which 4,000 was like unto that which I have described, made an appropriation of \$50,000, out of which sum, however, was to come such an amount of money as should be necessary to deport Chinese to their native land who had been found to be here in violation of the provisions of the law.

One year ago we raised that to \$60,000, and I therefore congratulate myself that there is along this 600 miles of frontier and in its vicinity two persons known as Chinese inspectors, charged with the duty of seeing that by night or day unauthorized persons do not unlawfully cross the international boundary line, and that when, right along parallel with it and just behind it in Canada, there is a railroad that can leave these people at the various stations, every citizen of which is interested in having them leave Canada and come into the United States.

I say that this law is nearly useless as a matter of protection to the United States as to the persons who do actually desire to cross that line. These people are all the time studying how they can circumvent it. In fact the legislation itself presents some cases that I must say are somewhat pathetic. A denizen of the State which I have the honor in part to represent has a child in China, and it is not saying much for human affection to say that he desires to visit him or at least to have his child come and see his father, but there is no process by which that event can be accomplished that is consistent with honor, and inasmuch as this man is an honorable man he declines to enter into a process by which the law shall be circumvented.

But I only mention that instance to show that there are thousands of Chinese eager to circumvent this law and eager to come to the United States where the rewards of labor are so great.

The committee express an opinion as to the number who evade the law, with which I am certainly compelled to disagree. They say:

That some Chinese manage to surreptitiously come into the United States from British Columbia across the boundary seems to be established by the testimony, but this number does not exceed 300 annually.

British Columbia is that part of the British provinces to the north of us that lies to the west of the Rocky Mountains, although 400 miles of the frontier which I have described stretches from the Rocky Mountains to the east.

Another difficulty we have found in connection with the enforcement of the law as it stands is the action of the judicial tribunals in the various places, and notably in the State of California. I think perhaps this report describes that difficulty as well as I can do it, and I will therefore content myself with reading what they are pleased to say upon that subject. Premising that the officials at San Francisco, at which place nearly all the Chinese land, are exercising every precaution to keep out excluded classes with beneficial results, the report goes on to say:

The Chinaman is very shrewd and cunning and will resort to all practices in order to obtain admission to the country. The Chinese have employed counsel in San Francisco, whose duty it is to sue out writs of habeas corpus for all Chinese arriving in this country at that port who are denied a landing by the collector. The petitioners for the writ are allowed to give security for their appearance in court. They give their own countrymen as security, who willingly swear that they are worth double the amount of recognizance, although the officer taking the bail knows from past experience that such bail piece is utterly worthless, and that in these cases of habeas corpus large fees and costs accumulate, which have to be paid, and a very small percent age of Chinamen so landed are ever deported to China.

I stop, in reading that portion of the report, to make a single observation. It seems the Chinese civilization has got such a firm hold on the officials of San Francisco as that they think when an oath is formally made before them as to the solvency or possession of property of a surety upon a bail bond they are obliged to accept it, although they know that the story is false. That is Chinese civilization. Of course it was the first and supreme duty of the official to see that the object of requiring bonds was subverted, and whenever the matter ceased to be a tangible and palpable fact, and became purely and exclusively a matter of perjury and form, then to reject it, and to see that the security was good. Continuing, however, I read this:

It appears that the number of these cases amounted to 7,000 in the year 1888, and since then to 1,922.

I do not understand that, as this report is written with great ambiguity, with greater brevity, and in respect of the question that it discusses I am constrained to say that it is very unsatisfactory. I can not believe that to be true, for if there were 7,000 in 1888, why should the number diminish to nine hundred and some odd annually thereafter? It is fair to say, as is stated by the Senator from California [Mr. FELTON], it is probable they did not. I think this may be a typographical error, or it may have been a chirographic one; but I am not satisfied that it states the actual fact.

It is a fact that is patent to the dullest observation that officers of the judicial department of the Government deal with these cases in San Francisco by wholesale, and that the industry of taking care of them in the various aspects in which they present themselves before the United States commissioners there has become very large and well defined.

A very large number of the cases—

Continue the committee—

remain untitled on the court dockets. Of the cases disposed of above—

And this statement is remarkable—

67 per cent are ordered to be remanded and deported, and of this number so remanded less than 5 per cent are ever found and deported.

There you have a judicial tribunal with a defined duty; you have the officers of the law, and yet in this matter that is of supreme consequence to the people 95 per cent of the Chinese who were subject to it snap their fingers in your face and in the face of your courts and defy all that you have done or ordered to be done. If in any country under the sun the criminal laws passed for the regulation of the intercourse of man with man were thus defied we would denounce that condition of affairs as little less than barbaric. If 95 per cent of the persons convicted escaped we would say that the judicial tribunals had failed to fulfill their functions, and that it was time to call into exercise some other power and some other authority to the end that the august expression of a people found in their law might be enforced.

I say with reference to this matter, upon the suggestion of the honorable Senator from California [Mr. FELTON], that these are not State officers who are derelict in their duty:

Very few suits—

Continue the committee—

have been instituted upon the forfeited bail piece, as the United States district attorney informed the subcommittee that such suits would only result in further cost to the Government, as no property belonging to the bondsmen

could ever be found to satisfy judgment. Another fact elicited is that the counsel generally employed in these cases are also attorneys of the Chinese consul and of the Six Companies. This has been a fruitful source of increasing the Chinese population—

The committee were not definite enough to inform us how—and your committee would suggest that in these cases no Chinaman be allowed to become security for the appearance of a petitioner unless he shall deposit, either in money or interest-bearing securities, in bank, to the credit of the case, the amount of such recognizance.

I take the liberty to ask the Senator from California if he has any information that will enlighten the Senate as to whether this slipshod method of conducting these judicial affairs still continues?

Mr. FELTON. I will state in answer to the Senator that on a decision made by the Supreme Court some two or three weeks since four hundred merchants were let loose.

Mr. SANDERS. Notwithstanding this suggestion of our committee appointed under a concurrent resolution of the two Houses of Congress, and that at a great expense traveled across this continent and up and down its Pacific coast, we hear nothing whatever of legislation whereby we shall stop the condition of affairs that exists in San Francisco and elsewhere touching the exclusion of the Chinese.

I think that such a condition as that continuing will demoralize any judicial tribunal; it will demoralize any people where a judicial tribunal of that kind sits; and while I do not agree with the committee that further legislation is required to bring that "most lame and impotent conclusion" to an end, I think, nevertheless, unless some other remedy can be applied, we might well pass some law upon that subject.

Mr. CHANDLER. Will the Senator allow me to interrupt him?

Mr. SANDERS. With pleasure.

Mr. CHANDLER. The Senator from Washington [Mr. SQUIRE] is in the Chamber, who was the chairman of the subcommittee which went to the Pacific coast.

Although no report was made in the Senate a report was made by Mr. Lehlbach in the other House from which the Senator has been reading. In justice to the officials of the court I desire to say that Mr. James S. Manley, the deputy clerk, and Mr. John P. Cary, the district attorney, in the testimony explain at considerable length the reasons why it had been impossible effectually to execute the laws of the United States in reference to these recognizances and forfeited bail bonds. The sum and substance of it is that as long as Chinamen are allowed to become sureties for each other, the Chinaman outwits the American and it will require very stringent laws to prevent it.

The House bill has provisions which are intended to effect such stringency. The report of this committee was made on the 2d of March, 1891, just at the close of the last session of Congress. It was not really printed until since the present session commenced. I do not think that the United States officials in California are particularly to be blamed. They are overwhelmed by the evil. They lack money with which to prosecute and enforce the law the same as the inspectors along the British Columbia border lack money to enforce the laws, and they are therefore unable to enforce it, as the Senator from Montana has shown. The subject is a live one, I know, in the minds of the Committee on Immigration, and I do not think the chairman of the Committee on Foreign Relations will object to suitable provisions for making the law more stringent in the respects the Senator from Montana is criticising.

Mr. SANDERS. I do not know whether the report of the committee does any injustice to the officials in San Francisco or not. It is a report made for our information and I accept it as true. I do not understand the honorable Senator from New Hampshire to deny that the result of the judicial inquiries in San Francisco is as has been stated.

Now, the Senator is pleased to say that Mr. Manley, who is a clerk, or was a clerk, and some other gentleman, who I presume was identified with the enforcement of the law, explained that they were outwitted by the Chinese. Outwitted is not an appropriate word to describe it. Outwitted is a condition resulting from a contention between two wits. If what this committee say is true and continued for any considerable length of time, the Indian who stands in front of a cigar shop is just as good to enforce this law as the gentlemen who had the enforcement of it in the city of San Francisco. They did not manifest any wit at all.

The idea that day in and day out to the number of seven thousand cases they should accept *pro forma* a mechanical assent to an affidavit with the consciousness every day that they were being circumvented, and did not have sagacity enough to report the fact or to say that "this pretended and assumed oath is mouth service; I will not accept it; I have got to know where your property is; I have got to have some authoritative statement that it is yours, and it has got to be of such form that you can not in the twinkling of an eye separate yourself from it," is idle.

For that is one of the frequent traits of these men. They are incapable of identification almost. I have seen myself a debtor who had money enough to pay his debts walk into a crowd of one hundred Chinamen and his creditor could not pick him out. We might just as well undertake to select a particular bean from out of a half bushel. So that really this is a confession of incapacity; I will not say of pusillanimity.

I hope, and I will say furthermore I believe, that the condition of things is not so bad now. It would be strange if, in a city where public sentiment is as strong as it is in San Francisco, where it transcends somewhat sober conviction and is heated in its expression, a condition of that kind could exist for a very long period; and it does not do for those gentlemen to say that it is the fault of the law, if it be true that they are being circumvented as easily as that. It is not possible to weave into the forms of a statute by any words we can get out of any dictionary a law that, in the hands of officers manifesting that spirit, would be of the remotest significance against any form of crime whatever.

Another thing which has resulted is this: Writs of habeas corpus are issued for five hundred Chinamen, we will say, on board ship, or whatever the number is, and they are permitted to give bail that they will be forthcoming to answer the determination as to whether their detention is lawful or otherwise, with similar results. I am satisfied that condition of affairs does not longer continue.

But so far as our frontier is concerned, this 7,000 miles of it, of which 4,000 is a land frontier, it is proposed in the first place to take out of the \$50,000 enough money to ship back to China all of the Chinese that unlawfully attempt to land or did land and are there, and use the balance for our protection. That is perfectly and utterly idle. If that frontier concerned something along our eastern coast or to the north or the south of these Atlantic States, the frontier would bristle with men who were there watching to see that the laws were not thus circumvented.

So, Mr. President, the Senate and the country must expect that there is a well-defined dissatisfaction with the existing conditions. The statistics which are published here in this report show that the average length of time that a Chinese person resides in the United States is between three and five years, and this is based upon statistics which have been gathered and are of greater or lesser reliability, but if it was for five or ten years we should soon get rid of this horde of immigrants, provided this law was enforced.

Believing myself that this law is beneficent, believing that it is the entering wedge which is going to open our eyes, making us more careful to sift the populations that we admit to the great privileges of our industrial and political and social life, I insist that we shall have a different condition of affairs than that which has existed heretofore.

Confessing that the subject is one difficult to solve, I do not know whether the proposition suggested by the honorable Senator from California [Mr. FELTON] that we shall have a descriptive list of all Chinamen who come into the United States, or who are here, so precise and exact as that we can identify each one and see that some other person does not circumvent our laws, will be adequate to remedy this evil or not.

This very legislation of ours has built up a great industry in the Empire of China. There are commercial marts there where certificates of a right to return to the United States are for sale. Chinese persons coming over here get a certificate for leave to go back to China and return, and brokers there along their river front buy them out, advertise them, and boldly sell them to persons who to some extent resemble the persons therein described. It is a great and remunerative industry. They are sold for a very considerable price, \$200 or \$300 apiece, I am advised.

So you see we have been mocked, and that is why we are dissatisfied. We are asked when we want bread to content ourselves with a stone. We do not do it; our people do not do it. They are sober-minded on this subject; they do not partake of the clamor that is wild and wicked; they have no purpose of revenge; they believe that there never would have been a time when we would have welcomed into this country any population except upon the assumption that that population would ultimately assimilate to our people and with our civilization. In the faith that it would, they have cheerfully heretofore and they will cheerfully hereafter welcome without fine discriminations every class of people which will probably so assimilate. But here is a race that is petrified, as changeless as the stars in heaven, holding in utter contempt everything of ours except our gold. Our morality, our truthfulness, our generosity, our unselfishness—what care they for these? Every form of action to them is right which aids in the maintenance or the building up of that great Empire, and therefore they exist by themselves. Their civilization in their view is better than ours.

The report of this committee says—it is a somewhat severe and

I hope it is an untrue remark—that even the Chinese who adopt the Christian faith do it through a desire to acquire the English language and enable them thereby to work a little more effectively the cunning which they possess. However that may be, it is sufficient to say that, by a consensus of opinion which I do not understand the Senator from Massachusetts even to interrupt, it is not desirable that these people shall be multiplied in this country, but that they shall be diminished to extinction.

It is desirable by efficient law. It is desirable by such methods as are consistent with our integrity, as are consistent with all the interests of all the people of the world, that we shall separate ourselves from that civilization, from that religion, from that industry, from that method of life, from that social organization, and save this continent at least to those peoples who heretofore have made it a continent of homes who in noble aspiration have possessed it and have made its deserts to rejoice and blossom as the rose.

Mr. MITCHELL obtained the floor.

Mr. SHERMAN. I understand from the Senator from Oregon that he does not desire to address the Senate this evening, if it can be avoided. I, therefore, with his consent and the consent of other Senators with whom I have conversed, ask that unanimous consent of the Senate may be given that the general debate on this bill shall terminate on Monday at 4 o'clock, the bill then to be open to such amendments as may be offered under the five-minute rule. I ask that that may be ordered by unanimous consent of the Senate.

Mr. MITCHELL. I ask the Senator from Ohio to couple with that request an agreement that we shall take up the bill at 1 o'clock.

Mr. PLATT. That we shall take it up whenever we get through with the routine morning business.

Mr. SHERMAN. As soon as the morning business is concluded on Monday I shall ask the Senate to take up the bill.

The PRESIDING OFFICER (Mr. DIXON in the Chair). The Senator from Ohio asks unanimous consent that, after the completion of the morning business on Monday, the pending bill shall be called up and that debate on the bill shall close at 4 o'clock.

Mr. MITCHELL. I suggest to the Senator from Ohio to say half past 4.

Mr. SHERMAN. I think we had better say 4 o'clock. That will give us three hours for debate.

The PRESIDING OFFICER. It is proposed that the general debate shall close at 4 o'clock, and after that it shall proceed, under the five-minute rule, on amendments to be offered. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

EXECUTIVE SESSION.

Mr. SHERMAN. With the consent of the Senator from Oregon [Mr. MITCHELL], who has the floor, I move that the Senate adjourn.

Mr. SAWYER. I ask the Senator to withdraw that motion that I may move an executive session.

Mr. SHERMAN. I withdraw the motion for that purpose.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, April 25, 1892, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1892.

CONSUL.

George F. Lincoln, of Connecticut, to be consul of the United States at Antwerp.

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APPOINTMENTS IN REVENUE-CUTTER SERVICE.

Edwin V. D. Johnson, of Indiana, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Walker W. Joynes, of South Carolina, to be a third lieutenant in the Revenue-Cutter Service of the United States.

Samuel P. Edmonds, of Missouri, to be a third lieutenant in the Revenue-Cutter Service of the United States.

William E. W. Hall, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States.

John G. Berry, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States.

POSTMASTERS.

Mary A. Brown, to be postmaster at Hillsboro, in the county of Washington and State of Oregon.

Charles J. Wheeler, to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

Iver W. Chantland, to be postmaster at Maysville, in the county of Traill and State of North Dakota.

James E. Williams, to be postmaster at Waterville, in the county of Lesueur and State of Minnesota.

Charles E. Luce, to be postmaster at Owatonna, in the county of Steele and State of Minnesota.

James A. Foote, to be postmaster at Anoka, in the county of Anoka and State of Minnesota.

George Sanborn, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa.

Walter M. Scott, to be postmaster at Orange, in the county of Orange and State of California.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 23, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DESERTIONS FROM THE ARMY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Adjutant-General to the Major-General commanding the Army, inclosing a draft of a bill to modify in two particulars the act of June 16, 1890: which was referred to the Committee on Military Affairs, and ordered to be printed.

SLOOP MARTHA.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claim arising out of the seizure of the vessel sloop Martha: which was referred to the Committee on Claims, and ordered to be printed.

SCHOONER JANE.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claim arising out of the seizure of the vessel schooner Jane: which was referred to the Committee on Claims, and ordered to be printed.

SENATE BILLS.

The SPEAKER also laid before the House the following Senate bills; which, by unanimous consent, were referred as indicated:

A bill (S. 30) for the relief of St. Charles College—to the Committee on War Claims;

A bill (S. 204) in relation to the pay of Rear-Admiral James E. Jouett, retired—to the Committee on Naval Affairs;

A bill (S. 550) to amend section 3709 of the Revised Statutes of the United States relating to the purchase of and contract for supplies—to the Committee on the Revision of the Laws;

A bill (S. 1033) granting a pension to Mrs. Esther J. Boone—to the Committee on Invalid Pensions;

A bill (S. 1138) to confirm the title to 80 acres of land in the State of Washington to Jesse W. Finch and his grantee—to the Committee on Private Land Claims;

A bill (S. 1415) for the relief of John Nickles—to the Committee on Claims;

A bill (S. 1558) to remit the penalty of the dynamite-gun cruiser Vesuvius—to the Committee on Naval Affairs;

A bill (S. 1588) for the relief of Charles B. Stivers—to the Committee on Military Affairs;

A bill (S. 1602) granting a right of way on the Fort Douglas military reservation, in the Territory of Utah—to the Committee on Military Affairs;

A bill (S. 1605) granting a right of way to certain lands of the United States in the Territory of Utah—to the Committee on Military Affairs;

A bill (S. 1627) providing for sundry light-houses and other aids in navigation—to the Committee on Interstate and Foreign Commerce;

A bill (S. 1912) granting a right of way through the Fort Misoula military reservation, in the State of Montana—to the Committee on Military Affairs;

A bill (S. 1999) for the relief of John B. Rose—to the Committee on Naval Affairs;

A bill (S. 2332) for the relief of Frederick Bramm—to the Committee on Military Affairs;

A bill (S. 2223) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims;

A bill (S. 2224) for the relief of Paymaster James A. Tolfree, United States Navy—to the Committee on Claims;

A bill (S. 2374) for the relief of Ernest Ulrich—to the Committee on Military Affairs;

A bill (S. 2476) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891—to the Committee on Claims;

A bill (2424) for the appointment of consuls in the Congo Free State—to the Committee on Foreign Affairs; and

A joint resolution (S. R. 57) authorizing Commander Dennis W. Mullan, United States Navy, to accept a medal presented to him by the Chilean Government—to the Committee on Naval Affairs.

ECKINGTON AND SOLDIERS' HOME RAILROAD.

The SPEAKER also laid before the House a bill (H. R. 410) to amend the charter of the Eckington and Soldiers' Home Railroad Company with amendments of the Senate thereto; which, on motion of Mr. RICHARDSON, was referred to the Committee on the District of Columbia.

DWELLING HOUSES IN ALLEYS, WASHINGTON, D. C.

The SPEAKER also laid before the House the joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in the alleys in the District of Columbia; which was referred to the Committee on the District of Columbia.

LOAN OF ENSIGNS, FLAGS, ETC., FOR DECORATION PURPOSES.

The SPEAKER also laid before the House a joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army encampment in September, 1892, with amendments of the Senate thereto.

The SPEAKER. Upon this bill the Senate ask for a conference.

Mr. OUTHWAITE. Mr. Speaker, I move that the House non-concur in the amendments of the Senate and agree to a conference.

The motion was adopted.

DEFICIENCY BILL.

The SPEAKER also laid before the House a bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes, with amendments of the Senate thereto; which was referred to the Committee on Appropriations.

W. H. HOWARD.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent to take from the House Calendar and consider at this time the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5396) for the relief of William H. Howard.

Be it enacted, etc., That the Post-Office Department, in settling the accounts of W. H. Howard, postmaster at Cobb, in the State of Georgia, be, and is hereby, authorized and directed to credit said Howard with the sum of \$75, that being the value of Government stamps, supplies, etc., destroyed by fire in said office without fault on the part of said Howard.

Mr. BLOUNT. Mr. Speaker, I wish simply to say this: The amount in the bill as proposed to be amended is some \$33. The Department would have allowed it if the claim had been received there within the period of three months, but, for lack of proper information, this claimant sent it to the wrong office, so that the Department could not pay it. So the committee say, and therefore this special bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The Committee on the Post-Office and Post-Roads reported the following amendments; which were adopted:

In line 6 of the printed bill, before the word "dollars," strike out "seventy-five" and insert "thirty-three."

In lines 6 and 7, after "dollars," insert "and five cents."

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN NICKLES.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent to call up the bill (S. 1415) for the relief of John Nickles.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$1,016 be, and the same is hereby, appropriated, from the Treasury of the United States, to pay the claim of John Nickles for the purchase price paid by him to the United States for 400,000 feet of lumber, laths, and logs bought by him from the Government of the United States at Big Cottonwood Canyon, in the Territory of Utah, on the 28th day of September, 1876, the title to which has failed; and the further sum of \$235.80 cents, being the amount paid out by said Nickles as costs of court in litigating the title of said property with the adverse holders thereof, making a total sum of \$1,252.80, which is hereby appropriated as aforesaid.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUTLER. Reserving the right to object, I would like to hear something about the case.

Mr. COBB of Missouri. Mr. Nickles bought at a Government sale some lumber, paying \$1,000 as earnest money. The Government could not give title to the property; and now he simply asks that it refund to him the money which he paid.

Mr. DOCKERY. That appears to be a very clear case.

Mr. DINGLEY. Is there a report?

Mr. COBB of Missouri. Yes, sir; it is unanimously reported. The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the last vote was laid on the table.

QUINCY McNEIL.

Mr. HENDERSON of Illinois. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6033) for the relief of Quincy McNeil, and that it be considered at this time.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to correct the record of the dismissal of Quincy McNeil, major of the Thirty-ninth Regiment of United States Colored Troops, and issue to him an honorable discharge from the Army, to date April 4, A. D. 1865.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LIVINGSTON. What was the cause of this man's dismissal from the Army?

Mr. HENDERSON of Illinois. I ask for the reading of the report.

The report [by Mr. NEWBERRY] was read, as follows:

The Committee on Military Affairs, to whom were referred the bill (H. R. 6033) for the relief of Quincy McNeil, submit the following report: Quincy McNeil entered the volunteer service in May, 1861; was mustered in as captain Thirtieth Illinois Infantry May 21, 1861; promoted to major Second Illinois Cavalry August 10, 1861; mustered August 13, 1861; resigned December 31, 1862. He was subsequently mustered into service as major Thirtieth United States Colored Troops March 10, 1864. He was tried by court-martial and cashiered as of date February 20, 1864.

Your committee have reviewed the charges, specifications, testimony, and finding of the court, and sum it up in brief: That while in transit by sea he became drunk and indulged in coarse and ungentlemanly language. From the fact that this conduct was not when before the enemy and was not habitual this committee think the finding unusually and unnecessarily severe. No other offenses are charged.

Your committee considered a letter of the colonel of his regiment, the adjutant, and twenty of the captains and lieutenants recommending and praying his honorable discharge.

The committee also considered petitions of many citizens and officials of his city, county, and State, without regard to political affiliation, all commending him as a brave, true man.

Your committee recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McMILLIN. This seems to be a rather weak case. The insubordination is not denied; the drunkenness is not denied. The only palliation offered is that the drunkenness was not "in the face of the enemy." It strikes me it would have been rather unfortunate for the man if he had been drunk "in the face of the enemy;" but I do not see how the circumstance suggested constitutes any palliation of the offense. I do not know that I shall press any objection to this proposition, but of all the weak cases of making heroes, this seems to be one of the weakest; and it is rather hard on the Government to make them by statute when we consider

what consequences will probably flow from this action. Is the gentleman from Illinois [Mr. HENDERSON] willing to accept an amendment providing that this bill shall not operate in any way to entitle this man to pay, emolument, or pension?

Mr. HENDERSON of Illinois. If the gentleman had observed the reading of the report he would have found that the discharge in this case is to take effect from April 24, 1865; so that the bill is not intended to carry any pay or emoluments in any way.

Mr. McMILLIN. But as I understand, the very fact of the honorable discharge taking effect from that date is what might entitle this man to some pecuniary advantage.

Mr. HENDERSON of Illinois. There is nothing due him. While I have no objection to such an amendment as the gentleman suggests, I want to say this—

Mr. McMILLIN. If the gentleman will accept an amendment providing that this bill shall only operate to give the man an honorable discharge, and shall not entitle him to pay, emolument, or pension, I have no objection to its consideration.

Mr. HENDERSON of Illinois. The report on this case was made by Gen. NEWBERRY, a member of the Committee on Military Affairs, and it is, as I understand, the unanimous report of the committee. I have known this man personally for probably forty years. He was a brave soldier and performed his duty well. But while on board a vessel going with his command, as I believe, to North Carolina he got on a little "spree," and was guilty of using some vulgar language offensive to the commanding officer, in consequence of which this harsh and unjust verdict was rendered by a court-martial—a verdict which some members of the court themselves have said they never contemplated would be carried out to the extent it has been. This is the case of a brave man who imperiled his life on many fields of battle.

Mr. McMILLIN. It must have been a very strange court that did not have confidence enough in itself to suppose that its findings ought to be carried out.

Mr. HENDERSON of Illinois. I do not know why it was that this harsh verdict was allowed to stand.

Mr. McMILLIN. If the gentleman is willing (as I understand he is) to accept an amendment that this bill shall not entitle this man to any pension, I shall not object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUTLER. Reserving the right to object, allow me to say a word as to the present phase of this matter. If this man ought to be placed upon the record as an honorably discharged soldier, then it would be absolutely wrong to attach to our action a condition that he shall never be entitled to a pension, even though he might show he deserved it on general principles.

Mr. HENDERSON of Illinois. I think so myself—

Mr. BUTLER. I do not believe in putting any such condition upon a bill of this kind.

Mr. HENDERSON of Illinois. I agree with the gentleman; but nevertheless—

Mr. McMILLIN. Does the gentleman from Iowa think this is a strong case?

Mr. BUTLER. I think it ought not to come in by unanimous consent.

Mr. McMILLIN. As the gentleman objects to my position in this matter, I shall not insist upon it, but will leave the House to take such course as it may think best.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Was this bill before the House last night?

Mr. HENDERSON of Illinois. No, sir.

Mr. KILGORE. Well, I think I prefer to have the matter stand over until we can find out something more about it.

Mr. HENDERSON of Illinois. The report has been read.

Mr. KILGORE. I could not hear the reading of the report. Did the gentleman from Illinois accept the amendment suggested by the gentleman from Tennessee?

Mr. HENDERSON of Illinois. I understand that is not insisted upon.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed, and read the third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Illinois, a motion to reconsider the last vote was laid on the table.

DE LOSS CRAMER.

Mr. BENTLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 793) to amend the military record of De Loss Cramer, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of De Loss Cramer, late lieutenant of Company F, Fourteenth Regiment New York Volunteers, by expunging from said record the dishonorable discharge imposed by a court-martial.

Mr. BENTLEY. I ask that the report accompanying the bill be read.

The report (by Mr. ROCKWELL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 793) to amend the military record of De Loss Cramer, respectfully submit the following report:

De Loss Cramer enlisted May 17, 1861, as a private in Company F, Fourteenth New York Volunteers, to serve for the term of two years. He was a brave and faithful man and soldier; was early promoted to be first lieutenant, and so continued until within about two months of the end of the period of his enlistment, about which time some visitors from the Ninety-seventh New York Regiment, raised in the neighborhood of his home, visited the boys of the Fourteenth Regiment, and some of them becoming convivial and were making considerable noise when Lieut. Cramer joined them. The jollification attracted the attention of Col. Davis, passing by, who asked the boys to make less noise, when one John Manchester, one of the visiting boys of the Ninety-seventh Regiment, said: "Go to hell, you son of a gun."

Col. Davis charged the utterance of these words upon Lieut. Cramer, substituting for the word "gun" a more offensive word, and upon this charge Lieut. Cramer was court-martialed and convicted of being drunk and disorderly and of speaking the offensive words imputed to him. Cramer was a man so loyal to his friend that he would rather suffer wrong than betray him, and he therefore plead not guilty, but made no defense.

After the close of the war proofs were submitted to the War Department showing that Cramer was not the person who had used the words imputed to him, but the Department held that as Cramer was also convicted of being drunk and disorderly, the conviction would not be disturbed.

It is believed that sentence of dishonorable dismissal from the service would not have followed a conviction upon the sole charge of being drunk and disorderly, and as the proofs presented entirely exonerate Lieut. Cramer from the graver offense imputed to him, his record should be amended and an honorable discharge be granted him.

Your committee have reported an amendment to the bill proposed, by striking out all after the word "Volunteers," in line 6, and by adding at the end thereof the words, "and to issue to said Cramer an honorable discharge," and as so amended recommend that the bill do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Mr. Speaker, I think this is the same bill which was before the House last evening.

Mr. BENTLEY. It was.

Mr. KILGORE. And the report was not read in full. I understand that this is a case where this gentleman, together with several other comrades, were engaged in painting the town. [Laughter.]

A MEMBER. Mildly.

Mr. KILGORE. Well, a mild red perhaps; so the report says, and the superior officer coming along he or one of his comrades called him a "son of a gun," and this man struck out the word "gun" and inserted a more offensive epithet. He was subsequently court-martialed and dismissed from the service. Now the proposition is to put him back in the service, and on the same footing with officers who did their whole duty from the beginning to the end. He not only avoided the service, and the dangers incident thereto, from the time that he was dismissed, but he was offensive to his superior officer, and the case offers so clear and grave a breach of military discipline that it seems to me the House ought to be particularly careful in passing such measures.

Mr. OUTHWAITE. Will the gentleman yield for a question?

Mr. KILGORE. Yes.

Mr. OUTHWAITE. Is not the gentleman from Texas mistaken in saying that this man used a more opprobrious epithet—

Mr. KILGORE. More offensive, I said.

Mr. OUTHWAITE. Does not the report set out this condition of facts: that this man did not hear the language used at all, but in the accusation made by the officer he was charged with having used this word. The fact is that it was another one of his comrades who use the language.

Mr. KILGORE. Was he not tried for having used the word?

Mr. OUTHWAITE. He was tried, and plead "not guilty" but offered no proof in his own defense. Subsequently proof was furnished to the War Department showing that he suffered this wrong rather than to disclose the name of the party who did use the language. He was not the guilty party at all.

Mr. DOCKERY. With that statement of facts the case seems to present unusual merit.

Mr. OUTHWAITE. That is the case exactly.

Mr. ROCKWELL. There is no question of that.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENTLEY, a motion to reconsider the last vote was laid upon the table.

D. P. ABBOTT ET AL.

Mr. WILSON of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keoves, and T. E. Smith.

The SPEAKER. The bill will be read, subject to objection. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to D. P. Abbott, A. S. Keoves, and T. E. Smith the sum of \$4,728.80, to reimburse them for the amount paid by them into the Treasury of the United States as the sureties of J. G. Walker, deputy collector of internal revenue for the sixth Missouri district under Charles E. Hasbrook, late collector of said district, being the face value of certain internal-revenue stamps in the possession and custody of said Walker as such deputy collector, which were on or about the 25th day of September, 1888, stolen from said Walker by burglarious entrance into his office, without any fault or neglect on his part.

The SPEAKER. Is there objection to the present consideration of this bill?

There being no objection, the bill was considered, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WILSON of Missouri, a motion to reconsider the last vote was laid on the table.

USE OF OFFICIAL ENVELOPES BY UNITED STATES COMMISSIONERS.

Mr. WAUGH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 6490) to amend an act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877.

Be it enacted, etc., That the right and privilege granted by said act, to which this is amendatory, to transmit through the mail free of postage any letters, packages, or other matters relating exclusively to the business of the Government of the United States be, and the same are hereby, extended to the commissioners of the district and circuit courts of the United States; and it shall be the duty of the Attorney-General of the United States to supply said commissioners the necessary envelopes provided by section 6 of said act.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOCKERY. Reserving the right to object, I did not understand from the reading of the bill to whom this privilege was to be extended.

Mr. WAUGH. To commissioners of the circuit and district courts of the United States. Under the existing law the use of official envelopes is denied them.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WAUGH, a motion to reconsider the last vote was laid on the table.

PUBLIC STREET, ABINGDON, VA.

Mr. BUCHANAN of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4620) to authorize the Secretary of the Treasury to consent to the use of a portion of the public grounds of the United States in the town of Abingdon, Va., for a public street.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to consent, if in his judgment it be proper, to the use of so much of the public grounds belonging to the United States in the town of Abingdon, not exceeding 30 feet in width, on the west side of said public grounds, for a public street in the said town, upon such terms and conditions as he may deem proper for the protection of the rights of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. BUCHANAN of Virginia, a motion to reconsider the last vote was laid on the table.

VACANCIES IN THE BOARD OF MANAGERS, NATIONAL SOLDIERS' HOME.

Mr. KILGORE. Mr. Speaker, I demand the regular order. Mr. OUTHWAITE. I ask the gentleman to withdraw that for one moment, to allow me to present a resolution.

Mr. KILGORE. I will withdraw it for a moment.

Mr. OUTHWAITE. I ask unanimous consent to consider a resolution to fill vacancies in the Board of Managers of the Na-

tional Home for Disabled Volunteer Soldiers. The time expired yesterday. It will take only two or three minutes to consider the matter.

The joint resolution was read, as follows:

Joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Gen. William J. Sewell, Gen. Martin T. McMahon, Capt. John L. Mitchell, and Maj. George Bonebrake be, and are hereby, appointed managers of the National Home for Disabled Volunteer Soldiers for the terms of office commencing on the 21st day of April, 1892, to fill vacancies which will occur by expiration of terms of office.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DINGLEY. Reserving the right to object, I would like to ask the gentleman from Ohio if this is unanimously reported from the Committee on Military Affairs?

Mr. OUTHWAITE. As far as I know, it is a unanimous report of the committee.

Mr. BUSHNELL. I would like to ask whether that resolution has any application to the Soldiers' Home here in Washington?

Mr. OUTHWAITE. None whatever.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. OUTHWAITE. There is an amendment, to omit the name of Maj. George Bonebrake, in line 4, and to insert instead thereof the name of A. W. Barrett, of Los Angeles, Cal. The law requires that one of the members of this board shall be appointed from the Pacific States. As I have not the full name of Mr. Barrett, but simply his initials, I deem it necessary, and the committee deem it necessary, to insert the words "A. W. Barrett, of Los Angeles, Cal."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, after the word "and," insert the name of "A. W. Barrett, of Los Angeles, Cal.," in place of "Maj. George Bonebrake."

The SPEAKER. The question is on the amendment.

Mr. LOUD. Mr. Speaker, this resolution came before the House about a month ago, I think, and was withdrawn by the committee something like a week ago.

Mr. OUTHWAITE. Two weeks ago.

Mr. LOUD. I find it is proposed by the committee to withdraw the name of the gentleman from California who was proposed in the first resolution. It would seem to me that if the House itself has no interest in this matter, at least there is a courtesy due the members from California. Three of them at least were unfortunate enough or fortunate enough to be soldiers during the war, and may at some time be members of that home. I say, sir, I think it is necessary that some statement or explanation should be made by the committee giving the reasons for this change.

Mr. OUTHWAITE. Mr. Speaker, the resolution was withdrawn and submitted again to the committee, and Maj. Bonebrake, whose name is mentioned here, appeared before the committee and withdrew his name. At that time he submitted the names of two gentlemen from California, one of whom was Mr. A. W. Barrett. The other name I can not recall. Those two names were considered by the committee. A member from the State of California who is upon the committee made some objection at first, as I am informed, to the appointment of Mr. Barrett. I do not know that he urged the appointment of the other gentleman, but he preferred him, I think, to Mr. Barrett. After some discussion of the matter, as I am informed—I was not present at the meeting, and there are members of the committee here who were present who can correct me if I am misinformed—it was agreed, without any purpose of opposition upon the floor by any member of the committee, that the name of A. W. Barrett should be substituted. That is about all the explanation I can give. As to not consulting the delegation from California, I do not understand the law to require that the appointee shall be a resident of California.

Mr. LOUD. Certainly not.

Mr. OUTHWAITE. The law does require that the appointee shall be a resident of a State west of the Rocky Mountains.

Mr. WILSON of Washington. Will the gentleman allow me to make a suggestion?

Mr. OUTHWAITE. Certainly.

Mr. WILSON of Washington. Do I understand that they do not desire this appointment in California? If so, why not give it to the State of Washington, which is on the Pacific Slope; and I will name a man in two seconds who will be satisfactory to all parties.

Mr. OUTHWAITE. I do not understand that you are stating exactly the position of the gentleman from California.

Mr. LOUD. I will state, Mr. Chairman, that it is evident the committee did not withdraw the report for the purpose of allowing Maj. Bonebrake to come before that committee and resign. I think I am substantially correct in that statement.

Mr. OUTHWAITE. You certainly are.

Mr. LOUD. If I state anything but the facts I hope I may be corrected. When the report was withdrawn, I saw several of the members of this House and of this committee, and we had some conversation relating to Maj. Bonebrake; and several members of the majority of the committee agreed that if the name of Maj. Bonebrake were withdrawn, his successor should be named by the gentleman from California [Mr. BOWERS]. Now, I should like to know if the gentleman from California [Mr. BOWERS] named Mr. Barrett, or not. Can the gentleman from Ohio [Mr. OUTHWAITE] inform me on that subject?

Mr. OUTHWAITE. As the records of the committee show, Mr. Barrett was named by Maj. Bonebrake. Maj. Bonebrake named Mr. Barrett and another gentleman. So far I can speak, and no further.

Mr. LOUD. I simply wanted to get at the facts before this House. If the committee desired to withdraw their report and substitute a Democrat in the place of a Republican I have not a word to say. They have the right and the power to do that, and if that was their object I want it stated on the floor of this House.

Mr. OUTHWAITE. I can assure the gentleman that was not the purpose of the committee. I can further assure him that substantial reasons could be given to this House by matters of record why the committee would have made the change, in all probability, had not Mr. Bonebrake voluntarily withdrawn his name.

Mr. LOUD. I would like to ask the gentleman from Ohio if he thinks it proper for the gentleman naming Mr. Barrett to have named him instead of permitting the delegation from California to do so?

Mr. OUTHWAITE. I can not answer that.

Mr. LOUD. Does not the gentleman think when a person is put there from the State of California, that the State of California should have been allowed, out of courtesy, if not out of law, the privilege of indicating their preference?

Mr. OUTHWAITE. No; it has not been the custom of the committee to consult any delegation about who should be on the board or under the law.

Mr. LOUD. Does the committee think that they should appoint a gentleman because he is a Democrat when they have no evidence as to his standing?

Mr. OUTHWAITE. There were other recommendations as to this same gentleman, I am informed.

Mr. BARTINE. If the gentleman will permit me, I will state that I am personally acquainted with Capt. Barrett; and if he is a Democrat, he is one of the finest men in the world.

Mr. OUTHWAITE. I did not know he was a captain; but I knew he was a Democrat. Now, Mr. Chairman, I think we have exhausted the debate upon this subject. I do not think the gentleman from California [Mr. LOUD] wishes to say anything further.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was adopted.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. KILGORE. I demand the regular order.

DISTRICT APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I am directed by the Committee on Appropriations to report back to the House the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes, with Senate amendments.

The title of the bill was read.

Mr. DOCKERY. Now, Mr. Speaker, I desire that the report be printed in the usual form, and inasmuch as it includes a hearing before the subcommittee of the Committee on Appropriations upon a matter of special interest, I ask unanimous consent that it also be printed in the RECORD.

The SPEAKER. Is there objection to the request that the report of the committee be printed in the RECORD? [After a pause.] The Chair hears none, and the report will be printed in the RECORD, and also in the usual form.

Mr. DOCKERY. Now, Mr. Speaker, by the unanimous action of the Committee on Appropriations I am directed to ask that the House agree to Senate amendments 5, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 38, 39, 88, 89, 90, 119, 120, 121, 132, 141, and 147, named in the report. These amendments are essentially

verbal and formal. I also ask that the House disagree to the remaining amendments of the Senate, and that a conference be asked.

The SPEAKER. Is there objection to this request?

Mr. OATES. I understand the gentleman from Missouri to say that the amendments he desired the House to agree to are merely formal.

Mr. DOCKERY. They are merely formal, and the request does not relate to any provision of the bill carrying an appropriation.

Mr. OATES. And as to all the other points you ask nonconcurrency?

Mr. DOCKERY. I ask a disagreement as to the remaining Senate amendments. The committee is unanimous in submitting this request.

The SPEAKER. Is there objection to the request of the gentleman from Missouri to nonconcur in the Senate amendments and ask for a conference? [After a pause.] The Chair hears none, and it is so ordered.

The Chair will appoint as conferees the gentleman from Missouri [Mr. DOCKERY], the gentleman from Maryland [Mr. COMPTON], and the gentleman from Iowa [Mr. HENDERSON].

The report is as follows:

Mr. DOCKERY, from the Committee on Appropriations, submitted the following report (to accompany H. R. 6746):

The Committee on Appropriations, to whom was referred the bill (H. R. 6746) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend agreement to the amendments of the Senate numbered 5, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 33, 34, 35, 38, 39, 88, 89, 90, 119, 120, 121, 132, 141, and 147. They recommend disagreement to the amendments numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28, 35, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 148, 149, 150, and 151.

With reference to Senate amendment 144, appropriating \$100,000 for the national encampment of the Grand Army of the Republic, there is submitted herewith hearings before the committee, letters from the executive committee of citizens of Washington, and a protest from Farragut Post, No. 25, of Lincoln, Nebr.

HEARING ON SENATE AMENDMENT 144 TO THE DISTRICT OF COLUMBIA APPROPRIATION BILL IN REFERENCE TO AN APPROPRIATION FOR THE ANNUAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC BEFORE SUBCOMMITTEE, MESSRS. DOCKERY, COMPTON, BRECKINRIDGE OF ARKANSAS, HENDERSON OF IOWA, AND COGSWELL.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, April 15, 1892.

The subcommittee on the District of Columbia appropriation bill, consisting of Messrs. DOCKERY (chairman) and Messrs. COMPTON, HENDERSON, and COGSWELL, met at 2 p. m., for the purpose of hearing a delegation of gentlemen from the city of Washington, composing in part the executive and other committees having in charge the arrangements for the annual encampment of the Grand Army of the Republic. Commissioner Douglass was also present.

The CHAIRMAN. The Clerk will report the Senate amendment relating to this matter.

The Clerk read as follows:

To pay for subsistence and quarters of such honorably discharged non-resident Union soldiers, sailors, and marines who served in the war of the rebellion as may attend, as delegates or otherwise, the twenty-sixth national encampment of the Grand Army of the Republic, in the city of Washington, in the District of Columbia, \$100,000, or so much thereof as may be necessary. And the sum hereby appropriated shall be paid to and disbursed by the citizens' executive committee of Washington having in charge such reception and entertainment, under such regulations as may be prescribed by the Secretary of War."

STATEMENT OF MR. JOHN JOY EDSON.

The CHAIRMAN. You are chairman of the citizens' executive committee? Mr. EDSON. Yes, sir.

The CHAIRMAN. Who constitute the membership of that committee?

Mr. EDSON. The committee is composed of about fifty gentlemen. I will read the names from a list which I have here. [Reading:]

Hon. J. M. Harlan.	Gen. A. Ordway.	Gen. R. N. Batchelder.
Frank Hutton.	Col. W. G. Moore.	James Tanner.
Theo. W. Noyes.	C. T. Wood.	Col. W. W. Dudley.
Gen. Thomas M. Vincent.	A. T. Britton.	Hon. John A. Swope.
A. A. Wilson.	M. M. Parker.	Gen. Duncan S. Walker.
John Joy Edson.	Hon. John W. Ross.	H. V. Boynton.
S. W. Woodward.	T. E. Roselle.	John McElroy.
B. H. Warner.	Admiral James E. Jouett.	Col. Charles P. Lincoln.
Harrison Dingman.	Hon. J. W. Douglass.	J. M. Pipes.
J. R. Carmody.	George E. Lemon.	Louis D. Wine.
O. G. Staples.	A. S. Worthington.	Lawrence Gardner.
E. S. Parker.	L. P. Wright.	Capt. A. A. Thomas.
George C. Henning.	Gen. S. S. Burdette.	George Gibson.
William Mayse.	Gen. Ellis Spear.	Clara Barton.
I. Saks.	Robert A. Parke.	William M. Meredith.
E. B. Hay.	S. B. Hegge.	George W. Driver.

The CHAIRMAN. Will you kindly state to the committee the terms of your invitation to the Grand Army of the Republic?

Mr. EDSON. The best way would be to read the invitation that was issued by the invitation committee.

Mr. Edson read the paper as follows:

National Encampment Grand Army of the Republic, Washington, D. C., 1892.

The citizens of Washington, the capital of the nation, extend to the Grand Army of the Republic a hearty invitation to hold its national encampment in 1892 in this city.

It is needless to speak of the welcome the veterans of the Union will receive when they come to Washington. There is no city in the world that would not be proud to receive them, and there is no city in the land which Washington would permit to outdo it in honoring and entertaining the Grand Army. The citizens of Washington were glad enough when the boys in blue came there in 1861. They will make them feel more than welcome if they will come again in 1892—come again and see a city that is four times as large as then and a thousand times as beautiful. As an earnest of their hospitable intentions, an ample guaranty fund has been subscribed to provide for appropriate entertainment of members of the encampment and for the usual expenses of such assemblages. This invitation is extended with a belief on the part of the citizens that, great as is their desire to welcome to their homes the men who fought for the Union, there are many thousands of veterans who have a desire equally as strong to visit Washington and the battlefields in this vicinity, ground consecrated by the valor of the soldiers of the Union.

Washington is the capital of the nation. It is the most beautiful city on the continent. It is stored with objects of patriotic interest, and while the attractions of its public buildings, its beautiful streets, its parks and monuments, its museums, and the presence of the Government appeal strongly to all classes, there are historic associations that put Washington far beyond comparison with other cities in the interest of the veteran of the war. On every hill around it are the footprints of the war. A few miles away is the field of Bull Run, where the soldiers of the Union got their first stern lesson in war.

It is but a pleasant day's excursion to the field of Antietam. It is a short and easy journey to the great battle ground of Gettysburg, where the tide of war was turned. Washington is at the center of an historic region, whose towns and streams bear names that call up vivid memories of battle. In this region, all within the radius of a day's journey, lie all the famous fields on which the army of the Potomac fought its great battles, from Bull Run to Appomattox. An inviting steamboat ride down the river and bay, pass many points of historic interest, including Mount Vernon and the tomb of Washington, brings one to Hampton Roads, where the Monitor and the Merrimack fought and naval warfare was revolutionized.

Then the ground of all of McClellan's operations against Richmond in 1862—Yorktown, Seven Pines, Fair Oaks, Gaines Mill, the seven days' battle, Savage Station, and Malvern Hill—can all be easily reached and traversed from Washington. Fredericksburg and Chancellorsville, of tragic memory, are close at hand. Then the men who were with Grant in 1864 and 1865! They can visit again the Wilderness, where such hot fighting was done—Spottsylvania Court-House, Cold Harbor, Five Forks, and all the fields where the great captain commanded, and Richmond, whose fall signaled the death of the Confederacy.

Near by is Harpers Ferry, teeming with its war associations, and the Shenandoah Valley, quite as famous for its memories of Sheridan and his men as for its beauty, lies within the limits of a day's excursion.

The city itself, with Arlington and other great national cemeteries, with its monuments to great commanders, whose names are held in loving memory by veterans, is filled with the memorials of the war.

Aside from these attractions, which place Washington beyond comparison as a place of interest to the soldier of the Union, the city offers inducements which no other city can equal. Its famous streets and avenues, broad and beautifully shaded, with 200 miles of asphalt pavements, offer unrivaled facilities for marching. Spacious and well-kept hotels provide an accommodation for a vast army. There are a thousand objects of interest here, aside from war memorials, which would make a visit to the capital something to be remembered with the keenest pleasure.

The railroad companies propose a series of excursions to the battlefields and places of note surrounding Washington, and have agreed to reduce their rates to the very minimum.

The hotels and boarding-houses, with which Washington is better supplied than any other city in the country, have agreed not to advance prices beyond regular rates, so that no fear need be entertained of any extortion or imposition upon our visitors on the part of hotels, restaurants, boarding-houses, or anyone else.

The citizens offer a hearty welcome to their splendid city, and it can be safely predicted that if the encampment is held here amid such impressive surroundings it will be the most notable reunion of veterans of any war ever held in any city of the world.

JOHN W. DOUGLASS, *Chairman*,
JOHN W. ROSS,
HENRY M. ROBERT,
Commissioners of the District of Columbia,
ROBERT A. PARKE,
Southeastern Agent Pennsylvania Railroad,
JOHN JOY EDSON,
Secretary Equitable Building Association,
GEORGE GIBSON,
Of Gibson Brothers' Printing Establishment,
S. B. HEGE,
Passenger Agent Baltimore and Ohio Railroad,
ISADORE SAKS,
Of Saks & Co., Clothing Merchants,
ORREN G. STAPLES,
Director Columbia National Bank,
B. H. WARNER,
President Washington Loan and Trust Company,
Executive Committee.

This invitation was signed by the District Commissioners and the invitation committee.

The CHAIRMAN. This invitation was extended by the citizens of Washington.

Mr. EDSON. Yes, sir.

The CHAIRMAN. What business interests were represented?

Mr. EDSON. The interest is general by all the citizens.

The CHAIRMAN. Can you indicate some of the business interests represented?

Mr. EDSON. All the railroads, hotels, the business men, merchants, lawyers, doctors, and all the business interests generally located in the city. I have lived here twenty-eight years, and I have never seen more interest manifested in anything at any time than was exhibited in this movement when it was proposed in Washington.

The CHAIRMAN. I notice in the Star of August 1 a copy of the silver engraved invitations, together with the portraits as well as the names of the invitation committee, from which it appears that the railroad interests, the real-estate interests, the legal profession, newspapers, merchants, hotels, restaurants, contractors, etc., were all represented. In the invitation it is stated that "as an earnest of our hospitable intentions an ample guaranty fund has been subscribed for the encampment for the usual expenses of such assemblages." Will you kindly give to the committee the amount of that guaranty fund?

Mr. EDSON. We stated it was a \$50,000 guaranty fund. It was forty-nine thousand and some hundred dollars.

The CHAIRMAN. All solvent?

Mr. EDSON. Yes, sir; except as to those who have died or gone out of business since.

The CHAIRMAN. What additional sums, if any, have been subscribed since that time?

Mr. EDSON. We have not raised anything in addition to that.

The CHAIRMAN. Have you made any effort to do so?

Mr. EDSON. Yes, sir; we have, but not to increase it above that. We see now we have got to do it.

The CHAIRMAN. Can you state the expense connected with the encampment at Detroit?

Mr. EDSON. It was \$28,000.

The CHAIRMAN. How was that amount provided?

Mr. EDSON. Fifty thousand dollars was appropriated by the city and \$30,000 was raised by subscription. \$12,000 of which was returned.

The CHAIRMAN. Did the city, by its municipal authorities, extend the invitation to the encampment?

Mr. EDSON. The mayor and the rest of the municipal government extended the invitation.

The CHAIRMAN. How was the \$28,000 for the encampment at Boston provided?

Mr. EDSON. Fifty thousand dollars was appropriated by the State of Massachusetts and \$25,000 by the city of Boston and turned over to the executive committee.

The CHAIRMAN. Then, as I understand you, \$75,000 of the \$28,000 was contributed by the State of Massachusetts and the city of Boston, whilst \$13,000 was raised by individual subscription?

Mr. EDSON. There were four funds. One was by the city; one was by the State; \$13,000 was given outright by the prominent men of the community, and there was a guaranty fund.

Mr. HATTON. I would like to state as to Detroit that after the State Assemblies made the appropriation the governor vetoed it, and within three or four weeks of the time of the meeting of the encampment the citizens raised the amount promised by the State and which they would have received except for the veto of the governor.

Mr. HENDERSON (to Mr. EDSON). Do you know what Milwaukee did?

Mr. EDSON. The city appropriated \$50,000 direct and the expenses were not quite \$50,000. There was a brewer, I think his name was Schlitz, who provided a part of the entertainment at his expense, the cost of which was several thousand dollars, but I do not remember the amount. All of the legitimate expense was paid out of the \$50,000 and there was no subscription fund.

Mr. HENDERSON. How about St. Louis?

Mr. EDSON. There was no city or State appropriation. The amount was all raised by private subscription.

Mr. HENDERSON. How much?

Mr. EDSON. Ninety-six thousand dollars.

The CHAIRMAN. When you spoke of an "ample guaranty fund," what amount had you in mind?

Mr. EDSON. Fifty thousand dollars.

The CHAIRMAN. Did you at that time know what it cost to entertain the encampment at Boston?

Mr. EDSON. Speaking for myself, I admit I did not.

The CHAIRMAN. Did you know at that time what it cost at Milwaukee?

Mr. EDSON. So far as I was concerned I did not know what it had cost anywhere when the invitation was extended.

Mr. HENDERSON. I suppose you thought you had enough subscribed to put it on a winning basis?

Mr. EDSON. Yes, sir; it was to be a guaranty fund, or earnest money.

The CHAIRMAN. Was that amount intended only as the initiative proceeding as to subscriptions?

Mr. EDSON. We expected that that would be all that we would have to expend, so far as subscriptions were concerned.

The CHAIRMAN. You state that you did not know the amount expended at other places when the invitation was extended?

Mr. EDSON. Speaking for myself, I did not.

The CHAIRMAN. Was the question of the amount required in issue at Detroit, or did you subsequently ascertain what would be necessary?

Mr. EDSON. I did not learn anything about the expenses.

The CHAIRMAN. You visited Detroit?

Mr. EDSON. Yes; as a member of the invitation committee.

The CHAIRMAN. Was the question of amount raised there?

Mr. EDSON. I do not remember.

The CHAIRMAN. Was it not a matter of newspaper comment?

Mr. EDSON. It was. I do not know that I heard any amount mentioned.

The CHAIRMAN. Was not the amount referred to in the Detroit edition of the Washington Post?

Mr. EDSON. Perhaps Mr. Hatton can answer that. I will say what I thought would be right as to the amount. After I was elected to the chairmanship of this committee one of the Grand Army men came to me and handed me a book giving the expenses at the different cities. I was never more astonished in my life than when I learned of the vast amount of labor and expense entailed. That was the first time I realized the magnitude of the thing.

Mr. HENDERSON. Did not the Grand Army take the initiative here in Washington, and did they not make representations as to what the cost would be?

Mr. EDSON. They said \$50,000 would be ample.

Mr. HENDERSON. You felt justified in relying upon their representations.

Mr. EDSON. Mr. Pipes spoke for them and they said \$50,000 would be enough. Others said it would take more. The impression I got was that \$50,000 would be enough to guarantee the ordinary expenses.

The CHAIRMAN. What did Lincoln, Nebr., promise?

Mr. EDSON. Everything you could think of.

The CHAIRMAN. As to the amount she would guarantee?

Mr. EDSON. They offered everything free.

The CHAIRMAN. They proposed to entertain the encampment without cost?

Mr. EDSON. Yes, sir; to provide quarters and everything.

The CHAIRMAN. Do I understand you to say that you have made no increase in your subscription list?

Mr. EDSON. We are going to do it.

The CHAIRMAN. I mean since the encampment decided to come here?

Mr. EDSON. When we returned we organized our regular committees. We divided it up, and different committees had charge of different things. We selected a different man to take charge of the finance committee, and we started out to get these subscriptions that had been given or promised before. They gave a regular signature and agreement to pay this money; whereas I went around to the banks and others, and they would say, "Put me down for so much," and I would put them down without their signature, though I knew it was perfectly good. The new chairman went around to get the subscriptions confirmed. So far he has got \$40,000; but there is no difficulty about it. We can get \$100,000, or whatever we think necessary.

The CHAIRMAN. What amount will be necessary to entertain the encampment?

Mr. EDSON. I have got my figures made, and the lowest possible amount is \$150,000. If we had \$100,000 more we could spend it.

The CHAIRMAN. I mean on the basis of a reasonable and proper expenditure?

Mr. EDSON. In Boston they accommodated 10,400 veterans in what they called free quarters. It is impossible to find quarters. These different cities have expended money for sleeping quarters. Outside of Boston there were about 35,000 more veterans accommodated. Those accommodations cost in Boston \$54,000; in the city of Boston it cost \$23,000, and the suburban towns and cities made up the balance. In Detroit they accommodated 38,000 soldiers, at a cost of \$44,000. In Columbus they accommodated nearly 40,000, at a cost of \$54,000.

Mr. HENDERSON. Did the city of Columbus appropriate any money? Mr. EDSON. They raised it through an exhibition fund and the Board of Trade. I never found out exactly how they raised the money there, though I have tried.

Mr. HENDERSON. Does your committee realize that this is going to be the largest encampment ever held on the continent?

Mr. EDSON. We have located some 300 posts, comprising probably 25,000 men, and in every instance where we have asked how many men they had at Boston, Detroit, Columbus, etc., the number they say is coming here is two to six times as many as went to the other cities. The number is appalling. Quarters will have to be furnished. We will have more than 100,000 soldiers.

The CHAIRMAN. Do you mean that this expense at Boston, to which you have just referred, is additional to the \$88,000 first mentioned?

Mr. EDSON. No. Mr. COGSWELL. It is an item of the expense. The CHAIRMAN. Eighty-eight thousand dollars covered this charge? Mr. EDSON. Out of this \$88,000 \$23,000 went for quarters in the city, but outside of the city 30,000 were accommodated, the money for which did not enter into that expenditure for Boston proper, as the suburbs paid for that. It is estimated at \$25,000.

The CHAIRMAN. When you spoke of an "ample guaranty fund" you had in mind \$50,000 as a sufficient amount to entertain the Grand Army?

Mr. EDSON. Yes, sir.

The CHAIRMAN. In that amount you did not contemplate any contribution from the District of Columbia or the Government of the United States?

Mr. EDSON. I will say that as far as I was concerned (I do not speak for the other members of the committee) I thought whatever in excess of that was required we would ask for out of the same fund out of which we pay for the schools or the fire department. We thought we would go first to the President for his recommendation and then come to you as our board of aldermen or common council.

The CHAIRMAN. You would not ask for it out of the funds of the District alone.

Mr. EDSON. No, sir.

The CHAIRMAN. You expected to ask the United States for half of it.

Mr. EDSON. Yes, sir; just as the other expenses are paid.

The CHAIRMAN. Has the United States paid any part of the expense of the encampment at any other place?

Mr. EDSON. No, sir.

The CHAIRMAN. And have never been asked to do so?

Mr. EDSON. No, sir.

Mr. HENDERSON. No encampment has ever been held where the United States held so much property territory.

The CHAIRMAN. I understand you to say that you returned from Detroit familiar as to what you thought would be the aggregate expense, and that you estimated \$50,000 to be necessary and ample.

Mr. EDSON. We thought so, if no extraordinary expense was necessary.

The CHAIRMAN. Did your committee at any formal session prior to the location of the encampment take action looking to a contribution on the part of the Government?

Mr. EDSON. No, sir.

The CHAIRMAN. Was any proposition made at any meeting of the executive committee to that effect?

Mr. EDSON. Not until after we came back and organized.

The CHAIRMAN. Was that discussed?

Mr. EDSON. No, sir; I do not think it was. Our whole energy was bent on extending the invitation and getting it under way.

The CHAIRMAN. Then I understand that at no meeting of the committee was there any discussion as to whether a contribution would be asked for out of the revenues of the District or out of the Government revenues?

Mr. HENDERSON. The final details were postponed until after the encampment was located.

Mr. EDSON. Necessarily.

The CHAIRMAN. You are chairman of the executive committee?

Mr. EDSON. Yes, sir.

The CHAIRMAN. What are the powers and duties of the executive committee—the general conduct of the encampment?

Mr. EDSON. That was not organized until two months afterward.

The CHAIRMAN. When I spoke of the executive committee, in its relation to the invitation, I should have said the invitation committee?

Mr. EDSON. Yes, sir.

The CHAIRMAN. When was this executive committee organized?

Mr. EDSON. I can not give the exact date, but I think it was in November about two months after we came back.

The CHAIRMAN. When was the first proposition formally made to apply to the Government?

Mr. EDSON. It was first made in the executive committee in January or February.

The CHAIRMAN. But in the mean time you had made no additional effort to secure subscriptions?

Mr. EDSON. We made efforts to confirm them and get them into proper shape.

The CHAIRMAN. You had not gone out to seek any additional subscriptions?

Mr. EDSON. The finance committee have got them all, except where some of the subscribers have gone out of business or died. They sent circulars to other people. We have got to run the subscription list up to more than \$50,000 even if we get this \$100,000.

Mr. HENDERSON. I want to ask about railroad facilities, and whether or not that matter has been arranged with the transportation companies.

Mr. EDSON. The chairman of that committee, Mr. Parke, is here and can answer that question.

Mr. PARKE. The lines have practically agreed to one fare for the round trip, except that west of Chicago and east of Pittsburg, they have granted rates of little over a cent a mile, which is less than one fare for the round trip. It makes the fare \$16.25 from Chicago for the round trip.

Mr. HENDERSON. Do you remember what the rates were to Detroit?

Mr. PARKE. There was considerable trouble about that. The different associations did not take any action until within a short time before the meeting of the encampment. It was practically one fare for the round trip.

Mr. HENDERSON. Is the rate you have secured for Washington practically what we had at Boston and other points?

Mr. PARKE. It is better than the rates we have had for any other encampment.

Mr. HENDERSON. I want to say that there will be thousands and tens of thousands of men here that have not been here before. You have got to cut your cloth accordingly. The veterans want to see these battlefields and the capital of their country, and you must provide for them.

Mr. PARKE. Contracts have been made that would indicate that.

Mr. WORTHINGTON. It is only a question of how many people the railroads can carry. That is the only limit.

Mr. HENDERSON. You must take extra precautions in reference to baggage?

Mr. WORTHINGTON. We will recommend them not to bring so much baggage, except satchels.

Mr. PARKE. That recommendation has been made before without avail.

The CHAIRMAN. Now, let me read you something penned by the gifted editor of the Post of date July 31: "The people of Washington are ready with the funds needed." That sounds well.

Mr. HENDERSON. Gen. Alger told me that outside of the subscriptions it cost the citizens thirty to forty thousand dollars for decorations at Detroit.

The CHAIRMAN. Again, on the 21 of August, the Post says: "Ample funds have been guaranteed for entertainment, and additional funds are already assured." Now, without multiplying quotations (I have one here from the Star and others from the Post), I suppose that it will not be denied that assurances were abundant that ample funds had been provided, and that the city would accommodate, with lavish hospitality, the veterans who might attend the encampment.

I especially desire to note this extract from an editorial in the Star, after the encampment was located here:

"Washington will carry out its pledges next year, and will contribute to make the encampment of 1892 for the veterans the most memorable of all its encampments."

Mr. HENDERSON. They do not say how it is to be done.

The CHAIRMAN. This declaration was doubtless predicated upon the statement that an "ample guaranty fund" had been provided.

Mr. HENDERSON. I especially desire to note this statement that in the absence of any definite knowledge he thought \$50,000 would be sufficient.

Mr. EDSON. We expected it would be.

Mr. S. B. HEGE. I was one of the gentlemen appointed on the part of the citizens' committee, which held a meeting to inaugurate the matter; and we conferred with some gentlemen from the Grand Army of the Republic. Our committee had an advisory committee to confer with five of their most prominent members, representing the Grand Army of the Republic; and it was from those five people that we got the \$50,000 idea.

That was where the \$50,000 idea originated. They said "We can entertain here for less than they can elsewhere, for the reason that we have so many public buildings, and matters of that character that were of general interest to the old soldiers; and in consequence of that, we will be relieved from many of the entertainments that the other cities have to inaugurate." I want to make an explanation also on another point in reply to the question as to the general aid that the people have given.

Col. Staples, Mr. Parke, and myself canvassed Pennsylvania avenue from Fifteenth street to the Peace Monument. We went into every business place on the avenue, and during our entire trip we were only refused subscriptions by one single firm, and we had no subscriptions of less than \$5.

Mr. HENDERSON. I will ask a question, and any one of you gentlemen can answer it. Are you not yourselves, after ascertaining by correspondence as to what will probably be the attendance at the encampment, and what the cost will be, as to how much will be necessary to properly provide for and entertain this encampment?

Mr. EDSON. I stated awhile ago that in every case where we have inquired of encampments, we have found that there will be from two to six or eight times as many soldiers who will attend, from every post, than have heretofore attended any previous encampment. We take it that there will be 150,000 or 200,000 Grand Army men.

In every other city where encampments have been held, with every soldier came two or more visitors—father, son, or wife.

We assume that there will be over 400,000 people in Washington that week; and, as I attempted to illustrate awhile ago, suppose we have 100,000 soldiers for whom you must furnish shelter. That can not be obtained in private houses; and it would cost, say, as much as it cost the other cities, which will be less than \$1.25 each to furnish free quarters for four days or during the time they stay. It can not be done for less, and I doubt whether we shall be able to do it at as low figures as it was done at Boston and Detroit, because Detroit is in the neighborhood of manufacturing, being a lumber region, while Washington is not a commercial city. We have got more to contend with here than in the other cities; but we are going to work. We have more to raise than \$50,000, for I do not see how it is going to cost less than \$200,000.

The CHAIRMAN. You are not including in this estimate anybody but soldiers?

Mr. EDSON. No, sir; we include only veterans.

The CHAIRMAN. What was the number of soldiers in attendance at Detroit?

Mr. EDSON. It is estimated there were about 45,000 soldiers in Detroit. Quarters were furnished for 35,000, and quarters were furnished for the same number at Boston. A great many of the members of these posts will not go to the free quarters, but prefer the hotels and halls and private houses, and the like.

Mr. COMPTON. Do you mean to say that the total estimate of 100,000 was of soldiers present or to be provided?

Mr. EDSON. To be provided for. It will be at least that number. From all accounts I would not be surprised if there would be a hundred and twenty thousand here who will want quarters.

The CHAIRMAN. You do not provide for anyone else?

Mr. EDSON. No, sir; these are soldiers not asked to pay for their own accommodation.

You must not regard this in the light of pauperism. That is not the idea at all. The different States have extended this invitation out of consideration for the veterans. It is almost impossible to find quarters in private houses. If you take this city, we have 232,000 population in the whole District. Of that number about 77,000 are colored people, who are not able, for the most part, to do anything, even for their own color. That leaves the population, 155,000 people who can contribute.

The CHAIRMAN. We all understand that there is no question of "pauperism" connected with this issue. My own little city at a district encampment entertained 25,000 people last year, several thousand of whom were old soldiers. I presume no one will question the fact that these soldiers ought to be hospitably entertained. They should be entertained upon the terms of your invitation. Parsimony should be avoided. The only question, therefore, is: Who shall pay the expense? Your executive committee was, as I am advised, organized in January or February last, and I will now ask you to state when the first suggestion was made that Federal aid should be solicited.

Mr. EDSON. The first formal suggestion was made at that time. We knew long before that that would be compelled to ask aid.

The CHAIRMAN. It was understood by your invitation committee?

Commissioner DOUGLASS. It was discussed on the way home. The CHAIRMAN. There are "three horns" to this dilemma. The first is whether the citizens shall be required to pay the expense of the encampment; second, whether the Congress of the United States shall pay it in connection with the District of Columbia; third, whether the amount shall be appropriated from the revenues of the District of Columbia. As I understand it, you ask that this \$100,000 be appropriated by the Government?

Mr. EDSON. Yes, sir.

The CHAIRMAN. You do not ask the \$100,000 to be paid out of your own revenues?

Mr. EDSON. We think it should be paid out of the same revenue as for municipal expenses.

Mr. HENDERSON. You consider the Government as a citizen of the District in that case?

Mr. EDSON. The city of Berlin, which is, perhaps the best governed city on earth, assesses the Government property, and it thereby pays its share of the revenues, which exceed 50 per cent.

Mr. HENDERSON. National property is exempt from taxation here.

Mr. EDSON. Yes, sir; half of the children attending the schools of this District are children of the employees of the Government; and it was proposed, in former years, that the Government were to pay part of that expense.

The CHAIRMAN. It is true that Government property is exempt from taxation; but the District pays taxes at the rate of \$2.98 on the \$100 worth of property, including the Government's share, the tax rate being second to only one city in the United States—Chicago. One-half of the total revenue is provided by the General Government.

Mr. EDSON. Many cities pay too much taxes.

Mr. HENDERSON. We should expect, and I hope that every American citizen does expect, that this city should present phases, improvements, and appearances second to no city, and of course that must cost money. It is the capital city of a great people, and all should expect its appearance to be worthy of the nation's greatness.

The CHAIRMAN. I quite agree with you that there is a necessity for a large expenditure of money in conducting the administration of the nation's capital.

Mr. HATTON. It was stated in the Senate that this invitation was extended solely by the citizens of this District. As I understand it, the invitation was extended by the citizens and by the Commissioners of the District of Columbia, who are not only officers of the city but of the Government.

I think, when the turn of the tide in the selection of the encampment was made, it was made by about one thousand men who had the deciding of this matter. Those one thousand men are prominent ones, pretty well to do; and I think if it had not been for outside pressure from the veterans, perhaps the encampment would not have come to Washington, because there was a feeling outside that certain elements might be subverted. The pressure in favor of Washington was finally brought to bear by the veterans. This invitation was signed by the executive officers of the District of Columbia in their official capacity, and they were supplemented by the citizens of Washington.

The CHAIRMAN. I do not object to the form of the invitation.

Mr. HATTON. It has been stated that it was entirely from storekeepers and boarding houses.

Mr. HENDERSON. I have a distinct recollection that the Commissioners were represented at Detroit.

The CHAIRMAN. I desire in this connection to read a brief extract from the Star: "It represents not only the business men of the city who guarantee an ample fund, but also the government of the District of Columbia—seemingly a very proper proceeding—" in the person of Commissioner Douglass. The veterans recognize that he represents the majesty and might of the District of Columbia. As president of the board of District Commissioners he may be said to be mayor of the city."

It seems to be proper that the Commissioners should join in the invitation, and, to put the question on "all fours" with Boston and other cities it would also seem that Washington should from her own revenues supplement the individual subscriptions.

Mr. HENDERSON. Are there any other suggestions that your committee desire to add in the way of observations? If so, you can do so.

The CHAIRMAN. The members of the committee cordially invite suggestions from any gentleman present.

Mr. WORTHINGTON. I am one of the subcommittee on legislation, and I am a member of the executive committee.

Mr. DOUGLASS. Mr. Worthington was late District attorney.

Mr. WORTHINGTON. I want to speak of another matter of the utmost importance, and that is the language of the bill as it comes from the Senate. The Senate has added a novel feature, and one that will require careful consideration, and that is, that the appropriation of this \$100,000 shall be for subsistence and quarters. This is the first time it has ever been undertaken to provide for the veterans food as well as a place to sleep. It is utterly impossible to provide quarters at less than \$1.25 a day each; and that will only provide a board roof and a wisp of straw on which to sleep.

The CHAIRMAN. You assert that this is the first time an effort has been made to provide subsistence?

Mr. WORTHINGTON. They never had rations free before. It will work in two ways. In the first place, it will double the expenses, because subsistence will cost as much as lodging. And another way in which it will act will be to double the attendance. This act will be sent to every Grand Army post in less than two weeks after the bill passes.

According to this they will be provided with quarters and subsistence, and all that they will have to do will be to pay car fare. But if it is done, you will have to double the appropriation.

The CHAIRMAN. This language, then, is not what you recommend?

Mr. WORTHINGTON. It is not.

The CHAIRMAN. Will you read what the executive committee did recommend?

Mr. WORTHINGTON. As chairman of the committee on legislation I prepared this bill. I had it in this way: "That the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated to pay for the proper and legitimate expenses of the encampment, including receptions and entertainment of such old soldiers as may attend," etc. The bill, as it was sent to the Senate, did not have anything except quarters. Afterwards the provision for subsistence was put in.

Mr. COMPTON. What do you mean by entertainment?

Mr. WORTHINGTON. There are twenty or thirty items. Mr. Edson has items of the expenditure at Detroit, Boston, and other places. They are little things which it is impossible to enumerate. At these other cities they gave a formal dinner to the delegates to the encampment, which cost from \$8,000 to \$15,000. We propose to omit that, in order to avoid the expense. We will omit that and have a reception in the Pension Building, which will not cost more than one-half what this public dinner would cost. We would like to be able to give the dinner; but we do not think we can do it. The fact is that this matter has overgrown the anticipations of everybody who went to Detroit. Even if the citizens did go to Detroit and make these promises, they were accepted. They had no idea at that time of the mass of people who

would come here, simply because it is the capital city of the nation. The old veterans marched down Pennsylvania avenue in 1895, and went again to march in 1897.

Mr. HENDERSON. The estimates they have made were based upon previous encampments?

Mr. WORTHINGTON. Yes, sir; the estimates were made accordingly. But circumstances here will not be what they were at Boston and Detroit. We had the exact amount expended at Milwaukee at that time.

The CHAIRMAN. Without mentioning names, will you give the amount of the largest subscription? I note the statement of the Post that the subscriptions ranged from \$5 to \$250.

Mr. EDSON. Two thousand five hundred dollars was the largest subscription. That was by the Pennsylvania Railroad.

Mr. STAPLES. The expenses of our committee that went to Detroit were less by about three-fourths than those of any other committee that ever went to any place to invite an encampment.

Mr. WORTHINGTON. If we are also to provide subsistence as well as quarters, \$150,000 will not begin to do it. It will take \$250,000. We would like to have the committee make the appropriation \$300,000. If subsistence is added and the appropriation is not increased, we will be lost. We will have to advertise for visitors not to come.

The CHAIRMAN. That is the only change desired in the phraseology of the Senate amendment?

Mr. WORTHINGTON. I would like to have it left so that the expenditure under the Secretary of War will have a little margin, say one-fourth, or something like that—quarters and subsistence. That is the only change in the phraseology, so that the word subsistence will not be there, and the men will not expect to be quartered and fed.

Mr. HENDERSON. I understand that the Senator who offered that had no experience with these encampments?

Mr. WORTHINGTON. Yes, sir; the Senator had no information on the subject, and he would have changed it himself if he had known the circumstances.

Commissioner DOUGLASS. I went to Detroit as chairman of the committee on encampments. The inception of this movement was a call for a meeting of the citizens of Washington of all business of all kinds. At that meeting we appointed a committee, and we went to Detroit; and when we returned we made a report. Then an executive committee was appointed. Men were appointed upon that committee who could take the most interest in the whole subject. They were selected with that end in view. That was why some men who might seem to have had axes to grind were on the committee; but there was nothing of that kind in it, as we simply chose men who would be certain to do the work without regard to business or anything else, and do it as a courtesy to the Grand Army. If you have a job of work to do, you have got to have the tools to do it to enable you to do it. There were other questions than the question of expense. The main thought we had was to secure the encampment here.

As to the amount of money, we called in four or five members of the Grand Army who had had experience in encampments, and they said \$50,000, and not less, would be sufficient. We looked around and visited a number of citizens, and we got the subscription. That was the idea I had; and that was all I knew about it. I had not previously had my attention directed to the matter of expense. We said we would have a guaranty fund of \$50,000, supposing it would be enough. It was thought that that would be ample. We got this information from men who knew as we thought. We had a lively time over it, and we talked to soldiers and became satisfied that more would be required.

The reason of the increased attendance which we expect is that this is the capital city of the nation and there are going to be five times as many old soldiers in attendance; certainly three or four times as many. That brought up the question of money. We saw that there would have to be more money. This executive committee was formed, and it conferred with the citizens. We do not ask the Government to bear three or four times the expense that the citizens do, but we reverse it. Instead of asking the General Government to bear two-thirds of the expense, we ask it to bear only one-third.

Mr. WORTHINGTON. Besides what will be spent privately?

Commissioner DOUGLASS. Of course, as one of the District Commissioners, I would like to save all this money for roads and bridges. The citizen will pay about two-thirds, and the Government should pay one-third. The attendance will be large, simply because this is the capital of the nation.

The CHAIRMAN. As president of the Board of District Commissioners you were chairman of the invitation committee, but you understood at the time, of course, that you could not, by your action, impose any liability upon the District?

Commissioner DOUGLASS. No, sir; neither directly nor indirectly.

The CHAIRMAN. You put this proposition to defray the expenses of the encampment at Washington on a little different footing than at other places. If the encampment were to go to Kansas City you would not think that the Government ought to pay any part of the expense of its entertainment there?

Commissioner DOUGLASS. There is no national feature there.

Mr. HENDERSON. You did that because of the recognized principle that Government property is largely represented here.

Commissioner DOUGLASS. Yes, sir; there was a sentiment outside of that.

The CHAIRMAN. This invitation was extended by the District of Columbia and the citizens of Washington. To whom? To the members of the Grand Army of the Republic who meet here in annual session. Then, would not the practical effect of imposing one-half of the liability upon the Government be to entail in part, at least, the expense of the encampment upon your guests and make them pay the cost of their own entertainment?

Commissioner DOUGLASS. Yes, sir; you might refine reasons that way. In that way you do lay the responsibility everywhere in this world.

Mr. HENDERSON. No visitor will object to fair and liberal provisions.

Mr. HATTON. We tax them for our schoolhouses now.

Mr. COGSWELL. I move we close the hearing.

Mr. HENDERSON. I will ask that you gentlemen confer and send to Mr. DOCKERY such an amendment as you propose.

Mr. COMPTON. Does your proposition indicate the instrumentality by which this money is to be expended?

Mr. EDSON. Yes, sir; the exact language of the bill as we submitted it to the President and the President transmitted it, is the same, except the Secretary of War is substituted for the Secretary of the Treasury.

Mr. COMPTON. Would it not be better to substitute the General of the Army for the Secretary of War?

Mr. WORTHINGTON. I think that the Secretary of War would intrust that to the General of the Army. We would have full confidence in the Secretary of War or General of the Army.

Mr. HENDERSON. The Secretary of War, if he is named, will be limited by the provisions of the bill. He will be compelled to see that the money is expended according to the act. There will be a necessity to liberalize the language of the Senate.

Mr. WORTHINGTON. That is our idea.

Mr. EDSON. I have read you the names. You will find in them fifty of the best citizens we have. They are men who disburse every month three or four times the amount of money that is involved in this whole thing.

The CHAIRMAN. No one makes any criticism upon the personnel of the committee.

Mr. EDSON. We would like, as these details have got to be attended to quickly, to have the committee deal liberally with us, because we do not want to be compelled to go through the red tape, especially of the Department. It would cost more and would give us trouble. I hope, therefore, you will be liberal with the committee in this respect. We are going to try not to expend a dollar unnecessarily. No contract can be signed except by the chairman.

Mr. HENDERSON. Could you tell us the terms of the appropriations by the city councils of Boston and Detroit?

Mr. EDSON. In each instance the appropriation was handed over to the executive committee upon its receipt alone.

Mr. HENDERSON. Did the State of Massachusetts pursue that course?

Mr. EDSON. Yes, sir; the treasurer told me it was handed over upon his receipt. They took the money and disbursed it, I think, very economically.

The CHAIRMAN. Will you kindly frame such a proposition as you would like to have in the event the money shall be appropriated from the revenues of the District?

Mr. HENDERSON. I would be glad if you would give the phraseology of the acts of the State of Massachusetts and of the cities of Boston and Detroit.

The CHAIRMAN. Without objection, the committee will stand adjourned.

CITIZENS' EXECUTIVE COMMITTEE,
TWENTY-SIXTH NATIONAL ENCAMPMENT, G. A. R.,
Washington, D. C., April 21, 1892.

DEAR SIR: In compliance with the request of the Subcommittee on Appropriations of the House of Representatives, contained in a letter of Mr. James C. Courts, clerk of your committee, dated April 16, 1892, I have the honor to submit the following reply, answering the questions propounded as fully as the information in our possession will admit:

1. Q. A statement showing the estimated number of persons who attended the encampments of the Grand Army of the Republic, at Boston, Detroit, Milwaukee, and St. Louis.

A. Boston, 45,000 Grand Army of the Republic, 150,000 other visitors; Detroit, 40,000 Grand Army of the Republic, 100,000 other visitors; Milwaukee, 30,000 Grand Army of the Republic, 100,000 other visitors; St. Louis, 40,000 Grand Army of the Republic, 100,000 other visitors. The estimate of the attendance at Milwaukee and St. Louis is based upon the figures of the expenses incurred for accommodations, etc.

2. Q. The number of Grand Army of the Republic veterans furnished with quarters at each of the said encampments, and the estimated cost of such quarters.

A. Detroit: \$42,700 was the cost of quarters, and 37,000 men were accommodated. This is taken from their official report.

Boston: \$23,047 was the cost of quarters, and 10,400 men were accommodated. No report is made of the number of veterans furnished quarters in the surrounding towns, but it is safely estimated that 25,000 men were quartered at a cost of at least \$30,000.

Milwaukee: \$30,042 is put down for "camps and barracks," but the number of men accommodated is not given. It is only estimated that they could not have quartered over 16,000 men. It may have been considerable more or less.

St. Louis: We have no other report than the total expenses; \$90,000 was collected from subscriptions, \$78,000 was expended, and \$12,000 was paid to charity.

Columbus: Nearly 40,000 men were furnished quarters, and the cost is given at \$54,000.

3. Q. An estimate of the number of persons that will probably attend the national encampment of the Grand Army of the Republic in this city, and the number of Grand Army of the Republic veterans that it will be necessary to furnish with quarters, and the estimated cost of the same.

A. From the most reliable information given us by members of the Grand Army of the Republic throughout the country, and from newspaper intelligence, a conservative estimate of the attendance here we put at not less than 100,000 veterans, and those for whom quarters will have to be provided we estimate at least 75,000, at a cost at from \$95,000 to \$100,000.

It will be observed that 75,000 men to be accommodated with quarters is much below the percentage of the number furnished quarters at Boston, Detroit, and Columbus. It would therefore seem that our estimate will prove to be below what will be required for quarters and the cost thereof.

4. Q. An estimate in detail of the expenses that will have to be borne by your committee on account of said encampment.

A. I inclose herewith a detailed statement of the disbursements for expenses at the encampments held in Milwaukee, Boston, and Detroit. Our committee have not been able to secure like statements from other cities further than their total expenses.

The estimate of the attendance in Washington of members of the Grand Army of the Republic and others being fixed at double or more the number that have attended any previous encampment, we consider an increase of 50 per cent over the expense required at any previous encampment as a conservative estimate. The citizens' executive committee have therefore concluded to raise \$50,000 by subscription, and to ask for the appropriation of \$100,000.

I am unable to furnish your committee with a detailed estimate of what our expenses will be, but we anticipate that they will be similar to those of other cities as indicated by the tabulated statement I have inclosed herewith of Milwaukee, Boston, and Detroit.

Some items, we contemplate, will be less, while others will be more; the items, however, for quarters will be the largest and most important.

5. Q. The amount of solvent subscriptions which have been made up to this date on the part of the citizens of the District of Columbia towards the expenses of this encampment, and the whole amount that you estimate will be subscribed for this object.

A. Forty-one thousand dollars is the amount of subscriptions made and confirmed to date, all of which is perfectly solvent, \$30,250 of which has been paid in to our committee. These subscriptions will be, without question, not less than \$50,000.

These subscriptions are made by 200 or 250 citizens. By appropriating the larger sum from the District of Columbia funds distributes the expense over the entire community, where it properly belongs.

6. Q. Copies of the laws and ordinances making appropriations on the part of States or municipalities toward the expenses of the encampments held at Boston, Detroit, Milwaukee, and St. Louis.

A. In St. Louis no appropriation was made by the city or State. We have written to the other cities to procure copies of the ordinances requested, but up to this time have not received them. As soon as they come into our possession we will forward them to your committee.

Very respectfully,

JOHN JOY EDSON, Chairman.

HON. ALEXANDER M. DOCKERY,
Chairman Subcommittee on Appropriations,
House of Representatives, Washington, D. C.

Detailed disbursements for the entertainment of the Grand Army of the Republic
national encampments at Milwaukee, Boston, and Detroit.

Items.	Milwaukee.	Boston.	Detroit.
Accommodations	\$20,042.40	\$23,047.86	\$44,733.77
Executive committee	10,341.02	21,695.94	5,940.50
Entertainment	12,116.37	11,824.33	13,038.30
Decorations	537.17	12,117.77	11,168.61
Fireworks display	10,328.60		3,100.00
Badges	973.65	4,110.00	4,003.68
Finance		231.81	125.52
Grand stands		8,905.00	4,053.55
Hospital	258.50	350.85	1,200.98
Information		1,073.56	2,503.33
Invitation			103.09
Legislative			520.86
Parade		1,072.05	604.91
Printing	1,317.17	4,091.50	3,976.64
Press	236.10	12.00	209.97
Reunion	217.50		156.27
Transportation		27.00	110.90
Women's Relief Corps	571.88		2,000.00
Sons of Veterans			300.00
Horses and carriages	244.70		
Music	1,182.60		
Hall for headquarters	488.00		
Total	48,915.05	88,693.67	97,848.88

CITIZENS' EXECUTIVE COMMITTEE,
TWENTY-SIXTH NATIONAL ENCAMPMENT, G. A. R.,
Washington, D. C., April 21, 1892.

DEAR SIR: In accordance with the suggestion made by you at the conclusion of the hearing which your subcommittee recently gave to the citizens' executive committee having in charge the reception and entertainment of the Grand Army of the Republic in Washington in September next, a special meeting of the executive committee was held last Monday night for the purpose of considering and determining whether that committee ought to ask that the sum of \$100,000 which we have requested Congress to appropriate in aid of the purpose for which our committee was organized, should be paid wholly from the revenues of the District of Columbia.

After a careful consideration of this matter, the committee by a unanimous vote came to the conclusion that it was constrained to adhere to its previous action in this matter, and we are accordingly instructed to ask Congress not to depart in this instance from the just and equitable arrangement provided for by the act of June 11, 1878, under which the municipal expenses of the District since that time have been met by equal contributions from the revenues of the District and the Treasury of the United States.

As to the proposition that the particular item of the District appropriation bill, now under consideration, should be made an exception to the general rule, we understand that this suggestion is made upon the grounds that the citizens of the District, through a committee which went to Detroit last year, and through the newspapers published in the city, invited the Grand Army to hold its next national encampment at the capital, and promised that if the invitation should be accepted the veterans who should come here would be properly entertained by the people of Washington. It seems to us, and to those whom we represent, that there are two satisfactory answers to this suggestion.

In the first place, it was well understood by everybody at Detroit that it has been the custom for a number of years past for the larger part of the expenditures incurred in the various cities where national encampments have been held to be met by appropriations from public funds. This was especially the case at the last two annual encampments, held at Boston in 1890, and at Detroit in 1891.

There was, therefore, no reason to suppose that the citizens of Washington would not ask for such an appropriation, and certainly nothing was said by the committee or through the press at the time which could properly authorize such a conclusion. The sole objection seems to be—as it is said—that we are asking the United States to help entertain those whom we have invited to be our guests. The error of this argument appears to us to be, that it assumes that we are asking Congress, as to this item of the District appropriation bill, to do more than it is in the habit of doing in regard to our municipal expenditures in general. If a special tax were to be levied upon all the property in the District to meet this particular expenditure, no reason occurs to us why the United States should not pay its proper proportion of the same. To single out this one item, and refuse governmental aid to it, would, we submit, be a discrimination against those who are peculiarly entitled to the favorable consideration of the Congress of the United States.

And in the second place, when the Grand Army was invited to hold its next national encampment here the people of Washington did not anticipate that the attendance would be materially greater at the encampment to be held here than it had been at other national encampments. But when it became generally known that the next reunion of the old soldiers was to be held at the capital it soon became manifest that the attendance would be very much larger than at any previous meeting. This results from several causes. There has never been such an encampment held in Washington since the war, and it is not likely that another will be held here until the survivors of the war shall be few in numbers. It is therefore understood that this is to be the first and the last time that the veterans of the war shall assemble at the capital of the country. As a part of the proceedings here there will be a parade upon Pennsylvania avenue. Thousands of soldiers participated in the grand review which was held here at the close of the war, and it is now evident that every survivor wishes to come to Washington and once more march down the avenue.

Many of the camping grounds and great battlefields of the war are at our door, and those who lived in the camps and participated in the battles naturally wish to avail themselves of this opportunity to visit those memorable scenes. And besides, simply because Washington is the capital of the United States and has become a beautiful and attractive city and contains the great public buildings of the nation, thousands of veterans will take advantage of the low rates offered by the railroads to see, in many cases for the first time, the capital of this country. It is now clear to everybody that not less than 100,000 soldiers will come to Washington in September, and the number is likely to be much larger. The total attendance of soldiers and others will, the indications are, be limited only by the carrying capacity of the railroads which lead into Washington. And as this unusual and unexpected increase in the attendance is due to the fact that the encampment is to be held at the capital, and the gathering thus assumes more of a national character, it is altogether reasonable and fitting that a part of the expenses should be borne by the General Government.

In accordance with your further request, we beg to say that we think it much better that the wording of this appropriation, as it passed the Senate, should be changed so that no part of the money will have to be spent for subsistence, and so that if it should turn out that the comfort of our guests could be better provided for by spending of some of the money for some purpose other than quarters, we would have authority to do so—subject, of course, to the provision that the whole sum is to be spent under regulations to be prescribed by the Secretary of War. At no national encampment of the Grand Army, as we are advised, has it been attempted to provide the soldiers with food. And to do so, in this instance, properly, would require that the amount to be appropriated should be, at least, doubled. The word "subsistence" was inserted in the Senate, we think, by inadvertence.

And it is manifest, we think, that the money should not be appropriated absolutely and solely for quarters. It is quite likely that the whole amount may have to be used in that way, but that can not definitely be determined until shortly before the time of the encampment, when we will know, at least approximately, what the attendance is likely to be.

In accordance with these views we suggest that the item in question, as it passed the Senate, shall be amended by striking out the words "subsistence and quarters for" and inserting in lieu thereof the words "reception and entertainment of."

This will conform to the language of the bill as originally prepared by our committee, recommended by the Commissioners of the District, and favorably submitted to Congress by the President, as will appear from a copy of Executive Document No. 173, of the present session of the House of Representatives, which we inclose.

Permit us in conclusion to thank you, and the members of the subcommittee of which you are chairman, for the courteous manner in which you have met us and those associated with us in this matter.

Very respectfully,

JNO. JOY EDSON,

Chairman Citizens' Executive Committee.

A. S. WORTHINGTON,

Chairman Committee on Legislation.

Hon. ALEXANDER M. DOCKERY,

Chairman Subcommittee Appropriations Committee,

House of Representatives, Washington, D. C.

PROTEST FROM FARRAGUT POST, NO. 25, GRAND ARMY OF THE REPUBLIC, OF LINCOLN, NEBR.

At a regular meeting of Farragut Post, No. 25, Grand Army of the Republic, Lincoln, Neb., held April 9, 1892, the following resolutions and preamble were adopted:

Whereas, at the national encampment held in Detroit, Mich., September, 1891, the city of Washington was the successful competitor for the encampment in 1892; and

Whereas said city of Washington by its written agreement, by its written proposition, promised and agreed to entertain said encampment and furnish all things necessary, as per its schedule in writing filed with its proposition, which said promise and agreement were accepted by said encampment and believed to have been made in good faith; and

Whereas it has come to our knowledge that said city of Washington is now asking for a large appropriation from the national Treasury wherewith to pay the expenses of said encampment, which is not in accord with the promise and agreement of the said city of Washington upon which it secured the location of said encampment; and

Whereas there are still hundreds and thousands of honorably discharged Union soldiers who are unable to earn a comfortable living, are suffering from necessities of life, notwithstanding the liberality and generosity of our Government; and

Whereas, if said appropriation is made, or any appropriation is made, for the object for which it is asked, it will establish a dangerous and expensive precedent, which will in time become a great drain upon our national resources, absorbing funds that are needed and might better be applied to the support of aged indigent soldiers: Therefore,

Be it resolved, That we are opposed to the said appropriation, or any appropriation for the object stated, either in favor of the city of Washington or any other locality for the same purpose; and we most respectfully ask our honorable Senators and Representatives in Congress to oppose said appropriation and all others of its kind.

And be it further resolved, That we approve the firm and manly course pursued by our honorable Senator, A. S. PADDOCK, in said matter, and we hereby tender him a vote of thanks, assuring him that we believe with him, that said appropriation, if made, would be an injustice to other localities, and not in the interests of our honorable indigent ex-soldiers.

And be it further resolved, That a copy of these resolutions be sent to the National Tribune, with the request that they be published, and that a copy be sent to each of our honorable Senators and Representatives in Congress.

L. M. SCOTHORN, Commander.

T. B. BEACH, Adjutant.

[SEAL.]

PERSONAL EXPLANATION.

Mr. BAILEY. Mr. Speaker, I rise to a question of privilege, and I send to the desk a newspaper paragraph taken from the Washington Post of April 14, which I ask to have read.

The Clerk read as follows:

REPRESENTATIVE BAILEY LEARNS A LESSON.

Mr. BAILEY of Texas was given a lesson in parliamentary tactics yesterday morning. It will be remembered that he has repeatedly objected to the passage of measures without a quorum. He asked unanimous consent for the passage of a bill granting to the Gainesville, Oklahoma and Gulf Railroad Company the right of way through Indian Territory. No quorum voted, to which Mr. CHIPMAN of Michigan called attention. The yeas and nays were demanded, and this vote resulted—136 yeas to 3 nays, many members on each side refusing to vote. Mr. BAILEY said he did not desire to have the measure passed without a quorum.

Mr. HOLMAN then demanded a call of the House, which disclosed 194 members present.

Mr. CHIPMAN again asked for the yeas and nays, but being appealed to by Mr. CULBERSON of Texas withdrew the request, and the bill was finally passed on a division, which did not show a quorum, but Mr. BAILEY made no objection.

The obstruction was interspersed simply to give Mr. BAILEY an object lesson in the parliamentary school which he has just entered. The incident created considerable amusement and consumed nearly two hours' time.

Mr. BAILEY. Mr. Speaker, I had not intended to notice this or any of the other criticisms which the public prints have seen fit to publish against me, but friends of ripe experience and upon whose judgment I rely implicitly have thought that inasmuch

as I am charged with bad faith in this—that I am willing to pass my own bills under circumstances such as I would not permit the bills of other gentlemen to pass—that it is proper for me to make a statement. It is well known to every man who has given a second thought to this question that I have never insisted upon a quorum voting, though I do not hesitate to say that such a position would be entirely reasonable.

All that I have ever demanded in any case is that a quorum shall be present, and three minutes before the passage of the bill mentioned in that paragraph a call of the House had disclosed the presence of 194 members. While it is true that a quorum did not vote, there was a quorum present; and I repeat that that is all I have ever demanded. I have seen bills pass here many times when less than a dozen men voted, but the quorum was present and I offered no objection. I saw one bill carrying almost \$25,000,000, for the support of the Army, pass when less than 25 men voted for it, but the quorum was present and the bill was passed.

Mr. BOUTELLE. Will the gentleman permit me to ask him how he ascertained the fact that there was a quorum present on the occasion to which he referred?

Mr. BAILEY. I imitated the Speaker who presided over the preceding House of Representatives, and *sine* a quorum. [Laughter.] But, Mr. Speaker, I am less concerned about the newspaper's opinion on this point than I am about the imputation—

Mr. WALKER. I would like to ask the gentleman how he could tell there was a quorum unless he counted.

Mr. BAILEY. Oh, you will have time to talk in a few minutes on a case of your own, and you had better wait. [Laughter.]

I was about to say, Mr. Speaker, that I am less concerned about the opinion of the newspaper than I am about its imputation that my attitude on this question has excited such hostility among my fellow members as to bring down upon my head their revengeful spite; and it is upon this suggestion that I crave a brief indulgence this morning.

Mr. Speaker, in pursuing what I have conscientiously believed to be my duty, I have studied to avoid giving offense to my colleagues. I have sought with especial care to guard against raising anything like a personal issue in this Hall. I have fully realized from the very beginning that my position was somewhat of an innovation, and consequently one of difficulty and embarrassment, and that not even the most scrupulous regard for the rights and feelings of others could exempt me altogether from resentment.

But, sir, while I knew as well when I entered upon this course of conduct as I know to-day that it would subject me to many and unjust aspersions, yet I would hold myself unworthy to be the representative of a brave and free people if I could permit the hope of your favor or the fear of your censure to outweigh my sense of duty to them. [Applause.] I have acted deliberately in this matter, and I offer no apology for what I have done. I expected to be criticised, though the criticism exceeds my expectation. I did not anticipate so much bitterness, because I had supposed that the American House of Representatives was the one place above all others in the world where even an error of opinion would be safe from intolerance, and I am amazed, sir, at the impatience and the spirit of proscription which many gentlemen have exhibited against a position the correctness of which not one of them will have the temerity to deny.

It is true indeed that some of them have ventured to assert that while my contention may be right as a matter of abstract principle, it is wrong as a matter of policy. But, sir, I freely confess myself incapable of a mental process which can reach the conclusion that it is ever bad policy to follow a good principle. If it is right to legislate with less than a quorum, then it is wrong to arm any single man who lives with the power to prevent it; and it is doubly wrong to impose upon him the necessity of taking an oath to support, "without mental reservation or purpose of evasion," an instrument which plainly forbids it.

But, Mr. Speaker, it may be a matter of some surprise to these gentlemen who have been so swift to deal with me as a mere and confirmed obstructionist when I say that during my short service here I have never made a dilatory motion: I have never demanded a division or a roll call simply to delay the House and consume its time, and I have never refused unanimous consent for the consideration of any measure except such as have appeared to me to be wholly indefensible.

Then, sir, if I have done none of these things—if I have practiced none of the devices so clearly permissible under our rules, but on the contrary have sought to facilitate rather than to obstruct useful legislation, why am I to be arraigned before this House and the country upon these frivolous and senseless accusations? What have I done to deserve this unreasonable impeachment? Nothing, sir, absolutely nothing.

"The head and front of my offending" is, and only is, that I have demanded precisely what the Constitution itself demands,

and that is, that we shall have a quorum here before we vote away the people's money and undertake the enactment of their laws. If this is wrong, the fault lies with the Constitution for requiring it, and not with me for seeking to enforce its requirement. If we have reached a point in the history of the country when we can not conduct the business of this House in the exact and orderly manner prescribed by the supreme law of the land—if Congress has outgrown the forms of the Constitution—then, sir—

Mr. BOUTELLE. Will the gentleman permit an inquiry?

Mr. BAILEY. Certainly.

Mr. BOUTELLE. I suppose the gentleman, in referring to "the supreme law of the land," alludes to the late opinion of the Supreme Court of the United States? [Laughter.]

Mr. BAILEY. No, sir; I refer to the Constitution.

Then, sir, I repeat, if Congress has outgrown the forms of the Constitution, let us stand before our constituents like men and tell them so, and ask them for its amendment. I grant you, sir, it is easier and more convenient to suspend it by "unanimous consent" than it is to amend it according to its terms; but until some gentleman can specify the provision which authorizes Congress to suspend the Constitution I shall persist in my present determination.

Mr. Speaker, among all the wise and well-considered provisions of the Constitution there are none more excellent than this. Our fathers recognized that they could not fix for all time to come, a certain number to constitute a quorum; because what would be safe then, would not be safe as the country should grow and the membership of Congress be increased; and therefore, with that rare wisdom which characterized all their labors they harmonized the principle of permanence with the principle of progress, and established it as a rule safe under all circumstances—flexible, and yet applying with equal security to all changes and all conditions—that a majority of the men elected to transact the people's business should be necessary to do so.

Mr. Speaker, there is not a member of this House to-day who will venture to say that the people would ratify a proposition to alter this provision in the slightest particular; and I submit it to your candor and your sense of due responsibility, are you willing to do, without the consent of your constituents, that which, if they were consulted, they would not consent for you to do?

But I sometimes hear it said that as to much of the work done here the people do not care whether there is a quorum present or not. I assume no power to look into their minds and hearts and read a meaning there different from what they have written in their Constitution; and whoever declares that the people are indifferent upon this point has read the history of constitution-making in recent years to very little purpose. In examining the earlier constitutions we find that nearly all of them copied the language of our Federal instrument. But it was soon found that legislators dislike to be disagreeable, preferring even to disregard the Constitution rather than to offend their friends, and so it happened that many laws were put upon the statute books that did not represent the assent of a quorum.

Were the people satisfied with this? I do not ask you to take my opinion; but let their later constitution make the answer. In the last forty years—or to speak more exactly, since 1850—there have been thirty-five State constitutions adopted in this Union. Out of the thirty-five twenty-eight require not only that a quorum shall be present, but upon the final passage of every bill the yeas and nays shall be taken and entered upon the journal. And most of them require, not only that a majority of a quorum, but that a majority of all the members elected shall vote for every bill before it can become a law.

Of the remaining seven, the State of Virginia, the State of Tennessee, the State of Georgia, and the State of North Carolina, require that upon every bill which releases a charge or makes an appropriation, the yeas and nays shall be taken. Of the remaining three, West Virginia requires that upon a bill originating in one House, amended in the other, and coming back for final passage, the yeas and nays shall be taken. The remaining two are South Carolina and Texas. Texas fixes her quorum at two-thirds and provides for the yeas and nays on the demand of any three men, and South Carolina has a constitution framed in reconstruction times.

Thus, Mr. Speaker, we see that in over forty years there has not been a State constitution adopted, except the reconstruction constitution of South Carolina, which has not embodied a further restriction upon the lawmaking power.

I have before me two volumes embracing all the constitutions adopted up to 1876. Since then the States of Georgia, Louisiana, Mississippi, Kentucky, North and South Dakota, Wyoming, Idaho, Montana, and Washington have adopted constitutions; and in every single one of them the requirement is incorporated that the yeas and nays shall be taken on the final passage of every bill.

Turning, sir, to these volumes and beginning with the first State, we find that the constitution of the State of Alabama requires that—

Every bill shall be read on three different days in each house, and no bill shall become a law unless, upon its final passage, it be read at length, and the vote be taken by the yeas and nays, the names of the members voting for or against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, etc.

The States of Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, all require the same thing. The State of Michigan—God save the mark—requires the same thing. Yes, sir; the State of Michigan, whose distinguished Representative thought it his duty to rebuke me for requiring a quorum.

Mr. CHIPMAN. Mr. Speaker, I would say to the gentleman from Texas that I am not responsible for what appears in the Post. I do not edit that paper. Do not drag me in.

Mr. BAILEY. Mr. Speaker, I am glad to acquit the gentleman from Michigan—

Mr. CHIPMAN (interrupting). I do not go to the press to make my comments on my brother Representatives.

Mr. BAILEY. I am very willing to acquit the gentleman; but it is a fact that the State of Michigan requires that the yeas and nays shall be taken on every vote, and a majority of all the men elected shall be required to pass a law. The State of New York requires the same thing; and, furthermore, it requires that as to appropriations of the public money and the release of charges, three-fifths of the members shall be necessary to constitute a quorum, and the yeas and nays must be taken. The State of New Jersey, one of whose Representatives here rises so demurely and demands a division as a sort of punishment against me, requires the same thing.

I repeat, sir, that every constitution, with the single exception of the reconstruction constitution of South Carolina, adopted in more than forty years past, has attempted to further limit the action of Legislatures. In order that there shall be no mistake in regard to this question, I shall insert in the RECORD the very language of these various State constitutions.

The constitution of Alabama provides that—

No bill shall become a law unless on its final passage it be read at length and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journals and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this constitution. (Article 4, section 21.)

The constitution of Arkansas provides that—

No bill shall become a law, unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of each house be recorded thereon as voting in its favor. (Article 3, section 22.)

The constitution of Colorado provides that—

* * * No bill shall become a law except by vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and nays, and the names of those voting be entered on the journal. (Article 5, section 22.)

The constitution of Florida provides that—

* * * The vote on the final passage of every bill, or joint resolution, shall be taken by yeas and nays, to be entered on the journal of each house, and a majority of the members present in each house shall be necessary to pass every bill or joint resolution. (Article 5, section 15.)

The constitution of Illinois provides that—

* * * On the final passage of all bills the vote shall be by yeas and nays, upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members elected to each house. (Article 4, section 12.)

The constitution of Indiana provides that—

* * * The reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays. (Article 1, section 13.)

The constitution of Iowa provides that—

No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal. (Article 3, section 17.)

The constitution of Kansas provides that—

* * * The yeas and nays shall be taken and entered immediately on the journal upon the final passage of every bill or joint resolution. (Article 2, section 10.)

The constitution of Louisiana provides that—

Nor shall any bill become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded there as voting in its favor. (Section 37.)

The constitution of Maryland provides that—

No bill shall become a law unless it be passed in each house by a majority of the whole number of the members elected, and on its final passage the yeas and nays be recorded; nor shall any resolution requiring the action of both houses be passed except in the same manner. (Article 3, section 23.)

The constitution of Michigan provides that—

Every bill and joint resolution shall be read three times in each house before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each

house. On the final passage of all bills, the vote shall be by yeas and nays, and entered on the journal. (Article 4, section 19.)

The constitution of Minnesota provides that—

* * * No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house. (Article 4, section 13.)

The constitution of Missouri provides that—

No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Article 4, section 31.)

The constitution of Nebraska provides that—

* * * No bill shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays shall be entered upon the journal. (Article 3, section 10.)

The constitution of Nevada provides that—

* * * The vote on the final passage of every bill and joint resolution shall be taken by yeas and nays, to be entered on the journals of each house, and a majority of all the members elected to each house shall be necessary to pass every bill or joint resolution. (Article 4, section 18.)

The constitution of New Jersey provides that—

All bills and joint resolutions shall be read three times in each house before the final passage thereof, and no bill or joint resolution shall pass unless there be a majority of all the members of each body personally present and agreeing thereto, and the yeas and nays of members voting on such final passage shall be entered on the journal. (Article 4, section 4.)

The constitution of New York provides—

No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal. (Article 3, section 15.)

And also that—

On the final passage in either house of the Legislature, of any act which imposes, continues, or revives a tax, or creates a debt or charge, or makes, continues, or revives any appropriation of public or trust money or property, or releases, discharges, or commutes any claim or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein. (Article 2, section 21, amendment.)

The constitution of Ohio provides that—

* * * On the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed, in either house, without the concurrence of a majority of all the members elected thereto. (Article 2, section 9.)

The constitution of Oregon provides that—

* * * The reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays. (Article 4, section 19.)

The constitution of Pennsylvania provides that—

Every bill shall be read at length on three different days in each house; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Article 3, section 4.)

And also:

* * * The yeas and noes shall be taken in each house upon the final passage of every bill of a general character and bills making appropriations of public moneys. (Article 2, section 21.)

The constitution of Washington provides that—

No bill shall become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Article 2, section 22.)

The constitution of South Dakota provides that—

* * * No law shall be passed unless by assent by a majority of all the members elected to each house of the Legislature. And the question upon the final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal. (Article 3, section 18.)

The constitution of North Dakota provides that—

No bill shall become a law except by a vote of a majority of all the members elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the journal. (Article 2, section 65.)

The constitution of Montana provides that—

No bill shall become a law except by a vote of a majority of all the members present in each house, nor unless, on its final passage, the vote be taken by yeas and noes, and the names of those voting be entered on the journal. (Article 5, section 24.)

The constitution of Wyoming provides that—

No bill shall become a law, except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote be taken by yeas and noes and the names of those voting be entered on the journal. (Article 3, section 25.)

The constitution of Mississippi provides that—

* * * The yeas and nays shall be entered in the journal on the final passage of every bill. (Article 4, section 55.)

The constitution of Idaho provides that—

* * * On the final passage of all bills they shall be read at length, section by section, and the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present. (Article 3, section 15.)

And also:

No bill shall become a law unless it shall receive a majority of the votes of

all the members elected to each house of the General Assembly, and it shall, in every instance, so appear on the journal. (Article 2, section 7, paragraph 14.)

The constitution of Georgia provides that—

No bill or resolution appropriating money shall become a law unless upon its final passage, the yeas and nays, in each house, are recorded. (Article 2, section 7, paragraph 12.)

The constitution of West Virginia provides that—

When a bill or joint resolution, passed by one house, shall be amended by the other, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on, by yeas and nays, in the house by which it was originally passed, and the result entered upon its journals. In all such cases, the affirmative vote of a majority of all the members elected to such house shall be necessary. (Article 6, section 31.)

The constitution of North Carolina provides that—

No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several days in each house of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third reading of the bill shall have been entered on the journal. (Article 2, section 14.)

The constitution of Tennessee provides that—

Every bill shall be read once on three different days, and be passed each time in the house where it originated before transmission to the other. No bill shall become a law until it shall have been read and passed on three different days in each house, and shall have received on its final passage in each house the assent of a majority of all the members to which that house shall be entitled under this constitution, and shall have been signed by the respective speakers in open session, the fact of such signing to be noted on the journal; and shall have received the approval of the governor, or shall have been otherwise passed under the provisions of this constitution. (Article 2, section 18.)

Now, Mr. Speaker, what is the conclusion to be deduced from all of this? The object of these requirements must be obvious to every intelligent man. Beyond all possibility of a doubt the purpose is to compel, not only the attendance, but the participation of a quorum in all matters of legislation.

Then, sir, one of two things is necessarily true, either that the States are unwise in their tendency to impose additional limitations upon their lawmakers, or we are culpable in our tendency to ignore all limitations.

I do not believe it is right that when my distinguished friend from Minnesota votes for his next-door neighbor to become a representative in the State Legislature, whose sessions are held under the very eyes of the people, whose every act must be known throughout the State before it can become a law, and whose appropriations will not exceed \$5,000,000 annually—I say I do not believe it is right that he shall send that representative to the State Legislature hedged about with provisions more restrictive than those which bind the Representative whom he sends to Congress, whose sessions are held 2,000 miles from home, and whose appropriations reach the almost fabulous sum of \$500,000,000.

The criticisms that have been made against me imply one of two things; either the sovereign States of this Union were wrong in their constitutional enactments or else, according to my critics, we must concede the absurd doctrine that the further a Representative is removed from his people and the more money he spends, the more loosely he is justified in proceeding.

The tendency in the States is to increase the lawmaker's responsibility, while the tendency here is to destroy all responsibility. These tendencies are opposite and irreconcilable, and without reference to the merits of either, the conclusion is irresistible that whenever the people in recent years have had opportunity to speak on the subject they have unequivocally and almost invariably demanded that a majority of the men whom they elect to transact their business shall be necessary to do so.

But, sir, they tell me that it is inconvenient to enforce the rule at all times. That, Mr. Speaker, does not satisfy me. It implies a condition that is discreditable to this House, because it is equivalent to a confession that one-half of us are usually absent. If a majority of the members were always here, the point would never be made; if they failed to attend, only on rare occasions it could seldom be made, and, at the worst, it could only result in an occasional inconvenience.

Absenteeism has become a habit with members simply because the House has encouraged it, and nothing, it seems to me, could be so well calculated to correct this great evil as for every member to know that this body could and would come to no resolution or vote in the absence of its majority. The taxpayers of this land are paying three hundred and thirty-two men to transact their business, and I am not willing to believe that one-half of that number will neglect the necessary and faithful performance of the service. The men who take the honors and emoluments of public office ought to meet and to discharge its obligations, and surely our first and highest duty is attendance upon the sessions of this House. We seldom sit longer than five hours, and we ought to remain here during that time.

But, sir, if this were not true—if I did not regard it as the duty

of a Representative to attend here—there is still another and fatal objection to this method of proceeding without a quorum. This argument of convenience was made to the convention which framed the very Constitution under whose authority we are gathered here. It was pressed by some of the most illustrious men in that assembly and was rejected there. It was argued that the country was so widely extended that members from the remoter parts might not attend the early days of the session, or that they might be detained here until, worn out, they would go to their homes. It was even urged that a few men who might be hostile to a given measure would break a quorum by withdrawing from the Hall. They called it "seceding" in that day.

Every man admitted that these were serious inconveniences, and that they might become dangers; but, said Mr. Ellsworth, "It will be a pleasing ground of confidence for the people to know that no law and no burden can be imposed upon them by a few men," and so thought the convention.

Therefore when they came to take the vote upon a substitute for the present rule, which declares that a majority shall constitute a quorum, nine States voted against it and only two States voted in its favor—the State of Massachusetts and the State of Delaware alone voting in favor of the substitute. Then, when on motion of Mr. Madison, seconded by Mr. Randolph, the section was amended by clothing less than a quorum with authority to compel the attendance of absentees, this provision was adopted without a dissenting voice.

It appears to me, Mr. Speaker, that while the matter of convenience is a proper one for this House to consider in framing such rules as it has the power to make, yet in a case like this, where the Constitution itself has fixed a limitation upon the House, the question is, not what is most convenient, but what is precisely lawful.

But I am told that it has not been customary to make the point. If that were true, it is merely an evasion and not an answer. But it is not true. The Journals of this House bear ample witness that it has been made thousands and thousands of times. But conceding all that can be claimed for a custom, you must still remember that while custom may make a law it can not *unmake* a Constitution.

Mr. Speaker, I may be mistaken in my course; but, sir, I am striving honestly to fulfill the lessons which I learned at the feet of Democratic teachers, who taught me to believe that the main condition upon which depends not only the happiness of these people, but the perpetuity of their institutions, is an absolute obedience to every line and every letter of the Constitution. [Applause.] My vision, sir, may be too narrow to comprehend that larger view which it is so much the fashion now to extol, or it may be that I have given too many days and nights to the contemplation of those theories of government which modern politicians find it easier to condemn than they do to learn; but at all events, I have not attained, and I do not aspire to that exalted height that raises me above the Constitution of my country.

I still delight to claim a fellowship with those sturdy and old-fashioned men who cherish an almost superstitious reverence for that sacred instrument. In spite of its repeated and shameful violations, rent and torn as it is until it is almost a thing of shreds and patches, I bow before its altar with idolatry, and still venerate it as the ark of a new covenant pledging a favored people the inestimable blessings of liberty.

Mr. Speaker, it is a curious spectacle to me, and certainly it is not a grateful commentary on our times, that an American Representative must rise in his place on this floor and defend himself for having defended the Constitution.

But, sir, I cheerfully bear all the opprobrium which attaches to my action, though I am not mad enough to dream that single handed and alone I can reform an abuse which is the growth of many years. I know too well that the chasm which yawns in this forum demands an infinitely richer sacrifice than I am before it will close over its victim's lifeless form; but at least I shall enjoy the satisfaction of knowing that I have done my duty; and sustained by this consciousness, I can appeal from the passionate and angry protests which assail me here to the sober judgment of my own constituents, confident of their approval, and with that for my shield, the shafts of malice and revenge fall spent and harmless at my feet. [Applause.]

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded. On yesterday evening the previous question was ordered on several bills coming over from the Committee of the Whole. The Clerk will report the first bill.

MERIDY SMITH.

The Clerk read as follows:

The bill (H. R. 5722) increasing the pension of Meridy Smith.

Mr. ENOCHS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ENOCHS. Would an amendment to that bill be in order?

The SPEAKER. The Chair finds that the previous question was ordered on the pending amendment, and upon the engrossment and third reading of the bill, and also by unanimous consent on the final passage of this bill.

Mr. ENOCHS. Can I not get unanimous consent for an amendment to that bill? I ask unanimous consent to offer an amendment to the bill.

Mr. LIVINGSTON. What amount does the gentleman propose?

Mr. ENOCHS. There are but eight of these old Revolutionary widows in this country. This lady is 96 years of age, and she requires, as everyone well knows, the most tender care. She is the widow of a soldier who gave us the Republic. I want to see her put in such a condition that she will be absolutely comfortable the balance of her life. I want to amend by striking out "thirty" and inserting "\$100."

Mr. WILSON of Missouri. I object.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MRS. JENNIE Y. WADE.

The next bill coming over from the Committee of the Whole was the bill (H. R. 2073) granting a pension to Mrs. Jennie Y. Wade.

Mr. KILGORE. That is one of the bills in which the previous question was ordered last night?

The SPEAKER. The previous question was ordered up to the final passage of the bill.

Mr. KILGORE. All right, then.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BETSEY WORTHINGTON.

The next business coming over from the Committee of the Whole was the bill (H. R. 5200) for the relief of Betsey Worthington.

The amendment was read, as follows:

Strike out the words "twenty-five" and insert in lieu thereof the word "thirty."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN RAMEY.

The next business coming over from the Committee of the Whole was the bill (H. R. 3587) for the relief of Jonathan Ramey, Mexican war veteran.

The amendments were read, as follows:

In line 6, after the words "granted a pension of," strike out the word "ten" and insert the word "twenty."

In line 7, after the words "from the date of," strike out the words "said battle, February 23, 1847, and that he be enrolled on the pension list from said date, and have his pension audited and allowed from said date, and the arrearages paid to him at once," and insert the following: "the passage of this act, the same to be in lieu of the pension now paid him."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM F. C. NINDEMANN.

The next business coming over from the Committee of the Whole was the bill (H. R. 7281) granting pension to William F. C. Nindemann, late of the Jeannette expedition to the Arctic Ocean.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. Without objection, a motion to reconsider the several votes by which the bills have been passed, and to lay that motion on the table in each of these cases, will be entered. [After a pause.] The Chair hears none, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. CADMUS obtained leave to withdraw from the files of the House papers in the case of Henry Cook, Forty-seventh Congress, there being no adverse report thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HENDERSON of Iowa, until further notice, on account of illness.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army en-

campment in September, 1892, Mr. LAPHAM, Mr. OUTHWAITE, and Mr. HULL.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports. The Clerk will call the committees.

COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, with amendments, the bill (H. R. 339) to establish a court of appeals for the District of Columbia, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COURT OF PRIVATE LAND CLAIMS.

Mr. RAY, from the Committee on the Judiciary, reported back as a substitute for the bill H. R. 3982 the bill (H. R. 8340) to amend an act establishing a court of private land claims and to provide for the settlement of private land claims in certain States and Territories, approved March 3, 1891; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with this accompanying report, ordered to be printed.

The original bill was ordered to lie on the table.

BRIDGE ACROSS TENNESSEE RIVER IN ALABAMA.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back, with amendments, the bill (H. R. 5941) to build a bridge across the Tennessee River, between a point in Whitesburg precinct, in Madison County, and Morgan County, in the State of Alabama; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS ILLINOIS RIVER, NEAR HAVANA, ILL.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1935) to establish a railway bridge across the Illinois River, between a point at or near the city of Havana, in Mason County, and a point on the opposite side of said river, in Fulton County, in the State of Illinois; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER AT YANKTON, S. DAK.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 442) to authorize the construction of a bridge across the Missouri River at the city of Yankton, S. Dak.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXPRESSION OF SYMPATHY WITH RUSSIAN HEBREWS.

Mr. MCCREARY, from the Committee on Foreign Affairs, reported back favorably with amendment the joint resolution (H. Res. 8) expressing sympathy with the Russian Hebrews in their distress; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCCREARY. Mr. Speaker, I understand that the gentleman from Maryland [Mr. RAYNER] desires to file the views of the minority, and I ask unanimous consent that he be allowed further time.

There was no objection, and it was so ordered.

PUBLIC BUILDING, NATCHEZ, MISS.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation a bill (H. R. 238) for the erection of a public building in the city of Natchez, in the State of Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STREET RAILROADS, DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation a bill (H. R. 8125) to provide for the regulation of the equipment and operation of street railroad lines within the District of Columbia by the Commissioners of said District; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INVESTIGATION OF THE ELEVENTH CENSUS.

Mr. WILLCOX, from the Select Committee on the Eleventh Census, reported a resolution as a substitute for the resolution referred to the committee on April 1, relating to the investigation of the Eleventh Census; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELEVENTH CENSUS.

Mr. WILLCOX, from the Select Committee on the Eleventh Census, reported back with a favorable recommendation the bill (H. R. 7696) amendatory of an act entitled "An act to provide for

the taking of the Eleventh Census;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees for reports. The regular order is the call of committees for the consideration of bills under the rule, and the call rests with the Committee on Military Affairs. The Clerk will report the pending bill.

MILITARY POST, VERMONT.

The Clerk read as follows:

A bill (S. 1233) to establish a military post on the line of the railway between Burlington and Highgate, Vt.

The SPEAKER. This bill is in Committee of the Whole.

Mr. OUTHWAITE. Mr. Speaker, the House had not yet resolved itself into Committee of the Whole. I was about to make that motion when the morning hour expired, and I now move that the House resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc. That the Secretary of War is hereby authorized to accept, free of cost to the United States, a donation of a tract of not less than 300 acres of land on the line of railway between Burlington and Highgate, in the State of Vermont, and to construct thereon, out of any appropriation available for that purpose, the necessary buildings, with the appurtenances, for a military post; and he is authorized to proceed in acquiring land as provided for the enlargement of the military post at Plattsburg, N. Y., by act approved March 3, 1891: *Provided*, That in his judgment the said tract of land is found to be in all respects adequate and suitable for the purpose, and that the title shall have been declared valid by the Attorney-General of the United States.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] is recognized for fifty-five minutes, five minutes having been occupied by him when the bill was before the committee on a former occasion.

Mr. OUTHWAITE. Mr. Chairman, I do not know that any general debate is desired upon this bill, and unless it is I would prefer, in order to save time, that it should be dispensed with. I now ask unanimous consent that general debate be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. LIVINGSTON. Yes, sir; I object. We want to know what there is in this bill.

Mr. OUTHWAITE. There will be an opportunity for the gentleman to learn what is in this bill without having general debate. I will make a statement as to the contents of the bill.

Mr. LIVINGSTON. Well, after you explain the bill perhaps I will withdraw the objection.

Mr. OUTHWAITE. Very well. The bill provides, in the first instance, for accepting, free of cost to the Government of the United States, the donation of a tract of land of not less than 300 acres. It is to be on the line of railroad between Burlington and Highgate, in the State of Vermont. This point has been selected by the War Department as a suitable and proper point because of its geographical position and its railway position; it being so situated that it is a strategic point to guard all of New England. It is near the great channel of commerce between Canada and the United States. It is upon the line which for two hundred years has been the line of advance of any invasion that has come from the north in that part of the country. It is so situated as to command the whole situation, guarding as an outpost the New England portion of the country. It is near railroad communications by means of which our troops could be massed from the southward. It is near the Canadian border and within about 100 miles of the Canadian Pacific.

That road, as I understand, runs along the north side of the Ottawa, and, below Montreal, on the north side of the St. Lawrence, and in the neighborhood of that city, is within about 100 miles of this point. If we should desire to cut the communication between the eastern part of Canada and the Great Lakes this would be a favorable point from which to operate. There is a water way upon this side of the St. Lawrence which this post would command to a certain extent.

Mr. MCCREARY. Will the gentleman state whether it is proposed to erect a fort at this point?

Mr. OUTHWAITE. Not at all. It is simply proposed to establish a military post upon a plan prepared by the War Department upon the idea that there shall be a chain of posts all across the country at about the same distance from the Canadian border, beginning at this point in the East and extending through to the vicinity of the Pacific Ocean.

Mr. MCCREARY. There are already, I believe, military posts established on that frontier.

Mr. OUTHWAITE. Yes, there are already posts on this line.

There is a bill before the House to establish a similar post in Montana.

Mr. MCCREARY. Who proposes to make this donation of land? Individuals, a corporation, or the State of Vermont?

Mr. OUTHWAITE. I am not advised as to who proposes to make the donation, nor that anyone has made a proposal. I am simply advised by the bill itself that the post is not to be established unless a suitable tract acceptable to the War Department is donated either by citizens or by the State of Vermont. Let me say further that the War Department is pursuing a system of reduction of military posts. That is to say, it is doing away with small posts throughout the country, endeavoring to concentrate the forces, and to establish larger posts so as to make it unnecessary to have the troops scattered here and there at remote points throughout the country. The present system is more expensive than one of greater concentration.

The report states that—

The location is at an important railway center from which several lines radiate to vital strategic points in Canada, and also to all parts of the New England States and New York.

That is the reason the War Department has selected this particular locality.

There is no point on the border where a more rapid concentration of troops could be made.

If we want posts at all we want them at points where just this thing can be accomplished—a rapid concentration of the troops of the United States—

There is none where they would be more available for necessary service in case of hostility between this country and Great Britain.

The primary advantage of the location is its availability for operating against the St. Lawrence canals.

There is another provision that in case the 300 acres donated be not sufficient, the War Department may proceed to condemn other lands or to procure them in the same manner as they were procured for the enlargement of the military post at Plattsburg. That is a provision which is not at all likely to be used by the War Department. There is no proposition at this time, and no expectation of any necessity, for an increased number of acres, for a long time to come.

I have thus explained the object of the bill. I want to be frank with the House, and I want members to understand clearly that while this bill does not propose any appropriation whatever at this time—while there is no expectation on the part of the War Department or the Committee on Military Affairs that any specific appropriation will be made for this post—yet there is in the bill a provision that out of funds available for constructing necessary buildings, the War Department may apply a sufficient sum to erect such buildings as may be deemed necessary there at this time, and other additional buildings that may be required from year to year.

In this, as in all other matters, we have to trust to the discretion of the War Department. From year to year Congress appropriates a large sum in bulk to be expended at the discretion of the Secretary of War, to build posts or to erect necessary buildings at posts, and all there is in this bill, is to place this site for a post under the provisions of these general bills.

I trust now, unless some gentleman desires time to speak upon this proposition—

Mr. STOCKDALE rose.

Mr. OUTHWAITE. How much time does the gentleman want?

Mr. STOCKDALE. The time has not been limited, I believe.

Mr. OUTHWAITE. The time is necessarily limited. Unless the gentleman wants a good deal of time, I trust he will oblige me by not taking too much.

Mr. STOCKDALE. I am always glad to oblige the gentleman, but I do not care to be under any censorship as to how much time I shall use.

Mr. OUTHWAITE. The gentleman knows me quite well enough to understand that I would not undertake any censorship. But I wish to give other gentlemen an opportunity to talk if they desire; and all the time we have is fifty-five minutes.

Mr. STOCKDALE. I did not know that; I beg the gentleman's pardon. I will use very little time.

Mr. OUTHWAITE. Very well; I yield to the gentleman from Mississippi as much time as he desires.

Mr. LIVINGSTON. I ask for the reading of the report.

Mr. OUTHWAITE. I read the chief parts of the report in the course of my remarks.

The CHAIRMAN. The report can be read, if the gentleman from Mississippi [Mr. STOCKDALE] yields for that purpose.

Mr. STOCKDALE. I do not want to yield for the reading of the report in my time. I know what is in the report.

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. STOCKDALE. In my judgment, Mr. Chairman, we are occupying in reference to this bill a most anomalous attitude.

A large number of the gentlemen in this House and in the Senate are constantly proclaiming the policy that we must cultivate close relations, both commercial and social, with Canada, with a view to ultimately annexing the province to the United States. Yet the present move seems to be to thrust military posts in their faces all along the line. Why, sir, is there any danger of a war with Canada or with the Government of which it is a province? Why do we want this enlarged post in Vermont? What movements of hostility are there on the part of the Canadian Government or the Government of which it is a province? All the differences that existed between our Government and England have been accommodated, as we understand, by the consummation of a treaty and the *modus vivendi*. Is it true that we are in any danger? Or is it true that the United States Government has a chip on its shoulder and is strutting before the world to see whether somebody will not knock it off?

A MEMBER. Both on land and sea.

Mr. LIVINGSTON. And that is the way to produce war.

Mr. STOCKDALE. As the gentleman remarks, that is the way to produce war. Suppose we establish so large a military post on the Canadian border, is it not true that the Government of Canada, or the Government of which it is a province, has a right under international law and practice to inquire of this Government, "What do you mean by increasing your armed force on the border?" Such inquiries are usual between all governments. We would have to make some reply. They would refer to the debates in this Congress—the statement of a man of as high standing in the country and in this House, a man of as broad views, as the gentleman from Ohio, that we need to strengthen and enlarge our military force on the Canadian border.

Mr. OUTHWAITE. I did not speak of this as a present need, but only as one of the ordinary matters of national defense.

Mr. STOCKDALE. If there is no present need, then this is an adroit way to commit the House to extended appropriations. Why, sir, the other day when a provision involving three millions and a half of dollars was about to be adopted for the building of a cruiser it was stated here that it carried no appropriation at present, but the appropriation would come later, that is, we were going to build a ship without money! This bill asks for no appropriation now, but it provides for the acceptance of land, and the construction of a large military post; it contemplates that 300 acres may not be enough, and proposes that the War Department be authorized to condemn some land in order to enlarge this post.

It is said the policy of the War Department is to concentrate its forces, and for that purpose to establish these large military posts along the Canadian borders, from the eastern coast out to Dakota. There must be some reason for this policy. Is it not true that a military organization is always trying to enlarge and magnify its powers whether there is a prospective need for the use of the military arm or not? And, Mr. Chairman, if that is true this seems to be exactly in line, as I believe it to be, with that policy. The regular Army of the United States amounts to little; it would not stand against the forces of Canada, which could be brought into combat under the British Government very long. These forces could overrun the regular Army of the United States in one march.

How then do we resist invasion; on what do we rely? Upon our citizen soldiery. And therefore instead of concentrating these forces at the larger posts, the smaller posts all along the line should remain as points upon which the citizen soldiery could rally in case of need. There would be the officers to drill the men, and when the tocsin of war is sounded, if ever, a citizen soldiery will rally all along this border line, presenting an unbroken front to any opposing force, instead of being concentrated at these larger posts or at a single post, and then distributed along the line afterwards. Therefore Congress, in place of consenting to the concentration of these posts, should establish a greater number of smaller ones if there is need for them at all.

Mr. BRETZ. Will the gentleman yield for a suggestion?

Mr. STOCKDALE. Certainly.

Mr. BRETZ. It was asserted the other day when the naval bill was under discussion that the increase in the Navy meant a corresponding increase in the military forces, and this is apparently the first step in that direction.

Mr. STOCKDALE. Certainly, it is another step in the same general direction, constantly increasing the military power and its control over the people and the expenditure of money upon a fictitious scare.

Why, Mr. Chairman, there never was anything in the Chilean matter. Nobody anticipated trouble with Chile. Nobody expected a war to grow out of our relations with that country. It was only a scare. Nobody ever intended or expected any war with Great Britain that would have killed more people than we would have saved seals, and the scare was disposed of as soon as

Mr. Blaine got over his little attack of the grip and got back to his office. But now we are told we must yield to the demands of the War Department. They have got up a new policy of concentrating all of our forces. Where? On the Canadian line. Why? Why because we may have war some day when our grandchildren are here to look after it and these posts will be of value. It is the play of the Widow Bedott over again, and that is all.

Mr. OUTHWAITE. Mr. Chairman, the gentleman from Georgia, I understand, wants to have the report read and I will yield to him.

The CHAIRMAN. For how long a time?

Mr. OUTHWAITE. As much time as he desires.

Mr. LIVINGSTON. Mr. Chairman, I ask that the report be read in my time.

The report (by Mr. BELKNAP) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 462) to establish a military post on the line of railway between Burlington and Highgate, Vt., have examined the same and recommend that it do pass.

It is practically identical with Senate bill No. 4833 of the Fifty-first Congress, second session, which passed the Senate, and House bill No. 3394, which was reported favorably by House Committee on Military Affairs, except that it makes no appropriation, leaving the construction of the post to be provided for when it can be, out of the general appropriation for the construction of military posts. It meets the approval of the Secretary of War and the Commanding General of the Army.

The location is at an important railway center from which several lines radiate to vital strategic points in Canada, and also to all parts of the New England States and New York. There is no point on the border where a more rapid concentration of troops could be made, and none where they would be more available for necessary service in case of hostility between this country and Great Britain. The primary advantage of the location is its availability for operating against the St. Lawrence canals.

The committee believe that the establishment of a post in this locality will be more effective in case of hostilities, and cost far less money than to build fortifications as have heretofore been proposed. The following correspondence shows the necessity for this legislation.

Mr. LIVINGSTON. I do not care to have the correspondence appended to the report read.

Mr. Chairman, I hope that this bill will not pass for this reason: First, it is the policy of this Government to have our soldiers making corn until there is necessity for them in the field. It is certainly not the policy of this country to build or establish military posts. If you begin that system you will have to extend it along the entire line from Canada to California. It should not pass for the additional reason that it is a threat held in the face of the English Government. It is intended to brood war and bring it about, instead of to promote peace and establish peace.

There is another reason why it should not pass. It precipitates on the House and on Congress the expenditure of an immense amount of appropriations to establish and keep intact these posts, and that is a sufficient objection to it. This bill carries within itself an appropriation. It is well known to the Committee on Appropriations that there is always a balance, and in some instances a large balance, of money carried over under the military bill that has usually passed the House. This bill provides that that money may be used at the discretion of the Secretary of War. While it is not a special appropriation it is a general one which can cover all possible ends.

Why not pass a bill to procure and encourage volunteer companies in this country? Take this section of the country where this military post is proposed to be established, and the people are as thick as bees in a hive. The least disturbance on the Canada side would call them up from their fields and shops, thousands and hundreds of thousands of volunteers, to protect the frontier. There is no more necessity for this bill to enable this country to protect its interests or its commerce than there is for a fifth wheel to a wagon, not a bit. I hope, sir, that this House has not made up its mind to such a measure as this, or is willing to commit itself to a policy of this kind in this the day of peace; in this the day when peace reigns, and when the masses of the people want peace instead of war; in this day when the masses of the people, especially the Southern people, are demanding economy, on account of their poverty and the existing depression from one end of the country to the other.

I hope that members on this floor will consider, before we commit ourselves to this policy of building and establishing military posts, for if this bill passes there will be a hundred demands from one end of this country to the other for the establishment of other posts.

Mr. SCOTT. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] has the floor.

Mr. SCOTT. I would like to ask a question. If this gift or location is accepted, what is the estimate made of the cost of establishing the post afterwards?

Mr. OUTHWAITE. There is no estimate made of the cost of establishing the post afterwards. As I said in my brief remarks awhile ago, only such buildings are constructed as are neces-

sary. Each year Congress makes an appropriation, sometimes as much as \$750,000, sometimes half that amount, for the War Department to erect buildings at posts, at the discretion of the Secretary of War, and the same discretion will be applied to this as is applied to all other posts.

Mr. SCOTT. May I ask another question?

Mr. OUTHWAITE. Certainly.

Mr. SCOTT. Whether the committee know what the War Department contemplates in the way of establishing posts along the border between this country and Canada?

Mr. OUTHWAITE. The War Department contemplates diminishing the number of small posts all over the country, selling those that are remote from railroads and that are not of any value or importance any more, and the establishment of a sufficient number of posts for the Army, as it is now constituted, and no more. In this instance it would not necessarily mean anything more than a small post, as an outlying one.

Mr. SCOTT. Mr. Chairman, I desire to say that after hearing the answers to the questions propounded to the chairman of the Committee on Military Affairs, and the statement of the policy of the War Department in establishing a line of military posts along the Canadian border, it seems to me that the acceptance of this donation is virtually committing this House, and, so far as we can, the country, to the policy of extending our military preparations. I can hardly see how anyone in the present condition of affairs in this country can believe that there is any need, or that there is a possibility of need, for extending the military equipment of the country.

Certainly there never was a time when there was less prospect, even possibility, of war, or need of defending ourselves against our neighbors, than there is at present. It seems to me, Mr. Chairman, we ought to destroy the barriers that exist between this country and Canada to-day. We ought to tear down the battle-lines of protection and enable this country and Canada to trade with each other, and be more friendly, rather than to anticipate that the people of these two countries are proposing to go to war. This is especially an age of peace, of prosperity, of growth, of financial development. We ought to look to the establishment of our trading facilities and the opening of our roadways, rather than to the building up of these obstructions to interchange of products and these menaces to the peace and prosperity of our country.

I feel, and I believe that throughout the country there is the feeling, that there is no need for any additional war equipment; particularly is this so as against our neighbors on the North, with whom we are on the most friendly terms. There is no need that we should build forts to fight them. This bill involves necessarily a large expense. This policy of construction of useless military posts, involving the appropriation of other sums of money to build houses and other equipments, should not be entered upon, and I hope the House will not pass this bill.

The question has not been answered here as to who is the donor of this military reservation. Not knowing who has so generously offered to give this land, whether it may be from one motive or another, it seems to me this House can do well at this time to carry out the evident policy and disposition of the country to remain in peace, rather than to take steps which look toward a preparation for war.

Mr. LIVINGSTON. I want to ask the chairman of the committee one question for information purely. This bill reads in this way:

And to construct thereon out of any appropriations available for that purpose.

The United States Congress annually appropriates from \$200,000 to \$400,000 for this purpose. Will not his bill leave it discretionary with the Secretary of War to take that entire \$400,000, if he sees fit, and appropriate it right here on this spot?

Mr. OUTHWAITE. As I said before, each year an appropriation is made for that purpose, and each year it is put in the discretion of the Secretary of War, and I never knew of a Secretary of War abusing the discretion to the extent that the gentleman intimates.

Mr. LIVINGSTON. That does not answer my question. Could he not use it all for this purpose?

Mr. OUTHWAITE. No; I do not think that would be in the discretion of the Secretary of War at all. I do not think any Secretary of War could justify any such proposition as that.

Mr. LIVINGSTON. I withdraw my objection to the closing of general debate.

Mr. OUTHWAITE. The gentleman from Georgia withdraws his objection to dispensing with general debate.

The CHAIRMAN. Does the gentleman from Ohio renew the request?

Mr. OUTHWAITE. I do.

The CHAIRMAN. The gentleman from Ohio, chairman of the Committee on Military Affairs, asks unanimous consent that

general debate on this bill be considered as closed. Is there objection?

Mr. SIMPSON. I object.

The CHAIRMAN. Objection is made. The gentleman from Ohio [Mr. OUTHWAITE] has the floor.

Mr. OUTHWAITE. I yield to the gentleman from Iowa [Mr. HULL].

Mr. HULL. It seems to me, Mr. Chairman, that the opposition to this bill is proceeding on a false assumption as to what is intended by the bill. As I understand, and as the Military Committee understand it, the function of the Government is to save money instead of spending it. It is regarded by the authorities that the Indian wars are largely things of the past. We have a large number of posts out through the Indian country, which are expensive to keep up, small posts away from railroads, which make it necessary to transport supplies by wagon trains, and it is a matter of constant expense to the Government to maintain the troops in these posts on the frontier.

We have adopted a plan of concentration, not for the purpose of enlarging our military power, not for the purpose of increasing the Army, but simply to take care of the troops that we have in larger posts, at a much less expense than they can now be maintained.

Mr. BUTLER. Mr. Chairman, there is too much noise to hear the speaker, and I want to hear him.

The CHAIRMAN. The point of order is well taken.

Mr. HULL. We have recently, by action of this House, provided for a ten-troop post at Little Rock, which will supply troops for all that part of the country, where they can be distributed on short notice for any purpose, and preserve the peace of the country among the Southern Indian tribes. We have unanimously reported a bill here to establish a ten-troop post at Helena, Mont., and now this is to bring down the chain around the Canadian border, we establish another post, at a point where the troops can be taken care of at much less expense than it is possible for the Government to take care of them where they are.

It seems to me that the question as to who donates the land is one which need not concern the House. We have adopted a rule in these matters of establishing posts at no point where the land is not donated.

Mr. WHITE. Will my colleague allow me to ask him a question?

Mr. HULL. Certainly.

Mr. WHITE. If it is the primary object in establishing these posts to take care of the troops in as cheap a way as possible, why not build these posts in a milder climate? Why go north, where there will necessarily be an additional expense in taking care of the soldiers in the winter?

Mr. HULL. The question of cheapness is not and can not be the only or main question in establishing posts. I was answering a question in my remarks as to increased expenditures. I did not say that that was the only object; but that is one object that meets the objection of the gentleman from Georgia, to my mind. In this case we take care of troops now enlisted in this new and improved encampment.

Mr. SNODGRASS. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. SNODGRASS. Does not the gentleman believe we need more pillars and fewer posts?

Mr. HULL. My impression is that the pillars of this Government are as firm as they ever were in the country; that the skeleton of an army we have is a pillar of strength to the Government, and as willing to do its duty as it ever has been in the past.

Mr. LIVINGSTON. Will the gentleman allow me to ask him what this donation stands for? Is it an inducement thrown in by a State or a syndicate?

Mr. HULL. It is an inducement to every point to have a post established; but I want to answer further than that, that the mere donation of land is no inducement to the United States to establish a post at any point, as no place is selected which is not of such strategic advantage as would justify the Government in establishing a post. This Government has not entered upon the idea of establishing a post wherever land might be offered to it by the State, but it will not establish a post except where the land is offered free by the State.

Mr. LIVINGSTON. Will the gentleman allow me to call his attention to the language of the bill, which I will read:

That the Secretary of War is hereby authorized to accept free of cost to the United States.

Why does this bill include that provision if you are correct that the Government ought not to consider the question of donation, but the question of location?

Mr. HULL. That is done on the theory that the Government would not establish the posts required at these different places if they could not furnish the land free of cost, and at Little Rock

the State offered a thousand acres of land within 10 miles of Little Rock.

Mr. LIVINGSTON. Then, it seems a question of kind of bargain, a profit and loss between the Government and somebody.

Mr. HULL. The gentleman is entirely mistaken.

Mr. OUTHWAITE. The city of Little Rock gave a thousand acres of land.

Mr. HULL. And Helena give 2,000 acres of land.

Mr. LIVINGSTON. Now, that does not meet my question. I know that the Government selects these points for the military post independently first, and then talks about the donation of land afterwards. Here you talk about the donation first.

Mr. HULL. This bill, as all others have, gives no positive location. It establishes certain limits. The War Department has reported that it was necessary to establish this military post in Vermont, so as to make the chain of posts that we want on our border, between this country and Canada, in connection with the posts of the West, and this post is needed in the East, and for that purpose they want to establish it in the State of Vermont, leaving the exact location to the War Department. The Government has already agreed to the location, and determined that the location is one that is suitable, and I will state that the Government has one post at Detroit, another at Chicago, and another at Sault St. Marie, and this is an eastern connection in conjunction with posts in the State of New York. The Committee on Military Affairs reports unanimously in its favor.

Mr. MILLIKEN. And the committee thinks it is necessary to have a post confronting Canada, just as if we were at war.

Mr. WALKER. It will not have any tendency to destroy the commerce between the two countries.

Mr. HULL. The establishment of this post is to the advantage of the commerce between this country and Canada. The gentleman must certainly admit that we have to have these posts upon our borders, and they are not there as a menace to commerce.

Mr. STOCKDALE. But is it not a menace to Canada?

Mr. HULL. No, sir. If that is so, why does Great Britain have at Vancouver her great military fortifications, her great warships, her great depot of supplies? If that is a menace to this country we ought to require her to dismantle her forts. It seems to me that gentlemen are exceedingly sensitive upon this question of our menacing anybody by establishing a line of posts on our own territory.

This is not for the purpose of menacing anybody. This proposed post is not for the benefit of the State of Vermont; it is for the benefit of the United States of America. We have our Army; we have to feed them and to keep them, and is it not desirable to keep them in the best places, with a view to economy and efficiency, rather than to have them scattered among remote posts upon the frontier?

Mr. SNODGRASS. The gentleman speaks of Great Britain and her preparations for war. Our institutions are entirely different. They rest upon the patriotism and devotion of our people. We need no standing army.

Mr. STOCKDALE. Is it not true that the present condition of Europe results from just that system—one country establishing a post here, another country establishing a post opposite to match that, and so on?

Mr. HULL. Mr. Chairman, I do not believe that you can compare this country with Europe in this respect. We have had posts on the Canadian frontier from the beginning of this Government, yet we have never had one particle of trouble resulting from the action of our Army at those posts.

Mr. OUTHWAITE. Let me ask the gentleman whether we had any questions of this kind started the other day when there was a bill to establish a post at Little Rock.

Mr. HULL. No, sir, we have not; and while casting no reflections on the people advocating that bill and opposing this, it was a much more liberal measure.

Mr. SNODGRASS. I believe we have not had much trouble of late on that frontier.

Mr. HULL. And we shall have no more trouble after this post is established than we have had hitherto.

Mr. STOCKDALE. The post at Little Rock is so far in the interior that it could not be regarded as a menace to anybody.

Mr. HULL. Gentlemen seem to have an idea that if we establish these posts we are necessarily going to increase the Army. That is not so. We do not propose to increase the Army by a single man. But would you rather have your Army scattered among distant frontier posts than concentrated at points where they could be made more readily available? Would you rather have them at forts where it is expensive to maintain them and where they are isolated for six months in the year?

Mr. SIMPSON. Does not the gentleman know that there are several posts in Kansas where there are no troops, or very few, and which are capable of accommodating a great many?

Mr. HULL. Will the gentleman tell me what object there is in having troops in Kansas?

Mr. SIMPSON. The gentleman has spoken of the economy of maintaining the troops, and I think we can feed them cheaper in Kansas than in Vermont and give them a much better climate, too.

Mr. HULL. Oh, the gentleman is begging the question.

Mr. OUTHWAITE. Does the fact that the Government is going to sell some of these unnecessary posts cut any figure in this debate?

Mr. HULL. As to the post at Little Rock, there was a reason for establishing that, because it is on our Indian frontier.

Mr. SIMPSON. Little Rock?

Mr. HULL. Arkansas is. There were some reasons for establishing that post, but there is no reason for a post in Kansas, because we are opening up to settlement all the Indian lands that border Kansas. Another reason why they do not need any additional military posts in Kansas is because they have so many peace men there that they are even sending some of them to Congress. [Laughter.]

Mr. SIMPSON. Let me state to the gentleman that there are more Indians along the border of Kansas than along the border of any other State in the Union.

Mr. CASTLE. Will the gentleman tell us how far it is from Burlington to Highgate? He proposes to establish this post somewhere between those two points. I would like to ask him what the distance is between them?

Mr. HULL. I am willing to leave the exact location of this post to the War Department, where it properly belongs.

Mr. CASTLE. I would like to ask the gentleman what direction Highgate is from Burlington, east, west, north, or south?

Mr. HULL. I will say to the gentleman that it does not make any difference whether it is east, west, north, or south. That is none of our business at this time. As to the location of the post we propose to leave it to the War Department to accept or to reject the land when it is offered.

Mr. CASTLE. I will say to the gentleman, if it is any satisfaction to him, that Highgate is straight north from Burlington and nearly 100 miles distant.

Mr. HULL. And I will say to the gentleman that it is no satisfaction whatever to me to find that out. [Laughter.] If the gentleman wants to start a class in geography I hope he will take some other occasion than this.

Mr. SIMPSON. What you want is your appropriation.

Mr. HULL. What I want is not an appropriation, but to see the symmetrical carrying out of the plans of the men who are competent to decide where these posts ought to be. The officers of the Army have recommended the passage of this bill. It is nothing to me. I represent a Western constituency. I represent a city which would donate land to get a post, because it would be worth that to the people there. That has no bearing whatever upon this case. This is simply a question of whether it is wise to establish posts where the men who have made a life study of the subject say they should be established, and to bring our troops in from the Indian country, where they are no longer needed, and keep them at these posts when established.

Mr. CASTLE. Is it not a fact that the city of Burlington, of which the gentleman speaks, is less than 50 miles from a point where there is already a military post, situated on the same lake on which Burlington is situated?

Mr. OUTHWAITE. There is a post at Plattsburg, across Lake Champlain, and as the gentleman seems to be familiar with the geography of that country, he can say himself whether that is within 50 miles or not.

Mr. CASTLE. It is.

Mr. SIMPSON. Is this post mentioned by the gentleman from Minnesota occupied by troops?

Mr. HULL. I think so.

Mr. SIMPSON. Could not that post accommodate what extra troops we desire to station up there?

Mr. HULL. So could the posts in Kansas; but the War Department desires this and I am willing to trust the question to the War Department rather than to my own judgment.

Mr. SIMPSON. I am sorry I can not share with the gentleman his confidence in the War Department.

Mr. OUTHWAITE. I yield three minutes to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Chairman, this is a business matter. The difference between our country and imperial countries is this: They put their great posts in the center of the country to hold their people in subjection; we put our posts upon our frontiers to protect our people.

Mr. STOCKDALE. To protect them against what?

Mr. WHEELER of Alabama. To protect them against all the other nations on earth.

Mr. STOCKDALE. Is there any danger of a war with Canada?

Mr. WHEELER of Alabama. I do not know that there is any danger of war with Canada; but we are drawing in our posts from the Indian frontier; we must establish our posts somewhere; and the General of the Army and the Secretary of War have determined that the place named in this bill is a proper place for a post.

Mr. LIVINGSTON. What good would regular soldiers do in a general war between this country and Great Britain or Russia? Must we not in such a war depend entirely upon our volunteer soldiery?

Mr. WHEELER of Alabama. We are very largely dependent, in such cases, upon the volunteer soldiery; but it is the policy of the Government to maintain a small regular army as a nucleus for an enlarged army in case of war. As long as we maintain that policy and have an army we ought to let the General of the Army determine, with his careful study, what strategic points should be selected for military posts. In the history of the whole world it has been found that whenever legislative assemblies have sought to control military strategy and manage military forces, they have brought disaster and disgrace upon their country.

Mr. BUTLER. May I ask the gentleman a question?

Mr. WHEELER of Alabama. Certainly.

Mr. BUTLER. I would like to direct the gentleman's attention to one point simply. What is the necessity or wisdom of establishing another military post within 50 miles of Plattsburg, where we have a military post now?

Mr. WHEELER of Alabama. Because Plattsburg, on account of the changed condition of our country, is not so situated as to meet all the requirements. This proposed location is upon lines of communication, where troops can easily be concentrated and where more than half of the trade of Canada passes.

Mr. BUTLER. Does this measure contemplate the abandonment of the military post at Plattsburg?

Mr. WHEELER of Alabama. It may eventually result in that, but at present a post is needed at both points. Both localities are upon extensive lines of travel.

[Here the hammer fell.]

Mr. OUTHWAITE. I yield two minutes to the gentleman from Kansas [Mr. BRODERICK].

Mr. BRODERICK. Mr. Chairman, I am not opposed to the Army or Navy; nor do I object to proper measures for the establishment of military posts. But I am opposed to this proposition. In Kansas we have two military posts; and I represent a district in which one of them—Fort Leavenworth—is situated. At that post there are now occupied by officers and their families buildings which were erected thirty-five or forty years ago, and which are now absolutely unfit for occupancy. Yet we have failed to get an appropriation either for the repair of those buildings or the erection of new ones.

The stables are down. Some of the horses belonging to the cavalry and artillery had to be removed for want of stable accommodation. We have failed to get an appropriation for rebuilding the stables. Now, it seems to me that before we enter upon a policy of appropriating money for the establishment of new military posts, which appear to be unnecessary and are unnecessary at this time, we should make proper provision for maintaining creditably those posts that we have already established. I hope this bill will not pass.

Mr. OUTHWAITE. As chairman of the committee that favorably reported this bill I have been interested in this debate, and especially in the local turn that it has taken. Gentlemen seem to be of the opinion that there are some parts of this country in which military posts should not be established. What may prompt them, what may have stirred their hearts or moved their minds to oppose its passage upon such grounds, I do not care to conjecture. I have only to say as to the locality of this post that it is no farther north (if that is a true objection to a work of this kind) than several of the most important posts that now exist. The climate is no more rigorous at this point than at other points of the country where posts exist.

But I can not conceive that in a country like ours, extending from an almost tropical region in the south to an almost frigid region in the north, we should consider the question of climate. The people of the extreme North are as much entitled to protection and as much entitled to have located in their midst that which may insure their protection as the people of the West or the people of the South.

This location was made not by any political party. The selection of this site was made not through any political influence. It was made by the General of the Army, who is in political sympathy with the majority of the members of this House and always has been. His reasons for selecting this region are set forth in his letters attached to the report. They furnish the committee the reasons for their favorable action upon the bill.

The report is a unanimous one. Therefore upon this judgment, not upon political bias, the committee have acted in reporting

this bill. It has the concurrent sanction not only of the General of the Army, but of two Secretaries of War. Repeated recommendations from the General of the Army have been made in favor of this selection. The pretense that has been urged here to-day in opposition to the bill that it is a wasteful extravagance to reduce the number of posts that are being or have already been abandoned because they are useless and establish others is absurd in view of the fact that these useless posts will be sold and the money put into the Treasury. That argument will not bear a fair analysis. No question of true economy arises.

Mr. LIVINGSTON. Will the gentleman allow a question?

Mr. OUTHWAITE. Certainly.

Mr. LIVINGSTON. Do I understand that this bill provides for selling the smaller posts?

Mr. OUTHWAITE. I stated that the War Department itself had provided for the reduction of the number of posts, the smaller posts being given up. I said that several of these smaller posts were to be sold and the proceeds given into the hands of the Government. I said that in the course of my remarks in the beginning of the debate on the bill. I said it was distinctly no increase at all, but simply a change of location; that other posts were to be abandoned, because, in a military sense, a few of them are found unnecessary to be retained any longer at their present locations. Mr. Chairman, to whom shall we trust for judgment as to whether a post is a military necessity at any point if not to the General of the Army, whose duty it is to consider such matters in all their various military relations?

Mr. SIMPSON. I would like to ask the gentleman a question. Does not the gentleman know that it is only 26 miles from Plattsburg, where there is already a post established, to Burlington, the proposed site of this new one?

Mr. OUTHWAITE. Burlington is not the proposed place. The proposed place is anywhere between Burlington and Highgate, which is 100 miles further north. But that does not cut any figure. Besides, with due respect, I should rather take Gen. Schofield's judgment on a military question than that of Gen. SIMPSON at any time.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. OUTHWAITE. I move that the committee now rise.

The question having been submitted, the Chair announced that the noes seemed to have it.

Mr. LIVINGSTON. I move to amend by moving that the committee rise and report the bill, with the recommendation that the enacting clause be stricken out.

Several MEMBERS. Oh, no.

The CHAIRMAN. The gentleman from Georgia moves—

Mr. LIVINGSTON. I will withdraw the motion.

Mr. OUTHWAITE. I demand a division on the motion that the committee rise.

The committee divided; and there were—ayes 42, noes 8.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union having had under consideration Senate bill No. 1233 had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and joint resolutions of the following titles; in which concurrence was requested:

A bill (S. 1188) granting a pension to Samuel P. Glenn;

A bill (S. 1290) to provide for the purchase of lands adjoining the United States naval station, Port Royal, S. C.;

A bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson;

A bill (S. 1430) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers;

A bill (S. 1543) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport navy-yard;

A bill (S. 1675) granting increase of pension to soldiers of the Mexican war in certain cases;

A bill (S. 1714) to prevent cruelty to children or animals in the District of Columbia, and for other purposes;

A bill (S. 2171) to amend section 766 of the Revised Statutes of the United States;

A bill (S. 2280) to amend sections 727 and 729 of the Revised Statutes, relating to the District of Columbia;

A bill (S. 2331) for the erection of a public building in the city of Woonsocket, R. I.;

A bill (S. 2566) for the relief of William and Mary College, of Virginia;

A bill (S. 2592) granting an increase of pension to William C. Tarkington;

A bill (S. 2593) granting an increase of pension to Samuel M. Campbell;

Joint resolution (S. R. 41) extending an invitation to the Presidents of the American republics and the governors of the American Colonies to participate in the World's Columbian Exposition;

Joint resolution (S. R. 42) extending an invitation to the King and Queen of Spain and the descendants of Columbus to participate in the World's Columbian Exposition; and

Joint resolution (S. R. 43) requesting the loan of certain articles for the World's Columbian Exposition.

It is also announced that the Senate insisted upon its amendments to the bill (H. R. 6746), making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1893, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL as the conferees on the part of the Senate.

The SPEAKER. Since but two minutes of the morning hour remain, the Chair will treat the hour as having expired.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. ATKINSON, from the 25th to the 28th of April, on account of important business.

To Mr. BENTLEY, on account of important business.

To Mr. LAWSON of Georgia, for 10 days from to-day, on account of important business.

PROPOSED CORRECTION OF THE RECORD.

Mr. RICHARDSON. Mr. Speaker, I desire now to call up for consideration a privileged matter in relation to the question of expunging from the RECORD a part of the remarks of the gentleman from Massachusetts [Mr. WALKER], and ask the Clerk to read the resolution submitted by the Committee on Printing.

The Clerk read as follows:

Resolved, That the House, deeming it a high duty that the courtesy and decorum required by parliamentary law and practice should characterize debate and the conduct of members at all times in their official relations, hereby expresses its disapproval of the unparliamentary language used by Hon. JOSEPH H. WALKER, a Representative from the State of Massachusetts, in that portion of his speech printed in the RECORD on the 17th instant, but which was not delivered on the floor. And considering it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore,

Be it further resolved, That the Public Printer is directed to exclude from the permanent CONGRESSIONAL RECORD all of that portion of his speech beginning with the words, "Hot shot for Mugwumps—Hoar and Williams shown up," etc., on page 2259 of the daily RECORD down to and including the paragraph on page 2261, which closes with the words "but the earmarks are on it," near the bottom of the first column on said page 2261.

Mr. RICHARDSON. Mr. Speaker, the Committee on Printing made a report and submitted the resolution which has just been read on the 20th day of March; that report was then ordered to be printed in the CONGRESSIONAL RECORD, and it has also been printed as a document in the usual form and can be had on application at the document room.

Mr. Speaker, on the 18th day of March the House referred to the Committee on Printing, by the adoption of a resolution, the remarks made by the gentleman from Massachusetts [Mr. WALKER] in the House and printed in the CONGRESSIONAL RECORD of the 17th of March.

The committee was instructed to inquire as to whether or not the gentleman from Massachusetts [Mr. WALKER] had violated the privileges of the House in publishing these remarks in the RECORD. It is proper to say that the gentleman had delivered a speech in the House on the 15th day of March, which was withheld for revision, and that the speech was printed, together with the remarks to which exception was taken, on the 17th day of March. The entire speech covered thirty-two columns of the RECORD. Twenty-seven of those columns composed that part of the speech which the gentleman delivered on the floor. The remaining five columns were published in the RECORD under what is known as the general leave to print extended to members.

The gentleman from Massachusetts near me [Mr. WILLIAMS] excepted to a portion of the remarks which appeared in the closing part of the gentleman's speech. These remarks, it is alleged, were in violation of the privileges of the House and of the courtesy which had been extended to the gentleman from Massachusetts to print remarks. The resolution referring this matter to the committee instructed the committee, first—

To inquire whether or not the privileges of the House have been violated in the publication made—

By the gentleman from Massachusetts [Mr. WALKER]; second—

Whether or not any portion thereof should be expunged from the RECORD—

And third—

What, if any, other action should be taken by the House in the premises.

The Committee on Printing did not seek the jurisdiction of this question. It was referred to them by the House, not on their motion. They met and undertook conscientiously to discharge the duties imposed upon them by the House. They requested the gentleman from Massachusetts [Mr. WILLIAMS] who had excepted to these remarks, and the gentleman from Massachusetts [Mr. WALKER] who had printed them in the RECORD, to appear before the committee, with the view, if possible, of having a friendly adjustment, if there could be one, and if not, to determine what action should be taken. These gentlemen both appeared, as set forth in the report. The committee would have been pleased if there could have been an adjustment then and there which would have obviated any necessity on the part of the committee for submitting any report in the matter, further than to say that the adjustment had been made.

On the hearing these gentlemen appeared before the committee, all the members of the Committee on Printing being present. It is sufficient to say that we were unable to effect any adjustment whatever. The attention of the gentleman from Massachusetts [Mr. WALKER] was directly called to the paragraphs and sentences which appeared in his remarks, and an effort was made to have him consent that they should go out, the committee stating that in their opinion these remarks to which attention was called was clearly in violation of the rules of this House.

The committee in their report have set out briefly some of the rules which are intended to govern debate in this House, and which they say are necessary to be observed. We quote first from the rule of the House, clause 1 of Rule XIV, which provides that a member—

On being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

In the Manual and Digest of the rules of the House, on page 130, the first session of the Fifty-first Congress, the following will be found as a part of Jefferson's Manual:

No person, in speaking, is to mention a member then present by his name, but describe him by his seat in the House, or who spoke last, or on the other side of the question; nor to digress from the matter to fall upon the person by speaking, reviling, nipping, or unmannerly words against a particular member.

These rules, Mr. Speaker, are familiar to us all, and therefore it is not necessary to take the time of the House in quoting them. The attention of the gentleman from Massachusetts [Mr. WALKER] was directly called by the committee to provisions in the rules, and, as I have stated, the particular language and expressions in his speech which were obnoxious to those rules were pointed out in the committee. The gentleman, instead of withdrawing any of them before the committee, said that he stood by every word and every sentence in that speech except the caption to the concluding portion of his remark, and with which you are all familiar. I refer to the caption over the portion of his speech which he printed in the RECORD and did not deliver on the floor, beginning with the words:

"HOT SHOT FOR MUGWUMPS—HOAR AND WILLIAMS SHOWN UP—WILLIAMS'S REPORT ON SILVER COINAGE RIDDLED."

The gentleman stated that he believed those words should not be in his speech, and he was willing to have them expunged. He stated that they had got into his speech by accident, which he explained when the matter was under debate, and which explanation the committee believed. The committee did not doubt the fact that they were there by accident. But reference is made in the report to the fact that they were not stricken out by the gentleman when he revised his remarks to appear in the permanent RECORD.

But, Mr. Speaker, those were not the words which were chiefly objectionable. The committee were unanimous in their conclusion, and did not desire to do any injustice to either one of these gentlemen from Massachusetts. They had not a particle of personal interest or feeling in it, and no prejudice against the gentleman; but it was a deliberate and careful examination as to whether the rules and privileges of the House had been violated. The committee unanimously concluded that they had been violated, and they set out in the report the extracts, briefly, to which they think exception can properly be taken. The gentleman from Massachusetts [Mr. WALKER], for instance, used this language:

Mr. Chairman, never before was such a spectacle presented on the floor of this House as is presented by Mugwumps who claim to speak for the Democrats from New England. They declare, in terms that can not be misunderstood or explained away, that each one of them, excepting O'NEIL of Massachusetts, holds his seat by deception and fraud.

This language was used in his printed remarks, not in those that were uttered on the floor, but in the remarks which he inserted in his speech under the leave to print. This, I say, the committee thought to be a clear violation of the rules and privileges of the House.

Again, the gentleman in the next sentence but one uses these words:

It looks to me as though the order now before us was passed by the Committee on Rules for the sole purpose of providing the means of continuing the fraud.

He was referring to the order for the consideration of the bill for the free coinage of silver.

Again, he uses the following language as applicable to his Democratic colleagues:

The constituents of these men now know that they were thoroughly cheated and deceived, etc.

Again, referring to two of his colleagues, he says:

This fact is peculiarly conspicuous in the case of the two Massachusetts Mugwumps, who bound themselves by an oath, in order to secure their seats in this body, etc.

Then there is a longer quotation, which I will not undertake now to read. Again speaking of his colleagues he says:

The Mugwumps ask us Republicans to certify as truth what we know and they know to be a lie, etc.

And again he says:

Here it is: a plump and square admission of duplicity by this effigy of Puritan John Harvard. It says in effect: If we do not continue to cheat the people of New England and the country and put off the free-coinage bill until we can elect Dave Hill we shall not get Dave Hill into the Presidential chair, and we shall not get free-coinage of silver, and we Mugwumps shall not get back to the Fifty-third Congress.

When before the committee the gentleman stated that he meant to refer to his colleague, Mr. SHERMAN HOAR, when he used the following words, namely:

Here it is: a plump and square admission of duplicity by this effigy of Puritan John Harvard.

He said he meant those words to be applied to the gentleman from Massachusetts, Mr. SHERMAN HOAR.

Mr. WALKER. Mr. Chairman, I make the point that the gentleman is now stating what occurred in the committee; and I state that I did not say so in the committee; and, furthermore, he has no right to bring in what was said before a committee of this House.

Mr. RICHARDSON. Mr. Chairman, I did not hear all the gentleman has just said in his ebullition of passion and temper. I repeat, however, that the gentleman said in the presence of the committee, consisting of my colleague on my right here [Mr. MCKAIG], and the gentleman from Kansas [Mr. BRODERICK], and also of the gentleman from Massachusetts [Mr. WILLIAMS], and his colleague [Mr. SHERMAN HOAR], that he meant to apply those words, which I will now read—

Here it is: a plump and square admission of duplicity by this effigy of Puritan John Harvard—

to his colleague, Mr. SHERMAN HOAR. That is what I said, and I stand by it here or elsewhere.

Mr. WILLIAMS of Massachusetts. That is right, too.

Mr. MCKAIG. If my colleague will allow me, I would like to state that he not only made that statement, but he supplemented it with the further statement that in speaking of him as the "effigy of Puritan John Harvard," it was intended to be a compliment, and that it was so understood to be in the State of Massachusetts.

Mr. BOUTELLE. Mr. Chairman, I make the point of order that in this attempt to restrict the proceedings of the House to a very correct and technical rule, that it is scarcely in accordance with any rule or custom we have ever had in this kind of a procedure—for a chairman of a committee to arraign members of the House upon his statement which was made in the committee. I make the point of order that the gentleman from Tennessee is out of order in bringing an accusation against the gentleman from Massachusetts based upon his statement of what occurred in the committee.

Mr. RICHARDSON. I have simply read from the report. That is all I have done.

Mr. BOUTELLE. I insist upon my point of order, Mr. Chairman. I call the gentleman from Tennessee to order, and ask the Chair to rule that it is out of order for him to arraign a member here on the basis of his statement of what took place in the committee.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The Chair can rule upon that question.

Mr. RICHARDSON. I call the attention of the Chair to the language in the report, which I have read.

The SPEAKER *pro tempore*. The gentleman from Tennessee states that he is reading from the report. It has been usual in this House to refer to anything that is contained in a report.

Mr. BOUTELLE. I beg pardon, Mr. Speaker—

The SPEAKER *pro tempore*. But the Chair desires to state that so far as he understands the precedents it has not been usual to refer to what occurs in committee.

Mr. BOUTELLE. And is not in order.

Mr. RICHARDSON. I ask the attention of the Chair for a

moment. I am not stating what occurred in committee as a committee. I am stating what occurred in a hearing, a public hearing, before the Committee on Printing, at which a number of gentlemen were present, with the gentleman from Massachusetts [Mr. WALKER] himself and his clerk. The meeting was held in the committee room, and was held publicly. When the hearing was over the committee remained, in order to consider the matter themselves. Now, I am not stating what occurred in the private session of the committee, but simply what occurred at the hearing, and which has been published for weeks in the report of this committee.

Mr. BOUTELLE. The gentleman went on to supplement that, as I understand it, by submitting what occurred in the committee. We ought to be able to trust a gentleman here who rises as the Mentor of this House as to correct style that he would confine himself at least within the limits of the orderly procedure of parliamentary bodies.

Mr. RICHARDSON. Mr. Chairman, I repeat again the language of this report, which I had just cited. This report says:

When before the committee the gentleman stated that he meant the words just quoted, to wit: "Here it is; a plump and square admission of duplicity by this effigy of Puritan John Harvard," for and to be applied to his colleague, Mr. SHERMAN HOAR.

That is all I should have said on that point if the gentleman had not interrupted me.

Mr. WALKER. The question that was asked me was this: "To whom did you refer when you said the effigy of John Harvard," and I replied that it was to SHERMAN HOAR. That was all there was of it.

Mr. RICHARDSON. But, Mr. Speaker, I have quoted the language of the gentleman, which is: "Here it is; a plump and square admission of duplicity by this effigy of Puritan John Harvard," and this language the gentleman said he applied to his colleague, Mr. SHERMAN HOAR.

Again, Mr. Speaker, the committee found that the gentleman from Massachusetts had attacked the Speaker of this House in relation to the constitution of its committees, and had alleged that a Senator, whose name I will not mention, had come over here and assisted the Speaker in making up the committees of the House in order that he might pack one of its committees so as to exclude the gentleman from Massachusetts from service thereon. In that connection and in another instance the gentleman used the names of two members of the other branch of Congress. Upon that point the committee have simply quoted from Jefferson's Manual the rule taken from Hatsel, an eminent authority on parliamentary law, which says:

Neither House can exercise any authority over a member or officer of the other, but should complain to the House of which he is, and leave the punishment to them. Where the complaint is of words disrespectfully spoken by a member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of the words) for the security of members.

Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder. (3 Hats., 51.)

The committee thought it was improper for the gentleman from Massachusetts to mention by name the members of the other branch of Congress and to make reference to them in the offensive manner in which he did refer to them. The committee found that the gentleman had characterized his colleagues from Massachusetts by an epithet fourteen or fifteen times in the remarks which were objected to. They found—and in this they were exactly in line with the precedent established by this House during the last Congress—that those remarks, and others which were clearly in violation of the rules prescribed by the House for its government, were so interwoven with the other matter in four or five columns of the gentleman's speech that the objectionable matter could not be excluded and leave the speech or that part of it intelligible.

They therefore, following the precedent established in the last House upon a report submitted by the gentleman from Ohio [Mr. EZRA B. TAYLOR], a member of the Judiciary Committee, in reference to remarks of a member of the House, recommend, inasmuch as the remarks of the gentleman from Massachusetts [Mr. WALKER], which were deemed unparliamentary and improper, could not be separated from the context which was not obnoxious to the rules, that the entire four columns be stricken out. In making that recommendation they specify and point out the portions that appear to be objectionable.

The committee have quoted also an expression used by the Speaker of the last House (whom I now see paying attention to me), in which he said that it had been the custom for members of the House when referring to other members, their colleagues, to address them by a phrase and not by name; yet the committee found the gentleman from Massachusetts [Mr. WALKER] in numberless instances, or in a great many instances, mentioning

his colleagues, not only by name, but offensively by name. The committee, therefore, could do nothing else than what it did, and I know I reflect the sentiment of each member of the committee when I say that they had not a particle of personal interest in the matter and have not now, and no personal feeling whatever towards the gentleman from Massachusetts.

The committee simply tried conscientiously to discharge the duty, which the House imposed specifically upon them, but which also rests upon every other member of this House—the duty to see that proper decorum is observed in debate. The committee went farther and said that there was more excuse for the violation of the rules of the House in letter or spirit when committed in the heat of debate than when the matter was coolly and deliberately penned and handed in for publication under "leave to print."

Now, Mr. Speaker, that is about all I desire to say in relation to this case. Unless one of my colleagues on the committee desires to be heard I am willing now to yield the floor to the gentleman from Massachusetts [Mr. WALKER], reserving the remainder of my hour.

The SPEAKER *pro tempore*. The gentleman has thirty-five minutes remaining.

Mr. WALKER. Mr. Speaker, I rise to a question of privilege, and wish to be recognized to speak on this question as a question of privilege. Mr. Speaker, I come before you with a heart light as air—

Mr. RICHARDSON. Mr. Speaker, I yielded to the gentleman from Massachusetts and I did not hear his remarks as to the length of time he would occupy.

Mr. WALKER. I did not say anything about the length of time.

Mr. RICHARDSON. I give notice to the gentleman that I shall insist upon the hour rule.

Mr. WALKER. Mr. Speaker, I come before you with a heart light as air and a conscience void of offense, touching all matters that now are, or ever have been, before this House. I think the gentleman from Massachusetts [Mr. WILLIAMS] and the committee have wholly misapprehended the great function of this House, and the duties and responsibilities that rest upon it and upon each individual member of it.

Strong, earnest, fearless, patriotic men, contending for mastery, can not be confined within the rules of conduct applicable to peaceful and studious assemblies, when discussing measures which presage great calamities to themselves, to posterity, and, above all, to the country they love, and for which many of them have perilled their very life's blood.

In criticising the speech or the conduct of men whose words and acts belong to the public and are not of a private nature, it should be remembered that while strong words are not strong argument, yet they have their honorable use, exemplified in the greatest classic. Great plainness of speech, even to seemingly unnecessary roughness, has always characterized the debates in this House, and still more, every other national legislature the world over; and it always will, unless our children degenerate and abandon the spirit of their aggressive sires.

What is this House if not the great committee of safety for the whole country, to expose and ward off every threatened danger to the Republic; the great grand jury of the nation, to take cognizance of every hurtful thing present or prospective; the great and general court, to hear all causes, to redress every wrong affecting rich corporations or the humblest farmer, the millionaire or the beggar, him who knows the laws of the spheres or him who is too ignorant to read his mother tongue?

In this, the highest of all courts, we are called by turns to act as judges, and, presto! as opposing counsel, sifting evidence, questioning each other, as either reluctant or too willing witnesses, and, again, fiercely contending as for either the plaintiff or the defendant, and, again, as staid jurymen, to decide righteously in every cause; and finally submitting our decisions of law and of fact to our constituents, to be overruled or confirmed by the court of last resort—an unfettered ballot box. To discharge these great duties each of us comes from no mean segment of the nation, whether in numbers, in interest, or in the determination to impress the views of our people on this House, and thereby enforce the wishes of his constituents.

This is the battle ground of ideas, of men, of parties, and of individual contestants, for political mastery—there being at stake strong interests attended with more or less of roughness in word and manner, but good humored and kindly at bottom. This is a great national inquest into the country's material, intellectual, and moral condition—into the needs of the people.

Here every one of us has a right—yea, a duty to perform—and we are cravens if we fail therein to criticize, and if need be, to denounce any party, great or small, and any individual, high or low, whose practice or teachings work, or tend to work, injury to the State; and in each case each one of us is the sole judge of

his own rights and duty. Each one of us is the equal on this floor of the whole body of 331 remaining members.

No one of us, nor all combined, has either a legal or a moral right to forbear to speak and act his will in exposing, opposing, and denouncing any party, any individual, any faction, any practice that he may think hurtful to the State. Not one of us holds his seat here by either the grace or the power of any human being or any body of men outside the political unit, whose suffrages created his commission. Each of us is the agent and servant first of all and above all of the country as a whole, and none of us has either a moral or a legal right to cast any vote or to do any act that would be to the general loss of the country, however much it might promote his own State or the district he may represent. He owes a like and secondary allegiance to his State, and lastly, but by no means least, to the district that is his home, and whose immediate servant he is.

So, Mr. Speaker, none of us can allow, even at the command of all, the least abridgment of his right as a member of this House to freely inquire into, to debate, to decide, to expose, and to denounce in fierce invective, if need be, any doctrine or party or individual, as I have before said, that shall appear to be in hostility to the country's weal. Much less can any of us afford, as lovers of our common country, and seeking only her highest good, to allow any liberty accorded to any one member to be denied to any other.

My constituents demand for their Representative on this floor the same rights, the same privileges, the same freedom from inquisition or from criticism of his acts or of his words as is accorded to any other member on this floor. That much they will have at any cost. In spite of the whims or the priggishness of any member, in spite of any committee of this House, and without disrespect, I may add, Mr. Speaker, in spite of you, and in spite of all the members of this House combined, this they will have.

Mr. Speaker, in all good nature, and in all due respect for your great office and for this House, as a Representative upon this floor I will accept its decision, either as to the mutilation of the RECORD or to being censured at the bar of the House, or to being expelled if necessary, and my constituents will then officially pass upon my conduct and yours; but they demand of their Representative that he use every power available to him under the Constitution of the country and under the rules of this House to enforce, in his own behalf, the actual rules of the House upon the House as well as upon every member of it individually.

Mr. Speaker, I repeat that after the House decides upon this matter, my constituents, by their Representative, whoever he may be, will take good care, in so far as he has the power, to insist upon the application to this body, as a whole, and all the members of it alike, the rules of the House, as defined and exemplified in its decision of the question now pending.

Of the report of the committee and of the accompanying resolutions personal to myself I shall not now speak further than to say that I do not believe that the whole history of Congress furnishes another example of such utter disregard of the spirit of the rules of the House, as they are interpreted, by the universal customs of the House. My indignation is increased by each reading of it. Either the whole course of debate under the rules on the political questions that divide the country has been disorderly, or the report, written by the chairman of the committee, sets up a special standard for the regulation of my conduct.

It will not do to say: "No one objected to certain words, used by others, or they too would have been expunged." The case is made up. It is too late for that reply. I feel that the injustice this report does me ought not to be excused or overlooked. It is said: "A good judge magnifies his office." Were that the only requisite, the chairman of the committee ought to be appointed judge at once. He rings the charges as many times as his ingenuity can devise on each item of the complaint made by the honorable gentleman from Massachusetts [Mr. WILLIAMS], magnifying it to the utmost, and practically presenting twelve or more counts in the indictment. Of the action of the other two members of the committee who assisted at the intended obsequies of my speech of March 16, the truth in which so stung the honorable gentleman from Massachusetts [Mr. WILLIAMS], I have only this to say: Being new members and fresh, very "fresh" indeed in their legislative duties [laughter].

Mr. WILLIAMS of Massachusetts. I rise to a point of order. The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman will state his point of order.

Mr. WILLIAMS of Massachusetts. My point of order is that references are made here to members of the committee in an insulting manner. I believe I understood the gentleman to allude to two members of the Committee on Printing as "fresh." I think the lines had better be drawn in a discussion of this kind, and I therefore make the point of order that the language of the gentleman is unparliamentary.

Mr. REED. The point of order does not seem to be well taken as a matter of fact.

Mr. MCKAIG. I hope the gentleman from Massachusetts [Mr. WILLIAMS] will not insist upon the point of order, but will let the distinguished member from his State proceed with whatever he chooses to say in reference to the new members of this House, but I hope the opportunity will be given to at least one of the new members to reply.

Mr. WILLIAMS of Massachusetts. As the gentleman representing the committee does not object to this discussion proceeding, I will withdraw the point of order.

Mr. WALKER (resuming). I have only this to say: Being new members and fresh, very "fresh" indeed, in their legislative duties, and as to the rules of the House, and still fresher in experience of the practice of the House, under the rules—

Mr. CAMINETTI. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CAMINETTI. The gentleman is not proceeding in a parliamentary way.

The SPEAKER *pro tempore*. What is the objection?

Mr. CAMINETTI. My objection applies to the language upon which a point of order has already been made by the gentleman from Massachusetts [Mr. WILLIAMS]. The gentleman from Massachusetts [Mr. WALKER] goes on and repeats it immediately after his colleague has sat down.

The SPEAKER *pro tempore*. The Chair will have read the rule applicable to this matter—paragraph 4, Rule XIV.

The Clerk read as follows:

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

Mr. SNODGRASS. I ask the gentleman from California [Mr. CAMINETTI] to withdraw his point of order and allow the gentleman from Massachusetts to proceed.

Mr. CAMINETTI. No; I think we ought to be employing our time in something more useful than listening to an unparliamentary speech of this kind.

Mr. BOUTELLE. A reference to Webster's Dictionary might perhaps elucidate this situation somewhat.

Mr. BUTLER. I suggest that there is no evidence so good as that of the gentleman from Massachusetts [Mr. WALKER] in regard to the subject of "freshness."

The SPEAKER *pro tempore*. The only question now is whether the House will permit the gentleman from Massachusetts to proceed. [Cries of "Go on!"]

Mr. CAMINETTI. As it appears to be the wish of the House to allow the gentleman to go on, I withdraw the point.

The SPEAKER *pro tempore*. The gentleman from California withdraws the point of order, and the gentleman from Massachusetts will proceed.

Mr. WALKER. Being new members, and fresh, very "fresh," indeed, in their legislative duties and as to the rules of the House, and still fresher in the experience of the practice of the House under the rules, which alone interpret their practical and true meaning, it would be wrong to add anything more as to their signing the report excepting this, namely, that the only Republican on the committee was not present at the hearing excepting for a few moments at its close.

Mr. MCKAIG. Will the gentleman allow me to interrupt him?

Mr. WALKER. No, sir; I can not.

The committee of three knows that I intended to cast no reflection upon the personal or private character of any man in the speech in question and in fact did not. My criticism was not personal, but wholly political, directed to the methods of the "Mugwump" party, and to the conduct of the Mugwumps as Mugwumps. If there is a body of men who seem to act upon the maxim that "all is fair in politics," and who thank God daily that "they are not as other men are," it is the Mugwumps; and if I so see them I have a right—nay, it is a duty—to expose them on this floor. They are no more sacred in their sayings and doings than Republicans, Democrats, Alliance men, anarchists, nihilists, socialists, Henry Georgeites, or the old Hartford conventionists.

Not a word, not a hint, of personal dishonor was cast upon either of the honorable gentlemen from Massachusetts [Mr. WILLIAMS and Mr. HOAR]. Every word of mine was directed to their party and to their political action, exclusively. Their doings in this House and their sayings to correspondents of newspapers are proper objects of criticism, and not only justified but more than justified my words.

What a spectacle is here presented! The gentleman from Tennessee [Mr. RICHARDSON], in considering the matter referred to

his committee, takes no cognizance of what other men on this floor freely say and do under the rules, which are as much a part of them as the letter of the rules, but shuts himself up in a halo of virtue—in aesthetic dreamland—and with the "letter of the law" and my words, separated from every circumstance attending their use, he writes his report on an ideal situation and practice, alleged to have been discovered by the "letter of the law."

The sensitive nature of the honorable gentleman from Massachusetts [Mr. WILLIAMS], stung to frenzy by the truths told in my speech, impelled him to come on this floor, but not to make an answer, for he can make none. He therefore denounced my words and me personally, in a speech rarely equaled in bitterness and in objectionable phrases, ending with the most impotent of all conclusions, viz, a motion to strike my speech from the RECORD; and the gentleman from Tennessee [Mr. RICHARDSON] seemed at once to be "unanimously of the same mind." Has any gentleman moved to strike the words of my colleague from the RECORD? I certainly have not, and I would not for a moment compromise my good sense by thus sitting in judgment on any word of any member not offensive to private character, or words or acts of his as a private citizen.

Nor do I ever plead the "baby act." Let the words of my colleague meet him in the RECORD beside those of mine. I relegate him and his words to his constituents, as the proper tribunal to pass upon all words relating to personal, party, or political action.

Nothing so "riles" the nature of nine-tenths of the Mugwumps of Massachusetts as to see men whose youth and early manhood were spent at the bench, or at the loom, or at the anvil, with stout hearts, forcing their way up to places of high honor by dint of honest toil of hand and of brain. [Applause on the Republican side.] To Mugwumps all such places appear to be "soiled" by the presence of such men.

Our sessions here had hardly begun when the junior representative of the Mugwumps attacked his colleague, the honorable gentleman from Massachusetts [Mr. MORSE], much as my rights on this floor are assaulted by the senior representative, being moved by the same spirit. Their conduct in this House towards genuine Democrats, towards Republicans, towards Farmers' Alliance men, and towards individual members generally reminds me of another incident, and the reply of one of England's greatest statesmen, whose early poverty and toil were held as a blot on his escutcheon in the eyes of his lordly colleagues, who, having been twitted in the House of Lords with being in a lowly place when a boy, replied, "Yes! I was a drummer boy; did I not drum well? If you had been a drummer boy you would be a drummer still." [Applause.]

I am charged with the very grievous offense of "applying the title 'Mugwumps' to my Mugwump colleagues no less than fourteen times" in a speech five and a half columns long. I plead guilty to the use of that significant word.

Being thus charged, and confessing my offense, it is proposed to strike out four and a half columns, or nine-elevenths of the speech from the RECORD, for that reason, among others. This gives me the right in my defense to state what Mugwumps are, who they are, and how freely the name is in common use in order to justify my use of the word in this House.

I say it respectfully, Mr. Speaker, that to the action of this House I am comparatively indifferent. It is not in the power of this House either to help or to hurt any man. The country will judge. It has already judged this case.

The respect one man has for another is involuntary. It is not within the control of the will, and much less is it decided by a ballot. This House itself is now on trial before the country—not I. The verdict in my case, so far as such a small matter was noticed, was immediately rendered. I am only seeking to save the honor of this House in its premeditated action. [Derisive laughter on the Democratic side.] It needs to be saved. You want some solvent to save it.

Again, the injustice of your committee is made peculiarly manifest when they say:

But these sentences and unparliamentary phrases are so interwoven with the text that the committee do not believe that they can be expunged and leave any remainder of that portion of his remarks where they appear that would be intelligible.

This statement concerning my speech finds no warrant in the text. It is not only wholly unwarranted, but wholly unjust to me. That which is proposed to be stricken out covers 37½ inches in column length. All that any man would criticize for "bad taste" even, considering the character of the party of the Mugwump, is in three compact paragraphs, easily taken out with no damage to its rhetoric or to the argument. [Laughter on the Democratic side.] One part is one-fourth of an inch in length, one is 1½ inches long, and one 1½ lines—less than one-twelfth of the matter the committee asks this House, on the motion of the honorable gentleman from Massachusetts [Mr.

WILLIAMS], to expunge. Before I close I shall ask the Clerk to read it, with the parts indicated, that the House may judge for itself, in the light of the universal practice of members when addressing the House on political questions, as shown by the examples I shall submit.

Before citing precedents for my words I wish to remind members that the provocation under which words are spoken is a strong element in determining their propriety, under the rules. I do not speak under the ordinary rules of the House. I speak in justification of my words, before my peers; and I am, at least, entitled to all the liberty, as to time and circumstance, in this august assembly in presenting my case that is accorded to one in a petty court.

I know I shall be treated with the same courtesy by the honorable gentleman who now occupies the Speaker's chair [Mr. CRISP], involving as it does in my person the rights of every member of the House, that was accorded by Speaker REED to the honorable gentleman from Tennessee [Mr. RICHARDSON] when the honorable gentleman occupied hours and days in first offering amendments to appropriation bills, only to be withdrawn, and then sending up to the Clerk's desk to be read scores of newspaper clippings describing acts of violence perpetrated on colored men all over the Northern States, and charging that they showed the kind of treatment colored men usually received from Republicans—when he ought to have known, as every man at the North does know, that every one of such outrages was committed by Democratic heelers. His words in introducing this business, and the reply of the Chairman [Mr. BURROWS], clearly and truly define our rules in their generous liberality, as interpreted by the practice of this House under them. They were as follows:

MR. RICHARDSON. It would be something new in my experience if a member, when the House is in Committee of the Whole, is to be limited strictly and absolutely to the discussion of the pending bill.

THE CHAIRMAN. The Chair stated to the gentleman that when the House is in Committee of the Whole, in general debate, a very wide range is allowed, but the rule provides that, when the committee is proceeding under the five-minute rule, five minutes shall be allowed to any gentleman making any amendment to explain it; and the Chair only called the attention of the gentleman to the rule.

And the honorable gentleman [Mr. RICHARDSON] continued reading the newspaper negro clippings, on January 17, 1891, page 1322.

The District of Columbia bill being before the House, the gentleman from Tennessee [Mr. RICHARDSON] filled two and one-fourth pages of the RECORD with these extracts from newspapers concerning outrages on negroes.

Again, on January 20, while the same bill was under discussion, he again put in the RECORD one-half page more, it being read from the Clerk's desk.

On January 22 and 24, while the Navy appropriation bill was being considered, he put in the RECORD one-half page more.

On January 29, considerably more of the same matter was added by the gentleman from Tennessee [Mr. RICHARDSON], and so on, *ad nauseam*. The honorable gentleman from Tennessee [Mr. RICHARDSON] thus used up hours and hours of the time of the House with this kind of matter. It was then deliberately and not hastily decided, as shown by the RECORD, that Mr. RICHARDSON had a right to do this thing under the rules of the House, which were then and are now the same as for years.

The honorable gentleman from Tennessee [Mr. RICHARDSON] then decided in his own case, as he did on Thursday, April 14 last, and as every member of the House has decided in his own case, that the rules of the House, notwithstanding the obvious and technical meaning may be contradicted; thereby, are in fact whatever (to use his exact language) is habitually and without objection done under them.

MR. RICHARDSON. I submit, Mr. Speaker, that this is not a matter that should go to the Committee on Printing. This is a matter that affects the rules of the House; and the question is whether the rules have been complied with or not by members in publishing speeches which they have not uttered on the floor. The rules of the House give members that right. Now, the question is whether or no the spirit of that rule has been violated. Therefore, Mr. Speaker, I insist that, if there is to be any reference of this question, certainly it must be to the Committee on Rules.

THE SPEAKER. Will the gentleman cite any rule of the House which applies to it?

MR. RICHARDSON. There is no written rule on the subject. It is done under general leave of the House; and I submit that, while it is not in the rule in words, it has been done under a custom of this House from time immemorial; and being the custom of long standing the Chair will understand that it practically amounts to a rule, and has all the force and effect of a written rule.—*Congressional Record*, April 15, 1892, page 3590.

Thus it appears that whatever has been done "from time immemorial," under a rule of the same ancient date, as much establishes a rule of the House, by construction and precedent, as a new wording of the rule conforming it to the practice would do, and just as surely as though the precedent had grown up without any mention of the matter in any rule. I have a right to this liberal and obvious equity of construction of the rules in my behalf, and my right as a member of this House will be violated if such construction is not given the rules in this case.

When the honorable gentleman from Massachusetts [Mr. WILLIAMS] declares that I committed a great offense by "editing my speeches in the RECORD," he simply shows that he is very "fresh" for a man five years, lacking two months, past middle life. Heretofore new members of excessive modesty have "tarried in Jericho until their beards had grown" before assuming to "boss" this House, or individual members of it of longer service than themselves. I have only followed custom. Nine speeches in ten that are revised are "edited" in the RECORD precisely as mine was; and all of them would be if members did their duty. In my thirty-two columns there were only three headlines. I owe an apology to the House that I did not carefully indicate in headlines all the subject treated, as is nearly the universal custom, since that date and before. Look at the following examples:

	Number of headlines.
Mr. DOCKERY of Missouri	5
Mr. BRYAN of Nebraska	30
Mr. WILLIAMS of Illinois	14
Mr. RAYNER of Maryland	13
Mr. WARNER of New York	14
Mr. O'DONNELL of Michigan	22
Mr. POST of Illinois	19
Mr. BELTZHOVER of Pennsylvania	10
Mr. SWEET of Idaho	20
Mr. BROSIUS of Pennsylvania	16
Mr. BARTINE of Nevada	29
Mr. HARTER of Ohio	22
Mr. CROSBY of Massachusetts	6
Mr. BROSIUS (again)	33
Mr. NORTON of Missouri	3
and so on with all of us.	

The honorable gentleman from Massachusetts [Mr. WILLIAMS] would make it appear that I had done an exceptionally bad thing (when the custom is universal so to do) in "extending remarks in the RECORD." In a set debate, and by leading members quite as much as by others, on an important question, where time is limited, covering three to six days, there will usually be ten to twenty hours in which fifty to one hundred or more members wish to speak, giving from six to twelve or twenty-four minutes average to a member. A few speak ten to thirty minutes; from two to four have unlimited time. Hence remarks must be extended in the RECORD or rights infringed. Three-fourths of the constituents of two-thirds of the members learn nothing on political questions excepting from the speeches of their member of Congress, which he can frank to them if printed in the RECORD.

Again, nine-tenths of the public speakers of both parties get their education for the stump from the CONGRESSIONAL RECORD. Not only this, but it is for the interest of the country that men should be continued in Congress more than one term. Only a Mugwump can know all that is to be known the first day. Those at home desiring his place are always sowing tares while the member is away. It is in the public interest that he should be able to speak to them through the RECORD and the mails as freely as possible. Notwithstanding from one-third to two-thirds of the matter printed in a set debate is not literally spoken on the floor, many times as much care is taken by members to arrive at the truth and make accurate statements, and therefore many times as much good is done, as there would be without either a RECORD or a leave to print in the RECORD.

I had the speech now in question ready and tried to get the floor to use it for ten days. Not cowardice, as is charged, but lack of opportunity, is why the Mugwumps were not confronted with it on the floor. That they were so abnormally sensitive to criticism never occurred to me.

This attack upon me for following custom is an attack on the conduct no less than on the rights of every member of this House. Nearly every Democrat felt and said the RECORD was open to his own discretion in using it, if private character was not assailed, by the vote he gave on the question of striking Henry George's book from the RECORD. Here and now I ask every Republican on this floor to refrain from voting on this resolution to expunge; and I ask every Democrat and every Republican not to raise the question of quorum. There are 235 Democrats, 8 Alliance men, and 2 Mugwumps, to only 87 Republicans—nearly three to one. I again ask of you, Republicans, to let them decide as to my offending against the dignity of the House.

Now, had I a right to use that word "Mugwump" on this floor? First, Is there a Mugwump party, and, if so, can any other word than "Mugwump" be properly used to describe it?

Second, What are its principles and practices, as shown by the words, the professions, and conduct of its members?

Make no mistake. To "stop voting the Republican ticket" and joining the Democratic party does not constitute a Mugwump. A belief in free trade is absolutely essential. A peculiar mental

and moral quality is also required that can not be attained excepting the process begins very early in life, and it is most successful if started a generation or two back. [Laughter.]

As to the first, the word "Mugwump" was caveated and first applied to these men by one of their own number, the most learned, cultured, and popular Mugwump in Massachusetts, William Everett, LL. D., son of the late Hon. Edward Everett, of world-wide fame. In a speech delivered at Quincy, Mass., September 13, 1884, which I have before me, Mr. Everett named and described his party, and each member of it, in the following words:

And so, fellow-citizens, the matter seems to me to stand. I am an Independent—a Mugwump. I beg to state that Mugwump is the best of American. It belongs to the language of the Delaware Indians; it occurs many times in Eliot's Indian Bible, and it means a great man.

The honorable gentleman from Massachusetts [Mr. WILLIAMS] declared himself a "Mugwump" in the campaign in which he was elected to this House, in a speech delivered in Brookline October 1, 1870, and in many other places; and he further declared that allegiance to the Mugwumps was supreme and inalienable, not dissolved by acting as a Democrat, in the following words, published in the Boston Post:

They have another very serious charge against us who have been for many years Mugwumps [laughter]; that we pretend to be honest and say we are honest; that we have high purposes and high ideals; that we hold political morality above expediency and success. And so we are sneered at as purists and idealists.

The honorable gentleman from New Jersey [Mr. MCADOO], in the Fifty-first Congress, describes the Mugwumps and sets forth their purposes.

Mr. MCADOO. * * * It is a well-known fact that, more especially in our large cities, there is growing up every year a class of wealthy people of social distinction who are mistrustful of popular government. They find some excuse in the management of our municipalities for arguments restrictive of the suffrage.

These people sometimes pass under the name of Mugwumps, sometimes under the name of "the higher classes," and sometimes they come out boldly and avow their honest purpose, which is to prevent the ordinary citizen from voting without some property or other qualification—(*Congressional Record*, July 31, 1890, page 7824.)

Hon. Joseph H. Choate, one of the brightest lawyers in New York, gives the following definition:

Mugwump: "A man educated beyond his intellect."

[Loud laughter and applause on the Republican side.]

Another quotation from the very honorable gentleman from Massachusetts [Mr. WILLIAMS], in which the honorable gentleman gives a snatch of personal history and declares the existence of the Mugwump party and gives some of their history.

Mr. WILLIAMS of Massachusetts. I took a prominent, I may say a leading part in what was called the Independent campaign in Massachusetts in 1884, conducted for the purpose of electing a Democratic President. The men who took that course at that time, now labor under the euphonious title of "Mugwumps."—(*Congressional Record*, March 19, 1892, page 2302.)

After that great movement practically the whole body of the so-called Mugwumps did go over to the Democratic party. If they did not join forces with that party, at least, in the main, voted the Democratic ticket.—(*Congressional Record*, March 19, 1892, page 2302.)

I think I have proved the existence of a Mugwump party. I come now, in the second place, to the common use of the words to describe the thing, and examples showing what Mugwumps are. The Worcester (Mass.) Spy, in speaking of what London correspondents are saying of the disloyal assistance to British interests by certain men and newspapers in this country, says, on April 1, 1892:

There is an idea here that might well be reflected upon by the Mugwump papers that have recently taken special pains to discredit every movement that the President has taken to uphold the dignity of the United States in the Bering Sea discussion. If weight is given such attacks in the English foreign office as the Tribune correspondent affirms, it is small wonder that Lord Salisbury assumed the tone he did in treating the affair. The most vituperative Tory organ could hardly have more shamefully misrepresented the American side of the question, or heaped more insults upon the head of this nation and the State Department than have these denationalized Mugwump newspapers.

Again, I quote from the same paper:

The Mugwumps have been lashing HILL for his cowardly attempts to hide his position on the silver question. What do they now think of Cleveland, who advances to have a large assortment of political principles, but who has shown himself willing to ignore one of the most vital to secure a supposed party "advantage"?

Now, as showing the common use of the party name "Mugwump," and who they are, I read from the Worcester Telegram, April 1, 1892:

It is a source of amusement these days to read the lectures which the Democratic press is delivering to the so-called independents in politics—the Mugwumps—who Mugwumped the Democratic party in the Rhode Island election, or if they did not then, the Democrats imagine they did. * * * It is still more amusing to find the Democratic editors using the same arguments with their Mugwump friends who have deserted them, and pleading with them in the same cast-off phrases that the Republicans employed years ago and discarded at length in disgust.

It is a satisfaction to see the Democrats struck down by the fellows they have been coddling.

The New York World, yesterday, seriously labored with the Mugwump brethren in an attempt to point out to them the evil of their ways in deserting the Democrats in Rhode Island, and to show them how illogical is their

position. It might as well talk to geese. They will heed neither logic nor argument. They are independent; they are Mugwumps. They vote on theories. They can not be expected to be guided by such commonplace and earthly things as facts. How do the Democrats like their friends?

I now refer to the terms in which a leading New York Hill Democratic paper tells what the good Mugwumps do. I read from the Sun of April 10, 1892:

A SEASON TICKET TO DEFEAT.

In 1888 the Democratic party went crazy for tariff reform, and trotted into the mud behind the elephantine economist of the Mugwumps. Licking No. 1.

In 1891 the Ohio Democrats, sticking to the same old tariff reform as propounded by the same old corpulent Cobden, became unprotected mats for Maj. William McKinley, jr., and the Republican party to wipe their feet on. Licking No. 2.

In 1892 the Rhode Island Democrats took up the same old howl and fight for the same old tariff reform and the same old sarcastic dervish. Licking No. 3.

Here are the terms in which the Boston Journal of April 1, 1892, makes a few remarks on Mugwumps:

The antisliver men are not so confident as they were that the silver bill is dead in the House, even for this session. It is possible that the Mugwumps, who have claimed so much credit for what they call the defeat of the bill, and have exposed their ignorance as to the means by which this alleged defeat was accomplished, may be compelled to revise their latest misleading bulletins. In the trail of this free-coinage bill and of the Mugwump relation to it there seem to be only treachery and deception.

A REPRESENTATIVE MUGWUMP AND HIS SAYINGS AND DOINGS—SHOWING WHAT THEY ARE, AND THAT THEY ARE A LAW UNTO THEMSELVES, SUPERIOR TO ANY PARTY OR ANY EXISTING LAW, HUMAN OR DIVINE.

[Boston Traveller, March 22, 1892.]

CHICAGO, March 22.

An Inter Ocean special from San Francisco says: "President C. W. Elliot, of Harvard University, famous in national politics as 'King of Mugwumps,' yesterday declared that he would not vote for HILL in case he is nominated for the Presidency on the Democratic ticket.

"HILL, if nominated, will not get my vote, and he will not get the votes of very many others of my belief in New York and New England."

In which the "King of the Mugwumps" casts John Winthrop, Edward Winslow, and the Pilgrims down to the level of Joseph Smith, Brigham Young, and the Mormons, and makes Plymouth Rock a hissing and a byword.

SURPRISE AMONG NEW YORK ALUMNI—HARVARD MEN HERE DISCUSS DR. ELIOT'S REMARKABLE WORDS—REMARKABLE ADDRESS OF PRESIDENT ELIOT, OF HARVARD COLLEGE, BEFORE A CONGREGATION OF MORMONS IN THE TEMPLE AT SALT LAKE CITY.

As I came over the plains I thought of that early journey, when the first colonists marched across them, under the guidance of a Christian church; and this reminded me of another pilgrimage, though across the water. I refer to the Pilgrim Fathers. They, too, went a long way to escape persecution. They, too, suffered hardships for a principle. They, too, were fired with religious enthusiasm, and sought freedom to worship God. In planting a colony, it is the women who have the harder part. They died faster than the men in Massachusetts. Here you founded a colony that you might worship God according to the dictates of your consciences. Here in this valley has risen the question of religious liberty. In Massachusetts all churches are equal before the law. There is no reason why this religious liberty may not be enjoyed in all the other States and Territories as well as in Massachusetts.—*Report of New York Tribune.*

[Here the hammer fell.]

The SPEAKER *pro tempore*. The hour allowed under Rule XIV has expired.

Mr. WALKER. I am speaking, Mr. Speaker, as I understand, on a question of personal privilege which is without limit.

Mr. RICHARDSON. I make the point that even on a question of privilege no gentleman can occupy the floor more than an hour. I wish to say, if the Chair will indulge me a moment, I do not want the precedent established that any gentleman can occupy the floor without limit; but if the gentleman from Massachusetts will signify how much longer he wishes to speak, I will ask unanimous consent that his time be extended.

Mr. WALKER. I shall not be unreasonable as to time.

Mr. BOUTELLE. I ask unanimous consent that the gentleman from Massachusetts, who is occupying the floor in defense of himself, shall be permitted to occupy as much time as he may find necessary.

Mr. RICHARDSON. I have not yielded to the gentleman from Maine.

The SPEAKER *pro tempore*. The gentleman from Tennessee is entitled to the floor.

Mr. RICHARDSON. I want to have from the gentleman from Massachusetts a statement as to how long it will take him to conclude.

Mr. BOUTELLE. I ask unanimous consent that the gentleman have such time as he may want.

Mr. RICHARDSON. I do not yield the floor to the gentleman from Maine. I ask the gentleman from Massachusetts whether he will indicate how long he wishes to occupy the floor.

Mr. WALKER. I hope I shall be trusted to occupy this floor at my discretion in this cause which is vital to me and to my children after me and not be shut off.

Mr. RICHARDSON. I ask the gentleman from Massachusetts respectfully to name some time.

Mr. WALKER. I want sufficient time to finish what I have to say.

Mr. RICHARDSON. But I ask the gentleman to name a reasonable time. Would a half hour be sufficient?

Mr. WALKER. I can not specify a particular time. If I am confined within narrow limits, I would necessarily speak so fast as to lose the influence of what I say. I want full time or none.

Mr. RICHARDSON. Then I ask unanimous consent that the time of the gentleman be extended for one hour.

Mr. REED. Mr. Speaker, I ask unanimous consent of the House—

Mr. RICHARDSON. I do not yield to the gentleman from Maine.

Mr. REED. I ask unanimous consent of the House that the gentleman from Massachusetts be allowed to finish his speech.

Mr. RICHARDSON. And I have asked the House for an extension of the gentleman's time for half an hour.

Mr. REED. Does the gentleman from Tennessee object?

The SPEAKER *pro tempore*. The gentleman from Tennessee asks unanimous consent that a half hour's additional time be given to the gentleman from Massachusetts. If there is objection to that request, then the Chair will recognize the gentleman from Maine.

Mr. RICHARDSON. I insist upon the request.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee?

Mr. OUTHWAITE. I object to an extension of the time—

The SPEAKER *pro tempore*. The Chair understands that there is objection to the request of the gentleman from Tennessee.

Mr. OUTHWAITE. I think that time enough has been spent upon this matter already.

Mr. REED. Mr. Speaker, I ask for the floor.

The SPEAKER *pro tempore*. The gentleman from Maine.

Mr. REED. Mr. Speaker—

The SPEAKER *pro tempore*. For what purpose does the gentleman from Maine rise?

Mr. REED. For the purpose of submitting a request.

Mr. RICHARDSON. I have not yielded the floor, Mr. Speaker. I reserved the remainder of my time, and I now resume the floor.

Mr. BOUTELLE. This sort of gag is not going to work here, and you might just as well make up your mind to it now as at any other time.

A MEMBER. Well, you have not the floor at this time.

Mr. BOUTELLE. Well, I will have the floor at some time.

The SPEAKER *pro tempore*. The gentleman from Maine has risen to submit a request.

Mr. REED. I ask unanimous consent that the gentleman from Massachusetts be allowed to finish his speech: and I wish to state in that connection that I have never known the House of Representatives, in fifteen years' experience, to refuse to grant such a request.

Mr. RICHARDSON. Well, we saw it frequently illustrated under the admirable administration of the gentleman from Maine himself in the last Congress.

Mr. FUNSTON. Thank you for the admission. [Laughter.]

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Maine. The gentleman asks unanimous consent that the gentleman from Massachusetts may be allowed to continue his remarks until completed.

Mr. BOUTELLE. And I would like to see the man who will object to that.

Mr. CAMINETTI. I object.

Mr. RICHARDSON. Here is a man who objects.

Now I again ask unanimous consent—

Mr. CAMINETTI. I have objected, and the gentleman from Maine may look at me if he wishes to as a man who dares to object.

Mr. RICHARDSON. If the gentleman from Massachusetts will now specify any reasonable time in which he can complete his remarks, I will ask that that time be given to him. That is perfectly fair, I submit to the gentleman, and I ask him, if he will, to indicate some time. If he says one hour, I will ask for an hour.

Mr. REED. Two hours.

Mr. RICHARDSON. No, sir; that is not a reasonable request.

Mr. BLAND. I demand the regular order. Let us go on with something else if the gentleman can not take that which is offered to him.

The SPEAKER *pro tempore*. The gentleman from Missouri demands the regular order.

Mr. RICHARDSON. Then, Mr. Speaker, I believe I have twenty-five minutes of my time remaining.

The SPEAKER *pro tempore*. The gentleman from Tennessee reserved the remainder of his time.

Mr. RICHARDSON. Now, I am perfectly willing to divide that time equally with the gentleman from Massachusetts, if he desires it. I will yield cheerfully or I will again request that

the gentleman have sufficient time, within reasonable limits. That is perfectly fair.

Mr. MCKAIG. I desire to rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman from Tennessee has the floor.

Mr. MCKAIG. Then I will take some other time.

Mr. RICHARDSON. Will the gentleman from Massachusetts indicate some time?

Mr. TARSNEY (and others). Give him an hour.

Mr. WALKER. Mr. Speaker, I have been appealed to several times by the gentleman from Tennessee for an answer to the suggestion that has been made to me.

Mr. RICHARDSON. Will an hour be sufficient?

Mr. WALKER. I want to say, Mr. Speaker—

Mr. BLAND. I have demanded the regular order.

Mr. WALKER. If the gentleman will allow me to answer the question they have asked, and which I have not had time to answer—

A MEMBER. Well, why do you not answer it?

Mr. WALKER. Then just be quiet and I will answer.

The SPEAKER *pro tempore*. The gentleman from Missouri demands the regular order. Unless that is withdrawn the Chair can not recognize the gentleman from Massachusetts.

Mr. BLAND. Mr. Speaker, I will withdraw that if the gentleman from Massachusetts [Mr. WALKER] will indicate any reasonable time in which to finish his remarks; but to permit him to print matters in the RECORD and to go on here from hour to hour elaborating them, without giving other gentlemen an opportunity to reply, is unfair.

Mr. McMILLIN and Mr. RICHARDSON addressed the Chair.

Mr. WALKER. I can not reply to the gentleman's question while two or three gentlemen on the Democratic side are speaking at the same time.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to the floor. To whom does the gentleman yield.

Mr. RICHARDSON. I yield it to the gentleman from Massachusetts in order to allow him to reply to the question.

Mr. WALKER. I have not had the floor yet. You were all talking at once.

Mr. HEARD. You have got it now?

Mr. WALKER. No, I have not. You are all talking at once. Mr. Speaker, I would like a chance now to answer the gentleman's question, if he will allow me to.

Mr. McMILLIN. Mr. Speaker—

Mr. RICHARDSON. I yield to my colleague from Tennessee [Mr. McMILLIN] to make a statement.

Mr. McMILLIN. Mr. Speaker, I am satisfied that no member on this floor could have any desire to cut off the gentleman from Massachusetts [Mr. WALKER], or any other gentleman, from making a legitimate, straight defense against any charge made against him; and I think that in pursuing that course the gentleman will not be interrupted, and will not find any disposition manifested to cut him off.

Mr. BLAND. Mr. Speaker, the gentleman from Massachusetts has gone on reiterating an attack on other gentleman, and not a personal explanation of his own.

Mr. WALKER. I ask if I am to be permitted to answer the question which was asked me?

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] is entitled to the floor.

Mr. WALKER. Now, will he give me a chance to answer him?

Mr. RICHARDSON. Now, I renew the request that the gentleman from Massachusetts be given forty-five minutes in which to conclude his speech. I am willing to be perfectly fair with the gentleman—

Mr. WALKER. Will the gentleman from Tennessee permit me—if he has any gentlemanly instinct—will he give me half a minute in which to answer the question he asked me?

Mr. RICHARDSON. I will do that.

Mr. WALKER. Thank you, sir.

Mr. RICHARDSON. You are very welcome.

Mr. WALKER. Mr. Speaker, I want to say that before I will be the means of establishing a rule in this House that when a man is attacked and one charge or twelve charges are made against him that he can not have time to answer them, I will stop where I am or resign—

Mr. TARSNEY. Oh, don't resign!

Mr. WALKER. I will not be the means of setting a precedent that when a man has twelve distinct charges made against him he can not have the same opportunity of making a defense which he would have in a petty court.

Mr. RICHARDSON. The threat of the gentleman will not deter gentlemen on this side of the House from doing their duty as members of the House. Inasmuch as the gentleman has re-

fused and still refuses to indicate any time in which he can conclude his remarks, I submit that it is unfair for this side of the House or for the House—because it is a matter for the House—to be called upon to permit the gentleman to speak without limit. It has never been done, Mr. Speaker.

Mr. REED. Mr. Speaker—

Mr. RICHARDSON. The gentleman from Maine—

Mr. REED. Will the gentleman from Tennessee permit me?

Mr. BOUTELLE. That right never was denied since the House was organized.

Mr. RICHARDSON. The gentleman from Michigan [Mr. BURROWS], while occupying the chair in the last House, held that when a member had the floor on a question of privilege, as the gentleman from New York [Mr. CUMMINGS] had the floor upon one occasion, the hour rule applied; and when he had spoken an hour upon his question of personal privilege the floor was taken from him.

Mr. REED. But, Mr. Speaker—

Mr. RICHARDSON. So, Mr. Speaker, we are not enforcing any new rule.

Mr. REED. Will the gentleman permit me?

The SPEAKER *pro tempore*. Does the gentleman from Tennessee yield to the gentleman from Maine?

Mr. RICHARDSON. I will—for how long?

Mr. REED. For one minute.

Mr. RICHARDSON. Yes, sir.

Mr. REED. I am quite sure that there can not be found an instance in the history of the House of Representatives where a man has been charged, as the gentleman from Massachusetts [Mr. WALKER] has, and proceedings have been undertaken against him, in which the House has undertaken to limit him or in which the House has refused to allow him to finish his speech.

Mr. BOUTELLE. Never.

Mr. REED. I do not believe an instance of it can be found, and I am quite sure that I do not appeal in vain to the sense of justice on the part of members of the House not to set such a precedent. It must have been under aggravating circumstances if any such thing has ever occurred; and certainly the speech of the gentleman from Massachusetts [Mr. WALKER] has been temperate and reasonable.

Mr. RICHARDSON. Mr. Speaker, in the last House where we had a question of this kind raised, when a motion was made to exclude the remarks of the gentleman from Ohio [Mr. Kennedy] from the permanent RECORD, my recollection is that upon a report made by the Committee on the Judiciary the gentleman from Ohio [Mr. Kennedy] was permitted to make an explanation which did not exceed a half an hour in length. My impression is he was limited to thirty minutes by a rule or an agreement. But at any rate, Mr. Speaker, that is by the way; and I again appeal to the gentleman from Massachusetts, and to show him that I am perfectly sincere in it I will make the request again, and let the objection come if it is made. I ask unanimous consent that the gentleman be permitted to continue his remarks for one hour.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. RICHARDSON] asks unanimous consent that the gentleman from Massachusetts [Mr. WALKER] be allowed to continue his remarks for one hour. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. WALKER] is allowed by the House to continue his remarks for one hour.

Mr. WALKER. Mr. Speaker, I have only this newspaper extract, and then I go to the RECORD.

I do not present these examples of what Mugwumps are and do in any criticism of Harvard College. My best friends, the best men I ever knew, as well as my own sons, are Harvard men. The Mugwump is to-day the same to politics as the Doughface was before the war. It is the same mental quality and moral perception that makes them free traders and apologists for and defenders of the Mormons, that caused the king of the Doughfaces, Samuel Atkins Eliot, to vote, alone among New England members, for the fugitive slave law on September 12, 1850. Grand old Harvard does not "make Mugwumps." The distemper is bred in the bone.

It is due to Harvard men to give the following expression of their views by the leading Harvard man in New York, Theodore Roosevelt, in Boston Herald, April 11, 1892:

In some of the Southern papers I saw comments on President Eliot's plea for and justification of Mormonism.

The so-called persecution of Mormons stands just on a par with the persecution of the Molly Maguires in Pennsylvania, and of the Whyo gang by the New York City police. A religion of which the most prominent tenet was adultery, and which, during its brief term of life, has officially sanctioned such crimes as theft, is not one which we need be tender in handling. The memory of the Mountain Meadow massacre and of the hideous infamy of the Danites, should serve as an estoppel to any plea in behalf of the Mormons.

Mr. Speaker, I now ask to have read from the desk extracts which I will cite from the CONGRESSIONAL RECORD of this Congress and in the Fifty-first Congress.

I ask to have read a quotation in which the honorable gentleman from Maine [Mr. BOUTELLE] describes and freely uses the word "fraud," as he had a perfect right to do under the rules as interpreted by the practice of this House, and seems to have the Mugwumps in his mind's eye.

The SPEAKER *pro tempore*. The extracts will be read in the time of the gentleman.

The Clerk read as follows:

Mr. BOUTELLE. Mr. Speaker, in accord with the overwhelming majority of the Republican party I am opposed to the free coinage of silver. I am equally opposed to assisting certain gentlemen to perpetuate upon this country the fraud of 1890, which has been proclaimed here to-day by the gentleman from Massachusetts [Mr. WILLIAMS], although he failed to state that he not only proclaimed it, but represented it here. [Applause and laughter.]—*Congressional Record*, March 8, 1892, page 1898.

Mr. WALKER. I also ask the Clerk to read another extract in which the gentleman from Maine [Mr. BOUTELLE] exercised his parliamentary right to talk to the Mugwumps.

The Clerk read as follows:

Mr. BOUTELLE. * * * I am not in favor of obscuring, in a great Presidential campaign, one of the leading issues that ought to go before the people for the sake of aiding the State of Massachusetts to maintain a Mugwump kindergarten at the expense of the United States. [Laughter and applause.]—*Congressional Record*, March 8, 1892, page 1898.

Mr. WALKER. Here is a quotation in which the honorable gentleman from Maine [Mr. BOUTELLE] concludes his remarks to the Mugwumps.

The Clerk read as follows:

Mr. BOUTELLE. * * * Now, Mr. Speaker, these gentlemen from Massachusetts, these guileless political infants [laughter] and prodigies of statesmanship, are not going to persuade the Republican party into the old-fashioned business of pulling chestnuts out of the fire for their delectation.—*Congressional Record*, March 8, 1892, page 1898.

Mr. COGSWELL. Will the gentleman allow me?

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts yield to his colleague?

Mr. WALKER. For one moment.

Mr. COGSWELL. I want to ask a question for information, as it may determine my action in voting upon this resolution. This report was made after the speech of my friend on this side and the reply of my friend on the other. It is an important consideration to my mind in regard to the gentleman's speech on my left that it was put in the RECORD without being delivered; but I think if one has infringed upon the rule possibly the reply is also an infringement of the rule.

Mr. WALKER. Now, I hope the gentleman will not take any more time than is necessary.

Mr. COGSWELL. Now, I ask the chairman of the committee, and possibly my colleague on the other side, whether or not, as he knew he was about to make his reply, he gave any notice to the gentleman on this side? I ask that question because I remember the morning I saw him waiting for recognition from the Speaker, and I found my friend on the left in the Members' gallery. I sent word to him that I thought the gentleman on the other side was about to call up his remarks of the other day, and he replied, "Oh, no; I have received no notice." I sent word to him he had better come onto the floor. Whether he did or not at the right time I do not know.

Now, I think it is a matter that we should know, because clearly if the speech has infringed parliamentary law, the reply has. If one goes out of the RECORD, the other ought; if one stays in the other ought. And I would like to ask my friend [Mr. WILLIAMS of Massachusetts] whether he gave notice of his intention to reply. I am not assuming that he did not. I am willing to admit that he did give due notice. I call on him for the information.

Mr. WILLIAMS of Massachusetts. Will the gentleman yield so that I may make a reply.

Mr. WALKER. Yes; I will yield.

Mr. WILLIAMS of Massachusetts. I can answer the question, Mr. Speaker, in a very few words. On the evening before the day I took the liberty to call attention of the House to the gentleman's remarks I wrote a letter to the gentleman from Massachusetts [Mr. WALKER], saying that I intended at the noon hour on the following day to rise to a question of privilege and to criticize the remarks he had printed in the RECORD. I wrote that letter, and mailed it with my own hand the night before that day.

Mr. WALKER. I would like to ask the gentleman where he mailed that letter?

Mr. WILLIAMS of Massachusetts. Mr. Speaker, the gentleman has once before indirectly questioned that I sent him that notice. Before I answer any question I desire to ask that gentleman, upon his honor, did he not receive such a letter from me?

Mr. WALKER. Mr. Speaker, I again ask the gentleman

where he mailed that letter? [Laughter on the Democratic side.]

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. WALKER] is entitled to the floor.

Mr. WALKER. I hope the gentleman will be kind enough to let me say that I do not make any imputation against him, but I am curious to know where he mailed that letter.

Mr. WILLIAMS of Massachusetts. The gentleman can see from the mail stamp on the letter.

Mr. WALKER. Mr. Speaker, I have the letter here in my hand. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. WALKER] is entitled to the floor.

Mr. WALKER. Mr. Speaker, there [holding up a card] is the "letter." Not only is it the letter, but it is the first "call" of the gentleman [Mr. WILLIAMS] upon me since his arrival in Washington. [Laughter.] The post-mark on this envelope is "Washington, March 18, 3:30 p. m.," only two hours after the gentleman made his speech. And the "letter" reads:

"I shall to-morrow noon refer to your remarks printed in to-day's RECORD. I notify you, that you may be present."

The envelope of this letter, I repeat, shows that it was mailed two hours after he had made his address on the floor of this House.

Mr. WILLIAMS of Massachusetts. I would like to ask the gentleman whether he proposes to hold me responsible for the Republican administration of the post-office? [Laughter.]

MEMBERS on the Republican side. That is "too thin."

Mr. WALKER. This "letter" was sent from the post-office according to the post-office mark on the back of it at 4 p. m., two hours and a half after the hour at which the gentleman spoke on the day on which his speech was delivered. The postmaster informs me that all letters when dropped are taken up and stamped every thirty minutes and sent on delivery seven times a day. I shall not move for any committee of investigation of the gentleman, nor of his words. I relegate him, as I have done before, to his constituents.

Mr. BUSHNELL. It appears that the letter was received soon enough to bring the gentleman [Mr. WALKER] into the House at the time when his colleague [Mr. WILLIAMS] made his speech.

Mr. WALKER. No, sir; it was mailed two hours after the gentleman made his speech. I got it at 6:30 that same evening.

Mr. BUSHNELL. But you were here and heard him.

Mr. BLAND. I would like to ask the gentleman from Massachusetts [Mr. WALKER] if he was not present when the speech of his colleague was made?

Mr. WALKER. I was; because my colleague [Mr. COGSWELL] came for me and brought me here.

Mr. BLAND. What object, then, had your colleague [Mr. WILLIAMS] in mailing the letter to you when you were here and heard his speech?

Mr. BOUTELLE. That is not for the gentleman [Mr. WALKER] to say.

Mr. BLAND. I do not see the point of the gentleman reading—

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts [Mr. WALKER] yield to the gentleman from Missouri [Mr. BLAND]?

Mr. WALKER. No, I do not. I must have my time.

Mr. BLAND. Can you explain what point your colleague could have had in mailing a letter to you after he knew you had heard his speech?

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. WALKER] is entitled to the floor.

Mr. WALKER. Well, I would like to occupy it.

I present now a citation illustrating the freedom of debate under the rules from a speech of one of the most popular members on either side of the House and a Democratic candidate for Speaker, the honorable gentleman from Missouri [Mr. HATCH], who knows the rules as well and observes them as scrupulously as any Democrat on this floor. These remarks are such as have been freely made on this floor without being questioned in any one instance from time immemorial. They furnished a striking example of the freedom allowed debate and criticism of individuals on the floor of the House in direct contravention of the position taken by the Committee on Printing in the resolution to strike my speech from the RECORD.

Possibly I owe it to my colleague [Mr. WILLIAMS] to say to the House that the honorable gentleman from Missouri [Mr. HATCH] may have been misled as to his characteristics in counting the capital "I's" in his speech. In excuse for the peppered appearance the capital "I's" give the speech of the honorable gentleman from Massachusetts [Mr. WILLIAMS] I ought to suggest that the compositor may have been discouraged by their

number and shot the "I's" into the form with a dredging-box. [Laughter.]

I ask the Clerk to read the extract.

The Clerk read as follows:

Mr. HATCH. * * * The gentleman from Massachusetts [Mr. WILLIAMS], with an egotism that I have never heard equaled in this House since I have been a member of Congress, declared substantially that only those who agree with him on this question are Democrats, his exact language being:

"A vote has been taken which shows that there are seventy Democrats in this House who oppose the free coinage of silver, and, I take it, will oppose it to the bitter end. Now, Mr. Speaker, these men are the Democrats of this House."

Why, my young friend, you have not yet learned the first lesson of Democracy [laughter and applause]: you know no more about the principles and usages of the Democratic party than you know what is going on in the world beyond. [Laughter.]

The first duty of a Democrat is to abide by the decisions of its caucusses and conventions, and when the gentleman from Massachusetts undertakes to read me out of the Democratic party I simply resent it with the indignation of a Democrat who never scratched a ticket and never bolted a nomination.

Mr. WILLIAMS of Massachusetts. Mr. Speaker—

Mr. HATCH. I decline to yield. I never interrupted the gentleman during his hour.

Mr. WILLIAMS of Massachusetts. I did not refer to you personally, and you have referred to me personally. I desire to ask a question.

Mr. HATCH. If I had unlimited time I would be very glad to give the gentleman all the time he might wish.

Mr. WILLIAMS of Massachusetts. Can you refer me to a Democratic platform that ever declared for free silver?

Mr. HATCH. I have already answered that question. I think effectively.

When you want a Democratic platform, you will get it from Democrats and not from men whose swaddling clothes have not been on them a week, or a month, or a year. The gentleman gets up here—

Mr. WILLIAMS of Massachusetts. You want to read me out, do you?

Mr. HATCH. No, sir; I do not want to read you out. I am simply repelling your endeavor to read me out; but I will tell you what I will do with you: You said the other day, and two or three of your colleagues have said the same, that the time was coming when the Democratic party of the United States must choose between the Democrats of New England and the "Alliance" of the South; as you stated it, "either the Farmers' Alliance of the South or a Democratic alliance with the North." I am ready to take my stand on that proposition, and I will begin the exchange now. I will swap you for the barefooted statesman from Kansas [laughter]; he is a better Democrat than you are and will vote for more Democratic measures in this Congress than you will. [Laughter.]

Mr. WILLIAMS of Massachusetts. What is your choice?

Mr. HATCH. And I will take one of your colleagues, and if, by swapping him off, I can win back the young Democrat from Georgia who has gone astray I will be glad to make the exchange; and if that will not be accepted I will throw in another Massachusetts Mugwump to make the bargain.

Mr. WILLIAMS of Massachusetts. But you will not give me the floor.

Mr. HATCH. Yes, Mr. Speaker, here are two of these gentlemen claiming to be Democrats, yet their names, when this House was organized, although they sat in a Democratic caucus, are not recorded for the nominee of that convention for Speaker.

Mr. Speaker, you lost two votes to which you were entitled under all the rules of party organization, but you have gained a great deal more by your courageous and manly course in resisting the blandishments and importunities of this contingent of the Democratic party, by which you have won the admiration and hold the esteem of every Democrat in the United States. [Applause.]—*Congressional Record*, March 30, 1892, pages 2771, 2778.

Mr. HATCH. Mr. Speaker, will the gentleman allow me to add a postscript to that?

Mr. WALKER. If you can do it in a minute.

Mr. HATCH. In less than a minute.

Mr. WALKER. All right.

Mr. HATCH. Mr. Speaker, I am very much obliged to the gentleman for giving me the opportunity of saying that as long as I have been a member of this House and as many distinguished gentlemen from all parts of the country as I have served with here I have never seen upon this floor a gentleman that I would be willing to swap for the gentleman from Massachusetts [Mr. WALKER]. [Great laughter.]

Mr. WALKER. The remark of the gentleman simply illustrates the license of speech on this floor.

Mr. Speaker, I wish to present just one example, furnished by a man in private life, all others will be for the CONGRESSIONAL RECORD, in which the great example and exponent of all that is good in politics, in both Democrat and Mugwump, finds expression and sets an example to all mankind in talking of "deceiving workmen" and "giving the lie to its professions" and tells the Republican party to heed the words: "Thou shalt not steal."

The workingman who has been deceived ought certainly to be no longer cajoled by a party whose performance has so clearly given the lie to its professions. * * *

The Ten Commandments are thousands of years old, but they and the doctrine of tariff reform will be taught and preached until mankind and the Republican party shall heed the injunction, "Thou shalt not steal."—*Providence Sunday Journal*, April 3, 1892. Grover Cleveland to an audience in Providence, R. I.

Mr. WALKER. I present next an extract in which the honorable gentleman from Mississippi [Mr. ALLEN], of sound sense, entirely within the rules as applied in this House, suggests scandal concerning John Wanamaker, and questions the conscientiousness of the President, and "names" members of the "august body elsewhere":

Mr. ALLEN of Mississippi. * * * After the election I remember to have talked to several of you gentlemen on the Republican side of the House, and you were innocent enough to believe in the sincere conscientiousness of the President, and you repudiated the scandal and said John Wanamaker would not be in the Cabinet; but you were mistaken; the pledges to Mr.

QUAY and by Mr. QUAY had to be kept.—*Congressional Record*, April 23, 1890, page 3685.

Hundreds of cases of the names of Senators in connection with their action in the Senate fill the RECORD.

I made no allusion to any Senator excepting in connection with his doings as a citizen, and not as Senator or in the Senate, excepting to give a record of their votes on the silver bill. Their votes for the free coinage of silver were not to their credit, I admit.

Mr. Speaker, the greatest surprise for me in the report was the following:

He assails members of the coordinate legislative branch by mentioning them by name in a vulgar or common way, as shown in a preceding quotation, and charging them with the effort to control the legislation of the House through its Speaker, as shown by the following language:

"I consider it one of the highest compliments I have received since I began my service here that the head of the silver interest in Washington, the venerable patriarch Senator from Nevada, should reveal the fact that he thought it necessary to assist in the councils of the Democratic party, and therefore requested Speaker CRISP not to reappoint me to a place on the Coinage Committee."

Mr. Speaker, I am surprised beyond measure that I should be charged with speaking insultingly of Senators because I used that language. Why, sir, there is not a man who has seen Michael Angelo's Moses in the church of S. Pietro in Vincoli, in Rome, but has been struck with its likeness to Senator STEWART, with his commanding figure and flowing beard. He has been pointed out from the galleries as almost a duplicate of that statue. [Laughter.] I lived in the same house with him one and a half years after I came here. I enjoyed his company then more than that of any man in Washington, and we have always been on the best of terms, and I supposed that I was paying him a compliment when I used those words.

Mr. BLAND. Does the gentleman claim that he spoke those words on the floor of this House?

Mr. WALKER. I claim that I spoke those words in compliment, and that I spoke them on the floor of this House just as three-fourths of the words in "set debate" in the RECORD are spoken on the floor of this House.

Mr. BLAND. The complaint about your words is that they were not spoken on the floor, but were printed in the RECORD.

Mr. WALKER. That is not the complaint, and I say to the gentleman please not, interrupt me again. [Laughter.]

Mr. BLAND. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLAND. My point is that the gentleman from Massachusetts is not proceeding in order. He was charged with having printed in the RECORD certain matter—

Mr. WALKER. Mr. Speaker, I object.

Mr. BLAND. He was charged with printing certain matters in the RECORD; and now, instead of defending himself against that charge as presented to the House by a committee who have investigated the subject, he is going to work to get up a campaign document, I suppose, and making attacks upon members on this floor and Senators of the United States, and is not speaking in his own defense at all. Having had an hour, and then his time extended for the purpose of defending himself, he now, speaking under the courtesy of the House, instead of defending himself, goes on to make a speech to some extent at least in defamation of Senators and of members upon this floor.

Mr. WALKER. Mr. Speaker, I hope this will not come out of my time. [Laughter.]

The SPEAKER *pro tempore*. The Chair will have read again paragraph 4 of Rule 14.

The Clerk read as follows:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Missouri calls the gentleman from Massachusetts to order. Is the Chair correct?

Mr. WALKER. Will you let me read what the committee says?

The SPEAKER *pro tempore*. Under the rule—

Mr. WALKER. I ask to read the charge that the committee make against me.

The SPEAKER *pro tempore*. The rule is imperative. The gentleman from Missouri calls the gentleman from Massachusetts to order; and the rule applying to the case provides that the member called to order "shall immediately sit down unless permitted, on motion of another member, to explain; and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order he shall be at liberty to proceed, but not otherwise." Now the question is, Shall the gentleman from Massachusetts proceed?

Mr. WALKER. Allow me to state what I am speaking of—

The SPEAKER *pro tempore* (having put the question on allowing Mr. WALKER to proceed). The ayes have it; the gentleman will proceed.

A MEMBER. In order?

The SPEAKER *pro tempore*. In order.

Mr. WALKER. I have a list of fourteen charges made against me by the committee. One of them is assailing members of a coordinate branch, mentioning them by name in a vulgar and common way. Now, if I have not the right to vindicate myself against such a charge as that I have no rights on this floor.

The eminently proper and descriptive title "venerable patriarch Senator from Nevada" sprang naturally to my lips, as it does to the lips of all who know him best, and out of a kindly feeling and in compliment.

In the Washington Post, April 17, 1892, I find:

A striking figure in the Capitol at Washington draws the curious eyes of sightseers. It is that of a Senator, a stalwart and stately veteran from snow-capped Nevada, the frosted silver State. Silver white is his hair. Silvered too is the patriarch's beard that flows over his breast. Yet he still lacks several years of the patriarch's age of three score and ten.

The story of his life is a drama. He still holds the stage as a leading old man, but in his zenith he was a star of the first magnitude. Then he was a State maker—the master mind in the most marvelous mining camp this world has seen, on the crest of that marvel of nature, the Comstock Lode.

In the grave and suave old Senator at the Capitol a passing glance would see small likeness to the long-limbed, raw-boned, red-haired adventurer enveloped in a yellow duster with flapping skirts, who climbed the Sierras to seek his fortune.

But in the busy, unkempt adventurer was the unflagging energy, the unflinching nerve, the fourteen-hour working power, the bold ambition, the dashing insight, the readiness of adaptation, the hard sense, the colossal self-assertion that lifted the man above the muck in a few months' time to the head of the bar in the turbulent camp, and presaged his grip upon the reins and whip that guided and lashed the plunging team of the new Territory of Nevada.

I arraigned the personal motives of no man, but I did arraign men and a party for what they distinctly proclaimed their political purpose to be, as I had a right to do. Again, the chairman says:

The consequences of a measure may be reprobated in strong terms; but to arraign the motives of those who propose to advocate it is a personality and against order.

Mr. Speaker, I ask you to compare my words with the following citations, in which the honorable gentleman from Massachusetts [Mr. WILLIAMS] suggests that the Democrats who favor free coinage of silver are "giving the lie" to the pledges of Democrats:

Mr. WILLIAMS of Massachusetts. It justified its administration of four years in its opposition to silver, and now appears here in the name of Democracy, voting for free silver coinage, giving the lie to those pledges made to the people. I tell you, Democrats of the South and West, you will hear from this business. In the North pledges to the people mean something.—*Congressional Record*, March 8, 1892, page 1898.

In which the honorable gentleman from Massachusetts [Mr. WILLIAMS] gives an example of courtesy to a fellow member, and used very plain language, and also manifests the same anxiety about Democratic pledges that moved me to address a few remarks to the country on March 16:

Mr. OWENS. May I ask the gentleman a question?

Mr. WILLIAMS of Massachusetts. No, sir; you may not ask me a question. [Laughter.]

Pledges in the North mean something. Upon the pledges of the Democracy a great majority has been made out of a minority. How was the majority made up?

Mr. BOUTWELL. By lying. [Laughter on the Republican side.]—*Congressional Record*, March 8, 1892, page 1898.

In which the honorable gentleman from Massachusetts [Mr. WILLIAMS] declares who are Democrats, and that the pretended Democrats who favor free silver have bad consciences:

Mr. WILLIAMS of Massachusetts. A vote has been taken which shows that there are seventy Democrats in this House who oppose the free coinage of silver, and I take it, will oppose it to the bitter end. Now, Mr. Speaker, these men are the Democrats of this House. [Great laughter.] Yes, you may laugh; but consciences require some consolation.—*Congressional Record*, March 8, 1892, page 1898.

In which the same honorable gentleman from Massachusetts [Mr. WILLIAMS] accuses the Republicans from Massachusetts of "sacrificing their convictions" in voting for the silver law of June 14, 1890, and broadly hints Republicans from Massachusetts are not here with an "honest purpose":

Mr. WILLIAMS of Massachusetts. * * * The people of Massachusetts passed their verdict, not upon you gentlemen who come here with an honest belief in the free coinage of silver and vote your convictions; they put their stamp upon the men who did sacrifice their convictions for party success.—*Congressional Record*, March 19, 1892, page 2302.

In which the honorable gentleman from Massachusetts [Mr. WILLIAMS] accuses the gentleman from Massachusetts [Mr. WALKER] of "treachery" and of "sacrificing his convictions" for the purpose of "making political capital," and this in a speech presented to the House as the Mugwump model of parliamentary propriety, made upon his motion to strike from the RECORD five and a half columns of a speech for containing certain words:

Mr. WILLIAMS of Massachusetts. * * * We have again exposed the treachery of the gentleman and his associates to their cause. [Applause.] When, by an alliance with all honest opponents of free coinage this policy might, as I believe, have been defeated, where was the gentleman from

Worcester. Again sacrificing his constituents and his convictions for the purpose of making political capital out of the greatest question that could possibly be presented for his consideration.—*Congressional Record*, March 19, 1892, page 2302.

Is there a gentleman on this floor who will say my remarks, modest in the extreme, as compared with this and the other remarks of the gentleman, ought to go out of the RECORD, upon the motion of this Mugwump, and this stuff of his ought not be submitted to the Committee on Printing for official examination?

In which the honorable gentleman from Massachusetts [Mr. CROSBY] says the gentleman from Massachusetts [Mr. WALKER] made a statement "absolutely false," knowing it to be false, when he knew no answer could then be made, as I was in Rhode Island:

Mr. CROSBY. Mr. Chairman, possibly no answer is called for by such an attack upon myself or my colleagues. I do not speak for them. They are abundantly able to take care of themselves. So far as I am concerned, however, I denounce the statement made by the gentleman [Mr. WALKER] as absolutely false to his certain knowledge. I claim to have been elected to Congress by means of honest methods and clean politics, and I would say further to the gentleman that the commission which entitles me to my seat in this body represents the will of the plurality of the votes of the district which I have the honor to represent, and was obtained without fraud and without deception. I resent the imputation of the gentleman from Worcester, not only because it is personal to myself, but because it is an insult to my constituents.—*Congressional Record*, March 31, 1892, page 2873.

This statement of the gentleman from Massachusetts [Mr. CROSBY] is thoroughly unworthy of him. When he denounced my statement "as absolutely false to his (my) certain knowledge," he knew that the two gentlemen from Massachusetts [Mr. WILLIAMS and Mr. HOAR], not I, were the authors of the statement that "no Democrat could be reflected from New England if the bill for free coinage of silver passed the present House," and that my remarks were founded upon their statement, and he also knew that my criticism and denunciation of the Mugwump was not a criticism of their private or personal character or conduct, but of political conduct and political morality, which falls lower in Mugwumps than in any other partisans. Neither did I hint at any corruption of the ballot by any one of them anywhere.

Mr. Speaker, will gentlemen compare the following Scripture allusions with those of the honorable gentleman from Massachusetts [Mr. WILLIAMS] and consider his use of Scripture in epithets to me:

Mr. WALKER. Is this arraignment too severe? If it is, I will gladly change it. I prefer to say pleasant things, but truth is truth. The great Reformer of 1840 years ago said words of great severity of men who were the leaders of society, morality, of benevolence, and of religion, whose character by the then standards was as high as that of Boston Mugwumps.

In which the honorable gentleman from Massachusetts [Mr. WILLIAMS] declares that the words quoted above as used by his colleague from Massachusetts [Mr. WALKER] is profanity and blasphemy.

Mr. WILLIAMS of Massachusetts. Now, Mr. Speaker, I have listened to profound profanity. I have heard blatant blasphemy, but for a rock-based, sky-piercing monument of sacrilege (blasphemy) commend me to these words of the gentleman from Massachusetts, in which he compares this brutal attack upon his fellow members in the House with the rebuke of the Saviour of men to the scribes and Pharisees. [Laughter and applause.]—*Congressional Record*, March 19, 1892, page 2301.

In which the same honorable gentleman from Massachusetts [Mr. WILLIAMS] pronounces the gentleman from Massachusetts [Mr. WALKER] one of the "Scribes and Pharisees," within the lines of parliamentary law, and sets an example in his own words of his idea of what words should be used by one gentleman in addressing another gentleman in a "firm but respectful manner," as he proclaimed his purpose to be, as follows:

Mr. WILLIAMS of Massachusetts. Now, Mr. Speaker, I will advert to the substance of these remarks, and I am entitled to speak with respect to the gentleman from Massachusetts [Mr. WALKER] in a firm but respectful manner, and to call the attention—

Mr. WILLIAMS of Massachusetts. * * * Probably the gentleman from Worcester will not recognize himself as one of the persons addressed in these words:

"The Scribes and the Pharisees sit in Moses's seat: All therefore whatsoever they bid you observe, that observe and do, but do not ye after their works, for they say and do not."

[Laughter and applause on the Democratic side.] "For they bind heavy burdens and grievous to be borne, and lay them on men's shoulders; but they themselves will not move them with one of their fingers."

I have borne the burden, and the gentleman from Worcester is here. Once more:

"But woe unto you, Scribes and Pharisees, hypocrites, for ye shut up the kingdom of heaven against men; for ye neither go in yourselves, neither suffer ye them that are entering to go in."—*Congressional Record*, March 19, 1892, page 2302.

Notonly so, but the gentleman from Massachusetts [Mr. WILLIAMS] went outside of the rule laid down by the chairman of the Committee on Printing in his report by referring to the "gentleman from Worcester" no less than eight times, instead of the "gentleman from Massachusetts," undoubtedly deliberately and perhaps in compliment, for while he carefully revised his speech in some respects he did not correct it in this respect. I think a critical examination of my speech referred to the Committee on Printing, or my reply to the gentleman from Massachusetts [Mr. WILLIAMS], under this great provocation, will disclose no such

language as he had used. Neither does any part of my speech the committee recommends to be struck from the RECORD contain language at all obnoxious to the rules of the House as interpreted by the honorable gentleman, Mr. WILLIAMS, in his own speeches or as interpreted by action under them by others. If any one of these citations of the speeches of Mr. WILLIAMS does not condemn his whole speech and require them to be struck from the RECORD of March 8 and March 19, then my speech must stand. I am making no complaint of this. That the constituents of the honorable gentleman ought to settle this case with him is my contention. The customs of the House from "time immemorial" so say. The report of the committee says to the contrary. Which will you choose?

Mr. WILLIAMS of Massachusetts rose.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts [Mr. WALKER] yield to his colleague [Mr. WILLIAMS]?

Mr. WALKER. No, sir, I can not; my time is too limited.

The SPEAKER *pro tempore*. The gentleman from Massachusetts declines to yield.

Mr. CROSBY rose.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts [Mr. WALKER] yield to his colleague [Mr. CROSBY]?

Mr. WALKER. I can not yield; I have only a few moments.

The SPEAKER *pro tempore*. The gentleman from Massachusetts declines to yield.

Mr. WALKER (resuming). In which the honorable gentleman from Massachusetts [Mr. COOLIDGE] illustrates the motive of the ruling of Speaker REED, by coupling it with that of Guiteau, the assassin of President Garfield.

Mr. WILLIAMS of Massachusetts. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman cannot rise to a question of privilege while another member is on the floor.

Mr. WILLIAMS of Massachusetts. Mr. Speaker, I will once more beg the gentleman to allow me to ask him—

Mr. WALKER. I can not yield; the gentleman knows my time is limited.

The SPEAKER *pro tempore*. The gentleman from Massachusetts declines to yield.

Mr. WALKER (resuming)—

Mr. COOLIDGE. * * * The assassin of 1861 had as much right to walk up the avenue to yonder statue unmolested as the purest person in Washington; but the purpose for which he went—the assassination of President Garfield—was one of the greatest crimes known to man. It was not the counting of the quorum that I so much object to, but the purpose for which it was counted.—*Congressional Record*, April 3, 1892, page 3069.

In which the honorable gentleman from Tennessee [Mr. McMILLIN] broadly hints that the McKinley bill was passed to secure for its supporters vast sums of money to carry the elections.

Mr. McMILLIN. * * * But at last the mask was dropped in this Hall. The exigencies of the preceding campaign had required a vast amount of money to carry the elections. It was raised by rousing the apprehensions of some and promising benefits to others. The promises of that campaign were put into statutory form.—*Congressional Record*, March 11, 1892, page 2031.

Now, Mr. Speaker, I wish to say a word with reference to the report of the committee on the words "hot shot for Mugwumps," etc. I wish to say that I hold in my hand a manifold copy of what I sent to the Printing Office, exactly as it was sent, with no mark upon it; that when it went there there were some places for quotations that were not filled in. The Printer sent a messenger to my office for the missing quotations. I took hastily, my clerk being there, what I supposed was another copy like the one sent, but containing the omitted words, in order that the printer might insert these words, found in the second copy where they were omitted in the first copy, instead of which he did what in ninety-nine cases out of a hundred would have been the proper thing for him to do, he substituted the perfect copy for the other, which, as it proved, he ought not to have done, because in this case he substituted different matter; that is to say, the words objected to. And he was wholly to blame, if anyone.

Mr. CROSBY rose.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts yield?

Mr. WALKER. No, I do not; I cannot. I have only a limited time; these gentlemen have all the rest of the session. Now, I wish to say that when that copy came to me with those headlines, I did not understand how it got in there, unless it was put in by others, for I know I did not put it in.

Mr. CROSBY. How did it happen to be written in the first place?

Mr. WALKER. It was written for the newspapers; and I had a right to write it for the newspapers. It was sent to the newspapers and published by the newspapers, and approved of as about the most truthful and clear exposition of "Mugwumps" that had appeared in Massachusetts.

Now, I had four days in which to correct my speech in the

RECORD. Neither the Speaker of this House, nor the committee, nor the whole House, could hinder me from doing so, under the rules; and those words were not "in that speech" when the Committee on Printing took it, for I had taken them out of it, as I had a perfect right to take them out. I had four days under the rules to take them out. What the committee say in their report can not be justified upon any principle of fair dealing; for the gentleman says in his report that I took them out the second day after the speech appeared in the RECORD. The gentleman knows the rules of the House, and knows that I had the right to take them out even if I had put them in, which I did not do, and he knew they were not "in the speech" when he wrote his report. The report of the committee on that point is not, I hope and trust, with malicious intent.

Here is a further extract in which the honorable gentleman from Tennessee [Mr. McMILLIN] declares that Congress made a cowardly surrender to Harrison the Second, and sold its birthplace for a mess of pottage:

Mr. McMILLIN. * * * But it turns out that we rebelled against George the Third and high taxation in 1776, only to make a cowardly surrender to Harrison the Second and higher taxation in 1890. What should we say; what will posterity think of this action?

Mr. McMILLIN. For what purpose is the gentleman having this read?

Mr. WALKER. It is read to show the custom of the House under the rule and the freedom with which gentlemen are in the habit of expressing themselves in regard to public matters.

Mr. McMILLIN. Then I wish to say to the gentleman that every word of that I stand by now.

Mr. WALKER. My claim is that the gentleman had a perfect right to use the language which I am quoting, and that he would not have served his constituents if he had not done so if he believed the words true when he uttered them. That is my contention. My contention is that if these gentlemen who used the language I have quoted here, and shall quote, believed what they said, then they were exercising the right which they were entitled to exercise under the rules in so doing.

This continues as follows:

Mr. McMILLIN. Mr. Chairman, the world has spent thousands of years in anathematizing one base man on account of selling his birthright and heritage for a mess of pottage. What will it think of those who have given away their blood-bought heritage and got no pottage? What new curse will it invent for them?—*Congressional Record*, March 11, 1892, page 2032.

Mr. McMILLIN. I stand by that.

Mr. WALKER. I stand by the right of the gentleman from Tennessee in using that language in view of his belief. [Laughter and applause on the Democratic side.]

Mr. BURROWS. Not in the sentiment.

Mr. WALKER (continuing). But not in the sentiment he utters. I am standing here for liberty of debate in this House, and, furthermore, I say to you I am going to have it.

Mr. BURROWS. It does not look very much like it.

Mr. WALKER. Well, I think I will somehow or other. I say that before 235 men on this floor will condemn me, they will hear what I have to say, especially when I am simply advocating now the principle that every Democrat has advocated from the time of Jefferson, the time of Jackson, even back to the days of the Constitution, that there shall be absolute and untrammelled freedom of debate on public matters on this floor, and that any words may be spoken here that do not impugn the private personal character of the individual.

The chairman accuses me of assailing the Speaker, and says I accused the Speaker of improper motives, as follows:

At one place in his remarks he assails the Speaker of the House, accuses him of violating what he terms precedents in order to snub members, and ascribes to him improper motives in appointing a committee of the House, as the following quotation shows:

"The Speaker very properly, to carry out his views, made up the Coinage Committee of this Congress by putting the most determined fighter for free coinage among the Democrats, next to Mr. MILLS, at the head of the Coinage committee, and violated all precedents to snub the Republican party in this House for its devotion to sound money by putting the most determined fighter for free coinage there was in the little band of free-coinage Republicans at the head of the Republicans on that committee to misrepresent the Republican party on that question on the floor of the House."

On the contrary, as every right-minded man would read it, the extract recites a fact and commends it:

No. 6. Violated the rules in criticising the purpose of the Committee on Rules in not including "cloture" in their order for debating the free coinage of silver bill.

In the next sentence, referring to the action taken by the Committee on Rules providing for the consideration of the bill for free coinage of silver, he uses the following language:

"It looks to me as though the order now before us was passed by the Committee on Rules for the sole purpose of providing the means of continuing the fraud."

That was my opinion then, and it is my opinion now, and this House knows the result was exactly what was predicted.

How do other members commend the present Speaker and Speaker REED?

Here is one in which the honorable gentleman from Massa-

chusetts [Mr. WILLIAMS] accuses the Speaker of organizing the House to force the free coinage of silver bill on the House:

Mr. WILLIAMS of Massachusetts. Mr. Speaker, this question goes deeper into politics than anybody supposes.

Mr. LIVINGSTON. You are right about that.
Mr. WILLIAMS of Massachusetts. And the organization of this House has been directed to forcing this question upon the House.—*Congressional Record*, March 8, 1892, page 1898.

In which the honorable gentleman from New York [Mr. TRACEY] criticises the Chair for his decisions and his demeanor toward him:

Mr. BLAND. I move to lay the appeal upon the table and hope it will be done. [Cries of "Vote!" "Vote!"]

Mr. TRACEY. I desire, Mr. Speaker—
The SPEAKER. That motion is not debatable. The Chair will state the question.

Mr. TRACEY. I trust the Chair will not take me off the floor in that way. The SPEAKER. The gentleman is not on the floor. What does the gentleman mean by that? [Applause on the Democratic side.]

Mr. TRACEY. I mean, Mr. Speaker, that the gentleman from New York is very well aware of what he means, and he will take an opportunity to answer the Chair in a respectful and prompt manner—
The SPEAKER. The Chair hopes he will.

Mr. TRACEY. And he does not desire to be looked at by the Chair in that manner. [Laughter.] In the last Congress the gentleman who was then "the gentleman from Georgia," protested against the Speaker looking at him in a certain manner.—*Congressional Record*, March, 8, 1892, page 1899.

Mr. TRACEY. If in order, I would like to have the rest of that colloquy read, as it was not heard before. [Laughter.]

Mr. WALKER. Mr. Speaker, in the last Congress the gentleman from Georgia protested against the Speaker looking at him in a certain manner. We have the parallel in this Congress. But I pass on to a further consideration of these citations, in which the honorable gentleman from Missouri [Mr. BLAND] denounces the Speaker as "a tyrant:"

The SPEAKER. The roll call can not be interrupted.
Mr. BLAND. You are not a tyrant to rule over this House, or the members of this House, in any such way, and I denounce you as the worst tyrant that ever presided over a deliberative body. [Applause on the Democratic side.]—*Congressional Record*, January 31, 1890, page 977.

In which the honorable gentleman from Kentucky [Mr. BRECKINRIDGE] pronounces the Speaker's decision "corrupt," and is applying gag law:

Mr. BRECKINRIDGE of Kentucky. From that we appeal. The Speaker's decision is clearly corrupt. [Loud cheers on the Democratic side.] There is no appeal pending. I repeat, there is no appeal pending to-day. [Renewed applause on the Democratic side.] There was an appeal pending on yesterday, but this appeal is a different one, because the Speaker has assumed that the House will sustain his decision of yesterday, and so he is carrying by his own vote to-day the decision he has just made. [Renewed applause and cheers on the Democratic side.] It does not come within the rule stated by the gentleman from Ohio [Mr. MCKINLEY] and the gag law that the gentleman, with the help of the Speaker, has applied to-day is one that is both usurpatory, revolutionary, and corrupt. [Loud applause and cheers on the Democratic side.]—*Congressional Record*, January 31, 1890, page 978.

The charge against me is that I spoke where those men could not reply at once, but this language I am positive was addressed towards a man who not only could not reply at once, but could not reply at any other time, because he was "the Speaker of the House" and as such was prevented from doing so.

In which the honorable gentleman from Missouri [Mr. BLAND] again accuses the Speaker of tyranny:

The SPEAKER (continuing the reading). Mr. CRISP, Mr. CULBERSON of Texas, Mr. DOCKERY, Mr. DUNPHY, Mr. ENLOR, Mr. FLOWER—
Mr. BLAND. The Speaker may be deaf to my appeal, but it is on account of a tyranny that the House is getting sick and tired of.—*Congressional Record*, February 1, 1890, page 997.

In which the honorable gentleman from Illinois [Mr. SPRINGER] accuses the Speaker of tyranny, and in which the honorable gentleman from Missouri [Mr. BLAND] accuses the Speaker of being "in a demoralized condition:"

The SPEAKER. A sufficient number have risen. The yeas and nays are ordered. The Clerk will call the roll.

Mr. SPRINGER (after the roll call had begun). Well, this is tyranny, simple and undiluted.

Mr. BLAND (speaking amid great confusion and cries of "Order!"). This is an outrage. The House could not be in a more demoralized condition than the Speaker of this House.—*Congressional Record*, February 1, 1890, page 997.

[Great laughter.]
In which the honorable gentleman from Missouri [Mr. BLAND] accuses the Speaker of "running the House by brute force:"

The SPEAKER. There being a constitutional quorum present for the transaction of business, the Journal is approved.

Mr. DOCKERY. No quorum.
Mr. BLAND. I think that those sick gentlemen who are present should be excused. The Speaker is finding a quorum without them, and there is no necessity for their being here.

The SPEAKER. The gentleman from Georgia.
Mr. BLAND. The Speaker is running it by brute force.—*Congressional Record*, February 2, 1890, page 1008.

There is great good in this thing, for it will be a better education for the young men in this House than a post-graduate course at Harvard [laughter].

In which the honorable gentleman from Virginia [Mr. O'FERRALL] accuses the Speaker of using autocratic power and of outrage and usurpation:

Mr. O'FERRALL. Let the finger of autocratic power in this House direct the

way to those who will follow it. Let the voice of autocratic power sound through these halls and command those who may obey it; but as for me and my people I protest against this usurpation, this outrage, against this violation of the sacred rights of the weak, against this cruel and wicked and unconstitutional violation of the rights of the minority. [Applause on the Democratic side.]—*Congressional Record*, February 4, 1890, page 1028.

In which the kindly heart of the honorable gentleman from Missouri [Mr. HATCH] is moved at such doings, and he deeply regrets that the Speaker should be singled out for animadversion by Democrats, "bad as he is:"

Mr. HATCH. * * * I deprecate, Mr. Speaker, any harsh language or any epithets that have been uttered upon this side of the Chamber addressed to the Speaker of the House (not to the present occupant, but to the Speaker of the House) that does not include in the strictures in that language the entire Republican majority upon the other side.

The Speaker of this House, bad as he is, is no worse than his party. He is no better and no worse.—*Congressional Record*, February 12, 1890, page 1218.

In which the honorable gentleman from Tennessee [Mr. ENLOR] accuses the Speaker, because of his observance of his oath of office, as defined by the Supreme Court of the United States, the most august tribunal in the world, of "debauching the constitutional record of the House:"

Mr. ENLOR. * * * The Speaker of the House of Representatives has debauched the constitutional record of the proceedings of the House and impeached its verity by directing the Clerk to make an unwarranted and an unauthorized entry on the Journal, showing the names of certain members alleged by the Speaker to be "present and not voting."—*Congressional Record*, February 16, 1890, page 1306.

In which the honorable gentleman from Tennessee [Mr. McMILLIN] asks "upon what meat doth this our Cæsar feed," and declares that we were not sent here to bow down to Speaker REED in an ignoble despotism [great laughter]:

Mr. McMILLIN. * * *
Upon what meat doth this our Cæsar feed,
That he is grown so great?

Why, sir, are we who are sent here to perpetuate a Republic required to thus "bow down ignobly to a despotism?" For, sir, I assert, and fair-minded men will agree with me, that when this code of rules adopted the House of Representatives will have been converted into the worst despotism on this continent and one of the worst on the earth.—*Congressional Record*, February 25, 1890, page 23, Appendix.

In which the honorable gentleman from Texas [Mr. MILLS] declares to the Speaker that his conduct is "dictatorial, tyrannical, and despotic."

The SPEAKER *protempore*. The time of the gentleman has expired.

Mr. RICHARDSON. I hope the gentleman is now ready to yield the floor, and I take it in my own right.

Mr. WALKER. I would like about fifteen minutes more.

Mr. RICHARDSON. I will give the gentleman ten minutes out of my own time.

Mr. WALKER. Well, I thank the gentleman for the time, but I will not agree not to mention this subject again in the House during this session.

Mr. RICHARDSON. I have no objection.

Mr. WALKER. Now, I ask the Clerk to continue to read the citation.

The Clerk read as follows:

Mr. MILLS. * * * The gentleman who assumes to play the rôle of public prosecutor to vindicate the offended dignity of the House remembers the conduct of the distinguished Representative from Indiana when he was resisting the dictatorial, tyrannical and despotic orders of the Speaker when he was trampling on all the rules of parliamentary law, and when he was hungering for that power which he has been so willing to exert on all occasions in defiance of right.—*Congressional Record*, May 20, 1890, page 4873.

Mr. WALKER. I have here another extract in which the honorable gentleman from Georgia [Mr. CRISP] borrows a simile, and more than hints that the Speaker is "hideous and ugly" [laughter]:

Mr. BUTTERWORTH. Well, I am gratified to know that the Speaker has been generally right, although annoying to some of my friends. [Laughter.]

Mr. CRISP. Yes; during this whole session the gentleman and his party if I may be permitted to borrow a simile, have seemed to bow before the Speaker of the House with much the same feeling with which the Hindoo bows before the hideous image of his god: "He knows that he is ugly, but he feels that he is great." [Laughter.]—*Congressional Record*, June 20, 1890, page 6298.

[Prolonged laughter and applause.]

In which the honorable gentleman from Arkansas [Mr. ROGERS] defines the principle on which the Speaker acts as "that of pirates," and his conduct concerning the silver bill as "infamous:"

Mr. ROGERS. The Speaker has informed us, and I suppose the rule will be enforced, when gentlemen interrupt gentlemen on the floor the interruptions will not be allowed to go into the Record. [Laughter and applause on the Democratic side.]

"The end justifies the means." That principle inspires the pirate on the high seas to rob and scuttle a ship. * * * I consider this the climax in the application of that principle, when he overturned the Constitution of the Republic, throttled and destroyed the independence and individuality of the members of this House, subjected the majority of the House to the power of a single man, to force and whip members back here who went away to avoid voting on this election bill, and brought about this infamous miscarriage of the silver bill against the will of the majority of the House, and, indeed, characterizes the entire proceedings of the Fifty-first Congress.—*Congressional Record*, July 11, 1890, page 7114.

In which the honorable gentleman from Arkansas [Mr. Rog-

ers] makes a few additional remarks, and speaks of the ill-breeding of the Speaker [laughter]:

Mr. ROGERS. * * * Mr. Chairman, you have invoked this bloody, inquisitorial code of rules; you have put in that Chair this man, whom many of us think has usurped power, who has been partial, who has ridiculed members upon the floor of the House, who has carried his ill-breeding into the Chair from the floor of this House.—*Congressional Record*, August 5, 1890, page 8113.

In which the honorable gentleman from Arkansas [Mr. Rogers] calls the Speaker a bulldozer, and hints at what he deserves and would receive in Arkansas [laughter]:

Mr. FUNSTON. He would make a good Southern bulldozer, would he not? [Laughter.]

Mr. PREL. You ought to know. You have been trying him a good while. Mr. ROGERS. Mr. Chairman, I think he [the Speaker] would make a good bulldozer in some sections of the country, for he has bulldozed you all, but I do not think he would bulldoze long where I come from. [Laughter and applause on the Democratic side, and derisive laughter on the Republican side.]—*Congressional Record*, August 5, 1890, page 8113.

In which the honorable gentleman from Arkansas [Mr. Rogers] accuses the Speaker of dishonorable motives and character, declaring he has no reverence for anything good, and which free criticism and denunciation was indulged in for days, and the theory and practice of the House being that the constituents of each member will remedy such evils, if they be evils, the provocation, imagined or real, being weighed by the people at the polls. This principle and practice has governed this House from time immemorial, as it did in the last Congress. Will this Democratic Congress reverse this rule?

Mr. ROGERS. Mr. Speaker, the stream can never rise above its source. What moved the source, Mr. Speaker? Men do not act without motives. The motive and the exigency existed. What was it, Mr. Speaker?

Can it be that you desire to separate yourself in this regard, as nature had separated you in mind, body, and instincts, from all mankind by openly repudiating what Jere Black ironically called, in his great speech in support of good morals and constitutional government before the electoral commission, "the vice of consistency?" No, hardly that; but, if so, it is a perfect part of a harmonious whole, constituting your mosaic public career. Then, too, it were a superfluous performance, for I cheerfully acquit the public of any lurking suspicion that you entertain seriously any reverence for anything good which ever actuated any noble spirit in all the past, provided all that such good thing impeded any partisan end to be attained.—*Congressional Record*, August 5, 1890, page 8114.

In which the same honorable gentleman addresses a few additional endearing words to the Speaker [laughter]:

Mr. ROGERS. * * * No, Mr. Speaker; but may I tell you, as no sycophant will, that they curse you, and despise you, and hate you, and when you are assailed, in private and in public, they are dumb.—*Congressional Record*, August 4, 1890, page 8114.

These quotations, and all others which I shall make from the speeches of scores of members, fully sustain the proposition that members are left to their own discretion in speech upon this floor.

In which the same honorable gentleman declares the Speaker to be a scold:

Mr. ROGERS. Mr. Chairman, I move to strike out the last two words. Once or twice lately something has been said about my being a scold. Well, sir, no House ought to be without one scold, and as you elected yours to the Speaker's chair, somebody had to take his place on the floor. [Laughter.]—*Congressional Record*, August 5, 1890, page 8114.

In which the honorable gentleman from New York [Mr. TRACEY] says the Speaker is proceeding in an irregular way, and "attempting to coerce" the House by "arbitrary measures," and that his rulings are the most extraordinary ever heard of in the history of legislative bodies:

Mr. TRACEY. * * * How can a body like the House of Representatives assemble and go to work to carry on its business without doing what has been done in every legislative body on the face of the earth—reading the Journal of the previous sitting, and in a regular way getting to the work before them. It appears to me that this ruling of the Chair is one of the most extraordinary that was ever heard of in the history of legislative bodies.

Now, sir, there is every reason in the world why great care should be taken in attempting to coerce the action of a body like this, or to take any other arbitrary measures in regard to this bill.—*Congressional Record*, March 8, 1892, page 1187.

In which the same honorable gentleman thinks the Speaker has acted with "undue haste," has ruled in an "erroneous manner," and "forced upon the House an innovation":

Mr. TRACEY. * * * It would be my hope that the Chair, after hearing arguments that might be made in regard to the matter—that the Chair, whom we all recognize to be a just man, in case he determines that he had in undue haste ruled in an erroneous manner, would gladly reverse the ruling and allow us to proceed with the regular business of the House in the regular way, and not force upon the House an innovation.—*Congressional Record*, March 8, 1892, page 1188.

In which the honorable gentleman from New York [Mr. COCKRAN] declares the ruling of the Speaker and the proceeding under it "disorderly":

Mr. BLAND. Why can we not take a vote before reading the Journal as well as afterward, if there is no intention here to filibuster?

Mr. COCKRAN. Because one is orderly and the other is disorderly; that is why.

The SPEAKER will please take their seats; there is no occasion for all this excitement.—*Congressional Record*, March 8, 1892, page 1189.

Mr. BOUTELLE. Is this in the present Congress? Have we got into the present House?

Mr. WALKER. Oh, yes. [Laughter and applause.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WALKER. I wish to present just one more extract.

Mr. RICHARDSON. I will allow the gentleman to read the extract himself.

Mr. WALKER. I will read the extract, in which the honorable gentleman from Kentucky [Mr. BRECKINRIDGE] declares the Speaker disorderly:

Mr. CRISP. I appeal from the decision—
Mr. BRECKINRIDGE of Kentucky. It is disorderly: the House has ordered a vote, and the Speaker has no more right to state that fact from the Speaker's chair than we would have from the floor of the House. It is a disorderly proceeding on the part of the Speaker. [Applause on the Democratic side.]—*Congressional Record*, January 30, 1890, page 949.

Mr. RICHARDSON. I now yield five minutes to my colleague on the committee [Mr. MCKAIG].

Mr. STOCKDALE. I think the gentleman from Tennessee [Mr. RICHARDSON] ought to give the gentleman from Massachusetts [Mr. WALKER] an opportunity to complete the biography of the last Speaker. [Laughter.]

Mr. RICHARDSON. I yield five minutes to the gentleman from Maryland [Mr. MCKAIG].

Mr. MCKAIG. Mr. Speaker, I do not want to encroach upon the patience of the House or to occupy more than a few minutes. I have listened to the gentleman with a great deal of pleasure, and particularly to the latter portion of his remarks, in justification of the peculiar manner in which he addressed himself to the two new members of the committee. I must confess, gentleman, that I do not say it in any spirit of self-laudation, but I have not risen in my seat to appeal to the Chair to protect me under the rule when I was held up here by the knight-errant of the silver question as a striking illustration of the argument he was using.

I did not then appeal to the Chair for protection, but I must confess that when I look into the benignant countenance of my friend from Massachusetts [Mr. WALKER] I do think he goes a little far when he undertakes to say that the decision made in our committee by the two new members was simply the outcome of freshness or of a want of knowledge of the rules of the House. If I could be justified in assuming the position of a tenderfoot in this peculiar political domain it would be in the light of the extracts and citations that the gentleman has been sending up to the desk to be read; because I have no hesitation in saying that we who live outside of the domain of this House, where social amenities and courtesies exist, are not in the habit of addressing ourselves to each other in the language that the gentleman has shown by these quotations to be the customary usage of the House of Representatives of the United States.

If that be the rule here, gentlemen ought to extend to a new member a greater degree of leniency, when he comes here in ignorance of the peculiar usages of your House. Words have been uttered here, according to the extracts that were sent up to be read by the Clerk, that would result in personal antagonism, if not in personal encounter, if uttered outside the House. Why, Mr. Speaker, I recollect when our late lamented friend, John T. Raymond, used to be going around the country in that magnificent play, "Fresh," which was called new—and what is new is fresh, and what is fresh is new—I never expected that I would be exhibiting myself here before the House in the character of the very play that I witnessed.

Now, I can state to the gentleman here that when we, myself individually and my friend from Kansas [Mr. BRODERICK], the other member of the committee, sat upon these matters that were laid before us, we did it in a fair, just, and equitable spirit. Certainly I can not be accused of being drawn to the gentleman of the third party, who is denominated by the gentleman from Massachusetts as a Mugwump, because, according to the gentleman's own language, he is not a member of the Democratic party, and therefore my spirit of fairness would apply just as much to the gentleman from Worcester [Mr. WALKER] as to the gentleman from the other section of Massachusetts [Mr. WILLIAMS], and I will say here that in passing upon the question we did it in a spirit of fairness and of honesty.

Mr. WALKER. Will the gentleman allow me just one word?

Mr. MCKAIG. Yes.

Mr. WALKER. I have not the slightest doubt about that, either as to the gentleman himself or his colleague, and have not intended to hint that I had any doubt on that subject.

Mr. MCKAIG. It may be that we have been ignorant of the peculiar methods of dealing with one another in this House of Representatives; but I hope that in the course of time, as myself and my friend from Kansas [Mr. BRODERICK] get accustomed to these things we will come to understand that when a gentleman on the floor of the House characterizes another in the strongest possible language, when he does that which tends to lower the dignity of the House, when he goes beyond its rules, we will know that he does not mean anything by it; that it is done in a spirit of playfulness; that in speaking of the "effigy of John Harvard" it is simply complimentary, and known to be so within the limits of the State of Massachusetts.

I will assume from what the gentleman says that he did not mean it as any unfairness when he characterized new members as "fresh and young," because we had not happened to have lived within the territorial limits of the State of Massachusetts. I took it for granted that when years have passed over that State, as Massachusetts was one of the earliest of the States, that one of the first and primal things learned in that State is courtesy and respect to people outside the State.

[Here the hammer fell.]

Mr. RICHARDSON. I yield ten minutes to the gentleman from Massachusetts.

Mr. WILLIAMS of Massachusetts. Mr. Speaker, I approach the question which is under discussion in a spirit of great seriousness. I ask this House to consider the report of this Committee in all seriousness, because, sir, the name of the Commonwealth which I have the honor in part to represent is here involved. I have asked to have stricken from the record of this Congress words which I believe bring dishonor to the good name of the noble Commonwealth I represent, which were put into the RECORD, not spoken or uttered upon the floor; personal attacks which were put into the RECORD without opportunity for answer.

Mr. Speaker, that Commonwealth has sent here to occupy the chair you now hold the courteous and noble Winthrop. In this Hall, where we have just listened to the piteous words of the gentleman from Massachusetts [Mr. WALKER], Webster has thundered, and here Sumner has pleaded the cause of liberty. Mr. Speaker, I will not allow, if I can have a majority of this House with me, the scandalous words uttered by the gentleman from Massachusetts to remain in the RECORD. To-morrow there will be published—already sent out to the press—the appeal of the gentleman from Massachusetts who represents the Tenth district, in which, Mr. Speaker, he appeals to the House upon the ground that he is one of the laborers of Massachusetts upon whom the Mugwump looks with scorn, and that he is therefore entitled to the sympathy of the House because he represents the "bench." I presume he refers to himself. "The bench, the loom, and the anvil," he says, "have sent out men to claim honors of which the Mugwump is jealous."

Mr. Speaker, in the district which I represent is the town from which came a true son of toil and a true son of Massachusetts; a man who has come next to the Presidency of the United States—Henry Wilson, who truly represents the dignity and courtesy of the Massachusetts artisan.

Mr. WALKER. Will the gentleman allow me one word?

Mr. WILLIAMS of Massachusetts. Not a word. [Laughter and applause on the Democratic side.]

And, Mr. Speaker, what a true gentleman is from out of the ranks of the artisans of the Commonwealth of Massachusetts many members of this House will know who have seen the dignified, honorable, and courteous bearing of Nathaniel P. Banks. They, sir, are the true representatives of the shop and of the loom. The anvil is perhaps not represented.

Let me suggest to the gentleman, however, that whether he came from the bench, the loom, or the anvil, it is no excuse for him that he shall bring in here his shop manners with which to regale the members of this House, for even with the honest artisan who indulges in the jibe, or the joke, or the jeer in a shop, when he comes within the heart of his family and into the bosom of his home, those jibes, and jeers, and quips are no longer heard; he respects the ears of the men and women who occupy his house. And when this gentleman comes into this House and faces the men and women of the whole country, he should bear in mind that the manners of the shop must be left behind; that he has in his keeping the dignity and courtesy of the people of Massachusetts.

Mr. CARUTH. Keep on his coat. [Laughter.]

Mr. WILLIAMS of Massachusetts. Yes; when he enters the drawing room of the country. [Renewed laughter.]

Now, Mr. Speaker, I do not intend to do more to vindicate the right of my Commonwealth than to have one more verdict passed upon the gentleman from the Tenth district of Massachusetts. I will take the verdict of next fall. I respectfully suggest to the Democrats of this House that if you wish a living proof of the magnificent opportunities of the Democracy of Massachusetts, gaze upon and listen to the gentleman from the Tenth district—the Republican member. [Laughter.]

Mr. Speaker, the gentleman says that a Mugwump is a man who praises God every day that he is not as other men are. I admit, Mr. Speaker, that I belong to a class which praises God that it does not belong to the class to which some gentlemen belong. I praise God that I am not as some other men are, and without mentioning any names. [Laughter.]

The Mugwump is also described as "a man who is educated beyond his intellect." Mr. Speaker, that is no discredit to any man; but there are some men who ought to be ashamed that their

education is on a par with their intellect. [Laughter.] Now, Mr. Speaker, my colleague may take this lesson to himself when this House acts, and he may not. I doubt whether the most serious criticism of this House will ever get through the skin of the gentleman from the Tenth district of Massachusetts; but, sir, I hope he will take the lesson. I hope he will not prove himself to belong to that class of men who can not learn what their constituents demand, what the good name of their Commonwealth demands, and what the honor of the country demands.

The gentleman was already warned by the report of the committee that he was to receive the disapproval of this House for his remarks, but, instead of coming here with apology, he comes here with reassertion and adds to his former offense. Mr. Speaker, this is no trifling matter. It is a matter which should receive the serious attention of this House. But I take it that we shall have the offense repeated to-morrow, and again and again, no matter now badly the gentleman is punished, no matter how seriously this House may act.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. RICHARDSON. Mr. Speaker, only a word. The gentleman from Massachusetts [Mr. WALKER], who occupied the floor so long, endeavored, it seems to me, to justify himself for his violation of the rules of the House and its privileges by citing instances in which other gentlemen had done the same thing. If we concede that the gentleman was correct in his quotations, and that the utterances which he quoted were violative of the rules either in letter or in spirit, that certainly does not justify the gentleman for the gross and palpable violation which he has committed. The committee, without any feeling in the case, as I have already said, simply considered the matter which was referred to them.

The gentleman has criticised the committee because they have not reported a resolution to strike from the RECORD the remarks of other gentlemen, which he says were violative of the rules; but, Mr. Speaker, the gentleman ought to know, if he does not, that the committee have no original jurisdiction of these questions and that they can exercise jurisdiction only of such matters as are referred to them by the House. No such remarks made by other gentlemen have been referred to the committee, and if they were referred, without undertaking to say what the committee would do—for I would not assume to do that—I will say that when any such reference is made the committee will again endeavor conscientiously to do their duty and report accordingly. Now, Mr. Speaker, I move the previous question upon the adoption of the resolutions.

Mr. REED. Before that vote is taken I should like to hear the resolutions read again.

The Clerk read the resolutions, as follows:

Resolved, That the House, deeming it a high duty that the courtesy and decorum required by parliamentary law and practice should characterize debate, and the conduct of members at all times in their official relations, hereby expresses its disapproval of the unparliamentary language used by Hon. JOSEPH H. WALKER, a Representative from the State of Massachusetts, in that portion of his speech printed in the RECORD on the 17th instant, but which was not delivered on the floor. And considering it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore,

Be it further resolved, That the Public Printer is directed to exclude from the permanent CONGRESSIONAL RECORD all of that portion of his speech beginning with the words, "Hot shot for Mugwumps—HOAR and WILLIAMS shown up," etc., on page 2259 of the daily RECORD, down to and including the paragraph on page 2261, which closes with the words "but the earmarks are on it," near the bottom of the first column on said page 2261.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question now is on the adoption of the resolutions reported by the committee.

Mr. MALLORY. Mr. Speaker, I move that the House do now adjourn. [Cries of "No!" "No!" on the Democratic side.]

The question was taken on the motion of Mr. MALLORY, and it was rejected.

Mr. REED. Mr. Speaker, I move that the resolutions be laid on the table.

The SPEAKER *pro tempore*. The motion to lay the resolutions on the table takes precedence of the motion for the previous question.

Mr. RICHARDSON. The previous question has been ordered.

The question was taken on the motion of Mr. REED, and the Speaker *pro tempore* declared that the yeas seemed to have it.

Mr. REED. I ask for a division.

The House divided; and there were—ayes 0, noes 98.

Mr. BOUTELLE. Mr. Speaker, there does not seem to be any quorum present.

Mr. REED. There is a quorum present, but no quorum is voting. [Laughter.]

The SPEAKER *pro tempore*. Does the gentleman from Maine make the point that no quorum has voted?

Mr. BOUTELLE. I do.

The SPEAKER *pro tempore*. The Chair will appoint tellers.

Mr. RICHARDSON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON. Will the Chair please state the question?

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine [Mr. REED] to lay the resolution on the table.

The question was taken; and there were—yeas 0, nays 101, not voting 227; as follows:

YEAS—0.

NAYS—101.

Alexander.	Cox, Tenn.	Johnstone, S. C.	Seerley.
Allen.	Craig, Pa.	Kribbs.	Sperry.
Andrew.	Crosby.	Lane.	Stevens.
Bailey.	Cummings.	Lapham.	Steward, Ill.
Beeman.	Daniel.	Lawson, Va.	Stockdale.
Bowman.	De Armond.	Lawson, Ga.	Stone, Ky.
Branch.	Dixon.	Livingston.	Stump.
Bretz.	Donovan.	Long.	Tarsney.
Brickner.	Dungan.	Mallory.	Terry.
Brookshire.	Edmunds.	McCreary.	Tillman.
Brunner.	Elliott.	McKalg.	Tracey.
Bryan.	Enloe.	McMillin.	Tucker.
Buchanan, Va.	Epes.	McKae.	Turpin.
Bunn.	Everett.	Meyer.	Warner.
Bunting.	Forney.	Montgomery.	Watson.
Bushnell.	Gantz.	Moses.	Weadock.
Butler.	Gillespie.	Mutchler.	White.
Caminetti.	Goodnight.	Oates.	Whiting.
Capehart.	Grady.	O'Neill, Mo.	Wike.
Caruth.	Greenleaf.	Outwaite.	Willcox.
Catchings.	Hall.	Owens.	Williams, Mass.
Cobb, Ala.	Halvorson.	Patterson, Tenn.	Winn.
Cobb, Mo.	Heard.	Paynter.	Wise.
Coburn.	Hoar.	Pearson.	
Coolidge.	Hooker, Miss.	Richardson.	
Cox, N. Y.	Houk, Ohio.		

NOT VOTING—227.

Abbott.	Crawford.	Jolley.	Rayner.
Alderson.	Culberson.	Jones.	Reed.
Amerman.	Curtis.	Kem.	Relly.
Arnold.	Cutting.	Ketcham.	Reyburn.
Atkinson.	Dalzell.	Kilgore.	Rife.
Babbitt.	Davis.	Kyle.	Robertson, La.
Bacon.	De Forest.	Lagan.	Robinson, Pa.
Baker.	Dickerson.	Lanham.	Rockwell.
Bankhead.	Dingley.	Layton.	Rusk.
Barine.	Doan.	Lester, Va.	Russell.
Barwig.	Dockery.	Lester, Ga.	Sanford.
Belden.	Dolliver.	Lewis.	Sayers.
Bellnap.	Dunphy.	Lind.	Scott.
Beltzhoover.	Durbinow.	Little.	Scull.
Bentley.	Ellis.	Lockwood.	Shell.
Benson.	English.	Lodge.	Shively.
Bincham.	Enochs.	Loud.	Shonk.
Blanchard.	Fellows.	Lynch.	Simpson.
Bland.	Fitch.	Magner.	Smith.
Blount.	Fithian.	Mansur.	Snodgrass.
Boatner.	Flick.	Martin.	Snow.
Boutelle.	Forman.	McAleer.	Springer.
Bowers.	Fowler.	McClellan.	Stackhouse.
Bravley.	Funston.	McDonald.	Stahnecker.
Breckinridge, Ark.	Fyan.	McGann.	Stephenson.
Breckinridge, Ky.	Geary.	McKeighan.	Stewart, Tex.
Broderick.	Geissenhainer.	Meredith.	Stone, C. W.
Brosius.	Gorman.	Miller.	Storer.
Brown.	Griswold.	Milliken.	Stout.
Buchanan, N. J.	Grout.	Mitchell.	Sweet.
Bullock.	Hallowell.	Moore.	Taylor, Ill.
Burrows.	Hamilton.	Morse.	Taylor, Tenn.
Bynum.	Hare.	Newberry.	Taylor, E. B.
Byrns.	Harmer.	Norton.	Taylor, J. D.
Cable.	Harries.	O'Donnell.	Taylor, V. A.
Cadmus.	Harter.	O'Ferrall.	Townsend.
Caldwell.	Hatch.	O'Neill, Mass.	Turner.
Campbell.	Haugen.	O'Neill, Pa.	Van Horn.
Castle.	Hayes, Iowa.	Otis.	Wadsworth.
Cate.	Haynes, Ohio.	Walker.	Warwick.
Causey.	Hemphill.	Page, R. I.	Washington.
Zheatham.	Henderson, Iowa.	Page, Md.	Waugh.
Chapin.	Henderson, N. C.	Parrett.	Wever.
Chipman.	Henderson, Ill.	Pattison, Ohio.	Wheeler, Ala.
Clancy.	Hermann.	Payne.	Williams, N. C.
Clark, Wyo.	Hitt.	Peel.	Williams, Ill.
Clarke, Ala.	Holman.	Pendleton.	Wilson, Ky.
Clover.	Hooker, N. Y.	Perkins.	Wilson, Mo.
Cockran.	Hopkins, Pa.	Pickler.	Wilson, Wash.
Cogswell.	Hopkins, Ill.	Pierce.	Wilson, W. Va.
Compton.	Houk, Tenn.	Post.	Wolverton.
Coombs.	Huff.	Powers.	Wright.
Cooper.	Hull.	Price.	Yountans.
Covett.	Johnson, Ind.	Quackenbush.	
Cowles.	Johnson, N. Dak.	Raines.	
Crain, Tex.	Johnson, Ohio.	Randall.	
		Ray.	

The following pairs were announced:

Until further notice:

Mr. AMERMAN with Mr. RIFE.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. NORTON with Mr. SHONK.

Mr. BYNUM with Mr. TOWNSEND.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. BROWN with Mr. RUSSELL.

Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.

Mr. PARRETT with Mr. WAUGH.

Mr. LESTER of Georgia with Mr. HERMANN.

Mr. COWLES with Mr. DOAN.

Mr. TURNER with Mr. BARTINE.

Mr. PEEL with Mr. WILSON of Washington.

Mr. PENDLETON with Mr. SMITH.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. WILSON of West Virginia with Mr. MORSE.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. HARTER with Mr. BOWERS.

Mr. CATCHINGS with Mr. LODGE.

Mr. COOPER with Mr. O'NEILL of Pennsylvania.

Mr. SNODGRASS with Mr. HOUK of Tennessee.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. SPRINGER with Mr. ATKINSON.

Mr. PIERCE with Mr. LIND.

For the rest of this day:

Mr. LAGAN with Mr. HUFF.

Mr. BRAWLEY with Mr. BINGHAM.

Mr. CRAIN of Texas with Mr. FLICK.

Mr. O'FERRALL with Mr. BROSIUS.

Mr. MOORE with Mr. HAUGEN.

Mr. SAYERS with Mr. SIMPSON.

Mr. BLOUNT with Mr. O'DONNELL.

Mr. SHIVELY with Mr. SANFORD.

Mr. ABBOTT with Mr. WADSWORTH.

Mr. CLARKE of Alabama with Mr. HENDERSON of Illinois.

Mr. WILSON of Missouri with Mr. DINGLEY.

Mr. DOCKERY with Mr. HENDERSON of Iowa.

Mr. COBB of Missouri with Mr. POWERS, for two weeks from the 12th instant.

Mr. SNOW with Mr. PICKLER, for one week, from the 18th instant.

Mr. WOLVERTON with Mr. REYBURN, for one week, from the 18th instant.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until the 7th of May.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7.

Mr. DICKERSON with Mr. JOHNSON of Indiana, for ten days, from April 19.

The SPEAKER *pro tempore*. On this question the yeas are none, the nays 101. No quorum has voted.

Mr. RICHARDSON. Mr. Speaker, I desire to make a parliamentary inquiry. The previous question having been ordered on the adoption of the resolution, will not this question come up next Monday morning as the first thing in order after the reading of the Journal?

The SPEAKER *pro tempore*. The present occupant of the chair could make a ruling; but being temporarily in the chair, he does not think he should undertake to rule as to what may be in order on Monday.

Mr. RICHARDSON. The previous question being ordered, will not this come up as the first thing on Monday under the former practice of the House?

The SPEAKER *pro tempore*. The present occupant of the chair does not think it would be proper for him to undertake to make a decision to control the occupant of the chair on Monday next. Therefore the Chair thinks the point ought not to be pressed.

Mr. REED. I move to adjourn.

Mr. RICHARDSON. Then I will modify the question and ask the Chair if such has not been regarded as the usual practice in the House.

Mr. REED. I have moved that the House do now adjourn.

Mr. RICHARDSON. I believe I have the floor. I have asked the Chair a parliamentary question in a respectful manner, and I hope the Chair will answer me.

Mr. REED. Is the motion to adjourn in order?

The SPEAKER *pro tempore*. The Chair thinks the motion of the gentleman from Maine is in order.

Mr. RICHARDSON. But, Mr. Speaker, I had the floor upon a parliamentary inquiry. If the Chair decides that I am not in order, of course I will yield.

Mr. REED. Regular order.

The SPEAKER *pro tempore*. The present occupant of the chair will make this statement. He is asked to decide a parliamentary point that might well in his judgment be made on Monday. The present occupant of the chair is asked to decide what will come up on Monday, and the Chair thinks it is premature to raise that point now.

Mr. RICHARDSON. Then I move that the House do now adjourn.

Mr. REED. That is a motion which is already pending, made by myself.

The motion was agreed to; and accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. STORER: A bill (H. R. 8341) to provide for an international ratio between gold and silver and to suspend the purchase of silver bullion from and after July 1, 1893—to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 8342) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. HATCH: A bill (H. R. 8343) to incorporate the Holstein-Friesian Cattle Association of America—to the Committee on Agriculture.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committees of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims:

A bill (H. R. 8290) for the relief of the heirs of Nathan Fletcher. (Report No. 1179.)

A bill (H. R. 8254) to reimburse the trustees of the Cumberland Presbyterian Church at Athens, Limestone County, Ala. (Report No. 1180.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petitions; which were re-referred as follows:

A petition of citizens of Nebraska, asking that the World's Fair be closed on Sunday—the Committee on Appropriations discharged, and referred to the Select Committee on the Columbian Exposition.

A petition of citizens of Nebraska, asking for the closing of the World's Fair on Sunday—the Committee on Appropriations discharged, and referred to the Select Committee on the Columbian Exposition.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRYAN: A bill (H. R. 8344) granting a pension to Granville R. Turner—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 8345) granting an honorable discharge to Ephraim H. Marsh, of Cedarvale, Kans.—to the Committee on Military Affairs.

By Mr. FELLOWS (by request): A bill (H. R. 8346) to authorize the purchase of Laurie's picture of Gen. George H. Thomas—to the Committee on the Library.

By Mr. GORMAN: A bill (H. R. 8347) for the relief of John Rathbun—to the Committee on Military Affairs.

By Mr. KRIBBS: A bill (H. R. 8348) for the relief of David Heffron—to the Committee on War Claims.

By Mr. O'DONNELL: A bill (H. R. 8349) granting a pension to Mary Bourne—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 8350) to remove the charge of desertion from the military record of Jacob H. Minnick—to the Committee on Military Affairs.

By Mr. QUACKENBUSH: A bill (H. R. 8351) for the relief of Leroy L. Barnard—to the Committee on Military Affairs.

Also, a bill (H. R. 8352) for the relief of Job M. Wilbur—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 8353) referring the claims known as the Paducah claims of John E. Williamson, administrator of the estate of John B. Thompson, deceased, and other citizens of Paducah, Ky., to the Court of Claims—to the Committee on War Claims.

By Mr. TAYLOR of Illinois: A bill (H. R. 8354) for the relief of William Devine, teamster; authorizing the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers to receive him at one of the branches of said National Home—to the Committee on Military Affairs.

Also, a bill (H. R. 8355) to confirm certain leases in the Yellowstone National Park—to the Committee on the Public Lands.

By Mr. WHEELER of Alabama: A bill (H. R. 8356) for the relief W. F. Laxon, administrator of the estate of W. G. Laxon—to the Committee on War Claims.

Also, a bill (H. R. 8357) for the relief of the heirs of Mrs. Agatha Erskine—to the Committee on Pensions.

Also, a bill (H. R. 8358) for the relief of John W. McKee—to the Committee on War Claims.

Also, a bill (H. R. 8359) for the relief of A. C. Barton—to the Committee on War Claims.

Also, a bill (H. R. 8360) to refer the claim against the United States of W. R. Siniard to the Court of Claims—to the Committee on War Claims.

By Mr. WILSON of Kentucky: A bill (H. R. 8361) for the relief of Joseph R. Jones, postmaster at Barbourville, Knox County, Ky.—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 8362) amending the military record of James G. Howard, deceased, late captain Company E, Forty-ninth Kentucky Volunteer Infantry—to the Committee on Military Affairs.

By Mr. STUMP: A bill (H. R. 8363) for the relief of William J. Murphy—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of the Presbytery of Mecklenburg, Synod of North Carolina, consisting of 73 churches and 7,500 members, against selling intoxicating liquors on the grounds of the Columbian Exposition or opening the Exposition on the Lord's Day—to the Select Committee on the Columbian Exposition.

By Mr. ARNOLD: Five protests of Farmers and Laborers' Union of Missouri, as follows: Of citizens of Ballinger County, Oregon County, Cedar County, Butler County, and Stoddard County, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. BRICKNER: Petition of members of Frank Ellenbecker Post, No. 254, Grand Army of the Republic, Department of Wisconsin, for the passage of a bill for the purpose of preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. BRYAN: Three petitions of citizens of Pawnee County, Nebr., as follows: Two petitions urging the passage of the commonly-known option bill, and a petition in favor of a pure-food law—to the Committee on Agriculture.

Also, petition of citizens of Pawnee County, in favor of the bill imposing a revenue tax upon compound lard—to the Committee on Ways and Means.

By Mr. CALDWELL: Petition of members of Col. R. G. Shon Post, No. 580, Grand Army of the Republic, Cincinnati, Ohio, asking for the passage of the Wheeler bill marking battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of the Evangelical Alliance of Cincinnati, Ohio, asking for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CARUTH: Protest of Charles H. Conner, of Louisville, Ky., against passage of House bill 8099, establishing uniform gauge of sheet steel—to the Committee on Coinage, Weights, and Measures.

By Mr. COCKRAN: Two petitions for adoption of metric system of weights—to the Committee on Coinage, Weights, and Measures.

By Mr. COOMBS: Petition of David Parker, late of Company A, Fourth Regiment New York Volunteers, to accompany House bill 8234, for relief—to the Committee on Invalid Pensions.

By Mr. CRAIN of Texas: Petition of citizens of De Witt, Tex., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. No. 395—to the Committee on Agriculture.

Also, petition of citizens of Refugio, Tex., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. CRAWFORD: Petition of the Presbytery of Mecklenburg, in the Synod of North Carolina, against opening the Columbian Exposition on Sunday, and against the sale of intoxicating liquor on the grounds at all times—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of various citizens of Pittsburg, Pa., proposing a constitutional amendment respecting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. DE FOREST: Petition of citizens of Thomaston, Conn., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Petition of Grand Army of the Republic Post, No. 667, of Illinois, for marking battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition from Kendallville, Ind., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENGLISH: Petition for adoption of the metric system

of Weights—to the Committee on Coinage, Weights, and Measures.

Also, two petitions from the State of New Jersey, for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. FITCH: Petition of citizens of New York City, praying for the adoption of the resolution of Hon. A. C. DURBOROW relative to amended spelling—to the Committee on Education.

By Mr. FUNSTON: Petition of the First Presbyterian Church, Ottawa, Kans., for observance of the Sabbath at the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Grange No. 227, of Olathe, Kans., for passage of antioption bill—to the Committee on Agriculture.

By Mr. FYAN: Protest of Farmers and Laborers' Union of Christian County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. GREENLEAF: Petition of E. G. Marshall Post, No. 397, Grand Army of the Republic, of Rochester, N. Y., praying further legislation by Congress for preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of the Fifth district of Iowa, asking that the Columbian Exposition be closed on Sunday, and that no liquor be sold on the exposition grounds—to the Select Committee on the Columbian Exposition.

By Mr. HARRIES: Numerous petitions signed by citizens of the First Minnesota Congressional district, protesting against any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Protest of citizens of Macon County, Mo., against committing the United States Government to a union of church and state by passing a bill or resolution to close the Columbian World's Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, protest of Farmers and Laborers' Union, No. 1430, of Macon County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

By Mr. HENDERSON of Iowa: Resolution by the conference of the State railroad commissioners with the Interstate Commerce Commission, urging Congress to give legislation for the protection of railroad employes—to the Committee on Interstate and Foreign Commerce.

By Mr. HUFF: Petitions of members of churches and other citizens, as follows: The New Salem Presbyterian Church, indorsed by 250 members; the Lutheran Church, indorsed by 83 members; the Salem Reformed Church, indorsed by 91 members, and the Emanuel Lutheran Church, indorsed by 44 members, of Westmoreland County, Pa.; the Mount Pleasant Evangelical Lutheran Church, indorsed by 98 members of Mount Pleasant, Pa.; the First Reformed Church, indorsed by 175 members, of Mount Pleasant, Pa., and of 354 citizens of West Newton, Pa., to prohibit the opening on Sunday of any exhibition or exposition where United States funds are expended—to the Select Committee on the Columbian Exposition.

Also, petitions of citizens of Westmoreland, Indiana, Armstrong, and Jefferson Counties, Pa., for amendment to laws on immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. HOUK of Ohio: Petition of 105 citizens of Butler County, Ohio, for passage of House bill 401, to amend the immigration law—to the Select Committee on Immigration and Naturalization.

Also, petition of 58 citizens of Franklin, Ohio, against bankruptcy law—to the Committee on Banking and Currency.

By Mr. LANE: Two petitions of Mansfield Grange, No. 917, of Illinois, one to prevent gambling in farm products, and the other to encourage silk culture—to the Committee on Agriculture.

Also, petition by the same grange, for defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. LAYTON: Petition of Charles A. Poling, of F. Renolds Lodge, No. 291, Brotherhood of Railroad Trainmen, praying for legislation requiring railroads to equip their cars with the automatic coupler and power brakes—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: Petition of J. C. Stroud and others, of Independence County, Ark., for the passage of the option bill—to the Committee on Agriculture.

By Mr. McMILLIN: Petition of Rev. J. B. Waggoner and 52 other citizens of Rhea County, Tenn., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McRAE: Resolution of the Seventh-Day Adventists, protesting against the Congress of the United States committing the Government to a union of religion and state—to the Select Committee on the Columbian Exposition.

By Mr. MUTCHLER: Petition for an amendment to the Constitution prohibiting any State from granting the right of suffrage to any one not a citizen of the United States—to the Committee on the Judiciary.

By Mr. O'DONNELL: Two petitions of Douglass Grange, No. 650, of Michigan, one to prevent gambling in farm products and the other to encourage silk culture—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, to prohibit contracts discounting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same grange, to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of 40 citizens of Pittsford, Mich., against the passage of any law requiring the Columbian Exposition to be closed on Sunday, or in any other way connecting Government to a course of religious legislation—to the Select Committee on the Columbian Exposition.

Also, petition of 101 citizens of Albion Township, Calhoun County, Mich., in favor of free delivery of mails in rural communities—to the Committee on the Post-Office and Post-Roads.

By Mr. O'NEILL of Pennsylvania: Communication of the president of the Commercial Exchange of Philadelphia, Pa., opposing passage of the Hatch-Washburn antioption bill—to the Committee on Agriculture.

Also, extract from the minutes of the State Board of Trade of Philadelphia, Pa., favoring maintenance of the Bureau of American Republics—to the Committee on Foreign Affairs.

By Mr. PAGE of Rhode Island: Three petitions of Grange No. 9, of Rhode Island, as follows: One to encourage silk culture, the second to prevent gambling in farm products, and the third to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discounting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for an act defining lard—to the Committee on Ways and Means.

Also, petition of Capt. John Waters and 35 others, for an act to promote the efficiency of the Life-Saving Service, by increasing the pay of keepers and men—to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Sherman and 87 others, for an act for the same purpose—to the Committee on Interstate and Foreign Commerce.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of Tennessee: Two petitions of citizens of Hardeman County, Tenn., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. No. 395—to the Committee on Ways and Means.

By Mr. QUACKENBUSH: Petition of the Young Men's Christian Association of Troy, N. Y., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RANDALL: Petition of Congregational ministers of Boston against keeping the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William M. Butler and others, of New Bedford, Mass., in regard to law respecting an established religion—to the Committee on the Judiciary.

Also, protest against passage of bill committing the United States Government to union of religion and state—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of citizens of Georgetown, N. Y., against the reduction of duty on hops—to the Committee on Ways and Means.

Also, petition of citizens of North Brookfield, N. Y., against reduction of duty on hops—to the Committee on Ways and Means.

Also, petition of citizens of Madison County, N. Y., against a reduction of duty on hops—to the Committee on Ways and Means.

By Mr. RUSSELL: Five petitions of granges of Connecticut, as follows: Of Manchester Grange, No. 31, and Highland Grange, No. 113, to prevent gambling in farm products; of Jewett City, No. 96, and Highland Granges, for the encouragement of silk culture; and of Manchester Grange, to prevent food and drug adulteration—to the Committee on Agriculture.

Also, petition of Highland Grange, to prevent contracts dis-

crediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition of Highland Grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Agriculture.

Also, two petitions, one of Manchester and the other of Highland Grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of Jewett City Grange, No. 96, one to prevent gambling in farm products, and the other to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition by the same grange, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Agriculture.

Also, petition of the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of citizens of Connecticut: of Bristol, and Ellington, and of Abington, in favor of closing the Exposition at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Thompson, in favor of closing the Exposition on Sundays; in favor of prohibition of rum selling in the Exposition grounds, and in favor of management of the art department according to the American standard of purity in art—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Norwich, Conn., against Congressional action closing the Exposition at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SPRINGER: Petition of many citizens of Minnesota, in favor of a law taxing sales of options—to the Committee on Agriculture.

Also, petition of Astoria (Oregon) Chamber of Commerce, in favor of improvements on Columbia River—to the Committee on Rivers and Harbors.

Also, two petitions, one of Pleasant Plains Grange, No. 174, and the other, Pennsylvania Grange, No. 244, of Illinois, in favor of free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Two petitions of citizens of Michigan in favor of the exclusive use in the customs service of the United States of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WALKER: Three petitions of Sutton Grange, No. 109; one to prevent the adulteration of foods and drugs, the second to encourage silk culture, and the third to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, for defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, April 25, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS, TENN.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 5th instant, a letter from the Chief of Engineers, with an accompanying letter, with sketch, from Capt. S. W. Roessler, Corps of Engineers, the officer directed to exercise supervision over the construction of the Mississippi River bridge at Memphis, Tenn., containing the latest advices in his office respecting that bridge; which was read.

The PRESIDENT *pro tempore*. The communication and accompanying papers will be referred to the Committee on Commerce, and printed.

Mr. HARRIS. I do not know that the communication need have any reference. Let it lie on the table for the present. It will be printed of course in the RECORD, and let it be printed as a document also.

Mr. BERRY. The accompanying letter, I presume, will be printed in the RECORD also.

The PRESIDENT *pro tempore*. The letter of transmittal will be printed in the RECORD, and the accompanying papers not in the RECORD, but as a document.

Mr. BERRY. I ask that the letter of the Chief of Engineers, to which it refers, be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the communication and the letter from the Chief of Engineers will be printed in the RECORD, and the communication and accompanying papers will lie on the table until further order of the Senate, and be printed as a document.

Mr. HARRIS subsequently said: The communication laid before the Senate this morning from the Secretary of War, which I asked be printed as a document, I see contains a map. I ask that the map be excluded. It may involve some unnecessary expense, and it is of a sort not important to the document.

The PRESIDENT *pro tempore*. The map accompanying the communication referred to will not be printed unless specially ordered by the Senate.

The communication and accompanying papers are as follows: Letter from the Secretary of War, in response to resolution of the Senate of April 5, 1892, relative to the bridge across the Mississippi River at Memphis.

WAR DEPARTMENT, Washington, April 23, 1892.

SIR: In response to a resolution of the Senate dated the 5th instant, directing the Secretary of War to inform the Senate "whether or not the Kansas City and Memphis Railway and Bridge Company, authorized by act of Congress approved April 24, 1888, to construct a bridge across the Mississippi River at Memphis, Tenn., have complied with the portion of said act which required such company to provide for a passageway for wagons and vehicles of all kinds and the transit of animals," I have the honor to invite your attention to the inclosed letter from the Chief of Engineers dated the 21st instant, and its accompanying copy of letter dated the 18th instant, with sketch from Capt. S. W. Roessler, Corps of Engineers, the officer directed to exercise supervision over the construction of the bridge, which letter, the Chief of Engineers remarks, contains the latest advices in his office respecting the bridge at Memphis, and will, it is believed, furnish the information desired by the Senate.

Very respectfully,

S. B. ELKINS, Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., April 21, 1892.

SIR: I have the honor to acknowledge receipt from the War Department of resolution of the 5th instant of the Senate of the United States, directing the Secretary of War to inform the Senate "whether or not the Kansas City and Memphis Railway and Bridge Company, authorized by act of Congress approved April 24, 1888, to construct a bridge across the Mississippi River at Memphis, Tenn., have complied with that portion of said act which required such company to provide for a passageway for wagons and vehicles of all kinds and the transit of animals."

In answer to reference of the resolution to this office for report, I have to submit the accompanying copy of letter of the 18th instant, with inclosed sketch, from Capt. S. W. Roessler, Corps of Engineers, the officer directed to exercise supervision over construction of the bridge. This letter of Capt. Roessler contains the latest advices in this office respecting the bridge at Memphis, and will, it is believed, furnish the information desired by the Senate. It appears that the bridge is being constructed in accordance with the plan approved by the Secretary of War.

The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. S. B. ELKINS, Secretary of War.

REPORT OF CAPT. S. W. ROESSLER, CORPS OF ENGINEERS.
UNITED STATES ENGINEER OFFICE,
Memphis, Tenn., April 18, 1892.

GENERAL: I have the honor to report as follows in reply to the following resolution of the Senate, dated April 5, 1892:

"Resolved, That the Secretary be directed to inform the Senate whether or not the Kansas City and Memphis Railway and Bridge Company, authorized by act of Congress approved April 24, 1888, to construct a bridge across the Mississippi River at Memphis, Tenn., have complied with that portion of said act which required such company to provide for a passageway for wagons and vehicles of all kinds and the transit of animals."

In the instrument of approval by the Secretary of War of the plan submitted by the bridge company the condition was imposed—

"That the Kansas City and Memphis Railway and Bridge Company shall provide an independent roadway for wagons and animals on such approach of said bridge, and for the entire length of the bridge proper, a roadway of sufficient width for wagons to pass each other without inconvenience, to be used by wagons and animals in common with the railroad."

As the main span of the bridge has not yet been completed and the roadway for wagons therefore not yet built, I construe the Senate inquiry to call for information as to the present plans of the bridge company regarding the wagon road. These plans, as explained to me, appear to conform to the above conditions.

An independent approach will be provided at each end of the bridge, joining the common roadway at points close to the shore piers, and the whole available width of the bridge proper, including the space between the rails, will be planked over for use as roadway. The width of the roadway across the bridge proper will be 18 feet 11½ inches, which will enable vehicles to pass without inconvenience.

I inclose herewith a sketch furnished by the engineer of the bridge showing section of proposed common roadway across the bridge proper.

Very respectfully, your obedient servant,

S. W. ROESSLER,
Captain of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers U. S. A.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law in French spoliation claims relating to the schooner Victoria; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of J. F. Campbell and 15 other citizens of Philadelphia, Pa., remonstrating against the passage of the bill to provide home rule for Utah; which was referred to the Committee on Territories.

Mr. COCKRELL presented the memorial of C. W. Boulton and 7 other members of the Seventh-Day Adventists of Macon County, Mo., and the memorial of R. Richardson and other Seventh-Day Adventists of Harrison County, Mo., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any bill or resolution to close the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Judiciary.

He also presented a memorial signed by many leading firms in St. Louis, Mo., remonstrating against the passage of any bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. COKE presented the memorial of J. W. Kirkpatrick and 77 other citizens of Rockwall County, Tex., and the memorial of A. J. Williams and other citizens of Bell County, Tex., remonstrating against a commitment of the United States Government to a union of religion and the state by the passage of any bill or resolution closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MILLS presented a memorial of sundry citizens of Navarro County, Tex., and a memorial of sundry citizens of Hill County, Tex., remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

He also presented the memorial of A. J. Williams and 77 other members of the Seventh-Day Adventists Church of Holland, Tex., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. BARBOUR presented a petition of the Richmond (Va.) Chamber of Commerce, praying that American coastwise sailing vessels piloted by licensed masters or United States pilots be exempted from the obligation to pay State pilots for services not rendered; which was ordered to lie on the table.

He also presented the memorial of W. W. Giles and 28 other citizens of Prince William County, Va., remonstrating against the Congress of the United States committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MORGAN presented the petition of W. P. Howell and other citizens of Elmore County, Ala., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. COLQUITT presented a petition of citizens of Augusta, Ga., praying for the passage of House bill 4843, relating to oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES presented a memorial of the Congregational ministers of Boston, Mass., and a memorial of members of the New England Conference of the Southern Methodist Episcopal Church, held at New Bedford, Mass., remonstrating against the passage of the Geary Chinese exclusion bill; which were ordered to lie on the table.

Mr. WASHBURN presented a memorial of the St. Paul (Minn.) Typothetae, remonstrating against the Government printing names and addresses on envelopes free of charge; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Minneapolis, Minn., praying that an adequate appropriation be made for the improvement of the Mississippi River between the Washington avenue bridge, Minneapolis, and St. Paul; which was referred to the Committee on Commerce.

He also presented the memorial of George L. Budd and 14 other citizens of Minnesota, remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. McMILLAN presented a petition of the Detroit (Mich.) Christian Endeavor Union, praying that the World's Columbian Exposition be closed on Sunday and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a petition of sundry citizens of Sassin,

Lincoln County, Wash.; a petition of sundry citizens of Skamania County, Wash., and a petition of sundry citizens of Skye, Wash., praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

Mr. PEPPER presented a petition signed by sundry residents of the Fifth Congressional district of Kansas, praying that an investigation be made of the slums of cities with a population of 200,000 or more; which was ordered to lie on the table.

He also presented a memorial of the First Presbyterian Sunday school of Ottawa, Kans., and a memorial of the First Presbyterian Church of Ottawa, Kans., remonstrating against the opening of the World's Columbian Exposition on Sunday and the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented the memorial of W. K. Loughborough, and 83 other members of the Seventh-Day Adventist Church of Calhoun County, Mich.; the memorial of E. P. Giles and 25 other members of the Seventh-Day Adventist Church of Jackson County, Mich.; the memorial of C. F. Marvin and 83 other members of the Seventh-Day Adventist Church of Calhoun County, Mich.; the memorial of Franklin Howe and 33 other members of the Seventh-Day Adventist Church of Ionia, Mich.; and the memorial of Sylvester A. Craig and 26 other members of the Seventh-Day Adventist Church of Tuscola County, Mich., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Keeler Grange, Patrons of Husbandry, of Michigan:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. SHERMAN presented a petition of the congregation of the United Presbyterian Church of Iberia, Ohio, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Damascus Grange, Patrons of Husbandry, of Ohio:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of legislation regulating speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Peoria, Ill., praying for the enactment of legislation prohibiting the selling of the produce of the country for future delivery by nonowners of such produce; which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented the memorial of Joseph Redoute and 21 other members of the Seventh-Day Adventist Church of Hampton, N. Dak., remonstrating against the passage of any legislation to close the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented a petition of the Davenport (Iowa) Branch of the Journeymen Stonecutters' Association of North America, praying that contractors be prohibited from using convict labor on Government buildings, and that the eight-hour law be strictly enforced on Government work; which was referred to the Committee on Education and Labor.

He also presented a petition of Paradise Farmers' Alliance, No. 1481, of Kenwood, Iowa, praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the petition of A. R. Green, department commander of Kansas, Grand Army of the Republic; the

petition of Frederick Speed, department commander of the Louisiana and Mississippi Grand Army of the Republic; the petition of H. B. Nichols, department commander of the Virginia Grand Army of the Republic; the petition of E. Calkins, department commander of the Indian Territory Grand Army of the Republic; the petition of C. L. Eaton, department commander of the Michigan Grand Army of the Republic, and the petition of S. G. Hillis, department commander of the Kentucky Grand Army of the Republic, praying that if any disposition is made of the Industrial Home property at Salt Lake City, Utah, it be set aside for a soldiers' home for disabled and needy soldiers and sailors; which were referred to the Committee on Territories.

Mr. VILAS presented the memorial of E. V. Higgins and 42 other members of the Seventh-Day Adventist Church of Portage County, Wis., and the memorial of C. K. Ackley and 55 other members of the Seventh-Day Adventist Church of Richland County, Wis., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. JONES of Arkansas presented the memorial of W. R. Robinson and 6 other members of the Seventh-Day Adventist Church of Sebastian County, Ark., remonstrating against the United States Government committing itself to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 96) to authorize the loan of certain ensigns, flags, and signal numbers for the purpose of decorating the streets and buildings of Washington on the occasion of the Grand Army Encampment in September, 1892, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LAPHAM, Mr. OUTHWAITE, and Mr. HULL managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and resolution: in which it requested the concurrence of the Senate:

A bill (H. R. 793) to amend the military record of De Loss Cramer;

A bill (H. R. 2073) granting a pension to Mrs. Jennie Y. Wade;

A bill (H. R. 3587) for the relief of Jonathan Ramey, Mexican war veteran;

A bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keeves, and T. E. Smith;

A bill (H. R. 4620) to authorize the Secretary of the Treasury to consent to the use of a portion of the public grounds of the United States in the town of Abingdon, Va., for a public street;

A bill (H. R. 5200) for the relief of Betsey Worthington;

A bill (H. R. 5396) for the relief of W. H. Howard;

A bill (H. R. 5722) increasing the pension of Meridy Smith, a Revolutionary pensioner;

A bill (H. R. 6093) for the relief of Quincy McNeil;

A bill (H. R. 6490) to amend an act entitled "An act establishing post roads, and for other purposes," approved March 3, 1877;

A bill (H. R. 7281) granting a pension to William F. C. Nide-mann, late of the Jeannette expedition to the Arctic Ocean; and

A joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892.

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Public Lands, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 2885) to authorize the Legislature of the State of Mississippi to sell or lease the lands heretofore appropriated to the use of schools within the Chickasaw cession, and to ratify and approve the sales already made, reported it without amendment, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 2519) authorizing the Secretary of the Treasury to sell certain lands in the city of Springfield and Commonwealth of Massachusetts, reported it without amendment.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 653) for the relief of Charles W.

Cronk, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on the Judiciary, to whom was recommitted the bill (H. R. 5316) to regulate the manner in which property shall be sold under orders and decrees of any United States court, reported it with amendments.

Mr. PADDOCK, from the Committee on Public Lands, to whom was referred the bill (S. 90) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred the bill (S. 2820) granting to the State of North Dakota certain portions of the abandoned Fort Abraham Lincoln military reservation, together with the buildings thereon, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CARLISLE introduced a bill (S. 2991) for the relief of Margaret Jane Lovell, administratrix; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 2992) for the relief of William W. Arnett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BARBOUR (by request) introduced a bill (S. 2993) authorizing the purchase of the Ourdan and Kolb letter-engraving machine for the use of the Navy Department; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN (by request) introduced a bill (S. 2994) to prevent the sale or delivery of ice within the District of Columbia on the Sabbath day, commonly known as Sunday; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SAWYER introduced a bill (S. 2995) granting a pension to Cornelius Meydam; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2996) providing for the erection of a public building at Muscatine, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CASEY introduced a bill (S. 2997) to place James W. Foley, late commissary sergeant, upon the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 2998) for the relief of settlers upon certain lands in the States of North Dakota and South Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DUBOIS introduced a bill (S. 2999) extending the time for the completion of the Spokane and Palouse Railway through the Nez Percé Indian Reservation in Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SHERMAN introduced a joint resolution (S. R. 76) to authorize the President to invite certain Governments to send delegates to the Pan-American Medical Congress; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. CAREY introduced a joint resolution (S. R. 77) for the relief of Maj. Henry A. Read; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McPHERSON. I submit an amendment intended to be proposed to the bill to place wool on the free list and to reduce the duties on woolen goods. This is an amendment placing sugar also on the free list.

The PRESIDENT *pro tempore*. The amendment will be printed and referred to the Committee on Finance.

Mr. McPHERSON. I also submit an amendment intended to be proposed to the naval appropriation bill, making an appropriation for an increase of the Navy, which I should like to have referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Naval Affairs, and be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was

referred to the Committee on Appropriations, and ordered to be printed.

THE FINANCIAL SYSTEM.

Mr. COKE. Mr. President, I desire to give notice that tomorrow morning, after the routine business is closed, I shall ask permission to address the Senate very briefly on the silver resolutions lying on the table, introduced by the Senator from Alabama [Mr. MORGAN].

TRANSFER OF REVENUE MARINE.

Mr. BUTLER. Mr. President, I desire to give notice that a week from next Thursday I shall ask the Senate to consider the bill (S. 67) to transfer the Revenue Cutter Service from the Treasury Department to the Navy Department. I shall move to proceed to the consideration of the bill after the routine morning business on that day.

Mr. ALLISON. I shall not interfere with the Senator's notice except to say that when appropriation bills are ready I hope it will be understood that they shall take precedence of all other matters.

EXCLUSION OF CHINESE.

The PRESIDENT *pro tempore*. In compliance with the unanimous consent of the Senate made upon the last legislative day, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported to the bill by the Committee on Foreign Relations. Is the Senate ready for the question? Those in favor of the amendment will say "ay," contrary "no." [Putting the question.] The ayes seem to have it. The ayes have it, and the amendment is adopted.

Mr. PLATT. May the question be stated again?

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the committee in the nature of a substitute for the House bill.

Mr. CULLOM. It is the Senate bill that is proposed as a substitute for the House bill, I understand. Is that right?

The PRESIDENT *pro tempore*. The Chair will restate the question. An amendment is proposed by the committee in the nature of a substitute for the House bill.

Mr. CULLOM. By the Committee on Foreign Relations of this body?

The PRESIDENT *pro tempore*. Yes.

Mr. SHERMAN. I ought to say to the Senate that I understood from the general arrangement made the other evening that the vote should be taken upon this proposition, and that the amendment, if adopted, should be open to amendment.

Mr. PLATT. That is what I wanted to ask.

Mr. SHERMAN. The amendment, if adopted, is to be treated as the text of the bill.

The PRESIDENT *pro tempore*. That was the understanding of the Chair, that in the event the committee amendment should be adopted to the House bill that amendment would still be open to amendment, and in the event that the amendment proposed by the committee should be lost the House bill would be open to amendment by the Senate.

Mr. PLATT. That was all I desired to inquire about.

Mr. HARRIS. If the amendment shall be adopted, it stands as an original proposition, so that an amendment in the second degree will be admissible.

The PRESIDENT *pro tempore*. The Chair would so understand it.

Mr. BUTLER. I understand that the amendment has been adopted.

The PRESIDENT *pro tempore*. The Chair did so decide, but will count it as no vote, and will again state the question. The question is on the adoption of the amendment reported by the Committee on Foreign Relations. Is the Senate ready for the question?

Mr. MITCHELL. No, sir. I took the floor on Saturday, but I consented when the bill came up to permit the Senator from Washington [Mr. SQUIRE] to go on this morning. He desires to address the Senate on this question before the vote is taken. He will be in the Senate in a moment. He has gone to get his papers.

Mr. SHERMAN. I suggest that until the Senator from Washington comes in the Calendar be called.

Mr. SQUIRE entered the Chamber.

The PRESIDENT *pro tempore*. The pending question is on the adoption of the substitute reported by the Committee on Foreign Relations, and the Senator from Washington will proceed.

Mr. SQUIRE. Mr. President, I desire to define my position as to this bill. I will first premise by referring briefly to my own convictions upon the general subject of the exclusion of the

Chinese. When I first went to reside on the Pacific coast in 1879, like many another who has been educated in New York and New England, I was inclined to think there was too much prejudice against the Chinese, and perhaps persecution of them. I was inclined to take the humanitarian view and to believe that our country was so grand and so strong that it could safely withstand the friendly incursions of the people of China without danger to our civilization.

During my residence in the city of Seattle, between 1879 and 1884, I met a number of Chinese merchants who were engaged in legitimate business upon a somewhat extensive scale for the size of the place. I remember in particular the firm of Wa Chong as being one that was well thought of by the citizens of Seattle. The members of this firm owned their own real estate, and the city had let to them extensive contracts for street work which had been executed satisfactorily. I found the manager of this establishment to be an able and honorable business man; and by reason of meeting a few of this class of Chinese I had come to be very favorably disposed toward them.

I soon found, however, that there were a great many Chinese of a different order there, and on visiting the cities of Tacoma, Olympia, Portland, and San Francisco, I ascertained from personal observation that a very large portion of the Chinese on the Pacific coast are of a kind whose presence is deleterious to the best interests of society.

In the years 1884, 1885, 1886, and 1887, I happened to occupy the position of governor of the Territory of Washington, and during that time I had occasion to investigate this subject officially, by reason of the strong hostile feeling then prevailing in all those cities and places in the vicinity of Puget Sound. During a part of this time there had been an unusual depression in business in that country as a result of the great business failures of 1873.

The work upon the railroads of that country had been to a large degree suspended, and many of the laboring class were without employment. A profound feeling of dissatisfaction and unrest prevailed among the masses, and hostility against the Chinese was developed to a remarkable degree. Public meetings were held, at which heated discussions prevailed. The Chinese were attacked and driven from the mines and their habitations destroyed. In another instance they were driven from the hop yards in Squak Valley, where they had been given work; their tents were burned and several of them were killed. At another time they were driven out of Tacoma by an organized body of citizens, which the sheriff of the county and his posse could not control, and their dwellings were burned.

An attempt was also made to drive them out of the city of Seattle, where I happened to be at the time, but in consequence of the vigorous measures adopted, including the employment of the militia of the Territory and the subsequent support of United States troops, this attempt was unsuccessful. The President sent a regiment of United States troops there under Gen. Gibbon, commanding the department, and these troops remained in Seattle for several months in order to prevent further trouble. Every effort was made by me in four of the large counties to protect the Chinese, as it was my duty to do; and I have been given to understand that the Chinese Government was satisfied with the action of the United States Government in its endeavor to carry out the spirit and the letter of the treaty.

These trying events led me to understand, as I had never done before, the intense feeling of antagonism that is seated in the breasts of the great body of our laboring people in reference to the Chinese.

In my official report to the Government, dated October 1, 1886, I stated as follows:

The fact is not to be disguised that the people of the Pacific coast, with very few exceptions, possess a spirit of hostility toward the Chinese residents, and although a large proportion of our citizens entertain feelings of loyalty and patriotism toward the Government, yet in several large towns they are inclined to be lenient to those who engage in acts hostile to the Chinese, and this fact makes it extremely difficult to secure convictions of this class of offenders against the law.

This feeling has been greatly aggravated by the fact that notwithstanding the terms of the so-called restriction act large numbers of Chinese have continued to cross the border from British Columbia in defiance of the law, and though appeals have been made to the Government to employ sufficient force in the customs department to prevent such unlawful incursions by Chinese, it has been found that with the limited customs force at its disposal the Government is practically unable to enforce the exclusion of the Chinese under the terms of the law.

The letter of the Secretary of the Treasury (copy here inclosed), dated December 9, 1885, explicitly states that "the appropriation heretofore made by Congress for carrying out the requirements of said act is entirely exhausted, and that at present it is impracticable for the Department to take any measures other than those already taken to prevent the landing and entrance of unauthorized Chinese laborers in United States territory."

I may be permitted to urge the view which is naturally taken by American residents of the Pacific coast, that it is important to have that country settled by free American laborers, who have respect for the institutions and laws of our country, who will establish permanent homes, and who will rear their families and train their children to have proper respect for labor in even its humblest sphere.

The presence of Chinese in large numbers has heretofore been necessary,

perhaps, in prosecuting works of great magnitude, like our transcontinental railways, at a time when no other laborers could be procured in sufficient numbers; and even now this class of labor is being used in the construction of the Cascade Branch of the Northern Pacific Railroad. But the hiving of hordes of Chinese in the towns is thought to interfere with the healthy growth and development of society, and is a constant source of uneasiness and dissatisfaction to the white laborer. Its effects are seen in bringing reproach upon certain kinds of humble but honorable occupation.

The Chinese rarely have families; they generally reside in disreputable quarters; they do not consider themselves permanent residents of our country; they live with as meager expenditure as possible and send their surplus earnings abroad to their own country.

In cases of interference with the rights of Chinese the courts have done all that was possible to protect them; and in compliance with the terms of the treaty, with your instructions, and with the request of the Secretary of State, I, as the executive of the Territory, have exerted every lawful power to insure their safety.

Mr. President, the fact is that I then became satisfied of the great injury to our own people from the presence of Chinese in any considerable numbers, and that to promote domestic tranquillity it was necessary that our Government adopt more vigorous measures than it had ever adopted then or has adopted since to enforce the exclusion of Chinese.

The first point I make is the inefficiency of our Government in carrying out the provisions of the laws which have already been enacted. Every year since 1884 the attention of the Government has been called to the inadequacy of the customs force on the northern frontier for the enforcement of the acts for the restriction of Chinese immigration.

During this time the facilities for the introduction of Chinese have been largely increased by reason of the establishment of a regular line of steamers between China and British Columbia, and by the opening of railroads and other avenues of travel on land between British Columbia and the United States; yet the customs force in the collection districts along the northern frontier has not been perceptibly increased, and the reason for this failure to increase the customs force is alleged to be, and undoubtedly is, the lack of money which should have been appropriated for the purpose.

I have no sympathy with demagoguery in any form, and it seems to be demagoguery of the most arrant kind for the representatives of the United States in Congress assembled to inveigh against Chinese, and to pass act after act for the alleged purpose of their exclusion from this country, when at the same time that Congress fails to provide a reasonable sum of money to enable the law to be efficiently executed.

The same relative conditions that prevailed several years ago prevail now; and all this talk about increasing the stringency of the provisions is nonsense unless Congress will provide the necessary money to increase the customs force along the frontier and to purchase steam launches for the interception of boats that are engaged in running Chinese into the United States by way of the Straits of Fuca and Puget Sound. I believe the Government has authorized the construction of one steam vessel for that purpose, but up to this time no such vessel is in service, although so urgently needed.

Mr. Charles B. Woods, special deputy collector for the district of Puget Sound, says, on page 64 of the report of the special committee on Chinese immigration, in answer to the question:

How many are there of them [inspectors]?

There are about twelve inspectors.

Q. Have you enough force to effect the carrying out of these laws?

A. No, sir; not half enough, not one-third enough.

Q. How many men would you require?

A. Well, we could use sixty people very nicely in this district and keep them busy all the time. I think we have thirty-six here now, including the collector and all.

Mr. DAWES. When was the testimony taken?

Mr. SQUIRE. This testimony was taken in the latter part of the month of November and the first part of December, 1890.

Q. And you think you could use sixty people altogether?

A. Yes, sir; that would make twenty-four more inspectors we would have.

I read from the report of the supervising special agent of the Treasury, dated November 7, 1891:

Until within the past few years the long line of frontier from Lake Superior to the Pacific Ocean needed but little watch-care, as the international boundary line ran through a region some hundred miles in width practically. Now all this is changed. Railways running parallel on both sides of the boundary line, intersected by other railways crossing the line, have brought with them population and constant communication between the two countries.

There are but four collection districts upon the northern frontier between the Lake of the Woods and the Pacific Ocean, a distance of about 1,400 miles, each district embracing a large territory, and the number of officers for preventive duty upon this long line of frontier does not exceed twenty, and the present customs appropriation will not admit of any material increase of this force.

The district of Puget Sound, comprising many islands within a few miles of British territory, with a long line of water front, furnishes facilities for smuggling and the clandestine introduction of Chinese, against which the customs officers have vainly contended.

Reference has been made by the honorable Senator from New Hampshire [Mr. CHANDLER] to the fact that I was engaged as chairman of the subcommittee which was instructed by Congress to make the last Congressional investigation upon the Chinese

question. While I was with this committee it took testimony in six cities, namely: Spokane, Port Townsend, Seattle, Tacoma, Portland, and San Francisco. The testimony of the collector of the district on the northern frontier and of all his subordinates who were summoned is conclusive as to the point that there is not anything like sufficient force there to carry out the provisions of the restriction act. The honorable Senator from New Hampshire has read such portions of the testimony as may be necessary to corroborate what I have stated.

There is also testimony to the fact that another law has been violated by the introduction of the Chinese on the northern frontier, namely, the alien contract-labor law.

The evidence of the deputy collector is that about 50 Chinese come into the United States by way of British Columbia each week, in violation of the restriction act. Since 1889 the British Columbian Government has charged \$50 per head tax upon Chinese entering that country. The number of Chinese in British Columbia seems not to have increased.

It has been stated to me by a person high in official position in Victoria that there are about six thousand Chinese now in the province of British Columbia, of which about three thousand reside in the city of Victoria. They have some means of knowing the number of Chinese by reason of the imposition of the school tax of \$3 per head annually, and the Chinese who are miners pay a tax of \$5 annually to the government.

Thus it seems that the Government of British Columbia is making a nice little revenue out of this business; and the United States is the market. Of course the steamship lines from China to British Columbia get the benefit of the passage money. There seems to be established a regular business of transporting the Chinese from Victoria to the United States. This is shown on page 72 of the report, where Mr. Woods testifies as follows:

Q. Have you ever learned that white men have been engaged in bringing in these Chinese for hire?

A. Yes, sir.

Q. Have been paid for bringing them into the United States?

A. Yes, sir.

Q. Have you satisfactory evidence on that point that you know to be a fact?

A. Yes, sir; I think Judge Swan has bound over several lately.

Q. What has been done with those white men? Have they been punished in any way?

A. Yes, sir; they are up waiting for trial now; some of them have been sent up for nine months or a year.

Q. Did you ascertain what amount had been paid for bringing in Chinese that way?

A. They pay from \$25 to \$50 a head.

Q. Is it an established fact that there are men engaged in that business, a regular business?

A. Yes, sir.

Q. Do you know the names of some of those men?

A. Yes, sir.

Q. Where are they living?

A. In Victoria, British Columbia.

Q. Are they people of the United States, or do they belong to British Columbia?

A. Some of them are supposed to be American citizens.

Thus we see that our officers in this district are active and vigilant, but are unable to repress the traffic for lack of men and means.

Now let us turn to another principal branch of the inquiry, namely, the difficulties which are encountered at San Francisco, where we find that our officers not only have to contend with the natural difficulties of identifying the Chinese who endeavor to come in by fraud, but they have also to contend against regular agencies in China and San Francisco, organized for the purpose of evading the law. The evidence on this point by S. J. Ruddell, inspector of customs at San Francisco, is as follows:

Q. In regard to the operation of this exclusion act, what difficulties, if any, do you, or does the customs department, meet with in carrying out the provisions of that law?

A. The difficulty is in landing the Chinese under the writ of habeas corpus by the United States courts.

Q. Describe that process.

A. Well, we understand it here, that a Chinaman who desires to come to this country can go to an agency in Hongkong and there, by depositing \$170, he will receive a guaranty to be landed in San Francisco.

Q. Go to an agent in Hongkong?

A. Go to an agency in Hongkong. I believe there are several in Hongkong that take that contract.

Q. You mean men there who have connection with men here?

A. Yes, sir; there are agents in Hongkong and agents here. A man deposits \$170, and his fare for the round trip is taken out of that, \$52.

Q. Taken out of the \$170?

A. Yes, sir; when the agency in Hongkong receives a sufficient number to send on a ship, they send an invoice to an agent here, and the agent here gets the witnesses and the bondsmen ready, and swears out writs of habeas corpus for the men on the steamers that they have never seen, that they are restrained of their liberty; either that the person on board is a merchant, and entitled to land here under the law, or is a native of the United States. Citizenship is the chief claim made by persons coming here now.

Q. Do you mean to say that these statements are fabricated and untrue?

A. I am positively certain of that.

Q. In every case?

A. In about ninety-nine cases out of a hundred.

Q. Ninety-nine per cent of those cases are fraudulent?

A. Yes, sir.

Q. What do the courts decide about that?

A. I suppose they have to accept the testimony.

Q. What is the result of the investigation by the courts?
 A. The result is, in the circuit court for the eleven months just ended, 67 per cent of the cases tried have been remanded.
 Q. And the persons have been sent back?
 A. They have not been sent back, but have been ordered sent back by the courts.
 Q. That would be about two-thirds, then?
 A. Yes, sir. About 14 per cent have been ordered sent back in the district court. Of that number not more than 5 per cent have been actually sent to China. The others are either appealed or they are let out on bond. The bondsmen have failed to produce the petitioners, however, in a great many cases.
 Q. Are these bondsmen then sued?
 A. Not as far as I know.
 Q. How many of those who do land claim to be citizens?
 A. About 95 per cent of those who come here without proper credentials to land.
 Q. Ninety-five per cent?
 A. Yes, sir. Men come here, 27 years of age, who say that they lived here until they were 15 years of age, and then went back to China. They don't remember anything about the country; don't remember a single person living here; don't know the names of any people living here; never were on the streets; never saw any Chinese children living here. That is the class of men who come here claiming to be citizens.
 Q. Is there any feeling in this community, on the part of even the legal fraternity, or of the merchants, or of the laboring people, that this law is being evaded willfully and negligently on the part of the officers of the law?
 A. I don't know that it is being evaded except, as I say, these Chinese who are landed on writs of habeas corpus. Occasionally a Chinaman will come here claiming to be a merchant, and will have papers from the interior, or may be from San Francisco, and we find the papers are not genuine. In cases of that kind a man is refused landing, and he usually sues out a habeas corpus writ or his friends do it for him.

The honorable Senator from Montana [Mr. SANDERS] spoke scathingly and ably and I think justly a day or two ago in regard to what appeared to him to be great laxity on the part of the courts in California; but there is one point he seems not to have understood—the figures as stated in the report of the committee in regard to the number of men that have been taken off on writs of habeas corpus. He thought it strange and that the statement was incorrect that there were over 7,000 taken off on writs of habeas corpus during the year 1888, and that only 1,992 had been taken off on writs of habeas corpus since October 1, 1888.

I would explain to the Senator from Montana that this great difference, which amazed him, is due to the operation of the last exclusion act, which went into force October 1, 1888, as he will see on page 274 of the report.

I desire to call attention to the testimony of T. J. Phelps, collector of the port, in regard to the character of Mr. Ruddell, the witness whose testimony I have just quoted:

Q. You speak of Mr. Rickards and Mr. Ruddell. I wish you would state to the committee something in regard to the relation they bear to your office and to you in these matters.
 A. They are inspectors of customs assigned to this business. Mr. Rickards is specially appointed to this place as an interpreter; that is, he is assigned as an inspector. Mr. Ruddell is a regular inspector and assigned to this business.
 Q. You regard the statements made by these men to you from time to time as being perfectly credible and perfectly reliable?
 A. Entirely so; yes, sir.
 Q. And you believe this committee can regard their statements to the committee in the same way?
 A. Yes, sir; as far as Mr. Ruddell is concerned he talks from the record, and his statements are absolutely correct.

Again referring to the testimony of Mr. Phelps, I will call attention, briefly, to his statements on page 325:

As Judge McAllister has said, most of the men, the larger proportion of the men, coming now claim to be native born, because the result of a discharge of one of these men is to naturalize him. If the judgment of the court is that he is a native-born citizen, and that judgment is not appealed from, how is the fact thereafter to be disputed? I take it that the act of discharge of one claiming to be native born is in fact a naturalization of that individual if he is not a native born, and therefore it becomes a very serious matter as far as that class of business is concerned. It is not only the introduction of one more Chinaman into the United States, but it makes him a citizen, capable of exercising the elective franchise, and of holding office even of that of the President of the United States.

In another place (page 326) Mr. Phelps says that—

They (the Chinese) adopt new methods all the time. One of the methods they have been recently adopting is to claim to be merchants in out-of-the-way places and present papers signed by a greater or less number of white men stating that they were merchants and thinking that we would accept that rather than go to those places and make an investigation. Quite a large number of cases had accumulated where the parties claimed to be merchants in Stockton, Sacramento, and various places, and I think Oroville was one of the places. So I sent Mr. Rickards, when we had an opportunity to do so, to make an investigation of these cases, and he found in every single instance they were misrepresentations; there were none of them that were actual merchants.

John P. Carey, the United States attorney from November 29, 1886 to November 6, 1890, referring to habeas corpus cases where bail has been taken, says:

I have not prosecuted these cases because I think it a useless expenditure of time and money. Therefore I have practically abandoned them.

In another place he says:

I concluded that every one of these bondsmen where I have declined to institute civil suits are not the persons they represented themselves to be, and had nothing, and were fraudulent; that was my judgment.

He also says that since the exclusion act 70 to 75 per cent of the Chinese claim to be native born, and consequently citizens.

Before that act but 5 per cent made that claim; and he recommends that at least one white witness should be required to prove native birth.

I have read thus extensively from the testimony in order that the difficulties of carrying out the exclusion act may be properly understood and dealt with by the Senate.

The great question in San Francisco is that of identification. The best legal opinion in San Francisco, so far as ascertained by the committee, is that the present law will expire in 1892. So far as I can gather from expressions of those of the Senate who have investigated this legal question, the preponderance of opinion seems to be to the same effect. We may take it for granted, then, for the purposes of our action to-day, that it is needful to pass additional legislation immediately, at least so far as relates to the reenactment of the present law; but in so doing it seems to me that we can properly add other safeguards for the purpose of identification and for the avoidance of fraud, and to add punishment by imprisonment as a deterrent.

It is very doubtful that the Senate will agree to pass the House bill as it stands. I do not believe it is necessary to increase the number of classes of Chinese that shall be excluded; that is to say, I would be willing to admit merchants, visitors, and scholars, in addition to the diplomatic and consular representatives; but if it shall be found, after further safeguards are added for the proper identification of Chinese and the prevention of fraud, that it becomes necessary to enlarge the number of classes for the sake of securing the effectiveness of the law against the classes already excluded, then I might be willing to adopt a still more rigorous measure.

I might then go to the extent of preventing the Chinese from returning to this country at all, as proposed in the House bill; but I would only do it, if at all, for the purpose of excluding those Chinese who are already excluded by law. I am in accord with the honorable Senator from California [Mr. FELTON] in the statement he made to the Senate Thursday, which is as follows:

The only desire which controls us in the whole bill and amendments is simply to prevent the coming of those people under the present laws into the United States; that is all.

As I understand the honorable Senator from Ohio [Mr. SHERMAN], chairman of the Committee on Foreign Relations, which committee reported the amendment to the House bill, he desires a test vote on that amendment to-day. If this amendment be carried the bill will still be open to amendment in the Senate. With this understanding I shall vote for the present amendment, believing it to be the quickest way to arrive at legislation for the reenactment of the present laws, which reenactment is urgently needed, so that it may go into effect prior to the 6th day of May, 1892.

But I believe that, in the present bill, there should be ingrafted provisions for the registration of Chinese and for the issuance of a certificate, containing a true photograph of the applicant, to each of the Chinese now in this country, or who may hereafter come here, except those engaged in a diplomatic or consular capacity.

Mr. KENNA. Can one distinguish between the Chinese so as to identify them?

Mr. SQUIRE. Oh, certainly, one can learn to distinguish between Chinese just the same as between Africans.

I would not put any indignity upon the representatives of the Chinese Government. I would establish certain requisites to be observed in the proceedings of the courts with reference to the kind of bail to be given and the character of the bailor. In accordance with the recommendation of the district attorney at San Francisco, I would legislate that at least one white witness shall be required to prove native birth.

It may also be practicable to provide that no agent for any transportation line in the United States shall sell tickets or furnish transportation by any railroad, steamboat, stage line, or other vehicle to any Chinese who is not provided with a certificate as before mentioned. It may also be proper to define the word "merchant" and the word "traders" as applicable to the Chinese, in order to prevent fraud by reason of misrepresentations on that point.

I would not exclude any who are merchants in the proper sense of the term; but those laborers who, in preparing to depart from the United States for China, are in the habit of paying a small amount of money into some Chinese mercantile firm, so that they may pretend to be partners and merchants, for the purpose of evading the law, should not be allowed to take advantage of this false pretense to enable them to return to this country.

Much has been said about the value of our trade with China, and much, too, about the prospect of the breaking off of relations between our Government and the Government of China. Mr. President, the American people have already taken a great stand on this question, and one that redounds to our credit. The question of immigration—as to who shall hereafter be entitled to come

from foreign countries to reside in the United States—is one that has not yet been fully worked out; there are likely to be other acts of exclusion placed upon our statute books.

That immigration which threatens the direct results of all, the immigration from China, has been measurably stopped. Think what the results would have been had there been no exclusion act of 1882, of 1884, and of 1888. Probably, instead of there being 200,000 or 300,000 Chinese in this country, we would have had by this time a million or more Chinese in our midst, with all of their demoralizing influences.

It is true that the Pacific coast has thus far felt the burden of this evil. The Pacific coast is being rapidly peopled by former citizens of the Eastern, Middle, Western, and Southern States. In many places the schools and churches and other institutions of society in the State of Washington remind one of the same class of institutions in the New England States. You have no right to imperil the society of that region of the Union, even though you do not feel the results yourselves.

As to trade, we on the Pacific coast are not limited to China. We have a great and growing trade with many other parts of the world, and thus far the greater part of the trade is with the countries along the Pacific coast of America, with Australia, Japan, and the islands of the Pacific, and with England; and when the Nicaragua Canal is completed we hope to supply the Atlantic coast of America with many productions, such as merchantable timber, which we have in vast quantities, and which it is not now profitable to ship around Cape Horn.

But I do not believe that the enactment of these proposed amendments will affect the diplomatic attitude of the Government of China any more than do the laws which have already been passed. That Government seems to have tacitly accepted the situation as it is now. I would do nothing which can justly aggravate it. There are at least a hundred times as many Chinese in the United States now as there are Americans in China—at least 200,000 Chinese here and not 2,000 Americans there. Only the treaty ports, twenty-four in number, I believe, are open to us and to England, unless a special permit be obtained to travel to the interior. In our country the Chinese can travel wherever they please and occupy a seat or a berth in a Pullman car alongside of you or me, as I have known in my own experience.

Trade is a matter of money-getting prompted by the self-interest or selfishness of the individual, firm, or company. Traders will trade where they can make the most money, and it is folly to suppose that the Chinese will miss the opportunity of continuing to sell us what they can, whether it be \$19,000,000 worth of goods per annum, or a greater or less amount; and they will take from us that which they regard to be the best and the cheapest.

The people of the States of Washington and Oregon are engaged in shipping flour from their own mills to China, which flour goes in bond through Vancouver, in British Columbia, and we shall soon have our own direct line of steamers from Puget Sound to Hongkong, the great British port of China, from which the distribution of trade is largely made.

I say, then, stand up for American manhood and the institutions of our society; and let us not be cheated out of what we know to be right by any tempting seductions about possible future trade, which we are sure to get anyway, if we deserve it; but it would be better for us never to buy or sell another dollar's worth with the Chinese than that our people shall become vitiated and labor put in an unequal and demoralizing competition with such a class as Chinese laborers have proved themselves to be.

Let us be kind, just, and firm with the Chinese, as a nation and as a people. Let us encourage legitimate trade in every proper manner, but give the nations of the earth to understand that we take no step backward in the matter of citizenship. Our standard is not to be lower, but higher. America for Americans and for those who adopt our institutions, who assimilate with us and become a part of our great national fabric.

Mr. CHANDLER. Mr. President, I desire to say a few words. Mr. PLATT. Will the Senator allow me to give notice of an amendment which I intend to propose to the pending bill?

Mr. CHANDLER. Certainly.

Mr. PLATT. In case the substitute reported by the Committee on Foreign Relations should be adopted, I give notice that I shall move an amendment to it. I think it proper, perhaps, that I should give this notice in advance.

The PRESIDENT *pro tempore*. Does the Senator desire it read for information.

Mr. CHANDLER. I ask that it may be read.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Connecticut [Mr. PLATT] will be read.

The SECRETARY. After the word "descent," in line 5 of section 1 of the amendment of the Committee on Foreign Relations, it is proposed to insert:

Excepting only the act approved October 1, 1888, entitled "An act a sup-

plement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 6th day of May, 1882."

Mr. PLATT. The effect of that amendment would be to extend the laws in force relating to the coming of persons from China, except the Scott act.

Mr. MITCHELL. Mr. President—

The PRESIDENT *pro tempore*. The Senator from New Hampshire [Mr. CHANDLER] was recognized by the Chair. Does he yield?

Mr. CHANDLER. I only desire to occupy about five minutes. Mr. MITCHELL. I had the floor and yielded to the Senator from Washington [Mr. SQUIRE].

Mr. CHANDLER. Then, certainly I do not insist upon the floor if the Senator wishes to proceed now.

Mr. MITCHELL. I think I shall have to go on.

The PRESIDENT *pro tempore*. The Senator from Oregon.

Mr. MITCHELL. Mr. President, it is not my intention to engage in any very lengthy discussion of the pending bill, but rather to give some of the reasons which will influence my vote on the several propositions before the Senate.

Much as I regret personally to antagonize what seems to be the result of the deliberate judgment of the distinguished Committee on Foreign Relations, I feel impelled by a sense of duty and by those opinions which I have entertained for many years, and which I have endeavored during the past seven years at all times to impress upon the Senate as best I could, to vote against the proposed substitute of the committee and in favor of the principle of absolute Chinese exclusion, as embraced in the bill as sent us by the House of Representatives.

I regret, however, that I am not inspired with any very well-grounded hope that anything I may be able to say at this time will be potential in preventing the adoption of the substitute proposed by the Committee on Foreign Relations. Should, therefore, the amendment of the committee be adopted, as now seems to be a foregone conclusion, and whether the Senate subsequently shall perfect that amendment or not so as to make it more acceptable to me, I shall give it my support, not because I believe it is that character of legislation which this Congress ought to enact on this important subject, not because I believe it is such legislation as the great masses of the people of the Pacific States and Territories, irrespective of party, desire and expect of this Congress at this time, but because it is infinitely better than nothing, and for the further reason that it is the very best, as I think, which a majority of the Senate is willing to accord, at least before a trial in conference.

I have listened with undivided attention and with considerable astonishment, I confess, to the very able and interesting speeches made by several of the members of the Committee on Foreign Relations, including the distinguished chairman of that committee [Mr. SHERMAN]. Those speeches, in my humble judgment, while able and interesting from their standpoint, were not the character of speeches, as I think, which the great masses of the people of the Pacific States and Territories, who have felt keenly the touch of the evils of Chinese immigration, would have desired to hear from members of that committee.

Those speeches were such as we might have expected to hear from Senators who, by conviction, had arrived at the conclusion that it is entirely wrong to impose any restriction whatever on the coming of Chinese to this country. They were speeches which would have sounded well and which would have been influential, it seems to me, in the highest degree had they been made in opposition to the first proposition ever presented to the Senate of the United States in favor of inhibiting, even to a limited extent, the coming of Chinese to this country. Those speeches, and especially the speech of the honorable chairman of the committee and that of my distinguished friend from Minnesota [Mr. DAVIS], while able and interesting, presented arguments which, in my humble judgment, in view of the character of the amendment presented and advocated by that committee, and in view of the character of the legislation proposed by the House of Representatives, and which is antagonized by that committee, were fallacious and illogical.

Had the Committee on Foreign Relations desired, or did they desire now, to give expression by their acts to the full meaning of the sentiments expressed by them in those speeches, then it seems to me that there is but one way, and only one, to do that thing, and that is by a motion to recommit this bill to the committee with instructions to report a measure repealing all laws and treaties on the subject of restricting Chinese immigration, and reenacting in terms all the provisions of our original treaty with China of 1858 as modified by the Burlingame treaty of 1868. But if in this statement I am a little too harsh on the committee, or if my criticism is hypercritical, I certainly am justified in saying that if the instructions to which I refer should be modified so as to require a bill repealing the Scott exclusion act, then

I am sure I should not be chargeable with any unjust or unreasonable criticism of the action of the committee.

Why do I say that the arguments of the committee, in view of the proposition they support and in view of the proposition they antagonize, are illogical and fallacious? The main argument which has been made by these Senators in antagonism to the House bill is because it transgresses our treaty with China. That is the sum and substance of the argument. We are told we must keep faith, and it is insisted that the House proposition is a violation of faith, that it is Punic faith, that it violates, or, to speak more properly, contravenes, abrogates, repeals our treaty with China or certain provisions of it. Well, the very proposition proposed by the Committee on Foreign Relations as an amendment does the same thing. Therefore I say the arguments made against the House bill are illogical and fallacious.

What does the Committee on Foreign Relations propose as an amendment here? It proposes to extend for ten years all existing laws upon the subject of Chinese immigration. Now, then, let us see if the Scott exclusion act of October 1, 1888, which is proposed to be extended by the committee, is not in direct contravention of one of the most important provisions of our treaty with China of 1880. Article II of our treaty with China of 1880 provides as follows:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

It will be observed that by the provisions of that treaty we solemnly agreed with China that not only Chinese subjects who were teachers, students, merchants, or others who might come to this country out of curiosity, but also the Chinese laborers in this country at the date of this treaty—the 5th day of October, 1880—should be allowed to do what?

To go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

That is the treaty. What did the Scott exclusion act of October 1, 1888, which the committee propose to extend, say upon the subject? It is very brief and I will read it:

An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

There could not be a more direct and positive conflict between any two statements in any law or in any two laws than is presented by the conflict between the provisions of the second article of the treaty of 1880 and the provisions of the Scott exclusion act of October 1, 1888, yet that is one of the laws which the Committee on Foreign Relations present here as an amendment to the House bill. Then they come at us and the House of Representatives and at the country with the argument that we are violating a treaty with China. I say, then, that argument, in view of those facts, is illogical, is fallacious; it is an argument which ought not to have weight either with the Senate or with the country.

It is admitted, conceded here in the arguments of Senators, that the Scott act does contravene the treaty of 1880, but "it does not conflict with it quite as much," they say, "as the bill proposed by the House of Representatives, and, therefore, we are not the faith-breakers, but you, members of the House of Representatives and you Senators upon this floor who advocate the House bill are the faith-breakers who are not willing to keep faith with China; you are proposing to violate a treaty with China, and yet, in the very same breath they submit as an amendment a proposition which is equally bad, if anything can be bad which proposes to break down certain provisions of our treaty with China in order to protect our own people and our own institutions."

Mr. BUTLER. Will the Senator from Oregon permit me?

Mr. MITCHELL. Certainly.

Mr. BUTLER. The Senator from Connecticut [Mr. PLATT] has just offered an amendment which obviates the difficulty of which the Senator is complaining, and I hope he will vote for it.

Mr. MITCHELL. I am not surprised that there is an attempt at this late day to doctor up the amendment proposed by the Committee on Foreign Relations; I am not surprised at that at all. But the arguments which have been made on this floor in opposition to the House bill and in support of the committee's amendment—

Mr. BUTLER. Then I hope the Senator is satisfied.

Mr. MITCHELL. I shall have to be satisfied with whatever

this committee does so far as that is concerned, because the edict has long since gone forth that the amendment proposed by the Committee on Foreign Relations must be adopted, and this, too, by an overwhelming majority in the Senate, hence nobody must think that I am talking with a hope of influencing the defeat of that amendment. I know too well the present situation in the Senate not to be aware of that.

Mr. ALLEN. I wish to make an inquiry of the Senator. I ask if the ground which he takes is not that a violation of the treaty in the case of a hundred or a thousand Chinamen who have the right to come here under that treaty is just as flagrant as if the number were greater; in other words, it is a matter of principle and not of number?

Mr. MITCHELL. Most assuredly. It is a matter of principle, certainly, and not a question as to the degree or extent to which the conflict exists.

We should be willing to do one of two things, it seems to me. As the Congress of the United States we should either be willing to keep perfect faith with China in reference to each and every provision of every treaty we have with that nation; or, if we are willing to go one step in the abrogation of the provisions of any one of those treaties for the purpose of protecting our own interests in this country against Chinese immigration, we should be willing to take all the necessary steps in order to make our legislation effective. That is my position. This I think the bill of the House of Representatives does, and I think the existing legislation does not.

Mr. PLATT. There are a great many of us here who feel that it is unnecessary to go to the length which the House bill goes.

Mr. MITCHELL. That is true. That is a matter of judgment and of determination for each Senator of course. I am perfectly aware of the differences of opinion as to what is absolutely necessary to be done in order to put an end to what each of the two great political parties in this country has been denouncing as a great national evil for years and years gone by. There is not a Senator upon this floor to-day of either party, I take it, who is willing to get up—perhaps there may be one or two—and say that the immigration of Chinese to this country is not a great evil, a threatening evil, a danger which imperils our institutions and leads to demoralization, and which ought to be checked if we as a great nation have the power to check it.

But I desire to say a word as to the power of Congress to abrogate treaties; and yet it ought not to be expected at this late day that anything should be said in support of the power of Congress to abrogate a treaty, and it is not necessary, I take it, in so far as any member of the Senate is concerned, although it was necessary here in the Senate no longer than five or six years ago, when any number of Senators, to my certain knowledge, took the ground that Congress had no power by an act of Congress to abrogate the provisions of a treaty, but I believe now all agree that the power exists clearly. But the Eastern press of the country, or a great portion of the Eastern press of the country, to-day is antagonizing the House bill; and one of the grounds urged by that press is because, it is alleged, Congress has no power to abrogate a treaty.

Mr. GRAY. If the Senator will allow me, that matter was settled a long while ago. In a great debate twenty-five years ago Mr. Sumner made a speech on that question and demonstrated it. It was accepted at the time, and I never knew that it had been controverted since.

Mr. MITCHELL. That is true. It has been settled, not only once, as the Senator states, but over and over again by this very Senate, composed, perhaps, not all of the same members that compose the Senate now. The Senate and the House no longer ago than in the Forty-fifth Congress, by a direct vote, abrogated, so far as Congress without the approval of the President could abrogate, the treaty of 1868, the Burlingame treaty, and I have the vote on that proposition now before me.

I will read the vote to the Senate. That, remember, was a direct vote submitted in the House of Representatives to repeal the Burlingame treaty in so many words, to abrogate it, to set it aside. It was not coupled with any other legislation. It passed the House by a vote of 155 yeas to 72 nays, 61 not voting. It passed the Senate by 39 yeas to 27 nays. I will read the yeas, commencing with my friend who sits right in front of me, the Senator from Iowa:

Allison, Bailey, Bayard, Beck, Blaine, Booth, Cameron of Pennsylvania, Coke, Dennis, Dorsey, Eaton, Eustis, Garland, Gordon, Grover, Hereford, Jones of Nevada, Kirkwood, Lamar, McDonald, McPherson, Maxey, Mitchell, Morgan, Oglesby, Paddock, Patterson, Plumb, Ransom, Sargent, Sanders, Sharon, Shields, Spencer, Teller, Thurman, Voorhees, Wallace, Windom.

Then you have thirty-nine Senators, who, with one exception, were all prominent Senators of the United States, who voted in the Forty-fifth Congress on a direct vote to abrogate the Burlingame treaty. Then we hear talk about bad faith.

Mr. PLATT. What became of the bill?

Mr. MITCHELL. It was not signed by the President.

Mr. ALLISON. Who was the "one exception" the Senator referred to?

Mr. MITCHELL. The one exception was myself. [Laughter.]

Mr. GRAY. Did you vote for it?

Mr. MITCHELL. I did. I say they were all with one exception prominent Senators [laughter], leading Senators, headed by such men as my friend from Iowa [Mr. ALLISON], the present Secretary of State, Mr. Blaine, and the old Roman, Thurman—such men voted here on a direct vote to abrogate the very treaty which we hear so much talk about now by the distinguished Committee on Foreign Relations as to not keeping faith and all that kind of—as it seems to me—nonsense at this late day. Why, I should suppose if there was any one thing settled better than another, it is that the people of this country, irrespective of party, had come to the conclusion that Chinese immigration to this country was a great evil which ought to be put an end to.

We either believed that or we have been demagoging in our primaries, in our political conventions in States, in our Legislatures, and in our national conventions, and I take it for granted that no party would do that, and certainly the Republican party would not do it, as is suggested to me by my friend from Iowa [Mr. ALLISON].

Mr. GRAY. I will ask the Senator if that was before the treaty of 1880?

Mr. MITCHELL. Oh, yes; certainly. Both before and since.

Mr. GRAY. Since the abrogation of the Burlingame treaty another treaty has been made, which very largely alters the condition of things existing at the time that was made.

Mr. MITCHELL. As a matter of course, but I am trying to maintain the proposition with which I started out, that the arguments of the members of the Committee on Foreign Relations are illogical. And also that all this talk about abrogating treaties, this fear that we shall do something to excite the displeasure of China, and which will bring down upon the head of this nation the condemnation of the Chinese Emperor, has no real grounds of support. We are told that if we abrogate a treaty the Chinese will break off trade with us. Why did they not declare non-intercourse when both Houses of Congress, by a large majority, on a direct vote in the Forty-fifth Congress abrogated the Burlingame treaty, so far as they could abrogate it without the consent of the President? Why did not China then withdraw her minister and cause a cessation of trade, and declare nonintercourse? She did nothing of the kind. Her interests in the trade of this country being threefold to ours will prevent her, as it did then, from breaking off relations with us simply because we exercise our rightful sovereign power to protect our own interests, our people, and our institutions against what we regard as a great evil.

Not only so, but let me call attention to the fact that in our revenue laws we not only once and twice and thrice, but time and again have directly contravened the provisions of the treaties which we have had with foreign nations.

We had a treaty with Denmark in 1857, which provided, among other things, as follows:

No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or should be payable on like articles, being the produce or manufacture of any other foreign country.

There was a solemn provision in our treaty of 1857 with Denmark, and yet in 1875 what did we do by a treaty? In 1875 the United States entered into a treaty with the Hawaiian Islands by which certain products were admitted free of duty. This treaty received the approbation of Congress, and it was insisted upon the part of the exporters in Denmark that by virtue of the provision in the Hawaiian treaty similar products to those admitted under the Hawaiian treaty should come in free of duty, but the circuit court for the southern district of New York held as follows:

The stipulation in a treaty with a foreign power to the effect that no higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominion of the treaty-making power than are or shall be payable on the like articles the produce or manufacture of any other foreign country does not prevent Congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

We have treaties to-day with the Two Sicilies, with Portugal, with Hayti, with Honduras, with Nicaragua, and Italy, if they have not been terminated recently, in which there is a like provision as in our treaty with Denmark, and yet we by our tariff laws have come in direct conflict with that provision time and time again; but we hear no protest from our friends from the East against abrogating treaties when the tariff is involved. Time and again, as the records of Congress will show, have you passed revenue laws which conflicted directly and emphatically with this provision in the treaty with Denmark, the Two Sicilies, Portugal,

Nicaragua, Honduras, Hayti, and Italy. That can all be done and no protest is made, but when we of the West come here and say that in order to protect our people and our institutions, as well also as the people of the whole country, it becomes necessary to set aside certain provisions of a treaty with China which we can not get rid of in any other way, then our friends from the East say we are violating the treaty, we are transgressing solemn treaty stipulations which we have with China, and it will not do.

The arguments of our friends against the House bill moreover proceed upon the assumption that this is a new proposition which has been suddenly sprung upon the country by the House of Representatives; that it is a strange and a wild proposition, something that has never before been brought to the attention of the country, that has never been considered, and therefore for that reason they are against it.

The House bill in all its essential features has been considered carefully and deliberately by the people of the Pacific coast, and it was indorsed by the press and the people of that section of our country almost unanimously over six years ago. This House bill is word for word in its main restrictive features taken from a bill I myself introduced in the Senate on the 11th day of February, 1886, and a copy of which I now hold in my hand.

With one or two verbal changes, so far as the restrictive clauses are concerned, it is this bill. I introduced the bill, as I said, February 11, 1886. In fact, the bill that I introduced is stronger in its repressive qualities than is the House bill, from the fact that the bill does not contain a provision the House bill does, that the Secretary of the Treasury may make certain regulations so as to permit certain persons who desire to visit this country to come here. The bill introduced by myself did not contain that provision, and yet when that bill was introduced in 1886 providing for absolute exclusion of all Chinese persons, excepting only diplomatic representatives, was forwarded to the Pacific coast and published in the papers, it received, as I said, the almost unanimous indorsement not only of the press but of the people in conventions and in State Legislatures. If I had time I should like to read a few of the indorsements of the bill. I will read one article, from the San Francisco Daily Evening Bulletin. It reads as follows:

If Senator MITCHELL's bill, with some modifications, or any other bill having a like purpose in view, can be passed, the Chinese question will be solved for all time. That bill rises fully to the gravity of the case. If the question of our relations with China were broadly and ably presented, there is not much doubt that his proposition will become the law of the land. Mr. Morrow's bill was introduced early in the session. It went as far as it was thought it was possible to go at that time. But since then the Chinese question has undergone an entire change on the Pacific coast. One whole stage in the national process of its solution has been jumped over. There was no one who favored Morrow's bill who did not know that at some future time some other and more ultra measure would have to be adopted. By the fact of the people in every city and town of importance on the whole coast the question has been advanced one step on the calendar, so to speak.

Revolutions never go backward. A social, moral, industrial, hygienic, financial, and ethnological revolution is now in progress in California and the other States and Territories of the Pacific. The general and, in many respects, lawful uprising of our people has stripped the question of the falsehoods by which it was surrounded. It is not the revolt of one class against another, however justifiable, but of a unanimous people determined to prevent the further defilement of this fair land by a heathen horde. It is Americanism asserting itself against the debased and servile Mongolism of Asia. For the time being the Pacific coast is fighting on the forefront of civilization. The movement is one which will occupy a greater space in history than the small souls who are now seeking to dwarf or divert it for gain imagine possible. It will rank second in the great moral and philanthropic movements of the epoch. The overthrow of black slavery was the first. The extinction of the more subtle coolism of the present day is the second.

Senator MITCHELL's bill is necessarily more in accord with the rising tide of popular determination to extirpate the Chinese evil once for all than any previous measure. There ought, in the present condition of things, to be no trouble about accepting it. There is no reciprocity at all in our dealings with China. We have received no reciprocal advantages. The case can be summed up in a few words: We enjoy no more rights in China than any other civilized nation, but our country alone has been opened up for the traffic of the man-dealers of Canton. That traffic is openly carried on with Cuba, Brazil, and Asia, and is sanctioned by treaty. Here it is cloaked and disguised because our laws forbid forced labor. Some people do not believe that the Chinese are held to service and labor in the United States because they do not see them driven about in gangs.

The chains which bind these slaves are invisible. They were forged out of their religion and their civil polity. The relatives of the Chinese peon are mortgaged at his home for the faithful performance of his contract. If he fail they are sold into slavery. He goes about apparently as a freeman, but his acts show the collar on his neck. Expensive lawyers are hired to represent coolies in the efforts to evade the restriction law, but in nothing else. Coolies move in obedience to orders issued by a central authority. They can not leave the country without the permission of their owners. If they attempt to do so they are removed from the steamer under trumped-up charges of felony. By cutting the Gordian knot as proposed by Senator MITCHELL we bring this slave incursion to an end. There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind.

That is what a leading and influential San Francisco paper says as to this House bill, which is the same identical bill introduced by myself so far as the exclusion provision is concerned—

There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind. Even if it did, every consideration of patriotism, morals, philanthropy, and civilization would require that the sacrifice should be made. But China has too good a thing in the trade with the United States to relinquish it. Besides, we are masters of the sit-

uation. By discriminating duties on tea and silk we can build up Japan at the expense of China.

Nor is there any necessity for diplomatic delay. No nation is bound to continue a treaty that is working it a constant and manifest injury. Great Britain did not ask permission when it modified by act of Parliament the extradition treaty which it had with us. It was enough for it that, in its opinion, that treaty was doing violence to some of the principles upon which its government was founded. No permanent, satisfactory arrangement can be made whereby certain classes of a people of whom we know but little, and of whose language we are all ignorant, are to be admitted and certain others excluded. The exigencies of the Burlingame treaty, when the object was to adhere to the letter of that one-sided document, required that some such arrangement should be set up, but for the reasons stated it can never be made to work. There will always be fraud and imposition in the administration of any law of that kind. It is by far preferable that an end should be made of the whole business right off. The Chinese can not be admitted to this country. There are millions of them standing ready to overwhelm us if the gates are not finally and firmly shut.

Similar articles, which I will ask the privilege of inserting in my speech if there is no objection, were published in all the leading journals of San Francisco and of the coast—in the San Francisco Chronicle, the Morning Call, the Evening Post, and also a very strong article at that time was published in the Philadelphia Press, having special reference to this very bill, in which it came out and took strong ground for the absolute exclusion of Chinese from this country.

The San Francisco Evening Post, in referring to the introduction of the bill, spoke editorially as follows:

THE MITCHELL BILL.

Senator MITCHELL of Oregon has introduced a Chinese bill of a much more thorough character than any that has yet been offered by a responsible statesman. It abrogates all existing treaties with China, so far as they hamper the United States in dealing with immigration; forbids the entry of any Chinese persons except government officials and their servants; provides punishment for any master of a vessel who brings Chinese in violation of the law; prohibits the naturalization of Chinese, and makes due provision for the execution of the act. No chance is left for the courts to nullify the law. The prohibition of immigration, with the one exception named, is absolute. In express terms, it applies to all persons of Chinese race, whether subjects of the Chinese Empire or not. The amiable witness, who appears with mechanical regularity to swear that the petitioner once lived on "Dupont street," would, under this measure, find his occupation gone, for previous residence is not recognized by the bill.

As to the justice of this proposed act there can not be two opinions on the Pacific coast. It is precisely what the Post has been recommending for months, and what will have to come, sooner or later.

The Daily Evening Bulletin of the same issue said, among other things in its leading editorial, the following:

SENATOR MITCHELL'S PROPOSITION.

Senator MITCHELL of Oregon has introduced a bill in the Senate to abrogate all treaties which give the Chinese the right to enter this country and then effectually exclude them. There is not much doubt but that is a step which will have to be taken sooner or later. The movement against the coolies which is now so general throughout the Pacific coast goes by different names. As a matter of fact it is merely a popular effort more determined than anything that has yet been attempted to shake off Mongolianism. Its object is nothing more than the full and complete re-Americanization of the Pacific States and Territories, which are about the only areas not well filled up in the United States at this time.

It might as well be understood by all those who gave any thought to the subject, East or West, that this movement is not going to come to a halt, or that there is not going to be a reaction of any consequence. The conflict is as irrepressible as that between free and slave labor formerly in the South. It will proceed until the only logical solution possible under the circumstances is reached—that is to say, the absolute, complete, and eternal exclusion of the servile and disturbing Chinese element. If there is not legislation wise and broad to facilitate and guide the movement, it will, before long, assume another more ultra and less manageable form.

To Senator MITCHELL's proposition, therefore, Congress will in time have to come. No doubt the wisest thing to do is to accept and enforce it now.

The San Francisco Morning Call said editorially in reference to this question and this particular measure:

MITCHELL'S ANTI-CHINESE BILL.

Senator MITCHELL has begun where other anti-Chinese legislators will end. The present Congress may not be prepared for the bill Mr. MITCHELL has presented, but the next Congress will be. The people of the United States appear to have made up their minds that Chinese immigration must be stopped, the only question now being as to the necessity of an act of legislation which abrogates existing treaties. The Mitchell bill will be opposed in Congress on the ground that it is a discourtesy to the State Department to give notice of the abrogation of a treaty through Congressional action. It will be held by some that the State Department should exhaust diplomatic resources in the effort to obtain such a treaty as we want before Congress shall declare a treaty abrogated. It seems to us, however, that time enough has been wasted in waiting for the State Department to act. There is much reason to doubt if that Department is intensely interested in keeping Chinese out of the country. It is certain that the Treasury Department has construed the present law to admit Chinese in transit without assuming the duty of ascertaining if the Chinese so admitted left the country as they reported their intention to do.

In various ways the Departments have done much to render the present law ineffective. There is some excuse, in consequence, if Congress, representing the people, takes the task of getting rid of Chinese into its own hands. Nine years ago, in the early part of Mr. Hayes's administration, an exclusion law was passed which did not pretend to conform to existing treaties. The President vetoed it on the ground that it would be discourteous to China to announce through Congress the abrogation of a treaty. Under the stimulant of this Congressional act the State Department set its intellectual forces at work, and in the course of time the treaty of 1880 was agreed upon. By that treaty we agreed to allow all Chinese then in the country to go and come at pleasure. The go-and-come clause in the treaty has proved fatal to its usefulness. The "go" was all right, but the "come" was a mistake. Senator MITCHELL's bill eliminates the word "come" wherever it occurs. The facilities for going are not in the least impaired, but we do not want any one Chinaman to go but once. The Call has frequently expressed the belief that the present act might be made effective by literal construction and rigid enforcement.

But the courts say that literal construction violates the spirit of the treaty. Rather than violate the spirit of the treaty the courts have so construed the act that it serves but little purpose. It increases the cost of landing Chinese in the country, but it does not apparently materially diminish the number landed. Now, if we must disregard the treaty, let us do so in an open and manly way. Let us say to the Chinese Government that on and after a certain date no Chinese laborers will be allowed to land in the United States. The stupendous folly of permitting a Chinaman to return and repeat his raid should be openly renounced. Provisions can be made for the migration of recognized merchants whose business requires an occasional trip to China. But when a Chinese laborer goes he should be denied the privilege to return. The Call favors all legislation which will strengthen the present law. If the Morrow bill can be passed and the Mitchell bill can not, let us have the Morrow bill. If it does not work better than the present law, Congress will be ready for the Mitchell bill before its fiftieth session expires.

The Call, in another editorial, said:

MAKE IT TIGHT.

A Washington dispatch says it is thought that all the anti-Chinese legislation the Pacific coast desires will be conceded by Congress. The anti-Chinese legislation which the Pacific coast especially desires is an enactment which will keep Chinese out of the country. Our experience convinces us that this can only be done by the enactment of a law forbidding Chinese laborers to return at all. When they go let them stay. So long as we undertake to provide for the return of the Chinese laborers, so long will fresh Chinese be sent in the place of those departed. We do not ignore the provision in the last treaty which allows Chinese then in the country to go and come of their own accord. It is, however, within the constitutional power of Congress to notify the Chinese Government that this provision of the treaty can not be observed without abandonment of the purpose for which the treaty was made.

We have tried during four years a restriction law which carefully observed the provisions of the treaty. Between Department decisions and judicial decisions, all intended to carry out the spirit as well as the letter of the treaty, this law has been made ineffective. We now want a law that can not be construed away. The bill Representative Morrow has introduced limits the time within which a Chinese laborer may remain in China without forfeiting the right to return to two years. This is a disregard of the treaty, which makes no limit at all. An air-tight and water-proof Chinese exclusion law is what the Pacific coast now desires.

The Chronicle, in discussing the pending bill editorially, said:

He [MITCHELL] has gone further than the most strenuous opponents of the Chinese have thus far gone, but it is just as well for Congress to face it now. MITCHELL will doubtless furnish reasons to justify the legislation he proposes, and show that the trade with China is not worth considering.

There is another point I wish to call to the attention of my friends who advocate the amendment of the committee, the members of that committee, and especially of my friend from Minnesota [Mr. DAVIS], who, in his interesting speech, spent considerable time upon the point. I desired at the time to interrupt him to ask him the question, but I did not have an opportunity. I desired to ask the Senator from Minnesota whether it would make any difference to him in proceeding to enact a law that would come in contravention with the provisions of a treaty, provided it was made apparent to him in advance that the other party had been violating—not abrogating, but had been violating the provisions of that same treaty time and time again and continually? That is this case, Mr. President. I assert here, and I assert it on the very highest authority, I assert it upon the authority of three of the most eminent Federal judges of the Pacific coast, I assert it upon the authority of Mr. Justice Field of the Supreme Court of the United States, upon the authority of the late Lorenzo Sawyer, United States circuit judge for the ninth circuit, and upon the authority of the late Ogden Hoffman, United States district judge for the district of California.

Mr. KENNA. Does the Senator mean that they held the Chinese violated the treaty?

Mr. MITCHELL. The assertion is that the Chinese Government prior to any attempt upon our part to abrogate or repeal any of the provisions of our treaty with China, time and again and repeatedly violated certain provisions of that treaty, which is infinitely worse upon the part of any nation than to abrogate it or repeal it.

Mr. PLATT. What were the violated provisions?

Mr. MITCHELL. I will show the Senator what they are, and what the judges said on the subject and what Secretary Bayard said. I will read what Mr. Justice Field stated in the case of *Chew Heong vs. The United States* (112 U. S. Reports, page 567). Said he:

No American citizen can enjoy in China, except at certain designated ports, any valuable privileges, immunities, or exceptions. He can trade at those ports, but nowhere else. He can not go into the interior of the country and buy or sell there or engage in manufactures of any kind. A residence there would be unsafe, and the crowded millions of her people render it impossible for him to engage in any business of any kind among them. * * * Reciprocity in benefits between the two countries in that respect has never existed. There is not, and never has been, any "mutual" advantage in the migration or emigration of the citizens or subjects, respectively, from one country to the other, which the treaty, in cordially recognizing, assumes to exist.

Mr. PLATT. That has reference to the treaty of 1868?

Mr. MITCHELL. Yes, by the Burlingame treaty everything in the shape of emigration, except that which was entirely voluntary, was denounced and reprobated. I will read what Mr. Justice Field said in the case first referred to. By the provisions of that treaty the Chinese Empire covenanted to pass laws making it a penal offense for a citizen of the United States or Chinese subject to take Chinese subjects to the United States without

their free and voluntary consent. That is one of the provisions of the treaty. Now, what does Justice Field say after citing that provision? He says in the case referred to, in 112 United States Reports, page 567:

In the face of this explicit provision large numbers of them, more than one-half of all who have come to the United States, have been brought under what is termed the contract system; that is, a contract for their labor. In one sense they come freely, because they come pursuant to contract, but they are not the free immigrants whose coming the treaty contemplates, and for whose protection the treaty provides. They are for the time the bond-slaves of the contractor—his cooly slaves. The United States had already legislated to prevent the transportation by their citizens of coolies from China to any foreign port; but no law has ever been passed by China to prevent its subjects, thus bound, from being taken to the United States.

Now, Mr. President, according to this declaration of this eminent judge, in an opinion delivered from the bench of the Supreme Court of the United States, China had continually violated her treaty with us; and yet we are told we are acting hastily and in bad faith, and we are implored to not affront China, and we must not do anything to agitate the Chinese authorities, lest we cause them to break off our friendly relations, and thus destroy our trade with them.

But not only so, I call attention to a letter of Secretary Bayard to the then President of the United States, transmitting the treaty of 1888 entered into between this Government and the Government of China bearing upon this same question, as to whether China had violated the provisions of our treaties. The letter is dated December 28, 1887, from Mr. Bayard to Mr. Chang Yen Hoon, then minister from China to the United States. He says:

DEPARTMENT OF STATE,
Washington, December 28, 1887.

SIR: I am constrained in the interests of that international comity which we both desire so fully to promote and sustain, to attract your excellency's attention to certain late disclosures in the course of judicial proceedings at San Francisco, in which certain Chinese subjects were arraigned for violation of existing laws of the United States relative to the restriction of the immigration of the Chinese laborers, passed for the enforcement of the existing treaties with China.

From the published letters of the judges and the public report of the proceedings in these trials the facts seem to be established that a systematic evasion of the restriction upon the immigration of Chinese laborers, imposed by laws passed in pursuance of the treaties, has been and continues to be practiced by Chinese professing to have gone away from the United States and claiming the right to return hither under the provisions of the treaty.

The details of these disclosures are shocking and unnecessary for repetition in this correspondence. Suffice it to say that an extensive traffic in immorality of the grossest nature, by which Chinese women are imported into the United States and brought and sold into infamy by their own countrymen, is clearly proven to have been carried on.

Then further he says:

The systematic violation of the treaty of 1880, and of the restrictive act of the United States passed in 1882, was averred by the eminent judge (Hoffman), before whom part of the cases were tried, and were also stated by another judge (Sawyer) in a published letter to the Hon. Mr. Morrow, M. C., dated November 21, 1887.

Here, then, we have the reported statement of these three eminent Federal judges that the violations of the treaty, not merely of the restriction acts, but violations of the treaty, were repeated.

Mr. GRAY. Will the Senator state, if he has it there conveniently for that purpose, what those evasions were of which the judge spoke?

Mr. MITCHELL. I stated that a moment ago.

Mr. GRAY. Of which Judge Hoffman spoke?

Mr. MITCHELL. That does not appear. It evidently relates to the labor-contract provision. It is violation of the treaty provision that they shall not bring persons to this country under contract, and that there had been a failure on the part of China to repress involuntary immigration, as that Government had covenanted to do in the treaty.

Mr. GRAY. That would be a violation of the Burlingame treaty, not of the treaty of 1880.

Mr. MITCHELL. That provision in the Burlingame treaty is not abrogated by the treaty of 1880 at all. It remains in force. It is part of the treaty to-day between this Government and China.

Mr. PLATT. As I understand it, the claimed violation was that China had failed to pass any laws to prohibit any involuntary emigration to the United States.

Mr. GRAY. Under article 5 of the Burlingame treaty.

Mr. MITCHELL. Which they had stipulated to do.

Mr. PLATT. They had not passed the laws which they had stipulated to do under article 5 of the Burlingame treaty?

Mr. KENNA. I understand the objection goes beyond that altogether; that they not only failed to pass laws, but not having passed laws, the very thing provided against by that section 5 was occurring.

Mr. MITCHELL. That it had been carried on presumably with their knowledge and consent, because it does not seem that there was any protest made or any steps taken by the Chinese Government or any representative of the Chinese Government

to repress the illicit immigration or the horrors accompanying it that were shown up by judicial proceedings in San Francisco, until the attention of the minister from China—and I do not know that there was any taken then—was called to it by Secretary Bayard in his letter; and in the response made by the Chinese minister he admits virtually all that is charged. His response is in the same document.

Mr. PLATT. What is the document?

Mr. MITCHELL. Executive Document O, Part 2, Confidential, first session Fiftieth Congress. The seal of secrecy has been removed.

Mr. PLATT. On what page?

Mr. MITCHELL. Page 88. Chang Yen Hoon, in responding to this letter of Secretary Bayard, in referring to that part—

Mr. KENNA. Has the document been made public?

Mr. MITCHELL. Yes, it has been made public. It is no longer confidential, certainly not now. Minister Chang Yen Hoon, in responding to this letter of Secretary Bayard, said:

The shocking traffic in immorality alluded to in your note, by which Chinese women were imported into the United States and brought and sold into infamy by their own countrymen, is indeed detestable. I had heard of it previously.

So far from denying that these violations of the treaty were going on in a high-handed manner, he admits that it is so, and that he had heard of it before, and that it is "indeed detestable;" and yet we must be told here by members of the Committee on Foreign Relations that we must not proceed as we have the right and the power to proceed in our sovereign capacity as a nation to do whatever is necessary to be done to repress this great evil, even if it is to the extent of abrogating every provision of every treaty that ever existed between this country and China.

Mr. PLATT. I think the Senator ought also to read what the Chinese minister said a little further on.

Mr. MITCHELL. Yes, he says he had—repeatedly written to the viceroy and governor of Canton on the subject, requesting them to strictly charge the local authorities to make stringent efforts for the arrest and severe punishment of those who are guilty of the crime described.

But nothing was done to interrupt the illicit migration, nor was anything done by the Chinese Government to repress its accompanying horrors or mitigate their fearful consequences.

Mr. HISCOCK. Without any purpose of interrupting the Senator, I am curious to know what report from the Committee on Foreign Relations or what remark has been made by any member of the Committee on Foreign Relations that he can construe into the expression, "We are told that the Committee on Foreign Relations are opposed to the correction of this evil." He entirely misunderstands the position of the Committee on Foreign Relations. They are opposed to that and have presented a bill which will absolutely correct it; and he can not, run as swift as he can, outrun them in efforts to prevent it. The only thing that the Committee on Foreign Relations propose to do in correcting it is to correct it effectively; but under this cry against the Chinaman, under this thrashing over of old straw on this subject, they do not propose to go away beyond or be induced into going away beyond any necessities of the case in the legislation in respect of Chinese.

Mr. MITCHELL. I supposed the Senator from New York desired to ask a question, and instead of that he made a speech.

Mr. HISCOCK. I did desire to ask a question, as I have, and I desired to indulge in a practice which did not originate with me, but which I have seen followed by the Senator from Oregon, of right then at that point repudiating, so far as I may on the part of the Committee on Foreign Relations, the position on this question that he assigns to that committee.

Mr. MITCHELL. The Committee on Foreign Relations has presented a bill which simply extends existing laws.

Mr. HISCOCK. It does more than that.

Mr. MITCHELL. A little more—a very little more.

Mr. HISCOCK. A great deal more.

Mr. MITCHELL. That is about all there is to it. It is an extension of existing laws. I undertake to say to the Committee on Foreign Relations and to the distinguished Senator from New York that after an experience of nearly ten years on the part of the people of the Pacific coast, who have had to contend with this evil, they have come to the conclusion, I think almost unanimously, that the existing laws on the subject of Chinese restriction do not properly, fully, or in any respect completely meet the case. Furthermore, I supposed that the honorable Senator from New York, although he lives 3,000 miles away from the Pacific coast, knowing him to be the intelligent man and Senator that he is, taking in all that is being said and done in all parts of this great country, keeping pace with the record and public sentiment of the times, had been fully informed of that fact, and being so fully informed of that fact, and the committee generally being fully advised in the premises, I had hoped that

instead of simply extending the existing laws they would have presented some more drastic measure.

Mr. HISCOCK. I desire to say, if the Senator will pardon me, that the Senator from New York—and I suppose he refers to me—had the honor of voting, as I said the other day, for the first anti-Chinese bill which passed Congress; and in respect to the evils that the Senator complains of, the Senator from New York is heartily and earnestly in sympathy with their correction and in favor of all the drastic measures that are necessary for their correction. Bear in mind, for their correction. The bill which has been reported here supplies an obvious defect in our present law, that it did not properly provide for the execution of the law now in force in respect to the deportation of the Chinese.

For that purpose a provision has been put in the bill, as I had occasion to say the other day, that must be absolutely efficacious for that purpose. What I object to is that when legislation of that kind is proposed, and by men who are just as anxious as the Senator from Oregon is to correct the precise evils complained of (and I do not stand in a rear line from him on that question) a false position is assigned to them.

Mr. MITCHELL. I certainly do not wish to assign a false position to the Senator from New York. I believe him; certainly am bound to after what he has just stated, but I believe he is mistaken in supposing existing legislation, even as modified by the committee, is an ample and complete remedy.

Mr. HISCOCK. Let me ask a question right here in respect to these Chinese women. How many are there of them in the United States?

Mr. MITCHELL. There are according to a recent investigation fifty-five houses of prostitution in the city of San Francisco where Chinese women are held under servile contract.

Mr. HISCOCK. No, no; how many Chinese women are there? I am not after the question of how many houses of prostitution there are in San Francisco. I am after the question of how many abandoned Chinese women there are in this country.

Mr. MITCHELL. I have not counted them, so far as I am concerned, nor am I for any reason able to answer the Senator's question.

Mr. HISCOCK. That is a more material question, so far as our legislation is concerned, than the fact of number of houses of prostitution, that there are in San Francisco under State law. Does the Senator know how many Chinese women there are?

Mr. MITCHELL. Perhaps the Senator from California [Mr. FELTON] can answer the question.

Mr. HISCOCK (to Mr. FELTON). How many?

Mr. FELTON. I do not know the number, but—

Mr. HISCOCK. I should like an estimate.

Mr. FELTON. I should like to inform the Senator—

Mr. HISCOCK. I should like an estimate of the Senator of the number.

Mr. FELTON. I should like to say to the Senator that every one of them there, possibly with a very few exceptions—I do not know of any—are there for that purpose and under contract for that purpose, and the contract was made before they left their own country.

Mr. HISCOCK. I grant it, but—

Mr. FELTON. The Senator has asked me a question, and I hope he will allow me to proceed. I do not know what the Senator meant by houses of that character under State laws. I will inform the Senator that we have no law for that purpose.

Mr. HISCOCK. I do not; I will say tolerated under State law and established by State law.

Mr. MITCHELL. Mr. President, I decline to yield further.

Mr. FELTON. I object to that. We do not tolerate them under State law.

Mr. HISCOCK. I will say—

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield further, and he is entitled to the floor.

Mr. HISCOCK. Then I will withdraw the word "tolerated." I will say "existing in violation of State law."

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor.

Mr. MITCHELL. I hold in my hand the San Francisco Chronicle of Sunday April 17, 1892, one week ago, in which there are seven full columns showing the beauties of illicit Chinese immigration to this country, which I will loan to my friend from New York and have him read at his leisure without consuming my time further.

Mr. HISCOCK. Mr. President—

Mr. MITCHELL. I decline to yield further.

Mr. HISCOCK. The Senator addresses his remark to me. Let me reply.

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield, and will proceed without interruption.

Mr. MITCHELL. I say I will loan the newspaper at the proper

time to my friend from New York, that he may be better informed on this subject than he is evidently at present. I will read a few lines for the edification of the Senator. The paper starts out as follows:

It is a sad commentary on the greatness of a nation when her laws are used as engines of assault against her constitution. Sadder still is the existence of such an anomaly when it not only imperils the well-being of the State, but strikes a blow at the very foundation of her social system. With the abolition of slavery through the terrible medium of the war of the rebellion there came into the minds of progressive American citizens a feeling of complacency somewhat akin to that of one who has laid aside disreputable garments and donned a new suit of clothes.

It is not pleasant, therefore, for Americans to be told that all who seek protection under the Stars and Stripes do not breathe the air of freedom; that slavery is not altogether a thing of the past, but that human beings are to-day bought and sold into a worse slavery than ever Uncle Tom knew of, and that the laws of our country are powerless to crush out the curse. It is still more unpleasant to our ears when we are told that our processes of law are constantly being invoked, and sometimes successfully, in aid of this nefarious traffic in human flesh, yet such is the truth, unpleasant though it be.

Dwellers in San Francisco have long ago pleaded guilty to some knowledge of the shameful commerce in Chinese women which has for years been carried on in their midst, and it has been one of their strongest arguments against the toleration of the race. But people who read of Chinatown only as a curious and quasi-picturesque element in the sights of a great city will no doubt be surprised to know that this blot upon the escutcheon of our civilization is as deep and dangerous as will here be shown.

The impression has gone abroad, and has found local lodgment, too, that Chinese girls are no longer sought after now for purposes of barter and sale, but the impression is not founded on fact. The Chronicle has taken pains to make a thorough investigation of the matter, and its readers are herewith presented with the facts in the case fresh from personal observation to date.

This is all in the past ten days, and here are disclosures that would put to shame some of the worst happenings under African slavery in this country in its palmy days. The article proceeds further as follows:

All things have a head, and organization is the order of our day and generation. The Chinese are known to be good organizers. Their secret societies have furnished many fatal proofs of their power. It will not, therefore, be surprising, though it will be a matter of news, to know that the brothel keepers, who are the bone and sinew of the Chinese slave traffic, are as thoroughly organized as the Sney Ong Tong or its rivals. It has been known, of course, that there was more or less collusion between the Chinese slave dealers, but it has been left for the Chronicle to make public the details of their formal organization.

There are in the city of San Francisco sixty-two establishments where Chinese girls are held in bondage for purposes of prostitution. Each of these places is presided over by a gwí gung, a female high priestess of prostitution, or a qui pah, a male master of the house. Seven of these sixty-two brothels are run on an independent basis, but the keepers of the other fifty-five are banded together in a society known as the Len Wo Tong. These fifty-five dens of iniquity afford occupation for 250 women and girls, and each of these, as well as the brothel-keepers themselves—

I call attention to this—

has to pay a tribute of \$1 a month into the treasury of the Len Wo Tong. Here, then, is a fund of \$25 a month to start with, and an extra levy is always made when the fees paid to lawyers to defend the society's human "property" are extra large.

Here, therefore, is the nucleus of the Chinese slave traffic. The query may arise as to whether the bondage of the Chinese is confined exclusively to women and to immorality. The answer is in the affirmative.

But I will not stop to read further upon this loathsome subject.

Mr. GRAY. I will ask the Senator from Oregon whether these contracts are made now and carried out under present laws and those shiploads of persons brought in in contravention of the already stringent provisions of the Scott law?

Mr. MITCHELL. Not shiploads, perhaps, but they are coming in all the while one way and another. These contracts are being made, such as are referred to in this very article, showing the prices paid, as much as \$1,300 being paid for one woman. They are regular written contracts drawn up, signed, sealed, and delivered.

Now, where I think the Committee on Foreign Relations are in one respect at fault in not reaching far enough in order to suppress this evil is in their recognition of the right of merchants, so-called, to come to this country. As stated by the Senator from Washington [Mr. SQUIRE] to-day, the testimony shows that there are really no merchants who come to this country, but hundreds of mere coolie laborers come in professing to be merchants, proved to be merchants by perjured Chinese testimony, and thus violate both law and treaty and defy the national authority.

Mr. BUTLER. May I inquire of the Senator from Oregon whether the State of California may not deal with this evil by its police laws?

Mr. MITCHELL. No State can ever deal successfully with a great evil like this.

Mr. BUTLER. Other States do.

Mr. MITCHELL. It will require the full legislative power of this nation expressed in the most emphatic manner to suppress this great evil.

Mr. GRAY. To suppress their coming, but the Senator from South Carolina I suppose refers to the present existence here.

Mr. BUTLER. That is what I refer to.

Mr. GRAY. He refers to what the Senator from Oregon has read an account of in the papers.

Mr. MITCHELL. The State and municipal authorities may deal as best they can of course with these evils where they find

them exiting within their respective jurisdictions, but the belief is on the Pacific coast—of course there are exceptions—but the general belief there is, if I am not mistaken, and it is my unqualified opinion, that the only way to put an end to the immigration of even Chinese laborers to this country is to enact an absolute exclusion law, one that will not recognize the right of persons to come in as merchants or in any other capacity except as diplomatic and consular officials. That is what the House bill does. It is the same bill, as I said in respect of its repressive provisions, that was introduced by me in 1886, and which has been introduced by me at every session since, and as has been already shown it met with the general approval of the press and the people of the Pacific coast.

Mr. BUTLER. I will ask the Senator from Oregon if the direct way to get at that would not be to give China notice and abrogate the treaty out and out, without undertaking to meet the difficulties by statutes of Congress. There is no need to have treaties in existence between the two Governments and then pass laws which are in direct contravention of them. Still, the Senator says the laws will not prevent the evil. It is better just to abrogate the treaties out and out and cut off all intercourse with China.

Mr. MITCHELL. That is what the United States attempted to do in the Forty-fifth Congress, when it passed an act, by a large majority in both Houses of Congress, repealing the Burlingame treaty, as I showed awhile ago.

Mr. KENNA. Why did not the Senator support the bill repealing the treaty?

Mr. MITCHELL. I did. I supported the repeal of the treaty.

Mr. KENNA. My friend is certainly mistaken. I have the RECORD before me, and the Senator from Oregon voted against the passage of the bill.

Mr. MITCHELL. Against the passage of what bill?

Mr. KENNA. The Chinese bill.

Mr. MITCHELL. What Chinese bill?

Mr. KENNA. The Chinese bill which was vetoed by President Arthur.

Mr. MITCHELL. I am not talking about the Chinese bill vetoed by President Arthur.

Mr. KENNA. But the Chinese bill was vetoed by President Arthur on the ground—and the ground only—that it contravened the treaty; and on the motion to pass it notwithstanding the Presidential veto, my friend, the Senator from Oregon, voted "nay."

Mr. MITCHELL. The Senator from West Virginia was never so much mistaken in all his life.

Mr. KENNA. I am glad to hear it, because I see from the RECORD—

Mr. MITCHELL. He never was so much mistaken in all his life. It is a mistake, pure and simple, on the part of my friend, because I was not in Congress at the time. The Senator evidently has in mind Mr. Mitchell of Pennsylvania.

Mr. KENNA. Possibly that may be the case, but I see the name "Mitchell" following this line all the way through.

Mr. MITCHELL. Certainly I never voted against any bill proposing to abrogate the Burlingame treaty. I have always advocated its repeal, either by treaty or by act of Congress. I was not a member of the Senate during President Arthur's Administration. It was Senator Mitchell of Pennsylvania evidently, and the Senator, my friend from West Virginia, has been misled.

Mr. KENNA. I beg the Senator's pardon, because I was surprised that he should have done so.

Mr. MITCHELL. It was a mistake any Senator might have made.

Mr. KENNA. It is perhaps due to myself to say that I did not get this volume of the RECORD with a view to ascertain the vote of the Senator from Oregon; I got it with a view to the record of some other Senators who occupy very peculiar relations to the present legislation as compared with their relations to former legislation on this subject. I happened to see the Senator's name, and I thought it worth while to call his attention to it.

Mr. MITCHELL. Now, I want to call attention to another circumstance in answer to the argument which is being made all the while, to the effect that we must not do anything to aggravate China and to the effect that we have dealt hastily with China in regard to these treaties. What did we do in 1888? Early in 1888 the Administration entered into a treaty upon the part of this Government with China which I hold in my hand. That treaty was signed, I believe, in March, 1888. It was transmitted to the Senate March 16, 1888. It was reported to the Senate by Senator SHERMAN, chairman of the Committee on Foreign Relations, May 2, 1888, with two amendments only, and the treaty with those amendments was ratified on the 7th day of May, 1888.

To show that China did not act in good faith towards this Government, that the Chinese Government was insincere, to say the least, I want to call attention to the fact that the two amend-

ments proposed by the Senate committee, and which were adopted by the Senate, do not change the meaning of the treaty in any respect, and were only put on by the Senate at the time, as I remember, in order to make more plain the meaning, and not with any intention of contradicting any of the provisions of the treaty as it had been agreed to by the Chinese Government and as it was sent to the Senate, or of adding any new features to it. What was the first amendment? Article I as agreed to by the Chinese Government reads as follows:

The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

That was the clause to which the Senate tacked on the following amendment:

And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

The article thus amended, I submit, meant precisely the same as before amended. It included all Chinese before the amendment was put on, whether ever here before or not, and was so understood and construed by the Secretary of State, Secretary Bayard, in his letter of transmission to the Senate. In his letter of date March 16, 1888, Secretary Bayard, in referring to the treaty, makes the remark which I shall read, on page 2, Executive Document O, Confidential, which has been made public. After referring to the different articles he says:

This precludes the return of any Chinese laborers who are not now in this country, and forbids the coming into the United States of Chinese laborers from any quarter whatsoever.

What was the next amendment? It was to article 2. The article as transmitted to the Senate and as agreed to by the two Governments provided that such Chinese are permitted to go and come, namely, "any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of \$1,000, or debts of like amount due him and pending settlement," should obtain a certificate before he left this country, which certificate should entitle him to return. That was the treaty as agreed to by the Chinese Government. The Senate put on this clause:

And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

What was the object of requiring a certificate to be issued? It was that it might be the credentials entitling him to return his passport, and in order to make the thing a little more definite and plain the Senate added this amendment, which in no sense, as it seems to me, enlarges the provisions of the article, nor does it add to or restrict it.

Now, then, what does the Chinese Government do after having entered into this treaty? It was stated on the floor of the Senate last Saturday that after the treaty had been ratified by the Senate May 7, 1888, it had been immediately cabled to China by the Chinese minister. That date was May 7, 1888. The Scott exclusion act was not introduced into the House of Representatives until the 7th day of September, 1888. Three months, ninety long days, had been permitted to elapse, and the Chinese Government had made no response, so far as we are advised, as to its intentions in reference to this treaty. If these amendments of the Senate were objectionable to Chinese officials, why did they not say so? Why did they not communicate to Secretary Bayard and say to him: "The Senate has changed the treaty; it is not satisfactory to us." But no, sir, there was not one word, so far as these executive documents show. They were perfectly silent, silent as the grave, for three long months before the Scott exclusion bill was introduced.

Senators say we have acted hastily; that we have acted without first notifying the Chinese Government. Upon the contrary, we did not act hastily.

The Scott exclusion bill was not a hasty performance, in my judgment, upon the part of the member of the other House who introduced it. He represented the Administration, I take it, at the time. The Administration had done all that any administration ought to have been called upon to do after the treaty had been signed, although I never approved of the treaty, for the reason that its provisions were not sufficiently drastic to meet the evil aimed at. The Chinese minister cabled the treaty with these two unimportant amendments to the Chinese Government, and the Chinese Government goes into its tent and sulks, and refuses to respond; it neither says yea or nay. It gives no sign, and it makes no objection to the Senate amendments, so far as I am advised and so far as I have been able to ascertain.

Mr. PLATT. I was out of the Chamber for a moment. Let me ask the Senator when the treaty was ratified by the Senate?

Mr. MITCHELL. It was ratified by the Senate on the 7th day of May, 1888.

Mr. GRAY. With amendments.

Mr. MITCHELL. With two unimportant amendments, to which I called attention. The treaty was then immediately cabled, as we are advised, to the Chinese Government by the Chinese minister. We did not remain quiet. We went on in good faith in September, 1888, and passed an act with a view of carrying out the provisions of that treaty, supposing, of course, the treaty would soon become operative. We even went so far as to pass that bill through both Houses of Congress, and it went to the President and was signed by the President of the United States, President Cleveland, and I hold it in my hand.

Mr. GRAY. May I ask the Senator a question?

Mr. MITCHELL. Certainly.

Mr. GRAY. The treaty to which the Senator refers was sent into the Senate as a treaty already executed by the President and the Chinese Government?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. It was sent in for the ratification of the Senate?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. And the Senator from Oregon says that the Senate put an amendment to it?

Mr. MITCHELL. Two amendments.

Mr. GRAY. The Senate put two amendments to it, which did not in his opinion—

Mr. MITCHELL. Change the meaning.

Mr. GRAY. Which did not at all change the meaning or make more rigid the provisions contained in the treaty?

Mr. MITCHELL. That is what I think.

Mr. GRAY. Now, why did the Senate do that thing and thereby prevent the accomplishment of what had already been accomplished so far as the President of the United States and the Secretary of State were concerned?

Mr. MITCHELL. The only reason why they did so, in my judgment, is that it was thought by some that the meaning was a little obscure; that it was somewhat ambiguous. I do not believe that any member of the Senate was of the opinion that the amendments made a radical change or any change in fact in the real meaning of the document, but they did make the language perfectly plain so there could be no room for but the one construction.

Mr. GRAY. Treaties that came from that Administration to the Senate, no matter how meritorious, as this one seems to have been, appear to have failed of ratification here in the form in which they came.

Mr. MITCHELL. I do not know about that. So far as I am concerned, I did not vote for that treaty. It was not satisfactory to me; it was not satisfactory to the people of the Pacific coast, although it was ratified with two slight amendments; and I think the amendments were presented by the committee in perfect good faith in order to make plain the meaning of the treaty.

Mr. PLATT. I was called out for a moment, and possibly the Senator has stated what would be an answer to a question I should like to ask.

Mr. MITCHELL. All right; what is it?

Mr. PLATT. Had China signified to our State Department at the time of the passage of the Scott exclusion act, whether it would agree to the treaty as amended or not?

Mr. MITCHELL. I stated while the Senator was out that the treaty, according to the record, was ratified in the Senate May 7, 1888; that it was cabled by the Chinese minister immediately to the Chinese Government, and no response was received. They had not stated that the amendments of the Senate were unsatisfactory or that they were satisfactory, nor had the Chinese Government given any reason up to the date of the introduction of the bill in the House of Representatives September 17, 1888, why they had not acted upon the amendments to the treaty.

I refer to this matter for the purpose of showing that the Government of the United States did not act hastily in passing the exclusion act October 1, 1888. We went on in perfect good faith, the treaty having been agreed to, and we passed an act for the purpose of carrying out its provisions, as I say, which was approved September 13, 1888. That is the act that the Congress of the United States passed, supposing, as a matter of course, the treaty would go into operation. It was passed in order to carry out the provisions of the treaty; but, of course, as the treaty never was accepted by the Chinese Government, the act as it stands is a dead letter on the statute book.

Mr. PLATT. Now, if the Senator will permit me, I think there is a little evidence that China would have agreed to that treaty with the amendments if it had not been for the passage of what is known as the Scott exclusion law.

Mr. MITCHELL. If there is such evidence, my attention has never been called to it.

Mr. PLATT. In the memorandum of the Chinese minister, June 23, 1891, which comes in the correspondence relating to Senator Blair's appointment as minister to China, the minister

says "that the passing of that law while the treaty was being considered has had a very bad effect on China."

Mr. MITCHELL. That is a late correspondence.

Mr. SHERMAN. I hope the Senator will allow me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. SHERMAN. I find by reference to the RECORD, which is the only evidence we have on the subject, that when the Scott bill was pending I made an appeal to the Senate to allow the bill to pass over, stating that the Chinese minister, who had not been here for some time, was then at Peru, on his way back, and there was a confident belief that if the passage of the Scott bill could be delayed until the Chinese minister should arrive a modification of the treaty would be made, so that the treaty would be approved and ratified by the Chinese Government, and a law passed to carry it into effect. I have here the statement that I made at that time, pending the debate. I said:

Mr. SHERMAN. Mr. President, I do not intend to prolong the debate on this bill, because I think the Senate ought to be willing to wait a day or two, or two or three days, until we ascertain, in response to the inquiry sent to the President, whether the fact on which this bill rests really exists.

That is, the allegation that the Chinese Government would not agree to it.

Yesterday, after information communicated to me in an informal way that we were acting in the dark and in haste upon information that was probably groundless, that the Senate was departing from its usual orderly proceeding upon a misapprehension of facts, I introduced a resolution, which was passed yesterday morning, calling on the President to inform us whether or not there was any information of any kind whatever indicating that the treaty with China was not to be ratified.

Then I go on to say:

I am decidedly in favor of the passage of this bill. If the Chinese Government has deliberately declined to negotiate further upon this subject, and has refused to accede to the universal demand of the American people that there shall be a restriction on this kind of immigration, then I am perfectly willing to pass a law asserting the power of the United States to regulate the coming of persons to this country, declaring who shall be kept out of it, and of passing such a bill without regard to the ordinary forms of legislation. But that fact has not been ascertained; we have no answer to the resolution of the Senate adopted yesterday. That answer will undoubtedly come to-day in the ordinary course of proceedings.

At that time the Chinese minister was on his way here, but Congress refused to wait until it could be ascertained. I find that thereupon a motion was made by some member of the Committee on Foreign Relations to postpone the consideration of the matter for a few days. That motion was defeated by one majority. By one majority only was it defeated, and after that time I refused to participate, and did not vote either for or against the bill. I have no doubt now, upon an examination of the debates as they occurred, that if we had waited two weeks until the Chinese minister arrived, negotiations would have been carried on, and we would have been enabled to pass in accordance with the treaty the general provisions of the Scott law. Is not that the way the Senator understands it? Is not that the history of it?

Mr. MITCHELL. I remember all about that, and it is just as the Senator has stated it, so far as his action is concerned. But here is the point: Ninety days, three long months, had elapsed from the time the treaty was cabled to the Chinese Government. Has the chairman of the committee any information now that any statement had come from the Chinese Government to the State Department in reference to the matter during all that time? The Senator says he has no doubt if we had waited until the Chinese minister arrived here that something would have been done.

Mr. SHERMAN. This shows perfectly well that the Chinese minister was on his way here from Peru. The delay was accounted for by the fact that his duties required him to go and spend a portion of his time in Peru. Information had been called for by the Senate upon the President to know whether the allegation which is now made was true, and it was thought that by waiting awhile we could probably have the assent of China to this modification of the treaty. I have no doubt that that was true; but as Congress would not wait we proceeded then to pass the Scott bill, and the President approved it. Then the Chinese Government, I suppose, took offense and refused to ratify the treaty as amended or in any way to recognize the law of 1888.

Mr. MITCHELL. However that may be, the fact is that the treaty entered into in March, 1888, was a most liberal treaty for the Chinese—so liberal that it was wholly unsatisfactory to the people of the Pacific coast. That treaty provided, among other things, that a Chinese person having a parent or child or husband or wife in this country should come and go.

Mr. DAWES. Should come back, not come and go.

Mr. MITCHELL. That he should come back. It provided that a person having a debt of a thousand dollars should be recognized in his right to come back. In addition to all that, it made an appropriation in the treaty of \$276,619.75 as a matter of grace to the Chinese Government on account of massacres and troubles

in Wyoming to indemnify them in that matter. So taken altogether, whatever may be said to the contrary, it was a most liberal proposition to a government which had pretended to be in favor of keeping their laborers at home, and yet they keep that treaty for ninety days without making any move whatever as to whether it was acceptable with the Senate amendments or not, and as a result Congress, tired of waiting, enacted the Scott exclusion act.

Mr. SHERMAN. The reason was that the Chinese minister was not here.

Mr. VEST. Will the Senator from Oregon permit me to interrupt him?

Mr. MITCHELL. Yes, sir.

Mr. VEST. In the May number of the North American Review there is an article by John Russell Young, late minister to China, in which he corroborates the statement made by the Senator from Ohio [Mr. SHERMAN]. He asserts very positively that he knows the fact to exist that the Chinese Government has never felt any interest in promoting the immigration of their people to this country, and that but for the passage of the Scott act of 1888 (for which I voted, and I have never regretted it) the Chinese Government would have very gladly put additional stipulations in the treaty looking to the prevention of their citizens coming to this country. That statement, whatever it is worth, has been published in the North American Review, which came out in the last day or two.

Mr. MITCHELL. The Chinese Government, of course have their advocates in this country, and they are able. I have not read the article referred to in the North American Review. I have no doubt it is stated just as the Senator states it, so far as that is concerned. But I must hurry along as my friend from Florida [Mr. CALL] is entitled to a fair share of the remaining time.

A great deal has been said about our trade with China; that it would be broken off by this action. What is our trade with China? It is most insignificant in amount and value. Here are our exports. I hold in my hand a statement of our exports to China for the year ending June 30, 1891:

Wheat, not a bushel, not a pound.
Flour, 34,474 barrels, value \$134,969.
Bread and biscuit, 29,460 pounds; value \$2,001.
One thousand two hundred and thirty-four bushels of oats; value \$765.
Fowls and animals, 100; value \$150.
Patent medicine, \$1,089 worth.
Clocks, and parts of, \$52,689.
Watches, \$200.
Now we come to the principal and main articles:
Cloths, uncolored, 80,674,246 yards; value \$5,321,500.
That and the one other article of illuminating gas are the only two items in the whole category that amount to anything at all.
Wearing apparel, \$1,668.06.
Codfish, including haddock, hake, pollock, 12,270 pounds, value \$894.
Canned salmon, 4,030 pounds, value \$441.
Canned fish, other than salmon, \$185.
Cordage, 2,492 pounds, \$324.
Twine, \$116.
What an immense commerce this is!
Apples, green and dried, 555 barrels, \$1,526.
Fifteen tons of hay, \$231.
Boots and shoes, 50 pairs, \$128.
Castings, \$15,000.
One stationary engine, \$500.
Sole leather, 13,555 pounds, \$3,585.
Tar, 30 barrels, \$84.
Turpentine and pitch, 185 barrels, \$323.
Illuminating oils, 27,160,660 gallons, value \$2,586,321.
That and the uncolored goods are the only two items, I may say, worth considering.
Plated ware, value \$33,475.
Bacon, 13,241 pounds, value \$1,821.
Lard, 150 pounds, value \$13.
All other meat products, \$709.
Cheese, 27,474 pounds, value \$3,771.
Rum, 23 gallons, \$60.
Spirits of turpentine, 10,600 gallons, value \$4,696.
Starch, 1,100 pounds, value \$60.
Refined sugar, 6,964 pounds, value \$468.
Unrefined sugar, none.
Tin manufactures, \$2,632.
Cigarettes, \$28,407.
Varnish, 470 gallons, value \$630.
Beans and peas, 214 bushels, value \$387.

Onions, 52 bushels, \$93.

Canned vegetables, value \$183.

Vinegar, 26 gallons, \$5.

Wine in bottles, none.

Wine not in bottles, 5,149 gallons, value \$2,612.

Boards, deals, and planks, 5,629 feet, value \$55,774.85.

Doors, sash, and blinds, \$850.

House furniture, \$1,583.

Flannels and blankets, \$684.

Wearing apparel, \$952.

Total value of exports of domestic merchandise, \$8,700,308, while their imports were \$19,321,850 for the year ending June 30, 1891.

The trade, Mr. President, is all on their side. We have sent to China within the last twenty years over \$200,000,000 in gold and silver to pay our balances. From 1870 to 1885 we had sent \$135,000,000, and since then we have sent a sufficient amount to make it, as I say, more than \$200,000,000 in gold and silver to pay our balances. Then talk to me about the Chinese breaking off intercourse with us, destroying that trade so valuable to them, simply because we exercise our sovereign right to protect ourselves against dangers that we all regard as real to the institutions of our country! They will never do it, Mr. President. Now, I must not take up any more time, at least not much.

Mr. PLATT. If the Senator will permit me, I think the argument he is making now would lead to breaking off trade relations with almost all South American countries, from whom we receive more than we send to them. For instance, we have been paying a great deal of money out to Brazil, and through London for that matter, but the same argument that the Senator makes with regard to China would hold good, that the trade of Brazil was not worth continuing.

Mr. MITCHELL. It will be time enough to consider what we shall do in reference to our treaties with Brazil when the case comes up, so far as that is concerned.

I wish to say one word in regard to the rejection of Mr. Blair. I agree fully with all that has been stated by my friend on my right [Mr. TELLER] as to the international law in the case. I agree that any nation has a right to reject a minister named for that country without giving any reasons whatever. But while that right exists, while the right to object to a person because he is personally unacceptable, without assigning any reasons, exists, I insist that when a nation, instead of exercising that right, objects to a minister and gratuitously assigns as reasons grounds that do not relate to him personally, but which amount to an objection to the nation, on account of some national act, then the least that can be said of it is that that nation has been guilty of a studied insult.

Let me call attention to this particular case. The final objection to Mr. Blair was because he had voted for a certain act of Congress that became a part of the supreme law of the land. I say that that objection was not a *personal* objection but it amounted to a *national* objection. The moment that that act became a part of the supreme law of the land it became the duty of every citizen of the United States to stand by it and assist in its faithful execution. The objection is one that goes to the nation because it had placed on the statute book legislation that the Chinese Government regarded as obnoxious to them.

Suppose that the President of the United States should tomorrow send to the Senate as minister to Great Britain the name of THOMAS B. REED, of Maine, or suppose he should send as minister to the court of St. James the name of William McKinley, jr., of Ohio, that the Senate should ratify either of the nominations, and Great Britain should come back and say "Mr. REED or Mr. McKinley is not acceptable to us." That would be all very well. She would have a right to do that, nobody can object; but suppose she went a step further and gave reasons, and said "we object to Mr. REED, or we object to Mr. McKinley, as the case might be, because he participated in the passage of a law which now stands upon your statute books, which we regard as obnoxious to our country, and therefore we object." I say that then it becomes a case not of mere *persona non grata*, not an objection to the *person* merely, but to the *nation*. I desire to inquire what this administration, or this Government, or the people of this country would think of an objection of that kind coming to the nomination and confirmation of Mr. REED or Mr. McKinley. Unless I am very much mistaken in my conception of things, such an objection, when no reasons at all were necessary or required to be given, would be regarded in the light of a diplomatic insult, and our minister to the court of St. James would, in fitting response, be recalled.

Now, Mr. President, before closing I want to refer to one other matter referred to by my friend from Minnesota [Mr. DAVIS]. My friend, genial, able, erudite as he is, losing sight evidently for the moment of the great evils, the great dangers

to this country likely to result from continued Chinese immigration; forgetting for the moment the lesson which history teaches us as to what the pagan Chinese did over five hundred years ago, when, under the great Tamerlane, by the mere force of overpowering numbers, they subdued principalities and peoples along the Tigris, the Euphrates, the Volga, the Ganges, and the Nile—looking away beyond all this, my friend from Minnesota imagines he sees a more ominous, a more portentous cloud of danger to our institutions in another form and in another direction; and in comparison, he loses sight evidently for the time being of the dangers and the demoralizations of Chinese immigration to this country, and comparing Cahensly as representing the one theory and Confucius as representing the other, he gives the palm to Confucius and crowns him with eulogy.

My friend is apprehensive that a movement set on foot last year, I believe, by a comparatively obscure member of the Prussian Diet, and which movement, as very properly and very truthfully stated by the Senator from Minnesota, was on its first presentation denounced by His Holiness Leo XIII, in the Vatican, and reprobated by Cardinal Gibbon and Archbishop Ireland in this country, will result in the disintegration of American civilization, and in the establishment in this country of as many different nations as there are people and as there are tongues. I tell my friend from Minnesota what has been done once may be done again.

If those vast hordes of Chinese pagans, led on by the great Mongolian leader, Tamerlane, over five centuries ago, could, not by military prowess, but by the mere force of overpowering numbers, make a track of desolation through Russia and Turkey and Egypt and India which required for centuries the energies of all those nations to obliterate, they may do it again. What pagan China has done in Europe, it is possible for her to do in America. Russia has felt the shock of Chinese invasion. She has been overpowered in her provinces, and her country desolated, not by warlike men, but by the mere force and immensity of overpowering numbers. The present Czar of Russia, living in the sunlight of the history of the past, is keenly alive to the dangers to that country from another Chinese invasion. But, in my humble judgment, leaving out of consideration all question of any wholesale invasion, I believe the continual immigration of Chinese to this country, even in a limited form, will result in great danger eventually to the people and the institutions of this country.

While I believe that is so, I do not think there is any well-grounded fear that this great political edifice of ours, occupied, as it is, by sixty-five million of intelligent patriotic people, mainly of the Anglo-Saxon race, an edifice whose foundations are Christianity and patriotism, whose pillars are upheld by millions of patriotic men, native and foreign born, and representing many creeds, will ever be moved from its base in the slightest degree by the establishment of any *imperium in Imperio*, or by any confusion of tongues.

Mr. President, the builders of American civilization, marching proudly on as they are to-day in the vanguard of the world's progress, were never born to be "scattered and peeled" by any man, or sect, or nation, however wise or great, who might plot or combine to establish in our midst a Babelistic confusion of tongues.

Mr. CHANDLER. Mr. President, I desire to say a few words, which have been suggested to me since the debate on Friday last, in reference to the rejection of my late colleague, ex-Senator Blair, as minister to China. From a careful examination of the correspondence I am inclined to believe that the Chinese Government, or, at any rate, the foreign office of China, has never deliberately determined that Mr. Blair should not be received. There seems to have been an unfortunate treatment of the subject, to say the least, by this Administration.

It will be remembered that I stated to the Senate that it did not appear that our Government had placed on paper anywhere its objections to the rejection of Senator Blair until the letter of October 6. That fact appears very plainly from the correspondence which is before the Senate. The information that the Chinese Government did not desire to receive Mr. Blair came from China apparently in two cablegrams received on the 25th of April, 1891, and there resulted from those cablegrams an oral presentation of the objections by the representatives of the Chinese legation here in Washington to the Acting Secretary of State. I do not understand that this presentation was made by the Chinese minister, but by a different representative of the legation in Washington.

It also appears that on the 15th day of June, 1891, the Acting Secretary of State, Mr. Wharton, requested the Chinese minister to ask his Government to reconsider the question whether they would or would not receive Mr. Blair. The question was, "Will the Chinese Government hear the United States on the question

whether there are reasons for the exclusion of Mr. Blair?" The minister asked Mr. Wharton at that time what new facts he proposed to present, and Mr. Wharton said:

I announced that I was not then prepared to say, but had simply to request a reopening of the matter by the Chinese Government, in order that I might have an opportunity to inform it fully of Mr. Blair's position, so that we could in this country have the satisfaction of feeling that the unwillingness of his Government to receive Mr. Blair, if it should so finally express itself, was based upon no misapprehension of fact.

The minister said that he would telegraph to his Government what I had said and would inform me of the answer as soon as received.

The next we hear from this subject is on the 23d day of June, and then, again, by an oral conference and a mere memorandum, in which China is put in the position of declining the request of the United States Government to reconsider its action concerning Mr. Blair. It is in that paper that is introduced the extraordinary proposition that if the President or the Secretary of State would cause to be repealed the Scott act and put in force again the treaties, it would not make much difference what Mr. Blair had said, he would be received as the minister from the United States to China.

It is to be carefully noted that up to this time our Government had put nothing upon paper and had made no statement to China that the grounds upon which it had placed its decision to refuse to receive Mr. Blair were, in the opinion of this Government, untenable.

The Senator from Minnesota [Mr. DAVIS] and also the Senator from Colorado [Mr. TELLER] have taken occasion to reiterate what no one denies that a Government is not obliged, when refusing to receive a minister as *persona non grata*, to give any reason for its refusal. That is entirely true, but it is equally true and equally well recognized by the authorities and by the practice of governments on this subject that if the government rejecting a minister as *persona non grata* takes occasion to give reasons for the rejection, those reasons then become the proper and legitimate and necessary subjects of discussion between the governments of the two countries, and when the reason given was, as in this case, that the person accredited as minister had uttered language in the Senate of the United States which was offensive to the foreign government, and moreover had voted for a law of his own country which is offensive to the foreign government, it was absolutely incumbent upon this Government, if it had any regard for its own honor and its own dignity and its own self-respect, to at once take issue in a direct, positive, unequivocal, and formal manner with the government which had undertaken to reject a minister upon those grounds.

Moreover, it was due in this case as an act of justice to the person who had been selected not at his own request, but by reason of the free, unbiased choice of the President, to represent this country in China, to place before the Chinese Government the fact that of all the men in the United States Senate who had spoken and had voted upon the subject of Chinese exclusion, Mr. Blair was the last Senator of all to be rejected on account of his sentiments or his utterances or his votes upon the question of Chinese exclusion.

Mr. President, this Government did nothing of the kind. It contented itself with asking the Chinese Government to hear it. It received an oral statement, reiterating the charges against Mr. Blair, but offering to receive him if the law could be repealed. It was only on the 6th of October that there was written and sent to China for communication to the Chinese Government the formal state paper which vindicated Mr. Blair and justified the President in undertaking to send him to China as our minister.

I do not believe that the Chinese Government, if it had received that paper of October 6, or if it had been made acquainted in a proper and formal manner at any time with the facts stated in that paper concerning Mr. Blair, would have persisted in its refusal to receive him. I believe that at the very first moment when this appropriate, suitable, and dignified statement of the objection of the United States to the rejection of one of its ministers on unjust grounds had come to the attention of the Chinese Government, that Government would have said that it had no objection to the appointment of Mr. Blair, that it reconsidered its determination, and would be glad to receive him as minister.

I can not help coming to the conclusion that Mr. Blair has been rejected, and there has been persistence in the rejection, because our Government has not properly defended its minister and brought home to the Chinese Government the injustice and the error of its rejection of Mr. Blair. This letter of October 6, as I stated on Friday last, went to Mr. Denby, and he did nothing with it. On the 25th of March Mr. Wharton seems to have discovered that the Chinese Government never had been informed that we dissented from the reasons which it had given for the rejection of Mr. Blair, and I undertake to say that I do not understand that up to this very hour the Chinese Government has

been informed that we do not think they ought to reject a minister because of words spoken in debate in the Senate.

I do not understand that the Chinese Government has as yet learned of the facts which are contained in the communication of October 6, and I believe that those facts being known to the Chinese Government, it is a government of such character and of such wisdom that its rejection of Mr. Blair will be withdrawn and he will be taken out from the position in which he has been placed by reason of this unfortunate rejection of him by the Chinese Government.

Mr. PLATT. Why does the Senator say that he does not know that the Chinese Government has been informed? Has he any reason to doubt that Mr. Denby, the minister there, disregarded the instructions of the Secretary of March 25?

Mr. CHANDLER. On March 25, 1892, Mr. Wharton said:

Mr. Wharton to Mr. Denby.

[Telegram.]

DEPARTMENT OF STATE, March 25, 1892.

If you have not already communicated Instruction 659, October 6, to the Chinese Government, do so immediately.

WHARTON, Acting.

I have reason to believe that the communication has not reached or had not a few days ago reached the Chinese Government. I do not know why Mr. Denby withheld that communication; I do not know whether the facts have failed to reach the Chinese Government entirely through the fault of any one person. I think the Administration should have taken more pains to see that their objections reached the Chinese Government. I think that more pains should have been taken to see that the letter of October 6 reached the Chinese Government. I do not understand that the Chinese minister who now represents China in Washington himself personally had knowledge of this communication of October 6 until within a very short period, until the publication, in fact, of the correspondence by the United States Senate.

The Chinese minister is obliged to communicate with our Secretary of State through the medium of an interpreter, and it is to be feared that there has been some misinterpretation of oral and of written communications not only to the minister here but to his Government at home. I am disposed to think, indeed I believe, through the failure of the Chinese legation here to possess a suitable interpreter there has been an entire failure of the views and the protests of the United States Government, through the fault of proper interpretation, to reach either the Chinese Government, the foreign office in Peking, or the Chinese minister himself in this city. The minister was absent at the time when the Chinese Government first sent word to this country that Mr. Blair was rejected. He had been absent for a large portion of the time and he has been obliged to rely upon oral statements and oral interpretations made by his interpreters to him since that time, and never has received and never has had full knowledge of the situation of this case until this moment.

I am not, under these circumstances, disposed to prejudice the Chinese Government nor the Chinese foreign office nor the Chinese minister in this capital for the unfortunate situation in which Mr. Blair is placed or for the unfortunate situation in which that Government is placed, because I am unable to find any evidence that up to this moment the Chinese Government or the Chinese minister have been informed of the true position of the United States, which is that there was in fact no objection to Mr. Blair on the ground of any hostility of his to China, but that, on the contrary, he had been one of the foremost and best friends of the Chinese Government and as much disposed as any Senator to observe good faith towards that Government, nor informed of the fact that it would not be treated as a friendly act by this Government if a minister was rejected by the Chinese Government on account of words spoken in debate in the Senate.

It is my present conviction, which I take occasion to make of record, and which I believe I ought to make of record, that both the Chinese Government and the Chinese minister have been kept from a knowledge of the position of this Government, first, through a delay on the part of the Administration and the United States minister in China to communicate the position of this Government, and, secondly, because of a lack of capable and truthful and honest interpretation of the English language by the Chinese interpreters to the Chinese minister and to the Chinese foreign office.

Mr. CALL. Mr. President, the importance of this bill and the policy which it establishes entitle it to a high degree of careful consideration. The bill proposes the entire exclusion of Chinese from the United States, and as a consequence, the entire exclusion of the people of the United States from China. It is a bill declaring it to be the policy of the people of the United States that there shall be absolutely no intercourse between them and the vast multitudes which comprise the population of China. This population embraces nearly one-half of the human race.

I hold in my hand a book written within the last few years, a

book of high authority by a distinguished scholar, S. Wells Williams, LL. D., professor of the Chinese language and literature at Yale College, which says of this people, vast as they are in numbers and ancient in their history:

The condition and characteristics of the various families of man inhabiting this great Empire, render its study far more interesting than anything relating to its physical geography or public works.

The sons of Ham are indeed a remarkable race, whether regard be had to their antiquity, their numbers, their Government, or their literature, and on these accounts deserve the study and respect of every intelligent student of mankind: while their unwearied industry, their general peaceableness and good humor, and their attainments in domestic order and mechanical arts, commend them to the notice of every one who sees in these points of character an earnest of their future position amid the great family of civilized nations.

The consideration of the capabilities of this vast portion of the human race is an essential element to the determination of the question whether or not the people of the United States shall deliberately adopt a policy of absolute prohibition of all kinds of intercourse with them.

Let us look a little into what this race of people are, what has been their past, and what is probably their future in respect of development of all the arts and all the industries upon which the prosperity and advancement of mankind depend, and upon which the comfort of the great toiling, impoverished masses of the American people must themselves depend.

From another little brochure by Mr. James A. Whitney, a very beautifully written and very instructive little work, written from the standpoint of the prohibitionists, of those who are in favor of absolute nonintercourse between the people of this country and those of China, I shall read a few paragraphs for the purpose of giving an idea to the country of what these people are, what is their number, and what is their prospective advance in civilization, for it is not the commerce of to-day, as read by the Senator from Oregon [Mr. MITCHELL], that is important in determining this question, it is the commerce of tomorrow and of a hundred years hence, when these two great empires of population and of power, the people of the United States and the people of the Orient, shall have progressed to be great corresponding powers. This book says:

A population comprising substantially one-half of the human race, of a mental, moral, and physical type, indigenous to the soil, unmodified by external influences and intensified by isolation and successive repetition through tens of centuries, must, in the nature of things, possess an inertia peculiarly its own.

And the statistics which he gives and the estimate upon which this is based I will read:

The population of China in A. D. 1753 was 102,300,000. Seven years later it was 143,125,000. Five years later yet, 198,314,000. Seven years after this, viz. in 1792, in round numbers, 333,000,000, and in 1812, the latest census, 331,221,000. The increase between 1753 and 1792 represents a normal increase under the best conditions, for this period of about forty years was the most peaceful and prosperous that China had known for several centuries. In that time her far-sighted policy in excluding the restless and adventurous foreigner bore its most abundant fruit, and except that the military spirit of the people was lulled to sleep by the peace of these and many preceding years her progress was definite and great.

The rapid and marked diminution of the ratio of growth of the population from 1792 to 1812 is admitted by English writers and proven by other evidence to be due to the introduction and consumption of opium. In the absence of positive data, the annual increase since the date last mentioned may be approximately calculated at 1 per cent per annum, which is but one-fifth of the normal ratio of a laboring population not subjected to any specially deteriorating influence and adequately supplied with food. Small as this ratio is, a simple and arithmetical calculation shows that the Chinese number at the present time in the neighborhood of 750,000,000, or from two-fifths to one-half of the entire population of the globe.

Shall we adopt a policy of absolute prohibition by law of intercourse with either 750,000,000 or any small fraction of that population? Shall we assume that so vast a portion of the human race are incapable of civilization and incapable of progress? Shall we declare that the principles of our republican Government and of our religion are a failure and can have no effect upon these people when brought in contact with them? Such a proposition finds no warrant in reason and no warrant in the history of these people.

Let us look a little into that history and see what it is, and who these people are. For that purpose I will detain the Senate for a short time by reading a few extracts from this interesting book. It was these people who—

discovered the polarity of the magnetic needle and applied it to use in the compass, and obviated its dip by the simple device of placing its weight below the point of suspension; and it was this, too, that first perceived and made allowance for the variation of the needle from the true pole, these, as I have occasion to remark in another place, having been transmitted through Arabian channels to the merchants and mariners of Europe. It was to the Chinese intellect that was due the invention of printing and its perfection even beyond the requirements of the language, for with the Chinese alphabet there is no advantage in interchangeable types; and this, like the compass, but by another route, passed from China into the possession of the West.

It was from this, also, that arose the invention of paper in the first century of our era, the production of inks having a carbon base, as with the printer's ink of to-day and the manufacture of lampblack from the burning of oils. It was this that devised the drilling of grain as distinguished from broadcast

ing and were degraded, this Republic of ours, founded as a light for the people of the world, should have no obligation to perform towards elevating and improving and instructing nearly one-half of the human race?

Mr. President, let us see whether there is any necessity for this, whether there are any other methods by which the result of limiting the immigration of these people may be attained or the prohibition of them in particular States where the people are unfriendly to them and where their competition might interfere with the industry of the native people.

What is the trouble in the State of California to-day legislating to prevent the social evils which the Senator from Oregon [Mr. MITCHELL] alluded to. Is our republican system of State governments inadequate to eradicate a social evil of any kind? Can we not make laws and execute them of sufficient rigour equal to that which any other people can, to suppress vice in any form which it may assume? Here we have a national policy of prohibition, founded upon the idea that the State governments are inadequate to preserve their people from moral contamination by the suppression of vice. There is no ground for this proposition. Why is it not practicable for this Government, negotiating a treaty with China, to say that we will let Chinese in certain quantities and of certain employments come here for certain purposes of study, of education, of commerce, or of trade, limiting it as the country may need, and also so to be admitted to such States as shall not forbid their admission.

Is a treaty of that description, recognizing the authority of the States and allowing free egress to those who are permitted to come in to States which desire their admission? There is no trouble in establishing a treaty of that sort and leaving it to the legislation of the States to exclude them.

The ninth section of the first article of the Constitution provides:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808.

That implies that, Congress not exercising its authority, the States may prohibit the migration or importation of such persons as they see fit, certainly being supervised by the paramount authority of Congress, if it sees fit to require them to be admitted.

But why is it not adequate to all these purposes of prohibition of this evil upon the Pacific coast, that a treaty should be made recognizing the right and power of the States to prohibit absolutely, if they see fit to do so, by a majority of their people, in their State legislation or their constitution, the admission of these immigrants? I apprehend that the Chinese people, the Emperor of China, and the public authorities of that Empire would not object to a proposition of that kind, that the local State government being unfriendly to their admission, the treaty should provide that they should not be admitted into such a State.

Are we to be told that there are no systems of registration, of police inspection, or of the execution of the laws known to the States by which a Chinaman coming into a State can be identified, recognized, removed, and, if necessary, extradited? There is no difficulty in California or in Oregon providing a State system of legislation by the permission of the Congress of the United States in a treaty with China, by which every Chinaman who comes into either of those communities can be required not only to register, but also to keep himself in communication with the public authorities as to his residence and even his temporary place of abode. The whole subject is perfectly in the power not only in respect to the admission and the egress of those people, but also in respect of their vices and the suppression of them by the local authority of those States.

So, Mr. President, taking this bill and these declarations that our people are to have no commercial intercourse—for that is unquestionably what it is as shown conclusively in the very able and clear exposition of the House bill made by the chairman of the Committee on Foreign Relations—this bill declaring that there shall be no intercourse of any kind whatever between the people of the United States and the people of China, for that is the unquestionable force and effect of the bill, you can not suppose that the Chinese people, when we declare here that they shall be absolutely prohibited from coming to this country, except as diplomatic or other public officials, and provide for their arrest and punishment with a degraded punishment if they violate this law, and provide a penalty upon every person who shall bring them—there can be no question that this nation, which has existed for these thousands of years, famous in statecraft, famous for its protection of its own people, with its wisdom, the accumulation of many centuries—this people, who have been able to defy the changes which have destroyed all other races and all other peoples for hundreds of centuries—there can be no question that these people would retaliate by making a similar declaration and no payment of one hundred millions or two hundred millions of dollars to this immensely rich country would be of

avail to prevent their Government from excluding Americans precisely as the Chinese are to be excluded from our domain.

What is to be the effect of this policy upon the great cotton-producing interests of this country? Cotton is already at such a price that it brings no remuneration to the producer, and a vast section of the people of this country are absolutely dependent upon it for all the comforts of life. What is to be the effect of this policy of saying that one-half the human race shall be excluded from the privilege of dealing with our people and obtaining the fabrics which are produced from our cotton, whether here or in England or elsewhere? What is to be the effect upon this interest of this prohibitory, this exclusive policy, which this bill provides? Why, Mr. President, in an economical point of view alone, looking to this single production of the Southern States, I should say that this bill ought not to be passed, but ought to meet with the condemnation of the whole country.

How about the production of wheat? China is a great grain-producing region, but with its vast overflowing population there have been periods of time and are now in India and China in which the supplies of wheat from this country will readily find a market. Are we to deny to our wheat-growers the possibility of a market there?

Upon all these considerations it seems to me that the mere statement that because these people who come here possess certain vices, because they are transitory and return to China, carrying with them the avails of their labor, but leaving behind them great works of industry and permanent improvement—that because of their competing successfully and more cheaply with American labor we shall exclude them from the whole country, is a consequence that has no premise to sustain it.

Why not admit them to those parts of the country where their labor may be useful? Why declare this policy since we have here in our midst a vast portion of another population which we have civilized, more diverse from the Anglo-Saxon than are this people and yet pursuing the paths of peaceful industry and progressing in civilization? Why not say the powerful influences of our republican system, our educational system, our religious system, are adequate, with proper police and municipal regulations, to deal with this evil? Why not prohibit the Chinese from exercising the elective franchise? Why not, if necessary, deny by law their right to become citizens? Why not leave to the States the economies which shall prescribe such prices for labor, either in their great trade organizations or otherwise, that these people may be required to conform to, instead of declaring the impossible doctrine that there shall be absolute nonintercourse, commercial, educational, scientific, mechanical, and of any and every kind, between them and us?

The writer of this book, Mr. Whitney, advocates strongly absolute exclusion upon the theory that the greater power of this vast multitude of people, as suggested by the Senator from Oregon who spoke this morning, will so increase with the knowledge of the arts of offense and defense which this age is developing, that they will be dangerous to the future safety and independence of the people of this country. But suppose that to be so, how will the policy of isolation and exclusion contribute in any degree to the diminution of that power? Suppose it to be true that this people with their vast numbers will increase and grow and become skilled in the use of arms, of naval architecture, and of naval warfare until they can transport to this country or elsewhere an indefinite and sufficient number of people to overpower us, how will the policy of exclusion protect us from that result?

So it must be by the power of intercourse, by impressing upon them our superior powers, by measuring strength with them, and if there is to be, as I have no idea and we can see nothing to warrant it—if there is an irrepressible conflict between the Chinese power and ourselves, let us prepare to meet it by a knowledge of it. But I have no fears. The military power of this Anglo-Saxon race and the religious power of our civilization and our Christianity need have no fear from these Mongolian people with their vast antiquity and in their vast numbers, inhabiting, as they do, the most fertile and prolific region of the world. I have no apprehension of that result.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Florida and the Senate to the unanimous agreement made by the Senate on the last legislative day that debate should cease upon the bill at 4 o'clock to-day and the vote be taken upon the pending question.

Mr. CALL. I have no desire to continue the discussion further.

Mr. TELLER. I rise to make an inquiry as to the bill. I did not fully hear the arrangement made, I wish to inquire, if the House bill is adopted instead of the Senate amendment, will it be open to amendment?

The PRESIDENT *pro tempore*. That is the understanding of the Chair. The pending question is on the amendment proposed by the Committee on Foreign Relations. If that amendment

shall prevail by adoption, then it will be open to amendment as the text of the bill. If it should be defeated, then the bill as it came from the other House will be open to amendment. The question is on the adoption of the amendment reported by the Committee on Foreign Relations.

Mr. FELTON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE], and therefore withhold my vote. If he were present I should vote "yea."

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL]. I do not know how he would vote. If he were present I should vote "yea."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but he has sent me word that he is in favor of the amendment, and I vote "yea."

The PRESIDENT *pro tempore* (when Mr. MANDERSON's name was called). The occupant of the chair is paired with the Senator from Kentucky [Mr. BLACKBURN]. The Chair understands that if that Senator were present he would vote "yea," and therefore the occupant of the chair votes "yea."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY] is absent and is paired with the Senator from Missouri [Mr. COCKRELL], but upon this question I think my colleague would vote, if present, as the Senator from Missouri voted, that is, in favor of the report of the committee. I am paired with the Senator from Virginia [Mr. BARBOUR], but I am at liberty to vote upon this question. I vote "yea."

Mr. COCKRELL. In this connection I desire to say that the Senator from Connecticut [Mr. HAWLEY] before leaving the Chamber told me that he would vote with the Senator from Ohio [Mr. SHERMAN] upon this matter, and as I supposed the Senator from Ohio would vote for the committee's substitute, I voted.

Mr. PUGH (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. HOAR]. On this amendment, however, he would vote "yea." That is my vote. I vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were present I should vote "nay," and I think he would vote "yea."

The roll call was concluded.

Mr. PERKINS. I was told that I was paired with the Senator from Indiana [Mr. TURPIE], but the Senator from Minnesota [Mr. DAVIS] informs me that he is paired with him, and hence I vote "yea," unless I am advised that I have another pair. I am quite willing to obey orders.

Mr. DOLPH. I announce my pair with the senior Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 43, nays 14; as follows:

YEAS—43.

Allison,	Cullom,	McMillan,	Pugh,
Bate,	Dawes,	McPherson,	Ransom,
Berry,	Dixon,	Manderson,	Sawyer,
Brice,	Frye,	Morgan,	Sherman,
Butler,	Gorman,	Paddock,	Squire,
Call,	Gray,	Palmer,	Stockbridge,
Carey,	Hansbrough,	Peffer,	Vest,
Carlisle,	Higgins,	Perkins,	Vilas,
Cockrell,	Hiscock,	Pettigrew,	Walthall,
Coke,	Jones, Ark.	Platt,	Washburn.
Colquitt,	Kyle,	Proctor,	

NAYS—14.

Allen,	Dubois,	Sanders,	Warren,
Blodgett,	Felton,	Shoup,	Wilson.
Chandler,	Jones, Nev.	Stewart,	
Daniel,	Mitchell,	Teller,	

NOT VOTING—31.

Aldrich,	Gallinger,	Hill,	Quay,
Barbour,	George,	Hoar,	Stanford,
Blackburn,	Gibson, La.	Irby,	Turpie,
Cameron,	Gibson, Md.	Kenna,	Vance,
Casey,	Gordon,	Mills,	Voorhees,
Davis,	Hale,	Morrill,	White,
Dolph,	Harris,	Pasco,	Wolcott.
Faulkner,	Hawley,	Power,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment becomes the text of the bill. The text of the bill is open to amendment, and under the unanimous agreement of the Senate amendments are to be considered under the five-minute rule.

Mr. PLATT. I offer the amendment of which I gave notice some time since.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, line 5, after the word "descent," it is proposed to insert:

Excepting only the act approved October 1, 1888, entitled "An act supple-

ment to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 6th day of May, 1882."

So as to read:

That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent, excepting only the act approved October 1, 1888, entitled "An act a supplement to an act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved the 6th day of May, 1882," are hereby continued in force for a period of ten years from the passage of this act.

Mr. PLATT. Mr. President, the effect of this amendment, if adopted, would be to exclude from the provision which extends the present laws relating to the coming of Chinese persons for ten years the Scott act, so called. It would extend for ten years all other laws relating to the coming of Chinese. It would not extend the provisions of the Scott act.

Mr. DAWES. I should like to inquire of the Senator what effect it would have on the Scott act. Is not that an act without limitation?

Mr. PLATT. That is a conundrum which I can not answer in five minutes. If the Scott act is limited to the time mentioned in the other laws, this would prevent its extension. If it is not limited in its operation, this would have no effect upon it. As to that legal question I am not able at this time to speak.

But I can not vote for the bill without this amendment. We are told that the passage of that act was a violation of the treaty of 1880. It is agreed on all sides that it was a violation of that treaty. It has been remonstrated against by the Chinese Government, and we are told in a dispatch which has been read here that they have addressed repeated notes to the State Department claiming that it was a violation of the treaty, none of which have received any notice by the State Department. Under those circumstances I can not again vote by an extension of that act to abrogate the treaty or vote for a bill which is in conflict with it. I know that I voted for it before. I voted for it under protest. As all Senators know, it was voted for under somewhat peculiar circumstances. It has been thrown in the face of everybody who voted for it and who is to-day opposed to the House bill that we violated or abrogated the treaty of 1880; that we propose to do it again by this bill, and that we should not stickle very much about going further and violating the treaty more. I do not propose hereafter to be charged with violating the treaty by voting for the bill as it is since the adoption of the amendment.

Mr. CHANDLER. Mr. President—

Mr. PLATT. I have only five minutes, and I want to say this in that time: I do not believe it is necessary to extend the Scott law. I believe the laws of 1882 and 1884 are amply sufficient to protect this country against the coming of Chinese laborers into it. I believe, and I think there is no question about it, that since the law of 1882 went into operation the number of Chinese laborers in this country has diminished by at least 35,000 or 40,000. There were in 1880, in round numbers, 105,000 Chinese laborers in this country. There came into this country, according to the immigration records, in the year ending June 30, 1881, 11,890; in 1882, 39,579; in the year ending June 30, 1883, 8,031. That is about 60,000. So it is safe to assume that by the time those laws took effect there were 160,000 Chinese laborers in this country. The present census, not entirely complete and not entirely accurate, but accurate enough for all purposes, however, shows that there are now in the country about 110,000. There are at the outside figures from 35,000 to 40,000 less Chinese laborers in the country now than there were when that act was passed. It is a diminishing evil, and it is not necessary to violate treaties, and if we have done it, to violate them over again, to diminish and finally remove and eradicate this evil.

I am willing to do what we can do, keeping faith, for after all that has been said here I do hold that there is some obligation on the Government to keep faith with a nation with whom it makes a treaty and a contract. I do believe that keeping faith with China, extending these laws for another ten years, we shall have practically eradicated the evil, if it be one, and I agree that it is one, resulting from this undesirable class of immigration.

The PRESIDENT *pro tempore*. The time of the Senator has expired.

Mr. CHANDLER. Mr. President, I think logically the advocates of the Senate committee's amendment ought to vote for the amendment of the Senator from Connecticut. Certainly the adoption of that amendment will have a beneficial effect upon our relations with China. Perhaps I ought to vote for it, because we have the assurance of China that if we will do that my late colleague will be willingly received as minister to that Empire. Senators will realize what they are voting in the face of if they adopt the amendment of the Senator from Connecticut.

The minister says that the passing of that law while the treaty was being considered has had a very bad effect in China. If the President or the Secretary of State could do anything to repeal that law and to put in force again the treaties, the situation in China would be much changed; and then it would not make much difference what Mr. Blair has said and he would be well received if the President asked for it. But Mr. Wharton—

There is another point to which I call the attention of the Senate, and before we finally vote here we ought to have some light on the subject. Perhaps the Senator from Connecticut may give us some light on this subject.

But Mr. Wharton must know that the last Chinese minister had written to Mr. Bayard and afterwards to Mr. Blaine long notes, and that he had also written Mr. Blaine notes complaining of the passing of that law, showing by great American public men that—

That is the Senator from Ohio [Mr. SHERMAN] and the late Senator from New York, Mr. Evarts—

It was against the treaties and in violation of all the conduct of the United States to all other governments, and that its passage had done great harm and loss to many thousands of poor Chinese; and Mr. Wharton must know that the United States Government has not made any answer to these complaints.

Mr. President, we are legislating here entirely in the dark on this subject. We are taking up a work that, if we repeal the Scott law and mend the broken treaty and again go back to those treaties, we are doing entirely in the dark. As to what the reasons were why there have been no answers made to the many complaints of the Chinese Government against the passage of the Scott law, about the only thing we do know is that notwithstanding they have refused to receive Mr. Blair on account of words spoken in debate in the Senate, if we will only do this thing, no matter what he may have said, they will take him as minister if the President continues to desire it. I have no knowledge on the last point.

Mr. STEWART. Mr. President, I hope the amendment will not be adopted. The old law led to a great deal of fraud and scandal, to habeas corpus proceedings, and litigation, and fraudulent certificates, and it was impracticable in its operations. A great many Chinese came in under it. It was a very defective arrangement. There are many leaks in the present law, but nothing like as many as existed under the other acts. They led to innumerable scandals. It was impossible to execute them with anything like decency. The Chinese had learned so many ways of evading them by fraudulent contrivances that it became a public scandal involving nearly half of the community. The laws were exceedingly loose, without safeguards; and it would be a very dangerous step to repeal the Scott law and revive those ancient and defective statutes.

Mr. SHERMAN. Mr. President, I feel a good deal of hesitation in regard to this amendment. I believe the Scott law was one of the most vicious laws that have been passed in my time in Congress. I believe now and I believed then it was a mere political race between the two Houses, then opposed to each other in politics, in the face of a Presidential election. I say it was a mere political race between two political parties to try and influence the vote of the Pacific coast in the last Presidential election. When the bill came here it had passed the other House *nem. con.* on the day it was introduced. It came to the Senate and it was not referred to any committee. A proposition to postpone it for a few days to ascertain whether the Chinese embassy would not agree to the provisions of it as a part of the treaty was voted down by almost a tie vote; I believe there was one majority against the motion; and the bill was finally passed.

I believe the passage of that law prevented the negotiation of a treaty which would have accomplished the object. The whole sum and substance and the only provision in the Scott law that had any weight or effect was the declaration that when Chinamen went to China and attempted to return they should not be again admitted into our country. That I believe was the only provision, was it not?

Mr. MITCHELL. Chinese laborers.

Mr. SHERMAN. That laborers who had been here and went over from our country to China and remained there awhile should not return.

Mr. PLATT. And it canceled the certificates.

Mr. MITCHELL. It canceled the certificates. That was the most important feature.

Mr. SHERMAN. I believe from the light of history and from what I learn from the debates that if that bill had not been passed within two weeks after the time it did pass a treaty would have been made by the Chinese Government agreeing that when a Chinaman should return to China he should not have the privilege of coming back to America if he was a Chinese laborer. No one then proposed to interfere with the right of merchants to go and come.

Now, if this amendment should be adopted I think the bill would stand with the amendment in it on stronger grounds than it would without it; but I do not myself care to vote to change the existing law. My inclination now is to vote against the amendment and leave the law as it stands. We have got to be consistent somewhat when we attempt to carry out our laws. The object of the bill, as reported by our committee, is simply to continue the existing status for ten years longer, leaving open, however, all the time to the Executive authority the right to make treaties and to Congress the right to pass laws without

limit. We simply provide for a bridge to go over the chasm as it exists. If we propose to remedy the existing things before now, to change the laws that exist, we may be embarrassed by it.

So I think it would be an act of wisdom to just let the law of 1888 and all the laws on the Chinese question stand as they are until Congress, with more deliberation than it can now have, may take up the subject and either take away some of the stringent provisions of existing law or modify them in some way, or negotiate a new treaty. But now we are under the present spur of the moment, and we have to pass this bill in some form to continue existing laws in order to prevent the income of a great mass of population which all of us agree ought not to come.

That is my position, although it may be not entirely consistent with my course, because I have been opposed to the Scott law all along, especially when it was introduced at a time when we might have made a treaty. Under the circumstances I am not disposed to embarrass our friends on the Pacific coast by any change of existing law, but would simply continue the laws as they stand, good, bad, and indifferent, until Congress may at its proper leisure take up the subject calmly and consider it deliberately.

Mr. FELTON. Mr. President, I have no desire to discuss this amendment, but I do desire to correct what I deem to be a false impression from the remarks of the Senator from Connecticut [Mr. PLATT]. I undertake to say that the census is in no wise a correct enumeration of the Chinese population within the United States. For instance, in the city of San Francisco alone it is well understood by the police at their headquarters that there are between 35,000 and 36,000 Chinese within the city, while the census gives less than 25,000. We in the West who are conversant with these people and their way of doing things know of their evasions of laws before, and we know that it is not in accordance with their theories, their aims, their ambitions, and their interests to give a proper enumeration of them. Whenever they can evade it, I desire to assure the Senate they will do it, and have done it.

Mr. DOLPH. Mr. President, I hope this amendment will not prevail. The Senate Committee on Foreign Relations concluded after a fair deliberation to report a bill extending all existing laws, including the Scott law. Whatever changes that law made in the treaty have been acquiesced in virtually by China. Our diplomatic and other relations have continued substantially unimpaired. The most important objection to the Scott law was the fact that it cancelled the certificates of Chinese laborers who were out of the country holding certificates entitling them to return. Undoubtedly most of the Chinamen whose certificates were cancelled have entered into other employment, and probably not many of them would desire to return again to the United States. But to repeal the Scott law would change the existing status and allow Chinese laborers to go abroad with certificates entitling them to return and open the door again to the admission of any number of Chinese laborers.

Mr. GRAY. I should like to ask the Senator from Oregon before he takes his seat whether the law as it existed prior to the enactment of what is called the Scott law was confined, in its permission to Chinese laborers to go abroad and come back again, to those who were in the country at the date of the treaty, that is, November, 1880?

Mr. DOLPH. I am not prepared now without an examination of the treaty to state.

Mr. GRAY. That is true, I think.

Mr. DOLPH. I do not know whether it extended to Chinese laborers who came in afterwards or applied only to those who were here at the date of the treaty, but if the Senator is correct that will only make the argument made by me all the stronger.

Mr. GRAY. So that the Scott law in effect merely took away from all laborers, whether they were here at the time of the treaty or subsequently came, the right to go and return.

Mr. DOLPH. It took away the right to return from those already abroad. The worst feature of it, if I may be allowed to use the expression, the most objectionable feature to anyone who opposed the law would be the fact that it cancelled outstanding certificates and prevented the return of those who had been once here and gone back with the understanding that under the treaty and existing laws they could return and had certificates entitling them to return.

Mr. GRAY. That is the fact.

Mr. DOLPH. But we could not make any adequate restitution by the repeal of the Scott law, and I do not think it advisable to disturb existing laws.

Mr. GRAY. That may be, but a repeal of the Scott law would only in that view bring about this state of things, that no Chinese laborer who is here now could go back to China and return unless he had been here in November, 1880.

Mr. DOLPH. That is possibly true.

Mr. GRAY. And that would confine the right of going and returning to, I suppose, a very small class of Chinese laborers.

Mr. STEWART. That is, if the law could be executed.

Mr. GRAY. If the law could be executed.

Mr. STEWART. You can not pick them out.

Mr. GRAY. That is another phase of it.

Mr. MITCHELL. Mr. President, I shall vote with the committee against this proposed amendment, although in my view of the state of the law and of the proposed legislation it does not make very much difference whether the amendment is adopted or not. My impression is that even if the amendment were adopted the Scott law would stand all the same forever, until it was repealed. I do not think the amendment as proposed by the Senator from Connecticut would operate as a repeal of what is known as the Scott law.

The Scott law, as I understand it, is an independent act, although it says something in the title about being supplementary. At the same time I do not think the Scott exclusion act expires with the acts of 1882 and 1884. I think they might expire and the Scott exclusion act would remain and continue on. There may be a question, however, in that view of the case as to whether the amendment proposed by the committee would not operate as a limitation upon the existence of the Scott act, making what is a perpetual act as it stands now an act that would only be vital for ten years. But taking it altogether, I shall risk the position of the committee and vote against the amendment of the Senator from Connecticut.

Mr. DOLPH. I will state to my colleague if he has any fears that the Scott law was a continuing act it would limit it to insert after the words "descent" the words "shall expire by their own limitation," and confine this extension to those acts which expire by their own limitation.

Mr. MITCHELL. That would do very well, but that would still leave open the question, if it should turn out that I am wrong in my opinion that the Scott law is permanent.

Mr. DOLPH. This would extend the Scott law, because it would expire then by its own limitation or by being limited by reference to another act.

Mr. MITCHELL. I think it is in pretty good shape the way the committee has fixed, if we simply intend to extend the existing law.

Mr. DOLPH. I am inclined to think myself that the Scott law falls with the other, being built upon it as a supplementary act.

Mr. SHERMAN. I should like to have the Scott law read if the Senator has it.

Mr. MITCHELL. I have it here. It is short.

Mr. SHERMAN. Let it be read at the desk.

The PRESIDENT *pro tempore*. The law of 1888 will be read. The Chief Clerk read as follows:

Be it enacted, etc. That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

Sec. 2. That no certificates of identity provided for in the fourth and fifth sections of the act to which this is a supplement shall hereafter be issued; and every certificate heretofore issued in pursuance thereof is hereby declared void and of no effect, and the Chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

Sec. 3. That all the duties prescribed, liabilities, penalties, and forfeitures imposed, and the powers conferred by the second, tenth, eleventh, and, twelfth sections of the act to which this is a supplement are hereby extended and made applicable to the provisions of this act.

Sec. 4. That all such part or parts of the act to which this is a supplement as are inconsistent herewith are hereby repealed.

Approved, October 1, 1888.

Mr. DAWES. Mr. President, I shall vote for this amendment without regard to the effect it may have upon what is called the Scott law, for the reason that the Scott law was passed under circumstances very peculiar and which I have not heard lately any man approve. It was passed by both Houses of Congress almost in a single day. It passed the other House without being referred to a committee upon the day it was introduced there. It was passed very soon afterwards by the Senate, without reference to any committee.

Mr. SHERMAN. Within three days.

Mr. DAWES. It was enacted in the face of a treaty in which we had covenanted that those Chinese who had already come to this country under the encouragement of the treaty stipulations might go and come and remain as citizens of the United States are permitted to go and come and remain. Instantly, without a single hour's warning, every one of those Chinamen who had gone abroad under this stipulation had the gates shut down between him and this country and all they had here that would induce them to remain here or come here for any purpose, except a few. A man might come if he had a wife and a child, and there were one or two other such exceptions; but without the slightest warning to all others who went on the faith of a treaty abroad that stipulated they might return we passed that law that they should never come back to this country. We passed it under such circumstances which could never, it appears to me, meet the approval of Congress again.

The question comes up here to-day under calmer times and when reason seems for this time and on this subject to have some sway, and yet we are asked to-day to approve of that proceeding. Four years after it has passed Congress, looking back upon it, Senators have been free to say that their participation in it they regret exceedingly, and yet we are asked to reaffirm what we did then. We see now that if we had not done it the way would have been clear for a reasonable and stringent, if you may say, law sufficient, and a treaty stipulation sufficient to exclude all such Chinamen whose presence would be injurious here.

I am ready to go as far as anyone in the enactment in accordance with treaty stipulations of any law that shall exclude any Chinaman or anyone of any other nation whose presence here is injurious to our society or our institutions. I am ready to cooperate in an effort to make treaty stipulations with China or any other nation; but I am not ready now, looking back for four years and recollecting the circumstances under which that law was passed, to reaffirm, as the bill in its present shape does, all that was done then, and stamp it with the approval of to-day.

Mr. VEST. Mr. President, I voted for the Scott law and I shall vote for it again. I do not choose to be put in the rôle of those who are in a penitential mood over that transaction. I voted for it, as I have voted for all laws which I believed would prevent a Mongolian inundation on the Pacific Slope or any other portion of this country. I voted for it as I am willing to vote for any law that will prevent so great a calamity to this country.

The Chinese are *sui generis* emphatically. They do not belong to the general category of immigrants into this country. They do not assimilate with the American people. To use a better word, they do not homologate with our people at all. They are political parasites. They do not come here for the purpose of assisting in working out the great problem of American republican government upon this continent.

My conscience has never been lacerated and torn by any legislation doing away with the treaty when self-preservation demanded that we should take immediate action to protect our own people. The Supreme Court of the United States has time and again decided that Congress had the right by an act of both Houses, approved by the President, to do away with any treaty. While I hold this opinion, I am convinced that the Scott law has worked well and there is now no imminent and overwhelming danger of an inundation of Asiatics upon the Pacific Slope of this country.

I have voted to sustain the report of the Committee on Foreign Relations exactly as I would vote anywhere else as a legislator when the principal argument against an existing law was that it had not been enforced. What would be thought of the legislator who had assisted in passing a law for punishment by imprisonment in the penitentiary for ten years when he was told that that penalty ought to be changed into a death penalty because the ten years in the penitentiary could not be enforced? If the Scott law is not strictly enforced it is the fault of administration. The law, if enforced, is ample; and if it is enforced partially, as it has been, there has been no tremendous increase of Asiatics upon the Pacific Slope, as has been alleged here in this debate.

But more than that, Mr. President, if the words of the late minister to China, John Russell Young, just published in the North American Review, are true, then we should go no further in this direction than is absolutely necessary for the protection of our own people. I have supported the Committee on Foreign Relations because I believed that we had already a remedy sufficient in existing law to prevent this great evil of which I have spoken, and I did not think it proper to go further and needlessly and ruthlessly offend the Chinese Government when it did not become necessary for the protection of our own people. As a matter of justice, however, if Mr. Young is a credible witness, the Chinese Government is not to blame for any amount of immigration to the soil of the United States of their people. He says:

The Chinese are blamed for what is our own fault. We denounce the Chinese Government for the immigration of Chinese and overlook the fact that this immigration is from an English port and under the English flag, and that China has no more control over it than over the immigration of Irishmen from Londonderry.

If that assertion be true, coming from our late minister to China, we should be careful not to insult or outrage the sentiment of the people of China or the Government of China one hair's breadth further than is absolutely necessary to exercise the right of self-preservation for our own people.

I am willing, if I believed it was necessary, to go as far as any Senator from the Pacific Slope to protect the people of this country from this inundation of Chinese. In the Southern States we have seen the ruinous effect of taking a people unprepared for citizenship who knew nothing about making laws and suddenly lifting them into the sphere of determining the destiny of the people of the United States. We have seen there the ruinous effect of such experiments, and with the humble negro, who assimilates himself with us in our institutions, who is essen-

tially imitative in everything, to go further and take a people who can never become Americans, who can never be anything else but political parasites, and to enable them to flood this country to such an extent as either in labor or society or political affairs to exercise any material influence shall never come about by any vote of mine.

Mr. CALL. Mr. President, I shall vote for the amendment proposed by the Senator from Connecticut. These general terms are very eloquent, but shall we adopt a rule that nobody shall come to the United States who does not homologate with our people, as the Senator from Missouri says? How many hundreds of thousands of people are there who come here who have no sympathy with free institutions? How can you apply these doctrines? If it be said that the Chinese are incapable of improvement, upon what data does the Senator from Missouri found that proposition? They are among the most civilized people of the country, from whom we have derived, as I have shown, many of our most valuable discoveries and inventions.

Mr. President, let us have something practical. There is no trouble in any State excluding every Chinaman. There is no trouble in having a treaty made that will enable them to do it. There is no reasonable danger of any overflow in this country by the Mongolians. But if there were a million of them here the people of this country are capable of holding them in subjection and of keeping them from containing any control or domination. We are capable of establishing systems of labor that will prevent them from competing injuriously with our country. There is no trouble in keeping the Chinese out of this country or out of any State without resorting to these harsh and unreasonable provisions.

Mr. SANDERS. Mr. President, in some observations which I made Saturday upon a condition of affairs found by a joint committee of the two Houses of Congress to exist in San Francisco, I took occasion to condemn that condition of affairs as being unworthy of any judicial tribunal. I did express the opinion that it did not continue. It was said that complaints being made by Chinese persons that they were unlawfully detained, writs of habeas corpus were issued by the courts, and when upon an inquiry as to whether they were lawfully or unlawfully detained, it was adjudged that they were lawfully in custody, not 5 per cent of them could be found to be returned to the custody from which they were taken by the writ. I expressed a belief that that condition of things did not continue, and I rose simply to say that I am reliably informed from San Francisco by parties in a situation to know that no such condition of affairs to-day exists. The courts in that city refuse to accept Chinese bail, for they have found it to be worthless, and as a result of enforcing the law in that spirit the number of habeas corpus cases has diminished from 7,000 in the year 1888 to 2 within the last six months.

Mr. DOLPH. Two cases or 2,000 cases?

Mr. SANDERS. Two cases.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. PLATT. On that let us have the yeas and nays.

Mr. PALMER. Mr. President, if this were a question of the exclusion of immigrants in the ordinary sense of the term, men who come to the United States with their wives and children and assume the responsibility which belongs to civilized manhood, I should hesitate. But I understand from all I have heard that this is an invasion of Chinese men, who come into the country for their own temporary purposes, and in the nature of things they do not assume the ordinary burdens and responsibilities of manhood, and they can much more easily elude a law passed for their exclusion.

I see no reason why we should not exclude the Chinese men who come into this country and assume none of the duties not of citizenship alone, but none of the duties of manhood, who do not intend to remain, but who come to earn what they may rightfully earn and then return to their own country. I see no difficulty in excluding them; and when we keep within the limits of legal justice and charity I am in favor of the most rigorous laws. The distinction is a very wide one between immigration and the mere migration of these herds of laborers.

Mr. GRAY. Mr. President, I have never found any difficulty in gaining my own consent to vote for any measure of exclusion of the Chinese that seemed to be necessary by the condition of things on the Pacific coast where they most abound. I do not believe that it accords with the best interests of that people or any other people to introduce an alien race among them, nor a labor element that will come in competition with the American laborer who performs work on such different principles and surrounded by essentially different conditions.

I therefore have voted, as the Senator from Missouri [Mr. VEST] said he has voted, for every measure of Chinese exclusion that has come before the Senate since I have been a member of

it. But I shall vote for the Senate substitute and against the House bill because I do not believe that any exigency which would warrant the harshness of the provisions of the House bill exists on the Pacific coast. There has been no evidence produced either in the Senate or before the committees to which the bill has been referred—certainly none before the Committee on Foreign Relations of the Senate—to show that any condition exists on the Pacific coast which demands the enactment of a stronger measure of exclusion than we already have.

I did not understand the junior Senator from Oregon [Mr. MITCHELL] to cite any evidence to the effect that the present laws of exclusion do not operate to substantially prevent any ingress of Chinese within our borders. The condition of things which he cited from a newspaper as existing in San Francisco is deplorable enough, but it exists by reason of the presence of Chinese who are already there, and I do not understand that he even said that that was increased by the importation of Chinese at the present time or that the present laws do not sufficiently exclude them.

But I can not vote, although I thought at first I might be able to do it, for the amendment of the Senator from Connecticut, because I can see that there are difficulties of administration in regard to the law existing prior to the law of 1888 which might create a grievance of which the people on the Pacific coast would have a right to complain. I shall feel compelled to vote against that amendment and by my vote seek to establish and continue the present condition of statute law in that regard.

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. PLATT] demands the yeas and nays on agreeing to the amendment submitted by him.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when Mr. BUTLER's name was called). The Senator from South Carolina [Mr. BUTLER] is paired with the senior Senator from Pennsylvania [Mr. CAMERON]. I am authorized to state that if the Senator from South Carolina [Mr. BUTLER] were present and unpaired he would vote in the affirmative upon this question.

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO]. As I do not know how he would vote, I withhold my vote.

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present I should vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

The PRESIDENT *pro tempore* (when Mr. MANDERSON's name was called). The occupant of the Chair is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE]. If he were present I should vote "nay."

Mr. McMILLAN (when Mr. STOCKBRIDGE's name was called). My colleague [Mr. STOCKBRIDGE] is paired with the Senator from Maryland [Mr. GIBSON].

Mr. BERRY (when Mr. TELLER's name was called). I am paired generally with the Senator from Colorado [Mr. TELLER]. He was compelled to be absent this evening, and stated that he would vote "nay," and I voted "nay." The Senator from Colorado would vote "nay" if he were present.

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote, whether for or against the amendment, and therefore I withhold my vote.

Mr. CALL. My colleague [Mr. PASCO] is paired with the Senator from North Dakota [Mr. CASEY]. I do not know how my colleague would vote. I desire to state that he is detained at home by important business.

Mr. DOLPH. I will announce my pair with the Senator from Mississippi [Mr. GEORGE].

The result was announced—yeas 8, nays 45; as follows:

YEAS—8.	Call.	Dixon.	Platt.
NAYS—45.	Dawes.	Frye.	Pugh.
Allen.	Dubois.	McPherson.	Squire.
Allison.	Felton.	Mitchell.	Stewart.
Barbour.	Gorman.	Morgan.	Vest.
Berry.	Gray.	Paddock.	Vilas.
Brice.	Hale.	Palmer.	Walthall.
Carey.	Hansbrough.	Peffer.	Warren.
Carlisle.	Higgins.	Perkins.	Washburn.
Chandler.	Hiscock.	Proctor.	Wilson.
Coke.	Jones, Ark.	Sanders.	Wolcott.
Colquitt.	Jones, Nev.	Sawyer.	
Cullom.	Kyle.	Sherman.	
Daniel.	McMillan.	Shoup.	

NOT VOTING—35.

Aldrich,
Blackburn,
Butler,
Cameron,
Casey,
Cockrell,
Davis,
Dolph,
Faulkner,

Gallinger,
George,
Gibson, La.
Gibson, Md.
Gordon,
Harris,
Hawley,
Hill,
Hoar,

Irby,
Kenna,
Manderson,
Mills,
Morrill,
Pason,
Pettigrew,
Power,
Quay,

Ransom,
Stanford,
Stockbridge,
Teller,
Turpie,
Vance,
Voorhees,
White.

So the amendment was rejected.

Mr. CHANDLER. In section 4, line 2, I move to strike out the word "once;" in line 3, after the words "United States," to insert "shall be imprisoned at hard labor for a period of not exceeding six months, and thereafter removed from the United States as hereinbefore provided, and any such Chinese person or person of Chinese descent having been once so convicted," and, in line 7, to strike out "six months" and insert "one year."

Mr. BUTLER. How will the clause then read?

The PRESIDENT *pro tempore*. The section will be read as proposed to be amended.

The CHIEF CLERK. It is proposed to amend the section so as to read:

That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding six months and thereafter removed from the United States as hereinbefore provided, and any such Chinese person or person of Chinese descent having been once so convicted and having been once so removed from the United States in pursuance of such conviction, who shall be subsequently convicted for a like offense, shall be imprisoned at hard labor for a period of not exceeding one year, and thereafter removed from the United States, as hereinbefore provided.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments to the section proposed by the Senator from New Hampshire [Mr. CHANDLER], which question will be taken in gross unless there be objection.

Mr. PLATT. I should like to ask the Senator from New Hampshire if he thinks that a Chinese laborer having once come to the United States and having been convicted here for being here, and imprisoned six months at hard labor, would be likely to come back again after he had been removed from the United States?

Mr. CHANDLER. The Senate committee seemed to think that a second coming was possible. Senators will notice that the original House bill, section 7, provides that any Chinese person coming here contrary to law "shall be imprisoned in a penitentiary for a term of not exceeding five years, and at the expiration of such term of imprisonment be removed from the United States to the country whence he came." The Senate provision is only for imprisoning a Chinaman unlawfully coming here on a second conviction. It has been already developed in this debate that the deportation of Chinamen who come here unlawfully, without imprisoning them, does not deter them from coming.

Now, this is merely a question of adequate penalty. We pass this proposed law. We exclude these Chinamen, and they know they have no right to come here. If they come here there ought to be an adequate penalty to punish them for coming. The penalty of deportation is not sufficient, for our experience has shown that they come here just the same. If they come across the border and are sent back across the border they come again.

The universal judgment, I think, of Senators from the Pacific coast and others who are familiar with this subject and desire a rigid and stringent enforcement of the existing law is that there should be a penalty of imprisonment upon the first conviction of a Chinaman for coming here contrary to law. I do not ask that there shall be a five years' imprisonment, but I submit that if the law is to be effectually enforced there should be some imprisonment, no matter how short, for coming here contrary to law.

Mr. FELTON. I hope we shall have a vote upon the pending question, because I desire to offer an amendment which I think is important. The time is getting late, and I desire to have it acted upon to-night.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER].

The amendment was rejected.

Mr. FELTON. I offer the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert after line 6, at the end of the first section:

And that it shall be the duty of all Chinese persons, except diplomatic and other officers and their body and household servants, within the limits of the United States at the time of the passage of this act to apply for and obtain from the collectors of internal revenue in their respective districts, within one year after the passage of this act, certificates of residence; and any such Chinese person within the limits of the United States who shall fail or refuse to comply with the provisions of this act, or who, within one year after the passage hereof, shall be found without such certificate of residence,

shall be adjudged by the court before whom he may be brought as being unlawfully within the limits of the United States, and shall be subject to the same fines and penalties as if he had unlawfully come into the United States in the first instance as in this act provided.

That immediately after the passage of this act the Secretary of the Treasury shall make rules and regulations and prescribe the necessary forms to enable the Treasury Department to issue the certificates required hereby. Such certificates may be issued by the collector or deputy collector of internal revenue nearest the place where such Chinese resides. The certificate shall contain a true photographic copy of the applicant, together with his name, age, local residence, and occupation, and a duplicate of the same shall be retained in the office of said collector of internal revenue. That in the case of the loss or destruction, proven to be without the fault of any Chinese, of his certificate of residence issued to him, a duplicate may be issued to him under rules and regulations which may be prescribed by said Secretary of the Treasury.

That the Secretary of the Treasury may appoint additional deputy collectors for the purpose of enforcing this section, and the sum of \$100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to carry out the provisions of this section. And it shall be the duty of all Chinese persons, except diplomatic and consular officers entitled to come and remain in the United States, upon entering the United States, to apply for and obtain from the collector of customs of the port at which they enter like certificates, showing their right to remain in the United States; and immediately after the passage of this act the Secretary of the Treasury shall make the necessary rules and regulations to enable collectors of customs to issue such certificates.

Mr. DOLPH. I wish to say to the Senator from California that in hearing the amendment read, I think he has made a mistake in providing that if the Chinaman be found here within one year after the passage of the act without the certificate, he shall be arrested. I think what the Senator intended to say is, that if he be found after the expiration of one year he shall be arrested.

Mr. FELTON. That was my intention.

Mr. DOLPH. I ask that the amendment be so modified.

The PRESIDENT *pro tempore*. The modification will be stated.

The CHIEF CLERK. In the ninth line strike out the word "within" and insert the words "at the expiration of;" so as to read:

And any such Chinese person within the limits of the United States who shall fail or refuse to comply with the provisions of this act, or who, at the expiration of one year after the passage hereof, etc.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from California as modified.

Mr. FELTON. Mr. President, I have offered the amendment for the purpose, as I believe, of making the present law, the Scott law, operative wherein it is now inoperative. There is no provision in that law which at all prevents the incoming of Chinese across our frontier. They come to the countries adjoining us, pass over the border, and the instant that they are here it is very difficult, almost impossible, to distinguish one from another. If this amendment should pass the result would be that within the time prescribed all Chinamen entitled to remain in this country would have a certificate or a passport practically showing that fact. If one were found without it that one might be distinguished and suffer the penalties of the law.

I think this would be no hardship upon these people. Our own people are required to register for other purposes. There is no imputation upon these people, nothing against their rights, so long as they are here, as I see it, and if they are simply honest it will prevent collusion between them and the others coming in. I am unable to see that it is a violation of the present law or of any treaty obligation in relation to the matter. The facts remain that the borders are utterly without any law to prevent the incoming of these people. The treaty provides that the laborers are not entitled to come in any more. I should like very much to see the amendment passed.

In this connection I desire to say that the Senator from New York [Mr. HISCOCK], able and distinguished as he is, has, in my opinion, an entirely wrong view in regard to the present law being sufficient for this purpose. The Senator is of the opinion that we of the Pacific coast by enforcing the law would be enabled to exclude all Chinese who were not entitled to remain in the country. In order to do this we would select, for instance, some one person and we would arraign him, believing that he was not entitled to be here. He would immediately swear that he was entitled, that he had been here ten years, and he could get any quantity of his countrymen to indorse that proposition.

What gentleman upon this coast can not understand is the fact that the Chinese have no morals, no regard whatever for the sanctity of an oath. With them the end justifies the means, and the end is to come in here and possess themselves of what we have and return to their own country with it, and let another herd come and take their place.

Mr. HISCOCK. Mr. President, I regret extremely if under this bill, in the event of its passage, California should find itself unable to have it executed; but is there danger of that? As I understand, section 13 of the law will be in force, and it provides:

That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner of any United States court.

He has a summary trial there.

Mr. FELTON. How are you going to identify him?

Mr. HISCOCK. He has to identify himself. I answer the Senator, and I have but five minutes, that he is compelled to identify himself. He is compelled to prove that twelve years ago, when the treaty of 1880 was negotiated, he was here; that he came in here lawfully; that he had a right to be here, and that he has not been home and returned since.

If these people have reached that stage of morals that you have described—and I do not doubt it, I am not questioning it—I see it is advertised, and they are exhibited in the California papers which are read here, as an attraction, I suppose, to visit the city of San Francisco, and I have been told that they are under police espionage, and strangers are conducted through these dives and places to see them as the greatest living curiosities there, rather than to be punished for violation of the law. I do not undertake to say that these things are true, but if they are in that state of degradation that you have described, what one of your justices, what one of your judges, what one of your officers there will believe them? They will require to have something besides Chinese evidence to establish their identity.

The burden of proof is upon them to do it, and if a whole battalion of Chinamen might advance and swear that they knew that a man was there twelve years ago and entitled to a domicile in the United States it would have no effect whatever on the judicial mind of a judicial officer in the judicial State of California. As is suggested by the Senator from Ohio [Mr. SHERMAN], the accusation that the law can not be enforced is an arraignment of the whole judiciary system of the country. I have seen, and so have you, Mr. President, a dozen men go upon the stand, so degraded that they were not entitled to credit, and, with their evidence all one way, the jury finding a verdict the other and the judge sustain it. This evidence is to be weighed, and to be weighed by men, if they are human, prejudiced against these people.

Mr. FELTON. Mr. President—

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from California to the fact that he has spoken once on this amendment.

Mr. HISCOCK. If I have any time left, I will yield it to the Senator.

The PRESIDENT *pro tempore*. The Chair does not understand that that can be done under the rule. The Senator from California can proceed by unanimous consent.

Mr. FRYE. I ask unanimous consent that the Senator from California be permitted to proceed.

The PRESIDENT *pro tempore*. If there be no objection, the Senator will proceed.

Mr. FELTON. Only one word, Mr. President. If, as the Senator from New York said, there shall be no justice in any court whatever and a Chinese oath is not to be taken under any circumstances, then I will grant that the Senator's position is correct, but not otherwise.

Mr. STEWART. The Chinese are the only witnesses that can be found under such circumstances, and under the civil rights act they are permitted to testify.

I have had some experience in relation to Chinese testimony. About forty years ago I was the district attorney of Nevada County, Cal., and tried the first murder case in which Chinese testimony was used. I labored very hard to ascertain what regard Chinamen had for an oath. A Chinese missionary, Rev. Mr. Speer, who had been in China for a long time, was then living in San Francisco, and was familiar with them. I sent for him, and the board of supervisors made an appropriation to send for everybody who knew anything about the matter. There were a large number of people there who had lived in China, and they came to attend the trial. The question was how an oath could be administered. Some stated that it was the habit to administer it by cutting off a chicken's head, others that it was by burning papers, and various other devices were suggested.

We tried them all in order that there might not be any mistake about it. We thought we would get the truth out of the Chinese witnesses by separating them, and so we hired rooms in different parts of the town, kept them separately, and brought them in separately; but when they came in each one of them told precisely the same story in exactly the same language. [Laughter.]

Mr. ALLISON. Did they tell the truth?

Mr. STEWART. They did not; but they told the same story in exactly the same language, and they had undoubtedly made up their stories before they came there. On further investigation we found that in China they were in the habit of using some torture to make witnesses tell the truth; and whenever a crime was committed there the witnesses were in the habit of getting together and all telling the same story; so that if they should kill or torture one they should have to kill or torture all of them. That was the general mode they had.

I spent several months over this question, and finally I took it up to the Supreme Court. There was no objection taken in the court below except as to the difference in the names, Kong-Wing, and Ching-Chee, and all these Chinese names. I convicted my man and went to the Supreme Court with great confidence. The statute required that there should be exceptions taken. None had been taken. I argued the case for the State and Gen. McConnell was on the other side. He made a very learned argument against Chinese evidence and undertook to show that the Chinamen were the same as the Indians and then used the statutes against Indians testifying against a white man, and to my astonishment the Supreme Court held that a Chinaman was an Indian, and could not testify against a white man in the State of California. [Laughter.]

Having had this experience with them, I have observed their testimony in the courts of San Francisco and on the Pacific coast generally. There have been five or six thousand of these cases, and the Chinamen all come in and tell the same story. They have one man bailed out and substitute another for him and play all sorts of games on the courts.

Because you have got a law if you think it practicable that you can remove a Chinaman who is improperly here, if you think you can get one out of one hundred thousand of them in twenty years and make a case to extradite him, then I shall be disappointed. I do not believe it can be done. A white man, a stranger, can not tell Chinamen apart. They will substitute one for another right before your eyes and then go right on with the case. [Laughter.] They understand all these games to such a degree that the men who lecture on sleight of hand would have no chance with them. They would play in court a game that no lecturer on sleight of hand ever dreamed of as far as that was concerned. [Laughter.]

The PRESIDENT *pro tempore*. The time of the Senator from Nevada has expired. The question is on the amendment proposed by the Senator from California [Mr. FELTON].

Mr. MITCHELL. I can only see one objection to this amendment. The effect of this amendment, if adopted, will be, I presume, to legalize—if that is the proper word—the remaining here of all Chinamen who shall take out a certificate in a year, whether they are lawfully here or not. I do not know that there is any other way out of it, but it will have that effect. It was the opinion of Judge Field, which I read the other day, that at least two-thirds of all who were here five years ago came here unlawfully, in violation of the law.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California. [Putting the question.] The yeas seem to have it.

Mr. FELTON. I should like to have a division on the amendment.

Mr. HARRIS. Mr. President, it seems to me evident that we are not going to dispose of this bill this evening.

Several SENATORS. Oh, yes.

Mr. HARRIS. I have no further remark to make.

The PRESIDENT *pro tempore*. The Senator from California asks for a division on his amendment.

The question being taken, there were—ayes 12—

Mr. FELTON. I withdraw the demand for a division. I am satisfied.

The PRESIDENT *pro tempore*. The demand for a division is withdrawn, and the amendment is rejected.

Mr. FELTON. I intended to offer one other amendment, which, in my simplicity, I thought very important in this case, but I rather think that I understand the temper of the Senate, and I have no desire to delay the matter further, so I shall not offer the amendment.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to prohibit the coming of Chinese persons into the United States."

Mr. SHERMAN. I move that the Senate insist upon its amendment and ask a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DOLPH, Mr. DAVIS, and Mr. BUTLER were appointed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had approved and signed on the 23d instant the following acts: An act (S. 113) to establish a military post at Little Rock, Ark.; and

An act (S. 1492) to authorize the appointment of an inspector of plumbing in the District of Columbia, and for other purposes.

HOUSE BILLS REFERRED.

The bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keesee, and T. E. Smith was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 4620) to authorize the Secretary of the Treasury to consent to the use of a portion of the public grounds of the United States in the town of Abingdon, Va., for a public street was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 5396) for the relief of W. H. Howard; and

A bill (H. R. 6490) to amend an act entitled "An act establishing post-roads, and for other purposes," approved March 3, 1877.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 793) to amend the military record of De Loss Cramer;

A bill (H. R. 6093) for the relief of Quincy McNeil; and

A joint resolution (H. Res. 97) to fill vacancies which will occur in the board of managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 2073) granting a pension to Mrs. Jennie Y. Wade;

A bill (H. R. 3587) for the relief of Jonathan Ramey, Mexican war veteran;

A bill (H. R. 5200) for the relief of Betsey Worthington;

A bill (H. R. 5722) increasing the pension of Meridy Smith, a Revolutionary pensioner; and

A bill (H. R. 7281) granting a pension to William F. C. Nidemann, late of the Jeannette expedition to the Arctic Ocean.

CHEYENNE AND ARAPAHOE RESERVATION.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of the resolution reported from the Committee on Indian Affairs, relative to the payment to the Chickasaw and Choctaw Nations for their interest in the Cheyenne and Arapahoe Reservation.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 26, 1892, at 12 o'clock m.

CONFIRMATION.

Executive nomination confirmed by the Senate April 25, 1892.

REGISTER OF LAND OFFICE.

Henry L. Besse, of Butternut, Wis., to be register of the land office at Ashland, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, April 25, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

MONEY-ORDER SYSTEM, POST-OFFICE DEPARTMENT.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Postmaster-General, submitting an estimate of appropriations for increased force in the office of the superintendent of the money-order system of the Post-Office Department; which was referred to the Committee on Appropriations.

DEPUTY MARSHALS, OKLAHOMA.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an additional report and estimates of the Attorney-General on the claims of persons alleged to have rendered service in Oklahoma as deputy marshals; which was referred to the Committee on Appropriations.

ARBITRATION TRIBUNAL, PARIS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of communication

from the Secretary of State, submitting estimate of an appropriation to enable the President to execute the treaty stipulations between the United States and Great Britain, concluded February 29 and April 18, 1892, in relation to the tribunal of arbitration at Paris; which was referred to the Committee on Foreign Affairs.

JUDGMENTS, COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a list of judgments of the Court of Claims which require an appropriation for their payment; which was referred to the Committee on Appropriations.

UNSURVEYED LANDS, NEW MEXICO AND ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to resolution of the 5th instant information relating to the unsurveyed lands in New Mexico and Arizona; which was referred to the Committee on the Public Lands.

PENSIONS TO CERTAIN INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with requests for favorable action, copy of communication from the Commissioner of Indian Affairs, relating to the granting of pensions and medals to certain Indians of the Standing Rock Agency; which was referred to the Committee on Pensions.

FRENCH SPOILIATION CLAIMS.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claim arising from the seizure of the vessel, schooner Victor; which was referred to the Committee on Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills and joint resolutions; which were severally referred as indicated, viz:

A bill (S. 1188) granting a pension to Samuel P. Glenn—to the Committee on Invalid Pensions.

A bill (S. 1290) to provide for the purchase of land adjoining the United States naval station, Port Royal, S. C.—to the Committee on Naval Affairs.

A bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson—to the Committee on Pensions.

A bill (S. 1430) for the relief of Leonard I. Brownson, late first lieutenant Company K, Fifth Vermont Volunteers—to the Committee on Military Affairs.

A bill (S. 1543) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport navy-yard—to the Committee on Naval Affairs.

A bill (S. 1724) to prevent cruelty to children or animals in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

A bill (S. 2171) to amend section 766 of the Revised Statutes of the United States—to the Committee on the Judiciary.

A bill (S. 2280) to amend sections 727 and 729 of the Revised Statutes, relating to the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 2331) for the erection of a public building in the city of Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

A bill (S. 2566) for the relief of William and Mary College, of Virginia—to the Committee on War Claims.

A bill (S. 2592) granting an increase of pension to William C. Tarkington—to the Committee on Invalid Pensions.

A bill (S. 2593) granting an increase of pension to Samuel M. Campbell—to the Committee on Invalid Pensions.

Joint resolution (S. R. 41) extending an invitation to the Presidents of the American Republics and the governors of the American Colonies to participate in the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

Joint resolution (S. R. 42) extending an invitation to the King and Queen of Spain and the descendants of Columbus to participate in the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

Joint resolution (S. R. 43) requesting the loan of certain articles for the World's Columbian Exposition—to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bills of the following titles; and the Speaker signed the same:

Joint resolution (H. Res. 10) for the release of all claim of the United States to lot 18, section 2, governor and judges' plan, Detroit.

A bill (H. R. 3927) to amend an act to provide for the per-

formance of the duties of the office of President in the case of the removal, death, resignation, or inability both of the President and Vice-President, approved January 19, 1886.

A bill (H. R. 7020) to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. SCOTT, for six days, on account of important business. To Mr. HAYES of Iowa, for ten days, on account of business. To Mr. MILLIKEN, indefinitely, on account of important business.

LYDIA A. MAGILL.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2401) for the relief of Lydia A. Magill, administratrix.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Lydia A. Magill, administratrix of the estate of John C. Magill, deceased, late of Cass County, Mo., the sum of \$3,706.22, in full settlement of balance due said Magill for beef furnished under a contract dated May 3, 1882, by said Magill with Capt. W. C. Tarkington, commissary of subsistence for Gen. James Shields's division of the United States Army.

Mr. TAYLOR of Illinois. I would like to have the report read, reserving the right to object.

The SPEAKER. The report will be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Illinois. I wish to ask a question, reserving the right to object. Do I understand that the cattle furnished by this contractor, and delivered prior to this shipment, were paid for at the same rate?

Mr. TARSNEY. Yes, sir; and all of these were delivered before the change in the policy of the Department was communicated to the contractors.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I demand the regular order.

PROPOSED CORRECTION OF THE RECORD.

The SPEAKER. The regular order is the resolution that came over on Saturday from the Committee on Printing, which the Clerk will read.

The Clerk read as follows:

Resolved, That the House, deeming it a high duty that the courtesy and decorum required by parliamentary law and practice should characterize debate, and the conduct of members at all times in their official relations, hereby expresses its disapproval of the unparliamentary language used by Hon. JOSEPH H. WALKER, a Representative from the State of Massachusetts, in that portion of his speech printed in the RECORD on the 17th instant, but which was not delivered on the floor. And considering it impracticable to separate the unparliamentary portions of said speech from such parts thereof as may be parliamentary: Therefore,

Be it further resolved, That the Public Printer be directed to exclude from the permanent CONGRESSIONAL RECORD all of that portion of his speech beginning with the words, "Hot shot for Mugwumps—HOAT and WILLIAMS shown up," etc., on page 2259 of the daily RECORD down to and including the paragraph on page 2261, which closes with the words "but the earmarks are on it," near the bottom of the first column on said page 2261.

The SPEAKER. The gentleman from Maine [Mr. REED] moved on Saturday to lay this resolution on the table, and on that motion the yeas and nays were ordered; but on taking the vote a quorum failed to appear. As many as favor laying this resolution on the table will, when their names are called, say "aye;" those opposed, "no." The Clerk will call the roll.

The question was taken: and there were—yeas 6, nays 139, not voting 183: as follows:

YEAS—6.			
Bowers.	English.	Owens.	Warwick.
Dungan.	Haynes, Ohio		
NAYS—139.			
Abbott.	Caminetti.	Dixon.	Jones.
Allen.	Campbell.	Dockery.	Kilgore.
Bailey.	Capehart.	Edmunds.	Kribbs.
Barwig.	Caruth.	Elliot.	Lane.
Beeman.	Castle.	Ellis.	Lanham.
Beltzhoover.	Cate.	Enloe.	Lapham.
Blanchard.	Causey.	Epes.	Lawson, Va.
Bland.	Chipman.	Everett.	Layton.
Blount.	Clarke, Ala.	Forney.	Lewis.
Bowman.	Clover.	Gantz.	Livingston.
Branch.	Cobb, Ala.	Grady.	Long.
Brawley.	Cobb, Mo.	Greenleaf.	Lynch.
Breckinridge, Ky.	Coburn.	Hall.	Mallory.
Bretz.	Compton.	Hallowell.	Martin.
Broderick.	Cooper.	Halvorson.	McAleer.
Brookshire.	Cox, N. Y.	Hamilton.	McCreary.
Brunner.	Cox, Tenn.	Hatch.	McKie.
Bryan.	Craig, Pa.	Heard.	McKinney.
Buchanan, Va.	Crawford.	Hemphill.	McMillin.
Bunn.	Crosby.	Henderson, N. C.	McRae.
Bunting.	Davis.	Herbert.	Meyer.
Butler.	De Armond.	Holman.	Mitchell.
Byrns.	De Forest.	Hooker, Miss.	Montgomery.

Moore.
Moses.
Mutchler.
Oates.
O'Ferrall.
O'Neill, Mass.
Outhwaite.
Page, R. I.
Page, Md.
Patterson, Tenn.
Payton.
Paynter.

Pearson.
Rayner.
Richardson.
Sayers.
Seerley.
Shell.
Shively.
Simpson.
Snow.
Stevens.
Steward, Ill.
Stone, Ky.

Stout.
Stump.
Tarsney.
Terry.
Tillman.
Tracey.
Tucker.
Van Horn.
Warner.
Washington.
Watson.
Weadock.

Wheeler, Ala.
White.
Whiting.
Willcox.
Williams, Mass.
Williams, N. C.
Wilson, Mo.
Winn.
Wise.
Wolverton.
Youmans.

NOT VOTING—183.

Alderson.
Alexander.
Amernan.
Andrew.
Arnold.
Atkinson.
Babbitt.
Bacon.
Baker.
Bankhead.
Bartine.
Belden.
Belknap.
Bentley.
Bergen.
Bingham.
Boutner.
Boutelle.
Breckinridge, Ark.
Brickner.
Broslus.
Brown.
Buchanan, N. J.
Bullock.
Burrows.
Busey.
Bushnell.
Bynum.
Cable.
Cadmus.
Caldwell.
Catching.
Cheatham.
Chapin.
Clancy.
Clark, Wyo.
Cockran.
Cogswell.
Coolidge.
Combs.
Covert.
Cowles.
Craib, Tex.
Culbertson.
Cummins.
Curtis.

Cutting.
Dalzell.
Daniell.
Dickerson.
Dingley.
Doan.
Dolliver.
Donovan.
Dunphy.
Durborow.
Enochs.
Fellows.
Fitch.
Flick.
Fithian.
Forman.
Fowler.
Funston.
Fyan.
Geary.
Gelsenhainer.
Gillespie.
Goodnight.
Gorman.
Griswold.
Grout.
Hare.
Harmer.
Harries.
Harter.
Haugen.
Hayes, Iowa.
Henderson, Iowa.
Henderson, Ill.
Hermann.
Hitt.
Hoar.
Hooker, N. Y.
Hopkins, Ill.
Hopkins, Pa.
Houk, Ohio.
Houk, Tenn.
Huff.
Hull.
Johnson, Ind.
Johnson, N. Dak.

Johnson, Ohio.
Johnstone, S. C.
Jolley.
Kem.
Ketcham.
Kye.
Lagan.
Lawson, Ga.
Lester, Va.
Lester, Ga.
Lind.
Little.
Lockwood.
Lodge.
Loud.
Magnier.
Mansur.
McClellan.
McDonald.
McGann.
McKeighan.
Meredith.
Miller.
Milliken.
Morse.
Newberry.
Norton.
O'Donnell.
O'Neill, Pa.
O'Neill, Mo.
Otis.
Parrett.
Pattison, Ohio.
Payne.
Pendleton.
Perkins.
Pickler.
Pierce.
Post.
Powers.
Price.
Quackenbush.
Raines.
Randall.
Ray.

Reed.
Reilly.
Reyburn.
Rife.
Robertson, La.
Robinson, Pa.
Rockwell.
Rusk.
Russell.
Sanford.
Scott.
Scul.
Shonk.
Smith.
Snodgrass.
Sperry.
Springer.
Stackhouse.
Stahnecker.
Stephenson.
Stewart, Tex.
Stockdale.
Stone, C. W.
Stone, W. A.
Storer.
Sweet.
Taylor, Ill.
Taylor, Tenn.
Taylor, E. B.
Taylor, J. D.
Taylor, V. A.
Townsend.
Turpin.
Turner.
Wadsworth.
Walker.
Waugh.
Wever.
Wheeler, Mich.
Wilke.
Williams, Ill.
Wilson, Ky.
Wilson, Wash.
Wilson, W. Va.
Wright.

No quorum voting.

The Clerk announced the following pairs:

Until further notice:

Mr. SPRINGER with Mr. ATKINSON.

Mr. PARRETT with Mr. WAUGH.

Mr. BYNUM with Mr. VINCENT A. TAYLOR.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. LESTER of Georgia with Mr. HERMANN.

Mr. TURNER with Mr. BARTINE.

Mr. PEEL with Mr. WILSON of Washington.

Mr. PENDLETON with Mr. SMITH of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. WILSON of West Virginia with Mr. MORSE.

Mr. CATCHINGS with Mr. LODGE.

Mr. SNODGRASS with Mr. HOUK of Tennessee.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. HARTER with Mr. BOWERS.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, from April 22 to May 7, inclusive.

Mr. NORTON with Mr. SHONK.

Mr. BROWN with Mr. RUSSELL.

Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.

Mr. COWLES with Mr. DOAN.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until May 7.

Mr. PIERCE with Mr. LIND.

Mr. DICKERSON with Mr. JOHNSON of Indiana, for ten days from 19th instant.

Mr. WOLVERTON with Mr. REYBURN, for one week from 18th instant.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. SCOTT with Mr. PAYNE, for one week from 25th instant.

For this day:

Mr. LAWSON of Georgia with Mr. HENDERSON of Iowa.

Mr. DURBOROW with Mr. DINGLEY.

Mr. CADMUS with Mr. WEVER.

Mr. AMERMAN with Mr. RIFE.

Mr. BENTLEY with Mr. BERGEN.

Mr. RICHARDSON. I desire to ask if a quorum voted?

The SPEAKER. On this question the yeas are 6 and the nays are 139. No quorum has voted.

Mr. RICHARDSON. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Alderson,	Crain, Tex.	Kyle,	Reyburn,
Amernan,	Cummings,	Lagan,	Rife,
Arnold,	Daniel,	Lapham,	Robertson, La.
Atkinson,	Doan,	Lawson, Ga.	Robinson, Pa.
Babbitt,	Dunphy,	Lester, Va.	Rockwell,
Bacon,	Fellows,	Lester, Ga.	Rusk,
Bankhead,	Fitch,	Lockwood,	Sanford,
Belknap,	Fluhman,	Lodge,	Scott,
Bentley,	Forman,	Magner,	Scully,
Bergen,	Fowler,	Mansur,	Shonk,
Bingham,	Gillespie,	McDonald,	Smith,
Breckinridge, Ark.	Gorman,	McGann,	Sperry,
Brickner,	Harries,	Milliken,	Springer,
Brown,	Harter,	Morse,	Stackhouse,
Bynum,	Hayes, Iowa	Newberry,	Stahnecker,
Byrns,	Haynes, Ohio	Norton,	Taylor, Tenn.
Cable,	Henderson, Iowa	O'Neill, Mo.	Taylor, V. A.
Cadmus,	Henderson, Ill.	Otis,	Turner,
Chapin,	Hoar,	Parrett,	Wadsworth,
Clancy,	Hooker, N. Y.	Pattison, Ohio	Wheeler, Mich.
Cockran,	Hopkins, Pa.	Peel,	Wike,
Compton,	Hopkins, Ill.	Pendleton,	Williams, Ill.
Coolidge,	Houk, Tenn.	Pierce,	Wilson, W. Va.
Coombs,	Johnson, Ind.	Post,	Wright.
Cowles,	Johnstone, S. C.	Price,	

The SPEAKER. The Doorkeeper will close the doors, and the names of members marked as absent will be called for excuses.

Mr. OATES. Mr. Speaker, I was present. I did not answer because I did not hear my name.

Mr. LANHAM. I was present.

The SPEAKER. The names of the absentees will be called, and gentlemen can answer on that call. During the calling of the names of absentees excuses may be offered.

Mr. COGSWELL. Mr. Speaker, I desire it to appear in the RECORD that my colleague [Mr. MORSE] is absent, sick, by leave of the House.

Mr. DOCKERY (when the name of Mr. FYAN was called). I ask that my colleague [Mr. FYAN] be excused on account of illness.

The SPEAKER. The Chair is informed that the gentleman from Missouri is absent by leave of the House.

Mr. TAYLOR of Illinois (when the name of Mr. HOPKINS of Illinois was called). My colleague [Mr. HOPKINS of Illinois] is at home on his farm, looking after his fences. I understand he has leave, but I am not sure of it; and if he has not, I ask that he be excused.

The SPEAKER. The Chair is informed that the gentleman from Illinois has leave of absence.

Mr. DOCKERY (when the name of Mr. HENDERSON of Iowa was called). The gentleman from Iowa is absent on account of sickness. I was to have secured leave of absence for him on Saturday last. I am not sure whether that was done, and if not I desire to have him excused on account of sickness.

The SPEAKER. The gentleman from Iowa has leave of absence.

Mr. STOCKDALE (when the name of Mr. KYLE was called). I ask leave of absence for my colleague [Mr. KYLE].

There was no objection, and it was so ordered.

Mr. HERMANN (when the name of Mr. LESTER of Georgia was called). Mr. Speaker, I ask that the gentleman from Georgia [Mr. LESTER] be excused. He was required to go home on important business, and I have paired with him in the mean time.

The SPEAKER. The gentleman from Georgia is absent by leave of the House.

Mr. CASTLE. I ask that my colleague from Minnesota [Mr. HARRIES] be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. LANHAM (when the name of Mr. STEWART of Texas was called). Mr. Speaker, I ask that my colleague [Mr. STEWART of Texas] be excused. I suppose he is sick. He has been in ill health for some time.

There was no objection, and it was so ordered.

The call of the names of absentees for excuses was concluded. The SPEAKER. The absentees have been noted. What is the pleasure of the House?

Mr. RICHARDSON. I offer the resolution which I send to the Clerk's desk.

Mr. BUCHANAN of New Jersey. Before that is offered I desire to ask that my colleague [Mr. BERGEN] be excused. I understand he went to his home on Saturday evening, and his train will not arrive for twenty minutes.

Mr. RICHARDSON. For what reason?

Mr. BUCHANAN of New Jersey. His train does not get in for about twenty minutes, but he will be here as soon as it arrives.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. BUCHANAN] that his colleague be excused. [After a pause.] The Chair hears none, and it is so ordered.

Mr. BOUTELLE. Mr. Speaker, does the call of the House disclose a quorum?

The SPEAKER. It does.

Mr. BOUTELLE. Then why not proceed with the regular order?

The SPEAKER. The gentleman from Tennessee is offering a resolution.

Mr. BOUTELLE. Is that the regular order?

The SPEAKER. It is in order. The House has the right to bring every member here if it desires.

Mr. BOUTELLE. Notwithstanding a quorum is present?

The SPEAKER. The Chair supposes the House desires to get a voting quorum.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was agreed to.

Mr. PAYNE. Mr. Speaker, I ask that my colleague [Mr. MAGNER] be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. MOORE. Mr. Speaker, I ask that my colleague [Mr. CRAIN of Texas] be excused. I know that he has not been well, and I ask that he be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. BUSHNELL. Mr. Speaker, I ask that my colleague [Mr. BABBITT] be excused. He has been sick for some days. He has partially recovered, but has not been able to be here.

The SPEAKER. The Chair is informed that the gentleman is absent by leave of the House.

Mr. JOHNSON of Ohio. Mr. Speaker, I ask that the gentleman from Illinois [Mr. CABLE] be excused. He has been detained in New York on important business.

There was no objection, and it was so ordered.

Mr. BOUTELLE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I wish to inquire of the Chair whether, under the rules of the House and under constitutional provisions, it is competent for the House to send for and compel the attendance of absent members except in case where it is developed that no quorum is present.

The SPEAKER. The Chair is of opinion that the House would have the right to have every member present; that if but one or two members were absent it could send for them if it should desire.

Mr. BOUTELLE. But while there is a positive rule and a positive constitutional provision for sending for members "in the absence of a quorum," I do not know of any rule for sending for members when the presence of a quorum is disclosed.

The SPEAKER. The gentleman will bear in mind that the Constitution does not say that it is limited to the condition when the House finds itself without a quorum. It says fifteen members, including the Speaker, may send for members.

Mr. BOUTELLE. I beg the Speaker's pardon, but I think that invariably has been held to be operative in the absence of a quorum and to compel the attendance of a quorum. I also beg to call the attention of the Speaker, and I am doing it for the purpose of obtaining information, as I do not make any pretensions to be an expert in parliamentary law—as I understand it, there is a rule in our Manual that provides distinctly (clause 2 of Rule XVII) that where the Speaker is required to count to ascertain a quorum, after the previous question is ordered, and he finds that a quorum is present, then a call of the House can not be had; and by a parity of reasoning it seems to me that the House under similar circumstances and under our present rules would not have authority to send for absentees when there is no authority under such circumstances to have a call of the House.

The SPEAKER. The Chair has not looked specially to ascertain what the practice has been, but in the opinion of the Chair it is in the power of the House to require the attendance of absent members.

Mr. BOUTELLE. My impression is, Mr. Speaker, that that power is confined to the case of there being no quorum present. I think the only authority to send for absent members is conferred in cases where there is a lack of a quorum, but in that I may be wrong.

Mr. McMILLIN. Mr. Speaker, in reply to the gentleman from Maine I beg to observe that if his contention were correct it might bring about a state of affairs where legislation would be impossible. If it were not in the power of the House to send for absentees even when there was a quorum present, legislation might be brought to a standstill. There is largely more than a

quorum present at this time, but, as my friend from Maine knows, a portion of the members present are not voting, and if his position were correct all that would be necessary would be to get a quorum here and then for a portion of those present to abstain from voting, and the wheels of legislation could be blocked without limit; for you could prevent sending for those who would, if here, vote.

Mr. OATES. If my friend from Tennessee will permit me, I will suggest that there are certain measures which, under the Constitution, can not be passed by a quorum, and that point alone would seem to show that the House certainly has the power to bring in all absent members.

Mr. McMILLIN. I thank my friend for the suggestion. If the position of the gentleman from Maine were correct, then we might have at any time a state of affairs where, while there was an actual quorum present, it would not be possible for the House to come to a vote on any proposition of the class named by my friend from Alabama, such as voting on vetoes, etc.

The SPEAKER. The Chair thinks that a fair interpretation of the Constitution and the rules in relation to this point would be this: Without the provision in the Constitution to which the gentleman from Maine has referred a less number of members than a quorum could not send for absentees, but, by virtue of this provision, fifteen members, including the Speaker, may send and bring in absentees.

The Constitution also provides that each House may make rules for its proceeding, and the House may make a rule or order which would require the attendance of every member, even though there was a quorum present.

Mr. BOUTELLE. That, Mr. Speaker, is precisely in the line of my suggestion, and my point is that I am unaware of any such rule. Paragraph 2 of Rule XVII provides that—

A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

That rule seems to prohibit a call of the House except in cases where it is demonstrated that a quorum is not present. Now, if that is the rule, it strikes me that we can not very appropriately send for absent members and drag them in here, when, having a quorum present, we can not even proceed to ascertain by a call whether there are any absent members or not.

The SPEAKER. The Chair will call the attention of the gentleman from Maine to paragraph 2 of Rule XV, which at its beginning provides that—

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.

The rule to which the gentleman has referred provides that the presence or lack of a quorum shall be ascertained by a count by the Speaker; but we have now got beyond the point where the rule requires the Chair to ascertain the fact by a count. A call has been ordered, and in the continuation of paragraph 2 of Rule XV the gentleman will find set forth the power of the body to compel the attendance of absent members.

Mr. BOUTELLE. But that is qualified, if the Speaker please, by the words with which the rule begins, "In the absence of a quorum."

The SPEAKER. The rule follows the Constitution in that it provides that fifteen members, including the Speaker, may order a call, but if the gentleman will read the rule he will find that when the call is ordered—

The doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested wherever they may be found.

Now, it seems to the Chair that if the House is in a condition to order a call, then when it is once ordered the majority of those present may, if they desire, continue the call not only until they get a quorum, but until they bring in all the members. There is no limitation on that power.

Mr. BOUTELLE. I submit, Mr. Speaker, that this whole authority is qualified by the opening words, "in the absence of a quorum," and can only be exercised in the absence of a quorum; and then Rule XVII goes on to show that where a quorum is present we not only have no power to send for absent members, but we can not even ascertain whether they are absent, because we can not have a call of the House.

The SPEAKER. The point which the Chair endeavored to make at the moment was this: That, waiving for the present the power of the House, when there is a quorum, to compel the attendance of absence members, yet under paragraph 2 of Rule XV, wherever it appears there is no quorum present, a call may be ordered. Now, the gentleman's point is, as the Chair understands, that immediately upon the appearance of a quorum, the call falls. Where does the gentleman get that idea?

Mr. BOUTELLE. I get that idea from Rule XVII.

The SPEAKER. Rule XV provides that fifteen members, including the Speaker, may order a call; but there is nothing in

the rule which says that the call shall be dispensed with when a quorum appears.

Mr. BOUTELLE. Rule XVII provides that—

A call of the House shall not be in order after the previous question is ordered unless it shall appear upon an actual count by the Speaker that a quorum is not present.

Now, there having been—

The SPEAKER. That point, the gentleman from Maine will understand, if it is good, would have been in order when the motion was made for a call of the House. The gentleman might then have risen and said that under the rules a call could not be ordered until the Speaker had counted to see whether a quorum of members was in attendance. But that point was not made. The House did order a call.

Now, then, the Chair thinks that there is nothing in the rules to negative the position that when a call has been once entered upon the proceeding does not terminate until all the absent members are brought in, or until by an adjournment or by a formal vote of the House proceedings under the call have been dispensed with.

Mr. BOUTELLE. My idea was predicated upon the assumption that a call of the House which demonstrated the presence of a quorum would be equivalent to a count by the Speaker; that if, under Rule XVII, a count by the Speaker disclosing a quorum would prevent the House from having a call, the demonstration of the presence of a quorum under a call would certainly operate the same way—would prevent our going forward with the arrest of absent members under that clause which says they may be brought here in the absence of a quorum.

I desire to say that I have been led further in the discussion of this parliamentary point than I intended when I arose. I am perfectly content to leave this discussion to gentlemen who are more familiar than myself with parliamentary practice and who take more pride than I do in the discussion of such points.

Mr. McMILLIN. Before the gentleman takes his seat, will he allow me a question?

Mr. BOUTELLE. Certainly.

Mr. McMILLIN. The gentleman does not deny the power of less than a quorum to compel the attendance of absent members?

Mr. BOUTELLE. I do not.

Mr. McMILLIN. Then, if less than a quorum can compel the attendance here of all members who are not present, is it possible that a quorum can not do the same thing?

Mr. BOUTELLE. I was simply raising the question whether the constitutional provision means what it says, or whether it means more than it says.

Mr. McMILLIN. Now, inasmuch as fifteen members, including the Speaker, can compel the attendance of all the other members, I submit to the gentleman that a quorum can do the same.

Mr. BOUTELLE. That is a very natural assumption; but it is quite plausible to suppose that under the rules and practice of the House during one hundred years that idea, if well grounded, would have found some concrete expression somewhere. But, as I conceive, the indications of the view of the House are all the other way.

Mr. McMILLIN. The gentleman will observe that the authority given to less than a quorum to compel the attendance of absent members is an extension, not a restriction, of the power of the House.

Mr. BOUTELLE. In conclusion, I will simply say that my whole suggestion was based upon the idea that whatever may have been in the minds of those who made the Constitution, whatever contingencies they may have intended to provide for, the contingency that they did provide for in express terms was that of there being no quorum present to do business; they provided that a quorum should consist of a majority of the members, and provided further a method by which the House could procure the attendance of a quorum. They may have provided something further on this subject, but I have not seen it.

Mr. OATES. Mr. Speaker, the gentleman from Maine certainly knows that the Constitution provides, when a quorum is present—which is a majority of all the members—the House can then do anything within the grant of powers committed to it by the Constitution.

Mr. BOUTELLE. I beg pardon of my friend from Alabama right there. Clause 2 of Rule XVII expressly prohibits the doing of certain things. It says:

A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

Mr. OATES. I would ask the gentleman from Maine if he can suppose for a moment that a rule made by the House can overturn a constitutional provision? I am talking of the power of the House under the Constitution itself, and with a majority of the members of the House present constituting a quorum.

I say that under such circumstances the House can do any—

thing within the constitutional grant of power. And it became necessary to put the clause in authorizing what has been quoted from the rule, to wit, that fifteen members, including the Speaker, may compel the attendance of absent members, which is in accordance with the constitutional provision which provides that a smaller number than a majority may adjourn from day to day and be authorized to compel the attendance of absent members. It is in order, to enable it to become a House, to secure a majority, which is a constitutional quorum, that that provision has been inserted in the rule. But when that is secured, remember there is no provision which terminates that power. The mere presence of a quorum does not end it.

The House may go on and require the presence of each and every one of its members. If there be one absent the House may require his attendance if it sees fit to so order. And there are manifest reasons why the House should have this power to compel the attendance of absent members beyond the presence of a mere quorum, because you could not pass a proposed amendment to the Constitution, nor could you expel a member for an offense which he may have committed, unless you have two-thirds of the members present to do so; and therefore it seems to me that there is nothing—with all due deference to the gentleman from Maine—that there is nothing in the argument that the power of the House is terminated with the production of the presence of a mere quorum.

Mr. BOUTELLE. Mr. Speaker, the gentleman from Alabama, to whom I reply with great deference because of his experience and ability, and especially in all matters relating to constitutional law, will please observe that the suggestion I have made and repeat here, is based absolutely upon the power vested in the House by the Constitution to make rules for its own guidance.

Mr. OATES. And that is unlimited.

Mr. BOUTELLE. And I have assumed that this rule, which has stood for so many years here, which has been quoted and discussed by so many able men than I, had been well considered, and probably was regarded by those who recommended its adoption as within the purview of the Constitution. And if the House had the right to make this rule, it has certainly prohibited itself, under the rule, from doing certain things, amongst others one of the things which it has the right under the Constitution to do.

Mr. OATES. Could the House do that?

Mr. BOUTELLE. Well, I am not sure; and that is the very subject to which I am calling attention—the constitutional power to make such a rule. It seems to me that it would be very remarkable if such a rule had stood for so many years if it was unconstitutional.

Mr. OATES. While the power of the House to make rules is plenary and unlimited, yet if the House saw proper to make a rule in conflict with any provision of the Constitution, manifestly that rule would be null and void.

Mr. BOUTELLE. Precisely; but the presumption is that a rule which has stood for so many years, if in conflict with the Constitution, would have been abrogated long ago.

Mr. BUTLER. Mr. Speaker, I do not know but that a new member, in speaking on a parliamentary question, might have applied to him the terms of the gentleman from Massachusetts [Mr. WALKER] of being fresh—very fresh. But I know of no reason why an opinion may not be worth something, even from a new member, if it happens to be a correct opinion.

It seems to me that the question is, What is the object to be attained by a call of the House? If it be simply to secure the attendance of a quorum, then the rule would read that "fifteen members with the Speaker, if there be one, may order a call of the House until a quorum of the members is secured, but must then stop." But it does not limit it to that kind of a call. They may proceed until every member is sought out and brought here. The object is to secure the attendance of the absent members—not merely to secure a quorum, but the attendance of the House.

The reason why it is provided that fifteen members may have this power is in order that the House—its members—may be brought here when there is not a quorum: a quorum having the right by general parliamentary law to compel them to come. There is no question in any constitutional parliamentary body but that a quorum may compel absent members to come, and it requires no constitutional provision in order to give it that power.

Mr. JOSEPH D. TAYLOR. Then why is it specified?

Mr. BUTLER. When less than a quorum undertakes to do that it requires the constitutional provision to give them the power. The object is to secure the presence of the House, and not merely the presence of a quorum, for, of course, a quorum being present may secure the further attendance of its members, revoke leaves of absence, and bring them to the House without

a further special provision. In the absence of a quorum the Constitution must provide what may be done. In the presence of a quorum it does not need such a provision, because it has that inherent power. The only reason why it is mentioned is because there must be some way to do it when the House has not the fundamental and parliamentary right.

The SPEAKER. The Chair does not know whether the gentleman from Maine [Mr. BOUTELLE] raised any question. He made a statement.

Mr. BOUTELLE. Oh, no, Mr. Speaker, I simply raised the point for the consideration of the Chair. I understand the Chair has ruled on the question.

The SPEAKER. The Chair thinks that the Constitution gives to less than a quorum the right to send for members. He believes that where there is a majority present it can transact business, and part of that business may be the sending for absent members.

Mr. BOUTELLE. The Chair also holds that more than a quorum can send for absentees?

The SPEAKER. Oh, yes; the Chair thinks, in the transaction of business, if the majority feel like having the absentees here, they have a right to bring them all in.

Mr. BROSIUS. May I suggest that the last statement of the Chair would hardly conform to clause 2 of Rule XVII, which specifies a case in which the House can not order a call.

The SPEAKER. There is a provision in the rules that the House can not order a call where the previous question is ordered, unless the Speaker by actual count ascertains the absence of a quorum.

Mr. BROSIUS. Now, had that proceeding taken place? I was not in the House at the time.

The SPEAKER. It had; but no question of order was raised on the motion for a call.

Mr. BURROWS. Mr. Speaker, I hope the Chair will not pass upon that question.

The SPEAKER. What question?

Mr. BURROWS. The one that is submitted by the gentleman from Pennsylvania [Mr. BROSIUS].

The SPEAKER. The Chair did not. The Chair was simply stating what the rules say.

Mr. BURROWS. I understood the Chair to hold that if the point had been made under that clause it would have been good.

The SPEAKER. No, the Chair simply says it was not made.

Mr. BURROWS. Does the Chair hold that if it had been made it would have been good?

The SPEAKER. The Chair would not rule upon that without reflection. The Chair merely stated that the point had not been made.

Mr. BURROWS. I only rose for the purpose of saying I hoped that the Chair would not pass upon that without discussion.

The SPEAKER. Oh, no; the Chair will not do that.

Mr. RICHARDSON. I move to dispense with all further proceedings under the call. I think there is a quorum of Democrats present.

The motion was agreed to.

The SPEAKER. The question is upon the motion of the gentleman from Maine [Mr. REED] to lay the resolution of the gentleman from Tennessee [Mr. RICHARDSON] on the table. As many as favor that motion will, when their names are called, say ay; those opposed no. The Clerk will call the roll.

The question was taken; and there were—yeas 5, nays 163, not voting 160; as follows:

YEAS—5.			
Belden.	Funston.	Harmer.	O'Donnell.
English.			
NAYS—163.			
Abbott.	Byrns.	Donovan.	Herbert.
Alexander.	Caminetti.	Dungan.	Holman.
Allen.	Campbell.	Edmunds.	Hooker, Miss.
Andrew.	Capehart.	Elliott.	Houk, Ohio.
Bailey.	Caruth.	Ellis.	Jones.
Baker.	Castle.	Enloe.	Kem.
Barwig.	Causey.	Epes.	Kilgore.
Beeman.	Chipman.	Everett.	Kribbs.
Beltzhoover.	Clarke, Ala.	Forney.	Lane.
Blanchard.	Clover.	Fyan.	Lanham.
Blund.	Cobb, Ala.	Gantz.	Lawson, Va.
Bloom.	Cobb, Mo.	Geary.	Layton.
Boatner.	Coburn.	Goodnight.	Lewis.
Branch.	Compton.	Gorman.	Little.
Brawley.	Cooper.	Grady.	Livingston.
Breckinridge, Ky.	Covert.	Greenleaf.	Long.
Bretz.	Cox, N. Y.	Hall.	Lynch.
Brookshire.	Cox, Tenn.	Hallowell.	Mallory.
Brunner.	Craig, Pa.	Hayvorson.	McAleer.
Bryan.	Crawford.	Hamilton.	McClellan.
Buchanan, Va.	Crosby.	Hare.	McCreary.
Bullock.	Culbertson.	Harries.	McKag.
Bunn.	Davis.	Hatch.	McKeighan.
Bunting.	De Armond.	Haynes, Ohio.	McKinney.
Busey.	De Forest.	Heard.	McMillin.
Bushnell.	Dixon.	Hemphill.	McKee.
Butler.	Dockery.	Henderson, N. C.	Meredith.

Meyer,
Mitchell,
Montgomery,
Moore,
Moses,
Mutchler,
Oates,
O'Ferrall,
O'Neill, Mass.
Otis,
Outhwaite,
Owens,
Page, R. I.
Page, Md.

Patterson, Tenn.
Patton,
Paynter,
Pearson,
Rayner,
Reilly,
Richardson,
Sayers,
Seerley,
Shell,
Shively,
Snow,
Sperry,
Stackhouse,

Stevens,
Stewart, Tex.
Stockdale,
Stone, Ky.
Stout,
Stump,
Tarsney,
Terry,
Tillman,
Tracey,
Tucker,
Turpin,
Van Horn,
Warner,

Watson,
Weadock,
Wheeler, Ala.
White,
Whiting,
Wike,
Willcox,
Williams, Mass.
Williams, N. C.
Wilson, Mo.
Winn,
Wise,
Youmans.

NOT VOTING—190.

Alderson,
Amerman,
Arnold,
Atkinson,
Babbitt,
Bacon,
Bankhead,
Bartine,
Belknap,
Bentley,
Bergen,
Blincham,
Boutelle,
Bowers,
Bowman,
Breckinridge, Ark.
Brickner,
Broderick,
Brosius,
Brown,
Buchanan, N. J.
Burrows,
Bynum,
Cable,
Cadmus,
Caldwell,
Catchings,
Cate,
Cheatham,
Chapin,
Clancy,
Clark, Wyo.
Cockran,
Coggswell,
Coolidge,
Coombs,
Cowles,
Crain, Tex.
Cummings,
Curtis,

Cutting,
Dalzell,
Daniell,
Dickerson,
Dingley,
Doan,
Dolliver,
Dunphy,
Durborow,
Enochs,
Fellows,
Fitch,
Fithian,
Flick,
Forman,
Fowler,
Geissenhainer,
Gillespie,
Griswold,
Groat,
Hanger,
Hansen,
Hayes, Iowa
Henderson, Iowa
Henderson, Ill.
Hermann,
Hoar,
Hooker, N. Y.
Hopkins, Pa.
Hopkins, Ill.
Houk, Tenn.
Huff,
Hull,
Johnson, Ind.
Johnson, N. Dak.
Johnson, Ohio
Johnstone, S. C.
Jolley,
Ketcham,

Kyle,
Lagan,
Lapham,
Lawson, Ga.
Lester, Va.
Lester, Ga.
Lind,
Lockwood,
Lodge,
Loud,
Magnier,
Mansur,
Manger,
McDonald,
McGann,
Miller,
Milliken,
Morse,
Newberry,
Norton,
O'Neill, Pa.
O'Neill, Mo.
Parrett,
Pattison, Ohio
Payne,
Peel,
Pendleton,
Perkins,
Pickler,
Pierce,
Post,
Powers,
Price,
Quackenbush,
Raines,
Randall,
Ray,
Reed,
Reyburn,
Rife,
Robertson, La.
Robinson, Pa.
Rockwell,
Rusk,
Russell,
Sanford,
Scott,
Scull,
Shank,
Simpson,
Smith,
Snodgrass,
Springer,
Stahnecker,
Stephenson,
Steward, Ill.
Stone, C. W.
Stone, W. A.
Storer,
Sweet,
Taylor, Ill.
Taylor, Tenn.
Taylor, E. B.
Taylor, J. D.
Taylor, V. A.
Townsend,
Turner,
Wadsworth,
Walker,
Warwick,
Washington,
Waugh,
Wever,
Wheeler, Mich.
Williams, Ill.
Wilson, Ky.
Wilson, Wash.
Wilson, W. Va.
Wolverton,
Wright.

So the motion to lay on the table was rejected.

Mr. MARTIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentlemen in the Hall of the House during the roll call?

Mr. MARTIN. I was part of the time.

The SPEAKER. The gentleman understands the rule; he must have been in the Hall of the House during the call and failed to hear his name called, otherwise the Chair can not entertain the request.

The following additional pairs were announced:

Mr. HAYNES of Ohio with Mr. SCULL, until further notice.

Mr. BOWMAN with Mr. FLICK, for the rest of this day.

Mr. REED. I ask for a recapitulation of the vote.

The vote was recapitulated.

Mr. SNODGRASS. Mr. Speaker, I am paired with my colleague [Mr. HOUK], but felt that I ought to vote in order to make a quorum.

The result of the vote was then announced as above recorded.

Mr. DICKERSON. As a quorum voted, I desire to withdraw my vote, being paired.

The SPEAKER. If there be no objection the vote of the gentleman from Kentucky [Mr. DICKERSON] will be withdrawn, as it still leaves a quorum.

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

Mr. BOUTELLE. I move to recommit with the instructions which I send to the Clerk's desk.

The Clerk read as follows:

Recommit the report to the Committee on Rules, with instructions to take into consideration the entire subject-matter, including the remarks published in the RECORD by the gentleman from Massachusetts [Mr. WALKER] under leave to print, the remarks of the gentleman from Massachusetts [Mr. WILLIAMS] animadverting thereupon, and the citations made by the former [Mr. WALKER], or which may be submitted from the records of the debates in the House as tending to show the custom and the usage of the House in regard to the latitude of debate, and to report to the House as soon as may be such measures, if any, as said committee may deem expedient for the reform of any existing abuses in regard to matter printed in the RECORD, and for the preservation of the highest attainable degree of decorum in debate.

The SPEAKER. The question is on agreeing to the motion to recommit with instructions.

Mr. BOUTELLE. Mr. Speaker, have I the privilege of speaking to that question?

The SPEAKER. The Chair thinks not. The previous question has been ordered, and that would include the motion to recommit.

Mr. BOUTELLE. I would like to ask unanimous consent for five minutes to speak to the motion to recommit.

Mr. RICHARDSON. I object to any further debate.

The SPEAKER. The gentleman from Tennessee objects.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. REED. Division.

The House divided; and there were—yeas 43, yeas 107.

Mr. BOUTELLE. No quorum.

The SPEAKER. The gentleman from Maine makes the point that no quorum has voted. The gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Maine [Mr. BOUTELLE] will take their places as tellers.

Mr. RICHARDSON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 40, nays 152. not voting 136; as follows:

YEAS—40.

Boutelle,
Busey,
Butler,
Caldwell,
Cheatham,
Clark, Wyo.
Curtis,
Dalzell,
Davis,

Enochs,
Funston,
Griswold,
Grout,
Halvorson,
Harmer,
Haugen,
Henderson, Ill.
Hitt,
Huff,

Hull,
Jolley,
Loud,
O'Donnell,
O'Neill, Pa.
Otis,
Perkins,
Post,
Powers,
Raines,

Ray,
Reed,
Simpson,
Stone, C. W.
Storer,
Taylor, Ill.
Taylor, E. B.
Taylor, J. D.
Townsend,
Waugh,

NAYS—152.

Abbott,
Alexander,
Allen,
Andrew,
Bailey,
Baker,
Barwig,
Beaman,
Beltzhoover,
Blanchard,
Blount,
Boatner,
Branch,
Breckinridge, Ky.
Bretz,
Broderick,
Brookshire,
Brunner,
Bryan,
Bullock,
Bunn,
Bunting,
Bunnell,
Byrns,
Campbell,
Capchart,
Caruth,
Cate,
Chipman,
Clarke, Ala.
Clover,
Cobb, Ala.
Cobb, Mo.
Coburn,
Compton,
Cooper,
Covert,

Cox, N. Y.
Cox, Tenn.
Craig, Pa.
Crawford,
Crosby,
Cuberson,
De Armond,
De Forest,
Dickerson,
Dixon,
Dockery,
Donovan,
Dungan,
Edmunds,
Elliott,
Ellis,
Engel,
Eves,
Everett,
Forney,
Fowler,
Fyan,
Gantz,
Geary,
Goodnight,
Gorman,
Grady,
Greenleaf,
Hall,
Hallowell,
Hamilton,
Hare,
Harries,
Hatch,
Heard,
Hemphill,
Henderson, N. C.
Herbert,

Holman,
Hooker, Miss.
Houk, Ohio
Jones,
Kilgore,
Kribbs,
Lane,
Lanham,
Lapham,
Lawson, Va.
Layton,
Lewis,
Little,
Livingston,
Long,
Lynch,
Mallory,
Martin,
McAleer,
McClellan,
McCreary,
McKag,
McKelghan,
McKinney,
McMillan,
McRae,
Meredith,
Mitchell,
Montgomery,
Moore,
Moses,
Mutchler,
Oates,
O'Ferrall,
O'Neill, Mass.
Outhwaite,
Owens,
Page, R. I.

Page, Md.
Patterson, Tenn.
Patton,
Paynter,
Pearson,
Reilly,
Richardson,
Sayers,
Seerley,
Shell,
Shively,
Snow,
Sperry,
Stackhouse,
Stevens,
Stewart, Tex.
Stockdale,
Stone, Ky.
Stump,
Tarsney,
Terry,
Tillman,
Tracey,
Tucker,
Turpin,
Van Horn,
Warner,
Watson,
Weadock,
Wheeler, Ala.
White,
Whiting,
Wike,
Willcox,
Wilson, Mo.
Winn,
Wise,
Youmans.

NOT VOTING—136.

Alderson,
Amerman,
Arnold,
Atkinson,
Babbitt,
Bacon,
Bankhead,
Bartine,
Belden,
Belknap,
Bentley,
Bergen,
Bingham,
Bowers,
Bowman,
Brawley,
Breckinridge, Ark.
Brickner,
Brosius,
Brown,
Buchanan, N. J.
Buchanan, Va.
Burrows,
Bynum,
Cable,
Cadmus,
Cannett,
Castle,
Catchings,
Cansey,
Chapin,
Clancy,
Cockran,
Coggswell,

Coolidge,
Coombs,
Cowles,
Crain, Tex.
Cummings,
Daniell,
Dingley,
Doan,
Dolliver,
Dunphy,
Durborow,
English,
Fellows,
Fitch,
Fithian,
Flick,
Forman,
Geissenhainer,
Gillespie,
Harter,
Hayes, Iowa
Haynes, Ohio
Henderson, Iowa
Henderson, Ill.
Hermann,
Hoar,
Hooker, N. Y.
Hopkins, Pa.
Hopkins, Ill.
Houk, Tenn.
Johnson, Ind.
Johnson, N. Dak.
Johnson, Ohio
Johnstone, S. C.
Kem,
Robertson, La.

Ketcham,
Kyle,
Lagan,
Lawson, Ga.
Lester, Va.
Lester, Ga.
Lind,
Lockwood,
Lodge,
Loud,
Magnier,
Mansur,
McDonald,
McGann,
Meyer,
Miller,
Milliken,
Morse,
Newberry,
Norton,
O'Neill, Mo.
Parrett,
Pattison, Ohio
Payne,
Peel,
Pendleton,
Pickler,
Pierce,
Price,
Quackenbush,
Randall,
Rayner,
Reyburn,
Rife,
Robertson, La.

Robinson, Pa.
Rockwell,
Rusk,
Russell,
Sanford,
Scott,
Scull,
Shank,
Smith,
Snodgrass,
Springer,
Stahnecker,
Stephenson,
Steward, Ill.
Stewart, Ill.
Stone, W. A.
Stout,
Sweet,
Taylor, Tenn.
Taylor, V. A.
Turner,
Wadsworth,
Walker,
Warwick,
Washington,
Wever,
Wheeler, Mich.
Williams, Mass.
Williams, N. C.
Williams, Ill.
Wilson, Ky.
Wilson, Wash.
Wilson, W. Va.
Wolverton,
Wright.

So the motion to recommit was rejected.

Mr. DINGLEY. I am paired; and therefore desire to withdraw my vote.

Mr. BROSIUS. I am paired with the gentleman from Delaware [Mr. CAUSEY]; if he had been here I would have voted "yea."

The following additional pair was announced:

Mr. BROSIUS with Mr. CAUSEY, for the rest of the day.

Mr. REED. Mr. Speaker, I was present, listening, when my name ought to have been called, and did not hear it.

The SPEAKER. The gentleman's name will be called.

The name of Mr. REED was called, and he voted yea.

The result of the vote was then announced as above recorded.

Mr. BOUTELLE. I move that the House do now adjourn.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. BOUTELLE. Division, Mr. Speaker.

The House divided; and there were—ayes 32; noes 123.

Mr. BOUTELLE. I call for tellers.

The SPEAKER (the question having been taken). Twenty-eight gentlemen have risen; not a sufficient number, and tellers are refused.

Mr. TAYLOR of Illinois. The other side.

The SPEAKER. There is no other side. It requires one-fifth of a quorum to order tellers.

Mr. TAYLOR of Illinois. I thought, Mr. Speaker, it was one-fifth of the last vote.

The SPEAKER. This is a demand for tellers, and it requires one-fifth of a quorum—not one-fifth of the last vote.

So the demand for tellers was refused.

Mr. BOUTELLE. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 10, nays 163, not voting 155; as follows:

Belden.	Huff.	Stone, C. W.	Wilson, Ky.
Cheatham,	Hull.	Stone, W. A.	
Hitt,	Jolley,	Storer.	

Abbott,	Craig, Pa.	Hooker, Miss.	Paynter,
Allen,	Crawford,	Houk, Ohio	Post,
Andrew,	Crosby,	Johnson, Ohio	Randall,
Bailey,	Culbertson,	Jones,	Ray,
Baker,	Davis,	Kribbs,	Rayner,
Barwig,	De Armond,	Lanham,	Reilly,
Beaman,	De Forest,	Lapham,	Richardson,
Beltzhoover,	Dickerson,	Lawson, Va.	Sayers,
Blanchard,	Dixon,	Layton,	Seerley,
Bland,	Dockery,	Lewis,	Shell,
Boatner,	Dolliver,	Little,	Simpson,
Branch,	Dungan,	Livingston,	Snow,
Bretz,	Edmunds,	Long,	Sperry,
Broderick,	Elliott,	Lynch,	Stackhouse,
Brookshire,	Ellis,	Mallory,	Stevens,
Brunner,	English,	Martin,	Stewart, Tex.
Bryan,	Enloe,	McCreary,	Stoddard,
Bullock,	Epes,	McKalg,	Stone, Ky.
Bunn,	Everett,	McKelghan,	Stout,
Bunting,	Forney,	McKinney,	Taylor, J. D.
Bussey,	Fowler,	McMillin,	Terry,
Bushnell,	Fyan,	McRae,	Tillman,
Butler,	Gantz,	Meredith,	Tracey,
Byrnes,	Geary,	Meyer,	Tucker,
Caminetti,	Gorman,	Mitchell,	Turpin,
Capehart,	Grady,	Montgomery,	Van Horn,
Caruth,	Greenleaf,	Moore,	Wadsworth,
Castle,	Groat,	Moses,	Washington,
Cate,	Hall,	Mutchler,	Watson,
Chipman,	Hallowell,	Oates,	Whaler, Ala.
Clark, Wyo.	Halvorson,	O'Donnell,	White,
Clarke, Ala.	Hamilton,	O'Ferrall,	Whiting,
Clover,	Hare,	O'Neil, Mass.	Wike,
Cobb, Ala.	Harries,	O'Neil, Mo.	Willcox,
Cobb, Mo.	Haynes, Ohio	Otis,	Williams, Mass.
Coburn,	Heard,	Outhwaite,	Williams, N. C.
Compton,	Hemphill,	Owens,	Wilson, Mo.
Cooper,	Henderson, N. C.	Page, R. I.	Winn,
Covert,	Henderson, Ill.	Page, Md.	Youmans.
Cox, N. Y.	Herbert,	Patterson, Tenn.	
Cox, Tenn.	Hohnan,	Patton,	

NOT VOTING—155.

Alderson,	Buchanan, Va.	Donovan,	Hopkins, Ill.
Alexander,	Burrows,	Dunphy,	Houk, Tenn.
Amerman,	Bynum,	Durborow,	Johnson, Ind.
Arnold,	Cable,	Enochs,	Johnson, N. Dak.
Atkinson,	Cadmus,	Fellows,	Johnstone, S. C.
Babbitt,	Caldwell,	Fitch,	Kem,
Bacon,	Campbell,	Fithian,	Ketcham,
Bankhead,	Catchings,	Flick,	Kilgore,
Bartine,	Causey,	Forman,	Kyle,
Belknap,	Chapin,	Funston,	Lagan,
Bentley,	Clancy,	Geissenhainer,	Lane,
Bergen,	Cockran,	Gillespie,	Lawson, Ga.
Bingham,	Cogswell,	Goodnight,	Lester, Va.
Blount,	Coolidge,	Griswold,	Lind,
Boutelle,	Coombs,	Harmer,	Lockwood,
Bowers,	Cowles,	Harter,	Lodge,
Bowman,	Crain, Tex.	Haugen,	Loud,
Brawley,	Cummings,	Hayes, Iowa	Magner,
Breckinridge, Ark.	Curtis,	Henderson, Iowa	Mansur,
Breckinridge, Ky.	Cutting,	Hermann,	McAleer,
Brickner,	Dalzell,	Hoar,	McClellan,
Brosius,	Daniell,	Hooker, N. Y.	McDonald,
Brown,	Dingley,	Hopkins, Pa.	McGann,
Buchanan, N. J.	Doan,	Houk, Tenn.	

Miller,	Price,	Shonk,	Turner,
Milliken,	Quackenbush,	Smith,	Walker,
Morse,	Raines,	Snodgrass,	Warwick,
Newberry,	Reed,	Springer,	Waugh,
Norton,	Reyburn,	Stahlnecker,	Weadock,
O'Neill, Pa.	Rife,	Stephenson,	Wever,
Parrett,	Robertson, La.	Steward, Ill.	Wheeler, Mich.
Pattison, Ohio	Robinson, Pa.	Stump,	Williams, N. C.
Payne,	Rockwell,	Sweet,	Williams, Ill.
Peel,	Rusk,	Tarsney,	Wilson, Wash.
Pendleton,	Russell,	Taylor, Ill.	Wilson, W. Va.
Perkins,	Sanford,	Taylor, Tenn.	Wise,
Pickler,	Scott,	Taylor, E. B.	Wolverton,
Pierce,	Seull,	Taylor, V. A.	Wright,
Powers,	Shively,	Townsend,	

The SPEAKER. On this question the yeas are 10 and the nays are 163. The yeas have it, and the House refuses to adjourn. The question is on agreeing to the resolution.

Mr. TOWNSEND. Mr. Speaker, I move that the House take a recess until 5 o'clock to-day.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. BOUTELLE. I ask for a division.

The House divided; and there were—ayes 5, noes 101.

Mr. TOWNSEND. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Colorado [Mr. TOWNSEND].

Mr. RICHARDSON (pending the count by tellers). Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 147, not voting 181; as follows:

Alexander.	Crosby.	Kilgore,	Pearson,
Allen.	Davis,	Kribbs,	Rayner,
Andrew,	De Armond,	Lane,	Reilly,
Bailey,	De Forest,	Lanham,	Richardson,
Baker,	Dickerson,	Lapham,	Seerley,
Barwig,	Dixon,	Lawson, Va.	Shell,
Beaman,	Dockery,	Layton,	Simpson,
Beltzhoover,	Donovan,	Lewis,	Snow,
Blanchard,	Edmunds,	Little,	Sperry,
Bland,	Elliott,	Long,	Stackhouse,
Blount,	Ellis,	Lynch,	Stevens,
Boatner,	Enloe,	Mallory,	Stewart, Tex.
Branch,	Enochs,	Martin,	Stoddard,
Brawley,	Epes,	McAleer,	Stone, Ky.
Bretz,	Everett,	McClellan,	Stout,
Broderick,	Forney,	McCreary,	Tarsney,
Brookshire,	Fyan,	McKalg,	Terry,
Brunner,	Gantz,	McKinney,	Tillman,
Bryan,	Geary,	McMillin,	Tracey,
Buchanan, Va.	Goodnight,	McRae,	Tucker,
Bunn,	Grady,	Meredith,	Turpin,
Butler,	Hall,	Meyer,	Van Horn,
Byrnes,	Hallowell,	Mitchell,	Warner,
Caminetti,	Halvorson,	Montgomery,	Watson,
Capehart,	Hamilton,	Moses,	Wheeler, Ala.
Caruth,	Hare,	Mutchler,	White,
Castle,	Hatch,	Oates,	Whiting,
Cate,	Haynes, Ohio	O'Ferrall,	Willcox,
Clarke, Ala.	Heard,	O'Neil, Mass.	Williams, Mass.
Clover,	Hemphill,	O'Neil, Mo.	Williams, N. C.
Cobb, Ala.	Henderson, N. C.	Otis,	Wilson, Mo.
Cobb, Mo.	Herbert,	Owens,	Winn,
Coburn,	Holman,	Patterson, Tenn.	Wise,
Cox, N. Y.	Hooker, Miss.	Paynter,	Youmans.
Cox, Tenn.	Houk, Ohio		
Craig, Pa.	Huff,		
Crawford,	Jones,		

NOT VOTING—181.

Abbott,	Campbell,	Fithian,	Ketcham,
Alderson,	Catchings,	Flick,	Kyle,
Amerman,	Causey,	Forman,	Lagan,
Arnold,	Cheatham,	Fowler,	Lawson, Ga.
Atkinson,	Chapin,	Funston,	Lester, Va.
Babbitt,	Chipman,	Geissenhainer,	Lester, Ga.
Bacon,	Clancy,	Gillespie,	Lind,
Bankhead,	Clark, Wyo.	Gorman,	Lockwood,
Bartine,	Cockran,	Greenleaf,	Lodge,
Belknap,	Cogswell,	Griswold,	Loud,
Bentley,	Compton,	Grout,	Magner,
Bergen,	Coolidge,	Harmer,	Mansur,
Bingham,	Coombs,	Harries,	McDonald,
Blount,	Cooper,	Harter,	McGann,
Boutelle,	Covert,	Haugen,	McKelghan,
Bowers,	Cowles,	Hayes, Iowa	Miller,
Bowman,	Crain, Tex.	Henderson, Iowa	Milliken,
Brawley,	Culbertson,	Henderson, Ill.	Moore,
Breckinridge, Ark.	Cummings,	Hermann,	Morse,
Breckinridge, Ky.	Curtis,	Hitt,	Newberry,
Brickner,	Cutting,	Hoar,	Norton,
Brosius,	Dalzell,	Hooker, N. Y.	O'Neill, Pa.
Brown,	Daniell,	Hopkins, Pa.	Outhwaite,
Buchanan, N. J.	Dingley,	Houk, Tenn.	Page, R. I.
Buntang,	Doan,	Hull,	Page, Md.
Burrows,	Dolliver,	Johnson, Ind.	Parrett,
Bussey,	Dunphy,	Johnson, N. Dak.	Pattison, Ohio
Bushnell,	Durborow,	Johnson, Ohio	Payne,
Bynum,	English,	Johnstone, S. C.	Peel,
Cable,	Fellows,	Jolley,	Pendleton,
Cadmus,	Fitch,	Kem,	Perkins,
Caldwell,			Pickler,

Pierce,	Rusk,	Stone, W. A.	Washington,
Post,	Russell,	Storer,	Waugh,
Powers,	Sanford,	Stump,	Weadock,
Price,	Scott,	Sweet,	Wever,
Quackenbush,	Scull,	Taylor, Ill.	Wheeler, Mich.
Raines,	Shively,	Taylor, Tenn.	Williams, Ill.
Randall,	Shonk,	Taylor, E. B.	Wilson, Ky.
Ray,	Smith,	Taylor, J. D.	Wilson, Wash.
Reed,	Snodgrass,	Taylor, V. A.	Wilson, W. Va.
Reyburn,	Springer,	Townsend,	Wolverton,
Rife,	Stahlnecker,	Turner,	Wright.
Robertson, La.	Stephenson,	Wadsworth,	
Robinson, Pa.	Steward, Ill.	Walker,	
Rockwell,	Stone, C. W.	Warwick,	

The following additional pair was announced.

Mr. JOHNSTONE of South Carolina with Mr. STORER, for the rest of the day.

The SPEAKER. On this question the yeas are none and the nays are 147.

Mr. TOWNSEND. No quorum, Mr. Speaker.

Mr. RICHARDSON. I move a call of the House.

Mr. BOUTELLE. Mr. Speaker, I make the point of order on that motion that, under paragraph 2 of Rule XVII, a call of the House is not in order after the previous question is ordered unless it shall appear by actual count by the Speaker that a quorum is not present.

The SPEAKER. The Chair will take the count returned by the Clerk on the call of the yeas and nays.

Mr. RICHARDSON. Regular order.

Mr. BOUTELLE. The rule requires the Speaker to count.

The SPEAKER. The vote just taken shows 147 present; the Chair takes that count.

Mr. REED. Then the Chair declines to count, as the rule requires?

The SPEAKER. The Chair takes the count of the Clerk upon the roll call, 147.

Mr. REED. The Chair declines to count, as the rule requires?

The SPEAKER. The Chair takes the count just made on the call of the yeas and nays, 147.

Mr. REED. Does the Chair say that the rule does not require him to make an actual count?

The SPEAKER. The Chair is executing the rule as the Chair understands it, and if that is not satisfactory to the gentleman from Maine that is his misfortune and not the fault of the Chair.

Mr. REED. The Chair need not be petulant about it.

The SPEAKER. The Chair is not petulant, but the gentleman is persistent—

Mr. REED. Of course the gentleman is persistent; that is his right; and the Chair should speak to him respectfully, because he is a coequal member of the House.

The SPEAKER. The Chair so does.

Mr. REED. And there should not be any exhibition of temper on the part of the Chair.

The SPEAKER. There is not; and there should not be any attempt at scolding on the part of the gentleman from Maine.

Mr. REED. Not at all. Now, I want to ask the Chair if he regards his action as a fulfillment of the requirements of the rule?

The SPEAKER. The gentleman ought to know that if the Chair did not so regard it the Chair would not so state it.

Mr. REED. Then, as the Chair interprets the rule, it does not require him personally to make a count of the members present?

The SPEAKER. The Chair has stated that he adopts the count as made by the Clerk. [Cries of "Regular order!"]

Mr. REED. I ask the Chair, under the rule, to count the House.

The SPEAKER. The Chair has stated that he adopts the count made by the Clerk.

Mr. REED. The rule requires the Chair to count.

The SPEAKER. The Chair will enforce his ruling. If the gentleman objects to any ruling of the Chair, he has all his rights.

Mr. REED. In a House three-fourths Democratic? I guess not.

The SPEAKER. In a House strictly impartial, and which will do justice even to the gentleman from Maine. [Applause on the Democratic side, during which Mr. REED made a remark which was inaudible.]

The SPEAKER. The question is on ordering a call of the House.

Mr. BOUTELLE. I rise respectfully to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. After the announcement of the last vote by the Chair, the gentleman from Tennessee [Mr. RICHARDSON] rose and moved a call of the House. Thereupon, as I understood, the Chair adopted the count which had been had before the

motion was made. Now, I submit the Chair would hardly hold that the number of persons present, as disclosed on that roll call, could actually determine the number of those present after other proceedings had been entered upon by the motion of the gentleman from Tennessee.

The SPEAKER. The gentleman from Maine will understand the Chair has a right to assume that every member of the House discharges his duty.

Mr. BOUTELLE. Then we would have 332 members here.

The SPEAKER. The rule requires every member to vote—

Mr. OUTHWAITE. I call for the regular order.

The SPEAKER. And the Chair will not assume that gentlemen present do not vote.

Mr. BOUTELLE. But of course the Speaker is aware that the recognition of supplementary motions and the introduction of new business may, under parliamentary custom, raise a new condition of things. For instance, under the rule that after one motion to adjourn has been made and decided, no other motion to adjourn can be entertained until some other business has been transacted, almost anything in the nature of a motion has been regarded as the transaction of business, so that the parliamentary situation may be entirely changed even in the course of a few minutes or seconds.

Now, I submit that the count reported by the Clerk of a vote, the second call on which began perhaps twenty minutes ago, can not be regarded as disclosing necessarily the number of members present in the Hall, because gentleman who may have entered since their names were called the second time would be precluded from recording their votes.

The SPEAKER. That may be true; but the gentleman understands that this is a call which has just been completed, and the Clerk reports that 147 members have voted.

Mr. BOUTELLE. But, Mr. Speaker, may it not be true that thirty or forty additional members may have entered the Hall since their names were called on the second call?

Mr. RICHARDSON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. RICHARDSON. I object to debate.

The SPEAKER. The Chair will hear the gentleman from Maine.

Mr. BOUTELLE. I have no desire to trespass upon the patience of the Chair.

The SPEAKER. The Chair understands that.

Mr. BOUTELLE. I am speaking in perfect good faith.

The SPEAKER. The Chair so understands.

Mr. BOUTELLE. Take my own case, for instance. I was not here when my name was called on the second call, and I would not be permitted now under the rules to have my name recorded. I merely state this to show that the roll call can not be regarded as necessarily disclosing whether there is or is not a quorum.

The SPEAKER. There may be, as the gentleman suggests, reasons why this is not the best method of ascertaining the number of members present; yet there may be objections to all methods. It seems to the Chair that this is a more correct method than any other.

Mr. REED. Will the Chair kindly ask the Clerk to read the rule?

The SPEAKER. Certainly.

Mr. OWENS. I rise to a question of personal privilege.

The SPEAKER. There is a question now before the House.

Mr. REED. The language of the rule requires, I think, "an actual count by the Speaker."

The SPEAKER. The Clerk will read clause 2 of Rule XVII.

The Clerk read as follows:

A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

Mr. REED. I submit to the Chair that the language of the rule just read is very strong—"an actual count by the Speaker."

The SPEAKER. A great many things, the Chair would suggest to the gentleman from Maine, that are required to be done by the Speaker are actually done by the Clerk. The rule provides, for instance, that the Speaker shall call the committees each morning for reports; but the present occupant of the chair has almost uniformly directed the Clerk to perform that duty for him.

Mr. REED. The rule, I believe, provides that there shall be an "actual count by the Speaker."

The SPEAKER. It does.

Mr. REED. It seems that it would be difficult to put it in stronger language.

Mr. OUTHWAITE. I would like to ask the gentleman from Maine a question with his consent. During the time that you were the Speaker of this House, in the last Congress, I ask whether, when a count was demanded, under the rules of the House, pages were not sent out into the cloakrooms to report

the names of members who might be in them, so as to be included in the count?

Mr. REED. No.

Mr. OUTHWAITE. Well, I have observed pages counting the members in the cloakrooms and reporting that fact to the desk.

Mr. RICHARDSON. Mr. Speaker, I object to debate, under the rule.

The SPEAKER. The Chair desires to hear the gentlemen.

Mr. ALLEN. Mr. Speaker, I understand the Chair to say that it is made the duty of each member, by the rules, to be present and vote on all questions submitted?

The SPEAKER. The Chair thinks there is such a rule.

Mr. ALLEN. I would ask further the question, if the Chair would undertake to assume that gentlemen present have not done their full duty?

The SPEAKER. The Chair would not assume that of any gentleman.

Mr. ALLEN. Then I hope that none of the gentlemen who are insisting on the Chair doing a certain thing will assume that the Chair would disregard his duty.

The SPEAKER. The Chair will state to the gentleman from Maine, in the utmost good faith, that there may be some question, possibly there is great question, as to whether that rule is a constitutional rule. The provision we have in the rule, which has been read from the desk, is that the Speaker shall determine "by actual count." Now, the Chair adopts the count made on the roll call immediately preceding this motion, and the judgment of the Chair is that that is evidence of the very best possible character of the number present.

Mr. BUCHANAN of New Jersey. Will the Chair permit a suggestion?

The SPEAKER. Certainly.

Mr. BUCHANAN of New Jersey. I think there should be added to the list the names of three gentlemen who came in from a committee room, where they have been engaged in committee business, the gentleman from Virginia [Mr. BUCHANAN], Mr. GOODNIGHT, and myself.

The SPEAKER. So the Chair overrules the point of order, and entertains the motion of the gentleman from Tennessee.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer:

Alderson.	Cooper.	Johnstone, S. C.	Robertson, La.
Amernan.	Cowles.	Ketcham.	Robinson, Pa.
Arnold.	Crain, Tex.	Kyle.	Rockwell.
Atkinson.	Cutting.	Lagan.	Rusk.
Babbitt.	Daniell.	Lawson, Ga.	Russell.
Bacon.	Doan.	Lester, Va.	Sanford.
Bankhead.	Dunphy.	Lester, Ga.	Scull.
Belknap.	Durbin.	Lind.	Shell.
Bentley.	English.	Lockwood.	Shonk.
Bergen.	Fellows.	Lodge.	Springer.
Bingham.	Fitch.	Magner.	Stahlnecker.
Bowman.	Fithian.	Mansur.	Stewart, Tex.
Branch.	Forman.	McDonald.	Storer.
Breckinridge, Ark.	Fowler.	McGann.	Sweet.
Brickner.	Gillespie.	Milliken.	Taylor, Tenn.
Brown.	Harries.	Morse.	Taylor, V. A.
Brynum.	Harter.	Newberry.	Turner.
Cable.	Haugen.	Norton.	Wheeler, Mich.
Cadmus.	Hayes, Iowa.	Parrett.	Wilke.
Caldwell.	Henderson, Iowa.	Pattison, Ohio.	Williams, Ill.
Campbell.	Hoar.	Peel.	Wilson, Mo.
Causey.	Hooker, N. Y.	Pendleton.	Wilson, W. Va.
Chapin.	Hopkins, Pa.	Pierce.	Wright.
Clancy.	Hopkins, Ill.	Price.	
Cockran.	Houk, Tenn.	Reyburn.	
Coombs.	Johnson, Ind.	Rife.	

Mr. BRECKINRIDGE of Kentucky. I ask unanimous consent that the gentleman from New York [Mr. STAHLNECKER] be excused on account of sickness.

There was no objection.

The SPEAKER. Two hundred and twenty-seven members have answered to their names.

Mr. RICHARDSON. There being a quorum present, I move to dispense with further proceedings under the call.

The question was taken; and on a division there were—ayes 107, noes 0.

Mr. BOUTELLE. I ask for tellers on the motion.

Tellers were ordered.

Mr. REED and Mr. RICHARDSON were appointed tellers.

Mr. SEERLEY. Mr. Speaker, I would like to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SEERLEY. I would like to know whether gentlemen on the opposite side of the House who are paired, as many of them are, are entitled to vote, as some appear to be doing?

Mr. BUCHANAN of New Jersey. Will the gentleman specify a single instance of bad faith?

Mr. REED. Give an actual case.

Mr. BUCHANAN of New Jersey. Let us know who it is.

Mr. SEERLEY. Well, there are plenty, for I have looked over the list of pairs.

Mr. CURTIS. I am paired with the gentleman from North Carolina [Mr. BRANCH], but I understand it was not intended to affect a quorum. If that be the construction of the pair—

Mr. SEERLEY. It is not a question of a quorum, but of demanding the yeas and nays.

The SPEAKER. The Chair can not say, of course. It is for the gentleman to determine that for himself.

Mr. CURTIS. I am paired for the rest of the day with the gentleman from North Carolina.

The SPEAKER. The regular order is the count by tellers, and the tellers will take their places.

The House divided; and the tellers reported—ayes 128, noes 1. So the motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Maine to take a recess until 5 o'clock.

Mr. BOUTELLE. I think we had better have the yeas and nays.

Mr. REED. The yeas and nays have been already ordered.

The SPEAKER. The vote will be taken by yeas and nays. The question was taken; and there were—yeas 151, nays 156, not voting 171, as follows:

YEAS—1.

Bussey.

NAYS—156.

Abbott.	Craig, Pa.	Houk, Ohio	Page, Md.
Alexander.	Crawford.	Johnson, Ohio	Patterson, Tenn.
Allen.	Crosby.	Jones.	Payton.
Andrew.	Culbertson.	Kilgore.	Paynter.
Bailey.	Cummings.	Kribbs.	Pearson.
Baker.	De Armond.	Lane.	Reilly.
Barwig.	De Forest.	Lanham.	Richardson.
Beeman.	Dickerson.	Lapham.	Sayers.
Blount.	Dixon.	Lawson, Va.	Seerley.
Boatner.	Dockery.	Layton.	Shell.
Brady.	Donovan.	Lewis.	Shively.
Breckinridge, Ky.	Dungan.	Little.	Simpson.
Bretz.	Edmunds.	Livingston.	Snow.
Broderick.	Elliot.	Long.	Sperry.
Brookshire.	Ellis.	Lynch.	Stackhouse.
Brunner.	English.	Mallory.	Stevens.
Bryan.	Enloe.	Martin.	Stockdale.
Buchanan, Va.	Epes.	McAleer.	Stone, Ky.
Bullock.	Everett.	McClellan.	Stump.
Bunting.	Forney.	McCreary.	Tarsney.
Bushnell.	Fyan.	McKale.	Tillman.
Butler.	Gantz.	McKeighan.	Tracey.
Caminetti.	Geary.	McKinney.	Tucker.
Campbell.	Goodnight.	McMillin.	Turpin.
Capheart.	Gorman.	McRae.	Van Horn.
Caruth.	Grady.	Meredith.	Warner.
Castle.	Greenleaf.	Meyer.	Warwick.
Catchings.	Hall.	Mitchell.	Washington.
Cate.	Hallowell.	Montgomery.	Watson.
Chipman.	Halvorson.	Moses.	Weadock.
Chlorck.	Hamilton.	Mutcher.	Wever.
Cobb, Ala.	Hare.	Oates.	Wheeler, Ala.
Cobb, Mo.	Hatch.	O'Donnell.	Wheeler, Mich.
Coburn.	Haynes, Ohio	O'Neill, Mass.	Whiting.
Compton.	Hemphill.	O'Neill, Mo.	Wilcox.
Cooper.	Henderson, N. C.	Otis.	Williams, N. C.
Covert.	Herbert.	Outhwaite.	Winn.
Cox, N. Y.	Holman.	Owens.	Wise.
Cox, Tenn.	Hooker, Miss.	Page, R. I.	Youmans.

NOT VOTING—171.

Alderson.	Cockran.	Hoar.	Pendleton.
Amernan.	Cogswell.	Hooker, N. Y.	Perkins.
Arnold.	Cooldge.	Hopkins, Pa.	Pickler.
Atkinson.	Coombs.	Hopkins, Ill.	Pierce.
Babbitt.	Cowles.	Houk, Tenn.	Post.
Bacon.	Crain, Tex.	Huff.	Powers.
Bankhead.	Curtis.	Hull.	Price.
Bartine.	Cutting.	Johnson, Ind.	Quackenbush.
Belden.	Dalzell.	Johnson, N. Dak.	Raines.
Belknap.	Daniell.	Johnstone, S. C.	Randall.
Beltzhoover.	Davis.	Jolley.	Ray.
Bentley.	Dingley.	Kem.	Reed.
Bergen.	Doan.	Ketchum.	Reyburn.
Bingham.	Dolliver.	Kyle.	Rife.
Blanchard.	Dunphy.	Lagan.	Robertson, La.
Bland.	Durbin.	Lawson, Ga.	Robinson, Pa.
Boutelle.	Enochs.	Lester, Va.	Rockwell.
Bowers.	Fellows.	Lester, Ga.	Rusk.
Bowman.	Fitch.	Lind.	Russell.
Branch.	Fithian.	Lockwood.	Sanford.
Breckinridge, Ark.	Flick.	Lodge.	Scott.
Brickner.	Forman.	Loud.	Scull.
Brosius.	Fowler.	Magner.	Shonk.
Brown.	Funston.	Mansur.	Smith.
Buchanan, N. J.	Geissenhainer.	McDonald.	Snodgrass.
Bunn.	Gillespie.	McGann.	Springer.
Burrows.	Grissold.	Miller.	Stahlnecker.
Bynum.	Grout.	Milliken.	Stephenson.
Byrns.	Harmer.	Moore.	Steward, Ill.
Cable.	Harries.	Morse.	Stewart, Tex.
Cadmus.	Harter.	Newberry.	Stone, C. W.
Caldwell.	Haugen.	Norton.	Stone, W. A.
Causey.	Hayes, Iowa	O'Ferrall.	Storer.
Cheatham.	Heard.	O'Neill, Pa.	Stout.
Chapin.	Henderson, Iowa	Parrett.	Sweet.
Clancy.	Henderson, Ill.	Pattison, Ohio	Taylor, Ill.
Clark, Wyo.	Hermann.	Payne.	Taylor, Tenn.
Clover.	Hitt.	Peel.	

Taylor, E. B.
Taylor, J. D.
Terry, V. A.
Terry,
Townsend,

Turner,
Wadsworth,
Walker,
Waugh,
White,

Wike,
Williams, Mass.
Williams, Ill.
Wilson, Ky.
Wilson, Wash.

Wilson, Mo.
Wilson, W. Va.
Wolverton.
Wright.

No quorum voting.

The Clerk announced the following additional pairs for the rest of this day:

Mr. BRANCH with Mr. CURTIS.

Mr. MOORE with Mr. HAUGEN.

Mr. O'FERRALL. Mr. Speaker, I came into the Hall just as my name was called, but not in time to vote. I wish to vote.

The SPEAKER. The gentleman comes within the rule if he was in the House during the call and failed to hear his name.

Mr. O'FERRALL. I heard my name called just as I entered, but did not have time to vote.

The SPEAKER. The Chair can not entertain the request.

And then, on motion of Mr. RICHARDSON, (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committees of the Whole House, as follows:

By Mr. COBB of Missouri, from the Committee on War Claims: A bill (S. 30) for the relief of St. Charles College. (Report No. 1181.)

By Mr. DOLLIVER, from the same committee: A bill (H. R. 2160) for the relief of R. A. Schellhaus. (Report No. 1182.)

By Mr. PICKLER, from the same committee: A bill (H. R. 6963) for the relief of Robert Henderson. (Report No. 1183.)

A bill (H. R. 6546) for the relief of John J. Driscoll. (Report No. 1184.)

A bill (H. R. 7106) for the relief of the legal representatives of Jacob H. Smyser. (Report No. 1185.)

A bill (H. R. 6809) for the relief of the legal representatives of Edward Allsworth. (Report No. 1186.)

A bill (H. R. 6497) for the relief of James Stewart. (Report No. 1187.)

A bill (H. R. 6274) for the relief of the legal representatives of Gurden Chapin. (Report No. 1188.)

A bill (H. R. 6962) for the relief of Martin Mullins. (Report No. 1189.)

A bill (H. R. 6887) for the relief of Stewart Taylor, administrator. (Report No. 1190.)

A bill (H. R. 6964) for the relief of the legal representatives of Michael McCann. (Report No. 1191.)

A bill (H. R. 6607) for the relief of Thomas B. Reed. (Report No. 1192.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 6277) for the relief of Margaretha Engelhardt—the Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5654) for the relief of James M. Hawkins—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5659) granting a pension to John H. Elliott—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5053) for the relief of Owen Lee, late private of Company B, Tenth Regiment New Hampshire Volunteers—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 4929) granting a pension to Levi Sharman—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 941) granting a pension to Mrs. Elise Alden McCawley—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. SWEET: A bill (H. R. 8364) extending the time for the completion of the Spokane and Palouse Railway through the Nez Perce Indian Reservation in Idaho—to the Committee on Indian Affairs.

By Mr. OATES: A bill (H. R. 8365) to provide for refunding

the tax laid and collected on raw cotton in the event that the Supreme Court holds the laws under which the same was collected to have been unconstitutional—to the Committee on the Judiciary.

Also, a bill (H. R. 8366) to provide for the refunding of the tax collected on raw cotton—to the Committee on the Judiciary.

By Mr. HEMPHILL (by request): A bill (H. R. 8367) prohibiting the delivery and sale of ice within the District of Columbia on the Sabbath day, commonly known as Sunday—to the Committee on the District of Columbia.

By Mr. HARVEY: A bill (H. R. 8368) to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency, in the Indian Territory, and for the sale of certain surplus lands of such tribes, and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. CLARK of Wyoming: A bill (H. R. 8369) to protect the right of citizens of the United States to register and to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. BRYAN: A bill (H. R. 8370) to authorize the construction of a wagon bridge across the Missouri River at Sioux City, in the county of Woodbury and State of Iowa, and in the county of Dakota and State of Nebraska—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANDREW: A bill (H. R. 8371) for the relief of Charles Erskine—to the Committee on Claims.

By Mr. BELTZHOVER: A bill (H. R. 8372) for the relief of the estate of John A. Rea, deceased—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 8373) granting a pension to Anna P. Johnson—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 8374) for the relief of Margaret Jane Lovell, administratrix—to the Committee on War Claims.

By Mr. ENOCHS: A bill (H. R. 8375) for the relief of the estate of Theodore J. Gillett—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 8376) for the relief of Juanita Howland, administratrix—to the Committee on War Claims.

By Mr. MCKAIG: A bill (H. R. 8377) for the relief of Isaac Maus, of Montgomery County, Md.—to the Committee on War Claims.

By Mr. MCKEIGHAN: A bill (H. R. 8378) for the relief of Morton A. Pratt—to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 8379) granting a pension to Isabella L. Bailey—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 8380) to remove the charge of desertion against Andrew Matheny—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A bill (H. R. 8381) to remove the charge of desertion from the record of Stephen J. Simpson, late a member of Company F, Thirty-first Regiment of Illinois Volunteers, in the war of the rebellion, and to grant to him an honorable discharge therefrom—to the Committee on Military Affairs.

By Mr. SWEET (by request): A bill (H. R. 8382) for the relief of the estate of Benjamin F. Gibbs—to the Committee on Naval Affairs.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 8383) granting a pension to Mary J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8384) granting a pension to Elizabeth Parry—to the Committee on Pensions.

By Mr. WASHINGTON: A bill (H. R. 8385) granting a pension to Martha A. Hughes—to the Committee on Invalid Pensions.

By Mr. WILLCOX: A bill (H. R. 8386) to increase the pension of Alexander E. Ingraham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8387) granting a pension to Elizabeth Loveland—to the Committee on Pensions.

By Mr. WILSON of Missouri: A bill (H. R. 8388) for the relief of Calvin James—to the Committee on War Claims.

Also, a bill (H. R. 8389) for the relief of the heirs of Philip Lutes—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Papers to accompany House bill —, for the relief of Charles Erskine—to the Committee on Claims.

Also, petition of 44 members of A. G. Biscoe Post, No. 80, Grand Army of the Republic, Department of Massachusetts, praying for the passage of the bill for the purpose of preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. BAILEY: Petition of J. M. Kirkpatrick and others, of Rock Mill, Tex., protesting against a law requiring the Columbian Exposition to close its gates on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Hunt County, Tex., remonstrating against the passage of the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. BELTZHOVER: Petition of citizens of York County, Pa., for the free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BRECKINRIDGE of Arkansas: Petition of J. E. Hampton and others, of Dallas County, protesting against the passage of a general bankrupt law—to the Committee on the Judiciary.

By Mr. BRYAN: Petition of the National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. C. Wright, of Scotia, Nebr., opposing any bankruptcy legislation—to the Committee on the Judiciary.

Also, petition of Robert Clegg and others, of Falls City, Nebr., for the erection of public buildings—to the Committee on Public Buildings and Grounds.

Also, petition of John Oliver and others, of the Regular Army and Navy Union, asking action upon House bills 405, 406, 413, 416, 5116, and 2094—to the Committee on Military Affairs.

By Mr. BUCHANAN of New Jersey: Two resolutions of citizens of New Jersey, as follows: One of Beverly, and the other of the Presbytery of New Brunswick, comprising sixty churches, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUSHNELL: Petition of Richard Carter and others, of Williams Post, No. 109, Grand Army of the Republic, department of Wisconsin, for the passage of bills properly preserving and marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of Pleasant Ridge Alliance, No. 2181, of Clayton County, Iowa, praying the passage of the bill known as the option bill—to the Committee on Agriculture.

By Mr. BYRNS: Seven petitions of Farmers and Laborers' Union of Missouri, as follows: Three petitions of Madison County, of St. Genevieve and Perry Counties, of Washington County, of St. Louis County, and of St. Francois County, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. CLARK of Wyoming: Petition of J. H. Phillips and 56 others, members of George Washington Post, No. 85, Grand Army of the Republic, Department of Colorado, for marking lines at Gettysburg—to the Committee on Military Affairs.

By Mr. COBB of Missouri: Petition of merchants of St. Louis, Mo., against the passage of the Hatch bill, 4843, to limit the sale of oleomargarine—to the Committee on Agriculture.

By Mr. COBURN: Petition of O. K. Ackley and others, against closing the Columbian Exposition at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CURTIS: Two petitions of Island Grange, No. 593, one for pure food and the other to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. DIXON: Petition of A. M. Ryon, of Montana, in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Camas Alliance, No. 18, of Grantsdale, Mont., in favor of option bill—to the Committee on Agriculture.

Also, resolution of the Central Farmers' Alliance of Stevensville, Mont., in favor of option bill—to the Committee on Agriculture.

By Mr. DOCKERY: Two protests of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, petition of citizens of Harrison County, Mo., protesting against legislation closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ELLIOTT: Petition of Rev. Benjamin Allston and others, of South Carolina, against the removal of the Southern Ute Indians—to the Committee on Indian Affairs.

By Mr. GEISSENHAINER: Petition of the Presbytery of New Brunswick, N. J., in favor of closing the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Perth Amboy, N. J., in favor of the passage

of a sixteenth amendment to the Constitution in relation to religion—to the Committee on the Judiciary.

By Mr. HEMPHILL: Petition of drivers and employes of the different ice companies in the District of Columbia, asking the prohibition of the delivery and sale of ice in the District of Columbia on the Sabbath day—to the Committee on the District of Columbia.

By Mr. HITT: Protest of Farmers' Alliance and Industrial Union of Joe Daviess County, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also memorial and resolution of the 26th annual encampment of the Grand Army of the Republic of Illinois, favoring House bill 5686 for pension rate between \$30 and \$72 per month—to the Committee on Invalid Pensions.

By Mr. HOAR: Statement of case and copy of letter of Gen. Sigel, to accompanying House bill to grant a pension to Catherine H. Thayer—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: Two petitions of citizens of Iowa, one of 63 Republicans, 40 Democrats, and 18 Independents, citizens of Manchester, Iowa, and the other, of 13 citizens of the same place, praying for the passage of House bill 319, exempting from taxation improvements on real estate—to the Committee on the District of Columbia.

By Mr. LEWIS: Six petitions of Clay County, Miss., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. McKEIGHAN: Fifteen resolutions of Alliances of Nebraska, as follows: Star Alliance, No. 1325; Prairie Dell, No. 1613; Anderson, Carlton, No. 1232; Banksville, No. 2035; Oak Creek, No. 1186; Phelps, No. 1176; Pleasant Valley, No. 1287; Cloverton, No. 1305; Rosefield Subordinate, No. 2047; Farmers' Star, No. 1802; Thomasville Farmers', No. 830; Liberty, No. 1600; Urbana, No. 1727, and Phelps County, all to prevent dealing in options—to the Committee on Agriculture.

Also, petition of citizens of Frontier County, Nebr., to prevent dealing in options—to the Committee on Agriculture.

Also, petition of citizens of Parnell County, Nebr., for free delivery of mail in country districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, to impose a tax on compound lard—to the Committee on Agriculture.

Also, petition of citizens of Pawnee County, Nebr., to prevent dealing in options—to the Committee on Agriculture.

By Mr. McCLELLAN: Petition of 142 union workmen of Fort Wayne, Ind., for the passage of the bill introduced by Mr. WATSON of Georgia for the suppression of Pinkertonism—to the Committee on Labor.

By Mr. MITCHELL: Petition of M. H. Brown and 37 others, of the Seventh Day Adventist Society of Milwaukee, protesting against legislation to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'DONNELL: Petition of 499 citizens of Battle Creek, Mich., protesting against legislation closing the World's Fair on Sunday, and protesting against a union of religion and state—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Remonstrance of the Young People's Society of Christian Endeavor of the Arch Street Presbyterian Church, of Philadelphia, against Sunday opening of the World's Columbian Fair—to the Committee on the Judiciary.

By Mr. OTIS: Petition of P. M. Griffin and 225 others, of Topeka, Kans., asking that the sale of intoxicating liquors be prohibited from the Soldiers' Home, of Leavenworth, Kans.—to the Committee on Military Affairs.

By Mr. POST: Petition of Mark B. Easley and others, members of Post 325, Grand Army of the Republic, of Vermont, Ill., for the marking of the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. POWERS: Petition of Salmon Green and others, of Richmond, Vt., praying for the passage of an act making an appropriation for the encampment of the Grand Army of the Republic in Washington in September, 1892—to the Committee on Appropriations.

By Mr. RANDALL: Resolutions of the Boston Merchants' Association, asking increase of mercantile transactions between the United States and other countries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Merchants' Association of Boston, regarding the silver question—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Boston Society of Medical Improvement against the reduction of appropriation for library in the Surgeon-General's Office—to the Committee on Appropriations.

Also, memorial of Gideon N. Allen and others, of New Bedford, Mass., in regard to law respecting the establishment of religion, etc.—to the Committee on the Judiciary.

By Mr. RAY: Petition of citizens of New Woodstock, N. Y., against any legislation prohibiting the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RUSSELL: Eight petitions of the following granges: Quinnetaset, No. 65, of Connecticut, and Colchester, No. 78; two, one to each grange, for legislation to prevent gambling in farm products; two, one to each, for legislation to prevent the adulteration of foods and drugs; two, one to each, for legislation to encourage silk culture; and two, one to each, for the immediate passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Agriculture.

Also, two petitions of the same granges, one to each grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, resolution of citizens of Colchester, in favor of the Washburn-Hatch anti-option bill—to the Committee on Agriculture.

Also, petition of citizens of the same place, for the same purpose—to the Committee on Agriculture.

Also, petition of citizens of Norwich, Conn., favoring a sixteenth amendment to the Constitution of the United States which shall prohibit State legislation for sectarian or ecclesiastical purposes or control—to the Committee on the Judiciary.

Also, five petitions of Senexet Grange, Connecticut, as follows: one to define lard and impose a tax thereon, the second for the encouragement of silk culture, the fourth to prevent gambling in farm products, and the fifth to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

Also, petition of the same grange, for prohibiting the discrediting of legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of citizens of Connecticut, one of Scotland and the other of Thompson, in favor of free delivery of mails in rural districts; in favor of more frequent mails in country districts; in favor of two classes of mail matter, one for correspondence and one for printed matter and merchandise, and in favor of a parcel post and a postal currency—to the Committee on the Post-Office and Post-Roads.

By Mr. SHIVELY: Petition of Anthrem Metheny, to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: Resolutions of the Cairo Presbytery of the Presbyterian Church, protesting against any appropriation for the Columbian Exposition unless the gates of said Exposition shall be closed on the Sabbath days—to the Select Committee on the Columbian Exposition.

By Mr. SPERRY: Six petitions of granges, as follows: two of Connecticut; one of Somers, No. 105, of Connecticut; of Bolton, No. 47; of Newton, No. 44, and of Markapang Lake, No. 101, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, twelve petitions of granges, as follows: of Union, No. 25, of Connecticut; of Markapang Lake, No. 101; of Berlin, No. 24; of Suffield, No. 27; of Percival, No. 95; of Bolton, No. 47; of Somers, No. 105; of Bristol, No. 116; of Newtown, No. 44, of East Windsor, No. 94; and of Farmington, No. 49, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, nine petitions of granges, as follows: Suffield, East Walson, Farmington, State of Connecticut, Newington, Somers, Bolton, Union, and Bestine, for the encouragement of silk culture—to the Committee on Agriculture.

Also, petitions by the same granges, with the addition of Maskepaug, Percival, and State of Connecticut Granges, all to prevent gambling in farm products—to the Committee on Agriculture.

Also, eleven petitions by the same granges, for the passage of a law to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

Also, ten petitions of the same granges, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, 6 petitions of members of various churches of Southington, Conn., against the opening on Sunday of any exposition where United States funds are expended—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH D. TAYLOR: Petition of Sarah H. Carr, in support of bill granting an increase of pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Elisabeth Parry—to the Committee on Pensions.

By Mr. TERRY (by request): Petition of W. R. Robinson and 6 members of Seventh-Day Adventists and 24 others, of Peoria, Sebastian County, Ark., against closing the Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation—to the Select Committee on the Columbian Exposition.

By Mr. WEVER: Petition of Seventh-Day Adventists of Elbow Post-Office, Warren County, N. Y.—to the Select Committee on the Columbian Exposition.

By Mr. WHITE: Three petitions of Success Grange, No. 720, of Iowa, praying for the passage of bill No. 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of the same body, praying for the passage of a law preventing the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition of the same body, praying for the passage of a law preventing gambling in farm products—to the Committee on Agriculture.

By Mr. WILLCOX: Petition of citizens of Durham, Conn., relating to restriction of foreign immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of H. A. Newlon, and others, regarding the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WILSON of Missouri: Papers to accompany bill for the relief of the heirs of Phillip Lutes—to the Committee on War Claims.

By Mr. WOLVERTON: Petition of 1,148 citizens and voters of Milton, Northumberland County, Pa., in favor of the passage of Senate bill 254, extending the privileges of free delivery of mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of 113 citizens of Mount Carmel, Northumberland County, Pa., in favor of the passage of the act extending the privileges of free mail delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. WRIGHT: Petition of State Board of Charities of New York, against immigration of undesirable persons within counties—to the Select Committee on Immigration and Naturalization.

Also, petition of 60 citizens of Bradford County, Pa., in favor of House bill 401, to regulate and restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of 93 citizens of Susquehanna County, Pa., against any legislation by Congress requiring the World's Fair to be closed on Sundays—to the Select Committee on the Columbian Exposition.

Also, four petitions of Keiserville Grange, Pennsylvania, No. 508, Patrons of Husbandry, one in favor of pure foods and drugs, the second against contracts discrediting legal-tender currency, and the third in favor of pure lard—to the Committee on Agriculture.

Also, memorial by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, four memorials of Utility Grange, No. 873, of Pennsylvania, Patrons of Husbandry, as follows: One against gambling in farm products, the second in favor of silk culture, the third in favor of pure food, and the fourth against gambling in farm products—to the Committee on Agriculture.

Also, memorial of the same body, in favor of free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the same body, in favor of a pure-lard bill—to the Committee on Ways and Means.

Also, two petitions of citizens of Pennsylvania, one of 63 citizens of Troy, Bradford County, and the other of 58 citizens, in favor of House bill 401 to regulate and restrict immigration—to the Select Committee on Immigration and Naturalization.

SENATE.

TUESDAY, April 26, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EMPLOYÉS OF INTERSTATE COMMERCE COMMISSION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 24th ultimo, a list of the employés of that Commission; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented sundry petitions collected by the National Woman's Christian Temperance Union of Wisconsin, containing thirty-three individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PLATT presented a memorial of citizens of Sussex County, Del.; a memorial of citizens of Erie County, Pa.; a memorial

of citizens of Cook County, Ill.; a memorial of citizens of Bedford County, Pa.; a memorial of citizens of Chester County, Pa.; a memorial of citizens of Delaware County, Pa.; and a memorial of citizens of Germantown, Pa., remonstrating against the passage of the Faulkner, Caine, and Teller bills providing home rule for Utah Territory; which were referred to the Committee on Territories.

He also presented a petition of citizens of Middlesex County, Conn., praying for the adoption of a constitutional amendment forbidding any State to grant the right of suffrage to any person not a citizen of the United States; which was referred to the Select Committee on Woman Suffrage.

He also presented the memorial of Charles F. Geer and 40 other citizens of Norwich, Conn., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Ellington and Hollenbeck Granges, Patrons of Husbandry, of Connecticut:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. McMILLAN presented the memorial of E. P. Sheerwood and 24 other members of the Seventh-Day Adventist Church of Saginaw, Mich.; the memorial of H. A. Fenner and 28 other members of the Seventh-Day Adventist Church of Judds Corners, Mich.; the memorial of L. Brown and 14 other members of the Seventh-Day Adventist Church of Clio, Mich.; the memorial of W. C. Hebler and 6 other members of the Seventh-Day Adventist Church of Cedar Lake, Mich.; the memorial of R. D. Dean and 9 other members of the Seventh-Day Adventist Church of Clyde, Mich.; the memorial of J. M. Baker and 93 other members of the Seventh-Day Adventist Church of Allegan, Mich.; the memorial of B. Salisbury and 167 other citizens of Battle Creek, Mich., and the memorial of B. A. Rogers and 124 citizens of Coopersville, Mich., remonstrating against the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented the petition of George W. Martin, department commander, Grand Army of the Republic, of Missouri; the petition of D. E. Smith, department commander, Grand Army of the Republic, of Connecticut; the petition of R. A. Donnelly, department commander, Grand Army of the Republic, of New Jersey; the petition of J. A. Walker, department commander, Grand Army of the Republic, of Indiana; the petition of Judson Spofford, department commander, Grand Army of the Republic, and 4 other citizens, of Idaho; the petition of Thomas L. Gleason, department commander, Grand Army of the Republic, of Georgia; the petition of L. M. Lange, department commander, Grand Army of the Republic, of Minnesota; the petition of Mrs. L. L. Hoffman and 6 other citizens of Salt Lake City, Utah Territory; the petition of Jennie L. Jones and 22 other citizens of Salt Lake City, Utah Territory; and the petition of C. N. Dilworth, department commander, Grand Army of the Republic, of Nebraska, praying that if any disposition is to be made of the Industrial Home property at Salt Lake City, Utah, the same be set aside for the use of a soldiers' home for disabled and needy soldiers and sailors; which were referred to the Committee on Territories.

He also presented the petition of Eureka Alliance, No. 1659, of Indiana, Ind., and the petition of L. F. Millery and sundry other citizens of Red Willow County, Nebr., praying for the passage of the Washburn-Hatch antiopium bills; which were referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of the Civil Service Association of Philadelphia, Pa., praying that an increase of the appropriations for the Civil Service Commission be made in order that the President of the United States may be justified in extending the system of competitive examinations; which was referred to the Committee on Appropriations.

He also presented a petition of the Board of Trade of York, Pa., praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented two petitions collected by the National

Woman's Christian Temperance Union of Pennsylvania, containing 105 and 175 signatures, respectively, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COKE presented a memorial of many citizens of Texas, remonstrating against Congress committing the Government to a union of religion and the State by the passage of any legislation to close the World's Columbian Exposition on Sunday, or in any other way to commit the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MILLS presented a petition of citizens of McLennan County, Tex., praying that a pension be granted to Mrs. Mary J. Young, widow of William A. Young, late captain Dodd's company of Arkansas Independent Scouts; which was referred to the Committee on Pensions.

Mr. QUAY presented a petition of the Board of Trade of Philadelphia, Pa., praying that the Bureau of American Republics be continued, and that adequate appropriations be made for its maintenance; which was referred to the Committee on Appropriations.

He also presented a petition of the Charity Organization Society of Buffalo, N. Y., praying for the passage of legislation compelling railroad companies to adopt safety appliances for coupling and braking cars; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Robert Taylor Post, No. 463, Grand Army of the Republic, Department of Missouri; Col. Cobham Post, No. 90, Grand Army of the Republic, Department of Minnesota; Thaddeus Stevens Post, No. 390, Grand Army of the Republic, Department of Ohio, and Kitching Post, No. 60, Grand Army of the Republic, Department of New York, praying for the passage of legislation providing for the proper marking and preserving the battle lines at Gettysburg, Pa.; which were referred to the Committee on Military Affairs.

He also presented petitions of citizens of Pittsburg and Western, in the State of Pennsylvania, and petitions of citizens of Memphis, Tenn.; Cincinnati, Ohio; Evansville, Ind.; Louisville, Ky.; Vicksburg, Miss.; and Baton Rouge, La., praying that the navigation of the Monongahela River be made free; which were referred to the Committee on Commerce.

He also presented sundry petitions, signed by 1,093 citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the passage of any legislation by the States respecting an establishment of religion, or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented a petition of the Methodist Episcopal Church of Big Run, Pa.; a petition of the New Salem Presbyterian Church of Delmont, Pa.; a petition of the Chartiers (Pa.) United Presbyterian Congregation; a petition of the North Washington Presbyterian Church of North Hope, Pa.; a petition of the New Salem Church of Shira, Pa.; a petition of Allegheny Presbyterian Church of Allegheny, Pa.; a petition of the Presbyterian Church of West Glade Run, Pa.; a petition of the Presbyterian Church of Unionville, Pa.; a petition of the Methodist Episcopal Church of Brownsdale, Pa.; a petition of St. Paul's Reformed Church of Adams, Pa.; a petition of the Grace Lutheran Mission of Butler, Pa.; a petition of the St. Paul's Reformed Church of Butler, Pa.; a petition of the Presbytery of Kittanning, Pa.; a petition of North Buffalo Congregation of Washington, Pa.; a petition of the Presbyterian Church of Burgettstown, Pa.; a petition of church members of Irwin, Pa., and a petition of the Eighth United Presbyterian Church of Philadelphia, Pa., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited on the grounds, and that the art department be conducted in accordance with the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BATE presented a petition of citizens of the township of Greenfield, Weakley County, Tenn., praying for the passage of what are known as the Washburn-Hatch antiopium bills, to impose a tax upon all transactions whereby parties contract or agree to sell and deliver at a future time any agricultural products; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented a petition of citizens of Osceola County, Iowa, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented resolutions adopted by the Wilson Township Farmers' Alliance of Iowa; a petition of citizens of Ringgold County, Iowa; a petition of citizens of Osceola County, Iowa, and a petition of Paradise Alliance, No. 1481, of Iowa, praying for the passage of the Washburn-Hatch antiopium bills; which were referred to the Committee on the Judiciary.

He also presented a petition of the Journeymen Stonecutters'

Association, of Davenport, Iowa, praying that in all contracts for public works the employment of convicts be prohibited, and that contractors for such work be compelled to abide by the eight-hour law; which was referred to the Committee on Education and Labor.

Mr. PEPPER presented a communication from W. L. Squier, of Pleasanton, Kans., transmitting a memorial adopted by the Neosho (Kans.) Presbytery, remonstrating against the opening of the World's Columbian Exposition on Sunday, and the sale of intoxicating liquors thereat; which was referred, with the accompanying memorial, to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Society of Christian Endeavor, of Ottawa, Kans., remonstrating against the sale of liquor on the World's Fair grounds; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Cowley County, Kans., praying for the free delivery of rural mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Gillespie County, Tex., praying for the regulation of speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of the Foreign Missionary Society of the Friends' Church of Cottonwood Falls, Kans., remonstrating against the sale of intoxicating liquors to natives of Alaska; which was referred to the Committee on Territories.

Mr. ALLEN presented the memorial of Daniel Winter and 75 other members of the Seventh-Day Adventist Church of Sprague County, Wash., remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Woman's Christian Temperance Union of Waitsburg, Wash., signed by Mrs. M. C. Stewart, president, and Mrs. Nellie A. Pugh, secretary, remonstrating against the passage of the Dolph bill regulating the sale of spirituous liquors in Alaska; which was referred to the Committee on Territories.

Mr. DAWES presented the petition of Ormond F. Nims and other citizens of Boston, Mass., praying that an additional pension be granted Adelaide E. Palmer, whose husband served in the war of the rebellion; which was referred to the Committee on Pensions.

He also presented a memorial of Congregational ministers of Boston, Mass., and vicinity, remonstrating against the passage of the Chinese exclusion act; which was ordered to lie on the table.

He also presented a memorial of the executive committee of the Congregational ministers of Boston, Mass., and vicinity, remonstrating against any appropriation being made by Congress for the World's Columbian Exposition except on condition that it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Sutton Grange, Patrons of Husbandry, of Massachusetts:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. DAVIS presented a petition of the city council of Minneapolis, Minn., signed by E. G. Potter, president of the council, and a petition of the Board of Trade of Minneapolis, Minn., praying that adequate provision be made for carrying on the improvement of the Mississippi River between Minneapolis and St. Paul; which were referred to the Committee on Commerce.

He also presented the memorial of Gustaf Freeman and sundry other members of the Seventh-Day Adventist Church of Lake City, Minn., remonstrating against Congress committing the Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Farmers' Alliance of Washington County, Minn., praying for the passage of legislation preventing the sale of fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Board of Trade of Minneapolis, Minn., at a meeting held April 4, 1892, favoring the establishment of a public telegraph system under Government control; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the following petitions of Bloomington Grange, Patrons of Husbandry, of Minnesota:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of foods and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. PETTIGREW presented a petition adopted by the Presbytery of Nebraska City, in session at Hebron, Nebr., April 12, 1892, and the petition of H. D. Gordon, pastor, and 100 members of the United Presbyterian Church of Edgerton, Kans., praying for the closing of the World's Columbian Exposition on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BUTLER presented the memorial of Rev. Benjamin Allston, George C. Hodges, and 100 other citizens of Union, S. C., remonstrating against the passage of any legislation providing for the removal of the Southern Ute Indians from their present reservation in Colorado; which was referred to the Committee on Indian Affairs.

Mr. PROCTOR presented the memorial of E. C. Millard and 4 other members of the Seventh-Day Adventist Church of Windham County, Vt., remonstrating against a commitment of the Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a memorial of Frontier Post, No. 353, Grand Army of the Republic, of Speareville, Kans., remonstrating against the passage of any legislation for the free coinage of silver; which was ordered to lie on the table.

Mr. FELTON presented a memorial of sundry citizens of California, remonstrating against the removal of the Southern Ute Indians from their present fertile reservation in Colorado to Utah Territory; which was referred to the Committee on Indian Affairs.

He also presented the memorial of E. J. Church and 68 other members of the Seventh-Day Adventist Church of Napa County, Cal., remonstrating against committing the Government to a union of religion and state by the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Dixon Grange, No. 19, Patrons of Husbandry, of California, praying for the passage of the bill to prevent gambling in farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of Dixon Grange, No. 19, Patrons of Husbandry, of California, praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL presented a petition of citizens of Dallas, Polk County, Oregon, praying for the passage of the bills known as the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented a petition of the Workingmen's Mutual Association of Pendleton, Oregon, praying for the passage of the bill known as the Geary bill, providing for the total exclusion of Chinese from the United States; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes, agreed, to the conference

asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAYERS, Mr. HOLMAN, and Mr. DINGLEY managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 3927) to amend "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President," approved January 19, 1886.

A bill (H. R. 720) to create a third division of the district of Kansas for judicial purposes, and to fix the time for holding court therein; and

A joint resolution (H. Res. 10) for the release of all claim of the United States to lot 18, section 2, governor and judges' plan, Detroit.

REPORTS OF COMMITTEES.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 2985) granting an increase of pension to John Kinney, reported it without amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1915) to provide for the purchase of a site and the erection of a public building thereon at McKeesport, in the State of Pennsylvania, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1916) to provide for the erection of a public building at Washington, Pa., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2007) for a public building at Altoona, Pa., and appropriating money therefor, reported it with amendments, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2981) for the relief of the Citadel Academy of Charleston, S. C., reported it without amendment, and submitted a report thereon.

Mr. SANDERS, from the Committee on Public Lands, to whom was referred the bill (S. 566) to provide for the disposal of the abandoned Fort Maginnis military reservation in Montana, under the homestead and mining laws, for educational and other purposes, reported it without amendment, and submitted a report thereon.

Mr. HARRIS. I wish to present the views of the minority of the Committee on Finance on this bill (S. 2133) to repeal the internal-revenue tax on the circulation of bank notes issued under State authority, which was reported adversely by the majority of the committee on the 1st of March. I ask that the views of the minority may be printed.

The PRESIDENT *pro tempore*. That order will be made in the absence of objection.

BRANCH BANK AT WORLD'S FAIR.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition, to report it favorably, without amendment. As this is a House bill, there is some urgency in the matter, and as the Committee on Finance can see no objection to it, I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read.

Mr. PLATT. I thought, as I listened to the reading of the bill, that it provided that any bank might have this privilege.

Mr. SHERMAN. Any bank designated by the Exposition. Only one bank can have the privilege, and it must be a bank in Chicago.

Mr. PLATT. Let the first part of the bill be read again.

The Chief Clerk read as follows:

That any national bank located in the city of Chicago and State of Illinois which may be designated by the World's Columbian Exposition to conduct a banking office upon the exposition grounds is hereby authorized to open and conduct such office as a branch of the bank, subject to the same restrictions and having the same rights as the bank to which it belongs.

Mr. PLATT. It is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHERMAN. I am also directed by the Committee on Finance, to whom was referred the bill (S. 2898) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition, to report it adversely. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MILLS introduced a bill (S. 3000) granting a pension to Mary J. Young; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 3001) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES (for Mr. HOAR) introduced a bill (S. 3002) granting a pension to John Cairo; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. HOAR) introduced a bill (S. 3003) granting a pension to Adelaide E. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. HOAR) introduced a bill (S. 3004) granting a pension to Melinda C. Howe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3005) granting a pension to James Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3006) granting an honorable discharge to Stephen S. Dolson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3007) for the relief of Patrick Montgomery; which was read twice by its title, and referred to the Committee on Claims.

MONUMENT TO GEN. GRANT.

Mr. SANDERS introduced a joint resolution (S. R. 78) making an appropriation to the Grant Monument Association; which was read the first time by its title.

Mr. SANDERS. I ask for the present consideration of the joint resolution, and that it be read three times and passed.

Mr. PADDOCK. Let it be read for information.

The PRESIDENT *pro tempore*. The Senator from Montana asks for the present consideration of the joint resolution which he has introduced.

Mr. HARRIS. Let it be read for information.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That when the President shall be satisfied that the Grant Monument Association of the city of New York shall have such sum of money in its treasury as, with what has been expended therefor, will amount to \$500,000 for the erection in said city of a monument over the remains of Ulysses S. Grant, in commemoration of his services and as an expression of the affection for his memory borne by all classes of our citizens, it shall be lawful for the President, for and in behalf of all the people of the United States of America, to subscribe in their name to such fund the sum of \$250,000, which shall be paid by the Secretary of the Treasury to the treasurer of such association from time to time, in his discretion, out of any moneys in the Treasury not otherwise appropriated.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. BERRY. I object.

The PRESIDENT *pro tempore*. Objection being made, the joint resolution will be referred to the Committee on the Library.

AMENDMENT TO A BILL.

Mr. SAWYER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COLUMBIA RIVER BOAT RAILWAY.

Mr. MITCHELL. I submit an amendment intended to be proposed by me to the river and harbor bill. The amendment is the bill proposing to appropriate "the sum of \$2,860,356.35, or so much thereof as may be necessary, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the construction of a boat railway, and of the necessary marine apparatus and appliances in connection therewith, for the purpose of transferring boats and their cargoes over and across the obstructions to navigation at The Dalles and Celilo Falls and Ten Mile Rapids on the Columbia River, either in the State of Oregon or the State of Washington, as may be determined most expedient by the Secretary of War."

This bill has heretofore been reported three several times from the Committee on Transportation Routes to the Seaboard, without any objection from any member of that committee, and it has also passed the Senate on three several occasions at as many different sessions. It seems that whenever this subject has been carefully investigated by any committee it has been the unani-

mous conclusion that it is a public improvement of the very greatest importance, and one that ought to be entered upon by the Government at the very earliest possible moment.

In view of the action that has been taken heretofore in reference to this measure, I desire to express the sincere hope that the Committee on Commerce may see its way clear to inaugurate this improvement, if not by the appropriation of the whole amount, of such amount as will enable the work to be commenced and prosecuted with vigor.

The PRESIDENT *pro tempore*. The proposed amendment will be referred to the Committee on Commerce and printed.

STATE TAXATION OF NATIONAL NOTES, ETC.

Mr. HARRIS. On the 2d of March Senate bill 1699 was adversely reported and indefinitely postponed. I ask the unanimous consent of the Senate that the vote by which it was indefinitely postponed may be reconsidered, and the bill placed upon the Calendar with the adverse report.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks the unanimous consent of the Senate that the vote by which the bill (S. 1699) to subject to State taxation national-bank notes and United States Treasury notes was indefinitely postponed be reconsidered, and that the bill with the adverse report be placed upon the Calendar. Is there objection? The Chair hears none, and it is so ordered.

THE FINANCIAL SYSTEM.

Mr. COKE. I ask that the resolutions of the Senator from Alabama on the subject of silver coinage now on the table be laid before the Senate.

The PRESIDENT *pro tempore*. The resolutions will be stated.

The CHIEF CLERK. Resolutions by Mr. MORGAN, directing the Committee on Finance to make examination and report to the Senate certain information in relation to currency and coinage.

Mr. COKE. Mr. President, the restoration of silver to the right of free coinage in the mints of the United States on an exact equality and the same terms and conditions with gold and its use as full legal-tender money by the Government and people of the United States is, and has been since 1877, demanded by a vast majority of the people of the United States in every form in which their desires and wishes can find expression. Bills for this purpose have repeatedly been passed through both Houses of Congress, against all the power of the executive branch of the Government exerted to suppress them; and the Executive veto, when all other methods of opposition and obstruction have failed, has been unhesitatingly interposed.

The Democratic party of this country is especially committed to the support of this great measure through the action of the State conventions in more than thirty of the States of the Union, containing nearly two-thirds of the entire population of the country, and by the votes and advocacy of from three-fourths to nine-tenths of the Democrats in the two Houses of Congress whenever, until this session of Congress, free-coinage bills have been before them. In addition, there has always been a considerable and respectable minority of the Republicans who have earnestly coöperated and voted with the Democrats in behalf of the measure. This great preponderance of public opinion, desire, and sentiment has up to this time been defeated and held in check by the combined money power of Europe and America, which finds in both countries the surest method of holding in servitude the masses of the people and appropriating the avails of their labor to be through a contraction of the volume of the circulating medium in which values must be measured.

Since 1873, when Mr. Ernest Seyd, a German-English banker and an alleged agent of foreign bankers and bondholders in aiding to effect the demonetization of silver, was in this country, and when Mr. Hooper, of Massachusetts, who had the bill for this purpose in charge in the House, said: "Ernest Seyd, of London, a distinguished writer and bullionist who has given great attention to the subject of mints and coinage, is now here, and after examining the first drafts of this bill made various sensible suggestions which the committee accepted and embodied in the bill," the efforts of that class, then so efficiently served in this country by Mr. Seyd, have been constant, unrelenting, and zealous in coöperation with the same class in the United States in resisting, obstructing, and up to this time defeating the remonetization and free coinage of silver so urgently demanded by the great body of the American people. The leading papers of this country for months past have teemed with all sorts of articles and arguments in opposition to free coinage.

Extracts from foreign papers against silver remonetization, evidently printed in Europe to influence public sentiment in this country, have been published and republished broadcast throughout the United States by our papers. The wires of all the telegraph lines have been burdened with every conceivable sort of

literature, without reference to its truth or falsity, in the same interest. The mails have been loaded with printed and written matter of both foreign and domestic production in the same line of opposition to silver coinage. In short, Mr. President, we have in the last twelve months witnessed the most powerful, exhaustive, and vindictive assault, becoming more intense every day as this session of Congress has been approached, and made regardless of expense or truth by the concentrated capital of Europe and America on the free-coinage sentiment of our people.

The great mass of the plain people of this country, whose labor creates its wealth, whose valor sustains its flag, and whose patriotism preserves and perpetuates its institutions, dispersed in the pursuit of their avocations over a continent, without organization or concentration, either of which in the very nature of their surroundings seems impossible, are the victims of this unholy and wicked conspiracy to prevent the restoration of silver to its ancient full money power; because to do this would break the great gold monopoly, which gives to the comparatively insignificant number in possession of that metal absolute control on their own terms over all the products of labor. Our people vote right. They make good county and district and State platforms declaratory of their will, and elect State and Federal officials pledged to carry them out in administering their governments. They demand in every way they know how, and have done so for fifteen years, the free and unlimited coinage of silver; yet through parliamentary legerdemain, legislative hocus-pocus, and "ways that are dark and tricks that are (not) vain," they are defrauded of their rights, cheated out of the fruits of their victories at the polls, and left naked in the hands of their oppressors, until the time rolls around for another canvass and election, when the same performance has been repeated and the farce of "How not to do it" has been reenacted.

Mr. President, this thing has gone on until it has become decidedly monotonous. The people are not going to stand it always without calling to an account not only individual legislators, but the political party which, with a majority sent here charged with the duty of passing a free-coinage bill, lacks either the wit or the will to pass one. There are times when it is said "patience ceases to be a virtue," and that time may be unfortunately nearer at hand than some seem to suppose. Certain it is that for fifteen years the great majority of the people of this country, with the most zealous and strenuous efforts they could make for the passage of a free-coinage bill, have been repeatedly balked and defeated by a combination small in numbers but powerful in wealth and resources and influence.

The executive department of the Government, in all its branches, from Hayes's Administration to Harrison's, including Cleveland's, has been most thoroughly and completely under the control and influence and dictation of the great capitalistic combination which has just scored another victory against the people on the silver issue. All these administrations made bitter, savage war on silver, and left no means untried to discredit and break it down and debase it. Nobody knew how Mr. Cleveland stood on the silver question until after he was elected, and he commenced to war on it before his inauguration in a letter addressed to a committee of members of the House of Representatives (one hundred of them) who were deputed to confer with him on the subject.

All of these administrations, from the President down to the lowest reporting official of the Treasury Department, in messages and reports denounced silver coinage, urged its abandonment, denounced the \$346,000,000 of legal-tender notes as a debt of the Government which should be paid and the notes taken out of circulation, retired and cancelled, although not a cent of interest runs on them; advising the country that gold and national bank notes should be our only circulating medium, with subsidiary silver coin for purposes of change. This is the feast to which our people were invited in response to their oft-repeated demand for free silver coinage, for a perpetuation of the legal-tender note issue, and such other increase of circulation as could be made in view of the money famine under which they were suffering.

No bolder or more audacious defiance of the popular will has ever occurred in the history of any government, whether Republican or monarchical, than for nearly fifteen years has marked the course of the executive department of this Government in its dealings with the silver question. The power of the British-American syndicate of bankers and bondholders, which in 1873 accomplished the demonetization of silver, and since that time has fought its restoration with all its tremendous resources, has proved stronger than the people. Secure in the renomination of President Harrison by the Republican party, and of his hostility to the free coinage of silver, if he should perchance be re-elected, this combination is now giving its undivided attention to placing at the head of the Democratic ticket a name which, like that of President Harrison, is backed by a record which of

itself is a guaranty that free silver coinage will be an impossibility if he should become President.

All the powers and resources of this great combination are being strained to their utmost tension for the accomplishment of this great purpose. Democrat, Mugwump, and Republican in this combination meet and cooperate with the utmost heartiness on common ground for the attainment of this end. It would seem that Republicans ought to be content with dictating the nomination of their own party; and when they insist on participating in the selection of a Democratic candidate that Democrats should remember that the rule is good in politics as in war, that what their adversaries desire them to do is exactly what they should not do.

With the moral force inherent in the Presidential office, the veto power and that which comes from executive patronage, all secured against free coinage of silver, whether the President to be elected in November next be Democrat or Republican, the work commenced in the demonetization of silver in 1873 will be secure at least for four years more from the 4th of March next. This accomplished, the victory of the banking and bondholding syndicate of Europe and America will have been won, and these underground workers and manipulators of our politics will be content, with their grip tightened on the throats of the agricultural people of the country, to rest from their political labors utterly indifferent as to whether a Democratic or Republican President is elected, to give to each party a liberal campaign fund, and to retire to Europe and enjoy their vacation. Those Democrats (and it is to be hoped there are but few) who propose to seek relief through the organization of a third party are pursuing an *ignis fatuus*.

I can imagine no worse or poorer disposition a Democrat can make of himself than to abandon his party to go into such an organization. There is no room and never has been room in this country for but two great political parties. All efforts (and there have been many) to organize third parties have been miserable failures. Whenever they have attempted to be anything more than mere political guerrillas, hanging on the flanks of the two great contending parties which have controlled this Government since its foundation, they have been crushed out of existence in the shock of battle between the two; not one has ever survived a brief and profitless and troubled existence; their membership has disbanded and been absorbed in one or both of the two great parties. There has not in the history of the country been but one solitary exception.

All have gone that way, leaving no monument in the institutions or policies of their time, and are remembered only as temporary and evanescent disturbers of normal political conditions. The Democrat who leaves his own to join a third party because silver has not been remonetized and financial stringency has not been relieved, neutralizes and destroys himself as a political factor; and, to the extent that his action can do it, weakens and breaks down the only party capable of resisting the Republican policy of perpetuating the single gold standard, destroying silver as money, and investing national banks with the power and privilege of furnishing the country with its paper currency subject to expansion or contraction at their will.

A Democrat who desires to accomplish these results by strengthening and building up the Republican party can not do so better than by making a political nonentity of himself in the so-called third party. The American farmer, of all the men in this country, has the most direct and vital interest in the free coinage of silver and the expansion of the volume of our circulating medium. They of all living men are the greatest sufferers from the Republican financial policy of contraction. Western and Southern Democratic representatives in the two Houses of Congress are now and have always been practically a unit in favor of the free coinage of silver. To give free coinage and full money power to silver means to double the metallic basis for paper and all credit money, to double the coin basis for all banking purposes, and make possible double our note and paper circulation, every dollar of it redeemable in coin at the will of the holder. It means to make silver float all paper and as much of it as gold floats, whether Treasury and bank notes, or checks, drafts, or promissory notes. It means a per capita circulation of money equal to all the requirements of this country, its business, and commerce. And these results mean a return of prosperity to the country, good prices for crops, good wages for labor, and a fair valuation for all the products of labor.

One hundred millions of dollars of gold are stored in the national Treasury as a redemption fund for \$346,681,016 of legal-tender greenback notes, and has proved ample for the purpose. Speaking in round numbers, \$1 in gold thus floats \$3.50 of legal-tender paper money. On the 1st day of April there was in the Treasury \$354,063,617 of standard silver dollars, standing as a redemption fund for \$325,141,186 silver certificates in circulation, being more than \$1 in silver for every dollar of outstanding pa-

per. Every dollar of this silver is full legal tender. It will pay debts, buy property, and perform all the money functions performed by gold.

Silver certificates are preferred to gold coin because more convenient to carry and equally acceptable in business transactions; yet the policy of our Government, forced upon the country and maintained by the Republican party, makes the gold dollar float more than three and a half times as much paper as the silver dollar is permitted to float. When silver was demonetized in 1873 it outvalued gold 3 cents on the dollar—it took 103 cents of gold to buy 100 cents of silver. With free coinage we will have no more of the much derided "70-cent dollar." Silver bullion will become exclusively a money metal, will be no longer a mere commodity, and will go to the mints and be coined into legal-tender dollars. The gold monopoly will be broken.

Gold, now increased in value 33 per cent by legislation against silver, will by the undoing of that legislation fall, and for the same reason silver will rise, and the two metals will come together in substantial parity. These are the results which Western and Southern Democrats are endeavoring to achieve, and which will be imperilled to the extent they can do it by such Democrats as leave their ranks to go into a third party. If Western and Southern Democrats and the minority of the Republicans who are laboring with them for the accomplishment of these great ends, will stand firm and continue to wage an aggressive and energetic war on this line against the domination of the British-American syndicate which through the power of money and overshadowing wealth is aiming for their own aggrandizement to reduce our agricultural people to the level of European serfs, victory will crown their efforts.

Pertinacity, constancy, and courage are always necessary to the accomplishment of great reforms. Faint-heartedness, indecision, factional divisions, and impatience never yet won a victory; while determined purpose and unity of action in pursuit of the right never fails. Our achievements since 1878 give assurance of ultimate success. Over the most determined resistance of the executive branch of the Government, and in spite of the utmost efforts to prevent it of the same class of people who are opposing us now, we arrested the cancellation, retirement, and destruction of the greenback notes and saved to the country \$346,681,016 of that currency, which is admitted to be the best paper money in the world.

We have now in the Treasury and in circulation or represented by silver certificates \$412,535,360 of coined standard silver dollars, issued under the Bland act of 1878 and the act of 1890, with a monthly addition under the latter act of 4,500,000 ounces of silver of the coinage value of nearly \$6,000,000, represented by Treasury notes which go into circulation. The greenback notes and the silver thus saved to the circulation of this country, together constitute a full half of all the money in circulation on the first day of this month (April), as shown by the Treasury report of that date. The Bland act of 1878 was passed over the President's veto, and the act of 1890 was thrown as a tub to the whale by the opponents of free coinage in order to appease popular clamor when hotly pressed by the advocates of that measure. They would gladly have escaped without making any concession at all.

With a President friendly to free silver coinage, or, if not friendly, who would not have used the power of that great office to suppress and defeat the will of the people, there has not been a session of Congress since 1877 which would not promptly have passed a free-coinage bill. The Western and Southern Democrats, with a patriotic band of Republicans (the same who saved the South from the odious and infamous force bill), have moved and engineered this progress toward the restoration of silver and the expansion of the volume of our circulation. No other or greater difficulties or obstructions can confront us in the future in advancing on the same line than have been overcome in the past in securing what we now have.

What must the people of the South and West do? Must they sit supinely and see all the products of agriculture falling every day when they are already below the cost of production, without making some effort to save themselves from ruin and bankruptcy? In 1872 cotton was worth 19 cents; to-day it is worth only 6 cents. Wheat was worth \$1.47 per bushel; to-day it is worth 85 cents, notwithstanding crop failures throughout Europe and famine in Russia. Corn was worth 70 cents per bushel, and to-day is worth 41 cents; these great staples having fallen regularly with silver since its demonetization in 1873.

I read here a short table prepared from official statistics of foreign commerce for 1891, and the report of the Director of the Mint for 1890 on Production of Metals, by Hon. JO ABBOTT, of Texas, and used by him in an able speech on the silver question delivered in the House a few weeks ago, which shows beyond doubt or controversy the relation between the fall of silver and the fall in the prices of our great agricultural staples, and will

add that I have verified the figures and find them absolutely correct:

Fiscal year ending June 30--	In the home markets.			Silver per fine ounce (calendar year).*
	Cotton per pound.	Corn per bushel.	Wheat per bushel.	
	<i>Cents.</i>	<i>Cents.</i>		
1872	19.3	70	\$1.47	\$1.32
1873	18.8	62	1.31	1.29
1874	15.4	72	1.43	1.27
1875	15.0	85	1.12	1.24
1876	12.9	67	1.24	1.15
1877	11.8	54	1.17	1.20
1878	11.1	56	1.34	1.15
1879	9.9	47	1.07	1.12
1880	11.5	54	1.25	1.14
1881	11.4	55	1.11	1.13
1882	11.4	67	1.19	1.13
1883	10.8	68	1.13	1.11
1884	10.5	61	1.07	1.11
1885	10.6	54	.86	1.06
1886	9.9	50	.87	.99
1887	9.5	48	.89	.97
1888	9.8	55	.85	.93
1889	9.9	47	.90	.93
1890	10.2	49	.83	1.04
1891 (at close of)	6.0	41	.85	.90

*The coining value of an ounce of pure silver is \$1.29.

There is no controverting figures like these. Since 1873 the circulating money of this country has been based on the single gold standard, while prior to that time it was based on both gold and silver, these two money metals being practically equal in volume. All paper money, notes, checks, drafts, bills of exchange, in a word all forms of paper representing credit, having been ultimately redeemable in gold and silver, and the values of all property, labor, and the products of labor having been measured by the combined volume of the two metals and the paper and credit superstructure they would maintain; when silver (constituting one half of the metallic basis on which this great paper and credit system was built) was demonetized and the whole system was left standing on gold alone, the paper money and all the forms of paper representing credit, the values of all property, of labor and the products of labor, naturally and necessarily had to undergo a process of contraction in order to be adjusted to the new and narrower basis of credit and the new and shrunken measure of value.

Silver deprived of money functions and debased to a mere commodity, fell in value, and with it went down all other commodities, while gold went rapidly up, so that 66 cents of gold will now buy as much of anything, especially of agricultural products, as 100 cents of that metal would have bought before silver was demonetized. The holders of gold and bonds, whether national, State, railroad, or municipal, and those having fixed incomes, thus reaped enormous profits in the increased value conferred on gold; while debtors who had to pay in gold, and owners of all other property values, were correspondingly oppressed. This is the work of the European bond and gold holders and bankers, aided by their American allies, who prate and talk and bellow in chorus about the dishonest silver dollar, about inflation and repudiation, and characterize as revolutionary and communistic the honest efforts of the people to undo, as far as it now can be done, the robbery which has been perpetrated on them.

I read here from the Economic Crisis, an able work on economic subjects, by Mr. Morton Frewen, of London. He says:

It may indeed be affirmed without fear of contradiction, the legislation arranged in the interest of a certain class, first by Lord Liverpool in this country, and again by Sir Robert Peel at the instigation of Mr. Jones Loyd and other wealthy bankers, which was supplemented recently by simultaneous antisilver legislation in Berlin and Washington at the instance of the great financial houses. This legislation has about doubled the burden of all national debts by an artificial enhancement of the value of money.

The fall of all prices induced by this cause has been on such a scale that while in twenty years the national debt of the United States quoted in dollars has been reduced by nearly two-thirds, yet the value of the remaining one-third, measured in wheat, in bar iron, or bales of cotton, is considerably greater; is a greater demand draft on the labor and industry of the nation than was the whole debt at the time it was contracted.

The aggravation of the burdens of taxation induced by this so-called "appreciation of gold," which is no natural appreciation, but has been brought about by class legislation to increase the value of gold which is in few hands, requires but to be explained to an enfranchised Democracy, which will know how to protect itself against further attempts to contract the currency and to force down prices to the confusion of every existing contract.

Of all classes of middlemen, bankers have been by far the most successful in intercepting and appropriating an undue share of produced wealth. While the modern system of banking and credit may be said to be even yet in its infancy, that portion of the assets of the community which is to-day in the strong boxes of the bankers would, if declared, be an astounding revelation of the recent profits of this particular business; and not only has the business itself become a most profitable monopoly, but its interests in a very few hands are diametrically opposed to the interests of the majority. By legislation intended to contract the currency and force down all prices, including wages, the price paid for labor, the money owner has been able to increase the purchase power of his sovereign or dollar by the direct diminution of the price of every kind of property measured in money.

For twelve years the prophecies of the authors of silver demonetization, that ruin and disaster would follow a renewal of silver coinage, prophecies reiterated time and again by our Presidents, their Cabinet officers, and especially the Secretaries and other officials of the Treasury Department, have been falsified and disproved; yet these same people continue to croak them in as dismal a key as ever. They predicted that \$50,000,000 was all the country would absorb, and we have now \$412,535,360, either in certificates or actual silver coin in circulation. Silver, they said, would drive gold from the country, and we have by official estimate \$500,000,000 more gold in the country than we had when coinage of our silver dollars commenced in 1878.

If any other experience is needed, France with her \$700,000,000 of silver and \$900,000,000 of gold, the two interchangeable and circulating without friction at parity, presents a conclusive refutation of the argument that free coinage would drive gold out of the country or raise it to a premium. And it will be remembered that the relation of silver to gold coin in France is that 154 of the former to 1 of the latter, while in this country it is 16 to 1—a difference of 3 cents more silver in our dollar than that of France. The nations of the earth which use concurrently gold and silver money, according to Mr. Edward Atkinson's report to the State Department in 1887, had in circulation in 1885 \$2,463,002,000 of gold, and by the side of and at parity with it, \$1,738,114,000 of silver. British India and the Asiatic countries using silver alone are not included in the estimate.

In these facts is found a complete answer to the argument that with free coinage our country would become the "dumping ground" for all the silver in the world. The ratio between silver and gold in France is the same as throughout Europe, and the silver coin throughout Europe passes interchangeably and at par with gold. European silver coin could not be brought to this country except at a heavy per cent of loss in addition to the 3 per cent discount it would meet here in competition with our own silver coin. Why bring it here to be discounted when it is as good as gold at home in Europe and doing duty and needed there as money?

The alleged overproduction of silver is purely imaginary. The silver production of the world is estimated to be annually from \$135,000,000 to \$150,000,000, and of gold from \$90,000,000 to \$110,000,000. The Director of the Mint estimates that \$18,105,901 of gold and \$9,231,173 of silver, went into the industrial arts in the United States alone during the year 1890, and reports that the amount of these metals going into the arts is increasing rapidly every year. According to this statement, the aggregate of gold and silver going into the arts annually and increasing each year is \$27,337,079 in this country.

I have no estimate as to the consumption of these metals in the balance of the world in the industrial arts, but of course it must be very much greater in the aggregate, possibly many times as much as that used in our country. Some idea may be found from these facts of the annual addition to the world's stock of money after the demand of the industrial arts for gold and silver has been supplied. It was estimated in 1886 by the Director of the Mint that \$46,000,000 of gold were consumed in the arts, leaving only fifty or sixty millions for money purposes to meet the increasing annual demands of the business of the world. And it may be added that by common consent and admission the gold production of the world is now and has been diminishing for some time.

Secretary Windom, in his report to the Fifty-first Congress, stated that there is no known accumulation of silver bullion anywhere in the world, and that all the silver coin in Europe is needed and employed there for money purposes. Our own country produces more than 40 per cent of all the silver mined in the world. This great product has been deliberately sacrificed, and the interest of the mass of our people, in opposition to their repeated and almost earnest protest, subordinated to a European policy, which was adopted for the purpose of maintaining there an aristocracy in the power to hold in subjection the common people through the influence of wealth in the hands of a few. Republican France, of all the European powers, stands most firmly by silver, and gives the most splendid illustration of its virtues as the money of the common people.

Like the other arguments against free coinage, the charge of overproduction falls to the ground when confronted with the facts of silver production and consumption in the world, the necessity for it in view of the dwindling and decreasing production of gold, and the increasing necessity of the world for money. Instead of the ruin and disaster so confidently predicted as a consequence of the partial coinage of silver we now have, only the most beneficent results have followed; and it is frankly and freely admitted by some of the ablest opponents of silver coinage in the United States that our silver saved us in the recent perilous crisis from which we are just emerging, arising from scarcity of gold and an enforced contraction of the volume of money.

When gold left the country silver remained with us. And it is always true when we have both metals in circulation that one of them always remains; both never leave. When one flows out the other comes in to take its place and fill the vacuum. The two metals are the complement of each other. Neither performs its proper functions except when the other is also ready to perform its part. Either one of these metals enthroned alone as money becomes a despot—an instrument of monopoly. The other is needed to hold it in check and reduce what otherwise would be a destructive power to a condition of conservative beneficence.

These two metals during all the ages have been joined together in the service of civilization, commerce, and progress, and have never been divorced, except when greed for gain and lust for power by the few over the great mass of the people has prompted it. The production of these metals from the earliest times of which we have records has been varying, silver sometimes predominating and at other periods gold. Tables of the Director of the United States Mint show that from 1801 to 1820 the average yearly yield was 4 of silver to 1 of gold; from 1821 to 1840 the average annual yield was 2 of silver to 1 of gold; from 1841 to 1860 the annual average was 2½ of gold to 1 of silver; from 1861 to 1880 the average was nearly 2 of gold to 1 of silver; from 1881 to 1889 the average was one-sixth more of silver than of gold.

The most remarkable fact in the history of these metals is that an excessive production of either one of them has, in due time, invariably been corrected by an enlarged production of the other, so that, as stated in the speech of Senator JONES of Nevada, delivered in this body May 12, 1890, "the stock of both existing in the world (the product of all time) is estimated to be about equal, the production of the past five hundred years being set down as—gold, \$7,240,000,000; silver, \$7,455,000,000." If we accept the experience of the world from the beginning of time as the test of truth on this subject, we need not fear for the maintenance of the desired equality in the production of the two precious metals.

England found her great opportunity, and with the sagacious and far-reaching statesmanship for which her rulers are more distinguished than those of any other country on earth, seized and improved it, in the great crime of silver demonetization by the United States, the leading silver-producing country in the world. Her great dependency, British India, containing more than one-seventh of the entire population of the globe, of which by the recent census more than 40 per cent are engaged in agriculture, uses silver almost exclusively. Silver is the sole metallic money of India, and is unaffected in value by the fluctuations of the prices elsewhere of silver bullion; and it is the current money, at its face value, in all business and commerce throughout that great and enormously populated empire.

British India produces largely both cotton and wheat. The cost of labor wages is lower in India than in any other country of the world, amounting to only a few cents per day, so that the two great staples named are produced at much smaller cost than in any other country. London is the great silver market of the world, as it is the world's market for wheat and as Liverpool is for cotton. Our own Government makes its monthly purchases of silver under the act of 1890, as it did those under the Bland act of 1878 until its repeal, by London quotations.

Silver, debased and cheapened by American legislation, flowing into the great London market, where it is the policy of the English Government to depress its price to the lowest possible point for the benefit of India, whither it goes and is absorbed in that great population within a small fraction of being four times as numerous as that of the United States, has given tremendous development to the production of wheat and cotton and the manufacture of the latter, indeed to all the business and commerce of India. The Suez Canal, shortening and cheapening the export route to the markets of the world, has also been a factor of importance in this advancement and progress of India.

Our great war tariff, superseded in 1890 by the still greater and almost prohibitory McKinley tariff law, being regarded as a declaration of commercial war against all the nations of the earth, they have banded against us and in a spirit of retaliation have for twenty years been striving in every possible way to render themselves independent of us. Of our exports to foreign markets 76 per cent are agricultural products, and it is upon these, that this war of retaliation has been made with most crushing effect. Our cotton, wheat, corn, beef, pork, and all other products of the farm, are now met in the markets of the world with similar products from other countries raised by the cheapest labor in the world, with which they must compete, because the nations of the world have been compelled to foster these productions in other countries which will exchange and trade products with them rather than with the United States, which, by a prohibitory tariff, excludes foreign goods from our markets.

Thus our farmers, while being robbed in all they buy at home, at the same time are having the foreign market for their sur-

plus well nigh destroyed by the tariff. Hear the advice given the wheat-raisers of the Northwest by the Finance Committee of the United States Senate. I read from Part 1, Tariff Testimony Finance Committee, United States Senate, page 21, as follows:

The competition in wheat-growing which has been developed in India, South America, Australia, and in the British Possessions in North America is likely to make unprofitable the production of this cereal for exportation by our people, and to cause the wheat-grower of the Northwest to look to an enlargement of the certain and remunerative home market. This enlarged and profitable market can only be secured by increasing the number of people engaged in other than agricultural pursuits, and by furnishing to all increased employment without diminution of wages. To cripple our manufacturing interests and reduce the purchasing power of our workmen will result in augmenting the number of competitors in the field of agricultural production, and the increased supply could, in that event, only find a market in Europe by enforced competition with India at ruinous prices. Wheat can now be laid down in Liverpool from the central provinces of India at as low a cost for transportation as from Chicago, and Indian wheat can be delivered in New York at less cost for transportation than from the wheat fields of Dakota.

It is for the highest interest of the American farmer that the number of our food consumers rather than of food producers should be increased, and that the general prosperity of all should be secured. It is true that the decline in prices of agricultural products has been very great, but the value of these when measured by the value of clothing, farming utensils, or other necessities of a farmer's life, is much greater now than in any of the years preceding 1890.

Our tariff legislation furnished the incentive, indeed the compulsion, for the great development of wheat-growing in the countries named, and the demonetization of silver under the inspiration and manipulation of the British-American combination of bond and gold owners, furnished to India and South America, which use only silver money, cheap silver to infuse life and energy and enterprise into the business and agriculture of those countries by giving them an abundant money circulation. Wheat, says this committee, can be laid down in Liverpool from India at as low a cost of transportation as from Chicago, and can be delivered in New York from the same country at a less cost of transportation than from the wheat fields of Dakota.

Wheat is raised in India with labor costing only 7 or 8 cents per day; and if the cost of transportation is no greater from India to Liverpool than from Chicago to that point, and is less from India to New York than it is from Dakota to New York, it is very plain that the Finance Committee, if correct, has shown that we have not only lost our great foreign market for wheat, but are in danger of having our home market invaded; for we all know that our wheat-growers have to pay many times 7 cents per day for the labor which produces it. Cotton stands on precisely the same footing with wheat in respect to its production in and transportation from India and South America. That wheat is not so low as cotton in proportion is due entirely to the accident of short crops throughout Europe and famine in Russia, which usually is the source of large wheat supplies for Europe.

Before the demonetization of silver the wheat and cotton growers of the United States met no competition in European markets with India. India had never exported one bushel of wheat to England prior to 1874. The United States was at that time exporting to England 150,000,000 bushels yearly, and receiving for it usually \$1.20 per bushel. In 1889 the wheat exports of the United States to England had fallen to about 45,000,000 bushels, and the price to 90 cents, while those of India had risen from less than 200,000 bushels in 1874 to 50,000,000 bushels.

An authority now before me states that while it had taken England fifteen years to increase her spindles from 150,000,000 to 250,000,000, India, with the aid of cheap American silver, has added 100,000,000 spindles in ten years. This of course was to spin India cotton, to the displacement of the same amount of American cotton. Sir R. N. Fowler is represented by the same authority to have said in a speech before the Colonial Board of Trade in London, in speaking of the British India silver policy:

If we continue this policy a few years longer we can ruin the wheat and cotton industry of the United States and build up India as the chief exporter of these staples.

Cheap breadstuffs and cheap cotton is what England above all else desires. Our farmers and planters have heretofore furnished English markets with these indispensable products; but our own Government has in its antisilver policy surrendered our high vantage ground to England and enabled her to hand over to her great dependency, British India, the export market for cotton and wheat, which under all the laws of trade, should have remained ours.

Mr. President, British India pays annually to the British Government a little more than \$72,000,000 on account of the expenses of the British Government in India. This is a debt which must be paid in gold or its equivalent in silver. It is always paid in silver, and is increased from 30 to 40 per cent by reason of the discount on silver when valued in gold; making the debt, when liquidated, amount to the neighborhood of 105,000,000 silver dollars. The greater the discount on silver, the larger the amount paid to the British Government every year in liquidation of it.

British merchants every week and month make payments of millions of dollars in India for purchases there, all in silver, and the cheapest silver brings to them, as it does to the British Government, the largest profits. British interests, which control the great London silver market, and the commerce as well as all the silver-using countries of the world, all find their most lucrative business with India in the cheapest silver; because when sent to that country and coined the money is of full face or coinage value and is the current money of the country. Besides, to cheapen silver cripples the productive power of the United States, the great rival of England, while building up and increasing the capacity of British India for the production of cotton and wheat for English consumption.

England will never surrender her power or her advantages in respect to this silver question voluntarily or unless forced to do it. She refuses now and has always refused to treat with other powers for a basis for bimetallic coinage. She knows her advantages and proposes to hold them. The other powers of Europe decline peremptorily all propositions looking to an international agreement for bimetallic coinage unless England joins, which it is admitted on all sides she will not do. So, Mr. President, the man who tells the country he favors free coinage of silver under an international agreement simply adopts a circuitous method of declaring that he favors the single gold standard and is opposed to silver coinage, because he knows that an international agreement is an impossibility.

Confined to the narrow and, as we have seen, diminishing margin of gold for the measurement of values since the destruction of silver money in 1873, the fall of prices which then commenced has been going on ever since, and continues yet day after day, and month after month. In many sections of the country, desperate efforts have been made to arrest this fall by means of "booms," which have always ultimately reacted with the most destructive effect. Our only hope of extrication from this condition (and nobody has proposed any other) is to reform the tariff, reduce it to a strictly revenue basis, and establish the freest trade possible between our country and the other nations of the earth, consistent with the collection of a sufficient revenue for the support of the Government; and to retrace our steps on the silver question, undo as far as can now be done the crime of its demonetization, and restore silver to free coinage and full money power, making it the equal before the law in all respects with gold.

These two great policies go hand in hand, are inseparably connected and bound together, and the success of both is indispensable to the national prosperity. We can expect no aid from Europe in restoring silver except from republican France. Aristocratic and kingly power, with the aid of its American dupes and allies, decreed for its own aggrandisement the destruction of silver money both in Europe and America, and will never voluntarily surrender what it has gained. The United States, when not half the power among the nations of the earth they now are, struck the blow which demonetized silver, and, if silver is to be restored, must lead the way with a bold and aggressive free-silver policy. This will accomplish what we desire, and nothing else will. If this Government will adopt free coinage, and boldly and honestly enforce it, Europe instead of ourselves will be begging for an international bimetallic agreement.

The solicitude of European gold and bond owners and brokers, which prompted them to send Mr. Seyd over here to aid in procuring the demonetization of silver when our unsuspecting people knew nothing about what was going on, and the fight they and their capitalistic brethren on this side of the ocean have been making ever since to retain the power then obtained, is conclusive proof of their opinion that this Government can control the silver question. No man has ever doubted this who is not an advocate of the single gold standard *per se*, and opposed on any terms to silver coinage. The power of this Government is fully equal to the greatest requirements of the occasion, and the highest and best interests of the people demand that it be exerted. Let our people be but true to themselves, continue without ceasing the agitation of this question, and exact the most rigid responsibility from all their representatives, State and national, for their action on this subject, and success is assured.

Mr. DANIEL. Mr. President, there are rocks ahead. We are drifting upon them. Presently the ship of state will strike them. No master of finance appears to save ship, crew, or cargo. Gold is the cry; gold, gold, gold, nothing but gold, although this is the greatest silver-producing nation in the world, and although if we had financiers equal to our opportunities we might dominate the financial markets of the world. The silver men alone seem to have any appreciation or even recognition of our situation.

WHAT REMEDY IF NOT FREE-SILVER COINAGE IS PROPOSED?

They offer the only remedy that is offered to rescue us from financial depression and threatened financial ruin. If you do not

like their remedy, the first step in which is the free coinage of silver, what do you propose?

Their agitation of the silver question has so far been of incalculable benefit to the country.

As a matter of education it has taught the people that the least reliable of all their teachers are those professional financiers who, having succeeded in the art of money-getting, have imagined themselves wise in monetary science. Their discredited prophecies bestrew the history of twenty years as the bones of the camel bestrew the pathway of a caravansary through the desert. It has taught the people also that the political leaders who have depreciated our power to sustain an increasing volume of silver money at par with gold little apprehend the needs and capacities of this nation, with its abounding energies and its vast progressive movements.

SILVER HAS SAVED US FROM PANIC.

But more than this, the work of the silver men has saved us from impending panic and bankruptcy. When the South American troubles came in 1890, and the great financial houses of England trembled to their foundations; when American securities held in England and on the continent of Europe were thrown suddenly upon the market, and the gold derived from their sale here was hurried abroad to prop the shaking fortunes of foreign magnates, it was our silver that preserved us from bankruptcy and ruin. Halfway and halting friend of silver as is our present Executive, he has made his acknowledgments to its beneficent service in a message to Congress, and bold implacable enemy of silver as was his competitor for the Presidential chair, the course of events has extorted even from him the concession that he was mistaken in his vaticinations against it.

THE COUNTRY UNDULY ALARMED RESPECTING SILVER.

The truth is that the country has been unduly and unwisely alarmed and disturbed respecting the issues involved in free silver coinage. With the report of Secretary Windom in 1889 that "there is no known accumulated stock of silver in the world," that "Germany has long since disposed of her stock of minted silver coins by recoinage into her own subsidiary coins and by use in coining for Egypt," and with his positive declaration "that it is plain that there is no danger that the silver product of past years will be poured into our mints"—with this knowledge imprinted to the country all apprehensions of silver avalanches, deluges, freshets, and the like should long since have vanished.

I have expressed the opinion elsewhere, and I here repeat it, that "the free coinage of silver would disappoint a majority of its advocates and opponents." Those who expect from the mere enfranchisement of silver a great abundance of money would not realize their hopes, and those who apprehend that it would dislocate our finances and wither enterprise would be appeased in their fears.

FREE-SILVER COINAGE NECESSARY TO ENLARGE AND FIX OUR METAL BASE OF CREDIT.

The importance of the silver question does not lie in the supposititious fact that it would vastly enhance the volume of our metal circulation. Such is not the case.

If we may believe the financial experts, the officers of our own Government who have wandered over the world in gathering facts from which they make deductions, it would enhance that volume in some degree; it would stimulate enterprise in some degree, as increasing currency always does; it would enhance the prices of products in some degree, and the prices of labor; it would facilitate debt and tax payment; it would operate as a hearty meal operates upon a hungry man. But its chief importance lies in the fact that free coinage of silver is necessary to enlarge and fix the metal base of our currency and credit system. It is estimated that a small percentage of business, some say 3 or 5 per cent, is done on cash payments. The rest is credit.

Behind this credit is currency which must be used in liquidation, and behind all our volume of currency, which is itself for the most part Government credit, is the metal money held for its redemption. That metal money of redemption is claimed to be gold only. Now, the gold base of this vast superstructure of currency and bond credit, Government credit and individual credit, is too narrow to sustain it, too narrow to admit of the increase in size and weight of the superstructure. If we continue to build up business on this narrow gold foundation, we will build to our ruin. The foundation will soon crumble under the overwhelming burden imposed upon it, and when the fall of the superstructure comes, as come it must, great will be the fall thereof. To-day we are piling up wrath against the day of wrath. We are sowing the wind, and the whirlwind will be the harvest.

GOLD AS SOLE STANDARD OVERBURDENED.

Look at our currency. It is reported to be as follows:

Gold and gold certificates.....	\$784,567,309
Silver	967,832,530
Treasury notes of 1890.....	89,602,198

United States notes	\$346,681,016
National-bank notes	172,529,451
Currency certificates of 1892	31,220,000
	2,243,702,757

If gold only is used as money of redemption here we have \$1 in gold only wherewithal to redeem over \$3 in silver, in Treasury notes and in national-bank notes. If there were no other debts for gold to pay these would suffice to employ all we have. But we have behind these currencies, which it is maintained must be redeemable in gold, a national debt of a billion and a half of dollars; we have behind it also State debts, county debts, city debts, debts of railway corporations, and of a myriad of corporations and individuals, which are beyond the power of calculation.

If all this immensity of credit rests only on the gold-dollar standard an inverted pyramid is the only physical figure that can typify our situation. And when the pyramid is standing on its apex a very slight jostling of its balance may tumble it over.

CONTRACTED AND CHEAP CURRENCY PARADOXICAL.

Mr. President, I do not propose to-day to go into any general and enlarged discussion of the silver question. I propose to meet but one of the objections of the many sophistries which are urged against it, and to speak of it with reference to the allegation that the free coinage of silver would drive gold to a premium.

It is a common saying amongst those who advocate the single gold standard that the free coinage of silver would instantly put gold to a premium. They maintain also that when this is done, the currency will be contracted by the abstraction of the entire volume of gold from circulation, and at the same time maintain that we shall have a cheap silver dollar.

I will not pause to do more than notice a fallacy and a sophistry which are so palpable upon their face. It is impossible to have a contracted currency in which the demand for money will surpass the supply, and at the same time a cheap currency.

WHAT IS MEANT BY GOLD GOING TO A PREMIUM?

But I propose now to analyze this assertion that the free coinage of silver will drive gold to a premium. What do these prophets mean when they make this assertion? They may mean one of four things. Which one do they mean? If they mean that gold bullion would be driven to a premium over silver bullion, we answer that the gold bullion that forms the physical structure of a dollar is and has been at a premium over the silver bullion that forms a silver dollar for well nigh twenty years—that is, ever since the free coinage of silver bullion into dollars was discontinued in 1873.

THE DEGRADATION BY LAW AND THE DEPRECIATION OF VALUE OF SILVER BULLION CONTEMPORANEOUS.

The instant that the United States was known to have discontinued free-silver coinage gold bullion went to a premium over silver bullion. In short, the degradation of the silver metal by law, and its depreciation in value were contemporaneous. It is evident, too, that it was not a mere coincidence. It was the natural and inevitable operation of cause and effect. Silver bullion went down because struck down by law, and gold bullion stayed up because kept up by law. Thus, then, the truth is made patent to him that hath eyes to see that it was not by virtue of the free coinage of the two metals that they were parted in value, but by the discontinuance of free coinage as to silver, and the continuance of free coinage as to gold.

We can only argue and prophesy as to the unknown by taking our projections from the known.

We know that as long as there was free coinage of both gold and silver at their legal ratio of 15.98 of silver to 1 of gold, gold bullion did not go to a premium.

We know that when free coinage of silver was discontinued, while free coinage of gold remained, the favored gold bullion was instantly appreciated with relation to the disfavored silver bullion.

What more logical and natural, what more consistent with common sense than to believe that if you restore conditions that kept silver bullion equal in value to gold bullion, you will restore that equality? If experience be a lamp to guide our footsteps, this is the pathway that its light shines on.

GOLD BULLION CAN NOT GO TO PREMIUM OVER GOLD DOLLARS.

1. Do these prophets mean that gold bullion would go to a premium over the gold dollar? This they can hardly mean.

The gold dollar consists of so many grains of fine gold, and so much of alloy. The gold bullion would not go to a premium over the gold dollar. As there is nothing in it that is not in the gold dollar, of course it would not go to a premium over it.

2. Do the prophets mean that the gold bullion that composes a gold dollar would go to a premium over the silver dollar; or that the gold dollar would be worth more than a silver dollar? We put this inquiry in double form, because gold bullion and the dollar made out of it are under the law the same thing in

value, as the law turns the gold bullion into the gold dollar without cost by free coinage.

WHAT IF GOLD DOLLARS GO TO PREMIUM OVER SILVER DOLLARS?

This is doubtless what the prophets mean, to wit, that the gold dollar will cost in silver to him that seeks it a silver dollar and a premium thereon. And we answer:

First. It is by no means certain that gold dollars would be made to cost a premium in silver dollars if silver bullion were freely coined like gold bullion.

Second. That if a gold dollar did cost more than 100 cents in silver dollars it would cost less in the products of labor to get the gold dollar and pay the premium for it than it costs now to get the gold dollar or a silver dollar.

Third. That the premium on the gold dollar if created by free coinage of silver would be but a transient incident of change.

Fourth. That the two dollars, that of gold and that of silver, would soon settle down to parity.

Fifth. That the transient disturbance would be less hurtful than the permanent disturbance and depression to which non-action subjects our finances and our industrial interests.

WHY SHOULD A GOLD DOLLAR COST OVER 100 CENTS IN SILVER DOLLARS?

Why should a gold dollar cost more than 100 cents in silver dollars if the silver dollars were freely coined? Gold dollars and silver dollars are now at par. You can buy as much of any commodity now with the one as the other, pay as much taxes with the one as the other, buy as much gold bullion or silver bullion with the one as the other, buy as much foreign exchange on London, Paris, or Berlin with the one as the other, travel to Europe as cheaply with the one as the other.

If the silver dollar equals the gold dollar in purchasing power and taxpaying power and debt-paying power, while the right to free coinage is denied it, how is it that they would not equal each other when free-coinage right is given it?

HOW THE LAW FAVORS GOLD AND DEGRADES SILVER IN THE MELTING POT

Take your two dollars, the one of gold, and the one of silver now, and as long as they remain dollars with the mint stamp upon them and the law of legal tender behind them, and they are matches in value just as a pound of lead and a pound of feathers are matches in weight, just as a yard of calico and a yard of silk are matches in length, just as a gallon of milk and a gallon of water are matches in quantity.

But beat the gold dollar with a hammer into a shapeless mass, or melt it in a pot, and the mint will turn it back into a brand new gold dollar for you, without cost to you, but at my cost, and your cost, and the cost of all the people of the country alike.

Beat up or melt down the silver dollar into a shapeless mass. Why should not the Government restore it, just as it will restore the gold dollar? Why will it not give you a brand new silver dollar as it gives the gold owner a brand new gold dollar? And if it did treat the silver dollar like the gold dollar, would it not plainly enhance the value of the silver dollar instead of enhancing the value of the gold dollar? As the law now stands, giving gold only the right of free coinage, it insures the value of it against all accidents. Let the merchant's pot of gold be reduced by fire, let a railroad accident crush it in transportation into a lump, the law puts it back into dollars for him. But let the old lady's stocking of silver dollars, let the silver dollars in the workman's wallet be mutilated, crushed, or melted, and no more dollars are connected for her or him out of the silver bullion; and away it goes to the junkshop.

EQUALITY OF FUNCTION MAKES EQUALITY OF VALUE.

Equality of right, equality of privilege, equality of function is what creates equality of value.

It is absurd to say that by giving privilege to the silver you will detract from the value of the silver dollar, and equally absurd to say that you will add value to the gold dollar. And if you do not add to the value of the gold dollar, what is going to make it bring a premium?

Demand and supply are the regulators of value. As matters stand now, only so many gold and so many silver dollars meet the demand for coined money. Add to the number of silver dollars, and the supply of coined dollars will be increased, while the demand will not be increased. As the demand for coined dollars will not be as great in proportion to the supply, it is fallacious to suppose that the value of any dollar will be increased by the free coinage of silver.

HOW THE LAW INSURES GOLD VALUE AND REPUTATES SILVER VALUE.

Now, Mr. President, let me put a supposititious story. Two gentlemen, we will say, the other day started from the city of Washington to Baltimore. The one of them carried in a bag a thousand gold dollars of the United States, and the other one carried in a bag a thousand silver dollars of the United States. They were equally rich, for the silver dollars, whether in Baltimore or in Washington, or anywhere in the United States, would

answer every efficient purpose of commerce and business as the corresponding number of dollars in the other bag. Midway between here and the city of Baltimore the train ran off the track. The wheels of a car passed over the silver bag and mutilated and crushed into a shapeless lump the silver dollars; and the wheels of another car went over the other bag and mutilated and crushed into a shapeless mass the gold dollars. Then the train took fire, and the fire swept over the bullion as it lay in the wreck.

The men picked themselves up, and they were unhurt. The one went to his lump of gold and the other picked up his lump of silver. What had happened to them? Why, that lump of gold was just as valuable to the man who owned it as it was before, because at the expense of the whole people of the United States who pay the premium of insurance he had bullion there which was guaranteed to him to be turned into dollars at their cost. He picked up the pile of shapeless metal and he went to the Treasury, which is the insurance office, and he got back his gold dollars and went on his way rejoicing. Nothing more had happened to the gold man than had happened to the silver man, but when the silver man who had suffered this accident went to the same insurance office to have his silver dollars restored to him by the Mint, what did this great Government say to him? It said to him, if it spoke the truth, "I am a cheat and a fraud; I have swindled you out of \$300, because I refuse as to you to turn that bullion which you had to take under my stamp back into silver money; while at the same time I have guaranteed the gold and turned it back into dollars for another."

So, Mr. President, when we hear so much about good faith from the hands of our lawmakers here, let them pause and reflect that they stand before the country as repudiators of their own silver circulation and refuse to make it good against the accidents of chance or against the act of God which no man can control.

Sir, if the lightning were to shoot forth from the heavens and strike the pile of silver dollars without any man's default, and strike the pile of gold dollars without any man's default, the Government of the United States guarantees to the gold man that it will remedy the act of God, and restore to him his property in money shape, while it repudiates the holder of the silver dollar, and says "I will not turn your silver back into dollars, you may go and roam about the markets to find a purchaser for it if you will; we have all we want, and will not take it at any price."

NOMINAL PREMIUM ON GOLD DOES NOT MEAN COSTLIER GOLD TO PRODUCER OR LABORER.

Now, Mr. President, to go along a little further with an analysis of this proposition, if a gold dollar were to cost for a time more than 100 cents in silver it would not mean that it would be costlier to get the gold dollar to the wheat, corn, cattle, or other commodity owner, or to the laborer in the workshop or the field. The prices of the commodities being enhanced by an increased volume of money, the silver dollars gotten for them would answer all the ordinary uses of the commodity seller, and the laborer would pay his debts and taxes, would settle his store accounts, would clothe and school his children, would carry himself upon a railroad train, and subserve all his general purposes. And if for some extraordinary use he needed a gold dollar it would be easier for him to pay for it over a dollar in silver with the enhanced price for his products and labor than it is now in the depressed condition of prices to get the silver dollar.

DISTURBANCE WOULD BE TRANSIENT, IF AT ALL OCCURRING.

If the gold dollar were transiently put to a premium over the silver dollar it would be only the spasmodic change of the market due to the transient uneasiness produced by the prophets of evil. All changes, all reforms, all movements of progress are attended with some inconveniences. If a man moves his household goods out of a cabin into a palace, some of his Chinaware will be broken in the wagon that moves it, and some of his chairs and bedsteads may lose a leg here and there, or get the varnish rubbed off. If a railroad takes a short cut through the country side the wayside inn loses its custom.

But men will not hesitate to move into better houses when they can get them, nor to construct railroads when they can build them, because furniture is damaged in the one case or wayside inns are injured in the other. And if temporary ills shall attend the reform and restoration of our currency to its constitutional bimetallic basis, this is no reason why we should not go on with the good work until it is accomplished.

OUR CURRENCY SYSTEM CONFUSED AND DISTRACTED.

One thing is sure, and that is, that our currency is in a distracted and confused condition, and some reform must come. In what way can it come? If it is proposed to increase the greenback currency, which to-day fills every function of a circulating medium, a shudder runs through Wall street, and a wild cry against fiat paper money goes up to the sky.

If it is suggested that the national banks should meet national wants, the answer is that the national banks are discontinuing their circulation, and the continued reduction of our national bonded debt, on which they rest, is rendering their expansion and increased utility impossible. We must therefore refuse to increase our currency at all or the increase must come in gold or in silver. There is not gold enough in the world to meet the demands of commerce and the debts of nations.

GOLD GOING TO EUROPE TO PAY AMERICAN DEBTS IN EUROPE.

It is contended that our gold would be driven from this country by the free coinage of silver, and that the consequent lack of it here will put it to a premium.

Much of our gold goes annually to Europe to meet interest on Government bonds and on other American securities owned by foreign holders. We are a debtor nation. Germany, France, and England are creditor nations, and gold must go from the debtor to pay the creditor to whom it is due whether we have free coinage of silver or not.

In the report of last year of the Treasury you will find that in the year 1891 more of our currency went to Europe to meet dividends and demands there than all of our increased circulation produced at the Mint and by the Treasury Department. You will find there that in 1891 the net loss in our stock of gold and silver coins by exports and sums used in the arts up to July, 1891, was \$70,000,000. This was a greater sum by \$7,000,000 than the entire silver coinage of the United States Mint for the same year.

Then, Mr. President, contemplate how our national-bank circulation is going out of existence. In the year 1884 it decreased \$16,000,000; in 1885, \$20,000,000; in 1886, \$6,000,000; in 1887, \$37,000,000; in 1888, \$40,000,000; in 1890, \$25,000,000, and in 1891, \$18,000,000. In 1880 our national-bank circulation was \$356,000,000; in July, 1891, it was only \$167,000,000, showing a net reduction of national-bank circulation of \$189,000,000 in eight years.

WHAT IS TO TAKE THE PLACE OF GOLD AND FILL THE GAP MADE BY RETIRING NATIONAL-BANK NOTES?

Now, Mr. President, seeing that gold must go abroad; seeing also that our national-bank circulation is going out of existence; seeing also that there is a firm resistance to any increase of our greenback circulation, what is going to take the place of this vanishing circulation to supply the wants of this ever-increasing nation, if we do not coin the metal which nature has stored in our mines for that purpose?

1. Will we permit ourselves to be bereft of all the moneys we now have and provide no substitute? We produce and coin annually some \$30,000,000 in gold—about half a dollar per capita of our population. This is totally inadequate to our monetary needs. What shall we have if not silver?

2. If gold goes abroad and to a premium, the fact that it is at a premium here will bring it back to us. It always rushes toward profit. Its coming back here to get the premium would restore equilibrium to the troubled waters of finance and help to rectify the very evil created.

GOLD WILL GO WHERE BEST INVESTMENTS ARE.

3. Independent of the flow of gold to Europe to pay debt there, which will happen whether we have free coinage of silver or not—why should it go there? Gold is not an idle roamer around the world. It will not go to Europe or anywhere else unless it has something to go for. It will not go there except to invest there, and it will not invest there as long as there is better and enhancing investment here. With our lands increasing in value, with our population increasing in numbers, with our prosperity reassured by financial ease, with our cotton and wheat fields yielding profit to the laborers therein, who is there who believes that gold will run away from this fresh, bountiful, teeming, go-ahead republic to hide itself in the glutted vaults of European banks, or to play for small accretions in sleepy markets.

GRESHAM'S LAW AND SPECIFIC GRAVITY.

Gresham's law will take it there, some say—the law that good currency is driven out by bad. Good currency is hoarded in preference to bad, but good currency does not run away before bad. And what if gold is hoarded? It is already hoarded; it has always been hoarded. But it is not destroyed. When prices are on a rising scale it comes out from its hiding place. When they are falling, as they are now, it rushes into the vaults of banks.

The law of Gresham respecting the currency is nothing but the law of specific gravity as applied to it. If you will take a basin and put into it mercury and oil and water, the mercury having the heaviest specific gravity will sink to the bottom, the oil having the lightest, will rise to the top, but whatever may be the specific gravity of the one fluid or the other, neither one of all their diversities of specific gravity will flow out of the basin until it is filled to the top.

It is the same way, Mr. President, respecting our currency. Whether it be national-bank notes or Treasury notes, whether it consists of gold or of silver, none of our currency is going abroad

out of this country until the basin of our wants has been filled to the brim and there is greater necessity for it somewhere else in the world than here.

GOLD HAS LONG BEEN OUT OF CIRCULATION.

So, Mr. President, I dismiss from the calculation of ills which are possible in case silver is freely coined, the declaration that it will drive gold out of circulation and to a premium. We have only to consider the financial history of this country to observe that gold has long since gone out of circulation amongst the people, and it would be a good sight indeed for sore eyes for one of the commoners to see the face of a gold dollar. Travel on the railroad, go to the theater, move about in the marts of exchange anywhere, and you never anywhere see a gold dollar. I have had the honor to be in the service of this Government for some six years, and I have performed the duty of drawing my salary with all the punctuality of an attentive statesman, but never in all that time has the Government tendered to me even so much as one gold dollar. If I were to seek to get one to-morrow as a curiosity, I know not where I should go to find it.

The disadvantages of the free coinage of silver have already been discounted by the course of events and the tenor of facts, and it remains for us to offset against them the advantages of free coinage, which all realize to be great.

EUROPEAN WAR ON AMERICAN SILVER.

Mr. President, this is a silver-producing nation, producing 40 per cent, two-fifths of all the silver of the world. Great Britain and the other nations of Europe who are combined against the free coinage of silver are only making war against an American product, for they have it not, and they war for what they have and against what America has.

If God had cursed our mines with barrenness of silver product, you would hear nothing against the free coinage of silver metal. It would be proclaimed far and near, in all the highways of exchange and by all the metropolitan journals, just as it was proclaimed in 1847 when gold had become plentiful from its discovery in California, that silver was the best money in the world and that gold was only the cheap money of other nations.

Mr. President, I ask leave of the Senate to append to my remarks a letter addressed to me, and which I received this morning, from Mr. William P. St. John, a distinguished financier of New York, which is *apropos* of the discussion which I have just made. He is one of the few bankers who has taken the country's side, the people's side—the side of intellectual reach and broad patriotism. Would that there were more like him!

The PRESIDING OFFICER (Mr. PLATT in the chair). Is there objection to the request of the Senator from Virginia? The Chair hears none.

The letter is as follows:

THE MERCANTILE NATIONAL BANK OF THE CITY OF NEW YORK,
New York, April 25, 1892.

DEAR SIR: I beg to acknowledge the receipt of your favor of the 20th instant, which came to the bank on Saturday, with a promise on my behalf that I would reply to-day.

In answering your first inquiry I beg to say that the trade returns between the United States and Great Britain during the period of five years ending 1890 show a balance of trade against Great Britain in favor of the United States of \$1,945,179,923, or an average annual balance in favor of the United States of \$389,000,000. The movement during the year ending June 30, 1891, shows a trade balance against Great Britain and in favor of the United States of \$250,690,764.

Taking the trade between the United States and the entire commercial world at present, and we may assume prospectively the difference is only in degree, which means that we are generally creditor in trade. Therefore, except for foreign investments in our securities and capricious balances either way, occasioned thereby, also except for the foreign expenditures by our traveling public, the United States is now and will likely continue to be, as David Barbour, the British finance secretary to India, asserts, "The most independent of the foreigner among the nations."

It is thus the actual fact that there is nothing upon which to base a prediction of a continuing premium upon gold when our mints are equally open to the coinage of gold and silver. Any temporary premium on gold in our money centers would attract gold to those centers, as against gold remaining in centers where it was not at a premium. A premium abroad in more than one instance in the last two years has attracted gold abroad. A premium on it here would return it here with alike attraction. Laveleye, sharing the opinion of Barbour, has declared as late as March, 1891, that the opening of our mints to silver, if it proved a failure, would be more expensive to Europe than to the United States as the consequence.

The sole degree in which we could possibly suffer by a premium on gold in New York would be limited by the brief period of time in which that excessive demand served to induce the gold in our direction as the best employment offered for it, ceasing with its arrival here or earlier. The Bank of England has established a premium on her only money, gold, thirteen times during a single twelve months by the alteration of her bank rate for discounts. The Bank of France held her bank rate without change at 3 per cent during the entire same period.

An inexcusable misconception exists in the association of our greenback issue, and its relation to both gold and silver, with our silver coinage in relation to our gold coinage under equally free coinage for both metals at a fixed ratio. The latter relation is that of two equally unlimited legal-tender primary moneys. The former, the greenback, was not unlimited legal tender, but was a promise of money, either gold or silver. The greenback was not accepted at the custom-house, and is not legally so accepted to-day.

If there were any possibility of a fulfillment of the prediction of an avalanche of Europe's silver at our reopened mints the predicted premium on gold would be short-lived, for the reason that the tendency of that premium

to retain gold here would soon occasion the overabundant money volume that would deny to gold and silver both a profitable employment as money. There would be nothing more surprising to the popular banking thought than the actual effect on gold of any such result of the reopening of our mints.

With the United States on a silver basis, as in the far East, the trade conditions which I have reported would be the more confirmed, for a time at least, and always to some extent. To every such degree Laveleye's prediction would be fulfilled, that Europe would be the only sufferer. Please note, too, that except for the British taxation in gold imposed on India, India would really be careless of the gold and silver question. You must have observed recent newspaper intimations that India, like Austria and Italy and the Argentine Republic, is soon to adopt a single gold basis. It may have escaped attention that British India is the one invariable creditor among the nations annually and every year.

Were India to adopt the gold standard, therefore, she would denude the commercial world of gold before some of our ablest financiers could account for it or would make that discovery.

Yours, very truly,

HON. JOHN W. DANIEL,
Senator, Washington, D. C.

WM. P. ST. JOHN.

ARMY APPROPRIATION BILL.

Mr. STEWART. I move that the Senate proceed to the consideration of House bill 6923.

Mr. JONES of Arkansas. Does the Senator propose to take up the army appropriation bill?

Mr. STEWART. Yes; the army appropriation bill.

Mr. JONES of Arkansas. I asked the Senate yesterday afternoon to proceed to the consideration of a resolution, which was taken up and is the unfinished business at 2 o'clock, when it will be laid before the Senate. My intention was to lay it aside informally for the purpose of taking up the army appropriation bill, but I do not want the appropriation bill taken up by a vote, for that would displace the unfinished business.

The PRESIDING OFFICER. The Chair thinks it would not, if taken up before 2 o'clock.

Mr. STEWART. It is now so near 2 o'clock that I ask that the resolution which the Senator from Arkansas has in charge be temporarily laid aside and that the Senate proceed to the consideration of the army appropriation bill. That will answer the purpose.

Mr. JONES of Arkansas. I have no objection to proceeding with the army appropriation bill until 2 o'clock, and then allowing the unfinished business to be laid aside informally to continue its consideration.

Mr. STEWART. It is now within a minute of 2 o'clock.

The PRESIDING OFFICER. The Senator from Nevada, before the hour of 2 o'clock, moved that the Senate proceed to the consideration of the army appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6923) making appropriations for the support of the Army for the year ending June 30, 1893, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

The PRESIDING OFFICER. If there be no objection, the formal reading of the bill will be dispensed with and the bill will be read for amendment.

Mr. STEWART. And the committee amendments will be considered first, and acted on as reached in the reading of the bill.

The PRESIDING OFFICER. The committee amendments will be considered as they are reached in the reading, in the absence of objection.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in the appropriations "for pay of officers of the line," on page 1, line 12, after the word "pay," to insert "and allowances of a mounted officer;" and, in line 13, after the word "rank," to strike out "without any additions thereto;" so as to make the clause read:

FOR PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, \$2,831,939: *Provided*, That hereafter any officer performing the duty of adjutant, regimental quartermaster, aid to major or brigadier-general, or acting commissary of subsistence, shall receive the pay and allowances of a mounted officer of his rank.

The amendment was agreed to.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays the unfinished business before the Senate, which will be stated.

The CHIEF CLERK. A resolution by Mr. JONES of Arkansas, relative to the President's message of February 18, 1892.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the unfinished business may be informally laid aside in order to proceed with the Army appropriation bill. If there be no objection, that course will be taken. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for pay of enlisted men," on page 2, line 13, after the word "messengers," to insert "to the number and;" and in line 14, after the words "one hundred and," to strike out "sixty thousand" and

insert "sixty-one thousand nine hundred"; so as to make the clause read:

For general-service clerks and messengers, to the number and at the rate now fixed by law, \$161,900.

The amendment was agreed to.

The next amendment was, in the appropriations "for pay of the general staff," on page 5, line 7, after the word "Provided," to strike out:

That the Secretary of War is authorized to assign to duty as acting paymasters the officers acting as quartermasters or commissaries of posts or camps or of troops in the field; and officers so assigned shall, under proper regulations to be established by the President, making the regular payment to the troops with which they are serving, and shall be authorized and required to perform the same duties as are now performed by the officers of the Pay Department of the Army: *Provided further,*

So as to make the proviso read:

Provided, That no appointments shall be made to the grade of major in the Pay Department of the Army until the number of majors in that Department is reduced below twenty, etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, line 18, after the word "below," to strike out "twenty" and insert "twenty-five;" and after the words "fixed at," at the end of line 19, to strike out "twenty" and insert "twenty-five;" so as to read:

That no appointments shall be made to the grade of major in the Pay Department of the Army until the number of majors in that Department is reduced below twenty-five, and thereafter the number of officers of that grade in the Pay Department shall be fixed at twenty-five.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, after the word "paymaster," at the end of line 22, to strike out "or acting assistant paymaster;" so as to read:

And provided further, That the Secretary of War is also authorized to arrange for the payment of the enlisted men serving at posts or places where no paymaster is on duty, by check or by currency, to be sent to them by mail or express, at the expense and risk of the United States.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," on page 7, line 14, after the word "exceeding," to strike out "thirty-five paymasters" and insert "thirty-eight paymasters;" and in line 18, after the word "Department," to strike out "eighty thousand" and insert "eighty-four thousand two hundred;" so as to read:

For pay of not exceeding thirty-eight paymasters' clerks, at \$1,400 each; not exceeding thirty paymasters' messengers, and traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, \$81,300.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "buildings," to strike out "and so forth" and insert "and grounds;" so as to make the clause read:

For additional pay to officer in charge of public buildings and grounds in Washington, D. C., \$1,000.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the words "for the," to strike out "Inspector-General" and insert "Inspector-General's Department, to be appointed hereafter, in case of vacancy, by the Secretary of War;" so as to make the clause read:

For one expert accountant for the Inspector-General's Department, to be appointed hereafter, in case of vacancy, by the Secretary of War, \$2,500.

The amendment was agreed to.

The next amendment was, on page 8, line 15, after the word "information," to insert "from abroad;" and in line 16, after the words "dollars," to insert "and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty;" so as to make the clause read:

For pay of a clerk attendant on the collection and classification of military information abroad, \$1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

Mr. CHANDLER. I should like to ask the Senator in charge of the bill what is the object in inserting that clause? Of course all officers traveling under orders from the Secretary of War, whether at home or abroad, are entitled to mileage or transportation. There seems to be no reason for inserting this clause, unless it may be to lay the foundation for extended trips abroad by officers. In other words, I can not conceive that there is any need of this clause. I do not understand that there is any limit whatever to the authority of the President, or of the Secretary of War, to order officers to travel and to pay them therefor.

Mr. STEWART. The object was to make their compensation definite so that there should be no additional allowance. It was thought necessary to define it so that they would have the same allowance while on that duty as on any other.

Mr. CHANDLER. Is not this very provision the law now?

Mr. STEWART. There was some doubt expressed about that,

and the committee thought it best to make it definite. It does not enlarge the power so far as that is concerned, but makes it definite.

The amendment was agreed to.

Mr. QUAY. I desire to offer an amendment, which I believe will be acceptable to the committee.

Mr. STEWART. We are going through with the committee amendments now.

The PRESIDING OFFICER. Is it an amendment to the amendment of the committee?

Mr. QUAY. It is an amendment to the part of the bill now reached.

The PRESIDING OFFICER. The Chair understands that the Senator from Pennsylvania offers an amendment to the amendment of the committee.

Mr. QUAY. Not to the amendment; it is an amendment to the original bill.

Mr. STEWART. Where does it come in?

Mr. QUAY. It comes in between lines 13 and 14, on page 8.

The PRESIDING OFFICER. The amendment will be read for information. The order of the Senate is that the bill is now being read for action upon the amendments proposed by the Committee on Appropriations.

Mr. QUAY. Then my amendment, unless received by unanimous consent, will not be in order at this time.

Mr. STEWART. I believe I know what the amendment is. Although I would not like to have action upon the committee amendments broken in upon again, I think the amendment may be read for information, and if it is what I think it is perhaps it is well enough to adopt it.

Mr. QUAY. I think the amendment will be acceptable.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be read.

The CHIEF CLERK. On page 8, after line 13, insert the following proviso:

Provided, That officers temporarily absent on duty in the field, with troops or otherwise, shall not lose their right to quarters or commutation thereof at their permanent station while so temporarily absent: *And provided further,* That the accounting officers of the Treasury are hereby authorized to credit disbursing officers of the Army with the amount of any such sums as may have been charged against them on account of payment of commutation of quarters to officers temporarily absent from their permanent station.

The PRESIDING OFFICER. Is there objection to the reception of the amendment?

Mr. STEWART. I do not object to it.

Mr. QUAY. Then I ask unanimous consent that it may be agreed to.

Mr. STEWART. I have no objection to it. I believe that is the law now if it is properly construed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 9, line 21, to increase the total amount of the appropriations "for pay and general expenses of the Army" from "\$13,293,049.82" to "\$13,299,149.82."

The amendment was agreed to.

The next amendment was, in the appropriations for "Quartermaster's Department," on page 13, line 6, after the words "gardens or," to strike out "canteens" and insert "exchanges, but this proviso shall not be construed to prohibit the use by post exchanges of public buildings or public transportation when not required for other purposes, or the purchase of subsistence or quartermaster's supplies at the same rates as officers are now allowed to purchase such supplies;" so as to make the proviso read:

And provided further, That hereafter no money appropriated for the support of the Army shall be expended for post gardens or exchanges, but this proviso shall not be construed to prohibit the use by post exchanges of public buildings or public transportation when not required for other purposes, or the purchase of subsistence or quartermaster's supplies at the same rates as officers are now allowed to purchase such supplies.

The amendment was agreed to.

The next amendment was, on page 16, line 21, to increase the total amount of the appropriations for "incidental expenses" from "\$2,660,000" to "\$2,850,000."

The amendment was agreed to.

The next amendment was, on page 17, line 22, after the word "service," to strike out:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company, including the lines of the Oregon Short Line and Utah Northern Railway Company or by the Southern Pacific Company over lines embraced in its Pacific system.

Mr. COCKRELL. I disagreed with the full Committee on Appropriations in striking that provision out, and think it ought to be retained in the bill. I will not take any action upon the

amendment now, but will reserve it until the bill comes into the Senate.

Mr. CALL. I desire to say that I agree with the House provision, and I think it should be retained in the bill.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Missouri desires to reserve the amendment for a separate vote in the Senate.

Mr. COCKRELL. I will reserve it for action in the Senate. I will not contest it here now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 18, line 16, after the word "as," to insert "far as;" so as to read:

And the erection, construction, and repair of all buildings and other public structures in the Quartermaster's Department shall, as far as may be practicable, be made by contract, after due legal advertisement.

The amendment was agreed to.

The next amendment was, in the appropriations for "barracks and quarters," on page 18, line 19, before the word "thousand," to strike out "three hundred" and insert "one hundred and fifty;" so as to read:

And provided further, That no more than \$1,150,000 of the sums appropriated by this act shall be paid out for the services of civilian employes in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing and camp and garrison equipage, etc.

The amendment was agreed to.

The next amendment was, on page 19, line 17, before the word "quarters," to insert the word "such;" so as to make the clause read:

For construction of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, \$7,000: *Provided*, That the posts at which such quarters shall be constructed shall be designated by the Secretary of War, and such quarters shall be built by contract, after legal advertisement, whenever the same is practicable.

The amendment was agreed to.

The next amendment was, in the appropriations for "Medical Department," in line 23, after the word "over," to strike out "forty" and insert "forty-five;" so as to read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical purveying depots, and pay of employes, medical care and treatment of officers and enlisted men of the Army and Signal Corps on duty at posts and stations for which no other provision is made, for the proper care and treatment of cases in the Army suffering from contagious and epidemic diseases, and the supply of the Army and Navy general hospital at Hot Springs, Ark., advertising, and other miscellaneous expenses of the Medical Department, \$170,000; and not over \$45,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employes of the Medical Department.

The amendment was agreed to.

The next amendment was, on page 21, line 7, before the word "thousand," to strike out "seven" and insert "ten;" and in line 8, after the word "all," to strike out "twelve" and insert "fifteen;" so as to make the clause read:

Medical Museum and Library: For Army Medical Museum, preservation of specimens, and the preparation or purchase of new specimens, \$5,000; for the library of the Surgeon-General's Office, \$10,000; in all, \$15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Ordnance Department," on page 23, line 5, before the word "thousand," to strike out "five" and insert "ten;" so as to read:

For repairing and preserving ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, \$10,000.

The amendment was agreed to.

The next amendment was, on page 23, line 7, after the words "one hundred," to insert "and twenty;" so as to make the clause read:

For purchase and manufacture of ordnance stores to fill requisitions of troops, \$120,000.

The amendment was agreed to.

The next amendment was, on page 23, line 11, before the word "thousand," to strike out "fifteen" and insert "fifty;" so as to make the clause read:

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, \$150,000.

The amendment was agreed to.

The next amendment was, on page 23, line 17, before the word "thousand," to strike out "twenty," and insert "twenty-five;" so as to make the clause read:

For firing the morning and evening gun at military posts, prescribed by General Orders, numbered 70, Headquarters of the Army, dated July 23, 1867, \$25,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 20, to insert:

For purchase of machine guns, musket caliber, of American manufacture, \$30,000.

The amendment was agreed to.

The next amendment was, at the end of the clause making appropriations "for manufacture of arms at the national armories," on page 24, line 7, after the word "dollars," to add the following proviso:

Provided further, That not more than \$60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department.

The amendment was agreed to.

The next amendment was, in the appropriations for "contingent expenses," on page 25, line 8, after the word "general," to insert "in his discretion;" so as to make the clause read:

For contingent expenses of the office of the Commanding General, in his discretion, \$1,750.

The amendment was agreed to.

The next amendment was, on page 25, in line 11, after the word "military," to insert "divisions and;" in the same line, after the word "departments," to insert "including the staff corps serving thereat;" in line 14, after the word "reference," to insert "and;" in the same line, after the word "utensils," to strike out "and so forth, too," and insert "three;" and in line 15, after the word "dollars," to insert "to be allotted by the Secretary of War;" so as to make the clause read:

For contingent expenses at the headquarters of the several military divisions and departments, including the staff corps working thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, and police utensils, \$3,000, to be allotted by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 25, to strike out the last clause in the bill, beginning in line 16, in the following words:

Contingencies, Inspector-General's Department: For contingent expenses of the Inspector-General's Department at the headquarters, being for the necessary articles of office, toilet, and desk furniture, stationery, binding, maps, books of reference, professional literature, and police utensils, \$500.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If there be no further amendment as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question on concurring in the amendments made as in Committee of the Whole will be taken in gross with the exception of the amendment reserved by the Senator from Missouri [Mr. COCKRELL], if there be no objection.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The amendment reserved by the Senator from Missouri will be read.

The CHIEF CLERK. On page 17, line 22, after the word "service," the Senate, as in Committee of the Whole, struck out the proviso, the words stricken out being as follows:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company, including the lines of the Oregon Short Line and Utah Northern Railway Company, or by the Southern Pacific Company over lines embraced in its Pacific system.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the proviso which has been read.

Mr. STEWART. I hope that the Senator from Missouri will not insist upon an objection to this amendment. If the provision were ever so just we are in no position to act upon it. We do not know what roads are under the control of the Union Pacific Railroad and the Central Pacific Railroad or the parties who are interested in the branch roads. There is no report to show what roads this would require payment from or how sweeping it would be, and how the parties stand with regard to the Union and Central Pacific Railroads and all the roads that are under the control of those two systems. They have branches extending all over the country. Other parties are interested in them. Before we can undertake this new legislation we ought to have some information upon that subject.

The question of settling the indebtedness of the Pacific Railroads has been intrusted to a select commission, which has taken testimony, and when that is settled, the whole matter ought to be settled together. Besides, this question has been before the Supreme Court. In the first place, the Supreme Court has decided that the interest is not due from these railroads until the maturity of the principal debt other than as provided for by the statutes; that there is no money due from them that can be offset. If it had been ascertained whether the parties that you propose to charge here have anything to do with this obligation, the provision could be understood.

Mr. COCKRELL. Will the Senator permit a suggestion right in that connection?

Mr. STEWART. Certainly.

Mr. COCKRELL. The whole question as to the interest on

these bonds being payable at any time before the maturity of the bonds, as a matter of course, has been settled by a decision of the Supreme Court, but that decision of the Supreme Court does not prohibit Congress, or interfere with the right or power or duty of Congress to compel those roads to make provision for the payment of this great accumulation of sixty odd million dollars of interest, which will become payable in fact by the course of law when the \$64,000,000 of bonds become due. We have a perfect right to control the companies so as to make them provide a sinking fund, or a fund for the payment of the debt. There are \$64,000,000 of Government bonds loaned or advanced to the companies. The interest is running on them at 6 per cent. If we made no provision for it the interest, by the time the bonds mature, will amount to probably \$125,000,000 all together, in addition to the \$64,000,000 of principal. It would amount to something over \$100,000,000.

Mr. STEWART. If the Senator will let me complete my statement he will see what my position is.

Mr. COCKRELL. I wanted to call the Senator's attention to that point, so that he would cover it.

Mr. STEWART. I understand it, and I agree with the Senator.

Mr. COCKRELL. That is as to providing a sinking fund?

Mr. STEWART. I agree that it is a large indebtedness. We first passed a law providing a sinking fund, and they are operating under that, and now we have appointed a committee, and they are working on a settlement of this whole matter. I concur with the Senator that it ought to be settled, and we ought to have legislation; Congress ought to give its attention to the subject, but what I object to in this legislation—

Mr. MORGAN. If the Senator will allow me, I will state that that committee has not met during this Congress. We are not doing anything.

Mr. STEWART. It exists for this purpose. The matter ought to be settled, but it can not be investigated without a report from somebody so as to ascertain the facts. We do not want to collect any of this money from outsiders who have nothing to do with its payment.

I refer to the decision of the Supreme Court in the case of *The United States vs. The Union Pacific Railroad Company* in 98 United States Reports, page 614. There the question is discussed and the court decide that the interest is not due until the maturity of the bonds. In that the Senator from Missouri concurs with me. But the identical question which is here presented has been before the Supreme Court, whether outside railroads could be charged, and the court hold that they could not. Now, I will read from the opinion of the court in the *United States vs. The Central Pacific Railroad Company*:

The syllabus of the case states it pretty clearly:

The act of July 1, 1862, "to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean" (12 Stat., 489), and the act of July 2, 1864 (13 Stat., 359), amending the same, and the act of May 7, 1878 (20 Stat., 56), commonly called the Thurman act, are *in pari materia* and to be construed together; and so construed the act of May 7, 1868, restores provisions of the act of 1862 respecting retention of compensation for services performed by the railroads of the United States which had been changed by the amendment of 1864, and requires the Treasury to withhold all payments for services performed on the roads constructed by the aid of Government grants, but not on roads owned or operated by the same companies which were not constructed with such aid.

When a contract is open to two constructions, the one lawful and the other unlawful, the former must be adopted. (*Hobbs vs. McLean*, 117 U. S., 567, affirmed.)

They say it would be unlawful for the Government to withhold compensation from these nonaided roads, and in commenting upon it they use very strong language. On page 240 the court say:

There is another view of this controversy which seems to us conclusive. As the contract between the United States and the railroad company, contained in the acts of July 1, 1862, and of July 2, 1864, has been interpreted by this court to authorize the retention by the Government of compensation for services only on those roads which the United States aided in building, the construction which the appellants seek to put on the second section of the act of May 8, 1878, would not only render that section a breach of faith on the part of the United States, but an invasion of the constitutional rights of the appellees. We are bound, if possible, so to construe the law as to lay it open to neither of these objections. (*Broughton vs. Pensacola*, 93 U. S., 206; *Red Rock vs. Henry*, 106 U. S., 596; *Hobbs vs. McLean*, 117 U. S., 567, decided at the present term, and cases there cited; *United States vs. Combs*, 12 Pet., 72.) The construction contended for by the appellee preserves the good faith of the Government and frees the act from the imputation of impairing rights secured by the Constitution of the United States.

This was the identical question which the Supreme Court say would be an invasion of constitutional rights, and that comes up here to be acted upon without any report from the committee, without any ascertainment of the fact as to what roads there are that are in this general system operated by them, when the same persons operate a road, no matter who is entitled to the dividends, or who owns the road, or whose money it is, or how it affects bondholders or stockholders anywhere; and we are to compel them to transport for the United States without compensation.

Now, if any person thinks this is justifiable he should produce

a report and show us what is the effect. Certainly we ought to wait for a report of the committee, because the Supreme Court say it is an invasion of constitutional rights to withhold the compensation for carrying freight from these other companies. But Congress might act perhaps if it had ascertained the fact about these other roads. It seems to me, to attempt to settle the Pacific Railroad question on an appropriation bill by this new legislation, would get us into interminable difficulties.

Mr. COCKRELL. The provision of the House bill does not undertake to settle and adjust all the relations existing between these Government-aided roads and the Government. We have a provision in the bill as it came to us, and necessity compelled the Appropriation Committee of the other House to put it in, that these aided railroads should not receive more than 50 per cent of the full amount of service to be paid. This is only another method that Congress is attempting to exercise for the purpose of securing the people against the payment of this enormous sum of money, \$64,000,000 interest, for which they are liable, and the first lien upon these roads to secure the payment of which was voluntarily released by Congress. It is no difficult problem to ascertain the number of these roads, if anything were necessary. If there should any claim that the Union Pacific—

Mr. STEWART. Does the Senator contend that the Government has got any lien upon the system of roads under the control of these two companies? I understand that a branch comes here to Newport News, and there are roads all through the country controlled by them.

Mr. COCKRELL. There is no pretence that this clause would reach that far.

Mr. STEWART. It says all roads under their control.

Mr. COCKRELL. No, I beg the Senator's pardon.

Mr. STEWART. It would reach them all. It is broad enough.

Mr. COCKRELL. The language is—

by the Southern Pacific Company over lines embraced in its Pacific system.

That would not extend to the Atlantic.

Mr. FRYE. Does the Senator think it is fair?

Mr. COCKRELL. Yes, I do. I think when the United States paid to these corporations in lands and bonds enough to build their roads without another dollar, and when these corporations have refused to reimburse the United States for the interest they have paid upon the bonds, and by influences not to be discussed just now secured from Congress a release of the first lien the United States held upon the roads and their property, and have turned the proceeds of their roads and the speculative profits of what the Government granted them in lands and bonds into the construction of these roads, the United States has a right to follow that property wherever it may go and enforce its lien. I think it is equitable and just. I do not think any Government has ever been treated as the United States Government has been treated by these bonded railroads.

Mr. FRYE. But is there any violation on the part of the railroads of the agreements which Congress made with them?

Mr. COCKRELL. There may be no technical violation in the strict legal sense of the word, and yet, morally and equitably, there has been a total disregard of what the masses of this country believe were the rights granted to those companies and the rights reserved to the United States. I know that the Supreme Court has decided, for example, that the interest on these bonds does not become enforceable at the instance of the United States in a court of justice until the bonds become due, and yet I doubt whether a Senator or Representative, with a few exceptions—precious few indeed—when that law was passed, dreamed of such a construction as that.

Mr. FRYE. But it is the law of the land.

Mr. COCKRELL. That is true. That act of Congress, skillfully, artistically drawn for the benefit of the corporate monopolies created and protected by it, has been construed in that way. As a matter of course that ends the legal remedy, but it does not end the right and the duty of the Congress of the United States to protect the taxpayers from the payment of this \$64,000,000 of bonds and the accumulating interest upon those bonds up to the date of their maturity; and we would be recreant to the trust delegated to us by the people if we did not attempt to secure remuneration and repayment of those sums.

Now, these companies may say technically that we can not enforce by law any lien upon these roads built by the aid granted by the United States to these corporate monopolies, that we can not enforce by law a lien upon their income and dividends to reimburse us for what the Union Pacific Company owes; but we may enact laws, and in that way we can protect ourselves against loss and damage.

Mr. STEWART. Does the Senator think it would be just to enact laws to tax companies which received no aid from the Gov-

ernment, whose stockholders are not stockholders in these other companies, and who had no connection with them, but put their money in these roads, because the roads which they own are under the control of the general system made necessary to carry on trade? Would he withhold payment from persons who had nothing to do with the Pacific railroads? I want to know whether he would do that.

Mr. COCKRELL. Yes. The persons in these companies—
Mr. STEWART. Does the Senator know what persons are in these companies?

Mr. COCKRELL. I will explain what I mean. I mean the few persons who have an interest in these companies simply amount to nothing. It is these two great monopolies, created by the United States, which are reaping all the profits and have all the liabilities of these companies. The original stockholders who built these roads have leased them to these two great corporations, and they get whatever these corporations permit them to receive, and they get it independent of this legislation. This legislation does not affect them at all.

Mr. STEWART. Does the Senator know whether or not the stockholders in these nonaided roads are the stockholders who received the bounty of the Government? Does he know that fact?

Mr. COCKRELL. If that fact does not exist the law does not operate, does it?

Mr. STEWART. Yes, the law operates if those roads are branches of this company.

Mr. COCKRELL. It makes no difference who the stockholders are, the persons who manage the roads get the cream.

Mr. STEWART. Would the Senator take away the property of the bondholders and stockholders who have liens upon these roads, and who have had nothing to do with these matters? Is it not proper, before you take the property of these private parties, before you pass a law to confiscate their property, to at least secure the report of some competent committee or commission and ascertain what the respective rights of the parties may be? It seems to me that if we are to retain this provision in the bill without a report and take money away from people who had nothing to do with these transactions, we should be imposing a wrong upon them.

We ought to know the facts. We have a committee investigating the facts, and we have no right to take A's property to pay B's debts because B is indebted to us. Whether anything is due or not, we have no report upon which to found any such legislation. Because the world is bad, are we to say that we shall kill everybody? That is the nihilist's theory, who would kill everybody because the world is bad, without trying to separate the good from the evil. If these parties are to be charged with this, there should be an investigation to know who owes the amount.

Mr. CALL. Mr. President, I objected to striking out this provision in the House bill. We might admit all that the Senator from Nevada [Mr. STEWART] says upon this subject, and yet a reasonable prudence for the protection of the people and their money would require that this payment should not be made before the facts are ascertained. Why shall these companies not wait until the people ascertain whether or not they are the same parties to whom the bounty of the Government was paid? Therefore, it seems to me, as there is a reasonable probability, as the inquiry has been made here, as the fact has been affirmed time and time again in both Houses of Congress that this was the money of the people that had been improperly applied by these same stockholders of the nonbonded lines and for their benefit and that an equity followed that money into these corporations—it seems entirely proper that until that fact is ascertained to be untrue the people's money should not be appropriated for their benefit.

For that reason I thought the provision of the House was a proper one. It settles nothing. It simply withholds the payment of this money until some future time.

Mr. MCPHERSON. Will the Senator from Missouri [Mr. COCKRELL], who seems to be familiar with this bill, inform me whether it is the intention of the bill to pay a larger compensation to the branch roads of the Pacific system for the transportation of mails than is paid the Pacific roads themselves, the aided roads?

Mr. COCKRELL. Certainly; there is no question about that; and the Senator will see that we take out of the aided roads 50 per cent and we take nothing out of the others. There is just that difference.

Mr. MCPHERSON. I should like to know upon what principle it is that the Central and the Union Pacific Railroad Companies can invest the money that belongs to the Government in branch lines all over the country, holding in their own treasuries nearly all of the stock—perhaps some of the bonds, but the stock—that has been issued for the construction of these lines of railroad, to-day the property of these two great corporations,

and they themselves compelled to furnish the Government transportation for 50 per cent and then in turn take their own property, their own branch lines, and claim for them full compensation?

The investigation of this subject by the late commission, which was sent out under Mr. Cleveland's Administration, showed the fact that both the Central and the Union Pacific Railroads had disposed of some of the bonds and securities of these branch lines, and wherever the branch lines did not pay scarcely any of the stock has ever been alienated from either the Union or Central Pacific Railroads because there was no market for those securities. Where the securities were worthless, as most of them are, they remained in the treasuries of the Union and the Central Pacific Railroad Companies as so much assets upon which they could float other securities in the market. This accumulation of branch-line securities has been made a potent factor in securing a new subsidy from the Government by way of extension of time and reduced interest.

It was further shown that as to some one of these branch lines there was a contract made between the parent or trunk line, and these different corporations, the branch lines, for constructive mileage. The Government aids the trunk line and it in turn subsidizes its own branches at the Government expense. These properties to-day are owned by the Central and the Union Pacific Railroad Companies mainly. They represent it. The roads were built contrary to law, without warrant of law, and I may further say in direct violation of law.

Now it is proposed, as I understand, in the army bill to take all these branch lines of railroad owned by these corporations and to give them full rates of transportation upon those lines and only withhold the rebate upon the work absolutely done upon the main trunk lines. It seems to me as though that was a most extraordinary performance.

If there is any reason whatever either in law or in justice by which the Government should exact from the Central or the Union Pacific systems a rate of compensation for carrying the mails and for carrying troops less than the usual rates charged upon other lines of railroad that are under no obligations whatever to this Government, then it is equally true and equally just that the same thing should be imposed upon these branch lines. There is no reason or justice in any other view of the question.

Mr. STEWART. Mr. President, the Senator does not reach the difficulty at all; he does not reach the objections. In the first place, this is new legislation on an appropriation bill, which is against the rule. In the next place, I again state that there is no fact before the Senate showing whether or not these branch roads belong to the Union and Central Pacific Companies. My information is that they do not. That question ought to be settled. My information is that there are a great many stockholders and bondholders outside.

The language used here is most sweeping. Let me read it, and see what it is proposed to do:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company, including the lines of the Oregon Short Line and Utah Northern Railway Company or by the Southern Pacific Company over lines embraced in its Pacific system.

We have no information as to the extent of that system or as to how many roads are brought in.

Mr. MCPHERSON. Will the Senator yield to me a moment?

Mr. STEWART. Certainly.

Mr. MCPHERSON. If the Senator will take the report made by the late commission which investigated the whole railroad system of the aided lines, he will find the number, the character, and the kind of securities held in their treasuries by the Union and Central Pacific Railroad Companies as a part of the assets of those companies.

Mr. STEWART. Of what companies?

Mr. MCPHERSON. Of the Union and Central Pacific Companies, as part of their assets as for money expended or securities held by reason of money expended by them for the construction of these lines.

Mr. STEWART. In what part of report on the Central Pacific system shall we find those facts?

Mr. MCPHERSON. They will be found in the report of the investigation.

Mr. STEWART. What part of the system does it cover?

Mr. MCPHERSON. The Central Pacific system, the Union Pacific system, the Kansas Pacific system.

Mr. STEWART. It is a question whether it is or not. I undertake to say that before we legislate, we ought to have the report of a committee on so important a matter as that.

Mr. MCPHERSON. I understood the Senator to say this was a new law.

Mr. STEWART. I say it is new legislation.

Mr. MCPHERSON. Then I think it would have been well for the committee to understand as to the ownership of these branch

lines and how much these companies represented before they undertook to increase the compensation upon the branch lines.

Mr. STEWART. I think we ought to understand it. The other House presents no report and no facts are stated here. We are legislating in the dark with regard to these companies against the decision of the Supreme Court, which says such legislation is in violation of constitutional rights. We have no right to do it. The Supreme Court has decided the very question. Compensation was withheld over these same roads by the Post-Office Department, the case went before the Supreme Court, and the court said to withhold payment was an invasion of constitutional rights.

We have not had any report to show that the Supreme Court were mistaken, to show that there was any predicate for such a demand on the part of the Government. I think this kind of legislation upon an appropriation bill, without the ascertainment of those facts, is unreasonable, and is putting the cart before the horse. The select committee having the subject in charge will bring in a solution at an early day of this whole question, and when we do act we ought to include those companies that are indebted to the Government, and nobody else.

Mr. PALMER. Mr. President, for information largely, for it is to sufficiently develop the facts that I suppose exist, I will ask the Senator from Nevada what corporation is it that is the debtor of the United States Government?

Mr. STEWART. The Union Pacific and the Central Pacific Companies are debtors.

Mr. PALMER. Presuming that is so, is there anything unjust in withholding payment from any railroad "owned, controlled, or operated" which is a Government debtor? It is not too much, I suppose, to charge any particular line of railway with the cost of transportation of troops, but I suppose its purpose is to reach the debtor of the Government. The provision amounts to this, that the Union Pacific Railroad Company and the Central Pacific Railroad Company shall not be paid for service performed on any of their lines out of this appropriation. I understand it is not to reach a particular company, but it is to reach a particular debtor to the Government; that is, that the Union Pacific Company, which is the debtor of the Government, shall not be paid for any service which it may render the Government from this appropriation.

Mr. STEWART. The Senator will allow me?

Mr. PALMER. Certainly.

Mr. STEWART. From the Union and the Central Pacific Companies the Government withholds one-half of the transportation under the contract, and that is all it can withhold under the contract. Here, where there is no contract and no fact showing a liability, outside companies, because they are managed or controlled by these companies that are required to pay into the Treasury one-half of the freight (and you can only take one-half from them under the contract), you propose to take it all from the others without investigation whether they owe anything or not, and do it in an appropriation bill. It seems to me that is a kind of legislation that is not wise.

Mr. PALMER. I will say, by way of answer to the Senator from Nevada, that if these roads are owned, controlled, or operated by the Government debtor, if on the principle that the Government debtor is realizing all the profits to result from their operation and it goes into the treasury of this corporation, which is the debtor of the Government, and it is material to inquire from what sources it is derived, it is enough that we seek to withhold from our debtor compensation for this service, proposing to charge that debtor with the value of the service rendered the Government.

Has the Supreme Court of the United States ever held that you may not look to the particular corporation which is your debtor, and that you may withhold from that particular corporation such compensation for services as will be paid from this appropriation?

I have no prejudice against these railroad companies, but it seems to me that this affords an opportunity for retaining in the Treasury money that ought to be paid into the Treasury by these corporations. It seems to me it is but just and fair that that should be done; it is simply keeping the money of your debtor. It seems to me in this case the doctrine of set-off properly applies.

Mr. ALLISON. Mr. President, I do not care to mingle in this discussion. I agreed to the amendment proposed by the Senate Committee on Appropriations for reasons which were satisfactory to me at the time, and I have seen nothing in this debate to change my opinions.

Our relations to the Union Pacific and Central Pacific Railway Companies are perhaps not what they ought to be. We have seen, and we do see, a largely and constantly accumulating debt of these two companies upon their lines of railway, secured to us

by a second mortgage. When the statute of 1864 was passed it provided that one-half, as I remember it—perhaps that was the original act of 1862—

Mr. STEWART. By the act of 1862 the Government retained it all, and by the act of 1864 it retained one-half.

Mr. ALLISON. Very well. The act of 1864 retained one-half of the compensation due from the Government for transportation, whether of mails, of munitions of war, troops, etc., and 5 per cent of the net earnings. Under that act the Supreme Court decided, as I remember, Associate Justice Davis delivering the opinion, that *pro tanto* these earnings and this 5 per cent should be applied to the interest, but whatever interest was not paid by the application of these earnings would not become due until the principal sum became due. It has been under the operation of those two provisions that the debt is accumulating so far as interest is concerned.

In 1878, it will be remembered, that we had an adjustment with these companies under what is known as the Thurman act, which was an act intended to provide for a sinking fund which would in a sense meet these accumulations of interest. That sinking-fund act provided, as I remember it—I have not examined it recently, and may in some details be mistaken—that the half transportation due from the Government should be applied presently to the interest and that the other half should be paid into the Treasury and constitute a sinking fund to be invested and reinvested by the Government from time to time in securities, and that in addition to that 25 per cent of the net earnings of these companies should be applied to the sinking fund, and that these two funds together should be made a fund applicable to these accumulations of interest and the payment of the principal sum.

The railroad companies, I believe, resisted that legislation as unconstitutional. The Supreme Court decided that it was constitutional because it did not take the money of these corporations and apply that money to any purpose other than the payment of the companies' debts, and that for the purpose of making these arrangements Congress had the power to take from these railroad companies a certain portion of their earnings to be applied to a sinking fund.

I think one case was decided before by the Supreme Court wherein one-half of the earnings of the Kansas Pacific Railroad Company—if that is the name of the corporation that was subsidized for a part of its way and not subsidized for the remainder—could only have taken from it one-half of its earnings on the subsidized portion of the road, for the reason, as the Supreme Court stated, that that was the particular segregation of earnings that was meant in the law. In another case the court decided that the earnings of nonaided roads could not be applied to the uses and purposes of the Government, although, as I have not examined with care, I am not sure that legislation such as is proposed now has ever been put upon the statute book as respects branches and lines controlled by or operated by either one of these great corporations.

It is true that the Union Pacific Railway Company has built numerous branches, the Senator from New Jersey [Mr. McPHERSON] says, in violation of law. He may be correct in that statement, although my recollection is quite different. My understanding is that the policy of the Government has been, as respects these branches, rather to encourage than not to encourage them. So, I believe as respects the Union Pacific Railway Company, its branches now have a greater number of miles than the principal company, although I am not familiar with these details.

Mr. STEWART. Very many more miles.

Mr. ALLISON. I know that it has been their policy not only to encourage the building of branches, but, to some extent, to lease railroads. I am told—I do not know with what truth—that the Union Pacific Railroad Company has now leased a line from Denver to Galveston, or at least as far as Fort Worth, although they did not construct a mile of it nor invest a dollar in it; but they have leased that line. The Senator from Illinois [Mr. PALMER] says that if they operate that road it is his present opinion that we have a right to say that for that operation we shall hold the entire charge, whatever it may be, and apply it to what? Because if we hold this charge we have a right to apply it to something; that we shall hold all these earnings and apply them to the payment *pro tanto* of the second-mortgage bonds which we hold upon the Union Pacific Railway Company, extending westward from Omaha 1,100 miles.

The Senator from New Jersey [Mr. McPHERSON] says that this railroad company—and I have no doubt it is true—has sold the bonds of these branch lines, and these bonds are held by the public hither and thither.

Mr. McPHERSON. Very few of them or none of them, except the lines that have been paid.

Mr. ALLISON. Undoubtedly, but there are a good many of

those. It is doubtless true as respects the Fort Worth line, a line of a good many miles—I do not know how many, five or six or seven hundred miles—

Mr. STEWART. The Southern Pacific line is 2,000 miles. Mr. ALLISON. Two thousand miles of road. So also with the Oregon Short Line. The bonds of these companies have been sold. Now, I should like to ask whether or not it is equitable for the Government of the United States to say that these branch lines, if you call them branch lines, or these leased lines, which have never been constructed by either of these companies, shall apply all these earnings to the payment of the second mortgage of the Government, which is not due for several years, to the exclusion of the people who have purchased these bonds in the open market, and are in the expectation, at least, that interest will be paid to them as the interest matures semiannually?

Mr. GEORGE. I should like to ask the Senator a question.

Mr. ALLISON. Certainly.

Mr. GEORGE. I should like to know what the Senator means by the words "all these earnings?" Do they include anything more than the pay which the United States themselves give to these companies for particular services. Does it extend beyond that?

Mr. ALLISON. I am speaking now of those earnings.

Mr. GEORGE. Those are the earnings?

Mr. ALLISON. Those are the earnings. I will say to the Senator from Mississippi that this provision in the Army bill is also found in another bill which provides for the transmission of the mails of the United States over these railways.

Mr. MORGAN. What bill is that?

Mr. ALLISON. The Post-Office appropriation bill.

Mr. MORGAN. That has not come in yet.

Mr. ALLISON. That has not come in here yet, but I say it is found in that bill.

Mr. MORGAN. In just the same phrase?

Mr. ALLISON. In substantially the same phrase.

Now, whilst the army transportation is a small transportation, yet when you come to apply the postal expenditures upon four or five thousand miles or two or three thousand miles, if you please—I do not know the extent of these branch or leased lines—most of them running through an unsettled country and most of them probably, as the Senator from New Jersey says, unproductive in respect to having surplus earnings over and above their fixed charges, or probably some of them not having money enough to pay the running expenses of the roads, it seems to me that it is a pretty harsh measure for the Congress of the United States as respects these lines to say by legislation, by the power we have here, that we will withhold all these earnings and put them in our pocket to pay a debt which is not yet due.

Mr. GEORGE. I should like to ask the Senator a question. I am very anxious to get at the merits of this controversy.

Mr. ALLISON. I am myself, and perhaps I am not contributing much to that.

Mr. GEORGE. I think you are, and I want some information. I have been sick and have just come in. I want to know what is right.

Mr. ALLISON. I know the Senator does.

Mr. GEORGE. I do not know what the proposition is. What I want to know is this: Is the proposition of this amendment that the Government of the United States shall retain as a set-off that which the Government owes or which might become due by the Government to these railroad companies and apply this set-off to a debt which the railroad companies owe the Government?

Mr. ALLISON. No, that is not the proposition.

Mr. GEORGE. Is not that the proposition?

Mr. ALLISON. It proposes simply this: The ultimate logical result of that further legislation might be what the Senator suggests perhaps if we had that power, but this simply proposes that no payment shall be made to these railway companies owned, controlled, leased, or operated by either one of these two subsidized roads.

Mr. GEORGE. It is not the proposition, I hope, that these railroad companies shall do work for nothing. Is that the proposition?

Mr. MORGAN. That they shall not do it at all is the proposition of the bill.

Mr. ALLISON. That they shall not be paid to do it.

Mr. MORGAN. Of course they will not do it if they are not paid for it.

Mr. ALLISON. There is an obligation on the part of the Union and the Central Pacific Railroad Companies to transport troops, munitions of war, and the mails.

Mr. MORGAN. Over the subsidized lines.

Mr. ALLISON. Over the subsidized lines. Now it is proposed to say that the Government will not pay them for transporting over any lines that they influence or control.

Mr. STEWART. But it goes further than that, and it pro-

vides "or by the Southern Pacific Company," not the Central Pacific Company, but another company entirely, an independent company, and any road which it operates.

Mr. GEORGE. Is there a proposition to strike something out of the bill as it came from the House of Representatives?

Mr. ALLISON. Yes, this provision came from the House.

Mr. GEORGE. Will the Senator read what is proposed to be stricken out?

Mr. STEWART. I will read it. It is as follows:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railroad Company, including the lines of the Oregon Short Line and Utah Northern Railway Company or by the Southern Pacific Company over lines embraced in its Pacific system.

Mr. MORGAN. The sum of money herein appropriated to which that proviso applies, is the sum of \$2,850,000 for the purposes of army transportation, part of which is appropriated for horses, wagons, and what not. Then the Senator from Mississippi will notice that the proviso which the House of Representatives put in and which the Senate committee propose to strike out is—

That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army, etc.

Over these nonsubsidized branch lines of the Union and Central Pacific companies, or any road in the control of the Southern Pacific Company.

Mr. GEORGE. I want to get the facts. As I understand now, the Union Pacific and the Central Pacific companies are debtors of the Government.

Mr. ALLISON. They are.

Mr. GEORGE. To a very considerable amount?

Mr. ALLISON. Yes, sir.

Mr. GEORGE. About \$60,000,000, as I understand.

Mr. ALLISON. A large amount, whatever it is.

Mr. COCKRELL. Sixty-four million dollars of principal and fifty-odd million dollars of interest.

Mr. GEORGE. They are debtors.

Mr. MORGAN. To the amount of over \$115,000,000 altogether.

Mr. GEORGE. Then, I understand these two corporations are debtors. They are separate debtors and not joint debtors, I believe?

Mr. ALLISON. They are separate debtors.

Mr. GEORGE. Each of these two corporations is a debtor, and I suppose each has leased certain lines of railroad?

Mr. STEWART. No; it is the Southern Pacific Company that has leased some lines, and not the Central Pacific.

Mr. MORGAN. The Senator will allow me. The Union Pacific Railroad Company has got independent charters from different States and Territories through which its main lines run. It has various supply branches of the main trunk line and owns the majority of stock in these branch lines, and where they have bonds the Union Pacific Railroad Company owns a majority of the bonds.

Mr. GEORGE. They are substantially the owners of the branch lines.

Mr. MORGAN. Of course they are. The Central Pacific Railroad has also some similar relations or conditions with the roads that connect with it, not so extensive, however; but this bill seems to relate entirely to the Union Pacific Railroad; that is to say, the part proposed to be stricken out by the Senate committee, what the House put in there, seems to relate entirely to the Union Pacific Railroad Company, including the Oregon Short Line, the Utah Northern Railway Company, and the Southern Pacific Company, over lines embraced in the Pacific system, the Southern Pacific and not the Central Pacific.

Mr. STEWART. The Southern Pacific Company leased the Central Pacific and leased a good many other lines.

Mr. MORGAN. I know it has.

Mr. GEORGE. I was trying to get at the substantial facts as they exist, or in substance, and with this view: If these roads really are substantially owned by these various lines which we do not recognize as our debtors—

Mr. MORGAN. If the Senator will allow me, I will say that these two companies are so far substantially the owners of these branch lines that they propose to the Government of the United States to transfer their ownership of stock, bonds, and all, as a condition of security to the Government for the payment of the one hundred and thirteen or one hundred and fifteen or one hundred and twenty million dollars that those two main trunk lines owe the Government. They propose to transfer these securities to the Government of the United States, and the Senate select committee report a bill here favoring the acceptance of the transfer and settlement of that indebtedness by giving them one hundred years of extension at 2 per cent interest, I believe it was, per annum.

Mr. GEORGE. Does the Senator from Iowa recognize that as a correct statement of facts or is there a dispute about them?

Mr. ALLISON. I am not as familiar with the facts as the Senator from Alabama [Mr. MORGAN]. I happen to know only some detached facts respecting this subject which I stated before the Senator from Mississippi came in, one of which was that I happen to know that the Union Pacific Railroad Company has leased a line which it did not build.

Mr. GEORGE. The Fort Worth line.

Mr. ALLISON. The Fort Worth line, which company has issued bonds. I do not know but it may be right and it may be lawful for us to segregate earnings that ought to be used and would be used ordinarily to pay interest upon the cost of constructing a railway; I do not know but we ought to divert them and say that we will take whatever earnings we choose to take from this railroad company and put them in our general caldron for the purposes of settlement hereafter between these two great railway companies and the Government. That is the point that influenced me in the decision I came to that it was not wise for us in this way to simply state that no money should be used for this purpose without going farther and regulating, as the Senator by his intimation seems to think we ought, and I think we ought to. If we are going to do this, I think we ought to say that whatever money arises from this transportation shall be put into this pocket of ours and be invested and used for the purpose of ultimately extinguishing, as far as it can extinguish, the debt that these railroad companies owe the United States.

Mr. FRYE. But what right has the United States to take the earnings of all the California roads but one and two-thirds of all the Texas roads and pay the debt of the Union Pacific and the Central Pacific companies to the United States?

Mr. ALLISON. I was trying to argue that there was some doubt about that, but I infer from some observations made on my left that there seems to be no doubt about it. If there is none, then I submit that, at least, when we take this money we ought to provide for its disposition.

Mr. MCPHERSON. If the Senator will permit me, I will try to make it plain to him.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. ALLISON. I do.

Mr. MCPHERSON. I wish to make it plain.

Mr. ALLISON. The Senator has made plain to me what he said thus far.

Mr. MCPHERSON. I will make it plain once more. It is proposed by the Senate committee to strike out of the House bill these words:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company, including the lines of the Oregon Short Line and Utah Northern Railway Company or by the Southern Pacific Company over lines embraced in its Pacific system.

We all understand what that means. The companies have all been named here to which this provision is intended to apply. Now I will go back to the Thurman law, of which the Senator has spoken. He has stated correctly as to the adjustment of this Government debt in the Thurman law and the amendments that were therein made to the law of 1862 and the law of 1864 as to the amount of money that should be held back by the Government on transportation account, what for the sinking fund, and what on account of net earnings. Then we turn to section 9 of the Thurman act, which reads in this wise:

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies, respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon.

So it appears from that that the lien of the Government was a lien upon their assets, a lien upon their income, a lien upon their property of every kind and character wherever found or whatever it consisted of.

Mr. GEORGE. Will the Senator read the remainder of it?

Mr. MCPHERSON. I will read it.

But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper, and lawful course of their current business, in good faith and for valuable consideration.

I wish to know if it is in the ordinary, lawful, and proper course of business, of managing and running the Union and Central Pacific Railways, that they should take the assets, the income of these companies, the property of the Government, and proceed

to build branch lines all over this country for the purpose of making money for the stockholders of those lines respectively?

It appears in the report made by the Senator from Maine [Mr. FRYE], I believe—

Mr. ALLISON. Let me answer that question.

Mr. MCPHERSON. If the Senator will allow me to just make one further statement, then he will have two things to answer, and perhaps he will better understand exactly what to answer.

It appears, as I think, in the report made by the Senator from Maine that it was proposed to turn in a large amount of assets of these different branch lines as additional assets which it was claimed the Government did not cover by its present lien upon the property of the company as an inducement to have the debt extended for one hundred years at 3 per cent.

It also appears in the statement made by the commission, which was appointed by the President and confirmed by the Senate to investigate the affairs of the Pacific Railroads, that the property, the assets, the securities, of these different lines of railway were to-day in the treasury of the Union and Central Pacific Railway Companies. If they are in the treasury of the Union and Central Pacific Railroad Companies, how did they get there, unless it was by advances made by these companies or its officers and agents?

Now, then, whatever was done, after these branch roads were constructed they entered into a contract with both the Central and the Union Pacific Railroad Companies so far as the lines were built by each, by which they were to be entitled to a constructive mileage over the particular part of the line embraced in the branch lines. For instance, a road running 50 or 100 miles into the country from the main line and connecting with the main line was entitled to many times the mileage upon freight and passengers that was charged by the main line itself. This was a contract entered into between the two companies, and the owners of the branch lines, it is alleged, were the parties who were directing and controlling the Pacific Railroad systems.

The Senator from Nevada has raised the question here as to the right and justice of applying this to the Southern Pacific Company. If I understand the history of the Southern Pacific Railroad Company at all, it is this: That road was built, and it is owned to-day, by the very men who incorporated and who constructed and still control the Central Pacific Railroad.

Mr. STEWART. The Senator is entirely mistaken. Let me state what the facts are.

Mr. MCPHERSON. The Senator can state them after I get through.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Iowa [Mr. ALLISON] is entitled to the floor.

Mr. ALLISON. I will yield a half hour further to the Senator from New Jersey.

Mr. MCPHERSON. I yield to the Senator from Iowa.

The PRESIDENT *pro tempore*. The Senator from Iowa is entitled to the floor.

Mr. ALLISON. I supposed I was entitled to the floor.

Mr. MCPHERSON. I supposed the Senator had yielded the floor.

Mr. ALLISON. Oh, no. I yielded temporarily to the Senator.

Mr. MCPHERSON. I supposed the Senator vacated the floor, and that I had taken it in my own right.

If there is any one thing better known than another in this country it is that the Southern Pacific Railroad Company and the Central Pacific Railroad Company have always been, since the construction of the Southern Pacific Railway, really under one management and control.

It has been charged upon this floor repeatedly, and not denied I think as yet, that it has been the practice of the Southern Pacific Railroad Company to turn the switches in San Francisco and thus divert the freight from the Central Pacific Railway over on to the Southern Pacific, because if the freight should go over the Central Pacific it would be required to pay a certain revenue to the Government in liquidation of its debts and obligations, and for the further reason that the Southern Pacific would gain in mileage.

Mr. GEORGE. What does the Senator mean by "turning the switches?"

Mr. MCPHERSON. They turn the switches at San Francisco in order that freight, which might naturally go over the Central Pacific, shall go over to the Southern Pacific. They are all connected together; they are all one system; and to-day the Southern Pacific Railroad is the lessee of the Central Pacific system. This fact alone is an all-sufficient reason and justification for all I have said.

Mr. COCKRELL. The Senator will permit me to make a statement. If a passenger residing near Nebraska City should come down into Missouri and take the Missouri, Kansas and Texas Road, and then go down into Texas, and then go to California in

order to get up to the State of Washington, the railroad companies would sell a ticket at the same rate from that country, nearly 1,000 miles north of where they turn west to go to the Pacific, in order to get to the States of Washington and Oregon.

Mr. MCPHERSON. Evidence of what I have said is found in the report made by the Senator from Maine, in which I think he declares that the Central Pacific Railroad Company is worth nothing practically, and can pay nothing to the Government. I will not say that the Senator uses quite such extravagant terms as I have employed, but it amounts to the same thing in the end.

Mr. FRYE. If the Senator from New Jersey had read with care the report which I made, I think the statements which he is making would be much more correct than they are now.

Mr. MCPHERSON. I think the Senator reported that the income of the company was so small that it was impossible for the Central Pacific Company to pay one and one-half per cent, and it virtually amounts to nothing. Perhaps my expression is a little too extravagant. As I said before, the Southern Pacific Railroad Company is owned by a certain number of wealthy gentlemen who had constructed the Central Pacific system and now lease it, and to-day, the Central Pacific Railroad, we are told, is practically bankrupt, the business over that road comparatively light.

Now, I wish to know in distributing the compensation to be given to these railroad companies for transportation over the lines by authority of the Thurman law, what is the propriety and where is the justice, with such a condition of things existing, to pay these aided lines 50 per cent, and then to give to the nonaided branches of their own lines they themselves own full compensation?

By what right, confronted as you are by the Thurman act, when there is no authority given there to alienate one particle of their assets, not one dollar of their income, except in the ordinary transaction of their business, can you now authorize them, or can they assume that they are authorized and take the responsibility of leasing or buying the Oregon Short Line and the Utah Northern, whatever that may do with respect to the credit or the stability or the standing or the security of the lines themselves, or the security which the Government may hold upon these properties? No, sir; not one single dollar of money should be paid by either of these companies to the Southern Pacific, which is to-day the lessee of the Central Pacific, or to the Union Pacific Railroad Company for any of its purchased or leased or built lines, wherever they may be found, either for the transportation of troops or the carrying of the mails.

Mr. ALLISON. The Senator from New Jersey seems not to have read the whole of the Thurman act when he speaks of the diversion of the assets of these companies. The Thurman act provided that there should be paid into the Treasury 25 per cent of their net earnings computed in a certain way, which, as I remember it, although I have not looked at the act for years, provided that the net earnings should be all the earnings after paying interest upon the first-mortgage bonds and after paying the ordinary running expenses, and not to include the subsequent mortgage debt. Therefore, 75 per cent of those earnings could be used as the railroad company saw fit to use them, but they would not pay any dividends until they complied with the Thurman act. That is all there is about that.

For myself, I do not intend to be drawn into a discussion of the relations of these railroads as respects the proposed amendment of the committee having that matter in charge or as to what should be finally done respecting our debt due from these companies. But I wanted to say one other thing before I sat down, and that is that the Supreme Court has decided that it is a violation and impairment of a contract for Congress by legislation to take away earnings from portions of railroads that are not subsidized and apply them to any portion of a road that is subsidized. Although that perhaps has not been decided as respects this particular case by the Supreme Court, it has been decided by the Court of Claims unanimously. The decision is to be found in their reports, and upon it the Government of the United States, having appealed to the Supreme Court, withdrew that appeal. Upon a case precisely on all fours with the case here, the Court of Claims unanimously decided that the Government could not withhold payment such as this.

Mr. VEST. If the Senator will permit me, how does that affect this question? As I understand it, the latter part of the House provision I disagree to, but the first part of it I do most emphatically agree to, and it simply provides an additional mode of collection of an honest debt by the Government of the United States from companies that owe the Government this money, because it is a condition-precedent here that these auxiliary lines or branches shall be owned or controlled or operated by the companies that are indebted to the United States. So the decision alluded to by the Senator from Iowa does not touch this case.

Mr. ALLISON. It does absolutely.

Mr. VEST. Certainly the Supreme Court of the United States never decided (if so I would be obliged to the Senator to cite the decision) that when one of these corporations is indebted to the Government and the indebtedness acknowledged we did not have the right to coerce additional security for its collection, when they decided that the Thurman act was constitutional.

Mr. ALLISON. Undoubtedly they never decided that we did not have that right.

Mr. VEST. As a matter of course we could not take the earnings of a road over which the debtor companies had no control and apply that to the payment of our debt.

Mr. ALLISON. If the Senator will allow me, under the decision of the Supreme Court in the Thurman act, instead of taking 25 per cent of their net earnings we can take the whole of them.

Mr. VEST. I should say so.

Mr. ALLISON. But that is not the question we are arguing here. We are, or at least I am trying to argue as respects railroads that have received no aid from the Government that have other lines which are fully recognized by the Thurman act, because it expressly reserves prior liens, and I say as respects those the court has decided that we can not take this money.

Mr. VEST. Unquestionably.

Mr. ALLISON. And that is all I desire to say. I have not the decisions before me, but I have read them. We are now paying interest upon judgments of a precisely similar character to that which will be secured, in my opinion, if the provision we are now discussing shall become a part of the law.

Mr. VEST. Does the Senator from Iowa mean to assert that instead of paying over the money to these debtor companies, companies that own and control these lines, we can not provide that the amount due for the transportation shall be credited on the final adjustment of the indebtedness between the companies and the Government of the United States?

Mr. STEWART. It is done now. It is in the sinking fund of roads on which the Government has liens.

Mr. VEST. But it is not the question about its going into the sinking fund. Can we not provide now that instead of paying them money out of the Treasury of the United States we shall simply give them a credit on the final adjustment for the amount due them?

Mr. ALLISON. Now, I will ask the Senator—

Mr. VEST. That is the very point of the discussion.

Mr. ALLISON. I know how able a lawyer he is. Suppose there is a line now leased by one of these companies, having been built by another corporation, and a bond of \$20,000 or \$30,000 a mile has been put upon that line, does the Senator think we could equitably or legally by a statute take money that belongs fairly to the people who paid their money in and constructed the road and apply it to one part and not to the other?

Mr. VEST. I will say emphatically that we would have the right, subject, as a matter of course, to all equitable liens which even the Congress of the United States can not destroy, because it is in the nature of a contract, or ought not to destroy if they had the power; but they have not got it. We would have the right to take the proceeds or the amount of the assets of the auxiliary company or line if it belonged to the debtor company and apply it to this indebtedness.

Mr. ALLISON. So I agree, but that is not the case.

Mr. VEST. I want to say to the Senator from Iowa that I drew an amendment here which incorporates my idea about how this matter ought to be adjusted. I am unwilling to pay a dollar in money over to these debtor companies until they pay up the amount that ought long since to have been paid to the people of the United States. I shall therefore offer this amendment. After the word "by," in line 25, I move to insert:

Any railway company or corporation which is indebted to the United States by reason of the aid heretofore given by the Government to such company or corporation, but the amount due from the Government for transportation on lines owned, controlled, or operated by said company or corporation shall be credited upon the indebtedness of said company or corporation to the United States.

I give notice of that amendment.

Mr. ALLISON. I submit to the Senator, if he wants to make the amendment correspond with the decisions of the courts, the decision on the Thurman act expressly decided that that act was constitutional because it provided for a sinking fund which could be used at maturity for the payment of the debt, and this debt not being due—

Mr. VEST. As a matter of course that is a matter of adjustment. The sinking fund is only one mode of coercing the payment of the debt. It is exactly like levying an execution, only it is indirect.

Mr. FRYE. It carries interest.

Mr. VEST. As a matter of course, but it is a mere matter of

adjustment. The principle decided by the Thurman act, which the railroads fought from the beginning at the point of the legal bayonet until coerced into it, was that the Congress of the United States had no right to take one dollar of their assets and apply it upon the payment of their debt without their consent. That was the whole of it, that we could not coerce the payment of it by an act of Congress, and the Supreme Court decided that we could do it by creating a sinking fund, forcing the roads to do it, taking a certain proportion of their earnings and applying it to the debt that was due to us. Now, we are simply doing that same thing here.

Mr. STEWART. Do you take any more than is already taken? Is not all that you propose now already taken by the Government under the arrangement which is going on?

Mr. VEST. We are taking so much—

Mr. STEWART. We are taking all the freight money.

Mr. VEST. We are taking so much, but here this state of the case is now presented to us: These companies have been permitted to construct branch lines, whether rightfully or wrongfully does not touch this question. The United States Government is now estopped from saying anything in regard to the legality of the construction of the branch lines, as I happen to know, because I served once upon a subcommittee of the Judiciary Committee that was instructed to inquire into the legality of the construction of the branch lines and into the whole question of the indebtedness of these companies. That subcommittee and the Committee on the Judiciary came to the conclusion that it increased the security of the people of the United States to allow the roads to construct these lines or to lease them and operate them.

Mr. FRYE. Undoubtedly a correct conclusion.

Mr. VEST. The committee came to the conclusion that instead of diminishing the security for the debt due from these companies it increased it. Therefore I repeat that we are estopped equitably from raising the question as to the legality of the construction of these lines. We have allowed them to go on and be constructed; we never even remonstrated against it; but, having constructed them, now this question arises: With the knowledge that this indebtedness exists from these debtor companies that are operating or controlling or owning, in the language of this provision of the other House, these lines, ought we to pay them money when they owe it? Have we not got just the same right to take the money that comes from these lines and apply it in the nature of a credit upon the indebtedness to us that we had to pass the Thurman law? In my judgment, there is no difference in principle between the two.

Mr. STEWART obtained the floor.

Mr. SAWYER. Will the Senator from Nevada allow me to have an executive communication taken from the table for reference?

Mr. STEWART. Certainly.

FOX AND WISCONSIN RIVERS IMPROVEMENT.

Mr. SAWYER. There is a letter on the table from the Attorney-General, which came in on the 11th of April, in response to resolution of the Senate, January 25, 1892, relative to certain awards in the matter of the Fox and Wisconsin Rivers improvement. I ask that it be taken from the table, and, with the accompanying document, referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The letter and document will be referred to the Committee on Appropriations. It has been printed.

PORTAGE LAKE AND LAKE SUPERIOR CANAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of April 23, a letter from the Chief of Engineers, together with a copy of a report of Maj. Charles E. L. B. Davis, Corps of Engineers, relative to the Portage Lake and Lake Superior Canal; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

INTERNATIONAL MONETARY CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I have received the resolution of the Senate of April 23, requesting that, if not incompatible with the public interest, I inform the Senate what steps have been taken towards the securing of an international conference to consider the question of the free coinage of silver at the mints of the nations participating in such conference, or as to the enlarged use of silver in the currency system of said countries, and that I transmit to the Senate any correspondence between the United States and other governments upon the subject, and in response thereto beg respectfully to inform the Senate that in my opinion it would not be compatible with the public interest to lay be-

fore the Senate at this time the information requested; but that at the earliest moment, after definite information can properly be given, all the facts and any correspondence that may take place will be submitted to Congress.

It may not be inappropriate, however, to say here that, believing that the full use of silver as a coin metal, upon an agreed ratio, by the great commercial nations of the world would very highly promote the prosperity of all their people, I have not and will not let any favorable opportunity pass for the promotion of that most desirable result, or if free international silver coinage is not presently attainable, then to secure the largest practicable use of that metal.

BENJ. HARRISON.

EXECUTIVE MANSION, April 26, 1892.

Mr. TELLER. Mr. President, I do not desire to debate the message. I simply want to say that the President has said he will let no opportunity pass. What we complain of is that this Government has been sitting and waiting for an opportunity to come. We say it is the duty of the Administration to make the opportunity and not wait until it may come.

Mr. MORGAN. Mr. President, I do desire to debate the message from the President before it goes to a committee. I ask that the message be printed and lie on the table for the present.

The PRESIDENT *pro tempore*. The message will be printed and lie on the table.

ARMY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole, striking out the proviso beginning on page 17.

Mr. STEWART. Mr. President, in regard to the situation of the roads that this provision covers, let us take the Southern Pacific system. It is not the Central. It leases the Central and it leases a good many other roads. It is the general name of a company that has leased and brought under its control a very large system. It operates I do not know how many, but a good many thousand miles of road. It is a notorious fact published in the newspapers. Their bonds are on the market. Take the bonds of the Southern Pacific.

The Southern Pacific was not built with the Central Pacific money, but it was built with money raised on bonds. They are paying no dividends. The constitution of that road, practically from San Francisco to New Orleans, was of great benefit to the Government in the transportation of munitions of war and the Army. We have had along the Southern border the Apaches and a great deal of the expense was incurred by such transportation before the construction of that road. It was impossible to even recover possession of that country or protect the inhabitants until this road was constructed. The Apaches practically had control of the entire southern portion of the country along the Mexican border. This road was built there and it has been very useful for that purpose. The road is paying no dividend. The bondholders have an interest that the road shall not be destroyed. If the Government requires this long line of road to carry mails and munitions of war for nothing, it will certainly affect the interest of private parties.

It may be that the stock of this company, which has not become of value at all, is owned by men who are interested in the stock of the Central Pacific Railroad Company. Probably that is the case. They were the promoters of this enterprise.

Now, take the Utah Northern road. The bonds of that company, I think, are on the market also. It is bonded, and so is the Oregon Short Line bonded. These roads run through a very poor country and are not very profitable. They are feeders of the Union and Central Pacific Railroads. As the Senator from Missouri said, they thought it would benefit them to have feeders. The feeders, particularly of the Union Pacific, were beneficial to the trunk line of the Union Pacific, but so far as the Southern Pacific system is concerned it was built with money raised by mortgaging the road.

While we may deal, according to the decisions of the Supreme Court, with a company that we contracted with, and make it provide a sinking fund for the payment of the debt, and have done that, and it has been sustained by the Supreme Court, that is entirely another question. As to whether the Thurman act takes all from these roads that may be taken, and whether anything further to provide for the payment can be done or not, you have a committee investigating what can be done to secure the Government in the ultimate payment of its debt; but that we can go out and destroy these other corporations and make them do something for nothing is entirely out of the question.

The Supreme Court have met that exact question. The Senator from Missouri [Mr. VEST] was not here when I read from that portion of the decision which treated upon this subject. I will read it again. It was contended that under the Thurman act and the various acts of Congress, the Central Pacific and Union Pacific being indebted to the Government, it might do just what

is proposed to be done by this provision. That was the exact question. The Government withheld compensation for carrying the mails, and I suppose they have got some two or three million dollars of judgments drawing 10 per cent interest now against the Government for failing to make appropriations to carry the mails on these nonaided roads. The Supreme Court say, with regard to that:

There is another view of this controversy which seems to us conclusive. As the contract between the United States and the railroad company contained in the acts of July 1, 1862, and of July 2, 1864, has been interpreted by this court to authorize the retention by the Government of compensation for services only on those roads which the United States aided in building, the construction which the appellants seek to put on the second section of the act of May 8, 1878, would not only render that section a breach of faith on the part of the United States but an invasion of the constitutional rights of the appellee. We are bound, if possible, so to construe the law as to lay it open to neither of these objections.

Then the court go on, and after citing the various cases where this question has been decided, say:

Broughton vs. Pensacola, 93 U. S., 256 Red Rock vs. Henry, 103 U. S., 596; *Hobbs vs. McLean*, 117 U. S., 567, decided at the present term, and cases there cited; *United vs. Cocumbs*, 12 Pet. 72. The construction contended for by the appellee preserves the good faith of the Government, and frees the act from the imputation of impairing rights secured by the Constitution of the United States.

To take it from these roads, the court say, would be an invasion of their constitutional rights. This very question was before the Supreme Court. It has been before the Court of Claims. It was always decided that you have no power to do it, and if you attempt to do it in this way by legislation on an appropriation bill it seems to be going out of the way.

If further legislation is to be had with regard to the sinking fund it should be done in a separate bill. I hope the select committee will bring in a bill that will provide for security to the Government and will secure the ultimate payment of this indebtedness on reasonable terms, so that the Government shall be secured and the people at large shall be secured and that the railroads and the good faith of the Government shall be preserved. I believe if the committee brought in a bill it would be entirely satisfactory. They reported one in the last Congress, and I presume will report a similar one after further consideration in this Congress. That would be dealing with a subject that they have under their special control, but we should not go outside on this appropriation bill. These roads have been built with bonds that have been floated on the market. It would be a blow at the good faith of the United States and would be regarded by the bond holders as repudiation.

Suppose we should now cripple some of the railroads and they should go into liquidation. The bonds are held all over the world. The roads have been constructed under the laws of the various States. Congress has sanctioned them. The committee reported that their construction was beneficial to the main roads and nobody objected to it. Their bonds, I say, are in the hands of innocent parties, and if we say that they should carry the mails and transport munitions of war and troops of the Government without compensation we do not know to what extent it may cripple them. It may drive some of the weaker roads into bankruptcy. It will very likely do that and do what the Supreme Court of the United States say is an invasion of their constitutional rights. We do not want to be placed in such a position as that on an appropriation bill.

It seems to me this is wild legislation on an appropriation bill and that it has no place here. If we are going to put such measures as this upon our appropriation bills we shall not get them through. If this precedent is set all our appropriation bills will be loaded with legislation, and this session of Congress will not close until next September if we undertake to remedy all the evils in the world and settle everything on appropriation bills, without any report from a committee stating facts upon which to predicate this legislation and with no investigation.

It appears to me that this is going clear outside of any ordinary legislation ever proposed before. If further legislation is necessary our committee will undoubtedly report it and secure the Government payment for the liens it has, and if anybody is bound to contribute, let them contribute. Let that be found out; but to attack all these roads would be unjust. There is one road in Texas that was built and run there for many years. It runs to New Orleans. That road is in this system. It was built before they leased it; somebody bought it or leased it, but not the Central Pacific. If any company bought it, it was the Southern Pacific, and it is operated to the city of New Orleans. I do not know how many stockholders are in it or who are going to be affected by such a provision. What right have you to make that road carry your mails and your munitions of war for nothing?

Mr. McPHERSON. Mr. President, in order that I may make my statement exactly correct so far as my controversy with the Senator from Maine [Mr. FRYE] is concerned, I wish now to say

that I had actually overestimated the Senator's value placed upon the Central Pacific Railroad property to the Government. In a bill which he introduced in the Senate December 14, 1891, which I suppose represents his deliberate and well matured judgment with respect to what the Union or the Central Pacific Railroad should pay to the Government, I find on page 17 that there shall be a computation made of the amount of debt, principal and interest, due from the Central Pacific Railroad to the Government and that bonds should be issued; that said bonds shall bear interest for ten years at the rate of 1 per cent per annum, and after 1902 they shall bear interest at the rate of 2 per cent per annum. I think I stated that the Senator's recommendation in his report was 1½ per cent or 1¼ per cent, I did not remember which, but I find it was only 1 per cent.

Now, Mr. President, that is the value which the Senator from Maine, after a very careful and exhaustive examination into the whole matter, as is evidenced in his report made one year earlier, placed upon the Central Pacific Railroad property. That property is now leased by the Southern Pacific Railroad and pays nothing on net earnings to the Government. Therefore I say that as to that combination it is worse than a combination in which one party leases to itself a property in which the Government upon its earnings is entitled to a lien, and the rental is made so low that by no possibility can the Government receive any part of the net earnings, as provided by the Thurman law, does not seem to honest people quite fair.

Now, for a single moment let us investigate the other subject, with regard to the branch lines of the Union Pacific Railroad Company.

I find in the report made by the Senator from Maine, February 17, 1890, in which he gives a statement of the number and names of the branch lines of railroad that have been constructed by the Union Pacific Railroad Company. He gives also the bonded debt of those roads, the amount of the bonds that are held by the Union Pacific Railroad Company, the amount of stock of said roads, and the amount held by the Union Pacific Railroad Company.

I need not enumerate the roads, but I find here from his statement that out of the entire bonded debt, amounting to something like fifty-two or fifty-three million dollars, the Union Pacific Railroad Company holds a majority of the bonds, and with the exception of the Oregon Short Line, the Utah Northern, the Utah Southern, and Utah and Southern Extension, and the Union Pacific, Lincoln and Colorado Railway, some three or four roads which have been a recent acquisition by the Union Pacific Company, the general public own but a small part of these bonds.

I suppose two or three million would cover all the bonds held outside of these recently acquired roads. There is in the treasury of the Union Pacific Railroad Company \$26,717,000 in bonds of the branch lines. They are some fifteen or twenty in number. In mileage they make something like 3,339 miles.

Now, we turn to the stock debt of these roads. We find that the general public owns no part of its capital stock except upon the lines of recent acquisition, of which I have already spoken, which securities were already in the hands of the public before the Union Pacific Railway Company became the owner or lessee of the property. We find that there are \$37,000,000 of stock debt, most of which is to-day in the treasury of the Union Pacific Railway Company, which it proposes to turn over to the Government as additional security, provided the Government will consent that their bonded debt may be extended for fifty years or one hundred years, whatever the plan of settlement now is; I confess I do not know. There have been so many bills reported here that I can not really tell how the committee now stand, but I know that it is a long extension of time on their bonded debt due the Government.

And what more does it imply? That the rate of interest which is now 6 per cent upon the bonds, shall be reduced in consideration of their agreeing to pay anything at all to a 3 per cent rate. Three per cent is the annual burden of interest which the Union Pacific Railway Company is to bear as compared with its rival lines, all of whom have been compelled to pay 5 or 6 per cent interest upon their bonds. They ask the Government to reduce their rate of interest to 3 per cent in consideration that they will consent to pay any part of the debt which they are obligated to pay to the Government. That is exactly the condition of this whole affair.

Mr. STEWART. But the principal rival line has received a larger subsidy in fact than all of them together. The Northern Pacific has received more than all the rest combined.

Mr. McPHERSON. I know nothing about that. We are not discussing the Northern Pacific at all. So far as the Northern Pacific is concerned I know nothing. I do not think this discussion has much to do with that road. The Northern Pacific is not mentioned here, nor do I suppose it has any controversy

with the Government with regard to the transportation of munitions of war, or soldiers, or the mails, otherwise it would have appeared in the House bill with these other suspects.

Mr. STEWART. It is one of the rival lines.

Mr. MCPHERSON. That may all be, but there are four or five rival lines of railroad running from Chicago towards that western country. They have almost reached the easterly end of the Central Pacific Railroad. Some of these lines would be willing to-day to pay the Government every dollar of the Government mortgage upon that property if they could be possessed of that property and make a through line to the Pacific Ocean. It was the original intention of the legislation when it was made by Congress that the Union and Central Pacific Railroads should act as one line and should form a continuous line of communication between the Missouri River and the Pacific Ocean, but ever since those two lines were built there has been a rivalry. There has been no unity of feeling and no unity of action between them, and to-day the Central Pacific property has been alienated away from Government control to such an extent that the Government can not hope to receive the full revenue the Thurman law required and reasonably expected.

Mr. STEWART. Oh, yes; all that is required under the lease.

Mr. MCPHERSON. All that it is entitled to under the lease, and what was the lease? The compensation paid for the use of that road is but a small part of its earning power if to-day managed by the Rock Island or Northwestern or any of these great lines of railroad which have reached almost its easterly end from this side of the Mississippi River.

Mr. FRYE. Is the Senator stating from knowledge or guess?

Mr. MCPHERSON. I state it upon the authority of officers and men who were the owners and the managers of those properties.

Mr. FRYE. What does the Senator mean? That there are people ready to purchase the branch of the Central Pacific over which the Government has a lien?

Mr. MCPHERSON. The Government has now no lien upon the branches. But as to the main line, I do state precisely that fact.

Mr. FRYE. And pay the first mortgage and the Government's lien, too?

Mr. MCPHERSON. Yes, I have stated that fact. I did not say that they will be willing to pay the back interest, but I mean to say they will be willing to pay all the bonds, the prior mortgage, and the Government mortgage, which would be infinitely better for the Government than the plan proposed as a settlement.

Mr. FRYE. But, if the Senator will allow me, the settlement which the Committee on Pacific Railroads proposed that the Central Pacific should make insured to the Government of the United States its entire debt, and protected it by all the property that the Central Pacific had, not only the line over which the United States has a lien but all other lines which it owns, all of its terminals in San Francisco and everywhere else; and in addition to that an assignment of the Southern Pacific lease, with a guaranty for the payment of the entire income of the lease to the United States Government.

Mr. MCPHERSON. The Senator from Maine knows perfectly well that the Central Pacific does not reach San Francisco. There is another line of railroad. The terminal is not one that belongs to the Central Pacific system proper.

Mr. FRYE. The Central Pacific Railroad, over which the Government has a lien, does not commence anywhere or end anywhere, but with the connections over which it has control and which it could give to the Government it does have terminals.

Mr. MCPHERSON. Very well. Now, I say that the Central Pacific Railroad to-day can be sold to other railroad corporations for the entire bonded debt of the Government, less the interest, and also securing the payment of the original twenty-five million of first-mortgage bonds.

Mr. FRYE. Less the interest?

Mr. MCPHERSON. I do not know. As the Senator says, the road begins nowhere and ends nowhere. It certainly begins at Ogden and connects with the Union Pacific Railroad at this end.

Mr. FRYE. Less the interest, the Senator says. The interest is as much as the debt. Why should we lose the interest?

Mr. MCPHERSON. You propose to compute debt and interest and exact only 1 per cent. You had better lose the interest now rather than grant this new subsidy and lose all in the end.

Mr. FRYE. No, sir; there is 1 per cent for ten years and that is all. The balance of the time it is 2 per cent. And the committee has not reported a bill at this session of Congress. The Central Pacific was in a condition where, in the judgment of the committee unless there was a settlement made before the debt became due, the United States never would receive one single

dollar of debt or interest, and that is my judgment now, unless there is a settlement.

Mr. MCPHERSON. I suppose the Government's only method of relief will be that when the time comes and the bonds fall due, to liquidate the whole concern. The road must necessarily be sold or the Government must undertake either to lease it or to run it. I do not know what decision the Government will reach in respect to that matter. If offered for sale in the market, in my judgment it will bring a great deal higher price than the value at present placed upon it by the committee.

Mr. FRYE. It will bring nothing offered for sale if at either end of the road there is no possibility of the purchasing road making her connection, and there is none now, unless it can buy all these other roads.

Mr. MCPHERSON. It will be very easy for those four lines of railroad of which I have spoken to reach Ogden. Some of them have already reached it. One of them in particular has already reached Ogden, and the others may be able to do it. When that is done I see no reason whatever why they can not run their cars off on the Central Pacific track. As to the Pacific end of the line, I assume the new purchasers would find themselves blocked out as the Government now is.

Mr. CALL. Mr. President, in reference to the question whether the people of the United States shall pay to these unbonded and unaided corporations connected with this system a higher rate than they pay the roads which have been subsidized and aided, I still adhere to the opinion that the House provision is the proper one. I see nothing in neither decision of the Supreme Court of the United States which in any way contravenes the reasoning upon which that conclusion rests. The proposition is that certain persons who are intrusted with official position in the management of a great public interest and which was subjected to certain equities and payable to the people of the United States for the repayment of money, have appropriated to their own use through the medium of corporations the funds which should have been properly reserved and invested and applied for the payment of this obligation to the United States. They have taken the public money in the guise of a corporation and have applied it to their own personal use and benefit.

It is contended that there is no power anywhere in this Government to seek redress. The Supreme Court has decided upon the technical question of a separate corporation and in reference to the specific force and effect of the statutes that have been passed, that under the provisions of the statutes and in the manner in which the suit was brought no relief could be had, but in the first case in which this question came up, which was cited by the Senator from Nevada, the court said:

In short, it may be taken for granted that if these allegations are true, as they must be held to be on demurrer, frauds more unmitigated than those set forth in this bill were never perpetrated on a helpless corporation by its managing directors.

That is in the case of the United States vs. The Union Pacific Railroad Company decided in 1878, and in that case the Supreme Court further say in giving their opinion:

We are not prepared to say that there are no trusts which the United States may not enforce in a court of equity against this company. When such a trust is shown it will be time enough to recognize it. But we are of opinion that there is none set forth in this bill which, under the statute authorizing the present suit, can be enforced in the circuit court.

So the ground upon which the court rendered its opinion in that case was certainly the specific terms of the statute, and it did not agree that there was no equity and no trust which could be enforced against the property in which this money of the corporation was invested for the benefit of these parties.

So in a case which was brought up in the Supreme Court in reference to the appropriation for the payment for transportation of the mails the opinion of the court in that case rests entirely upon the force and effect of the terms of the statute which was passed, but if the court had affirmed that the money of the United States could by a conspiracy be fraudulently taken and appropriated for the benefit of these individuals it certainly would be improper for a new case to be made and presented to that court for a new consideration of the subject.

This provision of the other House simply provides that this money shall not be now appropriated and paid, leaving these questions for future action and future consideration. So there is nothing in the decision of the court in the case of the Post-Office Department nor in this previous decision of the United States vs. the Union Pacific Railroad Company and others, which deprives the Government or the people of the United States of the opportunity of bringing this question before the court in the shape of some other bill, and in some statute make a different provision for the suit.

Mr. VEST. Mr. President, the Senator from Iowa [Mr. ALLISON] cited me to the decision of the Court of Claims in the

case of *The Central Pacific Railroad vs. The United States*. After examining it I have not the slightest doubt that the Senator from Florida has correctly stated this legal proposition. I will simply read from the syllabus of that case:

Where a road was not aided by the Government, the Government is not authorized by the Thurman act (30 Stat. L., 55) to withhold compensation. The rule for the construction of the act stated and the decisions relating to the Pacific railroad system reviewed.

That case went to the Supreme Court of the United States, and the decision of the Court of Claims was affirmed; in other words, the Supreme Court simply said that the Court of Claims was correct in its opinion that the contract upon which the Thurman act was based did not include the nonsubsidized roads.

Mr. STEWART. It ought to be stated further that in the opinion the court said to give it that construction would be bad faith and infringing their constitutional rights.

Mr. VEST. Unquestionably, because they were confining their opinion to the contract on which the Thurman act was based. I agree with the Supreme Court most emphatically. The Supreme Court was certainly right in delivering that opinion, and it would have been bad faith under the Thurman act; but, as I said to the Senator from Iowa, I should like to find any decision of the Supreme Court which says that we as creditors have not the right to take the assets or to put our lien, if you may so express it, upon the assets of a debtor corporation outside of the Thurman act.

Mr. STEWART. Did not the Supreme Court in that very case say that the language of the Thurman act, that construction, if it meant what it was claimed it did; in other words, if it meant that the Government could withhold the compensation for mail service from these roads, it would be in bad faith and would be in violation of the constitutional rights of the roads, and that was one of the reasons why they gave it the other construction, that it would be unconstitutional to construe it that way; that it would be taking property without due process of law?

Mr. VEST. Of course the Supreme Court of the United States very properly said that, while there was no inhibition on the Congress of the United States as to impairing the obligation of a contract still that Congress did not have a right to take the property of any person or corporation for any purpose without due process of law or in violation of a contract. The Senator overlooks the fact that both those decisions were based upon a construction of the Thurman act. Now it is proposed here to make a new law. It is true it is in an appropriation bill, but it is germane to the appropriation bill because it is in regard to an appropriation which is proposed now to pay to these debtor companies certain amounts of money in cash payments.

The other House very properly said, in my judgment, "no, we will not pay these corporations this money because they are indebted to the people of the United States, and that amount of indebtedness shall be credited upon them." While the other House does not say that, as a matter of course I assume that they so meant it, and in the amendment which I have drawn I have put that in express terms. Instead of paying them the money let us give them a credit for the amount which is due them for carrying munitions of war or mails upon the sum found to be due upon a final adjustment to the Government of the United States, and that is all. If the Supreme Court ever made the decision that we did not have a right to pass such a bill, I should like to see it.

Mr. STEWART. I will show it to the Senator right here.

Mr. CALL. I suggest to the Senator from Missouri that in the case I quoted the court in express terms say that they will not decide that.

Mr. STEWART. I will show this—

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor. Does he yield?

Mr. CALL. I simply—

Mr. STEWART. Allow me one moment.

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. In a moment. I do not deny what the Senator from Nevada has said as to the construction of the Thurman act. I admit that that contract or that act did not cover these cases of nonsubsidized branches, but the point between us now is whether Congress has a right to pass this original act.

Mr. STEWART. That is exactly the point, and I want to call the Senator's attention to what the Supreme Court have decided. They have decided that if the Thurman act was such an act as you now propose to pass it would be in bad faith, in contravention of constitutional rights. That is what they decided. They first argued the Thurman act on its language and contended that it did not fairly cover this on its language, but they said if its language did cover it, if it took away the compensation due the nonaided roads, then it would be in contravention of constitutional rights. That is one of the reasons they assign for not

giving it that construction. They say there is another view independent of the language of the law that is persuasive.

There is another view of this controversy which seems to us conclusive.

What is that other view that is conclusive?

As the contract between the United States and the railroad company contained in the acts of July 1, 1862, and of July 2, 1864, has been interpreted by this court to authorize the retention by the Government of compensation for services only on those roads which the United States aided in building, the construction which the appellants—

The United States—

seek to put on the second section of the act of May 8, 1878, would not only render that section a breach of faith on the part of the United States, but an invasion of the constitutional rights of the appellee.

Then the court say if the language of the act did include these non-aided roads and withhold from them compensation, and it could be so construed, it would not only be a breach of faith, but it would be an invasion of their constitutional rights. Now, the Senator says we will pass an act that does include that, and the Supreme Court say such an act would be in bad faith and an invasion of their constitutional rights.

Mr. VEST. Under that contract.

Mr. STEWART. Under any contract.

Mr. VEST. Oh, no.

Mr. STEWART. There is no other contract but that contract. The only claim that we have upon the Union or Central Pacific Railroad grows out of those two contracts. It is by contract, the contract by which the Government aided them in the construction of the roads. The complaint is that they have made a great deal of money, and it has been suggested that they have not complied with the contracts, but it was in reference to these contracts. We have no other contract or no other claim. Our claim rests upon the contract made with them in aid of the construction. That contract does not include these other roads built with bonds that were distributed and sold all over the country, and if we have any respect for public faith we will not interfere with those bonds.

I say that the Supreme Court have decided the exact question. First, they say the Thurman act does not provide for retaining the compensation from these nonaided roads, but if it did it would be unconstitutional; and that is an additional reason for not giving it that construction. Now, it is proposed to pass such a law as the court denounce as unconstitutional. That is the proposition here. It is nothing short of that.

Mr. CALL. Mr. President, I simply wish to give for the information of the Senate the language of the decision of the Supreme Court of the United States in the case of the United States vs. The Union Pacific Railroad Company. The court say:

We are not prepared to say that there are no trusts which the United States may not enforce in a court of equity against this company. When such a trust is shown, it will be time enough to recognize it.

That clearly answers the proposition of the Senator from Nevada. A contract is one thing; the right of a creditor to pursue a fund misappropriated is another; and the Supreme Court in doing this doubtless had no intention to say, as the Senator from Missouri construes it, that this fund is properly subject to the lien of the people of the United States, that it could not be followed when it was invested contrary to the provisions of law for the benefit of these individual creditors.

Mr. PALMER. Mr. President, I shall occupy the attention of the Senate but a very short time. It occurs to me, after listening to the Senator from New Jersey [Mr. MCPHERSON] and the Senator from Nevada [Mr. STEWART], that the relations between these roads and the branches, as the other roads are termed, are not understood by the Senate or by the country. It seems to me very clear, however, that those who have invested their money in the branch roads have entrusted the management of the branch roads to the principal corporations upon terms that are altogether private. It seems to me no occasion can be better than this for saying to all the parties in interest that no money shall be paid for army transportation under this bill to any of them or to the principal corporations, so that if it is unjust to any particular road they can easily furnish to the country or to the Senate such explanation as will show that it is unjust.

The relations are now secret. No Senator will venture to state to the Senate what are the exact arrangements under which these roads are controlled by the Union Pacific or the Southern Pacific. It is perfectly certain that they will never disclose the particulars of these arrangements until they are compelled to do so. The United States is interested in all that concerns these railroads and their manner of operation.

The Senator from New Jersey says that there is a combination existing between the managers of these various roads by which the United States is to be plundered, by which its interests are to be sacrificed, and that all these arrangements are made by persons interested in these properties. If this were a transaction in which we were sitting as judges we would say, "Inasmuch

as you have so made these rights as that parties in interest can not understand it and have furnished no explanation to the parties in interest, something must be done to compel it." The most simple method would be to say to them, "This money is due the United States, and, more than that, good faith is due the United States in the management of these roads."

The Senator's suggestion is, according to the facts of the case, that arrangements are made by which one of these roads is not to be allowed to earn anything, but that all the earnings are to seem to belong to another corporation. Are we to continue to pay them for their services? The money goes out of the Treasury; no explanation is demanded, or if an explanation is demanded, they say, "We will furnish no explanation." Is it not wise policy to say, "These services shall be performed, and they will be paid for properly when you furnish some clear explanation of your expenditure?"

If we were acting for ourselves, with the power which I conceive we possess, we would say, "Here you complain that your rights are likely to be invaded or disregarded; furnish such a clear explanation of your rights as will enable us to do justice to you. You have consented that your property shall be thus confused." It is, perhaps, a part of the policy of the companies to confuse these various interests so as to prevent detection or prevent an ascertainment of the actual state of affairs. The Senator from Nevada tells us it is so exactly, that we must wait until we get more facts. I say keep the money, and let these men furnish the facts to show how the Government can do justice. At present justice is not done to the people of the United States. That seems to be admitted on all hands, and that is a clear proposition.

It is said, however, we may possibly do wrong to somebody else. Let that somebody else who is likely to be wronged furnish the facts, so they can be protected. At present, I repeat what I said before, they have allowed their property to be mixed and confused among various corporations, taking charge of them and running them. That modern system of fraudulent conveyance by means of corporations seems to have applied here with wonderful success. So we are confused now.

The Senator from Nevada speaks of it as being a condition that compels the United States to submit to this injustice on the part of the Government lest we do injustice to somebody else; that somebody else being a party to this scheme by which their rights are confounded with the rights of other people, I would retain the money and await explanation. If there is any innocent person likely so suffer, it is easy for that innocent person to furnish such explanation of his rights as will enable us to see where the right is and do that which is just.

We can not do it now; we are certain to do an injustice to the interests of the public, and we can only be saved from injustice to individuals by those individuals taking the pains to show what their rights are, to separate themselves from these fraudulent parties, present their interests distinctly so we can comprehend them, and when these interests are so stated, so separated that we can comprehend them, the Congress of the United States will have the means of being just. We can not now on account of the conditions of the parties whose rights are supposed to be involved. Let the innocent separate their interests and rights from those who are not innocent, and then we can protect them.

Mr. MORGAN. If the time should ever arrive when we are compelled—

Mr. JONES of Arkansas. I was about making a motion to adjourn if it is agreeable to the Senator from Alabama.

Mr. MORGAN. I have no objection. I wish merely to say one thing, however, before adjournment, and that is if the time shall ever arrive when the Congress of the United States finds itself compelled to legislate upon suspicion in raising revenue or in disbursing revenue either, I am congratulating myself, and I think I can the Senate, that that time is not here now. We have facts ascertained by a committee of this body which are unquestionable, I think, which do disclose the exact relation between all these branch roads and the main trunk lines of the Central Pacific and the Union Pacific railroads.

If the Senator from Arkansas desires to make a motion to adjourn I will now yield to it.

Mr. JONES of Arkansas. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 27, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 25, 1892.

COLLECTOR OF CUSTOMS.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts, to succeed Thomas C. Simpson, resigned.

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PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. John Simpson, assistant quartermaster, to be quartermaster with the rank of major, April 20, 1892, vice Belcher, retired from active service.

Infantry arm.

Lieut. Col. Edward G. Bush, Eleventh Infantry, to be colonel, April 22, 1892, vice Andrews, Twenty-fifth Infantry, retired from active service.

Maj. Edward C. Woodruff, Fifth Infantry, to be lieutenant-colonel, April 22, 1892, vice Bush, Eleventh Infantry, promoted.

Capt. George B. Russell, Ninth Infantry, to be major, April 22, 1892, vice Woodruff, Fifth Infantry, promoted.

First Lieut. Thomas S. McCaleb, regimental adjutant, Ninth Infantry, to be captain, April 22, 1892, vice Russell, Ninth Infantry, promoted.

HOUSE OF REPRESENTATIVES.

TUESDAY, April 26, 1892.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read.

Mr. CHARLES W. STONE. Mr. Speaker, I find I am recorded on the first call of the House yesterday as being absent. I was present and answered to my name.

The SPEAKER. The change will be made.

The Journal was then approved.

A. R. ENGLISH.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General, submitting for an appropriation the papers in the claim of A. R. English for services rendered in defending certain Indians charged with crime in the Territory of Arizona; ordered to be printed, and referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. FORMAN, for six days, on account of important business.

To Mr. WOLVERTON, for three days, on account of important business.

To Mr. BRETZ, for two weeks after April 26, on account of important business.

To Mr. BROSIUS, for ten days, on account of important business.

To Mr. VINCENT A. TAYLOR, for one week, on account of important business.

To Mr. JOHNSTONE of South Carolina, on account of important business.

To Mr. DANIELL, for one week, on account of important business.

To Mr. ENOCHS, to and including May 4, 1892, on account of important business.

To Mr. MCKEIGHAN, for two weeks, on account of important business.

To Mr. CABLE, for ten days, on account of important business.

To Mr. WILLIAM A. STONE, for Wednesday and Thursday, on account of important business.

To Mr. WILSON of Missouri, indefinitely, on account of important business.

To Mr. HARRIES, indefinitely, on account of important business.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. ABBOTT, leave was granted to withdraw from the files of the House the papers in the case of William S. McKnight and James W. Richardson, there being no adverse reports thereon.

PERSECUTION OF JEWS IN RUSSIA.

Mr. RAYNER. Mr. Speaker, in accordance with the permission heretofore given, I wish to file the views of the minority of the Committee on Foreign Affairs upon the resolution relative to the persecution of Russian Hebrews in Russia, which report I ask to have printed. I also ask unanimous consent that the majority and minority reports upon this resolution be printed in the RECORD.

The SPEAKER. The gentleman from Maryland [Mr. RAYNER] submits the views of the minority on the resolution relative to the persecution of Russian Hebrews, and also asks unanimous

consent that the views of the majority and minority of the Committee on Foreign Affairs on that subject be printed in the RECORD. Is there objection?

There was no objection, and it was so ordered.

The majority report is as follows:

The Committee on Foreign Affairs, to whom was referred the joint resolution (H. Res. 8) expressing sympathy with the Russian Hebrews in their distress, have carefully considered the same, and report the said joint resolution and recommend that it do pass with the following amendments:

Strike out the word "late," in line 9, and insert in said line, before the word "decrees," "laws and," and add to the joint resolution the following words: "And the President is requested to use his good offices to induce the Government of Russia to mitigate the said laws and decrees."

VIEWS OF THE MINORITY.

The undersigned, from the Committee on Foreign Affairs, submit the following minority views upon the resolutions of sympathy for the Russian Hebrews reported by the majority of the committee:

They are opposed to the adoption of these resolutions, and they believe that the passage of the same by Congress, in view of the condition of affairs that now exists in Russia in reference to these persecutions, would be a reflection upon the good sense and feelings of the American people, instead of an expression of their views upon this subject, and they assign the following reasons in support of their objections.

First. The Russian Hebrews, constituting 5,000,000 of people, the selected victims of religious intolerance, do not require any further expression of sympathy from the civilized world. They have had sympathy from every quarter of the globe, and it is impractical and utterly useless to announce that we simply send them our condolence in their affliction when we have the means of affording them practical relief. It means that we will do nothing else, and we believe that public opinion is opposed to trifling with this question in this manner. No one supposes for a moment that we are not in sympathy with them, and it is wasting our time upon a sentiment that is so strong among the people that it requires no confirmation and needs no encouragement at the hands of Congress.

Second. We have it within our power without in the slightest manner offending the Government of Russia, by the intervention of the good offices of this Government, to be of great practical service to this afflicted race who are looking to us for some friendly intercession in their behalf. The resolutions offered by Mr. RAYNER in the early part of the session, and which with some slight amendments are herewith incorporated and made part of this report, and which, when the matter comes up in the House, will be offered as a substitute for the resolutions of the committee, seem to strike at the root of this subject. They are in strict accordance with the precedents of international usage and they are sustained by numerous authorities in the Department of State. They call in a most respectful manner for an inquiry as to whether the Russian Government intends to repeal the obnoxious laws that sanction these persecutions, and which were held out to the world as temporary when they were passed.

It is the opinion of the minority of this committee, in view of the friendly intercourse between the two governments, that the Russian authorities will answer this communication in the same respectful manner that it is conveyed to them, and we will then discover whether this code of religious tyranny will be continued or modified. We believe that upon the demand that is made by this Government, in which it is confidently expected that other Governments will unite, that the Russian Government will change the severity of this system. If it does not however do so then we will at least know it and realize that the thousands of immigrants who are coming to our shores are driven here under an edict that has no counterpart now among any civilized people.

We can then find out whether this is not a violation of the Russian treaty, as the President thinks it is, and we can then call the attention of the Russian Government to this fact and of the obligation that devolves upon it not to flood this country with the victims of its oppression, but to permit them to live in the dominion in which they were born according to that natural code of justice and freedom that prevails now in every other country with which we are upon terms of amity and friendship.

In conclusion, the undersigned desire to state that if the majority of the committee will only see fit, when their resolutions come before the House, to accompany them with some resolutions of inquiry substantially similar to those offered by Mr. RAYNER, then the minority of the committee will be only too glad to unite with them in the expressions of sympathy that they propose.

ISIDOR RAYNER,
THOMAS J. GEARY,
A. C. HARMER,
JAMES O'DONNELL.

Amended resolutions protesting against the treatment of the Russian Hebrews by the Government of Russia, and inquiring into the causes of their continued persecution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the time has arrived when the Government of the United States is entitled to take an interest in regard to the continued persecution of the Hebrews in the Empire of Russia; that this duty devolves upon it because vast numbers of this afflicted people, driven from their homes in Russia by the policy that has there been pursued against them, are continually seeking refuge upon our shores, and claiming from us upon broad grounds of humanity and public comity, that protection which has been denied them at the threshold of almost every other port which they have reached in their wanderings from place to place in search of shelter and of freedom.

Resolved, That while we appreciate the fact that we have no right to interfere in the treatment of its own subject by a foreign government, we also know that the laws and ordinances in question are not directed against the citizens of Russia, but that they have been specifically enacted to operate against the Hebrew population of the Empire, and that in a case of this sort modern precedents and customs sanction the right of the citizens of other governments through the intervention of their good offices to concern themselves about the welfare of their fellow-man whenever, without any fault upon his part, he has been made the victim of oppression.

Resolved, That in view of this condition of affairs, and with a full regard for the kind feeling and the friendly intercourse that exist between this Government and the Government of Russia, that the American minister at the Court of St. Petersburg be instructed to respectfully communicate with the proper authorities and representatives of the Government of Russia and obtain whatever information it is possible for him to procure upon the following points:

First. Whether there is a prospect, in accordance with the repeated assurances and promises that have been given to this effect, of repealing the tem-

porary laws, known as May laws, passed by the committee of ministers, and to which Imperial assent was given on the 3d day of May, 1882.

Second. Whether there is a prospect of replacing the laws which prohibit Jews (subject to certain exceptions) from residing or settling anywhere in Russia, except within the provinces known as the pale of permanent Jewish settlement.

Third. Whether it is proposed to repeal the restrictions that prohibit them from following the vocations and engaging in the same pursuits as all other citizens of Russia have the privilege of doing, and whether the penalty of banishment and expulsion to which they are now subjected is to be withdrawn or modified.

Fourth. Whether the law of Russian passports that prohibits foreign Jews from transacting business in Russia except by permission of the ministers of finance of the interior is to be continued to be enforced.

And be it further resolved, That all information upon these subjects be returned by the American minister to the Secretary of State, who shall remit the same to Congress for such action as it may deem proper to take in the premises, and that when said return is made that the Secretary of State procure and accompany therewith from the Attorney-General of the United States an opinion as to whether the Russian statutes and ordinances, relating to banishment or expulsion for the offenses herein referred to, and to the rights of foreigners traveling in the dominion of Russia, are not a violation of the treaties existing between Russia and the United States.

And be it further resolved, That a copy of these resolutions be forwarded to the Secretary of State with the request that he send the same to the American minister at St. Petersburg, and that said minister present the same to his Imperial Majesty the Czar of Russia.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. McCOOK, its Secretary, announced that the Senate had passed, with amendments, the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States, asked a conference with the House on the bill and amendments, and had appointed Mr. DOLPH, Mr. DAVIS, and Mr. BUTLER as the conferees on the part of the Senate.

URGENT DEFICIENCY BILL.

Mr. SAYERS. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7718) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes. In this connection I ask unanimous consent that the House consider these amendments as in Committee of the Whole on the state of the Union, and that it nonconcur in the Senate amendments in gross. Also, that a conference be asked of the Senate on the disagreeing votes of the two Houses. There are eighteen amendments to the bill, not increasing the bill as it passed the House more than seventy-five or eighty thousand dollars; but the committee think the amendments ought to be nonconcurring in for the purpose of throwing the bill into conference.

Mr. DINGLEY. That is right.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes.

The SPEAKER. The gentleman from Texas [Mr. SAYERS] asks unanimous consent to nonconcur in the Senate amendments in this bill, and to ask for a conference with the Senate on the disagreeing votes of the two Houses.

Mr. REED. I think the gentleman from Texas should explain the differences between the Senate and the House.

Mr. DINGLEY. They are minor matters, of no consequence.

Mr. REED. I will withdraw the request.

There being no objection, it was so ordered; and the Speaker announced as conferees on the part of the House Mr. SAYERS, Mr. HOLMAN, and Mr. DINGLEY.

LYDIA A. MAGILL.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2401) for the relief of Lydia A. Magill, administratrix.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Lydia A. Magill, administratrix of the estate of John C. Magill, deceased, late of Cass County, Mo., the sum of \$3,704.25, in full settlement of balance due said Magill for beef furnished under a contract dated May 3, 1862, by said Magill with Capt. W. C. Talkington, commissary of subsistence for Gen. James Shields's division of the United States Army.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. I demand a division.

The House divided; and there were—ayes 102, noes 3.

Mr. BAILEY. No quorum.

Mr. BLOUNT. Mr. Speaker, I hope the gentleman will with-

draw this bill if there is any objection, because I would like to go on with the diplomatic appropriation bill.

The SPEAKER. The gentleman from Missouri [Mr. TARSNEY] and the gentleman from Texas [Mr. BAILEY] will please take their places as tellers.

The House divided; and the tellers reported—ayes 169.

Mr. BAILEY. A quorum having voted, Mr. Speaker, I withdraw the point.

The SPEAKER. On this question the ayes are 169, noes none. So the bill was passed.

On motion of Mr. TARSNEY, a motion to reconsider the last vote was laid on the table.

JOSEPH WACKERLY.

Mr. WEADOCK. I ask unanimous consent for the present consideration of the bill (H. R. 4833) to correct the military record of Joseph Wackerly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct and amend the record of Joseph Wackerly, late a private in Company K, Twenty-fourth Regiment Ohio Infantry, by causing the charge of desertion to be removed therefrom.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BAILEY. I would like to hear the report read.

Mr. BLOUNT. If this bill is likely to cause debate, I must call for the regular order. Appeals are coming from every direction. If the gentleman can insure the House that it will take only a moment, I do not desire to stand in the way of the passage of the bill; but the bill just passed consumed considerable time.

Mr. WEADOCK. If it will lead to any discussion I will withdraw the bill.

The SPEAKER. Does the gentleman from Georgia demand the regular order?

Mr. BLOUNT. I will not object just now, Mr. Speaker.

The report was read, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 4833) to correct the record of Joseph Wackerly, report:

The military record furnished the committee shows that the said Joseph Wackerly was enrolled as a private in Company K, Twenty-fourth Ohio Volunteers, June 13, 1861, that the muster roll for March and April, 1862, reporting him "missing in battle, April 7, 1862, Pittsburg Landing, has not been heard of since; supposed to be dead." Later rolls have the following remarks opposite his name: "Ordered to be reported deserted, by General Orders, No. 77, August 18, 1862."

The prisoners of war records report him captured at Shiloh, Tenn., April 6, 1862; paroled at Montgomery, May 22, 1862, and deserted from Camp Wallace September 10, 1862. Other records show him received at Columbus, August 7, 1862, and sent to Camp Chase, date not stated. The records further show that he was enrolled as a private in Company H, Twelfth Ohio Volunteers, October 16, 1863, and served faithfully with his company until November 14, 1865, at Nashville, Tenn., when he was mustered out with his company, receiving an honorable discharge seven months after the war closed. The facts appear to be that, after having been taken prisoner, he was paroled, furloughed, and went to Nashville, Tenn.; then to Walhonding, Ohio, 35 miles from the railroad station; that he could not report as soon as ordered, but went at once and reported to provost-marshal at Columbus, Ohio, where he was marked as a deserter and sent to a military prison; that he used every means in his power to get back to his regiment; that he escaped from the bull pen and enlisted as rected above, and served faithfully until the close of the war.

The committee believe this is a meritorious case; that the soldier ought not to have been marked as a deserter; that this bill ought to pass, and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WEADOCK, a motion to reconsider the last vote was laid on the table.

JULIUS C. ZANONE.

Mr. SMITH of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2100) for the relief of Julius C. Zanone, only heir of John B. Zanone, late of Mound City, in Pulaski County, Ill., deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Julius C. Zanone, only heir of John B. Zanone, deceased, late of Mound City, in the county of Pulaski, and State of Illinois, the sum of \$4,525, as and for the rental value of certain buildings in said Mound City, Ill., from April 20, A. D. 1864, to April 30, A. D. 1869, said buildings having been used and occupied by the United States Government as a marine barracks, etc., for and during said period, and which buildings were, during the time the same were so held, used, and occupied by said Government, the property of the said John B. Zanone.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUTLER. Reserving the right to object, I should like to hear the report read or an explanation.

Mr. SMITH of Illinois. The report is very short, and explains the bill.

The report was read, as follows:

Your committee, to whom was referred the bill (H. R. 2100) for the relief

of Julius C. Zanone, only heir of John B. Zanone, late of Mound City, in Pulaski County, Ill., having given the same careful consideration, report as follows, viz:

That from the evidence presented to your committee and on file in this case it is shown and proven that John B. Zanone, deceased, was before, during, and for years after the war of the rebellion a resident of Mound City, in Pulaski County, Ill.; that he was loyal to the Government of the United States during all of said war; that he owned at one time a large two-story frame house, situate in said Mound City, Ill., which said house was taken possession of by the forces of the United States Government and by said Government held, used, and occupied for a marine barracks from April 20, 1864, to April 30, 1869; that during said time said house and premises were reasonably worth the sum of \$75 per month for the rental thereof; that said John B. Zanone was not during his life, nor has his legal heir since his death, been paid any sum or amount whatever for the use of such property; that the records of the Navy Department show that the Government, after using said building as aforesaid, did offer to said John B. Zanone the sum of \$75 per month as rental for said building during the time it was so held, used, and occupied by the Government authorities.

"NAVY DEPARTMENT, Washington, March 28, 1890.

"SIR: I have the honor to return herewith the letter of Mr. Peter Saup, and its inclosure, referred to this Department by you for information as to the status of the claim therein mentioned.

"The letter of Mr. Saup relates to a claim of the estate of John B. Zanone, deceased, for rent of certain buildings at Mound City, Ill., which were occupied as a marine barracks from the 20th of April, 1864, to the 30th of April, 1869.

"It appears from the records of the Department that the sum of \$75 per month as rent for said buildings was tendered to Mr. Zanone and was refused by him, but the records do not show what sum or sums of money were paid to him on account of the occupation of the buildings.

"There being no appropriation available from which the amount, if any, to which the claimant may be entitled could be paid, the claim is one requiring consideration and action by Congress.

"Very respectfully,

"F. M. RAMSAY.

"Acting Secretary of the Navy.

"Hon. GEORGE W. SMITH.
"House of Representatives."

That said Zanone would not accept same, claiming that he was entitled to more, but did not relinquish his claim; that said John B. Zanone had a wife, from whom he was divorced on the 14th day of October, A. D. 1884; that said John B. Zanone died in said Pulaski County, Ill., on or about October 27, A. D. 1887, leaving as his only legal heir Julius C. Zanone, who is still living and has attained his majority.

Your committee, being fully satisfied from the evidence that the property aforesaid was the property of said John B. Zanone during the time it was so occupied by the United States Government, as stated in said bill, and that the reasonable rental value thereof was the sum of \$75 per month, and that no part thereof has been paid, and that in justice and equity same ought now to be paid to the said legal heir of said John B. Zanone, respectfully recommend that said bill as presented do pass.

Mr. BUTLER. Mr. Speaker, it seems that the Government offered a certain sum for the use of these premises; the reason for the rejection of that offer I do not understand.

Mr. SMITH of Illinois. I can explain that in one word. Mr. Zanone insisted, and at that time probably correctly, that his property was worth \$150 a month. The Government offered him \$75, but he declined to accept the \$75 a month, and was still insisting on the Government paying him \$150 a month, and he died while that was in process. I introduced a bill for his heir, asking only \$75, being the amount which the Government recognized the property was worth. We ask that that amount be allowed, and that is the only reason why the original claim and this claim are different.

Mr. McMILLIN. How did the Government get possession of this property and hold it all these years without any payment.

Mr. SMITH of Illinois. The Government took possession of it. It was during the war when possession was taken of the property, and it was occupied for four years, or something over, as a marine barracks, but they never paid after getting possession. They entered into and used the property for this length of time and never paid a single cent for it.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. SMITH of Illinois, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. OUTHWAITE. I demand the regular order.

The SPEAKER. The regular order is the consideration of the resolution which was before the House at the hour adjournment on yesterday.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the state of the Union on the consular and diplomatic appropriation bill; and also that members having reports from committees may be allowed to file them with the Clerk.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House resolve itself into Committee of the Whole on the consular and diplomatic appropriation bill; and also, that members having reports from committees may be allowed to file them with the Clerk. Is there objection?

Mr. BLANCHARD. Mr. Speaker, I do not wish to object, but I wish to avail myself of this opportunity to make the an-

nouncement that, on behalf of the Committee on Rivers and Harbors, we expect to call up the rivers and harbors bill on next Monday.

The SPEAKER. The Chair hears no objection.

So the House resolved itself into Committee of the Whole House on the state of the Union, Mr. OATES in the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893.

Mr. BLOUNT. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. BLOUNT. Mr. Chairman, in reporting this bill I deem it proper at the outset to call the attention of this committee to the changes which have been made in both the diplomatic and the consular service. The missions have been reduced by placing Denmark, Sweden, and Norway under one mission, Colombia and Ecuador under one mission, Peru and Bolivia under one mission. The missions of Venezuela and Guatemala are salaried at \$5,000 a year each.

The saving effected by the reduction of salaries and by the remission of some of the salaried officials to the fees of the several offices, amounts to \$62,000. An examination of the report accompanying this bill will show the consulates where the reductions have taken place, the former salaries and the amounts proposed by the committee. The report shows also the compensation at every American consulate and the amount of business done, as indicated by the fees of different kinds.

The reduction made on missions by this bill amounts to \$25,000; the reductions on the consulates to \$37,000, and the reduction in the Bureau of American Republics is \$10,000. The estimates made by the State Department for the fiscal year 1893 amount to \$2,138,466.14. The amount reported in the bill is \$1,584,925. The difference between the amount asked by the State Department and the amount reported in the bill is \$553,541.14.

The act providing for the current fiscal year appropriates \$1,656,925. The bill reported recommends, as I have stated, \$1,584,925; a reduction of \$72,000. While the bill is under consideration, some additional amendments will be offered still further reducing the amount appropriated.

Mr. Chairman, I need not invite the attention of the committee to the spirit which at the outset of this session, and along the line of the consideration of the various objects of appropriation, has indicated a desire on the part of this House for a reduction in the expenditures of the Government, and a belief that extravagance obtains in the administration of public affairs.

Responding to that spirit, the Committee on Foreign Affairs have seen fit to make investigation and inquiry as to whether or not some economy might not be effected in the matter of our foreign relations and the compensation of our consulates. In the early history of the Republic various important and difficult questions arose between it and foreign governments; at one time a paper blockade, at another the seizure of our ships by decrees and orders in council in France and England, at another time questions of citizenship, at another, questions of boundary, and, at another, a manifested purpose on the part of this Republic to withstand any movement proposed by the Holy Alliance, or by any of the European powers, looking to the establishment of their own peculiar political institutions in this western hemisphere.

These questions were all met as they arose, and they have been finally and satisfactorily settled. They came upon us when the Republic was weak, but fortunately, sir, we have now passed beyond them. At that time we utilized the best talent that the country could command. At that time the difficulties of international communication were great, and so were the difficulties of transportation, so, likewise, were the difficulties of intimate knowledge of the relations of other nations with our Republic. Enlarged powers were necessarily granted to our ministers by reason of the then existing situation. The highest order of talent was required to deal with these difficult questions, and the difficulties of which I have spoken rendered such enlarged powers necessary.

How is it to-day? No nation would now attempt to treat this Republic with a paper blockade, no nation will attempt interference with the rights of American citizens, or the seizure of our seamen on the high seas. No territorial questions are now irritating us. No Government conceives for a moment the thought of imposing on Central and South American States political institutions which we have announced we will not tolerate.

The immense area of our territory has been productive of a surplus greater than that of any other nation. Our manufacturing industries have multiplied in variety and extent, providing for human wants in a thousand forms, even before they have been anticipated by our people.

The appreciation and diffusion of popular education obtains throughout the land. A fervor for written constitutions, examined and discussed and interpreted by the various courts, communicated to the people in the courts, on the hustings, and through the press, has silently formed the masses of the American people into one homogeneous whole. The popular character of our institutions, our equal laws, have awakened in our people a consciousness of manhood that has promoted patriotism and national courage.

We are isolated by our position between two oceans. We have no entangling alliances with European politics. The "balance of power," which is so vital a question with European nations, involving in some cases even their political existence, does not disturb us. The action of this or that court, which may portend harm to other nations, excites no interest on our soil. We are not concerned with those questions which in other nations give rise to standing armies and to a condition of constant uneasiness. Our concern is not with those questions, but with finance, with taxation, with commerce, with whatever promotes the general happiness of the people.

European countries may require able diplomats. Not so with us. We have no occasion for the toys of courts. The best talent of the land is found devoted to internal prosperity.

Sir, we see in the press occasionally such items as that our minister to Berlin, Mr. Phelps, after long and laborious efforts, has negotiated an extradition treaty; that our minister to France, with wonderful skill, has negotiated another treaty, and that by reason of his influence at that court he has brought to this country the immense boon of admission of American pork into France at a rate not exceeding 200 per cent. The papers tell us that our minister to Russia is about to return home, and is going to bring with him the delightful intelligence that the Emperor of Russia is very much gratified at the sending of supplies from America to his starving subjects.

The Bering Sea controversy, so far as the public here has had occasion to know, is something of which our minister to the Court of St. James has no knowledge. In South America, during the recent controversy with Chile, the state papers sent in by the President indicate that not until one day before the battle of Concon, and within one week of the fall of Valparaiso and the Chilean Government, our minister to Chile communicated to the State Department the intelligence that there was a movement on the part of the Congressional party along the Huascar Valley which seemed to be of formidable proportions.

Mr. O'NEILL of Pennsylvania. The gentleman will allow me to ask in what connection he mentions these circumstances. Certainly he can not but feel most happy that the Emperor of Russia has thanked this country through the American minister, Hon. Charles Emory Smith, that Philadelphia and other American cities have sent food to the starving Russians. I would like to know how he intends to follow up these illustrations. Certainly he proposes to intimate nothing against the manner in which our present minister plenipotentiary to Russia has done his duty.

Mr. BLOUNT. I am undertaking nothing in the world except to show the magnificent ability required of an American minister of to-day.

Mr. O'NEILL of Pennsylvania. Well, Mr. Speaker, the incident of sending this food to the starving Russians is well worthy to be placed in history, even in the State Department, by an American minister to that country. I do not see how any such references as the gentleman has indulged in can apply in any way to his argument, for I take it for granted that any other business of importance which it might have been necessary for our minister in that country to transact would have been transacted well.

Mr. BLOUNT. Mr. Chairman, I believe I have the floor. I have a great regard for my friend from Philadelphia—for his splendid temper and general worth; but I think that he ought to allow me to go on with my remarks.

Mr. O'NEILL of Pennsylvania. I will, of course. I simply wanted to know in what connection the remarks of the gentleman applied to our American minister to Russia.

Mr. BLOUNT. Mr. Chairman, this is not a serious conflict between the nations of the earth—

Mr. O'NEILL of Pennsylvania. But it is a very gratifying thing to all Americans to know that the humanity and heart of this country have prompted this relief of the starving people of another land.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor.

Mr. BLOUNT. Mr. Chairman, a few days ago I received from the Secretary of State a communication forwarded by the minister to Denmark containing the very important information (I suppose he had seen this bill or learned of its contents) that in the event we should cut off the mission to Denmark it was not improbable that Denmark would refuse to be represented by exhibits at Chicago. Mr. Chairman, this gentleman seems to have distinguished himself in Denmark by being able to get that Government to make an exhibit at Chicago on grounds personal to himself. At last he seems to have been awakened to his own consequence, and is now trying to rouse the rest of us to realize it.

I think, sir, that he is mistaken: that he overestimates the value of his services, and that Denmark does not value his presence there so highly or regard it of so much importance as he seems to think. I know, sir, that much time is given at these European courts to receptions, to dinners, to entertainments, to balls, operas, and general idleness. Perhaps he is a contribution from this country to scenes like these. But for anything more valuable we are left simply to the exhibit at Chicago. I do not think Denmark will be so silly as to withhold her exhibit here on account of the withdrawal of this minister. If she should, for one I would want the vacant place to be pointed out to our own people as well as to foreigners who visited the Exposition as an indication of what snobbery could do.

I would remind this distinguished minister that if his occupation in Denmark should be lost by the unwise conduct of his countrymen at home, that he will find, doubtless, in his own country, some occupation to relieve him not only from idleness, but possibly from want.

Mr. Chairman, what need have we for a minister at Greece? We are told that Greece is classic ground. But, sir, the muses have long since deserted her mountains. Her beautiful marble no longer awakes the genius of her once gifted sculptors. Her legends are fast passing away from the earth, because the intellectual and moral progress of the age does not stop long or spend much time over the strength of Hercules or the beauty of Apollo, the heroism of Achilles, the wanderings and genius of Ulysses, the beauties of Helen, or the wantonness of Paris. Her halls of philosophy are closed forever. Her seacoast, once the center of an immense commerce, is almost as silent as at the dawn of creation itself. In that land is an ignorant, thriftless, idle population, standing beside the ruined tombs and monuments of a decayed and forever departed greatness. What need have we for a minister at that court, I repeat?

Again, Mr. Chairman, a minister to Switzerland. Providence has taken mountain and water and created there the most bewitching scenery that is exhibited in any portion of the world, and yet, sir, where is there to be found her consideration in the political or commercial relations of the world? She has no standing whatever. Why may we not unite France, Belgium, and the Netherlands in one mission, with the present facilities of intercommunication between these nations? Why not unite Spain and Portugal in the same way? I am inclined to think, sir, that it would not be amiss, nor would it be a radical step in the direction of popular reform, if we would leave at England, France, Germany, Italy, and Turkey our ministers, and whenever there was occasion for intercourse of a delicate character, either to send special agents abroad for that purpose or that these ministers might be a means of communication.

Mr. Chairman, it is useless to talk about maintaining missions in all foreign countries based on any exigencies of the Republic. No such exigencies exist as to warrant the continuation of that system. It is a thing of the past largely. It is a matter of memory solely, and I trust, sir, that it will not be long or that the time will be far distant when these radical corrections will be made all along the line.

The Committee on Foreign Affairs, however, have seen fit to make slight reductions here, thinking that perhaps anything that indicated severe or rigid action on their part would be resisted by the magic of that secrecy which hovers about the State Department and the mysticism that lingers there and makes men afraid to think when they are touching that Department.

But, Mr. Chairman, I care to add nothing more to what I have said in relation to these missions abroad. Our consular service is of all others the most valuable and necessary to us. The total of foreign imports of this country for 1890 were \$789,310,409. The total imports subject to duty received during the same year were \$523,641,780. The total amount of duty collected the same year on these imports was \$220,576,989. The correct ascertainment of the valuation of the goods imported into the United States is a matter of vital importance to our revenues. The importer himself is not likely to protect the Government from fraud or undervaluation. It must therefore resort to various instrumentalities to protect itself. Amongst these one of the most potent is our consular system.

Where goods are sent by a purchaser or manufacturer from

abroad, it is necessary, in the case of a purchaser, that he shall file an invoice setting forth the value of the merchandise at the place of purchase, the currency in which it was paid, the cost to the place of shipment, and many other items fixed by law and consular regulations, to disclose the value of the goods, where they are liable to a duty on their value, and where the duty is specific disclosing also the weights, measures, etc. This statement is to be accompanied with a declaration as to its truthfulness on the part of the shipper. These invoices have to be certified by the consul from the port where the goods are shipped. Where he differs with the importer as to the value, it must be made to appear, samples of the merchandise sometimes accompanying the statements. This is designed for the purpose of aiding the collector of the port in ascertaining the proper value of the shipment.

I will not take up the time of the committee by reciting the various regulations for the purpose of assuring us in regard to invoices. The great work of the consul is to be found in this matter of certifying invoices. He has sometimes questions in relation to the discharge of seamen, in relation to the support of indigent seamen at the port where he happens to be, sometimes it may be the taking charge of the effects of deceased seamen, sometimes the taking charge of the effects of deceased American citizens, and the administering of their estates, and so forth. I will not undertake to pass through the various topics of consular duties in this connection, because the matters of detail are insignificant. In a few places these consuls are invested with judicial functions, but they are exceptional.

On page 40 of this report is to be found a recapitulation of the fees of consuls, mostly for certifying invoices. Sometimes for certifying invoices, sometimes for landing certificates, etc. I will read from the recapitulation made by the First Auditor, as follows:

RECAPITULATION.	
Invoice certificates.....	\$896,655.25
Landing certificates.....	33,862.00
Bills of health.....	20,962.50
Currency certificates.....	8,681.00
Other fees.....	11,951.83
Total.....	\$978,142.58

These fees almost pay the expenses and should pay the entire expenses of that service. Generally it has been so, but there has been a tendency to enlarge the expenditures for some time, and I believe unnecessarily, and that we ought to curtail them. I will, as we take up the bill by paragraphs—for then it is more easily and intelligently done—discuss the work performed by the consuls at the several ports, with a view of setting out the fact that there has been nothing hastily done.

Indeed, sir, an examination would disclose the fact that there are other places in which the consuls had scarcely any employment, but were getting compensation. For instance, take Athens. The fees, which indicate the work at Athens, are \$8. This would not cover five invoices in a twelvemonth. Not a sailor relieved; and yet the consul is on salary there. At St. Helena we have a salaried officer, and his fees were \$5.50 per annum; little invoices that he could sign up in a day. There are many places which have been continued because the committee were not inclined to follow out rigidly as they might the principles of economy, apprehending that there might be an exaggerated impression as to the purposes of the committee.

I trust, sir, that when this question shall have been examined, the members of the House and the country will see that this State Department and the foreign service is a secret place. We examine every other. We have detailed information in reference to them; but in this place where the servants are abroad, where our knowledge as to their surroundings is not accurate, and where we are flooded with all sorts of vague suggestions as to their consequence, we should learn to value these as they deserve and make proper deductions.

Mr. WHEELER of Alabama. Before the gentleman leaves that subject I would like to ask a question for information. There are some of these places which the gentleman has referred to where the fees are very small. Now, there has been a very great deal of controversy as to whether certain fees should be turned over to the Government. Is it not probable—or have the committee any information on the subject—as to whether there were other fees collected; and were they of a character which it is claimed should not be turned over to the Government? Now, at Jerusalem, for instance, \$50 is all that is reported.

Mr. BLOUNT. What does the gentleman ask?

Mr. WHEELER of Alabama. The point is this: Here we have reported very small amounts at certain places.

Mr. BLOUNT. Take Jerusalem, which you have mentioned.

Mr. WHEELER of Alabama. The question I want to know about is this: There has been a great controversy and loss to us on the question with regard to whether certain fees should be turned over to the Government. Now, have the committee any

information as to whether there were any fees of that character collected at these places, which was not turned over to the Government?

Mr. BLOUNT. I can not conceive how at Jerusalem there could be any fees. No sailor ever gets there. Service rendered to sailors is one of the items; service to American vessels, and vessels can not get there. I can not see how there is anything in that direction to be done there. But I will say to my friend, if he will allow me, that he and I and the committee will be much more successful in the examination of these various items in detail when we come to take up the bill by paragraphs, and I would prefer that as to any matter of detail my attention should be invited to it later.

Mr. HITT. All these fees reported to the State Department are notarial.

Mr. WHEELER of Alabama. These are the fees all paid in.

Mr. HITT. The fees are on commerce.

Mr. BLOUNT. Mr. Chairman, there is another matter in this bill in which there is not perfect unanimity on the part of the committee. It relates to what may be termed the intercontinental survey. I desire to call attention, and the special attention of the committee, to this object. It imports very much more than appears on the face of the bill. It commits this Government, in my judgment, to policies which the country has not yet discovered, and which the House, in my opinion, has not yet had occasion to examine. The Pan-American Congress, and its assemblage in this country, is a matter well known to the committee.

Amongst the other subjects taken up and discussed by it is what is called the intercontinental railway system, beginning in Mexico, connecting with our lines north, connecting throughout Central America with South America, along through Peru, Chile, Ecuador, and Bolivia, with the eastern coast of those countries; and I wish to call the attention of the committee especially to some suggestions in connection with that subject. On page 43 of this report we are informed:

The International American Conference is of the opinion:

First. That a railroad connecting all or a majority of the nations represented in this conference will contribute greatly to the development of cordial relations between said nations and the growth of their material interests.

I will not read the several sections because it simply occupies time, and is not needful for the purpose I have in view.

Sixth. That if the general direction of the line can not be altered without great inconvenience, for the purpose mentioned in the preceding article, branch lines should be surveyed to connect those cities with the main line.

Seventh. That for the purpose of reducing the cost of the enterprise the existing railways should be utilized as far as is practicable and compatible with the route and conditions of the continental railroad.

Eighth. That in case the results of the survey demonstrate the practicability and advisability of the railroad, proposals for the construction either of the whole line or of sections thereof should be solicited.

Ninth. That the construction, management, and operation of the line should be at the expense of the concessionaires, or of the persons to whom they submit the work or transfer their rights, with all due formalities, the consent of the respective governments being first obtained.

Tenth. That all materials necessary for the construction and operation of the railroad should be exempt from import duties, subject to such regulations as may be necessary to prevent the abuse of this privilege.

Eleventh. That all personal and real property of the railroad employed in its construction and operation should be exempt from all taxation, either national, provincial (State), or municipal.

Mr. BUSHNELL. Will the gentleman tell us what he is reading from?

Mr. BLOUNT. I am reading from the report of the committee on the diplomatic and consular appropriation bill, at page 43, "section 12." I beg the careful attention of the committee to these sections:

Twelfth. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guaranties of a minimum of interest.

Thirteenth. That the salaries of the commission, as well as the expense incident to the preliminary and final surveys, should be assumed by all the nations accepting, in proportion to population according to the latest official census, or in the absence of a census, by agreement between their several governments.

Fourteenth. That the railroad should be declared forever neutral for the purpose of securing freedom of traffic.

Fifteenth. That the approval of the surveys, the terms of the proposals, the protection of the concessionaires, the inspection of the work, the legislation affecting it, the neutrality of the road, and the free passage of merchandise in transit, should be (in the event contemplated by article eighth) the subject of special agreement between all the nations interested.

I wish to call the attention of the committee briefly to a letter from the Secretary of State, Mr. Blaine, under date of May 12, 1890:

Under the generous and progressive policy of President Diaz the railways of Mexico have been extended southward as well as northward and toward the two oceans. The development of the Argentine system has been equally rapid. Lines of track now reach from Buenos Ayres to the northern cities of that Republic, and nearly to the Bolivian boundary. Chile has a profitable system of railroads from the mountains to the Pacific Ocean, and the completion of the tunnel that is now being pierced through the Cordillera will bring Valparaiso within two days' travel of Buenos Ayres. In the other republics similar enterprise has been shown. Each has its local lines of railways, and to connect them all and furnish the people of the southern continent the means of convenient and comfortable intercourse with their neighbors north of the Isthmus is an undertaking worthy the encourage-

ment and coöperation of this Government. In no other way could the Government and the people of the United States contribute so much to the development and prosperity of our sister Republic and at the same time to the expansion of our commerce.

Now, I wish special attention as to the construction of this report, parts of which I have already read, a construction placed by the Secretary of State upon it.

A very important feature of the report, to which I especially direct your attention—

Mr. COMBS. That is, the Secretary says?

Mr. BLOUNT (continuing the reading):

will be found in the international declaration that the line of the proposed railway shall be forever neutral territory; that the material necessary for the construction and operation of the road shall be admitted free of customs dues, and that its property and revenues shall be always exempt from all forms of taxation. This guaranty, having all the force of a treaty, will stimulate private and public confidence, and thus lead to the investment of capital that might otherwise be reluctant and distrustful.

Mr. MCCREARY. I desire to ask my colleague a question. Is there anything in the pending bill which seeks to appropriate any aid to the construction of the railroad to connect the United States with the republics of Central and South America? And is there anything else in this bill relative to the continental survey, except an appropriation of \$65,000 to pay our part of the preliminary survey to ascertain whether it is feasible to connect all the republics of the western hemisphere by rail?

Mr. BLOUNT. Mr. Chairman, I thank my colleague for proposing the question. We propose in this bill an appropriation of \$65,000—I believe that is the amount—for the share of this country towards the survey itself. How came that survey into this bill? The Secretary of State, in the beginning of last Congress, called attention to this report, and the grand purpose in that survey of having a line of railroad to South America, protected by a pledge, in the nature of a treaty, that it should be forever neutral, the concessionaires getting possession of this road with exemption from taxation, with amounts of subsidies, and grants of land, and guaranties of interest; all these things were as much a part of the scheme as the appropriation in the bill itself.

I intend to briefly read from his report all these allegations which are said to be in the nature of a treaty—

Mr. MCCREARY. Will the gentleman let me interrupt him again?

Mr. BLOUNT. With pleasure; as often as you like.

Mr. MCCREARY. Is it not true that the United States paid thousands of dollars for surveys made in order to ascertain whether it is feasible to have interoceanic canals at Nicaragua and Panama, and if we ever committed ourselves to any subsidy in aid thereof?

Mr. BLOUNT. I wish to keep the mind of this House on the proposition made in the report of the International Conference and recommended to Congress, and its purposes stated by the present Secretary of State, to indicate what there is in this measure. What has the survey of Panama to do with this question? Why, I might ask my friend if we did not grant immense domains to the Pacific roads; if we did not indorse bonds and securities for millions of dollars. Yet would the gentleman argue that because we did so that we should cease to have any care for the public Treasury and repeat those extravagances, resulting in crimes against the Government itself?

It is so easy to say, "This is simply a survey." It is not a difficult mental operation to discard a careful consideration of an important question by an innocent suggestion that we have here only a proposition for a survey, but I want to carry this House beyond that. I want to carry it to the point of view of the Secretary of State, with the report of that committee in his hands, indicating the purpose not of a survey alone, but of an obligation on the part of this Government to protect the concessionaires against any violation of any rights which they may obtain in South America.

Suppose, sir, that after this road shall have been constructed, and after there shall have been legislation on the part of Peru, Chile, Bolivia, Ecuador, or any of those countries exempting from taxation the materials connected with the building of the road and exempting the road itself from taxation for all time to come—suppose that after that one of those countries should change its view of the matter and should insist upon its right to tax that property, and this treaty obligation on the part of the United States should be invoked, would we not be compelled, in good faith, to carry our Navy and our Army there to protect these rights?

Suppose that those countries should grant lands to this road, would not we be bound in good faith, having entered into what the Secretary of State says is equivalent to a treaty intended to protect those rights for all time to come—would not we be bound to go with our forces into those republics in order to enforce these rights? The road is "to be exempt from taxation" in Chile, in Ecuador, in Peru, but suppose a change of mind comes over those states and they insist upon taxing it, or for some pe-

cular reasons of their own they resist the free passage of goods over their territories, will not the American Republic be under pledge to march, if need be, its forces into South America to assert and protect the rights of the concessionaires against that Republic?

Mr. Chairman, I am unwilling that this Government shall occupy such an attitude towards those people. It is her proud distinction that when those provinces had shaken off the authority of Spain, and the Holy Alliance had entered into an agreement to reinstate her authority in those republics, to reinstate monarchical authority and monarchical forms of government there, this country, in connection with England, proclaimed the doctrine that it would resist to the furthest extent any such interference on the part of European powers in the affairs of the western hemisphere, and declared that so far as Europe was concerned we had abstained from interference with its governmental affairs, and that on this western hemisphere no European power should place its foot with any such intent. That proclamation was hailed with delight throughout all the civilized world as one of the grandest events in all the course of time.

As an American, sir, I protest against this great Government lending its power and its flag to a corporation to operate in South America, and obligating itself to protect these concessionaires. I do not want any conflicts of that sort for another reason. If they come they are likely to lead to the use of armies and to a policy of force in that part of the American continent. These countries are revolutionary in character; they are continually being disturbed; they are in conflict amongst themselves, and I do not wish to see any line of policy adopted which can by any possibility extend those controversies to us. Chile has just emerged from civil war. The flames of civil war are seen to-day on the horizon of Venezuela. The timbers in the Republic of Brazil are strained and shattered by popular convulsions of which we have almost weekly reports, and I do not want to see any course taken on our part which will embroil us in a conflict which may result ultimately in a policy of conquest. Those people are incapable of preserving order and stability among themselves; bring them into connection with us, with all these troublesome questions, and the equipoise of our institutions, which we enjoy and preserve to-day by reason of the splendid character of our population, will be endangered.

Now, Mr. Chairman, let us see what has been going on in relation to this matter. At the first session of the last Congress we appropriated \$65,000 as our contribution to the survey. At the second session we appropriated \$65,000. We have in this bill a proposition to appropriate \$65,000. Bear in mind that these contributions are to be made by the countries concerned pro rata according to population.

Mr. COX of Tennessee. Will the gentleman, while he is upon that point, give the committee some information as to who is to have control of the disbursement of this money?

Mr. BLOUNT. This railway commission.

Mr. MCCREARY. Under the approval of the Secretary of State, my friend will admit.

Mr. BLOUNT. The approval of the Secretary of State is somewhat *pro forma*. I do not see why he should have any trouble with this question, entertaining the views that he does entertain in reference to this South American policy. But, Mr. Chairman, it is sometimes claimed that we are bound in good faith to make this appropriation, that having met these people here and agreed that we would make a survey, and having already made two appropriations, we ought to make the third. Now, while we have been doing that what have they been doing? Brazil has paid her first assessment of \$15,000, I think, since this bill was reported, certainly this year. Chile has paid \$3,000; Colombia has paid \$4,000; Costa Rica has paid \$1,000; Bolivia and Ecuador have promised to pay. The Argentine Republic has declined to contribute, but agrees to build through her own territory; that is to say, she has a number of railroads already built, constructed before she had any connection with this project.

Guatemala paid nothing; Mexico declines to contribute, but will complete a line through her own territory—a line which she would complete, at any rate, without any connection with this scheme.

[Here the hammer fell.]

Mr. MCCREARY. I ask that the gentleman from Georgia be allowed to proceed until he completes his remarks.

There was no objection.

Mr. BLOUNT. Nicaragua promises to pay; Paraguay declines; Peru has not paid; Salvador promises to pay; Uruguay declines to contribute, but will complete her own line—a scheme which she carries on without any connection with this.

Mr. KILGORE. What was the proportion of the assessment of these different governments? What proportion was each to pay?

Mr. BLOUNT. They were to pay in proportion to population, measured by millions. For instance, this country, with her

65,000,000 population, was to pay a certain sum, and these various other countries on the same basis.

Mr. KILGORE. This railroad was not to approach the boundaries of the United States at all?

Mr. BLOUNT. It was to be a part of the intercontinental system. My friend from Texas may not be able to see the advantage to us, and I do not myself.

Mr. KILGORE. The plan did not propose to construct any railroad inside of the United States?

Mr. BLOUNT. Oh, no; we are to go to South America and build this road.

Mr. KILGORE. We are to build the road, and they are to get the benefit; and we are to pay in the same proportion that they do?

Mr. BLOUNT. We are to enter into this work down there under such conditions as I have indicated, and in return it is expected we shall get the trade of those countries.

Uruguay declines to contribute, but will complete her own line. As to Venezuela we have no information. Most of these countries have not contributed a cent. We have gone on making appropriations, and we have paid nearly all the money that has thus far been contributed. We have our army and naval officers down there engaged in the work of the survey. And in the presence of these facts we are told that though these other countries have not made compliance with the conditions except in a few instances, we have entered into an agreement and are bound to go on and make payments and continue the survey.

Mr. KILGORE. Are we to get any of the glory?

Mr. BLOUNT. I do not know about the glory. I do not know who are the parties to this concession; I suppose some day we shall learn who is to get the pay, and perhaps we may not learn of anybody, at least in this country, getting any of the glory. It will, I am afraid, be very much like the glory we gained in our grants to our Pacific railroads. There is a genius in this country for that sort of business, and it is very difficult to contravene it.

Mr. LONG. How much money have we already paid?

Mr. BLOUNT. One hundred and thirty thousand dollars.

Mr. LONG. To what part of the work does this go?

Mr. BLOUNT. The road is in the Central American and South American states.

Mr. LONG. Have we anybody there looking after this enterprise?

Mr. BLOUNT. Oh, yes; we have detailed army officers.

Mr. LONG. Enough to take care of it?

Mr. BLOUNT. Oh, yes; there is no doubt about that.

Mr. MCCREARY. Will the gentleman allow me one more question?

Mr. BLOUNT. Certainly.

Mr. MCCREARY. Was there any minority report put in by any member of the committee opposing this measure?

Mr. BLOUNT. Mr. Chairman, my friend from Kentucky asks whether there was any minority report on this subject. I take pleasure in stating that there was none. I did give notice, however, that there were differences of opinion in the committee in relation to this measure. I did give notice that I considered it of such serious consequence that I proposed to call the attention of the House to this survey. If I have failed to state any of the facts in this connection I trust my friend will bring to the attention of the House whatever I may have left unsaid.

I have come into this House with these views, intending that if the question hereafter should assume the serious aspect which it now presents to my mind, I would, humble as I am, guard myself against any responsibility for this enterprise, and that on this occasion, the first time since these surveys have been started that the Democratic party has been in possession of this House, there should be an opportunity for the House to make its declaration as to whether it would or would not sanction this undertaking. Hitherto the matter has been in the hands of the President, the Secretary of State, a Republican Senate, and a Republican House. There has never been presented to either House of Congress, so far as I know, the information which I have submitted to-day with this correspondence and these various documents.

The question is now here; and whatever the House may do I shall have no complaint to make. But I wish members to bear in mind that if there is any obligation on our part to make any survey, there is, according to Secretary Blaine, an obligation also in the nature of a treaty that this Government shall protect the railroads which may be built in Central and South America under this scheme in all their rights as corporations—exemption from taxation of real and personal property, the right to have brought in free for the building of these roads the material necessary, the guaranty of the neutrality of the roads, the freedom of merchandise over them. All these things, and all necessary legislation for their enjoyment for all time to come, go along with this pledge, according to the Secretary of State.

Away, then, with the idea that it is \$65,000. It is far beyond

that. Well, sir, we shall be regaled perhaps with the suggestion that the building of this road brings into this land the commerce of South America, that now passes, or the bulk of it, to England and other European countries; that according to Mr. Carnegie railroad transportation is about as cheap as water transportation, and that when we get our railroads we will have freight so cheap that we will get that commerce, notwithstanding the English and other vessels on the ocean. I do not believe, sir, any such doctrine as that. You find in that report where Chile has built her railroads from her mountains to the sea. You will see where the Argentine Republic has built all over its surface, wherever commerce required, her lines of railway; and the tendency of commerce toward Europe has not been by reason of the lack of a railroad system connecting South American countries with this.

It seems to stand on entirely different grounds. Take Argentina, for instance, with her immense wool product. All of this, or the bulk of it, goes to European countries. It finds no customs duties when it enters their ports. The ship goes with a full cargo, and returns with the goods of that country. If the wool seeks this direction it is barred at our ports, and so the ship must come practically empty, and if it goes back at all it goes back with products not as desirable, by reason of cheapness and adaptability to their wants, as those of European countries. In the discussion of the tariff this subject has been so much ventilated that it seems impossible not to feel and understand why that commerce takes the direction it does, instead of a nearer outlet to the United States.

Mr. Chairman, I have said enough in relation to this scheme. At the proper time I shall move to strike this item out of the bill. But in connection with this we have at the State Department what is known as the International Bureau of American Republics, and provision is made in the bill as follows:

Commercial Bureau of the American Republics, for the prompt collection and distribution of commercial information, as recommended by the International American Conference, \$25,000, to be available when the other nations mentioned by the International American Conference pay all their respective assessments.

It has been heretofore \$35,000. Now, we have got the bureau in splendid working order. Under the suggestions of the International American Conference we have made a \$35,000 appropriation at one session of Congress and \$35,000 at another.

I addressed a letter to the Secretary of State in the month of February last, in relation to the contributions from the other republics of South America, which were to contribute according to their population, so much per million, towards the expense of this union. He says in response to that letter:

DEPARTMENT OF STATE, Washington, February 23, 1892.

SIR: In reply to your letter of the 18th instant, I have the honor to inform you that, on the several dates hereafter named, this Department received contributions from certain foreign governments towards the maintenance of the Intercontinental Railway Commission and also the Bureau of American Republics.

The amount received for account of the Intercontinental Railway Commission is as follows:

Chile, April 23, 1891	\$3,028.12
Colombia, August 20, 1891	4,000.00
Costa Rica, November 3, 1891	1,000.00
Brazil, November 13, 1891 (in process of collection)	15,000.00

The amount received for account of the Bureau of American Republics is as follows:

Venezuela, October 2, 1891	\$812.50
Guatemala, December 2, 1891	525.00
Costa Rica, January 13, 1892	75.00
Salvador, January 28, 1892	243.75
Mexico, February 5, 1892	3,900.00

I have the honor to be, sir, your obedient servant.

JAMES G. BLAINE.

HON. JAMES H. BLOUNT,

Chairman of Committee on Foreign Affairs, House of Representatives.

These were all the contributions made outside of the Treasury here at Washington by all of these countries, as appears by this communication from Mr. Blaine. When the committee saw fit to criticize this matter and put in this provision "to be available when the other nations mentioned by the International American Conference pay all of their respective assessments," there began to come in some contributions from some of these other countries—not all; and we have gone on in this most refined recognition of our solemn obligation to these South American countries, surveying the railroad almost entirely at our own expense; and, out of appropriations from the public Treasury, keeping up this bureau of information in South America for the benefit of these countries. For one, I want to arrest this whole matter here.

I want to stop this hidden, mysterious thing at the outset. I want to abolish this bureau. The information circulated can be gathered from encyclopedias and from other cheap sources. It is a place for somebody to occupy. It is one of the numerous bureau "sores" to be found in every Department of the Government. It is active; it appeals to the House by having communications sent to members of Congress of its consequence. It struggles

for its life. So with this survey. I would strike it out from the bill. I would have this Democratic House say once and for all, "we will not provide a dollar on the ground that hereafter there is carried along with it, as with this other appropriation, obligation to do other things set out in the report, to protect concessionaires, perhaps Jay Gould, Huntington, or Carnegie, or some other of the moneyed kings who may be the concessionaires of this railroad scheme."

I know, Mr. Chairman, that I do not stand in accord with all the members of the Committee on Foreign Affairs in reference to this question. I know that they believe it is nothing but this survey, that they would not go beyond a survey, that they see immense commerce coming to their country by its operations. My vision is too dim to apprehend these things. I have not separated in all my thoughts every section of this report, the building of the railroad and all of the other following sections, interpreted by the Secretary of State to be a pledge upon my country, as of a treaty itself.

If this is it, as the Secretary of State interprets it, and you wish to pursue his policy, go forward in it. If not, if you decline to follow him in this policy, then let us at once unite together and strike the first blow at this appropriation. Take this money away and this scheme withers. Mr. Carnegie is the soul of this report in every one of its sections. I have read the extract from it, and you will find at some hour that there is something besides what is on the face.

Mr. Chairman, I have thought of presenting some other questions to the committee, but I have occupied much of its time, and I shall forego until some other occasion the indulgence of observations which I think are important in relation to our foreign missions and especially our recent diplomatic efforts in Chilean affairs.

Mr. COX of Tennessee. What is the object of the Bureau that the gentleman speaks of? What does it do?

Mr. BLOUNT. It purports to distribute information.

Mr. COX of Tennessee. Is it an educational institution?

Mr. BLOUNT. Oh, yes.

Mr. COX of Tennessee. To educate?

Mr. BLOUNT. To educate and give merchants information so that they can trade—very valuable information!

Mr. COX of Tennessee. Yes!

Mr. BLOUNT. A "Commercial Bureau of American Republics for the prompt collection and distribution of information, as recommended by the International American Conference." It is an educational institution.

Mr. BURROWS. A very important one.

Mr. BLOUNT. Not a very important one. My friend from Michigan thinks it is important. I have some of the documents it issued, and I will contribute them to him if he will take them.

Mr. BURROWS. If you do not appreciate them, I will take them.

Mr. BLOUNT. I do not. I do not appreciate any of this business. Mr. Chairman, I do not feel inclined to occupy the attention of the committee any longer. I have gone far beyond anything I expected when I took the floor; but I wish on some future occasion to invite the attention of the House to the unhappy diplomatic attempts that have characterized us in our relations with Chile during all the trouble that the Congressional party had with the Balmaceda government.

Mr. MCCREARY and Mr. HITT rose.

Mr. HITT. If the Chair will recognize the gentleman from Kentucky [Mr. MCCREARY] I will ask to be recognized subsequently.

Mr. MCCREARY. Mr. Chairman, the diplomatic and consular service of the United States should be maintained in a manner suitable and appropriate to the wealth and population of our great country. Mr. Jefferson announced at the beginning of the present century the true policy of the United States when he said we should have "peace, commerce, and honest friendship with all nations, entangling alliances with none." I believe that was good doctrine at that time, and I believe that every administration should adhere to the grand words spoken by Mr. Jefferson.

There should neither be parsimony nor extravagance in the management of our foreign service, but there should be justice, fairness, and conservatism. I have had the honor to serve on the Committee on Foreign Affairs for seven years, and I state here now, with deliberation, whatever may be said about our diplomatic and consular service, we are compelled to admit that it has been maintained economically. The diplomatic and consular service of the great countries of Europe cost annually to each of those countries millions of dollars. How much do we pay in this great country, with 65,000,000 of people and with \$65,000,000 of property? Our consular service, excepting two years, has for many years been self-sustaining; and the whole amount that we have to pay out of our Treasury, when we in-

clude the amount that we receive from our consular system, is less than one-half million of dollars.

I have great respect for the gentleman from Georgia [Mr. BLOUNT], who has just taken his seat; but the gentleman from Georgia can see a Trojan horse in this bill when there is no just cause for fright. He sounds an alarm when there is no necessity for sounding an alarm. I will go as far as any man to oppose all unnecessary appropriations. I have always, in this House of Representatives, fought subsidies, and I will always be found fighting subsidies, but I do not believe that the record bears my friend out in the statement he has made here to-day with regard to some parts of this diplomatic and consular appropriation bill.

There is no necessity to sound the alarm and raise the question of economy on this bill. We are not here to "strain at a gnat and swallow a camel." This House has already appropriated in round numbers \$24,000,000 in the army appropriation bill. It has appropriated \$7,000,000 in the Indian appropriation bill, and \$4,000,000 in the District of Columbia appropriation bill; and but a few days ago \$23,000,000 in the naval appropriation bill; and you will be called upon to appropriate \$25,000,000 in the sundry civil appropriation bill, which my distinguished friend from Indiana [Mr. HOLMAN] is ready to call up when we get through with the bill now being considered.

This House has appropriated \$134,000,000 for pensions. Now, when we are asking for less than one-half of a million of dollars to pay the expense of our diplomatic service we are told we must pause. We are told that a resolution was adopted at the beginning of this session that called upon us to establish a policy of economy. I voted for that resolution, and still stand by it.

When we maintain a great diplomatic and consular system for this, the greatest Republic in the world, at a net annual cost of less than \$500,000, I say we are adhering to the resolution of economy that was offered by the gentleman from Indiana [Mr. HOLMAN].

Let us see how we compare with other nations in our expenditures. In Great Britain the ambassadors to Austria, France, and Turkey are paid \$40,000 each annually, and each is furnished with a residence. In France the total amount paid the ambassador to Great Britain is \$46,000 annually, and \$27,000 to the ambassador to Germany, and \$17,000 to the envoy extraordinary and minister plenipotentiary to the United States. Germany pays \$37,500 per annum to the ambassador to Great Britain. She pays the envoy extraordinary and minister plenipotentiary to the United States \$15,750. Spain pays \$21,000 a year to her ambassadors and \$17,000 per annum to her envoys extraordinary and ministers plenipotentiary. Mexico pays \$27,000 per annum to each of her envoys extraordinary and ministers plenipotentiary to the United States, France, and Spain, and \$20,900 each per annum to the ministers to Germany, Italy, and Belgium. The United States pay annually \$17,500 each to envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, Russia, and Mexico, and from \$12,000 per annum to \$5,000 per annum to other diplomatic officers.

I will not occupy time by comparing the diplomatic and consular salaries paid in other countries with those paid in our country, but I will insert at the end of my remarks the tables which have been prepared.

Mr. BLOUNT. Will my friend allow me a question?

Mr. MCCREARY. Mr. Chairman, I desire to say that I do not make these references because I am in favor of increasing the salaries. I am opposed to increasing the salaries of our diplomatic officers.

Mr. BLOUNT. Will my friend allow me to ask him a question there? Do I understand that it serves his purpose, and if he is in favor of the consequences coming from them, would he not apply them here?

Mr. MCCREARY. The object of my reference to the salaries in the great European countries is to show that the alarm of my friend from Georgia is needless. When you call the attention of this House to the pledge to stand by the resolution of economy offered by the gentleman from Indiana [Mr. HOLMAN] you insinuate, perhaps without intending to do so, that all who support the appropriations contained in the bill now being considered are not remembering the resolutions of the gentleman from Indiana [Mr. HOLMAN].

Mr. BLOUNT. Now, Mr. Chairman, one word more, if my friend will allow me. I want to know whether he does not regard the foreign relations of European countries among themselves and with the world as of very much more importance to their safety than the foreign relations of the United States with other countries.

Mr. MCCREARY. I regard the foreign relations of the European powers as of great importance to them, and, since my friend has led me into that path, I will say here and now that our foreign relations have been very important to us in the past. There has never been a day since Jefferson was inaugurated President that diplomatic officers were not beneficial to our country.

Go with me back to the beginning of the century. Go to that grand time in the history of the United States, under Jefferson's Administration, when we acquired the Louisiana territory, that grand empire that has been so valuable to the United States, that has brought so much wealth, so much power, so much glory to the United States. Who negotiated the surrender and conveyance of the Louisiana territory to the United States in 1803? That man who was called "the model President," that man who announced the very doctrine that the gentleman from Georgia [Mr. BLOUNT] referred to in his speech. James Monroe was the minister of the United States to France when we acquired the Louisiana territory.

I call the attention of the gentleman from Georgia [Mr. BLOUNT] to one of the most distinguished sons of his State, a man whose name is prominent in the history of Georgia, and of whom the State of Georgia is proud. It was Mr. Forsyth of Georgia, minister of the United States at the court of Spain, who arranged for the acquisition by the United States of Florida. Thus we find that James Monroe negotiated the treaty by which we acquired the great Louisiana territory, and Mr. Forsyth of Georgia, minister to Spain, negotiated the treaty by which we acquired Florida.

Mr. Chairman, I will not dwell upon the early diplomacy of our country, but I will come down to later days. Is there any gentleman here who will deny that valuable services were rendered by Mr. Adams as minister to England during our late unhappy civil war?

Is there any member here who is familiar with Mr. Washburne's great services during the Franco-German war who will deny that the United States were greatly benefited and that the citizens of this country who were in France were greatly benefited by his services? Is there anyone here who doubts that Mr. Motley, Mr. Bancroft Davis, Mr. Everett, Mr. McLane, Mr. Pendleton, and Mr. Lowell rendered valuable service as diplomatic representatives abroad and reflected honor upon themselves and upon their country?

I am ready always to do justice to men who are conspicuous for their ability, for their wisdom, for their patriotism, and I am ready to-day to compliment my former colleague on the Committee on Foreign Affairs, our present minister to Germany, Hon. William Walter Phelps, for his efforts in obtaining a removal of the embargo upon American pork.

I might refer, in this connection, to the valuable services that have been rendered by our foreign ministers in helping to bring about the International American Conference. It was through the aid of our ministers in South America and in Central America and in Mexico that we were enabled to bring together representatives of all the nations of the western hemisphere when the International American Conference was held in the city of Washington. I do not know that my friend from Georgia [Mr. BLOUNT] intended to refer lightly to that conference; I hope he did not; I shall not construe his language that way.

Mr. Chairman, I regard the International American Conference as one of the grandest conferences ever held in the world. I do not believe that a national conference was ever held that will prove more beneficial in its results than that conference.

But, Mr. Chairman, the question asked me by the gentleman from Georgia [Mr. BLOUNT] caused me to leave the main subject. I return now to the subject under consideration, the diplomatic and consular appropriation bill.

This bill comes here from the Committee on Foreign Affairs without any minority report. It comes here without having been objected to by any member of the committee, except the gentleman who has just addressed the committee [Mr. BLOUNT]. I agree with him in the belief that there are certain consuls whose salaries are too high, and I acted with him in reducing the salaries of fifty-nine of those officials representing the United States abroad. I agreed with him in uniting the mission of Columbia and Ecuador, saving thereby \$10,000 annually; and uniting in one mission Peru and Bolivia, thereby saving \$10,000; in uniting Denmark, Sweden, and Norway in one mission, thus also saving \$10,000. In the proposed appropriation of \$65,000 to carry on, and, as I think, to finish the preliminary survey for the continental railroad which will bring us in closer communication, commercially and socially, with all the republics of the western hemisphere. The gentleman from Georgia [Mr. BLOUNT] and I do not agree, and I do not think any member of the Committee on Foreign Affairs agrees with him in his opposition to this appropriation.

Mr. Chairman, God in his wisdom seems to have decreed years ago that there should be sympathy and friendship, commercial union, and social relations between all the peoples of the western hemisphere. In the year 1823, when President Monroe announced what is called the "Monroe doctrine," those words of wisdom that are dear to every patriotic heart, he immediately established a sympathy between all the peoples of the American continent, and soon afterwards the peoples in various countries of

South America began to overthrow monarchical institutions and to set up republics in their place, taking our Republic for their model.

Now, after the lapse of nearly three-quarters of a century, we have come to a time when the minds of the people of the United States, and the minds of the people of Mexico, and the minds of the people of Central America and South America are turned towards the improvement of social and commercial relations, and the best way to accomplish that great result is by the construction of the intercontinental railway. I believe, Mr. Chairman, that that railroad will be built, because within twenty-five years we have constructed longer lines of railroad in the United States than it will be necessary to build in order to furnish railway communication between the city of New York and the metropolis of every Republic of the western hemisphere.

The Atchison, Topeka and Santa Fé Railroad is 4,582 miles in length; the Southern Pacific system, including leased lines, 4,702 miles in length; the Chicago and Northwestern Railroad system 4,250 miles in length; the Northern Pacific Railroad system 4,623 miles in length—longer than any line required to be built to bring together all the republics of the western hemisphere.

Mr. BLOUNT. The gentleman will allow me to ask whose language he is now reading.

Mr. McCREARY. The length of each railroad is taken from the report of the Railroad Commission.

Mr. BLOUNT. Prepared by Mr. Carnegie and Mr. Davis?

Mr. McCREARY. But not denied by any person. The same statements are made by Lieut. Brown, of the United States Army, the report from which I am reading.

Mr. BLOUNT. Is not the language identical with that which they use in their report?

Mr. McCREARY. They give the length of these lines by the same figures. When distances between two points are given, the language of different individuals is always the same. These gentlemen, showing that these long lines have been built, argue as I do that it is possible and feasible to build these other lines.

Mr. BAILEY. Has the Federal Government ever undertaken to assist in the building of a railroad without scandalizing the whole enterprise?

Mr. McCREARY. I think not; and, Mr. Chairman, I have never been, and am not now, and never shall be, willing to vote one dollar out of the Treasury for the construction of a railroad, for the construction of a submarine cable line, or for the construction of an interoceanic canal. I have a record in Congress consistent with that position.

Mr. BAILEY. The gentleman will permit me to ask him this further question: What can be the purpose of appropriating \$65,000 to ascertain the feasibility of this line, unless, when the feasibility is ascertained, the Government is to assist in its construction?

Mr. McCREARY. I can explain that very readily; and I am very glad my friend from Texas has asked me the question. I was approaching that line of discussion. There are now three railroads passing down through that grand empire State of Texas which is so ably represented on this floor, in part, by the gentleman from Texas [Mr. BAILEY]. Those three railroads cross the line between Texas and Mexico, one at Eagle Pass, another at El Paso, and another at Laredo, making the distance from New York to the City of Mexico via El Paso 3,680 miles; via Eagle Pass, 3,174 miles, and via Laredo, 3,026 miles.

These lines are already in operation. The Government of the United States is not asked to contribute one dollar to the construction of the railroad. We have already built lines of railroad down to the Mexican border. Mexico has already taken up our lines at the border and extended them to her beautiful capital, and she is now pushing those railroads on down to the Guatemalan lines. The Government of Mexico, responding to the request for aid in money to help make the preliminary survey for the Continental Railroad, has said: "We will build a line of railroad through Mexico;" and the Government of the Argentine Republic says: "We will build a line of railroad from Buenos Ayres, the commercial city and capital of the Argentine Republic, up to the Bolivian line." Nine hundred and eighty-two miles of that road have already been completed; so that to-day, when we take into consideration the miles of railroad already built and the miles of railroad already under construction, only 2,870 miles of railroad have to be constructed to give an all-rail line from the city of New York to Buenos Ayres, in the Argentine Republic.

In Guatemala and in some of the other Central and South American Republics the country is rough and mountainous, and some have doubted whether a railroad could be built on the line desired. But when the Baltimore and Ohio system crossed the Alleghenies, and when a railroad was built across the Rocky Mountains, it was believed feasible to build a railroad that would connect all the republics of the Western Hemisphere.

Some of the small republics of Central and South America have not the money with which to build railroads, and therefore donate lands, and this causes the criticism of the gentleman from Georgia, who said that subsidies in the way of land would be called for to build the Continental Railroad. When he read to you the report of the railroad commission he did not read the names of the gentlemen who signed it. I have here that report which he read. He did not give you the names of those gentlemen who signed that report, but he dwelt at some length upon the twelfth paragraph of that report, which states that—

The execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guarantees of a minimum of interest.

By whom is the report signed? It is signed by sixteen gentlemen; two of them are United States commissioners, while fourteen represent the republics south of us. They do not build railroads in the Argentine Republic, and Peru, and Bolivia, and Colombia, and Guatemala in the same manner we do. In many of those countries the government builds the railroads or donates land to individuals who build them. That is the way they expect to build this Continental Railroad. We are not asked for a dollar, and we will not be asked for a dollar.

But if, Mr. Chairman, we are asked to contribute money to build the road I shall be found always opposing it. There are members here present who remember that I almost alone at the last session of Congress opposed a subsidy of \$3,000,000 asked in a bill which had already passed the Senate to construct a submarine cable line between San Francisco and the Hawaiian Islands; and this House, Democrats and Republicans alike, in sufficient number voted against the bill and defeated it. We have to-day eight submarine cable lines that connect the United States with the great commercial centers of the world, all controlled by syndicates or corporations, each of them authorized by an act of Congress to build these submarine cable lines, and yet, so far as I know, Congress was never asked to contribute a dollar to build them, and they have never received pecuniary aid from the United States Government.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. McCREARY. Certainly.

Mr. BUTLER. I can not quite get at a harmonious understanding of the statement that the governments of these South American Republics build the lines of railroads, in connection with the suggestion the gentleman has just quoted that they are expected to have subsidies, grants of land, etc. Where does the subsidy come from?

Mr. McCREARY. I will state to the gentleman that the governments of many of the Central and South American countries own large tracts of lands and sometimes make land donations to syndicates, companies, or individuals who are willing to take the lands and build the roads.

Mr. BUTLER. Then the syndicate builds the road?

Mr. McCREARY. Yes, sir.

Mr. BUTLER. That is about the way they do here. Who owns it?

Mr. McCREARY. Well, let me say to the gentleman—

Mr. BUTLER. Let me ask who owns the road when it is built?

Mr. BLOUNT. If it will not interfere with my friend from Kentucky, I would suggest, by way of addition to his argument, that some of these roads are built by the Government itself, while others are subsidized.

Mr. McCREARY. Yes, there are a few instances where the Government has built railroads in South America, but their plan of constructing railroads is different from ours.

The amount asked for in the bill on the part of the United States to aid in making the preliminary survey is \$65,000. That amount has been appropriated twice in other general appropriation bills, and the survey is more than half completed. Shall we abandon the half-finished work, or appropriate \$65,000 more, with a view to the completion of it? I believe it was right in the beginning that we should appropriate \$65,000 to the preliminary survey. Why do I believe it?

Now, Mr. Chairman, I say it with some modesty, but it is known to the older members of this House, that I am the author of the bill which caused the assembling in this city of the International American Conference. That bill provides in its first paragraph for the very railway that to-day is criticised. That bill, which was approved by Mr. Cleveland when President of the United States and under which invitations were sent out to every republic south of us by Mr. Bayard, his Secretary, that bill was a Democratic measure; and that bill provided in its first sentence for the very communication that we are seeking now to establish through the means of this continental railway. Here is what it provides:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby requested and authorized to invite the several governments

of the Republic of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil, to join the United States in a conference to be held at Washington, in the United States, at such time as he may deem proper in the year 1893, for the purpose of discussing and recommending for adoption to their respective governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries.

SEC. 2. That in forwarding the invitation to the said governments the President of the United States shall set forth that the conference is called to consider—

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American states.

Second. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as possible and profitable, be promoted.

Third. The establishment of regular and frequent communication between ports of the several American states and the ports of each other.

Fourth. The establishment of a uniform system of customs regulations in each of the independent American states to govern the mode of importation and exportation of merchandise and port duties and charges; a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices and the subject of sanitation of ships and quarantine.

Fifth. The adoption of a uniform system of weights and measures, and laws to protect the patent rights, copyrights, and trade-marks of citizens of either country in the other, and for the extradition of criminals.

Sixth. The adoption of a common silver coin, to be issued by each Government, the same to be legal tender in all commercial transactions between the citizens of all the American states.

Seventh. A general agreement and recommendation for adoption to their respective governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist among them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Eighth. To consider such other subjects relating to the welfare of the several States represented as may be presented by any of said States which are hereby invited to participate in said conference.

SEC. 3. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State, for expenses incidental to the conference.

SEC. 4. That the President of the United States shall appoint, by and with the advice and consent of the Senate, ten delegates to said conference, who shall serve without compensation other than their actual necessary expenses, and the several other States participating in said conference shall be represented by as many delegates as each may elect: *Provided, however*, That in the disposition of questions to come before said conference, no State shall be entitled to more than one vote.

SEC. 5. That the Secretary of State shall appoint such clerks and other assistants as shall be necessary, at a compensation to be determined by him, and provide for the daily publication by the Public Printer, in the English, Spanish, and Portuguese languages, of so much of the proceedings of the conference as it may determine, and upon the conclusion of said conference, shall transmit a report of the same to the Congress of the United States, together with a statement of the disbursement of the appropriation herein provided for.

Approved, May 24, 1883.

This bill was passed by a Democratic House of Representatives, and every Democrat voted for it, so far as the record shows, and every Republican voted for it, so far as the record shows. It was approved by President Cleveland. What was the next step? In pursuance of the bill Mr. Bayard, then Secretary of State, sent a letter by authority of the President of the United States to the chief officer of every republic and of every country mentioned in the bill, and called attention in his letter to the fact that one of the purposes of the conference was to "consider questions relating to business intercourse and means of direct communication between said countries."

My friend from Georgia [Mr. BLOUNT] raises an alarm because he says Mr. Blaine in a letter has intimated that Congress might be bound in some way to contribute money to build the railroad. I deny that that letter of the Secretary of State is susceptible of that construction, and I deny also that Mr. Blaine has the power to commit us or to commit Congress to any agreement to furnish money for any purpose.

The position taken by the gentleman from Georgia [Mr. BLOUNT] is untenable. We are not asked here to appropriate money to construct a railroad; we are only asked to carry out our part of an agreement. When the representatives of the United States met the representatives of all the republics south of us it was believed that they should carry out the very first paragraph of the bill which called them together, to do what they could toward encouraging communication between the republics of the American continent. They did that, and they agreed that there should be paid by each of the countries \$1,000 for every million of population. Our amount is \$65,000, and we have paid that already twice. Shall we now abandon this solemn agreement and prove faithless to it? We are only bound so far as a preliminary survey. Shall we abandon the agreement when we are more than half through with the work, or shall we appropriate \$65,000 now and finish that work?

I say now, as I said in the committee, that we ought to appropriate the \$65,000 and finish the survey. If we should now fail to perform our part of the agreement, we might lose the benefit of the work that has been more than half completed. Let us go on with it. And as certainly as I am standing here, in this age of progress, of improvement, of advancement, of steam, in a few

years a man can get on a train in the city of New York and get off at Buenos Ayres, in the Argentine Republic. Such is the progress that now awaits us; and I for one am ready and willing to help with this little pittance. It does not amount to much; and yet there are men who ask, "Why do you want this?" We want it first because it will forever settle the maintenance of the Monroe doctrine.

I hope the members of the House will listen to the words uttered by Mr. Monroe, who declared in his message—

That the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers. We owe it to candor and to the amicable relations existing between the United States and the European powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and our safety.

With existing colonies or dependencies of any European power we have not interfered and shall not interfere; but with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

We have maintained that doctrine ever since it was uttered by Mr. Monroe, except once for a short time, when Maximilian was put upon the throne in Mexico, but as soon as the United States was able to gather strength and to get ready to enforce the Monroe doctrine the Government of this country did its duty and again maintained that doctrine. The people of the republics south of us are our neighbors. They have modeled their governments after ours. They are bound to us by closer commercial and social ties than to the people of any other country in the world. They are making a plea in favor of commercial union and more intimate friendship, and when they come to us and "ask for bread shall we give them a stone?"

But there is another reason why I am in favor of making the appropriation for the preliminary survey. There are 50,000,000 of people in these republics south of us. Their trade amounts to \$998,000,000 annually. Where does their trade go now? Four-fifths of it goes across the ocean to England, France, and Germany, and only one-fifth of it is with the United States; and we ought to have it all. In the United States to-day we are suffering because of overproduction of nearly everything. We want markets. Markets will improve the business and trade of our country.

Mr. SIMPSON. Will the gentleman allow me to ask him a question?

Mr. MCCREARY. Yes, sir.

Mr. SIMPSON. Does the gentleman think a railway would bring us commerce from these countries with their present system of building custom-houses on the lines to prevent trade?

Mr. MCCREARY. I hope, with my friend from Kansas, before many moons pass, that the odious tariff law which we now have will be so amended or repealed that we will not have to think that it is an obstacle or lion in our pathway.

Mr. WALKER. Will the gentleman, then, tell me why his party, which is three to one here, does not bring in a bill to repeal this law, if he thinks it is so odious?

Mr. WHEELER of Alabama. Because you would all vote against it. [Laughter.]

Mr. MCCREARY. I will answer the gentleman. The party to which I belong tried a few years ago to get the Morrison bill considered in this House, and the Republican party refused then to consider it. Then we passed the Mills bill in this House, and sent it to the Senate, and the Republican Senate refused to pass it, and now we present independent measures, such as a free-wool bill, a bill making cotton-ties free, etc. Republican Congressmen oppose these. If we can not get all we want we propose to take what we can get. We fought for a general tariff bill and gained a victory in the House, but you beat us in the Senate. We referred the matter to the people of the United States at the November election and there we were victorious, but you are still joined to your idols and will not be corrected by the people.

Mr. WALKER. I would like to ask the gentleman if he knows of any other way in the world of getting what he proclaims he wants but voting for it and going to the people on the issue?

Mr. MCCREARY. We expect to go to the people at the November election, and we expect not only to sweep you Republicans out of Congress, but to put a Democratic President in the White House. [Applause on the Democratic side.]

Mr. WALKER. Then, why not pass your bill and go to the country upon the issue?

Mr. MCCREARY. We will give you thunder enough before we get through with you.

Mr. BUTLER. Will the gentleman allow me to ask him one question?

Mr. MCCREARY. Certainly.

Mr. BUTLER. Does not your experience show that the freight

rates on railroads are so much higher than the rates by water that we will not get the freight by railroad if we can not get it by water?

Mr. McCREARY. I am glad the gentleman from Iowa asked the question. There is nothing in the world that is so instructive as an object lesson.

Mr. BUTLER. Am I that object lesson? [Laughter.]

Mr. McCREARY. No, sir; you are not the object lesson. But I state that I am glad the gentleman asked me that question. We ought never to become alarmed unless there is something to alarm us. I happen to have what I said is an object lesson.

In the last few years, through the wisdom of President Diaz of the Republic of Mexico and the Congress of the Mexican Republic, we have railroad communications between the United States and the City of Mexico. We expect to have more railroad communication before long, and I hope it will be remembered that all the railroads from the City of Mexico to the United States border did not cost the United States a dollar. During the year ending June 30, 1873, the imports into Mexico from the United States were \$5,231,254, and the exports to the United States were \$11,367,859. Now, contrast that with the present time. We have railroad communication now. In 1889 the imports amounted to \$22,669,420, and the exports, \$43,032,440, an increase in the former of over \$17,000,000, and of the latter of nearly \$32,000,000; and perhaps the great secret of it is railroad communication between Mexico and the United States.

Mr. BOUTELLE. Which does the gentleman call the exports?

Mr. McCREARY. The exports from the United States.

My friend here, the gentleman from New York [Mr. COOMBS], says we should add \$20,000,000, because the business which comes by railroad, or a great deal of it, is not taken into account in the estimates.

Mr. COOMBS. Not a dollar.

Mr. McCREARY. Thus we see that our trade with Mexico has increased fourfold in the last fifteen or sixteen years.

Give us a railroad connecting us with the other countries and the same results will follow. Take Venezuela as another illustration. Eight years ago our trade with Venezuela amounted to only \$8,000,000. The report I have before me shows that our trade with that country now amounts to a little over fifteen millions. We have no railroad there, but we have improved communication by water.

Mr. BUTLER. The increase is at as great a rate, is it not, where there is improved water communication as where there is a railroad?

Mr. McCREARY. The increase of our trade with Venezuela has not been as great as the increase of our trade with Mexico, but the gentleman should remember also that there are several republics in South America which can not be reached by water. Again, he should remember that we are to get the railroad communication between our own country and these republics without any cost to the United States, whereas if you have to appropriate money out of the Treasury to secure improved water communication it will cost a large amount.

Mr. BUTLER. Does the gentleman suppose that I would want to appropriate money out of the Treasury to improve water communication with those countries? Does he not know that I am no friend of subsidies?

Mr. McCREARY. I did not say that you would vote to appropriate money for that purpose, but I say you would have to do it if you wanted to get improved water communication.

Mr. BUTLER. I do not believe in subsidies, either to railroad lines or steamship lines, nor do I believe subsidies necessary to a development of improved water or land communication. The only aid needed is a removal of present restrictions.

Mr. McCREARY. Mr. Chairman, I have here a statement showing our trade with all the Central and South American countries. I will not weary the committee by reading the various statements, but I will print them with my remarks.

Argentine Republic exported to the United States in 1889 goods amounting to \$5,500,000 gold, and in 1890 \$6,000,000, and imported from us in 1889 articles to the value of \$8,376,077, and in 1890 \$9,307,315.

The principal articles of export being minerals, wool, tallow, hides, skins, bones, cattle, sheep, etc., and of import wearing apparel, tools, agricultural implements, furniture, canned goods and other food substances, liquors, iron railway materials, machinery, crockery, glassware, pottery, chemicals, fancy articles, coin bullion, etc.

Bolivia, having no seacoast, is obliged to send its exports and receive its imports through the ports of Peru, Chile, or Argentine, hence it is impracticable to give its trade with the United States; but its present trade with our country is small, because of no direct transportation facilities. Its yearly foreign commerce is estimated at \$35,000,000.

Brazil imported from the United States goods amounting in 1888 to \$7,063,893, in 1889 \$9,276,511, and in 1890 \$12,000,000, and exported to the United States in 1888 \$54,000,000, in 1889 \$60,000,000, and in 1890 \$61,000,000, our imports being principally coffee, rubber, sugar, and hides, and our exports, breadstuffs, cotton goods, manufactured articles, petroleum, lumber, agricultural implements, etc.

The foreign trade of Brazil amounts to \$240,000,000 annually, about equally divided between imports and exports.

Chile imported from the United States in 1888 \$2,450,000; in 1889 \$2,970,000, and in 1890 \$3,220,000 worth of goods, and exported to the United States in 1888 \$2,900,000, in 1889 \$2,650,000, and in 1890 \$3,183,000. Her principal imports from us were iron and steel manufactures, cotton goods, wood and its manufactures, mineral oils, agricultural implements, meat and dairy products, chemicals, drugs, dyes, etc., and her exports, nitrate of soda, raw wool, hides and skins, fruits, etc. The annual foreign trade of Chile is about \$122,032,560, of which \$55,000,000 are imports and \$67,000,000 exports.

Colombia imported from the United States in 1889 merchandise to the value of \$3,729,000 and exported to the United States \$4,264,000, her principal imports from us being wheat flour, iron and steel manufactures, provisions, meat and dairy products, cotton goods, wood, furniture, refined sugar, chemicals, drugs, etc., and her principal exports coffee, hides and skins, fruits, India rubber and gutta-percha, crude cocoa, chemicals, drugs, etc. The annual foreign commerce of Colombia is about \$22,000,000.

Costa Rica imported from the United States about \$1,500,000 in 1890 and exported to the United States over \$1,600,000 worth of goods. Forty thousand tons of bananas alone were brought to the United States and 45,000 sacks of coffee, the United States having now a larger trade with Costa Rica than any other country. The total commerce of Costa Rica amounted, for the year 1889-'90, to about \$10,220,000 gold, of which \$5,360,000 were exports and \$4,860,000 imports, the principal exports from Costa Rica being coffee, hides, skins, India rubber, etc.; the imports woolen, linen, and cotton goods, machinery, agricultural implements, tools, furniture, hardware, etc.

Ecuador imported from the United States in 1889 \$756,000, and in 1890 \$715,000, and exported to the United States in 1889 \$695,000, and in 1890 \$534,000 worth; these imports being principally provisions, meat and dairy products, iron and steel, cotton goods, wheat flour, chemicals, drugs, etc., and the exports, cocoa, India rubber, crude gutta-percha, coffee, hides and skins, etc. The total foreign commerce of Ecuador amounts to nearly \$16,000,000 annually.

Most of the trade to and from the interior has to be carried on by means of pack animals, a slow, expensive, and difficult method, which impedes the development of commerce and agriculture. Once build a railroad through this country, connecting with Peru on the one hand and with Colombia and Central America on the other, and an impetus would be given to trade that could not be checked.

Guatemala imported from the United States in 1889 \$1,300,000, and in 1890 \$1,350,000 worth, and exported to the United States in 1889 \$2,347,000, and in 1890 \$2,290,000 worth of goods; these imports being cotton and woolen goods, railroad and agricultural materials and implements, hardware, etc.; the exports coffee, hides, rubber, sugar, bananas, etc. Coffee represents in quantity and value nine-tenths of the exports. The total foreign trade of Guatemala amounted in 1889 to \$16,000,000.

Nicaragua imported from the United States goods in 1888 to the value of \$861,156, in 1889 \$900,813, and in 1890 \$1,270,063, and exported to the United States in 1888 \$1,496,171, in 1889 \$1,747,246, and in 1890 \$1,665,690; these imports being principally machinery, iron, steel, wheat, flour, provisions, manufactured goods, etc.; and the exports coffee, crude India rubber, bananas, hides, and skins, etc. The total foreign trade of Nicaragua amounts to \$3,000,000 annually.

Paraguay: As there is no direct commercial intercourse between the United States and Paraguay, it is impracticable to state the amount of trade between the two countries. Paraguay having no seaports, all her foreign trade must go via Buenos Ayres or Montevideo; the absence of complete railroads requires her imports to be carried by inland navigation over her principal rivers, the Paraguay and Parana. However, the total commerce of Paraguay is about \$6,000,000 annually.

Peru: Owing to the absence of American steamship lines and trunk-line railroads, our commerce with Peru is very small; our exports to that country in 1888 amounted to only \$865,160, and in 1889 to \$773,244; and our imports in 1888 to \$309,040, and in 1889 to \$314,032.

The total foreign trade of Peru, however, amounts to over \$14,000,000 annually, controlled principally by England, but also partially by France and Germany.

Peru is an exceedingly rich country in natural resources and only needs the awakening influence of the modern railroad to develop these possibilities and to secure the United States the major part of the trade now monopolized by European countries.

Salvador imported from the United States goods in 1888 amounting to \$656,076, and in 1889, \$538,000; and exported to the United States, in 1888, \$1,913,742, and in 1889, \$1,515,000; these imports being mainly provisions, flour, cotton and woolen goods, manufactured articles, hardware, crockery, etc., and the exports coffee, indigo, sugar, cocoa, etc. The total foreign trade of Salvador amounts to over \$3,000,000 annually.

Uruguay: The commerce of Uruguay is chiefly with Europe, owing to the lack of facilities for transportation and communication between the former country and the United States. Nevertheless during the past few years our country has had a share of this trade, purchasing bones, bone ash, cowhides, dry and salted skins, calfskins, horsehair, etc., and selling lumber, kerosene, cotton goods, machinery, etc. The exports from the United States to Uruguay amounted in 1888 to \$1,337,430, and in 1889 to \$2,027,383, while the imports from Uruguay were, in 1888, \$2,711,521, and in 1889, \$2,986,964. The total foreign commerce of Uruguay amounts to nearly \$58,000,000 annually.

Venezuela: The exports from the United States to Venezuela amounted in 1888 to \$3,008,515; in 1889, to \$3,738,961, and in 1890, to \$4,028,583; while the imports amounted in 1888 to \$10,051,250; in 1889, to \$10,392,596, and in 1890, to \$10,966,765; exports and imports amounting in 1890 to about \$15,000,000. The principal exports from the United States to Venezuela are wheat flour, lard, cotton goods, manufactures of iron and steel, chemicals, oils, provisions, etc., and the imports, coffee, hides and skins, cocoa, drugs, guano, fruits, etc.

The total foreign trade of Venezuela is \$39,000,000 annually, of which the United States now enjoys a larger proportion than any other country, due mainly to the fact that the steamship lines recently established have afforded an easy method of intercommunication between these two republics.

I return now to the paragraph in the bill providing for the appropriation for this continental railroad. It reads as follows:

CONTINENTAL RAILWAY.

Payment of the share of the United States of the expense of a preliminary survey for a continental railway as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000.

I desire now with emphasis to call the attention of the chairman and of the members of this committee to that paragraph in the bill which provides for an appropriation of \$65,000, when these other republics pay their parts according to the agreement. So, then, no money will be paid by the United States until the other countries pay their part.

Mr. SIMPSON. Will the gentleman permit a question?

Mr. McCREARY. Yes, sir.

Mr. SIMPSON. When this preliminary survey is made does the Government propose to build the railroad?

Mr. McCREARY. The gentleman did not hear me fully, or he would not ask that question. There is nothing in this bill pledging the Government to pay one dollar toward the construction of the railroad. If there was any such thing in the bill, anything that required this Government to build the railroad or to contribute to its construction, I should be opposed to it.

Mr. SIMPSON. Well, after this preliminary survey is made, will they turn it over to a private corporation, and if so, is there any provision in your bill to compel that corporation to reimburse the Government for the money expended for the preliminary survey?

Mr. McCREARY. The object of the preliminary survey, as I stated in the beginning, is to ascertain and to show that it is feasible to construct this road. The distance between the northern terminus of the Argentine Republic railroad and the southern terminus of the Mexican railroad extending towards Guatemala is now 4,900 miles. Of that distance 230 miles have been built and are in running order, and 1,800 miles are in process of construction; leaving about 2,870 miles of the railroad not yet built. Three corps of engineers are making surveys for the purpose of determining whether it is practicable and feasible to construct the railroad or not.

Mr. BOUTELLE. And, as I understand, those surveys will be public property?

Mr. McCREARY. Of course they will be public property. The surveys are being made by three corps of engineers, one corp organized in the United States, and the other two organized elsewhere. As I have already stated, they are supported by contributions from the nations concerned, at the rate of \$1,000 per million of inhabitants; the United States agreeing to pay \$65,000 per annum, and the other countries according to their population.

[Here the hammer fell.]

Mr. HITT. Mr. Chairman, I ask unanimous consent that the time of my colleague on the committee be extended so that he may finish his remarks.

There was no objection, and it was so ordered.

Mr. McCREARY. Amounts so far contributed by the Central and South American governments towards the preliminary surveys for the Continental Railway, are as follows:

Countries.	Actually paid.	In course of collection.
Bolivia.....		\$2,000.00
Brazil.....	\$15,000.00	
Chile.....	3,028.12	
Colombia.....	4,000.00	
Costa Rica.....	1,000.00	
Ecuador and Nicaragua.....		2,000.00
Totals.....	23,028.12	4,000.00
Grand total.....		27,028.12

Argentine Republic declines to contribute money, but will build the railway through its own territory.

Ecuador paid the expenses of the transportation of corps 2 and 3 of the Intercontinental Railway engineers from Guayaquil to Quito, estimated at 1,500 sucres, or \$1,020.

Guatemala has furnished four engineers to assist in making the surveys, but has not yet paid in any money.

Mexico declines to contribute money on the ground that she will complete the railway through her own territory.

Nicaragua has given assurances of the payment of her quota. Paraguay not yet paid.

Bill pending before the Peruvian Congress for the payment of its share.

Salvador has promised to pay its quota.

Uruguay declines to contribute money on the ground that it will complete the railway through its own territory.

Venezuela: No definite information so far received.

From the above summary it appears that Mexico, Argentine Republic, Paraguay, and Uruguay have declined to contribute money towards the preliminary surveys, and in that respect may be said not to have accepted the recommendations of the International American Conference.

So that we find only Paraguay and Venezuela have declined to furnish any money or to build a railroad.

Mr. SIMPSON. Here is my point, if the gentleman will allow me. This survey having been made at public expense at a cost of \$60,000, and the fruits of the work belonging to the Government, is there any provision in your bill that when this survey is handed over to any corporation for the purpose of having the road built, this corporation shall pay the Government for this very valuable information? Or is it proposed to give it to the corporation that may build the road?

Mr. McCREARY. There is no provision in the bill that any company who may build this railroad shall pay back to us the small amount of the cost of the preliminary survey; neither is there in the bill anything requiring those who may build the railroad to pay back to the other republics south of us what they have contributed. For myself I believe that the vast and incalculable benefits that are to be derived by the construction of this railroad are such that we ought not to stop and ask the return of the pittance which we furnish in order to enjoy these great benefits.

Mr. SIMPSON. Why not have the Government, then, build the road at once?

Mr. McCREARY. I am opposed to the Government building railroads. I want to say to my friend from Kansas [Mr. SIMPSON], who I suppose is familiar with what the Government has done in this direction in the past—

Mr. SIMPSON. Very well—

Mr. McCREARY. That Congress spent hundreds and thousands of dollars in order to ascertain the feasibility of building an interoceanic canal at Panama or at Nicaragua. I have here on my desk two reports made by officers who were sent down there by our Government. The object of the United States was simply to determine whether it was feasible to connect the waters of the Atlantic and the Pacific Oceans in the interest of commerce and trade.

Mr. SIMPSON. Then the Government ought to have dug the canal itself.

Mr. McCREARY. As I have stated, I have always on this floor opposed and spoken against the Government giving any aid to the construction of the Nicaragua or the Panama Canal.

Mr. BUSHNELL. At this time, does anybody doubt the feasibility of building this railroad?

Mr. McCREARY. I will say to my friend that when this railroad was commenced I had not up to that time met anybody

who knew the project was feasible and practicable. But in modern times our feats of engineering have been so great that men have concluded they could push a railroad almost anywhere; and now, when that work is more than half completed, the belief is growing—it has become almost a certainty—that that road can be built. I am in favor, therefore, of finishing the survey and establishing beyond question the fact that the railroad can be built; that it is feasible.

Mr. BUSHNELL. One object of the survey, as I understand, is that the very best route may be ascertained and selected.

Mr. MCCREARY. I thank my friend for the suggestion. That is one of the great objects. In addition to establishing the practicability of the construction of the road, one important purpose of the survey is to ascertain the best route.

Mr. LIVINGSTON. Will the gentleman allow me one question for information?

Mr. MCCREARY. Yes, sir.

Mr. LIVINGSTON. Have you any assurance that after the survey is completed, and the practicability of the scheme settled, capital will be forthcoming with which to build this road?

Mr. MCCREARY. None whatever. And when I first came to Congress I had no assurance that capital would be furnished for the completion of a railroad from the Texas border to the City of Mexico. And when I first came here as a boy to visit this House of Representatives, I had no idea that the Baltimore and Ohio system could be pushed through the Allegheny Mountains, or that the Chesapeake and Ohio system could accomplish what has been accomplished.

Mr. BUSHNELL. Or that anybody could cross the Rocky Mountains with a railroad.

Mr. LIVINGSTON. That is not the question.

Mr. BUTLER. Will the gentleman allow me one question?

Mr. MCCREARY. I yield for one more question; and then I must go on, for I have occupied too much time.

Mr. BUTLER. I know that the character of the gentleman from Kentucky is such that no one will make any misinterpretation of my question; hence I take the liberty of asking whether it is not the fact that such remarks as the gentleman is now making have been used on this floor as the basis for every subsidy and every scheme of governmental aid that has been proposed in this country?

Mr. MCCREARY. No, sir; and if the gentleman had been in Congress at least one term he would not ask the question.

I stood on this floor and advocated the incorporation of the Nicaraguan Canal Company, but is there any member present who will contend that when the bill was passed by Congress that there was any intention of aiding the enterprise with a subsidy? Our country is not illiberal, and while I favor economy in public expenditures, and have always advocated it, and expect always to do so as long as I am in public life, yet I believe there is a time in the affairs of government as well as in the affairs of men, when a dollar properly spent, like bread cast upon the waters, will repay after many days a hundredfold.

It is only a question of fair play, a question of simple justice. Our weaker brethren in the republics south of us should not furnish all of the money for the preliminary survey of this railroad, pour all their wealth into the lap of the United States, and we be unwilling to pay our part of the small amount that will be needed to make this preliminary survey. Putting it on the higher plane of business intelligence, having twice appropriated the sum of \$65,000, thus making \$130,000, and believing, as I do, that one more appropriation of \$65,000 will complete the preliminary survey, I say it is good business now to make this additional appropriation and allow the survey to be finished.

I come now, Mr. Chairman, to the paragraph in reference to the Bureau of American Republics. My friend from Georgia spoke of his intention to make a motion to strike out the appropriation for that Bureau. The Bureau of American Republics was authorized by the International American Conference. It was believed with truth that the people of the United States did not know as much about the people of the republics south of us, either as to their customs and manners or their products and industries, as we ought to know; and it was also believed that the people of these kindred republics did not know as much about this great Republic, its industries, products, commerce, and advantages, as they ought to know; and therefore, after careful consideration, the International American Conference recommended that a Bureau of American Republics be established and that an amount of \$36,000 be furnished annually to pay the expenses of the Bureau.

The appropriation was fixed at \$325 to each million of inhabitants, and was so apportioned amongst these republics that each one of the countries was required to pay a certain sum. These countries have seemingly appreciated their opportunities to ascertain important matters with regard to their sister republics and have come forward with great promptness and paid the

amount they were required to pay. I hold in my hand a letter written by the Assistant Secretary of State, Mr. Wharton, addressed to me, which is as follows:

DEPARTMENT OF STATE, Washington, D. C., April 13, 1892.

SIR: In reply to your inquiry, I beg leave to state that Mexico, Guatemala, Honduras, Salvador, Nicaragua, Costa Rica, Venezuela, Haiti, and the Argentine Republic have paid their assessments for the maintenance of the Bureau of American Republics. Haiti has also paid for one year in advance. The Department is advised that the assessments of Ecuador, Peru, Bolivia, Uruguay, and Brazil have been forwarded, but the drafts have not yet been received. It is also advised that provision has been made for the payment of the assessments of Colombia and Paraguay. The President of Santo Domingo, in his message submitted to the Congress of that Republic on the 5th of March last, recommends an appropriation to pay its share in the support of the Bureau, leaving Chile as the only one of the American republics to be heard from.

I have the honor to be, your obedient servant.

WILLIAM F. WHARTON,

Hon. JAMES B. MCCREARY,

House of Representatives, Washington, D. C.

Assistant Secretary.

Mr. HOLMAN. Will the gentleman permit me to ask, what is the date of that letter?

Mr. MCCREARY. April 13, 1892.

Mr. HOLMAN. In this report I find a communication from the State Department dated February 23, 1892—

Mr. MCCREARY. Yes, sir; I remembered that statement, and I sent to the Department and got the latest available information.

Mr. HOLMAN. This statement in the report shows that the total amount paid by these different countries for both purposes, for the railway and the Bureau of American Republics, was only \$13,583.

Mr. MCCREARY. Does the gentleman dispute the letter from Assistant Secretary Wharton, written on the 13th of April, 1892?

Mr. HOLMAN. No, sir; but it is remarkable there should be such a difference between two statements—

Mr. MCCREARY. It is not remarkable when you remember that this Bureau has been lately established, only about a year ago.

Mr. HOLMAN. Well, we have already made two different appropriations for it.

Mr. MCCREARY. Two months have elapsed since that first communication was received, and as this Bureau has only been recently organized, the gentleman will see that there is reason for what he calls a discrepancy.

Mr. HOLMAN. We have made appropriations in the past and have paid on this account about \$202,000.

Mr. MCCREARY. The gentleman from Indiana [Mr. HOLMAN] is mistaken. The whole amount provided for is \$36,000 per annum, and after deducting what the other republics have paid the part of the United States, I think, is less than forty thousand dollars.

We have poor mail facilities with the countries south of us, and if the gentleman should write a letter to the Argentine Republic or Colombia or Peru, it would first go to Europe and then go back across the ocean, taking between two and three months to get to its destination. Mail communication is very slow and I am anxious to improve it. But we find that so far as the Bureau of American Republics is concerned all of those countries have contributed the amount required of them except Chile.

Mr. HOLMAN. Just another fact. Chile is reported here as having paid \$3,038.12, and that letter is from the Secretary of State.

Mr. MCCREARY. This is from the Assistant Secretary of State.

I hold in my hand a statement showing the bulletins of the Bureau of American Republics, amounting to 142,500 copies. Some of them you will all recognize. Handbook No. 1 is one of the best books on Central and South America ever published. Handbook No. 2 is a most excellent book. But I will not enumerate them. There have been 142,500 copies of these handbooks and pamphlets which have been issued by that Bureau.

Now, the object of this Bureau, as I said in the beginning, is to educate. It is to inform the people of the western hemisphere of the industries and products and resources and the commercial advantages of all the countries of the western hemisphere.

Mr. COX of Tennessee. As the gentleman has referred to that, let me ask this question: It is admitted that it is for the purpose of educating all these countries, ours included, in all probability. Now, will the gentleman be kind enough to tell me where he gets the authority to appropriate the public money for the purposes of education?

Mr. CULBERSON. To educate Congressmen?

Mr. COX of Tennessee. To educate Congress or to educate anybody else.

Mr. MCCREARY. This Government has repeatedly—

Mr. COX of Tennessee (interrupting). I am not talking about that; I want your views as to our authority.

Mr. MCCREARY. This Government has repeatedly appro-

appropriated money to issue books. My friend [Mr. Cox of Tennessee] voted but a few days ago for a resolution carrying thousands of dollars to issue a book on the diseases of the horse. Congress has also made an appropriation to pay for a book on dairy farming, and many others that I could name. Surely it is not inappropriate for us to make a small appropriation in order that our business people, our progressive people, our merchants, our farmers, our laboring men shall know where the market is.

Mr. SIMPSON. Will the gentleman—

Mr. McCREARY. I can not yield any more. I must get through. In that connection I desire to say that the amount for the Bureau of American Republics has been reduced in the bill to \$25,000. It was done because a large number of reports, books, etc., have been sent out and it was thought we should prepare for the time when we will stop making appropriations for this Bureau.

I will add at the end of my remarks a list of the books and reports that have been printed and issued by this Bureau.

Mr. Chairman, I have already occupied the time of the committee longer than I intended. These are interesting questions; they are questions that are important to us as representatives of the people of the United States. While the appropriation is small there are vast benefits to be derived from it. I hope the members of this House will give careful consideration to appropriations, indorsed by all the members of the committee but one.

Mr. BLOUNT. Mr. Chairman, before my friend takes his seat, do I understand him to say that all the members of the committee except myself favor these appropriations?

Mr. McCREARY. I said there was but one who voted against these appropriations in the committee. If there is any record showing that any other member of the committee was opposed to these appropriations the gentleman can refer to it.

Mr. BLOUNT. I simply announced that I would reserve the right to strike them out of the bill.

Mr. McCREARY. I know you did, and I excepted the gentleman from Georgia purposely from my statement.

Mr. BLOUNT. But what I mean is, that I do not like my friend to put the inference before the House that I am the only one of the committee who is not in favor of this appropriation.

Mr. McCREARY. I do not know of any other. I never heard of any other.

Mr. BLOUNT. I think you will hear.

Mr. McCREARY. I will say this much, that during the meetings of the committee, during the discussions, and up to this time, I have never met a member of the committee who was opposed to the two provisions of the bill of which I have spoken. Mr. Speaker, I want to do justice to my friend from Georgia. I believe he is perfectly sincere in the position he takes. I think he is in error. I think he is making a mistake. The Committee on Foreign Affairs did not agree with him; and I hope and believe the members of the House of Representatives will not agree with him as regards the two items of the appropriation bill which have been discussed.

APPENDIX.

GREAT BRITAIN.

Salaries and allowances to some of the more important missions and to consulates in the United States.

[From foreign office list, 1892.]

Country or post.	Rank.	Salary.	Rent.	Office allowance.	Total.
Austria	Ambassador	\$10,000	(*)	—	—
France	do	45,000	(*)	—	—
Turkey	do	40,000	(*)	—	—
United States	Envoy extraordinary and minister plenipotentiary.	30,000	(*)	—	—
Do	Secretary of legation	3,500	—	—	—
Do	Two second secretaries, each	2,000	—	—	—
Do	Two third secretaries, each	1,500	—	—	—
Mexico	Envoy extraordinary and minister plenipotentiary.	15,000	3,000	8750	\$18,750
Do	Secretary of legation	2,500	—	—	—
Argentina	Envoy extraordinary and minister plenipotentiary.	15,000	2,000	—	17,000
Brazil	do	20,000	2,500	—	22,500
Do	Secretary of legation	3,500	—	—	—
Egypt	Agents and consul-general	25,000	(*)	5,000	30,000
New York	Consul-general	10,000	8,300	18,300	—
Baltimore	Consul	4,500	2,500	7,000	—
Boston	do	6,000	1,125	7,125	—
Charleston	do	4,500	1,500	6,000	—
Chicago	do	4,500	1,500	6,000	—
Galveston	do	3,500	1,075	4,575	—
New Orleans	do	5,500	1,875	7,375	—
Philadelphia	do	4,500	2,250	6,750	—
San Francisco	do	6,000	1,200	7,200	—

*Government property.

FRANCE, 1893.

In the diplomatic service, when on active duty, the salary is invariable, for

each grade, without regard to the post of duty. Expenses of representation, rent, housekeeping, entertainment, carriages, etc., are fixed for each post, and constitute a maximum allowance to be accounted for, and if there be any unexpended surplus, to be refunded. The following shows the allowance to the more important posts:

Country.	Rank.	Salary.	Representation.	Total.
Germany	Ambassador	\$8,000	\$19,800	\$27,800
Do	Secretary	2,400	—	—
Great Britain	Ambassador	8,000	31,600	39,600
Russia	do	8,000	41,600	49,600
Argentina	Minister, second class	4,800	9,000	13,800
China	Minister, first class	6,000	12,000	18,000
Mexico	do	6,000	11,000	17,000
Japan	do	6,000	9,800	15,800
United States	do	6,000	9,800	15,800

*With half a dozen lesser secretaries and attachés. A mission is also maintained in Bavaria.

†With two secretaries of embassy and eight secretaries and attachés of lesser grade.

‡Two secretaries of legation.

§Besides a large staff of secretaries, interpreters, etc.

¶An allowance for outfit (installation) is made, amounting to one-third of the envoy's salary.

Allowances to consular officers at principal consulates in the United States of America, 1893.

State.	Place.	Rank.	Allowance.
New York	New York City	Consul-general ..	\$12,000
South Carolina	Charleston	Consul	4,000
Illinois	Chicago	do	4,000
Louisiana	New Orleans	do	6,000
California	San Francisco	do	8,000
Pennsylvania	Philadelphia	Vice-consul	2,400
Massachusetts	Boston	Vice-consul	2,400

GERMANY.

Salaries and allowances to several of the more important diplomatic posts and to the German consulates in the United States.

[Taken from the imperial budget, 1884-85.]

Country or post.	Rank.	Salary.	Rent.	Allowances.	Total.
Belgium	Envoy extraordinary and minister plenipotentiary.	\$12,000	—	\$1,350	—
Do	Secretary of legation	2,250	—	—	—
Great Britain	Ambassador	37,500	(*)	—	\$15,600
Do	First secretary of embassy	4,350	—	—	—
Do	Second secretary	1,875	—	—	—
Do	Chancellor, clerks, etc.	—	—	5,362	49,087
St. Petersburg	Ambassador	37,500	(*)	—	—
Do	Secretaries and clerks	29,975	—	—	58,475
Mexico	Envoy extraordinary and minister plenipotentiary.	9,000	—	1,500	10,500
Colombia	do	9,000	—	1,500	10,500
United States	do	15,750	(*)	4,200	—
Do	Secretary of legation	4,125	—	—	—
Do	Second secretary	1,875	—	—	—
New York	Consul-general	12,000	—	4,000	25,940
Do	Consul	4,500	—	—	—
Do	Vice-consul	2,700	—	—	—
Do	Cashier, clerks, etc.	5,850	—	—	23,050
Chicago	Consul	6,000	—	1,750	—
Do	Vice-consul	2,250	—	—	—
Do	First secretary	1,250	—	—	—
Do	Second secretary	1,000	—	—	12,250
Cincinnati	Consul	6,000	—	1,000	—
Do	Secretary	1,250	—	—	8,250
San Francisco	Consul	7,500	—	1,857	—
Do	Vice-consul	2,250	—	—	—
Do	Secretary	1,200	—	—	12,787
St. Louis	Consul	6,000	—	1,000	—
Do	Secretary	1,250	—	—	8,250

*Government property.

SPAIN, 1883.

Allowance to each legation, made up of salary, expenses of representation (entertainment, carriages, service, etc.), official contingencies. The expenses of representation are generally largely in excess of the salaries paid. The following are the allowances to the more important posts:

Country.	Rank.	Salary.	Representation.	Contingencies.	Total.
France	Ambassador	\$4,000	\$16,000	\$1,000	\$21,000
Do	First secretary	1,500	1,300	—	2,800
Do	Second secretary	1,000	800	—	1,800
Do	Second secretary, third class	1,200	1,600	—	2,800
Do	Attaché	600	—	—	600
Russia	Minister plenipotentiary	3,000	13,000	1,000	17,000
Do	First secretary	1,500	1,500	—	3,000
Do	Second secretary	1,000	1,200	—	2,200
Great Britain	Minister plenipotentiary	3,000	12,400	1,000	16,400
Do	First secretary	1,500	1,400	—	2,900
Do	Second secretary	1,000	1,100	—	2,100
Do	Third secretary	600	900	—	1,500

SPAIN, 1887—Continued.

Country.	Rank.	Salary.	Representa- tion.	Contingencies.	Total.
United States	Minister plenipotentiary	\$3,000	\$10,000	\$2,000	\$15,000
Do	First secretary	1,500	1,500		3,000
Do	Second secretary	1,000	1,400		2,400
Do	Third secretary	600	1,400		2,000
Mexico	Minister plenipotentiary	3,000	9,000	2,000	14,000
Do	First secretary	1,500	1,000		2,500
Do	Second secretary, third class.	1,200	1,800		3,000
China	Minister plenipotentiary, second class.	2,500	6,000	1,500	10,000
Do	First secretary	1,500	1,500		3,000
Do	Second secretary, third class.	1,200	2,000		3,200
Do	Interpreter	1,800			1,800
Argentina†	Minister resident	2,000	4,000	1,000	7,000
Do	Second secretary	1,000	1,200		2,200

* Great Britain has since been raised to an embassy, with considerable increase.

† The allowance to the other South American states is about the same.

MEXICO.

The salaries of ministers vary according to the importance of the mission and the cost of living. No extra allowance is made for the minister's personal expenses of representation (rent, housekeeping, etc.). An allowance for "voyage" (outfit) is made at the beginning of each envoy's service. It is repeated every four years that he remains at the same post. Half this sum is allowed for the home "voyage" on quitting a mission. Contingencies are allowed. A secretary is attached to each legation; in Washington there are six secretaries. The legation building in Washington is owned by the Mexican Government.

Country.	Rank.	Salary.	Voyage.	Contingencies.	Total.
United States	Minister plenipotentiary.	\$15,000	\$10,000	\$2,200	\$27,200
Do	First secretary*	4,000	2,000		6,000
Central America	Minister plenipotentiary.	10,000	8,000	1,100	19,100
Do	Secretary	3,500	1,750		5,250
Spain	Minister plenipotentiary.	15,000	10,000	1,600	26,600
Do	Secretary	3,000	1,500		4,500
Germany	Minister resident	10,000	10,000	900	20,900
Do	Secretary	3,000	1,500		4,500
Italy	Minister resident	10,000	10,000	900	20,900
Do	Secretary	3,000	1,500		4,500
Belgium	Minister resident	10,000	10,000	900	20,900
Do	Secretary	1,500	750		2,250
France	Minister plenipotentiary.	15,000	10,000	2,200	27,200
Do	Secretary	4,000	2,000		6,000
Great Britain†	Minister plenipotentiary.	15,000	10,000	(?)	25,000
Do	Secretary	4,000	2,000		6,000

* There are also two second secretaries and three third secretaries.

† Clerks, from one to four in number, are allowed at each legation, with salaries from \$2,500 to \$1,500, a total of about \$9,600.

UNITED STATES.

Some of the highest annual salaries paid to the diplomatic and consular officers.

Countries.	Rank.	Salaries.
Great Britain	Envoy extraordinary and minister plenipotentiary.	\$17,500
France	do	17,500
Germany	do	17,500
Russia	do	17,500
Mexico	do	17,500
China	do	12,000
Japan	do	12,000
Spain	do	12,000
Austria	do	12,000
Italy	do	12,000
Brazil	do	12,000
Nicaragua, Costa Rica, Salvador, Honduras, one mission.	do	10,000
Colombia and Ecuador, one mission.	do	10,000
Belgium	do	7,500

Consul-general at—	
London	\$5,000
Paris	5,000
Havana	5,000
Rio de Janeiro	5,000
Liverpool	5,000
Kanagawa	4,000
Panama	4,000

UNITED STATES.

[Furnished by State Department.]

Consular service, 1887:	
Receipts	\$950,690.64
Expenditures	918,973.26
Surplus of receipts	\$31,717.38

Foreign missions, 1887:	
Expenditures	\$405,385.01
Consular service, 1888:	
Receipts	999,172.31
Expenditures	934,983.93
Surplus of receipts	\$64,188.38
Foreign missions, 1888:	
Expenditures	410,104.82
Consular service, 1889:	
Receipts	979,191.60
Expenditures	953,580.37
Surplus of receipts	15,611.23
Foreign missions, 1889:	
Expenditures	454,449.61
Consular service, 1890:	
Receipts	1,039,653.26
Expenditures	1,032,048.08
Surplus of receipts	7,605.18
Foreign missions, 1890:	
Expenditures	453,005.00
Consular service, 1891:	
Expenditures	1,065,160.93
Receipts	978,142.58
Deficit of receipts	117,018.35
Foreign missions, 1891:	
Expenditures	473,330.60

The surplus of receipts for the years 1887, 1888, 1889, and 1890 amounts to \$119,132.17

The deficit for 1891 amounts to \$117,018.35

Bulletins of the Bureau of the American Republics.

Edition.	No.	Title.	Cost.
10,000	1	Handbook, No. 1	\$3,430.10
10,000	2	Handbook, No. 2	5,389.43
5,000	3	Patent and Trade-Mark Laws of America	177.83
5,000	4	Money, Weights, and Measures	120.38
5,000	5	Import Duties of Mexico	353.56
5,000	6	Foreign Commerce of the American Republics	1,104.16
5,000	7	Handbook to Brazil	2,550.93
5,000	8	Import Duties of Brazil	586.29
5,000	9	Handbook to Mexico	2,651.33
5,000	10	Import Duties of Cuba and Puerto Rico	770.22
2,000	11	Import Duties of Costa Rica	216.40
2,000	12	Import Duties of Santo Domingo	417.66
1,500	13	Commercial Directory of Brazil	84.49
1,500	14	Commercial Directory of Venezuela	67.95
1,500	15	Commercial Directory of Colombia	58.03
1,500	16	Commercial Directory of Peru	50.89
1,500	17	Commercial Directory of Chile	44.01
1,000	18	Commercial Directory of Mexico	140.59
1,000	19	Commercial Directory of Bolivia, Ecuador, etc.	53.57
2,000	20	Import Duties of Nicaragua	190.93
5,000	21	Import Duties of Mexico	605.97
2,000	22	Import Duties of Bolivia (not delivered)	
2,000	23	Import Duties of Salvador	58.14
2,000	24	Import Duties of Honduras	211.23
2,000	25	Import Duties of Ecuador	74.37
2,000	26	Commercial Directory of Argentine Republic	129.40
2,000	27	Import Duties of Colombia	103.92
2,500	28	Commercial Directory of Central America	188.71
2,000	29	Commercial Directory of Haiti and Santo Domingo	47.17
2,500	30	First Annual Report	152.43
5,000	31	Handbook to Costa Rica	1,416.55
2,500	32	Spanish Handbook	2,526.07
5,000	33	Handbook to Guatemala (not delivered)	
5,000	34	Handbook to Colombia (not delivered)	
5,000	35	Handbook to Venezuela (not delivered)	
2,000	36	Breadstuffs in Latin America (not delivered)	
2,000	37	Import Duties of Venezuela (not delivered)	
2,000	38	Commercial Directory of Cuba and Puerto Rico (not delivered)	
1,000	39	Commercial Directory of British, Danish, Dutch, and French Colonies (not delivered)	
2,000	40	Mines and Mining Laws of America (not delivered)	
3,000	41	Commercial Information (not delivered)	
2,000	42	Directory of Newspapers in Latin America (not delivered)	
2,000	43	Import Duties of Guatemala (not delivered)	
2,000	44	Import Duties of the United States, English and Spanish (not delivered)	
142,500			

Mr. HITT. Mr. Chairman, before this general debate closes I will make a few practical observations upon the bill, strictly upon the bill itself, and chiefly in reply to the remarks of the gentleman from Georgia [Mr. BLOUNT], chairman of the committee, and as to the special provisions in which this appropriation bill depart from the existing law providing for the consular and diplomatic service. He stated that these changes were made in obedience to the sentiment—to the "mandate," I think was his word—which controls the majority in the House. Retrenchment, reduction of expenditures, or of appropriations, is required. That gentleman is an experienced member of the House, a man of personal ability, and in these changes he undoubtedly did the best that an able man could do in discharging a new task.

If on examination these changes plainly appear to be injurious to the public interest, it will strikingly prove how moderate in extent and modest in payment our foreign service is to-day. To arbitrarily change a branch of the public service, to reduce it 25 per cent, 20, or even 10 per cent, without doing harm, is a hard task. It has been attempted before. This annual bill was prepared and reported by my honorable friend from Kentucky [Mr. McCREARY] when he was chairman in a former Congress, and he examined the service with great strictness and scrutinized it with a severe eye in all its parts. He found, after very intelligent study, that he could not reduce the service and the compensation without detriment to trade, to revenue, and to our interests everywhere. The bill then passed is substantially the present law. It is difficult to make retrenchment in a service which is already inadequate. It is very difficult to reduce the cost of a service which is already too meagerly paid. The gentleman from Georgia [Mr. BLOUNT] has here tried it.

The gentleman spoke of the large reduction, amounting in all to \$25,000, made in the diplomatic service. It is done in a very simple way, by cutting down, consolidating, and suppressing missions. Why? On what rule? There is little explanation given in the remarks of the gentleman, and none in the report. He reduces the salaries of the consular service. Why? and how? By what rule? There is little information on this in the report, or in his remarks, except his observation that the consular posts were to be measured by the consular fees in their importance and value, by the amount of fees collected at each. There is a fee of \$2.50 collected by the consul and sent to the Treasury on every invoice of goods sent to the United States from that place. That is his test. I can easily show how deceptive and illusory it is.

Where are his economies? Four or five missions are cut off. The five largest consulates are reduced each \$1,000. Forty-three are cut off \$500 each—all alike. A very simple method of retrenchment. No great knowledge of this complex service is required for such reform—only to know enough arithmetic to do a sum in subtraction. Twelve of them are reduced \$500, from \$1,500 to \$1,000; ten consulates are cut off altogether from salary and left to the fees, in some cases less than a hundred dollars; so that all this part of the service will have to be filled by foreigners, as no American will go out for them. The gentleman regretted that he could not go further, and thought that a more perfect bill would sweep away the larger part of the diplomatic service and consolidate the missions to the great powers, sending one minister who could journey about Europe from capital to capital as questions arose.

I listened to that remark from the chairman of the Committee on Foreign Affairs with some surprise.

Ministers are the necessary and regular channels of communication between governments. Their powers and duties are fixed by the long-existing general assent forming the law of nations. No better scheme has yet been discovered for the dispatch of international affairs.

There is—

Says Wheaton—

no legal obligation to send or to receive public ministers, but international assent to the system for a long period of time has given to the custom the force of an obligation upon all civilized powers, and it can not be abandoned without the assent of nations.

The abrupt withdrawal of a minister and discontinuance of a mission without cause is an expression of diminished regard that is close upon an affront. The same is true in a less degree of the lowering in grade and pay of a minister accredited to a friendly country. It should be done with care, with regard to the past and the future. How is it done here?

The gentleman who has just spoken cited some of the ancient precedents, awakened the memories of honors achieved in the past, and the principles that had guided our foreign policy which were the special property of the Democratic party. Let me recall one of them. He invoked the great name of Monroe and the Monroe doctrine. How is it applied here? The first step in this bill is to cut down the mission at Venezuela at this momentous hour for that unhappy republic, when a great European power, England, taking advantage of her weakness and dissensions, has seized upon a portion of Venezuela larger than the State of Pennsylvania. Yes, at this very time, in defiance of the Monroe doctrine, a European monarchy is colonizing a wide, rich, valuable region on the American continent, wresting it from our sister republic and converting it from republican to monarchical government. Instead of sympathy or even respect for the despoiled republic, we show our cold contempt for her falling power by lowering the mission, but keep on making speeches about the Monroe doctrine and retrenchment!

The reduction of a diplomatic post, I repeat, is invariably regarded by the Government to whom the minister is accredited as an expression of want of esteem. The discontinuance of a minister is very nearly a mark of open unfriendliness. Gentle-

men have noticed in the newspapers within a few days a proposition made in the Chilean Congress to discontinue their minister here; and it was instantly answered that this would be an insult to the United States, and that whatever might be the feeling prevailing among the Chilean people, it ought not to be done by the Government. The members of that Congress know full as well as the learned chairman of the Committee on Foreign Affairs, the meaning of every act of international intercourse, as long since established by the usages fixing the relations of nations. The Venezuelans in their great trouble know it too and will judge us by it.

The gentleman made some criticisms touching the uselessness of ministers abroad, of whom we hear so little in achievements, such as he would deem great or useful. Let me suggest to the honorable gentlemen around me, who are public men, familiar with public business, that it is not in sensational paragraphs, not in the clamor of the newspapers, not the public anxiety that comes with the disturbance of the relations between peoples that you find most frequent or convincing evidence of the ability of a diplomatic officer. It is his task to prudently secure the peaceful flow of their relations, to watch, and promptly, quietly adjust each rising cause of trouble. There is the test of vigilance and skill. The continued peace and repose of nations is the daily triumph of wise, watchful ministers and statesmen. That story of most useful and honorable effort is often a story of each difficulty met as it rises, met in advance, and closed.

The gentleman thought it a subject of amusement to speak of the minister at Berlin as having done nothing better than negotiate an extradition treaty and remove the pork prohibition. That minister was long a distinguished member of this House.

It is possible that some local influence—

Mr. STORER. I hope we shall have order. It is almost impossible on this side to hear the gentleman.

The CHAIRMAN. The committee will be in order. It is complained that the gentleman can not be heard.

Mr. HITT. It is possible, Mr. Chairman, that we are all of us affected in our opinions of the importance of events and measures by their importance to our own localities. There are many gentlemen here who would think it a matter of great importance to remove an absolute prohibition of the introduction of cotton into England. It has been for years a question of importance to several great States in this country to remove the absolute barrier that has long existed in some great European countries to the introduction of American pork; a commerce that sent from this country over \$100,000,000 worth of pork in a single year before the prohibition.

That question may be trivial and mirthful to the gentleman from Georgia [Mr. BLOUNT], but it concerns the comfort, welfare, and prosperity of many thousands of our farmers, of many millions of our people; and a minister who has succeeded, like Mr. Phelps in Germany and Mr. Reid in France, in removing that costly obstacle has performed for his country a valuable and, I think, a most honorable service.

Mr. Chairman, I am not unaware of the fact that I am speaking of a body of public servants who are not popular. They are believed to wear good clothes and often meet people with titles. They have been the favorite subjects of a certain cheap form of wit in the debate upon this bill in times past. I have not heard as much of it as usual to-day.

The State Department is usually included in this pleasantry. The gentleman [Mr. BLOUNT] referred to the "mystery" that hangs around that Department. My impression is that the chief part of the mystery that hangs about information on subjects connected with that Department comes from the fact that we are ignorant of, because of our want of interest in it and distaste for it, and so we do not take the trouble to read the voluminous reports that are accessible to all. They are not interesting because the subjects and the men do not concern our districts. A postmaster is a great deal more important in certain contingencies than a far away consul or minister. [Laughter.] It is easy to attack or ridicule him, or be economical at his expense, and it is safe for election purposes.

The consolidation of missions was thought to be a good method of economy by the gentleman who framed this bill. I have little to say on that subject except this—there must be somewhere a seat for each mission, even an itinerant peregrinating minister, a place for the archives and a residence for the minister and his family. They can not be always on the road. The gentleman has united in this bill missions to countries that in some places lie contiguous, but not conveniently so. For example, he has united Ecuador and Colombia. The minister must of course reside at one place or the other, and if he has a residence in one place he must visit the other; and he certainly ought to go at least once a year. Now, as a bird flies the distance from the capital of Colombia, Bogota to Quito, the capital of Ecuador, is perhaps not more than 500 miles. But no human being ever

made the journey by that route. No bird can traverse it. It would be through and over a tumbling mass of the loftiest and most impassable mountains upon the American continent. In making his journey the minister must start from Bogota upon a mule, and, after descending the mountains to the headwaters of the Magdalena, he must descend it for many hundred miles by boat until he reaches Sabanilla. There he must take an ocean steamer to Colon. Then he must take a railway to the Pacific coast.

From there he must take another steamer until he reaches Guayaquil. Then he must equip himself again for a mountain ride into the interior of many days in length. This series of journeys ordinarily requires about eighty days. I know of no instance in the reports where anyone has made that route in less than sixty days, and it is highly probable that it would take the minister ninety days, and he could not take his family with him without great difficulty and exorbitant outlay. Then to return would take as long. Why, Mr. Chairman, you could leave the chair where you now sit, go clear around the world and come back here before that minister could leave one of the capitals to which he is accredited and reach the other. [Laughter.] That illustrates the convenient manner in which these missions have been consolidated.

When that minister turned back and reached his regular post where he had left his family, at the place of his residence, half the year would have gone by—certainly that much time would have elapsed if he had made any stay at his other post. We would, therefore, be really accrediting him to be upon the road the larger part of the year, but not a dollar is provided in the bill for such long and expensive journeys. His dispatches would be for the most part souvenirs of travel. [Laughter.]

There are in the bill other cases of consolidation made with a singular disregard of the actual condition of affairs. What is a minister sent abroad for? He is sent to watch and to wait. In an hour his best and highest services may be required and may be of transcendent importance on a question that might involve to us an expenditure of trouble, of blood, or of money in international conflict, far surpassing all the little cost that is provided for in this whole bill. Every one can recall such crises suddenly arising.

Take the Central American missions. Those five little Central American states have been divided in their ambitions and struggles for the last twenty-five years. The two on the north, Guatemala and Honduras, have always been together in their aims and purposes; and the other three, Costa Rica, Nicaragua, and Salvador, have likewise been associated together against them.

In the last Congress our committee very wisely provided that we should send a minister to the two states on the north and another to the three on the south, thus, for economy, consolidating three friendly states in the one case and two in the other. But this bill, by an ingenuity that is difficult to explain, takes Honduras from beside its old friend, Guatemala, and unites it with states which it most cordially dislikes, Costa Rica, Nicaragua, and Salvador. Again I ask, what is a minister sent for? His duty is to make himself acceptable, to become acquainted with public men, to do and to say nothing to make himself disagreeable to the powers where he is, for he is there to secure every possible advantage for us. Now, any expression or action on the part of our minister showing cordiality towards Honduras will tend to destroy his influence and usefulness in the other states. Any evidence that he has shown a warm interest in public men when he was at one capital will make him unwelcome in the other when he returns.

Again, across the water there is a case of economy by consolidation provided in this bill. Denmark is united to Sweden and Norway; in other words, the mission to Denmark is abolished, for that will be the result of it. In this country are many Danes who have come here as immigrants, and many of them after becoming American citizens return to visit their old homes and relatives. Questions of their personal rights are constantly arising among those, and we should have a minister there. The other day there occurred an event to which the honorable chairman of the committee referred, the passage of a bill through the Danish Parliament appropriating 250,000 crowns for an exhibit and representation at our great international fair at Chicago. After it had passed both Houses the telegraphic news to the London papers and to the press of Europe gave them word that this bill had been reported abolishing the mission to Denmark.

Now, that is not a mere incident concerning us only; it is an act so far from friendly, an expression of want of esteem so marked, that no monarchical government will pass it by. The Executive took notice of it. The honorable gentleman from Georgia spoke of some communication to him about this from the American minister. I know nothing of that. But another minister called

attention to it. The minister I refer to is the Danish minister to Washington, Count de Sponneck. He stated, not in the least tone or spirit of threat, but simply as the communication of a fact, that this expressive action from a government that heretofore has been friendly, coming at this moment, would probably cause his Government to pause long before any further action was taken upon the project of sending the large and costly Danish exhibit to the United States. It is but natural. We would resent such a thing most promptly. Were the English Government to reduce its envoy here in grade to a mere minister resident, every newspaper in the United States would promptly utter the public resentment at an insulting implication that the United States was not a great power and of little consequence among nations. Denmark is a country of diminished territory—with an ancient and glorious history of which she is justly proud; and to select her as a mark of diminished regard on our part is not wise. Denmark was the second country in Europe to rescind the prohibition on American pork and her action had a wide influence. But that is the line taken here for retrenchment. I think it most unfortunate and inopportune.

Without going over further details of this part of the bill, I pass now to the consular system. My friend from Georgia said something of its history, its extent, and its utility. Let me recall another thing to your attention; it is like the postal service; it does not cost the people anything from the Treasury or in taxes, for, by the fees collected through the consuls, it puts back into the Treasury all that Congress votes out for the support of the service and a great deal more. Until the passage of the Dingley bill a few years ago, affecting the fees which had been received in the matter of shipping seamen, there was a large surplus, to diminish which that bill was very properly enacted.

This service is the one selected as the special mark for this ill-advised retrenchment. The gentleman said in his report, and the substance of it was in his speech—I noted his remark, for I am careful not to do him injustice—

As the offices increase in importance they become of greater value, requiring men of more ability, to obtain whom we must offer higher compensation.

Carrying out that idea, he selected the five largest offices in the whole service and reduced the compensation of each \$1,000! These are London, Liverpool, Paris, Havana, and Rio Janeiro.

The honorable chairman said in various forms of expression, put with more force than I can repeat, that the importance of the office was indicated by the fees registered. He has been much engrossed with other and great duties in this House, else it would not have escaped his attention (for there is nothing else that would have kept him from informing himself of it) that the collection of fees is the last duty of the consul, not the first.

A consular system was organized all over the world five hundred years before there was any such duty assigned to consuls as the collection of fees for invoices—centuries before invoices were ever heard of. Their primary duty is to protect their countrymen. Men are more important than dollars. Our consuls are the shield of the American citizen wherever he goes all round the world. We have a revenue system peculiar to ourselves by which the great part of the Government income is from import duties, and under it the consular officers in verifying the invoices of goods sent to this country become the sentinels of the Treasury. It is a very important function, and the amount of the fees returned does in many cases indicate to a certain extent the volume of business passing through the office, as each invoice pays a fee of \$2.50.

But I know from my own experience in the Department of State and from observation at the posts I have seen, that this is one of the most imperfect indices of the importance of a post. The gentleman selected the whole body of the consuls in China for reduction—every one of them. For what reason? Manifestly because the fees opposite the names of the consulates were not great in amount. My attention was drawn to this matter a long time ago when I was an officer of the State Department; and with the view of cutting down some of the salaries, I had an inquiry made as to the cost of living, the difficulty of transit, and the amount of business, etc., and I was satisfied that they were not too high.

Look at these fees. They are very trivial in amount—why? An invoice in the China trade which yields a fee of \$2.50 may cover \$120,000 worth of goods—a whole cargo. Amoy makes a very small figure in the list of fees—only \$1,028. The imports from Amoy amounted, however, during the last year to the vast sum of \$5,103,817. An invoice in a German or French port may represent \$25 or \$50 worth of goods.

Consulates in Cuba are also selected for this retrenchment. For example, a reduction is proposed at Cardenas. The fees at Cardenas during the last year were \$447.50. But do those figures inform you of the business of that consulate—the volume and importance of its work?

I will not weary the House with details on this matter, but let

me give this illustration: The consul at Cardenas last year had to look after 139 American vessels arriving, with 2,234 seamen, and 124 vessels departing, with 2,213 seamen. This implies an immense labor, custody, and certification of the ships' papers, shipment and discharge of seamen, hunting up deserters, disposition of effects of seamen deceased, settling disputes among crews, etc. in value to \$332,000—nearly all dutiable goods. The officer who The invoices, though there were only about 180 of them, amounted does all this is to live with his family in that pestilential Cuban coast on \$1,000 a year.

When there pass through a consul's hands goods subject to a very high duty, such as those leaving the port of Havre or Lyons, France, the consul must be most vigilant, because the merchant has every interest in giving a low value in order to escape the high duty here. The duty on those French goods averages 60 per cent or more, they being nearly all luxuries, upon which even our Democratic friends have always joined in levying a high tariff.

Now, a consul at such a port should be a man above any improper influence. He is obliged to employ experts; the State Department is obliged sometimes to make him allowances of money in order that he may employ a man who will disclose the true value of the goods. Do not be surprised when I say that he can not find the value of the goods by simply looking over the price lists. They often have no relation to current prices at all. Why, there are towns in Germany and in France where there are large manufacturing establishments which make their goods for the United States market alone. They have no quoted price lists whatever, and you can not discover their value except by having an expert to examine them upon the ground, who knows the cost of the material, the value of the labor, and the value of the capital invested; and that is one of the duties of the consuls all the time, to watch just such establishments.

The duties of consuls are very complex and depend upon location largely, so that you can tell nothing whatever of them by reading the provision of the law in reference to them, or the list of officers and the fees returned by each. Now, here is Gaspé Basin, where we have a consul, far on the northeast, and one at Port Stanley, Falkland Islands, a place which it would cost a year's salary to reach, in a dreary, inhospitable place, almost a prison. The consul there gets \$1,000. Here are a dozen places in this list, remote and scarcely known, ports frequented by our ships, where seamen are relieved, where great multitudes of our poor sailors go. Gaspé Basin is a dreary place, far away up to the north, the farthest point towards Labrador. We have our consul there, and he is always complaining and trying to get transferred to some place where a human being can find some share in the joys of living.

In this reform of the service, which is a curious reform, are ten of these officers, who receive now only \$1,000, and who are cut off from all salary and reduced to the fees they may collect. Will you bethink yourselves one moment, gentlemen, of the consequences? What will be the result of this action? There is not an American citizen who will hold one of these consular offices after this bill goes into effect. All of your consular appointments of that class will go to foreigners, and under such circumstances they generally go to a merchant; some intelligent merchant, if he can be found, who is interested, however, against us, whose allegiance is to another government, and he interested perhaps in a Manchester house.

Here is a long list of consuls that are reduced from fifteen hundred to twelve hundred dollars, which I will not take up the time of the committee to read. Shall I suggest to you one of the consequences of that change? When a consul is paid but \$1,000 (and it is known that he cannot live on that meager salary) he is allowed by our law to trade. Any officer receiving that salary can trade. In what? Why, he will trade in the things that are wanted.

Suppose he is at some port where our poor sailors go for relief; then he will trade in sailors' supplies, and the more he is tempted to plunder these poor creatures the more it will add to his compensation. Every dollar he makes beyond his salary is of course clear gain to him. Worse than that, if there could be anything worse than the wrong done to the seamen, who are our fellow citizens, he is, we will suppose, in a particular line of trade. This is the man also who inspects the invoices and verifies them, and with others inspects his own. He is a foreigner and a merchant, for you can not get an American to take the appointment. He inspects his own invoices; he is the policeman of the Government appointed to watch himself. He is our sentinel put there to protect the Treasury from fraud, and he is himself the man to be watched.

Added to this is the fact that every other merchant in the place is forced to bring his invoices to him and submit them and all the secrets of his business to a rival. We put an official spy there, and compel every other merchant to put his business

under his rival's eye. And remember, he is a man not subject to our laws; he has no affection nor respect for this Government; he owes his allegiance elsewhere, and is possibly interested with some other establishment engaged in business in England, France, or Germany. In some of these places the amount of the importations is large, and the loss to the Treasury in some cases will certainly be high. I could give you many facts, but I will not weary the House by going into these matters in detail. The loss to the Treasury from such unfortunate changes has in all cases heretofore been great, and the economy proposed in this case is \$500.

I am reluctant, Mr. Chairman, to hold the House longer upon these particulars, which I know have such limited interest to gentlemen; the subject is so far away, so remote from our lives here. But let me speak for a moment of the classes that seem to be in the eye of the honorable gentleman who drew the bill. He spoke of useless consulates and he made a reference during his remarks, which I thought a most unfortunate one, to Athens as an example of a useless consulate, where the fees, he said, were only \$5.40, and which had been properly reduced because of its want of importance. Incidentally I may remark that there was a slight error in his statement of the fees, for there is a town—Piræus—which is really a suburb of Athens, in sight of it, and is the port of the town, quite easy of access—I have walked there myself for a morning walk—and at this town over \$200 were collected from fees. But it is but a small part of the duty to collect fees at that point.

Athens has another sort of value as a consulate; it is the convergent point of travel in the East, and Americans land there, sometimes 80 or 100 in a day. They are an estimable class of people. They are not nonresident Americans, but they are serious people, upon the most enlightened purpose that a man can pursue. That country is one of primitive civilization largely, and there is more often occasion for inquiry, for advice, for protection, than in a country like France or England—twenty times oftener. The gentleman now consul there is, I understand, an able man, an accomplished scholar. I have seen repeated commendation of him. He is, I believe, a distinguished gentleman from Iowa who was induced to take that place because of reasons that are known to himself—probably because his thoughtful mind clothed it in the light of great historic events and associations.

I have heard members of the House who have been there speak of his ability and efficiency in cases where he had well performed that duty to his countrymen which is the primary purpose in the appointment of consuls. Now, his pay is not very great. It is so meager that he has not been able to leave his post during the long burning heats of the summer. He is marked in this bill for a reduction of \$500. Reference has been made here to the need of a minister to Greece. The mission to Roumania, Servia, and Greece is one of the peregrinating missions, and the minister only goes there for a few weeks or months when the weather makes it permissible; but this consul is the one who does continuous work; he stays there through the whole year.

Mr. BLOUNT. Does not the minister now make his residence at Athens?

Mr. HITT. I am not able to state whether he does or not.

Mr. BLOUNT. That is my information.

Mr. HITT. I know from a letter which was handed to me to-day, from a resident, that he is not there the greater part of the year.

Mr. BLOUNT. I think the gentleman will find that he resides there now. Excuse the interruption.

Mr. HITT. Certainly. I am glad to be corrected in any particular. The minister has three capitals or courts which he is required to attend, and he is on the march a good deal of the time.

Mr. O'NEILL of Pennsylvania. I think his residence is at Athens.

Mr. HITT. You mean he has a house there?

Mr. O'NEILL of Pennsylvania. Yes.

Mr. HITT. Reference has been made here to St. Helena. St. Helena is not a place of large manufactures, and there is no great return of fees, but it is a place where many a poor sailor comes, where many a ship stops. The disputes of these sailors, their discharge, their protection, the settling of their affairs and the remitting of their effects when they are dead, the custody and certification of ships' papers, all these things fall upon this meagerly paid consul on this lonely, dreary island. If you wanted to find the most important of all the consulates, and followed the chairman's rule of judging by fees, you would go to the large European cities, to these German manufacturing towns where invoices cover small amounts and the fees are so great. But the Department knows better, and they are given very moderate salaries, and very properly so.

What is the moral of all this? It is that not even as skillful a

gentleman as the honorable gentleman from Indiana [Mr. HOLMAN] can sit down without preparation, and touch this service, which is so many sided, which involves so many duties, which has been built up so slowly, can not touch it with a knife to cut away without bringing blood. He must be familiar with the service or he will mar all he touches. The recommendations of a Democratic Secretary of State are the same as the recommendations of a Republican, when he is in that Department. Mr. Bayard's estimates are substantially the same as those that were cited by the gentleman from Georgia as a matter of reproach.

When you are familiar with each post, when you have studied their interests, when you have seen their duties, when you have watched the services of the man, you can learn where there should be diminution and where there should be increase, but you can not tell it from a list. I think that this cutting down, especially these poor, humble officers, is inadvisable. I care not so much for their personal welfare. We are all too patriotic to care anything about the personal welfare of officeholders. That does not concern us. We will be patriotic whatever it costs them [laughter]. But the service is of great public importance. We are making it inefficient for its true purpose. This will put a long list of foreigners in office in place of Americans. It will place foreigners in every one of these posts where they are to be paid the small amount of fees. In all the consular offices in Greece there is to-day but one American, the man marked by this bill for diminution of pay. The rest of them are Greeks and Britons. You can not get anybody else to take the smaller offices.

I fear the House is weary with the discussion of particulars. I have only desired to indicate as briefly as I can practically the objections which arise in my mind, and which I think each of you gentlemen of the House will at once see and appreciate. No matter what our party, we are all Americans. This service is our service. It does not concern one part of our country, and we would alike agree, I am sure, if we were executive officers, in preserving the efficiency of the service, in keeping it up at least to its present status. Every Secretary has recommended its enlargement as the country and its commerce, and the movements of our countrymen have enlarged. In the remarks of the honorable gentleman from Kentucky [Mr. McCREARY] reference was made, both by him and his questioners, to the rapid enlargement of commerce of the South and elsewhere.

Right there is the function of the consul, though it is often ignorantly exaggerated. A consul can not make people trade. A consul does not lead people to embark in any particular enterprises; but if he is a practical, active, vigilant man, and intelligently attends to his duty, he will send valuable practical information home to be given to our people who may desire to be put in communication with those with whom they can profitably trade. I think that any one who will read the consular reports will be readily convinced of the intelligence and ability of these officers: there you will see the value of intelligence in such an office. When you lower the pay of the office you cheapen the man. You can not get as able, intelligent, and vigilant a man for \$1,000 or \$1,500 as you can for \$2,000 or \$3,000.

Mr. LYNCH. Are there any fees connected with these offices, the salaries of which are reduced by this bill?

Mr. HITT. You mean fees that go to them personally? Of the fees received by the consuls in these salaried offices that are reduced, not a dollar is received by them. I will state for the information of the gentleman who honors me with his attention, that fees and feed offices are frequently referred to in the newspapers as a kind of a gold mine.

There are, in fact, four or five great offices in the consular service, where, owing to the number of American citizens traveling and sojourning there, who have occasion for personal service, the consul is employed for their private business, especially drawing papers; and when he performs that duty, which is wholly voluntary and not official, they pay him for it. And if a lawyer were next door to the consul he might get that business. Nearly every American who is long in a foreign country may need some legal services, and preferring some one on whom he can rely, he goes generally to our consul, as a responsible and respectable man of intelligence. If the gentleman who asks the question were abroad and were extremely ill he would probably ask the consul to draw his will, not a French nor Spanish lawyer.

Then if the consul gave you his time and trouble he will be paid for it. In the great consulates of London and Paris, and in some degree at two or three other posts, there is much of this business, wills, deeds, power of attorney, etc. In most consulates there are none to speak of. The notarial fees are not large in amount, except in two. They are all reported to the State Department. Besides these, official fees are collected in all consulates and sent to the Treasury.

Mr. LYNCH. Is there any official fee?

Mr. HITT. For the consul? When the consul has no salary

at all he keeps all the official fees. They are at posts where the fees are small in amount.

Mr. LYNCH. Are there not fees in connection with the salary?

Mr. HITT. When a consul is not salaried he is allowed the fees, retaining them up to a certain point; but he can not keep them beyond \$2,500.

Mr. LYNCH. Is he not allowed fees outside of his salary?

Mr. HITT. Nothing whatever if he is salaried. He must get on with the salary. A man who is appointed consul at Ceylon under this bill would receive \$1,000; but see what it would cost him to take his family and himself, perhaps from Kansas to Ceylon; and if he were to be removed soon you can estimate what this man, who would only receive a thousand dollars a year, would make after paying the cost of going and returning were he to escape death from pestilence or accident in going to the Antipodes and returning.

Some of these officers selected for reduction are at places where the pay is apparently large. There is Colon, for instance: It is a detestable town on the Isthmus of Darien. Eight consuls have perished there of yellow fever within the past twenty-five years. One just died and his successor was appointed to-day. The consul at Colon gets \$3,000 a year; but it is a very costly place to live, and a post of actual personal danger. Now, that man has to keep a kind of post-office. He has to get up at midnight so as to be able to meet the steamer. He has to distribute the mails for the Pacific coast. It is also a naval station, and he is in some degree a dispatch agency. He is placed where there are multitudes of sailors coming and going, and if a sailor is in trouble the consul is the man who has to look after him. You can not tell what the duties of a consulate are unless you inquire specially as to the facts of the post, its situation, its cost of living, etc.

The mission to Venezuela has been selected for reduction. Now, the place where the minister has to live is Caracas. That is said to be the most expensive place of residence on the American continent. Everything has to be carried by animals up a long ascent. It is a place where everything almost that is necessary to civilized man, and to Americans, has to be bought at large cost. The capital is at Caracas. The minister has to appear decently dressed, not necessarily in finery for balls and court ceremonies and in all the splendor that the gentleman from Georgia described, but he has to dress and bear himself just as the gentleman from Georgia does as we see him in his daily walk, and he could not do that with a family on \$5,000 a year in Caracas.

I do not know that my remarks can convince anyone present of the propriety of changing the bill back to the terms of the present statute, which received the approval of the committee last year: that statute which, in nearly all its parts, came from the skillful hand or received the imprimatur of the veteran from Kentucky [Mr. McCREARY], who sits behind me. If you gentlemen are constrained, by some "mandate" given out and enacted I know not where, to cut down the service—to make an economy of 20 or 25 per cent—I do not suppose that anything I can say will change the result.

But, knowing the character of the gentlemen in this House, that their titles are not given to them in satire, but that they are "honorable" men, I have made this short appeal to them on behalf of a body of men scattered around the world, with whom I was at one time in some degree associated, as I was the executive officer of the Department of State, and was thus led to know of their wants, their business, their sorrows resulting from residence abroad, amid trying duties, with meager pay, far from friends or support.

Take China, with the apparently good salaries. I have known cases where men have gone there with families, induced, probably, by the apparently large salaries, to meet nothing but a life of continuous struggle, effort, and final failure. Perhaps this reduction of the pay of the service in China may be followed by a still greater reduction, for we passed through this House the other day a bill which, if it should become a law, would save the whole cost of all the consuls in China as well as the mission, as they would all have to be immediately abandoned.

But we are practical men—all of us—Democrats and Republicans. We want to have an efficient service. There is something else to do beside making a political record of economy, hoping that our action will be changed in the Senate and that the service will be saved unimpaired. There is not one of the gentlemen whom I look upon who does not want to see our commerce promoted, our revenues protected, and, more than that, far more, that the American citizens everywhere shall be protected and cared for by officers of this Government, who are upright, who are intelligent, who are fit representatives of the United States. They are to care for our greatest and most precious treasure, the rights of the American citizen.

Why, sir, Mr. Pendleton, who has been mentioned to-day, as an American minister worthy of all credit, tried hard to have a bill passed through the Senate that would stop the practice of appointing foreigners as American consuls, but have salaried Americans everywhere, as no American should be compelled to seek protection from a foreigner clothed by our Government with authority as its representative, yet himself owing allegiance to some King. Mr. Frelinghuysen, as fair a gentleman as ever presided over the State Department, sent a document to Congress recommending a still broader measure, upon the ground that the highest interest of this Government was to protect its citizens. Believe me, it pays, gentlemen. It is not mere sentiment. The British do it, and they are a wise people.

A British consul and eleven men were insulted, maltreated, and imprisoned by a barbarous king, who defied Great Britain. Swiftly her armed men from the four corners of the earth penetrated to his capital fastness far in the interior of Africa, burned his city, stormed the fortress, slew him in his palace—all to rescue that little handful of Englishmen. The prestige of that honorable action by a proud and powerful people gave to all the hundreds of millions throughout the vast Orient the memorable, terrible lesson that no spot was so remote where Englishmen were insulted and stricken down but unrelenting vengeance would come, cost what it might, though it be armies and fleets and hundreds of millions of treasure.

I believe in a service that will, as far as possible, within the bounds of that economy ever characteristic of this House, maintain everywhere fit representatives for the protection of Americans who journey in other lands, the men who press aggressively the outward boundaries of our commerce, extending everywhere our trade. We want a consular service which they can rely upon and find ever ready to protect them promptly and efficiently, a service that will practically guard the interests of the Treasury, a service that will care for our shipping interests and protect our seamen, a service that will be to us in the future, as in the past, efficient, but I hope a great deal more extended, as every Secretary has recommended for thirty years; and I would be glad if this House, instead of cutting down and mutilating that service, would provide for it more liberally, with that care and diligence due to economy, but at the same time worthy of the spirit of Congress legislating for this great nation. [Prolonged applause.]

Mr. CHIPMAN. Mr. Chairman, during his very able and very happy speech the gentleman from Illinois [Mr. HITT] alluded to the appropriation for China, and as to what our probable relations with that empire will be. Unquestionably that is a matter of importance. We are making appropriations in this bill to defray the expenses of our legations; and it is a proper time to consider of what use our legation will be in that country. I do not propose in what I say to-day to indulge in any cheap abuse of the Chinese people. I shall admit the ingenuity, the learning, and the ability of great masses of them. I shall admit, too, their right to be treated in international law with fairness and with entire justice. And yet, Mr. Chairman, it is a matter which concerns us very much to know whether we are standing upon safe ground with that empire.

When gentlemen invoke the faith of treaties here my heart and my understanding alike respond promptly and fully to the appeal. The faith, however, which belongs to treaties is not a mere sentimental one. There is very little which concerns the government of men, or at least the relations of one nation to another, which is, or safely can be, of a sentimental character. To observe a treaty simply because it is a treaty, to do certain things under it simply because it is provided that certain things may be done or shall be done, is not in the broad light of modern civilization sufficient to satisfy the understanding of intelligent men. We may at least ask by what authority was the treaty made? Was it *ultra vires* as to the officers making it?

In our position as a constitutional government questions of a most delicate and serious nature arise in regard to the treaty-making power. Questions, too, which are common to us with all civilized men, force themselves upon us for consideration. The treaty-making power in this country is subject to the Constitution exactly as any other power known to the Government. This is no new doctrine upon my part. It has been affirmed by the most distinguished of our Secretaries of State, by others of our renowned statesmen, and by the Supreme Court of the United States itself. And the idea that, because the Constitution prescribes that a treaty is the supreme law of the land, it therefore overrides institutions and statutes is not well-founded.

The slightest investigation of the subject must at once lead anyone to say that like all other powers under our Government, the treaty-making power is restricted by its collocation with other powers. Does anybody dream that the Senate and the President in making a treaty could give a monopoly of any branch of trade

to the subjects of any nation within this country, or that by a treaty a direct appropriation could be made out of the Treasury? Would it be for an instant contended that under the guise of the treaty-making power taxes might be imposed upon the country and tariffs laid?

Will anybody contend that under the guise of the treaty-making power a uniform system of naturalization might be established through the length and breadth of the land? Why, Mr. Chairman, this power, like all other powers of the Government, is limited and restricted, subservient to the general scope of the Constitution and to the division of powers between the coordinate branches of the Government. Congress alone may regulate commerce; Congress alone has the power to tax; Congress alone may prescribe a uniform rule of naturalization. In these matters the Congress—not the President and the Senate, but the Congress—is the constitutional power; and the President and the Senate can not be permitted, and are not permitted under the Constitution, to do that which might virtually change the form of your Government and ignore the power of the lawmaking body of this country.

Need I dwell upon this? Does it require amplification? Does it need citations of precedents? Have we learned the lesson of constitutional liberty to so little purpose that elaborate argument is necessary to establish that proposition? So, then, Mr. Chairman, treaties must be within the Constitution. If they go beyond that, they are not binding upon the honor, upon the consciences, or upon the action of this people.

Take the treaty with China. We are told that we have certain obligations toward that empire. I admit it. We are told, however, in effect that those obligations are perpetual, because by the terms of the treaty and of all the treaties (three or four in number) which we have with that power, no limit is fixed to their duration.

In many of our treaties it is provided that they shall cease within ten or twelve years, or some other defined period, after notice is given by one of the powers of its abrogation. In a case of that kind there is strength—not conclusive force but strength—in an argument that you must abide by the treaty at least until it expires by its own terms. But here is a treaty specifying no limitation as to time. Is this binding for this generation, and for all generations, upon the American people? Is this treaty a mortgage and a burden upon our industry and our prosperity forever?

Will any one say that such a treaty can not be abrogated? Is that good sense, or is it not the patent, the logical, the proper construction of an instrument of this character that it is practically and entirely an agreement at the will of the parties to it, and that either or both, in this instance as in other instances of contracts at will familiar to the law, may abrogate it. Why shall they not? Why shall not a treaty of that kind be always considered as made with that understanding? Circumstances alter; the conditions of peoples alter; the progress of civilization compels great changes. That which is good to-day may be evil a year from now. That which is a blessing and a benefit to-day may be a hundred years hence a curse, an unbearable burden upon our children.

It is in vain, it is worse than a sentimentality, to say that any nation can put such a yoke upon itself and that all the children of men born in this country for centuries to come (for that is the logic of the argument) are bound by the terms and conditions of the treaty with China.

That treaty was founded on a barren idealism in the very beginning. It was a burst of that sentiment which leads us to believe that all the world are anxious to come here and to live among us as one common people—that sentiment and a more selfish sentiment which desired cheap labor. That treaty talks of the "inalienable rights of men to change their residence and their allegiance," when no Chinaman desires, or ever desired, to change either the one or the other, and when, in the sense of what experience has taught us we have no desire that they shall change either the one or the other.

The treaty, then, with China, Mr. Chairman, being a perpetual one, making provision for something which the Chinese people as a people do not wish or desire, and having for its keynote an idea which can never be accomplished, owing to the peculiarities of that people, can not in the very nature of things be forever binding upon us. It is utterly impossible. It is a dream which fades in the light of sense.

Why, sir, think of it for a moment. Can the treaty-making power bind this nation perpetually, or can it be so bound except by conquest? And conquest always means the right of reclamation with returning strength. It can not by treaty take away from you your homes or your liberty or any of your sacred rights; but under the guise of a Chinese treaty it essays to give up the industries of the country, or, at least, to share them, and to open

to an alien race all the pursuits by which the people seek to live and which they are entitled to enjoy to the exclusion of all others. I affirm there is no power to do this.

Is this the assertion of a fallacy or is it a reasonable doctrine? Is it an uncharitable doctrine, or is it the doctrine that charity begins at home? Why, Mr. Chairman, I have in my pocket an address from the Federation of Labor of America to the Fifty-second Congress, in which they complain in that address that at least a million of people in this country to-day can not find employment, and that many others can only find partial employment. Is that true? Who gainsays it? Does anyone know more about it than these people, these laborers who framed this address, and who seek relief at our hands? Is not their testimony conclusive on the subject?

But, even if it is not conclusive, I appeal to gentlemen, whether, when such a cry as that comes up to us here, it is not time to ascertain where, if the evil really exists, where the remedy is to be found, and whether after all a treaty is a more sacred thing than the flesh and blood of your own people? Treaties are made for the benefit of nations; they are meant to help, not to burden, not to be fetters, but facilities for national progress. We have come to a stage in our affairs when this treaty with China is found to be a burden and a snare, a fetter to our people. What is the complaint? Is it the cheap complaint of demagogues? Is it a mere outcry of prejudice, of passion, or is it a noble aspiration for such social conditions and advancement as will maintain the decency, the comfort, and civic independence of the American people?

The complaint is against cheap labor; not the cheap labor of the Chinaman alone, but the cheap labor of the assisted emigrant; the cheap labor of the emigrant who comes here under a contract for his services; the cheap labor of the man who is a convict, who competes with honest people. It is not then as to the Chinese alone, but as to all and every form of cheap labor, against everything that tends to demoralize the social standing by reducing the wages of our people, that the protest is made. Is that right or is it wrong? If it is right then the circumstances have arisen; a condition of affairs has been reached when the rule I have laid down may be invoked, and when we may say to China without offense to her, without violating the treaty, and in consonance with the rule which should always apply to perpetual treaties, that a time has come for a change; that we must enter into other arrangements with her. It may be that there are other methods of reaching this result than the one we contemplate.

It may be that there is something valuable in this connection by treaty between this country and China, and that we must not jeopardize it by hasty action. The trade of that great country may be now, as the trade of the Orient has been in all ages, a prize worth contending for and worth keeping when it is won.

But, Mr. Chairman, that is entirely aside from this question of labor. What treaty commercial rights in all the world would be a compensation for the degradation of the labor of this country? There is no objection—there can be none—to a treaty of commerce between us and China, and I have no doubt that that is as far as the treaty-making power in time of peace can go—an arrangement by which commerce may be carried on, by which an exchange of China's products for American products may be made, but never an arrangement by which grown men may come here and compete with the women over the washtub, with the miners in the mines, with the cigar-makers in the factories, and with all our people who are laboring and struggling to make a living in the ordinary and daily occupations of life.

There is no power in any branch of this Government to mortgage the labor of the American people in perpetuity even to secure the advantages of a lucrative commerce. The workingmen desire the benefits of commerce; but deny the power to give their opportunities and their vocations as the price of it.

It does not follow, Mr. Chairman, that because we propose to withdraw the privilege—for it is not a right—to Chinese laborers to enter this country, it does not follow that we are violating a treaty with China, or that our intercourse with her must end. There is no abuse of our relations with that country when we do this. We are standing upon our reserved rights. We are standing upon the agreement, upon the fair understanding which attaches to every treaty, which purports to make perpetual terms between nations.

I know, sir, that the great part of the American people will agree with me in this. There has been criticism, unthinking and unwise, in different quarters, upon the action of this House. Our action went forth undefended, undebated. No reason was given for it here, and portions of the country have the idea that we were simply running amuck in a chase for votes and for popularity, when in fact we were endeavoring conscientiously to protect the dignity of American labor and to prevent its being overwhelmed by further additions of cheap laborers. Now, it

has occurred to me that this much should be said in behalf of the action of this House. I care not what form that action takes, so long as it protects the laboring men of this country.

Continue your treaty of commerce; the only treaty, in my judgment, that the treaty-making power has capacity to enter into. Continue that, if you please. Extend the time under the Angell treaty, during which Chinese labor shall not come into the country in any form or in any shape; but do it thoroughly. Protect the laboring men of this country against the influx of cheap labor. I know that that influx is not so great as many people think, but it is great enough to be an evil; it is great enough to add 110,000 men to the ranks of breadwinners. It is great enough to suggest the possibility, to certain classes of capitalists, of cheaper labor in the future, and it is great enough, if it is not checked, to arouse the fears of every laboring man who respects himself and who loves his family. It swells the hordes of assisted immigrants, of contract immigrants, and of convict competitors to a mighty host.

I know that men who talk as I am talking now are accused of demagoguery. Let it be. I am willing to be assailed with all these high terms of diplomatic faith and of the sanctity of treaties. I am willing to endure these without retorting that the very men who talk in that way are apt to be the demagogues of capital, and are apt to be as swift in the service of capital as I am of labor. I would wish to see capital prosperous; but a capital which is prosperous and does not shed prosperity in its path, which does not make the laborer comfortable, which does not keep up his self-respect, which does not pay him wages enough to enable him to be a decent, intelligent, and useful citizen, that capital deserves no respect, and is an enemy of the people, and as such ought to be opposed.

No war between classes in this country. It is simply a question of the general decency of our people, of their general prosperity, and I think that full consideration will show every gentleman who will take the trouble to give it, that in this combat, whatever strong measures we might be tempted to take, whatever irregular steps we might be tempted to take, that the abrogation or rescission of a perpetual treaty is not a strong measure, is not an irregular measure, but is a measure of plain duty and of undoubted legal right. [Applause.]

Mr. POST. Mr. Chairman, the chairman of the Committee on Foreign Affairs, in opening this debate, said European countries may require able diplomats, but not so with us. He proceeded to ridicule, in a pleasant sort of way, the successes of our representatives abroad, and said the ridicule was for the purpose of showing up the magnificent ability required of our diplomats. He then proceeded to make the minister to Denmark the subject of special comment, and by no means complimentary to his service, and all because he said he had written a letter to him. It seems to me that that letter conveyed a valuable piece of information when he was providing for the union of Denmark, Sweden, and Norway in one mission. I have had no letter and no information from the minister to Denmark or any other minister, but I know something of the history of this country, and I do not agree with all the conclusions of the majority of the committee or with the report of the committee.

When the gentleman from Kentucky [Mr. McCREARY] entered upon the eloquent defense of our diplomatic agents, I thought I need having nothing to say, but he too, it seems, had agreed to the union of several missions. The gentleman from Illinois [Mr. HITT], a member of the Committee on Foreign Affairs, reviewed this whole question so completely that I might perhaps forego any remarks on this occasion, but I wish to enforce on one single point, the question of the union of missions, certain of his observations.

The chairman of the Committee on Foreign Affairs [Mr. BLOUNT] suggested that we might retain, in his general abolition, the ministers to England, France, Germany, and Turkey—that they might be allowed to remain. Why? The argument which he made on this floor and the reasons assigned in the report would abolish these missions as well. He said in effect that we have no special interest in foreign countries; that our interest is centered in our internal affairs and questions of taxation. On the floor and in his report he referred to quick communication as doing away with the necessity for skilled diplomats abroad. Is not our communication with England and France as quick as it is with Russia?

Mr. Chairman, this bill proposes to reduce the number of diplomatic offices by placing "Denmark, Sweden, and Norway under one mission, Colombia and Ecuador under one mission, and Peru and Bolivia under one mission. The committee suggests that—

the facilities for the transmission and interchange of thought in every matter connected with foreign countries dispense with much of the need of foreign representation. It enables the home government to communicate rapidly and freely with foreign governments and to give directions in the most minute details.

To give directions to whom? Certainly not to foreign governments. So far as the statement is used to support the idea that it dispenses "with the need of foreign representation," it is misleading.

If it were the custom, if it were practicable for governments to communicate by mail or telegraph directly with each other, then foreign representation might be dispensed with. But such is not the custom, and it is probable that the world will long continue to enjoy the benefit of the services of intelligent and observing diplomatic agents who receive from their own governments confidential and detailed instructions in national affairs and controversies. If international negotiations were conducted directly between the governments by mail or telegraph every difference between nations would develop an ultimatum leading to war or at least to breaking off of intercourse.

The rapid communication to which the report refers is with our own agents who reside near the courts to which they are accredited, and instead of lessening the need of such agents it makes them all the more necessary. The convenience of rapid communication, which furnishes full information, requires prompt decision of every international dispute.

The proposition to send one minister to reside near the government at Copenhagen and at the same time to reside near the government at Stockholm is as unreasonable as it is impossible. It can not be assumed that this Government would willfully insult either of the proud nations to which it is proposed to accredit the moiety of a minister. They are independent powers accustomed to have the accredited agents of other governments residing at their capitals and to be treated with the consideration of sovereign nations. It does not appear that the President or Secretary of State, who are charged with the responsibility of our foreign relations, have suggested this measure. On the contrary, the report alleges that—

Very much might be safely done in reducing the number of our ministers by abolition or the union of several countries under one mission. Not encouraged to hope for an acceptance of their views by the Senate or the President, it has been deemed best, except in a few instances, to postpone needed reforms at this point.

It appears, therefore, that the committee propose to curtail the number of diplomatic agents which has heretofore been authorized and which the President now deems necessary to a successful conduct of our foreign affairs. The committee will find not alone the Senate and the President, but the people of the United States unwilling to accept their views. The people will hardly be willing to transfer the control of the foreign relations of our country from the executive officers who have conducted them with honor and success to those who would sacrifice to a spurious economy even the dignity of the nation.

The abolition of missions or union of several countries under one mission is spoken of as a "needed reform." During the incumbency of the Democratic Administration these missions existed, but no such reform was proposed either by the President or this House. Are these missions less important now than they were then? What reason shall we assign for an act which no foreign nation could consider friendly? How shall we explain the adoption of a policy of breaking off diplomatic intercourse by the abolition or union of missions? What is the excuse for such a course? To say that the United States could not afford to send diplomatic agents abroad according to usage would be ridiculed by everyone, even by gentlemen who suggest that idea. If it be undesirable to carry on our international intercourse in the customary manner, all that this House can do is to refuse to provide for the expenses of that branch of the public service or for any particular part of it.

Under the Constitution the President has power to appoint diplomatic agents. His authority is not derived from any act of Congress, and is not limited or changed by any conditions in an appropriation bill. This bill provides for a union of missions. By what authority does it prescribe to what countries diplomatic agents shall be sent, and that the minister accredited to Sweden and Norway shall be accredited also to Denmark? Suppose the President decides to send a minister to Sweden and Norway and not to Denmark, or to Denmark and not to Sweden and Norway, how is this bill to be construed? You may undoubtedly limit by law the amount to be paid as salary to such diplomatic agents or refuse to make any appropriation at all for such salaries, but Congress can not require the President to maintain ministers of a certain rank at particular courts or remove those who are there and reappoint in a different manner. This House should not fail to observe that the Constitution recognizes the Executive as the source of diplomatic authority.

Before this House commits itself to the innovation of uniting or abolishing missions I beg it to consider whether this is the time and these the missions which need that kind of reform.

The United States has swung into the current of submitting international troubles to arbitration. So far as the amount to be

paid by one nation to another, whether for damages or on any other account, arbitration can not be too highly commended. At the same time the practice of presenting to an international court exaggerated and absurd claims which no nation would make if such claims had to be contended for in the final court of arbitration, can not be too severely condemned. A great nation should make no claim which it is not willing to maintain. We have heard on this floor eulogies of the arbitration of the Alabama claims under the treaty of Washington. Men worship the halo of glory which conceals hideous facts.

Arbitration is one form of negotiation; if the decision is acceptable to both parties it is adopted; if it is not acceptable it is repudiated. More than an attempt at negotiation by disinterested parties it ought not and can not be. The frequent instances in which the decisions of arbitrators have been promptly repudiated by the nations which have attempted that form of negotiation demonstrates that independent nations must always be the final judges of their own rights.

So far as arbitration encourages nations to violate international law and invade the rights of others by securing the aggressor against any greater harm than to be a party to a peaceful compromise, it is totally vicious in principle.

I shall enter upon no eulogy of the modern principle of surrendering national sovereignty and national rights in order to secure a peaceful settlement after such rights are invaded, but the adoption of that policy makes it absolutely essential that we should cultivate friendly relations and secure diplomatic influence at the European capitals where the judges are selected by whom our international rights are decided.

Our jurisdictional rights in the waters of the Bering Sea acquired from Russia and the right to protect the fur seals in that sea have, in accordance with the popular wish, been submitted to arbitration. The powers charged with the duty of preserving the seal fisheries from destruction are the United States and Russia. The whole world is interested in preserving the species.

The Canadians, tempted by the small profit to be derived from exterminating the only fur seals remaining on earth, in defiance of long-established precedent and of the United States, have fitted out fleets for that purpose. Every Canadian and every Englishman knew that the fleets fitted out in a Canadian port to destroy the fur seals were intended to injure and humiliate the United States. Had they also known that when the fleets returned, the ports from which they had sailed would be occupied by the troops of the United States, they would have delayed their departure until after the decision as to the lawful character of such an enterprise. No such question would have arisen but for the encouragement and protection afforded to enterprises of doubtful legality by modern international arbitration holding out the hope of benefits by compromise, and in any event shielding the trespassers from severe consequences.

This American question might have been settled by American methods on American soil. The popular wish is otherwise, and therefore this American question is transported to Paris and is to be decided by arbitrators, two to be named by the President of the United States, two by Her Britannic Majesty, one by the President of the French Republic, one by the King of Italy, and one by the King of Sweden and Norway. The arbitrators are to be jurists of distinguished reputation in their respective countries, and will doubtless be honorable and impartial, as far as human nature permits; but can there be any reason why the United States should seize upon this particular time for disturbing its diplomatic relations with the King of Sweden and Norway, who is to name one of the arbitrators? By this ungracious act, the union of Denmark with Sweden and Norway in one mission, it is assumed that a saving of a salary of one minister will be effected.

It is likely to prove a costly economy, which this Government can ill afford. We may be certain that the British Government will not imitate our example and, pending this arbitration, secure a small economy by means of a discourtesy to a foreign power.

If the edict has gone forth that every appropriation bill must be cut down in order to make a contrast between the wise expenditures of the last House and the wasteful parsimony of this one, let us at least discriminate in our retrenchments and make them where they will do the least harm. No petty and false economy should be allowed to endanger the rights of our country and humiliate the nation before the world. Our diplomatic service should contribute not merely to the wealth but to the honor, power, and glory of this Republic. [Applause.]

Mr. BLOUNT. Mr. Chairman, if the gentleman from Illinois [Mr. HITT] will give me his attention, I desire to ask unanimous consent that general debate shall close to-morrow after the expiration of two hours.

Mr. HOOKER of Mississippi. The gentleman means two hours after the beginning of the debate. I hope the Chair will recog-

nize me as taking the floor, and I will yield to the motion of the gentleman from Georgia.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that on to-morrow, after two hours, all general debate on this bill shall close.

Mr. HITT. Mr. Chairman, I would like to inquire as to how the time will be divided.

Mr. BLOUNT. I am very careless of the time. I am willing to do anything my friend wants done. The gentleman from Mississippi [Mr. HOOKER] desires to speak.

Mr. HITT. Let it be divided in the usual way.

Mr. MCCREARY. I suggest that one-half of the time be controlled by the gentleman from Georgia [Mr. BLOUNT] and the other half by the gentleman from Illinois [Mr. HITT].

Mr. HITT. That will be perfectly satisfactory.

Mr. BLOUNT. The gentleman from New York [Mr. FITCH], a member of the committee, desires some time.

Mr. FITCH. The gentleman from Mississippi [Mr. HOOKER] desires an hour, and that would take the entire hour on this side.

Mr. HITT. I will yield time to the gentleman.

Mr. FITCH. I would like to have half an hour.

Mr. BLOUNT. Then, Mr. Chairman, I hope the Chair will repeat the request, as we seem to have agreed.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that to-morrow, after two hours, all general debate on this bill shall be closed.

Mr. MCCREARY. One hour of the time to be controlled by the gentleman from Georgia, and the other hour to be controlled by the gentleman from Illinois [Mr. HITT].

Mr. BLOUNT. I have no objection to that. The gentleman from Mississippi [Mr. HOOKER] desires to be heard.

Mr. HITT. I have no objection to the modification.

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none, and it is so ordered.

Mr. BLOUNT. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker, having resumed the chair, Mr. OATES, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BUCHANAN of New Jersey, for Wednesday, April 27.

To Mr. ROBINSON of Pennsylvania, for ten days, on account of important business.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House do now adjourn.

CHINESE EXCLUSION ACT.

Mr. GEARY. I ask the gentleman to withdraw that for a moment.

Mr. McMILLIN. I withdraw the motion for the present.

Mr. GEARY. Mr. Speaker, the bill restricting the immigration of Chinese has come back from the Senate with some amendments, and as it is a matter which I desire to have disposed of, I ask unanimous consent to nonconcur in the Senate amendments and agree to the conference asked by the Senate.

The Clerk read as follows:

A bill (H. R. 6186) to absolutely prohibit the coming of Chinese persons into the United States.

The SPEAKER. The gentleman from California [Mr. GEARY] asks unanimous consent to nonconcur in the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. BURROWS. I do not think that the bill ought to be disposed of in this way. I would like to ask the gentleman from Illinois [Mr. HITT] if that will be satisfactory to him.

Mr. HITT. If it is agreeable to the gentleman from Mississippi [Mr. HOOKER] it is to me.

Mr. HOOKER of Mississippi. I should be very glad for it to go to a conference, though I do not favor the bill.

There was no objection.

So the Senate amendments were nonconcurrent in, and the conference asked for was agreed to.

The SPEAKER. The Chair will appoint as conferees on this bill the gentleman from California [Mr. GEARY], the gentleman from Michigan [Mr. CHIPMAN], and the gentleman from Illinois [Mr. HITT].

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and, with their accompanying reports, ordered to be printed, as indicated below:

SOUTHERN UTE INDIANS.

Mr. KEM, from the Committee on Indian Affairs, reported back the bill (H. R. 67) to ratify and confirm an agreement with the Southern Ute Indians of Colorado and to make the necessary expenditures for carrying the same into effect; which was referred to the Committee of the Whole House on the state of the Union.

LANDS VALUABLE FOR BUILDING STONE.

Mr. CLARK of Wyoming, from the Committee on the Public Lands, reported back the bill (S. 1273) to authorize the entry of lands chiefly valuable for building stone under the placer-mining laws; which was referred to the Committee of the Whole House on the state of the Union.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. DOLLIVER from the Committee on War Claims: A bill (S. 1287) for the relief of M. B. Ryan, administrator *de bonis non*, son and only heir at law of John S. Ryan, deceased, late of Charleston, S. C. (Report No. 1193.)

By Mr. LOUD from the Committee on Claims: A bill (H. R. 5426) for the relief of James Grace. (Report No. 1194.)

A bill (H. R. 927) for the relief of Forman Mathews and David Stout Parker. (Report No. 1195.)

A bill (H. R. 3312) for the relief of W. H. Ward. (Report No. 1196.)

A bill (H. R. 1530) for the relief of J. M. Billings. (Report No. 1197.)

A bill (H. R. 1240) for the relief of William J. Bryan. (Report No. 1198.)

By Mr. DOLLIVER, from the Committee on War Claims:

A resolution referring the bill (H. R. 7103) to pay Philip Henkel for property unlawfully confiscated and destroyed to the Court of Claims. (Report No. 1199.)

A bill (H. R. 8393) for the relief of William C. Hughes, in lieu of the bill (H. R. 1754) of the same title. (Report No. 1200.)

A bill (H. R. 8229) for the relief of Mathias Pedersen. (Report No. 1201.)

By Mr. WHEELER of Alabama, from the Committee on Military Affairs: A bill (S. 73) authorizing the Secretary of War to receive for instruction at the Military Academy of West Point Francisco Alcantara, of Venezuela. (Report No. 1202.)

Also, from the same committee, the bill (H. R. 3369) for the relief of the legal representatives of Henry W. Freedley, late major in the United States Army. (Report No. 1203.)

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (H. R. 8353) referring the claims known as the Paducah claims of John E. Williamson, administrator of the estate of John B. Thompson, deceased, and other citizens of Paducah, Ky., to the Court of Claims. (Report No. 1206.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. MCRAE: A bill (H. R. 8390) to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, approved September 29, 1890—to the Committee on the Public Lands.

By Mr. CURTIS: A bill (H. R. 8391) for sharing with the several States the expense of State canals, providing free transportation to interstate and foreign commerce—to the Committee on Railways and Canals.

By Mr. MEREDITH (by request): A bill (H. R. 8392) to incorporate the Union Passenger Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of Ohio: A bill (H. R. 8394) to amend section 3 of the act of March 2, 1889, for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico—to the Committee on Pensions.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 8395) to provide and equip a steam vessel for boarding purposes at Philadelphia, Pa.—to the Committee on Interstate and Foreign Commerce.

By Mr. HERBERT: A resolution in relation for leave to print in CONGRESSIONAL RECORD—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BYRNS: A bill (H. R. 8396) for the relief of Abraham

Buford, administrator of John Buford, deceased—to the Committee on War Claims.

By Mr. CASTLE: A bill (H. R. 8397) granting a pension to Mrs. Charlotte O. Van Cleve—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8398) for the relief of Susan Lomasney—to the Committee on Invalid Pensions.

By Mr. CUMMINGS (by request): A bill (H. R. 8399) to remove the charge of desertion from Edward Quinlan—to the Committee on Pensions.

By Mr. GOODNIGHT: A bill (H. R. 8400) increasing the pension of J. G. Dawkins, of South Union, Ky., a soldier in the Mexican war—to the Committee on Pensions.

Also, a bill (H. R. 8401) granting a pension to William E. Floyd, of Sand Hill, Ky.—to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 8402) for the relief of Matthew T. Lewis—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 8403) granting a pension to Roswell Harris—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8404) for the relief of Emanuel Clouser—to the Committee on Military Affairs.

By Mr. MCCREARY: A bill (H. R. 8405) for the benefit of Adam Bryant, administrator of Nancy Bryant, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8406) to grant a pension to Ira Manly—to the Committee on Pensions.

By Mr. O'DONNELL: A bill (H. R. 8407) directing the Secretary of War to amend the record of Horton S. Maxon, late of Company D, First Michigan Infantry—to the Committee on Military Affairs.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 8408) for the relief of Randolph Barton, trustee of the Powhatan Steamboat Company and other claimants—to the Committee on Appropriations.

By Mr. PAYNE: A bill (H. R. 8409) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private Company H, Eighteenth New York Cavalry—to the Committee on Invalid Pensions.

By Mr. SEERLEY: A bill (H. R. 8410) for the relief of the heirs of William H. Finch—to the Committee on Claims.

By Mr. STOCKDALE: A bill (H. R. 8411) for the relief of Mrs. Hannah Waters, of Horn Island, in Mississippi Sound—to the Committee on War Claims.

By Mr. STONE of Kentucky: A bill (H. R. 8412) for the relief of J. C. Shelby—to the Committee on War Claims.

By Mr. WARWICK: A bill (H. R. 8413) granting an increase of pension to William H. Manson—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8414) to pension William Bass—to the Committee on Pensions.

Also, a bill (H. R. 8415) for the relief of the heirs of Dr. Andrew Moore—to the Committee on War Claims.

By Mr. WHITING: A bill (H. R. 8416) for the relief of Newell A. Burrows—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ABBOTT: Petition of 85 citizens of Hill County, Tex., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, of 19 members of G. H. Thomas Post, Grand Army of the Republic, Department of Texas (Dallas), asking the lines of battle at Gettysburg be more clearly marked and defined—to the Committee on Military Affairs.

Also, petition of 27 citizens of the county of Ellis, of Texas, remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. No. 395—to the Committee on Agriculture.

By Mr. BELKNAP: Three petitions of citizens of Michigan, as follows: Of Leander Kellogg and 21 others, of Kent County; of Franklin Howe and 54 others, of Lyons, and B. A. Rogers and 124 others, of Coopersville, protesting against action on the part of Congress in closing the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of John Short and 37 others of Moline, Mich., protesting against action on the part of Congress as to closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOVER: Petition of 122 members of Riverside Council, Junior Order of United American Mechanics of Pennsylvania, for an amendment of immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. BOWERS: Petition of Dixon Grange, Patrons of Husbandry of California, for the passage of pure-food bill—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of pure-lard bill—to the Committee on Ways and Means.

Also, petition of members of Summer Post, Grand Army of the Republic of Los Angeles, Cal., for the passage of a bill making battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BOWMAN: Three petitions of Alliances of Iowa, as follows: Bald Knob, No. 1940, of Harrison County; Liberty, No. 2050, of Mills County, and Pilot Grove, No. 1918, all for the passage of the option bill—to the Committee on Agriculture.

By Mr. BRECKINRIDGE of Arkansas: Four petitions of citizens of Woodruff County, Ark., and three petitions of citizens of Monroe County, Ark., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. BUNTING: Petition of Mrs. Perry Sherman, against holding the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COOMBS: Petition of the Fleet Street Methodist Episcopal Church of Brooklyn, against the opening of the World's Fair on Sunday, or the sale of liquor on the Fair grounds—to the Select Committee on the Columbian Exposition.

By Mr. CUTTING: Memorial of citizens of California, praying for favorable consideration of House bill 7689, authorizing the Secretary of Agriculture to make special experiments in raising ramie, flax, hemp, and jute—to the Committee on Agriculture.

By Mr. DALZELL: Petition of citizens of Pittsburg, Pa., praying for the passage of the Stone immigration bill—to the Select Committee on Immigration and Naturalization.

By Mr. DE ARMOND: Eleven protests of Farmers and Laborers' Unions of Missouri, as follows: Of Bates County, of Vernon County, of Barton County, of Cedar County, of Cass County, of Bates County, of Ore, Cass County; of Dade County, of Barton County, and of Barton County, all against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, petition of F. C. Pierce and other citizens of Vernon County, against legislation closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DE FOREST: Three petitions of Hollenbeck Grange, No. 125, of Connecticut, one for laws prohibiting the adulteration of food, the second for laws preventing gambling in farm products, and the third for laws encouraging silk culture—to the Committee on Agriculture.

Also, petition of same grange, for laws prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same grange, for laws defining pure lard—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of citizens of Maine, protesting against the provisions of the bill now before Congress entitled "A bill (H. R. 7023) to encourage American shipping"—to the Committee on Merchant Marine and Fisheries.

By Mr. DOLLIVER: Petition of H. N. Palin and others, of the Seventh-Day Adventists of Winnebago County, Iowa, against bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Melcinia E. Arnold, of Los Angeles, Cal., for a pension—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Petition of citizens of Sumter County, S. C., in favor of the passage of the antioption bill—to the Committee on Agriculture.

By Mr. ENGLISH: Petition of J. H. Egbert and others, of New Jersey, against the passage of any law respecting an establishment of religion—to the Committee on the Judiciary.

Also, evidence in the matter of Thomas P. Meehan, for an honorable discharge, to accompany House bill 7733—to the Committee on Military Affairs.

By Mr. GREENLEAF: Petition of citizens of Rochester, N. Y., in favor of a sixteenth amendment to the Constitution of the United States, providing that no State shall pass any law respecting an establishment of religion or prohibiting the free exercise thereof, etc.—to the Committee on the Judiciary.

By Mr. HAMILTON: Petition of citizens of Linn County, Iowa, asking that no further appropriations be made for the Columbian Exposition unless the Exposition be closed on Sunday and the sale of liquors be prohibited in the Exposition grounds—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Affidavit of William Metzger, for removal of charge of desertion, to accompany House bill 4702—to the Committee on Military Affairs.

By Mr. HAYNES of Ohio: Petition of Lodge No. 9, Excelsior Marine Benevolent Association, of Toledo, against exempting Chicago River from the provisions of the river and harbor law of 1890—to the Committee on Rivers and Harbors.

Also, petition of C. P. Kline and 126 others, of Sandusky County, Ohio, in regard to the suppression of speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. HEARD: Three protests of Farmers and Laborers' Unions of Missouri, as follows: Two of Howard County and one of Morgan County, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, protest of Farmers and Laborers' Union, of Boone County, Mo., against the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HENDERSON of Iowa: Three resolutions of Alliances of Iowa, as follows: one of Monroe Township, No. 1976, the second of Emeline Alliance, of Parkersburg, No. 2052, and the third of White Water Farmers, No. 1776, of Dubuque, favoring the passage of the antiopium bill—to the Committee on Agriculture.

By Mr. HOLMAN: Protest against Senate bill 429, with an amendment—to the Committee on Interstate and Foreign Commerce.

By Mr. LAYTON: Three petitions of Shady Vale Grange, No. 348, of Ohio, one urging the prompt passage of a law to prevent the adulteration of food and drugs, the second asking for legislation for the encouragement of silk culture, and the third urging prompt action to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, praying for the extension of the mails to the rural districts—to the Committee on the Post-Office and Post-Roads.

Also, protest of Denison B. Smith, secretary of the Toledo (Ohio) Produce Exchange, against the Hatch bill to suppress trading in futures in farm products—to the Committee on Agriculture.

By Mr. McKEIGHAN: Fourteen petitions of citizens of Nebraska, praying for the passage of the antiopium bill—to the Committee on Agriculture.

By Mr. MITCHELL: Remonstrance from Bloomer, Wis., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of members of S. H. Siger Post, No. 207, Grand Army of the Republic, Department of Wisconsin, for marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of James A. Garfield Post, Grand Army of the Republic, for properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of E. B. Kellogg Post, No. 55, Grand Army of the Republic, of New York, for the same purpose—to the Committee on Military Affairs.

By Mr. PICKLER: Petition of 120 citizens of South Dakota, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions, one of 27 persons of Mechlin, S. Dak., for the closing of the World's Fair on the Sabbath, and the other of 133 persons for the same purpose—to the Select Committee on the Columbian Exposition.

By Mr. REILLY: Resolutions of Industrial Council No. 437, of Owensburg, Pa., in favor of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. RUSSELL: Eight petitions of Ashford Grange, No. 90, and Border Grange, No. 93, of Connecticut, as follows: A petition of each grange for the immediate passage of House bill 395, defining pure lard; a petition of each for legislation to prevent adulteration of food and drugs; a petition of each for legislation to prevent gambling in food products, and a petition from Ashford Grange to encourage silk culture—to the Committee on Agriculture.

Also, two petitions of the same granges, for legislation to prohibit contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, two petitions of the same granges, of Willimantic, for free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of 97 citizens of Colchester, for the amendment of naturalization laws as reported by the Committee on the Judiciary—to the Committee on the Judiciary.

By Mr. SANFORD: Two petitions of ex-soldiers and sailors of New York: one of H. H. Whitman Post, No. 486, Grand Army of the Republic; the other of the A. H. Terry Post, No. 300, Grand Army of the Republic, of Amsterdam, N. Y., for legislation providing for the preserving and properly marking the battle lines of Gettysburg, Pa., and urging the passage of the bill introduced by Representative WHEELER for that purpose—to the Committee on Military Affairs.

Also, two petitions of citizens of New York: one of Johnstown Grange, No. 662, to prevent gambling in farm products, and the other of 19 citizens of Fulton County, for the same purpose—to the Committee on Agriculture.

Also, petition by the same grange, for the enactment of legis-

lation to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for the immediate passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of Park Association, No. 2712, Patrons of Industry, of New York, in opposition to H. R. 6790, for the reclamation of the arid lands of the United States, and for other purposes—to the Select Committee on Arid Lands in the United States.

Also, petition of citizens and church members of West Galway, N. Y., in the interest of Sunday observance, temperance, and purity in art at the World's Exposition—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Two petitions of citizens of Glenfield, Allegheny County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the faculty and students of the Western Theological Seminary of Allegheny City, Pa., to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Allegheny County, Pa., for the passage of House bill 401 restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of S. W. Cows and others, of Connecticut, relating to amendment of the Constitution—to the Committee on the Judiciary.

By Mr. TILLMAN: Petition of citizens of the county of Edgefield, S. C., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. WARWICK: Papers and photographs to accompany House bill granting an increase of pension to William H. Manson—to the Committee on Invalid Pensions.

Also, two petitions of Methodist churches of Ohio, as follows: One of Minerva and the other of Goshen and Damascus, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WASHINGTON: Petition of Martha A. Hughes, widow of William T. Hughes, a Mexican veteran, asking a pension—to the Committee on Invalid Pensions.

By Mr. WATSON: Seven petitions of citizens of Georgia, as follows: of McDuffy, of Columbia, of Warren, of Burke, of Glascock, and of Columbia, remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. WILSON of Missouri: Protest of Farmers and Laborers' Union No. 3330, of Platte County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. WRIGHT: Memorial of Kersville Grange, No. 508, Patrons of Husbandry, of Pennsylvania, against contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. YOUNG: Petition of Sylvester H. Craig and 26 members of the Seventh-Day Adventists of Michigan, against the passage of any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, April 27, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

Mr. COCKRELL. I notice in the RECORD of yesterday that the bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keeves, and T. E. Smith, which came over from the House of Representatives, and which was in the other House reported from the Committee on Claims, was in the Senate referred to the Committee on Finance. I think that the bill properly belongs to the Committee on Claims, and I ask that the Committee on Finance be discharged from its further consideration, and that it be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that the Committee on Finance be discharged from the further consideration of the bill indicated by him, and that it be referred to the Committee on Claims. Is there objection? The Chair hears none, and it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the

service of the Government for the fiscal year ending June 30, 1892, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented memorials of 36 Methodist Episcopal churches in Ohio; of 13 Presbyterian churches in Ohio; of 9 Congregational churches in Ohio; of 5 Lutheran churches in Ohio; of sundry Baptist churches in Springfield, Cincinnati, Kenton, and Lebanon, Ohio; of 6 Lutheran churches in Ohio; of the Baptist Church of Bucyrus, Ohio; of sundry Presbyterian churches in Dennison, Xenia, and West Rushville, Ohio; of sundry Congregational churches in Edinburg, Wakeman, and Bristolville, Ohio; of the First Presbyterian Church of Springfield, Ohio; of the congregation of the Presbyterian Church of Xenia, Ohio; and of the congregation of the Methodist Episcopal Church of Defiance, Ohio, remonstrating against the opening of the World's Columbian Exposition on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Low Gap and Shady Vale Granges, Patrons of Husbandry, of Ohio:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. CULLOM presented a petition of Cortland Grange, Patrons of Husbandry, of Illinois, praying for the passage of legislation for the free coinage of silver; which was ordered to lie on the table.

Mr. TURPIE presented a memorial of sundry citizens of Sullivan County, Ind., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented sundry petitions, collected by the National Woman's Christian Temperance Union of Indiana, containing 393 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a petition of Tomahawk Grange, Patrons of Husbandry, of Kansas, praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON presented a petition of sundry citizens of Washington County, Nebr., praying for the passage of the Butterworth option bill; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Pawnee County, Nebr., praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES presented the petition of Elbert L. Porter and other members of the Central Square Church and Woman's Christian Temperance Union, of Bridgewater, Mass., praying that a loan be granted to the World's Columbian Exposition only on condition that it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of sundry members of the Seventh-Day Adventist Church of Franklin County, Mass., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FRYE presented the following petitions of North Jay, Sidney, and Mount Cutler Granges, Patrons of Husbandry, of Maine:

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the free delivery of mails in the rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. PETTIGREW presented sundry petitions collected by the National Woman's Christian Temperance Union, of Mecklin and Jerauld Counties, S. Dak., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MITCHELL presented a memorial of sundry citizens of Union County, Oregon, remonstrating against Congress committing the Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present a petition of sundry citizens of Carthage, Mo., together with the affidavit of C. B. Stickney and T. M. Garland, praying that a pension be granted Mrs. Ann Bradford, for whom a bill has already been introduced. I move that the petition be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations to report back the bill (H. R. 7093) making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, with sundry amendments, which I ask may be printed. I shall call the bill up at some near day in the future.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VILAS. I am instructed by the Committee on Claims to report back adversely the bill (S. 1585) for the relief of the New Orleans and Bayou Sara Mail Company, and to submit a report thereon. At the request of the junior Senator from Louisiana [Mr. WHITE], made before he left for his home, I suggest that the bill and report be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill with the adverse report will be placed upon the Calendar.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (S. 1426) for the relief of Dabney, Simmons & Co., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 2910) to authorize Admiral George Brown, Capt. George C. Remey, Lieut. George S. Dyer, Medical Inspector George W. Wood, Ensign George P. Blow, and Mr. Frank Laviere, United States Navy, to accept certain decorations from the Government of Hawaii, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 76) to authorize the President to invite certain governments to send delegates to the Pan-American Medical Congress, reported it without amendment.

He also, from the same committee, to whom was referred the message of the President of the United States, transmitting, in response to Senate resolutions of March 16 and 21, 1892, a report from the Acting Secretary of State, with accompanying statistics, showing the duties imposed by the Governments of Venezuela and Colombia upon products of the United States imported into those countries, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 1445) for the relief of Adolph von Haake, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2653) granting to Sergt. Thomas O. Harter, Company I, First Indiana Cavalry, \$10,000 and a gold medal for losses and services, which, in July and August, 1862, saved Pope's army and the nation's capital from capture by Lee's army, to report it adversely. In the absence of the Senator from Kansas [Mr. PEPPER], who has some interest, I think, in the bill, I ask that it be placed upon the Calendar with the adverse report of the committee.

The PRESIDING OFFICER (Mr. BERRY in the chair). The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3008) for the relief of William Devine, teamster, authorizing the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers to receive him at one of the branches of said national home; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 3009) for the relief of David B. Moore, late a captain Company D, Sixteenth Regiment Iowa Infantry Volunteers, and subsequently first sergeant Troop E, Seventh United States Cavalry and acting sergeant-major Seventh United States Cavalry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 3010) making appropriation for the establishment of a national park near Florence, S. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 3011) to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. TELLER (by request) introduced a bill (S. 3012) to amend an act entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PROCTOR introduced a bill (S. 3013) providing that appointments in staff corps be made from the line of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WALTHALL (by request) introduced a bill (S. 3014) for the relief of Mrs. Hannah Waters, of Horn Island, in Mississippi Sound; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS (by request) introduced a bill (S. 3015) providing for the retirement of wagon masters; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FELTON introduced a bill (S. 3016) for the relief of Charles Harkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3017) to provide and equip a steam vessel for boarding purposes at Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3018) for the erection of a statue to the late Admiral David D. Porter, United States Navy; which was read twice by its title, and referred to the Committee on the Library.

Mr. TURPIE introduced a bill (S. 3019) to amend an act approved February 3, 1887, amending an act to provide for the muster and pay of certain officers and enlisted men on the volunteer forces, approved June 3, 1884; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 3020) for the relief of Lieut. Col. George H. Elliot; which was read twice by its title, and referred to the Committee on Claims.

Mr. KYLE introduced a bill (S. 3021) to increase the pay and allowances of officers of the Army who have been continuously in one grade for a period of twenty years; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KENNA introduced a bill (S. 3023) to authorize the purchase of the manuscript of William Vans Murray; which was read twice by its title, and referred to the Committee on the Library.

MISSOURI RIVER BRIDGE AT LEAVENWORTH.

Mr. PERKINS introduced a joint resolution (S. R. —) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25 and March 22, 1889, and by act of Congress approved July 25, 1890; which was read the first time by its title.

Mr. PERKINS. If there is no objection, I will ask for the immediate consideration of the joint resolution. There are reasons why this matter is of considerable importance to those concerned. I think there can be no objection to it, and I should like to secure its immediate consideration.

The PRESIDENT *pro tempore*. The Senator from Kansas asks the unanimous consent of the Senate that the joint resolution introduced by him may be now considered.

Mr. HARRIS. Let it be read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

Resolved, etc. That permission be, and is hereby, granted to the Leavenworth and Platte County Bridge Company, a corporation duly organized and existing under the laws of the State of Kansas, to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company, a corporation duly organized and existing under the laws of the State of Kansas, its successors and assigns, all of the rights and franchises granted to the said Leavenworth and Platte County Bridge Company by an act of Congress entitled "An act to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri," approved April 25, 1889, and by an act of Congress entitled "An act to authorize the construction of a bridge across the Missouri River between the city of Leavenworth, in the State of Kansas, and Platte County, in the State of Missouri," approved March 2, 1889, and by an act of Congress entitled "An act to authorize the Leavenworth and Platte County Bridge Company to substitute a pivot drawbridge over the Missouri River, in place of a pontoon bridge," approved July 25, 1890; and any such transfer and conveyance as has been heretofore made is hereby consented to and confirmed; all subject, however, to the conditions named in said act of Congress.

Mr. PERKINS. All that the joint resolution contemplates is that the Leavenworth and Platte County Bridge Company may transfer to the Leavenworth Terminal Company the right to construct this bridge. They have sold the right and franchise to the latter company and that company now desire an approval of the location of the bridge. In consequence of this transfer, the Secretary of War doubts whether he can approve their application. They have made contracts with the railroad companies there to use the bridge when constructed, they have arranged for money for its construction, and they ask that this joint resolution may be passed by Congress giving to them the right to make this transfer. That is all there is of the measure, and it does not seem to me that there can be any objection to it.

Mr. KENNA. Is the joint resolution now introduced?

The PRESIDENT *pro tempore*. It is now introduced.

Mr. PERKINS. It is a matter of local importance to the people there, and can not be to the prejudice of anyone.

Mr. SHERMAN. I will ask the Senator from Kansas whether it does not propose to change the form of the bridge? It seems to me it gives the right to make a drawbridge instead of another kind.

Mr. PERKINS. There were two acts of Congress passed—one authorizing the construction of a pontoon bridge and the other authorizing the construction of a drawbridge. The joint resolution gives to this company the right to transfer both privileges, and the transfer is to be made with the conditions that were imposed upon the original company.

Mr. COCKRELL. As I understand this case, simply the rights, privileges, and authority granted in the two acts are transferred from one company to the other, subject to the same action of the Secretary of War.

Mr. PERKINS. Yes, subject to all the original conditions. No change is contemplated in any particular, except—

Mr. COCKRELL. The joint resolution simply authorizes the Secretary of War to act upon the plans and specifications presented by this company instead of the original company?

Mr. PERKINS. That is all that is contemplated by the joint resolution.

The PRESIDENT *pro tempore*. The Chair suggests to the Senator from Kansas that the parliamentary precedent in measures of this character is that they should be bills rather than joint resolutions. If there be no objection, the Chair will direct that the form of the measure be changed from that of a joint resolution to a bill.

Mr. PERKINS. I shall be very glad to accept the suggestion of the Chair.

The PRESIDENT *pro tempore*. That change will be made. Is there objection to present consideration?

Mr. SHERMAN. I do not wish to object to this measure, but I think it would be bad as a precedent. Here is a proposition introduced which it is proposed to pass into the form of a law without any reference. I would a great deal rather that it should be referred, informally even, to the Committee on Commerce and reported back. It is a very bad precedent to act in this way.

Mr. PERKINS. I will say in answer to the Senator that the joint resolution does not contemplate a change of the present law in any particular. It authorizes this transfer, but coupled with it all the conditions of the original act. The reason for early action is that these people have already arranged for the money with which to make the construction of the bridge, and they are only embarrassed in the War Department because of the transfer, the War Department thinking that it can not approve the application made in the name of this terminal company because the grant was to the Leavenworth and Platte County Bridge Company.

Mr. SHERMAN. I have no doubt, from the statements made by the Senator from Kansas, that the bill ought to pass, and

the defect in the title ought to be cured, but it seems to me it would better to allow it to be referred to the Committee on Commerce and report it back to-day, because it is a pretty dangerous example to introduce and pass such measures without a reference.

Mr. CULLOM. Will the Senator from Ohio allow me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. CULLOM. The Committee on Commerce, I suppose, would have jurisdiction of this measure; and as we are in session every day, I think I can promise the Senator from Kansas that it will come back at least to-morrow.

Mr. PERKINS. With that understanding, I have no objection to a reference.

The bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25, and March 2, 1889, and by act of Congress approved July 25, 1890, was read twice by its title, and referred to the Committee on Commerce.

COMMITTEE SERVICE.

Mr. BUTLER. I ask the Chair to substitute the Senator from Delaware [Mr. GRAY] in my place on the committee of conference on the Chinese exclusion bill.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The request is made that the Senator from Delaware [Mr. GRAY] be substituted as a member of the committee of conference on the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States in the place of the Senator from South Carolina [Mr. BUTLER]. There being no objection, that change will be made.

Mr. BUTLER. I desire to state that I shall be necessarily absent from the Senate for the next three or four days, and therefore this change is necessary.

AMENDMENT TO A BILL.

Mr. QUAY submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

GEOLOGICAL SURVEY.

Mr. POWER. I offer a resolution, and ask that it be printed and lie on the table, to be called up hereafter.

The resolution was read, and ordered to lie on the table, as follows:

Whereas at a meeting of representative citizens of Montana, known as the State irrigation convention, held in the city of Helena on the 7th, 8th, and 9th of January last, for the purpose of considering measures and policies beneficial to that Commonwealth and designed to aid in the settlement and development of the lands and resources within the same, the following resolutions were adopted, to wit:

"Resolved, That it is the sense of this convention that our Senators and Representatives in Congress be requested to implore and, if possible, secure large appropriations for public surveys in Montana, this State having at present but one-fifth of its land surveyed, 70,000,000 acres being yet unsurveyed.

"Resolved, That we believe it will best subserve the interests of this State if no appropriation whatever be made to be expended under the direction of Maj. Powell, of the Government Geological Survey, for the State of Montana;" and

Whereas complaints have been made and heard through the press and through organized public bodies from all of the Western States, in which the largest portion of the remaining public domain is located, at the small areas of public lands that are now annually surveyed, thus hindering the progress of settlement and the security of titles; and

Whereas a growing opposition is manifested everywhere in the same region at the large annual appropriations that have been made and are still proposed for the carrying on of the United States topographical surveys which in the communities most seriously affected are regarded as part of an injurious plan to destroy the efficiency of the system of public land surveys; and which are also strenuously opposed as extravagant in expenditure, wasteful in management, and without suitable beneficial results to the people directly affected or the country at large: Therefore,

Be it resolved, That—be, —and are hereby, directed to make a full investigation into the relations of said Geological Survey Office and the topographical survey under it to the public lands, the necessity for the existence of two such systems in the same areas, their character, survey, and development, and as to the processes, personnel, and expenditures of the same, with power to send for persons and papers and to administer oath, reporting the results to the Senate at as early a day as possible, with such recommendations as may be deemed suitable.

MEMORIAL HALL AT WEST POINT ACADEMY.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Acting Attorney-General; which was read:

SIR: The attorney of the United States for the southern district of New York has informed me of the bequest of \$250,000 to the United States Government by the will of Gen. George W. Cullum, deceased, and I have directed him to appear for the Government at the probate of the will. I have the honor to submit this information for such action as may be deemed proper, and inclose a copy of the items in the will relating to this bequest. I have also transmitted this information to the House of Representatives.

Very respectfully,

CHARLES H. ALDRICH,
Acting Attorney-General.

The PRESIDENT OF THE SENATE.

Mr. HAWLEY. The accompanying extracts from the will are not long. I ask that they be read, so that they may be entered on the record.

The PRESIDENT *pro tempore*. The Chief Clerk will read as suggested.

The Chief Clerk read as follows:

Thirty-third. I give and bequeath to the Government of the United States the sum of \$250,000 upon the following terms and conditions, viz: That during the life of Maj. Gen. James B. Fry and Peter S. Michie, hereinafter named, and at farthest within five years after my death, it will authorize to be built and will build and maintain upon the public grounds at West Point, N. Y., a fireproof stone memorial hall, under the direction of the superintendent of the Military Academy, three other members of the academic board thereof, and my military executor, Maj. Gen. James B. Fry, or, he not surviving at the time, another member of the academic board, all of whom I desire to be graduates of the Military Academy. This memorial hall I wish to be a receptacle of statues, busts, mural tablets, and portraits of distinguished deceased officers and graduates of the Military Academy, of paintings, of battle scenes, trophies of war, and such other objects as may tend to give elevation to the military profession; and to prevent the introduction of unworthy subjects into this hall, I desire that the selection of each shall be made by not less than two-thirds of the members of the entire academic board, the vote being taken by ayes and nays and to be so recorded. It is also my desire that this hall should be adapted for use on any ceremonial occasion taking place at West Point, N. Y., and for the assemblage and dinners of the association of graduates of the United States Military Academy, and, if practicable, I wish that lodging accommodations should be provided in some part of it for the members of that association while attending its annual reunions.

Thirty-fourth. In the event of the Government of the United States not complying with the conditions of the above gift and accepting it during the lives above named and at farthest within five years after my death, the \$250,000 provided in article 33 of this will for the building of a memorial hall, I give and bequeath to Maj. Gen. James B. Fry, Peter S. Michie, and Edgar W. Bass the said sum in trust to erect the said memorial hall in the vicinity of West Point, N. Y., for the same purposes and under the same conditions as specified in the above article; and should it become necessary to purchase land for the site thereof, I give and bequeath for this purpose the additional sum of \$20,000, or as much thereof as may become necessary.

Mr. HARRIS. From what State is the attorney-general who sends that communication?

The PRESIDENT *pro tempore*. It comes from the Acting Attorney-General of the United States.

Mr. HARRIS. I thought the signature was from another attorney-general.

The PRESIDENT *pro tempore*. It is from the Acting Attorney-General.

Mr. HARRIS. Ah, the Acting Attorney-General.

Mr. HAWLEY. Mr. President, this very noble bequest deserves something more than a mere formal reference to a committee, and perhaps this is not the time to notice it as it should be acknowledged.

Gen. Cullum graduated from the Military Academy in 1833 and was retired in March, 1865, having become during the war a brigadier-general and brevet major-general, retiring as a lieutenant-colonel of engineers. He was an officer well known to the Army, of distinguished valor and patriotism, and an enthusiast in his profession.

This is a very, very noble bequest. There will be in that hall statues, portraits, tablets, and other memorials of the deeds of men who have deserved well of the Republic in war. It will be a perpetual instruction, a perpetual object lesson, teaching patriotic devotion.

I move that the communication and accompanying papers be referred to the Committee on Military Affairs, and printed.

The motion was agreed to.

PURCHASE OF SILVER BULLION.

Mr. STEWART. I ask that the resolution of inquiry submitted by me some days since with reference to the purchase of silver bullion be taken from the table and passed. I do not know that any Senator desires to speak on the resolution.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. Resolution by Mr. STEWART relative to the aggregate cost of silver bullion and standard dollars coined therefrom, purchased under the act of July 14, 1890, now held in the Treasury, etc.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

Mr. DOLPH. Let it be read.

The PRESIDENT *pro tempore*. The Chair understands that the resolution has been heretofore presented to the Senate and that certain amendments have been agreed to. The resolution will be read as amended.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what is the aggregate cost of the silver bullion and standard dollars coined therefrom purchased under the act of July 14, 1890, and now held in the Treasury, and a detailed statement of the amount purchased each day, and the date thereof; and what amount of Treasury notes issued for such purpose is now outstanding, and whether any of such notes have been received by the Treasury in exchange for gold coin or redeemed in gold coin, and what amount of silver coin there is now in the Treasury applicable to the redemption of such notes, and also whether, when such notes

are received into the Treasury for customs, taxes, and other public dues, they are reissued or retained in the Treasury; and if any of such notes have been retained in the Treasury what amount has been so retained. Are persons selling bullion to the United States under the act of July 14, 1890, required to make immediate delivery and take the bullion so sold out of the market, or are they given time to make such deliveries after having made a contract to supply the United States and deprive others of that opportunity? Does the public have notice of the times, places, and amounts of silver bullion which will be purchased by the United States, or are such purchases made of brokers and bankers without such public notice? Is the business of purchasing silver bullion under the act of July 14, 1890, conducted with a view of depressing the price of bullion and obtaining it as cheap as possible, or with a view of carrying out the "established policy of the United States to maintain the two metals (gold and silver) on a parity with each other upon the present legal ratio?" And what amount of gold coin and gold bars is there in the Treasury, exclusive of outstanding gold certificates?

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the adoption of the resolution.

Mr. MORRILL. I suggest an amendment. I move to insert at the close of the resolution:

And also to state the amount that the silver dollars and bullion on hand would have cost at the present prices of silver bullion.

Mr. STEWART. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6185) to absolutely prohibit the coming of Chinese into the United States, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEARY, Mr. CHIPMAN, and Mr. HITT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2100) for the relief of Julius C. Zanone, only heir of John B. Zanone, late of Mound City, in Pulaski County, Ill., deceased:

A bill (S. 2401) for the relief of Lydia A. McGill, administratrix; and

A bill (H. R. 4833) to correct the military record of Joseph Wackerly.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1415) for the relief of John Nickles; and it was thereupon signed by the President *pro tempore*.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Is there further morning business? If not that order is closed, and the Calendar under Rule VIII is in order.

Mr. STEWART. I move that the Senate proceed to the consideration of House bill 6923, being the Army appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, the pending question being on concurring in the amendment made as in Committee of the Whole striking out the proviso beginning on page 17.

Mr. MORGAN. Mr. President, the discussion yesterday upon this proposition to strike out the proviso on page 17 of this bill took a very wide range, but not wider, perhaps, than is due to the condition of these two great trunk line railroads, the Union and the Central Pacific, and the obligations they are under to the United States Government to reimburse the Government for the liability which must fall upon it, in the end, as to the principal of the debt, and is falling upon it now continually as to the interest upon this debt, which may be summarized as amounting to, probably, \$115,000,000, about the year 1897, which, I think, is about the average period of the maturity of this enormous amount of debt.

It is understood entirely by the country that by the legislation that took place in Congress, the United States, which had been the first mortgagee, having the prior lien upon the Union and the Central Pacific Railways, on all their properties and belongings, are postponed and made second mortgagee, and that the second-mortgage debt amounts to about as much as the first-mortgage debt. It is just the same in principal, but the interest on what is now the prior incumbrance has been extinguished by the companies along from time to time, so that the companies have not been in default for interest, as I understand, to those bondholders of either corporation. They have gone on and paid up the interest, and to that extent have extinguished the obligation, and it will not be in the year 1897 as great as the obligation of these companies to the United States Government by some millions of dollars; in fact, if the operations of the road go on uninterruptedly, as they have heretofore, there will be just the

same amount of money owing by these two railroad companies that comprise the principal of the debt that the United States Government has become responsible for and guaranteed.

In that situation, Mr. President, the House of Representatives has evidently been reaching out for the purpose of grasping every item of money that might present itself in any form to be added in some way or other to the sinking fund, or if not to the sinking fund in fact, to the same end or purpose that the sinking fund is designed to accomplish under the provisions of the Thurman act; that is to say, the Government of the United States is endeavoring to save as against these two companies one-half of all the cost of the transportation of the mails and of the Government material, men, horses, etc., transported for the Army.

Then the question arises whether this provision in this bill, seeking as I understand the purpose of it is, though it is not very distinctly stated in the proviso—to save one-half of all the money that we may expend upon any of these branch lines at the ordinary rates of computing the transportation—can be accomplished by deducting from the pay that will be due to the branch lines 50 per cent.

A question arises as to the identity of the branch lines and the original great trunk companies. Treating that as a legal question and testing it by the operation of the laws under which these different branch lines were chartered, especially as to the Union Pacific Company, they are not legally identical. Whether the contract which is expressed in the charter of these two great trunk companies in 1862 and 1864, by which they agreed that one-half of the transportation charges due from the United States for any service that might be rendered by these railroads should be retained or paid into the Treasury in the extinguishment of the interest *pro tanto* upon these bonds can be made applicable to these branch lines, of course depends upon the fact whether or not they are legally the same.

Now, as to the Union Pacific Company, I am satisfied that no man can establish the proposition in law that they are identical, for these different corporations have received their charters from different States and Territories upon different conditions, and each of the charters relates to a separate line of road, which, it is true, is a branch line of the Union Pacific or the Central Pacific in the sense of being a shorter line and communicating with it and looking to these two lines for the transit of commerce back and forth to the Atlantic or the Pacific Ocean, as the case may be, or intermediate points, and also in the sense that the majority of the stock and of the bonds of all these branch lines is owned by the Union Pacific Railroad Company.

If these branch lines are not identical with the trunk lines, then it follows that we have not any constitutional right to take the income which these branch lines shall earn and give the credit for that sum of money on a debt due us from a trunk line, for they are different and entirely distinct in law. Such legislation as that would imply the power of taking one man's money and paying another man's debt with it, which, of course, we can not do. That is *ultra vires*, so far as the Congress of the United States is concerned. The Constitution restrains us, so that we can not do it.

Mr. MCPHERSON. Will it interfere with the Senator from Alabama—because I want to hear him upon this particular point—if I should make a suggestion to him?

Mr. MORGAN. Not at all.

Mr. MCPHERSON. Perhaps it is a matter not known to the Senator from Alabama or to many members of the Senate, but it has been revealed during the past summer that there is a floating debt of something like eighteen or twenty million dollars of the Union Pacific Railroad Company, which, under the decisions of the courts, always will have priority of right as against all of the mortgage debt of the road, particularly if that money is a legitimate deficiency and is a floating debt of the road by reason of equipment, of betterments, or any expenses, or anything of that kind. The reports of this company nowhere reveal the fact that any such deficiency has arisen for any of these purposes, and as the Thurman law, as I think impliedly, if not expressly, prohibits the alienation of any of this money for any other purpose except for the natural and proper expenses of running the road, I want to ask where has arisen, from what sources, this deficiency of \$20,000,000, to secure which all of the stock and bonds and securities of these branch lines, as I am informed by the Commissioner of Railroads, amounting to nearly \$100,000,000, par value, have been turned over to a syndicate in the city of New York to secure the payment of this floating debt?

Mr. MORGAN. Turned over by whom?

Mr. MCPHERSON. Turned over by the Union Pacific Railroad Company to a syndicate of New York bankers to secure some eighteen or twenty million dollars of floating debt, and they hold all these securities, which have been variously estimated by the committee to be worth, I think, some forty or fifty million dollars, and by others to be worth as high as \$100,000,000.

We will suppose, for instance, that these parties in New York, in order to recoup themselves for the advances made to protect the floating debt of the road, holding all these securities, should undertake to sell them all out, then, I wish to know, if the Senator will be so kind as to give his opinion both as a Senator and as a lawyer, under that section of the Thurman act which I read yesterday, whether it is competent in law or morals for the officers and managers of the Union Pacific Railroad Company to so use the credit and money of that road in the building or the purchasing or the leasing of branch lines of road as to enable them to pile up a debt of \$20,000,000 under which they may be able to sell out the road and branches and deprive the Government of everything?

Mr. WOLCOTT. Will the Senator from Alabama yield to me a moment?

Mr. MORGAN. Certainly.

Mr. WOLCOTT. Mr. President, I rise only to express the hope that the Senator from Alabama will proceed with his remarks as to the subject of the *ultra vires* of the proposed legislation, the line of remarks which he was pursuing before the Senator from New Jersey took the floor; and to facilitate the statement he was about to make, I say to him that the stocks of many of these railroads operated by the Union Pacific have, to a great extent, an entirely independent ownership from the Union Pacific and other companies who operate them; that their bonds are held in general market, and that they are under no obligation, express or implied, whereby their earnings shall be wrested from them and applied to the payment of the debt due from these subsidized roads to the Government.

Mr. MORGAN. I understand that the principle of the Thurman act is just this, that a contract exists between these corporations and the Government by which 50 per cent of the earnings of the roads in the service of the Government shall be retained and carried either into the sinking fund or into the payment of interest, and that the Supreme Court held that that contract applied only to the subsidized portions of the road and did not apply to the unsubsidized portions, that is, the unbonded portions, so to speak, of these railroads, and that it was not competent for Congress to charge upon the nonsubsidized portions of this railroad the 50 per cent of the earnings upon the subsidized portions; they charge that to the company under that contract, and hold that it would be a violation of the contract to expand it over a field which it was not intended to cover at the time it was made, and that is the real principle of the Thurman act so far as that feature of it is concerned.

However, the Supreme Court went on and in a very pronounced manner in that case and in many others to establish the proposition that the right to alter, amend, and repeal these charters carried with it a very large legislative control over the management of the income and general direction of the road, which places it within the competency of Congress to realize from the assets of these companies a fund to be lodged in the Treasury of the United States for the ultimate redemption of the bonds and interest; and in doing that, as the Senator from New Jersey has observed, the Congress of the United States has required, as I understand the Thurman act, that all of the assets and property of these respective companies of every kind and character shall be considered as virtually under mortgage for the purpose of raising such a sinking fund for the redemption of the bonds and the accruing interest, and that dividends are postponed entirely until this sinking fund is filled up, according to the provisions of that statute, so that the stockholders of these trunk-line companies can not get any dividends until those requirements have been fully complied with. That is what I understand to be the general effect and purpose of the Thurman act.

The proposed proviso here, which our Committee on Appropriations of the Senate have proposed to strike out in the bill as reported, goes upon the idea that Congress has an independent right, independent of any contract, to retain in the hands of the Government a sum of money to meet an indebtedness of the party to whom that money is payable under any and all circumstances; and very often we have exercised that right. Where money was coming to States that were indebted to the Federal Government on any account it has been withheld from payment by the Treasury of the United States until a recent period in conformity with law. The general proposition that the Government of the United States has the right to retain money that may come into its Treasury against a creditor whose debt is acknowledged, and to make a set-off of one sum against the other, I think nobody is prepared to deny.

That proposition, Mr. President, can not apply to these branch lines of road unless the branch lines and the trunk lines are the same, for when we make a contract, for instance, with a branch line for \$10,000 for the conveyance of munitions of war, and that service is performed, when the \$10,000 comes to be paid to the

branch lines if we assert by an act of Congress that that branch line is not another company, and we assert it incorrectly and untruly, we violate, I think, the Constitution of the United States, because then you take the property of one person to pay the debt of another. This proposition, therefore, in the bill can not be sustained upon that ground. Unless there is a legal identity between these various corporations it can not be sustained.

So far as the contract of the Union Pacific Railroad Company is concerned, that can not be extended so as to include the branch lines unless actual legal identity exists between the branch lines and the Union Pacific. I have an opinion that in the progress of building the branch lines of the Central Pacific Railroad the project of consolidation has been carried so far that it may have resulted, as to that line, in creating a legal identity between the branch lines and the Central Pacific Company. But that is not so as to the Union Pacific. There has been no consolidation of the branch lines with the Union Pacific.

There is no doubt that the Union Pacific was at a late date—what it may be to-day I do not know—the holder of a majority of the bonds of these various branch lines, taken aggregately or singly, and there is no doubt that the Union Pacific Company also owns a majority of the stock of the branch lines.

Mr. STEWART. This proviso does not withhold payment from the Central Pacific. It withholds from the Southern Pacific.

Mr. MORGAN. I know. It does that because the Southern Pacific absorbed the Central Pacific.

Mr. STEWART. The Southern Pacific simply leased it.

Mr. MORGAN. Absorbed it for ninety-nine years, and that is equivalent to a purchase.

The Union Pacific does hold a majority of the stock in each of these branch lines, and it does hold, or did hold, a majority of the bonds of each of these branch lines. What it has done with its bonds since the select committee of the Senate of which I am a member made the investigation and report here of course I do not know, but I infer from what the Senator from New Jersey says that certain gentlemen connected more or less remotely with these railways have assumed or paid a large amount of the floating indebtedness of these several branch lines; that the Union Pacific Company has consented that these branch corporations shall turn over these bonds into their hands to indemnify them against the money which they have in this way advanced to these branch lines. I do not know anything about that, although I can see that there is plenty of opportunity for any arrangement of that kind in the existing state of legislation upon this subject.

Before passing on to a further explanation of the real relation between the branch lines and the Union Pacific and the Central Pacific Railroad Companies, I wish to call the attention of the chairman of the committee to the language of this proviso to see if I understand it correctly, for I must confess that I read it with a good deal of uncertainty as to what it means. After enumerating the various descriptions of army transportation for which an appropriation is to be made, and then summing up the whole appropriation at \$2,850,000, for all the descriptions of service which is precedently described in that part of the bill, it goes on to provide further:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by the Union Pacific Railway Company, including the lines of the Oregon Short Line and Utah Northern Railway Company, or by the Southern Pacific Company over lines embraced in its Pacific system.

Now, suppose that the Secretary of War finds himself unable to use any of this \$2,850,000 for the purpose of paying the transportation upon these lines, the next question arises how are you going to get the transportation? Suppose these branch lines refuse to take it because there is no appropriation for payment to them, who can compel them to do it? What legal power has the Congress of the United States over these local corporations, chartered under the laws of States and Territories, to compel them to take the army transportation and carry it over their lines when we expressly say that no money that is paid under this bill for the purpose of army transportation shall be applied to them at all? It seems to me, if I understand the bill correctly, that that proviso would defeat the operation of the bill as to providing any service to the Government of the United States of the sort indicated under this head of army transportation, for, if we can not pay for it out of that fund, we have no other fund out of which to pay for it that I know of, and there is no general provision for paying for army transportation over any railroad in the United States.

The general provision is that you shall pay for army transportation so many millions of dollars. Of course, the Government selects the roads over which this transportation is to be carried and makes its contracts. When you come to the land subsidized roads and the bonded roads, as they are called, then you must

make certain allowances in favor of the Government out of the contract for the transportation according to the particular situation of the particular line of road. If it is a bonded road, if it is the Union or Central Pacific Railway, you take out 50 per cent, and you apply that 50 per cent, not by paying it into the Treasury of the United States, but you apply it to the interest on this bonded debt. It is a trust fund as soon as it is paid in for the purpose of extinguishing the bonded debt or the interest upon it, which we have guaranteed for these two particular railroads.

Here comes one of the nonbonded branches of the Union Pacific or the Central Pacific Railroad Company, and you ask it to carry your military transportation upon its line. Its managers say: "Here is an act of Congress by which you are expressly prohibited from paying any of this \$2,850,000 to us; you can not make a valid contract to pay any of that money to us; there is no other money to pay it, and we are simply excluded, and so you can not get the transportation." That is the way it strikes me, that according to the form of this bill and the proviso, it simply prohibits the United States from employing one of these nonbonded roads in the transportation of army material.

Mr. ALLISON. Unless they perform the service without compensation.

Mr. MORGAN. Of course that amounts to a prohibition, and in that view of the case, if there was nothing else presented, I should be compelled to vote with the committee for striking out that proviso.

But there is another reason which operates strongly upon my mind about this matter. If I have misconstrued the real meaning of this proviso, and if it is intended simply to bring the nonbonded branch lines within the purview and meaning and operation of the contract of the Union and Central Pacific Railroad Companies, so as to make the contract operative against them upon the ground that they really belong in equity and in fact to the Union and the Central Pacific Railroads, yet I could find, I think, some very important public reasons why that would be dangerous legislation.

Mr. STEWART. The Supreme Court says it would be unconstitutional.

Mr. MORGAN. It might in one sense, but I am not treating of that now; I am speaking of the policy of it. Every dollar of money that we impose upon any of these branch lines is going to be earned and paid by the lines, but it will be earned out of the people who live there, and be paid by them. The trouble about it is, that that money, when collected under this bill, goes into the general fund in the Treasury, instead of into the sinking fund of the Union and Central Pacific Railroad Companies. The object of the Thurman act was to carry all these earnings into that sinking fund or to pay them on the interest debt. They can not be carried there under the provisions of this bill, they can not be collected in the name of or on behalf of the Union and Central Pacific Railways. They are collected upon the idea that these branch railroads have come under an obligation to turn over to the United States one-half of the amount of all earnings for Government transportation.

Mr. STEWART. The whole.

Mr. MORGAN. One-half, I will say for the present purpose, of all the transportation over their lines, because they are identical with the Union and the Central Pacific Railroads.

So I should say, Mr. President, that aside from all difficulties of a legal or constitutional character connected with this proviso, it would be unwise legislation, and it really does not meet the purpose which I suppose actuated the House of Representatives in putting that feature in this bill. It does not transfer into the sinking fund of the Union and Central Pacific Railroad Companies, held in the Treasury, the amount of money which would be due to the United States under that contract, if the contract is obligatory upon them.

It is not an execution of the contract. The bill does not execute it. The Thurman act takes 50 per cent of the earnings of these railroads for transportation made on account of the United States and carries it into the sinking fund. This bill does not do that; it does not profess to do it; it makes no provision of that sort; it merely leaves the money in the Treasury by prohibiting the payment, we will say, of one-half; the Senator from Nevada says all.

Mr. STEWART. The original act of 1862 required that the entire earnings should be applied on the interest. The act of 1864 provided that one-half should be applied. Then the Thurman act provided that the half which was released should be retained and put in the sinking fund and 5 per cent of the net earnings also should be paid in under the original act. Congress said that that should go into the sinking fund and enough more to make 25 per cent of the net earnings. All this was to go into the sinking fund.

Mr. MORGAN. I understand that; but the point I was making is this, that the Thurman act looks to the proposition that we will take whatever amount of money might be due from the

United States to these railroads for transportation of any kind and carry one-half of it into a sinking fund.

Mr. STEWART. And the other half went on the interest under the original contract.

Mr. MORGAN. Very good; but this bill makes no provision of that kind. This bill merely prohibits paying any of such earnings to these companies. So it does not execute that contract, if you call it a contract, contained in the charters, but it comes down to the naked proposition whether we have the right to compel these branch lines to carry our transportation, withholding from them all pay for that service. Well, now, to just state that as a naked proposition, of course it appears a very unjust one, and I think it violates the Constitution of the United States, or at all events there is so much question about it that it is hardly a proper provision to go into an appropriation bill.

Mr. President, I regret very much that the House of Representatives have not put this matter into such shape as that we can pass this part of the bill with due respect to our own convictions about its constitutionality and the right of Congress to do such a thing as this, for I am anxious that legislation should be had to take hold of this subject, and in the direction which the House seems to be going upon this bill, and I believe that, unless we do legislate upon this case in regard to these railroads from the shoulder, we are ultimately going to be swamped in an enormous amount of debt, and this property will be frittered away by one contrivance and another, so that we shall never be able to get hold of it.

The Senate will remember that the Judiciary Committee of this body had the subject of the adjustment of the debt of the transcontinental Pacific Roads for several years under consideration, and reported two or three different bills, against which more or less objection was found; but in the objections which were found to these different propositions of legislation there was developed more and more clearly a knowledge of the actual rights of the United States against these railroads. Then, when the Judiciary Committee got into such a condition upon this measure as that they could not agree about any of these great leading features, they came into the Senate and asked to be relieved from the further consideration of the subject—rather a remarkable proceeding, but at the same time one which was entirely justified by a state of facts which nobody seemed to know how to remedy.

Thereupon it was proposed that a select committee of Senators should be appointed for the purpose of taking into consideration the condition of those two great trunk lines and all of their branches, and all their rights and property of every description, and their belongings, and the whole situation. That committee took into consideration a report made by commissioners whom Congress had sent over the lines of these railroads, and who made a most patient and exhaustive investigation into every fact connected with their condition. I do not suppose the history of any enterprise in the United States has been more thoroughly explored or more exactly stated as the history of the Union and Central Pacific Railways, with all of their branches, in reports made to the Congress of the United States by that commission, and in two subsequent reports made by the select committee of the Senate, and also in reports made by the committees of the House.

Every fact, I think, that any person could desire to know in respect to the exact situation of these railways has been ascertained, down to the date of the last report by the Senate committee; but the Senator from New Jersey informs me that since that time some other transactions of a very peculiar and extraordinary nature have taken place, which, according to the way he states them, are contrary to the Thurman act, violative of the acts of Congress, and ought to be abrogated, and those men ought to be dealt with who have thus undertaken to interfere with the assets of the Union Pacific Railroad Company.

Now, how to get at them is not agreed upon exactly. I call to mind, however, in that connection, the effort which was made by the Attorney-General of the United States, under instructions from Congress, to recover damages from those men who had speculated in an unworthy way, perhaps—I have not any doubt of it—through the *Crédit Mobilier* and other contrivances upon the assets and property of the Union Pacific Railroad Company, especially upon its stocks and bonds.

That suit was brought. Congress instructed that the United States should sue. Congress did not suppose or know that it had no right to control the corporation and compel it to bring a suit, and I suppose it did not, so the suit was brought in the name of the United States, and lingered along for some time in the courts.

Finally it was decided that the United States had not any standing in court to punish those men who had defrauded these corporations of their assets or had dealt falsely with the securities which we had indorsed and sent out, or made improper disposition of the telegraph line privileges, or the public lands, or anything else connected with their endowment by Congress.

That suit went on until the statute of limitations barred all remedy in the name of the corporation itself against these men for wrongs and outrages of so flagrant a character as to have attracted the attention of Congress and of the people at large, and about which, I think, there was a general belief that the men charged were guilty as charged.

Then the Congress of the United States found that it could not rectify that evil through the judicial tribunals of the United States, that it could not compel the company to bring such suits, that the companies held an independent attitude towards Congress so far as that matter was concerned, and had a right to collect a debt or not as it saw proper to do.

We then fell back upon the next remedy, and that was to appoint a commission to examine and report and recommend measures. They did so. Mr. Cleveland, who was then President of the United States, sent in that report with a somewhat eulogistic statement of its merits and a recommendation to the Congress of the United States that legislation should be had here of a character to avoid the taking into the control of the United States Government these railroads, and at the same time, by indulgence to the corporations themselves, to enable them to work out the debt, as is very often the case when there is a failing or bankrupt debtor, a man sometimes has to lend him money to enable him to carry on his business or collect his assets in order to pay at the end of a certain time. That was our situation.

Then came this committee of the Senate, and after they had reported a bill for a settlement with the Union Pacific Railroad Company the matter came up in the Senate, and the Central Pacific Railroad Company, as to which no report was made at that time, in 1888, objected on this floor to the consideration of any bill for the Union Pacific Railroad Company which did not also include the Central Pacific Railroad Company. They had reasons for desiring that there should be a conjoint action under a bill for the relief of both of those roads, and the reasons seemed to be very strong; at all events they were quite sufficient to absolutely defer any final action at that session of Congress upon the question.

A rather remarkable thing occurred in relation to that report. The House was Democratic and the Senate was Republican, and the House committee and the Senate committee were absolutely unanimous in their agreement upon that measure. There was not a dissenting voice in either committee in either House in opposition to the Union Pacific bill. That was a bill which provided for a settlement of this whole matter of the debt of the Union Pacific Company at the expiration of fifty years, the debt to carry 3 per cent interest, distributed, however, in unequal proportions along to meet certain contingencies which we feared might arise in the course of the administration of the railroad under such provisions.

The Senate then instructed the select committee to make a visit over these roads and examine them, and we did so, substituting two Senators for the committeemen who could not go. The examination was made thoroughly and completely so far as the Senate committee could possibly do it, with the assistance of experts in railroad matters, and with the examination of every man whom the committee could find who really knew anything about the roads in any particular. Every branch was examined, its relations to the trunk lines was examined, the amount of its stock, the cost of its construction, the cost of its equipment, the cost of its maintenance, its income, and every fact connected with every branch of each of these great trunk lines was examined into and reported here by this committee.

The report lies before me now. I do not propose to go into that report to-day. It is not necessary that I should do so, except very briefly, but from that report I extract facts which I have stated here. At the time that report was made the Union Pacific Railroad Company owned a majority of the stock in every one of these branch lines, and owned a majority of the bonds, not a very large majority of the bonds, but a much larger majority of the stock. The stocks had found their way out into private ownership disconnected from the great railway to some extent, but not to a very great extent. Practically the Union Pacific Railroad Company owned and managed every branch that ran to it, including the Oregon Short Line and all the rest, and that railroad company made a great deal of income out of these branch lines. They were a most admirable facility towards improving the property and resources of the Union Pacific Railroad so that it could ultimately pay its debts.

There is no complaint to be made against the Union Pacific that it branched out and covered a large area of territory with branch lines, which have been contributing in money quite a large sum, increasing the prosperity of the railroad company and increasing the value of its property and of its funds and its ultimate ability to pay the United States Government. That scheme has also had a very marked effect upon the population and development of the great Western country through which

these trunk lines pass, north and south of it. Perhaps there has been no parallel, in a country that is not more inviting than that, in the history of any country, to the increase of population and wealth of every sort out in that vast Western region, over which these branch lines were spread out from the trunk lines. To some extent that may be said, and to quite a large extent, in regard to the Central Pacific, but not quite so obvious or important as it is in regard to the Union Pacific.

I ask the Reporter to copy and insert here, from the report of the committee, on page 21, which I hold in my hand, a table which I will not detain the Senate by trying to read, which includes, however, every one of the branches of the Union Pacific and shows the actual mileage of each, how much of the funded debt was held by the Union Pacific Railway, and how much was held by the public at the time of the making of this report.

The table referred to is as follows:

Funded debt of branch line companies in the Union Pacific system, showing amounts held by the Union Pacific Railway Company and the public, respectively, September 30, 1889.

	Actual mileage.	Held by Union Pacific Railway Company.	Held by the public.
Cheyenne and Northern Railway Company	125.14	\$1,250,000.00	
Colorado Central Railroad Company	274.56	4,719,000.00	\$69,000.00
Denver and Boulder Valley Railway Company	26.97	550,000.00	
Denver and Middle Park Railroad Company	4.56		
Denver, Leadville and Gunnison Railway Company	324.03	2,285,000.00	
Denver, Marshall and Boulder Railway Company	30.03	226,000.00	
Echo and Park City Railway Company	30.10	480,000.00	
Georgetown, Breckenridge and Leadville Railway Company	8.47	127,000.00	
Greeley, Salt Lake, and Pacific Railway Company	62.53	937,000.00	
Junction City and Fort Kearney Railway Company	87.80	1,141,000.00	
Kansas Central Railroad Company	165.63	1,317,000.00	1,000.00
Laramie, North Park and Pacific Railway Company	13.19		
Omaha and Republican Valley Railway Company, 7 per cent		1,636,000.00	2,000.00
Omaha and Republican Valley Railway Company, 5 per cent	469.52	3,042,000.00	15,000.00
Omaha and Republican Valley Railway Company, extension		1,246,000.00	
Oregon Short Line and Utah Northern Railway Company	1,398.91		
Idaho Central Railway Company		94,000.00	51,000.00
Oregon Short Line Railway Company			14,931,000.00
Oregon Short Line and Utah Northern Railway Company, consols		1,062,700.00	
Utah and Northern Railway Company, 7		4,420,000.00	575,000.00
Utah and Northern Railway Company, 5 per cent consols			1,889,000.00
Utah and Northern Railway Company, equipment trust 5 per cent			284,000.00
Utah Central Railway Company, 6 per cent			1,070,000.00
Utah Southern Railroad Company			1,950,000.00
Utah Southern Railroad extension		982,000.00	982,000.00
Salina and Southwestern Railway Company	35.45	540,000.00	
Solomon Railroad Company	57.04	575,000.00	
Union Pacific, Lincoln and Colorado Railway Company	225.41	28,000.00	4,480,000.00
Total	3,339.45	26,717,700.00	26,215,000.00

Mr. MORGAN. I will state the figures here. At the time of the making of this report the funded debt of the branch lines of the Union Pacific Company, as they are called, amounted to \$26,717,700, held by the Union Pacific, and \$23,215,000 were held by other parties—"held by the public" is what the report says—whether held by private owners of the Union Pacific stock or not we could not ascertain—held by the public at large.

Of the capital stock of these branch roads on page 23 there is a table, as follows:

Capital stock of branch-line companies in the system, showing amounts owned by the Union Pacific Railway Company and the public respectively June 30, 1889.

	Actual mileage.	Capital stock.	
		Held by Union Pacific Railway Company.	Held by the public.
Cheyenne and Northern Railway Company	125.14	\$1,250,000.00	
Colorado Central Railroad Company	274.56	6,229,000.00	\$1,300.00
Denver and Boulder Valley Railway Company	26.97		

Capital stock of branch-line companies in the system, etc.—Continued.

	Actual mileage.	Capital stock.	
		Held by Union Pacific Railway Company.	Held by the public.
Denver and Middle Park Railroad Company	4.56	\$33,000.00	-----
Denver, Leadville and Gunnison Railway Company	324.03	3,000,000.00	-----
Denver, Marshall and Boulder Railway Company	30.03	1,000,000.00	-----
Echo and Park City Railway Company	30.10	480,000.00	-----
Georgetown, Breckenridge and Leadville Railway Company	8.47	205,500.00	-----
Greeley, Salt Lake and Pacific Railway Company	62.53	808,500.00	-----
Junction City and Fort Kearney Railway Company	87.80	764,000.00	\$292,100.00
Kansas Central Railroad Company	165.65	1,313,400.00	34,600.00
Laramie, North Park and Pacific Railroad Company	13.19	66,500.00	-----
Omaha and Republican Valley Railway Company	469.52	2,327,523.77	19,526.23
Oregon Short Line and Utah Northern Railway Company	1,398.91	16,253,300.33	8,535,739.00
Salina and Southwestern Railway Company	35.45	231,700.00	56,700.00
Solomon Railroad Company	57.04	1,000,500.00	108,350.00
Union Pacific, Lincoln and Colorado Railway Company	225.44	1,997,500.00	16,000.00
Total	3,339.45	37,000,424.10	9,064,315.23

Of course, the control through the stock was absolute in behalf of the road, and as far as these statistics go they show that the Union Pacific was the real equitable owner of every one of these branch lines, and our opinion, as expressed in this report, was that it was owning a very good property, it had made a wise provision for the securing of the branch lines, without which there would have been very little profit out of the Union Pacific Railroad, because the people of the United States have found out that a trunk line carrying only freight from the Pacific to the Atlantic Ocean is not a paying property. It requires the feed to be derived from the branch lines that come in, and from shorter hauls, to make any money with these great trunk lines.

Mr. CULLOM. Still, was it not true that many of these branch lines were entirely devoid of any profit, many of them hardly paying expenses, others going into the hands of creditors, and some of them not paying fixed charges? Is that not true?

Mr. MORGAN. There were only perhaps two cases where there were short lines driven out to meet expected developments in mining regions which failed because the mining prospects failed, but those lines were not very expensive.

Mr. ALLISON. They were all profitable to the main line.

Mr. MORGAN. They brought in their money.

Mr. CULLOM. I agree with the Senator that they helped to build up the trunk lines, but I thought they themselves were nonpaying.

Mr. MORGAN. As I remember now, there were only two instances of that kind, and they were short lines, not of very considerable moment, which had to be abandoned or virtually abandoned—I do not know that either one was actually abandoned—but virtually abandoned because the service upon those lines was infrequent and not remunerative. That is enough for me to say now about the situation of the Union Pacific as to branch lines.

The Central Pacific Railroad, as it now exists—

I read from the report of the Senator from Minnesota [Mr. DAVIS], who made the report of the committee upon that line. The chairman of the committee [Mr. FRYE] made the report upon the Union Pacific line—

The Central Pacific Railroad, as it now exists, embraces by consolidation a number of extensions and branches which are not, of course, included in the subsidized portion of the road.

The Senate will notice the language "embraced by consolidation."

Mr. STEWART. There are some roads about San Francisco consolidated, but then those roads were not consolidated. I have a list of them in the decision of the Court of Claims, about 1,700 miles.

Mr. MORGAN. The report continues:

These consolidations were made in 1870 and added to the system several railroads. The following statement of this consolidation and of the roads thus acquired is made in the report of the Pacific Railway Commission. (Page 66.)

There were at this time already in existence two railroads, known as the San Francisco and Alameda and the San Francisco and Oakland, which controlled valuable ferry privileges connecting Oakland and Alameda with the city of San Francisco. (See evidence of Cohen, volume 5, pages 2391, 2392.) Another line, known as the San Francisco Bay Company, was constructed for the purpose of effecting communication between Niles and Oakland. (See evidence of Cohen, volume 5, page 2395.)

At about this same period a project was formed for establishing communi-

cation between the Central Pacific and the State of Oregon. With this object in view, a company known as the California and Oregon Railroad Company was formed and commenced the construction of its railroad from Roseville to Coles, which is on the State boundary.

Another railroad was constructed for the purpose of effecting a connection between the Western Pacific and Goshen. This road begins at Lathrop, a point on the Western Pacific Railroad, and extends southerly to Goshen, a distance of 146 miles.

By a series of consolidations, all of the above-mentioned companies became integral parts of the Central Pacific Railroad Company.

The first consolidation took place between the San Francisco Bay Railroad Company and the Western Pacific Railroad Company, on the 28th day of October, 1869. (See volume 5, page 2407.)

The next consolidation was effected between the Central Pacific Railroad Company of California and the Western Pacific Railroad Company, including the San Francisco Bay Railroad Company, through the prior consolidation. This consolidation was effected on the 23d of June, 1870. (Volume 5, page 2407.)

The San Francisco and Oakland Railroad Company consolidated with the San Francisco and Alameda Railroad Company on the 28th of June, 1870, the name of the new company being the San Francisco, Oakland and Alameda Railroad Company. (See volume 5, page 2408.)

The final consolidation was effected between the Central Pacific Railroad Company, the California and Oregon Company, the San Francisco, Oakland and Alameda Railroad Company, and the San Joaquin Valley Railroad Company. This consolidation bears date the 20th day of August, 1870, and the corporation organized thereunder is the present Central Pacific Railroad Company. (See volume 5, page 2408.)

The portion of this railroad, in consideration of which the bonds of the United States were issued, is that which extends from Ogden to Sacramento, and thence to Niles and San José. No bonds were issued for the connecting railroads between Niles and Oakland, or on the California and Oregon Railroad, or on the San Joaquin Branch.

Then the quotation from the Pacific Railway Commission report goes on to give some particulars which will be found in the text that I wish inserted in my remarks:

Another statement of this consolidation is to be found on page 22 of the report of the Pacific Railway Commission, and is as follows:

"The Central Pacific Railroad, as it now exists, embraces by consolidation a number of extensions and branches which are not included in the subsidized portion of the road. These consolidations took place in 1870, and their effect was to add to the system the following railroads, which are not included in the line above described, from Ogden to San José:

"First. The railroad called the San Francisco, Oakland and Alameda Railroad, extending from Niles to Oakland, on the Bay of San Francisco, and opposite the city of San Francisco, a distance of 24.31 miles, with some additional extensions for the purpose of connecting with the ferries.

"Second. The California and Oregon Railroad, now extending from Roseville, Cal., to the boundary of the State of Oregon, a distance of 296.47 miles.

"Third. The San Joaquin Valley Railroad, extending from Lathrop southerly to Goshen, a distance of 146.06 miles (see volume 5, pages 2407 and 2408).

"The corporation formed by these consolidations is the present Central Pacific Railroad Company, comprising a total mileage of 1,357.29 miles, of which 860.77 miles are subsidized and 496.52 miles are unsubsidized. The subsidized portion of the road, it will be noticed, had no direct communication with San Francisco.

A further statement appears (pages 76, 77, Report Pacific Railway Commission) as follows, as to the consolidation between the San Francisco Bay Railroad and the Western Pacific Railroad, and their consolidation with the Central Pacific, and as to the consolidation of the San Francisco and Oakland Railroad Company (they being the product of a prior consolidation of the San Francisco and Oakland and the San Francisco and Alameda Railroad Company) with the Central Pacific:

"The San Francisco Bay Company was organized on the 25th of September, 1868, the principal stockholders being Stanford, Huntington, Hopkins, C. Crocker, and E. B. Crocker. Its object was the construction of a railroad, commencing at Goat Island, in the Bay of San Francisco, and connecting with the Western Pacific Railroad. Stanford was the president, E. B. Crocker the vice-president, Mark Hopkins the treasurer, E. H. Miller the secretary. These four gentlemen, together with Mr. Charles Crocker, constituted the board of directors. On the 21st of October, 1869, the board adopted a resolution that the said company pay to the Contract and Finance Company, for the work done and materials furnished in building its railroad, the sum of \$3,255,000, of which amount \$2,995,000 was to be paid in the capital stock of the company.

"The resolution further provided for a consolidation between the San Francisco Bay Railroad Company and the Western Pacific Railroad Company, on the basis of a total authorized capital stock of \$10,400,000; each stockholder in the constituent companies to receive such number of shares in the new company as should equal the number of shares held by them, respectively, in the constituent companies. The San Francisco Bay Railroad was about 260 miles in length. The Western Pacific Railroad Company, thus consolidated, represented 123 miles of railroad, from Sacramento to San José, and 240 miles of railroad of the San Francisco Bay Railroad Company—in all 149 miles of road. It was received into the Central Pacific Railroad subject to a bonded indebtedness of \$1,874,000, and with a capital stock of \$7,500,000, which was exchanged, dollar for dollar, for stock of the Central Pacific Railroad Company.

"The San Francisco and Oakland Railroad Company and the San Francisco and Alameda Railroad Company were short roads, built to connect with the ferries crossing the bay. There were consolidated on the 28th of June, 1870, the consolidated company being known as the San Francisco, Oakland, and Alameda Railroad Company. The stock of the new company was fixed at \$2,000,000. The ferry franchises owned by this corporation were exceedingly valuable, and, in the judgment of the Commission, its consolidation with the Central Pacific Railroad Company, which occurred on the 20th of August, 1870, on the basis of \$2,000,000 capital stock, which was exchanged for stock of the Central Pacific Railroad Company, was an advantage to the consolidated company."

That is enough to say about the situation of the Central Pacific. But after this union between the Central Pacific and the branches took place, it is a matter of no very considerable importance as to whether the Central Pacific owned a majority of the stock of these different companies or not. It has, I understand, a consolidation, which means an incorporation of the roads together.

The Central Pacific Railroad then went into the possession of a Kentucky company, called the Southern Pacific Railway Company, a company organized under the laws of Kentucky, which made a lease of the Central Pacific Railroad for ninety-nine years

upon certain conditions, which are expressed in the lease, which is in this report, and Senators can find it by looking it over if they have any curiosity to see what the precise terms of the lease were. This company took all of the income of the Central Pacific Railway Company and all of its branches for ninety-nine years, paying to that company a stipend, an annual rental proportioned to the amount of income to a certain degree, not to fall below a certain sum and not to rise above a certain sum, but within those two limits, to be graded according to the income of the system. That Central Pacific Railroad Company went on and added to its property some other extensions to the east, and, I believe, it finally terminates at Newport News, in Virginia, but the Congress of the United States have not any connection with that subject.

Whether Congress has a right to treat the Central Pacific Railroad Company and the Southern Pacific Railroad Company as being identical is a question which I admit is open to debate, but it is not a question upon which I think any man could express a very conclusive opinion, perhaps not an opinion sufficiently conclusive to enable him to legislate with a sense of absolute justice, in the regard proposed in this bill.

That, now, is the general situation as far as I choose to trace it in the remarks which I am making here to-day, and upon that general situation I do not find that the Congress of the United States would be justified in passing the proviso which is found in this bill either as to the Central or the Union Pacific, though I grant that there are stronger reasons for passing the bill in respect of the Central than of the Union Pacific, because there is a consolidation, to some extent at least, and through that consolidation there is a sort of legal union between the two which might justify us in saying that the branch lines thus consolidated of the Central Pacific became responsible for all the obligations and contracts of the Central Pacific Railroad.

While we have all the particular terms of the consolidation before us, which we did not have before the committee, I think we were entirely justified in assuming that, in consequence of that consolidation, the branch roads so consolidated became responsible for the contract of the trunk lines, of which they were made a part by consolidation, to the Government of the United States.

In 1890 the report from which I have been reading was made after this examination by the committee in person of every line and everything connected with it. The bill, which was then reported by the committee, included both railroads, and we virtually accepted the propositions of both companies, except that we modified the proposition of the Union Pacific Railroad considerably in view of the experience that the committee had in the matter upon further observation; but the report, in respect of these two bills, went upon this particular plan, this particular hypothesis, that what is termed the present value of these railroads respectively could be ascertained by actuaries on a basis of calculations that would cause a certain rate of interest and a certain distribution of payments to extinguish the debt by payments into the Treasury of the United States in the one case in seventy years, I believe was the last proposition, and in the other case, of the Central Pacific Railway, one hundred years; and the committee thought that it made no difference to the Government of the United States, as it was not now borrowing money, when it got its money back into the Treasury, if, when the final account came to be cast up, it could not be said that the Government of the United States had lost a penny.

That was the idea of the committee, and I think it was a correct one. So far as I am personally concerned, I had rather have this money brought back into the Treasury of the United States gradually in small installments, than to have it dumped in in one installment if these companies were able to pay it. I think it would be a very great temptation and really a very great danger to this country to have one hundred and thirteen or one hundred and twenty millions of money dumped into the Treasury of the United States at one time, now or any other day you may choose to name, for it would be a carcass around which the eagles would gather, and we should have more trouble, more demoralization, more derangement of our finances in the distribution of that money out through different schemes and jobs which would be claiming it, than we should have if we should lose the whole of it. It would be better to lose the whole probably than to have it brought in in that form.

So I concurred and joined very heartily with the committee in making the report for such indulgence of time as would save the railroad companies in the hands of their stockholders, without bringing them into absolute bankruptcy, and that we would extend the interest for such a period of time and at so low a rate as would remove from them the temptation of prowl upon the people, for, after all, in respect of every railroad in the United States, more definitely in respect to them perhaps than of any other class of corporations, not excepting the national

banks, the people of the United States of every class, kind, and condition must make their personal contribution to the support and earnings of dividends by these railroads. Everybody has to pay something to a railroad as everybody has to pay something to the post-office; and whatever course of policy will induce or compel the laying of a light hand upon the people, in respect to these demands upon their contributions, is a wise, a good, and a just course of policy.

I had in mind a plan by which I think it could be accomplished absolutely and with perfect certainty in its operation, but I was willing to accept this plan of the committee—and so was every member of the House committee and every member of the Senate committee in respect to the Union Pacific Railroad, and every member of the Senate committee in respect to the last bill, which brought the two railroads together in one bill, and there was only a slight opposition, I think, in the committee of the House to this bill reported by the Senator from Maine [Mr. FRYE]—for dealing with the two roads in one act of legislation.

But after that report was made and it was obvious that the force bill and the McKinley bill, and the like, were going to drive them off and we should get no legislation at all, persons in New York and thereabouts commenced speculating upon the Union Pacific road, and some men of notorious connection with this road heretofore in the times of the Credit Mobilier and a little later, against whom the people of the United States demanded action should be brought to see what they owed and what they defrauded the railroad out of, became again connected, by purchases in the stock market of New York, with this railroad corporation and commenced to control it.

What has taken place since that time this committee has no knowledge of except in a very general way. We have had no investigation, but, in my opinion, immense changes have been made. Immediately after this new move was made upon the stock of the Union Pacific Company and Jay Gould and Sidney Dillon and others became largely interested in it, they came before the Senate committee and claimed that in consequence of the competition of the road which runs from Denver to Salt Lake and eastward from Denver to Omaha, the Union Pacific could not possibly pay much more than fixed charges and current expenses, except it might keep up probably with the requirements of the sinking fund, it might put something in that.

That subject was discussed before us very briefly and at the same time with a great deal of force, a great deal of zest by the gentlemen concerned. Immediately I saw that the Union Pacific Railroad Company was getting into trouble. Disorganization seems to have occurred in regard to the personnel of the management of the road: men were removed and others were put in their places; why, nobody knew. It was perhaps not any of our business at that time to find out; but since that time the stocks and bonds of the Union Pacific Company have been the subject of marked speculation in Wall street, and I do not know but that the Senator from New Jersey is entirely right when he says an arrangement has been made by which the assets of the Union Pacific have been taken and put in pledge to persons who owned the stock of the road, because they advanced money for the payment of the current obligations. That may be all so. I believe it is, but I do not know it.

These gentlemen told us that they could not accept the proposition that Mr. Adams had been so careful to make to us and had advocated with such marked ability—he and Mr. Story, his legal adviser—a proposition which the gentlemen evidently acted upon as one entitled to the recognition of good conscience. We agreed to it and felt very happy over it, that we had found a solution which would practically be satisfactory to everybody concerned. Mr. Adams had the full confidence of that committee. But immediately after the Senate had refused to take up the bill here and pass upon it Mr. Adams was removed from the presidency of that road and another man came in and then the whole programme was changed. They said they could not do what Mr. Adams had promised to do, and would not undertake it. Thereupon Mr. Huntington became still more clamorous on behalf of his road for larger indulgences, and our brother STANFORD, of the Senate, was demanding a recoupment in the way of damages for losses that they had sustained in building it up. They must have been immense, considering how little he has now!

Mr. FRYE. If the Senator will allow me, I will state in justice to Mr. Huntington that he said to the committee, having agreed to do a certain thing while he was very desirous that something better should be offered by the committee, he would hold himself as bound by his agreement if the committee said so.

Mr. MORGAN. That is, provided we should also deal with the Union Pacific?

Mr. FRYE. Yes.

Mr. MORGAN. But then the Union Pacific had fallen back in the harness and would not move. We could not get them to move abreast. When the Union Pacific was ready to go ahead,

Mr. Huntington was not. He said he was not. He objected to the bill, and I think the Senator from Nevada objected to the bill here that we reported for the Union Pacific because Mr. Huntington was not included in it.

Mr. FRYE. That was the first report.

Mr. STEWART. He wanted to go on, and urged legislation.

Mr. MORGAN. Not at all; the Union Pacific bill he did not want unless his road was included, and when we did include it the Union Pacific was not ready to go ahead. It was a see-saw; they were never moving abreast.

Mr. FRYE. If the Senator will allow me, it was entirely the fault of Congress that a settlement was not made on the joint bill which was reported by the committee. A hearing could not be obtained before Congress on that bill, and if it had been obtained at that time the settlement would have been made, I have no doubt.

Mr. MORGAN. That may be. I am very sorry it could not be done if that would have been the result, for this question has got to be settled in some way. But now new men appear upon the theater with new ideas and new demands, and so I think it will be until past 1897, or up to a very close approach to that period, when a general plea of insolvency or bankruptcy will be entered here and it will be insisted that we shall compromise with these railroad companies by taking the principal of the debt and letting the interest go by the board.

Mr. CULLOM. If the Senator will allow me to interrupt him, I do not know whether this is quite applicable, but I find in the report of the minority member of the commission appointed by President Cleveland a summary of what he called branch lines of the Union Pacific Railroad which did not pay. I will not take time to read any of it but the headings. He says:

A study of the branch lines of the company reveals the following:
Six roads abandoned to creditors.

He then gives the names of those roads, and another heading is:

Eight roads that did not pay operating expenses in 1889.

And he gives the names of those. Then another heading is:

Ten roads that failed to pay fixed charges.

Then he gives the names of those. Then there is a list of "eight roads on which profit was made." I suppose those roads are involved in this controversy, more or less. I do not know whether they are or not.

Mr. MORGAN. No, they are not.

Mr. CULLOM. I thought I would call the attention of the Senator to that statement and see whether there was any explanation made of it. I confess I do not know.

Mr. MORGAN. Those roads had evidently disappeared. They had disappeared before the committee went out there to examine the subject, except perhaps two of them. I think there were only two when we were out there which were considered as being a sort of encumbrance upon the trunk line. Am I not correct about that, I ask the Senator from Maine?

Mr. FRYE. Of course this was a long while ago that we investigated it, but my recollection is that there were three or four roads that did not pay as roads by themselves, but owing to their position as feeders to the Union Pacific and Central Pacific they did pay those roads.

Mr. DAWES. Indirectly?

Mr. FRYE. Indirectly they paid those roads, while they did not pay themselves. They received only a certain proportion of the net earnings. The Union Pacific, if it was one of their roads, received a certain proportion, and that proportion received by the Union Pacific was clear gain to the Union Pacific. It was the opinion of the committee that, I think, all of these roads were profitable roads to the Union Pacific, and hence profitable to the Government of the United States.

Mr. MORGAN. That is right. That was the conclusion.

Mr. CULLOM. They were purchased or built, I understand, for the purpose of strengthening the business of the trunk lines.

Mr. FRYE. Of the trunk lines.

Mr. CULLOM. Yet a large number of them seem to have been unable to sustain themselves.

Mr. FRYE. There were two or three very noticeable failures that the Union Pacific gave up and let go.

Mr. MORGAN. Those failures were due to the fact I have adverted to already, that mines were supposed to be discovered that were valuable, and they attracted travel in that direction. The railroads would send out spurs or branches to these mines or in the direction of them in the hope of getting traffic. Then the mines would be abandoned, and the railroad would go by the board. There is no agriculture around there.

Now, Mr. President, the Senator from Maine says that the Congress of the United States is to be blamed for not having settled this question in the last Congress, and I agree with him. At the same time, the gentlemen who brought questions forward which supplanted this very important proposition and drove it

out of the Senate Chamber and out of the other House, too, are perhaps more to blame than others for that result.

We find, however, another thing that is preventing Congress from acting. Here we have progressed fully one-half, or it may be two-thirds, in the depths of this session and we have taken no action upon this case at all. There has not been a meeting of this committee. I know the chairman of the committee would would have called us together if he had had the slightest hope of any result of legislation from this body or from the other House during the present session. He saw at once that it could not be done, and therefore he has not done it. The reason why it could not be done is the same reason that applies to many other things that we have to consider here in treating of measures and deferring measures.

A Presidential election is coming on, and neither side, it is apparent, wants to take the responsibility of handling these great railroad corporations in the way that they deserve to be handled. The committee was thoroughly convinced—and we are convinced, I have no doubt, to-day—of the absolute ability of the Union Pacific Railroad to pay its debt in fifty years without the loss of a shilling to the United States. I do not believe that a better security has been offered for a railroad in the history of the United States than that which was proposed by the Union Pacific committee and reported to this body by the select committee and ratified by that company.

Mr. PLATT. I was upon the Committee on the Pacific Railroads—

The PRESIDING OFFICER (Mr. BATE in the chair). The Senator from Connecticut will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business. It will be stated.

The CHIEF CLERK. A resolution by Mr. JONES of Arkansas, relative to the President's message of February 18, 1892.

Mr. STEWART. I hope the unfinished business may be laid aside temporarily, not to lose its place.

The PRESIDING OFFICER. It will be done, in the absence of objection.

Mr. PLATT. I want to say that although not now on that committee, I was at the time the report was made, and I was entirely satisfied at that time that the Union Pacific Railroad were from appearances and conditions then able to carry out the settlement which was proposed; but although not on the committee I have some doubt about whether they are able now to carry out the proposed plan.

Mr. MORGAN. I have a little doubt about that myself, that they are now able to carry out the proposed plan, but I think it has been because of the butchery of the road since new men came in there. Whether they wanted to butcher it in order to finally capture it I do not know, but they are very skillful people. I do not see any falling away in the general prosperity of that region of the world. There is an increase of prosperity, an increase of industries, an increase in the yield of crops, mines, and everything else, and I see no reason why the Union Pacific under such management as Mr. Adams gave to it would not be perfectly solvent and able to pay out all its obligations to the United States Government. I believe it would be entirely able to pay all its debts in full and keep all of its property.

Mr. President, that brings me to a matter that I wish to state my opinion upon, for which nobody is responsible but myself. I have conversed with some friends about it, but I have not attempted to extract any opinions from them at all. My belief is, that when we come to the time when we are forced to settle with these railroads we shall find ourselves in a condition where we shall be compelled to make a compromise with them, at least, upon the terms of the payment of the original amount of money loaned by us, without interest—less than one-half of what is actually due to us.

More than likely we shall have to take these railroads into court and have a receiver appointed, if we allow the laws to stand just as they are, and have a marshaling of assets as between the prior creditors and the deferred creditors; and we shall have to devise some scheme, which I suppose will result in an appropriation of money enough out of the Treasury of the United States to pay off what is now, but was not originally, the antecedent mortgages, which amount to the same sum exactly as the whole debt, without interest, of the Union and Central Pacific Railroads, guaranteed by the United States. In the mean time these railroads will be worked for private advantage, as they are every day, in the stock markets of the United States, and we can not control that.

We have not any more power to-day over the Union and Central Pacific Railroads, in consequence of the fact that we have two Government directors there, than if we did not have any directors at all. They do with this road just as they please, and if they make a *pro forma* compliance with the requirements of the Thurman act, that is as far as they go. But that fund is

yielding nothing of any consequence to the ultimate redemption of these bonds and interest.

Mr. FRYE. The Thurman act was an utter failure.

Mr. MORGAN. I should say it was an utter failure. Probably it has made seven or eight hundred thousand dollars out of the whole fund that has been intrusted to the keeping of the Secretary of the Treasury; but you might call it in that sense an utter failure, because the amount of money that was put in there ought to have yielded by this time, on compounded loans or interest, a very large sum.

Mr. CHANDLER. If the Senator will allow me, I understood him to make a suggestion that it might be necessary for the Government to put these roads into the hands of a receiver.

Mr. MORGAN. As the law is now; but not as I would make it if I could gain the support of the Houses of Congress.

Mr. CHANDLER. I ask the Senator if the Government claim is not a second-mortgage claim?

Mr. MORGAN. Yes.

Mr. CHANDLER. What, then, would be the condition of the United States in putting these roads into the hands of a receiver, the Government being in the position of second mortgage? Would it not virtually compel the Government to assume the first-mortgage debt?

Mr. MORGAN. I think it would. That is what I think would be the result of it all if we let it go along just as it is. I do not see how we are going to escape it.

Mr. FRYE. How can it do anything without assuming the first-mortgage debt?

Mr. MORGAN. It can not do anything the way the thing is now going without assuming the first-mortgage debt, because that stands in the front of the rights of the United States. We have got to pay that off anyway before we can realize anything whatever out of the assets of the company on which we have any lien.

Mr. CHANDLER. Would any wise creditor under such circumstances, holding a second mortgage, think of pushing the debtor's property into the hands of a receiver with a large first mortgage staring the creditor in the face all the time?

Mr. MORGAN. If the man had money enough to control the first mortgage without sustaining any particular damage he might be willing to do that and take the chances of a better outcome. If a creditor were rich enough he could pay off the first mortgage and become subrogated to that lien, with all of its advantages. It might be a fine speculation.

Mr. CHANDLER. Yes, if willing to pay the first mortgage. That first mortgage of these roads amounts to about how much?

Mr. FRYE. To about the same as our debt.

Mr. CHANDLER. Fifty or sixty million dollars, the principal?

Mr. MORGAN. The same number of dollars as the debt. I am stating, upon the existing condition of affairs as fixed now by the law of the land, what must be the future condition of this property and these railroads. The United States Government, by a simple act of amendment of the charter of these two railroad companies which need not be more than ten lines of legislation, can manage this whole matter with perfect justice to itself, to the bondholders, the stockholders, and the people, and we ought to do it.

Why do we want two directors in the board of directors of these companies, which shall not be less than fifteen, with any upward limit at all? What were these two directors of the United States to do there? Were they put there as spies to look on and see what the conduct of the company might be? They must have been intended to fulfill that delicate office and no other, because they had not any voice that was sufficient to make any impression upon the management or destiny of these companies.

We wanted those directors there because we wanted to reserve to the Government of the United States a voice in the directory. Now, the question arises, how great a voice in the directory ought we to have? I am convinced that we ought to have ten out of the fifteen directors, and that the act ought to be so amended as to give us ten out of the fifteen directors, and those ten directors to be chosen ought to be ten of the best men who can be found in the United States, the highest in character and reputation, the wisest in their experiences, and greatest in their practical ability.

I would have the President, with the advice and consent of the Senate, appoint those ten directors, and I would give them \$10,000 salary a year, and pay them out of the treasury of the company. Besides that I would pay their traveling expenses. Then I would enact that they should not be bondholders or stockholders in any railroad whatsoever, or in any canal, or in any telephone or telegraph company; that they should be men who would be entirely free from corporate influence. Then I would have the ten divided equally between the two great leading parties of the United States so as to make the board nonpolitical.

Then I would say to these men: "You are the directors of this railroad. Take care of it for the benefit of the stockholders, for the benefit of the creditors—the United States being one—for the benefit of the people. See that justice is done in all of its operations. Take care of it and promote its interests so that it will become day by day or year by year a better property. See that it is faithfully and honestly administered."

If your railroad corporation commits a trespass or inflicts an injury upon anybody upon which an action of tort could be sustained, it is not the Government of the United States that is liable; it is the railroad company under this body of directors, and the Government is no more responsible with ten directors in the board for the acts of this corporation than it is with two. So there is no direct responsibility between the Government of the United States and any person who may be affected in any way whatsoever by the management of the corporation under the ten directors I propose.

Now, what would be the result? I would enable those directors to go on and make any deal or transaction that would be beneficial to the companies, either in the way of postponing by agreement or buying up the antecedent liens, or in getting rid of the embarrassment of debts in any fair way, or by leasing or selling the property to any companies that might be able to buy it; but not one of such contracts relating to the disposal of the property and property rights of this railroad of the character to which I refer should become binding until Congress had passed upon it. I would provide that they should report to Congress every change that they propose to make, and with these restrictions I would give them *carte blanche* to deal with these railroads.

Under such a plan you would have all the benefit of a receiver or receivers under your direction as much as the receiver of a court would be, without responsibility, and the character of the men and the control that Congress would exercise over them for the benefit of the people at large would prevent them from doing anything to the injury of the people at large or to the injury of the corporation or its property, or to the injury of the United States or any creditor. If we are to be forced to buy these roads or else to have a court to put them in the control of receivers, let us make Government directors our receivers and direct them and govern them and protect them by acts of Congress.

These great trunk lines are held by the Supreme Court to be agencies of the Government of the United States—Government instrumentalities—and we can not abdicate our control of them into the hands of a court or its receiver. Without the consent of Congress no creditor of these roads can foreclose a mortgage upon these railroads. Such a suit would be against the United States as a necessary party, because these railroads are instrumentalities of Government.

I believe, Mr. President, if the Congress of the United States had the courage to-day simply to amend that charter and to appoint ten directors out of the fifteen, as it has a perfect right to do, in that board and give them such general instructions by resolution as might be considered necessary, we would compass the settlement of this whole business, save the property for the stockholders who would commence realizing dividends; we would lift burdens off the people, and we would increase the prosperity of the Pacific coast and all the country lying between here and there immediately. It is easy to do. But if you wait until Mr. Huntington and Mr. Jay Gould get ready to deal with you they will only be ready to begin when your property has shrunk so that it is hardly worth taking up and nobody else will have it but them. That will be the situation; and right into that gulf we are now driving, without other hope of deliverance.

We found it impossible in the last Congress, because of the force bill and the tariff bill, to gain any consideration for a measure that the committees had agreed upon, which was just in itself and would have settled this question, and now at this Congress we find it impossible even to get a committee meeting upon it, because there is a Presidential election coming on. When are we going to settle it and who is going to settle it? Who is going to take the responsibility of the settlement? This settlement is a matter that ought to be the subject of negotiations during the five years to come before the entire debt will mature, and men ought to be empowered under our control to go forward and handle this property in such a way as that the settlement when it was made should be satisfactory to all concerned.

To that full extent, Mr. President, I am in favor of the Government of the United States taking control of these railroads. More than that, I would not have this money to come back into the Treasury of the United States just now. I do not care how long it remains out, provided that while it is out it is accomplishing the same sort of work that it is doing now and has done heretofore. The one hundred and ten or one hundred and fifteen or one hundred and twenty million dollars that are now represented by that loan and the interest upon it have done for the United States Government more to improve the country than any one

hundred and fifteen or one hundred and twenty million dollars ever spent under the laws of this country; and the Congress of the United States would not for \$300,000,000 give up these railroad lines connecting the Atlantic with the Pacific. Whether the laws under which these constructions were made were wise or unwise, at the time, or appeared to be so, whether just or unjust, constitutional or unconstitutional, Democratic or Republican, yet that money went out and found its way into these railroads and did for this country a work that \$113,000,000, that sum of money three times multiplied, can ever do for it again.

Mr. President, as that money is out of the Treasury the question is when shall it come back? That is not a Democratic question. It is not a Republican question. It is a question simply of policy. Shall we call it in before it has done any more work? I say that inasmuch as it is out of the Treasury, if we can secure it under proper conditions, and if at the proper time we can employ it as a fund for doing that which the Democrats and Republicans in this Chamber can not but agree to have done, and which is of the utmost importance to this country, such as digging a canal around from Buffalo to Lake Ontario, on American soil, we will thereby settle a national question of the highest importance.

As the money is out, is not in the Treasury, and as the people are not to be taxed to raise it, as all that is required of us is that we shall have a proper system for the collection of it, why not put it to use and make it build that work before it gets back into the Treasury, or make it build some other work, like the Nicaragua canal, if you please, before it gets back into the Treasury? It has done vast good for this country, and can do a great deal more. It is a fund to be relied upon, a fund about the use of which there can scarcely be a dispute upon Democratic or Republican grounds, upon constitutional grounds or any other.

It is a tool of work lying there ready to be handled by the people and Government of the United States for great and beneficial public purposes; and I would very much rather, when it is collected together or is being collected together, that it was put to work in some other great national enterprise, than that it should be covered into the Treasury, for we do not need it there. It is very true that just at this moment of time the Republican party have run us down to a very low ebb, and there appears to be a good deal of doubt about whether we can pay our bills. There is a great deal of juggling about it, but that will grow better. Our country is advancing; it is growing in prosperity all the time. We can overcome almost any difficulty in the condition of the Treasury, simply by the strength of our natural growth.

So we are in no danger about that, and we need not bring this money back into the Treasury just now, like we did the sixty odd million dollars of bank reserves in the McKinley bill for the purpose of bridging over troubles in the Treasury and getting more money to spend. We need not do that. There is no occasion for it. Let us leave it out as an improvement fund, and as we draw it in let us find some great national purpose, to which we can apply it in this country, that we all want to accomplish, and about which we would have constitutional doubts and qualms, perhaps, if the question was one of the first intention of appropriating the money out of the Treasury to be raised by taxing the people. It is a fund like that arising from the public lands. It is a fund of the sort we have got the right to resort to. It is outstanding, and let us use it while it is there.

But, Mr. President, we will not have this question settled by any bargain that Congress can make. If we now propose to have a legislative agreement between Mr. Gould and Mr. Huntington and Mr. Sidney Dillon, and so and so, whoever may be interested in the stocks and bonds of this company, we will not reach a conclusion. We have tried it long enough, and I shall introduce a bill in the Senate when I get an opportunity to do so, for the purpose of taking the practical control of both of these railroads out of the hands of the corporations, to the extent of appointing a Government directory to go there and take them and work them, so as to devote their earnings, under good and just management, to the payment of their debts and the improvement of the railroads.

Mr. President, this is very much more than I intended to say at the outset about this matter, but I think it is all germane to the proposed amendment to the bill.

Mr. WOLCOTT. Mr. President, I have but a word to say, and that in supplement to the first portion of the remarks of the Senator from Alabama [Mr. MORGAN].

Reference has been made to the Fort Worth, Denver and Union Pacific road, now operated by the Union Pacific Company. That road was formed by the consolidation of three separate organizations, two in Texas and one in Colorado. The original road in Colorado was the Denver and New Orleans, running from Denver to Pueblo. It met reverses, and was reorganized as the Denver, Texas and Gulf. Then that road, incorporating with

the Fort Worth and Denver and the Denver and Fort Worth, I think, two other roads, came together as one organization.

It was a great and an important feeder for Colorado and for Texas. It was a medium whereby the great lumber interests of Oregon were made to serve the section of the country through which it passed, and was also a channel whereby the cattle from the South were brought to the North. Its earnings were slight. They are now small. Standing by itself it was hardly able to support itself. The Union Pacific road looking it over found that it could assist that enterprise and that in turn the enterprise would be a valuable feeder for it. The stockholders of the Fort Worth road are many in number. One portion of it was built by Colorado people. Its stock and its bonds are largely held there. The Union Pacific has a certain interest in its stock and bonds, but the holding of the stock of the company, now leased to the Union Pacific Company, is large and extended.

The Senator from Illinois [Mr. PALMER] suggested that there was some secrecy about the leases or contracts whereby these different companies did business. It is a great mistake, Mr. President. There is no secrecy. Everybody knows what that lease is. If I had half an hour I could ascertain its terms. The matter has been published and circulated, and there are thousands of people who know the exact condition of the lease. But they have no more to do with the main line of the Union Pacific Railroad than they have with an English railway in India—not a bit. The terms and conditions of this lease are based upon a proportion of the earnings of the road which are to go to the stockholders of the Fort Worth Company. I have no doubt in the world that if the Union Pacific Company as lessee of the Fort Worth Company should carry the troops of the United States over that leased line and the Government of the United States should then lay its hands upon the money which was coming to it for that purpose and should apply it to the debt due to the Union Pacific Company, the stockholders of the Fort Worth Company could sue the Union Pacific and get a judgment for the amount of money so earned in carrying the troops and munitions of war over its line of road. There is no doubt of it.

It is no defense to a lessee company which agrees to pay a certain rental that some measure is applied in taking those earnings so that a judgment can not be had for it. I can imagine no more inequitable and brutal and unjust attempt to injure and cripple enterprises which are building up the Western section of the country than such a probably unconstitutional attempt on the part of the Senate to say to a road which is in no way whatever concerned with the relations between the Union Pacific Company and the Government, whatever you may earn, because you are operated by the Union Pacific, shall be applied to the debt due another company.

The Senator from New Jersey [Mr. McPHERSON] in the few remarks he made, addressing himself to the Senator from Alabama, suggested that there had been some enormous robbery or steal by the Union Pacific Company of late days and by some method, illegitimate and wicked, some floating debt had been created. I think it is a mistake to treat the Union Pacific Company or any other railroad company as a public enemy. I do not know the exact facts as to the accumulation of this debt. I believe that it arose by reason of some purchases and some extensions in Oregon. Legitimately and properly bonds were to be issued to pay for these improvements and extensions and benefits, all of which were a material help to the Union Pacific Company proper, and all of which added to the value of the property upon which the Government had its lien.

But bad times came. The bonds could not be placed, and this floating debt stood as a menace to the property of the company. In order to raise money to tide itself over it was compelled to use in the markets of New York not only the securities which it had to offer but such other securities as by its own wise and careful management it had in its treasury to apply for purposes of this loan, and those are the securities which are now held in New York, not by stockholders of the company necessarily, but by the general public. There are thousands and tens of thousands of people who at the price quoted in New York have purchased these securities. I understand that there has been no scheme, no wickedness in connection with the transaction.

The Union Pacific Company in the past must be blamed for very great and wicked management. Its policy now towards certain of the manufacturing centers of the West, towards certain cities of the West, is to my mind unfair and unjust, but is largely brought about by the inequalities of the interstate commerce law. But whatever condition the Union Pacific Company may be in to-day has been accompanied by the utmost integrity of its management.

That company is now in deep water. Whether it will pull out of its troubles I do not know, but I do know that a receivership and a foreclosure of that vast corporation would be the most deplorable thing that could happen to the Northwest. So far as

I am concerned I am unwilling to add by my vote to the burdens of that company, and to say in the most unjust and to my mind unconstitutional fashion, "the companies which you operate under lease, with which the public is interested, where you have as shareholders men who have no connection whatever with your property, shall be taken from you and made to apply upon a debt which you will in time owe to the Government of the United States."

Mr. McPHERSON. Mr. President, a single word with respect to the criticism of the Senator from Colorado [Mr. Wolcott] upon some remarks of mine this morning.

I did state, and I stated upon what I thought excellent authority, to wit, the authority of the Railroad Commissioner, who I presume has full knowledge of the facts, there had been a floating debt of the Union Pacific Railroad Company which had been guaranteed to be paid by a certain syndicate in New York, and in order to secure that syndicate it had turned over the property and assets in the treasury of the Union Pacific Railroad, consisting of bonds and stock upon these branch lines of road of which they are virtually the owners, to this syndicate to secure the debt. If I understand correctly, the amount there was about \$18,000,000 of floating debt.

First, it is proper for us to consider exactly how that floating debt was made; whether it is legal and proper under the Thurman act.

I turn to the report of the commissioners appointed under the late Administration of Mr. Cleveland, who were authorized and instructed by act of Congress to investigate all these matters relating to these railroad corporations and report the result of their investigation to Congress. I do not wish to go into any lengthy discussion of this question, but I will only cite two or three cases which I think will give the Senate a fair idea of how this floating debt was made up; and then it will be for the Senate to decide whether a debt so constituted, in violation of the acts of Congress, can now be brought in and given a prior importance over even the first-mortgage bonds of the road.

That is what it virtually would amount to. If there is any deficiency after the sale of the security, I think, under the decisions of all our courts, it has been held, when money has been expended through receiverships or otherwise for labor, equipment, and things of that kind in the operating expenses of a railroad, it even supersedes all the bonded obligations of the line. I think that is a well-established principle of law.

Now, Mr. President, we turn to page 163 of this report, made by a railroad commissioner, in order that we may ascertain exactly how at least a portion of this deficiency or floating debt which this syndicate has assumed was made up. From the minority report of the commission:

In 1882 and 1884, without leave of Congress, the Union Pacific guaranteed the faithful performance by the Oregon Short Line of its contract and lease of the Oregon Railway and Navigation Company, and guaranteed the payment of interest on the bonds of the Oregon Short Line to the amount of over \$14,000,000, at a large annual loss, which was borne by the Union Pacific.

The Union Pacific guaranteed, without leave of Congress, the interest on the bonds of the St. Joseph and Grand Island Railroad, amounting to \$6,961,912.22.

At various times since the passage of the act of 1873—

It means the act of 1878—

the Union Pacific has obligated itself to advance moneys toward the building of other railroads and has expended over \$38,000,000 in such construction.

Meaning the branch lines. It can mean nothing else.

It has lent its credit to various corporations for the purpose of evading the requirements of the act of 1873.

As printed; intended to be 1878—

which prohibited any pledge of its property or future earnings. It has created new corporations, in which it was the only stockholder, and through these new corporations it has done, by indirection, what it was prohibited by act of Congress from doing—paying out about \$1,500,000 a year to make up deficiencies in the fixed charges of some of these auxiliary corporations.

And so on.

Mr. MITCHELL. Is the Senator reading from the report of the Commission or from the minority report?

Mr. McPHERSON. I am reading from the report of one of the members of the Commission.

Mr. FRYE. The minority?

Mr. MITCHELL. The minority report, made by Governor Pattison.

Mr. McPHERSON. Very well; what criticism has the Senator to make with respect to that report?

Mr. MITCHELL. None whatever. I simply desired to know whether the Senator was reading from the majority or the minority report.

Mr. McPHERSON. I think I have never read in public a word from the majority report, and I should be ashamed to do it.

Mr. MITCHELL. I do not know about that. My only object in inquiring was simply for my own information to ascertain whether it was from the majority or minority report that the Senator was reading.

Mr. McPHERSON. What I wish to say is that in my judgment from all the investigations that I have ever made of this case from reports, comparing the report of the majority of this board with all former reports made, comparing it with all the knowledge that the Senate and Congress have ever had upon this subject, whether it may be creditable or discreditable to the administration of Mr. Cleveland, it was the most strange and extraordinary effort that I have ever yet seen of how not to do it.

Mr. MITCHELL. I am not criticising any portion of the report, so far as I am concerned. I only wanted to know the fact.

Mr. McPHERSON. Very well; I read from the report of Mr. Pattison, one of the members of the commission on the Pacific railroads, and I think the president or chairman of the board.

Mr. Pattison does not state an untruth with respect to the practices of these companies, with respect to the alienation of the moneys, the credits, the income, the assets in possession of the company, because if they had never been in the possession of the company they could not have been expended by the company for the purposes and objects here named. These assets and incomes have been converted into what? Into new railroad lines and new securities. The new securities are now where? In the hands of a syndicate in the city of New York, who have taken upon themselves the responsibility of guaranteeing the floating debt made up from these deficiencies.

Mr. FRYE. Mr. President, will the Senator allow me?

Mr. McPHERSON. Certainly.

Mr. FRYE. The minority member of that commission does not state what is a fact, that the possession of the Oregon Short Line and the Oregon Navigation Company were an absolute necessity to the successful life of the Union Pacific Railroad, and that without them the Government of the United States would be utterly hopeless in its endeavor to recover from the Union Pacific Railroad. It does not state these facts. He simply states in his report everything that he could find and everything that his imagination could suggest against the two railroad corporations. The Senator said he had never read, and thanked fortune he had not, a word of the majority report.

Mr. McPHERSON. In public.

Mr. FRYE. In public. I ask him if he has read the majority report in private.

Mr. McPHERSON. I have read it several times. I have studied it over from beginning to end.

Mr. FRYE. Does the Senator know the recent transaction by which some of the securities were taken in order to protect a syndicate for an advance of a large sum of money to pay certain debts of the Union Pacific Railroad? It is a recent transaction. Does the Senator know from the parties to that transaction or from anybody what that debt was and how it was made up?

Mr. McPHERSON. Well, it is only called a floating debt of the road.

Mr. FRYE. Does the Senator know whether part of it came from the absolute necessity of a very large increase in the rolling stock to do the business which was pouring in upon the road from the increased crop of a year ago?

Mr. McPHERSON. If the Senator will take the annual receipts and expenditures of the Union Pacific Railroad for the ordinary running expenses and for any betterment he will find that this sum of eighteen or twenty million dollars never could have been made up from any such deficiency whatever.

Mr. FRYE. I was asking the Senator if he has any knowledge in relation to it at all?

Mr. McPHERSON. I have only this knowledge about it. The fact is notorious. The newspapers of New York have been full of it during the entire summer. The thing was discussed there pro and con. The fact was made plain and apparent to every man who would read the newspapers that there was a debt of eighteen or twenty million dollars; that a syndicate of New York bankers had undertaken to take care of this debt; and that they had been secured by the securities then in the treasury of the Union Pacific Railroad Company.

I have undertaken from this report to show first how this deficiency originated and what made the floating debt. Now, then, the securities are no longer in the possession of the Union Pacific Railroad, but in case of the failure of the Union Pacific Company to pay this debt of eighteen or twenty million dollars on the maturity of the obligation which has been given, then these securities unquestionably, according to Wall street practices, become the property of the syndicate.

As to the effect of this whole matter, if I understand the meaning of certain statements that I heard yesterday that these assets were now the property of individuals—in other words, in the claim made by me, that inasmuch as the Union Pacific and Central Pacific railroads were the owners of these branch lines the same rule should apply to the parent line and the branch roads alike. I have somewhere heard it stated that these securities were held not by the Union Pacific and Central Pacific Railroads but by

the public. If this syndicate shall be taken and accepted as a public ownership in these securities, under the circumstances stated, then that view is correct, but not otherwise.

There is a very large sum of these branch-line securities which in the report made by the Senator from Maine are given an extraordinary value. To a friend of these railroad companies desiring that this new adjustment should be made, that a new subsidy bill should be passed by Congress, I can see a reason in attempting to make it appear that these securities are of great value and are an additional security to the Government debt. But, however, the syndicate have them.

If this floating debt of eighteen or twenty million dollars has arisen by reason of a deficiency in the running account of the Union Pacific Railroad, then the natural effect of it is that these people are at perfect liberty under the decisions of our courts to sell out this entire railroad property, if they can not get any more out of it than \$20,000,000, and to force the sale at any time.

Now, Mr. President, that is all I want to say. I may add by way of context, however, that it seems impossible to procure any kind of adjustment of these matters or, at the present time, any kind of legislation which will compel these companies to do exact justice.

Perhaps, while upon my feet, I may as well reply to the point raised by the Senator from Maine [Mr. FRYE], in which he took the ground that if the Union Pacific Railroad Company had not leased or purchased the Oregon Short Line, giving them a route to the Pacific Ocean, the Government could never have collected any part of its debt against the Union Pacific Railroad. In other words, the Union Pacific, without the Oregon Short Line, was a road starting from the Missouri River and running into the wilderness, having no connection and no terminal point. By connecting with that line the Oregon Short Line, it is said, reaches the Pacific Ocean.

Now, what was the original intention of Congress? The original idea of Congress when this legislation was passed was that these large grants of land, of credit, and of money were given to these two corporations—the Union and Central Pacific roads—in order that a continuous line of railroad should be made between the Missouri River and the Pacific Ocean. Why, then, does the Senator from Maine say that there was no westerly route from Ogden for the Union Pacific Railroad to reach the Pacific Ocean except by the leasing of the Oregon Short Line? Why did not Congress, by legislation, compel the Central Pacific Railroad to keep up its connection with the Union Pacific, and to give and receive freights and passengers from one line to the other as it was intended by every act of Congress?

Mr. MITCHELL. May I ask the Senator from New Jersey a question?

Mr. McPHERSON. Certainly.

Mr. MITCHELL. I am bothered about it myself a little. Suppose this amendment of the committee should be voted down and the provision of the House should stand, who is going to determine in withholding this money, or in paying it out, as the case may be, what particular lines are embraced in the Southern Pacific system?

What kind of legislation is this? Is it now determined, is there any record that defines what particular lines constitute the Pacific system of the Central Pacific? If not, how is it to be determined? These are nonaided lines. They are to be included, but they are no part of the record, as I understand it, of the Government.

Mr. McPHERSON. Confessedly no member of the committee is ready to give us any information respecting it. Now, what does the House of Representatives propose to do, and what do those of us who think as I do in the Senate propose to do? We propose to keep this money in the public Treasury until some tribunal shall be found that will determine the exact status of this company.

Mr. MITCHELL. But you propose to withhold money from certain lines of railroad which according to this bill it is impossible to tell whether the Southern Pacific or the Central Pacific or the Union Pacific have any interest in whatever.

Mr. McPHERSON. No.

Mr. VEST. Will the Senator allow me?

Mr. McPHERSON. Certainly.

Mr. VEST. While that point is under discussion I will ask leave to offer an amendment which I think will meet the objection made by the Senator from Oregon [Mr. MITCHELL].

The PRESIDING OFFICER. Does the Senator from Missouri move to amend the amendment made as in Committee of the Whole?

Mr. VEST. I move it as an amendment to the text of the bill. I move to perfect the language proposed to be stricken out.

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 17, line 25, after the word "by,"

it is proposed to strike out the remainder of the proviso and insert:

Any railway company or corporation which is indebted to the United States by reason of the aid heretofore given by the Government to such company or corporation, but the amount due from the Government for transportation on lines owned, controlled, or operated by said company or corporation shall be credited upon the indebtedness of said company or corporation to the United States.

So as to make the proviso read:

Provided further. That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled, or operated by any railway company or corporation which is indebted to the United States by reason of the aid heretofore given by the Government to such company or corporation, but the amount due from the Government for transportation on lines owned, controlled, or operated by said company or corporation shall be credited upon the indebtedness of said company or corporation to the United States.

Mr. McPHERSON. Ought it not to include the mail transportation?

Mr. VEST. This bill does not deal with the question of the mails. I simply adopt the language of the provision in the original bill.

The PRESIDING OFFICER. Does the Senator from Missouri desire a vote upon his amendment now?

Mr. VEST. I offer the amendment now, and ask for a vote upon it.

Mr. STEWART. It is a substitute for the proviso?

Mr. VEST. No; it strikes out part of the text of the bill and inserts the words which have been read.

Mr. MITCHELL. The Senator proposes to amend the text before the amendment made as in Committee of the Whole is voted upon?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

Mr. STEWART. Before the vote is taken, as there has been so much talk about the committee not having given information, I stated that no information had been given as to the reason why this provision is constitutional. This question has been before the Court of Claims and before the Supreme Court. It arose on the second section of the Thurman act, which is as follows:

SEC. 2. That the whole amount of compensation which may from time to time be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid to each of said corporations severally, and the other half thereof to be turned into the sinking fund hereinafter provided for the uses herein mentioned.

The language itself was as broad as it could very well be made, standing by itself. The court say:

Taken wholly by itself the language of this section is broad enough to sustain the position urged on behalf of the defendants. But that is a narrow and superficial view, not to be adopted if the words can be otherwise so interpreted as not to conflict with contract relations and constitutional limitations. The act was passed "to alter and amend the act of 1862 and the act of 1864."

Then they go on to explain those acts. This language covered the case, but the court said that the act must be taken *in pari materia*, and that it should not be construed by itself, but must be construed together. The Supreme Court got hold of the same proposition. After discussing the acts *in pari materia*, showing that there was doubt and that the fair construction might be not to include what was contended for, that the Government had a right to withhold compensation on the nonaided roads, the Supreme Court remarked in regard to the right to do that, as to what effect such a construction would have. I read it yesterday, but I will read it again:

There is another view of this controversy which seems to us conclusive. As the contract between the United States and the railroad company contained in the acts of July 1, 1862, and of July 2, 1864, has been interpreted by this court to authorize the retention by the Government of compensation for services only on those roads which the United States aided in building, the construction which the appellants seek to put on the second section of the act of May 8, 1878—

The one I have just read—

would not only render that section a breach of faith on the part of the United States but an invasion of the constitutional rights of the appellee.

So the Supreme Court have decided that such legislation as is now proposed would be an invasion of the constitutional rights of the appellee.

Now, let us see as to the roads that are consolidated and the roads that would be reached by this provision, if no others have been taken into the Pacific system since. I believe there have been a number of other roads taken into the Pacific system. There are consolidated with the Central Pacific—

	Miles.
The California and Oregon Railroad Company	190.08
The Western Pacific Railroad Company (nonaided part)	24.31
The San Joaquin Valley Railroad Company	146.08
The San Francisco, Oakland and Alameda Railroad Company	23.20

Making 383.67 miles. Those roads are consolidated with the Central Pacific Railroad. The other roads that are operated under the name of the Southern Pacific Railroad Company are the following:

	Miles.
The Sacramento and Placerville Railroad Company.....	5.64
The Stockton and Copperopolis Railroad Company.....	49.00
The Northern Railroad Company (including San Pablo and Tulare Railroad Company).....	200.14
The California Pacific Railroad Company.....	115.44
The Southern Pacific Railroad Company of California (including Los Angeles and Wilmington and Mojave to Needles).....	790.38
The Los Angeles and San Diego Railroad Company.....	27.60
The Amador Branch Railroad Company.....	27.05
The Berkeley Branch Railroad Company.....	3.83
The Los Angeles and Independence Railroad Company.....	16.83
The Western Development Company.....	13
The Southern Pacific Railroad Company of Arizona.....	383.21
The Southern Pacific Railroad Company of New Mexico.....	168.26
The Pacific Improvement Company.....	23
The Galveston, Harrisburg, and San Antonio Railroad Company.....	3.61

Making 1,791.35 miles of road that were then operated in that system. I understand it has been extended considerably since this case arose. The Government withheld the compensation for carrying the mails on all these roads under the section of the act which I have read. The Supreme Court first held that it was not intended to be included in that section, and if it was, it was unconstitutional. The Supreme Court have further held that the Government had no right to take the compensation from the non-aided roads. The question came up in the case of *The United States vs. The Kansas Pacific Company*. A portion of that road was aided by bonds and a portion was not. The question was whether they could demand the 5 per cent and the carrying of half the freight on the nonaided roads of the same company. The Supreme Court held that they could not.

That is a stronger case than this. That is where the same company, the Kansas Pacific Company, part of it aided and part of it not aided, went to the Supreme Court on the question whether the Government could under these acts require the nonaided portion of it, where it was one continuous road and one corporation, to contribute, and the court decided it could not.

Here it is proposed, with regard to the Southern Pacific system, to charge all these roads, without investigating how they are situated, what relation they have, and whether there can ever be any possible obligation on their part. These roads, I understand, were built by bonds issued not by the Central Pacific. The bonds had been issued, and they are indebted to the public for their construction. That is the condition of the Southern Pacific.

Mr. MITCHELL. The stockholders and bondholders, probably a large majority of them, are different persons from the stockholders and bondholders in the aided roads.

Mr. STEWART. Entirely; the bondholders particularly. The bonds have been sold and most of these roads have been constructed with bonds. To undertake to make this settlement on this bill with legislation right in opposition to what the Supreme Court have decided, without any information upon which to base it, it seems to me is wild legislation, and it ought not to go on an appropriation bill.

Mr. McPHERSON. Mr. President, I have drawn an amendment to the amendment offered by the Senator from Missouri, which I should like to have read at the desk.

The PRESIDING OFFICER. The amendment to the amendment of the Senator from Missouri will be read.

The CHIEF CLERK. It is proposed to add to the amendment of the Senator from Missouri:

Reserving one-half transportation charges as on the aided lines.

Mr. VEST. As I understand the effect of the amendment of the Senator from New Jersey, it is simply to place these non-subsidized lines or branches upon the same basis as the aided lines are placed in the Thurman act; in other words, that one-half of the transportation charges are reserved by the Government.

Mr. McPHERSON. If I understand the full import and meaning of the amendment offered by the Senator from Missouri, the effect of it will be that the Government will be authorized to pay these branch lines for all the mileage over their lines full compensation, the same as it would pay to a road which was not aided at all; and then that money is turned into the public Treasury to the credit of the Union Pacific or the Central Pacific Railroad, as the case may be. Claiming as I do that the branch lines are the property of and have been built with the assets and out of the money of the parent line which is aided, as the

parent company has turned around and subsidized the branch lines, the same rule should apply to both.

I wish further to state in this connection that in my opinion, from my present view of the case, if the amendment of the Senator from Missouri should be agreed to, the effect will be to relieve the companies to that extent at least of the obligation now existing under the Thurman act. If the Senator will amend his amendment so that it will not relieve the companies from any existing requirements under the Thurman law, then I am perfectly satisfied with his amendment.

Mr. VEST. I think that the Senator from New Jersey is right. I did not intend to release these companies from the payment under the Thurman act. I was proceeding on the same theory that he has adopted, that where roads may be built or leased by the assets of the aided lines we have the right, under the Thurman act, to pass this amendment. That is the logical conclusion in my mind, and unless we adopt that reasoning in regard to it there is no basis for the amendment that I propose or for the House provision. I think the Senator from New Jersey is right about it.

Mr. McPHERSON. Then, if that be true, the amendment of the Senator from Missouri should not be passed without the restriction which I have proposed.

Mr. VEST. I agree to that.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to accept the amendment of the Senator from New Jersey?

Mr. VEST. I do.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Senator from Missouri as modified.

Mr. VEST. On that I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri.

Mr. ALLISON. Before the roll is called I wish to ascertain from the Senator from Missouri just what is proposed by the amendment as now modified. What will be the effect upon this transportation of the amendment as modified?

Mr. VEST. If I understand the meaning of the Senator from New Jersey, who offered the amendment to the amendment, it is to put these non-subsidized branches or lines exactly on the basis the main or aided lines are put on by the Thurman act. Fifty per cent of the amount due the Government is reserved for transportation charges.

Mr. ALLISON. That is, 50 per cent of the earnings is reserved by the United States?

Mr. VEST. Yes.

Mr. ALLISON. I do not so understand the effect of the amendment. I should be glad to have it read again from the desk.

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. On page 17, line 25, of the bill, after the word "by," strike out the remainder of the proviso, and in lieu of the words stricken out insert:

Any railway company or corporation which is indebted to the United States by reason of the aid heretofore given by the Government to such company or corporation, but the amount due from the Government for transportation on lines owned, controlled, or operated by said company or corporation shall be credited upon the indebtedness of said company or corporation to the United States, reserving one-half transportation charges as on the aided lines.

So as to make the proviso read:

Provided further, That no money herein appropriated shall be used in payment of the transportation of troops and supplies of the Army over any of the nonbonded lines owned, controlled or operated by any railway company or corporation which is indebted to the United States by reason of the aid heretofore given by the Government to such company or corporation, but the amount due from the Government for transportation on lines owned, controlled, or operated by said company or corporation shall be credited upon the indebtedness of said company or corporation to the United States, reserving one-half transportation charges as on the aided lines.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. VEST] as modified.

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN]. I do not know how he would vote. If he were present I should vote "nay."

Mr. JONES of Arkansas (when Mr. HARRIS's name was called). The Senator from Tennessee [Mr. HARRIS] is absent from the Chamber on business of the Senate and asked me to announce his pair with the Senator from Vermont [Mr. MORRILL].

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were here I should vote "yea."

Mr. PLATT (when his name was called). I do not see the

Senator from Virginia [Mr. BARBOUR] in his seat. I am paired with him. If he were present I should vote "nay."

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. WHITE], and I withhold my vote unless it is necessary to make a quorum.

Mr. PUGH (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "yea."

Mr. QUAY (when his name was called). I am paired with the junior Senator from West Virginia [Mr. FAULKNER]. If he were present I should vote "nay."

Mr. KENNA. I see no reason why the Senator from Pennsylvania [Mr. QUAY] should not transfer his pair with my colleague [Mr. FAULKNER] to the Senator from Massachusetts [Mr. HOAR], so that both the Senator from Alabama [Mr. PUGH] and the Senator from Pennsylvania [Mr. QUAY] may vote.

Mr. QUAY. I desire merely to protect my pair with the Senator from West Virginia [Mr. FAULKNER], and on the suggestion of his colleague [Mr. KENNA] I will vote "nay."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea."

Mr. CAREY (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] is paired with the Senator from Georgia [Mr. GORDON].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present I should vote "nay."

The roll call was concluded.
Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I withhold my vote.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present I should vote "nay."

Mr. COKE (after having voted in the affirmative). I have a general pair with the Senator from Nebraska [Mr. PADDOCK]. As he has not voted, I understand, I withdraw my vote.

Mr. PUGH. Did the Senator from Pennsylvania [Mr. QUAY] vote on the suggestion of the Senator from West Virginia [Mr. KENNA]?

The PRESIDING OFFICER. He did, the Chair is informed.
Mr. PUGH. I vote "yea."

Mr. PLATT. By an arrangement with the Senator from Arkansas [Mr. JONES], who is paired with the Senator from New York [Mr. HISCOCK], the Senator from Virginia [Mr. BARBOUR] and the Senator from New York [Mr. HISCOCK] will stand paired, so that I can vote. The Senator from Arkansas has already voted. I vote "nay."

Mr. JONES of Arkansas. As I have already voted I will allow my vote to stand. I intended to withdraw it, on account of the absence of the Senator from New York [Mr. HISCOCK].

Mr. CASEY. I am paired with the Senator from Florida [Mr. PASCO]. If he were present I should vote "nay."

Mr. CALL (after having voted in the affirmative). I am paired with the Senator from Vermont [Mr. PROCTOR], and I withdraw my vote, as he is not recorded.

Mr. SAWYER. I am paired with my colleague [Mr. VILAS]. I suggest to the Senator from Florida to transfer his pair to my colleague, which will allow us both to vote.

Mr. CALL. I will then let my vote stand, my pair with the Senator from Vermont [Mr. PROCTOR] being transferred to the Senator from Wisconsin [Mr. VILAS].

Mr. SAWYER. I vote "nay," transferring my pair with my colleague [Mr. VILAS] to the Senator from Vermont [Mr. PROCTOR].

The result was announced—yeas 20, nays 21: as follows:

YEAS—20.

Bate.	Cockrell.	Jones, Ark.	Peffer.
Berry.	Daniel.	Kenma.	Perkins.
Blodgett.	George.	Kyle.	Pugh.
Call.	Gibson, Md.	McPherson.	Vest.
Carlisle.	Hill.	Palmer.	Walthall.

NAYS—21.

Allen.	Felton.	Quay.	Teller.
Allison.	Frye.	Sawyer.	Washburn.
Carey.	Hawley.	Shoup.	Wolcott.
Chandler.	Jones, Nev.	Squire.	
Dixon.	Mitchell.	Stewart.	
Dolph.	Platt.	Stockbridge.	

NOT VOTING—47.

Aldrich.	Colquitt.	Gordon.	Hoar.
Barbour.	Cullom.	Gorman.	Irby.
Blackburn.	Davis.	Gray.	McMillan.
Brice.	Dawes.	Hale.	Manderson.
Butler.	Dubois.	Hansbrough.	Mills.
Cameron.	Faulkner.	Harris.	Morgan.
Casey.	Gallinger.	Higgins.	Morrill.
Coke.	Gibson, La.	Hiscock.	Paddock.

Pasco.
Pettigrew.
Power.
Proctor.

Ransom.
Sanders.
Sherman.
Stanford.

Turpie.
Vance.
Vilas.
Voorhees.

Warren.
White.
Wilson.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen.	Cullom.	Kyle.	Ransom.
Allison.	Davis.	McPherson.	Sawyer.
Bate.	Dawes.	Mills.	Shoup.
Berry.	Dixon.	Mitchell.	Stewart.
Brice.	Dolph.	Palmer.	Stockbridge.
Call.	Felton.	Peffer.	Teller.
Carey.	Frye.	Perkins.	Turpie.
Carlisle.	George.	Pettigrew.	Vest.
Casey.	Hawley.	Platt.	Walthall.
Chandler.	Hill.	Power.	Washburn.
Cockrell.	Jones, Ark.	Pugh.	Wilson.
Coke.	Jones, Nev.	Quay.	Wolcott.

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present, and the Secretary will again call the roll on agreeing to the amendment of the Senator from Missouri [Mr. VEST] as modified.

Mr. STEWART. I think we had better take the vote on the final adoption of the proviso. I will offer no further opposition to the adoption of the pending amendment, and then we can take the yeas and nays on the final question to strike out the entire proviso.

Mr. COCKRELL. By unanimous consent the call for the yeas and nays on the amendment of my colleague may be withdrawn and the amendment considered adopted.

The PRESIDING OFFICER. If there is no objection that course will be pursued.

Mr. HAWLEY. I object.

The PRESIDING OFFICER. Objection being made, the roll will be called on agreeing to the amendment of the Senator from Missouri [Mr. VEST] as modified.

Mr. MCPHERSON. I thought we had disposed of that.

Mr. STEWART. Several Senators desire it to stand, and the vote is to be taken over again.

The Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Vermont [Mr. PROCTOR]. If he were present I should vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he were here I should vote "yea."

Mr. JONES of Arkansas (when his name was called). Carrying out the arrangement made between the Senator from Connecticut [Mr. PLATT] and myself awhile ago, I transfer my pair with the Senator from New York [Mr. HISCOCK] to the Senator from Virginia [Mr. BARBOUR], and vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. I do not see him in his seat and I withhold my vote. Were he present, I should vote "yea."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). The Senator from Virginia [Mr. BARBOUR], with whom I am paired, standing paired with the Senator from New York [Mr. HISCOCK], I vote "nay."

Mr. POWER (when his name was called). By arrangement I am permitted to vote to make a quorum. I vote "yea."

Mr. PUGH (when his name was called). I suggest to the Senator from Pennsylvania [Mr. QUAY] that we make the same transfer of pairs that we did on the other vote.

Mr. QUAY. Very well.

Mr. PUGH. I vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. I should vote "yea" if he were present.

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I will transfer my pair to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. As I stated before, I am paired with the Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I withhold my vote.

Mr. CALL. I am paired with the Senator from Vermont [Mr. PROCTOR] but the pair has been transferred, so that he stands paired with the Senator from Wisconsin [Mr. VILAS]. I vote "yea."

Mr. COKE. I am paired with the Senator from Nebraska

[Mr. PADDOCK]. I observe the Senator from North Dakota [Mr. CASEY] is paired with the Senator from Florida [Mr. PASCO], and I suggest that we transfer our pairs and vote.

Mr. CASEY. That is satisfactory. I vote "nay."

Mr. COKE. I vote "yea."

Mr. STOCKBRIDGE. The conditions of my pair are such that I am allowed to vote to make a quorum.

The PRESIDING OFFICER. A quorum has voted.

Mr. STOCKBRIDGE. Then I withhold my vote.

The result was announced—yeas 23, nays 24, as follows:

YEAS—23.			
Bate,	Coke,	Kyle,	Pugh,
Berry,	Daniel,	Morgan,	Sherman,
Blodgett,	George,	Palmer,	Turpie,
Call,	Hill,	Peffer,	Vest,
Carlisle,	Jones, Ark.	Pettigrew,	Walthall,
Cockrell,	Kenna,	Power,	
NAYS—24.			
Allen,	Dawes,	Jones, Nev.	Squire,
Allison,	Dixon,	Mitchell,	Stewart,
Carey,	Dolph,	Teller,	Washburn,
Casey,	Felton,	Quay,	Vilas,
Chandler,	Frye,	Sawyer,	Wilson,
Davis,	Hawley,	Shoup,	Wolcott,

NOT VOTING—41.			
Aldrich,	Gibson, La.	Irby,	Sanders,
Barbour,	Gibson, Md.	McMillan,	Stanford,
Blackburn,	Gordon,	McPherson,	Stockbridge,
Brice,	Gorman,	Manderson,	Vance,
Butler,	Gray,	Mills,	Vilas,
Cameron,	Hale,	Morrill,	Voorhees,
Colquitt,	Hansbrough,	Paddock,	Warren,
Cullom,	Harris,	Pasco,	White,
Dubois,	Higgins,	Perkins,	
Faulkner,	Hiscock,	Proctor,	
Gallinger,	Hoar,	Ransom,	

So the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, striking out the proviso beginning on page 17, line 22.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CASEY (when his name was called). By the arrangement for a transfer of pairs which has just been made by the Senator from Texas [Mr. COKE] I am at liberty to vote. I vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK], but my pair has been transferred to the Senator from Florida [Mr. PASCO], and I vote "nay."

Mr. JONES of Arkansas (when his name was called). I announce a pair between the Senator from New York [Mr. HICKOCK] and the Senator from Virginia [Mr. BARBOUR], and I vote "nay."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present I should vote "nay."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were present I should vote "nay."

Mr. POWER (when his name was called). I will withhold my vote unless it is necessary to make a quorum.

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "nay."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and vote "yea."

The roll call was concluded.

Mr. CARLISLE. Is the senior Senator from Ohio [Mr. SHERMAN] recorded?

The PRESIDING OFFICER. He is not.

Mr. CARLISLE. I am paired with that Senator. I voted upon the call just preceding, not noticing that the Senator from Ohio was absent from the Chamber.

The PRESIDING OFFICER. The Chair is informed by the clerks that on the previous call the Senator from Ohio voted.

Mr. STOCKBRIDGE. The Senator from Texas [Mr. MILLS] stands paired with the Senator from New Hampshire [Mr. GALLINGER], and I am paired with the Senator from Maryland [Mr. GIBSON]. We have an understanding that the pair of the Senator from Texas shall be transferred to the Senator from Maryland [Mr. GIBSON], so that we may vote. I vote "yea."

Mr. MILLS. I vote "nay."

Mr. JONES of Arkansas. I was requested by the Senator from Tennessee [Mr. HARRIS] to announce that he is paired with the Senator from Vermont [Mr. MORRILL]. He was called away from the Senate on public business.

Mr. CULLOM. I am paired with the Senator from Delaware

[Mr. GRAY]. Not knowing how he would vote, I withhold my vote.

Mr. KENNA. I desire to announce that, as arranged on the preceding roll call, my colleague [Mr. FAULKNER] stands paired with the Senator from Massachusetts [Mr. HOAR].

Mr. CAREY. I desire to announce the pair of my colleague [Mr. WARREN] with the Senator from Georgia [Mr. GORDON].

Mr. SAWYER (after having voted in the affirmative). I voted upon a transfer of pairs, so that my colleague [Mr. VILAS] would stand paired with the Senator from Vermont [Mr. PROCTOR]. The Senator from Vermont [Mr. PROCTOR] has come in and voted, and I withdraw my vote.

The result was announced—yeas 26, nays 20; as follows:

YEAS—26.			
Allen,	Dixon,	Morgan,	Stockbridge,
Allison,	Dolph,	Platt,	Teller,
Carey,	Felton,	Proctor,	Washburn,
Casey,	Frye,	Quay,	Wilson,
Chandler,	Hawley,	Shoup,	Wolcott,
Davis,	Jones, Nev.	Squire,	
Dawes,	Mitchell,	Stewart,	

NAYS—20.			
Bate,	Coke,	Kenna,	Pettigrew,
Berry,	Daniel,	Kyle,	Pugh,
Blodgett,	George,	Mills,	Turpie,
Call,	Hill,	Palmer,	Vest,
Cockrell,	Jones, Ark.	Peffer,	Walthall,

NOT VOTING—42.			
Aldrich,	Gallinger,	Hoar,	Sanders,
Barbour,	Gibson, La.	Irby,	Sawyer,
Blackburn,	Gibson, Md.	McMillan,	Sherman,
Brice,	Gordon,	McPherson,	Stanford,
Butler,	Gorman,	Manderson,	Vance,
Cameron,	Gray,	Morrill,	Vilas,
Carlisle,	Hale,	Paddock,	Voorhees,
Colquitt,	Hansbrough,	Pasco,	Warren,
Cullom,	Harris,	Perkins,	White,
Dubois,	Higgins,	Power,	
Faulkner,	Hiscock,	Ransom,	

So the amendment made as in Committee of the Whole was concurred in.

Mr. CHANDLER. I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 10, at the end of line 3, it is proposed to add:

The pay of officers of the Army may be withheld under section 1766 of the Revised Statutes on account of an indebtedness admitted or shown by the judgment of a court, but not otherwise, unless upon a special order issued according to the direction of the Secretary of War.

Mr. STEWART. There is no objection to that.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEWART. I ask that the statement which I send to the Reporter relative to the bill may be printed in the RECORD.

The PRESIDING OFFICER. That order will be made in the absence of objection.

The statement is as follows:

Army appropriations, 1893.	
Amount of estimates for 1893.....	\$25,949,307.59
Amount of House bill.....	24,226,899.82
Increase made by Senate committee.....	224,600.00
Amount as reported to the Senate.....	24,511,499.82
The bill as reported is less than the estimates for 1893.....	1,437,707.77
The bill as reported is less than the act for 1892.....	102,029.37
The items of increase made to House bill by the committee are as follows:	
Pay of the Army.....	86,100.00
Transportation of the Army.....	190,000.00
Library of the Surgeon-General's Office.....	3,000.00
Repairing ordnance and ordnance stores.....	5,000.00
Purchase of ordnance stores to fill requisitions of troops.....	20,000.00
Infantry, cavalry, and artillery equipments.....	35,000.00
Firing morning and evening gun at military posts.....	5,000.00
Purchase of machine guns, musket caliber, of American manufacture.....	20,000.00
Contingent expenses at headquarters of military departments.....	500.00
Total increase.....	224,600.00
Total as reported.....	24,511,499.82

CHEYENNE AND ARAPAHOE RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Arkansas [Mr. JONES], which was reported from the Committee on Indian Affairs. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to Choctaw and Chickasaw Nations

or their interest in the Cheyenne and Arapahoe Reservation in the Indian Territory, submitted with this resolution, it is the opinion of the Senate that there is no sufficient reason for interference in the due execution of the law referred to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. PLATT. Mr. President, I do not know whether or not I was in the Senate when that report was made from the Committee on Indian Affairs, but I desire to say that I did not concur in that report.

Mr. ALLISON. Before the vote is taken, I desire that the Secretary may read the message of the President on the subject, which is the basis of the resolution.

The PRESIDING OFFICER. The message will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives:

The Indian appropriation bill, which was approved March 3, 1891, contains the following provision:

"And the sum of \$2,591,450 b. and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order: said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians, said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,393,160 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Greer County, which is now in dispute), in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw nations of Indians in and to the tract of country to which said releases and conveyances shall apply."

If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours and a disapproval of the general Indian appropriation bill of which it was a part would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz: the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

Very soon after the passage of the law it came to my knowledge that the Choctaw Legislature had entered into an agreement with three citizens of that tribe to pay to them as compensation for procuring this legislation 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is \$560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

Within a month after the passage of the law, R. J. Ward, one of the agents who was to divide with his two associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is herewith submitted. It appears from his statement that the action of the Choctaw council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from \$2,500 to \$15,000. His associates deny any knowledge of this, but the signing and existence of these notes is not refuted. The statement of the two associates of Ward, denying any knowledge of or participation in this fraud, are also submitted, together with other papers relating to the matter.

Whatever may be the fact as to the use or nonuse of corrupt methods to secure this legislation from the Choctaw council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We cannot assume that the expenses and services of a committee of three persons to represent this claim before Congress could justify such assumptions. The making of such a contract seems to convey implications which, I am sure, are wholly unjust.

After the passage of the appropriation bill legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money, but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw general council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation, holding that this legislation is unconstitutional and void. I am of the opinion that if this appropriation is to stand provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress.

Copies of the several laws passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers. It will be noticed that the distribution proposed is limited to Choctaws by blood, excluding the freedmen and the white men who have been given full citizenship from any participation. A protest against this method of distribution has been filed by a white citizen of the tribe, and also a representation by Hon. Thomas C. Fletcher, their attorney, on behalf of the freedmen. In view of the fact that the stipulations of the treaty of 1866, in behalf of the freedmen of these tribes, have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should, in a distribution of this

money, have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship, as they stipulated to do in the treaty referred to, and their condition in that tribe, and in a lesser degree in the other, strongly calls for the protective intervention of Congress.

After a somewhat careful examination of the question, I do not believe that the lands for which this money is to be paid were, to quote the language of section 15 of the Indian appropriation bill, already set out, "ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw nations of Indians, which was concluded April 28, 1866," etc. It is agreed that that treaty contained no express limitation upon the uses to which the United States might put the territory known as the leased district. The lands were ceded by terms sufficiently comprehensive to have passed the full title of the Indians. The limitation upon the use to which the Government might put them is sought to be found in a provision of the treaty by which the United States undertook to exclude white settlers, and in the expressions found in the treaties made at the same time with the Creeks and other tribes of the purpose of the United States to use the lands ceded by those tribes for the settlement of friendly Indians.

The stipulation as to the exclusion of white settlers might well have reference solely to the national lands retained by the Choctaw and Chickasaw tribes, and the reason for the nonincorporation in the treaty with them of a statement of the purpose of the Government in connection with the use of the lands is well accounted for by the fact that as to these lands the Government had already, under the treaty of 1855, secured the right to use them perpetually for the settlement of friendly Indians. This was not true as to the lands of the other tribes referred to. The United States paid to the Choctaws and Chickasaws \$300,000, and the failure to insert the words that are called words of limitation in this treaty points, I think, clearly to the conclusion that the commissioners on the part of the Government and the Indians themselves must have understood that this Government was acquiring something more than a mere right to settle friendly Indians, which is already possessed, and something more than the mere release of the right which the Choctaws and Chickasaws had under the treaty of 1855 to select locations on these lands if they chose.

Undoubtedly it was the policy of this Government for the time to hold these and the adjacent lands as Indian country, and many of the expressions in the proclamations of my predecessors and in the reports of the Indian Bureau and of the Secretary of the Interior mean this and nothing more. This is quite different from a conditional title which limits the grant to a particular use and works a reversion of full title in the Indian grantors when that use ceases. But those who hold most strictly that a use for Indian purposes, where it is expressed, is a limitation of title seem to agree that the United States might pass a fee absolute to other Indian tribes in the lands ceded for their occupancy.

Certainly it was not intended that in settling friendly Indians upon these lands the Government was to be restrained in its policy of allotment and individual ownership. If, for an adequate consideration by treaty, the United States placed upon these lands other Indian tribes, it was competent to give them patents in fee for a certain and agreed reservation. This being so, when the policy of allotment is put into force the compensation for the unused lands should certainly go to the occupying tribe, which in the case supposed had paid a full consideration for the whole reservation.

It will hardly be contended that in such a case this Government should pay twice for the lands. In the appropriation under discussion this principle is in part recognized, for no claim is made by the Choctaws and Chickasaws for the lands allotted to the Cheyennes and Arapahoes. The claim is for unallotted or surplus lands. The case of the Cheyennes and Arapahoes is this: In consideration of other lands the Government gave them a treaty reservation in the Cherokee Outlet, but never perfected it by paying the Cheyennes the stipulated price and placing these Indians upon it. The Cheyennes and Arapahoes declined to go upon the strip and located themselves further south, where they now are. The Government subsequently recognized their right to remain there and set apart the lands now being allotted to members of that tribe, and the lands for which payment is now claimed by the Choctaws and Chickasaws, as the Cheyenne and Arapahoe Reservation.

I think the United States must be held to have assented to the substitution of these lands for the treaty lands in the Cherokee Strip, and that being true when the reservation is broken up, as now, by allotments, it would seem that the Cheyennes and Arapahoes were entitled to be compensated for these surplus lands. In fact, a commission which has been dealing with tribes in the Indian Territory has concluded an arrangement with them by which the Government pays \$1,500,000 for these surplus lands and for the release of any claim to the Cherokee Strip, so that, in fact, in this agreement with the Cheyennes and Arapahoes, the Government has paid for the lands for which payment is now claimed by the Choctaws and Chickasaws.

It should not be forgotten, also, that the allotment to the Cheyennes and Arapahoes is still incomplete. The method of calculation which resulted in stating the claim of the Choctaws and Chickasaws at \$2,591,450 is explained by a letter of Mr. J. S. Standley, one of the Choctaw delegates, dated April 6, 1891. The agent for the Cheyennes and Arapahoes wrote Mr. Standley that there were 600 Indians residing upon the lands south of the Canadian River, and who it was supposed would take allotments there, and upon this statement the legislation was based. Now, it must be borne in mind that the Cheyennes and Arapahoes have the right to locate anywhere within their reservation, and that instead of 600, double that number might have taken their allotments south of the Canadian River upon these lands. This is not probable, but a later report indicates that the number will certainly be in excess of 600. If the sum to be paid to the Choctaws and Chickasaws depended upon a knowledge of the number of acres of unallotted land south of the Canadian River, it would seem to have been reasonable that the appropriation should have been delayed until the exact number of acres taken for allotment had been officially ascertained. This has not yet been done.

It is right also, I think, that Congress in dealing with this matter should have the whole question before it; for the declaration of Indian title contained in this item of appropriation extends to a very large body of land and will involve very large future appropriations. The Choctaw and Chickasaw leased district, embracing the lands in the Indian Territory between the ninety-eighth and one hundredth degrees of west longitude and extending north and south from the main Canadian River to the Red River, including Greer County, contains, according to the public surveys, 7,713,239 acres, or, excluding Greer County, 6,301,663 acres. This leased district is occupied as follows: Greer County, by white citizens of Texas, 1,511,576 acres. The United States is now prosecuting a case in the courts to obtain a judicial declaration that this county is part of the Indian country. If a decision should be rendered in its favor, the claim of the Choctaws and Chickasaws to be paid for these lands at the rate named in this appropriation would at once be presented.

The Wichita Reservation is also upon the leased lands and is occupied by the Wichitas, Caddoes, Delawares, and remnants of other tribes, by Department orders made to depend upon the treaty with the Delawares in 1866 and some other unratified agreements with tribes or fragments of tribes in 1872. This reservation contains 743,610 acres.

The Kiowa, Comanche, and Apache Reservation is occupied by those Indians under a treaty proclaimed August 25, 1868, which provides that said district of country "shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such friendly tribes or individual Indians as from time to time they may be willing (with the consent of the United States) to admit among them." This reservation contains 2,968,893 acres.

The Cheyennes and Arapahoes, whose surplus lands are to be paid for by this appropriation, have occupied the country between the Washita and Canadian Rivers extending west to the one hundredth degree of longitude. This reservation contains 2,489,160 acres.

I have stated these facts in order that it may be seen what further appropriations are involved in a settlement for all these lands upon the basis which Congress has adopted. It does not seem to me to be a wise policy to deal with this question piecemeal. It would have been better, if a remnant of title remains in the Choctaws and Chickasaws to the lands in the leased district, to have settled the whole matter at once. Under the treaty of 1855 the Choctaws and Chickasaws relinquished any supposed interest of theirs in the lands west of the one hundredth degree. The boundary between the Louisiana purchase and the Spanish possessions by our treaty of 1819 with Spain was, as to these lands, fixed upon the one hundredth degree of west longitude.

Our treaty with the Choctaws and Chickasaws, made in 1830, extended their grant to the limit of our possessions. It followed, of course, that these lands were included within the boundaries of the State of Texas when that State was admitted to the Union, and the release of the Choctaws and Chickasaws, whatever it is worth, operated for the benefit of the State of Texas and not of the United States. The lands became public lands of that State. For the release of this claim and for the lease of the lands west of the ninety-eighth degree the Government of the United States paid the sum of \$300,000. In the calculations which have been made to arrive at the basis of the appropriation under discussion, none of this sum is treated as having been paid for the lease. I do not think that is just to the United States.

It seems probable that a very considerable part of this consideration must have related to the leased lands, because these were the lands in which the Indian title was recognized and the treaty gave to the United States a permanent right of occupation by friendly Indians. The sum of \$300,000, paid under the treaty of 1830, is deducted, as I understand, in arriving at the sum appropriated. It seems to me that a considerable proportion of the sum of \$600,000 previously paid should have been deducted in the same manner.

I have felt it to be my duty to bring these matters to the attention of Congress for such action as may be thought advisable.

BENJ. HARRISON.

EXECUTIVE MANSION, February 17, 1892.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The resolution is before the Senate, and the question is on agreeing to it.

Mr. DOLPH. I call for the yeas and nays on the resolution. I desire to record my vote against it.

The yeas and nays were ordered.

Mr. ALLISON. Mr. President, in the message of the President just read it is disclosed that the attorneys of the Choctaw Nation are to receive one-quarter of this sum as compensation for their services, the compensation amounting, I believe, to about \$600,000. I ask that the Secretary read from page 6 of that document, beginning at the bottom of the page, the statement of the attorneys as to the services they rendered here in Congress in securing the passage of this law.

The Secretary read as follows:

TUSKA HOMMA, CHOCTAW NATION, April 1, 1891.

DEAR SIR: We have the honor to make the following report to you, and through you to the general council of the Choctaw Nation.

On the 23d of September, 1890, we secured the introduction into Congress of "A bill to fully execute article 3 of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians, concluded on the 28th day of April, 1866," accompanied by a favorable report from the House Committee on Indian Affairs. We failed to get a similar report from the Senate Committee on Indian Affairs. This was the situation at the close of the first session of the Fifty-first Congress.

The House Committee on Indian Affairs secured from the House of Representatives the 6th day of last December for the consideration of such measures as the committee might desire to present. We managed to get some consideration on the bill before mentioned, but the day closed without the discussion being closed, and a vote could not be taken.

The measure was brought up again on the 10th of December, but the hour of the day was so late the committee thought best to postpone the matter for that day in the hope of getting another day for action on it.

A member of the Committee on Rules was so much opposed to our measure that he prevented the Committee on Indian Affairs from getting another day for the consideration of their measure.

And so the matter dragged along until toward the last days of Congress. When the Indian appropriation bill was presented to the House, the chairman of the Committee on Appropriations agreed with the chairman of the Committee on Indian Affairs that he (the chairman of the Committee on Appropriations) would not make a "point of order" against the agreement with the Cheyennes and Arapahoes, and that it might be put upon the Indian appropriation bill.

We knew that it would never do for that bill to go through without carrying an appropriation to pay the Choctaws and Chickasaws for their interest in the lands occupied by the Cheyennes and Arapahoes. It was a critical time for us, and demanded prompt action. We prepared an amendment to the Indian appropriation bill, got it introduced into the Senate, and engineered it safely through all the necessary preliminary steps by the time the Indian appropriation bill was reported to the Senate.

Senator JONES of Arkansas proposed our amendment and worked most actively, unselfishly, and determinedly for the passage. We hope it will not be considered out of place here to state that he deserves the thanks of the Choctaw and Chickasaw Nations for the same. The debate upon the amendment was warm and exciting, but was carried by a safe vote.

The bill, when passed by the Senate, on account of amendments was sent to a conference committee. After considerable trouble the amendment was retained in the conference report.

When the conference report was made to the House it received the bitterest opposition on account of our amendment, but it was fortunately carried safely through. The opposition did not stop then. The bill was followed to the President, so we are informed, and appeals made to him to veto it.

It is not necessary or appropriate here to state the character and extent of our opposition there, then, and now. The public press have given it the

most notorious publicity. It is only important now to secure the possession of the money.

With very much respect, your obedient servants,

J. S. STANDLEY,

R. J. WARD,

H. C. HARRIS,

Delegates of Choctaw Nation.

Hon. W. N. JONES,

Principal Chief Choctaw Nation.

Mr. ALLISON. I desire to make some observations respecting this report.

Mr. PLATT. This matter has a long history, and to set it forth fully will occupy considerable time. I ask the Senator from Iowa whether he desires to speak to-night, or whether he would prefer an adjournment, and take up the resolution in the morning?

Mr. ALLISON. I will adapt myself to the convenience of the Senate.

Mr. PLATT. The Senate is rather thin.

Mr. ALLISON. The Senate is pretty thin at this moment, I agree, and I think if a vote were to be taken to-night it is probable we should not find a quorum present. I shall be guided by the convenience of Senators respecting the matter.

Mr. DOLPH. If the Senator will permit me, I suggest that we might proceed with the discussion for an hour or so; or, if that is not desired, we might take up the Calendar.

Mr. ALLISON. I have no objection to that.

Mr. PLATT. It is very difficult to keep a quorum of the Senate here when matters of such importance are transpiring just outside of the city limits. I therefore move that the Senate adjourn.

Mr. ALLISON. I hope the Senator will withdraw that motion, as I desire to have an executive session.

Mr. DOLPH. I hope the Senator will withdraw it.

Mr. PLATT. I withdraw the motion.

Mr. ALLISON. I shall move an executive session in a moment, unless Senators generally prefer that the matter should go on to-night.

Mr. JONES of Arkansas. Mr. President, I am perfectly willing that whatever course is agreeable to the Senator from Iowa shall be taken. I have no desire to press this matter unduly, although it has been delayed now for quite awhile. I should be glad to have it disposed of as rapidly as possible, but I am perfectly willing, so far as I am concerned, that it shall go over until to-morrow so that we may have time for discussion and consideration.

Mr. STEWART. The resolution has the right of way now.

Mr. ALLISON. I quite agree with the Senator from Arkansas that it is due to all the people who have interest in this matter that it shall be disposed of, and I do not wish to throw any impediments in the way of its speedy disposition; but the provision referred to in the resolution having found a place on the Indian appropriation bill last year under circumstances familiar to the Senate, I desire to state some things respecting the appropriation and the message of the President, just read, before the vote is taken. I think it is a matter of very great importance that the Senate should understand fully the history of this case, especially in the light of the report which appears here as the unanimous report of the Committee on Indian Affairs, the Senator from Connecticut [Mr. PLATT] having stated that it does not meet with his approval. In view of the importance of the subject, I desire only the necessary time to say what I think ought to be said on the subject.

Mr. JONES of Arkansas. I do not know whether the Senator from Iowa means to suggest that there was anything unfair in the report of the committee coming here without any statement of the views of the minority.

Mr. ALLISON. Not at all.

Mr. JONES of Arkansas. He says that the Senator from Connecticut, who is a member of the committee, was opposed to it, and the report appears as a unanimous report. I thought perhaps the Senator meant some intimation by making a remark of that sort. The Senator from Connecticut was not in the committee when the vote was taken. Ten of the eleven members were present, and voted for it. The Senator from Connecticut was absent, but we understood in committee that he would have voted against it if present. I should have been glad to have appended his views and to have them printed with the views of the majority if it had been so desired.

I intended to ask when I rose a minute ago if there would be any objection to taking this matter up to-morrow immediately after the disposition of the morning business, so as to devote the entire day to it if that is desired on the part of the Senate? Of course the resolution will not come up regularly until 2 o'clock.

Mr. ALLISON. I am perfectly willing.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the understanding he has suggested,

Mr. JONES of Arkansas. If there is no objection, I should be glad to have that understanding.

Mr. SAWYER. I should rather that we would consider cases on the Calendar until 2 o'clock to-morrow.

Mr. JONES of Arkansas. If there is any objection, I will not press the request.

Mr. ALLISON. We shall get through with it to-morrow.

Mr. SAWYER. Very well, I withdraw my objection.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the pending resolution be taken up to-morrow after the conclusion of the morning business. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLPH. In order that the Senate may have some notice of the consideration of the Senate bill 2409, Order of Business 518, I ask that it may be set for consideration immediately after the unfinished business is disposed of.

Mr. JONES of Arkansas. What is the subject of the bill?

Mr. DOLPH. It is a bill to provide for the punishment of violations of treaty rights of aliens, which has been reported by the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent that the bill indicated by him may be considered in order immediately after the unfinished business is disposed of, being the resolution of the Senator from Arkansas [Mr. JONES]. Is there objection to the request? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 2100) for the relief of Julius C. Zanone, only heir of John B. Zanone, late of Mound City, in Pulaski County, Ill., deceased; and

A bill (S. 2411) for the relief of Lydia A. Magill, administratrix.

The bill (H. R. 4833) to correct the military record of Joseph Wackerly was read twice by its title, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FELLOWS, Mr. HEARD, and Mr. COGSWELL managers at the conference on the part of the House.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the House:

Resolved by the House of Representatives (the Senate concurring). That there be printed of the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year 1891, 6,000 extra copies, of which 1,000 copies shall be for the Senate, 2,000 copies for the House, and 3,000 copies for the Director of the Mint.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4464) for the benefit of J. C. Rudd; and

A bill (H. R. 7727) to authorize the construction of a telephone line on the coast of Virginia from Cape Charles to Assateague Island, in aid of the preservation of life and property.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. Is it understood that the resolution of the Senator from Arkansas [Mr. JONES] shall be taken up immediately after the routine business to-morrow morning?

Mr. ALLISON. Yes, that is the understanding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 28, 1892, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate April 27, 1892.

CONSUL.

William W. Ashby, of Virginia, to be consul of the United States at Colon (Aspinwall), vice William E. Sims, deceased.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, April 27, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

BUFORD MUSSEN VS. THE UNITED STATES.

The SPEAKER laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of Buford Mussen against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

J. T. ABERNETHY VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the Court of Claims, transmitting a copy of the findings of the court in the case of the following-named persons vs. the United States: J. T. Abernethy, A. A. Harvey, guardian; which was referred to the Committee on War Claims, and ordered to be printed.

ENGINEER CORPS OF THE NAVY.

The SPEAKER also said before the House a bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc. That the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as having ceased on the 30th day of June, 1891.

SEC. 2. That any and all acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I object.

Mr. HERBERT. Mr. Speaker I will say to the gentleman that the House Committee on Naval Affairs have considered this subject and have unanimously reported a bill exactly like this Senate bill. I have the report in my hand. The purpose of the bill is this: The act of August, 1882, provided for the reduction of the number of engineers in the United States Navy to 170. That reduction was to take place gradually, one vacancy being filled for every two that occurred. The reduction has been going on in that gradual way down to the present, and at the time fixed upon by this bill for terminating the process the number had been reduced to 191, a number not sufficient for the present demands of the service. Now this bill proposes to arrest the reduction at that point. That is all it proposes, and I hope the gentleman will not make any objection to it.

Mr. HOLMAN. Let the report be read.

The report (by Mr. MCALEER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 378) terminating the reduction in the Engineer Corps of the Navy, respectfully report:

This bill asks simply that the number of officers now in the Engineer Corps of the Navy be retained, without any further reduction by the operation of an act of Congress dated August 5, 1882, and in view of the fact that the numbers of that corps are now far below what is required for efficiency, it is earnestly recommended that the bill be passed at once.

The honorable the Secretary of the Navy says in his annual report for 1890 that "At present there are not enough engineer officers in the Navy for ordinary working purposes, and if no additional ships were building an enlargement of the corps would be necessary," which statement is emphasized again in the Secretary's report for 1891. Legislation is now pending providing for an increase of the Engineer Corps in accordance with the above-quoted recommendation of the Secretary of the Navy, but to prevent the corps being reduced below its present membership in the mean time, this bill is submitted for the action of Congress.

Mr. HERBERT. I desire to state further to the House that the subject of the proposed increase mentioned in the report is before the committee and under consideration. The Secretary of the Navy most earnestly recommends an increase beyond the number at present existing, but the committee have not seen their way clear to report a bill providing for a further increase. They have, however, taking the most conservative view of the subject, unanimously agreed to report this bill to stop the reduction at the point where it was on the 30th day of last June, leaving the number of engineers in the Navy at 191, all told.

Mr. HOLMAN. When the act of 1882 was passed I believe the expectation was to reduce the number still lower than that.

Mr. HERBERT. The expectation was to reduce it to 170.

Mr. HOLMAN. How was that mistake made?

Mr. HERBERT. Since 1882 several new ships, 39 in all, have been provided for. None of those ships had been authorized or laid down when the act of 1882 was passed.

Mr. HOLMAN. But certain other ships have gone out of commission and some have been sold.

Mr. HERBERT. That is true, but more than 170 engineers are required now. There is immediate present need for them to carry on the work of the Navy.

Mr. HOLMAN. But you now have 190.

Mr. HERBERT. One hundred and ninety-one is the number at the time when this bill proposes to arrest the reduction. We wish to arrest it at that point. I will say to the gentleman that the Committee on Naval Affairs have not yet reported the bill proposing an increase, and I think it improbable that they will report it. Certainly it will not be reported in the form in which it was introduced, providing for an increase to 320. The Committee on Naval Affairs have taken a very conservative view of this whole subject; they have reduced expenditures wherever it was possible. They have not increased the *personnel* of the Navy anywhere, and this bill simply proposes to arrest the decrease in the *personnel* at the point indicated, leaving the number of engineers 191, and everybody who has considered the subject at all understands that the Navy certainly requires that number.

Mr. LIVINGSTON. Let me ask the gentleman whether under the operation of the existing law the number can not be increased as the Secretary of the Navy may demand?

Mr. HERBERT. No, sir.

Mr. LIVINGSTON. Can it not go up to the 300?

Mr. HERBERT. It can not go beyond 191. The act of 1882 provided for the reduction of the number by the process which I have endeavored to explain, namely, by making one appointment for every two vacancies.

Mr. LIVINGSTON. That applies to the reduction; but I am talking about the possible increase.

Mr. HERBERT. This bill simply provides that the reduction shall stop at the point where it had reached on the 30th day of June last, namely, 191, and that the number shall remain there.

Mr. LIVINGSTON. Does this bill provide that the number shall be limited to 191?

Mr. HERBERT. Yes, sir; the bill fixes a limit in the terms I have stated; and that limit is 191. I hope there will be no objection to the bill.

Mr. SIMPSON. I object. I think we ought to have time to look into this matter. I think this is virtually an increase of the Navy.

The SPEAKER. Objection being made, the bill will be referred to the Committee on Naval Affairs.

Mr. HERBERT. I ask that the bill remain upon the Speaker's table, so that gentlemen who object may be able to look into it.

The SPEAKER. If there be no objection, the bill will be retained on the Speaker's table.

There was no objection.

J. C. RUDD.

Mr. ELLIS. I ask unanimous consent for the present consideration of the bill (H. R. 4464) for the benefit of J. C. Rudd.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay James C. Rudd the sum of \$3,500, out of any money in the Treasury not otherwise appropriated, being the amount due said Rudd for the rent of a post-office building in the city of Owensboro, Ky.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I think there ought to be some explanation of the measure. If the report gives a full explanation, it ought to be read.

Mr. ELLIS. I ask for the reading of the report.

The report (by Mr. STONE of Kentucky) was read, as follows:

The facts of this claim are fully set forth in a report made by this committee to the House in the Fifty-first Congress, which is appended as a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 1352, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4089) for the relief of J. C. Rudd, report as follows:

The proof in this case shows that J. C. Rudd, of Owensboro, Ky., was the owner of a building at said town which was used and occupied by the postmaster at Owensboro from 1861 to 1875 for the distribution of United States mail. At the time of the occupation of said property by the postmaster at Owensboro there was no definite agreement between him and said Moore, the postmaster, as to the amount of rent to be paid by the Government for the use of said property, but it was agreed that the Government would pay him a reasonable price for the occupation of said property.

Your committee are satisfied that the property was used and occupied as charged for, and that the rental value was \$3,500 for the time it was used, and report back the bill and recommend its passage.

Mr. KILGORE. I will ask the gentleman from Kentucky whether this claim has ever been presented before; and if not, why?

Mr. ELLIS. The claim has not heretofore been acted on by the House, but it has been before the Committee on War Claims repeatedly, and each time the committee has reported it to the House favorably. I will say to the gentleman that I personally

know this is a just claim. The party for whose relief the bill is presented is a citizen of my town.

Mr. KILGORE. Why was he never paid by the Department, if the Department contracted to pay him?

Mr. ELLIS. As is stated in the report, this building was used for a post-office during and after the war, there was no definite agreement with the Government as to the amount of rent to be paid, but it was agreed that a reasonable price should be allowed for the occupation of the property. Although the claim has been presented to the Department, payment has not been made. I know personally that this claimant has never been paid a dollar for the use of his property. I hope this explanation will be satisfactory to the gentleman from Texas.

Mr. BUSHNELL. Why has not this man been paid heretofore?

Mr. ELLIS. Simply because the Government has not paid him; that is all; it ought to have been paid years ago, but no appropriation has ever been made for the purpose.

Mr. BOWERS. I presume this man has remained unpaid for the same reason that a postmaster down in my country has not been paid, although there was an official authorization that he should incur the expense. I am going to put in some bills in such cases myself.

Mr. BURROWS. Is this a claim for the use of a building by the Government for a post-office?

Mr. ELLIS. It is.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. ELLIS, a motion to reconsider the last vote was laid on the table.

TELEPHONE LINE ON VIRGINIA COAST.

Mr. WISE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7737) to authorize the construction of a telephone line on the coast of Virginia from Cape Charles to Assateague Island, in aid of the preservation of life and property.

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to establish a telephone line upon the coast of Virginia from Cape Charles to Assateague Island, providing telephonic communication between the life-saving stations upon said coast and connecting said line from some convenient point with a locality where telegraphic communication may be had with the principal seaports of the Atlantic coast.

Sec. 2. That for the purpose of carrying out the provisions of this act the sum of \$16,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be immediately available.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. This is a subject belonging to the light-house system proper, and is one of those appropriations not subject to any point of order. This general subject has been considered somewhat by the Committee on Appropriations; and I think that all these items covering a given subject of Congressional action should, as far as possible, be grouped together.

Mr. WISE. I hope the gentleman from Indiana will not object. I will state to him that since the 26th of August last there have been on the coast referred to seventeen marine disasters, and during the months of January and February five steamships went upon that coast. This measure is asked for by the boards of trade of Boston, New York, Philadelphia, and Baltimore.

Mr. HOLMAN. I am not questioning anything of that kind, because we are all informed on that subject; but my trouble about the matter is that appropriations of this sort are scattered in such a manner that unless we keep our time constantly employed in ascertaining the state of the appropriations we are always in the dark. These items ought to be grouped together. The subject of light-houses belongs properly in the sundry civil bill.

Mr. WISE. This is not for a light-house.

Mr. HOLMAN. Inasmuch as my only question is as to the manner of making this appropriation, I shall not object.

There being no objection, the House proceeded to the consideration of the bill.

Mr. WISE. I move to amend the bill by inserting in lieu of \$16,000 in the second section, \$15,500, which is the amount reported in the corresponding Senate bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate insisted upon its amendments to the bill

(H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1892, and for other purposes, asked a conference on the disagreeing votes of the two Houses on the bill and amendments, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed without amendments the bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following order:

Ordered, That the Secretary notify the House of Representatives that Mr. GRAY has been appointed one of the conferees on the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States in place of Mr. BUTLER, excused.

COLVILLE RESERVATION, WASHINGTON.

Mr. WILSON of Washington. Mr. Speaker, I desire to ask unanimous consent to call up for present consideration the bill (H. R. 7557) to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, with certain modifications, and to make appropriation to carry into effect the same.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. BUTLER. Mr. Speaker—

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUTLER. Reserving the right to object, I would like to hear something in explanation of this matter. It seems to be too big a thing to go through with a rush in the manner proposed here.

Mr. KILGORE. Mr. Speaker, I think that bill is too important to be called up and considered by unanimous consent, and passed, as it would have to be passed at this time, without sufficient consideration, and I am compelled to object.

Mr. WILSON of Washington. If the gentleman from Texas will withhold his objection for a single moment—

Mr. KILGORE. No; I do not think the objection can be removed.

Mr. WILSON of Washington. Let me make a statement, and afterwards, if the gentleman sees cause to object, then he will have some ground on which to base the objection.

Mr. KILGORE. I am compelled to object now.

Mr. WILSON of Washington. Then, Mr. Speaker, let me say that it will cost the Government more money to get the boomers off this land, unless prompt action is taken, than it will cost if the bill is passed to carry out its provisions. I am in receipt of telegrams that there have been two thousand people and over, who have gone in on these lands and have occupied them, and it will take the Army to get them off unless prompt action is taken. We have reduced the bill—

Mr. KILGORE. Mr. Speaker, I am recognizing the importance of the bill, and that is the reason I object to its present consideration.

Mr. WILSON of Washington. Why not then go on and consider it, and let its importance be demonstrated; and then the House, with a full knowledge of the bill, can act upon it?

Mr. KILGORE. But it is too important a bill to be considered in this manner.

Mr. WILSON of Washington. Then give permission to call it up and consider it at some fixed time.

Mr. KILGORE. You can have my permission to consider it any day.

Mr. WILSON of Washington. Well, this is a very good time to consider it. Let us go on now.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I object.

REPORT OF THE DIRECTOR OF THE MINT.

Mr. RICHARDSON. Mr. Speaker, I submit a report from the Committee on Printing, for which I ask immediate consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Printing have considered the House concurrent resolution to print 6,000 extra copies of the report of the Director of the Mint on the production of precious metals in the United States for the calendar year 1891, and direct me to report the same to the House with the recommendation that it do pass. The estimated cost of the same is \$1,414.50.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed, of the report of the Director of the Mint, on the production of the precious metals in the United States for the calendar year 1891, 6,000 extra copies, of which 1,000 copies shall be for the Senate, 2,000 for the House, and 3,000 copies for the Director of the Mint.

The resolution was considered and adopted.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid upon the table.

INVESTIGATION OF THE CENSUS OFFICE.

Mr. WILLCOX. Mr. Speaker, I desire to call up a report from the Select Committee on the Eleventh Census, and ask for its immediate consideration. I ask for the reading of the resolution.

The SPEAKER. It will be read subject to objection.

The Clerk read as follows:

Resolved, That the Select Committee on the Eleventh Census be, and is hereby, authorized and instructed to investigate and report on the charges contained in said resolution; and said committee is authorized to appoint a subcommittee, consisting of five of its members, to investigate and inquire into said charges and to visit such cities and places as it may deem advisable to prosecute such investigation; and it is empowered to take testimony, to send for persons and papers, and to administer oaths, as prescribed in such cases, and to perform such other duties as will enable it to carry out the intention of said resolution. That the expenses of the committee and of said subcommittee be paid out of the contingent fund of the House; and the chairman of the committee or of the subcommittee is authorized to draw from the same on the Clerk of the House in sums not to exceed \$500 at any one time.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOLMAN. Mr. Speaker, I hope that resolution will be again reported.

The SPEAKER. The Chair will state that this is a resolution reported by the Select Committee on the Eleventh Census, which was authorized by resolution of the House to make an examination of the Census Office, and the committee recommend that a subcommittee be authorized to investigate the charges embodied in the original resolution.

Mr. WILLCOX. That is correct. The committee now makes this report, asking power to order a subcommittee.

Mr. HOLMAN. The resolution was reported without action by the House?

The SPEAKER. The committee was directed to make the examination and now recommend that the work be done by a subcommittee. Is there objection to the present consideration of the resolution?

Mr. OATES. I would like to hear some explanation as to what is proposed to be done or the necessity for the action that this resolution contemplates.

Mr. WILLCOX. Mr. Speaker, the original resolution referred this investigation to the Committee on the Eleventh Census. The committee have unanimously reported this resolution for the appointment of a subcommittee to pursue this investigation.

Mr. OATES. What investigation?

Mr. WILLCOX. The investigation of the Census Office. The only object of this resolution is to authorize the appointment of a subcommittee to make the investigation instead of the whole committee, which I understand is usual in such cases.

Mr. OATES. Does that resolution propose that the subcommittee shall travel around through the country?

Mr. WILLCOX. Not unless it is found necessary to do so.

Mr. OATES. Wherein is it necessary to go away from this city?

Mr. WILLCOX. The committee do not know that it will be necessary. If it is not necessary, the committee will not go away from this city to make the investigation. There has been some claim that there should be a committee sent to the city of New York to investigate there, and if this resolution is adopted in its present form it will save bringing the matter before the House at another time.

Mr. OATES. Is it in contemplation to go to New York to investigate the alleged errors in the census there?

Mr. WILLCOX. I do not know that that is seriously thought of at this time. The suggestion has been made to the committee that it might be necessary to do that, and if it should become necessary it would be better that this subcommittee should do it than to have the full committee go to New York. It would save expense.

Mr. OUTHWAITE. Unless this resolution is amended in such a way as to omit the provision for traveling around by the subcommittee I shall feel obliged to object.

Mr. HOLMAN. That provision is in the original resolution, and I supposed the original resolution covered the whole ground. The gentleman from Ohio [Mr. OUTHWAITE] knows very well that the very matters proposed to be inquired into were inquired into during the last Congress.

Mr. WILLCOX. I will state to the gentleman that the objection—

Mr. OUTHWAITE. I do not understand that this committee at this time reports that there is a necessity for the committee to travel abroad though the country. If it should appear at some future time that it had become necessary then I should not object.

Mr. WILLCOX. I do not know that it will be necessary. The committee will not go to New York unless it is deemed necessary and economical to do so. If a large number of witnesses from the city of New York should be called, it would be more economical for the subcommittee to go to the city of New York than to summon a large number of witnesses to come to Washington.

Mr. OUTHWAITE. I think the gentleman from Indiana [Mr. HOLMAN] is mistaken in supposing that the original resolution gives this power.

Mr. HOLMAN. Oh, no.

Mr. MCCREARY. I ask that the resolution be read. We have not heard the resolution.

The SPEAKER. Does the gentleman desire that the resolution be again reported?

Mr. MCCREARY. Yes.

The resolution reported by the committee was again read.

Mr. MCCREARY. I desire to ask the gentleman from Connecticut if most of that power was not granted in the original resolution?

Mr. WILLCOX. Yes, most of it was.

Mr. MCCREARY. Then why is it necessary to confer the power again?

Mr. WILLCOX. This resolution provides for a subcommittee to take the place of the Committee on the Census to make this investigation.

Mr. MCCREARY. I ask for the reading of the original resolution adopted by the House, in order that we may understand what change is proposed.

The Clerk read as follows:

Whereas it has been charged through the columns of the public journals of the country and through other channels that the Census Bureau has been wrongfully conducted under Superintendent Porter, in the State of New York and elsewhere, in the interest of partisan politics, and not with the view of obtaining correct enumeration and other data, and that the funds appropriated therefor were wantonly wasted, and that said Bureau has been grossly mismanaged: Therefore,

Resolved by the House of Representatives:

First. That the Committee on the Eleventh Census be instructed to investigate and report on said charges.

Second. That said committee be empowered to send for persons and papers and to administer oaths, as prescribed in such cases, and to perform such other duties as will enable them more thoroughly to carry out the intentions of this resolution.

Mr. OATES. Now, I wish to ask the gentleman from Connecticut was that resolution adopted by the House?

The SPEAKER. The Chair will explain to the gentleman. The House has ordered the investigation. The resolution which has just been read was adopted by the House some weeks ago. Now the committee come in with another resolution asking additional power, and that is the resolution which is under consideration.

Mr. WILLCOX. It is unanimously reported from the committee.

Mr. OUTHWAITE. I wish to make the suggestion that a committee having certain powers may delegate its powers to a subcommittee without any further action on the part of the House. The only additional feature of this resolution now reported is, that it provides that the subcommittee shall travel about the country, and that the expenses of doing so shall be paid out of the contingent fund.

Now, this committee has not proceeded with its investigation far enough, according to the report made; at least no showing has been made here to the House to-day that will warrant us in concluding that any necessity exists for an investigation outside of the city of Washington. Whenever that necessity is shown to the House, that the committee has proceeded with its investigation as far as it may under its present powers, and that it has reached a point at which the necessity arises to send a subcommittee to some other locality, I shall make no objection, but for the present I do object.

The SPEAKER. Objection is heard.

Mr. BLAND. It seems to me that if the gentleman would strike out that part of the resolution which enables the subcommittee to go to other cities there might be no objection.

The SPEAKER. The gentleman from Ohio objects.

Mr. WILLCOX. I was going to say this, that I am willing to strike out that part of the resolution which empowers the subcommittee to go to other cities if the gentleman objects.

The SPEAKER. The gentleman from Ohio will please give his attention. The gentleman from Connecticut [Mr. WILLCOX] says that he is willing that that portion of the resolution empowering the subcommittee to visit other cities may be stricken out.

Mr. OUTHWAITE. I withdraw my objection.

Mr. SIMPSON. I demand the regular order.

The SPEAKER. The gentleman from Kansas demands the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. HEMPHILL. I desire to submit a request from the Committee on the District of Columbia, that the House nonconcur in the Senate amendments to the joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia, and agree to the conference asked by the Senate.

The SPEAKER. Unless this is a privileged motion it can not be entertained.

Mr. HEMPHILL. I ask the gentleman from Kansas to yield for this.

Mr. BLOUNT. I wish the gentleman from Kansas to give his attention, and I ask that he confine his objection to the report, which is withdrawn, and allow some requests for unanimous request. For instance, I shall have to ask unanimous consent to go on with the diplomatic appropriation bill.

Mr. SIMPSON. I withdraw my demand for the regular order, and object to the resolution.

DWELLING HOUSES IN ALLEYS IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Then, I desire to submit the request to nonconcur in the Senate amendments to joint resolution (H. Res. 118) to suspend the issue of permits to build dwelling houses in alleys in the District of Columbia, and agree to the conference asked by the Senate.

The title of the resolution was read.

The SPEAKER. This is a joint resolution with Senate amendments. The Senate has asked a conference upon the disagreeing votes of the two Houses. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent to nonconcur in the Senate amendments, and agree to the conference asked for. Is there objection? [After a pause.] The Chair hears none.

Subsequently,

The SPEAKER appointed as conferees on the part of the House Mr. FELLOWS, Mr. HEARD, and Mr. COGSWELL.

LINEAL PROMOTION IN THE ARMY, ETC.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to ask that the House nonconcur in the Senate amendments to a House bill, and agree to a committee of conference.

The title was read, as follows:

A bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army.

The SPEAKER. That is a House bill with Senate amendments, and the gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent to nonconcur in the Senate amendments, and asks for a conference on the disagreeing votes of the two Houses.

Mr. OWENS. I object.

ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill; and, further, that committees having reports to make may file them with the Clerk.

The SPEAKER. Before submitting the request the Chair will submit a report from the Committee on Enrolled Bills.

ENROLLED BILL SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 1415) for the relief of John Nickles; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHITING, for this day, on account of sickness.

LEAVE TO SIT DURING THE SESSION.

By unanimous consent, the Committee on Banking and Currency obtained leave to sit during sessions of the House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill; and also, that gentlemen having reports to make may be permitted to file them with the Clerk. Is there objection? [After a pause.] The Chair hears none.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OATES in the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill

(H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893.

Mr. BLOUNT. Mr. Chairman, I desire the Chair to state if I am correct in stating that on yesterday the committee determined that all general debate should be closed after two hours, at which time the bill would be taken for consideration by paragraphs. I wish to do that so gentlemen may understand we will be brought to a great many votes on the bill this day.

The CHAIRMAN. The House on yesterday agreed that two hours of general debate would be allowed to-day and no more. The Chair will recognize the gentleman from Mississippi [Mr. HOOKER] as entitled to the floor.

Mr. HOOKER of Mississippi. Mr. Chairman, when this debate was opened on yesterday by my friend Mr. BLOUNT, chairman of the Committee on Foreign Affairs, had a stranger entered the Hall he would have supposed that he was an opponent of the measure which he himself had presented and the report which he had made. In the beginning of his speech he undertook—

Mr. CHIPMAN. Mr. Chairman, can we not have order in the House? Even as near as we are we can not hear the gentleman.

The CHAIRMAN. The Chair has requested gentlemen to abstain from conversation, and it is hoped that it will be unnecessary to repeat it. Gentlemen desiring to converse will please retire to the cloakroom.

Mr. HOOKER of Mississippi. I hope that gentlemen, at all events, in the immediate vicinity of the speaker will not engage in conversations which will make it impossible to be heard even by the chairman of the committee.

I was proceeding to say that my distinguished friend, when he opened his speech, spoke as if he were opposed to the very measure which he had himself introduced and upon which he had made the report, coming from the committee of which he is chairman.

It struck me as a singular proceeding for the chairman of the committee, but in order that I may not misinterpret the gentleman I will read from his speech of yesterday the paragraphs to which I now refer. He says:

European countries may require able diplomats. Not so with us. We have no occasion for the toys of courts. The best talent of the land is found devoted to internal prosperity.

I can only say in reply to that, Mr. Chairman, that if there had not been diplomats of very great distinction in former times whose capacity added largely to the area of our country and whose intelligence and ability enable them to settle satisfactorily grave questions with reference to the acquisition of territory and of terminal bounds, there probably would not now be a Committee on Foreign Affairs in the House of Representatives, over which my distinguished friend from Georgia now presides with such marked ability.

I can not sympathize with him, therefore, in his declaration that we have no necessity for diplomats. Following the convictions of his judgment, as he went on further in his speech and declared his sentiments upon this subject and stated in what way he would abolish most of our missions abroad, he still more strongly indicated his opposition to the system itself. Now, I can not sympathize with my friend in that view of the question, for the reason that in my opinion this country has been greatly advantaged by the men who have managed its diplomatic affairs.

While our armies have acquired territory, as in the Mexican war and other wars, which have added vastly to the area of our country, I yet think that the diplomacy displayed by the great leaders in that department in the acquisition of the territory of Louisiana, and, in 1823, in the acquisition of Florida, is evidence that there are as many laurel wreaths crowning the brows of peace and of the statesmanship of the land as there are gathered around the helmets of the soldier and the brows of the leader of the soldier.

I am rather astonished that my distinguished friend from Georgia did not follow out, as he usually does, with a good deal of heroic bravery, the convictions of his own mind and propose an absolute abolition of our diplomatic system. My friend said further in the course of his speech, that we had no use for a minister at Greece. He said:

We are told that Greece is classic ground. But, sir, the muses have long since deserted her mountains. Her beautiful marble no longer awakes the genius of her once gifted sculptors. Her legends are fast passing away from the earth, because the intellectual and moral progress of the age does not stop long or spend much time over the strength of Hercules or the beauty of Apollo, the heroism of Achilles, the wanderings and genius of Ulysses, the beauties of Helen, or the wantonness of Paris. Her halls of philosophy are closed forever. Her seacoast, once the center of an immense commerce, is almost as silent as at the dawn of creation itself. In that land is an ignorant, thriftless, idle population, standing beside the ruined tombs and monuments of a decayed and forever departed greatness.

Then, speaking of Switzerland, my friend says:

Providence has taken mountain and water and created there the most bewitching scenery that is exhibited in any portion of the world, and yet, sir,

where is there to be found her consideration in the political or commercial relations of the world? See has no standing whatever.

That from an American statesman in regard to Switzerland! But first, Mr. Chairman, in relation to my friend's remark about Greece, that she has existed in vain, and that she has no commerce. Sir, she sits upon the Mediterranean of the Old World, as our great ports of New Orleans and Mobile and Galveston sit upon the Mediterranean of America—the Gulf of Mexico. Greece acquired her power, her commerce, and much of her learning from another race that settled upon the shores of the Mediterranean.

The hardy little race of Phoenicians transferred from the East to the West the centers of civilization, and settled on the shores of the Mediterranean. They were the earliest of nations who went out on the seas on commercial expeditions.

It was from these hardy seamen that Greece derived the lessons that made her great in science, literature and art; and Rome derived from Greece the lessons which made her the mistress of the world. The history of the Old World teaches us that the Mediterranean enriched every nation that has controlled its commerce. Sir, I do not think my friend from Georgia was fortunate in his selection of these two particular nations, Greece and Switzerland, to illustrate his opposition to our diplomatic system.

Greece may not now have the active commerce that she once had within her borders, but the world still listens to her great orators and poets, and admires the daring of her generals, and catches the inspiration of her great painters and sculptors, and models after her unrivaled architecture. It was in her school of art that Titian was taught those wonderful tints and colorings that ages have not defaced, and Michael Angelo was taught to chisel those forms of strength and beauty from the cold and insensate marble which stand to-day the models for the world.

Specimens of her architecture cover the world. The splendid specimen in our own Treasury building will be as much in vogue two hundred years from now as it is to-day. The lessons she has given us, the spirit in which she lived are not lost. Her commerce may have declined, but she has left imperishable monuments of her genius and her power that have stood the test of time and will stand it for all coming generations. And Switzerland, the gentleman says, has nothing but mountains and water.

It is something, I would say to my distinguished friend from Georgia, to have mountains and water. They are the great elements of the landscape of the world; and while it has not been my fortune to look upon the towering mountains of Switzerland pointing their snow-capped summits to the skies or to listen to her gurgling streams as they roll to the ocean, I have stood upon territory like Switzerland in our own land—in the grand and great old Commonwealth of Virginia; I have looked at her lofty mountains standing upon the grassy plains that lie at their base, sometimes glassed in sunshine, and sometimes covered with shadow, and sometimes the home of the storm god; and I have ceased to wonder that a country with such scenery should have bred heroes among her men and heroines among her women. And so of Switzerland, the first great Republic of the Old World, whose cantons were more devoted to liberty than any nation on the globe save our own, and who bred men loving liberty, like the celebrated William Tell, and who have bequeathed to us lessons of wisdom upon republican simplicity which we might do well in many respects to imitate.

But my friend says we have no use for diplomats. Ah! have we not? If we have not, then he ought to put the pruning knife closer down to the root of the tree and cut up the whole wrongful establishment. Have we not any need for diplomats now? Sir, we have felt the demand for diplomacy on two occasions since this Congress met in December last. We had been in session but a little while when the news came that some sailors from one of the great war vessels of this country had been rudely assailed upon a foreign soil and more than one of them killed. Appeals were made to the Department of State and to the Executive to demand reparation for this great outrage upon American sailors. It is true that the aggressor was a small country—small in area, feeble in power as a military and as a naval nation; but these outrages had been perpetrated, and it was important that we should demand reparation. Another instance arose since we came here with reference to that territory for which we paid \$7,000,000, the Territory of Alaska, and which was valueless—

Mr. ALLEN. If the gentleman will allow me one question, will he please explain to us how our minister helped us very much in the Chilean affair.

Mr. HOOKER of Mississippi. Yes, I am going to do that. I was saying that in addition to this Chilean trouble there was another trouble that has grown up since we assembled here, and that was with reference to the restoration of the *modus vivendi*

on the Bering Sea that prevailed last year. That was another question which was settled by diplomacy. It was understood that Lord Salisbury would never consent to the restoration of the *modus vivendi*. It was said that no persuasions could be submitted to him which would induce him to do it; and we were threatened with a disturbance because Canadian vessels, forty in number, had already sailed from Canadian ports for the purpose of depredating on the seals in that region, which was valuable to us alone on account of the seals, and were engaged in what is called pelagic sealing, which is the shooting of the female seals in the open ocean while they are bearing their young to the places where they are to be born.

It was important, therefore, that we should settle this matter. At first it was supposed a settlement was impossible; but I want to say with reference to the Chilean trouble, about which my colleague from Mississippi [Mr. ALLEN] has made inquiry, and with reference to the Bering Sea trouble, that fortunately for the country—and I do not hesitate to say it because the gentleman of whom I am about to speak is a Republican—fortunately for the country we had in the position of Secretary of State a man of such large diplomatic ability that both with reference to the Chilean matter and with reference to the Bering Sea controversy diplomacy settled the whole trouble. Treaties were made which settled those questions forever, compelling Chile to salute the flag which she had insulted and to make reparation for the sailors whom she had murdered.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. HOOKER of Mississippi. Certainly.

Mr. HOLMAN. To what extent did our minister in Chile or our minister at the English court participate in the settlement of the complications to which the gentleman has referred? As a matter of fact, have not all our treaties of any importance within recent years been brought about by negotiation between the chief of our Cabinet here and the representatives of the countries with which we were negotiating?

Mr. HOOKER of Mississippi. To a certain extent, yes. I have just said so. I have paid to Mr. Blaine the compliment of saying so.

Mr. HOLMAN. But has any gentleman as foreign minister of this country rendered in our own time really valuable service in these matters? Have not the complications which have arisen been settled by conference or negotiations between the Secretary of State at Washington and the ministers here representing foreign countries?

Mr. HOOKER of Mississippi. The Secretary of State acts all the time upon communications which are made to him by our ministers abroad.

Mr. HOLMAN. They are simply his clerks.

Mr. HOOKER of Mississippi. That may be so; but they accomplish the purpose; and they are agencies which we ought to have—agencies which no nation can dispense with.

All of our foreign ministers stand there amenable to the direction of the Secretary of State and the Executive of the country, because the Department of State is clothed with the power of holding through them our sole intercourse with foreign nations. And therefore I repeat, Mr. Chairman, that it was diplomacy that settled the Chilean question, as well as the Bering Sea matter. A great deal has been said about Mr. Egan, our minister to Chile, and he has been made the subject of a good deal of adverse newspaper criticism in some latitudes; but I must confess I have not heard of, or seen, anything that he did in connection with this matter that was not proper and right. He seems to have taken all of the steps that were necessary; he did his duty, and reported to the State Department what was going on. He made reports to the Government and communicated to the Department officially the situation as it appeared to him upon the ground, and the result of the matter has been, as you know, that the Chilean Government has made ample reparation to our Government for the wrong done and the insult offered our flag.

In this case, as well as in the Bering Sea case, our ministers were instrumental in accomplishing the end desired. The Secretary of State can not communicate directly with either England or Chile, except through our ministers abroad, and Mr. Blaine himself has shown great statesmanship in the matter and in the treatment of the questions which have arisen, even since this present Congress has assembled, and I am free to say so, even though he be a Republican. I hold, Mr. Chairman, to the doctrine that when a man reaches that state of prominence in this country, when he sits by the side of the President as his counselor and chief adviser, that he represents no political party and no faction of a political party, but that he represents the welfare, the interests, and the prosperity of the whole country. He does not represent a party in any sense of the word. The Secretary of State, whether it be a Bayard under the Administration of Mr. Har-

rison, represents the United States in its entirety and all of its people.

Our distinguished Secretary of State under the late Democratic Administration would scorn the idea that in the intercourse through him with foreign nations he was the representative of any party, or that he represented any particular section of the country. And so, I believe, with reference to the present Secretary of State; and as I have already said, Mr. Chairman, in his intercourse with foreign nations he must have the assistance of our ministers abroad.

But, sir, I might read further extracts from the eloquent speech of my distinguished friend from Georgia to show his position upon this subject, but I will come now to the consideration of this bill and the report submitted by the Committee on Foreign Affairs and discuss the only matters of difference that exist in the committee on the subject.

All who listened to the address of my friend from Georgia [Mr. BLOUNT] on yesterday, to my distinguished friend from Kentucky [Mr. MCCREARY], and the gentleman from Illinois [Mr. HITT], and to Mr. POST, who also addressed the committee on this subject, have been apprised of the fact that there was unity in the majority of the committee except on two points, one being the appropriation for continuing the survey of the transcontinental-longitudinal railway through Central and South America, for which an appropriation of \$65,000 was provided, and another, the appropriation of \$25,000 for continuing the work of the Bureau of Information of the International Union of American Republics. The appropriation in this case was \$10,000 less than we formerly made, and I will remark here in passing that the reductions by the committee in the foreign missions and the cost of the consulates abroad show a saving of about \$72,000, as contradistinguished from the bill of last year, and much greater than that as shown by the estimates of the State Department for this service, amounting, I think, to over half a million dollars. But these are the only two points on which there is a difference in the majority of the committee as the bill is reported.

How do we happen to be in a condition to make this appropriation, and why is there necessity for making it at all? I will say to you that we do it in accordance with the law, the statute law, which stands upon our statute books. It is not a new appropriation. It is an appropriation made by the committee in conformity with law passed by the Congress of the United States, a law which I will have published in my remarks.

But first I wish to call your attention to what occurred in the House when that law was passed. It will be found on page 1661 of the CONGRESSIONAL RECORD of the Fiftieth Congress, first session, and is as follows:

The next business reported from the Committee of the Whole House on the state of the Union was the bill (H. R. 1473) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central, and South America, and the Empire of Brazil—

Which has since become a republic—

which was read, together with the amendments of the Committee of the Whole.

Mr. MCCREARY. I move the previous question on the amendments, and on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCREARY moved to reconsider the vote by which the bill was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

That is what occurred in the House of Representatives when you created this Pan-American Congress. My honorable friend from Georgia [Mr. BLOUNT], the accomplished chairman of the present Committee on Foreign Affairs, was a member of that House. He gave his assent to this bill. The honorable gentleman from Indiana [Mr. HOLMAN] was a member of that House, and gave his assent to this bill. I think it carried with it when it was passed, for the purpose of executing its provisions an appropriation of \$75,000. They both voted for it; they both sustained it; not a word in opposition from either in any way or form.

Mr. BLOUNT. How does the gentleman know how I voted? There was no ye-a-and-nay vote.

Mr. HOOKER of Mississippi. There was no ye-a-and-nay vote, but my friend could have had a ye-a-and-nay vote if he had wanted it.

Mr. BLOUNT. How does the gentleman know that I was even on the floor? There is nothing in the RECORD to show it.

Mr. HOOKER of Mississippi. No, there is not; but it seems to have attracted sufficient attention to have passed while both of these gentlemen were members of Congress, and could have opposed it. If there was so much opposition to this Pan-American

Congress, then was the time to have indicated it. Then was the time to have opposed it; and I now propose to call the attention of the House to the bill itself, in order to show that a bill of that magnitude and that importance and for the purposes which it proposed, could scarcely have passed this House, or even been read, without attracting the vigilant attention of my honorable friend from Indiana [Mr. HOLMAN], who is never asleep, who is always awake and always vigilant, or of my equally vigilant friend from Georgia [Mr. BLOUNT], who was a member at that time. I will include in my speech, with the permission of the House, the text of this bill. It is found in the United States Statutes at Large, Fiftieth Congress, 1887-'89, volume 25, page 155, as follows:

An act authorizing the President of the United States to arrange a conference between the United States of America and the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested and authorized to invite the several Governments of the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, at such time as he may deem proper, in the year 1889, for the purpose of discussing and recommending for adoption to their respective Governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all, and secure more extensive markets for the products of each of said countries.

SEC. 2. That in forwarding the invitations to the said Governments the President of the United States shall set forth that the conference is called to consider—

First. Measures that shall tend to preserve the peace and promote the prosperity of the several American States.

Second. Measures toward the formation of an American customs union, under which the trade of the American nations with each other shall, so far as possible and profitable, be promoted.

Third. The establishment of regular and frequent communication between the ports of the several American States and the ports of each other.

Fourth. The establishment of a uniform system of customs regulations in each of the independent American States to govern the mode of importation and exportation of merchandise and port dues and charges, a uniform method of determining the classification and valuation of such merchandise in the ports of each country, and a uniform system of invoices, and the subject of the sanitation of ships and quarantine.

Fifth. The adoption of a uniform system of weights and measures, and laws to protect the patent rights, copyrights, and trade-marks of citizens of either country in the other, and for the extradition of criminals.

Sixth. The adoption of a common silver coin, to be issued by each Government, the same to be legal-tender in all commercial transactions between the citizens of all of the American States.

Seventh. An agreement upon and recommendation for adoption to their respective Governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them, to the end that all difficulties and disputes between such nations may be peaceably settled and wars prevented.

Eighth. And to consider such other subjects relating to the welfare of the several States represented as may be presented by any of said States which are hereby invited to participate in said conference.

SEC. 3. That the sum of \$75,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be disbursed under the direction and in the discretion of the Secretary of State, for expenses incidental to the conference.

SEC. 4. That the President of the United States shall appoint, by and with the advice and consent of the Senate, ten delegates to said conference, who shall serve without compensation other than their actual necessary expenses, and the several other States participating in said conference shall be represented by as many delegates as each may elect: *Provided, however,* That in the disposition of questions to come before said conference no State shall be entitled to more than one vote.

SEC. 5. That the Secretary of State shall appoint such clerks and other assistants as shall be necessary, at a compensation to be determined by him, and provide for the daily publication by the Public Printer, in the English, Spanish, and Portuguese languages, of so much of the proceedings of the conference as it shall determine, and upon the conclusion of said conference shall transmit a report of the same to the Congress of the United States, together with a statement of the disbursements of the appropriation herein provided for.

Approved May 24, 1888.

The reason why my two distinguished friends [Mr. HOLMAN and Mr. BLOUNT] did not oppose the bill which brought the Pan-American Congress into existence may be found in the fact that both of the political parties of the country stood committed to it. Here they are:

REPUBLICAN NATIONAL PLATFORM OF 1884.

The Republican party favors a policy which shall keep us from entangling alliances with foreign nations, and which shall give the right to expect that foreign nations shall refrain from meddling in American affairs, the policy which seeks peace and trade with all powers, but especially with those of the western hemisphere.

DEMOCRATIC NATIONAL PLATFORM OF 1884.

We favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America, but entangling alliances with none.

Then was the time to have opposed this measure. If there was no necessity for a conference, for closer commercial relations between the United States and the Central and South American republics, for which both political parties declared, if there was no necessity for any of these things, then was the time to

have made the opposition to the bill, and not now, when that Congress has been held, when its results have been achieved, and as an incident to and connected with the purposes and objects of that Congress of American states, held at the city of Washington in the year 1889, it was proposed that they should survey the route of what is called the longitudinal railroad, running through Mexico, Central, and South America.

Now, it is said by my distinguished friend, the chairman of the committee [Mr. BLOUNT], that he is going to move to strike out this portion of the bill that appropriates the \$65,000. I say that the time to have opposed it was when we passed the law asking these countries to send their representatives here to meet with us to confer with us upon the subject-matters which were presented to them. They did come—

Mr. BLOUNT. Will my friend allow me to ask him a question?

Mr. HOOKER of Mississippi. Yes.

Mr. BLOUNT. The gentleman has read the act authorizing the Pan-American Congress. He says that the time to have made the issue which I am making in relation to this survey was when that bill passed the House. I ask him if his mind will go further and say that the time to make the issue about this Government undertaking to guarantee the neutrality of this railroad, to guarantee the concessionaires their land grant subsidies, and all their rights, if he does not think that was the time to have fought all that?

Mr. HOOKER of Mississippi. I will answer the gentleman's question. I want first to show what he said on this subject yesterday. He incorporated a table, which also appeared in his report, and he further says:

I want to stop this hidden, mysterious thing at the outset. I want to abolish this Bureau. The information circulated can be gathered from encyclopedias and from other cheap sources. It is a place for somebody to occupy. It is one of the numerous bureau "sores" to be found in every Department of the Government. It is active; it appeals to the House by having communications sent to members of Congress of its consequence. It struggles for its life. So with this survey I would strike it out from the bill.

In answer to the question of my friend I would suggest to him that the proper way to have stopped all this was to have voted against the bill calling the Pan-American Congress, and that he should have then called the attention of the House to the fact that there was no necessity for this intercourse between the South American countries and ourselves.

Mr. BLOUNT. That is not responsive to my question.

Mr. HOOKER of Mississippi. I think it is. It is in the good old-fashioned Yankee style, answering one question by asking another.

Mr. BLOUNT. If the gentleman thinks it is an answer, I am willing to let it stand.

Mr. HOOKER of Mississippi. Very well; I am quoting your own speech just as you made it.

Mr. BLOUNT. I made that speech, but I have asked you a question which I do not think you have answered.

Mr. HOOKER of Mississippi. But the balance of the House do not know as much about it as you do, because they have not studied it.

Mr. BLOUNT. If they will take occasion to read the RECORD I will leave it to them.

Mr. HOOKER of Mississippi. In giving the table which the gentleman quoted in his remarks my friend from Indiana [Mr. HOLMAN] seemed to think there was a discrepancy between what was said by the gentleman from Kentucky [Mr. McCREARY] and the table, and he seemed to raise the point that nothing at all has been contributed by these other Republics, or very little for this purpose.

Now, the table as printed in the gentleman's speech shows that Chile had paid for the Intercontinental Railroad survey three thousand and odd dollars, and the other republics had paid some. In the one which my friend from Kentucky [Mr. McCREARY] read, of which I presume I have a copy, is a letter from the Secretary of State, showing the countries that have appropriated for the establishment of this Bureau; and I believe the last one of them has made its contribution.

Mr. BLOUNT. Oh, no.

Mr. HOOKER of Mississippi. Not to the intercontinental survey. Some of them have not paid their share; but as I understand from the letter of the Secretary of State they have paid their contributions to this Bureau.

Mr. McCREARY. Will the gentleman from Mississippi permit a question?

Mr. HOOKER of Mississippi. Yes, sir.

Mr. McCREARY. Is it not true that the House of Representatives has twice appropriated \$65,000 in appropriation bills for the preliminary survey of an intercontinental railway; and is it not true that no objection was made by any member of this House to the appropriations I have referred to?

Mr. HOOKER of Mississippi. I have never heard an objection.

Mr. SNODGRASS. Will the gentleman permit me to ask him a question?

Mr. HOOKER of Mississippi. Certainly.

Mr. SNODGRASS. If it was wrong then and wrong now, is it ever too late to correct a wrong?

Mr. HOOKER of Mississippi. Yes.

Mr. BLOUNT. I would like to ask the gentleman in this connection if it is not true that neither report accompanying the bills which contained this appropriation had any particle of reference by which the attention of the House was called to the subject?

Mr. HOOKER of Mississippi. I do not know anything about that.

Mr. BLOUNT. That is the fact.

Mr. HOOKER of Mississippi. That is the act; and it was passed by the House, and passed by the Senate, and therefore members were apprised of it; the invitations were sent to the South American Republics, and the result was the Pan-American Conference.

Mr. MCCREARY. I desire to say to the gentleman from Mississippi that the diplomatic and consular appropriation bill contained the paragraph appropriating \$65,000 for this preliminary survey, as the part of the United States, and it appeared twice in the bill. It was read to this House, and it required no discussion in the report on the bill, because of the reading of the bill to this House.

Mr. BLOUNT. Then I suppose all who happened to be here when the bill was read are responsible for the demonetization of silver?

Mr. HOOKER of Mississippi. Every member of the House who was here in Congress at that time had an opportunity to hear it, and he had an opportunity to oppose it if he chose, and certainly had an opportunity to be heard in opposition. I take it as a solemn act of the Government, as it was passed by the House and by the Senate, signed by the President, and put upon the statute book, and we held this convention in 1891. Now, they proposed a survey for this transcontinental railway, which it is now said is objectionable, because in making the survey the Government is said to be committed to the construction of the road.

Well, now, on the contrary every provision is made against it by the construction of that agreement, for by the eighth article it is provided that the concessionaires, the men to whom the concessions are made by the South American Republics, shall be at the whole expense of the construction, outfit, and running of these roads. What is the fact? Why, some years ago when the attention of the country was called to these Three Americas Railway, as it was called, and when that bill was before the House I had occasion to make a speech, and I want to give some tables which I used in the progress of that speech for the purpose of showing the importance of this connection, this closer connection with these people of the South American Republics. How do we now communicate with these Central and South American countries directly south of us? Whether we want to write a letter or order a bill of goods from these countries, it must first go to London and thence to the particular country we desire to communicate with. No direct communication with the countries south of us except through foreign ports and in foreign bottoms.

Now the natural entrepôt for all of that trade is New Orleans, Mobile, and Galveston. There are ports lying nearer to her, and yet we control nothing of the great trade of Central and South America. We wanted, therefore, to have a conference with these Republics in order to secure closer relations of amity, friendship, concord, and commerce. That was the object.

England and Germany controls all of that trade, and France, and even Italy have a considerable portion of it. I am told by gentlemen who have been in Central and South American ports, that in those countries it is a rare sight ever to see a vessel flying the flag of the Union at her masthead. That the ships of other countries take the great products of those countries to Europe, and if we need them and get them, they have to be procured from Europe. If you want to send a letter, it goes by the way of London before it can reach any of these South American countries.

Now, the vast commerce and trade, and vast production of our own country ought to find easy access to South America. In the table which I had the honor to submit to the House in a speech I made on the subject in 1888, which I will read again, I quoted it for the purpose of showing the great importance of the great valley that lies between the Allegheny Mountains on the one side and the Rocky Mountains on the other, and the great production of that country, and of our manufactures, that we desire to be carried to South America and to have her products brought back to us. I give it as an illustration of the very wonderful productions of our own country, and the fact that we ought to

have in these other countries a ready market. In that speech I said:

The tables of the last census show that the States and Territories drained by the Mississippi River and its navigable tributaries contain 51 per cent of the nation's area and 58 per cent of its production, and that these same States and Territories produced in 1880—the census year—98 per cent of the sugar, 91 per cent of the coal, 80 per cent of the corn, 81 per cent of the pig iron, 76 per cent of the oats, 74 per cent of the wheat, 68 per cent of the cotton, 68 per cent of the tobacco, 60 per cent of the hay, 57 per cent of the forest products, 55 per cent of the wool, and contained 92 per cent of the swine, 97 per cent of the mules, 74 per cent of the horses, and 73 per cent of the cattle in that same census year.

The total grain products of these same States drained by the Mississippi River and her navigable tributaries amounted in this same census year to: Of Indian corn, 1,558,358,686 bushels; of wheat, 342,230,515 bushels; oats, 310,271,700 bushels; of barley, 18,888,089 bushels; of rye, 13,974,324 bushels; of buckwheat, 5,082,880 bushels; making a total aggregate of 2,218,779,373 bushels; making an average of 44 bushels per capita for every man, woman, and child enumerated in the census of 1880. Well may the compiler of these tables have exclaimed when he finished his compilation, "Behold! here is the granary of the world!"

In addition, to the mileage of navigable waters of the Mississippi and her tributaries must be added 2,000 more miles of navigable tributaries flowing from Texas, Alabama, Louisiana, and Mississippi into the Gulf of Mexico.

To these great natural highways of trade and commerce must be added the artificial highways, consisting of the great chain of railways which, like a network, embrace the continent and find their southern terminus on the waters of the Gulf of Mexico.

To give an idea of the vast commerce which finds its distribution through the Gulf of Mexico, it must be remembered that the seven great cotton-producing States of Arkansas, Alabama, Mississippi, Louisiana, Texas, Tennessee, and Florida supply us annually over four million of bales of the cotton crop, made and shipped.

From the six States of Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas we had a supply of timber, amounting, according to a table of estimates compiled from the last census, to a grand total of 184,281,500,000 feet. The wealth of the Gulf Coast States in timber alone, apart from their agriculture, is almost beyond calculation.

Of the great cornfields of the United States, estimated to cover 195,000 square miles, 157,000 square miles—or 80 per cent of the whole corn area—lie in the States and Territories drained by the waters that flow into the Gulf of Mexico.

The great iron deposits of Kentucky, Tennessee, Missouri, Ohio, and Alabama constitute another source of illimitable supply and inestimable value to the commerce of the Gulf of Mexico.

But I turn from the contemplation of the vast, exhaustless, and unbounded resources which flow by God-given channels and the artificial channels devised by the genius of man through our own favored country into the Gulf of Mexico, to the consideration of the commerce of the countries which lie immediately south of us and border like ourselves on the shore of this "American Mediterranean," the Gulf of Mexico. The nations bordering on the Mediterranean of the Old World sometimes spread their power and colonized under the red battle flag of the god of war. The nations bordering on the Mediterranean of the New World—the Gulf of Mexico—must send out as conquerors the white-winged messengers of commerce, bearing the olive branch of peace.

The generous and magnanimous interest shown by our sister Republic of Mexico in the world's exposition at New Orleans has already accomplished much in the way of establishing closer commercial relations between the United States and Mexico. It is a remarkable fact that while our nearer neighborhood to our sister Republic of Mexico, lying next to us on the Gulf, has made us somewhat familiar with her products, resources, capacities, and wants, our people are almost strangers to the trade and commerce of Central and South America; indeed, it may be said to be almost an unknown country to the vast majority of the sturdy, energetic, and progressive people of North America.

It is estimated that in the last fifty years more than ten millions of immigrants have landed on the shores of North America. They have spread over our vast and fertile fields and into our manufactories and workshops, and added to the products of labor to such an enormous extent that we may be said to be the producers of the food and clothing and manufactures and machinery of the world; and one of the greatest problems, upon the successful solution of which depends our national prosperity, is that of the movement and distribution of the surplus products of our labor. In looking for markets for the surplus product of our nation's labor our eyes naturally turn to the countries which border on our great internal sea, the Gulf of Mexico; and yet when we examine the statistics of the commerce of our immediate neighbors whose ports lie at our very doors, we find the field occupied by British, French, and German vessels; and travelers in Central and South America tell us it is rare to find the flag of the Stars and Stripes floating at the masthead of any maritime vessel on the Atlantic or Pacific shores of South America.

Maj. Frederick Hilders (to whom I am largely indebted for information on South American trade) in his learned essay advocating the construction of the "Three Americas Railway," quoting from an English paper, speaking of the trade of Central and South America, and how and where it goes, says:

"A great revival in the trade of Mexico and Central and South America is confidently anticipated. British merchants and manufacturers will do well to make the most of the opportunity before their French, Belgian, and German rivals shall have taken the lead in the supply of those markets."

America and American merchants and manufacturers are not even mentioned as a possible competitor for this vast trade, which lies at our very doors, easily approached over the most splendid sheet of water that dots the globe.

On the continent south of the United States are fifteen Spanish-American republics, the Portuguese-American Empire of Brazil, and the four European colonies.

They have a total population of 40,000,000 consumers, an area of about 8,000,000 square miles, or more than double that of the United States.

In climate, resources, products, supply, and demand they are the reverse and complement of the United States. Commercial exchanges with such countries are, therefore, in accordance with sound laws of trade and political economy.

They are exceedingly deficient in manufactures.

They need our railway iron and supplies, farming implements, cotton and woolen goods, boots and shoes, sewing machines, telegraph and telephone supplies, clocks and watches, notions, and a thousand and one products of our invention and skill.

We need their coffee and sugar, tropical fruits, hard woods, fiber plants, and other raw materials.

In brief, these countries represent twenty American Indias, whose unsupplied and inviting trade fields we will find most profitable to occupy with our

surplus energy, skill, products, and manufactures. At present, however, our share of that trade is disgracefully small. Their foreign commerce, exports and imports of merchandise combined, is in value as follows:

The Republic of Mexico.....	\$55,000,000
The five Central American republics.....	24,428,000
The nine South American republics.....	348,646,000
The four European colonies.....	31,980,000
The Empire of Brazil.....	215,001,000

Total..... 675,055,000

Of this total trade the United States controls but \$126,822,000, or less than one-fifth part, the lion's share being monopolized by Great Britain, France, and other European powers.

Of the total annual imports of these twenty countries, which amount to \$303,812,000 in value, we supply but one-seventh part.

But the facts are still more disgraceful when we confine the statistics to the fifteen sister republics.

Their total annual foreign commerce, exports and imports combined, is as follows:

The Republic of Mexico.....	\$55,000,000
The five Central American republics.....	24,428,000
The nine South American republics.....	348,646,000

Total fifteen republics..... 428,074,000

Of this total trade we control but \$63,636,000, or less than one-sixth part.

This great trade is within our grasp if we by intelligent action through this conference seize it. The great ports of the Gulf of Mexico are the *entrepôts*, marked out by nature, into which should flow and from which should go the trade and traffic of our own immediate Southern neighbors on the Gulf. Shall we sit supinely by, as we have done in the past, and see this vast empire of commerce snatched from our hand by nations separated by thousands of miles of ocean from them. The laws of supply and demand and the necessity of opening channels of commerce between nations is the same to-day as when Adam Smith in his *Treatise on the Wealth of Nations*, more than a century ago, said:

"According to the natural course of things, the greater part of the capital of any growing country is first directed to agriculture, afterward to manufactures, and last of all to foreign commerce."

And again:

"When the products of any particular branch of industry exceeds what the demands of the country require, the surplus must be sent abroad and exchanged for something for which there is a demand at home. Without such exportation a part of the productive labor of the country must cease and the value of the annual product diminish."

Every market must be availed of; and that which is ours by the natural laws of trade must not longer be yielded to foreign nations, if we would prevent the calamity of having an overplus of production for which we can find no market, and which, without a market, ceases to be worth producing.

Maj. Hilders, in his admirable treatise, speaking of the importance of this trade with South America, says:

"The geographical position of the United States and the currents of the ocean which flow from the mouth of the Amazon to our shores will insure to American merchants the greater portion of that immense commerce, the magnitude of which can scarcely be estimated, when all that vast region of the interior of South America shall take the important place in the commercial brotherhood of the world for which nature has so bountifully prepared them."

Mr. Nimmo, the former Chief of the Bureau of Statistics at Washington, in a pamphlet published some years since, entitled *The Proposed Inter-oceanic Canal in its Commercial Aspects*, tell us—

"That we have but 24 vessels in the Chilean trade, against 372 going between Chilean and European ports. Not one of our 24 is a steam-going vessel, while among the others, those under European flags, are many and magnificent ocean steamers."

What is here said of Chile is true of every Spanish-American port.

This vast region of South America is a country teeming with fertility, rich in tropical products, needing only that the genius and spirit of the sturdy Anglo-Saxon of North America shall be brought to bear upon its vast resources in order to make that country, barren as a desert, blossom like the rose. It is for this reason that we desire conference with these people, that we may be brought into commercial relation with them, that we may improve the national position we hold towards them.

The genius of our distinguished countryman, the late James B. Eads, proposed by his ship railway across the Isthmus of Tehuantepec to connect the Atlantic and Pacific Oceans, which would be practically to extend the mouth of the Mississippi to the Pacific Ocean, and thus realize the dream of Sir Walter Raleigh expressed to his royal mistress, Queen Elizabeth, more than three hundred years ago, "that the genius that could solve this problem will have opened the gateway to the commerce of the world."

Mr. Chairman, attention was called to the importance of the construction of this railway and to the survey as a preliminary, by Maj. Hilders, from whom I quoted on a former occasion, in a treatise which he published some years ago showing the necessity of the continuation of our railway system from the United States through Central and South America. And let me here direct the attention of gentlemen to the fact that not an acre of our land is to be covered by this proposed railroad.

On the contrary, we have completed our railway not only to the borders of Mexico but through that country to the Mexican capital and far beyond it. And in many other of the South American countries railways have been completed which would form a part of this great longitudinal railway system. The idea was to connect our railway system with railways extending through those marvelous countries lying on either side of the Andes.

The table of trade with these countries lying south shows a grand total of \$700,000,000.

Now, of all this total of nearly \$700,000,000 of trade shown by this table the United States controls but \$126,000,000, or less than one-fifth. Was it not well enough, therefore, that we should have had this Pan-American Congress with a view to opening up commercial relations with those countries not merely by water, not merely by sea, but by rail, because railways have already become the great means of transportation not only for passengers

but for freight also? Of the total imports of these countries, which amount to several hundred millions in value, we supply but one-seventh. I will print the table showing the facts.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has consumed forty-three minutes.

Mr. HOOKER of Mississippi. I can not, therefore, stop to quote further from these tables, but I will print them in the RECORD for the purpose of showing what the trade of those countries is with us and our trade with them.

Now, Mr. Chairman, a word as to the feasibility of this trans-continental railroad. We have had our engineers on that route and they have made a survey and have reported that it is feasible. They have reported that the three Americas can be linked together by bands of iron, establishing direct communication with the remotest portions of Central and South America. We have contributed an insufficient amount for the purpose of making the preliminary survey to ascertain the practicability of the construction. Somebody has said here that some individual or some corporation will get the benefit of this preliminary work.

Well, sir, we build all railroads by aggregations of capital. In some of the South and Central American countries the government builds them, but most generally railroads have been built by aggregations of capital, and those aggregations are called corporations. Gentlemen say a corporation ought not to be allowed to build this road. Why, sir, corporations have built all the roads that run through your own country, yet now, when we are asked to make a little contribution of \$65,000 to continue this preliminary survey, the chairman of the Committee on Foreign Affairs says that Mr. Carnegie, or Mr. Jay Gould, or some other millionaire, might get hold of the road and build it.

Mr. Chairman, I do not care who builds it so that it is built, and by the very term of the pan-American conference it is provided that the men who construct it are to bear the whole expense of the construction. This is simply a proposition that this Government and the other governments concerned shall contribute in proportion to their respective populations for the expenses of making the preliminary survey. Not a dollar is to be contributed by us to the construction of the road. Not a mile of the road is to be built upon our soil. We are not asked to concede any land. We are not asked to be responsible for any bonds. It would be a strange thing indeed if any sane man should propose that we should give bonds for the construction of a railroad outside of the territory of the United States. And yet the argument here is that if we vote this small appropriation to help to carry on the preliminary survey we thereby pledge ourselves to give bonds to construct a railroad through Central and South American territory.

What an absurdity! The attempt was made to give this enterprise a black eye by saying—and this is a favorite topic with my friend from Indiana [Mr. HOLMAN]—the attempt, I say, was made to give this enterprise a black eye by saying that we have granted so much land in the past for the construction of the latitudinal railroads from the Atlantic to the Pacific, the Northern Pacific Road, the Southern Pacific Road, the Central Pacific Road.

What did you give? You gave the great American arid desert. It had nothing on it when you gave it but the broom sage of the prairie, and the buffalo and the elk. That is what you gave. Probably you gave too much and too abundantly; but that is what you gave. How has it been returned to you?

Great States have been founded; empires have been carved out of it. The genius and skill of the farmer have poured water upon the arid desert until it has blossomed like the rose. State after State has been erected from the lands in this arid desert which you gave to these railroads; and they have lifted their magnificent columns to support the grand entablature of the Union, stretching from the Atlantic to the Pacific. [Applause.] You have not, therefore, disposed of this land except by measures looking to the benefit of the citizens of the whole country.

Now, we propose simply to subscribe a small amount of money on the part of the United States to make this preliminary survey along the side of the Andes and all the way down through Central and South America. This road will be of inestimable value in developing our own commerce and trade, and will bring to us the trade of this vast region of country which as yet sleeps in the arms of nature, untouched by the genius of man. Wake it up by the whistle of the locomotive; let the throb of progress be felt in Central and South America as it has been felt in our own country; you will see that land of the tropics blossoming like the rose and pouring into the coffers of this country an untold amount of wealth. It is a region of country that nature has done much for; it needs but the energy, the skill, the muscle, the bone, the blood, and the brain of man to make it one of the grandest regions in the world.

Will you allow yourselves to be deterred from engaging in an

enterprise like this by the pitiful suggestion that if you appropriate \$65,000 for carrying on this preliminary survey you will be committing the Government to land subsidies (as my friend from Indiana says, echoed by the gentleman from Georgia), and to the issue of bonds which will constitute a tax upon the people of the country. Such an idea has never occurred to any man who is urging this enterprise. I say, therefore, that this matter ought to be appropriated for; we should provide in this bill \$25,000 for the dissemination of this knowledge.

I have a letter from the Assistant Secretary of State showing that so far as concerns the amount to be appropriated for the support of this South American Bureau in Washington—not in those foreign countries—every one of the South American and Central American republics but one has contributed its quota according to population. I publish that letter in connection with my speech, and also another addressed to me and covering a communication addressed to the chairman of the House Committee on Foreign Affairs:

DEPARTMENT OF STATE, Washington, D. C., April 19, 1892.

SIR: I have the honor to state for your information that Mexico, Guatemala, Honduras, Salvador, Nicaragua, Costa Rica, Venezuela, Haiti, Peru, and the Argentine Republic have paid their assessments for the maintenance of the Bureau of American Republics. Haiti has also paid for one year in advance. The Department is advised that the assessments of Ecuador, Bolivia, Uruguay, and Brazil have been forwarded, but the drafts have not yet been received. It is also advised that provision has been made for the payment of the assessments of Colombia and Paraguay. The President of Santo Domingo, in his message submitted to the Congress of that Republic on the 5th of March last, recommends an appropriation to pay its share in the support of the Bureau, leaving Chile as the only one of the American republics to be heard from.

I have the honor to be, your obedient servant.

WILLIAM F. WHARTON,
Assistant Secretary.

HON. CHARLES E. HOOKER,
House of Representatives, Washington, D. C.

BUREAU OF THE AMERICAN REPUBLICS,
DEPARTMENT OF STATE,
Washington, U. S. A., April 20, 1892.

DEAR SIR: I have the honor to inclose you herewith a copy of a letter which was sent to-day by the Secretary of State to the Hon. JAMES H. BLOUNT, chairman of the Committee on Foreign Affairs.

Very respectfully, yours,

WILLIAM E. CURTIS.

To the Hon. CHARLES E. HOOKER,
House of Representatives, Washington, D. C.

DEPARTMENT OF STATE,
Washington, D. C., April 20, 1892.

DEAR SIR: I have the honor to inform you that since my last communication on this subject the Government of Peru has paid its assessment for the support of the Bureau of the American Republics, and the Congress of that Republic has made appropriation for the additional payment for one year in advance.

The Congress of Santo Domingo has ratified the recommendation of the International American Conference for the establishment of the Bureau, and has appropriated money for the payment of its share of the expense.

I am, sir, sincerely yours,

JAMES G. BLAINE.

HON. JAMES H. BLOUNT,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

One word further, before my time expires. It is important that we should establish close relations between ourselves and these South American countries; that we should control their trade and should give them ours. All these republics of South America have adopted in spirit and temper, if not in *totidem verbis*, our Constitution, of which the great commoner of England, Mr. Gladstone, the octogenarian of the British Parliament, living as he does under a limited form of monarchy, said: "The American Constitution is so far as I can see the most wonderful work ever struck off at a given time by the brain and purpose of man." This Constitution, thus eulogized by this former British premier, now a member of the English Parliament—in his ripe old age, in the fullness of his mental vigor, thank God—has been adopted by each of these republics in spirit and in temper.

I say, Mr. Chairman, we ought not to hesitate about a small appropriation for the grand purpose. Think of it! You can take a train at New York City and by railroad lines now constructed reach the city of Mexico; and if the enterprise now under consideration is feasible, as the engineers say it is, you will be able to traverse by rail Mexico, Central America, and South America. Thus these great countries will be brought into immediate contact with our own population. You will thus open up to the talent, the energy, the skill, the science of the American laborer, the American inventor, and the American manufacturer a market, not across the water, but a market from which he can never be debarred by hostile custom-houses erected for the purpose of taking toll.

It would open a new and unfettered market for the surplus products of the West and the South. What this country suffers now, what it suffers from in my region of country more than it has suffered from 1846 to the present time, is the selling of its great production on which it is so largely dependent at 3¢ and 4 cents a pound. And do you recollect that my distinguished

friend from Michigan [Mr. CHIPMAN] went into ecstasies yesterday in the discursive argument which he made on the Chinese question and which I will take some other occasion to answer? He talked about the laborers of this country and the petitions he had received from them.

We have in our country millions and millions of laborers. It is true their skins are black; but they are the great body of the laborers of the cotton region of the South. To-day the poorest laborer is on the American continent. The whites of that once favored region are greatly depressed and anxiously looking to this Congress for some sort of relief in the shape of reduced taxation. They will have to follow the plow handle through the heat of the summer sun, illy clad, sometimes probably hungry, in order to do what they can to make a sustenance for themselves and for their families. If there is any class of people on God's earth who need the protection of the American Government, it is this class of people whom the American Government is responsible for placing in their present condition.

Therefore, Mr. Chairman, every tax should be removed from the necessities of life and every obstacle in the way of their advancement taken away. Take the tax off of the plow, which turns the mold, off of the trace chain that draws the plow, off of the clothing which the laborer must wear, off of the shoes, if he is able to purchase shoes, and sometimes many of them in their poverty do not have the means to buy shoes at all. But take the tax off all these necessities of life throughout the whole list, and you thereby give some relief to the terrible condition now existing in every one of the Southern States.

Mr. Chairman, do not stop there. Do more than that; go a step beyond and do that for which your constituents sent you here. Give to the country a bimetal circulation of gold and silver, as you promised. We take from the mines of this country every year something over \$100,000,000, one-third of which is gold and the balance silver. Give the people the benefit of this product. Give them the dollar of the fathers. Coin the silver dollar as you coin the gold dollar. For I tell you if you do not; if you do not keep your promises to the people in this regard, when you go back home and your people say that you belonged to a House that had 146 Democratic majority and yet you could not pass a silver-coinage bill; that you did not dare to attack the McKinley bill in its entirety, but only introduced sporadic bills affecting four or five of the schedules here and there throughout the bill; that you did not sweep from the statute books the McKinley administrative bill and put the tariff where it ought to be put, on the luxuries of life and not on the necessities of life, I tell you that you will have a difficult explanation to make to them.

Do your duty and then when you return to your constituents you will receive the plaudits of the people—"Well done, good and faithful servant!" But if this Congress adjourns without yielding something of the relief which the country demands, and which I have in part indicated, it will be a disappointment to the masses of the people, now writhing under a load of debt that they are unable to bear, with mortgaged homes, accumulations of debts of all kinds and no means to relieve them; with merchants loaded down with the crops of last year, unable to dispose of them and unable as well as unwilling to make further advances of clothing and provisions on the coming crop.

That is the condition of the country in all its parts almost without exception to-day. This Congress was sent here to relieve the prevailing distress. It was sent here to attack the McKinley bill in its entirety and the McKinley administrative bill. If you had done your duty faithfully and sent that bill to the other end of the Capitol, if they did not do their duty it was their fault and you were acquitted. And if they had done theirs and such bills had gone to the Executive and he chose to veto them, the responsibility was on him and his advisers. But these two things this Congress was elected to perform, and the man or men, I care not what their position, who stand in the way of the accomplishment of these two great objects, so essentially necessary not only for the development of the country but for the welfare of all our people, will be pointed out as men who have failed to meet the just and reasonable expectations of the people who sent them here.

But, Mr. Chairman, that is not all. It has been said that even the coinage of silver, that ancient metal which figured in the first great transactions of the world, the earliest money known to civilization, that figures in the Bible itself, for we are told that the field bought by Abraham in which to bury Sarah, his wife, was paid for with 500 shekels of silver, has not been provided for our people as we promised; a money which in 1873 was demonetized without consideration, or, as stated by that grand old Roman, Mr. Thurman, in his terse words, "You passed the Revised Statutes without even cutting the tape strings that bind and tie them together."

Silver was demonetized then by surreptitiously leaving off the coinage act, and you have failed ever since to remonetize it.

You failed in 1876. My distinguished friend from Missouri [Mr. BLAND] in 1878 introduced a silver bill, and in 1890 another which gives us four and one-half million ounces. But nothing else has been done. There has been a steady failure to rehabilitate this money metal of the world which dates back to the earliest ages; which was used in Egypt and Syria and in all countries, both in ancient and modern history, all of which give illustrations that it is one of the grand old money metals. Why should we hesitate to reissue again the dollar of our fathers, with the capacity to buy as much as any gold dollar or as much as any greenback dollar?

You have \$346,000,000 of greenbacks in circulation. You have \$100,000,000 of gold in the Treasury of the United States for the purpose of their redemption, and upon your annual output of metal, as well said by that distinguished Senator from Alabama [Mr. MORGAN] who spoke the other day, and whose magic intellect cuts to the kernel every subject that he touches, and adorns it, and illustrates it, and makes it intelligent to the most simple, he said, "You make \$100,000,000 annually out of your mines, one-third of which is gold and two-thirds silver, and upon that you can safely base an issue of \$300,000,000, and have all your paper money based upon a sound metallic basis.

[Here the hammer fell.]

Mr. HITT. I yield thirty minutes to the gentleman from New York [Mr. FITCH].

[Mr. FITCH withholds his remarks for revision. See Appendix.]

Mr. COOMBS. Mr. Chairman, I am grateful for the opportunity to be heard upon this question, which I regard as a very important one. If I had supposed that the way would have been opened I should have carefully prepared a statement which, I believe, would have had a better effect in preventing unwise legislation than I can hope from the few hasty observations which I shall now make.

The greater part of the legislation of Congress is in relation to matters of our own country, respecting which we are all well advised.

The interests involved in home legislation are large and receive our careful consideration, but when we come to consider matters which affect our relations with foreign countries we do not find that same degree of intelligence—in fact, we find an amount of ignorance and lack of information that is appalling.

Even the average business man who is accustomed to confining his operations to this country with its immense home market, forgets that outside of the United States there are large markets teeming with industry and enterprise that will well repay his attention, markets with which, if he will, he may have close affiliations advantageous to himself and to the commerce of this country.

I shall confine my remarks, on account of the shortness of my time, to the Spanish-American markets. They more readily appeal to us because they are our near neighbors, and because on account of that proximity should be our customers for whatever they want that we are able to supply.

Self-interest, as well as the obligations of brotherhood in the family of republics, demand that we shall cultivate intimate relations with them.

More than a generation ago we announced through one of our great statesmen that we would not tolerate European interference with these countries, and have since steadily maintained that doctrine. It seems to me that having assumed that position, we also assumed with it certain responsibilities, having by our announcement cut them off from European enterprise we ourselves in a great measure became responsible for their development.

I ask to-day what have we as a Government done to develop them? What have we done to cultivate close and intimate relations beneficial to both? If American commerce and enterprise have gained a foothold in those countries, it has been done without the assistance of our Government, without such assistance as Great Britain has afforded her merchants and producers.

The wise policy of that country in its commercial arrangements has, notwithstanding our proximity and notwithstanding the fact that we can supply them on advantageous terms with what they need, and with what we want to sell, kept them in commercial bonds which we find it hard to break.

In nothing has England been wiser than in the way in which she has managed her diplomatic and consular service; it has been a tower of strength to her merchants and manufacturers, and in broad contrast with our own system, or rather lack of system. Her policy has been permanent, persistent, and constantly growing in efficiency, ours has been without system, changeable, and inefficient, and by the measure offered to-day we propose to further cripple it and to drive from the service the few good men who have served us.

It is my aim in the few remarks that I make this afternoon to induce this Government to inaugurate a better policy in relation to its consular service, with some permanent features which shall secure to it a chance to increase in efficiency.

What is Great Britain's system? I invite your attention to the English definition of what is meant by a consul:

An officer appointed by competent authority to reside in foreign countries, in the view of facilitating and extending the commerce carried on between the subjects of the country which appoints him, and those of the country or place in which he is to reside.

Then here is the Englishman's ideas of the duties of a consul:

The duties of a consul, even in the confined sense in which they are commonly understood, are important and multifarious. It is his business to be always on the spot to watch over the commercial interests of the subjects of the state whose servant he is; to be ready to assist them with advice on all doubtful occasions; to see that the conditions in commercial treaties are properly observed; that those he is appointed to protect are subjected to no unnecessary or unjustifiable demands in conducting their business; to represent their grievances to the authorities at the place where they reside, or to the ambassador, etc., or to the government at home; in a word, to exert himself to render the condition of the subjects of the country employing him, within the limits of his consularship, as comfortable and their transactions as advantageous and secure as possible.

Mr. BLOUNT. May I ask the gentleman from what he is reading?

Mr. COOMBS. I am reading the English definition of the duties of a consul.

Mr. BLOUNT. The gentleman does not hold that it is the definition under our Constitution?

Mr. COOMBS. No, sir. I am going to contrast the English consular system with ours.

Now, what are the qualifications of a consul, according to the English idea?

A consul, in order to be properly qualified for his employment, should take care to make himself master of the language used by the court and the magistracy of the country where he resides, so as to converse with ease upon subjects relating to his duties. If the common people of the port use another, he must acquire that also that he may be able to settle little difficulties without troubling the magistracy of the place for the interposition of their authority, etc.

He is to make himself acquainted, if he is not already, with the laws of nations and treaties, with the tariff or specification of duties on articles imported or exported, and with all the municipal ordinances and laws.

He is to protect from insult or injury the subjects of his Government.

He is to advise his countrymen in relation to their business or other affairs.

He is to relieve distressed mariners.

The British act says:

He will bear in mind that it is his principal duty to protect and promote the lawful trade and trading interests of Great Britain by every fair and proper means, taking care to conform to the laws and regulations in question, and whilst he is supporting the lawful trade of Great Britain he will take special notice of all prohibitions with respect to the export or import of specified articles, etc.

The following are culled from:

He should never, if possible, engage in trade for the reason that: First. He becomes a competitor of his countrymen and less likely to give proper information to those who wish to extend their commerce to his port and thus become his competitors.

Second. Because his engaging in trade closes to him valuable avenues of information.

He should represent the citizenship of his country in a dignified way.

Those are the qualifications which Great Britain insists upon in her consuls. Men are carefully selected by her for that service. They are not selected because they are friends of Lord B or Lord C, or because they are on the right side of politics. They are selected because they can represent Great Britain in the markets of the world to which they are sent. They are sent there for a specific purpose. It seems to me sometimes that our consuls are selected not merely that they have been politically useful, but sometimes for the purpose of sending them into exile.

[Here the hammer fell.]

Mr. HITT. I yield fifteen minutes additional to the gentleman from New York.

Mr. COOMBS. I shall not want to occupy all that time.

You see how it is and why it is, that in all these outports in Spanish America, in South America, in the Portuguese countries, and Spanish countries, Great Britain has been able every time to get ahead of us in the establishment of her trade. The English consul is a man in whose hands British subjects can safely place their interests. There are few American consuls in whose hands we would dare to place our interests. Our consuls are not men of high enough grade; and the bill before us proposes still further to reduce that grade. They are not as a rule men who possess any of the qualifications which Great Britain demands from her representatives.

Great Britain never employs a foreign merchant to act as consul if she can get one of her own citizens for the service. It is only in a case of great emergency that she employs a man of another nationality as her consul. She wants somebody to represent Great Britain, to attend to the interests of the British merchants and the British people.

Mr. Chairman, the gentleman from Kentucky [Mr. MCCREARY], in discussing this subject yesterday, took the broad view that

this country has an overproduction which it is necessary for us to market abroad. Every year this is becoming more important, not only to our agricultural interests but to our manufacturing interests as well.

We must have a market abroad for our surplus products, or we must stop producing; and the cultivation of this Spanish-American trade is a very feasible way to provide the market abroad. We must have Government agents that represent the American spirit of enterprise and of manhood. And we must not deal with these countries in a niggardly spirit. If we degrade a consul in a Spanish country, that country regards it as an insult to itself. The Spanish people are very high-spirited and sensitive; and no matter though it be for their interest to trade with us, if we disregard these traits we lose their trade and their friendship. The Spanish character is peculiar; and we must act in accordance with its peculiarities if we wish to obtain their friendship and their cooperation in securing their markets.

Therefore I look with disapproval on the policy of reducing the rank of our consuls. We should rather make an effort to raise the grade of our men employed in such capacity, and instead of bringing the service down we should try to raise it to the level of the few good men we now have in the service.

But, Mr. Chairman, I wish also to speak, and shall pass hurriedly over the ground, in relation to the provision that is made in the pending bill to appropriate \$65,000 for the purpose of paying our proportion of the preliminary survey of the International Railway. I think we may better call that an explorative survey rather than a preliminary survey. I can not speak from personal knowledge of how thorough the action of the engineers has been in this regard, and what I shall say now on this subject will be simply on the general principle involved.

I think it is a great and an important thing to have this explorative survey made to indicate to private enterprise the natural resources of the various countries and where railroads may be profitably built. By so doing we hasten the development of countries in whose prosperity we have a great interest. None of us expect that merchandise will ever be brought from the lower part of Chile up over that vast line of railway to New York, but we do know that it opens up regions of country which otherwise would not be opened up, and brings the people of those regions into communication with us. These lines will undoubtedly be tapped in many cases by lines running to the seaboard, and trade will come that way. But we shall have accomplished the purpose in view—we shall have opened up these countries to our commerce.

The trade of these countries naturally belongs to the farmers, manufacturers, and merchants of the United States, and we are going to get it if the Government will help us. It can well afford to do it in view of the great and general interests involved. The prize is well worth the effort to secure. I disapprove most seriously of the clause, appended to the bill making this appropriation, that it shall only be paid after the South American republics have paid their proportion. Why, they have agreed to pay theirs, and they are men of honor; and dare you on the floor of this House impugn the honor of one of these Spanish governments? If you do you might just as well close up your relations with them here and now. They will resent the insult, and rightfully.

Why should they pay any part before we pay ours? Why can not we trust them in this matter, as well as expect them to trust us? I hope, therefore, that provision will be stricken from the bill. I also urge that if the appropriation is to be made at all for the publications of the Bureau of the American Republics, and they have done much to excite interest in foreign trade, that it should be made without any such provision as that, because we can not afford to make it. I tell you, gentlemen, I know the Spanish character, and I know that if you embody that feature in the bill you offend every one of these governments, and we do not want and can not afford to offend them.

It is our policy to treat them in a manly, honorable way, to show our confidence in them, not to be patronizing. They will not stand patronage. They will stand brotherhood, but not patronage. Treat them as equals, and they will take their lessons from us. Show a lack of confidence and respect for them, attempt to dominate them and you incite resentment and rebellion. But treat them as brother Republics, worthy of our respect and consideration, and they will prove themselves worthy of that respect.

I would like to have dwelt more on the subject of our consuls, because there is much in it of importance to this country. An American consul—a consul of any nation—should never be a merchant. He never can act in the interests of the general public when acting in his own interest. Besides that, the sources of information are closed to him as a merchant which would be open to him as a representative of this Republic.

It is not a dignified position for the representative of the Amer-

ican Republic to be a retail merchant selling groceries. He should represent the American Republic; he should represent the dignity of the Republic; he should represent the dignity and the magnitude of our commerce; and, sir, I hope the time will come when the American Government will be aroused to the necessity and to the importance of providing, that we shall not only be represented in foreign parts as well as Great Britain is represented, but better. We deserve the best. While we must insist upon economy, we do not want it at the expense of efficiency, if so, it ceases to be economy.

[Here the hammer fell.]

Mr. HITT. I yield the remainder of my time to the gentleman from North Dakota [Mr. JOHNSON].

Mr. JOHNSON of North Dakota. Mr. Chairman, one feature of this debate is certainly very gratifying to me, that of all of the distinguished men, especially on the other side, who have spoken on the bill none have sustained the chairman of the committee in his proposition to reduce the appropriation of \$65,000 to carry out our agreement with the South American republics, or argued in favor of the other proposition to consolidate the missions of Colombia with Ecuador, Peru with Bolivia, and Denmark with Sweden and Norway.

It was with a feeling of pride as a fellow-citizen and as a colleague on this floor that I heard the remarks of the gentleman from Kentucky [Mr. McCREARY] on yesterday and of the gentleman from Mississippi [Mr. HOOKER] to-day, words of patriotism, words of broad and liberal statesmanship, and it is to be hoped that the majority of this House will follow these great leaders of their party. In the speech of the gentleman from Georgia [Mr. BLOUNT], the chairman of the Committee on Foreign Affairs, on yesterday there was, however, a remark reflecting upon a country with which we have always sustained friendly relations, and coming from the chairman of the Committee on Foreign Affairs, that speech, read as it will be in every capital of the world, if allowed to go without an answer, could bring no good will to the citizens or the Government of our country; and I was very glad to hear the gentleman from Mississippi answer so ably that part of the speech, so far as time allowed him, by calling our attention to the present architectural and literary wealth of the world that has accrued from the past glory and the literary and artistic fame of Greece.

But I hope the patience of the committee will allow the indulgence of a few additional observations in the same direction for the purpose of showing that the present condition of Greece would not justify such a remark from such a source. The passage referred to is as follows, speaking of Greece:

Her halls of philosophy are closed forever. Her seacoast, once the center of an immense commerce, is almost as silent as at the dawn of creation itself. In that land is an ignorant, thriftless, idle population, standing beside the ruined tombs and monuments of a decayed and forever departed greatness. What need have we for a minister at that court, I repeat?

Now, those reflections are either just or unjust; they are either necessary or unnecessary. I will not take the time of the committee to discuss whether or not on an occasion like this it was necessary to make a reflection of that sort, but I will say a few words as to whether those reflections are just or not. We must bear in mind that while, so far as area, population, and wealth are concerned, Greece is a very small country, yet it has not only a past of fame and glory but it has a recent history and a present position among the nations of the earth to be proud of. It only emerged from the oppression of Turkey in the year 1830, after a desolating war and revolution that lasted, counting from the first outbreak to the establishment of anything like a settled government, ten years, an era which completely wiped out its old-fashioned schools and most of its wealth and brought the degradation that great civil wars usually bring with them. What is her position to-day? She has now a free public school system throughout the entire country equal to our own. It is not only free as to tuition, but it is compulsory as to attendance.

Every child is required by law to attend school between the years of 5 and 12; and as to her higher institutions of learning, she has a university established in the year 1837, not a fourth as old as the oldest colleges in the State of Georgia, and yet that university has 98 teachers, 2,402 students, and an endowment superior to any college or university in the State of Georgia. They have gymnasia, answering to our colleges in this country, 33 in number with 221 professors and 3,670 students. Of "Hellenic" schools, answering to our high schools, they have 297, with 501 teachers and 1,622 scholars. Of common schools they have 1,741, and in them 1,920 teachers and 102,000 scholars; and of parochial and private schools they have 627, with 32,704 scholars.

Their illiteracy is about the same as the illiteracy in the State of Georgia, about 23 per cent. They have more graduates of colleges in proportion to population than any State in this Union, not excepting even the State of Massachusetts. On this subject

I wish to send to the Clerk's desk and have read a paragraph from Mr. Sergeant's work on New Greece, relating to this matter of college education and college graduates in Greece.

The Clerk read as follows:

A visitor to Athens, or to any other of the populous towns on the mainland or in the Morea, may, if he chooses, retain the services of half a dozen university men, and be waited upon at every turn by fairly educated gentlemen, holding diplomas in law, theology, or medicine. The fact is one which speaks volumes for the high degree of development attained by national education in Greece; and it can not be regarded as reflecting any positive discredit on the Greeks themselves.

It is quite true that there is a plethora of educated men in Greece, and that a million and a half of inhabitants (1889) do not require, and can not find employment for, all the physicians and lawyers turned out by the University of Athens. The poverty of the country, still more than its paucity of inhabitants, precludes the full utilization of this professional training. The phenomenon is unique in modern history; and some critics have been led to talk of the widespread education of Greece as an "impediment in the way of progress."

And this is the country "whose halls of philosophy are closed forever," according to the gentleman from Georgia. Why, sir, the halls of philosophy and learning in that country were never thrown open on a more magnificent scale than they are to-day, and the youth of no other land to-day throng more eagerly or numerous, according to population, into the "halls of philosophy" than do the youth of Greece.

Now, as to their commerce. The chairman of the committee said yesterday—

Her seacoast, once the center of an immense commerce, is almost as silent as at the dawn of creation itself.

I venture the assertion that Greece never, in its palmyest days, had the commerce that it has to-day. Listen to this. Is this the silence of the dawn of creation?

The merchant navy of Greece in 1890 numbered eighty-one steamers, of 40,484 tons, and five thousand eight hundred and nine sailing vessels.

Nearly six thousand vessels of their own, mind you, besides an immense commerce carried on in foreign bottoms in that little country, with about the same area and population as the State of Georgia. They have only 2,187,298 people in Greece (census of 1889), and 1,837,353 people in the State of Georgia (census of 1890). Have you a commerce of that magnitude to break the solitude of the harbors in the State of Georgia?

Now, as to their interests in affairs of government. Suffrage is freer there, three times freer than it is in the State of Georgia.

In 1881, when the population was considerably less than it is now, there were 460,639 voters in Greece, and of these 306,957 availed themselves of their privileges and deposited their ballots at the general election of that year; while at the last election in Georgia, that elected members to this Congress, only 111,214 voters, out of at least an equal number of voters as there were in 1881 in Greece, availed themselves of the privilege of voting. They have an independent government, monarchical in name, but more like than unlike ours. The constitution adopted there in 1863 is modeled in many respects on our own. They have a king, it is true, but he is a nominal king, and has not near the power that our President has. They have a cabinet of seven ministers.

The ministers are identical in name and in power with our own, with the single exception of the minister of education there having a seat in the cabinet and some ecclesiastical functions instead of being the commissioner of a bureau, as he is with us. It is a fact that Greece not only furnishes educated men for its own country, but it furnishes teachers, lawyers, doctors, professional, literary, and educated men for half of Turkey, and a noble example of patriotism, courage, and devotion to the cause of enlightenment and popular government near the Orient which we, of all nations, should be the last to disparage. In the bill there is a proposition, for instance, to consolidate into one office that of minister to Denmark, Sweden, and Norway. In speaking of Switzerland the chairman said that Switzerland was picturesque, of course, but that in a diplomatic and consular view it was unimportant because in the matter of commerce it had no significance.

Now, then, take the gentleman's test as to the diplomatic importance to us of the people of Switzerland and as to Jerusalem, where he said we send no ships, because ships can not go to Jerusalem. Now, let us take that test, the test of commerce, the test of the movement of ships, and apply it to these Scandinavian countries where it is proposed to consolidate missions heretofore always maintained separate and distinct. Last year 32,578 vessels entered our ports. They belonged to twenty-three different countries and carried twenty-three different flags, the commerce of Denmark, Sweden, and Norway sailing each under its own separate flag. Of these 32,578 vessels 17,979 carried the British flag and 11,046 carried the Stars and Stripes. And next to the Stars and Stripes in number and importance comes the cross of Norway on 1,204 ships, then follows Germany with

788, Italy with 463, Spain with 288, and so on. I will here insert the whole table:

Nationality of vessels in the foreign trade which entered United States ports during the year ending June 30, 1891.

Rank as to—		Nationality.	Number.	Tonnage.
Tonnage	Vessels.			
1	1	British	17,079	9,725,113
2	2	American	11,046	4,380,804
3	3	Norwegian	1,204	734,361
4	4	German	788	1,464,770
5	5	Italian	463	283,585
6	6	Spanish	288	342,226
7	7	French	155	357,053
8	8	Dutch	120	206,126
9	9	Belgian	112	330,437
10	10	Swedish	89	53,384
11	11	Russian	71	55,245
12	12	Austrian	60	39,244
13	13	Portuguese	56	35,300
14	14	Danish	46	64,948
15	15	Hawaiian	42	52,287
16	16	Nicaraguan	34	—
17	17	Mexican	22	—
18	18	Chilean	18	—
19	19	Brazilian	7	—
20	20	Argentine	5	—
21	21	Honduran	3	—
22	22	Dominican	2	—
23	23	Ecuadoran	1	—
Total			32,578	—

Norway alone sent into our ports last year nearly one-third of the flags that entered, excepting only the stars and stripes of our country and the union jack of England. What conclusions are reached in this instance if we apply the test of commerce relations which the gentleman attached to Switzerland and Jerusalem? There are at all times strong, permanent reasons against the consolidation of these missions, but no time could have been more inopportune than this to undertake the consolidations proposed in this bill.

Not only is our commerce with these countries very large, but so is our immigration therefrom, and both are growing. Over a million of their people have become citizens of our country within the last forty years. Even the one item of collecting the estates of decedents and transmitting them to the lawful owners on one side of the Atlantic or the other, as the case may be, furnishes an enormous volume of business, most of which is transacted through the consular and diplomatic service. Denmark's colonial possessions neighbor with us from Greenland's icy mountains to the West Indies' coral strand. Our whalers and Arctic explorers have more than once been benefited by the hospitality of the Danish Government on the shores of Iceland and Greenland. A reciprocity treaty has not yet been signed with the Danish West Indies. It should be done.

Under existing law we pay no salary for secretary of legation or chargé d'affaires at either Copenhagen or Stockholm.

Under the proposed bill a secretary or chargé would necessarily have to be provided to take charge of the business and archives of one of these offices while the minister was at the other. That added to necessary traveling expenses weakens the economy argument—the only one invoked.

A merchant can compute exactly what he loses by extending credit to unworthy customers, but he never knows what he loses by refusing credit to good customers.

The same principle holds good as applied to the dealings of nations with each other.

We can compute exactly the expense of our diplomatic service. It is very light; the consular service being self-sustaining. Some of these international courtesies may be possibly unprofitably bestowed, but for the present and in the immediate future the good will of the Scandinavian Governments are of unusual value to us. The King of Sweden and Norway has been selected to name one of the judges in the Bering Sea arbitration.

The tonnage question with Norway under the Dingley shipping act is not yet settled, and in view of the position assumed by this Government when Henry Clay was Secretary of State in 1828, and then enforced against Norway, when our positions were exactly the reverse of what they are now, it is difficult to see how we can escape not only refunding to Norway the amount of her claim, as she did to us in 1828, but even of reducing the rates to all nations from six to three cents per ton under a fair construction of the favored nations clause.

The good will of the royal house of Christian IX of Denmark might accrue to the benefit of our diplomats, and 100,000 annual tourists to Europe in many ways. His second son is King of Greece, his oldest daughter is the Princess of Wales, his second daughter is the wife of the Czar of Russia.

To be sure, we who are all sovereigns have no artificial re-

spect for titles, but American chivalry teaches us not to be uncivil to anybody, least of all to persons who are loved, respected, and obeyed by all the people of Scandinavia, Greece, Russia, and England.

We are at this time especially solicitous for the good will and the coöperation of every great civilized power in the world in the matter of the Columbian celebration of next year.

In the speech of the chairman of the committee there was a reference made to a letter from our minister at Denmark, which was sent by the Secretary of State to him, and he said there was great secrecy and great mystery connected with the State Department. The gentleman from Illinois [Mr. HITT] very well answered him on that point, that the secrecy and mystery would disappear to a great extent if he would simply read the published reports of the State Department; and I might add that the mystery and secrecy would disappear still more if he would simply go and ask questions at the State Department.

Now, I have seen something in the newspapers about this mysterious dispatch of the minister at Denmark, and on yesterday I had the curiosity to know what it was, so I wrote a letter to the State Department, and in two hours afterward, a copy was put on my desk, and I will ask to have it read, in order that the House may know what our minister is doing there in the matter. I will ask the Clerk to read the letter of the Secretary of State and the communication accompanying it.

The Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 25, 1892.

SIR: I have the honor to acknowledge the receipt of your letter of even date herewith, and in compliance with your request take pleasure in inclosing copy of a dispatch from the United States minister at Copenhagen, dated April 1, 1892, relative to the consolidation of that mission with that of Sweden and Norway.

I have the honor to be, sir, your obedient servant.

HON. M. N. JOHNSON, M. C.,
House of Representatives.

JAMES G. BLAINE.

LEGATION OF THE UNITED STATES,
Copenhagen, April 1, 1892.

SIR: On yesterday I telegraphed you as follows:

"BLAINE, Secretary of State, Washington:

"Reports concerning abandoning Danish mission may imperil Denmark's attitude World's Fair. Can this be counteracted?"

"CARR, Minister."

As will be seen by my No. 74 the Folksting had already appropriated 250,000 crowns (\$67,000) for Denmark's exhibit at the World's Columbian Exposition.

At the time I telegraphed you the measure was being considered in the Landsting, and I was anxious lest the report that this legation was to be abandoned and its duties performed hereafter by that at Stockholm might have reached the honorable members and influence them unfavorably. Fortunately the report, coming through the New York papers, had not yet become generally circulated here and the bill passed the Landsting. It now goes to the Government for consideration, and I hope that the ministry is so thoroughly committed to the measure that it will be approved.

The report of abandoning this legation is, so far as circulated, very distasteful to the Danes and liable to detract from their kindly regard for an interest in us.

Fearing that this report might imperil the final passage and approval of a measure for which I have been constantly working in every way consistent with my position for more than a year I telegraphed you, in the hope that you might devise some means to counteract its influence. I need not assure you that I am doing all in my power to counteract the influence of this report, and that I shall continue to do so until final action is taken. I think that the bill will be approved, but shall feel greatly relieved when it is done.

I have the honor to be, sir, your obedient servant,

CLARK E. CARR.

HON. JAMES G. BLAINE,
Secretary of State, Washington, D. C.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. General debate upon this bill has been exhausted.

Mr. BLOUNT. Mr. Chairman, I ask that the Clerk report the bill by paragraphs.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, Salvador, and Honduras, \$10,000.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 8, page 2, strike out "and Honduras" and insert "and" before "Salvador."

Mr. HITT. Mr. Chairman, the effect of this amendment, with another to follow, would be to take Honduras away from combination with the three republics Nicaragua, Costa Rica, and Salvador, and to place it in a mission with the Government of Guatemala beside it, with which it is allied, with which it has been and is friendly. It will remove it from association in our mission with three republics toward which it has been often hostile and with which it has continuously strained relations. The amendment offered would simply continue the law as it exists, and prevent a mischievous innovation which if carried out as it stands in this bill will tend to impair the usefulness of our minister to be sent to the four republics here combined in one mission.

Everyone who has paid attention to our foreign affairs knows that the value of a minister depends largely upon success in making himself acceptable to those who rule the country to which he is accredited. The fact that our minister was popular, effective, and influential at Honduras would, when known by the others, produce exactly the opposite sentiments and situation. Further, in the matter of convenience, the Republic of Honduras on the Atlantic or Gulf Slope is entirely detached from the other three republics on the Pacific Slope, separated by a distance that is considerable, by a journey that is difficult as the mission now exists. The other three lie together on a line west of the mountains, convenient to the other by coast transit, associated in interests and sympathies, and in many respects a political unit. I think the amendment is one which will commend itself to the good sense of the House, as it has commended itself to the House and the Senate in years past and to the Executive, and they made it law.

Mr. BURROWS. May I ask my friend what communication there is between Honduras and these other three republics?

Mr. HITT. There is, no doubt, means of passing from the capital of Honduras across the mountains, but it is circuitous and not the usual or great highway of commerce or intercourse. As I have stated, these countries, Honduras and the three small republics on the west, do not have intimate relations, as they are not friendly and do not lie conveniently contiguous. On the other hand, the intercourse of Honduras with Guatemala, which is beside it and with which it is to-day united in our mission, has long existed.

Mr. BLOUNT. Mr. Chairman, the result of this proposed amendment is to increase the item in this bill by the amount of \$5,000. The arguments that have been produced by the opponents of this measure are not unexpected to me. I deem it proper at this point to call the attention of the committee to the action of the Forty-fourth Congress. The Committee on Appropriations then having charge of the diplomatic and consular appropriation bill was honored by having for its chairman the late distinguished gentleman from Pennsylvania, Mr. Randall, and the gentleman from Indiana [Mr. HOLMAN] as a member of the committee in association with a number of other prominent Democrats and Republicans. That committee recommended the placing of the Central American states in charge of one minister, combining the diplomatic representation at Colombia with Peru and Ecuador, combining the missions of Chile and Bolivia, combining Paraguay, Uruguay, and the Argentine Republic, dropping the minister to Greece entirely and putting the consul at Athens at \$1,000, abolishing two envoys extraordinary and four ministers resident, and forty-four consuls and officers of less grade, reducing the salaries of the ministers to France, Great Britain, Russia, and Austria \$3,500 each, and soon.

I have read enough for the purpose I have in view at this time. Suffice it to say that on that bill they made a reduction of \$435,837. There came then the same argumentation that comes today. We were told then as we are told now of the importance, the almost overshadowing importance, of the ministers at all the courts where the committee proposed a reduction. We were told then as we are told now that we were attacking the commerce of the country in reducing the salaries of our consuls far below what they are now, and that in remitting many of them to fees, as is here proposed, we were taking action inimical to the public interest.

All this debate that we are hearing now was gone over then; every suggestion made now was then submitted; and these arguments and suggestions were answered as I trust they will be upon this bill. At that time the policy of "cheese-paring" was denounced. All the terms of contumely that could be heaped upon the action of the committee at that time came from the opposition; but, bravely and resolutely going forward under the leadership of the distinguished Pennsylvanian I have named, the House adopted that report, as it did many others. The Senate made its contest; the debate was gone over in that body. Then conferences were had and disagreements. But out of that conflict there resulted a reduction of \$40,000,000.

If gentlemen propose to consider these suggestions from the partisan standpoint of the opposition, as they were not considered at the time to which I have referred, it is well enough; if such obstructions are to be interposed, to let us understand it in the beginning.

The particular proposition pending relates to the change in regard to Honduras, putting it with Guatemala; and by the amendment, if adopted, there is an increase of \$5,000 on this item. That is the extent of this proposition, and it is one of many similar items in this bill.

[Here the hammer fell.]

The CHAIRMAN (having put the question on agreeing to the amendment). The ayes seem to have it.

Mr. HITT. I call for a division.

Mr. BUTLER. Let the amendment be reported again.
The Clerk read as follows:

In line 8, page 2, strike out "and Honduras" and insert "and" before "Salvador."

Mr. HITT. This will make one mission of the three republics.

Mr. BURROWS. It puts Honduras where it was before?

Mr. BLOUNT. And makes an increase of \$5,000.

The committee again divided; and there were—ayes 31, noes 56.

So the amendment was rejected.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Colombia and Ecuador, \$10,000.

Mr. JOSEPH D. TAYLOR. I move to amend by striking out in the clause just read the words "and Bolivia," and inserting after the word "dollars" the words "envoys extraordinary and ministers plenipotentiary to Bolivia and Ecuador, each, \$5,000."

Mr. Chairman, this bill, as I understand it, virtually legislates out of office the minister to Ecuador and the minister to Bolivia, because Bolivia is associated with Peru and Ecuador with Colombia, and one minister only is to be sent to Peru and Bolivia and only one to Colombia and Ecuador.

It seems to me, Mr. Chairman, it is unwise as well as unjust to make the changes contained in this bill. It is unwise for the reason that it is not respectful toward these two republics to withdraw our minister or to appoint only one minister to both countries. This discussion has disclosed how sensitive these republics are in regard to matters of this kind, and the action of Denmark has been quoted in illustration of this fact. I wish to call attention to an incident which occurred in Bolivia since the present minister has been representing us in that country. The minister to Bolivia is a friend of mine and one of my constituents, and I am more familiar with the wants of this country than I might otherwise be.

Two Americans were murdered there—men of character, men who were in that country gathering information in reference to the mines and mining of Bolivia and Peru. One was a citizen of Ohio. These men were wantonly and brutally murdered without any excuse whatever.

The minister being on the ground at once called the attention of the Republic to this matter; and an effort was made to arrest the murderers before they had crossed the boundary into another republic. One of them was arrested; all of them were tried, a thing which perhaps could not be done in this country; and three of them were found guilty of the murder. The one who had been arrested was executed. The other men were, according to the latest information, in Peru; and their extradition was demanded. The minister, being there and giving his personal attention to this matter, secured the arrest of this man, and will probably secure the arrest and return of the others and their execution.

Not only that; he was there to settle the estate of these men and hold their property for the benefit of their families, and has been doing this. I have seen a recent letter showing that their assets have been converted into money and the interests of their families taken care of. He is also looking after another matter. According to the laws of that country the property of the murderers can be confiscated and the proceeds paid to the families of the men who were murdered. All these matters are being looked after by Col. Anderson, our minister to Bolivia. If he were not there this could not be done. It could not be done if the matter were to fall within the province of a minister whose residence would be in the city of Peru.

The proposition in the bill to consolidate these missions seems to me unjust to these diplomatic officers. They accepted these appointments and went to those distant countries with their families. Col. Anderson, a constituent of mine, left a good home and a good law practice and went to that country largely for the reason that physicians thought that the climatic influences of the country would be very beneficial to his wife. He is there to-day in the discharge of his duty, which he has performed to the entire satisfaction of the Government and the country. The city of La Paz, the capital of Bolivia, has the greatest altitude of any city in the world, and is supposed to be a locality where certain classes of invalids are greatly benefited. But I object to this consolidation mainly because it is unjust to Bolivia and Ecuador and will result in great disadvantage to our own country in crippling its trade and diminishing its exports.

Mr. BLOUNT. Mr. Chairman, this amendment would result in an increase of \$10,000 on the pending bill.

Mr. JOSEPH D. TAYLOR. How can it result in such an increase as that? The salary of the one is \$10,000 and of the other \$5,000. Now, you make the whole \$10,000. It can not be a saving beyond \$6,000; one thousand in one place and a saving of five thousand in the salary, making six thousand in all.

Mr. BLOUNT. Well, I will not quarrel with the gentleman about figures. He is interested in his friend and I do not blame

him. I suppose there are a good many gentlemen on the other side who have friends that may be made uncomfortable by the provisions of this bill. But I think the public service is first to be regarded. We hear many statements about the difficulty of communication between these countries.

In the bill which I have just referred to, in the Forty-fourth Congress, Colombia, Peru, and Ecuador were put together. How came these recommendations to be made? How did the committee come to that conclusion in respect to these nations? There was at that time a gentleman who had visited all the consulates over the world, sent by Gen. Grant for the purpose of investigating and giving information. He was summoned before the committee and gave in detail all of these items, which were thoroughly gone over, the matter of the combinations of missions, the reductions of consuls, and so on. His information in regard to these matters was more comprehensive than that of any gentleman on this floor.

Now, I understand that there may be changes in situations, but not in the geography. There is a proposition of my friend that he will take care of his friend and increase his salary. He claims that there is some inconvenience in reference to it. I can not think that because there is occasionally some slight inconvenience in the matter of extraditing a person, an occurrence which perhaps does not take place once in ten years, it is therefore necessary that we should establish a minister at these places, especially in view of the fact that when any matter of communication of this kind is needed it can be made through a consul. I trust the committee will not accept the amendment.

The question was taken; and on a division there were—ayes 25, noes 64.

Mr. JOSEPH D. TAYLOR. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. JOSEPH D. TAYLOR and Mr. BLOUNT were appointed tellers.

The committee again divided, but before the result of the division was announced.

Mr. JOSEPH D. TAYLOR said: I withdraw the point of order. So (no further count being demanded) the amendment was rejected.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Colombia and Ecuador, \$10,000.

Mr. HITT. I do not wish to delay the committee needlessly, but desire to offer an amendment at this point.

The Clerk read as follows:

In line 13, page 2, strike out the words "and Ecuador."

Mr. HITT. The effect of the amendment will be to make the mission to Colombia a single one, and not a consolidated mission united with Ecuador.

I called attention yesterday to the extreme inconvenience of joining these two missions. The chairman has said that such amendments as I offer increase expenditures. Not at all, Mr. Chairman, this amendment merely continues the existing law, and he proposes to make a change in the present system, by sweeping away the minister at Ecuador and delegating his duties to a man who has already charge of the interests of our Government in a capital as practically remote from the capital of Ecuador as Minneapolis is from Canton.

I make this motion not to delay the gentleman's bill, but in the interest of the public service. I do it after some observation of the operations of our foreign service, and because I believe that if we sustain a mission at all it should not be a mockery, as this mission to Ecuador would be—a mission that we know will not be actually filled would be better to abolish it entirely than to keep it up with a statutory sneer at Ecuador in this manner. I make the motion trusting to the practical good sense of gentlemen here who care for the interests of our country. We need effective representatives. This amendment will provide a minister to Colombia, and then, after adopting it, we can add a minister to Ecuador.

Mr. BURROWS. Will the gentleman from Illinois please explain the difficulty of communication between these two countries, when the duties of minister to both are performed by one man?

Mr. HITT. The difficulty in performing the duty of minister in the Republic of Colombia and in Ecuador at the same time is exceedingly great, because the minister when at one capital must, in order to see the public men of the other capital, make a journey which will take him near three months. It is a journey by mule, by boat, by rail, by steamboat, and by wagon. There are mountains to cross and rivers to follow and seas to traverse. It is a most inconvenient and impracticable combination.

Mr. BURROWS. Do I understand the gentleman to state that it takes three months to reach the capital of one of these countries from the other?

Mr. HITT. It will take a minister that long, certainly, if he is traveling with his family. I am informed that under the best circumstances this journey could not be made in less than sixty days, while the ordinary time is eighty days, and from that up to ninety, ninety-three, or ninety-four. It is a difficult journey, and therefore this is an improper and unsuitable union of posts that should be entirely separate, being not only widely apart in distance, but in time.

Mr. BLOUNT. Mr. Chairman, Colombia, Peru, and Ecuador were once recommended to the House for a single mission, in the Forty-fourth Congress, the recommendation, as I have said, being made by Mr. Keim, who had visited these countries for the purpose of studying these very questions. This arrangement at Colombia and Ecuador is, in my mind, strengthened by a gentleman who was minister at Colombia during the last Administration, and who thought that there was no difficulty about making the proposed combination. These are small countries. Ecuador has a population of 1,271,861, composed in large part of Indians, a very small number being white people.

The gentleman's speech itself indicates that there has been but little progress made in civilization. Its roads are mule roads, its railway system insignificant, its relations to us I can not conceive are of so much importance that we must have somebody there every minute at the court to make communications between the two countries on affairs of state; and I trust the committee will not see fit to adopt the amendment the gentleman has proposed. His speech indicates that if adopted it may be followed by another to put Ecuador as an independent state by itself. It destroys the whole theory of the committee.

Mr. HITT. I wish to state to the gentleman that he is correct. I did mean to imply that there should be a second amendment, either establishing a mission to Ecuador or sweeping it all out. I do not believe in your methods.

Mr. MCCREARY. Mr. Chairman, I am in favor of the bill as it now reads:

Envoy extraordinary and minister plenipotentiary to Colombia and Ecuador, \$10,000.

There has been no minister to Ecuador, until recently, for years. It was not deemed of sufficient importance that the United States should have a minister at Ecuador until one year ago, I believe. I think in the last diplomatic and consular appropriation bill that was passed by this House there was a provision for the appointment of a minister to Ecuador by the President. The President of the United States did not seemingly regard that mission of sufficient importance to make an appointment until a few weeks ago, when he did appoint a gentleman.

I do not believe he has gone yet. If he has, he sailed but recently. I believe that one minister to Colombia and Ecuador will be able to attend to the business there. It is true that at present communication is not direct for travel, and it may take some time to pass from the capital of one country to that of the other, but that is not unusual. The United States minister to Bolivia is also the minister to Peru, and I see no reason why this should not stand as it is, and as the committee have reported it.

Mr. JOSEPH D. TAYLOR. Does not the gentleman think the argument in favor of this railroad survey, which the gentleman made yesterday, would be also an argument in favor of sending a minister to Ecuador? Would it not be in the same line of progress?

Mr. MCCREARY. The United States has been able for years to get along without a minister at Ecuador.

Mr. BLOUNT. We have a consul-general there.

Mr. MCCREARY. And as we have got along very well for years without a minister there, I can not see any objection to having the minister to Colombia visit Ecuador occasionally.

Mr. JOSEPH D. TAYLOR. But we have also got along without the railroad. The gentleman wants the railroad. I want the railroad and I want the minister, and I think the same argument will apply to each.

Mr. MCCREARY. When your railroad is completed connecting Ecuador and Colombia, you may then present your proposition for a minister; but I see no connection whatever between the construction of a railway for the purpose of improving commerce and trade between the United States and the republics of Central and South America, and the gentleman's point of having two ministers at \$5,000 each, one in Colombia and one in Ecuador.

Mr. JOSEPH D. TAYLOR. One or the other of the countries must be neglected.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. COOMBS. Mr. Chairman, I move to strike out the last word. I wish to say that I am well acquainted with the trade with Ecuador, and I think the consul-general is quite sufficient to represent the interests of our Government, so I shall oppose the amendment. I withdraw the formal amendment.

The amendment was rejected.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Venezuela and Guatemala, \$5,000 each, \$10,000.

Mr. HITT. Mr. Chairman, I move to amend by striking out lines 14, 15, and 16, and inserting—

Envoy extraordinary and minister plenipotentiary to Venezuela, \$7,500.
Envoy extraordinary and minister plenipotentiary to Guatemala, \$7,500.

The latter part of the amendment I would prefer to modify, should the first part of the amendment prevail; and I will offer the first part of the amendment first.

The CHAIRMAN. Will the gentleman send up his amendment?

The Clerk read as follows:

By Mr. HITT:

Strike out lines 14, 15, and 16, and insert:

"Envoy extraordinary and minister plenipotentiary to Venezuela, \$7,500."

Mr. HITT. If that is adopted it is to be followed by an amendment touching the remainder of the paragraph.

Now, Mr. Chairman, the law at present provides for a minister of the United States at Caracas, Venezuela, at \$7,500. This bill would cut it down to \$5,000. That is one of the most considerable republics of Spanish America, one of the leading powers in the northern part of that continent. The Government and people are at this time in the midst of great anguish and trouble. Venezuela is threatened within, it is more than threatened without. While the Government is trembling in the balance with intestine war, and unable to defend its territory, a large part of the Republic has been taken possession of by Great Britain. The United States is content to stand idly by in utter indifference, and the representatives of the American people occupy a large part of an afternoon, as they did yesterday, listening to lofty orations on the Monroe doctrine, while the flag of the British monarchy is displacing the flag of the Venezuela Republic; a monarchy pushing a pretended claim is invading and colonizing the continent in direct defiance of the traditions of this Republic and our Monroe doctrine.

At this juncture the House of Representatives is asked to change the law in order to cheapen and lower the representation to the Venezuelan Republic. Instead of friendly interest or sympathy for Venezuela, we continue the mission to England, in all its fullness, and send a cheaper man to Venezuela, just now so hard pressed. Its people will know how to interpret this action. There was no one so blind or ignorant in this country that he did not know what was the position of England towards us in the great strife of the rebellion. And who does not to-day remember with gratitude the attitude of Russia then? Devotion to the Monroe doctrine has been often repeated in this House. It is at last turned into cant. Now, when one of our neighbor republics is in great trouble, and a region as wide as one of our great States is being torn from that dismembered Government and added to an European monarchy, we turn from our republican sister coldly, our flag flutters idly, and the loud Monroe doctrine roars you very gently.

Mr. BLOUNT. Mr. Chairman, I am somewhat surprised at the strained conclusion stated by my friend a few moments ago. The bill is simply a proposition to reduce the salary of the minister at Venezuela, to take effect after the 30th of June of next year.

Mr. COOMBS. Not this year?

Mr. BLOUNT. It does not at the present time affect the salary of the minister at Venezuela at all. If it did, Mr. Chairman, how does it happen that the Monroe doctrine breaks in here? If the Monroe doctrine is being violated by Great Britain, is this the way to meet the question? We have an Executive, having charge of our foreign relations, knowing the history and sentiment of this country, and is it not within his power immediately to have communication, in this capital, with the British minister, and through him with Lord Salisbury, in this matter?

Now, then, as to his views upon this question and its purposes and results, I have been astounded at the zeal with which my friend states argumentation here, which I do not think always bears criticism well. The gentleman has alluded to the action of Great Britain during the rebellion. Mr. Chairman, I appreciate readily the gentleman's feeling toward Great Britain in that connection, and to it I have no complaint. But, sir, I am as ready this day and this hour to stand by the Monroe doctrine and stand by the flag as the gentleman in this issue; but I do not intend to be beguiled by this sophistry into an expression and into an increase of the salary of the minister at Venezuela.

Mr. POST. An increase?

Mr. BLOUNT. The amendment increases the salary.

Mr. HITT. I move to strike out the last word. I do not propose to increase this minister's salary, but to keep it unchanged, and I oppose an effort to degrade the mission at this moment, because it is an expression of utter want of sympathy with the Republic of Venezuela. Were it not for the short time in de-

bate under the five-minute rule I could read you from the books on international law to show that cheapening or withdrawing a minister is by universal usage regarded as the plainest expression of a want of sympathy and of diminished respect, especially when the moment selected is critical to the fate of the other state. Discontinuing a mission at a time when another country is in a great struggle is the simple way of saying, "We care nothing about you." I think that we should let that mission alone. I think it is bad policy at this moment to cut that mission down to starvation rates.

It is bad, too, as business. Caracas is probably the place of costliest living in South America. A minister and his family can not live there decently on \$5,000 a year. It is bad as business, for we have a large commerce with that country. In the year ending June, 1888, Venezuela imported from the United States \$4,000,000 worth of merchandise, and we bought of them over nine millions. With such a trade, widening every day, it is poor business policy for us to chill their friendship for us, and manifest our cold disrespect for them. My reference to the Monroe doctrine was directly pertinent, and every patriotic man who will look at this situation in a spirit of calmness and wisdom will see that this mission ought not to be degraded.

I withdraw the *pro forma* amendment.

Mr. BLOUNT. Just one word in reply. I can not accept the doctrine that, the people of this country in reducing the expenses of their Government, any foreign Government shall construe it as offensive to it.

The CHAIRMAN. The Chair will inform the gentleman from Georgia that debate is exhausted on this amendment, the *pro forma* amendment having been withdrawn.

Mr. BLOUNT. Then I ask for a vote.

Mr. BURROWS. I move to strike out the last word, for the purpose of asking the gentleman from Georgia if he has information as to the expense of attending that mission and as to the cost of living at Caracas.

Mr. BLOUNT. I am not thoroughly acquainted with the expense of living at Venezuela.

Mr. BURROWS. How long has the salary been \$7,500 a year?

Mr. BLOUNT. I do not remember. I have not run it down to see.

Mr. BURROWS. What reason is there for striking it down from \$7,500 to \$5,000 a year without any information as to the cost of living there?

Mr. BLOUNT. I am not here to be interrogated by the gentleman, as a schoolteacher. I have stated in a general way that our purpose was to reduce these salaries and reduce the expenses wherever we thought we could; and I believe, sir, we can get a man to go to this little country for the amount that is stated in this bill.

Mr. BURROWS. Mr. Chairman, I did not make the inquiry of the gentleman as a schoolteacher, but as a statesman, in order to see whether ample provision was made for a proper maintenance of our foreign relations. For that reason I asked him the expense attending that service.

Mr. BLOUNT. I do not know the cost of living at hotels in Caracas.

Mr. BURROWS. I am advised by the gentleman from Illinois [Mr. HITT] that it is one of the most expensive places to live in South America.

Mr. BLOUNT. Yes, sir.

Mr. BURROWS. And certainly \$7,500 a year is not too much.

Mr. BLOUNT. I have no doubt about it. I have no doubt that the gentleman thinks all these amendments are wrong.

Mr. MCCREARY rose.

Mr. REED. Perhaps some other member of the committee may enlighten us. Perhaps the gentleman from Kentucky [Mr. MCCREARY] can tell us why this reduction is made.

Mr. BURROWS. If these reductions are made just for fun, we want to know it.

Mr. BLOUNT. There is not any fun for your side.

Mr. BURROWS. Is there a reason for this action?

Mr. BLOUNT. Yes, there are reasons.

Mr. BURROWS. The gentleman has not disclosed them, then.

Mr. BLOUNT. The gentleman and I differ about that.

Mr. REED. Why not give us a reason?

Mr. BLOUNT. Oh, you do not want any reason.

Mr. REED. Oh, yes; just reason enough to satisfy one-third of the House.

Mr. BLOUNT. Oh, nothing would satisfy you. These people over there are your pets, and you want them taken care of.

Mr. REED. I, unfortunately, have not got any of them, so I do not think that is a fair reply to me. [Laughter.]

Mr. BLOUNT. If we keep these salaries up, with your luck about such things, you will not get anything, while if they are made smaller you may. [Laughter.]

Mr. REED. That is, if they are reduced I may have a chance? Mr. BLOUNT. Yes.

Mr. REED. I knew there must be reasons. Now, there is a reason that satisfies me. [Laughter.]

Mr. MCCREARY. Mr. Chairman, I ask for the reading of the paper which I send to the desk.

The Chief Clerk read as follows:

CARACAS, December 30, 1891.

In the Daily Chronicle, of Georgetown, No. 4923, under date of the 16th of September last, appears a speech read by the governor of Demerara before the combined court of that colony, in which among other things there is suggested to said body the convenience of establishing a department of government and police in Alto Cuyuni, and as a consequence thereof the authorization of the court for the appropriation of a certain sum to carry out the idea.

As this step is in the direction of exercising jurisdiction over territory that Venezuela considers as comprised within her limits, which the government is forced to qualify as a further act of usurpation on the part of the British authorities, the President of the Republic, pursuant to the duties imposed upon him by his position as guardian and defender of the national interest, has resolved, by and with the advice of the council of ministers and the approving vote of the Federal Council, to solemnly protest before all the civilized nations of the world against the new intent of the emissaries of England with respect to territory the absolute possession of which the Venezuelan Government demands with irrefutable historical titles and in the name of the principles of international law.

For the national executive.

FELICIANO ACEVEDO.

Taken from Boston Herald of January 18, 1892.

Mr. MCCREARY. Mr. Chairman, I sent up that dispatch from Caracas, and asked to have it read in order to show the bearing of the remarks of the gentleman from Illinois [Mr. HITT] with reference to the Monroe doctrine. It seems that there has been in the last few months some question raised in regard to the encroachments by Great Britain in Venezuela, and that dispatch explains the matter. I think, however, I can recall that the President of the United States has within the past few weeks interfered to a certain extent, under the McKinley bill, with some of the imports from Venezuela to the United States; and while we are considering these movements with regard to Venezuela, and these interferences with the trade between that country and this, it is well enough not to forget the action of the President under what is known as the McKinley reciprocity act.

Mr. WHEELER of Alabama. Mr. Chairman, I did not intend to speak upon this subject—

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. BURROWS. I withdraw the *pro forma* amendment.

Mr. WHEELER of Alabama. Mr. Chairman, I had not intended participating in the debate upon this question, but as the gentleman from Maine [Mr. REED], and other gentlemen upon his side of the House so persistently, and with such earnestness, demand a reason why we are impressed with the necessity of reducing expenses, I will endeavor to enlighten them, and I will inform him and them that the legislation of the Republican party during the last twenty years has reduced the incomes and impaired the prosperity of the great mass of our people until to-day there is pinching poverty all over our land, poverty in our rural districts, and squalid misery in our cities.

Millionaires with the pomp and pride of wealth rear their palatial homes, while almost within their shadows is heard the cry of want and suffering, and under the unjust tax legislation of the Republican party the salaries provided for in this bill are almost entirely contributed from the labor and sweat of the working people of our land.

The billion dollars poured out with lavish hand by the last Congress was the crowning work of these enemies of the people; this money was earned by the wage-workers, and these American citizens call to us in thunder tones to rectify this cruel wrong. The billion-dollar Congress has been denounced by 65,000,000 freemen. A wail of woe comes up from all quarters of our country, and a demand that the friends of the people, the Democracy of our country, shall relieve them from burdens too heavy to be borne, is wafted to us in every breeze.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit a question?

Mr. WHEELER of Alabama. I will yield just for a question.

Mr. JOSEPH D. TAYLOR. If you sympathize so much with the poor people and are so apprehensive of a "wall of woe" coming up from that quarter, why is it that the salaries of the poor consuls who receive only \$1,500 a year have the same amount, \$500, taken from them that is taken from salaries of \$3,500, the reduction in the one case being 33 percent and in the other 14 percent?

Mr. WHEELER of Alabama. I see the point which the gentleman wishes to make, and I am glad to inform him I have an amendment written out which will correct all that. I propose to cut them all down. At the proper time I will propose an amendment which I trust will meet the approbation of all friends of economical and honest government.

Mr. Chairman, there is also another very important question which it seems to me has been forgotten. I wish to call at-

tention to the fact that nearly all the diplomacy which has been valuable to our people has been conducted by envoys and ministers at a period when salaries were only about one-third the salaries that are now paid to these officials, all of which is taken from the laboring people of our country. During the Revolution Franklin accomplished more in the way of diplomacy than has every been done by all the diplomats that have followed him from that time to this. He did much towards drawing to us aid which was essential to our success.

Monroe, on a salary of less than \$9,000, represented our country abroad, and by his diplomacy acquired that great territory embracing more than a third and nearly one-half of the square miles of this country. Forsyth, on a salary of about the same figures, gave us by his diplomacy that land of sun and flowers now constituting the State of Florida. For one, Mr. Chairman, I am opposed to sending—

[Here the hammer fell.]

Mr. WHEELER of Alabama. I ask unanimous consent that my time be extended a few minutes.

Mr. HOLMAN. I hope the gentleman's time will be extended.

Mr. HITT. I move to strike out the last two words, and yield my time to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. I thank the gentleman for his courtesy. Mr. Chairman, for one I am opposed to the policy that I have heard announced more than once in this Hall—that we must have men of large salaries and men of wealth to represent this country in European and other foreign countries. I want to have persons sent to represent us who are distinguished for moral and mental and intellectual worth—men fitted to represent a country of the character which we insist is possessed by this land of liberty—men fitted to represent a country which is a republic in fact as well as in name.

Mr. BOATNER. Do you think we can get men enough of that sort on such salaries as you suggest?

Mr. WHEELER of Alabama. I will inform the gentleman that this country is filled with men eminently fitted by education, culture, and moral attributes, who would adorn any court of any land.

I will say to the gentleman that if we could send such a man as Senator DANIEL to represent us in the court at London, allowing him only the same salary that he draws here as a Senator, he would live upon that salary in London and would reflect more credit upon this country than if you should send there the concentration of all the millionaires of our land to flaunt money in the face of astonished Europe. [Applause.] The world is getting tired of the glare and tinsel of wealth, and longs for men with intellectual and moral endowments.

Mr. BOATNER. But we have only one Senator DANIEL, and he would not go abroad. [Laughter.]

Mr. WHEELER of Alabama. That is true, but then we have the distinguished gentleman from Louisiana who has just taken his seat. [Laughter and applause.] And I will say to him that if he were sent abroad upon the salary which he draws in this Hall as a Representative of the people he would reflect much more credit upon our country by his intellect and information than is reflected upon it by some of the millionaires who have represented us in foreign parts, some of whom only attracted attention by the exhibition of their wealth. [Applause.] There are many others, and one who is participating in this debate has the respect and regard of us all, one who has and I trust may again serve us in a high capacity abroad. There are some men, I am happy to observe, who are not enervated by wealth.

Now, Mr. Chairman, early in this session I had the honor to introduce a resolution which I send to the Clerk's desk to be read, because some gentlemen seem to have forgotten its purpose; and I am afraid some of the members of our Appropriation Committee have not given the resolution that attention which it merits.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 12, 1892.

Mr. WHEELER of Alabama submitted the following, which was referred to the Committee on Appropriations:

Whereas the members of this House are deeply impressed by the evidence before them of the financial distress which prevails in the rural districts of our land; and whereas the income of our citizens is much less and the cost of living is much less than at the time the salaries of officials were fixed by law: Therefore,

Resolved by the House of Representatives, That it is the sense of this body that all salaries of Government officials of \$5,000 or salaries which exceed that amount should be reduced 20 per cent, and that salaries which exceed \$800 should be reduced 10 per cent.

Second. That the committees of this House charged with the preparation of appropriation bills be instructed in preparing such bills to fix the salaries and the appropriations therefor of all officials in conformity with the first section of this resolution.

Third. That the word "officials" shall be construed to include all persons who are paid salaries from the Treasury of the United States.

Mr. WHEELER of Alabama. Now, Mr. Chairman, when our Government had such eminent men as I have named representing

us, our entire diplomatic service cost only \$40,000 a year. This bill in its provisions for the pay of ministers and consuls involves an expense of almost a million dollars. One million dollars for bad service; and \$40,000 for the good and devoted service of such eminent men as Franklin, Monroe, Forsyth, and others not less distinguished.

Just think of it, \$1,000,000 paid out to envoys and consuls, a sum equal to the entire amount spent for all the civil and miscellaneous expenses of the Government during two years when Washington was President.

During our early days large salaries were not necessary to get the best talent. Thomas Jefferson, Edmund Randolph, and Timothy Pickens each served as Secretary of State at a salary of \$3,500. Alexander Hamilton served as Secretary of the Treasury for the same salary. Gen. Henry Knox and Timothy Pickens each served as Secretary of War at a salary of \$3,000. Samuel Osgood and Joseph Habersham each served as Postmaster-General at a salary of \$3,000, and such men as Randolph, William Bradford, and Charles Lee filled the office of Attorney-General at the same salary.

This shows that extravagant salaries are not necessary to secure the services of the greatest and best men, and I want to admonish this body that the time has come when something must be done for the people. Distress prevails all over our land. The people demand justice. Shall we be recreant to our trust? An expectant people are listening with attentive ear.

Let us one and all by our votes in this Congress give an answer that will lighten millions of hearts and carry joy and happiness to the homes of those whom we are here to serve and whom to serve well should be our highest ambition. [Applause.]

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, as the gentleman from Alabama [Mr. WHEELER] has failed to answer my question, I wish to make myself understood in regard to it. I do not think he understood the point I was making. I wish to know why it is that the provisions of this bill reduce the salaries of twelve consuls now drawing \$1,500 each 33 per cent, while the salaries of men who draw \$3,500 each are reduced only 14 per cent. In other words, the gentlemen who have framed this bill propose to take as much money off the \$1,500 salary as they do off the \$3,500 salary. I would like to know from the gentleman from Alabama whether this will not cause a "wail of woe," as he expresses it.

This bill is in the interest of wealthy men; it is framed along that line all the way through. You have cut down these salaries so low that no poor man in this country can afford to accept a consulate. You have framed this bill in the interest of men who want to use these consulships as a means of making pleasure trips, trips across the continent or around the world, partly at the expense of the Government and partly at their own expense. The system already has this character to a very large extent, and there are now many consulships which no poor man can fill. Besides this, you make it impossible for the United States to have a citizen of this country as a consul in any of these places named in the bill where the salary is reduced from \$1,500 to \$1,000. You compel the United States in these places to borrow a foreigner and use him to represent our Government in regard to its commerce and its trade. You have not reduced the salaries of the ministers who get \$12,000 and \$17,500 a year, but have reduced the small salaries. I think I can make a suggestion which will be beneficial to the Democrats of this House. Cut down the Army and Navy appropriation bill as you have done this bill, and when we get into a war let us borrow ships from England or France or Germany; let us borrow our navy from some other country. That would be statesmanship, would it not? That would be economy. It would be just as wise as are the provisions of this bill which make these reductions of salaries.

Then we would need no army or navy, and when we get into a war we would only need to borrow the army or navy of some other country to fight our battles. I think that would be an exceedingly good platform for the Democratic party to adopt. It would be cheap. They could put it in their national platform, and go before the country with this grand system of economy. No doubt it would be received with the same cheers and plaudits which greet this bill. I have rarely seen such unwise legislation as that proposed in this bill. It will prove a calamity to the country and a blockade to our trade and commerce.

[Here the hammer fell.]

THE CHAIRMAN. Debate on the pending amendment is exhausted, and if there be no objection the Chair will regard the *pro forma* amendment as withdrawn.

There was no objection.

Mr. COOMBS. Mr. Chairman, I move to strike out the last two words. It pains me exceedingly to be compelled to differ from my fellow-members on this side of the House on any question, but I come from a constituency which is in constant con-

tact with the people of these various countries, and they and I know the existing conditions. If, then, I differ from them they must not look upon it as a willful difference, but as an honest, conscientious difference on the part of a man who represents what he knows to be the just wishes and interests of his people.

I send to the desk and ask to have read a clipping from a newspaper, which is of importance in this connection. If I believed, sir, for a moment that this country was too poor to be properly represented abroad; if I believed that we were in a state bordering on national poverty, or extreme distress, I should have more sympathy with the plan for reducing expenses now proposed, although I should even then consider it a mistaken policy. But I ask the Clerk to read.

The Clerk read as follows:

WHAT THE WORLD OWES—INCREASE OF WEALTH IN THE UNITED STATES UNEQUALLED IN HISTORY.

WASHINGTON, April 18.

The Census Office to-day issued a bulletin giving a summary of national, State, and local indebtedness for the year ended June 1, 1890. The compilation embraces details of the indebtedness of more than 30,000 political corporations in the United States.

The debt of the world in the census year, including \$1,689,740,252, local and foreign debt, less sinking fund, was \$30,358,132,938. The average annual decrease in the national debt of the United States in the decade exceeded \$100,000,000; the decrease per capita of combined national, State, and local debt in the same period was from \$80.73 to \$32.37. The value of property assessed for taxation increased meanwhile from \$17,000,000,000 to \$25,500,000,000 or 50 per cent, a reduction of debt and an increase of wealth unequalled in the history of any country, at least in modern times.

Mr. SIMPSON. Will the gentleman permit me to ask him a question?

Mr. COOMBS. I can not yield to the gentleman now.

I do not propose, Mr. Chairman, at the present time to discuss the financial condition of the United States; the official report which has been read proves that we are not a poor nation without resources, but the most prosperous in the family of nations. I have the charity to suppose that a great deal of this talk of poverty indulged in here has been in a Pickwickian sense.

Mr. REED. Oh, we all understand that.

Mr. DAVIS. It is derived from the census reports, at all events.

Mr. COOMBS. That there is great lack of general distribution of wealth can not be denied, but that poverty is so general and widespread as represented I do not believe. I claim that if the Government of this country was properly administered and the taxes properly levied—

Mr. SIMPSON. But that is just the difficulty.

Mr. COOMBS (continuing). That our people would have no need to complain of poverty when needed appropriations were asked for, but we would be in a condition to command all that we require for the dignified, efficient, and liberal administration of government.

Mr. WATSON. Better make the necessary change in the law first, perhaps.

Mr. COOMBS. Now, in relation to this amendment, I think a minister to Venezuela, knowing as I do the cost of living there, should have at least \$7,500. My house always gives to our traveling salesman, when visiting there, \$12 a day for living expenses when he arrives in that country. I do not believe that a man can live there as the representative of this country for less than \$7,500 a year. Guatemala, I think, is a cheap country to live in. That can be made \$5,000.

But I do not believe, sir, that we could have proper representation in Venezuela for less than the sum I have named, when I know as a matter of fact that we are compelled to allow \$12 a day for our salesmen there for living expenses.

Mr. REED. That would amount to about \$4,200 per annum?

Mr. COOMBS. Yes, sir.

Mr. REED. And the proposition is to give the ambassador of this country \$800 a year more—a liberal allowance. [Laughter.]

Mr. SIMPSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is a pending amendment.

Mr. SIMPSON. The gentleman from New York has sent to the desk and had read a clipping, I presume from a newspaper, and says that the figures are taken from the Census department, showing that the wealth of this country has enormously increased in late years. Indeed, there is nobody who disputes this fact, for it is currently believed and understood that the wealth of the country has increased, but that a large proportion of it has passed into the hands of a very few men. It is currently believed that 25,000 people in the United States at the present time own one-third of the entire aggregate wealth of the country.

But, Mr. Chairman, the objection we make to these expenditures where they are not absolutely necessary is that they are collected through taxation on the people of the country; and that system of taxation that raises revenue from a tariff should be

equitably and uniformly adjusted, when as a matter of fact I want to tell you Democrats on this floor that the burden falls most heavily upon the laborers and producers of this country.

If this increase of expenditures was paid by the men who have this wealth in their possession, I would raise no objection to it; but the difficulty is that these increased expenditures are paid by the laboring and producing classes, under your present system of taxation, and that is why we object to them.

Now, all this plea about being represented in foreign countries with dignity, and all this plea by gentlemen on the Republican side about hurting the feelings of these nations, and the claim that we want to cultivate friendly relations with them, comes because they want to establish an almshouse or a house of refuge for their defunct politicians. [Laughter.]

Simply because they know they are going to lose their grip on the Government of this country. A party that to-day has a majority in only twelve States of this Union; a party with eighty-eight members in this House, only sixty-four of them having majorities behind them; a party having forty-seven United States Senators, and only eighteen of them having majorities behind them, can well see the handwriting on the wall, and must necessarily be anxious to provide a house of refuge for their defunct politicians in the future. So I can readily see why they would defend the keeping up of a large number of consular positions. But as to the Democrats, I can not see how they can defend an increase in the expenditures of the Government, because they went before the country two years ago on the plea that they were going to reduce the expenditures of this country. Yet I am sorry to say they have come up here and in every instance where there was an opportunity have passed large appropriation bills for the Navy and the Army, a large part of which were unnecessary. Now, I will say to the Democrats, you have got to fulfill some of your pledges to the people of this country if you expect to have a majority in the Congresses that are to come.

The CHAIRMAN. Does the gentleman from New York [Mr. COOMBS] withdraw his formal amendment?

Mr. COOMBS. I withdrew it, but I wish to substitute another amendment, that the salary of the minister to Venezuela shall be \$7,500, and to Guatemala \$5,000.

The CHAIRMAN. The Chair will inform the gentleman that there is an amendment pending.

Mr. HITT. I notified the Chair I would offer that, if this amendment prevailed; but it would be done in a separate paragraph.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HITT].

Mr. DINGLEY. What is the amendment?

The amendment was again read.

The question being taken, the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. HITT) there were—ayes 36, noes 70.

Mr. HITT made the point of no quorum, and the Chair appointed as tellers Mr. HITT and Mr. BLOUNT.

Pending the division,

Mr. SIMPSON said: Mr. Chairman, I rise to a parliamentary inquiry. I would like to ask whether it is proper and parliamentary to make the point of no quorum when a great number of the members of this House may have gone to attend the horse races and the base-ball game?

The CHAIRMAN (Mr. OATES in the chair). The Chair does not think that is a parliamentary inquiry. If it is, the gentleman from Kansas can answer it as well as the Chair can.

Mr. SIMPSON. I withdraw the inquiry.

Mr. WHEELER of Alabama. I rise to a parliamentary inquiry, and that is to inquire whether any member of this House has the right, without proof, to say that any of the members are at a horse race?

Mr. SIMPSON. I will say to the gentleman from Alabama that I do not say they are there. I asked if it was in order, if they were there.

Mr. WHEELER of Alabama. I think it might be considered in the light of an insinuation.

Mr. SIMPSON. I hope the gentleman from Alabama will not give my question such a violent interpretation as that.

The tellers reported—ayes 36, noes 104.

The CHAIRMAN. No quorum having voted, the Chair will order a call of the roll under the rule.

The roll was called, and the following-named members failed to respond:

Abbott,	Bankhead,	Blanchard,	Brosius,
Alderson,	Barwig,	Boutelle,	Brown,
Amerman,	Belden,	Bowers,	Buchanan, N. J.
Andrew,	Beltzhoover,	Bowman,	Bunting,
Arnold,	Bentley,	Breckinridge, Ark.	Bynum,
Atkinson,	Bergen,	Bretz,	Byrns,
Bacon,	Bingham,	Broderick,	Cable,

Cadmus,	Hamilton,	Milliken,	Sayers,
Campbell,	Harmer,	Mitchell,	Scott,
Castle,	Harries,	Moore,	Shonk,
Cate,	Harter,	Morse,	Snow,
Causey,	Hayes, Iowa	Metzler,	Springer,
Cheatham,	Haynes, Ohio	Newberry,	Stackhouse,
Chapin,	Heard,	Norton,	Stahnecker,
Clancy,	Hemphill,	O'Ferrall,	Stevens,
Clark, Wyo.	Henderson, Iowa	O'Neil, Mass.	Stewart, Tex.
Clarke, Ala.	Herbert,	Page, R. I.	Stone, W. A.
Coburn,	Hermann,	Parrett,	Stump,
Cockran,	Hoar,	Payne,	Sweet,
Cogswell,	Hooker, N. Y.	Pattison, Ohio	Tarsney,
Compton,	Hopkins, Ill.	Paynter,	Taylor, Ill.
Coolidge,	Houk, Tenn.	Peel,	Taylor, Tenn.
Cowles,	Huff,	Pendleton,	Taylor, E. B.
Crain, Tex.	Hull,	Perkins,	Taylor, V. A.
Crosby,	Johnson, Ind.	Pickler,	Townsend,
Culbertson,	Johnson, Ohio	Pierce,	Tracey,
Curtis,	Johnstone, S. C.	Powers,	Tucker,
Dalzell,	Kem,	Price,	Turner,
Daniel,	Ketcham,	Quackenbush,	Van Horn,
Doan,	Kribbs,	Raines,	Wadsworth,
Dunphy,	Lagan,	Randall,	Warner,
Durbin,	Lawson, Va.	Reilly,	Washington,
Enochs,	Lester, Ga.	Reynolds,	Weadock,
Fellows,	Lockwood,	Rife,	Wever,
Fitch,	Lodge,	Robertson, La.	Whiting,
Fitchman,	Magner,	Robinson, Pa.	Wike,
Flick,	Mansur,	Rockwell,	Williams, Mass.
Forman,	McDonald,	Rusk,	Williams, Ill.
Funston,	McKalg,	Russell,	Wilson, Ky.
Fyan,	McKeighan,	Sanford,	Wilson, Wash.
Gantz,	Meredith,		Wilson, Mo.
Gillespie,			Wolverton,
Grout,			Wright,

Mr. BUCHANAN of Virginia. I desire to state that my colleague, Mr. LAWSON of Virginia, is at home sick, and I ask that he be excused.

The committee then rose, and the Speaker resumed the chair.

Mr. OATES. Mr. Speaker, the Committee of the Whole House on the state of the Union had under consideration the bill H. R. 7624, and found itself, while proceeding, without a quorum. The Chair caused the roll to be called and 154 gentlemen only answered to their names as present. Being still without a quorum, the committee rose under the rule, and I report the names of the absentees.

The SPEAKER. The gentleman from Alabama [Mr. OATES], chairman of the Committee of the Whole House on the state of the Union, reports that that committee found itself without a quorum, and that he caused the roll to be called and noted the absentees. The names of the absentees will be entered on the Journal.

Mr. BLOUNT. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk and referred to their appropriate Calendars as indicated below:

SALARY OF SUPERVISING ARCHITECT, TREASURY DEPARTMENT.

Mr. BRICKNER, from the Committee on Expenditures in the Treasury Department, reported back with amendment the bill (H. R. 4540) to provide for the increase of the salary of the Supervising Architect of the Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALARY OF ASSISTANT AND CHIEF CLERK OF SUPERVISING ARCHITECT, TREASURY DEPARTMENT.

Mr. BRICKNER also, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 3998) to increase the salary of the assistant and chief clerk of the Supervising Architect, Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE TO OFFICERS AND EMPLOYÉS IN CUSTOMS SERVICE.

Mr. BRICKNER also, from the Committee on Expenditures in the Treasury Department, reported back adversely the bills (H. R. 2939 and H. R. 2622) providing for leave of absence for officers and employés in the customs service of the Government who receive a per diem compensation; which were laid upon the table and, with the accompanying report, ordered to be printed.

SETTLEMENT OF ACCOUNTS AND CLAIMS IN CERTAIN CASES.

Mr. STOCKDALE, from the Committee on the Judiciary, reported back adversely the bill (H. R. 374) to provide for the settlement of accounts and claims in certain cases; which was laid upon the table, and, with the accompanying report, ordered to be printed.

PUNTA GORDA, SUBPORT OF ENTRY.

Mr. MALLORY, from the Committee on Interstate and For-

eign Commerce, reported back favorably the bill (S. 1956) to make Punta Gorda a subport of entry; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. MALLORY also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1393) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, by extending the privileges of the first section thereof to the port of Fernandina, Florida; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HISTORICAL MANUSCRIPTS RELATING TO THE DISTRICT OF COLUMBIA.

Mr. CUMMINGS, from the Committee on the Library, reported back favorably joint resolution (H. Res. 74) providing for the purchase of historical manuscripts relating to the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MONUMENT AT PUT IN BAY, OHIO.

Mr. CUMMINGS also, from the Committee on the Library, reported back favorably the bill (H. R. 323) providing for the erection of a monument at Put In Bay, Ohio, commemorative of Commodore Oliver Hazard Perry and those who participated in the naval battle of Lake Erie on the 10th day of September, 1813; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PREVENTION OF CRUELTY TO CHILDREN AND ANIMALS IN THE DISTRICT OF COLUMBIA.

Mr. COGSWELL, from the Committee on the District of Columbia, reported back favorably the bill (S. 1714) to prevent cruelty to children or animals in the District of Columbia, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT AT NORTH BEND, OHIO.

Mr. CUMMINGS, from the Committee on the Library, reported back favorably the bill (H. R. 621) for the erection of a monument to the late William Henry Harrison, at North Bend, Ohio; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (S. 2566) for the relief of William and Mary College of Virginia. (Report No. 1207.)

By Mr. COBB of Missouri, from the same committee: A resolution referring the bill (H. R. 3657) for the relief of the owners of the steamer Clara Bell. (Report No. 1219.)

By Mr. BOWERS, from the Committee on Military Affairs: A bill (H. R. 6554) to remove the charge of desertion against Charles H. Behle. (Report No. 1220.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were severally discharged from the consideration of the following bills; which were respectively re-referred as follows:

A bill (H. R. 8385) granting a pension to Martha A. Hughes—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 995) for the relief of Eunice Tripler—the Committee on Military Affairs discharged, and referred to the Committee on Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. JOHNSON of Ohio: A bill (H. R. 8417) to amend paragraph 106 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes, approved October 1, 1890"—to the Committee on Ways and Means.

By Mr. TOWNSEND: A bill (H. R. 8418) to provide for the purchase of a site and the erection of a public building thereon at Glenwood Springs, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. HEMPHILL: A bill (H. R. 8419) to amend an act to define the jurisdiction of the police court of the District of Columbia, approved March 3, 1891—to the Committee on the District of Columbia.

By Mr. RANDALL: A bill (H. R. 8420) granting the use of certain lands to the town of New Bedford, Mass., for a public park—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama (by request): A bill (H. R. 8421) to amend an act entitled "An act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes"—to the Committee on Military Affairs.

By Mr. GRISWOLD: A bill (H. R. 8422) to reimburse registers and receivers of district land offices for moneys paid on account of the United States—to the Committee on the Public Lands.

By Mr. BRODERICK: A joint resolution (H. Res. 123) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by the acts of Congress approved February 25 and March 2, 1889, and by act of Congress approved July 25, 1890—to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A resolution for an income tax to pay pensions and to repeal the tax on currency issued by authority of the States—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BEEMAN: A bill (H. R. 8423) for the relief of L. B. F. Champion—to the Committee on War Claims.

By Mr. BOATNER (by request): A bill (H. R. 8424) for the relief of A. A. Harvey, guardian, of Washington Parish, La., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also (by request), a bill (H. R. 8425) for the relief of Mrs. Emma L. Andras, of St. Landry Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8426) for the relief of the estate of Mrs. Mary Morgan, late of Carroll Parish, La.—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 8427) for the relief of Mrs. Jane P. Moore, of Bolivar County, Miss.—to the Committee on War Claims.

By Mr. CAPEHART: A bill (H. R. 8428) for the relief of the estate of George W. Surbaugh—to the Committee on War Claims.

Also, a bill (H. R. 8429) for the relief of Mathew Tate—to the Committee on War Claims.

By Mr. FORNEY: A bill (H. R. 8430) for the relief of Mrs. Martha Stiff, of Cherokee County, Ala., for property taken for use of the United States Army—to the Committee on War Claims.

By Mr. FUNSTON: A bill (H. R. 8431) to pension Thomas E. Rochester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8432) to pension Angeline Weldon—to the Committee on Invalid Pensions.

By Mr. GEARY: A bill (H. R. 8433) to increase the pension of Cornelius D. Hughes—to the Committee on Pensions.

By Mr. HARTER: A bill (H. R. 8434) granting an honorable discharge to William S. Fox—to the Committee on Naval Affairs.

By Mr. HITT: A bill (H. R. 8435) to amend the record of Simon Rice, of Company A, Sixth Maryland Volunteers—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio (by request): A bill (H. R. 8436) to provide for the extension of letters patent to Mrs. Anna Kerstine for improvement on grate bars—to the Committee on Patents.

By Mr. KYLE: A bill (H. R. 8437) for relief of estate of M. H. Battle—to the Committee on War Claims.

Also, a bill (H. R. 8438) for the relief of Melchisedec Robinson, of Benton County, Miss.—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8439) for the relief of James A. Richardson, administrator of Ezekiel T. Keel, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 8440) for the relief of Mrs. Ellen P. Malloy, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, a bill (H. R. 8441) for the relief of J. Harvey Mathes, administrator of Benjamin F. Cash, deceased, of Shelby County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. WARWICK: A bill (H. R. 8442) to remove the charge of desertion from the military record of James Ammerman—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 8443) for the relief of Sally C. Smith, administratrix of the estate of Gabriel M. Smith, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of the faculty and students of Davidson College, North Carolina, against opening the Columbian Exposition on Sunday, and against selling liquors on the grounds of said Exposition—to the Select Committee on the Columbian Exposition.

By Mr. BELDEN: Petition of Excelsior Grange, No. 456, of New York, for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. BOWMAN: Three petitions of citizens of Iowa, as follows: of 17 citizens of Mills County, 9 citizens of Harrison County, and 9 citizens of Pilot Grove Township, Montgomery County, all for the passage of the antioption bill—to the Committee on Agriculture.

By Mr. BROOKSHIRE: Petition of John A. Wiltmore and 36 others, of Vermillion County, Ind., praying for a law to suppress the use of the United States mails for the transmission of obscene literature—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. S. Fish and 15 others, of Indianapolis, Ind., against the United States Government putting private matter on envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Resolution of Dailey Grange, No. 162, Patrons of Husbandry, of Cass County, Mich., for regulating speculation in fictitious farm products—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of citizens of Clayton County, Iowa, praying the passage of House bill defining options and futures—to the Committee on Agriculture.

By Mr. CATCHINGS: Two petitions of citizens of Mississippi, one of Washington County, and the other of the county of Tunica, remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. CHEATHAM: Papers in the claim of Enos Case, of Greene County, N. C.—to the Committee on War Claims.

By Mr. DALZELL: Petition of Aron Marshall for a pension—to the Committee on Pensions.

By Mr. DINGLEY: Petition of Charles A. Towne and others, of Auburn, Me., against the opening of the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Five petitions and resolutions of Farmers' Alliances of Iowa, as follows: Coon Grove, of Crawford County; Washington Township; Carroll County; Clinton Troop, of Pocahontas County; Union Township, and East Boyer, all in favor of a speedy passage of the option bill—to the Committee on Agriculture.

Also, petition of the Paradise Alliance, No. 1481, in favor of the Hatch-Washburn option bill—to the Committee on Agriculture.

Also, five petitions of citizens of Iowa, as follows: Of East Boyer, Crawford County; of Washington Township; of Carroll County; of Pocahontas County, and of Coon Grove Alliance, Crawford County, all in favor of House bill defining options and futures—to the Committee on Agriculture.

By Mr. ELLIS: Petition of James Weir and other citizens, of Owensboro, Ky., asking the passage of an act requiring that the Columbian Exposition be closed on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. EVERETT: Papers in the claim of James W. Hill, of Georgia—to the Committee on War Claims.

By Mr. FLICK: Three petitions of citizens of Iowa, as follows: Of Lamoni, Decatur County; of John Dukes and others, and of N. N. Hazleton and others, of Lamoni, all in favor of the antioption bill—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of the Methodist Episcopal Church and Woman's Christian Temperance Union of Le Cygene, Kans., for the passage of House bill 120, now before the Committee on the Post-Office and Post-Roads—to the Committee on the Post-Office and Post-Roads.

Also, petition of the session of Carlyle (Kans.) Presbyterian Church, for the observance of the Sabbath at the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Augustine Weldon, for a pension—to the Committee on Invalid Pensions.

Also, petition of Thomas E. Rochester, for a pension—to the Committee on Invalid Pensions.

By Mr. GOODNIGHT: Evidence to accompany bill to pension W. E. Floyd, of Kentucky—to the Committee on Invalid Pensions.

By Mr. HARMER: Memorial of citizens of the city of Philadelphia, protesting against the passage of bill to provide home rule for Utah—to the Committee on the Judiciary.

By Mr. HATCH: Seven protests of Farmers and Laborers' Union of Missouri, as follows: of Macon County, of Audrain County, of Scotland County, of Knox County, of Clark County, of Macon County, of Clark County, and of Macon County, all against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, petition and resolutions of the Massachusetts State Board of Agriculture and State Grange, for the passage of a pure-food bill—to the Committee on Agriculture.

Also, petition of citizens of Macon County, Mo., for the passage of pure-food bill—to the Committee on Agriculture.

Also, petition of citizens of Kingman County, Kans., for the passage of anti-option law—to the Committee on Agriculture.

By Mr. HAYNES of Ohio: Evidence in support of House bill 6329, for the relief of Nicholas Becker—to the Committee on Military Affairs.

Also, four petitions of citizens of Ohio, as follows: One, the Methodist Episcopal Church of Port Clinton; the second, the Protestant Episcopal Grace Church of Toledo; the Methodist Episcopal Church of Gibsonburg, and citizens of Cedar Rapids, all for the closing of the Columbian Exposition on Sunday and the prohibition of the sale of liquor on the Exposition grounds—to the Select Committee on the Columbian Exposition.

By Mr. JOHNSON of Indiana: Petition of the National Woman's Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LANE: Petition of Louisa G. Hiatt and others, of Shelby County, Ill., against the Government being committed to a course of religious legislation by closing the World's Columbian Exposition on Sunday or in any other way—to the Select Committee on the Columbian Exposition.

By Mr. LAYTON: Protest of the Philadelphia Drug Exchange and the Philadelphia College of Pharmacy, against the passage of the Paddock pure-food bill—to the Committee on Agriculture.

Also, petitions of churches of Ohio, as follows: The Methodist Episcopal Church of Convoy, the Methodist Episcopal Church, of Belle Center, the First English Lutheran Church of Wakarusa, the First Baptist Church of Kenton, and the First Methodist Episcopal Church of Van Wert, praying the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors therein be prohibited—to the Select Committee on the Columbian Exposition.

By Mr. LEWIS: Six petitions of Clay County, Miss., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. LIVINGSTON: Petition of citizens of Texas, touching financial legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. MCALEER: Protest of the Produce Exchange of Pennsylvania, against the passage of Senate bill 1757—to the Committee on Agriculture.

By Mr. O'FERRALL: Papers in the claim of Elizabeth Nicholases, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of Ezra Spiker, of Shenandoah County, Va.—to the Committee on War Claims.

Also, papers in the claim of Hiram Bydler, of Shenandoah County, Va.—to the Committee on War Claims.

By Mr. O'NEILL of Pennsylvania: Preambles and resolutions of the Philadelphia National Exchange, favoring the passage of House bill 6182, to establish communication with light-ships and light-houses—to the Committee on Interstate and Foreign Commerce.

Also, copy of a report made on bill 10883 of the first session Fifty-first Congress, favoring the purchase or building a steam boarding vessel for the port of Philadelphia—to the Committee on Interstate and Foreign Commerce.

By Mr. OUTHWAITE: Petition of the Presbyterian Church of Rushville, Ohio, to close the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mayflower Congregation of Columbus, Ohio, for the closing of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OWENS: Petition of the First Methodist Church at Philadelphia, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dennison Presbyterian Church, of Dennison, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAGE of Rhode Island: Petition of Arthur W. Brown and 25 others, for an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of 15 citizens of Osceola County, Iowa, in behalf of bill defining options and futures—to the Committee on Agriculture.

By Mr. RANDALL: Petition of the Boston Baptist Ministers' Conference, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Commonwealth of Massachusetts, to restore John M. Goodhue to the Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. SHELL: Petition of Oakville Alliance, No. 644, asking Congress to enact a bill to prevent gambling in futures—to the Committee on Agriculture.

By Mr. STORER: Petition of the Emanuel Episcopal Church, of Cincinnati, Ohio, against the opening of the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of Robert S. McCook Post, Grand Army of the Republic, to preserve battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. WARWICK: Three petitions of churches of Ohio, as follows: Methodist Episcopal Church of Nashville, United Brethren Congregation of Burbank, and the Evangelical Lutheran Church of Osnaburg, Stark County, all against opening the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Washington: Two petitions of citizens of the State of Washington, protesting against the reduction of the tariff on hops—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: Petition of ex-soldiers of the United States Army, for "outdoor relief"—to the Committee on Military Affairs.

By Mr. WHEELER of Michigan: Petitions of citizens of the Ninth Michigan district, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of the city of Ludington, Mich., for defeating the passage of the so-called Hatch bill—to the Committee on Agriculture.

Also, petition of C. A. Adams and others, for increasing the internal-revenue tax on paper-wrapped cigarettes—to the Committee on Ways and Means.

SENATE.

THURSDAY, April 23, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Vice-President resumed the chair.

The Journal of yesterday's proceedings was read and approved.

COURT OF CLAIMS REPORTS.

The VICE-PRESIDENT presented a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law and the opinion of that court in the French spoliation claims relating to the schooner Dolphin; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also presented a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed by that court in French spoliation claims relating to the brig Catherine, the schooner Hannah, and the schooner Three Friends; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 4464) for the benefit of J. C. Rudd was read twice by its title and referred to the Committee on Claims.

REPORT ON PRODUCTION OF PRECIOUS METALS.

The following concurrent resolution received yesterday from the House of Representatives was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year 1891, 6,000 extra copies, of which 1,000 copies shall be for the Senate, 2,000 copies for the House, and 3,000 copies for the Director of the Mint.

ADJOURNMENT TO MONDAY.

Mr. MANDERSON. I move that when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Central Labor Union of New York City, praying for the passage of the pending bill to equalize and increase the salaries of letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions of the Legislature of Massachusetts; which were read and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS, *In the year 1892.*

Resolutions relative to the establishment of a life-saving station at City Point.

Whereas a serious accident has recently occurred off City Point, in the city of Boston, whereby eight persons lost their lives by drowning; and

Whereas many accidents of a similar nature have heretofore occurred near the same point and are likely to occur in the future, resulting in great loss of life, unless some provision is made for the rescue of persons in peril of drowning:

Resolved, That our Senators and Representatives in Congress are requested to lay before Congress or before the proper officials of the National Government the importance of establishing and maintaining another life-saving station on the coast of Massachusetts, to be located at City Point.

Resolved, That a copy of these resolutions be transmitted to each Senator and Representative from this Commonwealth in the Congress of the United States.

HOUSE OF REPRESENTATIVES, *April 25, 1892.*

Adopted: Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

SENATE, *April 25, 1892.*

Adopted, in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy. Attest.

EDWARD A. McLAUGHLIN,
Clerk of the House of Representatives.

Mr. STOCKBRIDGE presented the petition of C. F. Veeder and 31 other citizens of Hillsdale, Mich.; the petition of A. Smith and 12 other citizens of Grandville, Mich.; the petition of J. F. Cannon and 29 other citizens of Pottsville, Mich., and the petition of G. P. Bailey and 42 other citizens of Bunker Hill, Mich., praying Congress not to enact any legislation relative to the closing of the World's Columbian Fair on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Dailey Grange, Patrons of Husbandry, and the Dailey Alliance, of Cass County, Mich., praying for the passage of legislation prohibiting gambling in farm products; which was referred to the Committee on the Judiciary.

Mr. BARBOUR presented a petition of the Board of Trade of Newport News, Va., praying that their Representatives in Congress use their best efforts to defeat legislation making any change in the existing pilot laws; which was ordered to lie on the table.

He also presented a petition of the Presbytery of Winchester, Va., praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented memorials of Lutheran churches in Osnaburg and Shiloh, Ohio; of Baptist churches in Cincinnati, Ohio; of twenty-eight Methodist Episcopal churches in Ohio; of seven Presbyterian churches in Ohio, and of Congregational churches in Sweden and Norwalk, Ohio, remonstrating against the opening of the World's Columbian Exposition on Sunday and the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MORRILL presented the memorial of Francis Gould and 26 other members of the Borderville Church, of Franklin, Vt., remonstrating against Congress committing the United States Government to a union of religion and state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. McMILLAN presented the memorial of Levi G. Moore and 36 other members of the Seventh-Day Adventist Church of Grand Rapids, Mich., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DAVIS presented a petition of the Board of Trade of Winona, Minn., praying for the passage of legislation increasing the salaries of employes in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted by the Tailors' Union, No. 97, of Duluth, Minn., indorsing the action of the Journeymen Tailors' Union of America, praying for the passage of the Hoar clothing-label bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLODGETT presented the memorial of L. C. Parmele

and 8 other members of the Seventh-Day Adventist Church of Middlesex County, N. J., remonstrating against the passage of any legislation for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Presbytery of New Brunswick, N. J., comprising 62 ministers of the gospel, praying for the passage of legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WALTHALL presented the petition of J. M. C. Bullard and 21 other citizens of Newton County, Miss., praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

He also presented the following petitions of Evergreen Grange, Patrons of Husbandry, of Mississippi:

Petition praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. TURPIE. I present a memorial of the Indianapolis Typothetae Association, in which the memorialists state as follows:

We desire to call to your attention the evident injustice practiced by the United States Government in furnishing printed envelopes to anyone desiring them at the price of the cost of envelopes only, with one charge for the printing, and without any charge whatever for freight or delivery. By estimate, the number of envelopes furnished the mercantile community in this way exceeds 300,000,000. Our objections are based upon the ground that the Government has no right to set up opposition to private enterprise or invade its field, and that such action is a clear deprivation to the printers of the country of an actual revenue of not less than \$250,000; that the injustice to the printers extends far beyond this sum by reducing the price on all envelope printing to a ruinous degree because of the unequal and unfair competition of the Government; that the advantage to the Post-Office Department is certainly small; and that therefore the Government can not be defended upon either that ground or the principle of "the greater good to the greatest number," for the advantage thus offered by the Government is made use of principally by large firms and corporations better able to pay for what they get than are the smaller concerns, who naturally can not, and in fact do not, except in very few cases, take advantage of such privilege.

I move that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. TURPIE presented a memorial of sundry citizens of Bunker Hill, Ind., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Kempton, Ind., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. DAWES presented the memorial of William J. Boynton and 30 other members of the Seventh-Day Adventist Church of Essex County, Mass., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DIXON. I present a petition which, although addressed to me personally, is evidently intended for the consideration of the appropriate committee of this body. It is a petition of citizens of West Kingston, R. I., praying for the adoption of a constitutional amendment prohibiting any State from passing legislation respecting the establishment of religion, etc. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Board of Trade of Winona, Minn., praying for the passage of legislation increasing the salaries of employes in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Martin Martinson and 31 other citizens of Stillwater, Minn., remonstrating against closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of Senate bill 1757, defin-

ing options and futures; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented the memorial of P. E. Danielson and 12 other citizens of Washington County, Nebr., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the United States Maimed Soldiers' League of Philadelphia, Pa., praying for the passage of Senate bill 641, providing for increased pensions for maimed soldiers of the late war; which was referred to the Committee on Pensions.

He also presented a memorial of the Union Veteran Republican Club of Lincoln, Nebr., remonstrating against the appropriation by Congress of \$100,000 for the purpose of defraying the expenses of the national encampment of the Grand Army of the Republic to be held at Washington, D. C., during the fall of 1892; which was ordered to lie on the table.

He also presented a petition of Empire Grange, Patrons of Husbandry, signed by S. E. Hurd and 28 other members, citizens of Nebraska, and the petition of S. Snoko and 12 other citizens of Highland, Nebr., praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

Mr. DOLPH presented the memorial of Mrs. F. W. Graham and other citizens of Lane County, Oregon, remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2990) for the relief of George W. McKinney, reported it without amendment, and submitted a report thereon.

Mr. WOLCOTT, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 3971) to provide for the opening of alleys in the District of Columbia, reported it with an amendment.

Mr. HAWLEY. Sundry petitions, praying for the passage of a bill providing for the marking of the battle lines at Gettysburg, have been sent to the Committee on Military Affairs. Before they were sent there a bill on that subject was reported favorably. I report back the petitions, and move that they be laid upon the table.

The motion was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2988) for the relief of Josiah Freeman Herring, of Company K, Fourth Georgia Volunteers, Indian war, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. HAWLEY. The bill (S. 2974) granting an honorable discharge to Ephraim Morrison is no longer necessary, because the War Department found itself able to give the requisite relief. I report back the bill, ask that the Military Affairs Committee be relieved from its further consideration, and that the bill be indefinitely postponed.

The VICE-PRESIDENT. The bill will be indefinitely postponed.

Mr. BRICE from the Committee on Pensions, to whom was referred the bill (S. 2321) granting an increase of pension to Jonas Deyo, reported it without amendment, and submitted a report thereon.

WITHDRAWAL OF PAPERS.

On motion of Mr. SAWYER, it was

Ordered, That Kate M. Smith have leave to withdraw her petition and papers from the files of the Senate, subject to the rules.

BILLS INTRODUCED.

Mr. TURPIE. I introduce a bill, and I hope I shall be indulged in being allowed to say that the object of the bill is to relieve any soldiers now in the classified service or who may hereafter be appointed from competitive examination in the civil service of the United States in applications for promotion. We are well aware that in the class of soldiers now serving many of them are those who did not have the advantages in early life of education; that those persons who were engaged in service in the armies of the Union occupied a great part of the time in the prime of their life in labors not necessarily educational and not

very well adapted to early educational training. I hope, therefore, that the Committee on Organization, Conduct, and Expenditures of the Executive Departments, to which the bill will be referred, will give the measure early consideration, and that the soldiers now engaged in the civil service will have the benefit of its provisions as well as those ex-soldiers of the Union who may hereafter be appointed.

The bill (S. 3024) to exempt veterans from competitive examinations in the classified service of the United States was read twice by its title, and referred to the Committee on Organization, Conduct, and Expenditures of the Executive Departments.

Mr. COLQUITT introduced a bill (S. 3025) for the relief of the Fulton Bag and Cotton Mills Company, of Atlanta, Ga.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. BARBOUR introduced a bill (S. 3026) to mark the birthplace of James Madison, fourth President of the United States; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 3027) granting pension to Celestia P. Hart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 3028) for the relief of William P. Dunwoody; which was read twice by its title.

Mr. WILSON. In connection with the bill, I desire to say that I hope the Committee on Claims will take early action upon the subject-matter of the bill, as I think it is one involving decided merit.

The VICE-PRESIDENT. The bill will be referred to the Committee on Claims.

Mr. ALLEN introduced a bill (S. 3029) authorizing the construction of a bridge across the Columbia River, in the State of Washington; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO A BILL.

Mr. PERKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DISTRICT THEATER LICENSES.

Mr. McMILLAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be, and hereby are, instructed to report to the Senate forthwith what action, if any, they have taken to make building regulations to carry into effect the joint resolution "to regulate licenses to proprietors of theaters in the city of Washington, D. C. and for other purposes," approved February 23, 1892; also whether said Commissioners have issued any permits for theaters or public halls to be constructed at any considerable height above the level of the street.

CHEYENNE AND ARAPAHOE RESERVATION.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The CHIEF CLERK. Resolution by Mr. JONES of Arkansas relative to the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw Nations for their interest in the Cheyenne and Arapahoe Reservation, Indian Territory.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution, on which the yeas and nays have been ordered.

Mr. ALLISON. Mr. President, when the Senate adjourned yesterday I believe I had the floor for the purpose of submitting some observations on this resolution.

Mr. SHERMAN. As this question involves two or three million dollars, I should like to see a quorum present. There is no quorum here now.

The PRESIDENT *pro tempore*. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Kyle,	Ransom,
Allison,	Daniel,	McMillan,	Sawyer,
Bate,	Davis,	McPherson,	Sherman,
Berry,	Dawes,	Manderson,	Shoup,
Blackburn,	Dixon,	Morrill,	Stanford,
Blodgett,	Dolph,	Paddock,	Stewart,
Brice,	Felton,	Palmer,	Stockbridge,
Call,	Frye,	Perkins,	Teller,
Cameron,	George,	Pettigrew,	Turpie,
Carlisle,	Gibson, Md.,	Platt,	Vest,
Casey,	Hansbrough,	Power,	Walthall,
Chandler,	Hawley,	Proctor,	Washburn,
Cockrell,	Jones, Ark.,	Pugh,	Wilson,
Colquitt,	Kenna,	Quay,	

The PRESIDENT *pro tempore*. Fifty-five Senators have responded to their names. A quorum is present, and the Senator from Iowa will proceed.

Mr. VEST. I have been detained upon a committee, and I ask the Senator from Iowa to permit me to make a report.

Mr. ALLISON. Very well.

MISSOURI RIVER BRIDGE AT LEAVENWORTH.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchise as granted by acts of Congress approved February 25, and March 2, 1889, and by act of Congress approved July 25, 1890, to report it favorably, with an amendment.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill at this time. It was up yesterday, and was referred by consent to the committee.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, and there being no objection, the Senate as in Committee of the Whole, proceeded to its consideration.

The PRESIDENT *pro tempore*. The amendment of the Committee on Commerce will be stated.

The CHIEF CLERK. In line 26, after the word, "confirmed," it is proposed to strike out the remainder of the bill, the words to be stricken out being as follows:

All subject, however, to the conditions named in said act of Congress.

And insert the following proviso:

Provided, however, That the conditions, limitations, and restrictions imposed by existing law upon the said Leavenworth and Platte County Bridge Company shall continue in force as to the said Leavenworth Terminal Railway and Bridge Company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. HAWLEY. I beg the Senator from Iowa to yield to me a moment for a matter of morning business that ought to be transacted promptly.

Mr. ALLISON. I have no objection to yielding with the consent of the Senator from Arkansas, who is in charge of the pending resolution. I do not wish the time unnecessarily occupied with business, inasmuch as by unanimous consent the pending question was to come up immediately after the morning business was disposed of.

Mr. HAWLEY. This is morning business.

Mr. ALLISON. Very well, if the Senator has morning business, I yield.

Mr. HAWLEY. It is a report from a committee, which I should be glad to have considered now.

Mr. ALLISON. Very well, if the Senator from Arkansas yields.

Mr. HAWLEY. It will give rise to no discussion.

Mr. JONES of Arkansas. I am perfectly willing to yield.

Mr. HAWLEY. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892, to report it favorably without amendment. The vacancies occurred one week ago and the Board would like to have them filled. The names mentioned are satisfactory to everybody, I believe. Three of them are reappointments.

By unanimous consent the Senate, as in Committee of the Whole proceeded to consider the joint resolution. It proposes to appoint Gen. William J. Sewell, Gen. Martin T. McMahon, Capt. John L. Mitchell, and Maj. George Bonebrake, managers of the National Home for Disabled Volunteer Soldiers for the terms of office commencing on the 21st day of April, 1892, to fill vacancies which will occur by expiration of terms of office.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCLUSION OF CHINESE.

Mr. DAVIS. I am obliged to be absent from the city for a few days, and I ask to be excused from service upon the conference committee on the so-called Chinese exclusion bill.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). If there be no objection, the request of the Senator from Minnesota will be granted. The Chair hears none.

Mr. SHERMAN. I understand that the Senator from Delaware [Mr. GRAY], who is one of the conferees on that bill, will be absent also. I therefore ask that the Senator from Delaware be relieved from service on the committee and that some other Senator be appointed.

The PRESIDING OFFICER. If there be no objection, in consequence of the absence of the Senator from Delaware [Mr. GRAY], he will also be excused from service on the conference committee. Is it the desire that the Chair shall fill these two vacancies?

Mr. SHERMAN and others. It is.

The PRESIDING OFFICER. The Chair will appoint the Senator from Ohio [Mr. SHERMAN] and the Senator from Alabama [Mr. MORGAN] in place of the Senators who have been excused.

TELEPHONE LINE ON VIRGINIA COAST.

The bill (H. R. 7727) to authorize the construction of a telephone line on the coast of Virginia, from Cape Charles to Assateague Island, in aid of the preservation of life and property, was read twice by its title.

Mr. FRYE. I ask that that bill may take the place of the bill (S. 2806) to authorize the construction of a telephone line on the coast of Virginia from Cape Charles to Assateague Island, in aid of the preservation of life and property (Calendar No. 592), the House bill being the same exactly with the Senate bill reported, and I ask that Senate bill 2806 may be indefinitely postponed.

The PRESIDING OFFICER. If there be no objection, the House bill will be placed on the Calendar with the same number as the Senate bill, and the Senate bill will be postponed indefinitely. The Chair hears no objection, and it is so ordered.

CHEYENNE AND ARAPAHOE RESERVATION.

The Senate resumed the consideration of the resolution reported by Mr. JONES of Arkansas, from the Committee on Indian Affairs, relative to the President's message upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw nations for their interests in the Cheyenne and Arapahoe Reservation.

Mr. ALLISON. Mr. President, the resolution proposed by the Committee on Indian Affairs and reported to the Senate by the Senator from Arkansas is a resolution in response to the message of the President of the United States, which message was read last evening, wherein the President calls the attention of Congress to an appropriation made by Congress at the closing hours of the last session, the appropriation carrying \$2,991,450 to pay an alleged claim due from the United States to the Choctaw and Chickasaw nations. The resolution before us not only commits the Senate, if it shall be adopted, to a recommendation to the President for the immediate payment of this sum, but it commits the Senate to the reasoning and statements of the printed report which accompanies the resolution. The resolution provides in its terms—

That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 18, 1892, etc.

This report I hold in my hand, and I wish to call attention to it, in view of the fact that the Committee on Indian Affairs not only ask us to agree to a resolution which shall provide for the payment, but also ask us by our votes to be committed to the reasons and arguments made use of in this report showing or claiming that this amount is due to the Choctaws and Chickasaws. Therefore the Senate must agree to two distinct propositions. It must affirmatively agree to the payment of the money, and it must affirmatively agree to the reasoning of this committee, which of course places the committee in these reasons in direct antagonism to the argument and presentations made by the President of the United States.

It is in the beginning worth while for us to know something of the origin of this appropriation, amounting in round numbers to \$3,000,000, and I shall endeavor as near as I can to truthfully recite the history of the transactions.

It is enough for me to say that no committee of this body and no committee of the House of Representatives, as a separate and distinct measure, recommended this appropriation.

Mr. PERKINS. Will the Senator permit a suggestion there?

Mr. ALLISON. Yes, sir.

Mr. PERKINS. The Senator is in error in that particular. The Committee on Indian Affairs of the House of Representatives did report as an independent measure a bill appropriating this sum for the purpose of the purchase of this land, and subsequently the proposition was attached here to the Indian appropriation bill; but an independent measure was reported by the Committee on Indian Affairs in the House, and was considered for two days in the House, but a vote was not reached upon it.

Mr. ALLISON. The Senator from Kansas very properly says that the Committee on Indian Affairs of the House of Representatives reported a bill, but it did not report this bill, and in the report that it made and the separate bill that it introduced it provided for a sum of 20 cents an acre less than is included in this appropriation. So, then, if we have the deliberate judgment of the House of Representatives as respects this question,

it is a judgment which would reduce this appropriation a half million dollars, and as respects the question involved in this appropriation and lying behind it, it would reduce the appropriation and the commitments of this Senate one and one-half million dollars. Therefore, I say that no standing committee of the Senate and no standing committee of the House of Representatives has at any time reported a separate bill looking to the payment of the sum of money which was put upon this appropriation bill during the closing hours of the last Congress.

Mr. McPHERSON. If the Senator will bear with me a moment, I do not understand what action reduced this appropriation a half million of dollars.

Mr. ALLISON. The Senator from Kansas [Mr. PERKINS] corrected my statement by saying that I was mistaken when I said that no committee of either House in the last Congress had suggested the specific appropriation under consideration in the Senate. My response to him was that the bill reported to the House of Representatives, instead of allowing \$1.25 an acre for this land, was in favor of allowing \$1.05 an acre, making a difference of half a million dollars in favor of the United States as respects the sum involved in this appropriation.

Mr. President, it is well enough for us to consider the circumstances surrounding this appropriation when it was made. It was made upon the regular Indian appropriation bill of the last session of the last Congress; it was reported in a perfunctory way from the Committee on Indian Affairs and referred to the Committee on Appropriations in order that under our rules, if the Committee on Appropriations should fail to insert this item, it was an item in order on the Indian appropriation bill, coming as it did in this way from the Committee on Indian Affairs.

I think I do not say what is outside of the record when I say that this question was not considered then in the Committee on Indian Affairs with that deliberation and care with which they would have considered a claim involving, as this claim does, \$10,000,000, because, if this appropriation is agreed to, there lies behind it, on all-fours with it, another appropriation amounting in round numbers to \$7,000,000, which we shall be bound in good faith by the votes we cast here to make at this session or some future session of Congress.

So there is not only involved in this question the appropriation thus made without consideration in the very closing and last hours of an expiring Congress, without that careful deliberation and consideration that a matter of such magnitude should have upon the floor of the Senate—it is true it was debated here, but not at any great length—but there was put upon this bill \$2,991,450. How was that ascertained? It was ascertained by allowing these two tribes of Indians \$1.25 per acre, without limitation or deduction, for 2,400,000 acres of land, in round numbers. It was put on by a vote in the Senate—I need not say against my protest, for the records will show it—and when it went to the House of Representatives, I will say here—I suppose I can speak of a Congress that has gone into history—it reached friendly hands there, and when that bill came back through a conference committee it came back with the House yielding to the Senate, which had put this item upon the bill.

The report before us sustaining this action of the two Houses of Congress is, I think, in some respects one of the most remarkable public documents which has ever found its pathway to our tables. If Senators will turn to it they will see that here are some eighteen maps—I do not know whether they are by the lithographic or the printing process—but there are eighteen maps appended to this report to elucidate the arguments made therein. Before controverting those arguments or going into them in detail I wish to briefly recite what I understand to be the law of this case. It is that by a treaty made in 1839 between the United States and the Choctaw Nation the Choctaws agreed to remove beyond the Mississippi and occupy certain territory described in that treaty.

In 1855—there were some intervening treaties, but I need not allude to them as there were none affecting this question—in 1855 the Chickasaws, having prior to that time been incorporated within the Choctaw Nation, the Chickasaws and Choctaws made a treaty with the United States covering a number of topics, but especially covering a portion of this land whereby they leased to the United States in perpetuity for the purposes of occupation and settlement by other Indian tribes, all of this land lying between the ninety-eighth and one hundredth meridians of west longitude from Greenwich. This lease in perpetuity for this particular purpose covered an area in round numbers of seven and a half million acres of land. That was in 1855, and under that a number of Indian tribes were placed upon this territory.

In 1866, there being a residuum of title as was supposed by those who made that treaty, the Choctaws and Chickasaws ceded this land to the United States for a consideration of \$300,000 more, making a total sum for the two purposes of \$1,100,000.

In that treaty, however, which was a new treaty, which I shall have occasion to allude to hereafter, because I am only stating what I understand to be the law governing this case; in that treaty, I think, it may be fairly said that the obligation of the Government of the United States to establish its political autonomy within the boundaries of the Indian Territory was not asserted, and therefore these Choctaws and Chickasaws and the other tribes within that Territory probably had a right to suppose that the governmental autonomy of these civilized tribes would remain, because it appears in the debates and in the legislation of that period that the political policy of the Government of the United States as respects its treatment of the Indians was to be the establishment of two great reservations, one in the Southwest and one in the Northwest, one known as the Indian Territory of the Southwest and the other as the Sioux Reservation in the Northwest; and it was the policy of those who then governed the affairs of this country, or supposed they did, that ultimately all the Indian tribes should be drawn in from outside reservations in Nebraska, in Kansas, in Minnesota, and other States, and would be finally placed on one or the other of these two reservations. So the question of the political autonomy of this region, known as the Indian Territory, was not involved in the treaty of 1866.

Taking into account the treaties which I have recited, I think I can maintain that, as respects the territory lying between the ninety-eighth and one hundredth meridians, the Choctaws and Chickasaws had alienated whatever of title they had prior to that time held in those lands.

Now, it may be curious to Senators who have not examined this report after this recital of the situation as respects this question, that we should find a series of maps here, the first one being a transcript of a map of 1703 and the last one a century later, perhaps. This committee, as a justification for this appropriation, states that this title is to be drawn from a treaty made in 1820 between the United States and the Choctaw Nation—over one hundred years afterwards—and that treaty I wish to quote from to show the basis of this claim.

In the first place, I want to read the preamble to the treaty, that is, the motive which actuated the Government of the United States and the Choctaw Nation in making it. The preamble reads:

Whereas it is an important object with the President of the United States to promote the civilization of the Choctaw Indians, by the establishment of schools amongst them; and to perpetuate them as a nation by exchanging, for a small part of their land here—

That embraced lands, I believe now in the State of Mississippi—a country beyond the Mississippi, where all who live by hunting and will not work, may be collected and settled together.

It seems that at that day, although the Choctaws were a civilized people who lived by industry in various ways in the State of Mississippi, yet there were among them persons who would not work and who desired to live by hunting. To get rid of those, the President of the United States, in the first article of this treaty, stated:

To enable the President of the United States to carry into effect the above grand and humane objects, the mingoes, headmen, and warriors of the Choctaw Nation in full council assembled, in behalf of themselves and the said nation, do by these presents cede to the United States of America all the land lying and being within the boundaries following, to wit: Beginning on the Choctaw boundary, east of Pearl River, at a point due south of the White Oak Spring, on the old Indian path; thence north to said spring; thence northwardly to a black oak standing on the Natchez road about forty poles eastwardly from Doak's fence, marked A. J. and blazed, with two large pines and a black oak standing near thereto and marked as pointers; thence a straight line to the head of Black Creek or Bouge Loosa; thence down Black Creek or Bouge Loosa to a small lake; thence a direct course so as to strike the Mississippi 1 mile below the mouth of the Arkansas River; thence down the Mississippi to our boundary; thence around and along the same to the beginning.

Then article 2 says:

For and in consideration of the foregoing cession, on the part of the Choctaw Nation, and in part satisfaction for the same, the commissioners of the United States, in behalf of said States, do hereby cede to said nation, a tract of country west of the Mississippi River, situate between the Arkansas and Red River, and bounded as follows: Beginning on the Arkansas River, where the lower boundary line of the Cherokees strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence down to the Red River; thence down Red River, 3 miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to the beginning.

Upon that treaty, which was made in September, 1830, the committee bases—

Mr. JONES of Arkansas. The Senator wants to get that date correct, I suppose. It was October, 1820, not September, 1830, as I understand him to say.

Mr. ALLISON. I thank the Senator. Certainly I wish to have it correct; it was October 18, 1820. That treaty was the beginning and the source of our obligation as respects the title to these lands between the ninety-eighth and one hundredth meridians. In order to establish that claim the committee oc-

copy many pages in this report to show that under the treaty of 1803, whereby Louisiana was ceded to the United States, we had a right to grant these lands to the source of the Canadian River, and they argue that the United States in 1819, by a treaty with Spain, for a paltry purpose ceded away and sold to Spain that magnificent domain lying between the River Rio Grande and the River Sabine, then the boundary from the mouth of that river as fixed in the treaty of 1819. This committee goes so far as to quote resolutions which were offered in the House of Representatives antagonistic to the treaty with Spain of 1819, as showing that the Administration of Mr. Monroe, through the Secretary of State, Mr. Adams, had surrendered and sold the magnificent patrimony between these two rivers.

I am not going into a discussion of that question. There is no Senator here who has examined that great subject but who is, in a general way, familiar with it, nor in the light of the history of that period do I suppose there is scarcely a Senator here but who would probably say that that treaty on the whole was a great treaty for the interests of the people of the United States. Yet if we vote for this resolution, we are committed to the argument that the United States frittered away, without consideration, the domain which is now comprised within the State of Texas and a portion of Colorado and New Mexico.

Mr. MORGAN. The treaty got rid of it.

Mr. ALLISON. Yes, it got rid of it.

Mr. MORGAN. For what consideration was it?

Mr. ALLISON. It is perfectly well known to those who have studied that question that the western boundary of the territory of Louisiana was never fixed and assented to until the treaty of 1819. We had numerous difficulties with Spain on that subject. I am not going into that question, except to say that when this committee made an argument upon that subject, they should have stated the whole case and they should have stated that this was a mere adjustment of our difficulties with Spain, whereby Spain claimed not only the boundary which was fixed by that treaty, but claimed to come to a point between the river Sabine and the river Mississippi, and she held to that during all the negotiations from 1805 to 1819. She not only held to that, but she held that she had a right to take a portion of the State of Alabama from the river Perdido, if that is the point, to the Pearl River; at least there was a great contest in respect to that, and also in respect to West Florida.

Spain not only claimed that, but she claimed that because of her settlement at Santa Fe and east of Santa Fe her right and title to all that country was undisputed to the Missouri River itself. Not only that, but she claimed—and she never relinquished that claim until this treaty of 1819—that by virtue of occupation and by virtue of discovery she was entitled to the Pacific coast and the whole of it extending from San Diego to 54° 41', and we got rid of that claim, which has been over and over again stated as the strongest claim to the Pacific coast, by this treaty of 1819, whereby we secured undisputed possession, so far as Spain was concerned, of all the territory lying between 42° and 54° and 40' north latitude.

Under the circumstances, is it fair to say at this late day that we sold this territory when by these adjustments and arrangements respecting boundaries we secured what never had been settled before, a territory lying between the Mississippi River and the Pacific Ocean, extending certainly from the forty-second degree to the forty-ninth degree of north latitude, and so far as Spain was concerned she never relinquished her claim and pretension to the country up to 54° 40', to which in 1844 it was openly declared we had a right clear and unquestionable and which resulted in the election of Mr. Polk upon the watchword of "fifty-four forty or fight"? And yet that very Administration yielded a territory now known as British Columbia lying between 49° and 54° 40' of north latitude, and nobody has ever said in the report that we sold that land to the British Government.

Mr. MORGAN. We gave that away.

Mr. ALLISON. Very well. The Senator from Alabama says we gave it away. For one, I regret that we did. But whatever was done as respects that struggle, nobody has ever claimed that it was sold by the United States, as this report says we sold the land lying between the Sabine and the Rio Grande for the purpose of getting the petty possessions of East and West Florida.

Mr. MITCHELL. May I ask the Senator a question in the interest of correct information?

Mr. ALLISON. Yes, sir.

Mr. MITCHELL. The Senator spoke a few moments ago about certain governments having released all their claims to the territory of this country extending from the Mississippi River to the Pacific Ocean. The Senator does not mean by that expression to convey the impression that any government, either Spain or Mexico, or Great Britain or France, had any interest whatever in the territory which now comprises the States of Oregon and Washington?

Mr. ALLISON. No, Mr. President, I do not mean that. I know as well as the Senator knows that within a few days there is to be celebrated at Astoria the one hundredth anniversary of the discovery of the Columbia River by an American—Capt. Gray, of Boston, I believe, is the American—and the name of that river was changed by him to that which it now bears.

Mr. MITCHELL. And that American is entitled to be classed as the discoverer of all that country.

Mr. ALLISON. I have no doubt of that, nor shall I minimize in the slightest degree that magnificent journey of Lewis and Clark, beginning at the mouth of the Missouri in May, 1804, and reaching on the first of September the northern boundary of my own State, having traveled along that boundary most of the period for the four months intervening, whereby they traversed the region of the headwaters of the Columbia, and marked the whole way to its mouth; nor do I minimize other considerations which gave us a clear and undisputed title, as I believe, to that region of country where occurred the settlement of Astoria later on. But I am now speaking of the adjustment and settlement of boundaries in years gone by, when there was but little known of the country.

It is a strange thing that no man had entered the mouth of the Columbia River, one of the most beautiful rivers on this continent, until 1792, although the Spaniards for two centuries before had traversed up and down that river, as it is also a curious thing that it was left to La Salle to discover the mouth and source of the Mississippi River, although Spain had claimed the country around the Gulf of Mexico for two centuries before.

But at that time there was but little known of the geography of our country, especially in the interior. Who knew where the sources of the Canadian River were in 1820? Did anybody then know that they were in the very midst of the heart of that region now so well represented by the Senators from Colorado, abounding with precious metals? Who knew that one could go from the Canadian River directly south and strike the Red River, as it was declared he could do in this convention of 1820, and that a line from the source of the Canadian River directly south would strike more than 100 miles west of the source of the Red River. Yet that old treaty of 1820, whereby the Choctaws desired to get rid of their people who would not work and of the people who were fond of hunting, described a portion of those boundaries as being the source of the Canadian River.

I have gone into this for the purpose of showing how this pretension, if it is a pretension at all, was made by treaty with these Choctaws more than a year and a half after it was perfectly well known to every intelligent person in the United States that the boundaries of this region had been fixed by our treaty with Spain in April, I believe it was, 1819; but I do not remember the dates, I have not the treaty before me. Yet this old treaty of 1820, made for a few hunters, is brought in here as the basis of all we are to do as respects this title.

Mr. President, I have spent more time upon this subject than I should have spent, for the reason that this treaty of 1820, and if I am not correct here I want some Senator to point out my error—every vestige of it as relates to the boundary of this country was superseded by the treaty of 1830. So this treaty of 1820 has nothing to do with this question, and can not be dragged into it any more than you can drag into it the treaty whereby we acquired or lost any of our possessions.

Take the treaty of 1830 with the Choctaws. Article I of the treaty made on the 27th of September, 1830, provides:

Perpetual peace and friendship is pledged and agreed upon by and between the United States and the Mingoes, chiefs, and warriors of the Choctaw Nation of red people; and that this may be considered the treaty existing between the parties, all other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

The second article of this treaty fixes and limits the boundaries of the Choctaw Nation in the Indian Territory, and fixes the limits and boundaries on the west as the limits and boundaries of the possessions of the United States of America, and those possessions by the treaty of 1819, which I have discussed, were the one hundredth meridian of west longitude from Greenwich. So this boundary of 1830 by its own terms was declared to be a fixed, definite boundary, and all other boundaries prior to that time were to be of no force as against either party.

Can there be any question about that? Is there anybody here who will say that the first article of the treaty of 1830, taken with the second article, which fixed the boundary, did not absolutely take away any force, if there was any (and there certainly never was), in that treaty of 1820, made a year and a half after the treaty with Spain?

Of course, in 1847 or 1848, when our treaty of peace with Mexico was made, we acquired all the territory which formerly belonged to Spain between these boundaries and the Pacific Ocean. In 1855—and it is a curious thing—another treaty was made with the Choctaw Nation and the Chickasaws, because then they were

mingled, owning their lands in common, the Choctaws three-quarters and the Chickasaws one-quarter. In 1855 another treaty was made covering the land between the ninety-eighth and one hundredth meridians. In some way it was inserted in that treaty. I have yet to see wherein any one can explain it. This committee have been diligent and active in raking up old records running back to 1703. Why did they not show us something on the claim of the Choctaws and Chickasaws during all these intervening years to lands west of the one hundredth meridian after the treaty of 1830?

I will yield now to the Senator from Arkansas to give me any specific claim urged by the Chickasaws and Choctaws for that region between the one hundredth and one hundred and third and one-half meridian, if that is the region they claim.

Mr. JONES of Arkansas. Mr. President, I do not propose to discuss this matter in detail in this way. I do not think there was any reference made to the land west of the one hundredth meridian for the reason that the Government of the United States conveyed by a treaty, solemnly ratified between the Choctaws and the United States in 1820, promulgated on the 18th day of October, all of the land described as read by the Senator from Iowa, which included the land west of the one hundredth meridian. In the following year, not the year before, as repeatedly stated by the Senator from Iowa, but in 1821, on the 23d day of February, a treaty was entered into between the United States and Spain by which the one hundredth meridian was made the line between Spain and the United States. From that time on, the Choctaws, being a dependent and weak people, recognized the fact that the Government of the United States had sold absolutely all of the land west of the one hundredth meridian that they claimed, and they did not assert any right to occupation or ownership.

There was plenty of country in the eastern part of the territory they had bought for them to occupy, and they simply kept alive their claim to compensation, but for the failure of title, for the Government of the United States failing to make good the land it conveyed to them before it was conveyed to Spain, the Government of the United States being a sovereign power and the Spanish Government being a great power, and this line having been fixed between these two powers, this nation of helpless Indians were absolutely powerless to do anything against them, but had to recognize what was an accomplished fact.

I have not looked through the records to see whether in any of the different treaties that were made any claim for compensation was made, but there was no objection on the part of the United States, so far as I know and so far as anything I have ever seen shows, to taking into consideration the claim of the Choctaws for that country west of the one hundredth meridian. The United States compensated for it in the treaty of 1855 and agreed to pay for it.

Mr. ALLISON. I yielded to the Senator on purpose that he might give to me some information on this point as, of course, those of us who try to look into these subjects know very well that in a long, complicated question of this character something may have been overlooked, and I did not know but that there was somewhere in the archives of this Government a distinct claim made by the Choctaws.

Mr. MORGAN. As a nation?

Mr. ALLISON. As a nation, a claim between the one hundredth and one hundred and third meridian.

Mr. MORGAN. It was a dependent nation, and not having any political status or any political autonomy independent of the United States, how could they, as a matter of diplomatic assertion, make any claim of that sort at all?

Mr. ALLISON. I only wanted to know the fact. Of course that is a proper argument to make.

Mr. MORGAN. If you gag a man there is no use in saying he can not talk.

Mr. ALLISON. The Senator from Arkansas—and I can not allow that to pass—says I am mistaken as to when the treaty with Spain was made. It was made in 1819, but it was not ratified by the Senate of the United States until 1821. Its provisions, however, were as well known to the people of the United States after that treaty was made as anything could be known, because it was perfectly well known that the ruling powers in Spain refused for a year and a half to ratify that treaty because of certain objections they made to it, and it was not ratified by the United States until the late day I have named, although there could never have been mustered a corporal's guard, if I may use a military phrase, as respects the Senate or the House of Representatives, against that treaty on the floor of either House.

It is true that Mr. Clay and some of the opponents of John Quincy Adams and Mr. Monroe at that time—because then, as now, we were approaching a Presidential election—did object to this western boundary of the Louisiana purchase, but the resolution of Mr. Clay never came to a vote. It was merely debated

hither and yon by three or four or five Senators and by a few members of the House, and then it passed, as a great many things pass, into the limbo of expired things.

Mr. GEORGE. I should like to ask the Senator a question for information.

Mr. ALLISON. Very well.

Mr. GEORGE. Although the treaty was originally signed in 1819, was it not simply a proposition for a treaty without any legal validity whatever until it was ratified and the ratifications were exchanged?

Mr. ALLISON. Undoubtedly; but what I am undertaking to show now is, that this treaty ratified in 1821 is of no force and validity, so far as the question before us now is concerned, for the reason that no human being then knew, unless perhaps some of the old monks or missionaries about Santa Fe, where the forks of the Canadian River were. There were no missions in those mountains at that time. I submit to the Senator from Colorado that nobody had probed the source of the Canadian River; nobody had probed the source of the Red River, because if anyone had, the parties to the treaty never would have made that description in 1820. They only guessed within about 100 miles of it.

Mr. TELLER. Where does it rise?

Mr. ALLISON. Wherever it rises, I have tried to trace its source. It rises in those mountains.

Mr. GEORGE. Does the Senator hold the Indians responsible for the want of knowledge of geography on the part of the United States?

Mr. ALLISON. The Senator from Mississippi probably is able to answer that question. If I could study law a few years, I think I should agree with him upon that subject. At present I do not know that it is necessary for me to say more than to say that of course, the Indians would not be responsible for our ignorance.

Mr. GEORGE. I wish to ask the Senator, if he will allow me, one other question? Was not the relation between the Indians and the United States, of dependency on the one side and supremacy and mastery on the other, of such a character as to authorize the Indians to rely on the assumed knowledge of the United States upon that subject?

Mr. ALLISON. Very well. So, Mr. President, having first disposed of the question of the treaty of 1820, and then having shown absolutely that it has no more to do with the issue there involved than a last year's almanac, and not so much, because by the treaty of 1830, ten years afterwards, which was a substantive and substantial treaty and one that was made with great deliberation, and not to get a few hunters who were idle away from Mississippi, but for the purpose of securing the removal of the Choctaws from the State of Mississippi—this treaty of 1830 was made. It was made with great deliberation and great care, and it abrogated every vestige of treaty inconsistent with it prior to that date. By that treaty of 1830 the State of Mississippi was relieved from the presence of the Choctaws. I need not go into the difficulties and trials and tribulations of that period in the State of Mississippi; I need not go into the history either of the conduct of the people of the United States acting through their Indian agents to get rid of the Choctaws and place them beyond the Mississippi River.

But now the Senator from Alabama [Mr. MORGAN] directly, and the Senator from Mississippi [Mr. GEORGE] inferentially, say that here was a dependent nation, and that, although they never made any claim to this land west of the 100th meridian, yet they did not do so because they were a dependent people and they had not that vigor and courage and assurance necessary to assail a great government like the United States.

The history of this Choctaw Nation shows that they are a pretty vigorous people. They are the richest agricultural people on the face of the globe to-day within the area they inhabit. So far these dependent people, these people who are so easily imposed upon by a great government, have been tolerably alert.

We have had difficulties and troubles with the Choctaws. I will call the attention of the Senator from Mississippi to the fact that, although they agreed in the treaty of 1830, in consideration of the cession to us of their lands in Mississippi, to receive the lands described in the treaty on our part west of the Mississippi, yet afterwards they came to the United States year after year and claimed that we were not only required to give them this immense domain west of the Mississippi in the Indian Territory, but that we were bound by that treaty in honor to pay them the net proceeds of all the lands which they had owned in the State of Mississippi. In season and out of season they pressed this claim and other claims collateral to it, and you will find these claims spreading through all the pathway of the correspondence between this Government and the Choctaws for a long period until 1855, when among other things in the treaty of that year they agreed that the United States Senate should be the arbiter, the judge as to what was due them on account of the net

proceeds of the sales of their lands in Mississippi. So they seemed to know and did not hesitate to claim that the Government of the United States had violated, according to their view, the treaty.

In 1859 the United States assented to that arbitrament, and in 1859 the Senate solemnly sat upon that question. I had occasion to look it up the other day. I saw that, after a contest, the Senate went into executive session and continued in executive session for three hours—what doing I do not know—but after it came out of the executive session, Mr. Sebastian, of Arkansas, called up the resolution of the Committee on Indian Affairs, he being chairman of the committee, and Mr. King, of New York, objected because the Senate was so thin that a matter of that moment should not be considered. Mr. Sebastian was asked how much that claim involved, and he said it was a large claim.

Mr. TELLER. I should like to inquire of the Senator if that is not the claim that they subsequently established by a decision of the Supreme Court?

Mr. ALLISON. That is just what I am speaking of.

Mr. TELLER. After fifty-eight years of contest?

Mr. JONES of Arkansas. And after the Senate had accepted the solemn responsibility of this adjudication between this Government and the Choctaw Nation, it took the Choctaws thirty years to get the money out of the United States.

Mr. ALLISON. Very well. We shall go on upon that subject. I am now upon the point suggested to me by the Senator from Alabama [Mr. MORGAN] that these Choctaws were too modest to make suggestions to the United States as respects their just claims against it.

Mr. MORGAN. They had not any right to do that.

Mr. ALLISON. I was merely endeavoring to illustrate that where they thought they had a good claim they had the courage to make it. Mr. Sebastian said that that sum would involve \$800,000, and perhaps a million, and yet the Senator from Colorado [Mr. TELLER] calls my attention to the fact that after a long period the Supreme Court decided that the Indians were entitled to it. Of course the Supreme Court decided they were entitled to it, because by that treaty the Senate of the United States was made the arbiter.

Mr. TELLER. The Supreme Court decided that way.

Mr. ALLISON. Certainly they did; and they stated that that arbitration by the people of the United States, through that treaty, was a binding arbitration, and the Government of the United States was bound by it. So it appears when the Indians had a claim they were not afraid to make it.

Mr. TELLER. I do not want to interrupt the Senator; but I wish he would tell me or tell the Senate before he gets through when these Indians parted with their interest in this land?

Mr. ALLISON. I will do that; and I will yield to the Senator from Colorado to show wherein I am wrong. I have endeavored to say that much.

Mr. TELLER. I do not wish to interrupt the Senator.

Mr. MORGAN. I think the Senator from Iowa ought to take a distinction between claims for compensation or damages interposed by an Indian tribe against his own Government, the Government of the United States, for what it may consider an act of injustice done by that Government; but it would not be becoming, even in a sovereign State of the American Union, to enter a protest against fixing boundaries between two countries against the action of its own Government. I do not know that any State in this Union would dare to make a protest of that kind after the boundary had been changed and to assert it against the Government of the United States that that was *ultra vires* and the Government had not any right to convey away those lands.

The Indian has always been, as I understand, only too happy to have any allowance made of a claim for damages against the Government of the United States, but he never has set himself up to protest against the treaty-making power in changing boundaries between this country and Spain or any other country.

Mr. ALLISON. I, of course, do not know perhaps just what these Indians would do, but I am quite clear that if they had any title west of the one hundredth meridian they would have been able to say so to some one. I have undertaken to show that by the treaty of 1830 this boundary was fixed, and I have quoted from the treaty to prove it. Therefore I discard as surplusage, as a thing *ultra vires*, as the Senator from Alabama says, the treaty of 1820 as respects this question.

Mr. President, I have been somewhat diverted from what I was about to say upon this question by these interruptions, although I am glad to have them, because I certainly have no other interest in this matter than to get at the exact truth and to do equal and exact justice and liberal justice to the Choctaws as respects any claim they have against the Government.

Mr. PERKINS. If the Senator will not consider it an interruption, I should like to make a single suggestion here, that he

may, if he deems it necessary, say something in answer to it. From the treaty of 1830, as I understand it, until the treaty of 1855, there was no treaty between the Government and the Choctaws concerning their lands or concerning their boundaries, but it is a matter of current history that notwithstanding the treaty of 1830 they insisted that they owned the lands west of the one hundredth degree of longitude, and in the treaty of 1855 the Government of the United States recognized that fact.

Mr. ALLISON. If that was a matter of current history between 1830 and 1855, I want somebody to point out that current history to me. I have looked for it in vain. I have seen every pretension made by the Choctaws respecting claims against the United States, but I have never seen a claim that they have made, in reports of Committees on Indian Affairs, through Indian agents, through superintendents of Indian affairs, or through any proper source or any source, showing that they had a claim against us for all the territory lying between the one hundredth and one hundred and third and one-half meridians.

I reassert that, and it brings me to the treaty of 1855, when we paid the Choctaws and the Chickasaws \$800,000 for the territory lying between the ninety-eighth and one hundredth meridians. I undertake to say here, without fear of successful contradiction, that the primary source of that consideration was the lands which are called leased lands in common parlance, but they were lands granted in perpetuity, and that \$800,000 was a price beyond the price that was then paid for lands of a similar character lying alongside of them in the State of Texas. It was a full consideration at that moment for all the lands in that territory as compared with the price of lands south of the Red River and west of it in the State of Texas.

The report undertakes to go back to 1820 for the purpose of showing that the \$800,000 was a consideration for the release of lands west of the one hundredth meridian. I have shown, in the first place, that they had no lands west of the one hundredth meridian, and that therefore there could be no consideration for their release, and that whatever was paid, the \$800,000, was paid for the lands between the ninety-eighth and the one hundredth meridians. Senator who deny these statements may reply as they will, but I want somebody to show me what became of the first and second articles of the treaty of 1830.

Mr. President, I deny absolutely the facts and reasonings and statements in the report as affecting the title to any land west of the one hundredth meridian. Why did not the report contain the cessions of 1830 in order that we might at a glance see what the effect of the treaty of 1830 was upon this great question?

I am occupying more time than I ought on this question. We come now to the treaty of 1866, and I want to say something respecting that treaty. That was one of the series of treaties running through all the Indians in the Indian Territory. It was a treaty intended to restore amicable and peaceful relations between the United States and these Indian tribes, notwithstanding the fact that the Choctaws particularly had forfeited every right and every treaty they had ever made with the United States. As to them can there be any doubt about that question? They were an independent government within the Government of the United States.

Mr. MORGAN. The Supreme Court of the United States says they were a dependent government, not an independent government.

Mr. ALLISON. Very well; perhaps I am a little unfortunate in my phraseology.

Mr. MORGAN. You are, in view of that decision.

Mr. ALLISON. I thank the Senator from Alabama for correcting me always, because in my method of speaking I sometimes do not speak with absolute accuracy; but I meant to say, and what I now do say, in order that I may not be criticised in respect to my language, is that the United States, by treaties prior to that time, had promised that these governments should have their own autonomy as respects themselves; and therefore, in my sense, they were not only an independent government but they were a government that had a right to call upon the United States to maintain that independence. That is what I mean to say. It is true, if they were invaded, as the Senator will see, they had a right to call upon us to maintain these rights for them. What I mean to say is that they, in the face of this fact, joined another and hostile government, and therefore forfeited all their rights, whatever they were.

Mr. MORGAN. The government they joined was held not to be any government at all.

Mr. ALLISON. There is certainly enough in this question without going into the controversy whether we had a Confederate Government or not. I do not want to touch that question now, or at any time in fact; but what I mean to say is that these people forfeited every right they had under the Government of the United States. They had large sums of money in the Treasury of the United States. Those sums were nominally drawing

interest. We were their trustees and guardians as respects that money, and were bound to pay them semiannual interest. We did not pay it. By the treaty we promised to pay it, and in appropriation bills following the treaty we did pay it, dollar for dollar, during all the period of the rebellion, and we gave them complete amnesty.

I will not go into the details, but in making the treaty of 1866 the Senator from Connecticut [Mr. PLATT] reminds me that the commissioners who negotiated with these Indian tribes communicated to them that they had forfeited every right. Without going at length into the treaties, it must be borne in mind that the Choctaws and Chickasaws had released to the United States, for purposes of establishing other Indian tribes, that territory west of the ninety-eighth meridian. In the third article of the treaty of 1866 they ceded this territory to the United States absolutely, and I believe that is admitted in the report.

Mr. PLATT. For an express consideration.

Mr. ALLISON. For a consideration of \$300,000.

Mr. TELLER. I wish to ask the Senator if that is the point where he claims the cession was made? Is that the point when they passed the title from themselves to the General Government?

Mr. ALLISON. That is the point; and in order that I may not make a mistake about it I will read the third article of the treaty:

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, etc.

Going on and stating how the money should be disposed of, it is enough to say that the Government of the United States immediately or presently fully and completely discharged the obligation as respects the payment.

Mr. TELLER. Did they pay it?

Mr. ALLISON. They paid it.

Mr. TELLER. What became of it?

Mr. ALLISON. They have it now, except that the Chickasaws have not yet been paid because they did not comply with one of the provisions of this obligation; \$17,000 of that sum is, I believe, yet due to the Chickasaws because they have not fully complied with their promises as respects the treaty. If this was not a cession what was it? They had turned over to the United States in perpetuity this land, but claimed a residuary title. They made an absolute cession of the land to the United States.

Mr. TELLER. I should like to ask the Senator a question if agreeable to him.

The PRESIDING OFFICER (Mr. DAVIS in the chair). Does the Senator from Iowa yield?

Mr. ALLISON. Yes, sir.

Mr. TELLER. Does the Senator now contend that that was a cession to the United States Government of such a character that the Government could sell the land and put white settlers on it?

Mr. ALLISON. I thank the Senator for asking me that question, and I do not know but I may as well discuss it here as at any time.

Mr. PERKINS. As the Senator has been interrupted, perhaps he will permit an inquiry in this connection. Was not the \$300,000 to be paid to the Choctaws and Chickasaws for the benefit of the freedmen residing among them in the event that they should take homes west of the home reservation of the Choctaws and Chickasaws, and if they failed to do that was it not to be paid to the Chickasaws and Choctaws in consideration of the freedmen taking homes among the Indians, and have not the freedmen taken homes among the Choctaws, and for that reason was not their proportion of the money paid to the Choctaws?

Mr. ALLISON. Undoubtedly. I did not see proper to read all the details of this treaty, but when Senators insist that this matter was the consideration and the only consideration as respects the freedmen, they fall far short of the situation. These freedmen were slaves in the Choctaw Nation and the treaty emancipated them. I do not know what the fact may be; it may be that they were nominally emancipated before. Some Senator more familiar with their history can state whether that is true or not. I know it was true as respects some tribes. The thirteenth amendment had been adopted, but here was a wheel within a wheel, a nation within a nation, and it was considered desirable by those who controlled the Government at that time that we should have a specific agreement and understanding whereby these slaves should be emancipated. The second article of the treaty provides:

That the Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

Then, having provided for the emancipation of the slaves, it made some provision respecting their care.

If the \$300,000 was not a consideration for a greater title than the United States had before, why was provision for its payment put in there? Why was that sum named if there was not to be some further concession as respects the land between the ninety-eighth and the one hundredth meridian? I want Senators to tell me whether that was not applied to that land. It will not do to say that the \$300,000, although the treaty states it was for the purpose of purchasing that land, was for another purpose. That would be arguing in a circle and would be disingenuous if persisted in.

The Senator from Connecticut [Mr. PLATT] very justly says to me they had nothing but this that they could give. They were desolate. They had been in the rebellion for several years; their country had been devastated. They were nominally rich in some respects, but on their resources in the Treasury they had received no interest. Their houses and farms had been desolated, and they had nothing that they could give except, as the Senator from Connecticut says, the residuary, which was worth very little to them, and worth nothing until the time should come when the incursions of the whites should require that a different government should be set up in that territory.

The Senator from Colorado now asks me whether I believe that that conveyed such a title as would have justified the Government of the United States in opening that land to settlement and establishing its own autonomy over it. Standing alone I have no doubt of that; but there was not only this treaty, but other treaties standing in the way of opening up that land to white settlement. Therefore, when the Senator from Colorado asks me whether I think the Government of the United States could have done so, I answer him as respects this they could, but there were other things.

Mr. TELLER. I did not ask whether they could. I asked if it was the understanding that that was supposed to confer authority upon the United States. That is what I meant.

Mr. ALLISON. It is not dealing with that question; it is dealing with the title to the land. I want, if I can, to draw a distinction, and there certainly must be a distinction, between title to the land and the character of government that shall be placed over the people.

Mr. TELLER. The Government took this land with a title that prevented them from putting any but Indians on it. They now propose to change that, and the question is whether, if that be so, the Indians should not still be paid.

Mr. ALLISON. I will meet that question. I do not intend to omit saying what I think ought to be noticed.

Mr. JONES of Arkansas. In that connection, as the Senator is going to discuss that point for a moment, I should like to say it is not threatened, but this land is occupied by white people. There are 25,000 white people now there. The Government has taken possession of it and given it out among the white people already.

Mr. ALLISON. Everybody knows that.

Mr. JONES of Arkansas. I hope the Government will pay for it; that is all.

Mr. ALLISON. What I mean to say is, here is a title to this land without condition, and whatever arrangement we are to make with the Choctaw and Chickasaw Nations is not an arrangement about land west of the ninety-eighth meridian. That we have acquired and paid for. These treaties, taken by and large, not only with the Choctaws and Chickasaws, but with the Creeks and Seminoles and Cherokees, do provide, running all through them, that here is to be a government by Indians, and that white men, except in certain conditions, are not to interfere with them.

I have occupied too much time already, but as I have touched upon that point I want right here to say what I think should be done. These Indians have parted with their land, but the Government of the United States did promise them and the other tribes—the tribes are all as one as respects this question—that a white man's government should not be set up in that country. In this I may differ with some of my friends, but in my belief they are entitled to some consideration as respects this question; that is to say, they are entitled to be consulted and considered, not as respects this land at all, but as respects the general question whether the Indian Territory is to be wholly or partially controlled and governed under our laws and not under the laws of the Indian tribes. If so, what is the damage to these Choctaws? How have we injured them by changing our policy, which was not established but restated, reaffirmed, in 1866, not only as respects the Indian Territory but as respects the territory known as the Sioux Nation?

Mr. PLATT. I think that the Senator states the matter a little strongly when he says the Government promised these Indians that there should never be a white man's government

set up within the limits of this leased district. I do not so understand it.

Mr. ALLISON. I do state it strongly, but—

Mr. JONES of Arkansas. They did agree to it.

Mr. ALLISON. I mean to state it so strongly that I can not be said at least to be doing anyone injustice.

Now, what is the damage to the Choctaws, for that is the question. There is not a Senator upon this floor who does not know that the policy of the Government of the United States has been changed in the last few years respecting the Indian Territory. There is not a Senator here who does not know that the policy has been changed at the instance and the request of Senators who reside in the Southwestern portion of the Union, and that the new policy has been adopted by gradual and irregular processes. I do not mean irregular in the sense of wrong processes, but I mean irregular in the sense that they have been going on by degrees, until I think it may be stated as the settled policy of this Government now that the Indian Territory is to be segregated and is to have a government of laws over its entirety. It may take some time to do that and probably will, and such a government is now over a portion of it.

Mr. STEWART. Is it claimed by the Indians that their property, the other land, depreciated in value by this cession, or is it claimed by them that the educational facilities are not as good as they would be if they were left to themselves.

Mr. ALLISON. So far as I have been able to discover I have not yet ascertained what their claim as respects that is. They have not claimed, as I understand, that they are damaged by this cession. I have not the exact figures here, but there are, according to the census of 1890, in round numbers about 4,000 Chickasaws and about 9,000 Choctaws in that Territory, and there are in the Choctaw country now 27,991 white men and in the Chickasaw country 49,000.

So, whatever may be their views, it is not the intrusion of white people that disturbs them, and therefore they are not damaged by having white people among them. They might be damaged, and I have no doubt they would be, by having a white government among them so far as the headmen are concerned, if what is reported here be true. Now, admitting that, and the Senator from Connecticut says I go too far, I think it is a question which we should reasonably and fairly consider with the Choctaws whether they are to be damaged, or have been, by the new policy which we propose.

Mr. PLATT. If the Senator will permit me, I will state just what I think was the condition under which this last conveyance or cession was made. I think both parties supposed that that land would always be used for an Indian government, but I do not think that the United States made any stipulation with the Indians that it would so use it. I think that was in contemplation of the parties.

Mr. ALLISON. I do not substantially differ from the Senator from Connecticut as respects that matter.

Mr. GEORGE. Will the Senator allow me just one moment?

The PRESIDING OFFICER (Mr. COKKRELL in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. ALLISON. Yes, sir.

Mr. GEORGE. In the line of what is stated by the Senator from Connecticut, and to show how well founded was the supposition which he says existed, I want to read a few lines from article 4 of the treaty of 1830:

The Government and the people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants—

I desire particularly to call the attention of the Senate to this—

and that no part of the land granted them shall ever be embraced in any Territory or State.

Mr. ALLISON. That was in the treaty of 1830, but it was given up in the treaty of 1866, except, I think it may be fairly stated, that these people at that time had no idea that a white settler would go in there without the consent of the Indians or that a government similar to our autonomy would be established among them. I have no doubt that was understood, but I am drawing the distinction, and it must be drawn, between that and a title to the soil. They have sold their title to the soil, and we paid them for it, and we paid them under the circumstances a large sum for that.

Mr. STEWART. I should like to inquire whether there is anything in that report or any other report showing any claim for damages or the character of the damages that would result from this different use of the land from what was generally supposed at the time?

Mr. JONES of Arkansas. I should like Senators to address the Chair, as I can not hear what is said. I want to keep the run of this debate, if I can.

Mr. STEWART. I want to know if there has been any claim set up for damages on account of the change of the policy of the United States, and if it is alluded to in any of these documents?

Mr. ALLISON. None that I know of. They claim a title to the land, and this appropriation is upon that basis. It is not that we are putting a white man's government there; it is not that a white settler is going there; it is that they have a title to this land which we must buy. I claim that they have no title which they can sell, because they have already sold it. Therefore, I agree that it is justice to the Government and people of the United States and to all these Indian tribes that we shall deal with them as respects the policy which we are now gradually intruding upon them of establishing another government within their territory.

Mr. GEORGE. May I ask the Senator a question for information right there?

Mr. ALLISON. Certainly.

Mr. GEORGE. I think I have heard that the executive department has gone on and opened this very land to white settlement. Is that the fact?

Mr. ALLISON. It is, undoubtedly.

Mr. GEORGE. And that the territory thus settled is to be a part of the Territory of Oklahoma?

Mr. ALLISON. Yes, a part of that Territory.

Mr. GEORGE. So that now, in contravention of the express pledged faith of the Government in the treaty of 1830, that part of the land conveyed is embraced in an organized Territory?

Mr. ALLISON. But that is not a question of importance here, because that is a question for us to consider with them as to the damages that will result from the establishment of this government over their territory.

Mr. GEORGE. But if the Senator will allow me; I do not desire to interrupt him unless it is agreeable to him—

Mr. ALLISON. That is all right. I have no objection to being interrupted.

Mr. GEORGE. I submit whether it is consistent with the pledged faith of the Government, and if it is not in direct violation of the stipulations which they made in the treaty of 1830, not being released from that, to put this land without the consent of the Choctaw Nation within the limits of an organized Territory.

Mr. ALLISON. I do not so understand it. On the contrary, I understand the fact to be that they are in absolute accord respecting this thing, and all they want is more money. They do not object to this Government of ours at all. They have made no protest against it.

Mr. GEORGE. They protest that you shall not violate the pledged faith of the Government contained in the treaty of 1830 unless you pay them for their rights in the Territory.

Mr. ALLISON. The Choctaws have no rights under the treaty of 1830. It is only the general understanding which hitherto prevailed, that a white man's government should not go in there without their consent. They have consented, and the Territory of Oklahoma is opened, and it is a question now as to how much if anything we ought to pay them on that account. So much as respects our obligations.

Now, I want to go back to the question of payment for a moment. When this appropriation was put upon the appropriation bill, it was put there with the understanding (and I believe the Indian Affairs Committee now states that to be the correct law on the subject) that the Cheyennes and Arapahoes should have an allotment within this area of all the lands that they were entitled to.

Mr. TELLER. They have already got that.

Mr. ALLISON. Yes; and in making up the amount of this appropriation they made a deduction for 600 allottees. The allotments are nearly completed and 850 allottees have already settled upon this territory. So upon the ground of the appropriation itself, it is \$50,000 more than it ought to be.

Mr. PLATT. Have all the settlements been made that are to be made?

Mr. ALLISON. Probably most of them have, but not quite all of them; enough, however, for my purpose. Therefore, upon the basis of the appropriation and the basis of this report there is \$50,000 too much money here to be paid.

There are some curious things as respects this matter. I do not wish to animadvert upon those at great length. The only report, I repeat, that was ever made upon this subject is a report made by the Indian Affairs Committee of the other House, by Mr. PEEL, a member of the Indian Affairs Committee in the Fifty-first Congress, and now a member of that committee. Mr. PEEL in the Fifty-first Congress made a report on the 22d of September, 1890. It is a report quoting various things *in extenso*, and it then gives

the deliberate judgment of the committee that the Choctaws and Chickasaws should have \$1.05 per acre for this land, which is \$500,000, in round numbers, less than this appropriation. So if any force or power is to be given to the House committee on this subject, it is that we appropriated nearly \$600,000 too much last year.

I do not know that the Choctaws complain of that, because they have given their attorneys, or agreed to give them, the whole of this sum. So it comes out of the United States by this appropriation and not out of the Choctaw Nation. In other words, we have in the appropriation of last year paid a premium, which is to be paid to the attorneys, of nearly \$600,000 more than the report of the House committee says they are entitled to receive.

Mr. PLATT. They proposed to deduct \$300,000, did they not?

Mr. ALLISON. They proposed to deduct \$300,000, and did in a sense deduct \$800,000 in the 20 cents an acre. They did deduct the \$300,000, but they made no account of the \$800,000, because they said that the price should be \$1.05 an acre.

Mr. PLATT. And this is \$300,000 more?

Mr. ALLISON. Three hundred thousand dollars more than I have stated; in other words, \$1.05 an acre and the \$300,000. But I take it the \$300,000 should be deducted from the whole area, not from this one appropriation, so that I have said nothing about it.

Mr. JONES of Arkansas. As I do not care to refer to this matter in reply, I should like to call the attention of the Senator to one point. I never read the report of Mr. PEEL, and I did not know anything about this recommendation of \$1.05, but after the Senator made the statement I looked to see the reason for it given, and the reason stated by the committee is that as the Creeks and Seminoles had been paid 20 cents, valuing the land at \$1.25 an acre, the Government should pay the Choctaws and Chickasaws \$1.05 an acre, and because the Government had paid other Indians \$1.05 out of \$1.25, they recommended that the Choctaws be paid a similar amount.

Mr. ALLISON. Undoubtedly. That is what I was saying. I was saying that the deliberations of a committee of the House of Representatives, a coordinate body, upon which this action was based last year, proposed a sum which, when applied to the whole region west of the ninety-eighth meridian, is \$1,500,000 less than the sum proposed by the Committee on Indian Affairs.

Mr. JONES of Arkansas. But that must have proceeded upon a mistaken idea that the Choctaws and Chickasaws had received 20 cents as well as the other Indians, which was not the fact.

Mr. ALLISON. No; there was no mistake whatever. They said, "We have not taken into account the \$300,000, because we have reduced it to \$1.05 an acre," and if they had allowed them \$1.25 they would have deducted the \$300,000.

Mr. STEWART. Let me ask the Senator how much is involved in this claim when carried out? How much will the claim amount to?

Mr. ALLISON. If the principle of this appropriation is carried out, the total of the claim will be over \$9,000,000, and I do not know but that it will be over \$10,000,000. I have not figured it up with absolute exactitude.

Mr. JONES of Arkansas. The total amount of land is a little over 6,000,000 acres outside of Greer County, and at \$1.25 an acre the dollar and a half brings a clear profit of 25 cents an acre. Whether it is much or little the Government will make money out of it.

Mr. ALLISON. I am obliged to the Senator for calling my attention to that point. I should have forgotten it otherwise. The Senator says exclusive of Greer County it is 6,000,000 acres. There are in Greer County 1,511,000 acres, wherein we have a contest with the State of Texas as respects the boundary. The Senator from Alabama said a while ago in illustration that no State would ever get into a contest with the United States on a matter of boundary because of the great dignity and power of the United States.

The State of Texas has not hesitated to do that, and by agreement we have now a case in the Supreme Court of the United States, whereby we are contesting the lands in Greer County with the State of Texas. If the statement of the Senator be true, it is a great deal better for the United States to be relieved of this suit and let the State of Texas take the land, unless the Choctaws choose to take it. But two Senators in accord say that we are making a public sale of this land. I know this report takes great pains to show this. The Senator from Arkansas said we pay \$1.50 an acre for the land within this territory.

Mr. PERKINS. And, if the Senator will permit a suggestion, for the very reason that Congress proposed to pay the Choctaws for the land.

Mr. ALLISON. That is a very good statement; otherwise they would not charge anything for it, I understand.

Mr. PERKINS. Otherwise they would not charge so much. Otherwise they would have permitted settlers to take it.

Mr. ALLISON. In other words, we take 20 cents an acre or a certain sum an acre out of these settlers for the purpose of paying three men \$600,000 who have put through a clause here on an appropriation bill for \$2,990,000, and when this balance of the appropriation comes in I suppose another quarter of it will go to those three men, giving them nearly \$2,000,000 for their services, while we are to pay an additional sum to the Choctaws in order that those men may secure one-quarter of it, because the committee who deliberated upon this matter said the Choctaws should have only \$1.05 an acre.

Mr. President, I have gone over this question more in detail than I intended when I rose. I want to say what I think should be done. It has already been disclosed in debate that if we pay this sum we set a precedent for the payment of a further sum of \$7,000,000, and we are just as much bound to pay that further sum of \$7,000,000 as we are bound to pay this. What I think ought to be done is to have this whole matter recommitted to the Committee on Indian Affairs, and that they be requested to bring forward here a proposition which will finally adjust all our relations with the Choctaws and Chickasaws as respects the territory west of 98° west longitude.

Mr. President, it is perfectly apparent to those who have examined this subject that we are to be committed to the payment of an unjust sum, a sum beyond what any committee has hitherto proposed to be paid for any lands similarly situated, taking their own construction of everything connected with these treaties as respects the Choctaws and Chickasaws. We have overpaid them, and the President of the United States, in my judgment, was wise in calling attention to the hasty legislation, because it was hasty legislation. It was legislation that was put through here without that deliberation as respects these questions which ought to be maintained with reference to a great subject like this.

Mr. TELLER. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. TELLER. I wish to inquire of the chairman of the Committee on Appropriations by what authority the President of the United States declines to execute a law, and I wish to further inquire, as he has waited one year and more, how much longer he can wait?

Mr. ALLISON. In response to the Senator from Colorado, I desire to say that I have never communicated with the President as respects this question. He has never mentioned it to me, nor have I mentioned it to him. I am not here for the purpose of expressing what the President ought to do or will do. He has spoken for himself.

The Senator from Connecticut [Mr. PLATT] calls my attention to another point. It seems that this money was payable only when certain instruments or deeds or whatever were executed by these people.

Mr. JONES of Arkansas. Which they have offered to make persistently for twelve months past.

Mr. ALLISON. Very well; they have offered to make them; but they have not made them to the satisfaction of the Executive. They are to be made to his satisfaction.

Mr. JONES of Arkansas. They have offered to make them in any form that he would dictate, and have asked him to suggest the form, and have asked it again and again.

Mr. ALLISON. The President says:

But as a duty was devolved upon me by the section quoted, viz: the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

That is the President's own statement, and I put it in as a correct statement of his view of the case. Then he begins his argument, and the first point is that one-quarter of this sum is to go to three men.

Mr. TELLER. I wish to ask the Senator from Iowa if he will take the position that an improper distribution of this money by the Indians repeals a statute of the United States?

Mr. ALLISON. There have been many occasions when we have repealed statutes.

Mr. TELLER. Yes, we have—

Mr. ALLISON. Certainly; there are cases where we asked the President not to execute the law. The statute books are full of such cases. So this message of the President is no extraordinary proceeding. Indeed, with the lights he had, and with the facts that were presented to him, and with the extraordinary claim which is made, it seems to me that he would have been derelict in his duty if he had not called the attention of Congress to this subject. That is what I think about it, and I have no hesitation in saying so.

I want to say that in my belief to pay these Choctaws and

Chickasaws nine or ten million dollars—because that is what is involved in this claim; it is not the appropriation we have already made, but to pay them \$10,000,000 for this vague, shadowy title which they claim to set up to these lands—is a payment that ought not to be made and that they ought not to demand of us.

All I ask is that this question shall be maturely considered and that we shall give the necessary authority here by legislation to somebody who will treat with these people upon a just, liberal, and equitable basis for whatever rights they have, and therefore I shall move before the end of this debate to recommit the question to the Committee on Indian Affairs in order that they may prepare some provision of this character.

Mr. JONES of Arkansas. Mr. President, a little over one year ago the Senate of the United States and the House of Representatives, by large majorities in both Houses, made an appropriation in the Indian appropriation bill to pay the Chickasaws and Choctaws certain money for lands that they claimed a right in the leased district of that territory. It has been stated by the Indian commissioners and by everybody who has spoken on the subject up to the present Administration that the Government of the United States had no right to open those lands for white settlement until there was compensation given for the lands. Since the appropriation was made and approved by the President of the United States the payment has been suspended.

The Government of the United States has taken possession of the land that was proposed to be purchased and opened it to white settlement. It has been settled and is being sold to the settlers at \$1.50 an acre. The Government is selling that land at \$1.50 an acre, and now is undertaking not to pay its share of \$1.25 to the Indians. If the Government did not want to pay these Indians \$1.25 it is an outrage to them to charge the citizens \$1.50 an acre. The \$1.50 an acre was charged these people upon the ground that the Government had to pay the Indians for the land. That is the condition of this question.

Mr. PLATT. The Senator should state, I think, in order that there may be no wrong impression created, that the Government has paid to the Cheyennes and Arapahoes a large sum of money, which it is proposed—

Mr. JONES of Arkansas. Yes, the enormous sum of 6 cents an acre.

Mr. PERKINS. Two hundred and fifty thousand dollars.

Mr. PLATT. It paid a million and a half.

Mr. JONES of Arkansas. The Senator from Connecticut can not be serious in that statement.

Mr. PLATT. The sum paid to the Cheyennes and Arapahoes was nearly a million and a half.

Mr. JONES of Arkansas. It was a million and a half dollars for 5,000,000 acres of land that they held by treaty agreement known as the Cimarron tract in the Cherokee Outlet, and for the executive order reservation, amounting to 4,000,000 acres, 2,400,000 of which were south of the Canadian, as the Secretary of the Interior says, and I have a letter in my possession from him. The Cherokee Commission which negotiated this purchase stated that the consideration estimated for the entire executive order reservation was \$250,000, leaving less than \$150,000 as the consideration for these 2,400,000 acres of land, for which the large sum of 6 cents an acre has been paid by the Government—land that we are selling for a dollar and a half. If we had acted with the Cheyennes and Arapahoes as we propose to act with the Choctaws there would not have been anything paid for it at all.

Mr. President, the Senator from Iowa has called the attention of the Senate to the fact that there are seventeen maps connected with the report that I had the honor to make from the Committee on Indian Affairs in this matter. The purpose of presenting those seventeen maps I shall state plainly. In 1819 a treaty was negotiated between John Quincy Adams and a Spaniard with an unpronounceable name, which was not ratified by either the Spanish Government or the American Government. The Spanish King refused absolutely to do anything with it. In October, 1820, the Government of the United States made a treaty with the Choctaw Indians, in which in specific terms they ceded all that tract of country lying south of the Arkansas River from a point which was considerably east of the present line up the Arkansas River, then up the Canadian to its source, down to the Red River, and down Red River to a point 3 miles below the mouth of Little River, and then to the point of beginning.

This territory was distinctly set out and it embraced lands that are shown on this map [indicating]. This is meridian 100 and this is 102. The one hundred and third meridian is further around; it can not quite be shown on the map. This embraces the land west of the one hundredth meridian [indicating] as certainly and specifically as it embraced the lands that are now occupied by the Choctaws and Chickasaws.

The treaty was ratified on the 18th day of October, 1820. On the 24th day of October, 1820, six days after the promulgation of

the Choctaw treaty, the Spanish king signed a treaty that had been negotiated between the United States and Spain. On, I believe, the 19th of February following, the Senate of the United States ratified that treaty, and on the 23d it was promulgated and became the law of the land. Up to that time it had not been published, I presume. There is no evidence that it had been. It was a secret pending negotiation between Spain and the United States.

We, in the mean time, had conveyed this land as absolutely as the Government of the United States could convey it, to the Choctaw Nation. The line between the United States and Spain as fixed by the Spanish treaty was this meridian of 100, and the Government of the United States being a sovereign power treating with a sovereign power had the right to alienate the territory lying west of the one hundredth meridian; and having alienated it, of course the Choctaws were ousted of their possession to that country.

But what I want the Senate to bear in mind distinctly is that the Government had by treaty conveyed this land first, and while it had a good right to it, to the Choctaw Nation. The purpose of the maps was to show that there is no doubt about that land belonging to the United States when it was conveyed to the Choctaw Indians.

The seventeen maps, printed in London, in Amsterdam, in Paris, maps by all the civilized nations of Europe, all show that the western line of Louisiana was understood to be the Rio Grande, up to the meridian of 103° and from there north. There is not a solitary map among the old maps in the Library that I have been able to find, and I have gone over them as carefully as I could, except one that does not show that to be the fact, and that one is dated 1820 after the treaty with the Choctaws and Chickasaws was made. That map was made by an Englishman and it claimed that the Sabine was the line, and it is the only map that does. There are a number of other maps in addition to these; but I traced these eighteen maps over with my own hands, after they had been previously made, to see that they were correct, and surely, except the one I state, I have not been able to find any of those old maps but shows there was a distinct understanding that Louisiana went to the Rio Grande.

Senators know perfectly well that La Salle discovered Matagorda in 1683. He was subsequently killed, and from the time of his settlement in Matagorda Bay, which took place in 1685, up to the time when France ceded this country to Spain, the Rio Grande was considered the boundary between the Spanish and the French possessions. In 1762 France conveyed all this country to Spain. In 1800 Spain ceded it to France, and in 1803 France ceded it to the United States. In those treaties the Rio Grande was considered the boundary, and Louisiana was referred to as the ancient possession held by France in the territory of Louisiana.

All this shows that the Government of the United States did have a title to this land when by treaty she conveyed it to the Choctaws. The purpose was simply this. In 1855 in a treaty between the Government of the United States and the Choctaw Nation, which has been referred to by the Senator from Iowa, \$800,000 was stipulated to be paid to the Choctaw Indians for a release of whatever claim they had west of the meridian of 100° and to release the country they had lying between the ninety-eighth meridian and meridian 100°. It was the purchase of whatever claim they had west of the one hundredth meridian and the lease of the territory east of the one hundredth and west of the ninety-eighth. There was no apportionment of that \$800,000. Nobody can undertake to say how much of that was intended to be paid for the lease of this district or how much of it was to be paid for the purchase of the relinquishment west of the one hundredth meridian.

If the Choctaws had a right to claim damages for a failure of title solemnly conveyed to them by the Government of the United States, and that land was worth 12 cents an acre, it would take more than the \$800,000 to pay for that failure of title in that tract of land, and would leave absolutely nothing for the lease of the district between 98° and 100°. I did not present the alternative in the report, but suppose you say that the whole \$800,000 was applied to the lease of the district between 98° and 100°, the Government held it for a number of years under that lease, and it would not amount to more than a cent or so an acre as the pay for the lease during the time the Government held it.

Mr. ALLISON. I do not want to interrupt the Senator without his consent—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Iowa?

Mr. JONES of Arkansas. Certainly.

Mr. ALLISON. The Senator speaks of this as a lease. Of course it was a cession of this land to be settled by other Indians, and it went on forever.

Mr. PERKINS. But, if the Senator from Iowa will permit a

suggestion, in the treaty of 1855 the Choctaws and Chickasaws reserved the right to themselves to live in this leased district and to occupy it.

Mr. JONES of Arkansas. It was described in the treaty as a lease. It was called a lease. They had a right to put certain Indians on it, not any Indians, not all Indians. They had a right to put the Osages, the Kiowas, and other affiliated tribes of that sort, but they were especially excluded from the right of putting New Mexican Indians or putting Indians from north of the Arkansas River. They had no right to put any other Indians there. It was with this limitation. They leased it with the right to put there certain tribes that came from their own neighborhood, and that was done.

Now, if you apply the \$800,000 either to the extinguishment of the title of the territory west of 100°, or if you apply it to the lease between 98° and 100°, either one would consume the whole \$800,000, without there being any unreasonable trade made. This was the purpose I had in presenting these maps, and it was the sole purpose simply to show that a large part of this \$800,000 was not used, as was suggested in the message of the President of the United States, for the purpose of extinguishing the title to the leased district.

Mr. GEORGE. The fact was that the \$800,000 was given both for the cession of the land west of the one hundredth meridian and for the lease, without any apportionment?

Mr. JONES of Arkansas. It is specifically so stated in the lease: there was no apportionment, and no suggestion of an apportionment.

Mr. GEORGE. How much land was west of the one hundredth meridian?

Mr. JONES of Arkansas. Seven or eight million acres.

Mr. PLATT. About 6,000,000 acres, were there not?

Mr. JONES of Arkansas. I do not remember the exact quantity, but I think it was something over 7,000,000 acres.

Mr. ALLISON. Seven million seven hundred and thirty-one thousand acres, including Greer County.

Mr. JONES of Arkansas. West of 100°?

Mr. ALLISON. Yes; west of 100°.

Mr. JONES of Arkansas. There were 6,589,000 acres west of the one hundredth meridian. There were 10,296 square miles in it, as I think is stated by the President in some of the exhibits that accompany his message.

Mr. GEORGE. Is Greer County west of the one hundredth meridian?

Mr. JONES of Arkansas. No; Greer County is east of the one hundredth meridian, and the tract of country known as the leased district lies between 98° and 100°. The Cheyenne and Arapahoe Reservation, consisting of 2,400,000 acres, was a part of that. The Kiowa and Comanche Reservation was another part of it, amounting to 2,968,000 acres, and Wichita Reservation was another part, making 743,000 acres. Greer County composes the entire leased district, as it was called.

The Government leased this tract of land at the time it purchased a relinquishment of whatever right the Choctaws had west of 100° in the year 1855, and \$800,000 was paid as the consideration of both the lease and the relinquishment.

I shall not undertake to go into the details of this matter very fully for two reasons. One is, I should be very glad indeed to have a vote if it is possible to have it to-day, and another is that there are so few Senators present paying attention to this discussion that I feel like it would be a waste of time.

In 1866 the Government made a treaty with these Indians which has been assumed as the basis of this claim. The Senator from Iowa read a part of article 3 of the treaty of 1866, and upon a part of the language in that section the claim is based that the Chickasaws and Choctaws have released the title they had to the leased district.

I have neglected up to this time to mention a fact in addition to a conveyance by a treaty of all the land embraced between the Canadian and the Red Rivers as far as the meridian of 103°; but I will read this article:

ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent., in trust for the said nations, until the Legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to said nations respectively; and also to give to such persons, who were residents as aforesaid, and their descendants 40 acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land after the Choctaws and Chickasaws and Kansas Indians have made their selections, as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of \$300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth

to the latter—less such sum, at the rate of \$100 per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the Legislatures of the said nations, respectively, within two years from the ratification of this treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of \$300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

The argument was made by the Senator from Iowa that this \$300,000 which was stipulated here to be paid to the Chickasaws and Choctaws was a consideration for the transfer of the leased district to the United States. This can not be claimed by any man who will read the language of this article 3 of the treaty. The first words in the treaty say that this land is ceded to the Government of the United States in consideration of \$300,000, but in the same article the statement is distinctly made that if these Indians, estimated at 3,000 at the time in the Choctaw and Chickasaw Nations, shall remove to the leased district, the money shall be paid to them, \$100 a head, and if the Choctaw and Chickasaw Nations do not pass such laws as will entitle these negroes to citizenship within the specified time of two years, then this money is to remain and be the money of the United States.

It is perfectly plain, then, that the \$300,000 was paid not for the land, but it was paid, first, if the Indians gave the negroes the right of citizenship. It was paid for giving them that right, \$100 a head, carrying 40 acres of land apiece. If they did not admit them to the rights of citizenship, then, the money was to be paid to the negroes in case they went into the leased district, and if they did not go it was to be the property of the United States. The Indians did not get it all, except upon the condition that they were to make these negroes citizens and give them the stipulated 40 acres of land, each. So there was not one solitary subject of consideration in the \$300,000 for the conveyance of this land to the United States Government. All this goes in the same article. It is taken in connection with it and must be considered as a part of the language that says there was a cession.

The Senator from Iowa does not question the fact that there is something due these people. The Government of the United States in 1818, when it owned this country, by a solemn treaty stipulation conveyed every foot of this land to these Indians. In 1842 it executed a patent to the Indians for greater security and to satisfy them in their clamors. Now, the claim is, that by the treaty of 1866 7,713,000 acres of land were conveyed to the Government of the United States for the paltry consideration of \$300,000.

The Senator from Iowa felt the weakness of this statement, that while we were paying the Creeks over \$900,000 for a partial interest in 2,000,000 acres of land, while we paid the Seminoles a considerable amount of money for a much smaller tract of land, it was utterly preposterous to talk about conveying 7,000,000 acres of land to the Government of the United States for \$300,000. For that reason he went back and took up the history of affairs before the war. He said these people had forfeited all their rights; and so they had. I forfeited my life at the same time.

The Government of the United States had the right to prosecute me for levying war against the United States, and under the laws of the land I would have been considered a traitor, perhaps, if I had been brought up to be tried. But I was not tried: the law was not enforced against me. The laws of forfeiture were not enforced against these Indians, but, on the contrary, the delegation that was sent by the Government of the United States down to Fort Smith to treat with the Chickasaws and Choctaws set it out as one of the conditions of the treaty in 1866 that they should be restored to all of their ancient rights. So it does not enter into this argument that some of these people had engaged in war. It makes no difference that a part of them were on one side and a part on the other side.

Mr. PERKINS. If the Senator will permit a suggestion, some of them were loyal to the Government of the United States and served in the United States Army.

Mr. JONES of Arkansas. Certainly they were, from all these tribes. There were men from this tribe loyal to the Government of the United States. Some of them were in the Confederate service, but that fact cuts no figure in this matter. These people owned this land, it was conveyed to them by treaty, and had been conveyed to them by patent, and this conveyance by them to the United States at best is a mere implication, a mere statement of a part of what article 3 means.

In 1865 the Government made treaties with all of what are

known as the civilized tribes in this tract of country, the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws.

Mr. PERKINS. In 1866.

Mr. JONES of Arkansas. The treaties were negotiated in 1865 and ratified in 1866. All of these tribes owned a tract of unoccupied country west of their reservation where they lived, and each one of them conveyed to the Government of the United States this western country. In the Creek treaty this language was used:

ART. 3. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain.

In the Seminole treaty the following language occurs:

ARTICLE 3. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being, etc.

The Chickasaw and Choctaw treaty, the one under which this claim originates, is as follows:

ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude.

The language in each treaty is about the same. The language in each would be sufficient to carry the estate in the land absolutely. Reports have been made by Commissioners of Indian Affairs, by Presidents, and by Secretaries of the Interior from the time of the negotiation of this treaty up to the present Administration, and there has never been a claim made on the part of any of those officers that the Government of the United States had a right to open this land to white settlement. On the contrary, it has been distinctly held again and again that the Government of the United States could not open this land for white settlement without further negotiations with the Indians. The Creeks and the Seminoles two or three years ago—I do not remember the exact date—were paid for their land.

Mr. PERKINS. In 1889.

Mr. JONES of Arkansas. In 1889, the Senator from Kansas suggests, the Creeks and Seminoles were paid for their land, on the basis of a dollar and a quarter an acre. Each of these tribes had had certain parts of their money paid to them, and the remainder, enough to make the consideration a dollar and a quarter an acre, was added to it and was paid to these people. The Chickasaws and Choctaws have exactly the same claim that those people had. There is no difference then between them. As to the Chickasaws and Choctaws, there was a distinct understanding—a specific agreement—made between them and the Government of the United States, that this land should be held for Indian settlement and for Indian settlement alone. In the report which I had the honor to submit on the part of the Committee on Indian Affairs, I have set out the conditions upon which they were required by agents of the Government at Fort Smith to treat. If I can lay my hand on that I will call the attention of the Senate to those conditions.

Mr. PLATT. I can furnish the volume to the Senator, if he desires.

Mr. JONES of Arkansas. The Senator from Connecticut has kindly furnished me the matter I wish to read. There were seven conditions set out upon which the Government proposed to treat with these Indians, and they were notified that they must accede to those propositions before any negotiations would be entered into. Without reading the first four, I will read the fifth.

Fifth. A part of the Indian country to be set apart to be purchased for the use of such Indians from Kansas, or elsewhere, as the Government may desire to colonize thereon.

Sixth. That the policy of the Government to unite all the Indian tribes of this region into one consolidated government should be accepted.

Seventh. That no white person, except Government employés or officers, or employes of internal improvement companies authorized by Government, will be permitted to reside in the country unless incorporated with the several nations.

Those were the conditions set out when the Indians were called together at Fort Smith for the purpose of negotiating these treaties.

Mr. GEORGE. There is one point I desire to have explained. I do not know whether I have it right or not.

Mr. JONES of Arkansas. Will the Senator let me finish this statement before he begins?

Mr. GEORGE. Certainly.

Mr. JONES of Arkansas. All of these conditions were acceded to by the Indians formally and in terms, as the records of the Indian Office show, except the seventh one. They proposed a modification of that. They proposed to change it in some respects, but the agents of the Government were firm in their resolution to insist that they should comply with the demands of the Government, and they were compelled at last to yield adhesion to each one of these provisions, and by these provisions the stip-

ulation was made that this land should be devoted to Indian uses, and should not be used by the Government for the purposes of white settlement. Now I will hear what the Senator from Mississippi wishes to say.

Mr. GEORGE. What I desire to know is this: These propositions were submitted by the commissioners of the United States, one of whom was the Commissioner of Indian Affairs, to a convention called by the United States officers, composed of the leading men of all the various Indian tribes with whom they proposed to treat. Is that the fact about it?

Mr. JONES of Arkansas. That is the fact.

Mr. GEORGE. So when the United States entered into these treaties in 1866 the first step taken was the calling of a convention of the headmen, chiefs and mingoes of all the various tribes in that country, and submitting to them in writing the seven distinct propositions to which the Senator has alluded.

Mr. JONES of Arkansas. I do not know whether the Indians called to Fort Smith for the purpose of making this negotiation could properly be called a convention. They were the leading men, delegates from all the five tribes, assembled at Fort Smith for that purpose, representing their nations, and the very inception of the negotiation was the presenting of these seven conditions to which they must assent before negotiations would be entered into.

Mr. GEORGE. Presented to all alike?

Mr. JONES of Arkansas. To all alike.

Mr. MORGAN. But in this report the Secretary of the Interior calls it a council. He says:

The council assembled at Fort Smith September 8, and delegates were present in the course of the sittings (though not all in attendance at first) representing the Creeks, Choctaws, Chickasaws, Cherokees, Seminoles, Osages, Senecas, Shawnees, Quapaws, Wyandotts, Wichitas, and Comanches.

Mr. GEORGE. So in the negotiation of these various treaties, including the treaty about which we are now having the controversy here, the treaty of 1866 between the United States and the Choctaws, the first initial step taken was the calling together of all the various tribes and delegates and making these seven propositions to all of them together. Is that the fact?

Mr. JONES of Arkansas. That is correct.

Mr. GEORGE. They were presented as the basis of the negotiation which they were to make?

Mr. JONES of Arkansas. As the sole basis.

Mr. GEORGE. That is a very important fact in the matter.

Mr. JONES of Arkansas. They were told that they would not be treated with except upon their assenting to all seven of these propositions.

Mr. GEORGE. Of course, we understand how the treaty was made. The United States draws up the terms and says, "Now you take this or something else will happen."

Mr. JONES of Arkansas. Article 3 of this treaty was made in view of these seven stipulations on the part of the Government, and it makes no difference whether the words are recited in article 3 of the treaty that the land should be reserved for white settlement, I contend that in honesty and all good conscience the conditions set out in these seven articles are just as binding and as much a part of that treaty as if they had been written in the body of it. The United States especially can not be heard to deny that these were conditions upon which this treaty was negotiated, because it imperatively demanded that they should be assented to before the treaty would be negotiated at all.

This has been so understood by all the officers of the Government from the time this was done until now. I have in my hand selections from a number of reports by different Secretaries of the Interior, all covering the same point. I shall not occupy the time of the Senate in reading at any length from these reports.

Mr. GEORGE. Will the Senator read enough to show the purport and state the chronological order in which they come?

Mr. JONES of Arkansas. Adopting the suggestion of the Senator from Mississippi, I will state that Secretary Schurz used this language in 1879, in speaking of this very question:

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which was the foundation of the original scheme. That purpose was the removal of Indian tribes from the limits of the political State and Territorial organizations and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects.

That purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon."

The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 22, 1855, leased "to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon."

The treaty of 1866—

The Secretary goes on to say, and this is very important:

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust. In 1867 the Kiowas, Comanches, and Apaches were settled upon these lands by treaty.

And much more of the same character. Further on Secretary Schurz says:

The whole Indian Territory has been regarded as Indian country, subject to no State or Territorial laws, and excepted from judicial process, except under special enactments provided for a limited and restricted jurisdiction.

Mr. Holcomb, who I believe was Commissioner of Indian Affairs in 1881, in speaking of this subject, uses this language:

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration, even by the intended beneficiaries, would be unauthorized and illegal.

Again and again have these assertions been made by Secretaries of the Interior, Commissioners of Indian Affairs, and by Presidents, and it is left for this Administration to be the first to deny that these conditions apply as well to the lands of the Chickasaws and Choctaws as they apply to the lands of the Cherokees, the Creeks, and the Seminoles.

Mr. GEORGE. I do not know that I understood the Senator aright, but if I did I desire to emphasize the point. Was the consensus of opinion and the practice by the Indian Department of the Government entirely consistent with the statement read from the report made by Mr. Schurz? Was there no variation in that until the present Administration?

Mr. JONES of Arkansas. Not an instance, so far as I am aware. If the Senator from Iowa [Mr. ALLISON] knows of one, I should be obliged to him to let me know it. These Secretaries, and Commissioners, and Presidents, whenever the question has been raised, have held that this Government held the land of these people for a specific purpose, and as this Commissioner uses the language very strongly, I will read it again for the benefit of the Senator from Iowa. I do not believe he was in when I read it just now.

Mr. ALLISON. I was in, but I should like to hear it again.

Mr. JONES of Arkansas. The Commissioner says:

The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

Mr. PLATT. From whom does the Senator read?

Mr. JONES of Arkansas. I was reading an extract from Mr. Holcomb. I am reading a quotation from the letter of Mr. Belt, the present Assistant Commissioner of Indian Affairs and at that time the Acting Commissioner of Indian Affairs, in a letter addressed by him to the Secretary of the Interior, dated September 13, 1890, and printed in the report of Mr. PEEL on this Choctaw and Chickasaw bill some time in the latter part of 1890. I do not remember the exact date.

While I think of it, for fear I may forget it, the present Commissioner of Indian Affairs has reported distinctly in favor of the claim of these people. This explanation I ought to make, I ought to say to the Senator from Mississippi, in justice to the present Commissioner of Indian Affairs, that he has followed the line of the other Commissioners and the Secretaries of the Interior and all the administrations up to this time, and he has not made any ruling contrary to what has been herein set down.

Mr. GEORGE. The Indian Department?

Mr. JONES of Arkansas. The Commissioner of Indian Affairs. I am reading this letter from a report of Mr. Belt, the Assistant Commissioner of Indian Affairs, made during this Administration, less than two years ago.

Mr. GEORGE. And in the same line with the others?

Mr. JONES of Arkansas. Just what I have read.

The Choctaw and Chickasaw cession of April 28, 1866 (14 Stats., 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Stats., 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States reneging by the seventh article of said treaty to remove and keep out from that district all intruders.

Mr. PLATT. I think that shows just how much value may be attached to Mr. Holcomb's statement in relation to this matter. I do not understand that it is true that by the seventh article of the treaty there was any stipulation to keep the intruders out of the leased district, the Chickasaw district, which has been opened.

Mr. JONES of Arkansas. I do not understand the Senator's point.

Mr. PLATT. Mr. Holcomb says:

The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 28, 1830, the United States reneging by the seventh article of said treaty to remove and keep out from that district all intruders.

They meant that to apply to this leased district. The seventh article does not apply to these lands at all.

Mr. JONES of Arkansas. It applies to the whole Choctaw country.

Mr. PLATT. It applies precisely to the Chickasaw district. Mr. JONES of Arkansas. To the whole Choctaw country.

Mr. PLATT. Not at all; it applies to the Chickasaw district. The Choctaw country is bounded as described in that treaty.

Mr. JONES of Arkansas. There was no Chickasaw district in 1830. The Chickasaw district was made in 1837.

Mr. PLATT. We shall see.

Mr. JONES of Arkansas. The Senator from Colorado [Mr. TELLER], when he was Secretary of the Interior, ruled on this question:

In a letter of Secretary Teller to the President *pro tempore* of the Senate, dated February 4, 1884, replying to a resolution on the subject, his views were expressed with general reference to the lands in the Indian Territory, as follows:

"None of the land or general laws of the United States have been extended to any part of the Indian Territory, except as to crimes and punishments and other provisions regulated by the intercourse acts."

"This being the case, no portion of the lands within the Indian Territory is subject to entry under the land laws of the United States, and no portion can be made subject to such entry by the action of the Executive in the present status of said lands."

Mr. President, there Secretary Teller, who was Secretary of the Interior at the time and a man who distinguished himself as an executive officer when he held that position as being absolutely fair towards the Indian wards of the Government and just in looking after the interests of the Government of the United States at the same time, after careful examination, after full investigation, distinctly held that the Government of the United States could not open this land to settlement, except, to use his own language, "in the present status of said lands."

Now, there is practically no change in the status of these lands that have been just now opened by the Government of the United States to settlement, except the promise, solemnly made by both branches of the legislative department of the Government, that these lands should be paid for.

The Choctaws made no protest, as the Senator suggested a while ago, against the opening of these lands. They did not open their mouths because they believed when the Government of the United States appropriated the money to pay them, that the Government would keep its word and pay its debt, and there was no question about protesting against the opening of the lands, and the Government inducing the people to occupy them until they had paid for them, because they were bound by treaty obligations during all the years past that nothing of that kind should be done, and yet they have done it and have taken possession of the lands, and they have taken them at \$1.25 an acre, while they are selling them at this time at \$1.50 an acre, and have refused up to this time to pay the Indians the \$1.25 an acre they were entitled to have for them.

Those lands—

Says Mr. Secretary Teller—

were acquired by treaties with the various Indian nations or tribes in that Territory in 1866, to be held for Indian purposes and to some extent for the settlement of the former slaves of some of said nations on portions thereof.

Such are the purposes for which said lands are now being used or held according to the common understanding of the objects of treaties by which they were acquired, and from these arise the necessity for or obligation to keep said lands in their present condition of occupancy or otherwise.

A consensus of those views is expressed in the letter of President Arthur, of January 27, 1885, transmitting a reply to Senate resolution wherein he states that "Until the existing status of these lands shall have been changed by agreement with the Indians interested or in some other manner, as may be determined by Congress, the treaties heretofore made with the Indians should be maintained, and the power of the Government to the extent necessary should be exercised to keep off intruders and all unauthorized persons."

Mr. GEORGE. Whose language is that?

Mr. JONES of Arkansas. President Arthur's. He states that as the consensus of the opinions of those who had gone before him in managing this matter. Mr. Assistant Commissioner Belt—I dislike to trespass on the patience of the Senate so long, but this matter is lengthy—Mr. Belt says:

The courts, however, have laid down certain rules for the construction of Indian treaties, and no reason is found for not applying those rules in the consideration of this case.

He says:

In Worcester against the State of Georgia (6 Peters, 515) the United States Supreme Court held that "the language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of more extended meaning than their plain import as connected with the tenor of the treaty they should be construed as used only in the latter sense. * * * How the words of the treaty were understood by

these unlettered people rather than their critical meaning should form the rule of construction." And in *United States against Kagama* (118 U. S., 375) the court said:

"These Indian tribes are the wards of the United States; they are communities dependent on the United States; dependent largely for their daily food, dependent for their political right. * * * From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises a duty of protection, and with it in the power. This has always been recognized by the Executive and by courts, and by this court whenever the question has arisen." Then in the case of the *Kansas Indians* (5 Wallace, 737) the court declared that "rules of interpretation favorable to the Indian tribes are to be adopted in construing our treaties with them."

In determining the extent of the title received by the United States from these Indians—

In this Mr. Belt is discussing exactly the title we got under article 3 of the treaty of 1866, which the Senator from Iowa says conveys an absolute title without leaving a vestige in these Indians. Mr. Belt says:

In determining the extent of the title received by the United States from these Indians by the cession made in the third article of the treaty of 1866, it will be necessary to ascertain definitely what the Indians understood they were at that time parting with. To do this, reference is had to the condition of the Indians and the purposes of the Government, at the time that this treaty was made, with regard to these lands. The records of this office show that in 1865 a commission was appointed to negotiate with the Indians of the then Southern Superintendency, among them the Choctaws, Chickasaws, Creeks, Seminoles, and Cherokees, for the establishment of peace, all of those nations having to a more or less degree been guilty of a violation of their treaties with the United States prior to the war by their association and affiliation with the forces of the so-called Confederate States, and to make new treaties with these Indians by which they would again come under the protection of the United States.

A council was held between this commission and representatives of the southern Indians at Fort Smith, Ark., in September, 1865, beginning on the 8th and ending on the 21st day of that month. On the 9th of September, 1865, the president of the commission, Hon. D. N. Cooley, who was also at that time Commissioner of Indian Affairs, addressed the council, in which he named the different nations and tribes who had violated their treaties by making treaties with the government of the so-called Confederate States, as follows:

The Creek Nation, July 10, 1861; Choctaws and Chickasaws, July 12, 1861; Seminoles, August 1, 1861; Shawnees, Delawares, Wichitas, and affiliated tribes, August 12, 1861; the Comanches of the prairie, August 12, 1861; Great Osages, October 2, 1861; the Senecas and Shawnees, October 4, 1861; Quapaws, October 4, 1861; and the Cherokees, October 7, 1861; and declared that the President of the United States was anxious to renew the relations with these Indians which existed prior to the war; that as the representatives of the President of the United States, the commission, for which he spoke, was empowered to enter into new treaties with the proper delegates of the tribes located within the Indian Territory, and others above named, living west and north of Indian Territory; that such treaties must contain substantially the following stipulations, viz:

Then those seven conditions of which I have just now spoken were set out. Later on the Assistant Commissioner says:

It is possible that the commission, when it came to negotiate with the Choctaws and Chickasaws, may have omitted from the treaty with those Indians a similar condition and reservation regarding the purposes for which the lands were to be used, because of the fact that the United States had secured by a prior treaty a lease, which amounted to a permanent lease, of the lands in question for Indian purposes, for which, together with other considerations, it had paid the sum of \$800,000. Considering this fact, the commission negotiating the treaty may have considered the payment of the \$800,000 additional, as provided for in the treaty of 1866, as sufficient compensation for an absolute cession of all right, title, and interest that the Choctaws and Chickasaws had in and to the said "leased districts." This conclusion, however—

The Commissioner says:

This conclusion, however, can not be fairly reached when the record of the negotiations is fully considered, for we have already seen that these Indians accepted the terms proposed by the commission, upon which the treaties would be negotiated; and these very terms indicate the purpose for which the ceded lands were to be used. And it shows quite clearly that the Indians understood that they were parting with whatever right, title, and interest remained to them in the "leased district" to the United States to be used for the location and settlement of other Indians thereon.

I will say, Mr. President, that not only the Indians understood it so, but the commissioners who negotiated this trade understood it so; all the executive officers of the Government understood it so; the present Commissioner of Indian Affairs so understands it, the only exception I know of being the present Secretary of the Interior and perhaps the President of the United States. There is much more of this, but it is unnecessary to present it.

The Senator from Iowa in the course of his remarks indulged in some reminiscences about some experiences the Choctaws had had with this Government heretofore. To show how vigilant they have been in presenting whatever claims they have, he says that after their lands had been sold in Mississippi the Choctaws claimed that they were entitled to the net proceeds of certain land sales, that they urged the matter in Congress, and at last agreed to leave it to the Senate of the United States to determine whether or not they were entitled to anything, and that the Senate of the United States did determine it. I called the Senator's attention to the fact when he made the statement, that after the Senate of the United States had solemnly paid that this money was due to these people, it was thirty years before they were able to get the money out of the Treasury of the United States.

Mr. GEORGE. Thirty years or thirteen?

Mr. JONES of Arkansas. It was thirty years before they got the money after the Senate had solemnly adjudged that they

were entitled to it; after they had intrusted to the Senate of the United States the arbitration of their claim and after the Senate of the United States had found in their favor, for over thirty years they were denied the use of the money. They were finally allowed to go before the Court of Claims and bring a suit. They brought it, and then they were compelled to go to the Supreme Court of the United States, and at last, after that court rendered a judgment in their favor, it took three or four years more for them to get the money.

Mr. GEORGE. How was that done?

Mr. JONES of Arkansas. By a distinct agreement with them.

Mr. GEORGE. By a treaty?

Mr. JONES of Arkansas. An agreement with the Choctaws. I do not know whether it was a treaty or whether it was simply an agreement.

Now, I want to read just a page from that decision, because the Senator from Iowa has brought it in, and he will find what the Supreme Court believes about some of these things:

As was said by this court recently in the case of the *United States against Kagama* (118 U. S., 375, 383): "These Indian tribes are the wards of the nation; they are communities dependent on the United States; dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the States and receive from them no protection; because of the local ill-feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them, and the treaties in which it has been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive, by Congress, and by this court, whenever the question has arisen."

In that connection I will digress for just a moment. The Senator criticised the agreement on the part of these people to pay 25 per cent of the proceeds of their claim to certain attorneys who had come here to present their claims. Does any Senator here have the slightest idea that these Indians would ever have agreed to pay 25, or 10, or even 5 per cent if they had ever been the recipients of anything like fair treatment by the United States Government? On the contrary, the reason they agreed to pay this exorbitant fee was that these people should defray all the expenses of prosecuting the claim, that they should incur all the risks involved in it, and, if they failed to recover, they were themselves to be the losers of their own time, their own money, and everything else in connection with it. The Government of the United States ought to be the last party to complain of these people for paying an exorbitant fee to attempt to get money due them from the United States, because, as I have just shown you, the Supreme Court of the United States itself criticised the conduct of the Government towards these people in this case. As I have shown, they were thirty years in getting the money after the Senate had solemnly awarded it to them.

Mr. GEORGE. Will the Senator state what fee was paid?

Mr. JONES of Arkansas. They paid their attorneys 30 per cent, but they were compelled to incur the expense of coming to this city, of living here for years. Agent after agent died here, and others were sent in their place. Mr. Pitchlyn came here, lived here for years, and died here in actual poverty. Agent after agent of that nation was sent here, spent their money and time here; many had squandered their fortunes, and died without being able to get anything from the United States.

When at last the claim was adjudicated, the attorneys' fees were paid, 30 per cent, which was to be distributed among the different attorneys. One of the parties connected with it told me that the expenses of the prosecution of this claim had amounted to nearly the total sum of the claim before they got the money. Men who had put their money in the claims were never reimbursed and never made whole, although they got 30 per cent. There was more besides paid to other persons connected with the prosecution of the claim.

Mr. GEORGE. Was there any interest paid on it?

Mr. JONES of Arkansas. No interest was paid until after the judgment of the Supreme Court. The Government had the use of the money for thirty years and paid the Indians no interest, and they had to pay 30 per cent of the amount to secure it from the Government at last.

But to continue reading from this decision:

It had accordingly been said in the case of *Worcester vs. The State of Georgia* (6 Peters, 582): "The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import as connected with the tenor of the treaty, they should be considered as used only in the latter sense. * * * How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction."

The recognized relation between the parties to this controversy, therefore, is that between a superior and an inferior, whereby the latter is placed under the care and control of the former, and which, while it authorizes the adoption on the part of the United States of such policy as their own public interests may dictate, recognizes, on the other hand, such an interpretation of their acts and promises as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection. The parties are not on an equal footing, and that inequality is to be made good by the superior justice which looks only to the substance of the right, without regard to technical rules framed under a system of munic-

ipal jurisprudence, formulating the rights and obligations of private persons, equally subject to the same laws.

Mr. President, the Senate of the United States can not claim that it lives up to the doctrine, as laid down by the Supreme Court of the United States, as to its duty. I beg leave to read the decision again. I think gentlemen who have made up their minds that, no matter what the circumstances may be they will prevent, if possible the payment of this money to these Choctaws, ought not to listen to it:

The parties are not on an equal footing, and that inequality is to be made good by the superior justice which looks only to the substance of the right without regard to technical rules framed under a system of municipal jurisprudence, formulating the rights and obligations of private persons, equally subject to the same laws.

Yet in this case, talking of technical rules, I will digress to speak of that. This appropriation provides for the payment for certain lands in the Cheyenne and Arapahoe Reservation now occupied by the Cheyennes and Arapahoes. It is repeated twice in the clause making the appropriation, and yet when the President of the United States was debating about the form of deed that was to be given by the Choctaws and Chickasaws, the Secretary of the Interior advised him to require that these people should make a deed not for the land that is embraced now in the occupation of the Cheyenne and Arapahoes, but that he should require to be embraced in it the lands that were set out in the executive order as it was made in 1869 as to the reservation, and which embraced not only the 2,400,000 acres that we have appropriated in money to pay for, and which we propose to pay for, but included, in addition to that, 743,000 acres of land that had not been discussed or talked about in that debate. The Secretary of the Interior suggested to the President to make his deed so as to cover the Cheyenne and Arapahoe lands that we bought and promised to pay for by this appropriation of 743,000 acres of land besides that we did not propose to buy. That is the superior justice with which the Government of the United States seems to be dealing with the Choctaws now!

The rules to be applied in the present case are those which govern public treaties, which, even in case of controversies between nations equally independent, are not to be read as rigidly as documents between private persons governed by a system of technical law, but in the light of that larger reason which constitutes the spirit of the law of nations. And it is the treaties made between the United States and the Choctaw Nation, holding such a relation, the assumptions of fact and of right which they presuppose, the acts and conduct of the parties under them, which constitute the material for settling the controversies which have arisen under them. The rule of interpretation already stated, as arising out of the nature and relation of the parties, is sanctioned and adopted by the express terms of the treaties themselves. In the eleventh article of the treaty of 1855, the Government of the United States expresses itself as being desirous that the rights and claims of the Choctaw people against the United States "shall receive a just, fair, and liberal consideration."

Yet the Senator from Iowa admits that there is something due these people or that something ought to be paid these people for this land. The only criticism he can make is that there was a hasty appropriation made, not considered by the Senate or the House Committee on Indian Affairs. The committee heard this question discussed at meeting after meeting, in which it was considered; they examined it thoroughly, and they authorized the report of this very amendment in the form in which it went into the bill, and by the vote of the committee sent it to the Committee on Appropriations, so as to make it in order, to put the Committee on Appropriations and the Senate on notice that the amendment would be presented and be here for settlement.

The President, in his message, suggests that all these matters ought to be settled at once, and the Senator from Iowa is very anxious that this matter shall now be sent back to the Committee on Indian Affairs for the purpose of having some method formulated by which these different questions can be settled. Senators seem to have forgotten that at the very time this amendment was offered in the Senate we were discussing the ratification of the Cheyenne and Arapahoe agreement, and I took the ground at that time, that if we were proposing to pay for the interest of the Cheyennes and Arapahoes in this land we ought at the same time to pay for what other interest the Choctaws and Chickasaws had to the same land, and, following the President's suggestion, to settle up the whole matter at once. That was the reason the amendment was offered. It was adopted by the Senate in view of that fact and with that light before it.

Mr. GEORGE. Does the Senator mean to be understood as saying that the amendment which was offered to the appropriation bill in the Fifty-first Congress, which was passed by the Senate, and which constitutes now the ground of this controversy, was considered by the Committee on Indian Affairs before it was offered here by him as the organ of that committee?

Mr. JONES of Arkansas. That is precisely what I stated. I do not know at how many meetings of the committee this matter was considered, but it was discussed before the committee, and fully and completely discussed, and, so far as I am concerned, my mind was fully made up, as I think were the minds of most of the members of the committee. I moved myself in the committee that

I be authorized to report this amendment to the appropriation bill, and it was agreed to by the committee. It came here, and was referred to the Committee on Appropriations, and that was the reason why the point of order made by the Senator from Iowa at the time against it was overruled, and the reason why the appropriation was put upon the bill.

Mr. PLATT. Will the Senator permit me?

Mr. JONES of Arkansas. Certainly.

Mr. PLATT. I do not venture to dispute with the Senator how it was that the committee agreed to this item reported, so as to be referred to the Committee on Appropriations, but it is my impression that, instead of moving it in committee, the Senator polled the members of the committee on the floor, and it was quite a perfunctory matter. I presume, however, he is right about it, though my impression was the other way.

Mr. JONES of Arkansas. I will not undertake to say that the Senator from Connecticut is mistaken, but there is no question that this matter was considered in the committee. We had it carefully considered. We had the identical map that is on that easel now [indicating] before the committee; we looked into the whole history and origin of this matter and followed it up carefully from time to time. My recollection of what was done in the committee is exactly as I have stated it here, though, of course, after the lapse of this time and the number of things I have been engaged in, I will not undertake to say that I am not mistaken, though I do not think I am.

Mr. PLATT. Is it not true that, having considered this matter in committee, we decided not to act definitely upon it in committee during that session?

Mr. JONES of Arkansas. I think not. If it had been so decided certainly the committee would not have authorized me to report the amendment here for the purpose of bringing it into the Senate.

Mr. GEORGE. The amendment, then, was not the concoction of the Senator's brain, sprung suddenly upon the Senate, without consideration by the Indian Committee?

Mr. JONES of Arkansas. On the contrary, it had been first, I think, maturely and carefully considered, and I supposed every member of the committee had his mind fully made up about it. We agreed in committee that we would not have time to secure final action upon a separate bill if reported. Possibly what the Senator says might have been true, though I do not remember that. I do not think that was the case.

Mr. PLATT. My only interest in getting at the matter is that I feel that I have constantly been opposed to this appropriation for this amount from the very first time I have ever heard of it, and I can not believe I assented to it, unless it was in some perfunctory way to enable it to be taken before the Committee on Appropriations.

Mr. JONES of Arkansas. After all, it gets back at last to the question of amount. The only complaint that is made against this matter is its amount.

The Senator from Iowa found a report made by the Committee on Indian Affairs in the House, in which they stated the amount that ought to be paid for these lands at \$1.05 an acre. I do not know how that was arrived at, but I would not feel myself bound by the action of that committee in ascertaining the amount of money that was due to these people. I believe on my conscience that \$1.25 an acre is a miserably small compensation for this territory, and I believe \$1.25 an acre has been generally accepted as the amount to be paid. These people ought to be paid what has been paid to the Creeks and Seminoles. We have offered \$1.25 to the Cherokees, and it is a standing offer of the Government, for all their millions of acres, and they have spurned it. Recently they have entered into an agreement by which they are to have \$1.42 an acre besides divers other rights and privileges, amounting to a great deal more, probably to \$2 an acre.

I do not think \$1.25 is unreasonable; but that is the criticism, that is the objection which is made by these Senators whenever they come to discuss this matter.

We passed a law two or three years ago creating what is called the Cherokee Commission. The language was that this commission should treat with the Cherokees and all other tribes in the Indian Territory for whatever right, title, or claim they had to any land. The Choctaws and Chickasaws appointed delegates to go before that commission and present their claims. When they went before the commission they were notified by the commission that they had no right to their land, they had no claim to it, and the commission would not treat with them, they would not discuss it, would not talk about it.

It subsequently came out that the Secretary of the Interior, notwithstanding the fact that the law said that the commission should treat with the Cherokees and all other Indians in that Territory for whatever right, title, or claim they might have, had decided that the Choctaws and Chickasaws had no claim. The commission made treaties with other people, but they left

these people out. When their commissioner returned to their council and reported that the commission refused to treat with them, that the Secretary of the Interior had prejudged their case, in their desperation they passed an act providing for the payment of 25 per cent on whatever amount could be recovered to be paid for the prosecution of their claim before Congress. They remembered their experience in the net-proceeds case. They had seen other things of the same kind here before.

The Chickasaws had a claim that originated in 1844. They had a trust fund that was in the hands of the Government of the United States, and by a simple mistake in bookkeeping an amount of about \$250,000 was dropped out of that trust fund. They sent their agents here to press that claim from year to year upon the Government, and insisted that that amount should be restored to their trust fund. It was not done for more than forty years, and it was done at last at the expense of about 40 per cent of the amount. Thus by a mere matter of plain bookkeeping as gross an injustice was perpetrated as ever any helpless people were subjected to. The Government of the United States had the money, and the Government of the United States had the obligation of a trustee and its conscience behind it, and with all that—I should like to go all through all the details of this matter, and it would show you the reason why these people had some doubt about the liberality and justice of the United States towards them—and yet this matter of simple bookkeeping could not be corrected in more than forty years, and then it was done at an expense of 30 or 40 per cent of the amount of money the Indians recovered.

When the Indian delegates who had been before the Cherokee commission went back and reported to their council that the commission refused to treat with them, that the Secretary of the Interior had prejudged their case, then it was that the council passed this act providing for the payment of 25 per cent to their agents, three of their own people, part of their own tribe, to come here and prosecute this claim. If they had had the same experience that the Chickasaws had in their trust-fund case it would have been a poor bargain to them, for their expenses would have amounted to more than the 25 per cent which they were to be allowed before they ever got the money.

In this case the Government acted somewhat more promptly. I made the motion in the Senate that this provision should be put on the appropriation bill. I did it because I believed as solemnly as I am a living man that the honor of this Government is pledged for the payment of this money, and I believe we besmirch ourselves whenever we refuse to pay it. I know men as honest as I am differ with me in this conviction, but a very large majority of the Senate voted in favor of putting it on the appropriation bill and a large majority of the other House did the same. It is to-day the law of the land, and yet these people can not get their money.

One of the complaints which the Senator from Iowa particularly harped on was the payment of this 25 per cent to these attorneys. These are some of the reasons why this 25 per cent had to be paid, and the Government of the United States is to-day to blame because these people made such a contract. They never would have made it if the Government had been in the habit of dealing fairly with them. If the Government had heretofore paid the debts that were due by it the Indians never would have paid anybody 25 or 10 or 5 per cent to press a claim like this. It is because of their experience with the Government, because they had had claims here before which had been ignored, and in which they had been treated in a way not creditable to the Government, in a way that has caused our own highest judicial tribunal to criticise the courts of the Government, that they were willing to resort to these desperate means, and because of their fear of long delay they were unwilling to incur the expense of prosecution, but laid the whole burden and weight of that upon the three men selected by the governor to make this prosecution.

But, Mr. President, while the Senator from Iowa in his argument did not say in *hac verba* that the Government of the United States was paying this 25 per cent, he almost said it; he came pretty near it. That, the Senator from Iowa knows perfectly well, is not a fair statement of the proposition. Every dollar of this money goes from the United States to the Choctaws and Chickasaws for the debt we owe them, and goes by the terms of this bill into their treasury. What they do with their money after they get it is a matter for them to determine. We have solemnly agreed in our treaty stipulations with them that we will guaranty them the right of managing their own internal affairs in their own way, and if they choose to waste, to misappropriate, or to misapply this money it is not our fault.

My position in this case is that this money being due to these people shall be paid them honestly and fairly, and I shall always believe it is a burning shame and disgrace to this Government that we have so conducted ourselves towards the Indians heretofore as to make them willing to pay 25 per cent to prosecute an hon-

est claim against this Government. It is no credit to us. The history of Indian legislation, from the beginning until now, bears out that suggestion. Only the other day the Senator from Wisconsin [Mr. VILAS] presented a report to the Senate, from which I shall read a few lines to show how we have been conducting ourselves in these Indian matters all along:

The claim presented by this bill seeks only a long delayed redress for acts of neglect on the part of the United States in the fulfillment of pecuniary promises which were made for valuable cessions of land, some of them a half century ago, and of which the Indian grantors, though sometimes suffering the extreme of want, have been unjustly deprived.

Mr. PLATT. Is that in relation to this case?

Mr. JONES of Arkansas. No, sir; but it is in relation to a case where the Government of the United States has bought Indian land and has refused to pay for it for fifty years. It only shows that the Indians have some reason to apprehend unfair treatment on the part of the Government, and it shows that the Indians had not acted so absurdly and foolishly as many would think when they agreed to pay 25 per cent to certain parties to prosecute this claim and hold them free of all the expenses incurred and of all the risks involved in it.

So far from this 25 per cent compensation being a matter for us to complain about, it seems to me that it is a matter that we ought to be heartily ashamed of, for it has been our fault, our neglect, our failure to do our duty to these Indians which has made such things possible.

The Senator from Iowa gave notice to the Senate that he would move to recommit this proposition to the Committee on Indian Affairs. He may do so, and he may succeed in recommitting it. He has discussed this matter as if it were a proposition on the part of the Senate to make an appropriation. Such is not the case.

The Senator criticises the resolution that I have presented on the part of the committee for the use of the words—

That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message—

We recommend that no action be taken. The conclusion is what I am interested in. The conclusion seems to me inevitable, and the Senator from Iowa coincides with part of the conclusion; but he thinks the amount is just a little too much. He did not make any criticism that this money was not due.

The reason why he did not want it paid to them was that the amount was too large. There is money due these people. He does not pretend to deny that, and he will not deny it, and there is not a man in the Senate who will deny it. Nobody who has paid any attention to this question will deny it. There is something due to these people. The Senator says because the committee of the House have concluded that \$1.05 an acre ought to be paid to the Indians, therefore when we agreed to pay \$1.25 for this land we agreed to pay too much.

I have in my possession a statement made by a man of high pecuniary standing, occupying an important political position now, in which he stated to the representatives of the Chickasaw Nation, Messrs. Love and Birney, neither of whom I ever saw, but who I understand are the regular delegates of the Chickasaw Nation, that if they could procure legislation to put the land up for sale, a syndicate could be organized to buy this land at \$5 an acre, and that he believed a handsome profit could be made upon that price by the syndicate. He is a man familiar with Western affairs, familiar with the value of Western lands, and yet, when these people have been told that they can get \$5 an acre—and I have no doubt in the world they can—and when the Government of the United States proposes to pay \$1.25 an acre and sell for \$1.50 an acre to people who are anxious to buy it and pay \$1.50 for it, and they are ready to rush over the boundaries and take each other's lives in their struggle to get the first claim upon a quarter section—when that is the case, we propose to pay the Indian \$1.25 an acre, 25 cents an acre less than we are selling to people engaged in this sort of struggle, the Senator from Iowa thinks we are paying too much, and wants to get back to \$1.05 an acre.

Mr. PLATT. I wish, right in this connection, to ask the Senator to turn me to the statement of the commission, where the portion of this \$1,500,000 which the Government paid to the Cheyennes and Arapahoes was to be paid according to certain terms or certain methods which he spoke of? I do not find it in any of their reports.

Mr. JONES of Arkansas. I do not suppose it has been printed; because when I wanted to know what that amount was, after I read the President's message suggesting that a large part of this amount would be needed for this purpose, I addressed a note to the Secretary of the Interior, and I have this from him in reply:

DEPARTMENT OF THE INTERIOR, Washington, March 17, 1892.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant making inquiry relative to the value placed upon the different holdings of land bought from the Cheyenne and Arapahoe Indians by the cou-

mission that negotiated with them, the reply to which has been delayed by my absence from the city.

Referring thereto I have the honor to state that the Cherokee Commission reported to the Department that they had determined the apportionment as follows:

The Executive order reservation, \$250,000 and allotments of land in said reservation. The treaty reservations, \$1,250,000.

Very respectfully,

JOHN W. NOBLE, *Secretary*.

Hon. J. K. JONES,
United States Senate.

On that authority I made the statement that \$250,000 was the amount paid out of the million and a half for the entire executive order reservation, which embraced more than 4,000,000 acres, and this amount here would be less than \$150,000 going to the Cheyennes and Arapahoes for the country below the Canadian River.

Mr. TELLER. May I suggest to the Senator from Connecticut [Mr. PLATT], with the consent of the Senator from Arkansas [Mr. JONES], that the Cheyennes and Arapahoes have no title whatever, and we need not have paid them anything for the country which they occupy. They were given by the treaty of 1867 a large tract of country north of where they have been living, which they declined to accept. In 1869 the President gave them a reservation established by executive order, but of course he did not and could not give them any title whatever to it.

Mr. PERKINS. And for which they paid nothing.

Mr. TELLER. And for which they paid nothing, and we purchased, of course, their treaty rights out of the country lying north of it, and we need not have given them anything; but I suppose the purpose probably was to quiet them, and so it was fixed in that way.

Mr. PLATT. As I understand it, they refused to go on the lands which the Government authorized them to go on by treaty up in the Outlet.

Mr. TELLER. They went immediately south of it, on land adjoining.

Mr. PLATT. Now, it is a question whether they did not forfeit all their rights under that treaty and substitute for them the rights which they got under the executive order in the leased lands.

Mr. TELLER. If I may be allowed, I wish to state now, because there seems to be an impression here that the President of the United States can give to Indians title to land by executive order, that he can no more do that than he can give title to me.

Mr. PLATT. He gives them the right of occupancy.

Mr. TELLER. That is true.

Mr. PLATT. And they can keep it forever.

Mr. TELLER. And they can keep it forever, but he can make no title that we can not disturb whenever we see fit.

Mr. DAWES. It may be ended at the will of the Executive.

Mr. TELLER. Yes; it may be ended at the will of the Executive whenever he see fit.

Mr. PLATT. Undoubtedly.

Mr. JONES of Arkansas. On this very point I will read a word from the instructions of the Secretary of the Interior to the Cherokee Commission. Secretary Noble, on page 9 of the report, says:

The select committee of the Senate, in its report on the removal of the Northern Cheyennes, etc., in speaking of the lands set apart for the Cheyennes and Arapahoes by the executive order of August 10, 1869, say that "it was never intended to be more than a temporary abiding place for these tribes, where they were to stop until the United States could extinguish the claim of the Cherokees to the lands included in the treaties with the Arapahoes and Cheyennes." (Senate Report No. 708, Forty-sixth Congress, second session, page 2.)

These lands, it must be conceded, were secured to these tribes by solemn treaty stipulation, and they have made no treaty ceding them nor agreement of relinquishment that this is of any binding force or effect. They have committed no act of forfeiture.

That answers directly the question of the Senator from Connecticut, as if the Secretary thought some man was going to ask that very question.

Their title stands to-day as it did at the date of the ratification of the treaty of 1867. As between the United States and the Cheyennes and Arapahoes the title to the lands is in these Indians, and they have a perfect and indisputable right to now remove to that reservation and enjoy all the privileges guaranteed to them by the treaty.

That answers the question as to whether these people have forfeited these 5,000,000 acres of land. The plain English of the matter is that these people absolutely own 5,000,000 acres of land in the Cherokee Strip and the country south of it. They own that, and for that the Government has driven a bargain and bought for a million and a quarter of dollars 5,000,000 acres of land. The Government in the market will sell that land at \$1.50 an acre, and no less.

The Secretary of the Interior says they get an indefeasible title. The Government pays a million and a quarter of dollars for 5,000,000 acres of land, and then for more than 4,000,000 acres that was in an Executive order reserved, paid for a quitclaim about \$250,000, or about 6 cents an acre.

Mr. ALLISON. The Senator criticised my suggestion as respects the reasons for the passage of the resolution. I, of course,

criticised somewhat the details of the report, but I did not call attention to one paragraph in the report which I will call the attention of the Senator to now. In summing up this case—

Mr. JONES of Arkansas. What page?

Mr. ALLISON. I will read from page 22 of the report.

In summing up this case the Senator says:

13. To assume that the cession of 1836 was intended by the parties to the treaty as an absolute conveyance is to assume that the Choctaws and Chickasaws intended to convey and the United States intended to acquire, without any compensation whatever, 7,713,236 acres of land, worth more than \$10,000,000 in 1886 and worth more than \$40,000,000 at the present time.

Mr. JONES of Arkansas. I will stand by that.

Mr. ALLISON. Of course I know the Senator stands by it, but if his argument be true and we pass this resolution, then we shall commit the Senate of the United States to pay \$40,000,000 for this land, because if that is right and the Indians own it, we ought to pay it.

Mr. JONES of Arkansas. The Senator from Iowa is so able and so clear-headed a lawyer, so shrewd, that I regard that criticism as a very great compliment, for it shows to what straits he is driven to undertake to present some objection to this resolution.

Mr. ALLISON. I merely called the attention of the Senator to that as a part of the criticism I make.

Mr. JONES of Arkansas. There is no suggestion and nothing that could be considered in that way, nothing on the face of the earth. It only goes in connection with my argument. I undertook to show that the land west of the one hundredth meridian had been paid for, and that the \$800,000 paid in 1855 might reasonably have been held to go for the extinguishment of the title to that land, and it would be only about 12½ cents an acre for it. The Government had the leased district without compensation at all, without paying anything, but this goes beyond that. In 1866 the Senator claims that this Government bought this land, and I assert that he can not read section 3 of the treaty of 1866 and fail to see, if he reads the whole of it, that that \$300,000 was paid not for land, but was paid for the making of citizens of 3,000 negroes on the assumption that there were 3,000 negroes there, but it was shown subsequently that there were about 5,000 negroes, and they were given the right to 40 acres of land apiece.

Mr. ALLISON. The Senator will see the point I am trying to make, though it may be very far-fetched, but the Senator asserts that the Choctaws and Chickasaws own this land, and that it is worth \$40,000,000. If they own it and it is worth that sum and we ought to acquire it, then we ought to pay what it is worth. Therefore, the argument which the Senator asks us to indorse is that we shall pay \$40,000,000 instead of the \$10,000,000 that we are bound to pay.

Mr. JONES of Arkansas. I will state to the Senator that if he has ever read this case he has read it very hastily, I think, or he would not have taken that position.

Mr. PERKINS. I will suggest, with the permission of the Senator from Arkansas, that we have already completed our agreement with the Indians, provided we pay them, as is proposed by the act of Congress, what we obligated ourselves to pay. The papers are ready, and they convey title to the Government of the United States, and when the Government of the United States pays for the land, as it has obligated itself to do, and the contract has already been made, it only remains for the Government to execute it.

Mr. JONES of Arkansas. The United States has taken the benefit of its side of the contract, and can not refuse to carry it out. It is selling the land at \$1.50 per acre and is unwilling to pay \$1.25 for it. That is all there is of it. That is the case in a nutshell. All we want and all we ask is that the Government shall simply go on and carry out its solemn obligation made by a law passed by a large majority in both Houses of Congress and approved by the President of the United States, and not keep this thing open.

Mr. GEORGE. Does that law provide, as suggested by the Senator from Kansas, for the extinguishment of the Indian right to all this land?

Mr. PERKINS. Absolutely.

Mr. JONES of Arkansas. Absolutely, every claim.

Mr. ALLISON. Do I understand the Senator now to claim that, if we pay this money, we shall have acquired title to the strip of lands west of the ninety-eighth meridian?

Mr. JONES of Arkansas. That occupied by the Cheyenne and Arapahoe Indians.

Mr. ALLISON. That is but a little less than one-third of it.

Mr. PERKINS. Almost 3,000,000 acres of it.

Mr. ALLISON. If we pay them for 3,000,000 acres we must pay to about the same extent for the remaining 6,000,000 acres, and \$7,000,000 more will have to be added to the \$3,000,000.

Mr. JONES of Arkansas. If the Government wants the land it ought to be willing to pay a fair compensation for it.

Mr. ALLISON. The Senator thinks it is worth \$40,000,000.

Mr. JONES of Arkansas. There is no question about that. I suppose even the Senator from Iowa will not deny it.

Mr. GEORGE. If it belongs to the Indians and the Government wants it why should it not pay \$40,000,000?

Mr. ALLISON. That is the argument of the report.

Mr. JONES of Arkansas. The Indians came here with a proposition to sell this land at \$1.25 an acre and insisted that they should be paid whatever was right. They admit that the Government has the right of occupation, but they insist it was conveyed for a specific purpose and for a use, and it has been so understood by the executive branch of the Government all the time. When the Government proposes to put it to any other use it can not in good conscience, it can not in common fairness refuse to compensate the Indians for the additional right that we get in this land.

Mr. President, I have been somewhat hurried in this matter. I was very much in hope that we might get to a vote on it this evening, and I trust we may do so yet. I shall not detain the Senate longer.

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The question is on agreeing to the resolution.

Mr. PERKINS. Mr. President, the hour is so late that it hardly seems probable that we shall be able to secure a vote on the resolution this afternoon, and yet there are some things in connection with it which I desire to speak of for a few minutes, and to talk rapidly concerning some propositions involved in this discussion.

The Senator from Iowa [Mr. ALLISON] talks earnestly and talks well, as he talks earnestly and well upon all subjects which he discusses; but it does seem, as has been suggested by the Senator from Arkansas [Mr. JONES], that the Senator from Iowa has worked industriously and labored ingeniously to frame an argument in opposition to this resolution.

As has been suggested, this matter was considered in the Fifty-first Congress, and carefully considered, first, in the House of Representatives upon a report from the Committee on Indian Affairs of that body. The Committee on Indian Affairs of the House had this subject before it for its consideration and for investigation, and reported an independent measure to the House, recommending the purchase of these lands from the Choctaw and Chickasaw Indians, and recommending, as suggested by the Senator from Iowa, that they be paid \$1.05 an acre for the lands. That bill was discussed upon the floor of the House for almost two days. It provided for the purchase of all the lands of the Choctaw and Chickasaws lying between the ninety-eighth and one hundredth meridians. A vote was never reached upon it. Pending the consideration of that measure in the House, the Indian appropriation bill was reached for consideration, and in that Indian appropriation bill an amendment was incorporated ratifying an agreement with the Cheyenne and Arapahoe Indians for a part of these Choctaw and Chickasaw lands.

That agreement with the Cheyennes and Arapahoes has been discussed here. It was to extinguish the little title or right that they had to these lands, known as the Choctaw and Chickasaw lands, and also to extinguish their rights to treaty lands in the Cherokee Outlet; lands that they secured under treaty obligations in 1867 from the Cherokees and the Government of the United States.

In that agreement no provision whatever was made for the Choctaws and Chickasaws, and when the matter was considered by the Committee on Indian Affairs in the House, it was proposed, as we were extinguishing the equities of the Cheyennes and Arapahoes, that we also ought to extinguish the equities and the rights of the Choctaws and Chickasaws to the same tract. I had the honor of being chairman of that committee in the House during that Congress.

It may be proper and well to give a brief history of that legislation. As chairman of that committee I opposed the proposition, and suggested that we ought to consider the claim of the Choctaws and Chickasaws as an independent measure and not as a part of the Indian appropriation bill, and I kept the proposition pertaining to the Choctaws and Chickasaws out of the Indian appropriation bill while the House of Representatives was acting on that bill.

When the Indian appropriation bill reached this body for consideration, upon the motion of the Senator from Arkansas [Mr. JONES], in open session here, this body decided after an able and thorough discussion and a ye-and-nay vote to adjust the equities of the Choctaws and Chickasaws in connection with the ratification of the agreement with the Cheyennes and Arapahoes.

As suggested by the Senator from Arkansas, we were proposing to open these lands to white settlement; we were proposing to give to the settlers of the country the right to go in there and to make homes, and it was said—and said as I believe truthfully upon this floor, and it was truthfully said upon the floor of the other House subsequently—that the Choctaws and Chickasaws

had never consented that these lands should be opened to white settlement. They had consented under the treaty of 1866 that friendly Indians might be located there, or that Indians from other sections of the country might be located there, but they had never consented that a Territorial government should be organized there and that white settlers should be permitted to make homes on these lands.

Under the treaty made with the Cheyennes and Arapahoes we were proposing to do this, although the Cheyennes and Arapahoes had no right there except the right given to them by the President of the United States under an executive order, and for which they had paid nothing.

So it was contended here logically, and, it seems, with the approval of this body, that, as we were to open these lands to settlement, in connection with such act we ought to adjust the claims, the equities, of the Choctaw and Chickasaw Indians.

The Senator from Arkansas moved an amendment to the Indian appropriation bill proposing to do this, proposing to pay the Chickasaws and Choctaws \$1.25 an acre in consideration of their equities. After that proposition was discussed and elaborately discussed upon the floor of the Senate, it met the approval and the conscience of a majority of this body and it was adopted. Then the bill went to the House of Representatives for the House to concur or nonconcur in that amendment. Upon my motion the House nonconcurred, and the bill went into the hands of a conference committee. As one of those conferees I objected to this Senate amendment, and we reported a disagreement to the two bodies.

The Senate directed its conferees to stand by the Senate amendment and not to recede therefrom, and the House, upon a ye-and-nay vote, directed me, as one of its conferees, to consent to that Senate amendment after a thorough discussion of these equities and of all the rights involved in this contention. It was earnestly opposed by Mr. Cannon, who was then chairman of the Committee on Appropriations in the House, and others, and he had the arguments there to sustain him, which have been so well presented to-day by the Senator from Iowa. But, as before suggested, after that measure was thoroughly discussed in the House, upon motion and upon a ye-and-nay vote the House conferees were directed to consent to the Senate amendment, and thus it became a provision of and a part of the Indian appropriation bill.

But the amendment was considered as an independent measure in both bodies. Congress was not compromised in any way by having coupled with it other propositions that might meet the approval of the Senate or the House. It came independently, standing upon its merits, and presented itself to the conscience of the two bodies as a proposition of right. Having been thus considered and having been thus accepted by both bodies of Congress, and having been approved by the President of the United States, we yet find the Administration refusing to discharge its obligations and sending a message to Congress asking again for its consideration.

It does seem to me, as suggested by the Senator from Colorado [Mr. TELLER], that it is a remarkable proposition. If on the 4th of March next there should be some man inaugurated President of the United States who might criticize or be disposed to differ with some legislation enacted by this Congress, he might, with the same propriety, after his inauguration, suspend the execution of the law and send it to the Congress that may be elected in November next for its consideration and review. If that precedent is recognized as a proper precedent, if one Congress is to be called upon in this way to review and to reconsider the action of a preceding Congress, what act of Congress may not be suspended and what law of the land may not be ignored and violated by an Executive?

Personally I do not believe in this proposition. I believe that this measure was considered thoroughly and discussed intelligently, and that the conscience of the two bodies of Congress indorsed the claim made by the Choctaw and Chickasaw Indians as to these lands.

As has been so well said by the Senator from Arkansas, no man who has ever investigated this claim has doubted for one moment that these Choctaws and Chickasaws ought to have something for their equity in these lands. If you concede that they ought to have something, then logically and naturally the question suggests itself, how much; and that is a matter for Congress. It is not a matter for the Executive, it is not a matter for the Interior Department, but it is a matter for Congress, and the Senate, as well as the House of Representatives in the last Congress considered that \$1.25 an acre for this land was not an unreasonable price. I confess we might differ in judgment as to how much should be paid, but when Congress settled the price it was settled forever if accepted by the Indians.

It is claimed, however, by the Executive and by others, that the Indians, the Choctaws and Chickasaws, presumed upon the

good nature of Congress; presumed upon the innocence, perhaps, of the Senators and Members and drove a sharp bargain with Congress, and got more for these lands than in equity they ought to have received. That is the only argument suggested in opposition to this legislation.

It has been claimed for one hundred years and more that the Government of the United States has been taking advantage of the Indians, has been driving sharp bargains with them, has been imposing upon their ignorance and their necessities, and has been taking lands from them without giving just compensation in return; but now, for the first time in the history of this Government, it is claimed that the Indians have taken advantage of the Government, that they are receiving more for their lands than they ought to receive; and because of this proposition, a solemn enactment of Congress is to be suspended by the chief executive, the President, and Congress is called upon to review and to reconsider its action.

With the same propriety any tribe who had a claim against the Government of the United States in the past, and who has received full compensation therefor, might come forward and say that at the time their measure was considered and the compensation proposed, they did not receive as much as they ought to have received, and for that reason the legislation should be reconsidered.

Mr. President, if Congress erred in this matter let it be said to our credit that we erred in the right direction; that we erred in the direction of liberality and justice, and that for once Congress did more than justice could have demanded in dealing with the wards of the nation.

The Senator from Iowa says that this is a dangerous precedent, that these Choctaws and Chickasaws have other lands there that were not secured under the act of last year, and if we now pay them \$1.25 an acre for these lands, we shall be called upon to pay them \$1.25 an acre for the lands that remain. That may be true, but yet at the same time it does not necessarily follow that Congress will do that, and Congress has the power in its own hands, the absolute power, to do with these Indians what it thinks right and fair to do, and if it should be the conscience and judgment of Congress that we have paid too much for these two million six hundred thousand and odd acres, we can correct it when we secure the remaining lands from them. It is in the power of Congress to do this, the remedy is with us, and the correction can be made then, made logically, made intelligently, and made, as it should be, without suspending a solemn act of Congress.

But the Senator says that attorneys or agents who were employed by these Indians are to receive large compensation for their services. That, perhaps, is true, as has been suggested here, and yet this act which has been criticised, does not in any way recognize their attorneys' fee or claim, and no provision is made for its payment in the law, no recognition of it is made in the law, and, so far as Congress is concerned, there was no knowledge of it. We do not propose in any way by this act to pay it, nor do we recognize it, but we do propose, by the provisions of the act, to pay the Choctaw and Chickasaw Indians \$1.25 an acre for these lands to extinguish their right and equity therein. Then when this money is covered into their treasury, they discharge their obligations with it as to them seems right and proper. If they have employed attorneys and agents who have rendered them valuable and faithful service they ought to pay them.

It may be that the fee is a large one, but, as suggested by the Senator from Arkansas, when the history of Indian legislation is remembered, when the past is recalled, and we review the treatment that the Indians as a rule have received from the Government of the United States, we must confess that when they made this agreement for attorneys' fees, in the light of this history, it was not an exorbitant one.

But these agents were successful and the representatives of the Indians were fortunate in getting this matter early considered, and because they were successful in working for their clients, and in securing for their people more than was expected or reasonable, it is claimed that they ought not to be paid for their services. That is the logic of the argument!

Mr. President, it does not seem to me that one argument can be advanced by the most intelligent and ingenious Senator upon this floor which impeaches or destroys the equity of these Choctaw and Chickasaw Indians to these lands. As I suggested before, if we recognize the fact that they have an equity there, then logically the question comes, what shall we pay them to extinguish that equity? and that was settled in the last Congress, and as I believe, forever.

Now, we are proposing to pay to the Cherokees by a bill, or rather by a treaty, which is pending in this body at this time, \$1.42 an acre, and to give them other rights for an easement that they have in the Cherokee Outlet.

Mr. PLATT. That is held by patent, and they never con-

veyed it to the Government, as these Indians did. They hold it by a deed from the President by metes and bounds, and they have made no conveyance to the Government.

Mr. PERKINS. I am quite well aware that the Senator from Connecticut believes that the Cherokee Indians have an absolute title to the Cherokee Outlet.

Mr. PLATT. They have a deed signed by the President of the United States for fifty years.

Mr. PERKINS. The Senator from Connecticut is too good a lawyer not to know that a patent issued by an executive officer in violation of law and in excess of his authority, conveys no title.

Mr. PLATT. I know it is too late in dealing with the Indians, at least I think it is after a half-century has passed and the Indians hold their land by a deed from the President of the United States, conveying it to them by metes and bounds, to say that they have not any title.

Mr. PERKINS. But that question does not necessarily enter into this discussion, and I am not going to discuss at this time the claims of the Cherokees to the Cherokee Outlet.

In my opinion, their equities and their title to that Cherokee Outlet are not as great as the equity of the Choctaws and Chickasaws to this land between the ninety-eighth and the one hundredth meridian, but the Senator from Connecticut may believe that it is a greater one. But, whether greater or less, we are proposing to give to them certain rights and to pay them \$1.42 an acre for the lands that are known as the Cherokee Outlet, and yet in 1866 they proposed to convey those lands to the Government of the United States for about 47 cents an acre, and in 1867 5,000,000 acres, or near that, of those lands were secured for the purpose of settling the Cheyenne and Arapahoe Indians there.

Mr. ALLISON. At 30 cents an acre.

Mr. PERKINS. Thirty cents an acre.

Mr. TELLER. That was 30 cents an acre with the stipulation, if I may be allowed to state, that we should have the amount determined by arbitration, but we finally concluded we would settle that thing ourselves, and we did settle it and we paid it. We selected our own arbitrators, and decided it for ourselves.

Mr. PERKINS. We fixed our own price.

Mr. TELLER. Yes, we fixed our own price.

Mr. PERKINS. Mr. President, to resume briefly, as has been contended here, in 1820 these lands were ceded to the Choctaw and Chickasaw Indians in satisfaction of rights and lands that they owned east of the Mississippi, and under that treaty they took possession of these lands. Subsequently, the treaty of 1830 was made, as has been stated by the Senator from Iowa. Under the treaty of 1820, no one contends that all the lands lying west of the one hundredth meridian claimed by these Choctaws and Chickasaws, was not conveyed to them absolutely. But then came the question, which was considered, perhaps, not intelligently by these Choctaws and Chickasaws, but considered in their way at the time of the making of the treaty of 1830; and at the time of the making of the treaty of 1830 the one hundredth meridian was recognized as their western boundary.

But notwithstanding that treaty, these Choctaw and Chickasaw Indians, in consideration of the rights that they had relinquished to the Government of the United States and because of the treaty of 1820, insisted and claimed that they had equities west of the one hundredth meridian, and it is current history, as I suggested to the Senator from Iowa when he was upon the floor, that the Choctaws and Chickasaws did make this claim until 1855, when the treaty was made. In that treaty the Government of the United States recognized—whether it was a valid claim or not—they recognized that the Choctaws and Chickasaws did make a claim to those lands west of the one hundredth meridian, and in that treaty the right of the Choctaws and Chickasaws to those lands was extinguished, and in consideration of that, as has been suggested by the Senator from Arkansas, they received \$800,000.

Certain rights were also given to the Government of the United States as to these lands now in contention, the lands lying between the ninety-eighth and the one hundredth meridians, known for years, ever since the treaty of 1855, as the leased district.

Under that treaty of 1855 the Choctaws and Chickasaws reserved to themselves the right to locate their people upon these lands, to occupy and possess them, to cultivate them, and to own them and to make their homes and to reside there as a people; but at the same time they consented that the Government of the United States might settle certain friendly Indians there, Indians living south of the Canadian River. Those conditions continued until 1866, when the treaty of that year was made. In the treaty of 1866 the right which the Choctaws and Chickasaws enjoyed under the treaty of 1855 was released. They deprived themselves, under the treaty of 1866, of the right of locating and settling their own people upon these lands, and they extended the privilege that the Government had theretofore enjoyed of locating certain friendly Indians there. That gave the Govern-

ment the right to locate Indians there from any section of the country.

Mr. PLATT. May I ask a question?

Mr. PERKINS. With pleasure.

Mr. PLATT. If the Senator admits that the direct words of cession operated to destroy their right to settle there themselves, how does he get away from acknowledging that it destroyed all their rights there?

Mr. PERKINS. A man may deprive himself of his right to use and enjoy a piece of property that he owns, and yet he may not divest himself of his title. So the Choctaw and Chickasaw Indians under the treaty of 1866 provided that the Government of the United States might settle Indians upon these lands known as the leased district, and they also, as I think, relinquished their right to settle there and to cultivate the lands themselves, but yet they never contended or contemplated, as the Senator from Iowa manfully admitted, that those lands should be opened by the Government of the United States to white settlement, nor did they contemplate or intend that a Territorial government should be established there.

All they intended to do—and that is shown, it seems to me, by the entire history of the transaction, the history of the treaty, the history of the convention that was held at Fort Smith and by the propositions that were extended to them by the Government of the United States was to create a trust in the Government, and it can not, it strikes me, be doubted or controverted that all they contemplated was to create such trust in the Government of the United States that it might locate friendly Indians there. When the Government attempted to do more than this, when the Government attempted to ratify an agreement made with the Cheyenne and Arapahoe Indians and opened this land to settlement then the Choctaws and Chickasaws came forward and said: "Do justice to us in that connection, make to us compensation for the equity we have and for the right that we possess."

Now, what did they receive in consideration of the treaty of 1866? They had this valuable right that I have contended for. No one questions it for a moment, and yet under the treaty of 1866, if that is to be held as an absolute cession, they conveyed that great body of over 6,000,000 acres of land to the Government of the United States and received nothing in consideration therefor—nothing in the world, because, as has been so well said by the Senator from Arkansas, the \$300,000 that was to be paid, and the most of which has been paid, was for the benefit of the freedmen, and not for the Indians themselves—not a dollar of it.

Mr. JONES of Arkansas. In that connection, I wish to state that the \$225,000 due the Choctaws has been paid, because the Choctaws have admitted their negroes to citizenship and the \$75,000 to be paid the Chickasaws in case they admitted their negroes to citizenship, has not been paid because they have not yet done that.

Mr. ALLISON. The Senator does not mean to say that the Chickasaws have not been paid that money during all these years. They received \$50,000 immediately, and in other adjustments they have received about \$7,000 more, I am told.

Mr. JONES of Arkansas. I want to be understood as saying that nothing has been paid the Chickasaws in consideration under this article of the treaty. In another article of the treaty it was agreed that the Government would at that time advance to the Choctaws \$150,000, and would advance to the Chickasaws \$50,000. That was to be advanced, but not a dollar has been paid to these Indians for these lands as they consider this \$50,000 that was advanced on the land to them by the Government at that time as belonging to the Government of the United States now, and so considered it all the time.

Mr. PERKINS. As has been suggested, in 1883 the Choctaw Indians admitted into their nationality, so to speak, the freedmen residing among them. Therefore they had not been treated as citizens; therefore their rights had not been recognized; they had not been accorded the privileges of citizenship; and so in 1866, when the treaty was made, the Government of the United States attempted to make some provision for the freedmen residing among the Choctaws, and it proposed to pay the \$300,000 to assist in securing homes for them, provided they removed from the Choctaw Nation, but if they did not remove from the Choctaw Nation, but were given homes and the rights of citizenship among the Choctaw people, then this \$300,000 was to be paid to the Choctaws and Chickasaws in consideration therefor.

The Choctaws did grant this privilege by resolution in 1883, and since that time the freedmen residing among them enjoy the privileges and benefits of citizenship. In consequence of that the Choctaws received their share of this \$300,000, and it was paid to them because of the loss of their home lands taken by the freedmen, and not for the lands ceded the Government under the treaty of 1866.

But the Chickasaws have not given this privilege to the freed-

men, and hence as to them the payment has not been made. So that, as I argue and as I contend, under the treaty of 1866 the Choctaws and Chickasaws get nothing; and yet it is argued that under the provisions of that agreement and treaty it was contemplated by them that they conveyed absolutely to the Government of the United States this great body of valuable land.

The proposition seemed monstrous when it was contended for upon the floor of the Senate a year ago and more. It seemed monstrous when it was contended for upon the floor of the other House. Hence it did not meet the conscience of this body nor did it meet the conscience of the other body; and so Congress said in solemn consideration of this question, when these lands were opened to settlement justice ought to be extended to these contending Indians. So in consideration of the proposition, Congress declared that it would pay them \$1.25 an acre for these lands when they would execute to the President of the United States conveyances that in form and substance were satisfactory to him.

As I understand it, no objection is made by him to the form or to the substance of the conveyances that they tender. They are ready to convey to the Government of the United States not only their equity but every right that they ever claimed as to these lands, and all they ask now from this body and from the Administration is that the Administration will observe and respect a solemn enactment of Congress and do justice to them.

After they have made this appeal to the Executive he sends it to this body asking us to review the solemn consideration that we gave to this question more than a year ago. As has been stated here, these lands have been opened to settlement under that very act, the act to make the appropriation to the Choctaws and Chickasaws for this land. It was opened to settlement on the 19th day of this month, and it is estimated that more than 40,000 settlers went in there and took possession of those lands, and in order that the Government should lose nothing from these negotiations, in order that every dollar should be returned to the Treasury of the United States and that the Government should be made whole, we charged those settlers \$1.50 an acre for those lands, and after having charged the settlers \$1.50 an acre for the lands the proposition is made to us that we ought to repudiate our solemn agreement and arrangement made with the Choctaws and Chickasaws, and cheat them out of what we have proposed to pay them, \$1.25 an acre.

These lands are substantially occupied. Here is the great body [indicating on the map]. The counties of C, D, E, F, G, H, and I, in Oklahoma Territory, have been recently organized. In those counties are the lands of which we are speaking, and settlers are there, 40,000 of them, commencing their improvements and building their homes, and they are to pay to the Government of the United States \$1.50 for them that we may do justice to the Choctaws and Chickasaws and observe our obligations to them; and yet the proposition is made that we ought not to do it, that we will take advantage of the settlers, that we will demand this price from them, but as to the Indians, to use a common expression, we will "chisel" them out of the money we solemnly and understandingly obligated ourselves to pay when ratifying the treaty made with the Cheyenne and Arapahoe Indians.

I do not believe, Mr. President, that the Senate will consent so such a proposition. I do not believe the House of Representatives will consent to the proposition, and, I say it in candor and not in a spirit of unkindness, I am surprised that the Chief Executive of this nation would for a moment entertain such a proposition or would suggest it to this intelligent body.

There is much in this proposition that is deserving of thought, that is deserving of consideration, and yet the hour is late. The matter has been quite thoroughly discussed, and I have only attempted, not perhaps in a logical and consecutive order, but in a hasty way, to bring to the attention of this body some of the questions which it seems to me we ought to consider in connection with this proposition. I have not been able to convince myself for one moment that if the facts pertaining to these lands were considered and understood by this body it would reconsider the action taken more than a year ago; and believing this, so far as I am concerned I am willing to submit the question to a vote of the Senate.

Mr. PALMER. I should like to ask the manager of this resolution whether it is expected to take a vote this evening. If it is, I shall occupy just about three minutes on one branch of the case. Otherwise I may be permitted to submit a motion: to adjourn.

Mr. JONES of Arkansas. Speaking for myself I should be glad to have a vote this afternoon.

Mr. PALMER. Then, without detaining a vote on the resolution, I will content myself with denouncing the idea that the President has no right to suspend action in such a case, or that he ought not when he has a reason that satisfies him, believing that a measure like the one under consideration has been passed

without deliberation, or when, as he says, he was compelled to approve it because it was a part of a bill that contained necessary appropriations to carry on the Government. I want to assert that in my belief the President has acted judiciously and properly, and that it is no reflection upon the Senate or the House of Representatives. I think that it is proper he should have acted as he did. I expect to vote upon the resolution, but I expect to decline to be bound by the recitals contained in it.

Mr. JONES of Arkansas. I will suggest to the Senator that the resolution does not propose to criticize the President. The resolution is only a declaration that the Senate sees no reason why the law should not be executed.

Mr. PALMER. I am only replying not so much to the terms of the resolution as to the commentary.

Mr. PLATT. Will the Senator from Arkansas kindly repeat what he said? He was not heard on this side.

Mr. JONES of Arkansas. I say that there is nothing in the resolution to criticize the action of the President. The resolution simply provides for an expression on the part of the Senate that they see no sufficient reason why the law shall not be executed. That is all there is of it.

Mr. ALLISON. "For reasons set forth in the report," etc. Mr. JONES of Arkansas. If it will be any satisfaction to the Senator from Iowa, I have no objection to striking those words out of the resolution.

Mr. ALLISON. I thought that was the suggestion of the Senator from Arkansas.

Mr. DAWES. Does the Senator from Iowa claim that there is anything in the report which reflects upon the President?

Mr. ALLISON. No, I do not claim it. I simply claim that the report in its language commits the Senate of the United States to statements which are not true.

Mr. DAWES. I understand the Senator's reasoning to be that the reasons set forth in the report are not sufficient to justify the resolution. Is it any more than that for reasons set forth in the report the committee see no sufficient reason? Is not that it? I speak from memory.

Mr. ALLISON. The resolution says:

That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to Choctaw and Chickasaw Nations for their interest in the Cheyenne and Arapahoe Reservation in the Indian Territory, submitted with this resolution—

That is, for these reasons—

It is the opinion of the Senate, etc.

Mr. DAWES. The Senator emphasized the recital so much more than he did all the rest that I did not catch the point. Let me see. "For reasons set forth in the report." Now, suppose I drop the recital, "for reasons set forth in the report of the committee."

It is the opinion of the Senate that there is no sufficient reason for interference in the due execution of the law referred to.

Does the Senator mean to say anything more in criticism of the resolution than that the reasons set forth in the report are not in his opinion sufficient reasons?

Mr. ALLISON. What I mean to say is that I do not wish myself, under any circumstances, to vote that the argument of the report is a truthful statement of the history of this transaction.

Mr. DAWES. So I understood.

Mr. ALLISON. That is all I mean to say; and therefore I do not want—

Mr. DAWES. I understand the Senator. Someone said, I do not know who it was, that there was some language here that reflected on the President. As I drew the resolution myself, I do not like to have it rest there, unless they can point out what it is.

Mr. ALLISON. I do not remember any personal reflection upon the President, and I do not suppose any was intended; but I do not want to commit myself as a Senator to the report which precedes the resolution.

Mr. DAWES. So I understand that in the opinion of the Senator from Iowa the reasons set forth in the report would rather lead to action than to no action, that is, to arrest the statute.

Mr. ALLISON. No; if we believe what the report states, instead of appropriating \$3,000,000 we ought to appropriate \$40,000,000.

Mr. JONES of Arkansas. Not at all.

Mr. DAWES. And not believing these statements, the Senator thinks instead of saying there is no sufficient reason for arresting the statute there is sufficient reason for it. Is that true?

Mr. ALLISON. It does not follow that it is true. I do not quite understand what the Senator desires respecting this. As to myself, if I understand the resolution, and I may be mistaken about it, I will ask the Senator, as he says he drew the resolution, if it is his understanding that a vote adopting the resolution

will agree to the arguments, suggestions, and statements made in the report?

Mr. DAWES. At some convenient time before the vote is taken I should like the privilege of stating to the Senate the reasons that led me to vote in committee and which will lead me to vote in the Senate to have the resolution adopted, and in that connection those reasons will I think appear.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate adjourned until Monday, May 2, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 28, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

MEMORIAL HALL AT WEST POINT MILITARY ACADEMY.

The SPEAKER laid before the House a communication from the Acting Attorney-General in relation to the bequest of \$250,000 to the United States by Gen. George W. Cullum, deceased, for the erection and maintenance of a memorial hall at the West Point Military Academy; which, with accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

SCHOONER DOLPHIN.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the schooner Dolphin; which was referred to the Committee on Claims, and ordered to be printed.

BRIG CATHERINE, SCHOONER HANNAH, AND SCHOONER THREE FRIENDS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claims arising out of the seizure of the following vessels: Brig Catherine, schooner Hannah, and schooner Three Friends; which was referred to the Committee on Claims, and ordered to be printed.

GEORGE GORMAN, DECEASED.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George Gorman vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WOLFE.

The SPEAKER laid before the House the bill (S. 31) for the relief of William Wolfe, of Shelby, Shelby County, Mo.

Mr. HATCH. Mr. Speaker, I ask unanimous consent for the present consideration of that bill. The same bill has been reported by a committee of the House. The House bill is on the Calendar, and the Senate has passed this bill unanimously.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. DINGLEY. Reserving the right to object, I would like to ask the ground on which the Government is asked to pay. Is it freight money or the value of the vessel that is desired to be paid?

Mr. HATCH. The report is short, and I will ask that it be read, as it will explain the bill.

The SPEAKER. The Clerk will read the report, subject to objection.

Mr. HATCH. I have the report of the House committee, which I desire to have read.

The report was read for information.

During the reading of the report,

Mr. DINGLEY said: I do not desire the further reading of the report, unless some other gentleman does. The claim seems to be founded entirely on the statement in the report that the vessel was impressed.

Mr. HATCH. The bill has repeatedly been reported to the House with a favorable recommendation, and it once passed the House and passed the Senate. I do not think there is a more fair or equitable bill before Congress.

Mr. DINGLEY. Does the gentleman know, as a matter of fact, whether military law was in force at the time of the impressment?

Mr. HATCH. I only know from the statement made in the report that it was.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUTLER. I object.

Mr. WATSON. I object.

The SPEAKER. The gentleman from Iowa objects. The bill will be referred to the Committee on Claims.

Mr. HATCH. Will the gentleman permit the bill to lay on the table for the present? I would like to appeal to the gentleman. I have never objected to the request of a gentleman for unanimous consent for the consideration of a bill since I have been in Congress. I care nothing about it personally. If the gentleman will take the pains to listen to this report, or read it, he would see that this is the only means of obtaining the consideration of this claim. This party has waited for twenty years for the payment of this money from the Government, and this is probably the only opportunity he will get in this or any other Congress for proper relief.

Mr. BUTLER. Mr. Speaker, I simply made an objection. I supposed it was not quite in order to give the reasons for the objection and that the objection alone was all that was necessary. I do object to an investigation of the kind here proposed, which carries with it authority to pay. I am willing that the investigation should be made and a report made to this House for us to consider.

Mr. HATCH. I suppose the gentleman understands that a like bill has been already reported to the House, and not only that, but this is a Senate bill, which has passed the other branch of Congress.

Mr. BUTLER. I stand by my objection.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on War Claims.

Mr. HATCH. Mr. Speaker, I ask unanimous consent that the Senate bill may lie on the Speaker's table.

Mr. KILGORE. I think it ought to go to the committee, and take the usual course.

The SPEAKER. Objection is made to the request of the gentleman from Missouri.

LEAVE OF ABSENCE.

Mr. BUNTING, by unanimous consent, obtained leave of absence for one week on account of important business.

ASSISTANT JOURNAL CLERK.

Mr. MOSES. Mr. Speaker, I desire to submit a report from the Committee on Accounts, which I send to the desk.

The report was read, as follows:

Mr. LIVINGSTON submitted the following; which was referred to the Committee on Accounts:

Resolved, That the position of assistant journal clerk be made an annual position, at the rate of \$2,200 per annum, and the Committee on Appropriations is hereby instructed to make provision for such clerk in the legislative, executive, and judicial appropriation bill, at the rate of \$2,200 per annum from July 1, 1892.

The Committee on Accounts, to whom was referred the resolution submitted by Mr. LIVINGSTON on March 11, 1892, respectfully report that the position of assistant journal clerk is a very arduous and laborious one. Under the present rules the work at the Journal Clerk's desk has been increased threefold. Prior to the Fifty-first Congress the bills, resolutions, reports, and memorials were formerly presented in open session and a list of the same was made by the Official Reporters for the RECORD. At present, under the rules, all of this work devolves upon the assistant journal clerk. During the last Congress it was found absolutely necessary to pass a special resolution putting on another man at the rate of \$6 per day to assist the Journal Clerk and assistant journal clerk. Your committee have a similar resolution pending before them now.

The present assistant journal clerk says that by working extra hours he can accomplish the work and will cause a saving to the Government of this extra employé. It is far better to have this work performed by one man than two, in order to secure regularity and uniformity of the record, as one man can, from the nature of things, become thoroughly familiar with the routine and thereby avoid any mistakes that might arise from the interposition of temporary assistance. The wisdom of adopting this resolution becomes a demonstration when it is observed that in the Forty-third and Forty-fourth Congresses this position was an annual one at \$3,000 salary, while this resolution only calls for \$2,000.

In those Congresses there were but 4,800 bills introduced, while in the Fifty-first Congress there were 14,000 measures proposed, and up to this time in the Fifty-second Congress (about half of the first session and all of the second session yet to come) there have been introduced nearly 8,500, of which 1,200 have been reported. Besides these there have been presented a great number of joint resolutions, concurrent resolutions, and State memorials, all of which must be recorded by this officer. It is the judgment of the committee that the interests of the Government, by securing the correct and faithful records of the House, would be greatly benefited by making this office of assistant journal clerk annual, and your committee therefore recommend that the resolution be passed with the following amendment: Strike out "\$2,200," and insert in lieu thereof "\$2,000."

The SPEAKER. Is there objection to the present consideration of this report?

There was no objection.

The amendment recommended by the Committee on Accounts was agreed to.

The question was taken on the adoption of the report as amended; and the Speaker declared that the ayes seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 55, noes 11.

Mr. BAILEY. No quorum, Mr. Speaker.

Mr. LIVINGSTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LIVINGSTON. Mr. Speaker, is it in order for me to say a word on this matter at this time?

The SPEAKER. The matter is debatable, the previous question not having been ordered.

Mr. LIVINGSTON. This is a report from the Committee on Accounts and it is clearly in the interest of economy. Last year—and we shall have to repeat the same thing this year—after the House adjourned it took two extra clerks six months to bring up this business. Now, in lieu of that it is proposed to make this position an annual one and to have one clerk to do the work. It appears to me to be clearly in the interest of economy—

Mr. SNODGRASS. Mr. Speaker, I rise to a question of order. A division has been called for and the yeas and nays demanded, and I do not think that debate is in order at this stage of the proceeding.

Mr. LIVINGSTON. I certainly would not have proceeded if I had not been recognized by the Chair, and if I am out of order, then the Speaker is out of order.

Mr. SNODGRASS. I rose to a question of order to find out whether you were out of order or not.

The SPEAKER. The gentleman from Tennessee [Mr. SNODGRASS] makes the point that the House was dividing, and that therefore debate is not in order upon the proposition. The Chair thinks the point was well taken.

Mr. BRECKINRIDGE of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. LIVINGSTON] be permitted to explain the proposition, because many of us are ignorant of its scope, and it may be that his explanation will satisfy us.

The SPEAKER. The gentleman from Kentucky [Mr. BRECKINRIDGE] asks unanimous consent that the gentleman from Georgia [Mr. LIVINGSTON] be permitted to explain this resolution. Is there objection? The Chair hears none.

Mr. LIVINGSTON. Mr. Speaker, the object of this resolution is simply to save the expense of hiring two or three men to bring up the unfinished business in this department of the House after the adjournment of Congress. The Committee on Accounts has examined the matter carefully. The proposition is to make this man an annual clerk and let him do the work. Last year there were two assistants; now we have but one. Last year two extra men were employed. The Committee on Accounts proposes now simply to make this one man an annual clerk at a salary of \$2,000, which is an absolute saving of \$1,200 compared with what you will have to pay if you refuse to create this annual clerkship and undertake to bring up the unfinished business, as was done last year.

Mr. DINGLEY. Is there anything in this report which requires this clerk to bring up that extra work?

Mr. LIVINGSTON. Yes, sir; that is directly contemplated in the report just read.

Mr. DINGLEY. Shall we not have the same additional clerks provided in any event?

Mr. LIVINGSTON. No, sir; there will be no additional clerks called for.

Mr. HOLMAN. Undoubtedly there will be the same corps employed, whether we create this annual clerkship or not.

Mr. LIVINGSTON. This clerk is now required to attend to all the changes of reference, to all the reports, to all private bills and petitions referred; he is required to adjust and arrange all resolutions and memorials. This work, which last year went in another direction, is now thrown on his shoulders.

I wish to say that last Sabbath (and it is the first time since I have been in Congress that I have visited the building on that day of the week) I passed through the House and around to my committee room. In doing so I passed the office of the Journal Clerk. I found this man in there with his coat off and his sleeves up, at work. I said to him, "How is it you are compelled to violate the Sabbath day?" He said, "for want of help, and for want of time; I am obliged to work on the Sabbath, as well as at night." Now, you must either make that man an annual clerk, or you must hire help for him after Congress adjourns, letting the business lag, and bringing it up at the end of the session.

This is a question purely of economy, and I think my record here for economy is known sufficiently to the Democratic side of the House and to our friends on the other side to satisfy them that I would not support a proposition which contemplated a wasteful expenditure of the public money. I hope there will be no dissent in regard to the adoption of this resolution. It is the unanimous report of the Committee on Accounts, a committee of your own selection, and you certainly can trust them.

Mr. HOLMAN. Mr. Speaker—

The SPEAKER. What time does the gentleman from Indiana desire? The Chair will submit his request.

Mr. HOLMAN. I ask for a few minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to submit brief remarks. Is there objection? The Chair hears none.

Mr. LIVINGSTON. If permitted, I will withdraw the call for the yeas and nays, and ask for tellers; perhaps in that way we can save time.

Mr. HOLMAN. Mr. Speaker, there is a misapprehension as to this proposition. The resolution which we are asked to adopt provides—

That the position of assistant journal clerk be made an annual position at the rate of \$2,300 per annum; and the Committee on Appropriations is hereby instructed to make provision for such clerk in the legislative, executive, and judicial appropriation bill at the rate of \$2,300 per annum.

That simply means an additional clerk for this House at \$2,200 salary, without reference to the question who will do the work after Congress adjourns. The supposition of my friend from Georgia that any clerk of this House is hard pressed in his work is simply absurd, if the Clerk of the House faithfully performs his duties, as I believe he does. We all know that a superabundant number of clerks are employed by the House, and always have been. Besides, there will not be as much work to do at this session as there was in the corresponding session of the last Congress, and even a Republican House did not deem it necessary then to create this additional office.

Mr. DOCKERY. The gentleman will observe that the report says there is three times the amount of work to be done in this Congress than there was in the last.

Mr. HOLMAN. The gentleman must know that there is less work to be done at this session than at the corresponding session of the last Congress, because it will not be so long.

Mr. DOCKERY. The gentleman will understand that I do not make the statement, but the report does.

Mr. HOLMAN. Having already increased the number of employes of the House beyond what was ever known in its history it is proposed now to add another clerk to the list. We hold our seats here under pledges to our constituents that we will demand severe economy in the administration of the Government; and yet here in this House, where we have exclusive power to enforce economy, are we to show a determination to increase expenditures?

Mr. LIVINGSTONE. Does not the gentleman know that this is not a proposition to create an additional clerk, but to make one of the assistants an annual clerk?

Mr. HOLMAN. It is the creation of an additional permanent clerk at \$2,200 a year; and there is no provision here that will prevent the employment of a temporary clerk or any number of temporary clerks hereafter when Congress adjourns to perform the same duty. It is the creation of a new and permanent officer for the House, whereas if you say to your Clerk of the House of Representatives, the present Clerk, a very estimable gentleman, that of the clerical force now employed in the House on your permanent roll he shall require this work to be done after the adjournment of Congress, there will be no trouble or difficulty in having it done without additional expense, and without imposing any considerable labor upon these men, who are well paid.

But as proposed now you will go on, after you have made this a permanent employment, and then by resolution at the end of the session, for the purpose of bringing up the Journal, authorize the employment of temporary clerks to do the same work. The Clerk of the House should be held responsible for the performance of this duty. It should be made a part of his duty. He should be authorized to employ any number of your clerks, who are paid annually, after the adjournment of Congress, to bring up the Journal if it should be in arrears, and he will do it if you ask that it shall be done.

Mr. OUTHWAITE. Let me ask the gentleman if in his judgment the Clerk of the House has any authority to designate other work than that assigned by the rules for the clerks now employed on the annual roll?

Mr. HOLMAN. He can certainly intimate to the House what legislation is necessary for that purpose if he deems it necessary that such provision shall be made. If the law is not broad enough as it is the House can make it so. We should not indulge in extravagance because we need particular legislation. Legislation is cheap, and such attacks as this upon the public Treasury are not warranted by any such excuse as that. Besides, gentlemen, we are committed to our constituents, and to the people of this country, that there shall be rigid and necessary economy in public expenditures.

Mr. LIVINGSTON. If the gentleman will permit me, I would like to ask if every other department except this has not an annual assistant clerk?

Mr. HOLMAN. Well, you can hardly call this a department. Within a few years, gentlemen, you should remember that all of these duties have been performed by a single Journal Clerk.

It is a matter of recent years that this increase has been made by giving assistants to perform the work; and my friend will discover by an investigation of the subject that in just such ways as this the permanent force of the House has been steadily growing year after year until now we have a body of clerks far beyond the necessities of the service, in my judgment.

Mr. DICKERSON. Let me ask the gentleman if he does not know that in the previous Congresses bills were presented in open House, and the Reporters, in making up the RECORD, made their lists from them? The Journal Clerk then took his list from the RECORD and made it up for the Journal in that way. His work was not near so large as it is now; because this Congress requires all bills to be put into the box, and the list of such bills to be furnished to the RECORD, so that this additional work is put upon the Journal Clerk.

Mr. HOLMAN. All of the bills and reports are published in the RECORD. In the last Congress all bills, memorials, and resolutions were handed to the Speaker and referred by him, and a list was made up by the Journal Clerk for the RECORD.

Mr. DICKERSON. But heretofore the Journal Clerk was enabled to get a list of these bills from the Reporters, whereas now he must make up the list for himself.

Mr. HOLMAN. Oh, there is no portion of the force here that is overworked now.

Mr. LIVINGSTON. Let me ask the gentleman if he does not know that up to this time last year only about 4,000 bills were introduced, whereas now over 8,000 have been submitted? The work on that man has been doubled this session.

Mr. HOLMAN. Well, employ temporary clerks if necessary, but until the necessity arises let us be careful how we increase the expenditures for employes of this House.

Mr. LIVINGSTON. The temporary employes cost more than the permanent ones.

Mr. HOLMAN. I think not. Their employment is limited. I ask the House to vote down the measure as an improvident and unnecessary one. It is not demanded by the needs of the public service, and against it we are absolutely pledged to our constituents.

Mr. DICKERSON. Do I understand the gentleman from Indiana to hold that making this employment annual, instead of temporary, would increase the cost?

Mr. HOLMAN. Yes, sir; I do.

Mr. DICKERSON. I think the gentleman is mistaken in that.

The SPEAKER. The question is on the adoption of the resolution as amended.

Mr. LIVINGSTON. I withdraw the demand for the yeas and nays and ask for tellers.

Mr. SNODGRASS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MCKINNEY. If in order, Mr. Speaker, I ask that this resolution be read again, as I think there is a misunderstanding as to what it undertakes to accomplish.

The resolution was again reported.

Mr. MOSES. I ask unanimous consent, on behalf of the committee, to explain why we have reported this resolution. I ask only five minutes to make an explanation.

The SPEAKER. Is there objection?

Mr. SIMPSON. I object, Mr. Speaker, and demand the regular order.

The SPEAKER. The regular order is the call of the roll.

The question was taken; and there were—yeas 112, nays 66, not voting 150; as follows:

YEAS—112.

Alexander,	Chipman,	Hopkins, Pa.	Post,
Andrew,	Cockran,	Huff,	Powers,
Babbitt,	Compton,	Jones,	Randall,
Barwig,	Coombs,	Lanham,	Ray,
Beeman,	Cox, N. Y.	Lapham,	Reilly,
Belknap,	Craig, Pa.	Layton,	Rife,
Bergen,	Crosby,	Lewis,	Seerley,
Bland,	Cummings,	Little,	Shell,
Blount,	Curtis,	Livingston,	Shively,
Boatner,	Dunphy,	Long,	Stackhouse,
Bowers,	Funston,	Mallory,	Stevens,
Bowman,	Gantz,	Martin,	Stout,
Branch,	Geary,	McKinney,	Tarsney,
Brawley,	Geissenhainer,	McRae,	Taylor, E. B.
Brickner,	Gillespie,	Meredith,	Terry,
Broderick,	Gorman,	Meyer,	Tracey,
Brunner,	Greenleaf,	Mitchell,	Tucker,
Bryan,	Groat,	Montgomery,	Van Horn,
Buchanan, Va.	Hallowell,	Moses,	Warner,
Bullock,	Hamilton,	Mutcher,	Warwick,
Bunn,	Hare,	O'Ferrall,	Weadock,
Byrns,	Harter,	O'Neil, Mass.	Wheeler, Mich.
Caminetti,	Hatch,	O'Neil, Pa.	Whiting,
Capehart,	Haugen,	Owens,	Willcox,
Caruth,	Haynes, Ohio	Page, R. I.	Williams, N. C.
Castle,	Henderson, N. C.	Page, Md.	Winn,
Catchings,	Hear,	Patterson, Tenn.	Wright,
Cheatham,	Hooker, Miss.	Pearson,	Youmans,

NAYS—66.

Allen.	Dixon.	Kem.	Outhwaite,
Bailey,	Dockery,	Kilgore,	Patton.
Baker,	Edmunds,	Kribbs,	Pickler.
Beltzhoover,	English,	Kyle,	Richardson,
Brookshire,	Enloe,	Lane,	Sayers,
Bushnell,	Epes,	Lester, Va.	Simpson,
Butler,	Everett,	Lynch,	Snodgrass,
Cate,	Flick,	McCreary,	Snow,
Clover,	Forney,	McDonald,	Steward, Ill.
Cobb, Ala.	Fyan,	McGann,	Stewart, Tex.
Coburn,	Goodnight,	McKaig,	Stockdale,
Cox, Tenn.	Grady,	McMillin,	Tillman,
Crawford,	Hall,	Miller,	Turpin,
Culbertson,	Halvorsen,	Moore,	Watson,
Davis,	Hitt,	Oates,	Wise.
De Armond,	Holman,	O'Donnell,	
De Forest,	Hull,	Otis,	

NOT VOTING—150.

Abbott,	Crain, Tex.	Ketcham,	Sanford,
Alderson,	Cutting,	Lagan,	Scott,
Amerman,	Dalzell,	Lawson, Va.	Scull,
Arnold,	Daniel,	Lawson, Ga.	Shonk,
Atkinson,	Dickerson,	Lester, Ga.	Smith,
Bacon,	Dingley,	Lind,	Sperry,
Bankhead,	Doan,	Lockwood,	Springer,
Bartine,	Dolliver,	Lodge,	Stahnecker,
Belden,	Donovan,	Loud,	Stephenson,
Bentley,	Dungan,	Magner,	Stone, C. W.
Bingham,	Durbinow,	Mansur,	Stone, W. A.
Blanchard,	Elliott,	McAleer,	Stone, Ky.
Boutelle,	Ellis,	McClellan,	Storer,
Breckinridge, Ark.	Enochs,	McKeighan,	Stump,
Breckinridge, Ky.	Fellows,	Milliken,	Sweet,
Bretz,	Fitch,	Morse,	Taylor, Ill.
Brosius,	Fithian,	Newberry,	Taylor, Tenn.
Brown,	Forman,	Norton,	Taylor, J. D.
Buchanan, N. J.	Fowler,	O'Neill, Mo.	Taylor, V. A.
Bunting,	Griswold,	Parrett,	Townsend,
Burrows,	Harmer,	Pattison, Ohio	Turner,
Busey,	Harries,	Payne,	Wadsworth,
Bynum,	Hayes, Iowa	Paynter,	Walker,
Cable,	Heard,	Peel,	Washington,
Cadmus,	Hemphill,	Pendleton,	Waugh,
Caldwell,	Henderson, Iowa	Perkins,	Wever,
Campbell,	Henderson, Ill.	Pierce,	Wheeler, Ala.
Causey,	Herbert,	Price,	White,
Chapin,	Hermann,	Quackenbush	Wike,
Clauncy,	Hooker, N. Y.	Raines,	Williams, Mass.
Clark, Wyo.	Hopkins, Ill.	Rayner,	Williams, Ill.
Clarke, Ala.	Houk, Ohio	Reed,	Wilson, Ky.
Cobb, Mo.	Houk, Tenn.	Reyburn,	Wilson, Wash.
Cogswell,	Johnson, Ind.	Robertson, La.	Wilson, Mo.
Coolidge,	Johnson, N. D.	Robinson, Pa.	Wilson, W. Va.
Cooper,	Johnson, Ohio	Rockwell,	Wolverton.
Covert,	Johnstone, S. C.	Rusk,	
Cowles,	Jolley,	Russell,	

So the resolution as amended was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. SPRINGER with Mr. ATKINSON.

Mr. PAYNTER with Mr. WILSON of Kentucky.

Mr. WILSON of Missouri with Mr. HUFF.

Mr. BYNUM with Mr. VINCENT A. TAYLOR.

Mr. PARRETT with Mr. WAUGH.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. LESTER of Georgia with Mr. HERMANN.

Mr. TURNER with Mr. BARTINE.

Mr. PEEL with Mr. WILSON of Washington.

Mr. PENDLETON with Mr. SMITH of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. CATCHINGS with Mr. LODGE.

Mr. HERBERT with Mr. BOUTELLE.

Mr. SNODGRASS with Mr. HOUK of Tennessee.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. HARTER with Mr. BOWERS.

Mr. NORTON with Mr. SHONK.

Mr. CAMPBELL with Mr. KETCHAM.

Mr. BROWN with Mr. RUSSELL.

Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.

Mr. COWLES with Mr. DOAN.

Mr. DURBOROW with Mr. BELDEN.

Mr. BUNTING with Mr. PERKINS.

Mr. FOWLER with Mr. JOSEPH D. TAYLOR.

Mr. BRETZ with Mr. BRODERICK.

Mr. HARRIES with Mr. JOLLEY.

Mr. PIERCE with Mr. LIND.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. STONE of Kentucky with Mr. WEVER, on this vote.

Mr. ARNOLD with Mr. RAINES, until Monday next.

Mr. SCOTT with Mr. PAYNE, for one week, from April 25.

Mr. WIKE with Mr. BROSIUS, for ten days, from April 26.

Mr. ENOCHS with Mr. DUNGAN, from April 25 to and including May 4.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until the 7th of May.

Mr. JOHNSON of North Dakota and Mr. WILLIAMS of Illinois, to May 7.

Mr. WILLIAM A. STONE with Mr. BENTLEY, until April 29.

Mr. WOLVERTON with Mr. REYBURN.

For this day:

Mr. LAWSON of Georgia with Mr. HENDERSON of Iowa.

Mr. CADMUS with Mr. TAYLOR of Illinois.

Mr. LAGAN with Mr. HARMER.

Mr. JOHNSTONE of South Carolina with Mr. BUCHANAN of New Jersey.

Mr. AMERMAN with Mr. MORSE.

Mr. ELLIS with Mr. SANFORD.

The result of the vote was then announced as above recorded.

On motion of Mr. LIVINGSTON, a motion to reconsider the last vote was agreed to.

Mr. BYRNS. Mr. Speaker, I ask unanimous consent of the House for leave of absence for my colleague [Mr. ARNOLD]. He is absent on account of important business.

The SPEAKER. The Chair is informed that leave has already been granted.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of further considering the diplomatic and consular appropriation bill, and that members of the several committees of the House be allowed to file any reports they have to present.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent that the House now resolve itself into the Committee of the Whole for the further consideration of the diplomatic and consular appropriation bill, and that members having reports from committees be permitted to hand them to the Clerk. Is there objection?

Mr. LOUD. Mr. Speaker, reserving the right to object, I would like to ask if the Chair holds that it requires unanimous consent to now go into the Committee of the Whole for the further consideration of the diplomatic and consular appropriation bill?

The SPEAKER. That question is not before the House. The gentleman from Georgia asks unanimous consent, and the House may by unanimous consent go into Committee of the Whole.

Mr. LOUD. A parliamentary inquiry as to whether it requires unanimous consent.

The SPEAKER. That question it not up.

Mr. LOUD. I raise the question now.

The SPEAKER. Does the gentleman object?

Mr. LOUD. I should prefer not to object, sir, but I would like to know if it requires unanimous consent.

The SPEAKER. The House may do by unanimous consent whatever it desires, and without objection the request is agreed to, and the gentleman from Alabama [Mr. OATES] will take the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Accordingly, the House resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, with Mr. OATES in the chair.

The CHAIRMAN. The Clerk will read the amendment which is pending.

The Clerk read as follows:

Strike out lines 14, 15, and 16 and insert:

"Envoy extraordinary and minister plenipotentiary to Venezuela, \$7,500."

The CHAIRMAN. Is the committee ready for the question?

Mr. BLOUNT. Tellers had already been ordered on that.

The CHAIRMAN. The gentleman is correct. The tellers

[Mr. HITT and Mr. BLOUNT] will take their places.

Mr. GEISSENHARNER. Mr. Chairman, what is the amendment?

The CHAIRMAN. The Clerk will again report the amendment, if there be no objection.

The amendment was again reported.

The committee again divided; and during the count

Mr. BLOUNT said: Mr. Chairman, it is quite evident there is no quorum.

The CHAIRMAN. It is quite evident that a quorum has not voted.

Mr. BLOUNT. It is also quite evident they do not intend to, either.

After further count, the tellers reported—ayes 9, noes 111.

The CHAIRMAN. A quorum not having voted, the Chair will direct the Clerk to call the roll.

The roll was called, and the following-named members failed to respond:

Allen,	Bankhead,	Bowman,	Buchanan, N. J.
Amerman,	Beeman,	Breckinridge, Ark.	Bullock,
Arnold,	Belden,	Brookshire,	Bunting,
Atkinson,	Bentley,	Brosius,	Busey,
Bacon,	Boutelle,	Brown,	Bynum,

Cable,
Caldwell,
Campbell,
Catchings,
Cauley,
Cheatham,
Chapin,
Clancy,
Covert,
Cowles,
Crain, Tex.
Dalzell,
Daniell,
Dixon,
Doan,
Dungan,
Durborow,
Elliott,
Ellis,
Enochs,
Fitch,
Fithian,
Forman,
Fowler,
Funston,
Harmer,

Harries,
Hayes, Iowa
Hemphill,
Henderson, Iowa
Henderson, N. C.
Herbert,
Hermann,
Hooker, N. Y.
Hopkins, Ill.
Houk, Tenn.
Johnson, Ohio
Johnstone, S. C.
Ketcham,
Lagan,
Lawson, Va.
Lester, Ga.
Lockwood,
Lodge,
Loud,
Magner,
Mansur,
McAleer,
McDonald,
McKeighan,
Milliken,

Morse,
Newberry,
Norton,
O'Neill, Mo.
Otis,
Parrett,
Pattison, Ohio
Payne,
Paynter,
Peel,
Pendleton,
Pierce,
Price,
Quackenbush,
Raines,
Rayner,
Reed,
Reyburn,
Robertson, La.
Robinson, Pa.
Rusk,
Sanford,
Scott,
Sperry,
Springer,

Stahnecker,
Stevens,
Stone, W. A.
Sweet,
Taylor, Ill.
Taylor, Tenn.
Taylor, J. D.
Taylor, V. A.
Turner,
Van Horn,
Wadsworth,
Walker,
Warner,
Washington,
Wever,
White,
Wike,
Williams, Mass.
Williams, Ill.
Wilson, Mo.
Wise,
Wolverton,
Wright.

Russell,
Sanford,
Scott,
Simpson,
Springer,
Stahnecker,
Steward, Ill.
Stone, W. A.
Storer,

Sweet,
Tarsney,
Taylor, Ill.
Taylor, Tenn.
Taylor, J. D.
Taylor, V. A.
Terry,
Tracey,
Turner,

Turpin,
Wadsworth,
Warwick,
Washington,
Wever,
Wheeler, Mich.
Wike,
Willcox,
Williams, Mass.

Williams, Ill.
Wilson, Mo.
Wilson, W. Va.
Wise,
Wolverton,
Wright.

The committee rose, and the Speaker resumed the chair.
Mr. OATES. Mr. Speaker, the Committee of the Whole House on the state of the Union, having under consideration the diplomatic and consular appropriation bill, while proceeding found itself without a quorum. The Chair caused the roll to be called, and found that 204 gentlemen answered to their names as present. I report the names of the absentees.

The SPEAKER. The names of the absentees will be entered upon the Journal. More than a quorum being present, the committee will resume its session; but, by unanimous consent, before doing so, the Chair will receive a message from the Senate.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes; in which concurrence was requested.

It also announced that the Senate had passed without amendment joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892.

It also announced that the Senate had passed the bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25 and March 2, 1889, and by act of Congress approved July 25, 1890; in which concurrence was requested.

It also announced that the Senate had passed the following order:

Ordered, That the Secretary notify the House of Representatives that Mr. SHERMAN has been appointed one of the conferees on the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States, in place of Mr. DAVIS, excused. Also, Mr. MORGAN in place of Mr. GRAY, excused.

The Committee of the Whole resumed its session.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Tellers will resume their places.

Tellers resumed their places; the committee again divided, and tellers reported—ayes 10, noes 119.

The CHAIRMAN. A quorum not voting, the Chair will order the Clerk to call the roll again; and, as there is but one call, gentlemen will please pay attention.

The roll was again called, and the following-named members failed to respond:

Abbott,
Alderson,
Amerman,
Arnold,
Atkinson,
Bankhead,
Belden,
Bentley,
Bergen,
Bingham,
Bland,
Boutelle,
Bowers,
Breckinridge, Ark.
Breckinridge, Ky.
Bretz,
Brosius,
Buchanan, N. J.
Bullock,
Bunting,
Bushnell,
Bynum,
Byrns,
Cable,
Campbell,

Catchings,
Cate,
Cauley,
Cheatham,
Chapin,
Clancy,
Coburn,
Cowles,
Cox, N. Y.
Crain, Tex.
Cutting,
Dalzell,
Daniell,
Dickerson,
Doan,
Durborow,
Enochs,
Fellows,
Fitch,
Fithian,
Forman,
Fowler,
Harmer,
Harries,
Harter,

Hayes, Iowa
Hemphill,
Henderson, Iowa
Herbert,
Hooker, N. Y.
Hopkins, Pa.
Hopkins, Ill.
Houk, Tenn.
Huff,
Johnson, Ind.
Johnson, Ohio
Johnstone, S. C.
Jolley,
Lagan,
Lane,
Lawson, Va.
Lester, Ga.
Lewis,
Lind,
Lockwood,
Lodge,
Magner,
Mansur,
McAleer,

McDonald,
McKeighan,
Milliken,
Morse,
Newberry,
Norton,
O'Neill, Mass.
Parrett,
Pattison, Ohio
Payne,
Paynter,
Peel,
Pendleton,
Pierce,
Powers,
Price,
Quackenbush,
Raines,
Ray,
Rayner,
Reyburn,
Rife,
Robertson, La.
Robinson, Pa.
Rusk,

The committee thereupon rose, and the Speaker resumed the Chair; when

Mr. OATES reported that the Committee of the Whole on the state of the Union, considering the consular and diplomatic appropriation bill, having found itself without a quorum, the Chair had caused the roll to be called, pursuant to the rule, when 191 members answered to their names.

The SPEAKER. The names of the absentees will be entered on the Journal. One hundred and ninety-one members, more than a quorum, having answered to their names, the House will again resolve itself into Committee of the Whole.

The House accordingly again resolved itself into Committee of the Whole House on the state of the Union, Mr. OATES in the chair.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] and the gentleman from Illinois [Mr. HITT] will resume their places as tellers.

The House again divided; and the tellers reported—ayes 13, noes 130.

Mr. BLOUNT. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES, from the Committee of the Whole, reported that it had had under consideration the consular and diplomatic appropriation bill, and, finding itself without a quorum, had determined to rise, having come to no resolution thereon.

Mr. BLOUNT. Mr. Speaker, I move that the House do now adjourn; and upon that I ask for the yeas and nays.

The yeas and nays were ordered.
The question was taken; and there were—yeas 17, nays 187,
not voting 124; as follows:

YEAS—17.			
Abbott.	Cooper.	Little.	Willcox.
Alexander.	Crawford.	Patton.	Wright.
Bland.	Culberson.	Stevens.	
Broderick.	Dingley.	Taylor, E. B.	
Byrns.	Houk, Tenn.	Whiting.	
NAYS—187.			
Allen.	Cummings.	Huff.	Parrett.
Andrew.	Cutting.	Hull.	Patterson, Tenn.
Babbitt.	Davis.	Johnson, Ind.	Pearson.
Bailey.	De Armond.	Johnson, N. Dak.	Perkins.
Baker.	De Forest.	Johnson, Ohio	Pickler.
Barwig.	Dickerson.	Jolley.	Powers.
Beeman.	Dockery.	Jones.	Randall.
Belknap.	Dungan.	Kem.	Ray.
Beltzhoover.	Edmunds.	Ketcham.	Reilly.
Bergen.	Elliott.	Kilgore.	Richardson.
Blanchard.	Ellis.	Kribbs.	Rife.
Boatner.	English.	Kyle.	Rockwell.
Bowman.	Enloe.	Lane.	Sayers.
Brawley.	Epes.	Lanham.	Scull.
Breckinridge, Ky.	Everett.	Lapham.	Secley.
Brickner.	Flowers.	Lester, Va.	Shell.
Brookshire.	Flick.	Lewis.	Shively.
Brunner.	Forney.	Livingston.	Simpson.
Bryan.	Fyan.	Long.	Smith.
Buchanan, Va.	Gantz.	Loud.	Snodgrass.
Bullock.	Geary.	Lynch.	Sperry.
Bunn.	Geissenhainer.	Mallory.	Stackhouse.
Burrows.	Gillespie.	Martin.	Stephenson.
Bushnell.	Goodnight.	McAleer.	Steward, Ill.
Butler.	Gorman.	McClellan.	Stone, Ky.
Caldwell.	Grady.	McCreary.	Stout.
Caminetti.	Greenleaf.	McKag.	Tarsney.
Capehart.	Griswold.	McKinney.	Terry.
Caruth.	Groat.	McMillin.	Tillman.
Castle.	Hall.	McKae.	Townsend.
Catchings.	Hallowell.	Meyer.	Tucker.
Cate.	Halvorson.	Miller.	Turpin.
Causey.	Hamilton.	Mitchell.	Walker.
Chipman.	Hare.	Montgomery.	Warner.
Clark, Wyo.	Harter.	Moore.	Washington.
Clarke, Ala.	Hatch.	Moses.	Watson.
Clover.	Haugen.	Mutchler.	Waugh.
Cobb, Ala.	Hayes, Iowa	Oates.	Weadock.
Cobb, Mo.	Haynes, Ohio	O'Donnell.	Wheeler, Ala.
Coburn.	Heard.	O'Ferrall.	Wheeler, Mich.
Cockran.	Henderson, N. C.	O'Neill, Mass.	White.
Coombs.	Henderson, Ill.	O'Neill, Pa.	Williams, Mass.
Covert.	Hitt.	O'Neill, Mo.	Williams, N. C.
Cox, N. Y.	Hoar.	Otis.	Wilson, Wash.
Cox, Tenn.	Holman.	Outhwaite.	Winn.
Craig, Pa.	Hooker, Miss.	Owens.	Yountans.
Crosby.	Houk, Ohio	Page, R. I.	
NOT VOTING—124.			
Alderson.	Cowles.	Lester, Ga.	Russell.
Amerman.	Crain, Tex.	Lind.	Sanford.
Arnold.	Curtis.	Lockwood.	Scott.
Atkinson.	Dalzell.	Lodge.	Shonk.
Bacon.	Daniell.	Magner.	Snow.
Bankhead.	Dixon.	Mansur.	Springer.
Bartine.	Doan.	McDonald.	Stahnecker.
Belden.	Dolliver.	McGann.	Stewart, Tex.
Bentley.	Donovan.	McKeighan.	Stockdale.
Bingham.	Dunphy.	Meredith.	Stone, C. W.
Blount.	Durborow.	Milliken.	Stone, W. A.
Boutelle.	Enochs.	Morse.	Storer.
Bowers.	Fitch.	Newberry.	Stump.
Branch.	Fithian.	Norton.	Sweet.
Breckinridge, Ark.	Forman.	Page, Md.	Taylor, Ill.
Bretz.	Fowler.	Pattison, Ohio	Taylor, Tenn.
Brostus.	Funston.	Payne.	Taylor, J. D.
Brown.	Harmer.	Paynter.	Taylor, V. A.
Buchanan, N. J.	Harries.	Peel.	Tracey.
Bunting.	Hemphill.	Pendleton.	Turner.
Buscy.	Henderson, Iowa	Pierce.	Van Horn.
Bynum.	Herbert.	Post.	Wadsworth.
Cable.	Hermann.	Price.	Warwick.
Cadmus.	Hooker, N. Y.	Quackenbush.	Wever.
Campbell.	Hopkins, Pa.	Raines.	Wike.
Cheatham.	Hopkins, Ill.	Rayner.	Williams, Ill.
Chapin.	Johnstone, S. C.	Reed.	Wilson, Ky.
Clancy.	Lagan.	Reyburn.	Wilson, Mo.
Cogswell.	Lawson, Va.	Robertson, La.	Wilson, W. Va.
Compton.	Lawson, Ga.	Robinson, Pa.	Wise.
Cooldige.	Layton.	Rusk.	Wolverton.

So the House refused to adjourn.

Mr. WASHINGTON. Mr. Speaker, I desire to inquire whether the gentleman from Ohio [Mr. JOHNSON] is on record. I make the inquiry because he and I have been absent from the Hall by leave of the House on the committee which is investigating assessments in the District of Columbia.

The SPEAKER. The gentleman from Ohio is recorded.
Mr. LANHAM. Mr. Speaker, the gentleman from Idaho [Mr. SWEET] has been compelled to leave the Hall on account of illness. I ask that he be excused.

There was no objection, and it was so ordered.

The following additional pairs were announced:

Mr. RUSK with Mr. SWEET, for the rest of this day.

Mr. STEWART of Texas with Mr. CURTIS, for the rest of this day.

Mr. CRAWFORD. Mr. Speaker, I should like to vote.

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. CRAWFORD. I entered just after my name had been called.

The SPEAKER. Under the rule the Chair can not entertain the gentleman's request.

The result of the vote was then announced as above recorded.

Mr. BLOUNT. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Whereas there are a large number of members absent from the House and the public business is delayed, the Sergeant-at-Arms is directed to bring in all absentees; and the proceedings in connection therewith shall be in accordance with Rule XV in cases where a call of the House is ordered; and all leaves of absence are hereby revoked except for providential cause.

Mr. BLOUNT. On that resolution, Mr. Speaker, I demand the previous question.

Mr. McMILLIN. Before the gentleman demands the previous question I wish to make a suggestion.

Mr. CARUTH. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARUTH. What is a providential cause? [Laughter.]

The SPEAKER. That is hardly a parliamentary inquiry.

Mr. McMILLIN. I suggest to the gentleman from Georgia [Mr. BLOUNT] that unless he modifies the terms of his resolution so as to except members who are absent by leave of the House, the direction to the Sergeant-at-Arms to "bring in all absentees" will compel him to bring in those who are absent with leave as well as those without leave.

Mr. BLOUNT. Certainly. That is exactly what I want. We are in a situation where we have to resort to unusual measures.

Mr. McMILLIN. I agree fully with the gentleman.

Mr. BERGEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BERGEN. I desire to know whether such action is proper on the part of the House unless it appear that there is no quorum present.

The SPEAKER. The Chair is of opinion that a majority can send for absentees if they desire to do so.

Mr. BERGEN. I would like to call the attention of the Chair to paragraph 2 of Rule XV, which seems to imply something else.

The SPEAKER. The resolution offered by the gentleman from Georgia [Mr. BLOUNT] is not offered under that rule. It is a resolution to send for absent members by a majority of the House.

Mr. DINGLEY. Mr. Speaker, I desire to make a parliamentary inquiry. I desire to ask whether or no it is competent for the House to order the arrest of absent members until there has been a call of the House under the rule, disclosing the names of the absentees.

The SPEAKER. The Chair thinks it is in the power of the majority of the House to send for absentees.

Mr. DINGLEY. And to arrest absent members?

The SPEAKER. Why not?

Mr. DINGLEY. That must come entirely under the constitutional provision which authorizes—

The SPEAKER. The Chair thinks it is very plain.

Mr. DINGLEY. I would like to have a ruling upon the point.

The SPEAKER. The Chair is clearly of opinion that the majority of the House has the right, under the Constitution, to transact business, and it has the right to compel the attendance of absent members. But inasmuch as the Constitution provides that less than a quorum can not transact business, unless there was a special exception in the Constitution permitting less than a majority to send for absentees less than a majority could not do it.

The expression of the idea that less than a majority can send for absent members does not exclude the idea that a majority can transact business and can require the attendance of all members of the House in order to do so.

Mr. DINGLEY. I only raised the point in order to have a ruling of the Chair on the matter.

Mr. MILLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. MILLER. For the purpose of making a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. As I understand, the resolution of the gentleman from Georgia [Mr. BLOUNT] proposes to ensure for absence members who have been excused. Now, I do not think—

The SPEAKER. That is not a parliamentary inquiry.

Mr. MILLER. I move that the whole matter be laid on the table.

The SPEAKER. Does the gentleman from Wisconsin move to lay the resolution on the table?

Mr. MILLER. Yes, sir.

The SPEAKER. That is in order.

Mr. MILLER. Upon that question I call for the yeas and nays.

Mr. HATCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. If the resolution offered by the gentleman from Georgia is to be adopted by the House, I desire to know how it can be ascertained, unless there is a call of the House, who are absent, and what sort of authority we are going to give the Sergeant-at-Arms to arrest a member because he does not appear as voting upon a roll call on a motion to adjourn. There are gentlemen in this Hall who may not want to vote on that motion.

The SPEAKER. The Chair will state to the gentleman that that is not a parliamentary question. That is in the nature of debate.

Mr. HATCH. Well, Mr. Speaker—

Mr. BLOUNT. I desire to modify my resolution.

Mr. HATCH. I think the gentleman ought first to make his motion for a call of the House.

Mr. BLOUNT. I desire to modify the resolution.

Mr. MILLER. I insist on my motion to lay on the table.

Mr. BLOUNT. I desire to modify the resolution so as not to cover the cases of members who are absent on leave.

The SPEAKER. The House will be in order.

Mr. MILLER. I made a motion to lay on the table—

The SPEAKER. The Chair is trying to obtain order. The gentleman from Wisconsin is not in order. He creates confusion by talking when the Chair is asking for order.

The Clerk will report the resolution.

The Clerk read as follows:

Whereas there are a large number of members absent from the House, and the public business is delayed, the Sergeant-at-Arms is directed to bring in all absentees without leave; and the proceedings in connection therewith shall be in accordance with Rule XV in cases where a call of the House is ordered; and all leaves of absence are hereby revoked except for providential causes.

The SPEAKER. The gentleman from Georgia demands the previous question upon this resolution—

Mr. MILLER. Mr. Speaker—

The SPEAKER. If the gentleman from Wisconsin will be seated and allow the Chair to state the question the Chair will be very much indebted to him. The gentleman from Wisconsin moves to lay the resolution on the table; and the question is on the motion of the gentleman from Wisconsin.

Mr. MILLER. On that I call for the yeas and nays.

Mr. CALDWELL. I rise to a parliamentary inquiry. It seems to me that the resolution as just read is not the resolution which was read before and which the gentleman from Wisconsin moved to lay on the table.

The SPEAKER. The Chair does not understand the gentleman.

Mr. CALDWELL. The resolution which the gentleman from Georgia submitted was read some minutes ago. Then the gentleman from Wisconsin moved that it be laid on the table, and demanded the yeas and nays. Now, the gentleman from Georgia sends up another resolution—

The SPEAKER. The Chair does not understand this to be another resolution.

Mr. BLOUNT. The "gentleman from Georgia" was trying to get in his modification before the gentleman from Wisconsin made his motion.

The SPEAKER. The Chair thought this was the same resolution.

Mr. CALDWELL. No, sir; it is not.

The SPEAKER. Wherein is there any difference.

Mr. CALDWELL. I submit that the motion to lay upon the table should be put upon the resolution as first offered.

Mr. BLOUNT. I think the gentleman from Ohio [Mr. CALDWELL] does not understand the situation, though I have no doubt he thinks he is correct. Before the gentleman from Wisconsin made his motion I was seeking an opportunity to modify the resolution—trying to get the attention of the Chair.

Mr. CALDWELL. But the gentleman from Wisconsin did not consent to any modification.

Mr. BLOUNT. The gentleman from Wisconsin was never recognized by the Chair at all.

Mr. CALDWELL. Yes, indeed, he was; I beg the gentleman's pardon; he was recognized.

The SPEAKER. The Chair understood—the House will please be in order—the Chair understood that the gentleman from Georgia submitted a resolution and demanded the previous question upon it, whereupon the gentleman from Wisconsin rose and moved to lay the resolution on the table. The Chair entertained that motion; whereupon the gentleman from Georgia said he de-

sired to modify his resolution. The Chair thinks the gentleman has a right to modify the resolution unless the previous question is ordered.

Mr. REED. Will the Chair allow me to suggest that the right to modify it, after the motion to lay on the table was recognized by the Chair, is a question. That seems to be the difficulty in the way. After the Chair had recognized the motion to lay on the table it would scarcely be in order, it seems, to modify the resolution.

The SPEAKER. The Chair did recognize the gentleman from Wisconsin to make the motion.

Mr. REED. I only offer it as a suggestion. I came in in the midst of the confusion, and do not know what motions were pending or their order.

The SPEAKER. The Chair is not altogether clear that the resolution could be modified pending the motion to lay on the table.

Mr. BLOUNT. I hope the gentleman from Wisconsin will allow the resolution to be modified, and then he can submit his motion.

Mr. MILLER. I withdraw the motion.

The SPEAKER. If there be no objection, the gentleman from Georgia will have leave to modify the resolution, and then the question will be submitted on the motion of the gentleman from Wisconsin.

There was no objection.

Mr. BERGEN. Now, Mr. Speaker, as I understand it, the parliamentary situation has been modified, and this is proposed to be done under Rule XV of the House.

The SPEAKER. The resolution provides for sending for absent members.

Mr. BERGEN. I know. But the Speaker will please remember that Rule XV provides, in the absence of a quorum, the House may compel the attendance of absent members. Now, there is no question but that a quorum is present.

The SPEAKER. What is the gentleman's parliamentary question?

Mr. BERGEN. My parliamentary inquiry is this: When a quorum is developed in the House, and the rule prescribes that we can only bring in absent members when a quorum is required, and only in the absence of a quorum, how can it be proper under any rule of the House or any practice of the House to take the action that is proposed here?

The SPEAKER. The Chair has held that the House has at all times the right to demand the presence of its members; and that is the question now pending, which the gentleman from Wisconsin moves to lay on the table.

Mr. BERGEN. But does not the resolution itself specify that the action shall be taken under Rule XV, which refers to a call of the House?

The SPEAKER. The Chair thinks the rule provides that under the execution of the present order of the House conformity shall be had to the practice in cases where a call of the House is ordered. That is as the Chair understands the resolution.

Mr. BLOUNT. I will make a further slight modification in the resolution.

Mr. REED. Perhaps if the gentleman from Georgia will withdraw the demand for the previous question he could get this in shape after awhile.

The SPEAKER. The gentleman from Georgia submits a further modification.

Mr. WILSON of Washington. I ask that the resolution be reported as modified.

The Clerk read as follows:

Whereas, there are a large number of members absent from the House, and the public business is delayed, the Sergeant-at-Arms is directed to bring in all absentees without leave; and the proceedings in connection therewith shall be in accordance with Rule XV in cases where a call of the House is ordered. Leaves of absence are hereby revoked, except for providential causes; and the roll shall be immediately called to ascertain what members are absent.

Mr. BLOUNT. Upon that I demand the previous question.

Mr. O'NEILL of Missouri. I suggest to the gentleman from Georgia that he also incorporate in the resolution the words: "whereas a large number of members are present and refuse to vote," so that both cases may appear.

The SPEAKER. The previous question is demanded, and pending that the gentleman from Wisconsin moves to lay on the table the resolution. Under the rule the first vote will be taken on that motion.

Mr. DOCKERY. I understand that motion is not insisted on.

Mr. MILLER. I withdraw that motion.

The SPEAKER. Then the question is on a demand for the previous question.

The question was taken; and on a division (demanded by Mr. BURROWS) there were—ayes 134, noes 3.

Mr. BURROWS. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Michigan [Mr. BURROWS] and the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Georgia moves a call of the House.

Mr. BURROWS. But, Mr. Speaker, what becomes of the other proposition?

The SPEAKER. On the other question there was no quorum. The House can not proceed without a quorum.

Mr. BURROWS. That is correct.

A call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Alderson,	Dunphy,	Magner,	Sanford,
Amernan,	Durborow,	Mansur,	Scott,
Arnold,	Ellis,	McDonald,	Shonk,
Atkinson,	Enochs,	McKeighan,	Snow,
Bankhead,	Fitch,	Meredith,	Springer,
Belden,	Fithian,	Milliken,	Stahnecker,
Bentley,	Forman,	Morse,	Stone, W. A.
Bowers,	Fowler,	Newberry,	Storer,
Breckinridge, Ark.	Geissenhainer,	Norton,	Stump,
Bretz,	Gillespie,	Parrett,	Sweet,
Brosius,	Harries,	Pattison, Ohio	Taylor, Ill.
Brown,	Harter,	Payne,	Taylor, Tenn.
Buchanan, N. J.	Hayes, Iowa	Paynter,	Taylor, J. D.
Bunting,	Hemphill,	Peel,	Taylor, V. A.
Bynum,	Henderson, Iowa	Pendleton,	Tracey,
Cable,	Hooker, N. Y.	Pickler,	Turner,
Campbell,	Hopkins, Ill.	Pierce,	Wadsworth,
Cheatham,	Houk, Tenn.	Price,	Warwick,
Chapin,	Johnstone, S. C.	Quackenbush,	Wever,
Clancy,	Ketcham,	Raines,	Wike,
Covert,	Lagan,	Randall,	Williams, Ill.
Cowles,	Lawson, Va.	Rayner,	Wilson, Mo.
Crain, Tex.	Lawson, Ga.	Reyburn,	Wolverton,
Dalzell,	Lester, Ga.	Robertson, La.	Wright,
Daniel,	Lockwood,	Robinson, Pa.	
Doan,	Lodge,	Rusk,	

The SPEAKER. The Doorkeeper will close the doors. The names of the absentees will be called for excuses.

Mr. OUTHWAITE. Mr. Speaker, I do not know whether the Clerk has recorded me as present or not. I should be recorded.

The SPEAKER. The Chair will have the names of all gentlemen called who are noted as absent, and they can respond on this call if present.

The Clerk proceeded to again call the roll.

Mr. REILLY (when the name of Mr. AMERMAN was called). Mr. Speaker, my colleague [Mr. AMERMAN] is absent from the House by reason of sickness. He was sick in this city for several weeks, and becoming worse, was obliged to go home, where he now is, confined by illness. I ask that he be excused.

The SPEAKER. The gentleman from Pennsylvania [Mr. REILLY] asks that his colleague, Mr. AMERMAN, be excused on account of sickness. Is there objection?

There was no objection.

Mr. CAPEHART (when the name of Mr. ALDERSON was called). Mr. Speaker, my colleague [Mr. ALDERSON] is absent from the House on account of sickness, and I ask that he be excused.

The SPEAKER. The gentleman from West Virginia [Mr. CAPEHART] states that his colleague, Mr. ALDERSON, is absent on account of sickness, and asks that he be excused. Is there objection?

There was no objection.

Mr. BYRNS (when the name of Mr. ARNOLD was called). Mr. Speaker, this morning I asked leave of absence for my colleague [Mr. ARNOLD] on account of important business. He is now in Missouri, and I again ask leave for him for two weeks.

The SPEAKER. The Chair understood that leave had been granted.

Mr. BYRNS. He was granted leave of absence, but it expires to-day.

The SPEAKER. The gentleman from Missouri [Mr. BYRNS] asks leave of absence for his colleague, Mr. ARNOLD, for two weeks on account of important business. Is there objection?

Mr. BLOUNT. I wish to know if the gentleman is in the city?

Mr. TARSNEY. He is not in the city.

Mr. HATCH. My colleague [Mr. ARNOLD] is in Missouri, absent by leave of the House.

Mr. BYRNS. His leave expired to-day, and his business is not yet finished.

Mr. HATCH. The gentleman has been absent for some time, and I understand his leave expires to-day.

The SPEAKER. Is there objection to the request?

Mr. BLOUNT. I do not object if the gentleman has gone away by leave of the House?

There was no objection.

Mr. McRAE. (When the name of Mr. BRECKINRIDGE of Arkansas was called). Mr. Speaker, my colleague [Mr. BRECKINRIDGE] is absent by leave of the House.

Mr. SAYERS. And he is in Arkansas.

The SPEAKER. A member who is absent by leave of the House would not be sent for unless that order should be made by the House.

Mr. MARTIN (when the name of Mr. BRETZ was called). Mr. Speaker, my colleague [Mr. BRETZ] is absent by leave of the House.

Mr. HENDERSON of North Carolina (when the name of Mr. COWLES was called). Mr. Speaker, my colleague [Mr. COWLES] is absent in North Carolina by leave of the House, I understand, on account of sickness in his family. If his leave has expired, I wish to ask that it be extended.

The SPEAKER. The gentleman has indefinite leave of absence.

Mr. HENDERSON of North Carolina (when the name of Mr. BUNN was called). Mr. Speaker, my colleague [Mr. BUNN] has been here all day, but he has been feeling very unwell, and he is absent from the House now on account of sickness. I ask that he be excused.

There was no objection.

Mr. MOORE (when the name of Mr. CRAIN of Texas was called). Mr. Speaker, I ask that my colleague [Mr. CRAIN of Texas] be excused on account of sickness.

There was no objection.

Mr. BURROWS (when the name of Mr. DALZELL was called). Mr. Speaker, I am requested to announce that the gentleman from Pennsylvania [Mr. DALZELL] was called away yesterday. He started for the House this morning and will be here at 5 o'clock. I ask that he be excused.

There was no objection.

Mr. CALDWELL (when the name of Mr. ENOCHS was called). Mr. Speaker, my colleague [Mr. ENOCHS] is on his way here and will be here to-morrow morning. I ask that he be excused.

The SPEAKER. The Chair is informed that the gentleman is absent by leave of the House.

Mr. CUMMINGS (when the name of Mr. GEISSENHAINER was called). Mr. Speaker, the gentleman from New Jersey [Mr. GEISSENHAINER] is on his way to New York on duties connected with the special immigration investigation committee.

The SPEAKER. The gentleman has leave.

Mr. BUCHANAN of Virginia (when the name of Mr. LAWSON of Virginia was called). My colleague [Mr. LAWSON of Virginia] is at his home sick, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. COOMBS (when the name of Mr. MAGNER was called). Mr. Speaker, my colleague [Mr. MAGNER] is at home sick. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. DINGLEY (when the name of Mr. MILLIKEN was called). Mr. Speaker, I ask that my colleague [Mr. MILLIKEN], who has been called home, be excused.

The SPEAKER. The gentleman is absent by leave of the House.

Mr. GOODNIGHT (when the name of Mr. PAYNTER was called). My colleague [Mr. PAYNTER] has been called home with his family to Kentucky. He is paired with the gentleman from Kentucky [Mr. WILSON], and will be back on Monday. I ask that he be excused until then.

Mr. LIVINGSTON. On what ground?

Mr. GOODNIGHT. He has gone to Kentucky to take his family home. He will be back on Monday.

Mr. LIVINGSTON. But did he get leave of the House?

Mr. GOODNIGHT. He is paired with his colleague from Kentucky [Mr. WILSON].

Mr. LIVINGSTON. But did he get leave of the House?

The SPEAKER. The gentleman from Kentucky is excused for this day's session.

Mr. O'NEILL of Pennsylvania (when the name of Mr. ROBINSON of Pennsylvania was called). My colleague [Mr. ROBINSON of Pennsylvania] has had leave of absence granted him. He is absent on account of sickness.

Mr. TOWNSEND (when the name of Mr. SWEET was called). The gentleman from Idaho [Mr. SWEET] is absent. I ask that he be excused.

The SPEAKER. The gentleman has been excused.

Mr. CUMMINGS (when the name of Mr. STUMP was called). Mr. Speaker, the gentleman from Maryland [Mr. STUMP] is also absent with the immigration investigation committee by special order of the House to investigate into alleged irregularities at Ellis Island.

Mr. BACON (when the name of Mr. BENTLEY was called). Mr. Speaker, my colleague [Mr. BENTLEY] is absent from the city, having been compelled to go home to take care of his family. I ask that he be excused.

The SPEAKER. The gentleman has leave.

Mr. HERBERT. Mr. Speaker, I am paired with the gentle-

man from Maine [Mr. BOUTELLE]. I have been in my committee room all day at work, and did not know there was a call of the House on hand or I would have come in sooner.

The SPEAKER. The gentleman will be recorded as present. Mr. CUMMINGS (when the name of Mr. WRIGHT was called). The gentleman from Pennsylvania [Mr. WRIGHT] is also a member of that immigration investigating committee, and is absent in New York, by special order of the House.

Mr. BLOUNT. I ask the adoption of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution (at 4 o'clock and 15 minutes) was agreed to. At 4 o'clock and 25 minutes

Mr. MILLER said: Mr. Speaker, I desire to inquire whether there is any way to ascertain where these absent members are; whether they are in the city proper or not, and if they are not I can not see why we should remain here.

The SPEAKER. The Sergeant-at-Arms has been directed to arrest absent members, and the Chair supposes he will make a report as soon as he finds out where they are. [Laughter.]

Mr. MILLER. About what time will he make a report?

The SPEAKER. The Chair is uncertain about that.

Mr. MILLER. I move that the House adjourn.

The question was taken; and the motion was rejected.

So the House refused to adjourn.

At 4 o'clock and 40 minutes

Mr. BAILEY said: Mr. Speaker, I desire to know if it is in order to offer a resolution designed to facilitate the call of the House? If so, I desire to offer this resolution:

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he is absent, unless such Member or Delegate assigns as a reason for such absence the sickness of himself or of some member of his family.

[Cries of "Ah!"]

The SPEAKER. The gentleman will send up the resolution, and the Chair will have it read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, instructed to deduct from the monthly payment of each Member or Delegate the amount of his salary for each day that he is absent, unless such Member or Delegate assigns as a reason for such absence sickness of himself or of some member of his family.

Mr. LIVINGSTON. The gentleman had better amend his resolution so as to have it operate only after this date.

Mr. BAILEY. I suggest to the gentleman from Georgia that it would not be retroactive any way.

Mr. LIVINGSTON. It would act upon those who are now absent by leave of the House.

Mr. OATES. The gentleman had better strike out the Delegates.

Mr. HOLMAN. Oh, no. That is the law now.

Mr. ALLEN. Would it not be better just to pass a resolution to enforce the existing law?

Mr. BAILEY. That is what this is, practically.

Mr. O'NEILL of Missouri. Let it apply also to members who are in the House and do not vote. [Laughter.]

Mr. BERGEN. Mr. Chairman, I make the point of order that this resolution is not in order during proceedings in the nature of a call of the House.

Mr. BAILEY. I submit, Mr. Speaker, that the resolution which I have sent to the desk is designed to aid in executing the resolution which we have already adopted to arrest and bring in absent members.

The SPEAKER. It may help to keep them here after they are brought in, but the point made is that it is not in order as a part of the proceedings to secure the attendance of members of the House. As the Chair understands the rulings made in the past upon this point, when the House is in call nothing is in order except such motions as may further the purposes of the call, to wit, the securing of a quorum. As the Chair recollects, it has been held by his predecessors that a motion to revoke leaves of absence was in order during a call, upon the theory that such action would further the obtaining of a quorum.

The Chair understands the gentleman to say that the resolution is a copy of the existing law. Is that all it is?

Mr. BAILEY. It is practically the very language of the statute.

The SPEAKER. The Chair is not clear that this resolution is in order pending the call.

Mr. BAILEY. Then, Mr. Speaker, to relieve the Chair of all embarrassment upon this question, I will withdraw the resolution now, giving notice that I shall offer it again on the first opportunity, and insist upon its adoption.

Mr. BLOUNT. Mr. Speaker, I offer the resolution which I send to the desk.

The Clerk read as follows:

Ordered, That all leaves of absence heretofore granted and unexpired, except such as are granted on account of sickness or sickness in the Member's family, be, and the same are hereby, revoked.

Mr. McMILLIN. Mr. Speaker—

Mr. BLOUNT. On that I ask the previous question.

Mr. McMILLIN. You have already got that, substantially.

The question was taken on ordering the previous question, and the Speaker declared that the "ayes" seemed to have it.

A division was called for.

The House divided; and there were—ayes 95, noes 9.

Mr. CALDWELL. No quorum.

The SPEAKER. It does not require a quorum. The previous question is ordered. The question now is upon agreeing to the resolution.

The resolution was adopted.

LEAVE OF ABSENCE.

Mr. FYAN, by unanimous consent, obtained indefinite leave of absence on account of sickness.

PROCEEDINGS UNDER THE CALL.

Mr. BLOUNT. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That, except as to the revocation of leaves of absence and the arrest by the Sergeant-at-Arms of absent members of the House as heretofore ordered, all further proceedings under the call of the House be, and the same are hereby, dispensed with.

Mr. BRECKINRIDGE of Kentucky. Mr. Speaker, has the House, under its rules, power to dispense in part with proceedings taken in part?

The SPEAKER. In the second session of the Twenty-seventh Congress it was held that by an adjournment pending a call of the House all proceedings under the call were terminated unless the House had previously passed an order specially directing otherwise. By referring to the Journal of the Twenty-seventh Congress the Chair finds that a resolution was adopted which the Clerk will read.

The Clerk read as follows:

Resolved, That all such members of the House as have not appeared in pursuance of the call of the House and given satisfactory excuses shall be fined the amount of the fees of the Sergeant-at-Arms, subject to be released from the payment of the same on appearing hereafter and making such excuse as shall be deemed satisfactory to the House.

The SPEAKER. That resolution was adopted pending the proceedings under the call of the House, and afterwards the House adjourned. That order is the predicate of the statement in the Manual as to an adjournment dispensing with proceedings under the call except where the House had otherwise ordered.

Mr. BRECKINRIDGE of Kentucky. If this resolution be adopted, what will be its effect upon the members of the House who may have been arrested and who are now in the custody of the Sergeant-at-Arms?

The SPEAKER. It seems to the Chair that it must be competent for the House in the present situation to continue the order of arrest notwithstanding an adjournment. A recess can not be taken—

A MEMBER. Why?

The SPEAKER. Because the roll call has shown the presence of less than a quorum, a call of the House has been ordered, and a motion for a recess is not in order pending a call of the House. If an adjournment dispenses necessarily (notwithstanding the desire of the House to the contrary) with all proceedings under the call, including the order for the arrest of absent members, then if the House wanted to send for a member, say in Texas, it would have to stay in session until the Sergeant-at-Arms could go there and return; the House could not adjourn without causing the proceedings to fall, and could not take a recess in the absence of a quorum. So that it seems to the Chair it must be in the power of a minority of the House, when a call has been entered upon, to adopt a resolution to continue the order of arrest and then to adjourn, the Constitution contemplating that less than a quorum may adjourn from day to day, and may also enforce the attendance of absent members. It seems therefore to the Chair that this resolution is in order.

Mr. DICKERSON. Could we not have a recount of the members here to ascertain whether there is not a quorum actually in the House?

The SPEAKER. There is no provision for that, though doubtless there is more than a quorum here—very much more.

Mr. DICKERSON. I move a call of the names.

The SPEAKER. There is no provision for that. A call of the House is pending. The gentleman can move to dispense with further proceedings under the call.

Mr. DICKERSON. Well, I think I will make that motion.

Several MEMBERS. Oh, no.

The SPEAKER. The question is upon the resolution of the gentleman from Georgia [Mr. BLOUNT].

Mr. McMILLIN. I ask that the resolution be again read.
The Clerk read as follows:

Resolved, That, except as to the revocation of leaves of absence and the arrest by the Sergeant-at-Arms of absent members of the House as heretofore ordered, all further proceedings under the call of the House be, and the same are hereby, dispensed with.

The SPEAKER. The question is upon agreeing to this resolution.

The resolution was adopted.

Mr. MALLORY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MALLORY. I rise to make a motion to recommit the bill now pending.

The SPEAKER. The Chair does not understand the gentleman's motion.

Mr. MALLORY. I move that the consular and diplomatic appropriation bill be recommitted.

The SPEAKER. The Chair will state to the gentleman that the bill is not in the House. It has been referred to the Committee of the Whole on the state of the Union, and a motion to recommit would not be in order until the bill has been reported back to the House.

Mr. MALLORY. We are now in the House, not in Committee of the Whole.

The SPEAKER. We are in the House, but the bill is in Committee of the Whole. [Laughter.]

Mr. MILLER and Mr. BURROWS moved that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, and referred to their appropriate Calendars, as indicated below:

SURETIES ON RECOGNIZANCES, STIPULATIONS, ETC., IN THE DEPARTMENTS AND COURTS OF THE UNITED STATES.

Mr. BUCHANAN of Virginia, from the Committee on the Judiciary, reported back as a substitute for House bill 6181 the bill (H. R. 8444) to authorize corporate sureties on recognizances, stipulations, bonds, and undertakings in the Departments and courts of the United States; which was read a first time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MANUSCRIPT PAPERS AND CORRESPONDENCE OF THOMAS JEFFERSON.

Mr. O'FERRALL, from the Committee on the Library, reported back favorably the bill (H. R. 481) to authorize the purchase of certain manuscript papers and correspondence of Thomas Jefferson; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MILITARY RESERVATIONS AT EASTPORT, ME.

Mr. McRAE, from the Committee on the Public Lands, reported back favorably the bill (H. R. 7924) for the disposal of abandoned and useless military reservations at Eastport, Me.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN UTES.

Mr. BRAWLEY, from the Committee on Indian Affairs, submitted the views of the minority on the bill (H. R. 67) for the removal of the Southern Utes; which were ordered to be printed with the views of the majority.

UNIFORM STANDARD OF CLASSIFICATION AND GRADING OF WHEAT, CORN, OATS, BARLEY, ETC.

Mr. HATCH, from the Committee on Agriculture, reported back favorably the bill (S. 797) to provide for fixing a uniform standard of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF COLLECTORS OF CUSTOMS AND SURVEYORS OF CUSTOMS.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 7513) to authorize the Secretary of the Treasury to fix and limit the compensation of collectors of customs and surveyors of customs, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Under clause 2 of Rule XIII, private bills and resolutions were

severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (H. R. 8412) for the relief of J. C. Shelby. (Report No. 1221.)

By Mr. COBB of Missouri, from the same committee: A bill (S. 2097) for the relief of George A. Orr. (Report No. 1222.)

By Mr. SMITH of Illinois, from the Committee on Claims: A bill (H. R. 1484) for the relief of Mary A. Lewis. (Report No. 1224.)

By Mr. COX of New York, from the same committee: A bill (S. 838) for the relief of the estate of John Ericsson. (Report No. 1125.)

By Mr. PAGE of Rhode Island, from the Committee on Claims: A bill (H. R. 2109) for the relief of P. H. Doyle, assignee of William M. Shimmings and George H. McPherson. (Report No. 1226.)

A bill (H. R. 3475) for the relief of John J. Brown. (Report No. 1227.)

A bill (H. R. 3478) for the relief of A. B. Wilson, administrator of the estate of William Tinder, deceased. (Report No. 1228.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill; which was re-referred as follows:

A bill (S. 1678) for the relief of William Smith and others—the Committee on Claims discharged, and referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. OTIS: A bill (H. R. 8445) to repeal the act of October 1, 1890, in relation to forest reservations in California, and instructing the Secretary of the Interior to issue patents to settlers thereon—to the Committee on Private Land Claims.

By Mr. BOWMAN: A bill (H. R. 8446) to provide for the lighting of tunnels in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8447) for the relief of settlers upon certain lands in the States of North and South Dakota—to the Committee on the Public Lands.

By Mr. LIND (by request): A bill (H. R. 8448) relating to the acquisition of lands under the homestead and preemption laws of the United States—to the Committee on the Public Lands.

By Mr. CAMINETTI (by direction of the Committee on Mines and Mining): A resolution asking the Committee on Rules to fix a day for the consideration of the bill H. R. 7787—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 8449) to open to navigation the Trinity River, in the State of Texas—to the Committee on Rivers and Harbors.

By Mr. COGSWELL: A bill (H. R. 8450) to remove the charge of desertion from the record of Charles G. Pyer—to the Committee on Military Affairs.

By Mr. EPES: A bill (H. R. 8451) for the relief of the legal representatives of Mary N. Cox, late of Lunenburg County, Va.—to the Committee on War Claims.

By Mr. FELLOWS: A bill (H. R. 8452) to grant a pension to Maj. Gen. Julius H. Stahel—to the Committee on Invalid Pensions.

By Mr. MCALEER: A bill (H. R. 8453) for the relief of Charles F. Gillies—to the Committee on Military Affairs.

By Mr. MCKINNEY: A bill (H. R. 8454) for the relief of George E. Dow—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 8455) for the relief of Louis Harris—to the Committee on Claims.

By Mr. MEREDITH: A bill (H. R. 8456) to reimburse George C. Tanner, late consul, etc., the sum of \$200 paid by him for rent of rooms—to the Committee on Claims.

By Mr. SNODGRASS (by request): A bill (H. R. 8457) granting a pension to Ann M. Green—to the Committee on Invalid Pensions.

By Mr. SPERRY (by request): A bill (H. R. 8458) granting a pension to Benjamin Winchester—to the Committee on Pensions.

Also, a bill (H. R. 8459) for the relief of Thomas Geoghagan, and granting him an honorable discharge—to the Committee on Military Affairs.

By Mr. SPRINGER: A bill (H. R. 8460) to increase the pension of Jeremiah Young, late a member of Company K, First Regiment Tennessee Cavalry, in the Mexican war—to the Committee on Pensions.

By Mr. WILSON of Washington: A bill (H. R. 8461) for the relief of Lieut. Robert H. Patterson—to the Committee on Claims.

By Mr. GROUT: A bill (H. R. 8462) to pension Harry Gorman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Protest of D. E. Johnston and others, of West Virginia, against the appropriations for the World's Fair unless the Fair is closed on the Sabbath day—to the Select Committee on the Columbian Exposition.

By Mr. ARNOLD: Protest of Farmers' and Laborers' Union of Johnson County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. BELKNAP: Petition of Rev. F. Moor and 43 others, of Grand Rapids, Mich., protesting against Congressional interference in Sunday closing of the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. BUSEY: Petition of William W. Mullenix, Company I, Seventy-first Missouri Enrolled Militia, for a pension—to the Committee on Invalid Pensions.

By Mr. CARUTH: Protest of the Presbytery of Louisville, Ky., against the sale of liquor in Alaska—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CATCHINGS: Petition of citizens of the county of Tunica, Miss., remonstrating against the passage of the Brosius (or Conger) lard bill—to the Committee on Agriculture.

By Mr. CRAIG of Pennsylvania: Petition of 116 citizens of Allegheny County, Pa., in favor of House bill 401, in favor of restricting immigration, and commonly known as the Stone bill—to the Select Committee on Immigration and Naturalization.

By Mr. CRAWFORD: Petition of the Presbytery of Fayetteville, N. C., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CUMMINGS: Petition of James I. Wadsworth Post, Grand Army of the Republic of New York, praying that the battle lines at Gettysburg may be marked—to the Committee on the Library.

Also, affidavits of Patrick Manly and William Carey, in the matter of Edward Quinlan for relief, to accompany House bill 8399—to the Committee on Pensions.

By Mr. DAVIS: Six hundred and fifty-two petitions from citizens in forty States and Territories, the estimated number of signatures 85,000, as follows: two hundred and eighty-nine petitions asking for a law restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, one hundred and ninety-six petitions for the election of United States Senators by direct vote of the people—to the Select Committee on the Election of President and Vice-President and Representatives in Congress.

Also, one hundred and fifty-eight petitions in regard to slums in cities—to the Committee on Labor.

Also, nine petitions for increase of room on immigration steamers—to the Committee on Naval Affairs.

By Mr. DIXON: Two petitions of citizens of Montana, one of Stevensville, Missoula County, and the other of Camis Alliance, No. 18, in favor of the antiopium bill—to the Committee on Agriculture.

By Mr. DOCKERY: Three protests of Farmers and Laborers' Union of Missouri, as follows: of Gentry County, of Clinton County, and of Mercer County, all against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of P. H. Henkel for relief—to the Committee on War Claims.

By Mr. DUNGAN: Petition of Rev. Henry Beeman and his congregation (Presbyterian) of New Lexington, Ohio, against opening the Chicago Exposition on Sundays, and against the sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. J. H. Starrett and his congregation (Methodist Episcopal), of McConnellsville, Ohio, against opening the Chicago Exposition on Sundays, and against the sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. EVERETT: Papers in the claim of Allen Black, of Catawba County, Ga.—to the Committee on War Claims.

By Mr. GEARY: Petition of the Mining Stock Association of San Francisco, praying that the mint at Carson may no longer be used as a common fence for corporate and individual plunderers, and that investigation be made of alleged transactions at the mint at Carson—to the Committee on Coinage, Weights, and Measures.

By Mr. GEISSENHAINER: Petition of S. C. Parmele and others, members of the Seventh-Day Adventist Church of New Brunswick, N. J., against legislation by Congress in regard to closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of members of William C. Berry Post, No. 85, Grand Army of the Republic, of Woodbridge, N. J., in favor of legislation for preserving and properly marking the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. GILLESPIE: Two petitions of citizens of Pennsylvania, one by Thomas Bresnan and others, of Greenville, Mercer County, and the other by George Powell, jr., and others of Sharon, Mercer County, Pa., asking for the passage of House bill 401, relating to immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. GOODNIGHT: Proof to accompany House bill 5373, for relief of Mary L. Sullivan—to the Committee on Invalid Pensions.

By Mr. GREENLEAF: Petition of citizens of Rush, N. Y., in favor of a law authorizing the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HAMILTON: Petition of citizens of Cedar Rapids, Iowa, asking that no appropriation be made for the Columbian Exposition unless the same be closed on Sunday, and the sale of liquors prohibited on the Exposition grounds—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Protest of the Farmers and Laborers' Union of Macon, Mo., against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HAYNES of Ohio: Two petitions of Lucerne Grange, No. 1318, of Ohio, one for the passage of a law to prevent gambling in farm products, and the other to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

By Mr. HEARD: Three protests of Farmers and Laborers' Union of Missouri, as follows: One of Saline County, the second of Pettis County, and the third of Boone County, all against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HOPKINS of Pennsylvania: Two petitions of citizens of Pennsylvania: One of 200 citizens of Williamsport, and the other of 150 citizens of Elkland, Tioga County, in favor of closing the World's Fair Exposition on Sunday and protesting against any appropriation by Congress if the Exposition is kept open—to the Select Committee on Immigration and Naturalization.

By Mr. HULL: Petition of H. D. Cope and 35 others, of Des Moines, Iowa, asking for the defeat of the Hatch-Washburn bills on dealing in options—to the Committee on Agriculture.

By Mr. JOHNSON of Indiana: Petition of citizens of Ridgeville and vicinity, of Randolph County, Ind., for the purchasing of buildings for post-offices by the Government, for free delivery of mail in all cities of 5,000 population, and for free delivery of mail in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. KYLE: Petition of Edmonia F. Carter, executrix of Gowan Lane Corbin, deceased, praying for the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. MCCREARY: Petition of Lewis S. Harris, of Nicholasville, Ky., to accompany bill for relief—to the Committee on Claims.

Also, petition of Ira Manly, for pension—to the Committee on Pensions.

Also, petition of Anderson Kennedy, for relief, to accompany bill—to the Committee on War Claims.

By Mr. O'DONNELL: Two petitions of citizens of Michigan, one of the Seventh-Day Adventists, of the county of Eaton, and the other of the same church and of Hillsdale, protesting against any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Protest of the Philadelphia Drug Exchange, and the Philadelphia College of Pharmacy, against the passage of the Padlock pure food and drug bill—to the Committee on Agriculture.

By Mr. PAGE of Rhode Island: Petition of Leonard L. Potter and 30 others, of Warwick, R. I., in regard to opening the World's

Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of eighteen citizens of Rock Rapids, Iowa, in favor of preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. RANDALL: Resolutions of the Commonwealth of Massachusetts, for the establishment of a life-saving station at City Point, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL: Three petitions of Ekonk Grange, No. 89, of Connecticut, one for legislation to encourage silk culture, the second in favor of legislation to prevent the adulteration of food and drugs, and the third to prevent gambling in food products—to the Committee on Agriculture.

Also, petition by the same grange, for free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same grange, in favor of the immediate passage of House bill 395, defining pure lard—to the Committee on Agriculture.

Also, petition by the same grange, for legislation to prevent contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

By Mr. SCULL: Memorial of 70 citizens of Garrett County, Pa., praying the passage of House bill 401, in relation to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SIMPSON: Petition of Mobile Cotton Exchange of Alabama, in favor of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. SWEET: Petition of railroad employes, requesting laws compelling railway companies to use automatic brakes on all railroads—to the Committee on Railways and Canals.

By Mr. WARNER: Petition of Frederick de Bary & Co. and others, of New York, for a reduction of the duty on sparkling wines—to the Committee on Ways and Means.

Also, petition of J. D. Jones, of New York, for the passage of House bill 584—to the Committee on Patents.

By Mr. WARWICK: Papers to accompany House bill to remove the charge of desertion from the military record of James Ammerman—to the Committee on Military Affairs.

Also, petition of the Second Presbyterian Church of Massillon, Ohio, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WEADOCK: Petition of P. Ross Parish and 200 others, against opening the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Alabama: Petition of Sallie C. Smith, administratrix of the estate of John M. Smith, for relief—to the Committee on War Claims.

By Mr. WRIGHT: Two petitions of Gillets Grange, of Pennsylvania, one against gambling in farm products and the other in favor of silk culture—to the Committee on Agriculture.

Also, petition by the same grange, against contracts discrediting legal-tender currency—to the Committee on Coinage, Weights, and Measures.

Also, petition by the same grange, in favor of a pure-lard bill—to the Committee on Ways and Means.

Also, petition by the same body, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 29, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

REPRINT OF THE ANTI-OPTION BILL.

Mr. HATCH. Mr. Speaker, I am directed by the Committee on Agriculture to ask that a reprint be ordered of the bill (H. R. 7845), the bill defining options and futures, etc., together with the report, the original print having been entirely exhausted.

The SPEAKER. If there be no objection, a reprint of the bill and report specified by the gentleman from Missouri will be ordered.

There was no objection.

FEES, ETC., EXAMINING SURGEONS, ARMY AND NAVY PENSIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting additional estimates of deficiency in appropriation for fees and expenses of examining surgeons, army and navy pensions; which was referred to the Committee on Appropriations.

DEFICIENCY, POSTAL REVENUES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimate of deficiencies on account of the postal service, payable from the postal revenues, as submitted by the Sixth Auditor February 14, 1891; which was referred to the Committee on Appropriations.

FRENCH SPOILATION CLAIMS.

The SPEAKER also laid before the House communications from the Court of Claims, transmitting copy of the findings of the court in the French spoliation claims arising out of the seizure of the following vessels: Ship Eliza, brig Eliza Wright, and brig Rosetta; also arising out of the seizure of the vessels sloop Confidence, schooner Hannah, schooner Henry, sloop Mary, and schooner Shepherdess; which were severally referred to the Committee on Claims.

ARMY APPROPRIATION BILL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes; which were referred to the Committee on Military Affairs.

LEAVENWORTH AND PLATTE COUNTY BRIDGE COMPANY.

The SPEAKER also laid before the House the bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by act of Congress approved July 25, 1890.

Mr. BRODERICK. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read subject to objection. The bill was read at length.

There being no objection, the bill was considered, ordered to a third reading; and being read the third time, was passed.

On motion of Mr. BRODERICK, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CHEATHAM, for one week from to-day, on account of sickness.

To Mr. BOWMAN, for one week, on account of a death in his family.

To Mr. COMPTON, on Friday and Saturday, because of sickness in his family.

To Mr. HOAR, on Friday and Saturday, on account of illness.

To Mr. COOMBS, from to-day until Monday, on account of sickness.

To Mr. HARE, indefinitely, on account of important business.

To Mr. CAUSEY, for this day, on account of important business.

Also the following members indefinitely, to attend the sessions of the Committee on Immigration and Naturalization in New York City:

Mr. GEISSENHAINER, Mr. COVERT, Mr. WRIGHT, and Mr. STUMP.

PROCEEDINGS UNDER THE CALL OF THE HOUSE.

The SPEAKER. The Chair will call the attention of the House to the fact that on yesterday the Sergeant-at-Arms was directed to arrest and bring before the bar of the House certain of its members who were absent without leave. Pending the execution of the order the House adjourned, after directing that the order should continue in force. The Chair will now call upon the Sergeant-at-Arms to make a report of the proceedings under the order of arrest.

Mr. OWENS. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it. The Chair will state that this is a question of the highest privilege—a question pertaining to members now under arrest.

Mr. OWENS. It relates to this very matter, and, under Rule IX, it is clearly one of the questions of privilege on which I have a right to be heard, because the rights of members individually are concerned; and I hope that—

The SPEAKER. The gentleman is interrupting a question of privilege.

Mr. OWENS. I hope the Chair will hear me on this subject. I am satisfied that this matter of desiring to arraign these men and bring them in is all wrong, and that the Speaker, if fully informed about the matter, will revise his opinion.

The SPEAKER. The Chair will hear the gentleman on any question, but there is no question of that sort before the House. The House ordered the Sergeant-at-Arms to arrest absent members.

Mr. OWENS. But the House had no authority, and that is the question of privilege that I desire to be heard on.

The SPEAKER. It is a question over which the Chair has no control.

Mr. OWENS. The House did not do anything of the kind—that is to say, now I speak from the RECORD—

The SPEAKER. The Chair does not understand what the gentleman's point is.

Mr. OWENS. The point is that it is a question of the right of individual members. When the House adjourned last night, by all the precedents there was no authority, and is no authority, to bring anyone in here now at this time.

The SPEAKER. That question will arise when the Sergeant-at-Arms makes his report and the House has to deal with the question.

Mr. OWENS. I hope then to be heard on that subject as a question of privilege.

The SPEAKER. Undoubtedly the Chair will hear the gentleman. The Sergeant-at-Arms will make report of what action he has taken on the warrant placed in his hands yesterday by order of the House.

Mr. DOCKERY. Let us have order.

The SPEAKER. The House will please be in order.

Mr. BLOUNT. Mr. Speaker, I hope the gentlemen who are not under arrest will be required to take their seats.

The SPEAKER. The House will be in order.

The ASSISTANT SERGEANT-AT-ARMS. Mr. Speaker, of the nineteen members whose names were certified by the Clerk as being absent without leave and given to me in connection with the warrant, I have the following report to make:

Mr. WEVER and Mr. GILLESPIE I failed to find, although I tried.

Mr. CLANCY, Mr. COVERT, Mr. FITCH, and Mr. LODGE, as I learned, are absent from the city. Mr. CHEATHAM left last night for his home in North Carolina, on account of a severe accident to his son.

The following members—all the others—Mr. BOWERS, Mr. DUNPHY, Mr. ELLIS, Mr. HARTER, Mr. HEMPHILL, Mr. McDONALD, Mr. MEREDITH, Mr. PICKLER, Mr. RANDALL, Mr. STACKHOUSE, Mr. TRACEY, and Mr. WARWICK, I notified, and they all said they would be here this morning except Mr. MEREDITH, and one of the other officers had notified him.

The SPEAKER. The Chair will state to the House that the Sergeant-at-Arms appealed to him last evening to know what action he should take when he executed the warrants by notifying or arresting members, and the Chair perhaps assumed the authority to say to him—at all events the Chair did say to him—to simply tell the gentlemen that they would please to report here this morning, which action was taken, and the Sergeant-at-Arms now makes his report. It is for the House to determine what it will do in the premises.

Mr. OWENS. Mr. Speaker—

The SPEAKER. The gentleman from Ohio [Mr. OWENS] is desirous to raise a point upon this, and the Chair will hear him.

Mr. OWENS. Mr. Speaker, I find in the RECORD of yesterday, on page 3761—

A MEMBER. Has the report been made?

The SPEAKER. The report has been made, but the gentleman from Ohio [Mr. OWENS] rises to a question of privilege relating to the report, as the Chair understands.

Mr. OWENS. Mr. Speaker, I find on page 3761 of the RECORD that reference is made by the Speaker of the House to the Journal of the Twenty-seventh Congress, in which the Speaker found that a resolution was adopted, which was then read. I have this morning examined that record, and find that that sort of resolution, the same as one passed yesterday, was passed then, but no action was ever taken on it. No one was ever arraigned under that resolution. That was in the Twenty-seventh Congress. I find in the Twenty-ninth Congress, on page 60, which was at a later date—

Mr. BUSHNELL. Mr. Speaker, I rise to a question of order.

The SPEAKER. What is the question?

Mr. BUSHNELL. That there is really no question before the House. That is, I do not understand that there is any issue. The Sergeant-at-Arms has made a report, and the rules, I submit, prescribe the proper course to pursue; and that until there is some issue presented, and the House has gone to the extent of taking some action, thereby raising some issue, there is nothing properly before the House.

The SPEAKER. The gentleman from Ohio [Mr. OWENS] stated that he rose to a question respecting the call. The Chair does not know what the question is.

Mr. BLAND. There is no resolution or proposition before the House.

The SPEAKER. None whatever.

Mr. BLAND. The gentleman seems to be arraigning the action of the House on yesterday.

The SPEAKER. That is not in order. What is the purpose of the gentleman from Ohio [Mr. OWENS]?

Mr. OWENS. For the information of the gentleman from Missouri [Mr. BLAND], I say that this resolution ought to be expunged from the RECORD:

Resolved, That, except as to the revocation of leaves of absence and the arrest by the Sergeant-at-Arms of absent members of the House as heretofore ordered, all further proceedings under the call of the House be, and the same are hereby, dispensed with.

Now, then, these men are brought in here under that resolution, and I say there is no precedent, and can not be one shown by any member of this House for such a proceeding in any former Congress.

The SPEAKER. The Chair will state that the question was raised yesterday, passed upon yesterday by the Chair, and the House accepted that decision and adopted the resolution.

Mr. OWENS. The House was then without a quorum.

Mr. DOCKERY. And it passed it without objection.

Mr. OWENS. It was without a quorum. The House without a quorum is not the House. Then the Chair declared, on page 3760, on the other question, there was no quorum. The House can not proceed without a quorum, but the resolution was passed without a quorum, and that action is not the action of the House.

The SPEAKER. The Chair thinks the express question raised by the gentleman from Ohio was determined yesterday. The point was made that it was incompetent for a minority of the House to continue this order. The House acted on the point when made yesterday.

Mr. OWENS. The House has not acted on it. It appears that a few members here, under a call of the House, without a quorum, have passed the resolution which appears in the RECORD, and which is now sought to be put into execution.

The SPEAKER. The Chair will endeavor to execute the order of the House.

Mr. DICKERSON. I move that all further proceedings under the call and the order for the arrest of members be dispensed with.

The SPEAKER. The Chair thinks it will be competent to discharge members under arrest.

Mr. FUNSTON. I raise the point that all further proceedings under the call of the House were dispensed with when the House adjourned.

Mr. OWENS and others addressed the Chair.

The SPEAKER. There is no confusion about the matter. The Chair held on yesterday, after argument, that a minority of the House, under a call of the House, had the right to send for absent members, and to continue the order, although the House adjourned.

Mr. OWENS. And it passed that resolution.

The SPEAKER. And that resolution was passed.

Mr. OWENS. That presents a privileged question, as to the rights of members, and on that I desire to be heard.

The SPEAKER. The right of what member?

Mr. OWENS. The right of every member who was brought in here.

The SPEAKER. The Chair can not hear the gentleman on that question.

Mr. DICKERSON. I move that members under arrest be discharged and that all further proceedings under the call be dispensed with.

Mr. OWENS. And on this I desire to quote—

The SPEAKER. The House will please be in order. Will the Clerk read the resolution adopted yesterday?

The Clerk read as follows:

Whereas there are a large number of members absent from the House—

The SPEAKER. That is not the resolution. The Clerk will read the resolution continuing the order for arrest.

Mr. OWENS. It is on that subject that I rise to a question of privilege.

The SPEAKER. The Chair can not hear the gentleman on that point. When a gentleman is arrested and brought before the House, if the gentleman makes the point that the House has no power for its action, then the Chair can hear him.

Mr. OWENS. Then I accept it in that way; that the House had no power, and that the House did not act in that matter.

Mr. McMILLIN. I ask that we have the order read, and I think that will shed light on and show what the situation is.

The SPEAKER. The Chair is endeavoring to have it read.

The Clerk read as follows:

Resolved, That except as to the revocation of leaves of absence, and the arrest by the Sergeant-at-Arms of absent members of the House, as heretofore ordered, all further proceedings under the call of the House be, and the same are hereby, dispensed with.

The SPEAKER. That is the order of the House.

Mr. McMILLIN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. McMILLIN. The exception from dispensing with the further proceedings under the call having been made as indicated there, is not this the situation: That the members who were brought in by the Sergeant-at-Arms to-day are to be held as fully under arrest under that resolution as they would be if they had been brought in here yesterday evening?

The SPEAKER. The Chair thinks so, and the Chair was proposing to have the list of those gentlemen called and let them come forward and give their excuses. [Cries of "Regular order!"]

The gentleman from Ohio [Mr. OWENS] seems to think that he has a point of order which the Chair ought to hear, and the Chair would like to hear it if the gentleman will state it.

Mr. OWENS. The point is that the House after adjournment has no right to bring in members under a call after an adjournment.

The SPEAKER. The gentleman is going behind the record of the proceedings of yesterday.

Mr. DICKERSON. Mr. Speaker, I desire to ask whether it is not in order to move that members under arrest be discharged by the House?

The SPEAKER. The rule has always been that when members are arrested by the Sergeant-at-Arms they are brought to the bar of the House and the Chair says to them: "Mr. Jones, or Mr. Brown, or whatever the name may be, you have been absent from the sitting of the House without leave; what excuse have you to offer?" Whereupon the member offers his excuse if he has one.

Mr. DICKERSON. But when we deal with them individually, does not the report of the Sergeant-at-Arms bring those gentlemen before the House, and, assuming that that report is made, are they not now before the House?

The SPEAKER. We have not yet reached the point where excuses or motions to relieve are in order.

Mr. BLAND. They have a right to give their excuses.

Mr. DICKERSON. Does not the Chair assume that if the Sergeant-at-Arms makes a return of an arrest the member, theoretically at least, is actually in the custody of the Sergeant-at-Arms, and can not the House deal with the member upon that theory?

The SPEAKER. The Chair will state to the gentleman from Kentucky that each of these members has the right to state the reasons why he was absent. The Chair asks each member what excuse he has to offer, and if the gentleman has a good excuse, or what he regards as a good excuse, he has a right to state it and put it upon record.

Mr. OWENS. Mr. Speaker— [Cries of "Regular order!"]

The SPEAKER. The gentleman from Ohio rises to a point of order in relation to this matter.

Mr. OWENS. Now, Mr. Speaker, I desire to say that the resolution referred to by the Chair yesterday as having been passed in the Twenty-seventh Congress—

Mr. HEARD. Mr. Speaker, I rise to a point of order. The confusion is so great that it is impossible to hear what is going on.

The SPEAKER. The House will be in order. Will the gentleman from Ohio [Mr. OWENS] please state what his point or his motion is?

Mr. OWENS. It is a question of privilege. The point I make is that the House has no right to arraign these men here at all; and it is a question of the highest privilege; a question affecting the rights and reputations of members of the House in their representative capacity.

The SPEAKER. The Chair can not pass upon that question now, because the House has ordered them to be arrested.

Mr. OWENS. But the Chair is attempting now, as I understand it, under what is understood by the Chair to be the rule of the House, to arraign these men before the bar of the House, and I make the point that that is not proper under the rules, and upon that I desire to be heard.

Mr. OUTHWAITE. Mr. Speaker, I make the point of order that the gentleman [Mr. OWENS] is out of order.

The SPEAKER. The Chair is of course willing to hear any gentleman on a question affecting a proceeding like this, and the Chair will be glad if the gentleman from Ohio will direct the attention of the Chair to any particular rule or principle governing the matter; but the gentleman appears to be going behind the action of the House on yesterday. [Cries of "Regular order!"]

Mr. OWENS. If the House will be in order I shall get through in five minutes.

The SPEAKER. The House will please be in order.

Mr. OWENS. The Speaker referred yesterday to a resolution like this which was passed in the Twenty-seventh Congress. Now, in the Thirtieth Congress—

Mr. OUTHWAITE. Mr. Speaker, I desire a ruling on my

point. My point is that the gentleman is out of order, because these matters were disposed of yesterday. The point that he is making now was made yesterday and the House disposed of it, and it is not in order to make it again now.

Mr. OWENS. My friend from Ohio [Mr. OUTHWAITE] seems to know more about the rules than the Chair does.

The SPEAKER. The gentleman from Ohio [Mr. OWENS] claims that he can point to some authority which may control this matter, and the Chair would like to hear him.

Mr. OWENS. In the Thirtieth Congress this same question came up. The Speaker of that House then stated that it had been uniformly decided that an adjournment suspends all proceedings under a call of the House.

Mr. CARUTH. What is the gentleman reading from?

Mr. OWENS. From the eighteenth volume of the Congressional Globe; and exactly the same thing is repeated in the Twenty-ninth Congress. I undertake to say that never in the history of legislative proceedings until the present case were members who had been absent brought in under arrest under a call of the House after an adjournment of the House had taken place. I do not care to elaborate this point, because there seems to be a good deal of disorder on the floor of the House; and I am inclined to think it comes largely from men who were at the horse races yesterday and who would better have been here.

Mr. DINGLEY. I rise to a point of order. There is so much confusion we can not hear.

The SPEAKER. The question raised by the gentleman from Ohio [Mr. OWENS] was passed upon yesterday by the Chair, the decision was acquiesced in by the House, and the order for arrest was continued. The Clerk will call the names of the gentlemen who have been arrested, and as they are called they will please come forward.

Mr. DICKERSON. Mr. Speaker—

Mr. BERGEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BERGEN. I wish to inquire whether the present situation is not analogous to that which exists at common law when an arrest has been made and the sheriff has suffered the person arrested to go at large? In that case the sheriff can not rearrest the person and bring him into court. Have we not an analogous situation here? The Sergeant-at-Arms having allowed these members to go at large, are they not now relieved from arrest?

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

Mr. DICKERSON. I rise to a parliamentary inquiry. I attempted to make a motion that all these parties who are now here under this order of arrest be discharged. I desire to know whether it is in order to make that motion upon the theory that it is within the power of the House to withdraw absolutely its charge against these members as having been absent without leave and in violation of the rules. Can we not, by a general order of this kind, completely exculpate each and every one of them from the charge; and would such an order interfere with their individual right to make such explanation as they might deem proper? In brief, has not the House the right to withdraw its charge against these members? Would not that be the effect of the motion I have indicated, and would that motion be in order?

The SPEAKER. The Chair thinks that under the practice of the House each member must be called and render his own excuse, the House then taking action on his particular case.

Mr. DICKERSON. Certainly; but can not the House treat the matter collectively and withdraw its charge? I submit the proposition in good faith to the Chair.

The SPEAKER. The Chair knows no precedent for any such motion as that. The matter is perfectly plain under the rules. [Cries of "Regular order!"]

Mr. BERGEN addressed the Chair.

The SPEAKER. The Chair will entertain no motion until the order of the House has been executed.

Mr. HOOKER of Mississippi. I ask that the space in front of the desk be cleared so that we may know what is going on.

The SPEAKER. The House will come to order. The Clerk will call the names of the gentlemen who have been arrested by the Sergeant-at-Arms, and they will come forward as their names are called.

Mr. RICHARDSON. I rise to a point of order. There is so much conversation on the floor that we can not understand what business is going on. I ask that members take their seats.

The SPEAKER. The Clerk will call the names of the members who have been arrested by the Sergeant-at-Arms, and they will please come forward.

The Clerk called the names of Mr. BOWERS, Mr. DUNPHY, Mr. ELLIS, Mr. HARTER, Mr. HEMPHILL, Mr. McDONALD, Mr. MEREDITH, Mr. PICKLER, Mr. RANDALL, Mr. STACKHOUSE, Mr. TRACEY, and Mr. WARWICK.

The SPEAKER. Mr. BOWERS, during the sitting of the House you have been absent without its leave. What excuse have you to offer?

Mr. BOWERS. Mr. Speaker, I have several excuses to offer. A MEMBER. Turn round this way.

Mr. BOWERS. Mr. Speaker, with your consent I will face my jury.

In my brief life of something near fifty-eight years I have learned that all crimes committed against the law and the gospel can be reduced to one; that is, getting caught. [Laughter.] I am one of the unfortunates who were caught yesterday. I was present at the opening of the session; I remained here until 2 o'clock; then the consular and diplomatic bill was under discussion; and I supposed that was a battle of giants, in which I could take no part. [Laughter.] I knew that at home, lying on my table, were one hundred and fifty letters from old soldiers; from people who want post-offices [laughter]; from some who do not want others to have post-offices; from some who want to be appointed Indian agents and want to know why they are not appointed, and why "the other fellow" has not been turned out. Out of my respect for this august body I carried up to the desk a little notice asking leave of absence for the balance of the day, and handed it to the Speaker, and told the Clerk I was going home.

I went home, sir, and went to work with my two clerks, and in the course of the afternoon we wrote about twenty-five letters to constituents. About 5 o'clock one of the assistants of the Sergeant-at-Arms came to my house and invited me to take a ride. [Laughter.] Just at that time, Mr. Speaker, I had opened a letter from one of the old soldiers in my district who wanted me to go down to Norfolk and see if I could not hunt up certain evidence with regard to his claim. [Laughter.] I had just concluded an answer to that, informing him that I could not go. Afterwards, when I found what was going on up here, I began to think that perhaps I had made a mistake and that I had better have gone [laughter] and in that manner escaped arrest.

But to be brief, because I do not want to occupy the time of the House unnecessarily, I have had at no time any intention to disobey the rules of this House. I believe, Mr. Speaker, if you will look at my record you will find that I have been as constant and regular an attendant on the sessions of the House as any member before me. I looked at a paper this morning and found that of the list of absentees on yesterday that there were sixty-six Democrats and thirty-four Republicans, making an even hundred absent from the House. Now, gentlemen, I am perfectly willing to obey all of the rules of the House as near as you all do on the average. I am perfectly willing to be judged by all of the members of this House who have not been guilty of the same offense that I have been day after day; in fact, by those who have been guilty of the same offense; that includes all of you. I admit that there were a certain number of gentlemen, members, away yesterday when this call was made.

I admit that it is proper for this House to compel the attendance of its absent members. I am perfectly willing to take my chances and go along with the rest. I have done exactly as you would have done, have done, you who are to judge me. I claim, Mr. Speaker, that I was attending to the business for which I was sent here by my constituents. I was answering their letters, attending to their requests from all parts of the district to the best of my ability at the time that the Sergeant-at-Arms came to my room; and he can testify that I was at my desk engaged in this business. If he had happened a day or two before he would probably have found me at the horse race, but not at this time. That is all I have to say.

The SPEAKER. What is the pleasure of the House?

Mr. OATES. I would like to ask the gentleman from California a question. He says that the House was engaged in discussion on yesterday when he left the House on the consular and diplomatic appropriation bill. Will he state who was engaged in the discussion?

Mr. BOWERS. Well, Mr. BLOUNT of Georgia, I think, was one, if I remember.

Mr. OATES. What was the subject of the discussion?

Mr. BOWERS. The consular and diplomatic appropriation bill had been called up.

Mr. OATES. I think the gentleman will not find that anybody was engaged in the discussion of that bill.

Mr. BOWERS. Well, it was called up and was before the House.

Mr. BLAND. I move that the gentleman be excused.

The SPEAKER proceeded to submit the question.

Mr. BUSHNELL. Mr. Speaker, a word before that.

The SPEAKER. But the House is dividing.

Mr. BUSHNELL. I want to say, that for a Republican the gentleman has offered a very good excuse, but I do not think it would be good for a Democrat.

The question having been taken, the Speaker announced that the ayes seemed to prevail.

Mr. BRECKINRIDGE of Kentucky. If we are going to do this thing at all let us do it right. I demand a division.

The House proceeded to divide.

Mr. BLOUNT and Mr. LIVINGSTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 123, nays 53, not voting 152; as follows:

YEAS—123.

Alexander,	Culberson,	Layton,	Reilly,
Andrew,	Davis,	Lester, Va.	Richardson,
Beeman,	De Forest,	Lewis,	Rockwell,
Beltzhoover,	Dickerson,	Lynch,	Rusk,
Bingham,	Dockery,	Martin,	Sayers,
Blanchard,	Donovan,	McAteer,	Shell,
Bland,	Ellis,	McClellan,	Snow,
Boatner,	English,	McCreary,	Stevens,
Branch,	Forney,	McGann,	Stewart, Tex.
Brickner,	Gantz,	Meredith,	Stockdale,
Broderick,	Gillespie,	Meyer,	Stone, Ky.
Brown,	Goodnight,	Miller,	Storer,
Brunner,	Greenleaf,	Mitchell,	Stout,
Bryan,	Griswold,	Montgomery,	Tilman,
Bullock,	Hallowell,	Moses,	Tracey,
Bunn,	Halvorson,	Mutchler,	Tucker,
Cadmus,	Harmer,	O'Neil, Mass.	Warner,
Caminetti,	Hatch,	O'Neill, Pa.	Watson,
Capehart,	Haynes, Ohio	O'Neill, Mo.	Weadock,
Caruth,	Hemphill,	Otis,	Wheeler, Ala.
Cate,	Henderson, N. C.	Owens,	Wheeler, Mich.
Chapin,	Herbert,	Page, R. I.	White,
Clalley,	Hopkins, Pa.	Page, Md.	Whiting,
Cobb, Ala.	Houk, Ohio	Patterson, Tenn.	Wike,
Cockran,	Jones,	Pattison, Ohio	Willcox,
Coolidge,	Kem,	Patton,	Williams, Mass.
Coombs,	Kilgore,	Powers,	Williams, N. C.
Cox, N. Y.	Kribbs,	Price,	Wilson, W. Va.
Craig, Pa.	Lagan,	Randall,	Winn,
Crain, Tex.	Lanham,	Ray,	Wise,
Crosby,	Lapham,	Rayner,	

NAYS—53.

Abbott,	Crawford,	Hooker, Miss.	O'Donnell,
Allen,	Cummings,	Johnson, Ohio	O'Ferrall,
Babbitt,	De Armond,	Kyle,	Outhwaite,
Bailey,	Dixon,	Lane,	Pearson,
Baker,	Edmunds,	Livingston,	Seely,
Barwig,	Elliott,	Long,	Shively,
Blount,	Epess,	Mallory,	Snodgrass,
Breckinridge, Ky.	Everett,	McDonald,	Steward, Ill.
Brookshire,	Fellows,	McKaig,	Terry,
Bushnell,	Gorman,	McKinney,	Washington,
Butler,	Grady,	McMillin,	Younaus,
Clarke, Ala.	Hall,	McKae,	
Coburn,	Heard,	Moore,	
Cox, Tenn.	Holman,	Oates,	

NOT VOTING—152.

Alderson,	Cooper,	Houk, Tenn.	Robinson, Pa.
Amerman,	Covert,	Huff,	Russell,
Arnold,	Cowles,	Hull,	Sanford,
Atkinson,	Curtis,	Johnson, Ind.	Scott,
Bacon,	Cutting,	Johnson, N. Dak.	Scull,
Bankhead,	Dalzell,	Johnstone, S. C.	Shonk,
Bartine,	Daniell,	Jolley,	Simpson,
Belden,	Dingley,	Ketcham,	Smith,
Belknap,	Doan,	Lawson, Va.	Sperry,
Bentley,	Dolliver,	Lawson, Ga.	Springer,
Bergen,	Dungan,	Lester, Ga.	Stackhouse,
Boutelle,	Dumphy,	Lind,	Stallnecker,
Bowers,	Dunbarow,	Little,	Stephenson,
Bowman,	Enloe,	Lockwood,	Stone, C. A.
Brawley,	Enochs,	Lodge,	Stone, W. A.
Breckinridge, Ark.	Fitch,	Loud,	Stump,
Bretz,	Fithian,	Magner,	Sweet,
Brosius,	Flick,	Mansur,	Tarsney,
Buchanan, N. J.	Forman,	McKeighan,	Taylor, Ill.
Buchanan, Va.	Fowler,	Milliken,	Taylor, Tenn.
Bunting,	Funston,	Morse,	Taylor, E. B.
Burrows,	Fyan,	Newberry,	Taylor, J. D.
Bussey,	Geary,	Norton,	Taylor, V. A.
Bynum,	Geissenhainer,	Parrett,	Townsend,
Byrns,	Grout,	Payne,	Turner,
Cable,	Hamilton,	Paynter,	Turpin,
Caldwell,	Hare,	Peel,	Van Horn,
Campbell,	Harries,	Pendleton,	Wadsworth,
Castle,	Harter,	Perkins,	Walker,
Catchings,	Haugen,	Pickler,	Warwick,
Causey,	Hayes, Iowa	Pierce,	Waugh,
Cheatham,	Henderson, Iowa	Post,	Wever,
Chipman,	Henderson, Ill.	Quackenbush,	Williams, Ill.
Clancy,	Hermann,	Raines,	Wilson, Ky.
Clark, Wyo.	Hitt,	Reed,	Wilson, Wash.
Cobb, Mo.	Hoar,	Reyburn,	Wilson, Mo.
Cogswell,	Hooker, N. Y.	Rife,	Wolverton,
Compton,	Hopkins, Ill.	Robertson, La.	Wright,

So the motion was agreed to.

Mr. BRAWLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the hall of the House and listening, and did he fail to hear his name called?

Mr. BRAWLEY. I was in the House, but was called to the door for a moment.

The SPEAKER. Of course if the gentleman was in the House during the call, and failed to hear his name, the Chair can have it called again.

Mr. BRAWLEY. I was called to the door for a moment. My name was called just as I was entering, but I was unaware of it.

The SPEAKER. The Chair could not entertain the request of the gentleman under those circumstances.

The Clerk announced the following pairs:

Until further notice:

Mr. SPRINGER with Mr. ATKINSON.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. BOWMAN with Mr. TAYLOR of Illinois.

Mr. PAYNTER with Mr. WILSON of Kentucky.

Mr. WILSON of Missouri with Mr. HUFF.

Mr. BYNUM with Mr. VINCENT A. TAYLOR.

Mr. PARRETT with Mr. WAUGH.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. LESTER of Georgia with Mr. HERMANN.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. TURNER of Georgia with Mr. BARTINE.

Mr. PEEL with Mr. WILSON of Washington.

Mr. PENDLETON with Mr. SMITH of Illinois.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. CATCHINGS with Mr. LODGE.

Mr. HERBERT with Mr. BOUTELLE.

Mr. SNODGRASS with Mr. HOUK of Tennessee.

Mr. NORTON with Mr. SHONK.

Mr. CAMPBELL with Mr. KETCHAM.

Mr. ROBERTSON of Louisiana with Mr. ROBINSON of Pennsylvania.

Mr. NEWBERRY with Mr. WEVER.

Mr. COWLES with Mr. DOAN.

Mr. DURBOROW with Mr. BELDEN.

Mr. BUNTING with Mr. PERKINS.

Mr. FOWLER with Mr. JOSEPH D. TAYLOR.

Mr. BRETZ with Mr. BRODERICK.

Mr. STUMP with Mr. MORSE.

Mr. STAHLNECKER with Mr. CHEATHAM.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. JOHNSTONE of South Carolina with Mr. SANFORD.

Mr. HARRIES with Mr. JOLLEY.

Mr. ARNOLD with Mr. RAINES, until Monday next.

Mr. SCOTT with Mr. PAYNE, for one week, from April 25.

Mr. WIKE with Mr. BROSIUS, for ten days, from April 26.

Mr. ENOCHS with Mr. DUNGAN, from April 25 to and including May 4.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until May 7.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7.

Mr. WILLIAM A. STONE with Mr. BENTLEY, until April 29.

Mr. WOLVERTON with Mr. REYBURN, for one week.

For this day:

Mr. LAWSON of Georgia with Mr. HENDERSON of Iowa.

Mr. AMERMAN with Mr. RIFE.

Mr. CAUSEY with Mr. SWEET.

Mr. BURROWS. Mr. Speaker, I rise to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I may be in error, but I think that some of the gentlemen who are reported as under arrest voted on this call. I make the point of order that no member under arrest can vote upon this proposition, and if any such member did vote, such vote should be excluded from the roll.

The SPEAKER. The Chair will see, as a question of fact, whether they did vote or not.

Mr. BLAND. The right to vote, Mr. Speaker, is a constitutional right, of which a member can not be deprived.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] submits a question of fact, and the Chair will ascertain whether any of the members referred to did vote. The Chair has not passed upon the question. [After consulting the Clerk.] The Chair is informed that some of the gentlemen have voted. The gentleman from Michigan [Mr. BURROWS] will please state his point again.

Mr. BURROWS. I understood that several of these gentlemen voted, and I make the point of order that members under arrest can not participate in the proceedings of the House until they are relieved from such arrest. It has been held that members under arrest can not even be recognized by the Chair to debate a proposition. It has been so held frequently and I believe uniformly.

The SPEAKER. Does the Chair understand the gentleman to say that it has been held that gentlemen can not vote under such circumstances?

Mr. BURROWS. Yes.

The SPEAKER. Can the gentleman refer to any authority on that subject?

Mr. MEREDITH. I desire to say that I voted, but I do not consider that I am under arrest. I did not vote in my own case.

Mr. BLAND. The House may provide rules under which members may vote, but it can not provide any rule to prevent them from voting.

The SPEAKER. The gentleman from Michigan is endeavoring to find some authority on the question, which the Chair would like to hear.

Mr. BURROWS. Mr. Speaker, I can not at this moment turn to the authority, but I have no question about the practice. I have seen it stated, and it has been universally held, so far as I know, that where members are under arrest they can take no part in the proceedings until relieved of such arrest. I have here, for instance, a case where the Speaker declined to recognize a gentleman in his place who was under arrest, and he was not permitted to debate the proposition then before the House or to say anything until he was relieved from arrest. I submit the point of order that a member of the House under arrest is not permitted to vote or to take part in the proceedings until he is relieved of that disability.

The question arose in the Thirtieth Congress, and the Chair will pardon me if I read briefly from the record:

The SPEAKER. The gentleman from Virginia being one of the gentlemen in the custody of the Sergeant-at-Arms, the Chair can not recognize him. [Great laughter.]

Mr. Lincoln, remarking that he believed he was still a member, moved the previous question.

Mr. Venable inquired of the Chair whether the gentlemen in custody were entitled to vote upon this question.

The SPEAKER. The Chair is of the opinion that they are not entitled to vote. Mr. Pettit of Indiana rose and addressed the Chair, and the Speaker said, The Chair can not recognize the gentleman from Indiana.

Because of the fact that he was under arrest.

Mr. OUTHWAITE. Will the gentleman read what question it was they could not vote upon.

Mr. MCCREARY. Will the gentleman from Michigan allow me to ask him a question?

Mr. BURROWS. Certainly.

Mr. MCCREARY. I wish to call the gentleman's attention first to section 1 of Rule VIII:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Now, if a member is personally interested in a question, that member can not be allowed to vote. But it seems to me that the fact that other members are under arrest should not prevent them from voting in this case.

Mr. BURROWS. This is not a question of excusing a member who is personally interested in the proposition. The gentleman from Ohio [Mr. OUTHWAITE] asked me how the question arose in the case cited, and, if the Chair will pardon me, I will read in *extenso* from the record:

The Speaker announced that, agreeably to the order of the House of last evening, the Sergeant-at-Arms had notified the absentees—

That is like this proceeding—

and that he now reported the names of fifty-two members under arrest.

Mr. Hudson rose to a privileged question. It was well known that by a vote of the House the Sergeant-at-Arms had been directed to bring the absentees before the House this morning.

And this bears on the other point, about which there has been some question as to whether an order can be made to dispense with all further proceedings under a call, except to bring in the absentees. That was held in this instance to be in order [continuing the reading]:

He had witnessed several such scenes, and his observation had convinced him that the arrests generally fell on the younger members.

The Speaker interposed and requested the gentleman to state his motion.

Mr. Hudson would move to reconsider the vote by which the Sergeant-at-Arms had been ordered to arrest the absentees.

The Speaker decided the motion out of order, as the order of the House had already been executed.

Mr. Hudson moved then to dispense with any further proceeding in the call, and that those gentlemen who had been fined have their fines remitted.

The Speaker stated that motion to be in order.

Then follows what I read before.

The SPEAKER. The gentleman from Virginia—

This was Mr. Botts, who had moved the previous question upon the proposition—

being one of the gentlemen in custody of the Sergeant-at-Arms, the Chair can not recognize him.

Mr. OUTHWAITE. Now, will the gentleman allow me only one question there?

Mr. BURROWS. No, not until I have finished the reading [continuing the reading]:

Mr. Lincoln, remarking that he believed he was still a member, moved the previous question.

The Speaker announced the question upon dispensing with further proceedings in the case and remitting the fines imposed yesterday.

The previous question was seconded, and the main question ordered.

Mr. Venable inquired of the Chair whether the gentlemen in custody were entitled to vote upon this question.

To relieve them of their fines and dispense with further proceedings.

The SPEAKER. The Chair is of the opinion that they are not entitled to vote. Mr. Pettit rose and addressed the Chair.

The SPEAKER. The Chair can not recognize the gentleman from Indiana.

Mr. OUTHWAITE. Now, will the gentleman allow me to ask him a question at a place in his reading in which it would have a bearing upon the question?

Mr. BURROWS. If the gentleman will allow me to go on.

Mr. OUTHWAITE. The gentleman is reading the very point that I want to refer to.

Mr. BURROWS. No, I can not now. [Reading.]

The Speaker said he would now state to the House that, agreeably to parliamentary precedents, the Clerk would proceed with the roll and call all the members of the House, and on making up the returns the names of those on the list of absentees would be omitted in case they answered.

Mr. Henley also rose, and said he desired to put a question to the Chair. The Speaker said he could not recognize the gentleman from Indiana.

Mr. Henley was one of the absentees.

Mr. Henley, with some warmth, insisted that he had the rights of a member on this floor; he had the same rights as any other member on this floor, and he again insisted that the Chair should recognize him.

The Speaker rose, and stated that this whole proceeding was supposed to be with closed doors. By strict right the gentlemen under arrest—those who were absent yesterday—were not entitled to be in their seats this morning. They should be in the custody of the Sergeant-at-Arms, and be admitted when called upon to give their excuses.

Mr. HENLEY. Now, Mr. Speaker, I wish to put my question. [Loud calls of "Order!"]

The Speaker again said he could not recognize the gentleman from Indiana.

Mr. Henley, with great warmth, insisted that the Chair should recognize him. [Loud cries of "Order!" "Order!"]

The SPEAKER. The Sergeant-at-Arms will take the gentleman from Indiana into custody.

He was then in the House.

The Sergeant-at-Arms then proceeded to the gentleman from Indiana, and took him into custody, and they left the House together. Mr. Henley, however, was not kept in close confinement, for he soon after returned and remained outside the bar until permitted to give his excuse, he having given the Sergeant-at-Arms his parole.

Now, I think, Mr. Speaker, that covers the point I desire to make.

Mr. CUMMINGS. Who was the Speaker?

Mr. BURROWS. This volume does not disclose who was Speaker at that time. It was in 1848. [After a pause.] I find Mr. Winthrop was Speaker of the House.

The SPEAKER. The Chair will ask the gentleman from Michigan [Mr. BURROWS] if the Speaker gave any reason for his decision? That was a motion in which these gentlemen were all interested. It was a motion to excuse practically fifty at one time. Each one of them was a party specially interested in the motion.

Mr. BURROWS. I think I have made plain my proposition, which is, that a member of this House who is under arrest can not participate in the proceedings of the House or vote until relieved of the disability in some way. He can not certainly vote on his own case.

Mr. REED. Will the Chair permit me a suggestion? Now the Speaker does give a reason. Every man, or every member under arrest, is not considered to be upon the floor of the House, and therefore can not vote. That is the reason which the Speaker gives.

And though I am unable to refer to the exact time, I have a very strong impression that Mr. Colfax while Speaker of the House made a like decision.

Mr. BLAND. But the fact is that these gentlemen are present here on the floor of the House and taking part in the proceedings. Some of them have addressed the House. The Sergeant-at-Arms reported the names of the members and surrendered them to the House, and the Speaker was proceeding to call the list as reported by the Sergeant-at-Arms, and one of those gentlemen has already addressed the House stating his excuse. Therefore they are here and are being called upon to give excuses for their absence. They are not under arrest, and it can not properly be claimed, as the gentleman from Maine [Mr. REED] claims, that they are under arrest by the Sergeant-at-Arms, when in fact they are present in the House and when the Speaker calls upon them by name to give their excuses. I do not know what the practice may have been, but it seems to me that where gentlemen are brought in by the Sergeant-at-Arms and are called upon by the Speaker to state their excuses, it would be an extraordinary thing, on a motion to excuse one of them who is present, to deny to such members their constitutional right to vote upon the pending question.

Mr. REED. I hope the gentleman from Missouri has not misunderstood me. I did not give that reason. I only cited it as the reason given by Speaker Winthrop. It seemed to me a sound reason, but it was the Speaker's reason, not mine.

Mr. BLAND. Then the gentleman from Maine disclaims indorsing that reason?

Mr. REED. On the contrary, I indorse it. But I gave it, not as my reason, but as the reason assigned by Speaker Winthrop.

Mr. BLAND. Well, the reason given by Speaker Winthrop does not apply here, because these gentlemen are present, and some of them have addressed the House; while in that case the Speaker proceeded upon the idea that the members in question were in custody and were not present.

Mr. REED. The gentlemen were present, but the Speaker said the reason why they should not vote was that they had no right to be present, being in charge of an officer of the House.

Mr. BLAND. If members have no right to be present in such a case they can not give their excuses.

Mr. REED. They can, when called upon by the House—

Mr. BLAND. Then they are acting in their representative capacity.

Mr. REED (continuing). But unless called upon by the House, they can not take part in the proceedings when under arrest.

Mr. CUMMINGS. Will the gentleman from Maine answer a question?

Mr. REED. I will.

Mr. CUMMINGS. I want to ask the gentleman from Maine whether in his opinion it would be proper to count these gentlemen who are under arrest to make a quorum? [Laughter.]

Mr. REED. The inquiry of the gentleman from New York gives me an opportunity to say that all this trouble arises from a neglect of the Constitution of the United States. [Laughter.] These members could be counted as soon as they are excused, one by one, and there would be no trouble whatever about it. All this fuss and difficulty arises from an attempt to override the Constitution of the United States. [Laughter.]

Mr. McMILLIN. Will the gentleman permit me to ask a question?

Mr. REED. I will answer the gentleman from Tennessee.

Mr. McMILLIN. On the question of overriding the Constitution.

Mr. REED. On the question of overriding the Constitution in this way.

Mr. McMILLIN? I want to know if the gentleman who makes this point of order and a number of other gentlemen on that side did not abstain from voting all day yesterday.

Mr. REED. The members on the other side are present under the laws and the Constitution of the United States to constitute a quorum and are ready to be counted for that purpose, as is their duty under the Constitution. As for voting, as I have heard gentlemen upon the other side say many times, that is an affair between themselves and their constituents. [Laughter.] I hope you have not forgotten those remarks, gentlemen.

Mr. McMILLIN. I would say to my friend from Maine that he is more likely to have forgotten them than I am, since he has suffered more.

Mr. REED. I have not suffered very much.

Mr. McMILLIN. The country has not suffered either.

Mr. REED. I have not suffered very much. It is, of course, disagreeable to have gentlemen noisy and unruly, but then one can get along. [Laughter.]

Mr. BAILEY. May I ask the gentleman a question?

Mr. REED. Yes.

Mr. BAILEY. When the Constitution of the United States authorizes this House to make its own rules, and there is a rule which provides that when a member's name is called he shall vote, and when the gentleman from Maine and his friends abstain from voting, are they not guilty of disregarding the Constitution?

Mr. REED. But the Constitution of the United States does not authorize this House to override its provisions. The Constitution is superior to the House, and it is the business of the House to follow the Constitution—

Mr. BAILEY. Will the gentleman allow me? Is it not true that a rule of this House, made in pursuance of the Constitution, is as binding as the Constitution itself?

Mr. REED (continuing). This House has caused the Constitution of the United States to be violated by demanding of its members a voting quorum where the Constitution requires only a present quorum, and it is that violation of the Constitution that places us in this position, a laughingstock for gods and men. [Laughter; applause on the Republican side.]

Mr. BURROWS. Mr. Speaker—

The SPEAKER. The Chair understands the gentleman from Michigan desires to submit some additional authority.

Mr. BURROWS. Mr. Speaker, I have made this point in the utmost good faith; I think it is well taken. I think that members under arrest can not participate in proceedings looking to excusing themselves or others who are in the same category. Let me illustrate: Under our rules fifteen members may require the attendance of absentees; now, suppose that all the other members, three hundred and more, are away; the fifteen members secure their attendance; and the question comes up of excusing them; can they all come in and vote to excuse themselves? Or,

suppose the body is composed of one hundred members, forty of whom are present; and they secure the attendance of the other sixty. It can not be possible that those sixty members can vote on the question whether they shall be excused.

I find an additional authority. In the Eighteenth Congress it was decided—

A MEMBER. Can the gentleman give us the page and volume?

Mr. BURROWS. I can not. I have not the volume before me, but I find it was then decided as follows:

Members under arrest can not participate in the proceedings of the House.

The point seems to me too plain for argument. I submit the matter to the Chair with a view of obtaining a ruling.

Mr. STOCKDALE. Will the gentleman allow me to submit to him a question before he takes his seat? In the case supposed by him fifteen members bring in three hundred. Now, would the gentleman say that those fifteen alone have the right to vote on the question whether the absentees shall be excused; that every one of the three hundred is disqualified from voting?

Mr. BURROWS. The point I make is that members who are under arrest as absentees can not participate in determining the question whether they shall be excused—

Mr. STOCKDALE. It seems to me that less than a quorum can not do anything but bring in the absentees.

Mr. BURROWS. My point is that members under arrest can not participate in the determination of the question whether they shall be excused, or fined, or subjected to other penalty.

Mr. SNODGRASS. In a House composed of one hundred and fifteen members, suppose one hundred, having absented themselves, should be arrested and brought before the bar of the House, would the fifteen members have the right to excuse or exonerate them, or to inflict any punishment by fine or otherwise, the Constitution requiring a majority of the body to do business?

Mr. BURROWS. Certainly.

Mr. REED. Certainly, under proper rules.

The Chair will allow me to say that upon recurring to the authority I find that the action of Speaker Colfax, to which I before alluded, resolves itself into this, that a member who has been brought to the bar of the House and fined could not participate in the proceedings.

Mr. CATCHINGS. After he had been fined?

Mr. REED. After he had been fined. The authority is not what I thought it was; but I am still inclined to think (I have not consulted the original authority) that it will be found the present point is covered.

Mr. OUTHWAITE. I presume the gentleman refers to the first authority cited by the gentleman from Michigan [Mr. BURROWS]. In that case a resolution was offered fining in a body members who had been absent; and of course no one of those members had the right to vote upon it, because he was directly interested.

The SPEAKER. The case referred to by the gentleman from Michigan was a case in which fifty members, perhaps, were under arrest, and a motion was made to discharge them all. The question was raised whether the members under arrest were competent to vote on that question, and, as the Chair understands, the then Speaker held that they were not. What reason may have been given the present occupant of the chair does not know; perhaps it may have been because they were under arrest. But the present question is as to excusing the gentleman from California, and the question of the right to vote is raised not against that gentleman, but against other gentlemen who are under arrest or on parole by order of the House. The point is made that those gentlemen can not vote. The Chair does not understand how their right to vote can be taken away, and certainly under the present circumstances, the roll having been called and the gentlemen having answered, the Chair would not assume authority to direct their names to be stricken from the roll. If the House should desire to do so it is another matter. The Chair could not assume any such authority under the circumstances.

Mr. CURTIS. I rise to a parliamentary inquiry. If these gentlemen under arrest are not deprived of any privilege in the House, what is the utility of excusing them from arrest by motion?

The SPEAKER. The Constitution confers upon the House the right to impose penalties upon members for dereliction of duty. That penalty might extend as far as expulsion.

Mr. CURTIS. But if they are under no embarrassment by reason of the arrest, and are permitted to vote on every question that comes up—

The SPEAKER. They are under no embarrassment until the House puts it upon them.

Mr. CURTIS. But the House has put them under arrest.

The SPEAKER. The Chair has decided that the "embarrassment" resulting from arrest does not extend to depriving a member of the right to vote on a question like this.

Mr. CURTIS. Of what privilege, then, is he deprived?

The SPEAKER. The member is subject to such penalty as the House may impose; the House may fine a member or may expel him. The question pending is whether the gentleman from California [Mr. BOWERS] shall be excused. If that proposition is voted down, he may be punished in such manner as the House may order; he may be fined, he may be expelled.

The gentleman seeks to argue that the arrest itself deprives the member of rights which he has under the rule. The Chair does not so understand it. It requires the action of the House to punish a member, and therefore the Chair thinks the point of order not well taken.

Mr. PICKLER. Mr. Speaker, under that ruling I desire to vote. I was present when my name was called, but supposing I had no right to do so, I did not respond.

The SPEAKER. The Chair can not entertain the request, unless the gentleman states he was present in the Hall and failed to hear his name called.

Mr. PICKLER. I heard my name called, but did not suppose I had a right to vote.

The SPEAKER. The Chair can not entertain the request under the rule.

The result of the vote was then announced as above recorded.

Mr. BOATNER. Mr. Speaker, I desire to offer a resolution in this connection.

The SPEAKER. The Chair is engaged in discharging the order of the House.

Mr. BOATNER. This bears directly upon that order. I send to the desk a resolution and ask its adoption.

The Clerk read as follows:

Resolved, That all further proceedings against members for nonattendance on the sessions of the House on yesterday are hereby dispensed with.

Mr. LIVINGSTON. Does that require unanimous consent?

Mr. BLAND. Mr. Speaker, I make the point of order that each member who is included in the warrant of the Sergeant-at-Arms and is under arrest has a right to give his excuse for his absence, and to make such explanation as he thinks proper.

Mr. LIVINGSTON. The Chair has ruled, as I understand it, that it is not in order to move to dispense with further proceedings.

The SPEAKER. The Chair has not ruled that a motion could not be made to discharge these members; because the rule provides that they shall be subject to such action as the House may take. The House may discharge them, or fine them, or take any other steps that it thinks proper.

Mr. BLAND. I did not understand the purport of the resolution of the gentleman from Louisiana, and withdraw the point of order.

Mr. DOCKERY. It is clearly in order.

The SPEAKER. The Chair will submit the resolution to the House.

Mr. LIVINGSTON. Let it be again read.

The resolution was again read.

The SPEAKER. The Chair thinks the House has a right, if it sees proper, to adopt such a resolution.

The question was submitted.

Mr. BOWERS. Mr. Speaker, may I be heard a moment?

The SPEAKER. The House is dividing.

Mr. BOWERS. I ask a question simply for information. If this resolution is adopted am I to carry the sins of all these others? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry. The question is on agreeing to the resolution just read.

The House divided; and there were—ayes 65, noes 106.

Mr. BOWERS. I call for the yeas and nays.

Several MEMBERS. Oh, no!

The SPEAKER. The gentleman from California demands the yeas and nays.

Mr. BOWERS. I withdraw the demand.

So, no further count being demanded, the resolution was rejected.

The SPEAKER. The Clerk will call the next name.

The name of Mr. DUNPHY was called.

Mr. TRACEY. Mr. Speaker, my colleague, Mr. DUNPHY has been called away by notice of a death in his family, and I ask that he be excused.

The SPEAKER. In the absence of objection, under the circumstances stated, the name of Mr. DUNPHY will be passed over on this call.

Mr. TRACEY. I ask that he be excused.

The SPEAKER. The House can not excuse him in this manner, and the Clerk will call the next name.

The name of Mr. ELLIS was called.

The SPEAKER. Mr. ELLIS, you have been absent from the sittings of the House without leave. What excuse have you to offer?

Mr. ELLIS. Mr. Speaker, I was absent from the House on yesterday; and while I regard my excuse as perhaps insufficient, I will state it briefly and frankly. I was paired with the gentleman from New York [Mr. SANFORD], and thought I had a right to leave. Some friends of mine from Kentucky were visiting my family, and I felt that it was my duty to pay them some attention. I was at home during the day, endeavoring to dispense Kentucky hospitality to the best of my ability.

I knew that the diplomatic and consular appropriation bill was before the House. I had been present and listening to the prolonged discussion of that bill, and was satisfied that if there was any measure pending before the House which I could trust to my colleague from Kentucky, Governor McCREARY, it was that bill, which he was so largely instrumental in framing. Therefore I did not feel that my presence here was imperatively necessary, especially in view of the fact that I was paired, as I have stated.

These are the facts in my case, and the House may deal with them as it deems proper.

Mr. McCREARY. I move that my colleague be excused.

The question was taken; and on a division (demanded by Mr. LIVINGSTON) there were—ayes 105, noes 34.

So the motion was agreed to.

The SPEAKER. The Clerk will call the next name.

The name of Mr. HARTER was called.

The SPEAKER. Mr. HARTER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HARTER. Mr. Speaker, I was in the House until about 3 o'clock on yesterday afternoon. I had some important business with the Assistant Postmaster General for the town in which I live; and as the General Post-Office building closes at 4 o'clock, I went there to transact that business. Hence I was absent when the call of the House took place.

Mr. CARUTH. I move that he be fined a silver dollar. [Laughter.]

Mr. HEARD. I move that he be excused.

The SPEAKER. The Chair will first submit the question on the motion of the gentleman from Missouri.

The question was taken; and on a division there were—ayes 122, noes 27.

So the motion was agreed to.

Mr. BLOUNT. I think the House has proceeded far enough in this matter to show that we are not going to do anything in this direction, and I hope we can go on with some business. Therefore I move to dispense with all further proceedings under the call.

Mr. SNODGRASS. And I would like to suggest that it is a farce to expend \$150 in anything of this sort again.

The SPEAKER. As many as are in favor of dispensing with all further proceedings under the call and dismissing the warrant will say "aye."

The question being taken, the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. BLOUNT) there were—ayes 65, noes 97.

So the motion was rejected.

The SPEAKER. The Clerk will call the next name.

The name of Mr. HEMPHILL was called.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] has been absent without leave of the House. What has he to say?

Mr. HEMPHILL. I will state, Mr. Speaker—

Mr. CARUTH. I rise to a question of order.

The SPEAKER. The gentleman from Kentucky will state it.

Mr. CARUTH. It is that the gentleman must present his excuse at the bar of the House.

The SPEAKER. The rule requires that the gentleman come to the bar of the House. [Laughter.]

Mr. HEMPHILL (coming to the bar of the House). I wish to say that I had to surrender my seat to the gentleman from Georgia [Mr. BLOUNT], and his clerk and assistants, in connection with this bill. I went to my room in the hope that I would be able to devise some means by which I could secure more money for the people of this country; and while I was at that, I found that it was necessary to go to a dentist. I went there in the afternoon—

Mr. ALLEN. Did you expect to get money for the people from a dentist? [Laughter.]

Mr. HEMPHILL. No, but I wanted to get in good trim in order to think about it. In the afternoon I went to the dentist's. I want to state further that when I heard that the House was without a quorum I started to come here, but learned that the House had adjourned. Later, Mr. Hill, the assistant Sergeant-at-Arms, sent me his card and notified me that they wanted me here this morning.

Mr. OATES. I would like to ask the gentleman if he went to the races?

Mr. HEMPHILL. No, sir; I have not been to the races.

Mr. McMILLIN. Mr. Speaker, I understand the gentleman to state that he was on his way here when he was taken in custody, and I therefore move that he be excused.

Mr. HEMPHILL. I was on my way here when I learned that the House had adjourned. Then, after 8 o'clock in the evening, Mr. Hill, the deputy Sergeant-at-Arms, sent me his card and notified me that the House had adjourned and that they wanted every one here to-day. I was really not arrested, except that I was notified.

The motion of Mr. McMILLIN, that Mr. HEMPHILL be excused, was agreed to.

The SPEAKER. The Clerk will call the next name.

The name of Mr. McDONALD was called.

The SPEAKER. The gentleman from New Jersey [Mr. McDONALD] has been absent from the sitting of the House without leave. What has he to say?

Mr. McDONALD. Mr. Speaker, it has been stated that I was absent yesterday, but I wish to say to the House that I was here until 3 o'clock yesterday afternoon or thereabouts, and when I left here it was simply to walk around the grounds with a portion of my constituents that I am somewhat interested in—my wife and two children. [Laughter and applause.]

After walking around the grounds and through the Botanical Garden I returned to my hotel a little tired. When I heard that my presence was needed I immediately repaired to the House and was informed that the House had adjourned. I was not at any time arrested by the Sergeant-at-Arms. I had the pleasure of meeting his representative last night at half past 11 o'clock, in my hotel. He then told me to report here this morning. It was not necessary for him to admonish me as to my duty. I have been here always promptly at every roll call. That is my excuse, and I have no other to offer.

Mr. PAGE of Rhode Island. I move that the gentleman from New Jersey be excused.

The motion was agreed to.

The SPEAKER. The Clerk will call the next name.

The name of Mr. MEREDITH was called.

The SPEAKER. The gentleman from Virginia [Mr. MEREDITH] was absent from the sitting of the House without its leave. What has he to say?

Mr. MEREDITH. Mr. Speaker, the RECORD, I think, will show that I was here until late yesterday evening. There was a recorded vote which will show that, and I really thought that our friends had got through their foolishness when I left. I was called on by a Senator to go with him a little way.

Mr. CARUTH. How far out?

Mr. MEREDITH. I got there, but did not get there yesterday. [Laughter.] I asked my colleague [Mr. EDMUNDS] to have me excused if there was another roll call.

And in the discharge of the highest duty of a Representative I went with a member of the District Committee from the Senate just across the river, because I had heard that there were some races going on there.

Mr. CARUTH. Were there any Kentucky horses there?

Mr. MEREDITH. Yes, sir; there were Kentucky horses, and I expected to see the gentleman there. It has been mooted here for sometime as to whether or not the race course should be removed outside of the District of Columbia, and in the interest of my friend, Mr. EDMUNDS of Virginia, and my friend from Mississippi, Mr. ALLEN, and my friend from Kentucky, Mr. CARUTH, I thought I would go and make an inspection and find out whether there was any proper place for a race course, in order that I might be sufficiently informed to prepare a bill, if necessary, and present it to this House, either to have it removed or let it alone. [Laughter.]

Now, Mr. Speaker, when I went there I did not suppose there was to be another roll call. When I left it was late in the evening. I want to tell the exact truth, and that is my excuse. If my friends excuse me it is all right; if they do not, it is their own privilege.

The SPEAKER. The House has heard the gentleman; what is its desire?

Mr. CARUTH. I desire to know whether the gentleman does not come within the exception of the resolution introduced by the gentleman from Georgia. Is not that a "providential cause?"

Mr. MEREDITH. I think so.

Mr. TUCKER. I move that the gentleman from Virginia be excused.

Mr. BRYAN. I would like to ask the gentleman if he did not go on two previous occasions to make the same investigation?

Mr. MEREDITH. I will say in reply to my friend that if I did I paid my own expenses. The Government did not pay them.

The question was taken, and the Speaker announced that the ayes seemed to have it.

A division being called for, the House divided, and there were—ayes 103, noes 46.

So Mr. MEREDITH was excused.

The next name called was that of Mr. PICKLER.

Mr. SNODGRASS. Mr. Speaker, I want to ask the gentleman from Georgia [Mr. BLOUNT] to reintroduce his resolution. If this is not a sufficient case in this House, why should we use any more time in requiring these excuses?

The SPEAKER. The gentleman from South Dakota has been absent from the House without its leave; what excuse has he to offer?

Mr. PICKLER. Mr. Speaker, the Sergeant-at-Arms, about 5 o'clock yesterday afternoon, called on me, and found me in bed sick, and requested me to be here to-day. I want to say, Mr. Speaker, in explanation, that I was here yesterday, and I think I have been as constant in my attendance through this session of Congress as any other member. I was here until after 3 o'clock, and until the gentleman from Wisconsin [Mr. MILLER] had made a motion to lay on the table the motion of the gentleman from Georgia [Mr. BLOUNT]. Then I went homeward, and went to the Agricultural Department, having a little business there, and around the city home, and then went to bed sick. [Laughter.]

Mr. CARUTH. I move that the gentleman be excused.

Mr. PICKLER. I supposed that when the leader of this House, the gentleman having this bill in charge [Mr. BLOUNT], had made a motion to adjourn, and I voted on that, that he meant to follow that up, as things were going, until there was an adjournment.

Mr. BUTLER. I would like to ask the gentleman a question. Was the sickness of the gentleman from South Dakota the result of not getting the place he was after at the Agricultural Department? [Laughter.]

Mr. PICKLER. I refuse to answer such a question.

The question was taken, and Mr. PICKLER was excused.

The next name called was that of Mr. RANDALL.

The SPEAKER. The gentleman has been absent without leave of the House, and he will be heard to make his excuse.

Mr. ALLEN. Is there any extra punishment for a second offense? [Laughter.]

The SPEAKER. The question is for the House.

Mr. RANDALL. Mr. Speaker and gentlemen, I was here yesterday up to 20 minutes to 4 o'clock, and the RECORD shows that I had answered to my name up to that time. At 15 minutes to 4 I had an important engagement at the War Department, relating to a bill I introduced here on Wednesday, and I left the House to keep that engagement. When I left the War Department I met Mr. Robinson, the Assistant Sergeant-at-Arms, who informed me that there was a call of the House. I told him that I would go up immediately and stay all night if necessary; but, before I reached here, the flag was down, and I was told by a member of this House that the House had adjourned. I have no further apology to offer in this matter. I was attending faithfully to important business of my constituents, and I mean to be found doing that duty so long as I represent them on this floor.

The SPEAKER. What is the will of the House?

Mr. WISE. I move that the gentleman be excused.

The motion was agreed to.

The next name called was that of Mr. STACKHOUSE.

The SPEAKER. The gentleman from South Carolina has been absent from the House during its session without its leave. He will be heard to give his own excuse.

Mr. STACKHOUSE. Mr. Speaker, I was not absent yesterday at all. I was in my seat all day.

The SPEAKER. The gentleman was not absent; then the gentleman will be discharged.

The name of Mr. TRACEY was called.

The SPEAKER. The gentleman from New York having been absent from the sitting of the House without its leave will now be heard in his own defense.

Mr. TRACEY. Mr. Speaker, I was present in the House yesterday until after 2 o'clock, when I went away from the House for a time. I do not know that I ought to consider myself under arrest, because last evening, after 8 o'clock I think, Mr. Hill, the Assistant Sergeant-at-Arms, came into the room where I was dining and told me that I was required to be present to-day. This morning on my arrival at the House, before the hour of meeting, I went to the desk and reported myself as present. So I think I did all that was necessary to do under the rule.

Mr. CURTIS. Mr. Speaker, I move that the gentleman be excused.

The motion was agreed to.

The name of Mr. WARWICK was called.

Mr. HAYNES of Ohio. Mr. Speaker, my colleague [Mr. WARWICK] is sick and unable to be present in the House to-day. I wish

to state, however, in his behalf that he was present during the session of yesterday and voted on every roll call, as the RECORD shows, until the vote on adjournment.

The SPEAKER. The Chair will state to the gentleman that under the rule an excuse for a member's absence can not be submitted by anyone but the member himself; so that perhaps this case had better be passed over for the present.

Mr. CURTIS. Mr. Speaker, I understand that the gentleman from Ohio [Mr. WARWICK] is ill; and I move that he be excused.

The SPEAKER. The Chair thinks it would require unanimous consent to consider that motion in the absence of the gentleman [Mr. WARWICK].

Mr. CURTIS. Then I ask unanimous consent that he be excused.

There was no objection, and it was so ordered.

Mr. TRACEY. Mr. Speaker, I wish to ask unanimous consent that my colleague [Mr. DUNPHY] be excused on account of a death in his family.

There was no objection, and it was so ordered.

The SPEAKER. This completes the list.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WILSON of Kentucky, on account of sickness.

To Mr. DUNPHY, until Thursday, on account of a death in his family.

AMENDMENT TO THE RULES.

Mr. BAILEY. Mr. Speaker, I offer the resolution which I send to the desk.

The resolution was read, as follows:

Amend Rule IV by adding at the end of clause 1 the following:

"And the Sergeant-at-Arms is hereby directed to withhold and retain the pay of a member at the end of each month until there is filed with him a statement in writing by such member, and over the member's signature, that he has not been absent from the House during the month next preceding; and if he has been absent during the next preceding month, and such absence was not necessary on account of the sickness of himself or of some member of his family, the statement shall set forth the exact number of days' absence of the member occasioned by other than the above causes, and the Sergeant-at-Arms shall deduct the salary for such absence, as provided in section 40 of the Revised Statutes.

"Any violation of this rule by the Sergeant-at-Arms shall make him liable on his bond for all payments made contrary to the provisions of section 40 of the Revised Statutes of the United States."

Mr. DINGLEY. Mr. Speaker, must not that be referred to the Committee on Rules?

The SPEAKER. Under the rule one day's notice is required of a proposition to amend the rules.

Mr. BLAND. Mr. Speaker, this proposes to do more than amend the rules. It enacts a law by which the Sergeant-at-Arms is made liable in a certain contingency.

The SPEAKER. The resolution will lie over for the present.

Mr. BAILEY. Mr. Speaker, I rose to ask that the resolution be sent to the Committee on Rules.

Mr. BLAND. Mr. Speaker, I think it is hardly proper to refer it to the Committee on Rules, because in order to be effectual it would have to take the form of a bill or resolution requiring the signature of the President. It proposes to change the existing law regarding the duties and liabilities of the Sergeant-at-Arms. It proposes to enact a law by which he shall be charged upon his bond with a certain liability for any payment he may make in violation of the law.

Mr. BAILEY. In reply to that, Mr. Speaker, I desire to say to the gentleman from Missouri that the resolution simply seeks to enforce the law as it now stands upon the statute book, and I submit to him whether, without the resolution, the Sergeant-at-Arms would not be responsible upon his bond if he were to pay out money contrary to the law?

The SPEAKER. The resolution, being a proposition to amend the rules, will be referred to the Committee on Rules.

ORDER OF BUSINESS.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for further consideration of the diplomatic and consular appropriation bill; and pending that, I ask unanimous consent that all members having reports to present have leave to file them with the Clerk.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent that gentlemen having reports to make may be permitted to file them with the Clerk.

LEAVE OF ABSENCE.

Mr. BUCHANAN of New Jersey. Mr. Speaker, pending that, I ask leave of absence for the remainder of the day, as I am quite unwell.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House resolve itself into Committee of the

Whole for the further consideration of the diplomatic and consular appropriation bill.

Mr. BOATNER. Mr. Speaker, I demand the regular order. I understand that the regular order is the consideration of bills on the Private Calendar.

The SPEAKER. The regular order is the consideration of the report from the Committee on Printing in relation to a speech made by the gentleman from Massachusetts [Mr. WALKER]. Does the gentleman from Louisiana demand the regular order?

Mr. BOATNER. No, sir. I understood that it was the consideration of bills on the Private Calendar.

The SPEAKER. The regular order is the consideration of the report of the Committee on Printing, upon which the previous question has been ordered.

Mr. BUNN. I do not like to object to the proposition of my friend from Georgia [Mr. BLOUNT], but I think he ought to withdraw it so as to give us an opportunity to consider business on the Private Calendar. If he will withdraw his request, I wish to ask unanimous consent that we proceed with business on the Private Calendar.

Mr. BLOUNT. I am willing to withdraw the request temporarily so that the gentleman may test the wish of the House in regard to the business it will take up. If the House desires to go on with private business I certainly will not object.

The SPEAKER. Does the gentleman from Georgia withdraw his request?

Mr. BLOUNT. I do, temporarily. Unless the House decides to go on with private business, I am anxious to proceed with the diplomatic and consular bill.

Mr. BUNN. I ask unanimous consent that the House resolve itself into Committee of the Whole to proceed to the consideration of business on the Private Calendar.

Mr. BLAND. I object. I think we ought to go on with the diplomatic bill. If we are to get away from here before next fall we must attend to the public business.

The SPEAKER. The gentleman from Georgia, as the Chair understands, renews his request that the House resolve itself into Committee of the Whole for the consideration of the consular and diplomatic appropriation bill, and also that members may have leave to file reports with the Clerk.

Mr. BOATNER. I wish to make a parliamentary inquiry. Would it be in order to move as a substitute for the motion of the gentleman from Georgia that the House now resolve itself into Committee of the Whole for the purpose of proceeding to the consideration of business on the Private Calendar?

The SPEAKER. The regular order is the consideration of the resolution which was pending some days ago—the resolution reported from the Committee on Printing with reference to remarks of the gentleman from Massachusetts [Mr. WALKER]. If the regular order is demanded, that business must be resumed.

Mr. BRECKINRIDGE of Kentucky. I rise to a parliamentary inquiry. Is there any mode by which we can enter a nolle prosequi in the case against Mr. WALKER? [Laughter.]

Mr. REED. I think the resolution with regard to Mr. WALKER might be dropped by general consent of the House. If the gentleman from Kentucky would ask unanimous consent that the proceedings against Mr. WALKER be dropped—

Mr. BRECKINRIDGE of Kentucky. I would not like to do that.

Mr. REED. Everybody would agree to it, and we might "live happy ever afterward."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. BLOUNT]?

Mr. BOATNER. Yes, sir, I object, and demand the regular order.

The SPEAKER. The regular order is the resolution of the Committee on Printing, which the Clerk will read.

Mr. McMILLIN. I ask unanimous consent that this matter go over until to-morrow morning. I will say to the gentleman from Louisiana [Mr. BOATNER] that if this be agreed to, it will then be competent for the House to-day to go on with either private or public business, as it may prefer. With the view of proceeding with the business of the House, I ask unanimous consent that this matter go over till to-morrow morning. I do not think the gentleman from Massachusetts, if he were in his seat, would object to this. I certainly should not make the motion if I thought it not agreeable to him.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] asks unanimous consent that the resolution reported from the Committee on Printing be passed over until to-morrow morning. Is there objection? The Chair hears none. The regular order having been demanded, the business first in order is the call of committees for reports.

Mr. BUNN. I ask that that be dispensed with.

The SPEAKER. That requires a two-thirds vote or unanimous consent.

Mr. BUNN. I ask unanimous consent.

The SPEAKER. Is there objection? The Chair hears none.

Mr. BUNN. I now move that the House resolve itself into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. CASTLE. If this motion be agreed to, will members be permitted to file reports with the Clerk in accordance with the consent which was asked awhile ago?

Mr. BUNN. I ask that such consent be given.

The SPEAKER. The Chair will submit the request. Unanimous consent is asked that gentlemen having reports be permitted to file them with the Clerk. Is there objection? The Chair hears none.

The question is now upon the motion of the gentleman from North Carolina [Mr. BUNN], that the House resolve itself into the Committee of the Whole House for the consideration of business on the Private Calendar.

The question was taken; and on a division (demanded by Mr. BUNN) there were—ayes 76, noes 53.

Mr. BROWN. I demand tellers.

Tellers were ordered.

Mr. BROWN and Mr. BUNN were appointed tellers.

The House again divided; and the tellers reported—ayes 78, noes 56.

Mr. LIVINGSTON. No quorum.

The SPEAKER. The motion is agreed to, and the gentleman from Missouri will please take the chair.

Mr. LIVINGSTON. No quorum.

The SPEAKER. The Chair does not understand the gentleman from Georgia.

Mr. HOLMAN. The gentleman makes the point that no quorum voted.

Mr. BUNN. Too late.

The SPEAKER. Did the gentleman rise to make the point of no quorum?

Mr. LIVINGSTON. I did.

The SPEAKER. The Chair will accept the gentleman's statement, and the tellers will resume their places.

Mr. LIVINGSTON. Mr. Speaker, I will withdraw the point. So (no further count being demanded) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HATCH in the chair.

HENRY H. AND CHARLOTTE K. SIBLEY.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering bills on the Private Calendar, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 1466) for the relief of the personal representatives and heirs of Henry H. and Charlotte K. Sibley.

The CHAIRMAN. The Chair is informed that the amendment to the substitute of the gentleman from Indiana [Mr. BYNUM] offered by the gentleman from Pennsylvania [Mr. ATKINSON] was pending when the House was last in Committee of the Whole considering this bill. The Clerk will report that amendment.

The Clerk read as follows:

Provided, That in no event shall the finding of the Court of Claims exceed \$37,700.11.

The amendment was rejected.

The CHAIRMAN. The Clerk will now read the substitute offered by the gentleman from Indiana.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"The Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley, deceased, growing out of a contract made by Henry H. Sibley in his lifetime with the Government of the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent; and that for this purpose the Court of Claims shall have jurisdiction, notwithstanding any bar of the statute of limitations."

SEC. 2. That either party to any suit that may be brought under the provisions of this act shall have the right to appeal to the Supreme Court of the United States from any final judgment the Court of Claims may render."

Mr. GROUT. I offer the following amendment, Mr. Chairman.

Mr. BUNN. The substitute that has just been read was adopted by the committee some time ago, and then an amendment was offered to the substitute.

The CHAIRMAN. That amendment, the Chair understands, was the amendment of the gentleman from Pennsylvania, and has just been voted upon.

Mr. GROUT. Now I offer this amendment.

The Clerk read as follows:

Strike out all after the word "authorize," in the first line, and insert instead:

"To inquire into and report to Congress the facts in the claim of the legal and personal representatives of Henry H. Sibley, deceased, growing out of a contract made by said Sibley, in his lifetime, with the Government of the United States for the use of an alleged patented invention in the manufacture

of a tent known as the 'Sibley tent,' and especially all facts relating to the invention and procurement of said alleged patent bearing upon its validity."

The CHAIRMAN. If the statement of the gentleman from North Carolina is correct as to the present status, if the substitute of Mr. BYNUM has been already adopted by the committee, the Chair thinks the amendment would not now be in order.

Mr. BUNN. I was going to make that point of order, Mr. Chairman.

Mr. GROUT. The amendment is proposed to the substitute, and is in lieu of a portion of it only. It is an amendment to one that has been already agreed to. It leaves a portion of that substitute as it was before and does not change it entirely. I think if the Chair will reflect for a moment he will see that it is in order.

The CHAIRMAN. The Chair will cause the record to be examined, with a view to ascertaining the exact status of the bill.

Mr. GROUT. I think it is correct that the amendment of the gentleman from Indiana was agreed to. I so understood it.

Mr. BUNN. Mr. Chairman, there seems to be some trouble about it, and I have asked the gentleman from Vermont to withdraw the amendment now, with the understanding that he may offer it in the House and have a vote upon it there.

Mr. GROUT. If that be the understanding of the committee I will agree to the suggestion.

The CHAIRMAN. Is there objection to the suggestion of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The question is, Shall the bill, as amended, be reported to the House with the recommendation that it do pass?

Mr. BUTLER. Pending that I wish to make a parliamentary inquiry. I want to know the status of this case. It has been stated that the substitute just read was adopted some time ago. My recollection is that the gentleman from Pennsylvania [Mr. ATKINSON] moved to amend the substitute by inserting words to the effect "that in no event shall the court find in excess of \$37,000." That amendment we have voted down, but the substitute I think has not yet been voted upon.

The CHAIRMAN. The Chair accepted the statement of the gentleman from North Carolina and the gentleman from Vermont on that point; but will cause the record to be examined.

Mr. BUTLER. Upon what basis could the amendment of the gentleman from Pennsylvania be in order after the substitute had been adopted?

The CHAIRMAN. Simply because no point of order was made against it.

Mr. BUTLER. I call for the record upon that question.

The CHAIRMAN. The Clerk will examine the RECORD.

Mr. GROUT. I think upon an examination of the RECORD you will find that there was another amendment to the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] on which the question really recurred this morning.

Mr. BUNN. I ask unanimous consent that the substitute be considered as adopted.

Mr. BUTLER. I do not object. My only purpose is to have the proceedings conform to the record. I wish to keep the record straight.

The CHAIRMAN. The Chair will state, after an examination of the RECORD, that when the committee were last in session, having this bill under consideration, the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] was pending to the substitute offered by the gentleman from Indiana [Mr. BYNUM] at the time the committee rose and reported to the House. Now the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] has been voted down by the committee, but the substitute of the gentleman from Indiana [Mr. BYNUM] has not been acted upon.

Mr. BUNN. I ask unanimous consent that the substitute offered by the gentleman from Indiana [Mr. BYNUM] may be adopted.

Mr. GROUT. I think you will find, Mr. Chairman, that the week previous the substitute was agreed to. I have it firmly fixed in my mind.

Mr. BUNN (after consulting the RECORD). Here it is—agreed to. The fact was announced. The tellers reported ayes 103, noes 2, on Mr. BYNUM's proposition; so the amendment was agreed to.

Mr. GROUT. I was very confident that had been done.

Mr. BUNN. The record is on page 3340 of the RECORD.

The CHAIRMAN. The Chair thinks the gentleman from North Carolina [Mr. BUNN] is correct, and that that is the status of the bill. The question now is, Shall the bill as amended be laid aside and reported to the House with the recommendation that it do pass.

The question being taken; the Chairman announced that the ayes seemed to have it.

Mr. BERGEN. Division.

Mr. CHIPMAN. Is this Mr. BYNUM's proposition?

Mr. BUNN. Yes.

The committee divided; and there were—ayes 67, noes 37.

Mr. BERGEN. No quorum.

The CHAIRMAN. The gentleman from New Jersey makes the point of no quorum; and the Chair will appoint as tellers the gentleman from New Jersey [Mr. BERGEN] and the gentleman from North Carolina [Mr. BUNN].

The committee again divided; and the tellers reported—ayes 126, noes 41.

So the bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

HIRAM JOHNSON AND OTHERS.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 1219) for the relief of Hiram Johnson and others.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, \$659.86.
To Stephen M. Johnson, \$659.86.
To D. J. Franklin, \$130.48.
To Josiah Franklin, \$156.60.
To Nat Buckley, \$261.20.
To John Tull, \$313.49.
To Elias Bray, \$391.92.
To Dr. G. Johnson, \$156.60.
To Harrison Trice, \$261.20.
To Jeremiah Crook, sr., \$522.41.
To Willis Arnold, \$5,213.89.
To Arch McCorkle, \$391.92.
To G. L. Ross, \$1,306.91.
To S. L. Ross, \$1,306.91.
To John M. Hart, \$522.41.
To William A. Brummer, \$801.69.
To John D. Smith, \$261.20.
To A. B. Crook, \$261.20.
To Daniel McCollum, \$261.20.
To Jeff Jones, \$130.48.
To Thomas McGill, \$156.61.
To James Ledbetter, \$156.61.
To William Ozler, \$522.41.
To Elijah Bond, \$261.20.
To John L. Cawthon, \$522.41.
To William Hall, \$522.41.
To Carroll Beaver, \$522.41.
To John West, \$659.86.
To James Clifford, \$261.21.
To O. F. Hendrix, \$784.04.
To Frank Cawthon, \$313.49.
To James Cawthon, \$130.49.
To S. E. Grider, \$130.49.
To Silas Grider, \$130.49.
To John Robinson, \$240.34.
To Hugh McKnight, \$290.25.
To John G. Smith, \$79.96.
To Caleb McKnight, \$290.25.
To James Thomas, \$290.25.
To William P. Walker, \$120.06.
T. A. S. Rogers, \$341.55.
To Tison G. Maness, \$561.02.
To William H. Bond, \$120.06.
To F. M. Ballard, \$240.04.
To Stephen Massengill, \$120.06.
To William Swink, \$440.86.
To Ketton M. Jones, \$361.15. In all, \$22,271.26.

Mr. McMILLIN. I move that the bill be laid aside with a favorable recommendation.

Mr. OWENS. Mr. Chairman, I would like to hear the report read.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1219) for the relief of Hiram Johnson and others, submit the following report:

The facts of this claim are fully set forth in a report made by this committee to the House in the first session of the Fifty-first Congress, hereto annexed and made a part of this report.

Your committee therefore adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 14, Fifty-first Congress, first session.]

The facts out of which this claim for relief arises and the reasons of the committee for recommending the passage of the bill will be found stated in the report of the Committee on War Claims, submitted to the second session of the Forty-sixth Congress, by Gen. Bragg, of Wisconsin, who was then chairman of said committee, which report is as follows:

[House Report, No. 1345, Forty-sixth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1892, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage; burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water tank belonging to the railway corporation.

Thereupon, on the 23 day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States	\$1,900.00
Arms and camp equipage belonging to the United States	3,180.00
Total belonging to the United States	5,080.00
Cotton belonging to private persons	18,171.36
Railway property	3,500.00
Grand total	26,751.36

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brig. Gen. Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Col. Haynie proceeded in the execution of the order, and collected of the said assessment the sum of \$23,325.16, leaving a deficit of \$3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for \$4,326.20, to make up such deficit; and of this amount there was collected \$4,026.20, making the total amount collected to repair losses and damages sustained by said raid \$27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of Gen. Grant, then commanding the troops in that department. But it appears from the papers filed that Gen. Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines, like the one at Henderson, only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the provost-marshal-general; and it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by Gen. M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by Gen. Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, viz:

For cotton burned belonging to the United States	\$1,900
Arms and camp equipage belonging to the United States	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance \$22,271.36 taken from the petitioners under a misconstruction of the order of the commanding general, as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the wilful torts of its soldiery.

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution when the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected \$23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, \$4,026.20, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them (\$22,271.36) in excess of the requirements of Gen. Grant are valid, and that the Government ought in right to refund the same; and report herewith a bill redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them, respectively, and recommend its passage.

Your committee adopt the said report as their own, and report herewith a substitute for the bill and recommend its passage.

The CHAIRMAN. The gentleman from Tennessee [Mr. McMILLIN] moves that this bill be laid aside and reported to the House with the recommendation that it do pass.

Mr. OWENS. Mr. Chairman, it is not pleasant at any time to oppose—

The CHAIRMAN. The gentleman from Ohio [Mr. OWENS] will suspend for one moment. Does the gentleman from Tennessee desire recognition?

Mr. McMILLIN. Not at present.

The CHAIRMAN. The Chair will recognize the gentleman from Ohio.

Mr. OWENS. Mr. Chairman, it is not pleasant at any time to oppose bills offered here by members of Congress, because they feel a deep personal interest in them evidently, and are asked to introduce them; but we have here now a bill that, if fully understood by this House, would not be recommended at any time. The report just read is the report of the present committee. This bill has been before the American Congress for a great many years. I have sent to get the report of former committees, but found myself unable to do so through pages and employees; but finally I, by my own personal efforts, secured a former report on this same bill. It is report No. 75, first session Forty-eighth Congress. It was made by Judge Geddes of Ohio, a Democratic member of the Forty-eighth Congress, upon this claim, and I now desire that the Clerk read that report for the information of the House. I hope the House will give it attention in order that they may understand the real merits of this claim.

The CHAIRMAN. The Clerk will read the paper sent up by the gentleman from Ohio [Mr. OWENS].

The Clerk read as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1477) for the relief of Hiram Johnson and other persons, have given careful consideration of the same, and ask to report:

That the claim was presented to the Committee on War Claims of the Forty-seventh Congress, and a report was made in regard to it by said committee on the 28th of February, 1882. As the examination by your committee has led them substantially to the same results with those arrived at by the committee of the Forty-seventh Congress, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee, therefore, report adversely to the bill.

[House Report No. 564, Forty-seventh Congress, first session.]

FEBRUARY 28, 1882.—Reported adversely, committed to the Committee of the Whole House, and ordered to be printed.

Mr. HOUK, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 1587:

The Committee on War Claims, to whom was referred the accompanying bill (H. R. 1587) for the relief of Hiram Johnson and others, have had the same under consideration, and, after a most careful examination of the law and facts involved, report it back adversely. This claim has been before both branches of Congress, and has been reported favorably several times. It has an interesting history, both departmental and legislative. Its origin was as peculiar as its varying fortunes have proved changeable. It grew out of the incidents of the late war, and is based upon a supposed state of facts, which, if true, would ground it upon the clearest principles of law applicable to the case assumed to exist. But if it was established as contended by the claimants it would rest upon legal grounds alone without any peculiar equity to quicken the remedy of the supposed wrong.

The United States forces occupied the town of Henderson, Tenn., in the fall of 1862, and that particular locality was at the time destitute of any lawful government except such as pertained to military authority. War was rampant at that time, and the commanding officers of the United States army exercised control over that neighborhood except in so far as the rebel forces were able to dispute their right to rule.

In the month of November of that year a rebel military force made a somewhat successful raid on the Union troops stationed at Henderson, and captured and destroyed a quantity of property belonging to the United States Government, and also a greater amount which belonged to certain private citizens of undoubted loyalty. Col. J. N. Haynie, of the Forty-eighth Regiment Illinois Volunteers, was in command of the post at that place, and immediately took cognizance of the rebel raid, as appears from the following military order and proceedings thereunder, as reported to his superior officer:

HEADQUARTERS POST OF BETHEL,
Bethel, Tenn., December 9, 1862.

T. H. HARRIS,
Assistant Adjutant-General, Headquarters District of Jackson:

SIR: I have to report that on the 23 day of December I issued the following order:

"[Special Orders No. 73.]

"HEADQUARTERS POST OF BETHEL,
Bethel, Tenn., December 2, 1862.

"Capt. William J. Stevenson, Abner Smith, Forty-eighth Regiment, and Capt. L. W. Moore, Forty-ninth Illinois Volunteers, are hereby appointed a commission to meet at the station at Henderson, to investigate and inquire into the amount of damage done by the rebels in their late raid upon that place. They will inquire as to what property was destroyed and its value, and to whom it belonged; also the value of the damage done to the bridge in the vicinity.

"By order of Col. J. N. Haynie, colonel Fortieth Regiment Illinois Volunteers, commanding the post.

"W. BEDFORD, Post Adjutant."

That afterwards said commission met, and after investigating the matter referred to them, submitted a report, of which the following is a copy:

"HENDERSON, TENN., December 8, 1862.

"The undersigned commission appointed to investigate the amount of damage done in the late rebel raid upon Henderson, Tenn., on the 25th of November, 1862, do respectfully report that they find the amount of damages done \$26,751.36, as follows:

Cotton burned of John Aldredge and Smith J. Patterson	\$9,000.00
Cotton burned of W. D. Silver	2,565.00
Cotton burned of Willis N. Arnold	6,000.00
Cotton burned of the United States	1,900.00
Water-tank, Mobile and Ohio Railroad	1,500.00

Enfield rifles, Company B, Forty-ninth Illinois Volunteers..... \$680.00
Camp equipage, Company B, Forty-ninth Illinois Volunteers..... 2,500.00
Depot-house, property of Mobile and Ohio Railroad..... 2,000.00

26,751.36

"The commission find that the owners of the property destroyed are loyal citizens of the United States.

"All of which is respectfully submitted.

"W. J. STEVENSON,

"Captain Company B, Forty-ninth Illinois Volunteers.

"L. W. MOORE,

"Company G, Forty-ninth Illinois Volunteers.

"A. B. SMITH,

"Company E, Forty-ninth Illinois Volunteers."

J. N. HAYNIE,

Colonel Fortieth Regiment Illinois Volunteers.

In order to pay off the amount thus adjudged in favor of the loyal citizens named, and of the United States—

"The commission convened under Special Order No. 73 reported the following list of names and amount to be assessed upon each, as follows:

H. Johnson.....	\$815.00
Stephen M. Johnson.....	815.00
D. J. Franklin.....	163.00
Josiah Franklin.....	195.60
Nat. Buchley.....	326.00
John Tull.....	391.20
Elias Bray.....	489.00
Dr. Johnson.....	195.60
Allen K. Jones.....	652.00
Harrison Trice.....	326.00
Jeremiah Cook, sr.....	652.00
Willis Arnold, sr.....	6,506.76
Arah McClorth.....	489.00
G. L. Ross.....	1,489.00
William Hall.....	652.00
Carroll Beaver.....	652.00
Thomas Crook.....	326.00
Thomas West.....	815.00
James Clifford.....	326.00
O. F. Hendrix.....	978.00
S. E. Ross.....	1,630.00
John M. Hart, sr.....	652.00
R. J. Barham.....	815.00
W. A. Brummer.....	1,630.00
John D. Smith.....	326.00
A. B. Crook.....	326.00
Daniel McCollum.....	326.00
Jeff. Jones.....	163.00
James Hendix.....	195.60
Ledbetter.....	195.60
Thomas McGill.....	195.60
William Ozler.....	652.00
Elijah Bonds.....	326.00
John E. Cothram.....	652.00
Frank Corothron.....	391.20
James Corothron.....	163.00
S. E. Grider.....	391.20
Richard L. Hendrix.....	163.00
Silas Grider.....	163.00
	26,751.36

These persons were rebels and rebel sympathizers. They were unquestionably disloyal to the Government of the United States.

And the following order was issued to enforce the collection of the foregoing assessments:

[Special Order No. 15.—Extract.]

HEADQUARTERS DISTRICT OF JACKSON,
THIRTEENTH ARMY CORPS,
DEPARTMENT OF THE TENNESSEE,
Jackson, Tenn., December 12, 1862.

4. The commission appointed by Special Order No. 73, headquarters post of Bethel, district of Jackson, Department of the Tennessee, December 2, 1862, to investigate the nature and amount of damage done by the guerilla raid on Henderson Station, on November 25, 1862, having reported that the property destroyed belonged to the United States and to loyal citizens, of the value of \$26,751.36, and the said sum having been assessed by Col. J. M. Haynie, commanding post of Bethel, on certain sympathizers and co-operators with the rebellion, Col. J. M. Haynie is ordered to immediately proceed to collect the said sum of \$26,751.36 from said disloyal citizens so assessed, and pay over the amount to Col. J. D. Webster, superintendent U. S. M. R. R.

By order of Brig. Gen. Jer. C. Sullivan.

F. H. HARRIS,
Assistant Adjutant-General.

And it appears that there were collected under Special Order No. 15, headquarters district of Jackson, 1862, from the persons assessed, the following amounts:

H. Johnston, January 9, 1863.....	\$815.00
Stephen M. Johnston, January 9, 1863.....	815.00
D. J. Franklin, January 10, 1863.....	163.00
Joseph Franklin, January 23, 1863.....	195.60
Nat. Buchley, January 1, 1863.....	326.00
John Tull, January 1, 1863.....	391.20
Elias Bray, January 12, 1863.....	489.00
S. L. Ross, January 13, 1863.....	1,489.00
John M. Hart, sr., January 13, 1863.....	652.00
W. A. Brummer, January 29, 1863.....	1,000.00
John D. Smith, January 1, 1863.....	326.00
A. B. Crook, January 14, 1863.....	326.00
Elijah Bonds, January 14, 1863.....	326.00
John E. Cothram, February 3, 1863.....	652.00
William Hall, February 3, 1863.....	652.00
Frank Cathron, January 3, 1863.....	391.20
James Cathron, January 3, 1863.....	163.00
Dr. Johnston, January 3, 1863.....	195.60
Allen K. Jones, January 14, 1863.....	652.00
Harrison Price, February 7, 1863.....	326.00
Jerry Crook, sr., February 13, 1863.....	652.00
Willis Arnold, sr. (date unknown).....	6,506.76
Arch. McCorth, January 13, 1863.....	489.00
G. L. Ross, January 18, 1863.....	1,489.00

Jeff. Jones, January 19, 1863.....	\$163.00
James Hendrix, January 14, 1863.....	195.60
James Ledbetter, February 10, 1863.....	195.60
Thomas McGill, February 3, 1863.....	195.60
William Ozler, February 10, 1863.....	652.00
Carroll Beavers, January 14, 1863.....	652.00
Thomas West, February 3, 1863.....	815.00
James Clifford, February 3, 1863.....	326.00
S. E. Grider, January 19, 1863.....	163.00
Silas Grider, January 19, 1863.....	163.00

Total amount collected..... 23,325.16

Of this amount I have paid over to Col. J. D. Webster, as per order.....	5,411.60
To Gen. J. C. Sullivan, January 15, 1863.....	8,388.20
February 4, Maj. M. Smith.....	7,171.00
March 3, Lieut. Col. M. Smith.....	2,354.36

Total..... 23,325.16

The total amount of assessment was.....	26,751.36
The total amount of said collected.....	23,325.16

Leaving this amount not collected..... 3,426.20

The parties whom this amount not collected is assessed against are in the rebel army, and have no property at home that can be made pay the amounts they are assessed. To make this amount good on the original assessment I ordered the deficiency to be assessed on those persons who had not been assessed, but who were equally liable as rebel co-operators and sympathizers, which was done, and some \$1,500 of it has been collected. Shall I return this amount to the persons from whom it was collected and take up the receipts given, or shall I pay it over to Lieut. Col. M. Smith? The balance not yet collected can be got in a short time, as the persons who were assessed have all made their arrangements to get the money.

Respectfully submitted.

WM. W. SANFORD,

Colonel Forty-eighth Illinois Volunteer Infantry, Commanding Post.

Capt. F. H. HARRIS, A. A. G.,
Headquarters District of Jackson.

We find this matter further explained in the Glover report, of March 2, 1867, as follows:

The intention in ordering that money to be paid to Col. Webster was to make him custodian of the fund for the indemnification of the United States, John Aldridge, and other loyal citizens who had suffered by the raid on Henderson Station. When Col. Sanford brought the first installment of the collection up to Jackson, Col. Webster was not in the city, and Col. Sanford paid over the amount to Gen. Sullivan, and received his receipt for the same. Gen. Sullivan, after keeping the money for a short time, became nervous on account of having no safe place of deposit for it, and telegraphed to Maj. Gen. Grant for orders as to what disposition he should make of it. Gen. Grant replied to Gen. Sullivan, ordering him to turn the money over to the provost-marshal at Jackson, Tenn., Maj. Smith.

This was that first sum of \$8,388.20. The next payments were made to Maj. Smith by Col. Sanford under Gen. Sullivan's orders and orders from Maj. Gen. Grant. One payment was made to Col. Webster, for the reason that the United States had a claim for arms, camp, and garrison equipage, and it was supposed that Col. Webster was the proper custodian of that property. Maj. Smith turned over his receipts to the provost-marshal-general of the Department of Tennessee, in regular routine of business, in accordance with a telegram which reads as follows:

"UNITED STATES MILITARY TELEGRAPH,
"Jackson, January 23, 1863.

"By telegraph from Memphis, January 23, 1863.

"To Major SMITH, Provost-Marshal:

"Funds turned over to you will be accounted for to the provost-marshal-general.

"U. S. GRANT,
"Major-General."

This has reference to the money which had been assessed and collected as already shown, for the purpose of reimbursing the Government and the loyal citizens mentioned for their losses sustained by the rebel raid on the 25th of November, 1862.

To complete the military history of this matter it is necessary to add a few other orders.

[Special Order No. 64.]

HEADQUARTERS POST, BETHEL, TENN.

It having come to the knowledge of these headquarters that some of the persons assessed under Special Order No. 15, district of Jackson, are not at home, but are said to be in the rebel army, and as their property is in such a condition that the amounts assessed can not be collected from them, and as the brigadier-general commanding has ordered a reduction of assessment in form of some of the other assessed parties, it is therefore ordered that Maj. W. J. Stephenson, commanding at Henderson, proceed to assess the amount caused by the above failure to pay amount reduction of assessment upon such other disloyal and rebel sympathizers as may be hereafter named, to wit:

Sol. G. Thomasson.....	\$300.00
Tison Maness (paid \$515 March 4).....	700.00
Keton M. Jones, paid March 2.....	450.00
John Robinson, paid February 16, 1863.....	300.00
Stephen Massengill, paid February 14, 1863.....	150.00
William Walker, sr., paid February 14, 1863.....	150.00
William H. Bond, paid February 18, 1863.....	150.00
A. S. Rodgers, paid February 20, 1863.....	426.20
Frank Ballard, paid February 28, 1863.....	300.00
Cal. McNight, paid February 28, 1863.....	250.00
Hugh McNight, paid February 10, 1863.....	250.00
William Shrink, paid February 27, 1863.....	250.00
James Thomas, paid March 3, 1863.....	250.00
John G. Smith, paid February 20, 1863.....	100.00

Total..... 4,326.20

The amount he will assess will be \$4,326.20, which he will so distribute as to make as many disloyal citizens bear the assessment as possible, taking the same percentage as on previous assessments, sending to these headquarters the names of the persons he selects, and the amount assessed on each one. He will use the utmost dispatch in the matter, as it must be closed up at once.

By order

WM. W. SANFORD,

Colonel Forty-eighth Illinois, Commanding Post.

To carry out the foregoing the following was issued:
[Special Order No. 87.]

HEADQUARTERS, POST OF BETHEL,
Bethel, Tenn., December 14, 1862.

In obedience to Special Order No. 15, dated headquarters district of Jackson, Tenn., December 12, 1862, Capt. W. J. Stephenson, Forty-eighth Regiment Illinois Volunteers, commanding United States forces at Henderson Station (Mobile and Ohio Railroad), is hereby ordered to collect from the following-named persons, citizens of Tennessee, and sympathizers and co-operators with the rebellion, the several sums set opposite their names, in order to defray damage done by the late rebel raid upon that place:

H. Johnson, paid January 9, 1863.....	\$115.00
Stephen M. Johnson, paid January 9, 1863.....	815.00
D. J. Franklin, paid January 10, 1863.....	163.00
Josiah Franklin, paid January 23, 1863.....	195.00
Nat Buckley, paid January 1, 1863.....	326.00
John Tull, paid January 1, 1863.....	391.20
Elias Bray, paid January 12, 1863.....	489.00
Dr. Johnson, paid January 3, 1863.....	195.00
Allen K. Jones, paid January 14, 1863.....	652.00
Harrison Irvine, paid January 7, 1863.....	326.00
Jeremiah Cook, sr., paid January 13, 1863.....	652.00
Willis Arnold, sr.....	6,506.76
Arch. McClorts, paid January 13, 1863.....	489.00
G. L. Ross, paid January 18, 1863.....	1,630.00
S. L. Ross, paid January 13, 1863.....	1,630.00
John M. Hart, sr., paid January 13, 1863.....	815.00
R. J. Barham.....	1,630.00
W. A. Brummer, paid January 29 (reduced to \$1,000).....	326.00
John B. Smith, paid January 1, 1863.....	326.00
A. B. Crook, paid January 14, 1863.....	326.00
Daniel McCollum, paid February 17, 1863.....	163.00
Jeff Jones, paid January 19.....	195.00
James Hendrix, paid January 14, 1863.....	153.00
Ledbetter, paid January 10, 1863.....	195.00
Thomas McGill, paid January 3, 1863.....	652.00
William Osier, paid January 19, 1863.....	326.00
Elijah Bonds, paid January 14, 1863.....	652.00
John L. Cottman, paid January 3, 1863.....	652.00
William Hall, paid January 3, 1863.....	652.00
Carroll Beavers, paid January 14, 1863.....	326.00
Thomas Crook.....	815.00
Thomas or John West, paid January 3, 1863.....	326.00
James Clifford, paid January 3, 1863.....	978.00
O. F. Hendrix, paid January 3, 1863.....	391.20
Frank Couthron, paid January 3, 1863.....	163.00
James Couthron, paid January 3, 1863.....	163.00
S. E. Grider, paid January 19, 1863.....	391.20
Rich. L. Hendrix.....	163.00
Silas Grider, paid January 19, 1863.....	163.00
	36,751.36

Capt. Stephenson will send to each of the above-named parties the following notice to appear and pay over to him the several amounts assessed to them within ten days:

"Sir: You are hereby notified that, pursuant to Special Order No. 15, from district headquarters, Brig. Gen. J. C. Sullivan, commanding, you have been assessed to pay the sum of ——— dollars, the same being your proportion of the damage resulting to the Government of the United States and to the property of loyal citizens, by the late rebel raid on Henderson Station. You will pay the amount to Capt. W. J. Stephenson, commanding at Henderson, within ten days from this date, and take duplicate receipts for said money. One you will forward to headquarters, post of Bethel, Tenn.; the other you will keep.

"By order

"WILLIAM J. STEPHENSON,

"Captain, Commanding Post, Henderson Station.

"Assistant Adjutant."

Capt. Stephenson will make report and pay over from time to time all moneys so collected to these headquarters.

By order

J. N. HAYNE,

Colonel Forty-eighth Regiment Illinois Volunteers, Commanding Post.

W. BEDFORD,

Post Adjutant.

This concludes the historical facts, which are undisputed; and in order to properly understand what is to follow, it is deemed best to make a more summary statement of the points established.

First, it is clearly shown that there was a rebel raid on the United States military post at Henderson, Tenn., on the 25th of November, 1862, and that the raiding party captured and destroyed property as follows:

Cotton belonging to the United States.....	\$1,900.00
Arms and camp equipage belonging to the United States.....	3,180.00
Total belonging to the United States.....	5,080.00
Cotton belonging to John Aldridge and Smith J. Patterson.....	2,605.36
Cotton belonging to W. De Silver.....	2,565.00
Cotton belonging to Willis N. Arnold.....	6,000.00
Total belonging to loyal citizens.....	18,171.36
Depot house, property of Mobile and Ohio Railroad.....	2,000.00
Water tank, Mobile and Ohio Railroad.....	1,500.00
Total belonging to railroad.....	3,500.00
Putting these sums together gives a grand total of.....	26,751.36

damages assessed by the military authorities for the purpose of reimbursing the Government and the citizens as already explained.

Secondly, it is equally clear that the sum of \$27,351.36 was collected from disloyal citizens to pay the several items of damage mentioned. This was in excess of the amount required in the sum of \$480. It was all collected, and the parties on whom assessments had been made as hereinbefore shown giving receipts for the several sums paid by them.

Thirdly, it appears that the principal part of this money was turned over to the provost-marshal-general of the United States, by direction of Gen. Grant, and that it is now in the Treasury, less the sum of \$9,606.36 paid to Aldridge and Patterson by reason of a special act of Congress passed March 3, 1875, and approved by President Grant, of that date.

As already stated, the claim of Hiram Johnson and others, as provided for in this bill, has been reported favorably in both branches of Congress, and passed the House of Representatives on the 17th day of May, 1880. These favorable reports, and the action by the House of Representatives in passing

the bill, seem to have been the result of a misapprehension of the facts of the case. For instance, the Committee on War Claims, in reporting the bill to the Forty-sixth Congress, makes the following statement:

"At the time of the appraisal of the damages and of the levying and collecting these assessments it was supposed to be under and in execution of an order of Gen. Grant, then commanding the troops in that department. But it appears from the papers filed that Gen. Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines like the one at Henderson, only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the provost-marshal-general. And it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by Gen. M. C. Meigs; which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

"The logical sequence from these facts, and this declaration and construction by Gen. Grant of his orders, seems to be, that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, viz:

For cotton burned belonging to the United States.....	\$1,900
Arms and camp equipage belonging to the United States.....	3,180
	5,080

If the facts stated were actually established by the papers on file, and the testimony before the present committee, it would most likely concur with the reasoning and conclusions of its predecessor.

But this committee do not find these facts established by the testimony presented for their consideration.

On the contrary, there is nothing in the present record to authorize the assumption that "the levying and collecting these assessments was supposed to be under, and in execution of, an order of Gen. Grant," except an unofficial letter from William S. Hillyer, written from memory only, some eighteen years after the transaction. Nor does it appear that Gen. Grant desires "the right of private claimants to reimbursement for losses sustained by the raid out of this fund," except from the same letter; and it is worthy of note that this letter was written, in part at least, to explain some imputation against the writer.

The papers on file do not show that Gen. Grant ever issued an order bearing special and direct reference to these several proceedings until after the assessments had been made and the money collected. The testimony shows that the proceeding originated with Col. Hayne, commanding the post at Henderson, and afterwards received the approval of Brig. Gen. Sullivan, commanding the district of Jackson, Sixteenth Army Corps, Department of the Tennessee. And the favorable report made to the Forty-sixth Congress in this case recognizes what it is conceived is the true rule of law applicable to the existing conditions at the time of the assessment and collection of the money in controversy. That report says:

"The right of the military commandant, in time of war, to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions, by making the friends of those who commit the damage bear the brunt of the injury suffered."

This is conceded to be the law of the case, and it is unnecessary to elaborate the legal argument; yet it is proper to say that the several orders having been issued by Col. Hayne and Gen. Sullivan, "officers of high rank," and the several steps taken thereunder, as hereinbefore shown, it follows as a "logical sequence from these facts" and a legal deduction from the law that the assessment and collection of this money was not "a tort" in any sense whatever, but a legitimate military proceeding for a lawful purpose, and the fund should be applied to the uses for which it was intended.

It is true, the superior officers of Hayne and Sullivan could have revoked or countermanded their orders, but this was not done, as assumed in the reports heretofore made on this claim. In the absence of the disapproval of the action of these inferior officers by their superiors, every presumption arises in favor of their ratification of all that was done in the premises. And if this were not so, if these presumptions did not arise, the record furnishes ample testimony to satisfy this committee that the action of Col. Hayne and Gen. Sullivan received the affirmative approval of Gen. Grant. It will be remembered that on the 23d of January, 1863, he directed this money to be accounted to the provost-marshal-general, and we find a letter on file in the case of Willis N. Arnold, now before this committee, and whose bill is being considered in conjunction with the present bill for the relief of Hiram Johnson and others. This letter bears date, "Washington, D. C., June 26, 1866," and was written by Gen. Adam Badeau, then on Gen. Grant's staff. It was at a period much nearer the time these military proceedings were had, and must be taken as a correct interpretation of the whole proceeding on the part of Gen. Grant and his subordinates. It is in reply to Willis N. Arnold, who had called on him for aid in his case, which is now before Congress. The full text of that letter is as follows:

"In reply to your communication of June 11, addressed to Lieut. Gen. Grant, and requesting that you, as a loyal citizen, might be remunerated for losses sustained by you at the burning of Henderson, Tenn., Gen. Grant directs me to inform you that an assessment was made by Gen. Sullivan, by his orders, upon the property of disloyal citizens for the purpose of remunerating the sufferers at Henderson, and that since Gen. Sullivan has been mustered out of the service he has informed Gen. Grant that a certain amount of such assessment remains in his hands.

"Gen. Grant advised Gen. Sullivan to turn over the said sum to the authorities, so that it might be devoted to the uses for which it was collected."

On the 16th of February, 1882, Gen. Badeau examined this letter and indorsed it as follows:

"The above letter was written by me June 23, 1863, together with the im-
impressions, while I was serving on the staff of Lieut. Gen. Grant."

This not only negates the assumption that the assessment and collection of money by Col. Hayne and Gen. Sullivan, for the purpose of reimbursing loyal citizens who suffered by the rebel raid on Henderson, was disapproved by Gen. Grant, but it clearly shows that Gen. Grant fully approved of the proceeding, if he did not, in fact, directly authorize it, and that he desired the money to "be devoted to the uses for which it was collected."

And this view of the matter is further emphasized by the fact that he approved the act of Congress, passed while he was President, to pay Aldridge, one of the loyal citizens for whose benefit this assessment and collection was made, out of the fund thus collected and turned into the Treasury. The committee have felt it their duty to detail the several matters of fact

disclosed in the official and unofficial testimony before them, and to interpret the whole case in the light of a letter from Gen. Grant, on file with the papers, dated February 20, 1862.

Among other things, Gen. Grant says in this letter, bearing on the Henderson raid, "I have no recollection of loyal citizens having been molested at that time, or of having ordered collections in their behalf, but whatever the record may be, made at the time, it may be taken as the exact facts. What I here state is simply from recollection." He had previously stated in his letter that he had "no records or papers relating to the war" in his possession.

The committee, therefore, find that the record clearly establishes the fact that loyal citizens were molested; that their property was destroyed; that its value was adjudged by a proper military commission; that assessments were made on disloyal persons to reimburse this loss; that the money was collected; that it was turned into the Treasury to "be devoted to the uses for which it was collected;" that the said money is now in the Treasury, less the amount paid to Aldridge and Patterson; and that there is no legal or equitable right in any one of the claimants mentioned in this bill to any part of said fund; but that, having been properly assessed and collected for a specific purpose, it should be devoted to that use or held in the Treasury as an indemnity to the United States.

Although the national authority exercised the right of reprisal in but few instances during the late war, yet where, as in this case, the right was enforced, and the Government through its "officers of high rank" elected to ratify and carry out the proceeding, there is no reason why those for whose benefit it was intended should now be deprived of the indemnity due them under the action had in their behalf.

In consideration of the premises, the committee recommend that the bill (H. R. 1587) for the relief of Hiram Johnson and others do not pass.

Mr. OWENS. Now, gentleman, I desire to call attention to this claim, for the reason that it has been before Congress so many years. It was reported on adversely in the Forty-seventh and Forty-eighth Congresses.

Mr. OATES. I would like to inquire of the gentleman from Ohio if this matter has been passed upon by the Court of Claims? Has it ever been before that court?

Mr. OWENS. I think not. If it has, I would be glad to get the information. I think it has never been before the Court of Claims. In my opinion, if this claim is just, and these men ought to be paid back this money, collected, as it was, under the authority of the United States Army, then I think it simply commits this Congress to the payment for all devastations done down there.

I do not see any difference whatever between this claim and one for the payment for the slaves who were in their possession when the war came on. These things are not pleasant personally; but they are matters of history. If this Government wants to commit itself to the theory of paying for all the harm done and all the property taken, where will the end be? Now, I say this matter was carefully considered by Judge Geddes, chairman of the committee at that time, a learned lawyer and a Democrat; and he reported it adversely.

Mr. KILGORE. Who made the report?

Mr. OWENS. Judge Geddes, of Ohio, as good a lawyer as there is in the State of Ohio, and a Democrat, who was chairman of the Committee on War Claims, made this adverse report, and yet it has pursued its way right along here, and there seems to be no end to it.

Mr. CARUTH. Men may come and men may go, but it bobs up forever. [Laughter.]

Mr. OWENS. Yes, as my friend says, it may go on forever. We may be called upon to pay claims for blowing up all the railroads and suits for damages for men killed, and everything of that kind. We stopped at Lexington, and they wanted to replevin the slaves we had along with us, but did not succeed. Now, we can not afford to vote for this class of claims in this House, unless we intend to pay for all the harm we did. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has thirty minutes remaining.

Mr. OATES. Will the gentleman state what the claim is for?

Mr. OWENS. The claim is for money. The history of it is briefly this: Down in Tennessee—in that unfortunate country, and I am sorry for them, as I went through it—Confederate soldiers made a raid on a town, and evidently were steered on to Union men by those who believed with the other side, because the soldiers, if they were soldiers, probably would not have found out what they were. They took and destroyed the property of Union men, and under some authority of the Army that has been recognized, these men who participated in this and were on the other side or sympathized with them were required to pay that money back. Now, the question is, whether we are to pay them for it.

Mr. SIMPSON. Will the gentleman from Ohio allow me to ask him a question?

Mr. OWENS. Certainly.

Mr. SIMPSON. Have you any knowledge whether these troops were regularly enlisted troops in the service of the Confederacy, or were they guerrillas?

Mr. OWENS. They were called guerrillas, which is a very ugly name.

Mr. OATES. Were the men who destroyed this property required to pay this money?

Mr. OWENS. I understand that the men who sympathized with those who destroyed the property were required to pay it. That is what is shown in this report. Now, if anyone has any other information I would be glad to have it. If we are to pay this claim, there are others of a similar character substantially, amounting to millions of dollars, that ought to be paid, and I do not think we ought to pay this one.

Mr. CULBERSON. Will the gentleman allow me to ask him a question? Do I understand that we are called upon in this bill to appropriate more money than is now in the Treasury to the credit of this fund?

Mr. OWENS. I do not know that, but I do know that we are asked to take money out of the Treasury of the United States and pay it over to men who were engaged in the late war on the side opposed to the Government to pay them for damages which they may have suffered during the continuance of the war.

Mr. CULBERSON. I do not understand that that is the claim at all.

Mr. OWENS. I do.

Mr. CULBERSON. I understand that a contribution was levied upon the community to pay for certain damages which had been inflicted by the Confederates, that more money was collected than was necessary to pay for the damages, and that the officer, being an honest man, turned the excess into the Treasury.

Mr. OWENS. Yes.

Mr. CULBERSON. Now, what business has the money there?

Mr. OWENS. By this account there was not a dollar more collected than was determined on the part of the Government to be necessary to compensate Union men.

Mr. CULBERSON. If that is the fact I do not understand the bill.

Mr. OWENS. That is exactly the fact.

Mr. HEARD. The bill appears to be a proposition to appropriate money out of any funds not otherwise appropriated.

Mr. CULBERSON. I understand that, but some of the money that was collected was covered into the Treasury.

I understand that a Confederate raid destroyed certain property in Tennessee; that the United States officer in command of that division or department required the citizens to make good the damage done; that an assessment was made of the value of the property lost or destroyed, and also an assessment upon the citizens, fixing the amount that each man should pay to make good those damages. The officer had that money collected under duress; the citizens paid it under duress. They paid the whole amount levied, and the officer paid the parties who had lost property the amounts which they had lost.

Mr. OWENS. Yes.

Mr. CULBERSON. But after paying those amounts he found in his hands an excess—

Mr. OWENS. No; that is where the gentleman is wrong.

Mr. CULBERSON. And this is a bill providing for the payment of that excess back to them.

Mr. OWENS. You are mistaken about that.

Mr. CULBERSON. If I am, then I do not understand the bill.

Mr. ENLOE. Yes, the gentleman from Texas is wrong about that; as I will explain later when I take the floor.

Mr. CULBERSON. I understand from the gentleman from Kentucky [Mr. STONE], who has been chairman of the Committee on War Claims for a number of years, that I am exactly right about it.

Mr. ENLOE. If the gentleman from Kentucky answered the gentleman in that way he certainly did not understand the question, but I will explain the matter when I get the floor.

Mr. OWENS. How much time have I left?

The CHAIRMAN. The gentleman has twenty minutes of his time remaining.

Mr. OWENS. I reserve the balance of my time.

Mr. ENLOE. Mr. Speaker, before entering upon any discussion of this case I desire to yield sufficient time for my colleague, Col. COX, who is present on the floor, and is the man who led that raid on Henderson Station, to make a statement. It has been referred to here as a "guerrilla" raid and it has been intimated that there was an understanding between the "guerrillas" and the citizens there that the raid should be made. Now, my colleague [Mr. COX] led the expedition, and I wish him to state the facts.

Mr. CARUTH (to Mr. COX). You are a pretty good-looking guerrilla. [Laughter.]

The CHAIRMAN. How much time does the gentleman from Tennessee [Mr. ENLOE] yield to his colleague?

Mr. ENLOE. Ten minutes, or more if necessary.

Mr. COX of Tennessee. Mr. Chairman, the facts about the capture of the troops at the place named in the bill (Henderson Station, in West Tennessee) are these: It occurred, if my memory serves me right, in the fall of 1862. The line of the Confederates, running then north and south in that portion of the

country, was pretty well defined by the Tennessee River. I was regularly in the service, under the orders of Gen. Forrest, and had been in it ever since the beginning of the war, and I was stationed on that part of the line to watch the operations of the enemy upon the Tennessee River. I got information—I am speaking now from memory, for I have not thought of the subject for years—I got information that there was a company of Federal troops, belonging, I think, to an Illinois regiment, at Henderson Station, on the Mobile and Ohio Railroad.

I doubtless got the information from citizens that the troops were there, but that was all. There was an old gentleman in my command, too old for the service but eager in the cause, who crossed the Tennessee River and went to Henderson Station for the purpose ostensibly of buying some salt. He went in and counted the number of men there. After he brought me back the information we swam our horses across the Tennessee about dusk and made a force march, and arrived at Henderson Station just about daylight. We surprised the troops there. They were not, I think, apprised at all of our coming. They were in the depot, and around the depot cotton bales had been laid for protection, and the telegraph wire went into the house. That was jerked out of the building, and we surrounded the house.

The troops—I do not think there was more than a good company—were all inside the building, or most of them. When I ordered them to surrender there was a little hesitation, but finally they surrendered. Those troops were turned over to Gen. Forrest, or some of his officers, and paroled. I saw in the building there a large quantity of stores which I presumed were Government stores—I did not know what else they were. As I could not carry them away I fired the house and burned them up. I also burned, or tried to burn, a bridge just beyond the depot, in order to break up communication; and some damage was done to the railroad—to what extent I can not state.

So far as the troops were concerned, they were as regular as any we had. In the following December (this was in November) we had the misfortune to be captured by Gen. Sullivan; we were acting under the immediate command of Gen. Forrest.

I have stated how the capture was made. As to the money questions involved in this matter I have no personal knowledge. I do not know personally a single man named in the bill. As to the amount of property destroyed, I can not make any statement, nor as to the persons who owned it. I heard afterward that an assessment had been made upon the citizens to repay the damages, but I know nothing of that matter from my personal knowledge.

Mr. BUSHNELL. Will the gentleman state what rank he held and what troops he commanded?

Mr. COX of Tennessee. I was major of cavalry, commanding at the time a battalion of cavalry.

Mr. BUSHNELL. What regiment?

Mr. COX of Tennessee. We were eventually consolidated with another battalion and organized into what was known in our service as the Tenth Tennessee Cavalry; at that time we had not been organized into a regiment.

Mr. BUSHNELL. They were regular Confederate troops?

Mr. COX of Tennessee. Yes, sir; we thought we were "regular." We got our pay, such as it was, and obeyed orders as well as we could. Nothing was very "regular" in those days; we had to take care of ourselves as best we could.

Mr. ENLOE. Mr. Speaker, I am desirous that the House should understand this case, and I am satisfied when it is understood the House will have no difficulty in coming to a proper conclusion in regard to it.

This bill, as my friend from Ohio [Mr. OWENS] has stated, has been pending before Congress for quite a number of years; but so far as that fact may be urged as a criticism upon the measure, I want to say in answer that the very fact that the bill has remained here and is still pending, is still being pressed, and has been so often favorably reported upon, is evidence that there is merit in the bill, for had there not been the measure would have been abandoned long ago.

Mr. BURROWS. It may be evidence simply that there is an attorney taking care of it.

Mr. ENLOE. No, there is no attorney in this case; if there is I have not seen him in the years I have been here.

Mr. DINGLEY. Has the bill been reported on favorably?

Mr. ENLOE. Yes, sir; it has been reported on favorably in several different Congresses. The report made in the Forty-sixth Congress—the report before the House to-day—was written by Gen. Bragg, of Wisconsin, the commander of the "Iron Brigade," a man who had as much of the confidence of this House while he was a member of it as any member that ever occupied a seat on this floor. Such confidence had that Congress in his judgment that when he reported this bill to the House at that time it was passed here with but a single vote against it. Since that time it has been reported adversely in the Forty-seventh

Congress and also in the Forty-eighth. I will not refer to the circumstances under which this adverse action occurred, because it relates to a gentleman, then a member, now dead.

Mr. OATES. Will the gentleman state the facts of the case?

Mr. ENLOE. I will. I only add as cumulative evidence of the merit of the claim that it has also been twice reported favorably in the Senate; it not only passed this House once, but also passed the Senate once, with some modification from its present form, to which I will refer later.

Now, the facts are these: When this raid was made upon the post at Henderson, Tenn., of which my colleague, Col. COX, has spoken, an order was issued to levy an assessment, known as a military assessment, upon the citizens of that vicinity, to reimburse the Government for losses it sustained by the raid.

Mr. OATES. Which side made the raid?

Mr. ENLOE. The Confederate side made the raid and destroyed the property.

Now, as a military measure this assessment was levied, but it was an excessive levy. Brig. Gen. Sullivan, who was in command of the post at the time, being stationed at Jackson, Tenn., and acting under the orders of his superior, Gen. Grant, levied this assessment for the purpose of reimbursing the Government for the loss which the Government sustained by the raid. Here is his affidavit, which explains his connection with it and his purpose at the time:

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

Jeremiah C. Sullivan, being duly sworn, deposes and says as follows, to wit: I am the Gen. J. C. Sullivan who was in command of the Department of West Tennessee when Special Order No. 15, December 12, 1862, was issued. I believed that by issuing that order guerrilla raids upon my depots and outposts would be checked. During the command of my predecessor great annoyance had been caused by such raids. Upon investigation I found such raids were made by young men, who, leaving the rebel army on furlough, would visit their homes within my lines. After they had recruited their health and horses, gathering at some selected point they would make a dash on some outpost or depot and securing the spoil and destroying the property gallop off to the army. An attack of this kind was made shortly after I took command. I did not have force enough to establish a guard in each town or at each crossroad.

I reasoned that the best way to check these raids was as far as possible to make the parents or prominent people near where these raids took place responsible for the good behavior of these young men when they came home. I did not believe that I could secure my object by imprisoning the parties referred to, knowing that the separation from their families and friends would imbibit feelings I was anxious to allay, but I knew the love of money was all-powerful in the human breast, and that if I exacted such a penalty I would have ever present with them a powerful monitor to warn them against such future attacks. On or about the 25th day of November, 1862, a raid was made upon the post of Henderson, Tenn., resulting in the destruction of a large amount of property then at said post. Upon the report of the attack at headquarters I issued Order No. 15, a copy of which I have no doubt is on file among the papers of the claimants, who ask to be reimbursed the money paid by them under that order.

Owing to the fact that all my books and papers relating to my military transactions are now in the East, and to the lapse of time, it is impossible for me to give a statement in detail of the result of Order No. 15. I can only say, in a general way, that I sent for a number of the leading and substantial citizens of the surrounding country, and having inquired into the standing and circumstances of each, I levied assessments upon a large number of such persons in proportion to the standing and ability of each, and gave them the option either to pay the respective amounts or go to Alton, with the distinct understanding between those persons and myself that the money so collected was to be held as security for the peaceful conduct of their neighborhood, and that if no more raids occurred the money was to be returned to them. A large number of the persons thus assessed consented to pay and did in fact pay the amounts assessed upon them.

After so great a lapse of time and in the absence of my books and papers, I can not from memory give the names of the persons who paid the assessments, nor the amounts paid by any of them. I know, however, that many thousands of dollars were collected, a careful and accurate record of which was made and preserved, and all the money so paid was then, to the best of my recollection, sent by me to the United States subtreasury at St. Louis, and placed on deposit under such circumstances, to the best of my recollection, as would have enabled me to withdraw it and refund it to the parties at the proper time, but in the spring of 1863 I was relieved of the command of the Department of West Tennessee and placed on Gen. Grant's staff.

Order No. 15 was not directed against parties who had been tried and convicted of complicity in the raid, but as against those whom I believed could control and discourage future raids; such parties as I believed to be influential and were interested in keeping the department quiet were selected and made to put up a money security, the amount based upon their ability in proportion to the loss sustained.

It was not intended that such money so collected should be used in any way to reimburse any person or individual who claimed a loss by such raid. That would have been insuring cotton buyers against war risks.

What I was trying to do was to preserve quiet in my department, using as few troops as possible. I did not believe that the parties from whom I collected this money participated in the raid. I issued Order No. 15 to prevent further raids by compelling the cooperation of these parties with me in my endeavor to do so. My order was a perfect success. In my opinion the relief asked for should be granted, as this money was simply a bond for good behavior and compulsory assistance in helping me maintain order and quiet.

Cotton purchasers were not looked upon with favor in Gen. Grant's command, and no officer would have dared make innocent parties pay their claims. I most positively state that it was in no manner intended by me to pay or adjust any such claims.

JEREMIAH C. SULLIVAN.

Subscribed and sworn to before me this 31 day of March, 1884.

[SEAL.]

JOHN E. HARVILL, Notary Public.

Mr. KILGORE. Did not Gen. Grant afterward repudiate that construction of the order?

Mr. ENLOE. I yield to the gentleman for his question, which

I answer very frankly. I will say that I have here a letter written to the Senate committee by Gen. Grant—the very last communication ever made on this subject. In this letter Gen. Grant states that Gen. Hillyer's statement made in a letter to Gen. T. M. Vincent, which was submitted to Gen. Grant, was the evidence of what occurred at the time, and that he did not levy the assessment for the purpose of reimbursing cotton purchasers. Here is that correspondence. Col. W. S. Hillyer, provost-marshal-general of the Department of Tennessee, says:

NEW YORK, July 15, 1870.

MY DEAR SIR:

In November or December, 1862, or January, 1863, Gen. Sullivan was commanding at Jackson, Tenn. At that time a bridge was fired and some damage done to Government property by guerrillas. A Union woman extinguished the fire and saved the bridge. It was represented also that about the same time a large amount of private cotton was destroyed by these guerrillas. Gen. Grant directed Gen. Sullivan to make assessments and collect the same from rebel sympathizers in the neighborhood sufficient to make good the Government losses and pay a reward of (I think) \$500 to the woman who extinguished the fire.

Gen. Sullivan collected a much larger sum than was required for these purposes and reported the excess to Gen. Grant, with a statement that parties who had had cotton destroyed by guerrillas claimed that he, Gen. Grant, intended their losses should be made good to them out of this fund. Gen. Grant in reply stated that it was not true that he so intended; that the Army was not an insurance company to indemnify cotton speculators for losses in their operations, and that no part of this money rightfully belonged to them nor should be paid to them. That he did not intend that any assessment should be made in excess of an amount sufficient to indemnify the Government and reward the woman, and that his orders had been misunderstood or exceeded.

Yours, respectfully,

WM. S. HILLYER.

Gen. T. M. VINCENT,
Assistant Adjutant-General, Washington, D. C.

Upon Gen. Grant's attention being called to this letter he wrote, February 25, 1882, to the Senate committee as follows:

Gen. Hillyer's letter as printed above is no doubt entirely correct. I certainly never intended any collection for the benefit of cotton purchasers.

U. S. GRANT.

In 1866, soon after the occurrence, Gen. Hillyer wrote the following letter to Maj. George K. Leet:

NEW YORK, September 3, 1866.

MAJOR: So much I got from the record from my recollection. Outside of the record I would remark that one of the claimants for indemnity for cotton lost by the rebel raid applied to me by letter at Memphis, stating that he had purchased cotton, which was his private property and which had been destroyed by the rebels on the raid near Henderson Station, and claimed that he was entitled to be indemnified out of a fund assessed and collected from rebel sympathizers by the commanding officer for that purpose.

I consulted Gen. Grant about the claim, and under his instructions disallowed it. Gen. Grant at the time stating that the army was not there for the purpose of protecting cotton-buyers, that he had never authorized subordinate commanders to make assessments upon rebel sympathizers (except) to make good damages done to Government property with one further exception, and that was to reward two Union women who had saved a railroad bridge from fire. That there was an assessment to which those from whom it was collected might have some claim, but not the speculators whose profits were regulated by the risks and whose accumulation of cotton often tempted raids which resulted not only in the destruction of their own cotton, but a loss of Government property and the lives of our soldiers.

WILLIAM S. HILLYER.

Late Provost-Marshal-General, Department Tennessee.

Maj. GEORGE K. LEET,
Assistant Adjutant-General, Headquarters Army United States.

Here we have the best evidence of the intention of the commanding officers, and Gen. Grant's last letter, February 25, 1882, ought to put at rest forever all questions as to the purpose of the officers in command in authorizing the levy.

Mr. KILGORE. Did he not, during the war, when this matter was first presented for payment, repudiate the action of his subordinate in making this levy? Did he not declare that the order under which Gen. Sullivan claimed to act was not open to the construction which was put upon it by him, and hence repudiated it?

Mr. ENLOE. Neither he nor the Department ever made any such declaration.

Mr. KILGORE. Why, that report says so.

Mr. ENLOE. No, the report does not say it. The gentleman from Texas misapprehends the report. It takes the position that the General of the Army had a right to levy the assessment, and having been levied by his subordinates in pursuance of authority, it was a legal levy. But it was claimed that the Government had no right to take from the citizens one dollar in money except to reimburse the Government. That is the position. There were some cotton speculators who came before the commission which assessed the damages, and they were afterwards before the Department and before Congress claiming to be entitled to a part of the fund arising from this assessment and asking to be reimbursed.

I have all of the documents here on my desk and shall want to incorporate them with my remarks, for if this matter is not disposed of to-day, and the House wants to look further into it, I wish them to have the full information on which to base their

action. As to the rights of private citizens claiming reimbursement, Quartermaster-General Meigs made a decision embodied in a letter to the Secretary of War.

Here is his letter:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., December 2, 1871.

SIR: With reference to the claim of W. N. Arnold and others, for cotton destroyed at Henderson Station, Tenn., by rebel troops, referred to this office, November 20, 1871, for report as to the liability of the Government for payment of these claims, having reference to the statement of claimants that the cotton was seized while in transit to Memphis, and used for breastworks and fortifications, and while in possession of the United States the cotton was captured and destroyed by rebels, etc., I have the honor to report:

As regards the question on which the opinion of the Quartermaster-General is called for, i. e., liability of the United States for the cotton, I find that the cotton is alleged to have been taken possession of and placed in breastworks for defense of the post of Henderson Station, and to have been destroyed by the enemy when the garrison was captured by the rebel forces.

I think that the United States is not liable for the destruction by an enemy of property thus temporarily used. The cotton piled in breastworks can not be held as actually appropriated to use of the United States. Like any other bulky packages which could be left out of doors and used in case of danger as a shelter from behind which to fire at the enemy, it would, had it been successfully defended, have been ultimately restored to the owners. The cotton does not appear to have been confiscated, seized as forfeited, or appropriated to the United States.

By law and general orders relating to captured and abandoned property, all property coming into possession of the Army was to be reported, and unless needed for military uses was to be finally turned over to the Treasury agents, charged with such expense of transportation as had been incurred by the Quartermaster's Department. But no officer of the Army had authority to pay for such property.

Cotton used for breastworks is not quartermaster stores. The proper material for breastworks is earth, with sod or wood revetment, and the provision of material for this purpose belongs to the Engineer Department, and can not be paid for by the Quartermaster-General as quartermaster stores under the law of the 4th of July, 1864.

The destruction was the act of the enemy. The United States lost largely while guarding this property, and I do not see that the United States became liable for its destruction by using the property itself as a means of protection while defending it.

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

Part of the contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, namely, \$30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this department at the Treasury all these military collections, levies, rents of abandoned or captured buildings, etc., are, if their proceeds have been used in the operations of the Quartermaster's Department, charged against the regular appropriation of the Quartermaster's Department, and the amount is placed in the Treasury by transfer warrant to the credit of these irregular funds.

While it was within the military authority and power of a general in the field to levy and collect moneys as fines; and while he might have paid the proceeds to those who had been injured by the enemy, it appears that Gen. Grant refused to do this, and I know of no law by which any officer of the United States can now take the money from the Treasury and apply it to the payment of these losses and damages.

I am of opinion that the parties have no claim in law, and no officer, so far as I know, has power to relieve them.

I am, very respectfully, your obedient servant,

M. C. MEIGS.

Quartermaster-General, Bt. Maj. Gen. U. S. A.

Approved.

WM. W. BELKNAP, Secretary of War.

APRIL 16, 1872.

To the honorable SECRETARY OF WAR.

Washington, D. C.:

These cotton speculators made application to the Government to be reimbursed from this fund, and the Secretary of War referred the matter to Quartermaster-General Meigs, and he wrote this opinion in regard to the matter, and in tracing up the history of the fund, he traced it into the account of irregular funds in the Treasury Department, where it has been lying all of this long time awaiting the action of Congress. He absolutely refused to allow these speculators the claim that they had set up, because they had no legal right to any part of the fund. This claim created a great deal of confusion in regard to the whole matter, and it was through the efforts of these men to get payment for cotton which they claimed they had lost that this claim has been so long delayed.

The Government was not held to be liable to pay a dollar of the money that was claimed for the loss of the cotton. It was taken to build fortifications to protect the property itself. Under the rules of war the Government was not liable in any event for its destruction. He says this money was turned in—the excess of it, over and above the amount required to pay the Government damages—to the irregular fund, where it must remain for such action as Congress may see fit to take in regard to it.

Mr. OATES. What is the amount?

Mr. ENLOE. Twenty-two thousand two hundred and seventy-one dollars and twenty-six cents. Twenty-seven thousand three hundred and fifty-one dollars and thirty-six cents was the sum originally collected, but the balance, after reimbursing the Government, is what is now claimed by those who paid the assessments. Of course these people do not expect to recover from

the Government what it took to reimburse itself for the loss of the property, nor a cent of interest, because the Government does not pay interest on any but its bonded debt.

Now, Mr. Chairman, I want to be perfectly plain and fair about this matter and to answer thoroughly and conclusively all of the points that may be made against it.

Mr. KILGORE. If the gentleman will allow me a further interruption, let me ask him if this matter has not been before some court or some commission for action?

Mr. ENLOE. No, sir; not before any court or commission, or tribunal of any kind except Congress, so far as I know.

Mr. KILGORE. Has it not been before some Department of the Government, which officially ruled adversely to the claim?

Mr. ENLOE. No, sir; I have never heard of such action. I do not know of any.

Mr. KILGORE. Has there not been some question raised about the fact on this theory, that the assessment was wrongfully made by the officer in command; and has it not been held that the Government was not liable for the wrongs committed by its officers in the military service in the war?

Mr. ENLOE. You are talking of another report.

Mr. KILGORE. I so understand the report.

Mr. ENLOE. You are talking of the report that my friend from Ohio [Mr. OWENS] had read awhile ago. That is where you got that impression.

Mr. KILGORE. I do not know what it was, but that is my understanding.

Mr. ENLOE. That is not a correct impression. The only reason why the case has not been before the Court of Claims was that the court had no jurisdiction to consider it. This is on the same footing in some respects as claims for cotton that was seized and turned into the captured and abandoned property fund.

Mr. OATES. Will the gentleman allow me to say that with reference to the captured and abandoned property fund the time within which an opportunity was offered to bring suit in the Court of Claims has expired, and there has been no act reviving it.

Mr. ENLOE. I think they have never attempted to go to the Court of Claims with this case.

Now, Mr. Chairman, this is not a question involving the loyalty of the parties. It can not go to the Court of Claims as cases arising under the Bowman act would go. There is no statute authorizing it. In the Bowman act cases the court must first consider the question of loyalty, and then the question of fact. But this is upon an entirely different footing, and there is not another claim that has ever been presented to Congress like it. There is no precedent for it, and it can establish no precedent for anything to come after it. There is not another case in the history of the Government like it. It is simply a measure of honesty, right, and justice; a bill to refund this money to these people from whom it was taken.

Mr. KILGORE. There is no pretense that these people were loyal to the Federal Government who paid this levy?

Mr. ENLOE. None further than this, although it does not cut a figure in the disposition of the case. I will state to the gentleman that the Federal troops had taken possession of that part of the country, and the whole of Western Tennessee was recognized as being completely under the jurisdiction and protection of the Federal Government at that time.

Mr. KILGORE. And the masses of the Confederates got to be loyal about that time, did they not, in that section?

Mr. ENLOE. No, sir; but there were quite a number of people who did, when the authority of the Federal Government was established, come forward and take the oath of allegiance, and that is what the people in that country generally did.

Mr. KILGORE. Did not the enemy have a right to depredate upon the country in which they were quartered?

Mr. ENLOE. This is not a case of supporting an army. It does not stand upon any such footing as the case of taking supplies for the support of the Army.

Mr. KILGORE. Suppose they had taken the corn and mules and cattle of disloyal people to support the Army. Would the Government be liable for that?

Mr. ENLOE. The gentleman is talking about one proposition and I am talking about another.

Mr. KILGORE. I am trying to get down to what the difference would be between these two transactions. Suppose they had gone and robbed a disloyal citizen of his money.

Mr. ENLOE. That would have been a case of a tort of a soldier; and the gentleman, if he knows anything about law, knows that the Government is not liable for the torts of its soldiery.

Mr. KILGORE. Or suppose they had been ordered to go to a bank and take the money for the purpose of sustaining the Army; would the Government be liable?

Mr. ENLOE. That is not this case. This is not money taken

for the purpose of sustaining the Army. It was taken for a specific purpose; and it was applied to that purpose until the Government was fully reimbursed, and this surplus was turned into the Treasury, where it is to-day, and this bill is to pay it back to its rightful owners.

Mr. POWERS. Do I understand the gentleman from Tennessee to say that the full amount of this fund, \$27,351.36, is in excess of the actual damage done?

Mr. ENLOE. Not the full amount.

Mr. POWERS. How much of it?

Mr. ENLOE. The report states the amount, and I will read it to the gentleman. The full amount collected was \$27,351.36. This bill proposes to restore to those people \$22,271.26.

Mr. POWERS. Does that represent the excess?

Mr. ENLOE. That represents the excess.

Mr. DINGLEY. Is this in excess of the amount that has already been paid by act of Congress?

Mr. ENLOE. I am glad the gentleman from Maine [Mr. DINGLEY] has called my attention to that, because I want the House to understand the claim fully. A few of these persons, who were cotton speculators and had their cotton destroyed, came to Congress subsequently and got about \$9,000, which was paid them by act of Congress; and if that had been the proper and lawful thing to do, it would, of course, deprive these people of that part of the money; but it was not taken out of this money, because this was a fund held in trust for the claimants, and it could not be lawfully applied to any other purpose.

Now, I take the position that if a preceding Congress made a misappropriation of that amount of money, under a misapprehension or otherwise, it is not binding upon this Congress and should not prevent or excuse this Congress from doing justice to these claimants. It certainly would be unfair to hold that these claimants should suffer that loss when it was done without fault on their part.

Mr. CULBERSON. Will the gentleman please state the variance between my statement and his?

Mr. ENLOE. I understood the gentleman to state that the officers of the Government collected this money, and that after reimbursing the Government, certain citizens who were making claims were also reimbursed.

Mr. CULBERSON. I did not state that.

Mr. ENLOE. Then I misunderstood the gentleman, and I beg his pardon.

Mr. BABBITT. Is this money to be returned to those who owned the property or to those who paid the tax?

Mr. ENLOE. To those who paid the money, and it is not going to attorneys. These people have been relying for years upon the justice of their claim, and I have been their attorney here in this House, and I have presented their claim here year after year. Some of them have died while awaiting tardy justice, and there are others who are living in great poverty and in need of this money, and who are waiting the action of Congress to pay them what is due them.

Mr. BABBITT. Is this money in the Treasury now, set aside for that purpose?

Mr. ENLOE. It is in the irregular funds, placed there as a distinct and separate fund.

Mr. BABBITT. To be paid to those to whom it honestly belongs?

Mr. ENLOE. Yes, and there is about \$10,000,000 there in what is known as the captured and abandoned property fund.

Mr. MCRAE. Why do you not pass a law which will let all the others in who are entitled to that fund? Why do you let them in one at a time?

Mr. ENLOE. The gentleman ought to be fair about this. I have a great many constituents interested in the captured and abandoned property fund for cotton that was taken; but this is a separate and distinct case, and there is no reason why these people should be made to wait till Congress in its wisdom or in its tardy sense of justice may pass some measure that will provide for the others.

Mr. MCRAE. If you are going to seize that trust fund for a particular class, I think we had better wait until we give them all a chance.

Mr. ENLOE. The gentleman ought to understand that this does not stand upon the footing of cotton claims, classed as captured and abandoned property claims.

Mr. MCRAE. How did it get into that fund?

Mr. ENLOE. It was turned into the account of irregular funds, because it was collected in the way which has been explained here, and collected for a purpose to which the Government could not apply it, and they had no legal authority to credit it to any fund coming into the Treasury under the revenue laws.

Mr. MCRAE. If it is in that fund, I shall insist that all the people who are interested in it be heard before any of it is paid out.

Mr. ENLOE. I want to read to the gentleman what Quartermaster-General Meigs said on this subject.

Mr. MCRAE. I do not want this captured and abandoned property fund paid out to certain people to the exclusion of others. My constituents have as much right and interest in it as yours.

Mr. ENLOE. I will say to you that your constituents have not got any interest in the fund I am talking about.

Mr. MCRAE. They have got a great deal more interest than your constituents have in this captured and abandoned property fund.

Mr. ENLOE. I am talking about that particular fund.

The question had been presented as to whether there was tort or not. Now, Gen. Bragg, in his report, says:

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution where the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is upon the facts another and complete answer to the application of this principle. The proof shows to an absolute certainty that of the money so collected \$2,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, \$4,025, by all reasonable presumption, was likewise applied to the use of the Government.

I was quoting from his report. Now, I want to call attention to the language of Gen. Meigs. In commenting on this fund he says:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

Part of this contribution or levy appears to have gone into the military railroad department, being that which represents the value of public property destroyed.

Part of the remainder, namely, \$30,000, went into the hands of the quartermaster, Col. C. A. Reynolds, as appears from his accounts on file at the Treasury.

In settling the accounts of officers of this department at the Treasury, all these military collections, levies, rents of abandoned or captured buildings, etc., are, if their proceeds have been used in the operations of the quartermaster's department, charged against the regular appropriation of the quartermaster's department, and the amount is placed in the Treasury by transfer warrant to the credit of these irregular funds.

That is Gen. Meigs's statement of the disposition of this fund.

Now, Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has occupied twenty-five minutes.

Mr. BUSHNELL. I would like to ask the gentleman a question for information, to see if I correctly understand him. Now, it appears that there was a portion of property belonging to the Government and a part to private citizens?

Mr. ENLOE. Yes, sir.

Mr. BUSHNELL. Now, if I understand you correctly, the value of the property belonging to the Government destroyed was \$5,080, and that was paid to the Government out of the money collected under this assessment. Is that correct?

Mr. ENLOE. No, sir; that is not correct. If the gentleman will look in the report, he will find that the evidence filed shows the amount of property that belonged to the Government.

Mr. BUSHNELL. I am looking at the second page of the report.

Mr. ENLOE. You are taking a statement first filed, showing \$5,080 worth of property destroyed belonging to the Government.

Mr. BUSHNELL. Yes, sir.

Mr. ENLOE. If you will read on further you will find the claimants were held responsible for \$1,900 worth of cotton as belonging to the Government. It subsequently appeared that the Government had no cotton, and then they figured this \$3,180 as representing the actual loss by the Government.

Mr. BUSHNELL. Then, if I correctly understand the fact, that \$3,180 was all the property the Government lost in that raid?

Mr. ENLOE. Yes, sir.

Mr. BUSHNELL. The balance of the property destroyed belonged to private individuals?

Mr. ENLOE. Yes, sir, and to the railroad company.

Mr. BUSHNELL. And under the construction of Gen. Grant's order, under which the assessment was made upon the citizens, that was withheld from being paid over to the owners of that property?

Mr. ENLOE. That is right.

Mr. BUSHNELL. And went into the Government Treasury.

Mr. ENLOE. That is right.

Mr. BUSHNELL. And is there now; and all you ask in this bill is that that money, which was wrongfully collected, be paid back to the individuals from whom it was collected, without interest?

Mr. ENLOE. Yes, sir; to be paid back to them without interest. Mr. Chairman, I would like to have a vote on the bill.

Mr. DINGLEY. Will the gentleman pardon me. The gentleman has stated that there was a letter from Gen. Grant; on what page is it given?

Mr. ENLOE. I will give it to the gentleman in one moment.

Mr. BOATNER. Has the gentleman from Tennessee yielded the floor?

Mr. ENLOE. I am about to respond to the question of the gentleman from Maine [Mr. DINGLEY].

Mr. ENLOE. I find it in the CONGRESSIONAL RECORD of the Forty-eighth Congress, page 4029. First appears the letter of Gen. Hillyer. Right following that appears this, which was sent to the Senate committee by Gen. Grant when that committee had the bill under consideration on the 25th of February, 1882. That was the last time that Gen. Grant ever expressed an opinion on the subject, and the only time. His private secretary did write a communication saying that Gen. Grant supposed that the money was intended to be paid to these people, when they were pressing the matter before Congress, but when his attention was called to the official statement he made this indorsement:

Gen. Hillyer's letter, as printed above, is no doubt entirely correct. I certainly never intended any collection for the benefit of cotton purchasers.

Mr. DINGLEY. That was before the House committee, I believe, when they reported upon the bill in the Forty-seventh Congress and in the Forty-eighth also?

Mr. ENLOE. Not in the Forty-seventh. This was in the Forty-eighth, in the Senate. Senator Jackson, of my State, reported the bill in the Senate.

Mr. DINGLEY. But in the House?

Mr. ENLOE. This does not appear to have been before the House committee at the time they made their report.

Mr. DINGLEY. I notice that it is referred to in the report.

Mr. ENLOE. I think the reference must be to something else, though I have not examined the report recently. I call the attention of the gentleman from Maine to the date of the first statement. It was February 20, 1882. The House committee made an unfavorable report on that statement of February 20, I presume, but on February 25, when Gen. Grant's attention was called to Gen. Hillyer's letter and the statements contained in it, he made this indorsement that I have read and sent it with the letter to the Senate committee, and they made a favorable report. That is my understanding of the facts. Now, Mr. Chairman, I yield ten minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Chairman, I desire to call attention to the confusion of ideas into which my friend from Texas [Mr. KILGORE] has fallen with regard to the ownership by the Government of property taken under the provisions of the captured and abandoned property act. As none of his constituents were loyal to the Government during the war, and as they did not fall in the path of the armies, it seems to be impossible for him to understand how anyone can have a just claim against the Government, and he seems to think that the defeat of every claim that comes up here is in the line of "retrenchment, economy, and reform." [Laughter.]

Mr. KILGORE. Is the gentleman undertaking to lecture me or to explain this bill? I would rather go into the cloakroom if I have got to take a lecture. I do not want to be publicly lectured without an order of the House. [Laughter.]

Mr. BOATNER. I have not yielded the floor to the gentleman. I was replying, or about to reply, to the questions which he asked the gentleman from Tennessee [Mr. ENLOE] who was advocating this bill. Now, Mr. Chairman, the fact in this case is that in the Treasury of the United States there is a certain sum of money which belongs to these people, unless some act has been done by the Government or by themselves which has deprived them of its ownership.

It appears that it was collected from them by a military assessment, and that after it had been collected there was found to be an excess which was not applied to the purposes for which the money was collected, but was paid into the Treasury. Now, the Government did not collect that money as a tax. The Government did not collect it as a capture of war. The Government did not collect it as a forced contribution upon the people for the support of its armies. It required that this money should be collected for a certain specific purpose, to wit, reimbursement for damages which had been sustained from a raid which it was supposed had been made by guerrillas, but which it now appears was made by the regular troops of the Confederacy. But it is argued that this money ought not to be paid back because these people were disloyal to the Government, and that therefore the money having been taken from them, whether rightfully or wrongfully, it ought not to be paid back.

I other words, that the Government should profit by its own wrong, that money which the Government does not own, and

which it now appears was improperly taken from these people, ought to be held in the Treasury regardless of the equity or justice of the case. The very same argument has been made by the gentleman from Texas and by other gentlemen upon this floor against reimbursing people in the Southern States for the proceeds of cotton taken under the provisions of the captured and abandoned property act. In many instances the cotton was taken by officers of the Government after the cessation of hostilities, and it was sold and the proceeds turned into the Treasury. The Supreme Court of the United States has decided that that fund is a trust fund, that it belongs to these people, that the Government holds it merely in trust for the owners.

The Government never has treated it as its own property; and yet, in face of the manifest equity of the case, the absolute justice of the case, in face of the fact that this money has been lying there for over twenty years and that the highest judicial authority in the country has decreed and declared that the money belongs to the citizens and not to the Government, upon such objections and such arguments as have been heard here to-day this House fails or refuses to do justice by refunding to these people the money which the highest courts in the land have declared belongs to them.

Mr. BUSHNELL. If I correctly understood the gentleman's remarks, he stated that there was a misapprehension as to whether these damages were done by regular troops or by guerrillas. Now, if the damage had been done by guerrillas would there have been any authority, under any orders in force at the time, for levying and collecting the losses of private individuals out of the inhabitants of the country?

Mr. BOATNER. I apprehend none at all, unless it was supposed that these private individuals or the community upon whom the assessment was made were in concert with the guerrillas, and were parties to the raid.

Mr. BUSHNELL. But suppose the damages were to private individuals and not to Government property?

Mr. BOATNER. I do not understand that there was any lawful authority for it; but if the Government had made the assessment and distributed the money among these people it might be considered a part of the ravages of war for which the Government could not be responsible. But the Government having assessed a tax to reimburse certain losses, whether to private individuals or to itself, and there remaining of this fund so collected a surplus which was not applied to that purpose, but covered into the Treasury, certainly there can be no reason in law, equity, or justice why the money should not be restored to the people from whom it was taken.

As I have remarked, the gentleman from Texas seems to think that whatever goes into the maw of the Treasury becomes at once the property of the United States and ought to be held on to, rightfully or wrongfully; that no part of it ought to be taken out in order to do justice to citizens of the United States. I do not understand upon what principle any such contention can be based. This money is in the Treasury; the Government has conceded that it is not the property of the Government by covering it into the captured and abandoned property fund. It is held there as a trust fund. The courts have decided that reimbursement ought to be made—

Mr. HEARD. Will the gentleman allow me a question?

Mr. BOATNER. Yes, sir.

Mr. HEARD. I understood the gentleman to affirm just now that this money had been covered into the captured and abandoned property fund.

Mr. BOATNER. Yes.

Mr. HEARD. Now, I understood the gentleman from Tennessee [Mr. ENLOE] to affirm just as positively that it was not in that fund.

Mr. BOATNER. Either the gentleman from Missouri [Mr. HEARD] did not understand the gentleman from Tennessee or I did not. I understood the gentleman from Tennessee to state distinctly that the balance of this fund, after the people had been paid who were to be paid, or after the Government had been reimbursed its losses, was covered into the captured and abandoned property fund. Was I not correct?

Mr. HEARD. The gentleman from Tennessee read a statement from an official source which certainly conveyed to my mind the impression that the money was in a different fund.

Mr. ENLOE. I will read what Quartermaster-General Meigs said about this matter when some private parties applied for reimbursement.

Mr. BOATNER. The gentleman can read that in his own time. I will ask him whether he did not state that the balance of this fund, after reimbursing certain damages, was covered into the captured and abandoned property fund?

Mr. ENLOE. I was under that impression at first; but afterward my attention was called to this statement of the Quartermaster-General, from which it would seem that the money received by the Government from the sale of cotton is not mentioned in that letter as belonging to this fund, but this money is referred to as among other irregular funds.

Mr. BOATNER. Well, Mr. Chairman, I understood the gentleman from Tennessee, in the course of his statement, to say that this bill proposed to reimburse citizens for an enforced assessment levied upon individuals; that the balance of the fund, after repairing the damages which had been done by this raid, had been paid into the Treasury to the credit of the captured and abandoned property fund. If that is not so, I misunderstood the gentleman.

Mr. ENLOE. Let me read this; it is very short.

Mr. BOATNER. I prefer to conclude my remarks; and then the gentleman can resume the floor. Whether the money was covered into that fund or not does not affect the principle underlying this case. If the Government collected this money for a specific purpose and did not apply it to that purpose, or if there was more than sufficient to satisfy the purposes for which the assessment was levied, it seems to me that in justice and equity this balance should be repaid to the people from whom it was collected.

[Here the hammer fell.]

Mr. ENLOE resumed the floor.

Mr. STORER. I would like to ask the gentleman a question, in order that I may more clearly understand this case. The amount collected was \$27,351.36, I believe.

Mr. ENLOE. Yes, sir.

Mr. STORER. And the amount due the Government and paid to it for Government property destroyed was something like \$5,000, leaving twenty-one or twenty-two thousand dollars—

Mr. DINGLEY. The gentleman will allow me. It appears that \$9,606 has been paid to private citizens out of that fund.

Mr. STORER. I was coming to that point. I want to ask the gentleman from Tennessee to state whether out of this fund now sought to be paid back entire there has already been paid to private citizens for private property destroyed in this very raid nine thousand-odd dollars.

Mr. ENLOE. I stated, Mr. Chairman, that certain citizens—cotton speculators—had cotton destroyed at the time of this raid—burned up, as stated by my colleague [Mr. COX of Tennessee], when the depot was burned. They came here and applied for repayment. They first went to Gen. Grant and he refused the application. Then, following the matter up, they applied to the Department, and Quartermaster-General Meigs stated that this money could not be paid to them because it was not collected for any such purpose. And then they came to Congress and asked Congress to pass an act to pay them for the losses they sustained by the raid.

And I say, Mr. Chairman, if you are going to adjust the claim on the principles of justice, right, and equity, that this Congress, no matter if another preceding Congress did take money from the Treasury and pay it out to citizens who claimed to have sustained losses there, has no right to take this money which belongs to the citizens who paid it and hold it to repay the amount so taken out. Those people had no claim whatever upon this money. No portion of it could have been legally paid to them. If a former Congress made a mistake and committed a wrong, that is no reason why this Congress should repeat the mistake and ratify the wrong. If another Congress undertook to take care of certain citizens deemed unfortunate because of their alleged losses it is no reason why these claimants should now be denied their manifest rights. There is no reason in conscience and right why this Congress should do an act of injustice like this.

Mr. STORER. If the gentleman will allow a further interruption, the report in this case seems to imply the idea that it is the opinion of the committee that the general commanding might have made an assessment which would have covered all of these losses.

Mr. ENLOE. Well, sir—

Mr. STORER. And permit me a moment further. The assumption was made as if he had so ordered. That money is now in the Treasury, or at least about \$22,000 of it. Is it not, then, equity that if \$9,000 had been paid out of other moneys in the Treasury to people who might have been covered by this act, but who, technically perhaps, the gentleman will say, are not entitled to it, is it not right that that sum should be deducted from the balance remaining in the Treasury, and instead of being turned back to the people, should be retained to reimburse the Treasury itself? If the general commanding had failed to make the order, which he had a jurisdictional right to do, and the money is here, is it not right to take that \$9,000 out of it before returning the balance?

Mr. ENLOE. I think perhaps I can best answer that by an

illustration. Some gentleman in my friend's district might have been elected to Congress to draw the salary he is drawing. The people had a right to elect him, but did not. Now, if that gentleman should come here to Congress and claim that it would be right to give him half the salary because the people of his district had a right to elect him to draw the whole of it, would the gentleman think it right for Congress to recognize his late competitor's claim and give him half the salary? I think that is a fair parallel.

The legal principle involved is set forth very clearly by Gen. Bragg in the report accompanying the bill. He says:

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

You would not insist that a proceeding by act of Congress here would divest these people of their right, or confiscate the fund, when it was not so stated expressly. There is no constitutional provision or statute under which they could be divested in that way. They have a right to this fund, and they have waited all these years for it. They paid it into the Treasury, and they certainly have a right to be reimbursed.

The Constitution declares that:

No person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

No one will pretend that any legal proceeding has been had to extinguish the right of these claimants to this money.

Mr. STORER. What becomes of the argument that this money is in the hands of the Government as a trustee?

Mr. ENLOE. It is in the hands of the Government as a trustee simply because the Government by legal intent received it as such.

Mr. STORER. And \$9,000 of the trust fund has gone out.

Mr. ENLOE. No matter whether it has or not. The trustee can not take advantage of his own wrong. It is not the identical money that was turned into the Treasury that is to be refunded, but it is an equal amount of money. This specific fund is there to meet the demand upon it.

Mr. DINGLEY. The gentleman from Tennessee does not undertake to say that this specific fund is there, separate and apart from all other funds, but only as a matter of bookkeeping.

Mr. ENLOE. I mean that this separate amount is carried on the books in that way. It is treated on the books of the Treasury Department as a separate fund and distinctly as a trust fund.

Mr. TERRY. What fund does the bill provide that this money shall be paid out of?

Mr. ENLOE. Out of the Treasury, of course.

Mr. HEARD. But out of what fund does it come?

Mr. ENLOE. It does not provide that it shall come out of any particular fund.

Mr. HEARD. But that is just the question at issue. If the bill passes, what fund will be charged with the repayment of this money?

Mr. ENLOE. Why, I presume it will come out of the Treasury just where it went in and in the same way that it went in. It was placed to the credit of irregular funds, and when Congress directs that it shall be paid out, it may be that that particular fund will be credited on the books of the Treasury with the payment. I am not familiar with the method of bookkeeping in the Treasury, but I presume that that would be the course pursued.

To show to the House how the justice of this claim is recognized, and how far it is freed from political prejudice, I will quote from a letter of Col. Fielding Hurst, who was a neighbor to these people, and the severest man in politics and in war that Tennessee ever knew. Speaking of this claim, he said:

I am satisfied their claims are just and correct, and believe it is and would be nothing but an act of justice that the United States should refund the money. And I am further satisfied that each and every good, law-abiding, honest citizen, without distinction of party, in this community, who knows the facts, would rejoice to know the Government had passed the bill and that the claims had been paid to the parties as named in the bill, and were I in the House I would not only vote for but would urge the immediate passage of the bill for the relief of these most just and honorable claims of the parties.

Col. Hurst was the colonel of a Federal regiment during the war, and a prominent Republican after the war; but he believed in doing justice to these claimants, and he correctly represented public sentiment in his statement.

Mr. HEARD. If my friend will allow me, the question I want to ask him is this: Would the payment of this money effect a reduction in the fund called the captured and abandoned property fund or would it not? That is a question which seems to be in some doubt.

Mr. ENLOE. If the gentleman is sufficiently familiar with

the system of bookkeeping in the Treasury Department probably he can understand this language here. I confess that I do not know.

Mr. HEARD. I confess to the gentleman that I do not know from the language he read whether it would come out of that fund or not, but it seemed to me that the language seemed to refer to some other irregular fund about which I have no knowledge.

Mr. ENLOE. That may be; and I am very candid in saying to the gentleman that I think this money ought to be paid to these people, because it is an exceptional case, clearly made out, and it ought not to await action in any other different class of cases.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. ENLOE. Yes.

Mr. BUTLER. I understand your statement is that this \$9,000 has been paid out of the Treasury from "any fund not otherwise appropriated." I understand you to say that on that account this \$22,000 remains as a trust fund in the Treasury. Now, if this bill passes—

Mr. DINGLEY. I do not understand the fact to be as the gentleman states.

Mr. BUTLER. I do not so understand either, but that is the gentleman's statement. If the bill passes, this comes out of any fund not otherwise appropriated, and I understand the gentleman to claim that this trust fund will remain intact.

Mr. ENLOE. If the gentleman wants to get at the system of bookkeeping in the Treasury Department he will have to consult the Treasury officials. I do not know whether or not they would pay any attention at all to this discussion.

Mr. BUTLER. Was it not your argument that the \$22,000 remains there as a trust fund?

Mr. ENLOE. I say it does.

Mr. BUTLER. Because the \$9,000 was paid out of another fund.

Mr. ENLOE. It does not make any difference what fund it was paid out of. The Government is responsible for this money as a trustee.

Mr. BUTLER. Then after you have paid this whole amount of \$22,000 out of another fund, I understand you to claim that the whole amount will still remain there as a trust fund?

Mr. ENLOE. That is the gentleman's assumption. It does not make any difference what fund it is paid from.

Mr. BUTLER. That is not very logical.

Mr. ENLOE. I do not want gentlemen to take the whole of my time. Let gentlemen who are opposed to this bill get time from the gentleman from Ohio. Let us have a vote on the bill.

Mr. SMITH of Illinois. Mr. Chairman, I move to strike out the last word. On this particular question, in 1888, Mr. Rowell of Illinois, who was then a member of the Committee on War Claims, when this particular bill was under consideration, gave a very thorough discussion to this question; and for the benefit of the members of the House I desire to send to the Clerk's desk and have read the remarks of the gentleman from Illinois as a part of my own remarks.

The Clerk read as follows:

Mr. ROWELL. Mr. Chairman, this bill marks a new departure in the way of paying war claims. Col. Haynie, when commanding at Henderson, West Tennessee, adopted as a method of preventing injury to the property of the United States and of citizens, the making of assessments, when injury was done, upon the rebel citizens thereabout, and collecting those assessments to the full amount of the injury. This was a policy adopted by different commanders in West Tennessee. Some required citizens in neighborhoods where guerrillas were in the habit of doing damage, to give bonds of indemnity against any such damage; others adopted the policy of assessment upon the active rebel sympathizers in the vicinity. Damage to the extent of some \$20,000 was done in the neighborhood of Henderson; and Col. Haynie assessed and collected that sum of money, appointing a commission to find out the total amount of damage, the ability of persons to pay, and the character of the people upon whom assessments were made.

That sum of money was collected. Some \$5,000 of it was for damage to United States property, and about \$20,000 for damage to individual property. The money was covered into the Treasury of the United States. Every cent of it was assessed according to the laws of war, according to the rights of the people of the United States, and against men actively in sympathy with or aiding the cause of the enemy.

Subsequently—and here is a strange remissness on the part of the Committee on War Claims—subsequently, by act of Congress, between \$9,000 and \$10,000 of this money was paid out of the Treasury to certain parties whose property had been destroyed, leaving, besides the \$5,000 going to the United States, \$10,000 or \$12,000 of that money remaining in the Treasury. That fact has not been stated in this report.

The Committee on War Claims, in bringing in their report, have neglected to inform this House that by the deliberate act of Congress nearly \$10,000 of this money has already been paid to parties for whose benefit it was assessed, and is now not in the Treasury. But the committee has reported a bill not simply to pay the balance of the money remaining in the Treasury, but to pay to these men who were engaged in hostilities against the United States, or who were in sympathy with those who were so engaged, not alone the money remaining, but all the money that was collected, except the \$5,000 collected for the benefit of the United States.

In the Forty-eighth Congress the Committee on War Claims, by a unanimous vote, reported in favor of repaying the remaining money to the parties for whose benefit it was assessed, and by an equally unanimous vote reported against a bill of this character, except that it was then only proposed to pay the balance of money remaining in the Treasury.

Now, what is this bill? It is a bill to reverse the action of the authorities of the United States in command. It is a bill to pay back to rebel sympathizers something taken by lawful authority from them in pursuance of the business which they had in hand to overthrow the rebellion.

Now, if this money is to be paid back there is no single item of damage arising out of the war and incurred for the purpose of putting down the rebellion that ought not also to be paid back. Not a single item. Wherever a marching army levied contributions, wherever a marching army camped, wherever a marching army seized upon property contraband of war there ought to be payment made to the owners thereof in principle if this money ought to be paid back.

As a member of the committee in the Forty-eighth Congress, over which Judge Geddes presided, I joined in the report in favor of paying this money to the parties injured and for whom it was assessed. I had some personal experience myself in this section of country in adopting a different plan for the purpose of saving the railroad bridges from destruction by guerrilla bands, whereby prominent people in the neighborhood were put under bond. But in this case the damages were assessed and collected. The only mistake made by the military authorities was in not paying it to the parties injured and for whose benefit the money was collected. It was covered into the Treasury of the United States and there was no way of getting it out except by legislation of Congress.

Here is a proposition, Mr. Chairman, to reverse the action of former Congresses. Here is a proposition to pay money collected in furtherance of the purpose of the Union Army in order to compensate Union men for injuries done to them. Here is a proposition to pay back this money so collected and assessed, because of injury done by these guerrilla bands, and collected and assessed in pursuance of war authority.

I want this House and country to know, before they vote this money out of the Treasury of the United States, that they are voting in fact to pay every war claim which may be presented to the House. The collection of this money stands on higher authority than the seizure of supplies. It was done deliberately; it was done after the appointment of a commission; it was done in pursuance of authority recognized by all nationalities engaged in war; it was done as a war measure; it was done by the Union forces for the purpose of putting down the rebellion; it was done to protect from depredation this section of country where there was no rebel army, and where nobody entered except in pursuance of a raid or by the boys coming home from the South in the guise of citizens getting together, and while getting ready to go back to the army rushing into a town and committing depredations. It was made necessary to assess these damages for the purpose of guarding property from attack in this section of country, so that the troops might go to the front. It was an effective remedy. It ended that sort of raiding. It relieved the soldiers from that duty and enabled them to be put upon active duty at the front.

Now, in the Fiftieth Congress we are asked to overturn that action. We are asked to declare that the action of the Army in pursuance of its legitimate purpose is to be reversed, and these people are to be compensated for the moneys they were compelled to pay as a penalty for the injury they inflicted upon the property of Union people. For one I protest. If this policy is to be adopted then I say we ought to pay everybody. Let down the gates, unlock the Treasury, pay for every bale of cotton, pay for every ear of corn, aye, let us go further and pay for every liberated slave, for the rent of every church and school-house occupied by a passing army; pay for every claim and all the claims which may be set up by those who were in the armies in rebellion against the country, because there is no difference between one and the other.

I do not care to pursue the matter further, and will yield the floor to the gentleman from Wisconsin [Mr. Thomas].

Mr. ENLOE. Mr. Chairman, I would like to know if we can not have a vote on this bill now?

The CHAIRMAN. The question is on laying aside the bill to be reported to the House with the recommendation that it do pass. As many as are in favor of the motion will say "aye."

(The affirmative vote was taken.)

Mr. DINGLEY. Mr. Chairman, before that is done I have some inquiries that I desire to make.

The CHAIRMAN. The House was dividing before the gentleman from Maine addressed the Chair.

The question being taken; the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. BURROWS) there were—ayes 52, noes 45.

Mr. SIMPSON. Mr. Chairman, there is no quorum.

The CHAIRMAN. The gentleman from Kansas makes the point that no quorum has voted; and the Chair will appoint as tellers the gentleman from Kansas [Mr. SIMPSON] and the gentleman from Tennessee [Mr. ENLOE].

The committee again divided.

Pending the count,

Mr. ELLIS said: I move a call of the House.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that the tellers have not made the final report yet.

After further time spent in the count,

The CHAIRMAN said: The committee will rise, so as to be enabled to execute the order of the House.

Mr. ENLOE. Will the Chair allow the vote to be announced?

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, chairman of the Committee of the Whole House, reported that that committee had had under consideration bills upon the Private Calendar, and had instructed him to report the bill (H. R. 1466) for the relief of the personal representatives of Henry H. and Charlotte K. Sibley, with an amendment, with a favorable recommendation; and that the committee also had under consideration a bill (H. R. 1299) for the relief of Hiram Johnson and others, and had come to no resolution thereon.

Mr. ENLOE. Mr. Speaker, can the committee rise without a motion?

The SPEAKER. The committee must rise in order to enable the House to execute its orders.

Mr. ENLOE. Then the committee can rise without a motion?

The SPEAKER. The committee must rise when there is an order of the House which it is required to execute.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and a bill of the following titles; when the Speaker signed the same:

Joint resolution (H. R. 97) to fill vacancies which will occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers on April 21, 1892.

An act (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BUCHANAN of New Jersey, indefinitely, on account of sickness.

To Mr. WARNER, until Tuesday next, on account of important business.

To Mr. RAYNER, for to-morrow, on account of important business.

To Mr. PAGE of Maryland, indefinitely, on account of sickness.

To Mr. GRADY, for to-morrow, April 30, on account of important business.

To Mr. SNODGRASS, for this evening's session, on account of sickness.

To Mr. LIND, for two weeks, from this day.

To Mr. BRYAN, for to-morrow, on account of important business.

The SPEAKER. The hour of 5 o'clock having arrived, the Chair declares the House in recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock by the Speaker.

Mr. MARTIN. I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

The question was put.

Mr. KILGORE. Mr. Speaker, I would like to have a division, so as to know how many are present.

The House divided; and there were—ayes 46, noes 0.

Mr. KILGORE. I think we better wait awhile and see if any others come in. I make the point of no quorum.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] makes the point of no quorum. The Chair will appoint the gentleman from Indiana [Mr. MARTIN] and the gentleman from Texas [Mr. KILGORE] to act as tellers.

The House again divided; and tellers reported—ayes 41.

The SPEAKER. On this question the ayes are 41, the noes none.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order, and the Clerk will report the first bill.

MRS. LAURA E. SKEELS.

The Clerk read as follows:

A bill (H. R. 1742) for the relief of Mrs. Laura E. Skeels.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid to Mrs. Laura E. Skeels the pension and arrearages which were due her mother, Mrs. Nancy M. Elmendorf, under pension certificate 189,143.

The amendments reported by the committee are as follows:

In line 5, after the words "Skeels the" insert the word "accrued;" in the same line, after the word "pension," strike out the words "and arrearages;" also in the same line, after the word "which," strike out the word "were" and insert in lieu thereof the word "was."

In line 8, after the words "and forty-three," insert the following words: "After deducting the amount already paid under section 4718, Revised Statutes, as reimbursement for funeral expenses."

Mr. LANE. Mr. Chairman, I raise the point of order on that bill again.

The CHAIRMAN. If there be no objection the bill will be laid aside without prejudice. [After a pause.] The Chair hears none.

MRS. JENNIE B. MORRIS.

The next business reported was the bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mrs. Jennie

B. Morris, of Des Moines, Park County, Iowa, as the widow of George H. Harris, late a teamster in the Twenty-sixth Regiment of Iowa Volunteers, and pay her a full widow's pension from and after the passage of this act.

Mr. BUTLER. What is the Calendar number?

The CHAIRMAN. The Clerk will report this bill, and hereafter he will report the Calendar number.

Mr. RICHARDSON. Mr. Chairman, I think it would be well also to announce what committee reports the bill. It is difficult to find them on the Calendar.

The CHAIRMAN. The Clerk will follow the suggestion of the gentleman from Tennessee hereafter.

Mr. DUNGAN. The Clerk did not report the Calendar number.

The CHAIRMAN. The Clerk did not report it, because the bill has no Calendar number.

Mr. BUTLER. By some accident it has been left off the Calendar, and that is why I rose.

The CHAIRMAN. The Chair is advised that this bill was considered by the committee at its former session and the amendments agreed to, but the Clerk failed to place the bill on the Calendar, and therefore the number is not given. The Clerk will read the report.

Mr. WAUGH. Mr. Chairman, I desire to ask if we did not stop last Friday evening at Calendar No. 348.

The CHAIRMAN. The Chair is advised this bill was passed over by the committee.

Mr. HULL. Mr. Chairman, I suggest that the bill was considered in the Committee of the Whole on last Friday night, the amendments were adopted, and the Committee of the Whole voted by a large majority in favor of the bill, but there being no quorum it was passed over.

The CHAIRMAN. The Chair has stated that, and the Clerk will read the report.

The report (by Mr. BUTLER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1339) granting a pension to Mrs. Jennie B. Morris, submit the following report:

This applicant, Jennie B. Morris, was the widow of George H. Harris, late a teamster in the Twenty-sixth Regiment of Iowa Volunteers, and, as such widow, she was pensioned under certificate No. 9222, under the name of Jane Harris, which pension she continued to receive until she was married to Mr. E. T. Morris, August 10, 1877.

Said marriage proved a very unhappy one, with no alleged fault on the part of this claimant, and on April 14, 1887, the district court of Polk County, Iowa, did grant a decree of divorce legally separating the parties to said marriage, and leaving this claimant entirely dependent on her own labor for support.

Evidence, to establish the excellent character of this claimant, Mrs. Jennie B. Morris, is furnished by numerous prominent citizens of Des Moines, Iowa, among them Hon. Gilbert B. Pray, clerk of the supreme court of Iowa, Isaac Brandt, postmaster of Des Moines, Iowa, and John R. Shaffer, secretary of the State Fair Association, of Iowa.

This claimant is now in destitute condition, and greatly in need of the pension formerly received and now asked to be restored, as evidenced by many of the best of Des Moines citizens.

All the alleged facts in this case are also directly sustained by declarations of Hon. J. A. T. HULL, member of Congress from the Seventh district of Iowa in this House.

The case appears to be a worthy one, and in harmony with numerous precedents.

Wherefore, your committee reports back the bill with the recommendation that it be amended as follows: Strike out the word "Park" in the fifth line, and insert in its stead the word "Polk," so as to read "Polk County, Iowa;" also, add to the last clause of said bill the following: "And during the continuance of her present unmarried state," and that as so amended the bill do pass.

Mr. KILGORE. I think we "pulverized" this bill here last Friday night.

The CHAIRMAN. The Chair will state to the gentleman that the amendments have already been agreed to.

Mr. KILGORE. Well, the bill was up and under discussion last Friday night for about an hour.

Mr. HULL. And did it not pass the Committee of the Whole by a very decided majority?

Mr. KILGORE. I would not like to commit myself about that. Perhaps we may have broken up on this bill.

Mr. HULL. In order that business might go on, and that the point of a quorum might not be raised, I consented that the bill be passed over for that night without prejudice.

Mr. KILGORE. Then it stands as it did?

Mr. HULL. It stands with all the amendments adopted, and is now before the Committee of the Whole for final action.

Mr. KILGORE. This is the case where the lady married a lawyer, is it not?

Mr. HULL. Yes, sir.

Mr. KILGORE. There is one fact which I would like to find out which did not come out in the discussion last Friday night. Who was it that brought the suit for divorce, this lady or her husband?

Mr. HULL. By consent, he brought it.

Mr. KILGORE. Why was that?

Mr. HULL. He could pay the expenses, and she could not. A letter of his was before the committee stating that the divorce

was on account of no fault of his wife. The fault was on his side; on that account she left him; and by an arrangement between them he obtained the divorce on the ground of her desertion. This woman was married before the war to the man on account of whose military services the pension was granted and lived with him for years after the war until he died. She is what is called a war widow. During the war she suffered possibly as much as some of the "boys" in the field. She is of course entitled to much more consideration than if she had married the soldier after the war.

Mr. KILGORE. She was pensioned on account of the services of her first husband?

Mr. HULL. Yes; and she made a mistake in marrying a second time. But this second marriage has saved the Government the payment of the pension from 1877 until the present time.

Mr. KILGORE. Well, if the Government has made anything in this matter—

Mr. HULL. Yes, we made that much. [Laughter.]

The bill as amended was laid aside to be favorably reported to the House.

HARMON H. McELVEY.

The next business on the Calendar was the bill (H. R. 5342) granting a pension to Harmon H. McElvey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harmon H. McElvey, of Mitchell County, Ga., late a private in Capt. G. R. McElvey's company of Florida Volunteers, in the war of 1836, at the rate of \$8 per month.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5342) granting a pension to Harmon H. McElvey, have given the same due consideration, and respectfully report as follows:

The records of the War Department show that Harmon H. McElvey was enrolled December 10, 1840, in Capt. McElvey's company, First Florida Mounted Militia, Florida war, to serve three months, and that he was mustered out of service with the company March 14, 1841, at Charles Ferry, East Florida, as sergeant.

Nathaniel Bradford and J. J. Sapp, citizens of Mitchell County, Ga., testify that they are well acquainted with the claimant and know that he is debilitated and enfeebled by age and infirmity, and that he has no means of support, but is dependent for a living upon those who are not legally bound to care for him.

The passage of the bill is recommended.

The bill was laid aside to be favorably reported to the House.

ELIZA M. BOATRIGHT.

The next business on the Calendar was the bill (H. R. 5734) granting a pension to Eliza M. Boatright, the surviving widow of Alexander M. Boatright, who was a soldier in the Black Hawk war.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Eliza M. Boatright, the widow of Alexander M. Boatright, who served as a private soldier in Captain Houston's company of Col. Sanford's volunteers, Illinois militia, in the Black Hawk war, and pay her a pension of \$20 per month.

The report (by Mr. HENDERSON of North Carolina) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5734) granting a pension to Eliza M. Boatright, have considered the same and report.

Mrs. Boatright is the widow of Alexander M. Boatright, who served as a private in Capt. Alexander M. Houston's company, Second Regiment, Second Brigade of Illinois Mounted Volunteers, Black Hawk war, which was called into service by proclamation of the governor dated May 15, 1833, and marched from home June 2, 1832, and was mustered out of service August 15, 1832.

The muster roll of the company (the only roll of the organization on file at the War Department) reports Alexander Boatright, a private, enlisted in Crawford County for ninety days, and furloughed at Fort Hamilton "to go home August 1."

The marriage of the claimant to the said soldier is shown by a verified copy of the public record of the same, and the fact and date (August 21, 1830) of the soldier's death are shown by the testimony of R. L. Weddington, of Brazos, Tex.

J. A. Myers and R. L. Weddington, of the above-named place, testify that the only property owned by the claimant is a little home at Bryan, Tex., worth about \$800, and that she has to depend upon a married son for support. She was married to the soldier in 1850.

Your committee, believing the bill to be meritorious, respectfully recommend its passage, with an amendment fixing the rate of pension at \$15 per month.

The CHAIRMAN. The question is on the amendment reported by the committee fixing the rate of pension at \$15 per month instead of \$20.

Mr. KILGORE. Who introduced this bill?

The CHAIRMAN. The Clerk informs the Chair that the bill was introduced by the gentleman from Texas [Mr. STEWART].

Mr. KILGORE. He is not well; and I will not make any "row" about this. [Laughter.]

Mr. LANE. I move to amend the amendment of the committee so as to make the pension \$12 per month. There are no extraordinary circumstances stated in this case, and no reason is shown why this woman should receive more than other widows.

The question being taken on agreeing to the amendment to the amendment, there were—ayes 23, noes 23.

The CHAIRMAN. The Chair voting in the affirmative, the amendment is agreed to.
The amendment as amended was adopted, and the bill as amended was laid aside to be favorably reported to the House.

MARY GATLIN.

The next business on the Calendar was the bill (H. R. 5364) granting a pension to Mary Gatlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Gatlin, widow of John H. Gatlin, a soldier of the war of 1836, and pay her a pension at the rate of \$20 per month from and after the passage of this act.

The report (by Mr. HENDERSON of North Carolina) was read as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5364) granting a pension to Mary Gatlin, have considered the same and report as follows:

The husband of the claimant, John H. Gatlin, was a member of Capt. Swinney's company, Douglass Battalion of Georgia Volunteers, Indian war of 1836; entered service March 3, 1836, and was mustered out June 3, 1836. It is shown by the sworn testimony of L. A. Houser, B. F. Avant, and W. M. Boon, disinterested citizens of Houston County, Ga., that she is 70 years old, and totally disabled by rheumatism in the right shoulder; also, that she is wholly dependent on her relatives for support, who are themselves unable to support her.

In view of the claimant's great age and necessities, and in the light of numerous precedents for the proposed legislation, your committee regard the case as a proper one for the allowance and relief prayed for, and the passage of the bill is therefore recommended.

The bill was laid aside to be favorably reported to the House.

DAVID C. BARROW.

The next business on the Calendar was the bill (H. R. 5363) granting a pension to David C. Barrow.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of David C. Barrow, a soldier of the Indian war of 1836, and pay him a pension at the rate of \$20 per month from and after the passage of this act.

The report (by Mr. HENDERSON of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5363) granting a pension to David C. Barrow, have considered the same and report as follows:

The claimant was a member of Capt. Seymour's company, Cooper's Battalion Georgia Volunteers, Indian war of 1836. He was enrolled February 13, 1836, to serve three months, and is reported on the muster-out roll of said company, dated May 15, 1836, as having been discharged at Picolata March 19. It is shown by the sworn testimony of John A. Cobb, a citizen of Sumner County, Ga., that claimant is 76 years of age, infirm from age, and his financial condition is such that he needs for his support the amount asked for as a pension.

The passage of the bill is respectfully recommended by the committee.

Mr. LANE. I move to amend this bill so as to make the rate of pension \$15 per month instead of \$20.

Mr. BUTLER. We passed a bill a short time ago at \$12 per month, and the next one at \$20 per month, for the same war, and now we are trying to pass one at \$15 per month. It seems to me that we had better try to harmonize these rates and establish some general rule.

Mr. LANE. In the case to which the gentleman refers the pensioner was disabled. That is the difference. I am informed that in this case also the man is disabled, although the report does not so state and therefore, I withdraw my amendment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AARON V. HAMILTON.

The next business on the Private Calendar was a bill (H. R. 5383) to increase the pension of Aaron V. Hamilton, late a member of Fremont's battalion, Mexican war.

The bill was read, as follows:

Be it enacted, etc., That the pension of Aaron V. Hamilton, of Lincoln County, Mo., late a member of Gibson's company, Fremont's battalion, in the war with Mexico, be increased from the sum of \$8 per month to the sum of \$20 per month.

The report (by Mr. NORTON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5383) increasing the pension of Aaron V. Hamilton, have considered the same and respectfully report as follows:

The claimant was a private in Capt. Gibson's company, Fremont's battalion, California Volunteers, and served from October 7, 1846, to November 11, 1847, in the war with Mexico. He is now receiving a pension at \$8 per month under the Mexican war service pension act of January 29, 1857.

In support of the bill the gentleman who introduced the same in the House certifies from personal knowledge that Mr. Hamilton is 72 years old, a broken-down, decrepit old man, wholly incapacitated for manual labor; also, that he is without property, real or personal, and has no income except the small pension he is now drawing. Further, that he has no family except a married daughter whose financial condition is such that she is unable to assist her father, and he is now supported by living around among his neighbors and friends; also, that he is a sober and worthy man.

The passage of this bill is recommended.

Mr. LANE. Mr. Chairman, I understand that the Senate has passed a bill at this session raising the pensions of Mexican soldiers from \$8 to \$12 a month, and it will doubtless come over here

for action before long. It seems to me that \$20 a month is too much. It is more than enough to support a man even in these hard times. If we keep on increasing these pensions there will not be money enough to go around, and I think that \$15 a month ought to be sufficient in this case. I therefore move to strike out "twenty" and insert "fifteen."

Mr. SIMPSON. It might be well to inquire whether this man has a family to support.

Mr. LANE. He has not. The report so states.

Mr. HEARD. Mr. Chairman, in addition to what the gentleman from Illinois [Mr. LANE] has said on this subject, I intend to depart from my usual custom (which is, not to participate in the debate upon these pension bills) far enough to say that I enter my protest here and now against this indiscriminate raising of pensions granted for service in the Mexican war above the limit of \$8 up to \$12, \$15, or \$20, as may suit the member introducing the bill, who usually fortifies the proposition by his own certificate as to the man's necessities.

We may just as well look the matter squarely in the face and realize that having entered upon this enlargement of the service pension from \$8 to \$12, \$15, or \$20, every member upon this floor who has one of these Mexican soldiers in his district will be called upon to bring the pension of that soldier up to the maximum limit, and he will have no rest until he does it. If there is to be an increase of this service pension the fair and proper way to make it is, as has been proposed in the Senate, by a general law which shall be uniform in its operation.

I tell you now, gentlemen, it will be impossible for any man in this Congress, or in any future Congress after you shall have entered upon this character of legislation, to meet the demands that will be made upon him by the soldiers living in his district. And it is not unnatural that it should be so. This is not a correct way to legislate. This pension for service in the Mexican war was not granted with reference to the individual needs or individual disabilities of the veterans; it was fixed at \$8 a month regardless of special needs or disabilities. Provision had already been made for pensioning for disabilities, according to the nature thereof. It was granted as a service pension.

Now, if we go loosely along departing from the rule according to the demands of each member who may introduce a bill and his personal knowledge of the necessities of the beneficiary of his bill, the man's inability to earn a living, and so on—if we go on in that way and have no positive rule to govern our conduct, we shall be piling up for each and every one of us a heavy burden for the days to come. It is not right in principle and for that reason we shall have a great deal of trouble from it if we continue this course. I do not believe we ought to do it. We ought to make a general rule, applicable to all these cases and then we should adhere to that rule.

Mr. RAY. Mr. Chairman, I do not care to enter at length into a discussion of this subject; but it does seem to me that this is a case of merit; and that \$20 a month for this old man, 73 years of age, who, as I understand from the reading of the report, served more than a year in the Mexican war, is not too much. He certainly will not live long to be a charge upon this Government. When the Government needed a soldier, he went forth and served faithfully. He is now an old man, a poor man, and \$20 per month in his old age is not more than sufficient to support him.

Now, I believe in this doctrine that when a man who has been a faithful soldier, who served his Government, imperiled his life in its behalf, gets old, if poor, the Government shall take care of him, and take care of him well. This Government is able to do it, and I believe that if we would maintain our dignity and character amongst the nations of the earth, we should take care of our soldiers. Those who served in the Mexican war, Mr. Chairman, are few in number, and deserve our care. They will soon be gone forever. They are old, and many of them are in want. Then let us act generously toward them; let us show them that we recognize their merits and their services, and let us not be stingy towards them. Let them go down to their graves well cared for by their Government. I believe this to be the duty that we owe to them, and I hope the amendment will be defeated.

Mr. HEARD. Mr. Chairman, I desire to say that I had no desire to antagonize this particular bill, because I do not doubt for one moment that it is just as full of merit as any other claim of its particular class. But I did arise to express my view as to what I believe to be the error that Congress is falling into in the granting of this kind of pensions. I do not think that there should be such broad discrimination as is being made in these cases. This soldier is a resident of my State, in one of my neighboring districts.

I have not one solitary word to say in disparagement of his merit; but I simply desire to call my friend's attention, and that of other members, to the fact that all the soldiers of the Mexican

war are now old men, and most of them are infirm in health in addition to their years; and I desire only to impress upon the gentleman from Illinois and others that I believe the only way to escape serious trouble in regard to this matter, and avoid all charges of discrimination, is to fix on some sum that we believe to be a fair and equitable rate of pension, and allow it to all applicants of the same class alike; that is to say, to all who are entitled to pensions and who fall within that particular class.

Mr. RAY. Will the gentleman allow a question?

Mr. HEARD. Certainly.

Mr. RAY. Now, as to these old men, survivors of the Mexican war, can the House, in the opinion of the gentleman, adopt a general rule that will be justly applicable to all of them?

Mr. HEARD. I think so.

Mr. RAY. I should be perfectly willing to take each case by itself and consider it upon its particular merits and grant the pension according to the needs of the individual, if we pension any at all.

A MEMBER. That is just what we seek to do.

Mr. HEARD. If that is the judgment of the House, Mr. Chairman, I shall submit and accept the judgment of this body as against my own personal opinion. But it has been held by Congress in legislating heretofore for this class of citizens, that we should fix a regular rate which was applicable to all these soldiers alike. The Mexican soldiers were provided a service pension by the general law of \$8 per month. Now we are attempting to depart from that rule and allow some \$12, some \$15, and some \$20, and that I regard to be a serious error. I think that we should fix a regular rate of pension at \$12 per month, and sustain it in all cases. I understand that a substitute has been adopted in the Senate for a House bill, increasing this rate to \$12 per month. If that rate is too low let it be increased, and in that view of the case I am always willing to vote for any reasonable increase that may be proposed to these Mexican soldiers as a class.

But I only insist, Mr. Chairman, that we should measure these pensions by a regular rule, that we should adopt a rule which is just to the taxpayers as well as to the pensioners, and let it be observed in every instance in dealing with all of these cases of a similar class.

Mr. HOUK of Ohio. Mr. Chairman, there are one or two facts to which I wish to call the attention of the House, and particularly that of my friend from Missouri in regard to these Mexican soldiers. In the first place, there is scarcely a Mexican soldier in the country now who is less than 70 years of age, probably not one in a hundred. Another fact to which I wish to call attention is that these Mexican soldiers have been heretofore receiving no pension until the passage of the law allowing them \$8 per month. Eight dollars a month is a mere pittance, a mere excuse for a pension.

Now, while I would be in favor of letting every case stand on its own merits, and giving pensions according to the necessities in each individual case, it seems to me that it would take too much time of Congress, while it would be probably difficult to pass a general law to meet all cases. In my judgment, however, such a law should be passed allowing not less than \$15 or perhaps \$20 a month, and that would not be more than fair in view of the fact that these are all old men and have never received a pension from the Government up to this time. I think these considerations should modify the views of my friend from Missouri in regard to the pending claim.

Mr. BOWERS. Mr. Chairman, I will delay the House but a moment. I wish, as one of the Committee on Pensions, to say in regard to the different amounts of pensions reported, that the committee has in every case considered the necessities and condition of the claimant. For instance in one instance, a very old man, bedridden, absolutely helpless, who must be waited upon, cared for by somebody else, would be just as helpless to himself and his family as if he had received a disabling wound; and in such cases the care of the pensioner should be allowed in his pension. That is a question which weighed with the committee, and we have considered all these matters in reporting these bills. I wanted to say this much as a member of that committee.

Mr. PICKLER. Will the gentleman allow me?

Mr. BOWERS. Yes.

Mr. PICKLER. What do you allow a Mexican soldier in such a condition as that?

Mr. BOWERS. Well, I think we fix the amount at \$20.

Mr. RAY. It ought to be \$50.

Mr. PICKLER. Pensioners of the war of the rebellion in such a condition as that get \$72 a month.

Mr. BOWERS. I think we have put in none over \$20.

Mr. BUTLER. Mr. Chairman, I see no reason why there should be a different rate for the soldier of one war than of another. Every soldier, whether of the Black Hawk war, the Mexican war, or the war of '61, has served his country, and he should be judged upon the basis of that service and his present

condition. Now, if you say that \$20 a month is the proper rate for the soldier of the Mexican war who is past 70 years of age and is needy, that same rate should be the rate for the soldier of the war of 1861 when he reaches 70 years of age and is also needy; but we do not have such a system at all. I think that they should be placed upon the same basis. If \$12 is enough for the soldier of 1861, \$12 is enough for the soldier of the Mexican war. If it requires \$50 a month for one, it should require \$50 for the other.

I am not saying what the limit should be, but as we have made the \$12 limit for the ordinary cases of the late war, I would not approve of going above that with the soldiers of the Mexican war unless you have differences of condition. Now you have this condition: an old man, seventy years of age, needing help, who did not come to that condition by wounds received during the war; nor is there any showing that his present condition is the result of army service. It is simply a present condition of need, and he was a soldier. What would you give the soldier of 1861 under the same circumstances? That answers the whole question. And whatever that is, I am ready to vote, I care not what it is.

Mr. MEREDITH. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEREDITH. This morning great indignation was expressed by a great many of my friends, notably the gentleman from Indiana [Mr. HOLMAN], the gentleman from Georgia [Mr. LIVINGSTON], and the gentleman from Georgia [Mr. BLOUNT], that some gentlemen had been charged with attending a horse race. I look around, sir, and I find these gentlemen, with many others, absent this evening. I suppose pool selling is going on to-night. [Laughter.]

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. LIVINGSTON. I would like to notify the gentleman that one of the trio he mentioned is here. [Laughter.]

Mr. LANE. I wish to suggest in reply to what has been said here that the Mexican soldiers have been drawing pensions all the time, if there was cause for it.

Mr. HEARD. Or if disabled.

Mr. LANE. Or if disabled, they have had pensions all the time since the Mexican war, and it is only recently that the plan of a service pension has been adopted. It was adopted three or four years ago, I think. Now, it seems to me that we ought to pension all the soldiers who are entitled to pensions, before we commence to raise the pensions of others. I have now in the Pension Office, filed during this session, over a hundred applications for pensions for soldiers who have received no pension at all, many of whom were wounded in the war of 1861, and who are applying for pensions on that account.

Now, why do you want to raise the pensions of some soldiers, when you do not pension other soldiers at all? There are thousands of claims in the Pension Office now, filed on behalf of soldiers who are drawing no pensions at all. Why should we raise the pension of one man who is on the pension roll, and refuse to pension another at all? If we were to give all the soldiers who have now applied for pensions even \$12 a month, it would swell the pension list to more than \$200,000,000 a year, and I insist that the extravagant rate of \$20 a month for a Mexican pensioner is too much, that it will not go around; that it will make it odious; and we had better be fair.

Now, all these gentlemen who are here know that we can not form an estimate of the condition of a man by the papers filed in his case. The papers are fixed up by some shrewd attorney who prepares the affidavits, and you can not tell from those affidavits the condition of the soldier. It depends on the adroitness of the way in which the claim is presented to Congress. These men ought to be ordered before a commission, so as to submit to an examination, if you are going to put it on that ground. As it is now, cases depend on the affidavits of unscrupulous witnesses in many cases. I think \$15 a month is a reasonable amount to allow to this man.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. LANE].

The question being taken, the Chairman announced that the yeas seemed to have it.

Mr. LANE. I call for a division.

Mr. BUTLER. Let the amendment be reported again.

The amendment was again reported.

Mr. BUTLER. I move to amend that by fixing the rate at \$12 a month; and I would like to say a word or two about it. My purpose is to secure harmony between the rate paid to the pensioners of these different wars. I would be just as willing to make the pension for a soldier of the war of 1861 \$15 or \$20 a month as to make it for the soldiers of the Mexican war; but as long as the limit for the soldier of 1861 is \$12 I do believe that there ought to be some uniformity, and therefore I offer the amendment to make it \$12 in this case.

Mr. PICKLER. Mr. Chairman, I believe that the principle laid down by the gentleman from Iowa is correct. I do not subscribe and can not subscribe to the doctrine some gentlemen advance here, that soldiers ought to be pensioned according to their necessities, unless, as has been said here, you pension them according to the different grades of necessity. In other words, I do not believe in taking individual cases and saying to a soldier of any war, "You must be a pauper before the Government will recognize you by giving you a pension;" and I say further, that there is nothing so repulsive to soldiers of any war as for Congress to hold forth the idea that it only intends to pension them when they are about entering the poorhouse.

I believe in pensions as a matter of justice, and as something due to the soldier from his Government as a matter of right. While there may be some instances where a man is well to do, and does not need a pension, it would seem he ought not to have one on account of being able to take care of himself, there can be no question that the soldier should be recognized as he ought to be. It may be well to have them graded, and then make the law pensioning them general. I believe a pension is not given simply for the good of the individual. I believe it is a lesson of patriotism, to teach our young men and our young women growing up in this country that if another war should come and young men must again defend the flag this is a great and honorable Government and appreciates the worth of its soldiers.

So that I again say that I am opposed to the idea of pensioning a man when he is about entering the poorhouse. That is no accommodation to him. There is no State in the Union that will allow a soldier or any other citizen to go to a poorhouse, or if they do, will take care of him; so that I repeat it is no accommodation to give a pittance of a pension to him when he is about to go into the poorhouse. It should place the matter on a higher ground. The Government owes it to the soldier who has faithfully served and fought for his Government, and on that ground we ought to have a better classification, and possibly we might take into consideration the different necessities in that way; but we ought not to take special cases and compel a soldier to be a pauper before he is allowed a pension.

I agree with the gentleman from Iowa in another thing. I do not believe there ought to be any distinction as to which war the soldier served in. I do not see any reason why a man who is pensioned for services in one war should not receive the same pension as a soldier who served in another war. [Cries of "Vote! Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. BUTLER] to the amendment offered by the gentleman from Illinois [Mr. LANE].

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. LANE].

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. LANE. I call for a division.

The committee divided; and there were—ayes 35, yeas 45; so the amendment was rejected.

The bill was ordered to be laid aside with a favorable recommendation.

FREDERICK MEREDITH,

The next business on the Private Calendar was the bill (H. R. 5330) for the relief of Frederick Meredith, late a soldier in the Indian war of 1832.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Frederick Meredith, late a private in the company of Capt. James Hall, in the Indian war of 1832, and that he be paid the sum of \$20 per month.

The report (by Mr. NORTON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5330) granting a pension to Frederick Meredith, have considered the same and respectfully report as follows:

Relative to the service of this soldier the War Department, under date of February 19, 1892, reports as follows:

"The muster-out roll of Capt. James Hall's company, Black Hawk war, Illinois Volunteers, dated August 13, 1832, the only record of the organization on file, reports Frederick Meredith, a private, enlisted June 16, 1832, in Hamilton County, to serve three months, 'absent on furlough.'"

"No further record of this soldier has been discovered."

In his petition for relief by special act of Congress, Mr. Meredith states under oath that he served three months in the Indian war and was granted bounty land therefor. He further states that he is now 82 years old, infirm, and without means of support.

Renard Napier and George N. Woodcocke, citizens of Franklin County, Mo., corroborate under oath the claimant's statement relative to age, infirmity, and destitution, and it is also shown that he is a man of temperate and industrious habits.

Your committee respectfully recommend the passage of the bill.

The bill was ordered to be laid aside with a favorable recommendation.

JAMES M. THOMPSON.

The next business on the Private Calendar was the bill (H. R.

1777) to remove the charge of desertion from the record of James M. Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of James M. Thompson, late a private in Company F, Twelfth Regiment of Maine Volunteers, and to grant an honorable discharge to the said James M. Thompson, as a private of said company, as of the date of April 10, 1866.

The report (by Mr. CROSBY) was read, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson, have duly considered the same and submit the following report:

This bill directs the Secretary of War to remove the charge of desertion from the record of James M. Thompson, and grant him an honorable discharge as of date April 8, 1865. The record shows that he was duly mustered into the service on February 1, 1865, to serve three years, and his company was duly mustered out on April 18, 1866, and said soldier was with his said company or on detached service up to April 10, 1866.

The evidence shows his absence from April 10, 1866, up to April 18, 1866, when he would have been mustered out with his company, to have arisen from sore eyes. Your committee believe he should be relieved from the charge and discharged as of date April 10, 1866.

Mr. WAUGH. Mr. Chairman, there is no gentleman on this floor that has a higher respect for the soldier that has honorably served his country than I have. But for the man that entered the service and deserted his comrades in the hour of their danger and his country's peril I have not the most unbounded sympathy. These bills for the removal of the charge of desertion, coming more than a quarter of a century after the war, carry with them the strong suspicion that the alleged soldier is bothered more in his dreams about pensions than about the dishonor of the charge of desertion standing against him.

No bill should pass this House removing the charge of desertion, restoring a man to an honorable service, unless it is clearly and conclusively shown that the claim is a meritorious one and that the soldier has been wronged. We should not forget that the lapse of time greatly favors the beneficiary. A man guilty of crime may, twenty-five years after the event, by the testimony of his chosen friends in an *ex parte* proceeding, prove his entire innocence. I call attention to these matters in order to show the vigilance we should exercise in passing on these questions, so that injustice be not done to anyone.

I have, at the solicitation of friends, introduced, a few of these bills, feeling that the parties were entitled to an investigation of their cases; but if they are found, on investigation, not to be meritorious, I shall oppose them with the same earnestness that I would oppose a bill introduced by any other member of the House. We owe the duty to the country and every honorably discharged soldier to see that the rolls of our volunteer army are not now dishonored by placing back upon them the name of a single deserter or bounty-jumper, writing him an honorable service by an act of Congress where such soldier by his own acts has written for himself a disgraceful and dishonorable record.

These rolls constitute the history of the greatest volunteer army the world ever saw—the history of over two million men struggling for national life and human liberty. Every soldier, as well as every citizen of the country, is interested in preserving them from dishonor.

There are two bills now pending before the House providing for the permanent preservation of these records which I heartily approve; but I enter my earnest protest against the custodian of these records being selected only from the officers of the regular Army, as provided by those bills. This is a civil position and no one should be excluded from holding the office whom the President might see fit to appoint.

But if the selection is to be made from any particular class let it be from the class of honorably discharged soldiers who helped to make those records. In this view I express the sentiments of the Grand Army of the Republic of the department of Indiana, as set forth in the following resolutions, unanimously adopted at its annual encampment held at Fort Wayne, Ind., April 7, 1892, as follows:

Resolved, That the bill recently introduced in the Senate of the United States, No. 2305, and the similar bill pending in the House of Representatives, No. 6483, providing for the appointment or selection by the President of an officer to be commissioned with the rank of colonel whose duty it shall be to control the work of the division established by the Secretary of War, to be known as the record and pension office of the War Department, meets with the hearty approval and has the earnest indorsement of this encampment.

Resolved, That in the event of the enactment of these bills and their approval by the President, it is the desire of this encampment, and it is hereby expressed in most respectful terms that the officer so to be appointed or selected to be a colonel in the Army, shall be a soldier who served honorably during the late war.

Resolved, That in thus expressing the desire of this encampment in these premises, we deem it proper to call the attention of Congress, as well as the President, to the evident propriety of the appointment or selection of such an officer from the great number of soldiers who served during the late war with honor and distinction and who are abundantly capable of executing the duties that may be required of said officer, under the provisions of the proposed law referred to in the first of these resolutions.

Mr. BUTLER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. The gentleman from Indiana [Mr. WAUGH]

is making a first-class speech, of course, but it does not relate to the question under consideration. The gentleman is talking on a general bill which is not in order to-night. Only private pension bills are in order at these evening sessions, and I think the subject to which the gentleman is talking belongs especially to a day session. However, the speech is a good one, and I am willing to hear it if it is the desire of this body, though I do not think it is in order.

Mr. KILGORE. Mr. Chairman, I do not think that is a proper point of order. [Laughter.]

The CHAIRMAN. The gentleman is discussing the bill in a general way. He will proceed in order.

Mr. WAUGH. Mr. Chairman, I see from the Calendar of the House I hold in my hand that there is seventy-four bills on the Private Calendar reported from the Committee on Military Affairs. I presume they are all for the removal of the charge of desertion or pertaining to the records in some manner.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. WAUGH. No, sir; not at this point.

Mr. BUTLER. The gentleman is calling attention to the number of bills on the Calendar. I wish to assure him that we shall not be likely to pass any bills, if gentleman insist on taking up the time of the committee with long speeches.

Mr. WAUGH. I hope it is no crime for a member of the minority to speak.

There have also been six bills removing the charge of desertion considered and favorably recommended by the Committee of the Whole, making in all reported eighty. We were informed a few evenings ago by a member of the Committee on Military Affairs that there was hundreds of such cases pending before that committee. This House seems to be a city of refuge for deserters to flee to and secure a remission of their sins against the Government.

There are but fifty-nine invalid pension claims now on the Private Calendar. Only twenty-two have passed the Committee of the Whole with favorable recommendation, making in all eighty-one invalid pension claims reported to the House by the Committee on Invalid Pensions up to this time, just one more case than has been reported to the House by the Committee on Military Affairs for removal of desertion or affecting the status of the military records in some way.

Mr. Chairman, I want to call attention to the fact that the Committee on Invalid Pensions of the Fifty-first Congress up to this time in its session had favorably reported to the House and was pending on the Calendar for consideration over three hundred private pension claims, and the House of that Congress had passed over two hundred of such bills, notwithstanding the difference in the two Congresses as to this class of legislation.

We should pass no bill removing the charge of desertion where the soldier has made no application to have the charge of desertion against him removed under the general law. Its provisions are broad and would give relief to almost every meritorious case.

Mr. WHEELER of Alabama. I do not think there are any such cases.

Mr. WAUGH. Oh, yes, there are. I understand it is a rule of the Committee on Invalid Pensions, and also the rule of the Committee on Pensions, to recommend no bill to this House where the soldier may have an adequate remedy under the general law. The general law, in my judgment, is broad enough to let in almost every meritorious case. Now, I would like to have the Clerk read the sections of the law bearing upon this class of cases, or if the committee prefer, I will include it in my remarks.

[Committee consents.]

[PUBLIC—No. 133.]

SECTION 1. That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, having previously served six months or more, and, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease, received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out, or expiration of service.

SEC. 3. That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the Army against any regular or volunteer soldier who served in the late war of the rebellion by reason of his

having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps, without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months, and that such soldier served faithfully under his reenlistment.

SEC. 4. That whenever it shall appear from the official records in the office of the Adjutant-General, United States Army, that any regular or volunteer soldier of the late war was formally restored to duty from desertion by the commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expiration of his term, such soldier shall not be deemed to rest under any disability, because of such desertion, in the prosecution of any claim for pension on account of disease contracted, or wounds or injuries received in the line of his duty as a soldier.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier; *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority, nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

SEC. 8. That when such charge of desertion is removed under the provisions of this act, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers; *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

SEC. 9. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July 1, 1889, and all applications not so made and filed within said term of three years shall be forever barred, and shall not be received or considered.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 2, 1889.

There is another matter to which I beg leave to call the attention of the committee.

The distinguished gentleman from Tennessee, Mr. RICHARDSON, a few evenings ago intimated that in the consideration of pension claims the line ought to be drawn against granting Indiana pensions, as there were more pensioners on the Indiana pension roll than any other State in the North, according to the number of men she furnished the Army, and insinuates that Indiana men were pensioned for political rather than for military services.

Now, I want to say to the gentleman he can inform himself as to the truth of his charges, if he desires the truth. Every Indiana claim, with the proof establishing the same, with the military service in each case, is on file over here in the Pension Office open to his investigation.

Perhaps an unjust insinuation against Indiana soldiers serves the gentleman and his purpose better than the truth. The gentleman has made the charge; now I ask him to give the name of a single Indiana soldier that is unjustly drawing a pension.

If the gentleman thinks Indianians are drawing pensions for political services why does he not have the matter investigated by your committee that is now engaged in investigating the Pension Office?

Mr. DOKERY. It would take a considerable time, however, to make such an investigation.

Mr. WAUGH. No time is too long to be devoted to investigation if gentleman really wish to get at the truth.

Why did not your Democratic Administration under Black make an investigation if there is anything crooked in Indiana pension matters. Was it because you were afraid, if there was crookedness, it would smell too strongly of Democratic flavor? I resent the insinuation of the gentleman that Indiana soldiers are being pensioned for political services as an insult to every Indiana soldier and to every citizen of the State, and denounce it as false and unjust. Indiana soldiers established their heroism and bravery upon three hundred and eight battlefields. They fought on the first battlefield of the war, Phillipi, West Virginia, and on the last, Palmetto Ranch, in Texas.

I want to say, here and now, in my place on this floor, that I would rather be the possessor of the pension certificate issued to the humblest of all Indiana soldiers than to be the possessor of the highest commission issued in the armies of treason and rebellion against my country. [Applause on the Republican side.]

Mr. RICHARDSON. Mr. Chairman, I want to ask the gentleman from Indiana how it is (as he has failed to explain that point) that of 190,000 soldiers who enlisted in the late war from Indiana 55,000 are on the pension rolls, while from the adjoining State of Illinois, which furnished 265,000 soldiers, there are only

49,000 on the pension rolls. That is the question I asked the other night, and I asked it in good faith. I wanted the country to know that in the State of Indiana there was one pensioner for about every three and a half of her enlisted men, while in the State of Illinois there was only about one to every six enlisted men. If the gentleman can explain to the House and the country that fact I shall be glad to hear him do it. As to the "resentment" which he gets up here two weeks after I have made my speech, it seems to me that it has been a little slow in rising. However, better late than never; and now, if he will answer my question, we will debate the subject a little further.

Mr. WAUGH. In the first place, Mr. Chairman, I do not concede that the number of men on the Indiana pension roll proves in any sense the number of Indians on the pension roll. I presume the gentleman from Tennessee [Mr. RICHARDSON] got the information that he quoted the other evening from the report of the Commissioner of Pensions of June 30, 1891. That gave the number of men paid at the Indiana pension office, but not the number of Indians pensioned. There are thousands of pensioners on the Indiana pension rolls that are not Indiana soldiers. The Indiana pension office is one of the central offices between the East and the West, and I presume that on account of geographical location more soldiers have been in Indiana since the war or have passed across its borders than any other State in the Union. I have a constituent in my district who is now in this Hall whose name is upon the pension roll here in Washington.

Mr. MEREDITH. I want to ask this gallant soldier, whom the Directory does not disclose was in the Army—

Mr. DAVIS. Oh, yes it does. That is a mistake.

Mr. MEREDITH. It was so stated just now. I want to ask him if it was fair, if it was chivalrous, and if it was brave in closing that speech, so elegantly prepared and so magnificently delivered, to make a little mean fling at this side of the House when we are voting pensions to your people? I want to ask the gentleman in common fairness if it is proper, just, or chivalrous? I have no doubt he was in the Army from the manner in which he made his speech and his warlike appearances upon the floor to-night. I suspect that he was at Bull Run, and I have no doubt he made a bully run upon that occasion. [Laughter.]

Mr. WAUGH. I presume Bull Run is the gentleman's favorite battle. I was in the service on the successful side in successful battles. [Applause on Republican side.]

Mr. RICHARDSON. Mr. Chairman, I want to ask the gentleman from Indiana how it is (as he has failed to explain that point) that of 190,000 soldiers who enlisted in the late war from Indiana 55,000 are on the pension rolls, while from the adjoining State of Illinois, which furnished 265,000 soldiers, there are only 49,000 on the pension rolls. That is the question I asked the other night, and I asked it in good faith. I wanted the country to know that in the State of Indiana there was one pensioner for about every three and a half of her enlisted men, while in the State of Illinois there was only about one to every six enlisted men. If the gentleman can explain to the House and the country that fact I shall be glad to hear him do it. As to the "resentment" which he gets up here two weeks after I have made my speech, it seems to me that it has been a little slow in rising. However, better late than never; and now, if he will answer my question, we will debate the subject a little further.

Mr. WAUGH. In the first place, Mr. Chairman, I do not conceive that the number of men on the Indiana pension roll proves in any sense the number of Indians on the pension roll. I presume the gentleman from Tennessee [Mr. RICHARDSON] got the information that he quoted the other evening from the report of the Commissioner of Pensions of June 30, 1891. That gave the number of men paid at the Indiana pension office, but not the number of Indians pensioned. The Indiana pension office is one of the central offices between the East and the West, and I presume that on account of geographical location more soldiers have been in Indiana since the war or have passed across its borders than in any other State in the Union.

Mr. RICHARDSON. Does the gentleman assume that Indiana is any more central than Illinois?

Mr. WAUGH. There is a gentleman in my district who is a pensioner—

Mr. BAILEY. I hope the gentleman from Indiana [Mr. WAUGH] will not consume the time of the committee, but will let us proceed with our business. [Laughter.]

Mr. HENDERSON of Illinois. Will the gentleman from Tennessee [Mr. RICHARDSON] allow me to ask him a question? Why did he not compare Indiana with Ohio?

Mr. RICHARDSON. I did.

Mr. HENDERSON of Illinois. No, sir; you compared Ohio with New Jersey.

Mr. RICHARDSON. I beg the gentleman's pardon; I mentioned all the States; and the comparison holds good as to all.

Mr. HENDERSON of Illinois. The State of Ohio has nearly twenty thousand more pensioners than Indiana—

Mr. RICHARDSON. Yes; and she furnished more soldiers to the war.

Mr. HENDERSON of Illinois. And Ohio can not be called by any manner of means a doubtful State politically at Presidential elections.

Mr. RICHARDSON. If the gentleman has read my remarks, he must have seen that I made the comparison as to Ohio; and I assume that in nearly every election since the war Ohio has been Democratic. She has had a Democratic governor about half the time, and has had a Democratic Senator of the United States ever since the war.

Mr. WHEELER of Alabama. The gentleman from Illinois will admit that she probably will go Democratic this fall. [Laughter and applause on the Democratic side.]

Mr. HENDERSON of Illinois. Oh, no.

Mr. WAUGH. I hope I may be permitted—

Mr. POWERS. I rise to a point of order. The Committee of the Whole is engaged in considering the bill which was read by the Clerk. None of the talk to which we have listened for the last three-quarters of an hour has had anything to do with this bill.

The CHAIRMAN (Mr. DOCKERY). The Chair will state that the rules of the House require that debate be addressed to the subject under consideration, and the rules of the House obtain in Committee of the Whole so far as applicable. The gentleman from Tennessee will proceed under the rules.

Mr. POWERS. I insist on the point of order.

The CHAIRMAN. The Chair has ruled upon the point. The gentleman from Tennessee will proceed.

Mr. RICHARDSON. When I am through answering my friend from Illinois [Mr. HENDERSON] I have very little more to say.

Mr. HENDERSON of Illinois. I shall say but a few words, for I do not wish to consume the time of the committee and prevent the consideration of these pension cases. The statement of the gentleman from Tennessee was, in my judgment, exceedingly unfair. No one can determine anything from such a statement as that made by him. Take almost any one of the Western States, and they have more pensioners in proportion to the number of the soldiers who served than the Eastern States, because the course of emigration has been to the West.

When in Iowa a few years ago I had occasion to notice that in the county of Linn, in that State, there were about as many soldiers residing in that county who had served in Illinois regiments as there were who had served in Iowa regiments. And the same, I think, was true in Marshall County. I had brothers residing in those counties and happened to be there at the time when an assessment of those counties had just been made and they were required to return the names of all soldiers, with the regiments in which they served. Kansas is full of pensioners; so is Nebraska—

Mr. WAUGH. And Texas.

Mr. HENDERSON of Illinois. And there are more soldiers in Kansas and Nebraska who served in Illinois regiments, in Indiana regiments, in Ohio regiments, and regiments of other States than there are soldiers who served in regiments belonging to those States, and so it is in many Western States.

The point I make is, that there are 76,814 soldiers—I believe the gentleman stated that to be the number—in Ohio, which at a Presidential election has never been regarded as doubtful for the last quarter of a century.

Mr. RICHARDSON. Why does not the gentleman admit that a State which voted in 1876, between Tilden and Hayes, over 600,000 votes, when Hayes only carried it by 6,000 majority, is a doubtful State?

Mr. HENDERSON of Illinois. Not a doubtful State by any means.

Mr. RICHARDSON. And when it has had a Democrat in the United States Senate ever since the war and a Democratic governor half the time?

Mr. STORER. Oh, no; not half the time.

Mr. RICHARDSON. Well, nearly half the time. I do not speak with entire accuracy as to dates now, but in a general way. Not with the same accuracy I employed in discussing this pension matter. I insist when I addressed the committee two weeks ago to-night I had the figures entirely accurate. They were taken from the report of the Commissioner.

Mr. HENDERSON of Illinois. I do not question the fact that the gentleman was accurate in his figures. The only question is as to the application he makes of them.

Mr. RICHARDSON. I had no intention, Mr. Chairman, of alluding to this matter again to-night; but since it has been alluded to, I insist that the gentleman from Illinois, who is a clear-headed and fair-minded man, it seems to me will not assert that

the conclusions I have reached are not warranted by the facts, or that the political conditions in Indiana has had nothing to do with enlarging the pension roll. I insist the gentleman will hardly undertake to say that that has had nothing to do with the matter.

Mr. HENDERSON of Illinois. Was that not true under Commissioner Black as well?

Mr. RICHARDSON. Undoubtedly. I am not undertaking to say that Mr. Black restricted the roll in any respect. I am only speaking of the facts that exist without reference to who may have been the Commissioner of Pensions.

Mr. HENDERSON of Illinois. I do not charge that he did by any means.

Mr. RICHARDSON. I do not care to debate this subject much further, but the point I wish to emphasize is this: That Indiana has been a close State politically, and her pension roll is therefore larger in proportion to the number of enlisted men which the State sent into the Army than any State in the Union to-day. No gentleman who is aware of the facts will challenge that statement.

Now, I say that that State is no more centrally located than Illinois or Ohio, and that therefore the reason given why there happens to be a larger pension roll in the State has no foundation in fact. Next to Indiana, Ohio has a pension roll which is larger and far larger than any other State in proportion to the number of soldiers furnished to the war. I ask, therefore, if it might not be true that these facts are to be accounted for by reason of the other fact that these two States were recognized as close political States, particularly Indiana.

If any gentleman can answer that question to my satisfaction I would like to hear it here and now. But I do not accept the statement of the gentleman from Indiana, who raised this controversy to-night, because I have very little respect, if I may be permitted to say so under the rules, for the manner in which this statement was offered by way of a solution of that question. But if my friend from Illinois can offer any satisfactory explanation I shall be very glad to hear it. I say that there is one in three and a fraction from Indiana of enlisted men on the pension roll, if we accept the number as given by the Pension Office; in Ohio it is one in four and a little fraction.

Mr. WAUGH. And two and a fraction in Tennessee.

Mr. RICHARDSON. While if you take New York it is one in seven, and Pennsylvania one in six and a fraction. Now, if any man can offer any further explanation than that the political complexion and condition of these States is the governing factor in making the allowance of pensions, I will be very glad to hear it.

Mr. DAVIS. Mr. Chairman, the gentleman from Indiana has embraced Kansas in his statement. Kansas is not a doubtful State, while Indiana is. But members of the Grand Army have counted up this thing very carefully, and they tell me that there are two and a half times as many pensioners in proportion to old soldiers in Indiana as in Kansas; and it appears to me that the gentleman from Tennessee is pretty nearly right in his assertion. The People's party there have made Kansas a doubtful State, and the general impression now is that we get pensions granted twice as easily as ever before. [Laughter and applause.]

Mr. RICHARDSON. Now I will yield to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. As I understand the gentleman, he says it is his honest opinion that Mr. Black—

Mr. RICHARDSON. No; I did not say that.

Mr. PICKLER (continuing). Made a different rule for the allowance of pensions to Indiana soldiers to what he did in other States. Is not that what the gentleman asserted in answer to the gentleman from Illinois?

Mr. RICHARDSON. I did not say that, and I will leave it to the RECORD. The gentleman asked if I charged that, and I said I did not exonerate Commissioner Black or inculpate Commissioner Raum. I simply called attention to the facts. I do not know that the pension roll was increased out of proportion under Mr. Black. I do not undertake to say when these names got on the roll. I have expressed no opinion on that subject.

Mr. BARTINE. Will the gentleman allow me to ask him a question?

Mr. RICHARDSON. Yes.

Mr. BARTINE. I understand the gentleman to suggest that the reason why there are so many more pensioners relatively in some States than others is that some States are closer politically than others.

Mr. RICHARDSON. I said that; yes.

Mr. BARTINE. I also understood the gentleman to say that the proportion in Pennsylvania is one to six.

Mr. RICHARDSON. Six and a fraction.

Mr. BARTINE. While the proportion in New York is one to seven?

Mr. RICHARDSON. About that.

Mr. BARTINE. New York had always been a very close State and Pennsylvania not. How does the gentleman reconcile that?

Mr. RICHARDSON. New York has never been as close a State politically as Indiana—as doubtful.

Mr. BARTINE. I am comparing Pennsylvania with New York, not with Indiana.

Mr. RICHARDSON. New York has gone Democratic very generally.

Mr. HENDERSON of Illinois. It voted for Harrison and it voted for Grant.

Mr. RICHARDSON. There may be some exceptions which the gentleman can call attention to, but the difference between six and a fraction and seven is very slight. I do not undertake to carry the fractions in my mind now, but I did set them out substantially in the remarks which I had the honor to make two weeks ago to-night.

Mr. BARTINE. I simply called attention to the fact because Pennsylvania has been regarded as a banner Republican State while New York has been regarded as a doubtful State.

Mr. HULL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HULL. The bill before the committee is not even a pension bill. It is a bill to remove a charge of desertion; and I ask the Chair to rule upon the point whether when a bill to remove a charge of desertion is before the committee the committee can wander off on questions entirely foreign to the bill before the committee?

The CHAIRMAN. The Chair has stated the rule, and again requests gentlemen to proceed under the rule.

Mr. RICHARDSON. I have nothing further to say.

Mr. MEREDITH. Mr. Speaker, I know nothing about the merits of the bill under discussion, but I want to say a single word to the gentleman who read that speech of elegant diction, that speech which was so elaborately prepared. I want to ask this gallant soldier, whom the Directory does not disclose was in the Army—

Mr. DAVIS. Oh, yes it does. That is a mistake.

Mr. MEREDITH. It was so stated just now. I want to ask him if it was fair, if it was chivalrous, and if it was brave in closing that speech, so elegantly prepared and so magnificently delivered, to make a little mean fling at this side of the House when we are voting pensions to your people? I want to ask the gentleman in common fairness if it is proper, just, or chivalrous? I have no doubt he was in the Army from the manner in which he made his speech, and his warlike appearance upon the floor to-night. I suspect that he was at Bull Run, and I have no doubt he made a bully run upon that occasion. [Laughter.]

Mr. WAUGH. I presume Bull Run is the gentleman's favorite battle. I was on the successful side in successful battles.

Mr. MEREDITH. Well, now, let me say to you, my friend, that the war has been over for nearly thirty years—

Mr. WAUGH. Certainly.

Mr. MEREDITH. And that brave men of both armies have assembled here—

Mr. WAUGH. Certainly.

Mr. MEREDITH. And this is the first time that I have heard so mean, so low, so contemptible a fling made at this side of the House.

The CHAIRMAN. The committee will be in order.

Mr. WAUGH. To what part of the speech does the gentleman refer?

Mr. LIVINGSTON. He referred to the last sentence in your speech.

The CHAIRMAN. The Chair appeals to the gentlemen to proceed under the rule, which provides that discussion shall be limited to the subject before the committee.

Mr. CROSBY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CROSBY. I rise to discuss this bill. It seems to me, Mr. Chairman, it is about time something was said about this bill. I want to say this is a bill to remove a charge of desertion standing against James M. Thompson. Thompson went into the Army and served until April 10, 1866, when he went home because of a serious affection of his eyes, which affection it was thought would result in total blindness. His regiment was discharged in eight days after that time, and it was merely a technical desertion at the worst.

Now, Mr. Chairman, I desire to say what I think is not generally known by those who do not come here night after night, and those who are not familiar with the proceedings of this House. The people of the country should know where the opposition comes from to these pension bills; and they should also know that the time of this House is taken up by the Republican members in discussion, in the making of general speeches, when

the Democrats are here ready to pass any reasonable and proper pension bill that may be presented. [Applause on the Democratic side.]

This is the second time, Mr. Chairman, in three nights that gentlemen have gotten upon the floor and delayed the proceedings here by discussions lasting from hour to hour; and I submit that it comes with bad grace from a Republican from Indiana, a State where it is supposed everybody is the friend of the soldier. It is unfair for him to stand up here and consume the time of this House for an hour or more that might be used in passing pension bills, and it does not come with good grace, therefore, for gentlemen on the other side to delay this sort of legislation. The delay, nine times out of ten, comes from the Republican side.

Mr. PICKLER. Oh, no.

Mr. CROSBY. I submit, Mr. Chairman, that that is the fact, and I desire that the country should understand it. [Applause on the Democratic side.]

Mr. PICKLER. You are clear off.

The CHAIRMAN. The question is, shall this bill be laid aside with a favorable recommendation?

Mr. HULL. I am in favor of the bill, Mr. Chairman, but there is an amendment that I think should be attached to this and all other bills of this character, and that is to provide that no pay or emoluments shall become due by virtue of this act.

The CHAIRMAN. The gentleman will state his amendment.

Mr. HULL. Add to the bill: Provided that no pay or emoluments shall become due by virtue of this act. The Committee on Military Affairs desire to add such an amendment to these bills. It is simply an oversight that it has been reported without such a provision, as that committee think it ought to be placed on all bills of this character.

Mr. CROSBY. I accept the amendment.

Mr. BUTLER. I just want to say a word on that amendment. It seems to me that if any soldier is entitled to have his record clear, he is entitled to have every advantage that comes from making that record clear; and it seems to me a mere farce to wipe out a stain upon a soldier's record and then deprive him of the rights that would follow from having that stain removed.

If a soldier is worthy of having his record cleared he is worthy of every emolument and every result that will follow, and you do not remove stain if you leave him without that right.

The amendment was read, as follows:

Provided, That no pay or emoluments shall become due by reason of the passage of this act.

Mr. LANE. That amounts to nothing, and if you put this amendment upon this bill he can still get a pension.

Mr. PICKLER. But suppose there was some back pay, this would cut it off.

Mr. LANE. It amounts to nothing.

Mr. HULL. It is not the object of the Committee on Military Affairs to deprive any man of a pension. I do not believe a man ought to have such a disability removed if he is unworthy under the pension laws to claim a pension if otherwise entitled to one.

The question was taken on the adoption of the amendment, and the Chairman announced that the yeas seemed to have it.

On a division there were—ayes 34, noes 36.

So the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

HARMON H. McELVEY.

Mr. BUTLER. I ask unanimous consent to make a motion, which I think is not entirely in order, but which I think will be allowed, if I can be given one minute to make a statement. A short time ago the committee ordered a bill to be reported with a favorable recommendation in the case of Harmon H. McElvey (348 on the Calendar) where the conditions were exactly the same as in the bill which we passed at \$20 a month. We passed the bill I allude to at \$8 a month. There was the same condition of absolute destitution and decrepit old age, and I would like to make a motion to reconsider the motion by which that bill was reported to the House with a favorable recommendation.

The CHAIRMAN. A motion to reconsider is not in order in Committee of the Whole; but the Clerk will report the bill, and then the gentleman can submit his request for unanimous consent. The Clerk read as follows:

A bill (H. R. 5342) granting a pension to Harmony H. McElvey.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to amend the bill by striking out "eight," and inserting "twenty."

Mr. BUTLER. To make it correspond with the bill that was passed at \$20.

The CHAIRMAN. Is there objection?

Mr. LANE. I object.

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Mr. BUTLER. I wanted to make the pension the same as another of the same kind.

ABRAM GROAT.

The next business on the Private Calendar was a bill (H. R. 2430) for the relief of Abram Groat.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of Abram Groat, late of Company K, Forty-fourth Regiment New York Infantry Volunteers, and to grant him an honorable discharge as of date of March 1, 1865.

The report (by Mr. CROSBY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2430) for the relief of Abram Groat, submit the following report:

Abram Groat, late of Company K, Forty-fourth Regiment New York Infantry, was tried by general court-martial at Culpeper, Va., in October, 1863, and convicted of desertion. No sentence was imposed and he was restored to duty and participated in many battles till July 10, 1864, when while on picket duty he was relieved and was informed that the proceedings of the court, which had been mislaid, had been found and that he was sentenced. He was imprisoned at Fort Jefferson, Dry Tortugas, Fla., and remained there till March, 1865, when he was pardoned by President Lincoln, being granted pay and allowances.

In view of his satisfactory services after the trial and the fact that a pardon was granted, your committee deem it but an act of justice to remove the record of desertion and to grant him an honorable discharge. They therefore recommend the passage of the bill.

Mr. KILGORE. Mr. Chairman, if this soldier was pardoned by the President, according to my understanding of the matter he would be completely restored to his rights without any necessity for a special bill. He got the pay and allowance which had accrued prior to the time when he was pardoned. I would like to hear from some member of the committee, or some gentleman who knows about the matter, as to the difference between the effect of a special bill of this kind and the effect of a pardon by the President.

Another point. The committee has been in the habit of limiting these bills so as to prevent the party relieved from receiving any pay, allowance, or emolument which might have accrued, and I suggest that this bill should be amended in that way.

Mr. HULL. The gentleman from Massachusetts [Mr. CROSBY] has charge this bill and I do not see him in his seat at this moment, but my understanding is that the report from the War Department shows that this man had all his pay up to the date of his discharge.

Mr. KILGORE. Suppose that he were to apply for a pension, could not he claim back pay between 1865 and the present date?

Mr. HULL. If we should grant him an honorable discharge without specifying the date at which it shall issue he could draw pay all the way up.

Mr. WHEELER of Alabama. In reply to the question of the gentleman from Texas as to whether the effect of the President's pardon would be to relieve the soldier of his disability, I will say that I do not think it would. It would simply relieve him from the penalty, but it would not remove the charge of desertion.

Mr. KILGORE. Generally the effect of a pardon is to restore the man to the position which he occupied before the offense was committed.

Mr. WHEELER of Alabama. That depends upon the terms of the pardon.

Mr. KILGORE. I move to amend the bill by adding the following proviso:

Provided, however, That no pay or emolument shall become due by reason of the passage of this act.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK HYLAND.

The next business on the Private Calendar was the bill (H. R. 945) for the relief of Patrick Hyland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Patrick Hyland, enlisted as a private September 9, 1861, in Company B, Sixty-seventh Pennsylvania Volunteers, at Philadelphia, Pa., and grant him an honorable discharge under date of May 1, 1864.

The report (by Mr. PATTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 945) for the relief of Patrick Hyland, having considered the same, respectfully report:

Patrick Hyland enlisted September 9, 1861, in Company B, Sixty-seventh Pennsylvania Volunteers, and served faithfully until January, 1864, when he reenlisted in same organization as a veteran. He went home on veteran furlough in April, 1864, and on the expiration of his leave of absence he was sick in bed with typhoid fever. As soon as he was able to travel he started to rejoin his regiment; while on his way was again taken sick and returned to his home, and there remained sick and unable for duty until the close of the war. His failure to return was unavoidable and from no fault of his.

Your committee submit as a part of their report the soldier's record as given from records of the War Department, and the affidavits of Thomas Fagan, Margaret Soden, and said Patrick Hyland, and recommend that the bill do pass.

Case of Patrick Hyland, late private of Company B, Sixty-seventh Pennsylvania Volunteers.

RECORD AND PENSION DIVISION, July 30, 1890.

Patrick Hyland (also borne as "Heland"), private Company B, Sixty-seventh Pennsylvania Volunteers, was enrolled at Philadelphia, Pa., on September 9, 1861, to serve three years; reenlisted on January 1, 1864, as a veteran volunteer, and is reported present on roll of company for January and February, 1864; roll for March and April, 1864, shows him absent with leave on veteran furlough; roll for May and June, 1864 (last roll of the company upon which his name is borne), reports him absent, deserted about May 1, 1864. He did not thereafter return to military control, although his command was retained in service until July 14, 1865.

The Hon. Henry H. Bingham, M. C., was informed by the Department, in a letter dated July 14, 1888, in which the soldier's record was quoted, that if, as is inferred from the soldier's letter herewith returned, he was prevented from returning and completing his term of enlistment by reason of physical disability, it will be necessary for him to establish that fact by the testimony of his attending physician or other reliable parties, and also that such disability was contracted in the line of his duty, before he can become entitled to a discharge certificate from his veteran enlistment.

The testimony required has not been furnished, and in its absence the case is not embraced within the provisions of any law governing the subject of desertions.

Respectfully submitted.

F. C. AINSWORTH,

Captain and Assistant Surgeon, United States Army,

The SECRETARY OF WAR.

GENERAL AFFIDAVIT.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

In the matter of Patrick Hyland, Company B, Sixty-seventh Regiment Pennsylvania Volunteers.

On this 13th day of March, A. D. 1890, personally appeared before me, a magistrate in and for said county and State, Thomas Fagan, aged 47 years, a resident of the city of Philadelphia, county of Philadelphia, State of Pennsylvania, whose post-office address is 4422 Parrish street, and who, being duly sworn according to law, deposes and says, in relation to the aforesaid case, as follows:

I served in Company B, Sixty-seventh Regiment Pennsylvania Volunteers, and was personally acquainted with Patrick Hyland, of the same company and regiment. I reenlisted at the same time that Patrick Hyland did, and came home with the regiment at the same time, and am personally knowing of the fact that when the regiment's veteran furlough expired and was returning to the front that the said Patrick Hyland was laid up sick from typhoid fever, and was confined to his residence and under the care of physician.

Between the time the regiment went back on its veteran furlough, January 1864, and October, 1864, I saw a letter that was received by Private James Tag, of the same company, and in said letter it stated that Patrick Hyland was still very sick and not expected to live.

In the battle of October, 1864, I was wounded and came home, and when I came home I saw the said Patrick Hyland and he was only a shadow of his former self; he was just recovering from his sickness, was just able to walk about, and in conversation he informed me that he had been sick ever since the regiment left.

I was home from October to the latter part of January, 1865, and during this time I saw him quite frequently and know he was not at any time fit to perform any military duty, he being still very weak.

I was discharged in July, 1865, and saw him again and he was a physical wreck, and had not done any work, neither was fit to do any work or to perform military duty.

He was always regarded by the officers as being homesick; he was not looked upon as a deserter; had they suspected him of such he could have easily been arrested, as it was known to us all where he was.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

THOMAS FAGAN.

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

Witness my hand and official seal this 13th day of March, 1890.

[SEAL.]

ISRAEL W. DENHAM,

Magistrate Court, No. 6.

GENERAL AFFIDAVIT.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

In the matter of Patrick Hyland, late Company B, Sixty-seventh Regiment Pennsylvania Volunteers.

On this 12th day of March, A. D. 1890, personally appeared before me, a magistrate in and for aforesaid county and State, Margaret Soden, aged 52 years, a resident of the city of Philadelphia, county of Philadelphia, State of Pennsylvania, whose post-office address is 2419 Factory street, and who, being duly sworn according to law, deposes and says in relation to the aforesaid case as follows:

I am knowing of the following facts: My husband, James Tag, was a member of Company B, Sixty-seventh Regiment Pennsylvania Volunteers, and I resided within one square from the residence of Patrick Hyland, the claimant, and know that while he was home on a veteran furlough that he was taken very sick with the typhoid fever and was confined to his residence, and when their time of furlough was expired and they were going back to the Army, then the said Patrick Hyland was sick in bed with the typhoid fever and was under the care of a doctor, William Harper, and to my own personal knowledge he, the said Patrick Hyland, was mentally distressed because he could not return with the regiment, and to relieve his fears I personally went to the colonel and reported his sickness and the severity of the same, and the colonel requested that he follow the regiment as soon as he was able.

I nursed him in his sickness and know he was delirious and out of his mind and hovered between life and death for a month or two, and he left his room earlier than he should have done and the result was he had a relapse and then was sick for about three months, and as soon as he was able to move about again he started for to join his regiment. He was very weak and could scarcely walk, and when he got as far as Washington he had to come back again, and he wanted to go to the hospital at Twenty-fifth and South streets, but his father would not allow it and he was brought home again and was under the charge again of Dr. Hopper. Then when he did get well of the fever he was taken sick with a chronic diarrhea and he had his blotches to break out all over his body and he continued in this condition until long after the war was over. He was not able to do any work for fully two years after the close of the war.

I am confident he was at no time in a condition fit to do or perform mili-

tary duty from the time he came home on his veteran furlough in 1864 until fully a year after the war was over. I further declare that I have no interest in said case and am not concerned in its prosecution.

MRS. MARGARET SODEN.

Sworn to and subscribed before me this day by the above-named affiant. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

Witness my hand and official seal this 12th day of March, 1890.

[SEAL.]

ISRAEL W. DURHAM,

Magistrate Court No. 6.

APPLICATION FOR REMOVAL OF CHARGE OF DESERTION.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

On this — day of March, A. D. 1890, personally appeared before me, a magistrate in and for the county of Philadelphia, in the State of Pennsylvania, Patrick Hyland, now a resident of Philadelphia, county of Philadelphia, State of Pennsylvania, who, being duly sworn, declares that he is the identical person who served under the name of Patrick Hyland, in Company B, in the Sixty-seventh Regiment of Pennsylvania Volunteers; that he was enlisted in said company and regiment on or about the 9th day of September, 1861, at Philadelphia, in the county of Philadelphia, and State of Pennsylvania, by Capt. Thos. Conner, mustered into service on or about the 9th day of September, 1861, at Philadelphia, in the county of Philadelphia, and State of Pennsylvania; that he served faithfully until on or about the 1st day of February, 1864, when, without any intention of deserting, he left the regiment under the following circumstances, viz:

Whilst he was home on the veteran furlough he was taken sick with typhoid fever and was unable to return with his regiment at the expiration of said furlough, and his anxiety to go back was so great that in enfeebled condition he left his sick room and followed the regiment as far as Washington, D. C., and whilst en route thereto the fever increased and to such an extent that when he reached Washington he was unable to proceed any further, and by the advice of officers and men who were strangers to him and who were awaiting transportation at the depot in Washington, all of whom advised him to return home again and to go to some hospital in his native city, which the claimant done, and as soon as he arrived in the city of Philadelphia, Pa., he immediately went to the South street United States general hospital, which was only about one square from his residence. He was admitted to the said hospital, but was only there a short time, as his father called at said hospital and obtained the consent of the surgeon in charge to take the claimant to his residence for treatment; this request the surgeon very readily complied with, and stated he was glad to do so, as the hospital was so well filled with sick and wounded at that time.

The claimant continued very sick with the typhoid fever for about several (three) months, &c., just as he was recovering from the first attack he was taken with a relapse and was then about five weeks in a delirious condition. Furthermore, whilst suffering from the typhoid fever the chronic diarrhea came on him, and so severe in character as to prostrate him, and from the effects of the typhoid fever and chronic diarrhea he was never at any time sufficiently recovered to perform military duty, and said debilitated condition continued on him from February, 1864, to May, 1865, and for some time subsequent thereto, and as his absence from his command was not due to nor the fault of the claimant in any manner, therefore he files this declaration, which is made for the purpose of securing a removal of the charge of desertion, and he hereby appoints, with full power of substitution and revocation, James B. O'Neill, 118 South Sixth street, of Philadelphia, Pa., his attorney to present his application and to receive and accept for the discharge that may be issued thereon, and to do any and all acts necessary to effect the purpose of his said appointment. His post-office address is 410 South Twenty-sixth street, Philadelphia, Pa.

PATRICK HYLAND.

Also, personally appeared before me Charles Seger, now a resident of the city of Philadelphia, in the county of Philadelphia and State of Pennsylvania, and Daniel Devenny, is now a resident of the city of Philadelphia, in the county of Philadelphia and State of Pennsylvania, to me well known as creditable persons, who, being sworn, declare that they have been for — acquainted with the above-named applicant; that they know him to be the person he represents himself to be; that they have every reason to believe that the foregoing affidavit by him subscribed is correct and true, and they have no interest in this claim.

CHARLES SEGAR.

DANIEL DEVENNY.

STATE OF PENNSYLVANIA, County of Philadelphia, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the words erased and the words — added, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a creditable person.

[SEAL.]

ISRAEL W. DURHAM,

Magistrate Court No. 6.

Mr. WAUGH. Mr. Chairman, I move to amend by adding a provision that no pay allowance or pension shall result from the passage of this bill. This report shows that this soldier four years ago, through his Representative in Congress, was notified that if he would submit to the War Department the affidavit of his physician showing his sickness at the time claimed, and that, by reason of such sickness, he was unable to return to the service his case would be heard and adjudicated. The soldier did nothing of the kind, and he now submits to this House not the affidavit called for by the Department, but testimony of witnesses that would not be received upon a medical question in any court of justice in the land, to wit, the testimony of his neighbors, who are called to prove that he had typhus fever, diarrhea, etc.

All this he undertakes to establish by the opinion of his neighbors, nonexperts. Remember, too, that this absence of the soldier was for over a year. Now, it occurs to me that we do him ample justice when we remove the charge of desertion with a proviso that no pay allowance or pension shall become due by reason of the passage of this act.

The question was taken on the amendment of Mr. WAUGH, and it was rejected—ayes 21, noes 35.

Mr. HULL. Mr. Chairman, I should like to hear the latter part of that bill read again.

The Clerk again read the bill.

Mr. HULL. Mr. Chairman, I move to amend that by adding: *Provided, That no pay or emoluments shall become due by virtue of this act.*

The amendment was agreed to.

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a favorable recommendation?

Mr. COBB of Alabama. Mr. Chairman, I wish to ask the gentleman from Indiana a question. Do I understand the gentleman [Mr. WAUGH] to assert that under the general law as it exists this charge of desertion could be removed from this soldier?

Mr. WAUGH. As to this case I will not say, but I will say this, that in almost every imaginable case that can possibly come within the domain of justice or merit the charge can be removed upon proper application to the Secretary of War, under the act to which I referred in my remarks this evening. That act was passed, approved in March, 1889, and it provides that applications may be made under it up to the 1st day of July, 1892.

Mr. COBB of Alabama. The time has not expired?

Mr. WAUGH. It has not; but what I say is, that in no case should the charge of desertion be removed from a soldier's record until he has availed himself of the provisions of the general law so far as they may apply to his case.

Mr. COBB of Alabama. I agree entirely with that statement. I think the House ought to stay proceedings in matters of this kind until we are informed in each particular case whether there are special circumstances which prevent the operation of the general law. We are entering upon special legislation in hundreds of cases where the relief sought could be had under the general law.

Mr. SMITH of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Illinois. The bill which was under consideration a few moments ago has been passed; and I raise the point of order that the discussion of the question involved in that bill is not now in order.

The SPEAKER. The point of order is not well taken. Only the amendment was agreed to. The question is now, whether the bill as amended shall be laid aside to be favorably reported to the House. The gentleman from Alabama will proceed.

Mr. COBB of Alabama. Mr. Chairman, my attention has just been called to the possibility of removing these charges of desertion under the general law as it exists. I have not heretofore been very familiar with these pension laws; but if that statement be true, it emphasizes the objection that I have made here from time to time to the passage of special bills to accomplish that which can be done under the general law. Special legislation is always objectionable, and should never be indulged in unless there is some necessity for it. That necessity never exists when the object can be attained under general law.

Now, the question I raise here is—and until this question is answered the House ought not to proceed to the passage of this bill or any like it—whether the evidence shows a state of facts which prevents the applicant from taking advantage of the general law, and if so, whether the facts are of such a character as ought to persuade the House to legislate specially. This question ought to be propounded in every one of these cases; and until it is answered satisfactorily we ought not to proceed in this class of special legislation.

I am perfectly free to admit that there are cases where it is right to have special legislation; there are cases in which general rules can not be made to apply, and which, notwithstanding, are meritorious cases and ought to receive the attention of the House. But, inasmuch as special legislation is never to be favored, wherever it is invoked the strict rule ought to apply that the evidence should show the necessity for special legislation.

My friend from Indiana [Mr. PATTON] says that he can explain the case, and I hope he will. I yield to him for that purpose.

Mr. PATTON. Mr. Chairman, I prepared this report, and in order to do so I made a thorough investigation of the matter. In this case an application for relief was made to the War Department, but the case failed to come under the general law, and relief could not be obtained in that way.

Mr. COBB of Alabama. Was that failure because of the want of the necessary proof, or because the principles applying in this case were different from those applying in cases under the general law?

Mr. PATTON. The trouble was this: The soldier was a minor; he was really kept from returning to the Army by his father. My impression is—perhaps it is best the report should be referred to in order to verify this impression—that the soldier was relieved from the penalty of desertion by the President.

I will say that this bill provides nothing in the way of relief

except simply to enable this man to obtain a position under the Government. He is already drawing a pension of \$12 a month, and is not entitled to more; it is not likely that he could get more if he should try. But the charge against him as it stands prevents him from getting a position under the Government; and it is with a view to that matter that this bill be presented.

Mr. COBB of Alabama. How could he get a pension while he was resting under the charge of desertion?

Mr. PATTON. I know that he is getting a pension—

Mr. COBB of Alabama. The suggestion is made to me that the reason he is getting a pension may be that he lives in Indiana. [Laughter.]

Mr. PATTON. No, sir; he does not live in Indiana and never did; but he is drawing a pension of \$12 a month, as the report shows.

Mr. COBB of Alabama. Under a special act?

Mr. PATTON. No, sir.

Mr. RICHARDSON. How was it possible for him to obtain a pension when his military record was not correct?

Mr. PATTON. He is drawing a pension. As I understand, his final discharge from the Army was regular; but having been kept home by his father he had been charged with desertion; afterward, when he returned to the service, he was relieved of the penalty by the action of the President, so that on finally leaving the Army he was honorably discharged. Under the law he was entitled to a pension and received it; but on account of this old charge of desertion he is not now allowed to occupy a position in one of the Departments under the Government.

Mr. COBB of Alabama. If my friend is familiar with the history of this case, I would like to know how it is that a man is esteemed worthy to receive a pension regularly from the Government, and yet can not secure a little office under it?

Mr. PATTON. I do not think it is right that this should be so; I do not approve of it at all, but such is the fact.

Mr. COBB of Alabama. Well, that is not the law; and I do not understand how he obtained this pension.

Mr. PATTON. You will have to apply to Commissioner Raum for information about that.

Mr. SIMPSON. He wants this bill now to make it right?

Mr. PATTON. No, sir; his pension is right now.

Mr. SIMPSON. He wants the bill to make everything right.

Mr. PATTON. He wants to obtain a position in one of the Departments; and this charge of desertion stands in his way. He can not obtain the position until the charge is removed. In order that the matter may be fully understood, I would like to have the report read.

Mr. COBB of Alabama. Mr. Chairman, I think we had better have this report in full.

Mr. LIVINGSTON. It is too long.

Mr. COBB of Alabama. Well, if it is too long to read the report we will lay the bill aside, but not with a favorable recommendation, until we can have time to read it.

The CHAIRMAN. The Chair will state that the reading of the report will probably consume the entire remainder of the evening session.

Mr. COBB of Alabama. Now, Mr. Chairman, I submit whether we are to legislate here upon the idea that we can not examine the testimony because it will take too much time? I think that emphasizes the viciousness of the system of special legislation anyhow.

Mr. HEARD. I understand the gentleman from Indiana to say that the report is short.

Mr. PATTON. Very short.

Mr. LANE. But it does not state the facts.

Mr. LIVINGSTON. Is this case from a doubtful political State?

Mr. WAUGH. Mr. Chairman, I desire to call the attention of the committee to the fact that subdivision 2 of the general law, to which reference has already been made, which was passed on the 3d of March, 1889, allows applications for relief under it up to July, 1892, so that the time has not yet expired.

Mr. COBB of Alabama. I think we had better understand this case a little more fully.

Mr. PATTON. Mr. Chairman, owing to the shortness of the time before the session must close to-night, and the fact that some members want to look at the evidence a little more closely in this case, I am willing that it shall go over without prejudice to another evening, and I ask unanimous consent that it be passed over informally for the present.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection, and it was so ordered.

ANNA MORGAN BURNS.

Mr. DUNGAN. Mr. Chairman, I now renew my request for unanimous consent to take up and consider the bill (H. R. 7146) to pension Anna Morgan Burns.

The CHAIRMAN. The bill will be read, after which the Chair will ask for objections.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Anna Morgan Burns, the invalid daughter of the late Capt. James Burns, of the Fifth United States Cavalry, upon the pension rolls, and pay her a pension at the rate of — dollars per month, subject to the provisions and limitations of the pension laws.

Mr. LIVINGSTON. Let us have the report.

The report (by Mr. PEARSON) is as follows:

The committee have considered the bill (H. R. 7146) granting a pension to Anna M. Burns, dependent daughter of Capt. James Burns, and submit the following report:

James Burns served as second lieutenant, first lieutenant, and captain Fifth United States Cavalry, from August 9, 1865, until August 15, 1874, when he died in the service. His widow was pensioned until her death, February 9, 1881, and two children of the soldier, Anna M. and George C., were subsequently pensioned until arriving at the age of 16 years, which in the case of George C., the younger, was July 8, 1890, since which date no pension has been paid. Anna Morgan Burns, the daughter of the deceased soldier, was born September 24, 1871, and is 30 years of age. It is shown in evidence that she is a helpless invalid from consumption.

Dr. S. S. Moffatt, of Washington, D. C., testifies that she is suffering from phthisis pulmonalis and is helpless.

Mary H. Morse testifies that the petitioner is unable to leave the house, and is helpless so far as the ordinary affairs of life are concerned; that she needs constant attention and medicine and food such as her aged grandfather, who maintains her, is not able to furnish her, and that her recovery is impossible.

Dr. H. E. Leach testifies that he has been the medical adviser of the petitioner since 1881; that she is suffering from chronic pharyngitis and phthisis of hereditary origin as well as other troubles; and that she is perfectly helpless and has been for some time.

There is also on file a statement to the effect that the grandfather, Mr. Morgan, discharging last year leaving the soldier's two children without a cent of money, and that the son has a small position in the District assessor's office, being paid by the day; that both son and daughter have recently been ill with scarlet fever, and that his pay stopped during his illness, and they were then dependent on friends. This statement is made in a letter from M. B. Morse, an employe of the Department of Justice.

Your committee recommend the passage of the bill after amending it by inserting the word "twelve" before the word "dollars" in line 7.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DUNGAN. The first question, I suppose, is on the amendment.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID REED.

Mr. TERRY. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7123) granting an increase of pension to David Reed, and to put it upon its passage.

The CHAIRMAN. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of \$24 per month the pension of David Reed, late of Company I, Third Regiment Missouri Mounted Volunteers, in the war with Mexico, said pension to be in lieu of the amount now drawn by him under certificate numbered 2698.

The committee recommend the adoption of the following amendment:

Strike out \$24 per month and insert \$30 per month.

The CHAIRMAN. Is there objection to the present consideration of the bill?

Mr. MARTIN. I will not object to the consideration of this bill, but I do think that this committee will justify me hereafter in insisting on the regular order. It is simply taking up these bills out of their order, and putting others back which properly have precedence on the Calendar.

The CHAIRMAN. The report will be read.

The report by (Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7123) granting an increase of pension to David Reed, have considered the same and report:

The claimant, who is now about 70 years old, was a private in Company I, Third Missouri Mounted Volunteers, and served from May 28, 1847, to October 30, 1848, in the war with Mexico. He is now receiving the pension of \$8 per month provided by law for the survivors of said war.

Your committee had before them a petition signed by ninety-three citizens of the claimant's locality, setting forth that he has become so disabled that he can not make a living by manual labor and that he is entirely dependent on others for support.

J. D. Alexander, of Franklin County, Ark., testifies that he is a near neighbor to the claimant, and knows that he is so much afflicted with asthma and sciatica that he has to sleep in a sitting position, and is entirely unable to perform manual labor; further, that he is entirely dependent on others for a support.

William Alexander and N. M. Whitlock, citizens of the above county and State, corroborate under oath the foregoing statements relative to the claimant's physical and financial condition.

In view of the claimant's great age and helpless condition, your committee regard the bill as a meritorious one and its passage is therefore recommended with an amendment fixing the rate of pension at \$30 per month.

The CHAIRMAN. The Chair hears no objection to the present consideration of the bill, and the first question is on the amendment recommended by the committee.

Mr. BUSHNELL. I would like to know the present rate of pension that this soldier is receiving.

Mr. TERRY. The report shows that he is receiving \$8 per month.

Mr. BUSHNELL. This rate is proposed to be increased to \$24 per month, as I understand it. Heretofore it has been the custom not to extend these special pensions in such cases beyond \$20.

Mr. TERRY. That is the amendment proposed here.

Mr. BUSHNELL, I understood the Clerk to read \$24 per month.

Mr. TERRY. No; that was the bill as originally introduced. The amendment fixes the rate at \$20.

Mr. BUSHNELL. I have no objection.

The amendment reported by the committee was adopted.

The bill as amended was laid aside, to be reported to the House with the recommendation that it do pass.

ADELINE ALEXANDER.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

The next business on the Private Calendar was the bill (H. R. 1276) to pension Adeline Alexander.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the general pension laws and regulations, the name of Adeline Alexander, widow of Thomas C. Alexander, late a private in Company I, Thirteenth Regiment Vermont Volunteers.

The report (by Mr. CURTIS) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1276) granting a pension to Adeline Alexander, submit the following report: Thomas C. Alexander served as a wagoner in Company I, Thirteenth Vermont Volunteers, from August 25, 1862, to July 21, 1863; he died November 27, 1869. His widow, Adeline Alexander, was granted a pension from the date of his death to the date of her remarriage, November 29, 1878, and to a minor child of soldier from that date until November 1, 1882, when he became 16 years of age. These claims were allowed in March, 1890, and the arrears of pension due were paid to the proper parties.

It appears in evidence that the widow, Adeline Alexander, and Hiland Alexander were married November 29, 1878; the widow's claim for pension was filed February 8, 1886.

In an affidavit recently filed Mrs. Alexander states that after the death of the soldier his brother, Hiland Alexander, proposed marriage to her, and she at first refused, but he promised to be kind to her children and give her a comfortable home and support, but that after marriage he did not support her; never bought her a cent's worth of clothing, but spent all his earnings and part of hers for drink; he was cross and cruel to both her and her children until he died; that she supported her family by keeping boarders and by washing, but is now in poor health and unable to do much work, and has no means of support other than her daily labor.

There is on file a petition, signed by 35 names, stating that Hiland Alexander, the second husband, died February 18, 1891; that he was dissipated and did not aid much, if any, in supporting his wife and her children; that she is now in feeble health and without means of support.

Your committee therefore return the bill with the recommendation that it do pass.

The CHAIRMAN. The question is on laying aside the bill, to be reported to the House with the recommendation that it do pass.

Mr. KILGORE. I do not much think it ought to be laid aside with that recommendation.

Mr. LIVINGSTON. That is just my opinion. We have got to stop this business sometime and somewhere.

Mr. KILGORE. I think the general law is against a proposition of this kind. If it is right to do it, then there ought to be a provision in the general law authorizing any woman who may marry a second husband—

Mr. LIVINGSTON. Especially if she gets a bad one.

Mr. KILGORE (continuing). And who forfeits a pension by reason of that marriage, that she shall be entitled to her pension at his death or when they are separated by divorce. If it is right that it should be done, then there ought to be a general law. There being no such general law, and the general law being against it, I do not think it should be done in these exceptional cases. It is a case that it would be very easy to provide for by general enactment, and it seems to me this is carrying it a little too far, particularly on the meager statement contained in the report.

Mr. RAY. But she was induced to go into the second marriage by fraud and deceit, as I understand it.

Mr. KILGORE. Oh, no. Do you suppose a man who makes love to a woman and lies to her, or gives her a little taffy, can be guilty of fraud? Whoever heard of such a proposition?

Mr. RAY. But the report states that he promised to be kind to her.

Mr. KILGORE. Do they not all promise that?

Mr. RAY. But the report says he failed to carry out his promises.

Mr. KILGORE. Do not a great many of them do that? The taffy that a fellow gives to a woman when he is courting her can never be quoted against him, and ought not to be. The most of us would be in the penitentiary if it were so. [Laughter.] I would be inclined to resist the passage of this bill, or leave it to my friend from Georgia [Mr. LIVINGSTON] to resist it.

Mr. RAY. I would like to suggest that fraud and deceit vitiate all contracts.

Mr. KILGORE. A little misrepresentation of that kind, under such circumstances, is not fraud and deceit. [Laughter.]

Mr. CURTIS. Mr. Chairman, in the absence of the gentleman who introduced this bill [Mr. GROUT], and having had it under examination, I will make an explanation.

Mr. KILGORE. He ought to have been here.

Mr. CURTIS. As stated in the report, this lady married after she became a pensioner by reason of the death of her first husband. After the death of this second husband she applied for a pension, which under the general law she could not obtain. She comes to Congress, as many other women have done, and it has been the policy of Congress to grant these pensions.

The fact that she married this second husband released the Government, during the time of her second marriage, from the payment of any pension, and it ought not to be pleaded as against the granting of this pension that she did an improper act. The Government should not place any obstacles in the way of these second marriages, that promise the care and support which are to be expected from marriage, but which, unfortunately in this case, were not realized, because this man turned out to be a vagabond and a drunkard.

This woman now asks Congress to restore that which she lost by marrying this man. There is no additional cost to the Government, but on the other hand during all these years of her second marriage the Government was relieved from the payment of this pension. This is what Congress has many times done, and it is now open to say whether we shall modify the rule in such cases.

Mr. LIVINGSTON. Where will you fix the limitation? Suppose she marries again and makes another mistake, and the husband is divorced, and she comes back a third time? Would you be in favor of pensioning her again? Where will you stop this business?

Mr. CURTIS. Where is the injury to the Government? The Government is relieved from the payment of the pension in the mean time.

Mr. LIVINGSTON. The gentleman wants to know where the injury is to the Government. It is a great injury to Southern taxpayers who have to bear the burden and get none of the benefit.

Mr. CURTIS. But, my dear sir, the Southern taxpayer has been relieved from the payment of the pension during the time of the second marriage.

Mr. KILGORE. But the law affords that relief.

Mr. LIVINGSTON. But then the burden is imposed upon us again, and this puts a premium on divorce in cases where the woman gets a bad man for a husband.

Mr. CURTIS. In this case her husband is dead and has been dead for eleven years.

Mr. LIVINGSTON. But the fact which is urged is not that he is dead, but that he was a bad husband while he was living.

Mr. CURTIS. Yes, he was not only bad, but he is dead.

Mr. LIVINGSTON. That is the best part of it, that he is dead, apparently.

Mr. CURTIS. I think the gentleman will have no further objection against the bill.

Mr. LIVINGSTON. I do not want to object, but we are getting very tired of this.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MARTIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report them to the House with various recommendations.

The SPEAKER. The Clerk will report the first bill.

MRS. JENNIE B. MORRIS.

The Clerk read as follows:

A bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris, with an amendment.

The amendment was agreed to.

The question was taken on the passage of the bill; and the Speaker announced that the ayes seemed to have it.

Mr. BAILEY. I demand a division.

ORDER OF BUSINESS.

Mr. MARTIN. I ask unanimous consent that the previous question be considered as ordered to the engrossment, third reading, and final passage of each of these bills reported from the Committee of the Whole.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the previous question be considered as ordered upon the engrossment, third reading, and final passage of each of the bills reported by the committee to-night. Is there objection?

Mr. BAILEY. I desire to make an inquiry, but without objecting. As I understand it, we can not order the previous question further than the engrossment and third reading of a bill.

The SPEAKER. The Chair will state that under the rules a motion could not be made for the previous question to the engrossment, third reading, and final passage of the bills, but the House can by unanimous consent do it. It can not be done by a motion.

Mr. BAILEY. Well, I will not make objection.

Mr. KILGORE. I think I am inclined to object to it, because it is a very irregular way of doing business. When will they come up under that order?

The SPEAKER. To-morrow morning.

Mr. BAILEY. Before we pass further I think it is but fair that those that have been passed upon by the committee before should have preference over these bills. I am not inclined to object and do not intend to object; but I think we are giving preference to the work of to-night over the work that has been done on previous nights.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MARTIN. I ask unanimous consent that the same order be made as to the other bills reported from the Committee of the Whole on the Private Calendar which now stand on the Calendar as unfinished business, and if any gentleman desires to ask time for discussion, I beg him to state it now, so that we may agree.

Mr. ALLEN. I do not understand the request.

Mr. MARTIN. I ask unanimous consent that the previous question be considered as ordered to the engrossment, third reading, and final passage of each one of the bills reported from the Committee of the Whole on the Private Calendar now standing on the Calendar as unfinished business.

The SPEAKER. The Chair will submit the request. The gentleman from Indiana asks unanimous consent that on all bills that have been reported from the Committee of the Whole on Friday night sessions of the House the previous question be considered as ordered to the engrossment, third reading, and final passage of the bills.

Mr. KILGORE. With the right of discussion.

The SPEAKER. The gentleman better have some understanding as to what time is to be allowed.

Mr. ALLEN. I have no objection, but I wish to state that this all means time being taken up in the House. We have some appropriation bills pending that we think it very important the House should dispose of, and I am opposed to putting all this Friday night business ahead of the day business in the House to-morrow.

Mr. BAILEY. As I understand, if the request should be granted to-night, the House to-morrow by unanimous consent could lay these bills aside. I suppose the chairman of the Committee on Invalid Pensions would be perfectly willing to do that.

Mr. MARTIN. I would be willing to let them be laid aside by unanimous consent.

Mr. BAILEY. Then I will ask the chairman of the committee to consent to that.

Mr. MARTIN. I will do it very cheerfully.

The SPEAKER. Is there objection to the request of the gentleman from Indiana. [After a pause.] The Chair hears none; and the order will be entered in the Journal.

Mr. KILGORE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, and referred to their appropriate Calendars, as indicated below:

PUBLIC BUILDING AT ST. PAUL, MINN.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 345) to increase the appropriation for the erection of a public building at St. Paul, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

House bill 220 was laid on the table.

SPANISH AND MEXICAN GRANTS.

Mr. OTIS, from the Committee on Private Land Claims, re-

ported back as a substitute for House resolution relating to land titles in New Mexico and Colorado, the bill (H. R. 8474) declaratory of the intent of Congress in acts heretofore passed relative to Spanish and Mexican grants and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LICENSE TAX.

Mr. HALLOWELL, from the Committee on the District of Columbia, reported back favorably the bill (S. 2460) to repeal the license tax of \$25 per year now imposed upon dealers in the markets of the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUTLER, from the Committee on Invalid Pensions: A bill (H. R. 4753) granting a pension to Sarah L. Ronaldson. (Report No. 1234.)

A bill (H. R. 8373) granting a pension to Anna P. Johnson. (Report No. 1235.)

A bill (S. 1596) to grant a pension to Martha Noble Brainerd. (Report No. 1236.)

By Mr. MARTIN, from the same committee: A bill (H. R. 2068) granting a pension to William H. Brewer. (Report No. 1237.)

By Mr. FLICK, from the same committee: A bill (H. R. 6752) granting a pension to Martha J. Griffith. (Report No. 1238.)

A bill (S. 1033) granting a pension to Mrs. Esther J. Boone. (Report No. 1239.)

By Mr. SNOW, from the same committee: A bill (H. R. 6914) granting a pension to Drake Nettie Barnett. (Report No. 1240.)

By Mr. PEARSON, from the same committee: A bill (H. R. 1993) granting a pension to Elizabeth McCabe. (Report No. 1241.)

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 4114) to place the name of William Fletcher on retired list of United States Army with rank and pay of major. (Report No. 1244.)

By Mr. BELKNAP, from the same committee: A bill (H. R. 7767) for the relief of Brig. Gen. and Bvt. Maj. Gen. David S. Stanley, United States Army. (Report No. 1245.)

By Mr. HULL, from the same committee: A bill (H. R. 3196) to correct the record of H. Loflaud. (Report No. 1246.)

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (H. R. 8463) for the allowance of certain claims by the accounting officers of the United States Treasury Department. (Report No. 1248.)

By Mr. COBB of Missouri, from the same committee: A bill (S. 31) for the relief of William Wolfe, of Shelby County, Mo. (Report No. 1249.)

By Mr. WINN, from the same committee: A bill (H. R. 6323) for the relief of William M. Dunklee, administrator. (Report No. 1251.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 8390) for the relief of Lieut. E. D. Hadley. (Report No. 1247.)

By Mr. PAGE of Maryland, from the Committee on Naval Affairs: A bill (H. R. 4238) to carry into effect the recommendation of the board of admirals convened pursuant to the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy. (Report No. 1250.)

By Mr. KIRIBBS, from the Committee on Invalid Pensions: A bill (S. 1220) granting a pension to Eliza K. Starr. (Report No. 1242.)

By Mr. MCKINNEY, from the same committee: A bill (S. 1530) granting an increase of pension to David S. Corser. (Report No. 1243.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bill: which was referred as follows:

A bill (H. R. 8431) to pension Thomas E. Rochester—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. MITCHELL: A bill (H. R. 8464) to amend section 16 of chapter 405 of an act of Congress approved March 2, 1889, relating to the reservation of the Sioux Nation in Dakota, by extending the time within which the Chicago, Milwaukee and St. Paul Railway Company may construct its line of road across said reservation—to the Committee on Indian Affairs.

By Mr. TERRY: A bill (H. R. 8465) to amend an act entitled "An act granting the right of way for the construction of a railroad through the Hot Springs Reservation, State of Arkansas," approved October 19, 1888—to the Committee on the Public Lands.

By Mr. JOHNSON of North Dakota: A bill (H. R. 8466) granting to the State of North Dakota certain portions of the abandoned Fort Abraham Lincoln military reservation, together with the buildings thereon and the balance of the lands in said reservation made subject to entry—to the Committee on the Public Lands.

By Mr. HARVEY: A bill (H. R. 8475) to authorize the taking of a census of the inhabitants of the Territory of Oklahoma, to provide for an apportionment for the election of a Legislative Assembly, and for other purposes—to the Committee on the Territories.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented, and referred as indicated below:

By Mr. CURTIS: A bill (H. R. 8467) granting a pension to Dora E. Kennebec—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 8468) for the relief of Robert S. Hill—to the Committee on Military Affairs.

By Mr. MCKAIG: A bill (H. R. 8469) for the relief of Nathan Shaw, of Montgomery County, Md.—to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 8470) granting a pension to Zeviah Burke—to the Committee on Pensions.

By Mr. SNODGRASS (by request): A bill (H. R. 8471) for the relief of Miles Goforth—to the Committee on Military Affairs.

By Mr. EZRA B. TAYLOR: A bill (H. R. 8472) for the relief of William B. Hartzell—to the Committee on Military Affairs.

By Mr. TRACEY: A bill (H. R. 8473) granting a pension to Julia Burke—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Resolutions adopted by the Massachusetts Legislature, relative to the establishment of a life-saving station at City Point, Boston, Mass.—to the Select Committee on the Columbian Exposition.

By Mr. BACON: Petition of H. C. Warner and others, of Fairchild Post, No. 564, Grand Army of the Republic, of New York, for preserving and marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of members of Ratcliff Post, No. 205, for the same purpose—to the Committee on Military Affairs.

By Mr. BARWIG: Petition of the ex-soldiers and sailors of W. O. Topping Post, No. 266, Grand Army of the Republic, Department of Wisconsin, for preserving and properly marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. BEEMAN: Three petitions of Evergreen Grange, of Newton County, Miss., as follows: One urging the passage of an act to prevent the adulteration of food and drugs, the second asking the passage of a law to prevent gambling in farm products, and the third, praying legislation to encourage silk culture—to the Committee on Agriculture.

Also, petition of the same grange, praying the passage of an act making certain issues of money full legal tender in payment of all debts—to the Committee on Banking and Currency.

Also, petition of the same grange, asking the free delivery of mails in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition of the same grange, urging the passage of a bill defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of citizens of Newton County, Miss., praying the passage of the Washburn-Hatch antioption bill—to the Committee on Agriculture.

By Mr. BELKNAP: Petition of A. Smith and 12 others, members of the Seventh-Day Adventists' Church of Grandville, Mich.—to the Select Committee on the Columbian Exposition.

By Mr. BLANCHARD: Petition of citizens of Louisiana, urging a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE of Arkansas: Five petitions of citizens of Jefferson County, Ark., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. BUCHANAN of New Jersey: Petition of Board of Trade of Trenton, N. J., in favor of a survey for a navigable channel between Delaware River and Raritan Bay—to the Committee on Railways and Canals.

Also, resolutions of the Philadelphian Society of Young Men's Christian Association, of Princeton College, New Jersey, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BULLOCK: Petition of citizens of Deland Volusia County, Fla., asking for a sixteenth amendment to the Constitution of the United States of America—to the Committee on the Judiciary.

By Mr. CAPEHART: Evidence to accompany House bill 8429, for the relief of the estate of George W. Surough—to the Committee on War Claims.

Also, evidence to accompany House bill 8428, for the relief of Matthew Tate—to the Committee on War Claims.

By Mr. COBURN: Petition of Brunswick Grange, No. 360, of Wisconsin, favoring free woolen goods—to the Committee on Agriculture.

By Mr. COGSWELL: Petition of W. J. Boynton and members of the Adventist Church of Danvers, Essex County, Mass., against any legislation as to the Sunday closing of World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of the United Presbyterian Church of Homestead, Pa., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. DINGLEY: Petition of the East Maine Conference of the Methodist Episcopal Church, opposing the grant of any sum from the national Treasury except with the expressed stipulation that no department of the fair shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DONOVAN: Four petitions of granges of Ohio, as follows: of members of Fair View Grange, No. 1334; of Harrison Grange, No. 151; of Washington Grange, No. 619, and of Benton Grange, No. 1380, all to prevent gambling in farm products; and of Washington and Benton Granges, asking for the encouragement of silk culture—to the Committee on Agriculture.

Also, three petitions by the same granges, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Benton and Washington Granges, asking for the passage of House bill 395—to the Committee on Ways and Means.

Also, petition of C. T. Klingler and 77 others of Paulding County, asking for the passage of pure-food bill—to the Committee on Agriculture.

By Mr. EPES: Papers in the claim of Mrs. Mary N. Cox, of Lunenburg County, Va.—to the Committee on War Claims.

By Mr. FELLOWS: Papers in the matter of Maj. Gen. Julius Stabel—to the Committee on Invalid Pensions.

By Mr. GANTZ: Petition of members of Harrison Wright Post, No. 497, Grand Army of the Republic, Department of Ohio, asking for the passage of a bill for preserving and marking the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of the Green Street Methodist Episcopal Church, of Piqua, Ohio, asking that the World's Columbian Exposition be closed on the Sabbath, etc.—to the Select Committee on the Columbian Exposition.

By Mr. GROUT: Petition of E. B. Earle and others, of West Wardsboro, Vt., in support of House bill 120—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of citizens of Vermont, one of Northfield, and the other of St. Johnsbury, for appropriation for national encampment of the Grand Army of the Republic at Washington in September next—to the Committee on Military Affairs.

Also, petition of A. F. Spaulding and others, of Northfield, in favor of marking the lines at Gettysburg—to the Committee on Military Affairs.

Also, affidavit of S. E. Lawton, acting superintendent of Vermont Asylum, Brattleboro, Vt., as to the condition of Edward E. Lavine, Company E, Second New Hampshire Volunteers, to support House bill for the relief of Anna Lavine—to the Committee on Invalid Pensions.

Also, petition of citizens of St. Johnsbury, Vt., for a pension to Harry Gorman—to the Committee on Invalid Pensions.

Also, letter of J. C. Buswell, Barton, Vt., inclosing affidavit of S. E. Lawton, acting superintendent of the Vermont Asylum for the Insane—to the Committee on Invalid Pensions.

Also, two petitions of citizens of Vermont, one by H. L. Manchester and 39 others of Bowlet, Rutland County, and the other by G. T. Shoucks and 90 others of Londonderry, for an appropriation for the encampment of the Grand Army of the Republic at Washington in September next—to the Committee on Military Affairs.

Also, three protests of citizens of Vermont as follows: one by Cummings Hale and 12 others, of Windsor County, the second by E. C. Willard and others of Brattleboro County, and the third by Daniel Wilcox, of Athens County, against legislation on the subject of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Hugh Henry and 177 others of Chester, Vt., asking the passage of an act appropriating \$100,000 for the national encampment of the Grand Army of the Republic in September next—to the Committee on Military Affairs.

Also, petition of Charles Wells and 167 others, of Waterbury, Vt., asking for an appropriation for a national encampment of the Grand Army of the Republic at Washington in September next—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of citizens of Linn County, Iowa, asking the closing of the Columbian Exposition on Sunday and that the sale of liquor be prohibited—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Sixteen petitions of the congregations of churches of Ohio, as follows: Of the Methodist Episcopal Church of Nova, Ashland County; the First Presbyterian Church of Plymouth; the Orange-Bethel Presbyterian of Nankin, Ashland County; the Edison Methodist Episcopal and Boundary Methodist Episcopal Church, the Presbyterian, of Iberia, Morrison County; the Lake, Berlin, and Amity churches, of Democracy charge, Knox County; the Methodist Episcopal Church of Pettisville; the Bucyrus Baptist Church of Bucyrus, Crawford County; the St. John's Lutheran Church of Woodview; the Cardington Methodist Episcopal Church of Morrow County; the Trenton Presbyterian Church of Condit, Delaware County; the Methodist Episcopal Church of Ashland; the St. Paul's and Mount Olive Lutheran Church of Bellville and Hastings; the Ikira Church of Morrow, and the English Evangelical Lutheran of Ashland, all favoring the closing of the World's Fair on Sunday, and prohibiting the sale of liquor on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Six protests of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HEARD: Protest of the Farmers and Laborers' Union of citizens of Missouri, against the passage of the Brosius lard bill (H. R. 395), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HERMANN: Petition of persons in Douglas County, Oregon, for the passage of the Washburn antiopium bill—to the Committee on Agriculture.

By Mr. HITT: Protest of Mrs. Minnie Johnson and 19 others, Monroe Center, Ogle County, Ill., against legislation closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. HOUK of Ohio: Petition of citizens of Oxford, Ohio, in regard to Sunday closing and liquor selling at the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. KEM: Petition of members of forty-four suballiances of Nebraska, asking for the passage of antiopium bill—to the Committee on Agriculture.

Also, five petitions of citizens of Nebraska, as follows: Of Custer County, of Boxbutte County, of Dawson County, and of other citizens of Dawson County, all favoring the bills commonly known as the Washburn-Hatch bills—to the Committee on Agriculture.

By Mr. LAYTON: Petition of the First Presbyterian Church, of Ada, Ohio, asking Congress to withhold appropriations for the World's Fair, unless its management guarantees it will be closed on Sunday, and that no intoxicating liquors be sold thereat—to the Select Committee on the Columbian Exposition.

By Mr. LEWIS: Six petitions of citizens of Clay County, Miss., remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Agriculture.

By Mr. MCALEER: Two petitions, as follows: One by James H. Machita and the other by William Hopkins, asking that the metric system of weights and measures authorized by Congress July 28, 1896, shall be used exclusively in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. MARTIN: Remonstrance of Phillip C. Hoffman and others of Bunker Hill, Ind., against closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. O'NEIL of Massachusetts: Resolutions of the Massachusetts Legislature, in favor of the establishment of a Life-Saving Station at City Point, Boston, Mass.—to the Committee on Interstate and Foreign Commerce.

Mr. PAGE of Maryland: Petition of E. E. Franke and 46 others, of Maryland, protesting against Congress committing the United States Government to a union of religion and the state with the passage of any bill or resolution to close the World's Columbian Exposition on Sunday or any other religious legislation—to the Select Committee on the Columbian Exposition.

By Mr. PAGE of Rhode Island: Petition of Robert B. Thomas and 32 others, of Slocumville, R. I., in regard to closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. POST: Petition of Blyton Grange, No. 1658, of Illinois, for legislation to prevent gambling in food products—to the Committee on Agriculture.

Also, resolutions of Little Rock Board of Trade, favoring 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS (by request): Petition of Francis Gould and others, of West Enosburg, Vt., protesting against closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of Cary W. Miner Post, No. 624, Grand Army of the Republic, of Georgetown, N. Y., for legislation to more efficiently mark the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Glensbury Grange, No. 514, in favor of a law prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, in favor of House bill 395, defining lard, etc.—to the Committee on Ways and Means.

By Mr. SANFORD: Two petitions of citizens of Saratoga County, N. Y., for the enactment of legislation providing for freedelivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Board of Trade of Philadelphia, Pa., asking for adequate appropriations for the continuance of the Bureau of the American Republics as an efficient agent for the circulation of valuable information to the citizens of the United States—to the Committee on Foreign Affairs.

By Mr. SHIVELY: Memorial of J. M. Campbell and 30 others, merchants and vessel men of Michigan City, Ind., in favor of the appropriation for the construction of the proposed steamer Calumet—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of Benjamin Winchester, for a pension—to the Committee on Pensions.

By Mr. STACKHOUSE: Action of the city council of Florence, S. C., in reference to a national park in connection with the national cemetery at that place—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON: Petition of Charles E. Swartout and others, against any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Three petitions of citizens of Pennsylvania, as follows: two of Allegheny County and one of Delaware, all for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Cambria County, Pa., for the passage of House bill 401 restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. TERRY (by request): Petition of ex-soldiers and sailors, members of Dotson Napier Post, No. 22, Grand Army of the Republic, Department of Arkansas, urging the passage of the Wheeler bill for the purpose of preserving battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. TOWNSEND: Protest of Talitha Chetwood and others of the Methodist Episcopal Church of Florence, Colo., against a union of religion and the state in closing the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

Also, protest of members of the Adventists' Church of Grand Junction, Colo., against a union of religion and the state in closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WARWICK: Petition of Trinity Southern Church of Canton, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Alabama: Petition of the Mobile (Ala.) Cotton Exchange, relative to the Torrey bankrupt bill—to the Committee on Banking and Currency.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 30, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SLOOP UNION.

The SPEAKER laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the French spoliation claim arising out of the seizure of the sloop Union; which was referred to the Committee on Claims, and ordered to be printed.

R. H. OGILVIE.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of R. H. Ogilvie vs. The United States; which was referred to the Committee on War Claims, and ordered to be printed.

TERMINATING REDUCTION OF ENGINEER CORPS OF THE NAVY.

The SPEAKER also laid before the House the bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent that the bill be put upon its passage.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as having ceased on the 30th day of June, 1891.

SEC. 2. That any and all acts or parts of acts inconsistent with this act are hereby repealed.

The SPEAKER. Is there objection?

Mr. WATSON. I object.

Mr. HERBERT. I hope the gentleman will withdraw the objection until I can explain the bill.

Mr. WATSON. I will withdraw the objection until the gentleman can explain the bill.

Mr. HOLMAN. I desire to make a report from the Committee on Appropriations.

The SPEAKER. The Chair understands the gentleman from Georgia to withdraw his objection until the gentleman from Alabama can explain the bill.

Mr. HERBERT. I will explain to the gentleman from Georgia why I do not think he should object to this bill—

Mr. McMILLIN. We are unable to hear the gentleman from Alabama here, and I hope we will either have a little better order or that the gentleman will talk a little louder.

Mr. HERBERT. I desire to make this explanation why I hope the House will entertain the bill. The act of 1882 provides for the reduction of the personnel of the Navy. All line officers were to be reduced; the surgeons were to be reduced, and also the engineers. All these reductions were to take place gradually, by the making of one appointment to every two vacancies. The reductions provided for in the law have all taken place, and the line officers are now at their normal number. That is also the case with the surgeons. The number of engineers was between three and four hundred at that time. My recollection is that there were something like three hundred and fifty, though I do not pretend to be accurate about that. The reduction has been gradually going on in the engineers, until now it is nearly at the point prescribed by the law of 1882. That was one hundred and seventy.

At the time this act would take effect, on the 30th of June last year, the number was one hundred and ninety-one. The proposition is to arrest the reduction at that point; and I will state to the House that the Navy as it is now constituted, needs all these engineers.

Mr. WATSON. What harm would come to the service if the reduction should go on until it reached the number prescribed by the act?

Mr. BUSHNELL. I would like to inquire of the gentleman whether these engineers are steam engineers?

Mr. HERBERT. They are engineers.

Mr. BUSHNELL. Are part of them civil engineers?

Mr. HERBERT. No; they are not civil engineers. They are engineers; first, to design the engines and superintend the construction of them; and then, their principal duty is to take charge of the engines on ships. Their duties they are performing now is taking charge of engines on ships. They are necessary to run the ships; and they are also engaged wherever an engine is being built in inspecting the erection of the engine. Every pound of steel is weighed—

Mr. WATSON. Then, as I understand the gentleman from Alabama, this reduction is going on in accordance with a law that has been passed by Congress, is it not?

Mr. HERBERT. The reduction has been going on in accordance with the law of 1882, which fixes the number at 170.

Mr. WATSON. Now, if the reduction continues, we are simply obeying a law that Congress has passed.

Mr. HERBERT. If the reduction continues we are simply obeying that law passed in 1882; but let me tell the gentleman what will be the effect of that law. We have power to change that law; and the purpose of this act is to change it and arrest that reduction at one hundred and ninety-one, for the reason that since that law was passed thirty-nine new ships have been authorized, and quite a number of ships have gone on duty, and more are now going out on duty, and one hundred and seventy engineers are not enough to do the duty.

Mr. McMILLIN. How many of these ships are there that require engineers?

Mr. HERBERT. Well, I can not say exactly; but there are thirty or forty.

Mr. McMILLIN. And you want one hundred and ninety-one for that number of ships?

Mr. HERBERT. There are probably forty-five.

Mr. McMILLIN. It seems to me there ought not to be any scarcity of engineers under those circumstances.

Mr. HERBERT. There is a scarcity of engineers, because there are anywhere from forty to fifty now employed in the inspection and supervision of engines under construction, and when these ships are completed they will be needed to run them.

Mr. McMILLIN. That leaves more than four engineers to a vessel.

Mr. HERBERT. It takes more than four engineers to each of these ships, but some of these engineers will all the time be on duty on shore.

Mr. DOCKERY. What amount of money is carried by the bill?

Mr. HERBERT. No money is carried by the bill. The appropriations made for the pay of officers will be sufficient.

Mr. McMILLIN. The method of reduction adopted in the act which this bill operates to repeal is the only way in which we can ever diminish the number of officers in any of these branches of the public service. I have seen the effort made time after time in different Departments to reduce the number of officers by dismissals; but that can never be accomplished. The only practical method is to let the incumbents die off, and provide by law that their places shall not be filled until the aggregate number has been reduced to a certain limit. Now, even that method of decapitation, which, though very slow, is sure, is to be stopped by this bill.

Mr. HERBERT. The gentleman talks about reducing the number of officers. I have been on the Naval Committee for about seven years, and during that time there has never been any increase in the number of officers.

Mr. McMILLIN. But the only substantial way in which we can ever accomplish a diminution of the number is by such a law as this bill proposes to interfere with.

Mr. HERBERT. But the reduction provided for by the existing law really cripples the Navy. The Secretary of the Navy and every member of our committee—all who have given any examination to this matter—are convinced that the reduction should not extend below one hundred and ninety-one. Indeed, there is a bill now pending before the committee to increase the number to three hundred and twenty. That bill has been recommended by the Secretary of the Navy—

Mr. McMILLIN. The same officer who recommends the present bill?

Mr. HERBERT. Yes, sir. But the committee has not recommended that other bill.

Mr. McMILLIN. But the recommendation made by the Secretary of the Navy in that case shows that, like any other mortal, he may err.

Mr. HERBERT. But it does not show that the committee is wrong in recommending a part of what he approves. I submit to the gentleman that when the appropriate committee has examined this question thoroughly and become entirely convinced that the number proposed is needed, it is only fair that the House should be allowed to decide the question.

Mr. WATSON. Mr. Speaker, I would not captiously object to the consideration of any gentleman's bill. But this measure involves a policy and a principle; and any gentleman who differs with my friend from Alabama as to the wisdom of that policy or that principle, and who allows the bill to come up by unanimous consent, is responsible for its passage if it should be passed. When bills of this kind come up in the regular way and are passed by the House, only those gentlemen who vote for them are responsible; but when they come up here by unanimous consent, all of us who do not object while we are opposed to the measure are responsible.

Now, no one can be blind to the fact that there is a systematic and earnest attempt to increase the Navy. I object to that; I do not think it is right; I do not think any increase is needed. Now, if the gentleman can bring his bill up regularly and have it passed I am not responsible; but when bills are passed in this way I and all others who tacitly consent are responsible. I renew my objection.

The SPEAKER. Objection being made, the bill will be referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUNN, indefinitely, on account of sickness.

To Mr. JONES, for to-day, on account of important business.

To Mr. RUSK, for to-day, on account of important business.

ORDER OF BUSINESS.

Mr. BLOUNT. I ask unanimous consent that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the consular and diplomatic appropriation bill; and I ask that gentlemen having reports to present from committees be allowed to file them with the Clerk.

Mr. BOWERS. I hope the gentleman from Georgia will allow me to send up a resolution.

Mr. MARTIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN. Last night, as the Chair is aware, a special order was adopted in regard to certain bills which had been considered by the Committee of the Whole. I do not wish to object to the request of the gentleman from Georgia, but I would like to know what will be the parliamentary status of those bills in the event that this consent is given.

The SPEAKER. They would maintain their present status, the previous question having been ordered on their passage.

Mr. HOLMAN addressed the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. DICKERSON. I will not object, if the gentleman from Georgia will yield a moment to the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. If the gentleman from Georgia withdraws his request the Chair will recognize the gentleman from West Virginia [Mr. CAPEHART].

Mr. BLOUNT. If the gentleman says he will object, of course I will have to withdraw my request.

The SPEAKER. The gentleman from West Virginia asks unanimous consent—

Mr. BLOUNT. Does the Chair understand that the gentleman from Kentucky objected to my request?

The SPEAKER. The Chair so understood.

Mr. DICKERSON. I do not want to be driven to that. My only wish was that the gentleman from Indiana might be recognized for a moment.

The SPEAKER. The Chair understood that the gentleman objected and made a condition that he was to decide who should be recognized. The Chair discharges the duty of recognition [laughter], and recognizes the gentleman from West Virginia, who asks unanimous consent—

Mr. BLOUNT. I hope the gentleman from Kentucky will allow us to go on with the diplomatic and consular bill.

Mr. DICKERSON. I withdraw my objection. I do not wish to appear as undertaking to usurp the authority of the Speaker.

There being no objection, the request of Mr. BLOUNT that by unanimous consent reports of committees be filed with the Clerk, and that the House now resolve itself into Committee of the Whole for the further consideration of the consular and diplomatic appropriation bill, was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OATES in the chair.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out lines 14, 15, and 16 and insert, in lieu thereof: "Envoy extraordinary and minister plenipotentiary to Venezuela, \$7,500."

Mr. BLOUNT. On that, Mr. Chairman, tellers were ordered, and on the last vote no quorum appeared.

The CHAIRMAN. The gentleman from Illinois [Mr. HITT] and the gentleman from Georgia [Mr. BLOUNT] will please resume their places as tellers.

Mr. McMILLIN. The vote will be taken anew, I suppose?

The CHAIRMAN. Of course.

Mr. McMILLIN. I ask that the Clerk be directed to read the lines proposed to be stricken out.

The CHAIRMAN. The Chair will direct the Clerk to read lines 14, 15, and 16, which this motion would strike out.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to Venezuela and Guatemala, \$5,000 each, \$10,000.

The CHAIRMAN. The effect of the amendment will be to strike out Guatemala and increase the appropriation from \$5,000 to \$7,500 for the minister to Venezuela.

Mr. BURROWS. This is a proposition to reduce the salary of the minister to Venezuela.

Mr. BLOUNT. Mr. Chairman, I object to debate. It is no such thing.

Mr. BURROWS. The present law, I believe, provides a salary of \$7,500.

Mr. BLOUNT. If the gentleman means that, I have no objection to his statement, although it is misleading.

Mr. BURROWS. This bill as reported changes the existing law, and this amendment, as I understand it, restores the present law.

Mr. BLOUNT. The amendment is to change the item in the bill.

The CHAIRMAN. The effect of the proposition is to increase the appropriation.

Mr. BURROWS. And that increase makes it the existing law.

Mr. HITT. When I submitted this amendment I stated that if it should prevail I would then offer a further amendment to provide for Guatemala. This amendment, if adopted, restores the present law.

Mr. BLOUNT. I object to debate, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois, which has just been read.

The question was taken; the committee divided, and the tellers reported—ayes 19, noes 149.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

Envoy extraordinary and minister plenipotentiary to Denmark, Sweden and Norway, \$7,500.

Mr. POST. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out lines 21, 22, and 23 and insert:

“Envoys extraordinary and ministers plenipotentiary to Sweden and Norway, and to Denmark, \$7,500 each, \$15,000.”

Mr. POST. Mr. Chairman, the amendment proposed is intended to continue the mission to Denmark and to Sweden and Norway according to existing law and long-established precedent. If Congress must economize in our diplomatic service, it should not do so in the way proposed.

First. Because the Constitution gives Congress no power to decide to what countries a minister shall be sent. The Executive of the United States alone must take the initiative in either establishing or abolishing missions. The Executive alone must decide when diplomatic agents are necessary and to what countries they should be sent. Congress may increase or reduce the salaries to be paid, but with that its power ceases. This bill proposes to coerce the Executive into accrediting one minister to two different powers.

Second. Important affairs have been submitted to arbitration, and the executives of European Governments will select a majority of the arbitrators. To make a change in our diplomatic representation at those courts in a manner which cannot be construed as friendly, in a manner calculated to indicate that we do not esteem the importance of those countries as highly as we have formerly, would at this time be the reverse of wisdom; it would be economy gone mad. It would jeopardize millions of dollars to make a show of retrenchment in a political campaign. The people will not be deceived by it.

Third. We have invited foreign nations to take part in the Columbian Exposition. Denmark has made a liberal appropriation and in a friendly spirit. Shall we respond by abolishing our legation at Copenhagen?

Fourth. The Scandinavian countries have contributed to the wealth and power of this country. Many of our best citizens are Swedes, Norwegians, and Danes. They are industrious, thrifty, law-abiding, and in becoming citizens of this country they have not merely bettered their own condition, but increased our national wealth. They are frugal, sturdy, enterprising, and successful. They have kinsmen in the land of their birth; they have interests there; they have rights which need protection, and I warn the Democratic party that throughout the great Northwest the abolition or degradation of the missions to Sweden and Norway and to Denmark will not be received by approval, but with resentment by many thousands of Scandinavian citizens who are entitled to consideration.

I urge the House to disapprove the consolidation of these mis-

sions, because it is an infringement of the constitutional rights of the President; because we are prosecuting a peaceful arbitration with foreign judges; because of the Columbian Exposition, which requires friendly diplomatic aid; because there are thousands of our citizens who would feel insulted and whose interests would be put in jeopardy; because the United States is a power of the first magnitude, desiring to maintain friendly relations with other nations and to send and receive accredited diplomatic agents according to custom, and because we should observe international usage and demand international consideration.

Mr. BLOUNT was recognized.

Mr. BUTLER. Mr. Chairman—

Mr. BLOUNT. Mr. Chairman, if the gentleman from Iowa desires to proceed I should like to hear what is to be said in favor of this amendment before taking the floor.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. BUTLER. Mr. Chairman, the amendment, in the same words, I have in my hand and had intended to offer. But I am very glad it was presented by a member on that side of the House for this reason, that heretofore gentlemen on that side have been submitting amendments to the bill and then declining to vote for them. This sort of proceeding has left the committee without a quorum. But here is an amendment that I call upon every Republican of this House to approve and to show that approval by a vote for it. I don't want buncombe now, and if you mean business and want a minister to Denmark and one to Sweden and Norway here is your opportunity. Let every Republican member come up and vote on this proposition and we on the Democratic side will make a quorum on the first vote.

I believe a country that has furnished us so much of our best population, in the seven States usually called the great Northwest, numbering about a million of people from those three nations, among the very best who have ever settled in any country, who are now living there and forming an important part of all the interests which we have—I believe such a country should be properly considered. I believe it to be the proper policy of our country to be represented by a minister in every land that has furnished us any large proportion of our citizenship. We have civic relations with them every day in the year. It is necessary for us to have an envoy at these capitals who can properly represent us.

These are not small or weak nations. You have already provided for a minister at \$7,500 for Uruguay and Paraguay, and yet the population of those two countries is not as large as that of Norway or of Sweden or of Denmark, and here are three countries, each one of which has a greater population, a population in which we are more interested, which it is proposed to give but one minister instead of two as formerly. Peru and Bolivia you have provided with a minister, and yet the population of the two does not reach the population of Sweden alone.

I go further and say that, although in this particular case we should have a minister on account of the importance of the relations of those countries to us, yet I would go further and say I believe, as a general policy, this country ought to have a minister at the capital of every republic on the face of the earth, to show to those peoples who have adopted the popular form of sovereignty that they have a friend in the United States of America. And in countries not republics we should be represented at every capital where we have extended commercial relations or which has given to us any considerable number of our citizens. In this latter class the Scandinavian countries are especially included.

Now, let me say again to my Republican friends, let us have a quorum on the first vote, if you mean business.

I regret that the time is too short to permit extended discussion, but I call upon the friends of this amendment to rally on the first vote and show a decided majority.

Mr. BRYAN of Nebraska was constantly in attendance during the week to speak in favor of this amendment. He is necessarily absent at this time, and at his request I read the following statement for him:

I had prepared an amendment substantially like the one now before the committee, but since this has been offered by the gentleman from Illinois [Mr. POST], I desire to say a word in favor of its adoption. In the Statesman's Year Book for 1892 I find that the three countries, Sweden, Norway, and Denmark, furnished, in 1882, 105,226 immigrants to this country; in 1891, 60,107, and a total for the last ten years of more than 600,000. These people have gone largely to the Northwestern States, and have contributed their full share to the growth and prosperity of that section. They are a brave and liberty-loving people; industrious, sober, and intelligent; they deserve well of their adopted Government. There must be much correspondence between these people and the relatives left behind, besides more or less visiting back and forth.

Complications necessarily arise in the settlement of ancestral estates and it is important that our diplomatic and consular service shall furnish all necessary assistance. It only costs about \$15,000 per annum to support the present diplomatic service, and for the last ten years has cost only about 23 cents for each immigrant from those countries. These people have brought with them money and property and have thus added to the nation's wealth, not to speak of that still greater sum which by their brain and muscle they have contributed to our wealth-producing forces. The bill as reported by the com-

mittee consolidates the two missions which we now have and appropriates \$7,500 for the one thus formed. While I sympathize with the committee in their desire to economize, I can not favor the change recommended, lest it may operate to the injury and embarrassment of this worthy and considerable portion of people. I hope the amendment before the committee will be adopted.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, I think when my friend unites with the other side on anything he can always get a quorum. I think if he will move to strike down this bill wherever it changes existing law he will find that he can get a quorum every time.

Mr. Chairman, the population of Denmark is 2,185,000. The population of Pennsylvania is 4,282,000, and I might name several States in this Union far exceeding that country in point of population. It is contiguous to Sweden and Norway. There is no difficulty in a minister representing this Government at Sweden, Norway, and Denmark, any more than there is in the minister to Greece representing also Roumania and Servia; in fact, there is very much less difficulty.

Mr. HAUGEN. Will the gentleman permit me a question?

Mr. BLOUNT. Well, I will, Mr. Chairman, but I do not see how I can ever make a statement if I am to be interrupted.

Mr. HAUGEN. Where is it contemplated that this minister shall reside? At Copenhagen or at Stockholm?

Mr. POST. At both places!

Mr. BLOUNT. Oh, no; the gentleman does not expect him to reside at both places at the same time. I do not know where he would reside.

Mr. SNODGRASS. He may choose his own residence.

Mr. BLOUNT. He may choose his own residence. He may go to one place or the other. But suppose he should go to Sweden or Norway instead of Copenhagen. We have a consul-general at Copenhagen. There can be no difficulty in the event of any question arising in relation to any Scandinavian matter.

Mr. POST. We have a consul at Copenhagen, but not a consul-general.

Mr. BLOUNT. We have a consul-general, and if the gentleman sees fit to examine the map made by the State Department he will see that that is the fact. The State Department have furnished us with a map showing that at Copenhagen there is a consul-general.

Mr. HITT. That is a mistake. I have here the official list for January. He is a consul, but not a consul-general.

Mr. BLOUNT. Very well; suppose he should happen to be a consul and not a consul-general; if any question arises the person aggrieved can go immediately before the consul and make his complaint, and it can be communicated to the minister. You can not have a minister at every place. You have one minister to Germany and you have towns and cities in every direction there. The grievance may occur at one point and the minister be at another, and he may actually be farther away than could ever be the case as the result of the union of Denmark, Sweden, and Norway.

Mr. BOUTELLE. What is the object of doing away with the minister?

Mr. BLOUNT. I am endeavoring to state, and if gentlemen will allow me, I should prefer to proceed. I do not mean any discourtesy at all to my friend, but I have been interrupted two or three times and have not been able to say anything.

Mr. BOUTELLE. I only wanted to know. I supposed it was customary to give some reason for such action.

Mr. BLOUNT. I see the gentleman simply wants to get into my time with a view to making a criticism on this proposition. The five-minute debate is open, and I hope the gentleman will resort to that.

Mr. BOUTELLE. I shall be most happy to. I shall be delighted.

Mr. BLOUNT. Well, you can certainly have the privilege, and you can be as happy as you please.

Mr. BOUTELLE. That is the most courteous chairman of a committee I have ever known.

Mr. BLOUNT. The gentleman can not arraign me for a lack of courtesy.

Mr. CAPEHART. Something he does not possess himself.

Mr. BLOUNT. I have nothing to say about that. Mr. Chairman, the proposition here is to reduce the amount of expenses in this bill by the sum of \$5,000, where there can come, in the opinion of the committee, no detriment to the public service. Years ago, sir, when the Democratic party were in possession of this House, they made far more extensive reductions than these. They were arraigned just as they are now. In the last Congress the appropriations for the consular and diplomatic service and other branches of the service were increased. We arraigned the party in this House for it. We have proclaimed their extravagance throughout this land. We have assembled here to undertake to turn back that tide of extravagance.

We have pledged ourselves to the country, and for one, I am

here in this mission, and in every item of this bill answering the demands of the country and carrying out my pledge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I move to strike out the last word.

It is a very usual matter, sir, that where we want to do a thing we find a way to do it. There is no complaint that I have heard of our Scandinavian population suffering for want of representation. They do not believe that there will be any great wrong done to them when we shall have made this combination now proposed. This Government occupies a position among the nations of the earth which commands respect for its citizens in the countries of the Old World. Gentlemen talk as though we lived in the century past.

We have, as I have already stated, a consul with whom ready communication can be had. That position is right in the midst of Europe, where communication can be had instantly. There are great facilities for relieving a person where he is oppressed by the Government or by its citizens. If anything should occur, sir, where there is any matter of force, communication has to be made with the minister, negotiations have to be commenced, and correspondence had with a view to relieving such a person.

Mr. Chairman, no person values the Scandinavians who have settled in the Northwestern section of our country more than I do. I wish, sir, that it would increase far beyond what it has reached at this time; but when they come into this land they come and make a part of this people. They come and identify themselves in thought, in feeling, and in aspirations with those who make a part of this great Republic. Its policies are their policies. In the Northwest, I take it, there are Scandinavian people by the thousands. There are in various sections of this country thousands of them, homogeneous in feeling, acting with us in our political organizations with an enthusiasm and vigor that does not arrest the progress of economy and reform by the suggestions we have heard to-day; and I beg, sir, that this committee will see to it that this measure in all its propositions shall be carried through the committee and reported to the House.

There is not a single point where objections will not be made; there is not a single change where criticism will not come; there is not a point where gentlemen will not see fit to arraign the Democratic party for what it is doing. The gentleman from Illinois [Mr. POST] has just told us that the people would not stand this thing. Why, sir, the gentleman ought to be a better prophet than that. His side ought to know better, even without the gift of prophecy. They passed their extravagant expenditures in the last Congress, and proclaimed their liberality and the liberality of the American people. They prophesied then, and they were false prophets, to the extent that they do not occupy one-third of the political power of this House.

Mr. LYNCH. I move to strike out the last word.

The CHAIRMAN. That amendment is pending.

Mr. BLOUNT. I withdraw it.

Mr. LYNCH. Mr. Chairman, much as I dislike to differ in opinion with the distinguished gentleman the chairman of that committee, and the committee itself, in the reductions proposed in this bill, I do feel and believe that this is economy in the wrong direction. I am informed by good authority that several Democratic Houses in the past, have approved and recommended the salaries which have prevailed and prevail now. I am informed by the gentleman from Kentucky [Mr. MCCREARY] who had the honor of being chairman of that committee at one time, that he recommended the salaries as they are now; I have waited in suspense to hear some reason, some stable reason, other than that of economy, why we should begin economizing by reducing appropriations for our foreign service. I have not yet heard anything amounting to reasons why we should begin reduction at that end of the line. There are thousands of places in this country where we could reduce, and where we ought to begin these reductions. But this is the wrong place.

Here are three distinct nations, having no relation or connection with each other; nations among which disputes may arise and ill feeling are likely to spring up between them. If we have a representative in one of those nations the others will become jealous, and ill feeling will result therefrom. In one case we utterly ignore two of these nations, and say you are not worthy of a representative from America, but we give it to the other one. We say to Norway and Sweden, for instance, you can go over to Denmark and transact business with our minister, but we can not afford to send you one, as we have done in the past. I grant that it is our duty to economize, but not to disgrace this country in the eyes of foreign nations by withdrawing our resident minister in order to save the cost of keeping him there. Whatever else we may do, we ought to have a just American pride in our own country and in its being well represented in all foreign countries.

It is not a question of saving a few dollars, or a few thousand dollars. It is a question of the integrity and honor of this na-

tion among foreign countries. We have had this mission supported and maintained by Democratic Congresses, and maintained by a Democratic Administration; and now, without any reason except what seems to me to be false economy, it is proposed to withdraw the minister from Norway and Sweden, and say to these people that you are not of sufficient importance for us to continue our relations with you any longer. Have you heard any reason that justifies you in doing that? Does the saving of the paltry sum of \$5,000, now paid to our minister there, justify you in assuming such an attitude towards those two countries? No. I have heard no reason satisfactory to my mind why we should begin to economize at that end of the line. The emigration from those three countries is among the most desirable in this country. They are among the most prosperous, frugal, and law-abiding citizens we have. I trust the amendment will prevail.

Mr. BUSHNELL. I move *pro forma* to amend by striking out the last line. I wish to say that, in my judgment, this Congress ought to do with reference to Denmark just what has been done by this country from time immemorial. We have never heretofore been without a minister to Denmark, and I do not believe the time has come, if it ever can come, when a Democratic House of Congress ought to say that this mission should be abolished. Among our best citizens in the Northwest are the Danes and Swedes and Norwegians. They are among the most desirable citizens that we have, and their numbers are large, especially in the Northwest. They are patriotic, industrious, and intelligent—among the very best people anywhere.

We have almost every day transactions that lead to communications with every one of these Scandinavian countries, and we need the best facilities that we can have for transacting this business. Certainly we do not desire that Congress shall adopt a measure which will place us in a worse position in this respect than we have occupied since the beginning of the Government.

We do not believe this is a good place to undertake retrenchment. We are in favor of retrenchment and economy; but this attempt in that direction is not one to be favored. On behalf of the whole Northwest, on behalf of the interests of the whole country, we ask that this mission to Denmark be not abolished.

Mr. HITT. Mr. Chairman, the effect of this amendment is to continue the law as it has been enacted by this House with the concurrence of the Senate and the President—to continue this mission in Denmark, as well as that of Sweden and Norway, as it has stood for many years. Recently, owing to particular circumstances, it was thought that the mission to Denmark ought to be raised in grade and pay. It was done; and the response came at once in a message from the Government of Denmark, showing warm appreciation of the action of the Government of the United States. The great number of people from that country who have become citizens of ours and returned has created a reflex feeling of cordial attachment to and kindly regard for the United States.

The officers connected with the organization of the great Exposition at Chicago who went abroad reported that the proposition received a most cordial reception in Scandinavian countries, perhaps more so than in any other part of the world. An able minister of the United States in Denmark—an active, practical American—was there doing all he could to promote that feeling. The Parliament of Denmark, a country at which the gentleman from Georgia [Mr. BLOUNT] sneered on account of its meagerness of population and narrowed square miles, appropriated more for this great international display in America, in proportion to population, than any other country in the whole world. That bill, recently passed, was about to reach the executive when the telegraph carried the news that this Congress proposed to sweep away the mission to that country as something not worth maintaining. Its effect has already been most unfavorable to our interests.

If this measure be adopted, what will be left there in the way of representation of our country? We have only one consul in all Denmark, and that of the lowest grade above the trading class of consuls; the rest are foreigners who act as consular agents. If you abandon the mission to that country you chill the feelings of many of your citizens, and repel the cordial response that came to us after the recent action of this House and the Senate.

This step is ill-timed; its adoption would be most unfortunate just when we are appealing to all the nations of the earth to come here and join us in this great international fête. Denmark is one of the leading countries in the whole world in art in its best and noblest forms. It is the country where the genius of Thorwaldsen gave an impulse to art that affected all northern Europe. In the great exposition at Paris in '78 I have spent hours in examining the beautiful and marvelous fabrics—those triumphs of sculpture, of painting, and of decorative art, the fruits of the recent impulse given to the bright possibilities of Danish genius. We want these people and their noble and beautiful work at Chicago; yet this Congress is asked to enact here

to-day a proposition expressing how little we care for Denmark and Sweden and Norway, and which will certainly defeat the whole appropriation now awaiting the signature of the executive at Copenhagen.

Mr. BLOUNT obtained the floor.

The CHAIRMAN. In the absence of objection the *pro forma* amendment will be considered as withdrawn.

Mr. BLOUNT. I renew the *pro forma* amendment. The gentleman from Illinois [Mr. HITT] has referred to what he denominated my "sneer" at Denmark. If to state the population of that country is a sneer it seems to me that a sneer and the truth are very nearly alike. The gentleman certainly had no reason for saying that I had sneered at that country. In his portrayal of the industrial character of that people he might have called the attention of the House to the fact that while they have advanced immensely in the matter of manufacturing, yet, next to Germany and England, the trade of Denmark is greater with Sweden and Norway than with any other country on the face of the earth.

Those countries lie contiguous to each other, and the intercourse between them is enormous. There exists between their people by reason of business relations the greatest intimacy. If the gentleman had gone farther and looked at the trade between that country and ours he would have seen that the exports are very small, and if the gentleman had referred to the action of the last Congress in the matter of preventing trade with these people he would have disclosed the flimsiness of the pretense that we are to seek trade with them by inviting them to the Chicago Exposition. It is proposed to invite their exhibits as a great patriotic movement and at the same time to stay their intercourse with us by "McKinley tariff" legislation. It is all nonsense to talk in this way, to suppose that the cutting down of this mission is to be the cause of their staying away from Chicago. Why, Mr. Chairman, has it come to this, that the American House of Representatives does not dare to change the salary of a minister or to determine its own missions because of the apprehension that somebody somewhere else may get "mad" about it?

The gentleman says that when the bill was reported with this proposition to unite the missions of Sweden and Norway the information came by telegraph from Denmark that this might interfere with the representation of that country at Chicago. Yes, Mr. Chairman, that intimation came by telegraph, and the substance of it was communicated by the Secretary of State; and it was a communication from the minister whose very place is involved. It was he who saw the danger in regard to the exhibit at Chicago. The gentleman from Illinois told us the other day that the Danish minister to this country thought there was danger the exhibit of Denmark at Chicago might be abandoned if we did this thing.

A communication comes to this House indirectly from the Danish minister attacking this legislation—a communication violative of all the rules of propriety on the part of a foreign minister. His communications have no place here; and conceding that they have, I fancy that there is a large sympathy among these gentlemen in diplomatic circles here and abroad. It is very singular that such a communication should come in this sort of a way to this House.

Gentlemen ask me for a reason. I have given it, that it retrenches expenditure, this combination of missions. I will undertake to say that there is not an objection, in a practical or tangible way, offered to the action of the committee; and the contention that this may cause inconvenience or misapprehension in the minds of American citizens of Danish birth traversing Denmark has no foundation in fact. They can not discover any situation which makes it necessary to continue this mission there at \$7,500 a year.

Mr. HALL. Mr. Chairman, if the *pro forma* amendment is withdrawn I desire to renew it.

The recent diplomatic experiences of this country have been such as to demonstrate that American envoys extraordinary and ministers plenipotentiary are not only not necessary, nor useful, nor desirable, but have ceased to be even ornamental. They seem to exist for the purpose of getting us into troubles which they are powerless to extricate us from.

If the proposition embraced in the pending bill was to radically reform our diplomatic service by the wholesale and wholesome wiping out of the whole system of high-titled functionaries, and placing the foreign business of this nation on a business basis, I would cheerfully support it.

But that is not the proposition. The proposition is to retain these functionaries everywhere, I think, except to the Scandinavian countries of Northern Europe. It cuts off, or rather consolidates these countries in the manner suggested for the sake of economy, as we are told. It says to these nations we can not afford to give you the whole of a minister plenipotentiary and envoy extraordinary, and therefore we will give you but half of

ont. It does this because our trade, they say, is slight with these countries. That is true. But I want to call your attention to the fact that our social relations with them are great. The people whom Sweden, Norway, and Denmark have sent to us are among the most industrious, best educated, and law-abiding, moral and Christianized people who have come to our shores from the ports of the Old World.

So long as you maintain these envoys extraordinary, and, I have almost forgotten the rest of the title [laughter], everywhere else, and maintain them as you do, wholly as a matter of courtesy, I insist that as a matter of courtesy, not merely to the people of these countries over the water, but to the people who have already come to our shores and have made their homes with us and are a part and parcel of ourselves, that you shall maintain with the courts of their fatherland these envoys extraordinary and mininters plenipotentiary in all the pomp, pride, and circumstance of ancient and antiquated diplomacy.

This amendment is precisely in the language of one which I had drawn and intended to present to the committee. I hope that it will receive the support of the members upon both sides of this House.

I withdraw the *pro forma* motion.

Mr. BLOUNT. Mr. Chairman, I ask unanimous consent that the debate on the pending paragraph be closed in ten minutes.

Mr. DINGLEY. I hope not, on such an important provision of the bill as this.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. CUMMINGS. I object.

Mr. BLOUNT. Then, Mr. Chairman, I shall have to move to rise for the purpose of limiting debate.

Mr. DINGLEY. The debate has been running but a very few minutes, and certainly the gentleman might be willing to allow it to go on for a little while longer.

Mr. BLOUNT. We have already consumed a long time upon this bill, and I move that the committee rise, to limit debate.

Mr. CUMMINGS. It is in line with the spirit that animated the committee that drew the bill—to shut off debate.

Mr. BLOUNT. The committee that drew that bill has a spirit as broad and liberal as the gentleman from New York.

Mr. CUMMINGS. And far more parsimonious and mean.

Mr. BLOUNT. Yes; and the gentleman is often in that attitude towards the majority.

Mr. CUMMINGS. And you carry out this spirit when you try to shut off debate as you propose here.

Mr. BLOUNT. And you are not always with me; but I am with my side.

Mr. CUMMINGS. I am certainly not with you in such a proposition.

Mr. BLOUNT. Mr. Chairman, I move that the committee rise for the purpose of limiting debate.

Mr. DINGLEY. I hope the gentleman will not shut off debate when we have had but fifteen minutes on this provision.

The CHAIRMAN (after submitting the question). The yeas seem to have it.

Mr. REED. What is the question?

Mr. BLOUNT. I desire to rise to limit debate. If we can agree in committee I should be glad.

Mr. BOUTELLE. The chairman of the committee a few moments ago relegated me to the five-minutes discussion to find out something about this proposition. Now, as he will not give the information himself, he wants to cut off all debate and permit nobody else to give it.

Mr. BLOUNT. I am perfectly willing to indicate any reasonable time if an agreement can be had. If gentlemen will indicate—

Mr. POST. Let the debate run for a few minutes longer.

Mr. BLOUNT. All I wish is that there shall be some limit. If gentlemen want a half hour—

Mr. REED. A half hour!

Mr. MCCREARY. Mr. Chairman, I suggest to my friend that he let the debate run awhile under the five-minute rule, and then I think we will be able to agree upon time.

Mr. BLOUNT. Mr. Chairman, as there seems to be a disposition to allow the debate to run further I shall not press my own wish about it. The object that I had was to facilitate the bill, which I supposed was the desire of the House, and certainly I have no disposition to prevent discussion.

The CHAIRMAN. The gentleman from Georgia withdraws his motion?

Mr. BLOUNT. Yes.

Mr. HOOKER of Mississippi. Mr. Chairman—

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. I yield my time to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, I do not know why it is that I am not allowed to amend this bill the same as other gentlemen have done, by moving to strike out the last word.

Mr. BLOUNT. I wish to say to the gentleman from New York that I have no desire to cut him off.

Mr. CUMMINGS. I had risen to my feet three times—

Mr. BLOUNT. I was not aware of it.

Mr. CUMMINGS. You are wasting my time now. Let me use what I have got.

Mr. BLOUNT. I will let you go on, and will give you more time.

Mr. CUMMINGS. I want to say to this House that I shall vote for this amendment. I want to rebuke the spirit of parsimony exhibited in this effort to consolidate the Danish, Swedish, and Norwegian missions. I want to say to this Committee of the Whole that in the Fifty-first Congress there were just as many members of Scandinavian birth as there were members born in Ireland and in Germany. I want to say, furthermore, that in my opinion this report, so far as it concerns that mission, is an insult to two million of our Scandinavian-born citizens.

Now I wish to refer to another action of the Committee on Foreign Affairs which you have already sanctioned. You have done injustice not only to these monarchical Scandinavian countries, but you have gone further and done injustice to your own sister republics in South America. You have consolidated the missions to Peru and Bolivia, and the missions to Ecuador and Colombia. You have reduced the salary of the minister to Venezuela. I rebuke this niggardliness. It means virtually legislation in favor of the rich and against the poor. [Applause.] By reducing these salaries you place the offices in the hands of the plutocrats, as you call them [applause on the Republican side] and you refuse them to the educated and honest laboring or professional man. The rich can fill them and the poor can not.

Sir, again I appeal to the members of this House not to place this Government in a position where it will be regarded as the one giant miser among the nations of the world. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I yield my time to the gentleman from New York. [After a pause.] I do not know whether he understood me or not.

Mr. WILLIAMS of Massachusetts. Mr. Chairman, I trust that before the House acts on the amendment which was offered by the gentleman from Illinois, it will fully appreciate the importance of the proposition of the committee to consolidate the missions of these three countries, Norway, Sweden, and Denmark. I have listened in vain for any other reason than that of mere economy, for the proposition of the committee. Mr. Chairman, those countries are, except geographically, as distinctly divided as Spain is divided from England. And the distance from one country to the other is, I believe, greater than the gentleman from Georgia [Mr. BLOUNT] believes. There is no more reason why these missions should be consolidated than there is for a consolidation between Italy and Switzerland.

Now, there is every reason why this is not a fortunate time to make this consolidation. The tide of travel for purposes of pleasure is constantly increasing to this section of Europe. Every year Americans visit, more and more, Norway, Sweden, and Denmark. The occasion for the use of this important office becomes greater every year, not only with the increase of travel to those sections, but with the increase of immigration from those countries to this. Those countries are every year pouring out their wealth of manhood upon this country, and with that outpouring our duties to those countries every year increase.

Now, Mr. Chairman, when with the increase of our citizenship from these sources grave complications may arise, when the possibility of such complications is increasing, it seems to me this is a wrong time for this country to offer, not only to ignore those conditions, but to offer what is practically an affront to those nations. For it is nothing else. To Denmark this means that she is considered so insignificant that she is no longer to count as an independent nation, and to Norway and Sweden there is the same significance: that they are so small in the eyes of this country that for the purpose of saving a few hundred dollars we may offer to the mother countries of hundreds of thousands of our fellow-citizens the affront of charging them with insignificance. This is a serious matter, Mr. Chairman, and there should be some better reason given for it than the mere consideration of economy.

The CHAIRMAN. Debate upon the *pro forma* amendment is exhausted.

Mr. BLOUNT. I withdraw it.

Mr. HAUGEN. Mr. Chairman, I move to strike out the last word. I am in favor of this amendment for another reason than any of those that have been stated, although they might be sufficiently abundant; and that other reason is that I believe there are no people in Europe who are more thoroughly imbued with

the spirit of self-government than are the people of these three Scandinavian countries. There are no people in Europe to-day who are in such close sympathy with the free government of the United States as are the people of the Scandinavian countries. They consider us their model, and are well informed as to our form of government.

There is more self-government in Norway than in any other European country, unless it be Switzerland and England. Whoever will take pains to read the magnificent and excellent work of Mr. Brice on American institutions will learn from it that he places the Scandinavian countries, especially Norway, with her popular form of government, far in advance of England, and the only country that approaches it is Switzerland. Mr. Brice is certainly an impartial and disinterested witness.

Now, why should we select these countries in an effort to reduce expenses? It is true their populations are not very numerous compared with the larger powers of Europe. This bill, in its very next item, appropriates \$7,500 to maintain our diplomatic relations with Korea. The intercourse of this country with any one of the Scandinavian countries far exceeds in importance, commercially and otherwise, that with Korea.

It is a little strange and a little out of harmony, I think, to select these countries for the ax of the economist. Gentlemen do not understand the relations of the Scandinavian countries to each other. They are entirely separate. Their governments are constitutional and liberal. It is only fair to say that King Oscar II is the most liberal monarch in Europe, unless it be King Humbert, of Italy. No one who has read the history of the late constitutional conflict in Norway but will admit this. So that this proposed legislation would be a slight offered not only to the people but to the chief executive of those countries. At this very moment that we are discussing this matter of consolidating the missions in those countries we find that in Sweden and Norway they are considering the propriety of separating their missions to foreign nations; Norway desires separate missions, and it is not unreasonable to expect that they will accomplish it, and that Norway and Sweden will soon have independent foreign service. The late change of ministry in Norway was the direct result of an election where this separate foreign service was the leading issue and its advocates victorious.

Gentlemen do not understand the relations between Norway and Sweden. It can hardly be expected that they should. It is true they have one king, but in every other respect they are entirely independent of each other. Norway, under the constitution of 1814, is entirely separate from Sweden in every respect. It has its own legislature and ministry responsible to the people of Norway only. The only question with them is as to whether they can afford a separate foreign service. The present minister to the United States is from Norway, I believe. The King selects from either country the representatives to other nations. Now, while these countries are working in the direction of separation, and for the purpose of sending separate representatives to foreign nations, it seems to me that this country ought not to take the course proposed here and try to consolidate our missions to them into one with Denmark. It is not treating them with the courtesy and consideration which we ought to show people so friendly towards us and our institutions.

I withdraw the *pro forma* amendment.

Mr. CASTLE. Mr. Chairman, I think I represent as many of the yellow-haired and blue-eyed race of the north as a majority of the members of this House represent citizens of all nationalities, and I certainly can not permit a measure of this character to pass without entering my solemn protest against it. It is true, as the gentleman from New York [Mr. CUMMINGS] has said, that it is in the interest of pure parsimony. It is also true, as others have said, that it is a discrimination against a grand people.

My friend from Massachusetts [Mr. WILLIAMS] has alluded to the fact that there are hundreds of thousands in this country whose fathers still reside in the old land, and who will be affected by this measure and resent it. Why, Mr. Chairman, if I have read history aright, this same ancient race has imbued our proud Anglo-Saxon, the all-conquering nation, with about all of worth or valor there is in it. I believe, Mr. Chairman, that the Danes and Saxons and the Normans were all members of this grand Scandinavian people. Before Peter the Hermit told his beads or made his first invocation Harold Hadrada, the northern Viking, had swept from his pathway the Saracen and robber, bathed in the Jordan, and knelt at the Holy Cross.

Six hundred years before Columbus looked upon San Salvador Lief Erickson planted the standard of the Sea Kings upon the shores of New England. Now, sir, this bill proposes to humiliate this great ancestral race of ours. The most contemptible of men are those who ignore the land of their birth and the home of their fathers, who despise the humble root-tree and the lowly father and mother. Such men will be a curse and vagabondage to any country. But, sir, show me the man who does honor and

reverence to both, and I will show you one who will always be a credit to his own land and that of his adoption.

The Scandinavian people in our country to-day represent a portion more nearly homogeneous with our own—with all kindness to other nationalities—than any other race of men living on the face of the earth. They are in full sympathy with our institutions. They come here imbued with the spirit of republicanism and assimilate as easily with the laws and political institutions of our great Commonwealth as though to the manner born. And, Mr. Chairman, there is another thing that I do not wish to be omitted. In my own State more than 300,000 of the population are Scandinavians. At the outbreak of the war the old First Minnesotawas the first regiment tendered the United States. Of that regiment nearly three-tenths were Scandinavians.

There was not a battlefield from Bull Run to Appomattox that was not drenched with Scandinavian blood. They have not perchance a birthright inheritance in our land, but they have one far better which is written in blood. And, sir, search the records of this country as you may, and you can not find where a man of that race has ever been disloyal to its institutions. They are the successful pioneers of our Western progress. Come with me to my own State, the "Star of the North;" go into the pine forests, among the hills, over the prairies, and along the banks of the great lakes and rivers, and you will see how these men have made that fair country blossom like the rose.

They have hewed from the forest and planted upon the prairie the evidences of the highest type of modern civilization. They have created the model homes and communities of the true American citizen.

While it is true, as many Western gentlemen have said upon this floor, that there is a depression in the business affairs of the great West, and that mortgages are more plentiful than money, it is not true so far as relates to this people.

They are the only people, I think, in all the West and in all the country who are practically free from the incubus of debt and the grasp of the mortgagee.

I represent three counties almost entirely Scandinavian, and those three have less of debt and less of mortgages than any other communities of which I have knowledge, either in the East or West. [Applause.]

[Here the hammer fell.]

Mr. DOLLIVER. Mr. Chairman, a good argument can be made in favor of the abolition of our system of diplomatic service; such an argument has been made here; and while I can not assent to the conclusion, still there may be some reason in it. But it seems to me that if we are to maintain the diplomatic service at all, we ought not in making provision for the expense of that service to discriminate against the countries of the Scandinavian peninsula. And it is not only true that a large section of the agricultural West and the agricultural Northeast has been settled by the people of Norway and Sweden and Denmark, but it is also true, as my friend from Wisconsin [Mr. HAUGEN] has said, that these countries are practically one with us in their political aspirations.

It is an established precept of international law, as the gentleman from Illinois [Mr. HITT] said the other day, that one of the methods of expressing a want of consideration for a country is to reduce the dignity and importance of the mission to that country. And in view of this recognized precept it seems to me the action of the Committee on Foreign Affairs is an indefensible disparagement of Norway and Sweden as well as of the Kingdom of Denmark.

Nor can I forbear to call the attention of the committee to the fact that this discrimination comes at a rather inopportune time, especially in the case of Denmark; for it is remembered that the Kingdom of Denmark was second among the countries of Europe to agree to the treaty admitting American food products, both of bread and of meat, and that the present minister at Copenhagen has been among the most useful and efficient of our diplomatic agents in forwarding that great commercial project. His service at that capital, the fruits of which we already enjoy, has been worth many times all we have paid in maintaining that mission in the last twenty years.

For these reasons, and a dozen more that suggest themselves, I protest, not only for the sake of our Government, but also in the name of thousands of Scandinavian people who have settled and contributed to the prosperity of great communities in the Northwest against the disparagement and discredit that is cast upon these countries by the report of the committee. These people have brought with them to the United States the habits of industry, sobriety, and thrift that have made the hills of their native country productive beyond the promise of their soil and climate. They are the makers of wealth and the builders of homes. They are believers in the United States of America. Thousands of them followed the flag of the Republic in the great struggle for the national life.

I can not by my vote consent that, within a few months after the dust of John Ericsson has been committed with reverent expressions of the national gratitude to the keeping of his native country, the Government of the United States, saved from infinite peril by his genius, shall, for the sake of a few dollars, make this sign of contempt for the dignity of Norway and Sweden. These Scandinavian nations will have a right to resent it. And their countrymen here, whose loyalty to our flag does not keep out of their hearts a filial affection for the old home and the folks beyond the seas, will not be slow to understand this unnecessary affront to the countries in which their kindred live, and in whose quiet churchyards their fathers lie buried.

Mr. DINGLEY obtained the floor.

The CHAIRMAN. In the absence of objection the *pro forma* amendment will be regarded as withdrawn.

Mr. DINGLEY. Mr. Chairman, I move *pro forma* to amend by striking out the last two words. I wish to call the attention of the committee, and especially of the gentleman from Georgia [Mr. BLOUNT], to the fact that this bill carries a less appropriation for the diplomatic service by at least half a million dollars than was appropriated in the year 1890. It is not true that in the appropriations made for our diplomatic service for the last fiscal year there was anything extravagant or uncalled for. The effort has been made to reduce the amount of appropriations with a view to economy.

Our appropriations for the diplomatic service, as I have remarked, have been decreasing since 1890 rather than increasing. For the fiscal year 1890 there was appropriated by the Fiftieth Congress, a Democratic Congress, the sum of \$1,980,025, while the appropriation made at the second session of the Fifty-first Congress was only \$1,656,925. This bill shows a reduction of only \$72,000, and this reduction is attempted by methods which, as already suggested, can only bring this Government into discredit with foreign countries.

It seems to me that when we have reduced our appropriations \$400,000 below those made for the fiscal year 1890 all ends of economy have certainly been subserved, and that it is a great mistake to endeavor in a diplomatic and consular appropriation bill, which has to do with our foreign relations, which has to do with the position we occupy toward foreign nations—a service which has always been regarded as above partisanship (for in all our foreign relations there has been an endeavor to maintain a high and honorable position)—it is a serious mistake to endeavor to cut down these appropriations a few thousand dollars when the price of such a measure must inevitably be the lowering of the position of this country in its relations toward such countries as Norway and Sweden and Denmark.

I hope that this Committee of the Whole and the majority of the House will not listen to the suggestions that have been made by the majority of the Committee on Foreign Affairs, but will approve the amendment which has been presented, and continue the diplomatic service to Norway and Sweden and Denmark as it has stood for years. I trust that in a matter of this importance there will be no attempt to bring in those small considerations which, while out of place on any appropriation bill, are, it seems to me, singularly out of place on a diplomatic and consular appropriation bill, which has to do with the relations of this Government to foreign nations. I trust that the amendment offered by the gentleman from Illinois will be adopted.

Mr. BOUTELLE. Mr. Chairman, when I asked the chairman of the committee [Mr. BLOUNT] a little while ago to state the reason for reducing our representation to one minister for Denmark, Sweden, and Norway, he seemed to impute to my inquiry some ulterior motive of which I was entirely innocent. The question was asked purely for information and in entire good faith; and I feel somewhat relieved from the force of the imputation by the fact that four or five other gentlemen have since risen and borne testimony to their inability to discover in anything that has been said the reason for this action. So that I am not the only ignorant person among the multitude.

My interest in this matter, Mr. Chairman, has been largely based upon a very great degree of admiration which I have always entertained for the Scandinavian race. The people of the Scandinavian countries are certainly a class of persons whom we have every reason to welcome to our shores, and with whom we have every reason to desire to maintain the utmost cordiality of relations.

In my own State twenty-odd years ago, so high was the estimation in which our people held the populations of the Scandinavian peninsula that our Legislature authorized the creation of a special commission to visit Sweden and organize a colony for immigration to the State of Maine. Under the guidance of our present minister to Sweden a colony of its people came here and have established their homes in my section of the State of Maine, and, Mr. Chairman, without any exception whatever, I may say they have proved themselves to be among the most enterprising

and industrious, as well as temperate, frugal, and desirable citizens who have made their home amongst us.

The traditions, temperament, and disposition of the Scandinavian people are such as to readily assimilate them with our people, and adapt them for a very excellent type of American citizenship. They are liberal in their ideas; they are of a kindly disposition; they have a very high degree of intelligence; they are remarkably industrious, and their reverence for the family tie is of a lofty character, so that if I were called upon to select from the peoples of the world those who more easily than any other would make the best type of republican citizens, I certainly should not hesitate in placing among the foremost the people of Denmark, Sweden, and Norway. I trust, therefore, that this House will not for any paltry pecuniary consideration, or through the mere niggardly purpose of cutting down an appropriation bill, put a serious affront upon a people of that character.

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. BLOUNT. Mr. Chairman, I have but a single word to say. I have before me the State Department papers, and there is not a line of correspondence between these governments in the last year.

Mr. POST. What government?

Mr. BLOUNT. Between this country and Denmark. I admire the Scandinavian character just as much as any gentleman upon this floor, but when I find that diplomatic communications between the governments are so rare that there has not been one during the last year, I think there is but little occasion for continuing a minister in this country, and that the business can as well be done through the means of a combination such as that suggested by the committee. I do not believe there is any difficulty in making the combination of Denmark, Sweden, and Norway, as proposed. But if the House sees fit to take a different course I shall be perfectly content to obey its behests, although I see no reason why this arrangement should not be made.

Mr. BABBITT. Mr. Chairman, I move to strike out the last three words.

The history of past legislation by this country is certainly a convincing proof to the minds of the majority of the people of the United States that there ought to be economy and fair and honest dealing on the part of the legislators with the moneys of the people. But as much as I appreciate the distinguished gentlemen who are here, and bent upon carrying into execution the principles of economy and reform, as much as I honor the distinguished gentleman from Georgia [Mr. BLOUNT] and other Democrats upon this floor who are disposed to stand up against these outrages and this tyrannical usurpation of power in imposing taxation upon the people, I am most heartily opposed to the adoption of this measure which would consolidate these countries in one diplomatic mission.

Mr. Chairman, the patriotic people of this Republic, North and South, will in due time weave a chaplet of honor and gratitude for the honest brow of the veteran statesman from Indiana [Mr. HOLMAN] whose services in this House for over a quarter of a century have, like the rocks of Gibraltar, imposed a barrier and protest to the wicked, surging billows of extravagance beating continuously against our nation's prosperity and happiness.

But, gentlemen, let me ask you, in behalf of the West, who are united on this subject, to stand by us and vote for this amendment. Let me tell the gentlemen from the South, as well as from the West, that your interests and our interests are identical; that we are brothers in the future as we are brothers now, and that we are bound together by a common tie.

We can not afford to ignore the interests of each other. Wisconsin, let me say to you gentlemen, is very happily united in favor of this amendment. Iowa, Minnesota, Dakota, and all of the great Western States are in favor of declaring to our brother Scandinavians and Danes that we believe them to be citizens worthy of the respect and worthy of the citizenship which they have never yet dishonored. I do not propose to make a speech on this occasion. I only ask you gentlemen of the South to stand by the delegates from the West in support of a liberal policy towards as good a class of our citizens as the flag of our country has ever floated over. [Applause.]

Mr. STOUT. Mr. Chairman, it seems to me that it would be a very inopportune time for this House to make the change proposed by the Committee on Foreign Affairs in the bill which is now pending. If I were to suggest the means of accomplishing some great economy, I should cut down our whole diplomatic service to that of mere *chargé d'affaires*, or first-class consuls. But recognizing so large a population as we have from the north of Europe in our country, constituting a large fraction of the West, and knowing them to be a most worthy and estimable people, I am decidedly opposed to the change suggested by

the committee; and I hope that this House will not think me partial, but will permit me to thank the gentlemen who have paid my great-great-grandmother so many handsome compliments here to-day, and to hope that my motive in desiring to sustain the proposed amendment will not be misconstrued. [Laughter and applause.]

Mr. BLOUNT. Mr. Chairman, in view of the manifest disposition of the House to continue this mission, I feel authorized in saying for myself and the committee that we will not press our opposition to the amendment. [Applause.]

The CHAIRMAN. Without objection, the amendment of the gentleman from Illinois [Mr. POST] will be considered as agreed to.

There was no objection, and it was so ordered.
The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messengerservice, clerk hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, \$105,000.

Mr. BLOUNT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend lines 12 and 13, page 6, by striking out the words "one hundred and five" and inserting "ninety" instead thereof.

Mr. BLOUNT. Mr. Chairman, that is \$5,000 only less than the bill of 1891. I find on examination of the contingent expenses of foreign missions in past years that in 1886 we expended \$33,000, in 1887 \$64,000, in 1888 \$34,000, in 1889 \$77,000, in 1890 \$79,000, and it seems that this amount I propose is entirely reasonable.

Mr. HITT. Mr. Chairman, it has always been the policy of Congress to put in the hands of the Executive a sum that would meet an emergency, even to slightly overrun the probable expenditures, and this narrow margin has been kept by the committee as usual. I do not think we should now depart from our usual custom. All these contingent expenditures are determined with great particularity in the section, and no abuse has ever occurred, and there is no possibility of it. The language of the section is very specific and guarded. In connection with the gentleman who was Mr. Randall's able lieutenant [Mr. Burnes] years ago I helped to draw the section in the form in which it has been reported here. I think it ought to stand as the committee fixed it.

Mr. BLOUNT. The statement I have made, based on the data I have given, induces me, after a conference with several gentlemen of the committee, to offer this amendment.

The amendment offered by Mr. BLOUNT was agreed to.

The Clerk read as follows:

BUILDINGS AND GROUNDS FOR LEGATION IN CHINA.

Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, \$3,100.

Mr. HITT. I will offer an amendment to line 23, to strike out "three thousand one hundred" and insert "five thousand." I call the attention of the chairman of the committee to the provision and the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

By Mr. HITT:

"On page 6, line 23, strike out 'three thousand one hundred' and insert 'five thousand.'"

Mr. HITT. Mr. Chairman, the provision is for the rent of the legation at China. The act of March 3, 1875, authorized the payment of \$5,000, and I ask the chairman's attention to that statute. Although it authorized \$5,000, the Department or legation has been able to hire a building for \$3,100. We provided for that amount in the bill last year. The building was insecure and incomplete, and in order to make it habitable and also to secure a fireproof building, the owners were induced to make extensive additions and repairs, and the contract was made that \$1,900 more should be paid, as authorized by law. All this is set out more fully than I have stated it on page 290 and 300 of the estimates. The amendment that I suggested is simply to comply with the statute of 1875. And to carry out the contract which has been made by the State Department.

Mr. BLOUNT. Mr. Chairman, the committee have voted the full amount estimated for by the Department under the law. The Department have made their own estimate for the carrying out of the contract, such as they could make under the law and such as they had the right to estimate for. Then they come forward with what is known as a submission, which is something not authorized by law, but simply a suggestion. The committee have put in all that was estimated for and which the Depart-

ment had any right to make an estimate for. I do not agree with my friend from Illinois [Mr. HITT] in relation to this matter. There was an increase in the bill of last year of several hundred dollars by reason of improvements at this place. The contract that has been made has been made with the knowledge that there was no appropriation to justify it, and I trust that we shall leave it just as it has been for some time.

Mr. HITT. I will only remark in reply, Mr. Chairman, that the entry is made here by the Department in the tabulated estimates showing the \$3,100 now paid, and they have put in a submission to Congress for the \$1,900 further, but have added (page 300) that the contract has been made for \$3,000 and made in pursuance of the law. It is all stated here, perfectly plain, in the volume of estimates. The statement of the gentleman from Georgia with reference to the figures in the column on page 88 is correct, but it should all be taken together, and then it is perfectly plain.

Mr. BLOUNT. Mr. Chairman, there is no gentleman at all familiar with the mode of making estimates by the Departments who does not understand the difference between an estimate and a submission. An estimate is something authorized by law. A submission is something outside.

The question being taken on the amendment of Mr. HITT, the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. HITT) there were—ayes 28, noes 66.

Accordingly the amendment was rejected.

The Clerk read as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, \$90,000, or so much thereof as may be necessary.

Mr. BLOUNT. I send up an amendment to that paragraph.

The Clerk read as follows:

Amend line 9, page 8, by striking out the word "eighty" and inserting the word "sixty."

Mr. HITT. Mr. Chairman, before a vote is taken on that I would like to say that that sum was fixed by Mr. Bayard, then Secretary of State, and in that form has been continued. Every chairman who has prepared this bill knows and has been fully advised of the reason of it.

It can not take a dollar from the Treasury that every one of us does not want to have taken, as we know it will be in an emergency for the interest of the country. It may not take \$10,000 in the whole year. It may require more. It is a matter of events. It is for a purpose that serves all of us, and I submit that the action of the very distinguished gentleman from whose suggestion this section and amount came [Mr. Bayard] was a wise one.

Mr. BLOUNT. Mr. Chairman, I wish simply to call the attention of the committee to the amounts that have been expended under this item. In 1885 there was expended \$15,000; in 1886, \$18,000; in 1887, \$17,000; in 1888, \$25,000; in 1889, \$12,000; in 1890, \$29,000; in 1891, \$41,000.

Now, we have by this proposition nearly \$20,000 more than has been expended under this item from 1885 on. Recently a part of this fund has been used in relation to the settlement of our troubles with Italy.

Mr. HOLMAN. How much?

Mr. BLOUNT. Twenty-four thousand five hundred dollars. I do not believe that this fund ought to be used in that way. I believe that in any question relating to a settlement like this with a foreign power it is perfectly proper that the subject should have come under review in the House of Representatives. I wish to say in all frankness that so far as the settlement itself is concerned I have no doubt the Administration made a wise settlement; but I do not propose to leave this fund in this shape in a matter where we might differ with the Administration. I do not understand that this fund was designed for such a purpose.

Mr. BRECKINRIDGE of Kentucky. Will the gentleman from Georgia allow me to ask him a question? How much was expended last year?

Mr. BLOUNT. Last year there was expended \$41,000; the year before that, \$29,000; the year before that, \$25,000; and the year before that, \$17,000.

Mr. BRECKINRIDGE of Kentucky. Now it is \$65,000?

Mr. BLOUNT. Yes, sir.

Mr. BRECKINRIDGE of Kentucky. Does not that still leave more than enough for just such a situation as the gentleman from Georgia has spoken of?

Mr. BLOUNT. I think there ought to be some liberality along this line, for there might be an emergency where we might desire to use it.

Mr. HOLMAN. This sum was \$41,000 in the last bill.

Mr. MCCREARY. I am in favor of the amendment proposed

by the gentleman from Georgia [Mr. BLOUNT]. I think the amount—\$80,000 named in the bill—is too large, and while I supported that amount two or three times in previous appropriation bills, I am satisfied now that it is too much. I have no criticism to make upon the amount paid the Italian sufferers, but I believe when \$25,000 is taken out of the Treasury to pay an indemnity or to compensate for an injury it ought to be done through the Congress of the United States. A few years ago, during the Administration of Mr. Cleveland, there was mob violence at Rock Springs, in Wyoming, in which Chinamen were killed or injured. When President Cleveland believed that Chinese subjects should be compensated for the losses and injuries sustained at Rock Springs he sent a special message to Congress urging an appropriation as an act of comity and friendship, and the Congress of the United States appropriated \$145,000.

I think that was the proper way to dispose of that trouble; and I believe a proper disposition of this would have been for the President of the United States to have informed the Congress of the United States exactly of the situation, and asked for an appropriation of money.

Mr. BLOUNT. It was in session at that time.

Mr. MCCREARY. And, as suggested by the gentleman from Georgia, Congress was in session at the time the \$25,000 was taken out of this emergency fund to be paid to the Italian sufferers.

Mr. BRECKINRIDGE of Kentucky. Will the gentleman from Kentucky, who is no doubt perfectly informed in this matter, inform the House what is the real purpose of giving this emergency fund? What is the nature of the general items which, in his judgment, would fairly come within this fund?

Mr. MCCREARY. I will state to the gentleman from Kentucky [Mr. BRECKINRIDGE] that this is called an emergency fund, and it is to meet emergencies arising in the diplomatic and consular service. There is no law directing how it shall be distributed or paid out. For some years the amount has not reached \$40,000 per annum. Eighty thousand dollars is sought to be appropriated in the bill, and it is clear to my mind that \$80,000 is too much.

Mr. BLOUNT. If my friend will allow me, I will state that \$41,000 is the highest amount that this fund has reached within the last ten years.

Mr. MCCREARY. And as my friend says \$41,000 is the highest amount that it has reached within the last ten years. It appears, therefore, that the amount, \$80,000, named in the bill is not needed.

Mr. BRECKINRIDGE of Kentucky. For what has it been spent?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE of Kentucky. I move to strike out the last word. And I do so for the purpose of permitting the gentleman to answer my question.

Mr. MCCREARY. I will state to the gentleman that the law does not require that a report shall be sent to Congress as to how this fund is used. It is in the nature of a secret-service fund; while books are kept in the State Department showing for what purpose it is paid out, I have never called upon the State Department for the items of the account.

Mr. BRECKINRIDGE of Kentucky. I do not care so much about the items. What I desire is that we should have more general information; and I will yield my time to the gentleman to give that information.

Mr. MCCREARY. If the gentleman will allow me, I will state that it is a secret-service fund, always controlled by the State Department, and only so much of it is expended as seems necessary and the residue is left in the Treasury. The accounting officers are not required to examine into the details as to how it is paid, but it is placed at the disposal of the President, and necessarily these items are secret. My friend could get the information from the State Department.

Mr. BRECKINRIDGE of Kentucky. I do not want to get the particular items, but I wanted to get at some information as to how you fix the sum required.

Mr. BLOUNT. Some of the amount is used for presents. If Congress were to make the appropriation of \$80,000, only sufficient of that amount is taken out to meet the demands on that fund, not to exceed that sum.

Mr. BRECKINRIDGE of Kentucky. Now, will either one of the gentlemen tell the House what was the settlement made with the Italian Government, and upon what principle does that come within the secret-service fund?

Mr. BLOUNT. I can not tell my friend; I do not see how it should, and for that reason I have thought possibly that it ought not to be made.

Mr. BRECKINRIDGE of Kentucky. Can my distinguished friend the gentleman from Illinois [Mr. HITT], who has been in the diplomatic service, tell us?

Mr. MCCREARY. I will have read, if the gentleman will allow me, a statement signed by Hon. James G. Blaine, Secretary of State, which will probably throw light upon that subject.

The CHAIRMAN. Does the gentleman from Kentucky yield? Mr. BRECKINRIDGE of Kentucky. Yes, sir; I took the floor simply for the purpose of getting information.

Mr. MCCREARY. I will send up to the Clerk's desk, and have read, the statement of the Secretary of State.

The Clerk read as follows:

DEPARTMENT OF STATE, Washington, April 12, 1892.

SIR: I congratulate you that the difficulty existing between the United States and Italy, growing out of the lamentable massacre at New Orleans in March of last year, is about to be terminated. The President, feeling that for such an injury there should be ample indemnity, instructs me to tender you 125,000 francs. The Italian Government will distribute this sum among the families of the victims.

While the injury was not inflicted directly by the United States, the President nevertheless feels that it is the solemn duty, as well as the great pleasure, of the National Government to pay a satisfactory indemnity. Moreover, the President's instructions carry with them the hope that the transaction of to-day may efface all memory of the unhappy tragedy; that the old and friendly relations of the United States and Italy may be restored, and that nothing untoward may ever again occur to disturb their harmonious friendship.

I avail myself of this occasion to assure you that your prolonged service at this capital as chargé d'affaires has been marked by every quality that renders you grateful and acceptable to the Government of the United States, and to renew to you the assurance of my high consideration.

JAMES G. BLAINE.

Marquis IMPERIALI.

Chargé d'affaires of Italy.

Mr. MCCREARY. Mr. Chairman, I ask that the Clerk read the response of the Marquis Imperiali, chargé d'affaires, representing Italy in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCREARY. If the gentleman desires to hear this response read, I will have it read.

Mr. BRECKINRIDGE of Kentucky. I withdraw my *pro forma* amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. I will have it read in my own time.

The Clerk read as follows:

WASHINGTON, April 12, 1892.

MR. SECRETARY OF STATE: You were pleased to inform me, by your note of to-day, that the Federal Government had decided to pay to Italy, by way of indemnity, the sum of 125,000 francs, to be distributed by the Italian Government among the families of the royal subjects who were victims of the massacre which took place March 14, 1891, in the city of New Orleans. Your excellency also expressed the hope that the decision reached by the President would put an end to the unfortunate incident to which the deplorable occurrence gave rise, and that the friendly relations between the two countries would be firmly established.

After having taken note, with much pleasure, of the language used by the President in his message of December last, and after having fully appreciated the words of regret and censure uttered with so much authority by the Chief Magistrate of the Republic, and likewise the recommendations to Congress that were suggested to his lofty wisdom by the unhappy incident, the Government of His Majesty is now glad to learn that the United States acknowledge that it is their solemn duty, and at the same time a great pleasure, to pay an indemnity to Italy.

The King's Government does not hesitate to accept this indemnity without prejudice to the judicial steps which it may be proper for the parties to take, and, considering the redress obtained sufficient, it sees no reason why the relations between the two Governments, which relations should faithfully reflect the sentiments of reciprocal esteem and sympathy that animate the two nations, should not again become intimate, cordial, and friendly, as they have traditionally been in the past, and as it is to be hoped they will ever be in the future.

In bringing the foregoing to your knowledge, in virtue of the authorization given me by his excellency, the Marquis di Rudini, president of the council, minister of foreign affairs, in the name of the Government of His Majesty the King of Italy, my august sovereign, I have the honor to declare to your excellency that the diplomatic relations between Italy and the United States are from this moment fully reestablished.

I hasten, moreover, in obedience to instructions received, to inform you that, pending the minister's return to this capital, I have taken charge of the royal legation in the capacity of chargé d'affaires.

Be pleased to accept, etc.,

IMPERIALI.

His Excellency JAMES G. BLAINE.

Secretary of State, etc.

Mr. BRECKINRIDGE of Kentucky. If I gather the substance of that correspondence, I understand that the President of the United States, without the approval of the Senate, without any communication with either branch of Congress or to Congress, has settled the difficulty with Italy, and established a precedent that the United States admits its liability for an act alleged to be lawless committed upon a citizen of a foreign government within one of the States, and for an act not adjudged to be a crime by the tribunals of the State it makes the United States responsible to the country of which the person was a subject.

Now, it seems to me that, without speaking as to whether this precise settlement was wise or not, we ought not to allow such a precedent to be made without putting upon record our protest that we do not believe that under our form of government the President of the United States has power to make the Government of the United States responsible under such circumstances; that it is far more important in the principle that is established by this than the sum of money paid. In the second place, saying it

with great respect, the emergency fund given to the President of the United States in the general nature of a secret-service fund is not such a fund as should be treasured upon in such a settlement; that this does not in any real sense of the word constitute an emergency arising in the diplomatic and consular service, nor does it come within the general nature of a secret service, but it is simply a diplomatic difficulty to be settled through the ordinary diplomatic officers of the Government by negotiation, and if a treaty is required to be considered and ratified by the Senate.

In both aspects of the matter, without regard to the question whether the settlement is a fair settlement, the mode of that settlement is contrary to the nature of our form of government and our peculiar institutions. I do not mean to criticize the amount of money involved in the settlement; about that I know nothing; it may be a proper sum. Nor do I mean to say that the Government of the United States, under the circumstances, is not responsible. What I submit is that the President under our form of government has not the power to make the United States responsible under such circumstances, and that in his action, if sanctioned, we have a precedent which from this time forward destroys internationally our peculiar form of government as a government of States forming a national union.

Mr. SIMPSON. Besides, the President has assumed the functions of the Senate and of Congress.

Mr. HITT. Mr. Chairman, the discussion of this whole question took place with great fullness a year ago, and is to be found in the published document of the correspondence in relation to the killing of persons at New Orleans on March 14, 1891. The whole questions of international right and law were then gone over and the position of our Government was stated with clearness. It will be recollected that at that time the Italian Government made a very energetic protest and demand for reparation and punishment of the murderers, with intimation that the Italian minister would be withdrawn if this were not at once done; and in fact the minister immediately left. The reply of Secretary Blaine sent to Marquis Imperiali April 1, 1891, states with precision and dignity the position of the United States, and adds:

I have repeatedly given to Baron Fava the assurance that, under the direction of the President, all the incidents connected with the unhappy tragedy at New Orleans on the 14th of March last should be most thoroughly investigated. I have also informed him that in a matter of such gravity the Government of the United States would not permit itself to be unduly hurried.

You will remember, gentlemen, the approving response which the country gave to those words when that imperious and impatient demand was made by the Marquis Rudini.

Nor will it make answer to any demand until every fact essential to a correct judgment shall have been fully ascertained through legal authority. The impatience of the aggrieved may be natural, but its indulgence does not always secure the most substantial justice.

The Marquis Rudini then said he meant to ask prompt judicial proceedings when he had had said punishment.

The Marquis Rudini—

Says the Secretary of State, in his reply of April 14, 1891—

may be assured that the United States would recompense every Italian subject who might "be wronged by the violation of a treaty" to which the faith of the United States is pledged. But this assurance leaves unsettled the important question whether the treaty has been violated.

He recalls the conclusions maintained by Mr. Webster in 1851, then Secretary of State, in the case of mob violence in this same city of New Orleans, when the feeling against the Spanish led to an outbreak; and he points out the difference in our Federal system between the authority and responsibility in the first instance of the State and State authorities and the Federal Government, and the limitations on the authority and responsibility of the Federal Government.

The President directed the Attorney-General to cause full inquiry to be made whether the case was for the State or Federal authorities, and treated with respectful discussion the demands of the Italian Government. So the investigation proceeded. A year passed. The investigation with the care and deliberation due to a question involving important international relations took place. At last, after reports from the officers who were charged with the inquiry into the facts, the claim of the Government of Italy that, of the eleven men killed, the larger part were subjects of the Italian Government, was much reduced; in fact, nationality or naturalization appeared uncertain as to several of the men killed, though several were undoubtedly Italian subjects.

In the communications which, as the gentleman from Kentucky knows well, are usually oral between negotiators under these circumstances, a point was reached where it was found by the Secretary of State that the whole matter in controversy between the two countries could be settled immediately by paying right then a sum, which amounts to less even than the lives of the subjects of Italy who had been killed, as it appeared by the reports, in disregard of law and treaty, would have been accounted

by the State laws in the matter of damages in cases of persons losing their lives by railroad accidents, \$5,000 each. Then, as that "emergency" had come when, without a single word of further discussion, by the payment of this little sum of \$25,000, the two nations could be put instantly at peace and the whole question disposed of—

[Here the hammer fell.]

Mr. BRECKINRIDGE of Kentucky. I ask unanimous consent that the gentleman's time be extended. This is an important matter.

Mr. BLOUNT. I move to strike out the last word, and yield my time to the gentleman from Illinois. We shall probably get into confusion if we do not adhere to the rule.

Mr. HITT. Mr. Chairman, this was clearly a moment which might readily be defined as an "emergency," when, by a small payment of money, the amount of which the gentleman from Kentucky has shown he appreciates was not the important point, a great end could be instantly attained—when the payment gracefully and promptly of this little sum would readjust the relations of the two nations—a moment, too, when those relations were peculiarly important, the Italian Government having been chosen one of the arbiters in a great question of high importance to us; and when we were earnestly and ineffectively soliciting the participation of the Italian people and Government in our international fête at Chicago. These substantial facts made this what I think anyone must recognize as an "emergency"—just what was anticipated by the law appropriating \$80,000 to meet unforeseen emergencies.

Mr. MCCREARY. I wish to ask the gentleman whether Congress was not in session at the time and whether the President could not by a message have asked Congress to appropriate \$25,000?

Mr. HITT. The gentleman's question, of course, is not intended to be answered yes or no, for everybody knows that Congress was in session. The question of the gentleman substantially is, why was not the matter communicated to Congress? The reason is, and I thought I had stated it by implication, that the force of the act lay in doing it at once, and so it was an emergency. Sending a communication to Congress would of course have involved delay and public discussion, perhaps long discussion and delay, and apparent haggling in dealing with this great question which could be amicably and conclusively arranged for this petty sum in a day, might have averted or defeated the end in view, a prompt and cordial restoration of amicable relations.

Under other governments having parliaments of far more peremptory powers than the Congress of the United States—in Great Britain, for example—it is deemed best not to give publicity to steps concerning international interests when Parliament and public officers and the people are satisfied that those charged with public duties are earnestly and faithfully discharging them to the best of their ability, and that publicity could not forward the matter. We have a similar opinion of our Executive, and like trust in the loyal zeal and skill and patriotism with which duty will be met in "emergencies"; and I am sure no member of Congress would want to elicit or provoke a discussion which would detract from the force our ministers should exert in a negotiation of this kind or impair in any way the likelihood of complete success.

Mr. McMILLIN. The question I wish to ask the gentleman from Illinois, with his permission, is, what authority of law the President of the United States has, or the Secretary of State, to adjudicate the liabilities of the Government of the United States, or to assume that the Government was liable and undertake to make a settlement? Under what law has he the power to do that?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE of Kentucky. Mr. Chairman, permit me to say a single word further on this subject. As to the former correspondence of the Secretary of State upon this question I have no criticism to make. The spirit exhibited was proper, and I indorsed it, and also indorsed that part of the correspondence which called the attention of foreign governments to the relation of the United States, under our particular form of government, to the States, and refused to admit that the Government was liable for indemnity without judicial proceedings had according to law in the State where the alleged wrong was committed.

The President of the United States also thought fit to submit to Congress a very weighty recommendation that Congress should provide by statute for just such cases under the constitutional provision which makes treaties, together with the laws of Congress, the supreme law of the land. This Congress has not seen fit to do this.

Now the President—and that is the point that I desire to emphasize—the President, after having remitted the question to Congress, undertakes to settle it by a payment out of a fund appro-

appropriated for other purposes; and thereby also settles for the country, first, the precedent that the Government of the United States is liable without judicial inquiry in the given State where the alleged crime is committed for an act which was done against the citizen of a foreign government. Second, that the President, as President, without the intervention of the Senate or of Congress, has the power to adjudicate and settle these diplomatic difficulties and adjudicate and pay claims that may arise under such circumstances without a distinct appropriation for that purpose; and third, that a particular fund given him for one purpose can be used for another and an entirely different purpose, not contemplated when the appropriation was made.

Now, it seems to me that, without any special criticism as to the particular settlement, Congress ought simply to say, however in this matter the settlement on pecuniary grounds may have been a good settlement or on international grounds however kindly and generous the sentiment may have been, it is not an act which, unwarranted as it was, we can indorse and approve.

I thought it not improper to say this much while this section is under consideration.

Mr. McMILLIN. Mr. Chairman, I rise for the purpose of expressing my hearty concurrence in the sentiments uttered by the gentleman from Kentucky [Mr. BRECKINRIDGE]. I do not propose to criticize the amount paid to the Italian Government by way of settlement. Whether that was correct or not, or whether it was or was not a good settlement from a mere economic view, is not the material question here. What I want to criticize is the fact that the President of the United States undertakes for the first time in our history to adjudicate, single-handed and alone, the amount that shall be due to a foreign nation for an injury committed upon one of its subjects on our territory, and to make a settlement and pay such claim out of a fund that was never appropriated to be used in that way. Congress was in session; why not lay the matter before them? Why should he assume to be sole judge of whether or not the demand was one for which the Federal Government was liable? Why should he assume to determine how much was due?

There was no contemplation that this fund would ever be diverted to any such use as that, and, furthermore, if it had been known that it was to be so diverted, Congress, while it might have made a settlement like this if it saw fit to do so, and may have paid the same sum or a larger sum if it thought proper, would still have reserved to itself the right to make the settlement. The President has no right in the premises except that which comes from appropriating money that is in his hands for specific purposes. Why not call on Congress for authority?

I know my friend from Illinois [Mr. HITT] has said that an emergency had arisen. If "the emergency" is so great that the Congress of the United States can not take hold of it, certainly the President ought not to presume to do so.

A MEMBER. Was it not a good settlement?

Mr. McMILLIN. It may have been a very economical settlement; it is certainly one that assures peace, and that is something greatly to be desired. But there are things in a republican system and in free government that are more desirable than either economy or peace, and one is adherence to the forms of constitutional government.

We have a President already exercising the right to impose taxes without convening Congress if not here, or consulting Congress if here. Now, we have a President assuming to take a fund that was never expected to be used in the way it was used, and making a settlement, and also, so far as one man can commit the Government to it, placing us in the position that if a riot or a mob in the States occurs, the Government of the United States is liable to foreign governments for injury inflicted upon their citizens.

If the President may impose taxes without Congress, as he does under the last tariff law, and then spend it without consulting Congress, as he has done in this instance, why not abolish Congress? That, I hold, was a question for Congress, not the President. I thought it proper to say this much, Mr. Chairman, in that spirit of candor which I think should characterize the men who represent the interests of a great people on this floor.

Mr. COX of Tennessee. Before my colleague takes his seat will he allow a question?

Mr. McMILLIN. With pleasure.

Mr. COX of Tennessee. In the payment of this money by the President, does it not necessarily decide the question that liability did attach to the Government of the United States?

Mr. McMILLIN. Of course, and commits the Government to that idea so far as one man going beyond what he was expected to do could commit it. But what I want to say is, that it is for Congress alone to determine this in the future, and no man born of woman can undertake to determine what is the liability of this Government in such a case.

Mr. COX of Tennessee. Another question with the gentle-

man's consent. Did the honorable Secretary of State announce in that discussion which passed between the two governments that these citizens had the same legal rights that citizens of the United States would have in the courts and nothing more?

Mr. McMILLIN. I so remember. If he did not announce that, he did not announce the whole case, for that certainly is the case.

Mr. BUSHNELL. Mr. Chairman, I would like to inquire of the chairman of the committee what communication the committee or the House have had with the President with relation to the payment of that \$25,000. Do I understand that this \$30,000 is inserted in this bill with a view to providing for that \$25,000?

Mr. BLOUNT. Not at all, Mr. Chairman. The diplomatic and consular appropriation bill always contains an item "emergencies arising in the diplomatic and consular service." Now, these appropriations carried by this bill are not available until the 30th of June, and therefore have no application at all to this matter. There was a bill passed by the last Congress providing for this current fiscal year, and in that there was contained a fund of \$80,000, and the President, or the Secretary of State, and I presume both, finding that this fund was large, and that they might avail themselves of it, did use it for the purpose of making the payment and the money is actually paid.

Mr. BUSHNELL. Then this proposed appropriation has nothing to do with the \$25,000?

Mr. BLOUNT. Nothing whatever.

Mr. BUSHNELL. As that is already paid?

Mr. BLOUNT. Yes; and I think it very proper to cut this item down, because the largeness of it seems to tempt to a very liberal construction.

Mr. McMILLIN. Was there ever in contemplation, when that appropriation was passed out of which this payment was made, that it would be so used?

Mr. BLOUNT. I can not conceive that anybody contemplated its being used for any such purpose.

Mr. McMILLIN. Then I agree with the gentleman that we ought to begin to cut off the supplies, if they are being improperly used.

Mr. BOUTELLE. Does the gentleman from Tennessee object to that payment?

Mr. McMILLIN. I criticize the President of the United States for assuming to make it. I do not criticize the amount, for that is the main question.

Mr. BOUTELLE. Do you think it would have been better for Italy to have collected the indemnity from the State of Louisiana?

Mr. McMILLIN. I think it would have been better to go at it in a legal way, and not for the President of the United States or the Secretary of State to assume to adjudicate a question that is clearly outside of their functions.

Mr. BOUTELLE. Perhaps they did not take that view of it.

Mr. MCCREARY. I want to answer the question of the gentleman from Maine [Mr. BOUTELLE]. He wanted to know of the gentleman from Tennessee if he thought this amount ought not to have been paid, or whether the State of Louisiana ought to have paid it. You will find that when the officer representing Italy accepted \$25,000 he accepted it upon the condition that—

The King's Government does not hesitate to accept this indemnity without prejudice to the judicial steps it may be proper for the parties to take.

So that although the \$25,000 has been paid, it has been accepted under such conditions as to leave the parties who have been damaged with judicial rights, the same as they had before.

Mr. McMILLIN. And recognizing, so far as the President could, our liability.

Mr. BOUTELLE. I move to strike out the last word. The gentleman from Kentucky [Mr. MCCREARY], of course, draws the very palpable distinction between the adjustment of an international controversy between the United States and Italy, and the pendency of any claim or litigation that there may be between citizens or residents of a State of the American Union, under the laws of the State.

Mr. MCCREARY. But I understood you to intimate that this would be in full to the parties that were damaged.

Mr. BOUTELLE. I want to say further to the gentleman from Kentucky that my inquiry of the gentleman from Tennessee [Mr. McMILLIN] was not based upon any idea of suggesting the propriety of Italy claiming any indemnity from the State of Louisiana. It was based upon this: That during that controversy, when these people who had been tried and acquitted in a court in the State of Louisiana, and were in the sanctuary of the jail, were assassinated, and the Italian Government called upon the United States to answer for that treatment of men alleged at that time to be Italian subjects, the question arose whether the United States were responsible as a nation for what occurred in a State; in other words, whether we had that sort of nationality that enabled us to answer to a foreign government for the

fulfillment of our treaty obligations; and I recollect reading at that time in some New York paper a telegram which seemed to me to strike at the meat of the controversy, in which one of the members of the foreign office in Italy, I think the assistant foreign minister, in discussing this question in reply to the suggestion that under our Constitution the Government of the United States had no power to make reparation for any injury inflicted upon a foreign citizen within the territory of a State, he said, "Very well, if your Constitution will not permit you to carry out your treaty obligations, you had better either reform your Constitution or abrogate your treaties;" and he further said: "If the Government of Italy, when it is aggrieved by an outrage or injustice to its citizens, is debarred from seeking reparation from the Government of the United States, why then we will have to recognize the sovereignty that is responsible, and make war upon the State, or take measures for a declaration of hostilities towards the community." He said: "We can not understand how you make treaties that guarantee to our people protection and safeguards similar to those which we guarantee to your citizens here, and then, when they are murdered or otherwise injured or outraged, how can you take refuge in a Constitution under which you say the Government has no power to exercise its protection over a foreign citizen, or to extend the *axis* of its treaty obligations within the limits of a State."

Mr. McMILLIN. But right there my friend from Maine [Mr. BOUTELLE] will observe that the very point of shielding the State or citizen from any liability has not been guarded by the President, as I understand.

Mr. BOUTELLE. If the gentleman examines that case a little more closely he will find—

Mr. McMILLIN. The receipt which was given was a very peculiar one.

Mr. BOUTELLE. I think you will find that the attitude of the Italian Government to-day is this: That they have accepted from the United States Government this indemnity as entirely discharging the obligation of the United States for whatever onus may have rested upon us as a nation, but that it is not to be regarded as prejudicing any right that may arise in the State of Louisiana or under the laws of that State or under the laws of the United States, as affecting what had transpired within that territory. It seems to me the distinction is very clear.

Mr. COX of Tennessee. Before the gentleman takes his seat I desire to ask him a question. I move to strike out the last word.

The SPEAKER. The Chair had recognized the gentleman from Illinois [Mr. POST] unless he yields.

Mr. COX of Tennessee. The question I want to ask the gentleman is this: If the liability attaches to the United States on account of that affair, it must attach by virtue of a treaty. Is that not so? Now, is it not a fact that the treaty only stipulated that the protection to be granted to the citizens of Italy should be the same as is granted to the citizens of the State of Louisiana?

Mr. BOUTELLE. That is true.

Mr. COX of Tennessee. Now, then, suppose a mob had assassinated a citizen of the State of Louisiana? Upon what principle do you make the Government responsible for that?

Mr. BOUTELLE. The answer to that is that the Government of the United States undertook to extend to the subjects of the King of Italy sojourning in this country the same kind of protection that it extends to the citizens of the States.

Mr. COX of Tennessee. The courts are open to them.

Mr. BOUTELLE. Oh, well, if the gentleman desires to place himself upon the broad ground that a citizen of a foreign country or a citizen of the United States who has been subjected to the arbitrament of the laws of a State of the Union, and under those laws has been acquitted of an offense, or declared innocent of the crime, that such men are men held under the safeguard of the laws of the State can be assassinated, and yet that the Government of the United States has neither power to offer reparation to a foreign government or to provide reparation to one of its own citizens, he minimizes the power of this Government to a degree that I can hardly contemplate.

Mr. COX of Tennessee. Pardon me, in reply, for stating that the "gentleman" has no desire of that kind, but when the plain treaty stipulation is that a foreigner shall have the right to sue in our courts just as a citizen has the right to sue, "he" sees no reason why a privilege should be granted to a foreigner which is not extended to a citizen of the United States.

Mr. BOUTELLE. It is the purpose of the United States to extend the same guarantees to the citizens of all countries as it requires for her own citizens who happen to be in other countries, and it guarantees what we surely would demand for our own citizens from the strongest nation on the globe.

Mr. POST. Mr. Chairman, I do not see how the question that is now being discussed is properly before the House. The fund

from which this money was taken, if it was taken from the fund under discussion, was positively put at the disposal of the President to serve the best interests of the Government. It was in the Mexican war, I think, that a lieutenant commanding a sloop of war was sent around to reconnoiter a Mexican port of which the admiral desired to take possession. He was to go there and wait until the admiral could bring his fleet around to capture the port.

The sloop of war coming suddenly on this port found the defenders in confusion, and, without hesitation or waiting for the admiral, took possession of the port and accomplished the object of the expedition. Although I believe, as a matter of fact, the lieutenant was court-martialed for disobedience of orders, yet, at the same time, the country applauded the pluck with which he did it, and it always will applaud an executive who is wise and successful, an officer who takes advantage of those circumstances which insure success.

The President of the United States is charged with the duty of protecting the foreign interests of the United States. He must act promptly and wisely, taking advantage of every opportunity to prevent international difficulty. If he fails to do that, if he fails to use the means placed at his disposal when it is plainly for the interest of the nation to do so, he would be justly condemned. He will not be when he averts international difficulty by the prompt use of the means placed at his disposal for emergencies in our foreign relations.

Now, Mr. Chairman, this proposition is to retrench from an appropriation which is never used in full, from an appropriation that is notoriously larger and must necessarily be larger than it is expected to be used.

I confess that I think the appropriation recommended by Mr. Bayard when he was Secretary of State, and which has always been continued, might be wisely continued by this Congress.

Mr. HITT. Mr. Chairman, a great deal of the debate has been in the form of questions, I supposed some of it more for the purpose of expressing implied opinions than of eliciting answers. But the subject of the liability and obligation of the Government in these international cases has been set forth so often and fully in the volumes of diplomatic correspondence that have been printed that I will not weary the House by reading or citing them. Mr. Webster stated the rule in the first New Orleans case, the Spanish case, and Mr. Blaine restated it in his dispatch to the Italian minister, April 14, 1891. Our Government is not liable for lives or property of foreigners lost where it is not by act of the Government or its officers, but a mob, unless the public authorities connived at the destruction or neglected to prevent it; nor in this case, unless Italian subjects in New Orleans, peaceful and law abiding, suffered by the neglect of public officers to do their duty or connived at the violence, and failed afterwards to take steps to bring the guilty to trial.

If a treaty guarantees protection to citizens and subjects of another country, it has always been recognized as a matter which the other country may fairly complain of when such violence and destruction occur, and ask for an explanation and a rectification, or indemnity; and we have accorded it in past instances. We have done it by acts of Congress, we have done it by acts of the Executive. When a favorable opportunity arose to dispose of such a complaint, which had brought grave consequences, and do it at once, by a small payment made in a satisfactory manner and promptly, it was an emergency and a time to follow the precedents. We do this without directly admitting the legality of the claim. When Chinamen were murdered by hundreds in a Territory in disregard of the authority of law, or in the absence of the officers of justice, we paid them an indemnity for losses to the families in large sums of money, but said it was from a sentiment of humanity—not strictly admitting it to be a legally binding claim.

Again, there was the Spanish case. Here was a case which was exceedingly grave as to consequences threatened, because the attending circumstances were such as to lead to almost rupture—the withdrawal of the Italian minister from Washington, the withdrawal of our minister from Rome, and a check to the intercourse between two great governments and nations that had been cordial and friendly. That became a very grave question, which menaced vast interests of many kinds. A moment arose when the settlement could be made quickly and easily. No admission was made of any dangerous rule. In Secretary Blaine's dispatch of April 14, 1891, he states the position of the United States in his dispatch to Imperiali, where he says: "No foreigner shall ever be in a better position in this country than an American citizen."

The courts are open to the American citizen. After all that had been considered, and after investigating the condition at New Orleans, the violence done, and such evidence as the Italian minister presented of who were the sufferers, the moment seemed to arise exactly described by the word "emergency" placed in

this law. It was found in consultations with the representative of Italy, the chargé d'affaires who was temporarily filling the post, to prevent nonintercourse, that there could be an easy adjustment, and it was wisely seized as an emergency, and the money paid, but not to meet a claim under a rule of law.

Mr. McMILLIN. I wish to say that if the word "emergency" is to be construed to give the President such power as has been assumed in this case I should be in favor of striking out every cent of this emergency appropriation.

A MEMBER. Why?

Mr. McMILLIN. Because I do not wish this power conferred on the President. It does not belong to him under the Constitution; he ought not of right to have it; and if this appropriation of an emergency fund is construed by him and those under him to carry with it the authorization of such action on his part I would strike out the whole emergency fund.

Mr. MCCREARY. I do not think it would be well to strike out the entire fund.

Mr. McMILLIN. I am only stating what I would do if that is to be the construction.

Mr. MCCREARY. There are certain emergencies in which the President ought to have money to use as an emergency fund.

The question being taken on the amendment of Mr. BLOUNT, it was agreed to.

Mr. CHIPMAN. I move the amendment which I send to the desk.

The Clerk read as follows:

Insert the following:

"Provided, That no part of the sum hereby appropriated shall be paid to any foreign power in settlement of any claim of such power against the United States."

Mr. CHIPMAN. Mr. Chairman, the argument made by the gentleman from Illinois [Mr. HITT] in defense of the payment in the case of Italy would establish a power on the part of the President to settle any difficulty, to make any apology, and to dispose of any amount of the public money, unless he be limited by the amount of the appropriation for emergencies, for that appropriation must be the source of his power if he possess it at all. Without desiring to be censorious, it occurs to me that the action of the President in this case presents a very serious question.

If his conduct in this instance was constitutional, then he alone, without the aid of the Senate, and in defiance, it may be, of the House, can determine what attitude we shall take in regard to any foreign difficulty. He may make an apology to a foreign nation for conduct on our part, conduct which Congress, the war-making power, might be unwilling to apologize for—which, on the contrary, it might be willing to go to war rather than apologize for. This is simply a practical assertion by the Executive of the power to apologize or to pay such sums of money or to make such terms with a foreign nation as may seem to him to be prudent and proper.

Now, I am not assailing the amount involved in this settlement, nor the propriety of an indemnity of some amount; nobody assails either, but the important question is the principle involved. If we do not in some way demur to that principle, if we do not by some action in connection with the pending appropriation of an emergency fund now to be granted enter a protest, this Italian case is a precedent, and we in substance declare that to the exact limits of any emergency fund which we may vote the President may apologize, may make terms or concessions, may give rights or assume obligations without any check whatever either from the Senate or the House, and without any consultation with anybody. Nay, more, it is a practical announcement to the world that the President has a general, unrestricted power in this respect.

Mr. DINGLEY. Would your amendment change what you described as a possibility on the part of the President? He might "apologize," after your amendment had been adopted.

Mr. CHIPMAN. The gentleman is asking what he thinks is a very cute question. He understands the object of the amendment just as well as I do. It prohibits a use of the emergency fund for the settlement of foreign claims.

Mr. DINGLEY. But your argument proceeds beyond the amendment.

Mr. CHIPMAN. My argument proceeds clear beyond it, and yet has not half embraced the case. We have been very temperate. We have not assailed or denounced this usurpation of power in the manner in which it should be assailed and denounced. I simply propose that this emergency fund shall not be diverted from its proper purpose; that is the object of my amendment.

Mr. BOUTELLE. Will not the gentleman state his view as to the purpose of this emergency fund?

Mr. CHIPMAN. Suppose the President wishes to send a confidential messenger abroad; that would be one object; there are other objects which the gentleman can imagine as well as I can.

Mr. BOUTELLE. It seems to me that is clearly within the purview of the appropriation.

Mr. CHIPMAN. There I differ entirely with the gentleman.

Mr. BOUTELLE. The precedents show that it has been so regarded.

Mr. CHIPMAN. I know of no such precedents. This is a matter which involves the power of this House, as in the Chinese matter. In that matter Mr. Cleveland came to us. Now, as I understand, the President does not recognize our liability to pay an indemnity; he has adopted this course as a mere act of comity. How can he, standing by himself, be generous with the public treasure of the country? We are the representatives of the people in that regard.

Mr. BOUTELLE. I should say he could do so, because Congress has given him the power, within that very limited circumscription—the amount of the fund.

[Here the hammer fell.]

Mr. McMILLIN obtained the floor, and yielded his time to Mr. CHIPMAN.

Mr. CHIPMAN. The gentleman from Maine says the President can do this because we have given him this very power in this emergency appropriation. That is arguing in a circle; it is begging the question. We must go to the Constitution, not to the emergency fund, to find out what the President's power is. The argument of the gentleman is simply that it is because it is.

Mr. BOUTELLE. But my friend seems to fall into the error of supposing that nobody else ever went to the Constitution until he arose upon this particular occasion.

Mr. CHIPMAN. Now, Mr. Chairman, no doubt the gentleman thinks that an exceedingly clever remark, though it is not so happy as some of his efforts at wit on this floor. I have known him to be quite witty. I suppose that I, humble as I am, may go to the Constitution with as much facility as the gentleman goes to the emergency fund, and the Constitution happens to be the standard.

Mr. BOUTELLE. The gentleman understands, I hope, that I meant no discourtesy. I merely wanted to suggest that the appropriation of this emergency fund year after year has presumably been based upon the conviction of Congress that such action as this on the part of the President was within the purview of the Constitution.

Mr. CHIPMAN. The gentleman misunderstands me entirely, or he misinterprets me: misrepresents me. What I say is that the emergency fund was not for the purpose of settling disputes with foreign nations, or to pay indemnities, nor was it a fund provided for the purpose of enabling the President to indulge his personal ideas of generosity. That is all I intend. I say that if there is generosity to be indulged in here is the place.

Mr. BOUTELLE. What, in this House? [Laughter.]

Mr. CHIPMAN. If there is any claim to be settled, here is the place to settle it. If there is an apology to be made, here is the place to direct it to be made. And if, above all, another precedent is to be set, to govern our relations with foreign nations, here is the place to authorize it. Our relations, composed as we are of a dual government, are very complex; and how far we are responsible for what occurs in the States is a question of very serious importance. Foreign nations must take notice of our form of government. We are not a barbarous nation. We are not like Dahomey, or other nations of that sort, whose form of government is barbarous; or even, I might say, like that of the unspeakable Turk. We are a nation whose Constitution is known to the powers of the world; whose form of government is local and general. Civilized states exert pressure, force, to bring to civilized comity barbarous people and make their relations what they ought to be to the family of nations, regardless of their polity, and compel them to adopt another polity.

My contention is, Mr. Chairman, that it is not for the President to commit us in a matter of this kind, but for us to maintain here our dignity as a civilized nation—to set our own precedents, and to insist that the peculiarities of our Government shall not only be recognized, but shall be respected by all the nations of the earth with whom we have intercourse. In a word, I hold that if the treaty with a foreign government does not so express it, yet such treaty always carries that understanding, for without that understanding the dual form of government in this country would be utterly incompatible with any relations with those governments.

The President assumed a position here, and it has been properly said by my friend from Kentucky [Mr. BRECKINRIDGE] that position becomes a precedent, and it is not in his power to set a precedent of payment of public money without an act of Congress. If precedents are to be set, they must be set by the treaty-making power, or by Congress, exercising its functions under the Constitution.

[Here the hammer fell.]

Mr. POST. Mr. Chairman, I want to say again that I do not

care to continue this discussion about a matter that is not properly before the committee. But I want to ask a question of the gentleman from Michigan before he leaves the floor. This question is here now as I understand it merely because a newspaper report has been read at the desk. I am not aware of the truth of the facts it contains. It may be correct or it may not be correct.

Mr. McCREARY. Will the gentleman allow me an interruption?

Mr. POST. Certainly.

Mr. McCREARY. I sent that article to the desk and had it read. It bears the signature of Mr. Blaine, the Secretary of State.

Mr. POST. Do you recognize his signature?

Mr. McCREARY. It is a copy of a paper which he signed, which was obtained by the Washington Post, and it stands correct until the gentleman can assert that he knows it to be incorrect.

Mr. POST. Well, I do not assert that it is incorrect, for I do not know.

Mr. McCREARY. Do not you believe it is correct?

Mr. POST. It may be. I am not denying that. But I contend that it is not properly before us.

But I rose to ask a question of the gentleman from Michigan, who announces that the President might perhaps make an apology to a foreign nation for some injuries supposed to have been committed without the consent of Congress. I want to ask him distinctly where he supposes under our form of government, of which he speaks so eloquently, the authority rests to make an apology to a foreign nation. Where does that authority reside?

Mr. CHIPMAN. I think the authority to make it rests in the full body of Congress or in the treaty-making power.

Mr. POST. That the President can not—

Mr. CHIPMAN. I do not believe that the President has power under the Constitution, and that it rests with the treaty-making power or with Congress.

Mr. POST. Can the gentleman state an instance where the President has sent in a message saying that there had been a wrong committed against a nation and he proposed to state to such foreign government that the Government of the United States was sorry the wrong had been committed. Can you state an instance of that kind?

Mr. CHIPMAN. I can not understand your question.

Mr. POST. I say does the gentleman know of an instance where the United States has apologized and regretted the action of one of its agents except those made by the Executive of the United States. Can you state a single instance in which it has been brought before Congress when such apology was about to be tendered?

Mr. CHIPMAN. The result of whatever has been done has been communicated to Congress for their action; but there are a great many things which have been done and are being done under our form of government of which I do not approve, of which I never did approve. I do not approve, for instance, of your tariff, your subsidies, nor of a hundred things which are being done all the time. I consider this to be one of the abuses, and if there are precedents for it, let us override the precedents at once; let us get rid of them. Let us stop it. Let us have no more such work.

Mr. POST. It is a very grave question with me whether there is anything about the Government that you do approve of. You are very much more swift to condemn than to approve.

Mr. CHIPMAN. The gentleman is entirely in error. He is a part of the Government, and so far I approve of him. He appears to behave himself very well indeed. [Laughter.]

Mr. POST. You disarm me.

Mr. POWERS. Will the gentleman from Michigan [Mr. CHIPMAN] allow me to ask him a question?

Mr. CHIPMAN. Certainly, although I have not the floor.

Mr. POWERS. There is a point that I desire light upon.

A MEMBER. Move to strike out the last word.

Mr. POWERS. I will move to strike out the last letter of the last word.

Mr. CHIPMAN. The gentleman asks leave to strike out the last word in order that he may call me up and interrogate me. I wish to know if that is parliamentary? [Laughter.]

Mr. POWERS. I know the gentleman is an encyclopedia. I want to inquire of the gentleman from Michigan whether in the past history of the country there have been any instances in which the President has had occasion to use and has used any of the emergency fund, so called, for a purpose similar to the Italian incident?

Mr. CHIPMAN. I do not know. Does the gentleman know of any?

Mr. POWERS. I inquired for information, because I did not know.

Mr. CHIPMAN. I do not believe there is a man on this floor who knows. I never heard of any such thing before.

Mr. POWERS. I will ask the chairman of the Committee on Foreign Affairs if he has knowledge of any such thing?

Mr. BLOUNT. I did not hear your question.

Mr. POWERS. I suppose we have had a statute similar to the one proposed in this bill, creating an emergency fund, for many years.

Mr. BLOUNT. Yes, for some time.

Mr. POWERS. That has been on the statute book a great many years.

Mr. BLOUNT. Yes.

Mr. POWERS. Now, in the past history of our Government have any of our Presidents had occasion to draw upon that fund for the purpose of paying an indemnity for transactions similar to the Italian incident?

Mr. BLOUNT. Not that I know of. I wish to say, however, in all frankness, that the use of this fund is not to be found set out in the reports, because it is usually paid out on a warrant from the President, and is not intended to be known to the public, and I have not sought to go into it for the purpose of ascertaining.

Mr. POST. That payment does not commit the Government in any way.

Mr. POWERS. Is there any precedent in our past history for the payment of an indemnity without consulting Congress?

Mr. BLOUNT. Not that ever I heard of, but I do not claim to have gone into that secret account.

Mr. POST. It may have been done under the secret-service account.

Mr. BLOUNT. But I have no idea that it has been done.

Mr. HITT. I do not suppose the chairman of this committee, or any member of this House, or anyone who ever was a member of it, could answer that question. It is a part of the secret-service, and is in the discretion of the President.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CHIPMAN].

The amendment was again reported.

The question being taken, the Chairman announced that the ayes seemed to have it.

On a division, there were—ayes 84, noes 42.

Mr. RAY. No quorum.

Mr. BLOUNT. I hope gentleman will be content to exercise their right of taking a yea-and-nay vote in the House on this amendment.

Mr. CHIPMAN. That is perfectly satisfactory.

Mr. HITT. That right can be reserved.

Mr. BURROWS. I do not believe the committee are entirely clear as to what the effect of this amendment will be. Therefore I ask my friend the chairman of the Committee on Foreign Affairs [Mr. BLOUNT] if he will not permit this amendment to be passed over?

Mr. CHIPMAN. It is my amendment. The Chairman has no control over it.

Mr. BURROWS. I want to ask you [Mr. CHIPMAN] if you will not permit this amendment to be passed for the time being and take it up on Monday? I would like to look at it, and I think it would be better to do that.

Mr. CHIPMAN. I think I ought to insist on a vote.

Mr. BLOUNT. I want to suggest to my friend from Michigan [Mr. CHIPMAN] that this is a matter that seems to take a partisan turn, and gentlemen on the other side are opposed to it by reason of that fact, and are asking time to examine it. I think we would save time by letting it go over.

Mr. CHIPMAN. I had no idea there was any politics in this—not the least suspicion [laughter]; but as there seems to be, I will consent to the request of my colleague from Michigan [Mr. BURROWS].

The CHAIRMAN. Will the chairman of the committee [Mr. BLOUNT] submit his request?

Mr. BLOUNT. I ask unanimous consent that this amendment of the gentleman from Michigan [Mr. CHIPMAN] may be passed over until the next sitting of the committee.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that this amendment may be passed over without prejudice until the next sitting of the committee? Is there objection?

There was no objection, and it was so ordered.

The Clerk read as follows:

CONTINENTAL RAILWAY COMMISSION.

Payment of the share of the United States of the expense of a preliminary survey for a continental railway as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000.

Mr. BLOUNT. I offer the following amendment.

The Clerk read as follows:

In line 12, on page 9, strike out the word "commission" and insert the word "survey."

Mr. BLOUNT. Mr. Chairman, this is a matter that involves the intercontinental survey; and I ask unanimous consent to pass over this section and the following until we have finished the remainder of the bill.

Mr. McCREARY. I agree with the gentleman from Georgia in his request. The paragraph about the "intercontinental railway" and the paragraph on the "international union of American republics" that he refers to are both of them very important, and I agree with him that it would be appropriate to pass them over, and take them up the next day the committee considers this bill.

Mr. BLOUNT. That is the request I made—to pass these two paragraphs over informally.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] asks unanimous consent to pass over informally until the bill is completed the two paragraphs he has mentioned. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

SCHEDULE B.

SALARIES, CONSULAR SERVICE.

Consuls-general at London, Paris, Havana, Rio de Janeiro, and Liverpool, at \$5,000 each, \$25,000.

Mr. BLOUNT. I offer an amendment to the paragraph just read.

The Clerk read as follows:

In line 7, page 10, strike out the words "and Liverpool," and also strike out the word "five" in line 8 of said section.

Mr. BLOUNT. This is simply a clerical error—a matter of arrangement.

The CHAIRMAN. If there be no objection, this amendment will be agreed to.

The amendment was agreed to.

Mr. HITT. I purpose offering another amendment now. I move to amend by striking out of lines 6 and 7 the words "Havana" and "Rio de Janeiro" and insert between the lines 5 and 6 the words "consuls-general to Havana and Rio de Janeiro, \$6,000 each, \$12,000."

The CHAIRMAN. The gentleman will reduce his amendment to writing.

The amendment was read, as follows:

On page 10, line 5, insert: "Consuls-general to Havana and Rio de Janeiro, \$6,000 each, \$12,000."

Mr. BLOUNT. Mr. Chairman—

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. HITT. I will state to the gentleman from Georgia that my amendment is to strike out of lines 6 and 7 the words, "Havana and Rio de Janeiro," and insert between lines 5 and 6 the words "consuls-general to Havana and Rio de Janeiro, \$6,000 each, \$12,000."

Mr. BLOUNT. I understand the object of the gentleman to be to strike out Rio de Janeiro and Havana from this paragraph and to make a paragraph above it for those two posts. Now, Mr. Chairman, I do not believe there is any occasion for raising these places above \$5,000 a year. I can see no reason for it. The business at Havana was \$25,567, and at Rio it is only a little over \$4,496; and \$5,000 is the amount of fees he collects in the office, so that \$5,000 is a very handsome salary, quite sufficient for a Senator or Representative in the Congress of the United States, and I have no doubt we could fill both those places for the amount fixed by this bill.

Mr. HITT. Mr. Chairman, the proposition of the gentleman is to cut down by this bill the salaries of the consul-general at Rio from \$6,000 to \$5,000, and to cut down the salary of the consul at Havana from \$6,000 to \$5,000. My amendment is to keep the law unchanged. The posts are both of great importance and the duties are the highest kind that are performed by any officers of the service. The gentleman again went back in the same old strain to measuring the office by the fees. Why, the consul-general at Havana is a man charged with a great deal of grave diplomatic duty, greater than the ministers at several of the courts elsewhere.

It is one of the places where grave questions concerning our international relations and questions of personal right and liberty arise more often than in Austria, Italy, or Russia, or several of the remote countries in the East. He is charged with the interests and the care of the persons of American seamen in vast numbers. The duties of the consul as an outpost of the Treasury are great, arising from the operations of our laws. This consul at Havana, in a country sometimes of arbitrary and irregular proceedings, is charged with a responsibility that is enormous. He is required to be a man familiar with Spanish

law as well as with the Spanish language. It is an expensive and unhealthy place.

The consul at Havana is largely a diplomatic officer, and, I may say incidentally, but not to detain the House with details, that the present consul has addressed to the Department 1,550 dispatches, and the instructions sent to him, instead of being as they are in the ordinary business, run away into the hundreds—so multitudinous and so grave are the questions arising.

The fees last year were not so contemptible as the gentleman intimates. They were over \$20,000—five times as much as the gentleman proposes to allow the officer. So that instead of its being a burden upon the Treasury he returns, even on the narrow proposition of the bill, a clear revenue to the Government of \$15,000.

But that test is the most delusive of all things when you are dealing with this West India trade. An invoice from Cuba costing a fee of \$2.50 very often covers \$100,000 of value in cargo. During the year 1889—the last year for which I have a return at hand—the amount of the commerce coming out of Cuba was \$36,277,849. This must all pass through the hands of the consul. There were more vessels bearing the American flag arriving at Havana and leaving it than perhaps at any other foreign port in the world. Out of the abundance of details concerning this matter I will give you one or two facts. Take the March return. During the quarter ending with March last there were 196 vessels; there were 5,687 seamen. These figures are but a meager indication of the business devolving upon the consul.

[Here the hammer fell.]

Mr. BLOUNT obtained the floor and yielded his time to Mr. HITT.

Mr. HITT. The consul has the care of those seamen; he has duties in connection with employing and discharging them and in sending home the effects of the dead. He uses his good offices, too, in the case of sailors in trouble; and this occurs very often with poor Jack, generally without any serious fault on his part. The custody of the ship's papers also falls upon this officer, and the protection of the number of American citizens there; and these are generally poor men—many of them are laboring men.

The time does not allow me to continue any extended discussion; but I have heretofore had occasion to examine this matter. From the great extent of the duties incumbent upon this officer the President frequently has difficulty in finding an able and suitable man as consul-general to Cuba when a vacancy occurs. More care, more peculiar forms of acquirement and ability are required than in the case of a minister at many diplomatic posts.

This officer receives no considerable compensation outside of his salary. The large amount of unofficial fees and perquisites received in European countries do not fall to this officer. Besides, he has to pay very heavily for the help employed in his office; and we never give him a sufficient allowance to cover it all. I do not know whether members are aware of the fact, but we do not allow these large consulates an allowance as clerk hire sufficient to pay for the actual expense. At London, for example, the consul-general pays \$6,000 a year for clerk hire and we only allow him, I believe, \$1,600. This officer is not paid too high.

The position at the Rio is very similar. The officer there has during the last few years been charged with the care of export trade to the United States of more than \$50,000,000 per annum. Besides, he is charged with the protection of seamen in a port the most frequented on the whole eastern coast of that continent. His compensation is a very moderate one and it is wrong to reduce it. It is an injustice to the service and disturbs its efficiency. I have selected these two positions upon which to test the sense of the House. I think they ought to be left undisturbed.

One remark before I conclude. I find that at Rio Janeiro the notarial fees of the officer are \$299.50. That is the extra pay going into this consul's pocket.

Mr. BLOUNT. Mr. Chairman, I am surprised at the irresistible tendency of my friend from Illinois [Mr. HITT] to exaggerate and magnify every point wherever there is a proposition in this bill to reduce expenditures. The gentleman's description of the scope of consular duties is not at all justified by the actual requirements of the service. There is no foundation for it in consular regulations or practice. The other day when I referred to the official fees as indicating the business at one of these places, the gentleman, with veritable scorn, declared that the business for which those fees are paid is but a very small part of the duties of the consul. He took us back five centuries and told us what consuls did then. Now, as an answer to the gentleman's exaggerated statement of the official duties of the consuls, I read from the Consular Regulations sent out by the Department for the guidance of the consuls themselves:

The duties of the consul are now for the most part commercial duties and have no representative character.

That is what the Secretary of State says: and yet my friend

from Illinois in his argument has declared that the commercial business is a very insignificant part of the duties of the consul. Why, sir, an official of this class has no right to communicate with the government of the country where he is located; all such communications must go through our minister located there.

If the Consular Regulations are to be taken as authority then the official fees are the guide which an intelligent man should select for the purpose of arriving at just calculations in this matter. Any gentleman who will take up the Fifth Auditor's report and see what this consul is doing and then take the Consular Regulations as the criterion of what is required of him, must come to the conclusion that almost the exclusive business of the consul is looking after invoices, although there may be some other small items of business.

My friend has told us of the enormous business done by the consul at Havana. From his statement you would think that this officer is run to death in the matter of looking after seamen. On examining the report of the Fifth Auditor, I find that there were 20 seamen relieved during the year at this consulate; \$40.74 was paid for board and lodging; \$7.80 for clothing; \$11.12 for medical attendance; and for other expenses \$407, making a total of \$467.

Then there are arrears of wages paid to the seamen \$2,492, and this constitutes the whole of the work.

Now, I have shown you that this covers the case of twenty persons, the number of sailors relieved. As to wages and arrears collected, my friend talks of that amount as though it were a very large sum, and involves a great deal of work on the part of the consul. As a matter of fact the ship comes into port and the ship papers show the wages due to the seamen, and the consul has jurisdiction to compel payment. It is a simple matter and cannot possibly involve any considerable labor.

Again my friend talks of the matter as if this business was done by the consul himself, and that it was an onerous labor. Why, he has an allowance of \$2,600 a year for clerk-hire.

Mr. HITT. And pays a good deal more.

Mr. BLOUNT. My friend from Illinois says he pays a good deal more. Of the truth of that I have no knowledge. I do not see what he wants with a good deal more. This record of fees indicates that if he was any kind of a business man and did any work he would not want any more.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCCREARY was recognized and yielded his time to Mr. BLOUNT.

Mr. BLOUNT. I am very much obliged to my friend from Kentucky.

Now, we come to the consul at Rio de Janeiro—the consul-general there. He collects, according to this report, \$4,496.50 in fees. My friend said the other day that that may represent millions of dollars in trade. Well, suppose it does. The “millions in trade” is not the matter that he is concerned about. He performs a certain duty. The merchant comes with his invoice and his declaration, and he is to place his certificate on it if he thinks the values are at all out of the way. Now, the products down there are not textiles, such as my friend spoke of some time ago. They are just that class of commodities which are easily investigated. The work is very simple, and the consul has nothing to do but to examine the invoice and sign the formal part of the papers. I venture the assertion that he can sign two hundred in a day. And further, I will venture the assertion, Mr. Chairman, that if he puts in honest day's work, in sixty days he would sign every invoice that comes from there.

Mr. MCCREARY. In the year?

Mr. BLOUNT. Yes, during the whole year. He has nothing else to do but that.

Again there has been much said in reference to our consular system and the reductions made here. I want the committee to understand, for I have not undertaken to debate it in general, as we go along among the various consuls we have found out what they are doing under their acquirements and under the consular regulations, and laws of the United States, and we have placed them in classes of \$3,500, \$3,000, and \$2,500, according to the grades that always obtained. I say we have done this, and I think we have done it with care. There are some instances in which we have omitted to do it, but wherever we have done it any man who will take the special case and examine it thoroughly, and discover all the facts in relation to it, will admit that we could have done nothing else.

The gentleman talks of a consul having earned \$20,000 and of our proposing to pay him but \$5,000. He did not tell the number of consuls where they are not paying \$100 though, and yet we are allowing them a compensation of \$1,500. It is only by the careful adjustment of the whole system, on correct business principles, that any just classification or any proper conclusions can be reached. The fact of a consul having certified \$20,000 of invoices does not entitle him to the \$20,000. But as a matter of fact so far as the city of Rio is concerned, the consul there gets

more than every dollar that he has collected from fees, and I think that as we go along item by item in the bill if gentlemen see fit to criticize it, and we challenge criticism all along the line, we can demonstrate the accuracy of our conclusions.

Mr. Chairman, I say that we challenge criticism because it is time that the country was understanding what this service really is. This foreign service is a good deal of a myth. The gentleman said it is because the people do not study it, and I agree to that. But I invite them to a study of it, and to the official papers in the Department itself. I invite gentlemen on the majority side of the House to go along with me and examine the official papers, and I do not doubt that they will coincide with me in the belief that the committee has done its duty faithfully in the direction of retrenchment and economy in the expenditures of the Government while fully preserving the service to meet all the requirements of our Government.

[Here the hammer fell.]

Mr. HITT. Mr. Chairman, a single word further on this subject.

The gentleman from Georgia, in rather an authoritative manner, spoke of the fact that the consul could have no diplomatic duties. This is the general rule of the service. But the consul-general at Havana has been charged, by order of the department, for long years with duties semidiplomatic, which he discharges regularly and very frequently, by interviews with the captain-general. The very dispatches I mentioned as having been sent by him, in relation to this business which he was carrying on with the captain-general, who is to some extent the viceroy of that island, indicate that fact. These same questions are often taken to Madrid.

Indeed, three-fourths of the questions that come to the legation at Madrid for the minister come from the consulate-general at Havana. The amount of commerce, the gentleman now thinks, is not of as much importance in finding out the duties of a consul and how hard he works. Remember the consul has charge of verifying the values in these statements which are sent, upon which is based the action of our customs officers when the goods reach the United States.

The merchandise coming from these ports is enormous in extent, and we hope to see this trade rapidly widened and enlarged. It calls for an officer of high ability, of the highest integrity, of experience, of special knowledge, and if you fix a cheaper price you will get a cheaper man. This has been a difficult post to fill, and I make this motion purely in the interest of the public service. I do not know anything concerning the personal interests of anyone connected with the places themselves.

Mr. BLOUNT. There is a consul-general, as appears from the debate; there are several consulates and several commercial agencies, more than a dozen, in this little island of Cuba, and my friend credits the consul at Havana with all that trade. The whole island is circled with consulates and consular agents.

Mr. HOLMAN. How many consuls?

Mr. BLOUNT. I have not time to count, but the map is beautifully spotted; as many stars as there are on the flag.

Mr. HOLMAN. Some eight or ten.

Mr. BLOUNT. More than that. And my friend has credited all this to Havana. He refers to the difficulties of communication at Cuba. Mr. Speaker, we are in great peril down there from that little island. I will venture to say that in a matter of any consequence between here and Havana there is communication at once with the State Department in a few hours; that one day will cover it.

The difficulties my friend speaks of are not so serious. They are all vague. He tells you of the great duties and the great troubles of the service down there; and while my friend was on this subject the other day he told you of the great responsibilities attending the making of invoices, but before he got through, going on to another subject, he told you, in discussing the matter of feed consuls, and saying you had to have foreigners in the place, that where there were difficulties in invoicing, in ascertaining the proper invoices of goods, the Secretary of State authorized him to employ experts; so that on all difficult questions, all over Europe and everywhere, according to my friend, we have got foreigners supplementing the ignorance of our people, and in the nature of experts. All along the line the criticisms that have been made in reference to this service vanish the instant a man sees what the truth is in relation to the service. It is all magnified.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois.

The amendment was rejected.

The Clerk read as follows:

SALARIES, CONSULAR SERVICE.

Consuls-general at London, Paris, Havana, Rio de Janeiro, and Liverpool, at \$5,000 each, \$25,000;
Consuls-general at Shanghai and Calcutta, at \$5,000 each, \$10,000;
Consul-general at Kanagawa, \$4,000.

Mr. BLOUNT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend page 10, line 18, by inserting, after "each," the following: "Consul-general at Halifax and Vienna, \$3,500 each; consul-general in Ecuador, \$3,000; consul-general at Ottawa, Frankfort, Apia, St. Petersburg, Rome, and Constantinople, \$3,000 each; consul-general at Nuevo Laredo, \$2,500; consul-general at Tangiers, \$2,000;" and strike out the word "sixteen" from said line and insert the words "forty-eight;" and by inserting the words "five hundred" after "thousand" in said line.

Mr. BLOUNT. That is a clerical amendment to which there will be no objection.

The CHAIRMAN. If there be no objection the amendment will be agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

Consul at Hongkong, \$5,000.

Mr. BLOUNT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend page 10, line 18, by inserting, after the word "Hongkong," the words "and Liverpool;" and by inserting, after the word "dollars," the word "each."

Mr. BLOUNT. This is simply clerical.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

Total, \$73,500.

Mr. BLOUNT. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amend line 1, page 11, by striking out the words "seventy-three" and inserting the words "one hundred and forty-five."

The amendment was agreed to.

The Clerk read as follows:

CLASS II.

At \$3,500 per annum.

Great Britain: Consul at Halifax, \$3,500.

Austria: Consul at Vienna, \$3,500.

Total, \$7,000.

Mr. POST. I want to inquire whether you intended that there should be a consul-general at Vienna?

Mr. BLOUNT. That has already been inserted. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking from page 11 the whole of class 2, embracing lines 2, 3, 4, 5, 6, 7, and 8.

The amendment was agreed to.

The Clerk read as follows:

CLASS III.

At \$3,000 per annum.

Mr. POST. In the old bill the provision was made in the thirty-five hundred class for a consul to Havre and a consul to Callao. The bill fixes the salary at \$3,000, and I want to offer an amendment there. I want to have Callao and Havre included in the \$3,500 class.

Mr. BLOUNT. The gentleman can offer an amendment to that effect.

Mr. POST. They are placed in the \$3,000 class.

Mr. BLOUNT. Of course, if the gentleman from Illinois wants to offer an amendment, it is in order.

Mr. POST. Where should they properly come in? It would change the bill itself, as there is no section for them.

Mr. BLOUNT. If the amendment is agreed to, then it would be followed up by an amendment to be put in class two. Better try to get your amendment passed first.

Mr. POST. Mr. Chairman, I move to amend by adding a consul at Havre and Callao.

Mr. HITT. You had better put in one place at a time.

The CHAIRMAN. It is impossible to hear what is going on between the gentlemen. The Chair is not able to state any proposition to the committee. Does the gentleman propose an amendment?

Mr. POST. I move to amend by adding a "consul at Callao, \$3,500."

Mr. BLOUNT. I hope that will not be done. There does not appear to be any reason for it.

Mr. POST. It is the present law.

Mr. BLOUNT. That is the difficulty with all this bill, and that is all there is in these proposed amendments.

The CHAIRMAN. The gentleman will send up the amendment to the Clerk's desk. [After a pause.] The question is on agreeing to this amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HITT. The gentleman's amendment has not been put in form

Mr. BLOUNT. It has been voted down, Mr. Chairman.

Mr. POST. Oh, no.

Mr. BLOUNT. I beg the gentleman's pardon. I did not think he wanted to speak on it.

Mr. POST. I wanted to get attention to the question here.

The CHAIRMAN. Unless the gentleman demands a division that question has been settled.

Mr. POST. I demand a division.

The question was taken; and there were—ayes 19, noes 85.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLASS III.

At \$3,000 per annum.

Mr. BLOUNT. I sent up an amendment awhile ago to be voted on.

The Clerk read as follows:

Amend by striking out the whole of class 2, on page 11, including lines 2, 3, 4, 5, 6, 7, and 8.

Mr. BLOUNT. That is a transfer.

The CHAIRMAN. The vote has been taken upon that amendment, and it was agreed to.

Mr. BLOUNT. I understand it was not.

The CHAIRMAN. It was.

Mr. MCCREARY. I desire to know what is the amendment the gentleman from Georgia refers to?

Mr. BLOUNT. It is a clerical error. Mr. Chairman, there is so much confusion behind me that I can not even hear the gentlemen from Illinois [Mr. HITT and Mr. POST].

Mr. MCCREARY. I ask that the amendment before the House be read.

The CHAIRMAN. There is no amendment pending now.

Mr. HITT. It is hardly fair to the gentleman from Illinois [Mr. POST] and myself not to permit us to offer amendments.

The CHAIRMAN. The Chair will certainly do so.

Mr. HITT. Because the bill as printed is not in the slightest degree a guide to the member who wishes to offer an amendment. An amendment can not be made intelligible. Class 2 is stricken out. I wished to insert various posts in class 2, and had prepared amendments for that purpose.

Mr. MCCREARY. I understood the gentleman to say that that clause was stricken out, and when it was stricken out the gentleman from Georgia said it was a mere clerical error.

Mr. HITT. That is all stricken out.

Mr. BLOUNT. If I am allowed, I think I can get myself out of the difficulty.

Mr. HITT. I would like to hear you.

Mr. BLOUNT. These were in class 2, and were transferred. That is what the committee agreed to.

Mr. HITT. But you struck them out here for the purpose of putting them in another place.

Mr. BLOUNT. The amendment itself is a mere clerical error.

Mr. HITT. I again submit an amendment, and I doubt very much the ability of the committee to understand the amendment in the present condition of the bill when the whole class is taken out. I wanted to insert seven or eight posts in that class, but the whole class is out, and there is no item to which it may be made an amendment.

Mr. BLOUNT. That is not the fault of the bill at all. I had no knowledge of the gentleman's desire to offer an amendment. We have made these changes, and the gentleman from Illinois certainly knew that these amendments were to be offered; and if he did not offer his amendment as an amendment to that paragraph before the motion to strike it out was made, which he had a perfect right to do, he ought not to charge the fault upon me; and he ought not to blame me for the result of his own failure to conduct himself according to the rules.

Mr. HITT. Mr. Chairman, in reply to the rebuke of the chairman of the committee, who charges me with having failed to conduct myself according to the rules, perhaps he had better apply that to himself. The rules require the chairman of the committee to report the bill, and that it be put in type, so that the members can read it; and yet we never had an idea of the amendments that were to be offered, where it is proposed to strike out whole classes and correct the geography of the world.

Mr. BLOUNT. Mr. Chairman, I regret very much that the gentleman from Illinois, who knows so well that there were a number of typographical errors in this bill and that it was a question as to whether they should be corrected by a reprint of the bill or by amendment, and when he makes the criticism that he has made—then there were some questions of geography, they were mistakes which nobody could have made intentionally; yet the gentleman would leave the impression with the House that these errors were made intentionally or through ignorance.

Mr. HITT. Not at all.

Mr. BLOUNT. Now, as the gentleman has referred to my

criticism as to himself and as to amendments to this bill, I say he shall have an opportunity to offer all the amendments he wants. I did not know that he had any.

I offered and sent to the Clerk's desk an amendment striking out class 2. The gentleman was here. I had no reason to suppose he did not know what was going on. The amendment was agreed to, and that class was struck out. The gentleman before that action was taken could have moved an amendment to that clause on the bill.

Mr. HITT. I will try my luck on an amendment at hazard. I move the amendment which I send to the desk.

The Clerk read as follows:

On page 11, after line 2, insert:
"China: consuls at Amoy, Canton, Chin-Kiang, Foo-Choo, Hankow, and Tientsin, \$3,500 each."

Mr. POST. The consuls here named are all in class 2, as I understand.

Mr. BLOUNT. Yes.

Mr. POST. The amendment accords with the old law. The law as it now stands places these consuls in classes; and from striking out class 2 disorder has resulted.

Mr. BLOUNT. The only "disorder" is that officers who have been getting \$3,500 salary are reduced to \$3,000; no officers are left in the \$3,500 class.

Mr. POST. That class is destroyed.

Mr. BLOUNT. Yes. But I do not think it is fatal to the country.

Mr. DINGLEY. I suggest that the gentleman from Georgia [Mr. BLOUNT] move that the committee rise. This is Saturday evening, and we are evidently in some confusion about this business.

Mr. BLOUNT. I do not observe any "confusion" at all except the usual confusion.

Mr. HITT. I have tried to get this matter in such order as I could.

Mr. BLOUNT. If gentlemen state that by reason of confusion the amendment striking out this class was adopted without their knowledge I will ask that they be allowed to offer amendments under this class; but I am not willing this should be done upon the idea that there has been any fault on my part.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to reconsider—

Mr. HITT. Do we require anybody's consent to offer amendments to this bill?

Mr. BLOUNT. Of course not; but gentlemen are required to observe the rules.

The CHAIRMAN. As the Chair understands, the gentleman from Georgia asks unanimous consent to reconsider the vote adopting his amendment.

Mr. BLOUNT. The question of the gentleman from Illinois [Mr. HITT] amounts to a criticism on me that is wholly untenable. The paragraph was struck out by a vote of the Committee of the Whole. The order in which the gentleman's purpose could have been reached was to amend the paragraph before it was struck out.

Mr. HITT. My amendment is perfectly in order. We have reached line 10; and I will move the amendment to be inserted before line 10. This is strictly in order, after you have struck out all that is between line 1 and line 10.

Mr. BLOUNT. The gentleman understands, I presume, that numbers of lines do not make paragraphs of the bill. We have reached class 3; and we have passed away from the other matter, so that the amendment is not in order.

The CHAIRMAN. There need be no difficulty about this matter—

Mr. BLOUNT. I am perfectly willing that the amendment shall be entertained, if it be offered without this criticism on me; otherwise I object.

Mr. POST. I made no criticism on the chairman of the committee at all.

Mr. BLOUNT. If gentlemen state that they did not understand that an amendment was offered by me to strike out the paragraph I am perfectly willing that consent be allowed to offer amendments to the paragraph.

Mr. POST. The trouble is that the striking out of the entire class has brought about confusion in our attempt to offer amendments. We desired to put them in under that class.

Mr. BLOUNT. If, as the result of any confusion, gentlemen were misled, I am perfectly willing that the matter be reconsidered. There was no fault on my part. I proceeded in a regular and parliamentary way.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to reconsider the vote by which the amendment was agreed to striking out lines 2 to 8, inclusive. Is there objection? The Chair hears none; and those lines are now before the committee for consideration. The Clerk will read the amendment which the gentleman from Illinois [Mr. HITT] sends up.

The Clerk read as follows:

On page 11, after line 7, insert:

"China: Consuls at Amoy, Canton, Chinkiang, Foochow, Hankow, and Tientsin, \$3,500 each."

Mr. HITT. Mr. Chairman, this amendment restores the Chinese consulates to the \$3,500 class. Those posts are now all salaried at \$3,500; the bill proposes to reduce them to \$3,000 each. They are seaports; they are cities where we have missionaries, and where there is a large commerce of the United States. Unfortunately it is not an increasing commerce. I doubt whether it will increase much speedily.

Mr. ANDREW. By reason of the tariff law, or the Chinese exclusion act?

Mr. HITT. Most of the trade is on the free list; the exclusion act does not help trade.

The exports from the city of Amoy amounted to over \$5,000,000 sent to the United States last year. Some of these other places were much less. At two or three of these there is a considerable body of American citizens who have to be protected.

But, Mr. Chairman, one feature that I ask careful attention to is that every one of these officials is a judge of a court, with equity jurisdiction, common-law jurisdiction, and criminal jurisdiction. He takes a man and tries him for his life, sentences him to fine, imprisonment, or death; and there are cases where he has tried a man, condemned him, taken him right out in front of the consulate, and had him hanged by the neck until he was dead.

They are clothed with enormous powers over our citizens who are there. By treaty with China we allow no American to be tried before a Chinese judge. He is never held amenable to their law. He is tried by the consular courts. The property that belongs to American citizens in that country is large in volume and value. It has been firmly guarded heretofore.

The commerce that comes from these towns is, in part, in fabrics of silk, on which the duties are 60 per cent and upwards when they enter the ports of the United States. The temptation on the part of the merchant sending them is proportionately great, and the officer who has charge of the verification of the invoices which determine the value on which the duty is collected must be, and ought to be, a man of a very high character, who could not be tempted astray. They are shipping ports. They are places where our seamen go.

I would that there were more of our seamen and a more prosperous merchant marine, more like our marine in the olden time. Our seamen need the protection of the consuls there far more than they need it in English or German ports. Remember that these are not civilized, Christian, and law-abiding countries, such as we are accustomed to deal with. The authorities are arbitrary there. It depends largely on the individual executing it; and the consul is in the highest sense the daily protector of our citizens.

Now, Mr. Chairman, the same impression which the chairman of the Committee on Foreign Affairs holds I once held, at least in degree; and I examined that whole body of consulates to find out the cost of living at each post, the business done, the possibility of reducing the salaries and still obtaining the services of men who would be thoroughly equal to the duties and fit to exercise such responsible functions as a consul, a judge, and a superintendent of all the American interests there, for he is almost a monarch in many things. After looking at all of the circumstances surrounding them, I was forced to admit that they were paid nothing but what men ought to have under the circumstances in which they must live in those countries, and the duties they are forced to perform.

Mr. BLOUNT. Mr. Chairman, I again invite the attention of the committee carefully to the situation here. The gentleman from Illinois has presented one side of this question. The first thing I wish to call your attention to is the business done there in the matter of commerce. At Amoy the salary of the consul is \$3,500, and we propose to reduce it to \$3,000, and the fees collected, according to the last report, were \$1,028. At Chinkiang the salary is \$3,000 and the fees were \$36, at Foochow the salary is the same and the fees collected \$388; at Hankow the salary is the same and the fees \$250; while at Tientsin the salary is \$3,000 and the fees \$820.50.

Now, it is quite clear that that is not all the work the consul has to do. He certifies invoices; and the gentleman has himself said that where there was difficulty in ascertaining values he is allowed an expert. So much for that.

Then my friend tells us of the matter of relieving our seamen. There has not been a seaman relieved in a year at either of these places, according to the report of the Fifth Auditor, and I now invite attention to the fact. The gentleman next calls attention to this enormous judicial power which is exercised by these officials. In the first place, the foreign population in China in 1888 and 1890 aggregated only 1,028 persons, of whom more than half were missionaries, according to the table which I append, which

shows the American population at these several points, the number of missionaries, and the total trade with this country. This table is as follows:

American population in China, 1898 and 1899.
1888.

	Total population.	Missionaries.
Shanghai.....	400	(*)
Ningpo.....	44	35
Fuchau.....	51	42
Amoy.....	41	20
Canton.....	75	65
Chinkiang.....	77	69
Hankow.....	49	44
Chefoo.....	87	79
Tientsin.....	186	152
Newchwang.....	12	(*)
Total.....	1,022	

*Not known.

†See Consular Reports, No. 102, page 214, for details.

Total American population.....	1,153
Mercantile firms.....	32

Trade, 1890.

	Taels.
Imports from United States.....	539,329 = \$619,207 +
Exports to United States.....	514,817 = 591,009 +
Coasting trade by United States citizens.....	440,968 = 506,231 +
Total American trade.....	1,716,447 +

Part of the coasting trade consists in carrying from one Chinese port to another goods from the United States or intended for exportation thither. The total therefore is in excess of all our trade to the extent that part of the foreign trade is counted in the coasting trade.

According to the statement of the gentleman from Illinois, we have got to have courts of justice there, to look after the missionaries, with enormous powers. I do not think that there is any danger on that subject.

The total American population in all China is 1,153 persons. Therefore, Mr. Chairman, you have the enormous scope of the judicial functions of these people, some eight or ten of them, who have within their jurisdiction about a thousand people, and nearly all of them missionaries. What a magnificent responsibility rests upon these gentlemen. Why should they not be paid these enormous fees? I am quite willing that this should be discussed all along the line!

Mr. POST. I wish to offer an amendment to the amendment.

The CHAIRMAN. The Clerk will report the amendment to the amendment proposed by the gentleman from Illinois [Mr. Post].

Mr. POST. The object is simply to make class 2 stand just as it does now in the law.

The Clerk read as follows:

Amend by adding:

"Consul at Havre and consul at Callao."

Mr. BLOUNT. That has been voted on and voted down.

Mr. POST. I thought we went back to clause 2. I thought that was the understanding.

Mr. BLOUNT. But that was voted on and voted down.

Mr. POST. My only purpose was to take up class 2 and get through with it.

Mr. BLOUNT. I do not want to be ungenerous, and I will not make the point of order. I will let the gentleman offer his amendment.

The CHAIRMAN. Then the question is on the amendment to the amendment offered by the gentleman from Illinois [Mr. Post].

Mr. HITT. I wish to say one word in reply to the gentleman from Georgia [Mr. BLOUNT]. The gentleman is not familiar with the character of the business of a consul in these ports having charge of seamen if he thinks that the relieving of seamen and the trying of them upon charges are all that he does. That is a very small part of the duties of a consul—two items only. The honorable gentleman from Maine [Mr. DINGLEY] lives on a coast that furnishes many mariners, who go to the four corners of the earth, and he knows how often they need advice and authority, how often they are protected in the matters of their contracts with officers over them, how they are hired and discharged, how their personal fate depends upon protection in these ports.

Mr. BUSHNELL. If an offense is committed on a vessel at sea, would it not be the duty of the officers of the vessel to turn over the offender to the consular court?

Mr. HITT. That would depend upon the jurisdiction. A crime committed on a vessel might be punished by the consul, or the offender might be turned over to the tribunal at home.

Mr. BUSHNELL. But the consul at the first port where the vessel lands has some action to take in the matter.

Mr. HITT. Certainly. Canton is the great place of transshipment of seamen. It is a very prominent shipping port in those seas. The consul at nearly every one of these cities has the protection of the missionaries; and I was very sorry to note that the chairman [Mr. BLOUNT] considered that an unimportant matter. Missionaries are entitled to protection as citizens, even if they are missionaries, and a great many people feel an interest in them. They have in one sense a representative character in many ways. They are sent out by organizations of our people, by churches, and I received more expressions of interest from the people concerning the welfare of these self-denying men than as to any other class of American citizens who are abroad. They are in a country that is to them almost wholly without law, and they are there in some degree as delegates, sentinels, representatives of the best thought of a Christian world, and they are performing a high duty that is often amid great and terrible perils.

I am sure the American people believe that our consuls, where they show vigilance in protecting them and their property from mobs, in protecting those who were around the missionaries and who lean upon them, converts and others, are doing exactly the duty that the people of the United States desire on the part of consuls. Missionaries are not very great in number; but the Americans there do not make a large population; but I think a thousand American citizens are worth our care and are worth a great deal more than a thousand dollars, or than a great many thousand dollars. Human life and the rights of citizens are the highest issues that can come under the jurisdiction of the officers created by our laws.

Mr. BLOUNT. Mr. Chairman, the gentleman answers me by a suggestion that I am not informed about the duties of a consul in relation to seamen. He stated it a little more softly than that. It may be true, Mr. Chairman, that I am uninformed, but it appears that the Fifth Auditor is informed, and the gentleman from Illinois [Mr. HITT] does not take his information from that source. I have his report. It is a statement of relief afforded to seamen, with extra wages and arrears, for the fiscal year ending June 30, 1891. It states the number relieved, the clothing furnished, their expenses, etc. There is not a single item for service to a single sailor at one of the ports which the gentleman has been discussing.

Mr. DINGLEY. Will the gentleman allow me?

Mr. BLOUNT. I hope the gentleman will allow me to complete my statement. Now, another thing: My friend says he thinks that the missionaries are entitled to protection of the courts. He intimates that he understood that I differed with him about that.

Mr. HITT. I understood you to differ with me about the importance of having officers of ability and learning there to act as judges and to protect the lives of citizens and missionaries.

Mr. BLOUNT. Then I will make myself better understood. I think very few gentlemen could have interpreted my language in the way the gentleman has. I take it for granted that in a body like this House of Representatives of the American Congress it is not necessary for me to state that we all have regard for Christianity and regard for its promotion everywhere. I had thought that would be so promptly assented to that it would give rise to no such criticism as my friend makes; but what I intended by reference to them as missionaries was to show that they were not men who committed crimes, that they were nor lawless people, and therefore that difficulties were not so numerous amongst them as amongst some other classes of citizens. That was all there was in that.

Now, Mr. Chairman, with that sort of population, made up of men engaged in clerical work, I can not conceive that the civil officers that this country sends there, no matter what grade they belong to, are in any danger of stringing them up and hanging them. There is too much danger in that business. It sounds tremendously in aid of increasing appropriations when you talk about the vast functions and powers to be exercised, but when you tear the veil down and look at the situation as it is there is no gentleman in this House who will not see at once that the duties are light so far as the judicial functions are concerned.

Mr. DINGLEY. What I endeavored to call the attention of my friend from Georgia to was the fact that the report of the Fifth Auditor, to which the gentleman has referred, covers only one single item of the duties of a consul with reference to seamen, and that relates to where the relief has been afforded.

Mr. BLOUNT. The gentleman is mistaken. I have the document here.

Mr. DINGLEY. It has nothing to do with relieving the amount of work that the consuls have with reference to the shipping and the discharge of seamen. The gentleman can not get any proper idea of the work of a consul as shipping commis-

sioner with reference to these seamen by referring to the report of the Fifth Auditor.

Mr. BLOUNT. I have just one answer to that. The gentleman's bill with reference to the shipping and discharge of seamen involves charges throughout the world.

Mr. DINGLEY. But the gentleman referred to the work of the consuls engaged in the discharge of those duties.

Mr. BLOUNT. I understand that; but if the gentleman will allow me I will go on.

Mr. DINGLEY. I think I have the floor, rather than the gentleman.

Mr. BLOUNT. I beg pardon; I thought I was answering a question of the gentleman from Maine.

Mr. DINGLEY. I took the floor and undertook to answer the gentleman. If the gentleman has not completed his remarks I will not proceed until he has concluded.

Mr. BLOUNT. I had addressed myself to the Chair, and thought I was recognized. If the gentleman has the floor of course I yield.

Mr. DINGLEY. I want to answer the gentleman on the very point that he was on. What I desired to call attention to is simply the fact that the report of the Fifth Auditor has nothing in the world to do with the consuls with reference to the shipping and discharge of sailors. While the shipping act of 1884 does abolish fees with reference to shipping and discharge of seamen, it does not take away any of the duties in relation to the shipping or discharge of seamen; and if the gentleman will look at the reports showing the duties of the various consuls, acting officially as shipping commissioners, he will see that in ports like Canton and other ports referred to by the gentleman a large amount of duties are performed by the several consuls.

Mr. BLOUNT. Of course it is impossible for me to answer in detail as to the amount of these services rendered to American seamen and vessels throughout the world; but the information from the State Department received when we were framing this bill was that the loss in fees by reason of the legislation to which the gentleman refers is \$80,000 throughout the entire world.

Mr. DINGLEY. That is right.

Mr. BLOUNT. That is all there is in it, and there is nothing else shown as to the duty of the consuls; but that \$80,000 was distributed over the several hemispheres. So that there can not be left a very large amount of duties in that direction in any one place. Now, I understand, Mr. Chairman, there is a great deal of commerce at Canton, and a great deal throughout the world; but unfortunately when we get away from our own seacoast we do not carry much of it ourselves.

Mr. POST. Mr. Chairman, the gentleman from Illinois [Mr. HITT], who is a member of the Committee on Foreign Affairs, by his courtesy enables me to read a statement furnished by the Department of State that illustrates exactly the point that the gentleman from Maine was making. At Callao, during the three successive quarters in 1890 and 1891, the number of vessels arriving were 10; departing, 12; seamen arriving, 306; departing, 294; discharged, 45; shipped, 110; deserted, 24; died, 1; number of seamen remaining in from one quarter to the next succeeding, 115; fees received during these three quarters, \$160.50. The fees received are no criterion of the work done. If fees were charged for the services rendered to American vessels they would probably reach \$8,000. The fees actually collected are about \$160, and that exactly illustrates the point which the gentleman from Maine made.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken; and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

CLASS III.

At \$3,000.

Mr. HITT. There was an amendment offered by the gentleman to strike out lines 2, 3, 4, 5, 6, 7, and 8.

The amendment was read, as follows:

On page 11, strike out all of Class II embraced in lines 2, 3, 4, 5, 6, 7, and 8.

The question was taken; and the amendment was agreed to.

Mr. BLOUNT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893, and had come to no resolution thereon.

Mr. HOLMAN. I am directed by the Committee on Appropriations—

Mr. HEMPHILL. I move that the House do now adjourn.

Mr. HOLMAN. I hope the gentleman will withdraw that for a moment.

Mr. HEMPHILL. I move that the House adjourn.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HOLMAN. Division.

The House divided; and pending the count

Mr. HOLMAN said: Mr. Speaker, I see that the House wishes to adjourn, and I do not ask for any further count.

The motion was agreed to; and accordingly (at 5 o'clock) the House adjourned.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk and referred to their appropriate Calendars, as indicated below:

PRESENTATION OF SUITABLE MEMORIAL TO STATE OF CALIFORNIA IN HONOR OF GEN. JOHN A. SUTTER.

Mr. CUMMINGS, from the Committee on the Library, reported back favorably joint resolution (H. Res. 40) to present suitable memorial to the State of California in honor of Gen. John A. Sutter; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ESTABLISHMENT AND MAINTENANCE OF BEACON LIGHTS AND BUOYS.

Mr. BRICKNER, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8195) making an appropriation for the establishment and maintenance of beacon lights and buoys at twenty-five different points on the Willamette River, between the cities of Salem and Portland, in the State of Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. CUMMINGS: A bill (H. R. 8476) for the erection of a monument in the city of Washington to the memory of the late Commodore John Paul Jones—to the Committee on the Library.

Also, a bill (H. R. 8477) authorizing the purchase of oil paintings for the Executive Mansion—to the Committee on the Library.

By Mr. HARVEY: A bill (H. R. 8478) to provide a time for the holding of general elections in Oklahoma Territory, and for other purposes—to the Committee on the Territories.

By Mr. MORSE: A bill (H. R. 8479) to amend chapter 4 of the Revised Statutes of the United States, section 1315, as amended by act of Congress approved June 11, 1878—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 8480) to construct a road from the city of Richmond, Va., to the national cemetery at Fort Harrison, Henrico County, Va.—to the Committee on Military Affairs.

By Mr. O'NEIL of Massachusetts: A bill (H. R. 8481) to amend section 4488 of the Revised Statutes relating to life-saving appliances on shipboard—to the Committee on Interstate and Foreign Commerce.

By Mr. MUTCHLER: A concurrent resolution directing the Public Printer to use the simplest form in the spelling of words—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BARTINE: A bill (H. R. 8482) for the relief of Charles E. Mayer—to the Committee on Claims.

By Mr. BRODERICK: A bill (H. R. 8483) for the relief of Charles A. Morris—to the Committee on Claims.

By Mr. BRECKINRIDGE of Kentucky: A bill (H. R. 8484) to grant a pension to Henry Cohen—to the Committee on Pensions.

By Mr. BURROWS: A bill (H. R. 8485) for the relief of Mary A. McElfatrick—to the Committee on Invalid Pensions.

By Mr. BYNUM: A bill (H. R. 8486) to pay James McCabe \$500 for his expenses in contesting the seat of Godlove S. Orth, of Indiana, in the Forty-sixth Congress—to the Committee on Claims.

By Mr. CROSBY: A bill (H. R. 8487) for the relief of Rufus M. Ford—to the Committee on Invalid Pensions.

By Mr. DE FOREST: A bill (H. R. 8488) granting a pension to Randolph Kost—to the Committee on Invalid Pensions.

By Mr. ENLOE: A bill (H. R. 8489) for the relief of Willoughby Pugh—to the Committee on Pensions.

By Mr. HARTER: A bill (H. R. 8490) granting a pension to Emma C. and Charles J. Gottschall—to the Committee on Invalid Pensions.

By Mr. HOUK of Ohio: A bill (H. R. 8491) to correct the military record of and grant an honorable discharge to Courtland W. McGeehan—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: A bill (H. R. 8492) granting an increase of pension to Mrs. Levenia D. Athon—to the Committee on Pensions.

By Mr. MEREDITH: A bill (H. R. 8493) to mark the birth-place of James Madison, fourth President of the United States—to the Committee on the Library.

By Mr. O'DONNELL: A bill (H. R. 8494) granting a pension to Amelia Anderson—to the Committee on Pensions.

By Mr. RIFE: A bill (H. R. 8495) to remove the charge of desertion from the military record of Thomas Connelly—to the Committee on Military Affairs.

By Mr. STOCKDALE: A bill (H. R. 8496) for the relief of Mrs. Hannah Waters, of Horn Island, in the State of Mississippi—to the Committee on War Claims.

By Mr. STOUT: A bill (H. R. 8497) to remove the charge of desertion standing against Julius Gaddum—to the Committee on Military Affairs.

By Mr. WEADOCK: A bill (H. R. 8498) to pension Sophia Kaywaich—to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 8499) for the relief of S. Kirkpatrick—to the Committee on Claims.

By Mr. WINN: A bill (H. R. 8500) to pay Mrs. Mary J. Hix certain money—to the Committee on Claims.

Also, a bill (H. R. 8501) to authorize the Secretary of the Interior to place the name of Mrs. Delila A. McEver on the pension roll—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Resolutions adopted by the Massachusetts Legislature relative to the establishment of a life-saving station at City Point, Boston, Mass.—to the Committee on Interstate and Foreign Commerce.

By Mr. ARNOLD: Protest of Farmers and Laborers' Union No. 400, and citizens of Douglas County, State of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. BARWIG: Petition of citizens of Lebanon, Dodge County, Wis., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. BUCHANAN of New Jersey: Petition of Seventh-Day Adventist Church, New Jersey, against legislation closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BULLOCK: Petition of the fruit-growers of Florida, asking an appropriation of \$10,000 to be made available under auspices of the Agricultural Department for a scientific investigation of the diseases of the orange and other citrus fruit trees—to the Committee on Agriculture.

By Mr. BYRNS: Protest of Farmers and Laborers' Union of Madison County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, petition of citizens of Perry County, Mo., favoring the passage of the Hatch antiopium bill—to the Committee on Agriculture.

By Mr. CADMUS: Petition of M. C. Fryer and 90 others, of the Seventh-Day Adventist Church of Paterson, N. J., protesting against the closing of the Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. COBURN: Petition of John A. Larion and others, in favor of legislation against gambling in farm products—to the Committee on Agriculture.

By Mr. COOLIDGE: Protest from Monroe Bridge, Franklin County, Mass., against the opening of the Columbian Exposition in Chicago—to the Select Committee on the Columbian Exposition.

By Mr. CRAIG: Three petitions of Dawson Grange, No. 419, of Pennsylvania, as follows: One in favor of silk culture, the second in favor of House bill 395, defining lard and imposing a tax thereon, and the third in favor of the pure-food bill—to the Committee on Agriculture.

Also, petition of the same grange, in favor of free rural mail delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition by the same grange, in favor of making certain issues of money full legal-tender in payment of all debts—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the United Presbyterian Church of West Alexander, Pa., in favor of granting no further aid to the Columbian Exposition unless its gates are closed on the Sabbath, and that no intoxicating liquors be sold on its grounds—to the Select Committee on the Columbian Exposition.

By Mr. CRISP: Petition of citizens of Americus, Ga., asking for the passage of House bill 7559, creating a commission to inquire into and report upon the industrial and material progress of the colored race since 1865, etc.—to the Committee on Education.

By Mr. CUMMINGS: Proceedings of the New York Board of Trade and Transportation in reference to the Paddock pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: Eleven protests of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, petition of Eli Rainey and others, of the Seventh-Day Adventist Church, against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of August Schuman, for reference of his case to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. DINGLEY: Petition of North Jay Grange, No. 10, of Maine, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mount Cutler Grange, No. 152, of Maine, for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, for the passage of a bill defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, two petitions by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, resolution offered in the house of representatives of Iowa, proposing an amendment to the regulation governing evidence in the Pension Bureau—to the Committee on Invalid Pensions.

Also, petition of the National Temperance Society, officially signed, asking for the prohibition of the sale of intoxicating liquors in and the Sunday closing of the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. DOCKERY: Two petitions of citizens of Dekalb County, Mo., asking for the passage of an antiopium bill—to the Committee on Agriculture.

By Mr. ENLOE: Three petitions of citizens of Tennessee, as follows: one of Wayne County; the second, Hardin County, and the third, Humphreys County, all remonstrating against the passage of the Brosius lard bill, H. R. 395—to the Committee on Agriculture.

Also, petition of Willoughby Pugh, of Hollow Rock, Tenn., for a pension for service done in the Cherokee war in 1838—to the Committee on Pensions.

By Mr. GANTZ: Petition of the Baptist Church of Tippecanoe, Ohio, asking for the closing of the World's Columbian Exposition on Sunday, etc.—to the Select Committee on the Columbian Exposition.

By Mr. GREENLEAF: Petition of citizens of Gates, Monroe County, N. Y., in favor of such legislation as will secure free delivery of all mail matter to every post-office in the settled portions of the country, with free collections of letters, etc.—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of Rochester, N. Y., in favor of an appropriation by Congress for the purpose of a grand review of the navies of the world in New York Harbor and at Hampton Roads on the four hundredth anniversary of the discovery of America by Christopher Columbus—to the Committee on Appropriations.

By Mr. GROUT: Petition of 95 persons, for pension for Harry Gorman, of Danville Vt.—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Rev. Turner T. Brashear and others, of Tabriz, Mich., against the Columbian Exposition being opened to visitors on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Petition of the Board of Trade of St. Joseph,

Mo., in approval of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petition of O. E. Wineman, secretary of Farview Grange, No. 1334, of Payne, Ohio, in favor of the Paddock pure-food bill—to the Committee on Agriculture.

Also, protest of St. Louis Cotton Exchange, against the passage by Congress of a bankrupt law—to the Committee on the Judiciary.

Also, two protests of Farmers and Laborers' Union of Scotland County, Mo., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HEARD: Protest of Farmers and Laborers' Union, No. 292, and citizens of Boone County, Mo., against passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. HERMANN: Four petitions of citizens of Oregon, for the passage of the Washburn-Hatch antiopium bill—to the Committee on Agriculture.

By Mr. HITT: Protest of 700 teachers and 12 Chinese Sunday school scholars of the Methodist Church, against further anti-Chinese legislation—to the Committee on Foreign Affairs.

By Mr. HULL: Petition of C. Borgus and 46 others, of Marion County, asking for a law reclassifying the Railway Mail Service—to the Committee on Railway and Canals.

Also, resolution of the Trinity Methodist Episcopal Church of Delphos, Ohio, asking Congress to deny appropriations to the World's Fair unless its managers will guarantee that it shall be closed on Sunday and that no intoxicating liquors shall be sold thereat—to the Select Committee on the Columbian Exposition.

Also, protest of Chamber of Commerce of Milwaukee, Wis., against the Hatch antiopium bill—to the Committee on Agriculture.

By Mr. LEWIS: Six petitions of Clay County, Miss., remonstrating against the passage of the Brosius (or Conger) lard bill (H. R. 395)—to the Committee on Ways and Means.

By Mr. LOUD: Petition of S. H. Nichols and others of the Seventh-Day Adventist Church of California, against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McCLELLAN: Petition of Charles Cass Post, Grand Army of the Republic, of Garrett, Ind., against any appropriation by the General Government in aid of the national encampment to be held at Washington—to the Committee on Appropriations.

By Mr. MCKAIG: Petition of 27 citizens of Maryland, praying for the enactment of a law by Congress subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. MALLORY: Petition of citizens of Palmetto, Manatee County, Fla., against any action by Congress regarding closing or keeping open the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MEREDITH: Petition of Emily E. Stewart and Nancy B. Stewart, of Fauquier County, Va., praying that their war claims be referred to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

Also, petition of Thomas B. Stewart, for the estate of Charity Sinclair, late of Fauquier County, Va., praying that her war claim be referred to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. MITCHELL: Protest of the Chamber of Commerce of the city of Milwaukee, against the passage of House bill 7845—to the Committee on Agriculture.

By Mr. MORSE: Resolution by the Legislature of the State of Massachusetts, asking Congress to establish a life-saving station at City Point, in Boston Harbor—to the Committee on Interstate and Foreign Commerce.

Also, petition by the Boston Baptist Ministers' Conference, praying that no money be appropriated for the World's Columbian Exposition, at Chicago, unless it is stipulated that it shall be closed on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. OATES: Two petitions of citizens of Bullock County, Ala., remonstrating against the passage of the Brosius (or Conger) lard bill, H. R. 395—to the Committee on Agriculture.

By Mr. POWERS: Petition of Lyman Seymour and others, of Montgomery, Vt., protesting against the passage of any resolution forbidding the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REED: Resolution of East Maine Conference, in favor of the observance of the Sabbath at the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Petition of citizens of Amsterdam, N. Y.,

protesting against the passage of House bill 2699, defining options and futures and imposing special taxes on dealers therein, and for other purposes—to the Committee on Agriculture.

By Mr. SCULL: Memorial of 60 citizens of Somerset County, Pa., favoring the passage of House bill 401, relative to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Protest of Farmers' Alliance and Industrial Union of Randolph County, Ill., against the passage of the Brosius lard bill (H. R. 395) and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. SPRINGER: Eight petitions of granges of Illinois, as follows: Pleasant Plains, No. 174; Pennsylvania, No. 244; Westrope, No. 1675, and Paimee, No. 668, to prevent the adulteration of food and drugs; Pleasant Plains, Westrope, and Paimee Granges, for the encouragement of silk culture, and Pennsylvania Grange, No. 244, to prevent gambling in farm products—to the Committee on Agriculture.

By Mr. STEPHENSON: Protest of the Chamber of Commerce of the city of Milwaukee, against the passage of the bill known as House bill 7845, entitled "A bill defining options and futures"—to the Committee on Agriculture.

Also, petition of S. Baassbridge and 18 others of the Church of Grant, Grand Traverse, Mich., against any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert L. Lyman and George Muller, for the exclusive use of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. STORER: Two petitions, one of the Presbyterian Church of Madisonville, Ohio, and the other, Union Church of Dayton, against the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Three protests of churches as follows: the Seventh-Day Adventists Church of Saguache, Colo.; the Seventh-Day Adventists Church of Malvern, Hot Springs County, Ark., and the Baptist and other churches of Deer Trail, Arapahoe County, Colo., all against Congress passing any bill to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation—to the Select Committee on the Columbian Exposition.

Also, petition of G. H. Parsons, of Colorado Springs, Colo., that the metric system of weights and measures be exclusively used in the customs service of the United States after July 1, 1893—to the Committee on Coinage, Weights, and Measures.

By Mr. WHEELER of Michigan: Two petitions of Pomona Grange, No. 37, of Michigan, one to prevent gambling in farm products, and the other to prevent the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. WHITE: Petition of members of Christian Endeavor of Hedrick, Iowa, praying for closing of the World's Fair on Sunday, and prohibiting the sale of intoxicating liquor on the grounds of the Fair—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of West Virginia: Petition of James Hooten and 43 others, of Felton Post, No. 72, Grand Army of the Republic, in favor of the Wheeler bill for marking battle lines at Gettysburg—to the Committee on Military Affairs.

Also, resolution of Winchester Virginia Presbytery, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

MONDAY, May 2, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 27th ultimo, certain information relative to the aggregate cost of silver bullion, and standard dollars coined therefrom, purchased under the act of July 14, 1890, now held in the Treasury, etc., which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the

18th ultimo, correspondence relative to the subject of drainage or an attempt to drain Goose Lake, lying in the States of Oregon and California by tapping the waters thereof, by ditching, or by other means; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

COURT OF CLAIMS REPORTS.

The VICE-PRESIDENT laid before the Senate three communications from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law filed by that court concerning French spoliation claims relative to the sloops Confidence and Union, the ship Eliza, and other vessels; which, with the accompanying papers, were referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DOLPH presented a petition of members of the I. I. Stevens Post, No. 51, Grand Army of the Republic, of Oregon, praying for the passage of legislation providing for the proper marking of the battle lines at Gettysburg, Pa.; which was referred to the Committee on Military Affairs.

Mr. CULLOM. I present a communication addressed to the President of the Senate, but which came to me by letter. I ask that it be read. It is a brief communication from a committee of State boards.

Mr. HARRIS. State boards of what?

Mr. CULLOM. Railroad commissioners of different States.

The VICE-PRESIDENT. If there is no objection the communication will be read.

The communication was read, and referred to the Committee on Interstate Commerce, as follows:

INTERSTATE COMMERCE COMMISSION, Washington.

To the honorable the President of the Senate of the United States:

Sir: At a national convention of railroad commissioners, held at No. 1317 F street, Washington, D. C., on April 13 and 14, 1892, and composed of railroad commissioners and accredited representatives from twenty-nine States, it was, by a vote of 27 ayes to 3 noes,

Resolved, That we recommend to Congress so to amend the Interstate Commerce act as to provide:

1. That the railroads shall try their case in the courts upon the evidence introduced before the Commission.

2. That as between the parties the findings of the Commission shall, in equity proceedings, have the force and effect of a master's report in chancery.

3. That the said Commission be authorized to employ competent counsel to represent them in any litigation they may cause to be instituted under said act.

The undersigned were appointed a committee to present the foregoing resolutions to Congress.

We have the honor, therefore, to hereby discharge the duty so imposed upon us, and to request that the resolutions receive due consideration.

Very respectfully,

W. B. FLEMING.
ALLEN FORT.
J. W. LUKE.

Mr. CULLOM presented a petition of the United Presbyterian Church of Little York, Ill.; a petition of the German Presbyterian Church of Galena, Ill.; a petition of the Congregational Church of Buda, Ill.; a petition of the Presbyterian Church of Olney Ill., and a petition of the Presbyterian Church of Morrison, Ill., praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of sundry citizens of McHenry, Ill., remonstrating against the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented the memorial of A. C. King and other members of the Bloomington Church, of Knox County, Ill.; the memorial of S. J. Greer and 15 other members of the Seventh-Day Adventist Church of Mercer County, Ill., and the memorial of Mrs. Minnie Johnson and sundry other members of the Seventh-Day Adventist Church of Ogle County, Ill., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MORRILL presented a petition of sundry citizens of Charlotte, Vt., praying for an appropriation for the World's Columbian Exposition and remonstrating against the opening of the exhibition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of sundry citizens of Worcester, Montgomery Center, and Waitsfield, Vt., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BERRY presented a petition of sundry citizens of Ar-

kansas, praying for the passage of the Washburn-Hatch anti-lopion bills; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. Dibelbiss and 81 other members of the Fulton Church, of Fulton County, Ark., remonstrating against the Congress of the United States committing the United States Government to a union of religion and the state in the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented a petition of the Mount Hope Congregational Church of Detroit, Mich.; a petition of the First Presbyterian Church of Richmond, Mich.; a petition of the Memorial Presbyterian Church of Detroit, Mich.; a petition of the Methodist Episcopal Church of Newaygo, Mich.; a petition of the Methodist Episcopal Church of Gladstone, Mich.; a petition of M. C. Carpenter and 19 other citizens of Fremont, Mich.; a petition of Robert McConnell and 48 other citizens of Memphis, Mich.; a petition of S. Bainbridge and 18 other citizens of Bartlett, Mich.; a petition of T. R. Butler and 7 other citizens of Alina, Mich., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WOLCOTT presented the memorial of the Methodist Episcopal Church of Florence, Colo., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GALLINGER. I present a petition of the Journeymen Stonecutters' Association of the Eastern, Middle, and Atlantic States and the District of Columbia, praying for the passage of legislation prohibiting the employment of convict labor on Government work. As a bill is now pending before the Committee on the Judiciary relating to this subject, I move that the petition be referred to that committee.

The motion was agreed to.

Mr. GALLINGER presented the memorial of A. W. Heald and sundry other citizens of New Hampshire, remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of the New Hampshire Conference of the Methodist Episcopal Church, composed of 120 ministers and representing about 15,000 church members, remonstrating against further oppressive legislation in regard to the Chinese people, and particularly against the bill recently passed by the House of Representatives; which was ordered to lie on the table.

Mr. SAWYER presented a memorial of 83 citizens of Green County, Wis., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HISCOCK presented the petition of the Hudson Presbytery of the Presbyterian Church of Florida, N. Y., praying for the adoption of an amendment to the Constitution of the United States prohibiting legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented memorials of members of the Seventh-Day Adventist Churches of Franklin County, Warren County, Oswego County, and Cattaraugus County, in the State of New York, remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any legislation closing the World's Columbian Exposition or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Calvary Baptist Church of New York City, signed by the Rev. P. S. MacArthur, president, and the petition of Rev. Turner G. Brashear and 11 others engaged in missionary work in Persia, praying that the World's Columbian Exposition be closed on Sunday; that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of S. F. Hess, president of a tobacco manufacturers' association of New York, relative to the sale of leaf tobacco for consumption free of all tax as imposed by the internal-revenue system; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wayne County, N. Y.; a petition of Green Aubrey Grange, No. 514, Patrons of Husbandry, of New York; a petition of Excelsior Grange,

No. 456, Patrons of Husbandry, of New York; a petition of Union Grange, No. 244, Patrons of Husbandry, of New York, and a petition of Lafayette Grange, No. 15, Patrons of Husbandry, of New York, praying for the passage of the Washburn-Hatch antiopium bills; which were referred to the Committee on the Judiciary.

He also presented a petition of Excelsior Grange, No. 456, Patrons of Husbandry, of New York; a petition of Union Grange, No. 244, Patrons of Husbandry, of New York; a petition of Lafayette Grange, No. 15, Patrons of Husbandry, of New York, and a petition of Walton Grange, No. 536, Patrons of Husbandry, of New York, praying for the passage of House bill 395, defining lard and imposing a tax thereon; which were ordered to lie on the table.

He also presented a petition of Green Aubrey Grange, No. 514, Patrons of Husbandry, of New York; a petition of Union Grange, No. 244, Patrons of Husbandry, of New York, and a petition of Walton Grange, No. 536, Patrons of Husbandry, of New York, praying for the passage of legislation to prevent the adulteration of food and drugs; which were ordered to lie on the table.

Mr. PETTIGREW presented the memorial of Nathan Osborn and other members of the Seventh-Day Adventist Church of Hutchinson County, S. Dak., remonstrating against Congress committing the Government of the United States to a union of religion and state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented the petition of Henry T. Bachman, bishop and president of the executive board of the Moravian Church of Bethlehem, Pa., praying that an increased appropriation be made by Congress for the education of children in Alaska; which was referred to the Committee on Appropriations.

Mr. JONES of Arkansas presented the petition of Michael Fred, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Arkansas, praying for the passage of the Washburn-Hatch antiopium bills; which was referred to the Committee on the Judiciary.

Mr. CASEY presented memorials of the Presbytery of Bismarck, Synod of North Dakota, remonstrating against the opening of the World's Columbian Exposition on Sunday, and the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented petitions of 19 Methodist churches of Ohio; a petition of the Congregational Church of Bucksville, Ohio; petitions of Baptist churches in Lebanon and Marietta, Ohio; petitions of four Lutheran churches of Ohio, and petitions of ten Presbyterian churches of Ohio, praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of W. H. Dawdell and 9 other members of the Seventh-Day Adventist Church of Logan County, Ohio, remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Young Men's Christian Association of Toledo, Ohio, praying for the passage of legislation respecting the present postal system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chinese Sabbath School Association of New York City, remonstrating against the passage of any further legislation against the Chinese; which was ordered to lie on the table.

Mr. MANDERSON presented the memorial of O. B. Webster and 22 other citizens of Dakota County, Nebr., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Silver Creek, Nebr., praying for the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. TELLER presented the memorial of Mrs. R. E. McHaffey and other members of the Seventh-Day Adventist Church of Mesa County, Colo.; the memorial of J. L. Shockey and 25 other members of the Seventh-Day Adventist Church of Hot Spring

County, Ark.; a memorial of sundry citizens of Deer Trail, Colo.; the memorial of F. J. Hartman and 8 other members of the Seventh-Day Adventist Church of Saguahe County, Colo., and the memorial of Watson Zugler and other members of the Seventh-Day Adventist Church of Arapahoe County, Colo., remonstrating against Congress committing the United States Government to a union of religion and the state in the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL presented the memorial of Eli Rancy and other members of the Seventh-Day Adventist Church of Bates County, Mo.; the memorial of M. E. Lancaster and other members of the Seventh-Day Adventist Church of Lehigh, Mo., and a memorial of W. H. Beasley and other members of the Seventh-Day Adventist Church of Butler, Mo., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the St. Joseph (Mo.) Board of Trade, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the St. Louis (Mo.) Cotton Exchange, remonstrating against the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Evangelical Alliance of St. Louis, Mo., and a petition of the St. Mark's English Evangelical Lutheran Church of St. Louis, Mo., praying that the World's Fair be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST. I present a petition of the St. Mark's English Evangelical Lutheran Church, of St. Louis, Mo., praying for legislation by Congress prohibiting the opening of the World's Columbian Exposition on the Sabbath.

I want to call attention to this petition. It seems to have been a machine petition, printed and addressed originally to the Senators from Ohio, "Hon. JOHN SHERMAN and Hon. CALVIN BRICE." Those names are scratched out now, and the petition is addressed to Hon. F. M. COCKRELL and GEORGE G. VEST," from Missouri, and contains this remarkable resolution:

Resolved. That we do hereby pledge ourselves and each other that we will, from this time henceforth, refuse to vote for or support for any office or position of trust any member of Congress, either Senator or Representative, who shall vote for any further aid of any kind to the World's Fair, except it be on the conditions named in these resolutions.

I merely want to say as a Senator that whatever may be my vote upon the question of closing the Exposition on Sunday, I shall certainly pay no attention to this class of resolutions. I do not hold the people who sent the petition to me entirely responsible, for they are very respectable people of that congregation and have signed this petition without scrutiny. It has obviously been prepared in the city of Washington and sent out from this place as a sort of political blackmail on the representatives of the people. If that kind of practice is to continue, and if, when I believed a bill or joint resolution not constitutional, I am still to vote for it under the pain and penalty of being put out of public life, so far as I am concerned I do not want to hold office if I am to hold it upon any such condition. If I can not exercise my judgment as a representative, as a Senator of the people, without that sort of coercion, I do not care about holding office at all. This question is before a committee of which I am a member, and we have been considering it very carefully.

I will say now, parenthetically, that a much more serious question, it seems to me, is in regard to the expenditures that have been made by the World's Columbian Exposition. I notice that of the \$5,000,000 that was to be contributed by the city of Chicago \$90,000 has been expended for the location of the Exposition in that city. I hope the House committee that visited the city of Chicago and investigated the affairs of the Exposition will see whether the \$90,000 expenditure was necessary, and how it was expended, and who got the money. I was of the opinion when the bill was first presented here and when we voted upon it, and I so stated as the RECORD will show, that after expending the \$5,000,000 Chicago would then come to Congress and say it was necessary to the honor of the entire country that the Exposition should be worthy of the people of the United States. The result has proved, I am sorry to say, just what I anticipated.

I propose that my vote shall be governed, not by the question alone whether the Exposition is closed or opened on the Sabbath day or by the sale of beer upon the grounds, but by my general opinion, based upon all the facts, as to whether the honor of

this country is involved in the continued reckless expenditure of money such as I believe has taken place.

The VICE-PRESIDENT. The petition will be referred to the Select Committee on the Quadro-Centennial.

Mr. VEST presented a memorial of the St. Louis Cotton Exchange, remonstrating against the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the St. Joseph (Mo.) Board of Trade, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young Men's Christian Association of the Normal School of Chillicothe, Mo., praying for the passage of Senate bills 2824 and 2825, and House bills 387 and 5067 in regard to mail tariff; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of the East Maine Conference of the Methodist Episcopal Church, remonstrating against any appropriation being made in aid of the World's Columbian Exposition unless the Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CARLISLE presented a petition of the faculty of the University of Kentucky, praying that the World's Columbian Exposition be closed on Sunday; that the sale of intoxicating liquors be prohibited thereat; and that the art department be conducted according to the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a memorial of the Presbytery of Neosho, Kans., remonstrating against the opening of the World's Columbian Exposition on Sunday and the sale of intoxicating liquors thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the passage of House bill 6182, relating to Light-House Service; which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25 and March 2, 1889, and by act of Congress approved July 25, 1890.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 8001) to authorize a national bank at Chicago, Ill., to establish a branch office upon the grounds of the World's Columbian Exposition; and

A joint resolution (H. Res. 97) to fill vacancies which will occur in the Board of Managers in the National Home for Disabled Volunteer Soldiers on April 21, 1892.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on the Judiciary, to whom was referred the bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," reported it with amendments.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 1784) to indemnify the settlers upon the so-called Des Moines River lands, in the State of Iowa, reported it with an amendment.

Mr. MORGAN, from the Committee on Indian Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 3030) to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency, in the Indian Territory, and for the sale of surplus lands of such tribes, and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes; which was read twice by its title.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 2788) creating two additional land districts in the State of Montana, reported it with an amendment.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3031) granting the use of certain lands to the city of New Bedford, Mass., for a public park; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PETTIGREW introduced a bill (S. 3032) for the relief of Theodore H. Mehring; which was read twice by its title, and referred to the Committee on Claims.

Mr. SANDERS introduced a bill (S. 3033) for the relief of H. D. Pickman; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3034) for the protection of the silver mining industry; which was read twice by its title, and referred to the Committee on Finance.

Mr. QUAY introduced a bill (S. 3035) to remove the charge of desertion from the military record of Bernhard Steuber; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST introduced a bill (S. 3036) to confirm New Madrid location survey No. 134, and to provide for the issue of a patent therefor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. PERKINS introduced a bill (S. 3037) providing for the restoration of the southwest quarter of section 34, township 12 north, range 3 west, to the public domain, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3038) granting a pension to James Molloy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3039) granting a pension to Martha Hurst; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3040) for the relief of the legal representatives of Edwin De Leon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3041) granting a pension to Martin Morris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CASEY introduced a bill (S. 3042) to provide for leave of absence to certain members of the Grand Army of the Republic during the encampment of the Grand Army of the Republic in the city of Washington, D. C., during the month of September, 1892, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY introduced a bill (S. 3043) to amend an act entitled "An act granting the right of way for the construction of a railroad through the Hot Springs Reservation, State of Arkansas," approved October 19, 1888; which was read by its title, and referred to the Committee on Public Lands.

Mr. GIBSON of Louisiana introduced a bill (S. 3044) for the establishment of a dry dock on the Government reservation near Algiers, La., with an appropriation therefor; which was read twice by its title.

Mr. GIBSON of Louisiana. A bill similar to this measure was passed by the Senate February 15, 1892. I move that the bill be referred to the Committee on Naval Affairs, and I hope, notwithstanding the rules, the committee may incorporate it in the naval appropriation bill.

The motion was agreed to.

Mr. BLACKBURN introduced a bill (S. 3045) for the benefit of the State of Kentucky, Logan County and Louisville, and of Sumner and Davidson Counties, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

Mr. WOLCOTT introduced a bill (S. 3046) granting a pension to Ernest L. Schinkel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3047) granting a pension to Abraham Rhodes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a joint resolution (S. R. 79) calling on the President to take such amicable measures as may seem proper to secure from Italy indemnity for the imprisonment of Nicolino Mileo by the Italian Government, he being at the time a naturalized citizen of the United States and not liable to military service; which was read twice by its title.

Mr. MANDERSON. I ask that the joint resolution be referred to the Committee on Foreign Relations.

The VICE-PRESIDENT. It will be so referred.

Mr. DOLPH. Who introduced the resolution?

Mr. MANDERSON. I introduced the joint resolution for reference to the Committee on Foreign Relations.

Mr. DOLPH. The matter is already under consideration by that committee. I should like to hear the resolution read.

Mr. MANDERSON. The committee is probably acting under a resolution of investigation. This is in the form of a bill for relief.

The VICE-PRESIDENT. It is a joint resolution.

Mr. DOLPH. Very well.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. CULLOM introduced a joint resolution (S. R. 80) to define an act entitled "An act to amend the pension laws by increasing

the pensions of soldiers and sailors who have lost an arm or leg in the service," approved August 4, 1886; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. QUAY. At the request of the Coal Exchange of the city of Pittsburg, I submit a proposed amendment which I shall offer to House bill 2820, being the river and harbor appropriation bill. I move its reference to the Committee on Commerce, and that it be printed.

The motion was agreed to.

Mr. QUAY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

FINANCIAL RELIEF FOR FARMERS.

Mr. CALL submitted the following resolutions; which were ordered to lie on the table and be printed:

Resolved by the Senate of the United States of America, That a special committee of nine Senators shall be appointed, who are hereby instructed to consider and report to the Senate some legislation that will relieve the scarcity of money amongst the farmers in all parts of the country, reduce the rate of interest, and enable them to obtain loans of money on the security of their lands and crops.

2. That they shall inquire and report whether it is not practicable to establish some agency, depository, subtreasury, or banking system, which with and by the aid of the Government, cooperating with the citizens, money shall be kept in every community within the reasonable and proper need of the people, at low rates of interest, to be fixed and regulated by the people of the several communities under the supervision of the Government.

3. To consider and report to the Senate whether it is not practicable to devise some system by which the perpetual flow of money from all parts of the country to the centers of commerce and business shall be limited and restrained so far as shall be necessary to enable a sufficient supply of money for the need of the people in all sections of the country to be kept in their different and respective communities.

GEOLOGICAL SURVEY.

Mr. POWER. I wish to call up the resolution heretofore offered by me.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted on a previous day by the Senator from Montana, which will be stated.

The CHIEF CLERK. A resolution by Mr. POWER providing for an investigation into the relations of the Geological Survey office and the topographical survey under it.

The VICE-PRESIDENT. The resolution has been read.

Mr. POWER. I ask that the resolution be referred to the Committee on Civil Service and Retrenchment.

Mr. MANDERSON. My impression is that it makes a charge upon the contingent fund of the Senate. If so, under the rules it must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. POWER. I should like to have it referred first to the Committee on Civil Service and Retrenchment.

The VICE-PRESIDENT. It can first go to the Committee on Civil Service and Retrenchment.

Mr. POWER. And then it can be referred to the Committee on Contingent Expenses.

The VICE-PRESIDENT. It will be so referred.

Mr. SHERMAN. The resolution is not adopted?

The VICE-PRESIDENT. It has not been adopted. It has been referred to the Committee on Civil Service and Retrenchment.

Mr. SHERMAN. That is all right.

PUBLIC BUILDING AT ALTOONA, PA.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar under rule 8 is in order.

Mr. QUAY. I expect to be absent from the Senate during the latter part of the week, and I should be glad if Senators would indulge me by the passage of the bill (S. 2007) for a public building at Altoona, Pa., and appropriating money therefor.

The VICE-PRESIDENT. The bill will be read for information.

The bill was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 12, before the word "thousand," to strike out "eighty" and insert "one hundred and fifty;" and in line 31, before the word "thousand," to strike out "eighty" and insert "one hundred and fifty."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SELMA, ALA.

Mr. QUAY. At the request of the Senator from Alabama [Mr. MORGAN], who was necessarily called out of the Senate a moment ago, I ask the Senate to proceed to the consideration of the bill (S. 1777) for the erection of a public building at Selma, Ala.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. MONROE.

Mr. MANDERSON. I call for the regular order, the Calendar.

The VICE-PRESIDENT. The first bill on the Calendar will be proceeded with.

The bill (S. 1535) to increase the pension of Andrew J. Monroe was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "fifty" and insert "eighteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Andrew J. Monroe, late of Company L, Eleventh Indiana Cavalry Volunteers, to \$18 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA CONROY.

The bill (S. 453) granting a pension to Eliza Conroy, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Conroy, widow of James Conroy, late of Company K, Twenty-first United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. WISE.

The bill (S. 1143) granting a pension to Mary A. Wise, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the words "pension roll," to insert "subject to the provisions and limitations of the pension laws" in line 6, before the word "Peter," to insert "Captain;" and in line 7, after the word "Cavalry," to strike out "and pay her a pension at the rate of \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Wise, widow of Capt. Peter Wise, late of Company I, Eighteenth Pennsylvania Cavalry.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER P. GOODWIN.

The bill (S. 520) granting an increase of pension to Oliver P. Goodwin, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of \$30 per month, the name of Oliver P. Goodwin, late a private in Capt. Knapp's company Missouri Volunteers, Mexican war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADELIA NEW.

The bill (S. 2605) granting a pension to Mrs. Adelia New, of Indianapolis, Ind., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Adelia New, of Indianapolis, Ind., at \$40 per month, in lieu of any pension to which she may be entitled as widow of her late husband, George W. New, deceased, and also in full compensation of her personal services as a volunteer army nurse in the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. SMITH, MILTON EVANS, AND OTHERS.

The bill (S. 1140) for the relief of John C. Smith, Milton Evans, and others, was considered as in Committee of the Whole.

The bill provides for the issue of patents to certain lands in Wallawalla County, Wash.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, on page 3, in line 20, before the name "Prather," to insert the initials "W. G."

The amendment was agreed to.

The next amendment was, on the same page, in line 30, before the word "hundredths" to strike out "thirty-two and fifteen," and insert "thirty-one and seventy-five;" so as to read:

To Thomas Paul, lots 6 and 7, section 35, and the northeast quarter of the southeast quarter, and lots 6 and 7, in section 34, aggregating 131.75 acres.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was amended in line 1, of the third paragraph, by inserting the initials "W. G." before the name "Prather."

The preamble as amended was agreed to, as follows:

Whereas by an Executive order a military hay reserve consisting of about 650 acres of land was set apart in township 8 north, of range 35 east of the Willamette meridian, in Wallawalla County, in the State of Washington, before the extension of the public surveys over the same, and such reserve was afterwards, and in the year 1863, surveyed, and for a short time appropriated by the military authorities of the United States for a hay reserve and then abandoned; and

Whereas at and prior to the survey and use of said reservation by the military authorities John C. Smith was occupying and improving a part thereof, consisting of 195.72 acres, as a claimant under what is commonly known as the Oregon donation act, and has continuously resided upon, improved, and cultivated the same and made it his home, except for the short time he was excluded by military authority; and

Whereas Thomas Paul, Milton Evans, and W. G. Prather, and their respective vendors, have occupied and improved the other portions of said reserve continuously from a time prior to the survey and use thereof by the said military authorities, except during the short period the same was used as a military hay reserve, and during which time they were by military authority excluded from such land; and

Whereas said persons have at all times been ready and desirous of acquiring said lands under the laws of the United States, but have been unable to do so on account of said Executive order, and have erected and maintained on their respective possessions comfortable dwelling-houses and barns, and have made other permanent and valuable improvements thereon, and have complied, in respects of residence and cultivation, with the conditions imposed upon homestead claimants under the laws of the United States: Therefore.

QUANAH AND OKLAHOMA RAILROAD COMPANY.

The bill (S. 1624) to authorize the Quanah and Oklahoma Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the Quanah and Oklahoma Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, using, and maintaining railway, telegraph, and telephone lines through the Indian Territory, as follows: Beginning at a point to be selected by said railway company on the south boundary of Greer County, between the mouth of the North Fork of Red River and the one hundredth meridian, thence by the most practicable route in a northeasterly direction through the Indian Territory to a point on the Kansas line between the ninety-fifth and ninety-seventh meridians, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said line of its railway, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein provided to be taken shall be leased or sold by the company; and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, custom, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior, within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Muscogee, Ind. T., upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of \$4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile.

Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Muscogee, Ind. T., which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation; and said railway company shall transport troops and property of the United States free of charge.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of \$50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of \$500 each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of \$15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employees of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between Quanah and Oklahoma Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way or may be by the proper authorities laid out across the same.

SEC. 10. That the said Quanah and Oklahoma Railway Company shall accept this right of way upon the express condition, binding upon itself, its suc-

cessors, and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

Mr. SHERMAN. Mr. President, it seems to me that is a very long and extraordinary bill to grant a right of way to a railroad company through an Indian reservation. It seems to embrace all sorts of subjects, and I do not think it ought to be passed in the morning hour, unless some Senator can explain it.

If the bill is only intended to carry out what the title says, to authorize a certain railway company to construct and operate a railway through the Indian Territory, it certainly ought not to cover so much space. I think the bill had better go over.

Mr. PERKINS. If the Senator from Ohio will permit a suggestion, I will say that this bill contains the provisions which are incorporated in all the bills which have been passed giving railroad companies the right to construct railroads through the Indian Territory. There has been a form adopted by the Committees on Indian Affairs of the two Houses, and it has been accepted by the two Houses as a proper form. This amendment contains all the safeguards of those bills. There is nothing contained in this which has not been embraced in a dozen similar bills we have passed.

Mr. SHERMAN. Then I would advise the committee to adopt Dr. Franklin's prescription; that is, to put all this material in one bill, and then say that such and such a railway may be constructed in accordance with that general law.

Mr. PLATT. The Senator from Arkansas [Mr. JONES] reported the bill, and I would say to the Senator from Arkansas that the Senator from Ohio is making some inquiries in reference to it.

Mr. JONES of Arkansas. I was out of the Chamber for a moment and I did not hear the inquiry of the Senator from Ohio.

Mr. SHERMAN. The bill is for the purpose of authorizing the construction of a railroad through an Indian reservation, and embraces a great variety of legislation of a very peculiar character.

Mr. PLATT. The bill is in the ordinary form.

Mr. SHERMAN. I think if it was simply a general bill relating to the general construction of railroads through Indian reservations it might be wise enough.

Mr. JONES of Arkansas. The bill is put in the usual form in which the committee puts all bills granting rights of way through the Indian Territory. There was a form adopted by the Committee on Indian Affairs years ago guarding various points, which was carefully considered by the committee, and incorporated in a bill reported from that committee by me. This bill is exactly in the form of the other bills, so as to treat all these companies alike.

Mr. SHERMAN. Then I ask the Senator, would it not be better to have a general law containing all the necessary provisions for the construction of railroads through Indian reservations, and when we took up a particular case it would merely be necessary to pass a law authorizing the construction of such a railway through such a reservation.

Mr. JONES of Arkansas. I have been an advocate for years of a general law authorizing anybody who chooses to do so to build a railway across that country, subject to all the limitations we put in these bills. I believe it ought to be done. But there seems to have been some objection to it, and it has been urged by some that Congress ought to consider the propriety or impropriety of building every railroad. That rule has been followed out by the committee with uniformity. In this particular case the bill was introduced not at all in the form that the committee usually reports such bills. The gentleman who was here asking for the passage of the bill came to see me about it, and I explained to him that we would put the bill in the usual form if we reported it at all; that we were not inclined to report bills for the construction of railroads which were not likely to be built.

Gen. Dodge was here some time afterwards and spoke to me about it. He said this company intended to build a road from Fort Worth to Denver, and assured me that the right of way was wanted in good faith with the intention of building the road. When I became satisfied that it was the intention to build the road, and that it was not a mere paper enterprise for sale, I was instructed to report the bill back to the Senate favorably, which was done, and I framed the bill myself in the usual form that

these bills are made, striking out all after the enacting clause and inserting precisely what has been passed in every similar instance.

I am glad to have the suggestion of the Senator from Ohio as to a general law on this subject, because I have been advocating it for a long time past, and have during this session been debating in my mind the propriety of preparing a general bill to cover all these questions and avoid the necessity of passing a special bill for every railroad proposed to be built in that country. I think I shall at an early day present a bill of that character to the committee and ask their action upon it.

Mr. VEST. One section of this bill will never pass without my strenuous opposition, and that is section 8 of the substitute reported by the committee.

Mr. JONES of Arkansas. I should like the Senator to read the section he criticizes.

Mr. VEST. It is section 8, which confers jurisdiction upon the courts of Texas, Arkansas, and Kansas as to suits between this railroad company and the Indian tribes or people. That is the section.

Mr. JONES of Arkansas. I think, unless there is some misprint in the bill, the Senator has misread the section. The law has been all the time to confer such jurisdiction upon the courts through the country where the road is to run as they may have under the law, for all these roads will go through a part of the Indian Territory which is under the jurisdiction of the Paris court, the court at Fort Smith, and the court in Kansas, without stopping to see whether it touches in any one of these districts at any time. This provision was put in the bill so that the jurisdiction of the whole matter is conferred upon the courts as they have it already; but my recollection of the section is that this jurisdiction shall be conferred upon those courts and such courts in the Indian Territory as have been and may be from time to time created by act of Congress, so that these different courts have their accustomed jurisdiction, and this is simply asserting the jurisdiction they otherwise have.

Mr. VEST. This gives a concurrent jurisdiction to those outside courts with the court we have already established for the trial of civil causes in the Indian Territory. Under the act which established the Territory of Oklahoma, with which the Senator from Arkansas is entirely familiar, we provided:

And the jurisdiction of the United States court established under and by virtue of "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, is hereby limited to and shall extend only over the Indian Territory, as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory.

We established that court with that jurisdiction, and a judge was appointed with a marshal and a clerk. Now, it is proposed to extend this jurisdiction, and we are to give a concurrent jurisdiction as to any suits in which this railroad company is involved to the court at Paris or the court at Fort Smith or the court in Kansas.

I am utterly opposed to any such legislation. There is no reason at all why these outside courts should have jurisdiction in those cases. That court which we established within the Indian Territory is entirely competent; juries can be obtained there equal to the juries in any of the adjacent States, and my own State adjoins that Territory.

If we propose to teach these Indians our modes of life, our administration of law, and our ideas of justice, we can never do it by dragging them out of the Territory upon the writ of any corporation to be tried before alien juries outside of their own country. There is no necessity for any such provision.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. VEST. I do not object. I simply want the sense of the Senate on the section of the amendment to which I have referred.

Mr. COKE. I ask that the bill may go over. I think probably I shall want to offer an amendment to it on page 7.

The VICE-PRESIDENT. Objection being made, the bill will go over, and the next bill on the Calendar will be stated.

WARREN HALL.

The bill (S. 789) for the relief of Warren Hall was considered as in Committee of the Whole. It proposes to confer on the Court of Claims original jurisdiction to hear and adjudicate, according to justice and right and according to the provisions of section 3 of the act approved March 12, 1863, commonly known as "the captured and abandoned property act," the case of Warren Hall, as originally tried and reported in the ninth Court of Claims Reports, page 170, and known as "Hall and Roche's case," notwithstanding the former trial. If it shall appear that Hall was, in fact, free born he shall be deemed to be entitled to all such rights as he would have been entitled to if he had continued a free man, notwithstanding he may have been reduced

to a state of slavery *de facto* wrongfully or by operation of the laws of any State. The bar of limitation is removed; and for this purpose the court shall hear and consider the new testimony and any other proper testimony which may be offered at the trial by the claimant, on the part of the defendant Government, and the testimony considered by the court in the original trial, so far as the same may be applicable to the new trial, shall also be available.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRICE OF DESERT LANDS.

The bill (S. 2092) to fix the price of lands entered under the desert-land laws was considered as in Committee of the Whole. Mr. COCKRELL. I ask that the report may be read in that case.

The Secretary read the following report, submitted by Mr. CAREY, March 16, 1892:

The Committee on Public Lands, to whom was referred the bill (S. 2092) to fix the price of lands under the desert-land law, have had the same under consideration and recommend that the bill pass with amendments.

The desert-land law, which was approved March 3, 1877, fixed the price of desert lands at \$1.25 an acre, one-fifth of which, or 25 cents, was required to be paid at the time the original entry was made, and four-fifths, or \$1, was required to be paid at the time of final proof or entry. This appears from the decisions to have been the accepted price, without the same having been even questioned, for the period of more than ten years, whether the lands entered were situated inside or outside the limits of railroad grants.

The language of the desert-land law is clear and explicit, and there can be no doubt that it was the intention of Congress at the time of the passage of the act to make a uniform price of \$1.25 for all lands sold under the desert-land law, and that no exception to the rule was contemplated where the desert lands were situated inside of the railroad limits.

Without additional legislation a circular was issued by the General Land Office in 1887 declaring that thereafter purchasers of desert lands would be required to pay 50 cents per acre at the time of original entry and \$2 per acre at the time of final proof. Rulings in compliance with this circular at local land offices were contested. Though there appears to have been a great difference of opinion on the subject, the Secretary of the Interior on an appealed case held, in 1889, "that the act of March 3, 1853, fixing the price of public lands within railroad limits at \$2.50 an acre, was not repealed by the desert-land act, which fixed the price of desert land at \$1.25 an acre."

This decision was reached under the rule of construction that statutes are repealed by express provisions of a subsequent law, or by necessary implication, and in the latter case there must be such a positive repugnancy between the provisions of the old and new law that they can not stand together or be consistently reconciled.

In some cases the land was entered at \$1.25 an acre, and at the time of final proof the entrymen were required to pay for the land at the rate of \$2.50 an acre. Applications were made by entrymen in some instances for the repayment of the amount overpaid on final certificates. These applications were rejected on the ground that repayment can not be recognized in the absence of express statutory authority.

The committee find that since the passage of the act approved March 3, 1890, which, among other things, amended the desert-land law of March 3, 1877, the uniform ruling of the land department has been to declare the price of all lands, subject to entry under the desert-land laws, at \$1.25 an acre.

Desert lands are those that will not produce agricultural crops without artificial irrigation, which under the most favorable conditions is expensive. The committee, without questioning the decisions of the Land Department, think that the Government is amply paid for these lands at \$1.25 an acre, especially if an incident of their sale is a reclamation of the land.

The second section of the bill authorizes the repayment to entrymen of the excess which was required to be paid by them of over \$1.25 an acre for desert lands. The bill is approved by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, Washington.

SIR: I am in receipt by reference from you of Senate bill 2092, entitled "A bill to fix the price of lands entered under the desert-land laws," with a request for an expression of the views of this Department thereon.

I herewith inclose a copy of the report of the Commissioner of the General Land Office on said bill, and I see no objection to the passage of the same.

Very respectfully,

GEO. CHANDLER,
First Assistant Secretary.

Hon. J. N. DOLPH,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 19, 1892.

SIR: I have the honor to acknowledge receipt of a copy of Senate bill 2092, Fifty-second Congress, first session, entitled "A bill to fix the price of lands entered under the desert-land laws," referred by the honorable First Assistant Secretary, February 15, 1892, for report in duplicate.

The provision of the first section of said bill, fixing the price of desert lands at \$1.25 per acre, agrees with the construction already placed by the Department upon the act of March 3, 1891 (see 14 L. D., 74), and as the second section provides for the repayment of any excess above that sum in entries already made, thus securing a uniform price in all desert-land cases, I see no objection to the bill becoming a law.

Attention is, however, invited to a clerical error in the fifth line of the bill, where the words "eighty-seven" should be "seventy-seven."

The copy of said bill is herewith returned.

Respectfully,

THOS. H. CARTER,
Commissioner.

The SECRETARY OF THE INTERIOR.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 5, before the word "entitled," to strike out the date "1887" and insert "1877;" so as to make the section read:

That the price of lands that may be entered under the provisions of the act

approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," or the provisions of the act approved March 3, 1891, entitled "An act to repeal the timber-culture laws, and for other purposes," so far as said provisions are amendatory of said desert-land act, shall be \$1.25 per acre, whether said lands shall be outside or included within a railroad grant.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the words "heirs or," to strike out "assigns" and insert "legal representatives;" so as to make the section read:

SEC. 2. That in all cases where parties have entered lands under the provisions of the desert-land laws, and have been required to pay a double minimum price for the same, for the reason that such entries were included in a railroad grant, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or legal representatives, the excess of the amount paid over and above \$1.25 per acre, out of any moneys in the Treasury not otherwise appropriated, which shall be paid in the same manner as is now provided to refund purchase money on lands erroneously sold by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

W. H. WARD.

The bill (S. 789) for the relief of W. H. Ward was considered as in Committee of the Whole. The preamble recites that the Senate Committee on Patents of the Forty-eighth Congress, by virtue of an act approved March 3, 1883, referred to the Court of Claims the petition and claims of William Henry Ward (formerly of Auburn, N. Y., and also of Monongahela City, Pa., but now of Alexandria, Va.) against the United States for a shell-molding machine, and also for the infringement and use of his bullet-machine patents, namely, one of March 20, 1855, for an "improved press for making cylindro-hollow-conical projectiles by pressure," and the other of November 10, 1857, for an improved bullet machine, and numbered, respectively, 12574 and 18616; and that it is objected that two of these claims are debarred judicial consideration in consequence of existing statutes, to wit, section 1069 of the Revised Statutes limiting the time within which claims are to be prosecuted before the Court of Claims, and one of the claims by section 3477 relating to the assignment of claims against the United States.

The bill therefore proposes to authorize the Court of Claims to examine all the claims of Ward set forth in his petition, notwithstanding the sections of the Revised Statutes referred to in the preamble, and when the facts have been found by the court, to render such judgment thereon as law and equity warrant, without reference to the statutes of limitation or other acts or statutes to the contrary.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, submitted by Mr. KYLE, March 16, 1892, as follows:

The Committee on Patents, to whom was referred the bill (S. 577) for the relief of W. H. Ward, have had the same under consideration and beg leave to report as follows:

It appears from the record that Mr. W. H. Ward (formerly of Auburn, N. Y., Pittsburgh, Pa., and now of Alexandria, Va.) secured on the 10th of November, 1857, letters patent for a bullet-making machine, and on the 1st day of December, 1857, a patent for a machine for molding shells. Both of these were granted for a term of fourteen years from their respective dates and were "original" or "first patents."

These patents were the result of extended investigation and long experience upon the part of the inventor, and were brought to their present perfection at a cost to him of nearly \$75,000. They are of a class of patents which are valuable in a general way only to governments; and it was upon the sales to governments that he expected to derive his remuneration. The bullet-molding machine enables the molder to compress a ton of cold lead into bullets at a cost of \$1.90, being a less amount than the cost of melting the lead. Our Government was quick to seize upon the invention as of great service in case of war, and in 1856 appropriated the machine for use in the navy-yards, without consulting the inventor.

Mr. Ward made his protest to Capt. Dahlgren, of the Ordnance Department, soon after, but received no satisfaction or consideration. In 1859 Mr. Ward crossed the water to introduce his machine to foreign governments, remaining abroad until 1866. Upon his return he went to Chief of Ordnance, Gen. Dyer, with his complaint, but was told that he must seek redress in Congress. Being averse to this he secured the services of Judge Thomas Hood, who prosecuted this case. No satisfaction having been obtained, two bills were finally presented to Congress by him asking an appropriation in behalf of Mr. Ward. Subsequent bills of the same nature passed the House and were referred to the Senate Committee on Patents during the Forty-fourth Congress. Upon request of said committee these bills were withdrawn, the committee offering to introduce a bill referring the case to the Court of Claims.

The bill was drawn and reported favorably by Senator Wadleigh, of New Hampshire. Since that time favorable reports from the Committee on Patents have been made successively by Senators KERNAN, PLATT and TELLER. Bills have passed the Senate at each of past four Congresses.

Your committee are of opinion that Mr. Ward should have the privilege of going with his case before the Court of Claims, and that the Government should not take advantage of any statute of limitations.

We therefore recommend the passage of the accompanying bill.

Mr. Wadleigh, in his report to the Senate of the Forty-fourth Congress, said:

"It is further manifest and known to your committee that William H. Ward made application for the extension of his patents aforesaid, and such extensions were passed through the House of Representatives by an almost

unanimous vote during the first session of the Forty-third Congress, and, in their regular order, came to your committee, together with the petition for compensation for the use of the same, and that your committee, considering that the granting of the said extensions would again render the Government liable to William H. Ward, the said patentee, for such extended term of said patents, denied the granting of said extensions, with the understanding that the matter be referred to the Court of Claims for adjudication on the merits of the inventions and claims arising therefrom, and, in accordance with such considerations, your committee recommend the accompanying bill, being Senate bill 419, and is, with the papers, with your committee."

Mr. Congressman Kellogg, of Connecticut, in debate on the shell-molding machine extension act, on the 2d of May, 1874, said:

"I have followed the reading of this report, and it seems to me this bill will fail to do justice to the patentee. I know it has been the practice, it was the practice during the war, for the Government to take patents for improvements in arms and war material and use them whenever it thought necessary, because of its strong arm to do so; that nobody would use this patent except the Government."

"The suggestion I wish to make is, if the statements embraced in the report are correct, this man ought to present his claim to Congress for compensation for the use of his patent by the Government, or authority ought to be given to prosecute his claim against the Government in the Court of Claims."

BUREAU OF ORDNANCE AND HYDROGRAPHY,
Washington, October 19, 1859.

SIR: You are requested to have an examination of Mr. W. H. Ward's machine for casting shells, and a report sent to the Bureau of the merits of the invention.

Respectfully, your obedient servant,

D. N. INGRAHAM,
Chief of the Bureau.

Capt. JOHN RUDD,
Commandant Navy-Yard, Washington.

ORDNANCE OFFICE, UNITED STATES NAVY-YARD,
Washington, October 29, 1859.

SIR: In obedience to your order of the 19th instant, I have examined and tested Mr. W. H. Ward's machine for casting shells.

Having adjusted one of his flasks, Mr. Ward made two 9-inch shells on the 24th instant, of our prescribed dimensions; they were perfect in every particular, and one was fired from the battery. The preparation of the mold can be made in six minutes. The adjustment of the core requires no measurement, and can be accomplished by the least skillful molder.

The increasing demand in the Navy for shells renders it important that the most economical mode of producing them should be employed. The use of Mr. Ward's machine will tend to economize labor, and he thinks will produce a better and sounder shell than we get from our present manner of casting.

I am, very respectfully, your obedient servant,

F. K. MURRAY,
Executive Officer, Ordnance Department.

Capt. JOHN RUDD,
Commanding U. S. Navy-Yard, Washington.

Respectfully referred to Bureau of Ordnance and Hydrography.
JOHN RUDD,
Commander.

NAVY DEPARTMENT,
Washington, February 14, 1874.

SIR: I have the honor to reply to your letter of the 8th instant in reference to the machine furnished by Mr. W. H. Ward, of Auburn, N. Y., that the machine was furnished to the Department, and used for the service of the Government; that it is of present use and value to the service, and that no payment has been made to Mr. Ward for the same.

Very respectfully,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. C. D. McDOUGALL,
House of Representatives.

AT THE NAVY-YARD.

The new machine invented by and constructed under the direction of Mr. W. H. Ward, of Auburn, N. Y., for molding musket, rifle, and pistol balls, was landed on Saturday, the 25th. The machine has been brought on at Mr. Ward's own expense, in order that the Government and its officers may have the opportunity to thoroughly test its merits. It is stated to be able to produce one hundred and sixty bullets per minute for any firearm in use, of any weight up to 2 ounces each. This can be done, too, without attendance; the machine, after starting, taking care of itself, so to speak. It is a pretty heavy affair, and weighs about 8,000 pounds. Mr. Ward has brought with it a similar weight of cylindrically pressed lead for immediate conversion into bullets.

All the various styles of firearms known to the English, French, Swiss, and American services can be supplied with exactly suitable bullets, including the hollow-ribbed, conical, and expansion varieties.

It will require till the 1st of December to set the machine in order for operation, which will be in one of the buildings at the navy-yard.

We learn also that Mr. Ward is having constructed at the works of Mr. Jamieson, in Alexandria, a machine for molding shells, likewise his invention.

[The foregoing is copied from a bound volume of the National Intelligencer, in the Library of the Capitol, volume 2, of 1856, of Monday, 27th October, 1856, on page 3, under the head of "Local Items."]

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PILOTAGE ON AMERICAN COASTWISE VESSELS.

The bill (S. 1282) exempting American coastwise vessels piloted by their licensed masters or by a United States pilot from the obligation to pay State pilots for services not rendered, was announced as next in order.

Mr. COCKRELL. In the absence of the Senator from Maine [Mr. FRYE] I ask that that bill may be passed over, retaining its place upon the present Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice and remain on the present Calendar.

Mr. FRYE subsequently said: The bill (S. 1282) exempting American coastwise vessels piloted by their licensed masters or by a United States pilot from the obligation to pay State pilots for services not rendered, was passed over without prejudice. I desire to give notice that immediately after the unfinished business is disposed of I shall ask the Senate to proceed to the consideration of that bill.

AMANDA G. WALTER.

The bill (S. 259) for the relief of Amanda G. Walter, as executrix of Thomas U. Walter, deceased, was announced as next in order.

Mr. COCKRELL. I should like to hear some explanation of that bill, but I see the Senator from Florida [Mr. PASCO] who reported it, is absent. I ask that it may be passed over without prejudice. The report is a very long one and would consume all the morning hour to read. It is an old claim for personal services and seems to me to need some explanation.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

WILHELM SPIEGELBURG.

The bill (S. 1279) for the correction of the military record of Wilhelm Spiegelburg was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES FLETCHER ALIAS JAMES H. MITCHELL.

The bill (S. 2087) for the relief of Charles Fletcher, alias James H. Mitchell, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "date," to insert "of July 16, 1865;" so as to make the bill read:

Be it enacted, etc., That the charge of desertion standing against Charles Fletcher, who served under the name of James H. Mitchell as a private in Company H, Ninety-fifth Regiment of New York State Infantry Volunteers, is hereby removed; and the Secretary of War is hereby authorized and directed to discharge the said soldier as of the date of July 16, 1865, to which said company and regiment were paid on their discharge.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET KENNEDY.

The bill (S. 448) for the relief of Margaret Kennedy was announced as next in order.

Mr. KYLE. I am requested to ask that this bill may be passed over without prejudice and remain on the Calendar.

The PRESIDING OFFICER (Mr. TURPIE in the chair). If there be no objection, the bill will be passed over retaining its place on the Calendar.

LIVERY-STABLE KEEPERS IN THE DISTRICT OF COLUMBIA.

The bill (S. 1975) for the protection of livery-stable-keepers and other persons keeping horses at livery within the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL UNION INSURANCE COMPANY OF WASHINGTON.

The bill (H. R. 5444) to amend an act entitled "An act to incorporate the National Union Insurance Company of Washington," approved February 14, 1865, was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to know of the Senator reporting this bill what changes it proposes in the existing law in regard to this corporation?

Mr. PERKINS. Under the present law this corporation is limited to nine directors. They desire to have the number increased to fifteen as proposed by the bill.

Under the present law the company can not own real estate exceeding in value, according to my recollection, \$100,000. The company recently constructed a brownstone-front building in this city, a very handsome office building, and there is some doubt whether under its present charter it has a right to own so valuable a property as it possesses. To relieve all doubt, the company ask to have the law changed in the particular suggested, so that it may own real estate to the value of \$250,000.

This company is one of the most responsible insurance companies in this city. It invests its funds, as most of these insurance companies do, in real-estate loans. This bill provides that it shall not own real estate in excess of \$250,000 in value, except

as it is required by foreclosure proceedings to take property from time to time, which, however, under this proposed law, it can not hold for more than five years.

The bill has passed the House of Representatives without objection; it was carefully considered by the committee of the Senate, and was unanimously reported. It was thought that the bill was right.

Mr. COCKRELL. I should like to ask whether the House or the Senate bill is being considered?

Mr. PERKINS. The House bill is being considered, as I understand it. The Senate bill was laid upon the table, as I remember, or indefinitely postponed.

Mr. COCKRELL. I was looking at the Calendar to see if this was a House bill. There are two bills here just the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDNANCE STORES AND SUPPLIES TO NEBRASKA.

The bill (S. 1348) for the issue of ordnance stores and supplies to the State of Nebraska, to replace similar stores destroyed by fire, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 12, after the word "trousers," to strike out "forty-two" and insert "forty;" and in line 13, after the word "caps," to strike out "forty-two cavalry dress coats, forty-two cork helmets with spikes and plumes, two bugles, and one stand of colors, including two cavalry guidons," and insert "and two trumpets;" so as to make the clause read:

Clothing, camp, and garrison equipage: Forty-two cavalry blouses, forty-two cavalry trousers, forty forage caps, and two trumpets.

The amendment was agreed to.

The next amendment was, in line 18, after the word "pattern," to strike out "fifty cartridge belts and fifty slings;" so as to make the clause read:

Ordnance and ordnance stores: Fifty sabers, fifty saber belts, fifty cavalry bridles complete, fifty Springfield carbines complete (latest pattern).

The amendment was agreed to.

The next amendment was, to insert the following as an additional section:

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,216.34 to enable the Secretary of War to purchase the ordnance and ordnance stores called for herein, and the further sum of \$308.12 to further enable the Secretary of War aforesaid to purchase the quartermaster's stores or clothing, camp, and garrison equipage mentioned and called for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DUNBAR R. RANSOM.

The bill (S. 2481) to place Dunbar R. Ransom on the retired list of the Army was considered as in Committee of the Whole. It proposes to authorize the President of the United States to nominate and, by and with the advice and consent of the Senate, to appoint Dunbar R. Ransom, late captain in the Third Artillery of the Army, a captain in the Army, and to place him on the unlimited retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORAIN RUGGLES.

The bill (S. 307) for the relief of Lorain Ruggles was announced as next in order.

Mr. COCKRELL. I object to that bill. It ought to be postponed indefinitely, as recommended by the Committee on Military Affairs, unless some Senator desires its retention on the Calendar.

The PRESIDING OFFICER. Objection being made, the bill will go over under Rule IX.

SILK CULTURE IN THE UNITED STATES.

The bill (S. 979) for the development and encouragement of silk culture in the United States, under the supervision of the Secretary of Agriculture, was announced as next in order.

Mr. VEST. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

Mr. MITCHELL. I hope the Senator from Missouri will not insist on his objection, but will allow the bill to go over without prejudice. It is an important bill for the development of the silk industry in this country.

Mr. PLATT. I should like to examine the bill. I do not ask to have it go over permanently but only temporarily.

Mr. VEST. I have not had time to examine the bill. Does it not create another office?

Mr. MITCHELL. The Senator from Mississippi [Mr. GEORGE] reported the bill. I had the honor to introduce it originally, but a substitute has been reported by the committee.

Mr. GEORGE. It only provides for an expenditure of \$2,000 per annum.

Mr. VEST. I should like to look at the bill.

Mr. MITCHELL. I hope the bill will not lose its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over informally, retaining its place.

PERJURY AT LAND OFFICES.

The bill (S. 2161) to provide for and to punish the crime of perjury before the United States local land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That in all cases where any oath, affirmation, or affidavit shall be made or taken before any register or receiver, or either, or both, of them, of any local land office of the United States or any Territory thereof, or where any oath, affirmation, or affidavit shall be made or taken before any person authorized by the laws of any State or Territory of the United States to administer oaths or affirmations, or to take affidavits, and such oaths, affirmations, or affidavits are made, used, or filed in any of said local land offices, or in the General Land Office, as well in cases arising under any or either of the orders, regulations, or instructions, concerning any of the public lands of the United States issued by the Commissioner of the General Land Office, or other proper officer of the Government of the United States, as under the laws of the United States, in anywise relating to or affecting any right, claim, or title, or any contest therefor, to any of the public lands of the United States, and if any person or persons shall, taking such oath, affirmation, or affidavit, knowingly, willfully, or corruptly, swear or affirm falsely, the same shall be deemed and taken to be perjury, and the person or persons guilty thereof shall, upon conviction, be liable to the punishment prescribed for that offense by the laws of the United States.

Mr. WILSON. This bill is rendered necessary by reason of the effect of some recent decisions of some local courts in the West. There can be no objection to it, as it merely revives a section of law passed in 1857, which by an omission in the repealing clause in the Revised Statutes was repealed entirely, so that the character of crime described in this amendment, which is simply a recital of the old law, can not be reached in the courts. Therefore it is necessary, in order to provide for the punishment of such crimes, that this additional legislation should be had.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble, which the committee recommend be stricken out.

Mr. WILSON. The preamble should be stricken out, I think. The preamble was rejected.

CUARTEL LOT, IN MONTEREY, CAL.

The bill (S. 2599) releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal., was announced as next in order.

Mr. COCKRELL. I should like to have some explanation of that bill. I see the Senator from Oregon [Mr. DOLPH] who reported it is present. It purports to confirm title to one particular lot, naming it, but there is such language in the body of the bill as to confirm all the public lands around Sacramento to the city. Now, if this bill is intended to confirm only title to this one lot, then we know exactly what it is, but if it is to be a sweeping and general law, we do not know what it covers.

Mr. DOLPH. The bill relates simply to a little lot that had some sort of a military establishment on it at the time Mexico was captured, and the title is disputed.

Mr. COCKRELL. This bill seems to be very adroitly prepared, and appears to have been introduced by request. The language used is as follows:

That the city of Monterey, Cal., is hereby designated as the trustee of the original grant made by the Mexican Government of pueblo lands—

Not of this Cuartel lot, but of all pueblo lands. That is a little too broad. I move to strike out in line 9 the words "of pueblo lands," and then in line 10, after the word "of," to strike out "said pueblo."

Mr. DOLPH. If the Senator will allow this bill to go over a moment, I will look at it. It was reported and passed at the last session. I will make some inquiries about it. I think it is only intended to make the present city of Monterey the successor of the old corporation.

Mr. COCKRELL. To this lot?

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. DOLPH. Let it go over temporarily, and I will call it up again.

The PRESIDING OFFICER. The bill will be passed over informally.

SOLDIERS' HOME IN KANSAS.

The bill (S. 2140) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein named for homes of old soldiers and their families, etc., was announced as next in order on the Calendar.

Mr. COCKRELL. Let that bill go over without losing its place on the Calendar.

The PRESIDING OFFICER. Objection being made, the bill will be passed over informally.

Mr. PERKINS. I hope it may go over with the understanding that it may not lose its place.

Mr. COCKRELL. I said not to lose its place on the Calendar. There is no report with the bill. There is already a national volunteer soldiers' home in Kansas at Leavenworth, and the General Government supports these State homes by one-half contributions to them. Unless there is some very extraordinary reason, I do not see why we should establish a State home in a State where there is already a national home.

Mr. PERKINS. This bill does not provide for the establishment of a soldiers' home under the supervision of Congress, but simply donates this land to the State of Kansas that the State of Kansas may establish a home.

Mr. COCKRELL. But there is a general provision that the United States Treasury pays one-half of the expenses of the State homes, and Kansas would come in and claim that as a matter of course. There is no question on that point.

The PRESIDING OFFICER. The bill will be passed over, retaining its place on the Calendar.

SALE OF DISTRICT LOTS.

The bill (S. 2775) to provide for the sale of certain lots in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 30th ultimo approved and signed the act (S. 1415) for the relief of John Nickels.

CHINESE EXCLUSION.

Mr. DOLPH submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 6185, having met, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

In section 3, line 2, after the word "act," insert the words "or the acts hereby extended."

In section 4, line 2, after the word "descent," strike out the word "once."

In section 4, after the words "United States," in line 3, strike out all down to the word "shall," in line 6.

In section 4, line 7, strike out the words "six months" and insert in lieu thereof "one year."

Add new sections as follows:

"SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly, without unnecessary delay.

"SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost. Should it appear that said Chinaman had procured a certificate, which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the costs of said arrest and trial shall be in the discretion of the court. And any Chinese person other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

"SEC. 7. That immediately after the passage of this act, the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms, and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants. Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the

collector of internal revenue for the district within which such Chinaman makes application.

"SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$1,000, or imprisoned in the penitentiary for a term of not more than five years.

SEC. 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act, in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of \$1 for each certificate issued.

And the House agree to the amendment of the Senate to the title so as to read as follows: "An act to prohibit the coming of Chinese persons into the United States."

J. N. DOLPH,
JOHN T. MORGAN,
Managers on the part of the Senate.

T. J. GEARY,
J. LOGAN CHIPMAN,
Managers on the part of the House of Representatives.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and thirteen minutes spent in executive session the doors were reopened, and at 4 o'clock and 10 minutes p. m. the Senate adjourned until tomorrow, Tuesday, May 3, 1892, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate May 2, 1892.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

T. Jefferson Coolidge, of Massachusetts, to be envoy extraordinary and minister plenipotentiary of the United States to France, vice Whitelaw Reid, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1892.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. John Simpson, assistant quartermaster, to be quartermaster.

Infantry Arm.

Lieut. Col. Edward G. Bush, Eleventh Infantry, to be colonel.
Maj. Edward C. Woodruff, Fifth Infantry, to be lieutenant-colonel.

Capt. George B. Russell, Ninth Infantry, to be major.
First Lieut. Thomas S. McCaleb, regimental adjutant, Ninth Infantry, to be captain.

COLLECTOR OF INTERNAL REVENUE.

Homer C. Powers, of Mississippi, to be collector of internal revenue for the district of Louisiana.

POSTMASTER.

George W. Shoemaker, to be postmaster at Albany, in the county of Gentry and State of Missouri.

HOUSE OF REPRESENTATIVES.

MONDAY, May 2, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. MCKINNEY, for one day, on account of important business.

To Mr. WASHINGTON, for one week, on account of important business.

To Mr. HARTER, for this day.

THE CENSUS INVESTIGATION.

The SPEAKER. The Chair will lay before the House a proposed order, which the Clerk will read:

The order was read, as follows:

Ordered, The Committee on Census, heretofore ordered to investigate the administration of the Census Office, is authorized to discharge that duty by a subcommittee appointed by the chairman, and the expenses of the investigation shall be paid out of the contingent fund of the House on vouchers to be approved by the chairman of said committee.

The SPEAKER. Is there objection to the adoption of this order?

There was no objection, and the order was adopted.

TO ENCOURAGE AMERICAN SHIPPING.

Mr. FOWLER. Mr. Speaker, I move to suspend the rules, to discharge the Committee of the Whole from further consideration of the bill (H. R. 7023) to encourage American shipping, and to put the bill upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to grant registers, as vessels of the United States, to such foreign-built steamships engaged in freight and passenger business, and sailing in an established line from a port in the United States, as are of a tonnage of not less than 8,000 tons, and capable of a speed of not less than 20 knots per hour, according to the existing method of Government test for speed, of which not less than 90 per cent of the shares of the capital of the foreign corporation or association owning the same was owned January 1, 1890, and has continued to be owned until the passage of this act by citizens of the United States, including as such corporations citizens created under the laws of any of the States thereof, upon the American owners of such majority interest obtaining a full and complete transfer and title to such steamships from the foreign corporations owning the same: *Provided,* That such American owners shall, subsequent to the date of this law, have built, or have contracted to build, in American shipyards, steamships of an aggregate tonnage of not less in amount than that of the steamships so admitted to registry.

SEC. 2. That the Secretary of the Treasury, on being satisfied that such steamships so acquired by American citizens, or by such corporation or corporations as above set forth, are such as come within the provisions of this act, and that the American owners of such steamships, for which an American registry is to be granted under the provisions hereof, have built or contracted to build in American shipyards steamships of an aggregate tonnage as set forth in the first section hereof, shall direct the bills of sale or transfer of the foreign-built steamships so acquired to be recorded in the office of the collector of customs of the proper collection district, and cause such steamships to be registered as vessels of the United States by said collector. After which each of such vessels shall be entitled to all the rights and privileges of a vessel of the United States, except that it shall not be employed in the coastwise trade of the United States.

SEC. 3. That no further or other inspection shall be required for the said steamship or steamships than is now required for foreign steamships carrying passengers under the existing laws of the United States, and that a special certificate of inspection may be issued for each steamship registered under this act; and that before issuing the registry to any such steamship as a vessel of the United States the collector of customs of the proper collection district shall cause such steamship to be measured and described in accordance with the laws of the United States, which measurement and description shall be recited in the certificate of registry to be issued under this act.

SEC. 4. That any steamships so registered under the provisions of this act may be taken and used by the United States as cruisers or transports upon payment to the owners of the fair actual value of the same at the time of the taking, and if there shall be a disagreement as to the fair actual value at the time of taking between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, who, in case of disagreement, shall select a third, the award of any two of the three so chosen to be final and conclusive.

The SPEAKER. Is a second demanded?

Mr. KILGORE. I demand a second.

Mr. COCKRAN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. The Chair recognizes the gentleman from New Jersey [Mr. FOWLER] to control the time in favor of the bill, and the gentleman from Texas [Mr. KILGORE] to control the time against it.

Mr. KILGORE. Mr. Speaker, all I desire is an explanation of the bill, so that the House may understand it.

Mr. FOWLER. This is simply a bill to grant an American register to certain vessels built in foreign countries and owned by American citizens, vessels of a certain tonnage and speed. It has been unanimously reported by the committee; no objection whatever has been made to it, and we believe that it ought to pass.

Mr. REILLY. Perhaps the gentleman had better call attention to the proviso in the bill.

Mr. FOWLER. Yes; the bill contains a proviso that the American owners shall, subsequent to the date of this law, have built, or have contracted to build, in American shipyards steamships of an aggregate tonnage of not less in amount than that of the steamships so admitted to registry. Mr. Speaker, I yield now to the gentleman from New York [Mr. COCKRAN] who will give any further explanation of the bill that may be desired.

Mr. COCKRAN. Mr. Speaker, in answer to the gentleman from Texas [Mr. KILGORE], I will state that the object of this bill, to put it briefly, is to provide a customer for vessels built in American shipyards. The Inman Steamship Line is to-day controlled by American capital. The company own a large fleet of ships, two of them known as the City of New York and the City of Paris. The company would like to place all their vessels under the American flag, but they do not ask that concession from Congress at this time, nor, indeed, do they intend to ask for it at all. They desire to be permitted to come into this country as an American line and to order from American shipbuilders ships of the same size and capacity as the City of New York and the City of Paris, and the indulgence they ask is that in order to enjoy this privilege they shall not be compelled to sacrifice the two ships which have been built within the last few years at an enormous expense, and which can not be sold at more than a small percentage of their actual value because they are unavailable for any purpose except transatlantic travel.

Mr. LOUD. Will the gentleman permit a question?

Mr. COCKRAN. Certainly.

Mr. LOUD. It seems to me that the first portion of this bill is drawn in such a manner that it will allow this company, and this company alone, to continue in this line of business, so far as it is affected by this legislation. I read a few lines of the bill:

That the Secretary of the Treasury is hereby authorized and directed to grant registers, as vessels of the United States, to such foreign-built steamships engaged in trade and passenger business, etc.

I do not desire to oppose the bill, but I think that if the word "now" were inserted before the word "engaged," it would obviate the objection which I have in mind.

Mr. COCKRAN. I understand that under the rules of the House it is impossible to make any amendment at this time, but I would be entirely willing to consent to any amendment which would promote the object of the bill as I have described it. That object is simply to give an opportunity to this company, or some company, upon reasonable terms to purchase ships built in our shipyards, and thus test the capacity of American shipbuilders to compete with the shipbuilders on the Clyde.

If we can show by the actual experiment of one construction that we can build vessels that can compete in speed and safety with the vessels built upon the Clyde, it is believed that a demand for American ships will arise in every maritime city on the globe, and that we shall soon become exporters of ships, instead of applicants to Congress for permission to purchase foreign-built ships.

Now, I am free to say to this House that I do not quite understand how any company can build vessels and maintain them under the American flag in competition with English-built vessels. Every shipbuilder and every shipowner with whom I have hitherto conversed has told me it is impossible to run an American ship in competition with an English vessel. But these gentlemen who now own the Inman Line declare that it is quite possible for American ingenuity and American skill to outstrip any competition in the world, and they are willing to risk their capital upon the experiment. They ask that they be permitted now to purchase ships in America without having imposed upon them the sacrifice involved in a forced sale of vessels which have recently been constructed abroad.

Mr. LOUD. Why does not the gentleman ask unanimous consent to have the word "now" inserted?

Mr. OUTHWAITE. There can not be any objection to that.

Mr. BOUTELLE. I hope the gentleman from New York will consent to that amendment. It will remove all obscurity.

Mr. COCKRAN. I certainly consent.

Mr. BLAND. Why not allow this privilege hereafter to others that may be engaged in this business? Why do you want to limit it?

Mr. COCKRAN. I have no objection to the amendment.

Mr. BLAND. I would like to know the object of limiting this privilege to companies already engaged in the business. Why do you want to make a monopoly of this? Why should it not be general?

Mr. BOUTELLE. The bill is limited by its terms to a certain corporation; and the amendment suggested will simply remove an ambiguity.

Mr. COCKRAN. I did not quite comprehend the remark of the gentleman from Maine.

Mr. BOUTELLE. In answer to the gentleman from Missouri [Mr. BLAND], who asks the object of having the word "now" inserted, I am saying that the bill by its terms is intended to be limited to a corporation whose shares, on the 1st of January, 1892, were, to the extent of 90 per cent, owned in this country. The insertion of the word "now" is desirable for the purpose of removing any ambiguity.

Mr. CARUTH. To what line does the proposed amendment apply?

Mr. BOUTELLE. The suggestion is to insert the word "now" before the word "engaged," in line 5; so as to read: "steamships now engaged."

Mr. COCKRAN. There is no objection to that; it does not change the meaning at all. Mr. Speaker, I ask unanimous consent that the bill be amended by the insertion of the word "now" before the word "engaged," in the fifth line of the first section of the bill.

The SPEAKER. The gentleman from New Jersey [Mr. FOWLER] can make that change as a modification of his motion.

Mr. WATSON. I would like to ask the gentleman from New York a question.

Mr. COCKRAN. Certainly.

Mr. WATSON. Why is it proposed that this privilege of free trade in ships be limited to lines now in operation?

Mr. COCKRAN. Because of the peculiar circumstances of the case; there is no other line, so far as I know, that wants to come in under the American flag under the conditions of this measure.

or any other conditions. If the bill be so drawn as to extend this privilege to all foreign lines we make it practically a free-ship bill, and thus provoke a discussion and an opposition, in the face of which we can not hope to carry the bill through both Houses. The object of this bill and of its limitation is to permit an experiment which this line is willing to undertake, and which, if successful, will have a decisive effect upon the ability of our shipbuilders to face foreign competition. If the experiment be successful it will make free ships an inevitable necessity in the sense that we will become sellers of ships instead of buyers of ships.

Mr. WATSON. Why not leave the experiment open to anybody who may choose to enter upon it?

Mr. COCKRAN. You have a free-ship bill now before this House which we can not hope to pass through both Houses.

Mr. WATSON. But can you not limit the number of ships?

Mr. COCKRAN. A bill of the character which the gentleman indicates is now pending in the House, and I hope we will have an opportunity to vote on it before the close of the session.

Mr. FOWLER. The privilege which this bill proposes to grant can extend under similar circumstances to ships belonging to any other line; there is no particular line mentioned in the bill.

The question being taken upon the motion of Mr. FOWLER as modified (the bill having been amended by inserting the word "now" before the word "engaged," in line 5, section 1), it was agreed to, two-thirds voting in favor thereof.

So the bill was passed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. MOSES. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 7296) granting pensions to the survivors of the Indian wars of 1832 to 1857, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk war, the Creek war, the Cherokee disturbances, or the Florida war with the Seminole Indians, embracing a period from 1832 to 1857, inclusive, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress, for any specific service in said Indian wars, although their term of service may have been less than thirty days, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That this act shall not apply to any person not a citizen of the United States.

SEC. 2. That pensions under this act shall be at the rate of \$8 per month, and payable from and after the passage of this act, for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was placed upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That this act shall not apply to any person who is receiving a pension at the rate of \$8 per month or more, nor to any person receiving a pension of less than \$8 per month, except for the difference between the pension now received (if less than \$8 per month) and \$8 per month.

SEC. 5. That the pension laws now in force, which are not inconsistent or in conflict with this act, are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed, so far as the same relates to this act or to pensioners under this act.

The SPEAKER. Is a second demanded?

Mr. HERMANN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HERMANN. I desire to offer an amendment extending the benefits of this act to survivors of the Indian wars of 1855 and 1856. Would such an amendment be now in order?

The SPEAKER. It would not.

Mr. WILSON of Washington. Could not the bill be amended by unanimous consent so as to include the survivors of the Indian wars of 1855, 1856, and 1857, in Washington and Oregon? They are just as much entitled to pensions as those who were engaged in the Seminole wars.

The SPEAKER. The Chair will state that this is a motion to suspend all rules and put the bill which has been read upon its passage. It does not carry with it the right of amendment.

Mr. WILSON of Washington. I know that, Mr. Speaker, but a few moments ago in order to get a homeopathic dose of new ships, or free ships, by consent an amendment was put on in the shape of an additional word to a pending bill.

The SPEAKER. The gentleman himself made the motion to put it in. Of course the gentleman making the motion to suspend the rules and pass this bill can move to pass it with an amendment.

The first question is on ordering a second.

Mr. MOSES. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The SPEAKER. The Chair will recognize the gentleman from Georgia [Mr. MOSES] and the gentleman from Texas [Mr. KILGORE] to control the time respectively for and against the bill.

Mr. HERMANN. Mr. Speaker, I would like to address an inquiry to the gentleman from Georgia, to ask if he would agree to authorize an amendment to this bill, extending it so as to include the Indian survivors of the war of 1855-'56? If that amendment is incorporated in the bill it will meet the hearty approval of all persons in that Western section of the country, and I will say in addition that memorials have come up from the Legislative Assemblies of all of these States, memorials have come before the committee from Indian Veterans' Associations, and individuals interested in this matter; and I will say to the gentleman that for all that vast portion of the American Union of the Northwest, embracing nearly one-fourth of our entire Union, we are indebted largely to the efforts of these men, the survivors of whom we are asking this relief for at this time. They were brave men and rendered gallant service.

Mr. KILGORE. Mr. Speaker, the gentleman is certainly occupying somebody's time.

Mr. HERMANN. I was asking consent of the gentleman from Georgia.

Mr. MOSES. In reply to the gentleman from Oregon, Mr. Speaker, I will state that the bill which has just been read was considered by the Committee on Pensions, and unanimously reported; and as a member of that committee I would state that the provisions of the bill to which he refers, or such an amendment as has been suggested by the gentleman from Oregon, has not been presented to the committee or considered by them.

I have no idea but that the committee would be willing to consider such a bill. I understand the policy of the Government is not to give service pensions until after the lapse of a greater number of years than have elapsed since the wars of 1855, 1856, and 1857. The men who served in 1836 are twenty years older than those who served in the wars to which the gentleman refers. I do not state this as an objection by any means to letting these men come in, but to suggest, as we can not materially amend the bill now, that such a provision should come in as an independent proposition and stand upon its own merits.

Mr. HERMANN. If the gentleman will permit me a word in that direction, I would like to state that such a provision as I desire to have incorporated here has been considered by your Committee on Pensions, and the committee concluded that it could not consent to go any further than the provision which is fixed in the bill now before us for consideration. But inasmuch as this bill now before us was reported by the committee some four or five years ago, it occurred to me that it would be proper to have this other feature, which is simply one of justice, incorporated in the bill for the benefit of the veterans of these Indian wars.

Mr. MOSES. In reply to the gentleman from Oregon, I think it would be better to have these bills considered separately. We tried to get this bill on the Mexican veterans' bill in the shape of an amendment, but it was rejected by the House, and that bill was passed on its own merits. It is but fair that the soldiers engaged in each war should stand on their own merits in regard to pensions.

Mr. WILSON of Washington. Will the gentleman yield for a suggestion?

Mr. MOSES. Certainly.

Mr. WILSON of Washington. Here is the condition exactly. The attempt to secure pensions for the veterans of the Indian wars of 1855, 1856, and 1857—these men residing in the States west of the Mississippi, in Oregon, Washington, and California—

Mr. KILGORE. Mr. Speaker, I want to make the point of order on this colloquy. I understand that the time has been regulated by the Speaker.

Mr. WILSON of Washington. I only want to suggest, with the gentleman's consent—I know the gentleman from Georgia is entitled to the floor—but that it is in his power to agree to an amendment which will include these men in the bill.

Mr. MOSES. It will take unanimous consent to let it go in.

Mr. HERMANN. But the gentleman can put it in by unanimous consent.

Mr. WILSON of Washington. As I have said, Mr. Speaker, the point of order of the gentleman from Texas is undoubtedly well taken. But we were endeavoring to convince the gentleman from Georgia that he had it in his power to do justice to the soldiers of the Indian wars just to the same extent as justice is

now proposed to be done to the soldiers of these other wars who live mostly in the South. The same principle applies to both.

Mr. HERMANN. Exactly.

Mr. WILSON of Washington. And we think the two cases are identically the same in regard to merit.

Mr. HERMANN. The merits are precisely the same.

Mr. MOSES. I will state to the gentleman that he can ask for unanimous consent.

Mr. HERMANN. Then I ask unanimous consent that the provisions of this bill be amended so as also to include the veterans of the Indian wars of 1855 and 1856.

The SPEAKER. It is not in the power of the House to alter the bill by amendment. Under the rules, on the third Monday of each month the Chair can recognize individual members to move to suspend all the rules and to put a bill on its passage. When a bill is so presented and the motion made it is not amendable, but the gentleman himself who submits the motion may ask that the bill be amended. It is not amendable on motion.

Mr. HERMANN. I understand, Mr. Speaker, that it will be agreeable to the gentleman to accept this as an amendment to this bill.

Mr. LIVINGSTON. That can not be done.

Mr. MOSES. I said I would not object, but I will not ask unanimous consent for the amendment.

Mr. HERMANN. The gentleman says he will not object, and therefore I ask unanimous consent that it may be done.

The SPEAKER. The gentleman can, if he himself desires, add it to the bill on his own motion. There will be no trouble about that.

Mr. HERMANN. I ask him if he will kindly accept this as an amendment?

Mr. HEARD. This bill is the work of the committee and you individually can not add to it.

Mr. MOSES. Mr. Speaker, as a member of the Committee on Pensions I do not think it is in my discretion or that I really have the right to accept the amendment.

Mr. HEARD. Of course you have not.

Mr. MOSES. The amendment is a very important one, and I would suggest to the gentleman from Oregon [Mr. HERMANN] that he bring in a separate bill covering the soldiers of the wars named.

Mr. HERMANN. But why can not the gentleman accept this amendment?

Mr. MOSES. Because we have not considered it in the committee.

Mr. HERMANN. It is a common cause. The merits of the two propositions are identically the same. These people who were engaged in the Indian wars of 1855-'56 are just as much entitled to this legislation as are the others.

Mr. MOSES. Mr. Speaker, I do not suppose it is necessary for me to explain the bill. Everybody in the House is fully acquainted with its object.

Mr. BUSHNELL. I would like to ask the gentleman how many pensioners he estimates, or how many it has been estimated by the committee, would be placed upon the pension rolls by virtue of this act?

Mr. MOSES. The highest possible number can not be over five thousand. I do not think it can possibly reach that number, because in estimating the number now living according to mortality tables no account was taken of the number of these soldiers who were killed or died in the civil war, or of the unusual death rate attending the close of the Indian wars. For instance, the report says that fully one-third of these men came home from the Indian wars sick, and the death rate was a great deal higher than the ordinary rate in the country. But taking the ordinary mortality tables, and making no allowance for the increased death rate, or for the casualties occurring in the last war, the highest possible number can not be over five thousand.

Mr. BUSHNELL. And the proposition is to pension these men.

Mr. MOSES. And a great many of these men have already been placed upon the pension rolls. Now, the Pension Committee, Friday night after Friday night, report these individual cases, and there is a universal demand upon both sides of the House that instead of taking up the time of the House in passing special bills for individuals we should put all of these old men upon the same footing and place them upon the pension rolls. The average age of these men is about 84 years, and their expectancy of life is less than three years.

Mr. BUSHNELL. The pensions are to begin when?

Mr. MOSES. At the date of the passage of the act.

Mr. LIVINGSTON. This does not go backward.

Mr. WILSON of Washington. The gentleman states in his argument that these men are dying off rapidly, that they are getting very old, and I sympathize with him and am heartily in favor of the bill; but why was it not made applicable to the same

class of people who fought in the later Indian wars, who are getting old, who are dying off rapidly, who are very small in numbers, who have rendered valuable services to the country, just as valuable as those rendered by the men who are to be the beneficiaries of this bill.

Mr. LIVINGSTON. There was no bill brought before the committee to include the others.

Mr. WILSON of Washington. Yes, there is a bill before the committee, and it has been before them some time. Why were they not all provided for at one time? It would have been very easy to bring in a bill that would do justice to men of all sections and engaged in all the old Indian wars, men who have done so much to make possible the civilization of the country.

Mr. MOSES. The gentleman's question has nothing to do with the merits of this bill. I do not discuss the merits of the bill to which he refers, but the men he is talking about were engaged in a different war, twenty years later, and the men who are provided for by this bill are 20 years older than the others. These men have had to wait until they are now 84 years old. I suppose the only objection is that the others are not old enough yet.

Mr. WILSON of Washington. They are pretty old—65 and 70 years old—and they endured just as great hardships and privations as the others did. One word more. All we are trying to do is to convince the gentleman and the members of the committee that what is sauce for his goose is sauce for our gander.

Mr. MOSES. I suggest to the gentleman that he ought to have come before the Committee on Pensions and there made the speech that he is now making here.

Mr. HERMANN. We did that.

Mr. MOSES. The committee which considered this bill was a full committee, Republicans and Democrats, and there was no suggestion made in connection with these other soldiers.

Mr. HERMANN. I will say to the gentleman that he is mistaken about that, because the bill I refer to was considered by the committee.

Mr. PICKLER. Suppose these men are drawing pensions under another law. How are they affected?

Mr. MOSES. They can not draw another pension. That is provided for.

Mr. HEARD. If my friend will allow me, I think I can simplify this trouble.

Mr. KYLE. Mr. Speaker, I rise to a question of order. There is so much confusion in the Hall that we can not understand what is going on.

The SPEAKER. The point of order is well taken. The House will be in order, and gentlemen in the rear of the seats will please cease conversation.

Mr. MOSES. I will yield to the gentleman from Missouri [Mr. HEARD].

Mr. HEARD. Mr. Speaker, I rose to say that I think I can simplify the situation a little. This bill can only be amended by unanimous consent. The gentleman from Georgia [Mr. MOSES] properly states that he has no right to accept this amendment for his committee. I want to say now that if the gentleman from Georgia [Mr. MOSES] were willing to accept the amendment, I would feel obliged to object.

I do not believe we should burden this bill, which is designed to embrace only the soldiers of the old Indian wars, with an amendment which makes it include the survivors of the later Indian wars. As the gentleman from Georgia [Mr. MOSES] has correctly stated, on every individual application coming here from these old soldiers a pension is granted by private bill; and such being the case, there is every propriety in our passing a general act covering all these cases, and save the time of Congress in legislating on individual bills. Besides, if it be right to grant this relief when applied for in individual cases we should let the relief be given in such form as to reach all entitled to it, at the same time and in the same measure. As we have been legislating by private acts there is no uniformity in amount granted, and while none are given less than \$8 per month, some go as high as \$20 per month.

A great many of these veterans are provided for now by private act. This is to put these soldiers of the old Indian wars on the same footing as the Mexican veterans, giving them a service pension of \$8 a month. The reason why the soldiers in other Indian wars are not thus provided for is because it is not so long since those wars closed. Besides that, Mr. Speaker, there are a great many Indian wars. There was the Ogoi Indian war, the Nevada Indian wars, the California Indian war, and there were also the Indian wars in Colorado and Idaho, in which the character and length of service materially differed, and some of which occurred at comparatively recent dates.

Mr. HERMANN. Why not include them?

Mr. HEARD. I am opposed to including them in this bill, and

therefore I should object if the gentleman from Georgia felt compelled to accept the amendment.

Mr. WILSON of Washington. You are not opposed to including those soldiers who were in the Indian wars up to 1851?

Mr. HEARD. I am opposed to considering them in connection with this measure. As to what I should do on that, as a separate proposition, when it comes before the House, I would then be able to declare, and I would base my action in the case on the facts then presented.

Mr. WILSON of Washington. The conditions are perfectly similar.

Mr. KYLE. I think a great deal of the confusion, Mr. Speaker, comes from the rear.

The SPEAKER. Gentlemen in the rear of the seats will please cease conversation, or retire to the cloak room.

Mr. KILGORE. Mr. Speaker, I yield such time to my colleague [Mr. CULBERSON] as he may desire to consume.

Mr. CULBERSON. I desire to ask the gentleman who reports the bill what will be the effect of repealing section 4716 upon pensioners who have heretofore been dropped from the rolls on account of disloyalty? Do I understand that this bill will restore them to their rights, and that back pay will be granted to them? If it does, I would like to vote for the bill.

Mr. MOSES. It is not that way. The fact that any claimant shall have been a soldier in the Confederacy does not operate as a bar under this bill.

Mr. CULBERSON. But you repeal section 4716.

Mr. MOSES. Yes; but at the end of the section it says "it is hereby repealed so far as it relates to this act, or to pensioners under this act."

Mr. CULBERSON. I understand that.

Mr. BURROWS. I wish the gentleman would have that section read.

Mr. CULBERSON. I will send up the section to be read. What I desire to know especially is, I understand quite a number of people who have been allowed pensions were allowed pensions before the war for services in the Creek war, but under section 4716 of the Revised Statutes, their names were dropped from the roll. Now, I want to know if the repeal of that statute will allow these old people to collect the pensions which have been due them since 1861?

Mr. MOSES. I think undoubtedly they could not. By reading the section, it will be seen, that it says:

That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act, or to pensioners under this act.

Relating to this act. That has nothing whatever to do with others.

Mr. BURROWS. Let the section be read.

The Clerk read as follows:

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

Mr. LANHAM. I would like to ask the gentleman from Georgia a question.

Mr. MOSES. I yield to the gentleman for a question.

Mr. LANHAM. Suppose this bill should pass, would not its effect be simply to put these survivors of the Indian wars on the same footing and give them the same pensionable status that the Mexican war veterans now have?

Mr. MOSES. Precisely the same; but there is no provision by which any person who has previously been upon the rolls and has been dropped can receive back pension under this act. [Cries of "Vote!"]

Mr. KILGORE. I yield to the gentleman from Vermont [Mr. POWERS].

The SPEAKER. How much time does the gentleman yield?

Mr. KILGORE. Such time as he may desire.

Mr. POWERS. I suppose, Mr. Speaker, that it is in order by unanimous consent to propose an amendment.

The SPEAKER. It is not.

Mr. POWERS. Then I have nothing to say. [Cries of "Vote!"]

Mr. PATTON. I would like to ask the gentleman from Georgia whether this is intended to be a service pension or a pension dependent upon disability.

Mr. LIVINGSTON. It is a service pension.

Mr. MOSES. The average age of those men is now 84 years, and I suppose they are all disabled by extreme old age, and incapable of manual labor; but as a matter of fact, it is a service pension.

Mr. PATTON. I see that it is provided that they shall furnish proof that they are entitled to the pension under the law; now, what I desire to know is, whether they are required to prove disability?

Mr. SNODGRASS. I suppose they have simply got to prove that they were soldiers; and as they are all old, they are to be

pensioned on the ground that anybody who has arrived at that age is supposed to be disabled from manual labor.

Mr. WHEELER of Alabama. I would like to ask the gentleman if he is not aware that this bill includes all Indian wars, in the North as well as in the South? The gentleman from Washington seemed to intimate that the bill proposed payment of pensions only to soldiers who had been in Indian wars in the South.

Mr. KILGORE. I will yield to any gentleman who desires to make a speech; I do not. [Cries of "Vote!"]

Mr. BOUTELLE. Will the gentleman from Texas yield to me for a moment?

Mr. KILGORE. I will.

Mr. WHEELER of Alabama. I find that the speech of the gentleman from the State of Washington is creating the impression that this bill provides only for pensions in Indian wars which were fought by soldiers from the Southern States. This is a great error. It is important that I call attention to the fact that this bill is not confined to soldiers who were in the Indian wars in the South. It includes the Black Hawk war fought for the most part in Illinois, one of the most severe Indian wars of the century, and it includes all Indian wars from 1832 to 1842.

Mr. SNODGRASS. It simply provides that the pensions shall be paid to survivors in that portion of the country that furnished the soldiers.

Mr. WHEELER of Alabama. And that applies to the North as well as the South. If it is true that citizens of Southern States will predominate as beneficiaries in this bill it is because those States furnished soldiers with great liberality to fight the wily Indian foe, but it is also true that the people of the Southern States furnished a very large proportion of the soldiers who won for us the conquest of Mexico in the brilliant campaigns led by Scott and Taylor, and it is also true that the South, with the same unselfish liberality, furnished far above her quota in every war with foreign foes, and the record of the killed and wounded on every field where they engaged testifies to their courage and heroism, and should conflicts come with any nation, now or hereafter, the Southern soldier will be found in the van of every battle.

The bill is the same measure which has been before this body for many years. I have prepared and introduced a similar bill during every Congress of which I have had the honor to be a member.

I have felt a deep interest in this matter. I have been before the Pension Committee in this and former Congresses. The bill before us is substantially the bill No. 2610, which I prepared and introduced at the beginning of this Congress.

A bill similar to this was at one time attached to the bill to pension our Mexican heroes, but the friends of the bill finally consented that the measures should be separated, upon the assurance that the provision which pensioned the soldiers of the Indian wars should have prompt consideration; and in compliance with that implied contract the Pension Committee of every Congress since 1887 has reported favorably a bill of this kind. Another erroneous impression prevails as to the number of the veterans of these wars who still remain among us. A careful estimate made by the Pension Office shows that the total number who served in those wars more than twenty days was 44,128.

As this bill requires a service of thirty days it would probably reduce the number to not exceeding 40,000. The average age of these veterans was about 30, so that the few who are now living who served in 1832 would now average about 90 years of age; and those who served in 1842 would, upon the same estimate average 80 years of age. Therefore, a general average of the age of the soldiers included in this bill would be about 85 years. Certainly no one will oppose giving a meager pension to such venerable men who fought so bravely for their country fifty or sixty years ago.

As to the number of persons who will be affected by this bill it is very easy to make an approximate computation; and according to the rules of survivorship adopted by the Pension Office and by insurance companies we can hardly hope that more than 4,000 of these brave men are now on earth, and assuming that about the same number of widows survive, there would not be more than about 8,000 altogether, and it is evident that very few of them can survive more than four or five years.

Then, again, we must remember that very many of the soldiers who fought in these Indian wars were also soldiers in the war with Mexico, and as all of these are already pensioned they are not beneficiaries in this bill, as the bill specially excludes them.

If Congress does not act during this session, we may as well abandon our efforts in behalf of these most deserving patriots. Most of them are very poor indeed, and this pitiable may smooth and soften the last days of these few veterans who were prompt to answer the call of their country when brave men were much in demand. I have already this session introduced some fifty private bills to pension veterans of the Indian war from my dis-

trict alone; and from my correspondence with them I know they are very poor, very feeble, and, in many cases, in a condition of actual suffering.

Mr. SNODGRASS. It is to pension the patriots who did the fighting.

Mr. WILSON of Washington. Will the gentleman from Texas yield to me for a moment?

Mr. KILGORE. I have promised to yield to the gentleman from Maine [Mr. BOUTELLE].

The SPEAKER. The gentleman from Texas has five minutes of his time remaining. How much time does he yield to the gentleman from Maine?

Mr. KILGORE. Two minutes.

Mr. BOUTELLE. Mr. Speaker, I simply wanted to ask the gentleman who has called up this bill whether the time limit here is not reduced below that in any other service-pension law now on the statute book?

Mr. MOSES. It is not.

Mr. BOUTELLE. What is the reason for making it less than that required for a service pension for the war of 1812? There are a great many veterans who are unable to secure pensions because of their inability to prove the required length of service. Why do you make the limit less in this case than in relation to the war of 1812?

Mr. MOSES. It is not less. The soldiers have a fourteen-day limit. We put this on the same footing with the Mexican veterans, at \$8 per month.

Mr. HERMANN. But you do not carry it up that far. You lack six years.

Mr. BOUTELLE. Did your committee take into consideration the possibility of this bill making a marked discrimination in our pension legislation in favor of men who served in the Indian wars and afterwards, perhaps, in the war of the rebellion on the Confederate side, as compared with men who enlisted on the Union side in the late war and afterwards, in any way, got into the Confederate service? In the latter case the service in the Confederate army is an absolute bar to a pension. No matter if the man had served three years in the Union Army and enlisted in the Confederate service to get out of prison, the existing law bars him absolutely; but now you make a new law by which a man on account of his service in the Indian wars becomes pensionable, although he may have served four years in the Confederate army.

Mr. MOSES. The same is true with regard to the act to pension the Mexican veterans. I will say to the gentleman from Maine that to rule out these men on the ground that they were in the Confederate service would bar a great many of them.

Mr. BUSHNELL. Oh, no; there are many who were engaged in the Black Hawk war to whom that statement would not apply.

Mr. BOUTELLE. I am not now arguing the question whether any of them ought to be ruled out because they were in the Confederate service, but I do think that this bill makes a marked discrimination which the committee ought to have taken into consideration in reporting it.

Mr. KILGORE. Mr. Speaker, I yield the remainder of my time to the gentleman from Washington [Mr. WILSON].

Mr. WILSON of Washington. Mr. Speaker, I merely wish to say a word in reply to the gentleman from Alabama [Mr. WHEELER], who charged me awhile ago with sectionalism. I had not referred to this bill in any spirit of sectionalism. I am willing, at any time and under any circumstances, to do equal and exact justice between the people of all portions of this country. I referred to the South in connection with the bill because I knew that the Seminole war had been in the South, and the reference seems to be justified by the admission of the gentleman in charge of the bill that all the veterans who would receive pensions under this legislation were in the Confederate service.

Mr. BUSHNELL. But that admission was wrong. There are veterans of the Black Hawk war to whom it would not apply.

Mr. WILSON of Washington. The admission may have been wrong, but the fact remains that the beneficiaries of this bill would be principally in the South. Now, I do not make this point upon any sectional ground. What I am seeking is to have justice done to the people west of the Mississippi River, the people of Oregon, of Washington, and of California, who rendered services in the different Indian wars in that part of the country which have been as valuable to this Government and to the cause of civilization as any that were ever rendered in the Seminole war or any other Indian war.

Mr. OATES. If the gentleman will permit me, I will say to him that I am satisfied that not one in fifty of these soldiers ever served a day in the Confederate army.

Mr. WILSON of Washington. Well, I do not care whether they did or not. If they rendered service to their country I am willing to recognize it whether they afterwards served in the

Confederate army or in the Union army. But I do believe honestly that the people of Oregon, Washington, and California, who rendered faithful and honest service in their Indian wars, and helped to develop this great nation west of the Mississippi River, are entitled to as much consideration and to as much pension as those who served in the Seminole war, or any other Indian war in the eastern or southern part of the country.

A MEMBER. What war do you refer to?

Mr. WILSON of Washington. The Nez Percé war, and the wars all through that country in 1855, 1856, 1857.

Mr. LIVINGSTON. This bill does not militate against their rights.

A MEMBER. Bring in your bill for them.

Mr. WILSON of Washington. Gentlemen may say, "bring in your bill," but unless the committee will report it and put it upon the Calendar how can we get such a bill passed? There was a bill for that purpose before the committee, and why did they not report it? We are only asking for equal and exact justice for those who rendered great service thirty-six years ago to the Union of these States. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. MOSES] to suspend the rules and pass the bill.

Mr. BOUTELLE. I think we had better have the yeas and nays.

The question being taken on ordering the yeas and nays, there were—yeas 23, noes 124; less than one-fifth voting in the affirmative.

Mr. BOUTELLE and Mr. REED. Let us have tellers on ordering the yeas and nays.

Tellers were not ordered, only 28 voting in favor thereof.

The question was then taken on the motion to suspend the rules and pass the bill; and it was agreed to, two-thirds voting in favor thereof.

INDIANS ON COLVILLE RESERVATION.

Mr. WILSON of Washington. I move to suspend the rules and pass the bill which I send to the desk, with the amendments reported by the Committee on Indian Affairs.

The Clerk read as follows:

A bill (H. R. 7567) to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, with certain modifications, and to make appropriation to carry into effect the same.

Whereas Mark A. Fullerton, W. H. H. Dufur, and James F. Payne did, on the 9th day of May, 1891, conclude an agreement with the Indians residing on the Colville Reservation, in the State of Washington, which said agreement is in words and figures as follows, to wit:

"Articles of agreement made and entered into on the 9th day of May, A. D. 1891, at the Colville Indian Reservation, in the State of Washington, by Mark A. Fullerton, W. H. H. Dufur, and James F. Payne, commissioners on the part of the United States appointed for the purpose and the Indians residing on said reservation.

"ARTICLE 1. The said Colville Indians residing and having their homes on the said Colville Indian Reservation, upon the conditions hereinafter expressed, do hereby surrender and relinquish to the United States all their right, title, claim, and interest in and to and over the following described tract of country on the Colville Indian Reservation in the State of Washington, viz:

"Beginning at a point on the eastern boundary line of the Colville Indian Reservation where the township line between townships 34 and 35 north, of range 37 east, of the Willamette meridian, if extended west, would intersect the same, said point being in the middle of the channel of the Columbia River, and running thence west parallel with the forty-ninth parallel of latitude to the western boundary line of the said Colville Indian Reservation in the Okanagon River, thence north following the said western boundary line to the said forty-ninth parallel of latitude, thence east along the said forty-ninth parallel of latitude to the northeast corner of said Colville Indian Reservation, thence south following the eastern boundary of said reservation to the place of beginning, containing by estimation 1,500,000 acres, the same being a portion of the Colville Indian Reservation created by executed order dated April 9, 1872.

"ART. 2 Each and every Indian now residing upon the portion of the Colville Indian Reservation hereby ceded and relinquished, and who is so entitled to reside thereon, shall be entitled to select from said ceded portion 80 acres of land, which shall be allotted to such Indian in severalty. No restrictions as to locality shall be placed upon such selections other than that they shall be so located as to conform to the Congressional survey or subdivisions of said tract or country, and any Indian having improvements may have the preference over any other person in and to the tract of land containing such improvements so far as they are within a legal subdivision not exceeding in area the quantity of land that he or she may be entitled to select and locate. All such allotments shall be made at the cost of the United States, under such rules and regulations as the Secretary of the Interior may from time to time prescribe.

"ART. 3. All Indians residing in the lands hereby ceded and relinquished shall have the right, if they so prefer under the direction of the Indian agent, to occupy and reside upon such portions of the Colville Indian Reservation not hereby ceded as are not occupied by or in the possession of any other Indian or Indians.

"ART. 4. Whereas the lands used and occupied for school purposes at what is known as the Tonasket School, on Buonaparte Creek, on said reservation, have been ceded and relinquished to the United States, it is agreed and stipulated that in lieu thereof the United States will provide for a school site and school purposes a tract of land conveniently and desirably located upon the Colville Indian Reservation hereby ceded, to contain 640 acres, and upon the same, at the cost of the United States, will erect suitable buildings for an Indian school and in all respects provide for the conduct, equipment, and maintenance thereof as Indian schools are now provided for, it being expressly understood and agreed that no part of the purchase money hereinafter mentioned of the lands hereby ceded is to be employed or expended in the erection of school buildings or in the maintenance of Indian schools upon

said reservation. And it is further stipulated that in lieu of the sawmill, gristmill, and other mill property hereby ceded, the United States will provide a suitable and convenient mill site, and will thereon, at its own cost, erect suitable buildings and place all necessary fixtures.

"ART. 5. That in consideration of the cession, surrender, and relinquishment to the United States of all the title, claim, right, estate, and interest of said Indians in and to the tract of land above described, the United States will pay to the said Indians, the beneficiaries of this agreement, to be distributed per capita, the sum of \$1,500,000, payable in five annual installments of \$300,000 each, with interest thereon at 5 per cent after this agreement shall take effect.

"In all such payments each and every Indian aforesaid over the age of eighteen years shall receive and receipt for his or her share of said purchase money as the same becomes due and payable, and with respect to the share of each and every Indian aforesaid who shall be under eighteen years of age the same shall be invested, under the direction of the Secretary of the Interior, for the benefit of such Indians, at a rate of interest not less than 5 per cent per annum, and the interest thereof, with so much of the principal as may be deemed necessary and proper, shall be paid annually to the father of such Indian so entitled and under the age of eighteen years, if living, and if such father be dead, then the same shall be paid to the mother, if living, and in the event the said mother be dead, then the same shall be paid to the Indian agent of the Colville Reservation for the use and maintenance of such orphan; and when such minors shall attain their majority, their shares in such purchase money, or so much thereof as may remain unpaid, shall be paid over to them, together with any interest that may be due thereon.

"ART. 6. It is stipulated and agreed that the lands to be allotted as aforesaid to said Indians, and the improvements thereon, shall not be subject, within the limitations prescribed by law, to taxation for any purpose, national, State, or municipal; that said Indians shall enjoy without let or hindrance the right at all times freely to use all water power and water courses belonging to or connected with the lands to be so allotted, and that the right to hunt and fish in common with all other persons on lands not allotted to said Indians shall not be taken away or in anywise abridged.

"ART. 7. It is agreed that the United States at its own cost will erect on the Colville Indian Reservation not ceded, at some point suitable and convenient to the Indians who may elect to remain upon the portion of the reservation hereby ceded and have allotted thereon as heretofore stipulated, a blacksmith shop, and furnish same with suitable tools and implements, and employ a competent blacksmith for the benefit of said Indians.

"ART. 8. And whereas it is believed that many of the Indians above the age of eighteen years, residing and having their homes upon the said Colville Reservation, are well advanced in industrial pursuits and economical training, and possess habits so well formed as to warrant an early payment to such Indians of their shares in the purchase money of the lands hereby ceded and relinquished, it is therefore specially agreed and stipulated that the United States will pay in two equal installments, with interest, the shares of all such Indians above eighteen years of age in said purchase money who will furnish to the Secretary of the Interior a certificate in due form from the Indian agent on said Colville Reservation to the effect that such Indian or Indians are of good character, of sober and industrious habits, and are suitable persons to intrust with the expenditure of money.

"ART. 9. It is stipulated and provided that such male adult Indians upon the Colville Reservation as do not, on account of absence or for any other cause, sign this agreement, shall, upon receiving their shares in said purchase money, execute and file with the Indian agent on said Colville Reservation a brief relinquishment, releasing to the United States all their right, title, interest, and estate in and to the lands hereby ceded.

"And it is further stipulated that in the event any of said Indians shall, after reasonable notice given, fail, neglect, refuse, or decline to receive and receipt for their shares in said purchase money, then and in all such cases, under such rules and regulations as the Secretary of the Interior may prescribe, the share or shares of such Indians which are not claimed or called for shall become common property of all Indians on said reservation who conform to this agreement, and they shall share and share alike therein.

"ART. 10. At the request of said Indians it is agreed and stipulated that the school site referred to in article 4 of this agreement shall be located upon that portion of the lands hereby ceded which the Indians interested in said school may select. The sawmill and gristmill referred to in article 4 shall be located upon that part of the said reservation not ceded at such point as will be convenient to the Indians electing to remain on the ceded part of reservation.

"ART. 11. That in further consideration of the said cession and relinquishment of the tract of land set forth and particularly described in this agreement to the United States by said Indians and their chiefs or headmen, and upon the understanding that said chiefs and their people will faithfully perform this agreement, the United States, in addition to the purchase money aforesaid, will pay to Moses, chief of the Columbia tribe of Indians, the sum of \$1,500 in cash; to Joseph, chief of the Nez Percés tribe, the sum of \$1,000 in cash; to Barnaby, chief of the Colville tribe, the sum of \$1,000 in cash; to Antwine, chief of the Okanagan tribe, the sum of \$1,000 in cash; and to Arpaughin, chief of the Lake tribe, the sum of \$1,000 in cash, from and after the ratification and approval of this agreement by Congress, at which time the same will go into effect.

"ART. 12. That this agreement shall go into effect from and after its approval by Congress.

"Witness our hands and seals the day and year first above written.

"MARK A. FULLERTON, Commissioner.

"W. H. H. DUFUR, Commissioner.

"JAMES F. PAYNE, Commissioner.

Antoine, chief Okanagans, his x mark, seal; John Gobar, chief Okanagans, his x mark, seal; San Pierre, chief Okanagans, his x mark, seal; Smit-kin, chief Okanagans, his x mark, seal; Aeneas, chief Okanagans, his x mark, seal; William Gay, Okanagan, his x mark, seal; Adolph Dissotell, Okanagan, his x mark, seal; John Rannels, Okanagan, his x mark, seal; Edward Matthews, Okanagan, his x mark, seal; Basile Peone, Okanagan, his x mark, seal; Andrew Okanagan, his x mark, seal; Charles Phillips, Okanagan, his x mark, seal; Victore, his x mark, seal; Paul, his x mark, seal; Swon-e-kin "Sam," his x mark, seal; School House Charley, his x mark, seal; Louis "Ki-youp-kin," his x mark, seal; Stanislas, his x mark, seal; Louis Sin-pas-in, his x mark, seal; Plasto, his x mark, seal; Tomah, his x mark, seal; Skoo-mah-men, his x mark, seal; Kustah, his x mark, seal; Andrie, his x mark, seal; Pierre Joseph, his x mark, seal; John Tilson, his x mark, seal; San Paul, "Com-ke-soulaw," his x mark, seal; Basile Tin-tin-hum-wist, his x mark, seal; Charley Killup-quasket, his x mark, seal; Atol, his x mark, seal; Louie "Hoop-pier-we," his x mark, seal; Bob-Tenis-le-ma, his x mark, seal; Charley, his x mark, seal; Joe Loop-kin, his x mark, seal; Arpel, "Su-yake," his x mark, seal; Yar-pel-e-kin, his x mark, seal; Coom-e-tal-e-kiah John, his x mark, seal; I-Quie-Mon-suit, his x mark, seal; Shal, his x mark, seal; David Casimer, his x mark,

seal; Kustah, his x mark, seal; Stanislas, seal; Wah-clos, his x mark, seal; Antoine, his x mark, seal; Andrew "Anter," his x mark, seal; George Wannacut, seal; Se-lic-se-moo-low, his x mark, seal; So-ho-me, his x mark, seal; Quil-Quil-schul-lum, his x mark, seal; Que-nat-quin, his x mark, seal; Alex Nicholson, his x mark, seal; Paul, his x mark, seal.

NEZ PERCE.

Joseph chief, his x mark, seal; Tom-nup-siah-hi-hi, his x mark, seal; Little Man Chief, his x mark, seal; Hum-tis, his x mark, seal; "Tom sus lent" Rose Bud, his x mark, seal; How-it-Howet-il-pilp, his x mark, seal; Isaac Pole Head, his x mark, seal; Lep-it-isham-tooko, his x mark, seal; Se-low-ye-law Looking Down, his x mark, seal; Al-al-tocken Buzzard, his x mark, seal; As-ta-yah Skunk, his x mark, seal; Tis-x-lank, Skit-skin, Eagle Blanket, his x mark, seal; David Williams, seal; James Boshet, seal; Kayuse, his x mark, seal; Charley Williams "Yet lam," his x mark, seal; Henry "Curlew," his x mark, seal; Come Down, his x mark, seal; Hunin Mox-mox, his x mark, seal; Charles W. Williams, his x mark, seal; Yellow Post, his x mark, seal; Pur-te-way-yah, his x mark, seal; Yellow Mountain, his x mark, seal; Wolf Head, his x mark, seal; Sene-lews, his x mark, seal; Robert Johnson Te-wot-ko-ko, his x mark, seal; Luke Wolf Head, his x mark, seal; Tis-co-so-pie, his x mark, seal; Coots-coots-ash-watits, his x mark, seal; Charley Morton "How-wa-il-pilp," his x mark, seal; Walking Boy, his x mark, seal; George Spaw-wis, his x mark, seal; Moyese, his x mark, seal; Daniel Jefferson, his x mark, seal; Crow Hasket, his x mark, seal; O-wi-hi Grant, his x mark, seal; Albert Waters, "De-hat-wer-haken," his x mark, seal; Te-wel-ki-yah-kah, his x mark, seal; We-yah-to-men, widow, her x mark, seal; Tom-tip-yah-lah, widow, her x mark, seal; Wo-win-ah, widow, her x mark, seal; Shet scoop, widow, her x mark, seal; Tuck-she-hap-poo, widow, her x mark, seal; Wit-lis-poo, widow, her x mark, seal; Tomah-to-lo-kih, widow, her x mark, seal; Hum-to-we nah, widow, her x mark, seal; He-men-ki-sh, widow, her x mark, seal; Tam-wa-lak-shit, widow, her x mark, seal; E-we-widow, her x mark, seal; He-woo-che-men, widow, her x mark, seal; David Lay, his x mark, seal; Tack-she-sump-id, his x mark, seal; Es-ka-loom, his x mark, seal; Ti-we-tah-kish, her x mark, seal; Willie Andrews, Nick-e-wous, his x mark, seal.

MOSES'S BAND.

Moses, chief Columbias, his x mark, seal; Te-owe-set, his x mark, seal; Pen-ot-etsa, his x mark, seal; Qui-etsa, his x mark, seal; Tom-i-yah, his x mark, seal; Cla-we-atsa, his x mark, seal; Sten-ets-se-wenah, his x mark, seal; Newt-ki-etsa, his x mark, seal; Put-che-ne-en, his x mark, seal; Swa-pe-lacks, his x mark, seal; Johnny Watson, his x mark, seal; Se-ne-ya-ka-ne-mena, his x mark, seal; Tom Neta, his x mark, seal; Charley, his x mark, seal; Wist-to-lo, his x mark, seal; Kwip-ten-poo-yah, his x mark, seal; Qual-e-ken, his x mark, seal; Sock-ke-law, his x mark, seal; Han-eskeh, his x mark, seal; Sun, his x mark, seal; Johnny, his x mark, seal; Wat-tot-kin, his x mark, seal; Kas-se-kas-se, his x mark, seal; Top-pe-ah, his x mark, seal; As-Law-ens, his x mark, seal; Se-re-coon-sent, his x mark, seal; Quit-kin, his x mark, seal; Qui-te-ne-nah, his x mark, seal; Swo-eh-ten, his x mark, seal; Te-e-har-ken, his x mark, seal; Tim-pasket, his x mark, seal; Sil-lo-cal-um, his x mark, seal; Cla-cum-nasket, his x mark, seal; Leo, his x mark, seal; Nah-nun-p-kin, his x mark, seal; Cum-pit-it-ke, his x mark, seal; Quin-to-law, his x mark, seal; Qui-es, his x mark, seal; Ka-ka-et, his x mark, seal; Ah-mah-locken, his x mark, seal; Skoom-te-tsa, his x mark, seal; Inter-spos-us, his x mark, seal; Ho-nas, his x mark, seal; Samuil, his x mark, seal; Si-e-kin, his x mark, seal; Sha-par-e-was, his x mark, seal; Mary Ann, widow, her x mark, seal; She-em-tal, widow, her x mark, seal; Enem-pe-toa, her x mark, seal; Che-che-t-set, his x mark, seal; Ke-was-nen, his x mark, seal; Kok-sun-nun, his x mark, seal; To-yo-e-ken, his x mark, seal; Wa-sa-let, his x mark, seal; Ka-le-hat, his x mark, seal; Mah-mi-ack, his x mark, seal; Washwa, his x mark, seal; Te-wah-wah, his x mark, seal; Te-ke-lish, his x mark, seal; Que-molich, his x mark, seal; Coo-Coo-mal-tat, his x mark, seal; Kit-ah-toosh, his x mark, seal; Peter, his x mark, seal; Que-lis-le-kin, his x mark, seal; Wa-wa-to-wa, his x mark, seal; Ka-wal-ek-sa, his x mark, seal; Ski-mi-en, his x mark, seal; Ka-ka-tum, his x mark, seal; Ka-ki-malex, widow, her x mark, seal; Skoo-m-e-nal, widow, her x mark, seal; Ko-pe-noliz, widow, her x mark, seal; Quo-ya-ke, his x mark, seal; Tue-tue-talex, widow, her x mark, seal; Sa-sap-poo, his x mark, seal; Sto-mup-kin, his x mark, seal; Johnson, his x mark, seal; Tar-pa-tane, his x mark, seal; Pras-ses-kin, his x mark, seal; Louie, his x mark, seal; Le-qu-et-kin, his x mark, seal; Col-col-le-wilish, his x mark, seal; Willie, his x mark, seal; Se-on-m-kin, his x mark, seal; Hume-was-e-ah, his x mark, seal; Kat-tal-pe, his x mark, seal; Tat-haum, his x mark, seal; Wah-pas-sah, his x mark, seal; How-own, his x mark, seal; Low-er-boi-pil, his x mark, seal; O-ne-ta-kin, his x mark, seal; Tie-walox, widow, her x mark, seal; Len-tal-ex, widow, her x mark, seal; Hul-tus, his x mark, seal; Qual-shin, his x mark, seal; Let-hi-e-ken, his x mark, seal; Eex, his x mark, seal; Silik-e-polex, widow, her x mark, seal; Sil-ike, his x mark, seal; Tam-mool-mox-mox, widow, her x mark, seal; E-yet-tom-a-new, her x mark, seal; E-miet-teget, his x mark, seal; Ka-moot, his x mark, seal; Stanislas, his x mark, seal; Took-si, his x mark, seal; Sock-le-tom-kieme, his x mark, seal; Kish-kish, his x mark, seal; Se-poolow, his x mark, seal; Nock-ke-low-yah, his x mark, seal; Ye-yo-yah-we-ton-nah, his x mark, seal; Pierre, his x mark, seal; Ten-as-man, his x mark, seal; Ele, his x mark, seal; Was-e-ton-ee, his x mark, seal; Shaskin, his x mark, seal; Coom-com-shi, his x mark, seal; Qui-sem-xow, his x mark, seal; Wal-lim-skelam, his x mark, seal; Sar-pe-she-nalex, widow, her x mark, seal; Kioh-kioh, his x mark, seal; Eex-talex, widow, her x mark, seal; Squil-empt-t-kin, his x mark, seal; Stal-e-wah, his x mark, seal; Pocit-tex, his x mark, seal; Se-pit-sa, widow, her x mark, seal; Quent-pet-sa, widow, her x mark, seal; In-lah-nampt, widow, her x mark, seal; Why-e-wekt, widow, her x mark, seal; We-ah-suet, his x mark, seal; Lee-e-hee, his x mark, seal; Kaw-mil-al-kane, "Okanagan," his x mark, seal; Paul Kah-se-sah, "Okanagan," his x mark, seal; Salmon, "Cultus Jim," "Okanagan," his x mark, seal; Cow-e-nu-lah, "Okanagan," his x mark, seal; Joseph Parkers, "Okanagan," his x mark, seal; Ho-he-kane, "Cragie," "Okanagan,"

his x mark, seal; Duncan Farrell, "Okanagan," his x mark, seal; William Peone, "Okanagan," his x mark, seal; Stantanus, "Okanagan," her x mark, seal; Mary, widow, "Okanagan," her x mark, seal; Lem-e-lemp, widow, "Okanagan," her x mark, seal; Susan, "Okanagan," her x mark, seal; Mary Madeline, widow, "Okanagan," her x mark, seal; Mary Ann, widow, "Okanagan," her x mark, seal; Que-sin, his x mark, seal; Sket-ti-set, "Okanagan," his x mark, seal; Sil-co-su-low, "Okanagan," his x mark, seal; Mary Chance, widow, "Okanagan," her x mark, seal; Addie Disotel, "Okanagan," her x mark, seal; Isabell "Saremp," "Okanagan," her x mark, seal; Mary Louie, "Okanagan," her x mark, seal; Mary "Joseph," "Okanagan," her x mark, seal; In-qui-etsa, widow, "Okanagan," her x mark, seal; Kill-e-me, widow, "Okanagan," her x mark, seal; Colette, widow, "Okanagan," her x mark, seal; Col-em-tete, widow, "Okanagan," her x mark, seal; Katharine, widow, "Okanagan," her x mark, seal; Margaret, widow, "Okanagan," her x mark, seal; Mary, widow, "Okanagan," her x mark, seal; Sue-e-talex, widow, "Okanagan," her x mark, seal; Nanette, widow, "Okanagan," her x mark, seal; Qui-shin-e-met, widow, "Okanagan," her x mark, seal; Nest-tete, widow, "Okanagan," her x mark, seal; Sophia Peone, widow, "Okanagan," her x mark, seal; Margaret McDougal, widow, "Okanagan," her x mark, seal; Paul-lee, widow, "Okanagan," her x mark, seal; Skin-e-mor-het, widow, "Okanagan," her x mark, seal; Hal-tah-tiest, "Okanagan," his x mark, seal; Kah-netsa, widow, "Okanagan," her x mark, seal; May Ann, "Squi-shi-ne-ma-lox," widow, her x mark, seal; Katharine "Sah-haulix," widow, her x mark, seal; Estah "Brown," widow, Okanagan, her x mark, seal; Colette Sinson-nei, Okanagan, her x mark, seal; Mary Smith, widow, Okanagan, her x mark, seal; Julia Smith, widow, Okanagan, her x mark, seal; Lizzie Smith, unmarried, Okanagan, her x mark, seal; Alex-seem, Okanagan, his x mark, seal; Kill-e-mee, widow, Okanagan, her x mark, seal; Maggie Jewett, widow, Okanagan, her x mark, seal; Julia Armstrong, Okanagan, her x mark, seal; Loui Whill-e-hoo-low, Okanagan, his x mark, seal; Lizzie Moore, Okanagan, seal; Kate Bell, Okanagan, seal; Alice Quil-laskin, Okanagan, her x mark, seal; Ellen Rennels, Okanagan, her x mark, seal; Clara Best, Okanagan, seal; James Beaver, Okanagan, his x mark, seal; Mary Broder, Okanagan, her x mark, seal; Anne Mary Vincent, Okanagan, her x mark, seal; Quit-mouse, Okanagan, his x mark, seal; Swit-op-kane, Okanagan, his x mark, seal; Alex. Snit-tow-sulow, Okanagan, his x mark, seal; Coom-tal-e-kin, Okanagan, his x mark, seal; Que-pas-ket, Okanagan, his x mark, seal; Sau-kaut-kin, Okanagan, his x mark, seal; Sa-an-skum, Okanagan, his x mark, seal; Wha-a-dreem, Okanagan, his x mark, seal; Que-que-tas, Okanagan, his x mark, seal; Tse-low-kin, Okanagan, his x mark, seal; Robert Flett, Okanagan, seal; Ne-lo-skin, Okanagan, his x mark, seal; Nu-e-kah-milk, Okanagan, his x mark, seal; Mitchell, Okanagan, his x mark, seal; Wa-wa-yea, Okanagan, his x mark, seal; Tah-mont, Okanagan, his x mark, seal; Perrie "Ka-mooken," Okanagan, his x mark, seal; Ann-tocken, his x mark, seal.

KETTLE RIVER BAND.

Dennis Peone, seal; Gilbert Peone, seal; Isaac Lafleur, his x mark, seal; John Lafleur, his x mark, seal; John Pecar, his x mark, seal; John Huff, seal; Marry Manuel, seal; Maxfem Desotill, his x mark, seal; Richard Keogan, seal; Ester Keogan, seal; Matilda Keogan, seal; Stevens Lambert, his x mark, seal; Joseph Lafleur, his x mark, seal; Olive Shatano, her x mark, seal; Mary St. Peter, her x mark, seal; Mary Lefleur, her x mark, seal; Frank O'Bern, seal; Fatain Charet, his x mark, seal; George Herring, his x mark, seal; David Herring, his x mark, seal; Alex. Iw Nisile San heaten, his x mark, seal; Therese, widow, her x mark, seal; Aeneas, his x mark, seal; Joseph, his x mark, seal; Antoine Noe-wile-e-chud, his x mark, seal; Edward Pachette, his x mark, seal; John Pachette, his x mark, seal; Pierre Pachette, his x mark, seal; Coosmas, his x mark, seal; Pierre, his x mark, seal; S-war-law-kin, his x mark, seal; John Wil-cockan, his x mark, seal; Adolph, his x mark, seal; Charley Hat-to-wa, his x mark, seal; Phillips, his x mark, seal; Thomas Adolph, his x mark, seal; Johnny Skasce, his x mark, seal; Jose In-pon-ketsa, his x mark, seal; Jennie Nelson, seal; Se-more, his x mark, seal; Mary Granger, widow, her x mark, seal; Agathe Lincoln, seal; Joseph Swe-lock, jr., his x mark, seal; Joseph Swe-lock, sr., his x mark, seal; Paul Swelock, his x mark, seal; Cathrine "Little," his x mark, seal; Alex-sa-mine, his x mark, seal; Martin, Moses band, his x mark, seal; Com-com-che-nie-kan "George," his x mark, seal.

COLVILLE TRIBE.

Banaby, chief of Colvilles, his x mark, seal; Pen-wah Quil-lo-she-poo, his x mark, seal; Pierre Quil-quil-stock-el-lil-tin, his x mark, seal; Joseph "Grand Louis," his x mark, seal; Margaret "widow," her x mark, seal; Therese "widow," her x mark, seal; Louie Merchant, his x mark, seal; Kustah, his x mark, seal; John Stensgar, his x mark, seal; Joseph Liechette, his x mark, seal; Notare "Squies-kin," his x mark, seal; Peter Merchant, his x mark, seal; Benjamin Merchant, his x mark, seal; Louie "Til-e-hous-ke," his x mark, seal; Se-witch, his x mark, seal; Qui-qui-itsa, his x mark, seal; Schal, his x mark, seal; Alexima, "Darey," his x mark, seal; Joseph Merchant, his x mark, seal; Harry "Wil-coom-testa," his x mark, seal; Andrie Quet-ab-tah, his x mark, seal; Alex. Herring, his x mark, seal; Isaac He-too-low, his x mark, seal; Alex. Sin-ah-sau alk, his x mark, seal; Joe Quil-sock-es-chin, his x mark, seal; Quil-ts-ah-nah-ts, his x mark, seal; Sit-to-sah, his x mark, seal; Joe Nen watch, his x mark, seal; Joseph Pilkan, his x mark, seal; Joseph Hal-se-kah, sr., his x mark, seal; Joseph Hal-se-kah, jr., his x mark, seal; Mary Ann, "widow," her x mark, seal; William, her x mark, seal; Katharine, "widow," her x mark, seal; Alex. Jandro, his x mark, seal; Melchoir, his x mark, seal; Abraham Snow-it-sin, his x mark, seal; Andrew his x mark, seal; Joe Hes-sil-e-mia, his x mark, seal; George Willie, his x mark, seal; Donny "Cin-na-ma-ti-sa," his x mark, seal; Alex. Con-so-e-lu, his x mark, seal; Pierre Ken-mi-lu, his x mark, seal; Paul Chil-sko-lken, his x mark, seal; Lon-el, his x mark, seal; Joseph Ske-al, his x mark, seal; Johnnie Herren, his x mark, seal; Charlie Hall, his x mark, seal; Louie Paul, his x mark, seal; Cayote, his x mark, seal; Sir-pit-sa,

"widow," her x mark, seal; Shil-smo-lo, his x mark, seal; Timothy Orapaughin, his x mark, seal; Ena-mels Orapaughin, his x mark, seal; Hus-tal-kay-a, his x mark, seal; Louie Quil-has-e-me-lu, his x mark, seal; Kist-teku, "widow," her x mark, seal; Sket-ke-na, "widow," her x mark, seal; George White, his x mark, seal; Stanislas, Coos-coos-e-nalex, his x mark, seal; William Hall, his x mark, seal; Se-wil-e-kin, his x mark, seal; Victore, his x mark, seal; Noel Lafleur, his x mark, seal; Nut-o-sasket, his x mark, seal; Alex. "Quil-quiltuey," his x mark, seal; Frank Camille, his x mark, seal; William White, his x mark, seal; Albert White, his x mark, seal; San Paul, his x mark, seal; Joe Louie, his x mark, seal; Edward, his x mark, seal; Pierre, "Kin-soo-low," his x mark, seal; John Hall, his x mark, seal; Joe Comstock, his x mark, seal; "Har-har-te-su," his x mark, seal; Battiste "Har-har-te-su," his x mark, seal; Noel, his x mark, seal; Jacqueline Lafleur, his x mark, seal; Daniel, his x mark, seal; Cut-ts-cut-ts-amah, his x mark, seal; Octave Lafleur, his x mark, seal; Kin-kin-nah-wah, his x mark, seal; Battiste "Kustah," his x mark, seal; Alexander, his x mark, seal; Alex-su "Si-ketsah," his x mark, seal; Peter Qua-que-mookin, his x mark, seal; Wist-pe-toa, widow, her x mark, seal; Aeneas, his x mark, seal; Felix, his x mark, seal; Kustah, his x mark, seal; Mescho Lafleur, his x mark, seal; To-mah "Sat akor-as," his x mark, seal; Peter "Sque-empt-kin," his x mark, seal; Quin-will-cum-pet-sa, his x mark, seal; Louie, his x mark, seal; Sont-kow-et-din, his x mark, seal; Wah-wil-kin, his x mark, seal; Te-e-cups, his x mark, seal; Joseph Pierre, his x mark, seal; Arise law-low, his x mark, seal; Nancy Absal, widow, her x mark, seal; Alex, his x mark, seal; Te-ah-to, his x mark, seal; Pascal, his x mark, seal; John, his x mark, seal; Katherine, widow, her x mark, seal; Battiste Com-too-le-kin, his x mark, seal; Wapp-hoop-kin, his x mark, seal; Charles "Nal-tochen," his x mark, seal; Swal-le-com-tcin, his x mark, seal; Pierre, San Pol Band, his x mark, seal; Zuit-tahin, his x mark, seal; Zaint-tchim, his x mark, seal; Pierre "Skimkan," Colville, his x mark, seal; Andy Tuck-e-roos, his x mark, seal.

LAKE INDIANS.

Orapaughin, "Chief of Lakers," his x mark, seal; Robert Bailey, his x mark, seal; Lakey La Mere, his x mark, seal; William Miller, his x mark, seal; Pierre "Kootenai," his x mark, seal; Manuell Cio-sil-kin, his x mark, seal; Angeline Stuart, seal; Sophy Overton, her x mark, seal; Charley Smith, his x mark, seal; Joseph Quin-tasket, his x mark, seal; Liekin Thomas, his x mark, seal; Narcisse, his x mark, seal; Ellen, widow, her x mark, seal; Antoil, widow, her x mark, seal; Semoah, his x mark, seal; Joseph "Semoah," his x mark, seal; Alexand, his x mark, seal; Manwell McDonald, his x mark, seal; Johnny, his x mark, seal; Martin "Tonasket" Okanagan, his x mark, seal; Battiste "Tonasket" Okanagan, his x mark, seal; Antonio Tonasket, widow, her x mark, seal; John Semoah, his x mark, seal; Joe Louie, his x mark, seal; Paul Donnie, his x mark, seal; Peter Arcasa, his x mark, seal; Ronald McDonald, his x mark, seal; George Doolittle, his x mark, seal; John, his x mark, seal; Sophia, widow, her x mark, seal; Julia, widow, her x mark, seal; Lizzette, her x mark, seal; Alex. Simpson, his x mark, seal; Fort Hope Charley, his x mark, seal; William Manwell, his x mark, seal; Casmiere, his x mark, seal; Sor-coom-tet-sa, his x mark, seal; Paul, his x mark, seal; Anard, his x mark, seal; San Paul, his x mark, seal; Casemar San Paul, his x mark, seal; Donnie Williams, his x mark, seal; Silvester, his x mark, seal; Pit-ars, widow, her x mark, seal; Joseph "Ke-kit-sin," his x mark, seal; Therese, widow, her x mark, seal; Therese, widow, her x mark, seal; Victor Pierre, his x mark, seal; Charley, his x mark, seal; William Quin-tasket, his x mark, seal; Alex, his x mark, seal; Isaac, his x mark, seal; Barnadine, widow, her x mark, seal; Old Joe, his x mark, seal; Wit-too-low, Colville, his x mark, seal; Joseph, "Lake," his x mark, seal; Louie Sur-as-to, his x mark, seal; William Gun, his x mark, seal; Quil-locken, his x mark, seal; Gus Quil-locken, his x mark, seal; Charley Sur-es-to, his x mark, seal; Hil-la-pere, his x mark, seal; Zariah, his x mark, seal; Nicet-hure, his x mark, seal; Francois, his x mark, seal; Kustah, his x mark, seal; Louie, his x mark, seal; Battiste, his x mark, seal; Battiste, his x mark, seal; Alex-see, his x mark, seal; Christian, his x mark, seal; Battiste, his x mark, seal; Alex-see, his x mark, seal; Battiste "Sk-loom," his x mark, seal; Battiste, his x mark, seal; Se-room, his x mark, seal; Adrian, his x mark, seal; Ne-qual-lah, his x mark, seal; Luke, his x mark, seal; Nortear, his x mark, seal; Louie Kootenai, his x mark, seal; Pierre "Spokane," his x mark, seal; Bernar, his x mark, seal; Francois Kootenai, his x mark, seal; Joseph Kootenai, his x mark, seal; John, his x mark, seal; John Jane, his x mark, seal; Joe Ne-wil-lah, his x mark, seal; William Clo-sum, his x mark, seal; Aeneas, his x mark, seal; Edward Skeal, his x mark, seal; Pierre Aeneas, his x mark, seal; Kustah, his x mark, seal; William, his x mark, seal; Louie Skit-shu-ee, his x mark, seal; Semoah, his x mark, seal; Andrie, his x mark, seal; San Pierre, his x mark, seal; Torney-till, widow, her x mark, seal; Mar-sell, sr., his x mark, seal; Mar-sell, jr., his x mark, seal; Edward, his x mark, seal; Big Edward, his x mark, seal; Jock, his x mark, seal; Abraham, his x mark, seal; Adriann Tiar-quil, his x mark, seal; Phillip, his x mark, seal; Adolph, his x mark, seal; Charley Conlieus, his x mark, seal; Charley, his x mark, seal; Cornilius, his x mark, seal; Joseph Sil-pe-tsa, his x mark, seal; Atol, his x mark, seal; Tom-mah, his x mark, seal; Frank, his x mark, seal; Edward Sip-pre-ann, his x mark, seal; Battiste Pierre, his x mark, seal; Narcisse, his x mark, seal; Stan-ish, his x mark, seal; John Louie, his x mark, seal; Octave Janaro, his x mark, seal.

"Signed, sealed, and delivered in the presence of—

HAL J. COLE.

S. F. SHERWOOD.

E. C. THOMAS.

"I, Robert Flett, United States Indian interpreter for the Colville Indian Agency, do hereby certify, on honor, that the foregoing agreement was fully read and by me correctly interpreted, and that the contents thereof were fully explained to and fully understood by said Indians before the signing and sealing of the same.

"Witness:

"A. M. ANDERSON."

"ROBERT FLETT.

Therefore,
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That said agreement be, and the same is hereby, accepted, ratified, and confirmed, except as to articles 4, 5, 6, 7, 8, 9, 10, 11, and 12, which are changed and modified on the part of the United States, as follows: Strike out article 4, and in lieu thereof change article 5, so as to read:

"ARTICLE 4. That in consideration of the cession, surrender, and relinquishment to the United States of all the title, claim, right, estate, and interest of said Indians in and to the tract of land above described, the United States will cause the lands not required for allotments, or for other purposes for the use of the Indians, to be opened to settlement and entry by the proclamation of the President of the United States under the general laws applicable to said State: *Provided*, That each entryman under the homestead laws, before receiving final certificate and patent for the land covered by his entry, shall pay to the United States the sum of \$1.25 per acre for each acre thereof. The proceeds of the sales of all of said lands under any of the land laws of the United States shall be deposited in the Treasury of the United States to the credit of said Indians, to draw interest at the rate of 5 per cent per annum, and such portions thereof shall be paid to said Indians in such sums and under such regulations as shall be deemed best for the Indians by the Secretary of the Interior."

Article 6 is changed so as to be numbered article 5. Articles 7, 8, 10, and 12 are stricken out, and article 9 is changed so as to be numbered article 6: *Provided*, That this act shall take effect only upon the acceptance of the modifications and changes made by the United States as to said articles of said agreement by said Indians, in manner and form as said agreement was assented to, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the said acceptance and consent have been duly obtained.

SEC. 2. That for the purpose of carrying out the terms and stipulations of said agreement, the following sums be, and the same are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, namely:

For the purpose of making the allotments on the lands by said agreement ceded, as provided in articles 2 and 5, including the necessary surveys, \$35,000, or so much thereof as may be necessary: *Provided*, That said allotments shall be made in manner and form, and the titles thereto held and evidenced as provided in the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," as amended by the act of February 28, 1891, entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes.'"

For payment to five chiefs as provided for in article 7, \$5,500. In all, \$40,500.

By unanimous consent, a second on the motion to suspend the rules was considered as ordered.

The question being taken on the motion of Mr. WILSON of Washington, it was agreed to, two-thirds voting in favor thereof; and the bill was passed.

BINDER-TWINE ON THE FREE LIST.

Mr. BRYAN. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 6005) to place binding-twine on the free list.

Be it enacted, etc., That from and after the passage of this act all binding-twine manufactured in whole or in part fromistle or Tampico fiber, jute, manilla, sisal grass, or sunn, shall, when imported, be exempt from duty.

SEC. 2. That all acts and parts thereof inconsistent with this act are hereby repealed.

Mr. BURROWS. I think the gentleman from Nebraska [Mr. BRYAN] does not intend to ask that this bill be passed under a suspension of the rules, with no proper opportunity for its consideration in the House and without any member of the minority of the committee having been notified.

Mr. BRYAN. The intention in making this motion is to pass the bill under a suspension of the rules.

Mr. BURROWS. I demand a second.

The SPEAKER. The gentleman from Nebraska [Mr. BRYAN] and the gentleman from Michigan [Mr. BURROWS] will act as tellers.

Mr. BRYAN. I ask unanimous consent that a second be considered as ordered.

Mr. BURROWS. I object.

The tellers took their places; and after continuing the count for some time they reported—ayes 160, noes none.

Mr. BURROWS. Mr. Speaker, would a motion for a call of the House be in order? No quorum has voted.

Mr. BRYAN. I hope we shall be allowed to continue the count a few minutes longer; we need only a few more to make a quorum.

Mr. BURROWS. I make the motion for a call of the House. No quorum having voted, I think the motion is in order.

Mr. BRYAN. I think that will not be necessary. Gentlemen who are in the Capitol have been sent for, and are coming in every moment.

Mr. DOCKERY. I suggest that a motion for a call is not in order while the House is dividing. The tellers have not completed their count.

The count was continued a few moments, when the tellers reported—ayes 170, noes none.

The SPEAKER. The motion having been seconded, the Chair recognizes the gentleman from Nebraska [Mr. BRYAN] to con-

trol the fifteen minutes allowed for debate in favor of the motion, and the gentleman from Michigan [Mr. BURROWS] to control the fifteen minutes against it.

Mr. BURROWS. I ask the Chair to recognize in my stead the gentleman from New York [Mr. PAYNE], my colleague on the committee, who has had this matter more particularly in charge.

The SPEAKER. The Chair will do so. The gentleman from Nebraska [Mr. BRYAN] is now entitled to the floor.

Mr. BRYAN. Mr. Speaker, I am willing to yield this time to anyone who desires to speak on our side of the question. This matter has been debated by a large number of gentlemen who addressed the Committee of the Whole in the discussion of the free-wool bill. I said at that time all that I cared to say, and am willing that these fifteen minutes be consumed by any gentleman on our side who may wish to speak.

Several MEMBERS (to Mr. BRYAN). Reserve your time.

Mr. BRYAN. Mr. Speaker, no one desiring to speak at this time on our side, I reserve the whole of the time until after gentlemen of the opposition have spoken.

The SPEAKER. The gentleman from Nebraska reserves his time.

Mr. PAYNE. Mr. Speaker, it seems to me that we are entitled to hear something from the other side as to why this bill should pass before we are called upon to answer anything that has not been said. I think the gentleman from Nebraska ought to use a portion of his time. [Cries of "Vote!" "Vote!" on the Democratic side.]

The SPEAKER. The question is on the motion—

Mr. PAYNE. Mr. Speaker, if the Chair will call my attention at the expiration of ten minutes I shall be obliged, as I wish to reserve five minutes of my time.

I have never heard of any good reason for placing binding-twine on the free list that would not apply with equal force to every other article manufactured in the United States. We have already placed the raw material on the free list by the McKinley bill. We reserved a duty of seven-tenths of a cent a pound on binder-twine in that bill. This was far less protection than was reserved in the Mills bill, which was believed, by the country at least, to have started on the lines of free trade. Not satisfied with that seven-tenths of a cent per pound, our friends on the other side now propose to put this article on the free list. The seven-tenths of a cent thus collected on binder-twine amounts to 1 cent per acre for binder-twine used in binding grain. The only reason I have ever heard hinted at for this legislation now contemplated is, that our friends in the Northwest believe that it will be a sop for the farmers; that this little bill with its 1 cent an acre will appease the feelings that have been aroused among the farmers on account of making wool free, and tend to help the other side of the House in some way in the coming election.

Is there any excuse for the legislation proposed? Binder-twine sold two years ago at the factory at nearly 12 cents a pound. During all the season last year, from May to December, it sold at the factories all over the United States at 7½ cents a pound. Manufacturers and people who are experts in regard to this branch of business will show the House, as they have shown the Bureau of Statistics, that there is no profit on it at 7½ cents a pound even with the raw material free. But in addition to that, growing out of the binder-twine business, there have sprung up in the Western States manufacturing of binding-twine out of hemp. In the State of Nebraska there is a factory of this kind. Thousands of acres of hemp are raised there by the farmers each year and sold to this factory, helping to take the place of some other farm product, helping to diversify farm industries; and the people of Nebraska are not demanding this bill, if am to judge from letters and clippings from newspapers which come to me from that State.

In the State of Illinois there is also a large factory making the binding-twine from hemp raised by the farmers of that State. The farmers of Kentucky have been engaged in the same industry. So that now one-seventh of the total product of the binder-twine used in this country is made from domestic hemp. And every pound, I want to say, that is used in the United States is made here now even under the duty of seven-tenths of a cent per pound. But this condition is not to exist in the future, even with this small protective duty which amounts to barely 10 per cent, the smallest on the whole list of manufactured articles. You propose to destroy the industry. In Belfast they are reaching out for our trade. They are sending propositions to the people of this country. They are doubling up their machinery; they are increasing their facilities to be ready to compete with our own people with this small duty of seven-tenths of a cent a pound.

It is true that this year binder's twine has made a small advance at the factory. So has sisal, so has sun grass, so has manilla, and so have all of the foreign fibers out of which binder's twine is

made shown a slight advance. Why, two or three years ago in Minnesota they concluded to undertake the manufacture of binder's twine in the State prison. They got the machinery last year and put it in operation, and alleging that they are furnishing binder's twine to their customers at cost, they have lately increased the price from 9 to 10 cents a pound, as the authorities say, for the purpose of giving 40 cents a day for the labor of the convicts.

Mr. SCOTT. Will the gentleman allow a question?

Mr. PAYNE. No, I have not the time. Why, a question like this to be discussed in fifteen minutes! A thing that has not been heard of in any tariff legislation in this House.

Mr. SCOTT. Mr. Speaker—

Mr. PAYNE. I did not yield. I thought the gentleman understood that. It is alleged in the report of the committee—no, not alleged except by implication—that there is a trust or combination in this country.

Now, the fact is that the National Cordage Company makes 50 per cent of the binder's twine made in this country, and the fact is still further known that there are many factories outside of the National Cordage Company making 50 per cent more, or the balance of the binder's twine used here.

One large concern at Philadelphia, Fittler & Co., are making a large proportion of the binding-twine used in this country, and within the last few days—and I do not know but the gentleman from Nebraska [Mr. BRYAN] wants to pass this bill before the final results are reached—it is announced in the newspapers that the National Cordage Company have gone to pieces and that one of the members of that company, owning a large interest, has withdrawn entirely from it. Perhaps the gentleman is in such haste because he fears it will disappear entirely, and that this nightmare he is holding up to the farmers of the country for the purpose of making political capital, for the purpose of catching the votes of the farmers, trying to hoodwink them, to cheat them, to buy them by this little sop of a cent per acre, will pass away from his vision and the delusion be lost to his party.

The SPEAKER. The gentleman has used ten minutes.

Mr. PAYNE. I reserve the remainder of my time.

Mr. BRYAN. I yield five minutes to the gentleman from Missouri [Mr. HATCH].

Mr. HATCH. Mr. Speaker, I am not surprised that the gentleman from New York [Mr. PAYNE] opposes the passage of this bill, nor am I surprised at the line of argument that he uses. It is the same old argument we have heard here for the last twenty years. Whenever a proposition has been made to strike down one of these protected trusts in the East in the interest of agriculture, the same objections are urged on the floor to the consideration and passage of the bill. First you demand a quorum, and second you demand the protection of the few men who are making binding-twine in the United States, and the enhancement of their profits at the expense of the farmers throughout the length and breadth of the wheat belt of the country, who are compelled to pay tribute to that trust at every harvest.

It is true that pending this bill, and pending the discussion of the tariff question even in the last Congress, the binding-twine trust, for reasons of its own, reduced by a fraction the price of binding-twine during harvest. But they have it in their power to put it up again any day in the year. They have an absolute and uncontrolled power over the price of binding-twine in the United States, and if this House should decline to pass this bill to-day, binding-twine will go up 4 or 5 cents a pound, not only at the factory but throughout the retail stores in the United States.

The gentleman says this is only seven-tenths of a cent protection; but that seven-tenths of a cent protection keeps out the competition of the world; and where is the farmer who raises wheat in the United States who gets seven-tenths of a cent protection on his wheat? That seven-tenths is a very large per cent of the price of this binding-twine; and if you could give to the farmers of the United States to-day the same percentage of protection that would amount to anything, and if it was available, the price of wheat to-day would be 25 per cent higher than it is. But the wheat-growers can not be protected; it is a commercial impossibility. We raise a surplus to ship to the consuming countries of the world, and we have to sell that surplus against the lowest-priced labor on earth, and in the open markets of the world. The wheat-grower must compete with all the pauper labor and the lowest pauper labor on earth, and he must sell the surplus that fixes the price of his entire crop in competition with that labor.

No protection can be accorded him, and yet he is bound by the price that this trust fixes upon an article which he is compelled to have. Such a demand has been made for the passage of this bill and the release of the wheat-growers of the country from the burden of this trust that the farmers' organizations of the State of Illinois and other Western States have offered thousands

and thousands of dollars to any inventor in the United States who could invent anything that would rid them of the incubus of this trust; offering to pay any inventor in the United States a magnificent bonus for the discovery of any machine that will utilize the straw, or use any substance in place of this binding-twine, so as to rid them of the burden and tyranny of this trust.

I am satisfied that there is not only not a gentleman upon this side of the House who will vote against this bill, but there are a large number of gentlemen on the other side of the House who, if they heed the demand of their constituents, not only farmers but all the fair and intelligent people whom they represent, will vote for this bill also.

Mr. BRYAN. I yield one minute to the gentleman from Michigan [Mr. STOUT].

Mr. STOUT. Mr. Speaker, whatever might be my action upon this bill if competition were free throughout the United States, I must certainly say that while the cordage business is controlled by a great trust I shall vote for the bill. It is a matter of current news that within the last week one concern which received \$200,000 a year from the trust for shutting up their shop has withdrawn from it. If, then, one cordage factory can forego \$200,000 a year, certainly there must be something more than 1 cent per acre in the profit upon binding-twine. I am here ready to vote a tariff reduction against any trust; and certainly a cordage combination which controls one-half of the product of the whole country needs this legislation to restrict the monopoly. I am in favor of the bill.

Mr. BRYAN. I yield two minutes to the gentleman from Kansas [Mr. SIMPSON].

Mr. SIMPSON. Mr. Speaker, I sincerely hope that our Republican friends will not stand in the way of the passage of this bill. We have not been expecting very much from the Democratic majority of this House towards granting relief to the farmers, but, now that they seem in a liberal mood, and as the gentleman from New York has stated it is but a very small matter, seven-tenths of a cent, I hope the Republicans will not stand in the way of the passage of this measure, which is in the interest of the farmer.

It is a well-known fact all over the Northwest that under this small duty the cordage trust was built up, and in order to break up that trust or combination, the farmers were compelled to throw aside their binders and resort to the old way of binding grain of thirty years ago by binding it with the grain. It was so in Kansas. They actually had to lay their binders up in the fence corners and bind their own grain, because the binding-twine was so expensive that it did not pay to bind the grain with the twine. They had to use headers for cutting the grain and every device. That is the way we brought down the price of the binding-twine; and now here is a measure brought in that I believe will destroy this trust and combination that has forced up the price of twine before, and will do so again at the very first opportunity it gets. Therefore, I hope our Republican friends will not put themselves on record as opposed to this very small measure of relief to the agricultural classes of this country.

[Here the hammer fell.]

Mr. BRYAN. I yield two minutes to the gentleman from Kansas [Mr. BAKER].

Mr. BAKER. Mr. Speaker, I regret that we could not have had more time for the investigation of this question. I felt that my Republican friends were right in regard to that matter at this time.

This is a question involving vital interest and of great importance to the agricultural classes of our country. The Republicans tell us they are the friends of the farmer. How shall we receive this statement? Would it not be correct to say they are his friends just so long as he can be used to their advantage? They will give him a crumb now and then. But is it not a matter of fact that under the operations of the tariff, as we have had it up to the present time, that the Government itself has never realized one dollar of revenue from the tariff on binding-twine?

Then is it not evident to all that the masses are taxed in the interest of the classes? In whose interest is the tax of seven-tenths of 1 cent? Is it not a bonus which the Government has levied on the agriculturists of our country, in the interest of its thirty-five manufacturers of binding-twine? Ah, says some one, that amounts to but little. That may be true when divided among the hundreds of thousands of farmers of this country. But that \$700,000 tariff saved to the agriculturists of the West would have saved the homes of seven hundred farmers. May we not with equal justice claim that hundreds of thousands of our farmers have been bankrupted by the unjust legislation of the last twenty-five years?

You may think that we are not in earnest. You may think that you can browbeat and sneer at our present condition, and with jeers can tell us we are prosperous. But we want you to know

that the leaven which has been used in the Western country has now permeated the agricultural masses of this whole country, and to-day we are prepared to vote intelligently upon this question as well as on the financial interests of our country.

We want it distinctly understood that the farmers are now demanding free binding-twine as their right. A vote against this bill will not be considered as in favor of the farmers of this country, but in favor of the monopolists. And every man who votes at this time with the syndicates that are combining to increase the price of this article, necessary to the farmers, will be regarded by them as voting in the interest of combines, monopolists, and trusts.

[Here the hammer fell.]

Mr. PAYNE. I yield to my colleague [Mr. COVERT].

Mr. COVERT. Mr. Speaker, my esteemed friend from Missouri [Mr. HATCH] has hazarded the opinion that no gentlemen upon this side of the Chamber would feel inclined to vote against this bill. I, for one, intend to vote against it, and it occurs to me that there are reasons sufficiently potential to induce many members on this side of the House to vote in opposition to the pending measure. My objection is leveled against the provision which makes binding-twine manufactured in whole or in part from jute exempt from duty.

This bill is supposed to be in the interest of the farmer: First, to give him cheap binding-twine; second, as an attack upon the trust or corporation manufacturing sisal and New Zealand fibers, though New Zealand hemp is not mentioned in the bill.

It is well known in legislative history that in 1890 a distinguished Senator from the State of Minnesota introduced a similar measure in behalf of the farmers. Upon being informed that jute binder-twine was not made by any trust or combination, that it was just beginning to be used as a substitute for more expensive twine, that it was sold at a much lower price than other twine, and was therefore a benefit to the farmers, the word "jute" was at once stricken from the bill. In that connection it was demonstrated that the establishments engaged in its manufacture had no community of interest whatever with any trust or combination among themselves. Each manufacturer acted independently in ordinary competition, and the result was the furnishing of this article at an exceedingly cheap rate to the consumer.

The same conditions prevail to-day. Very much that has been said by the gentleman from Missouri [Mr. HATCH] is void of application here. I defy any gentleman upon this floor to establish the fact that there exists to-day anywhere in this country a syndicate or trust among jute binder-twine manufacturers. Will the enactment of this measure help the farmer? Why, some few years ago the cordage mills advanced the price of binder-twine very heavily, and as a consequence the jute mills began to manufacture it from jute. At once the consumers felt the benefit of this competition and bought at cheaper prices. Jute should be stricken from the bill. It is claimed that if jute binder-twine is admitted free anything in the shape of a twisted band of jute can be admitted without duty, and every jute mill in the country will be most seriously affected.

It seems to me, Mr. Speaker, that in view of the existing very low rate of duty upon this article the Ways and Means Committee have gone too far in seeking to place it upon the free list; and that to accomplish what at best would be seemingly a small good to the people of certain sections only, a very grievous injury is threatened to large and equally important industries and to the people generally of the entire country.

Mr. PAYNE. Mr. Chairman, I desire to add just a word to what I have already said. Under the competition now we have cheaper binder-twine than ever before. The gentleman from Kansas, in the supposed interest of the farmers, wants to strike down that competition by taking off the duty of 10 per cent; action which would drive the people who are outside of the Cordage Company out of the market and transfer the industry to Belfast or Hongkong. Drive them out, and what then? Then you have a monopoly formed of the importers, charging the old price that they charged years ago, and consigning your binders back to the "fence corners," of which the gentleman from Kansas [Mr. SIMPSON] has spoken, or somewhere else.

It is simply a question of whether you will keep alive the active competition in this article. Gentlemen talk about the National Cordage Company; do they not know that nearly all the manufacture of the Cordage Company is of rope and cordage and twine other than binder's twine, articles upon which there is a duty much larger than seven-tenths of a cent a pound? Yet gentlemen upon the other side do not tackle that duty, but devote all their energies to this one item. There is, there can be, but one object; they hope to deceive somebody out on the Western prairies into voting the Democratic ticket. This bill is not in the interest of the farmers, and it is against the interest of 5,000 employes engaged in the State of Massachusetts alone in

the making of binder's twine in this country, and of 20,000 people who are dependent upon the daily labor of these employes for the wages upon which they live.

Mr. BRYAN. Mr. Speaker, just a word in reply. It seems that any attempt to reduce the tariff is always "trivial" enough in the eyes of our friends on the other side to justify strenuous opposition. We have heretofore called attention to the fact that they call it trivial to assist the farmers to the extent of 1 cent an acre, but do not call it trivial to assist a manufacturer of binder-twine to the extent of \$20,000. In the State represented by the honorable gentleman who has just spoken [Mr. PAYNE] they have a binding-twine trust, they have a National Cordage Company, which, according to its own statement, presented to our committee, controls the majority of the output.

The gentleman may convince himself that it is right to oppose this bill. Those who vote against it may convince themselves that it is right to do so. But they have a more difficult task on hand when they undertake to convince 65,000,000 of people that they are right in standing between the farmers and the relief which they demand. It is admitted that there is a trust in this manufacture and the one person who withdrew from it, Mr. Goode, stated a few days ago that he had received \$200,000 a year not to operate his mills, but as an inducement to close them, thus throwing the men out of employment. Yet I do not find my friend from New York worrying because those men are thrown out of employment.

If a trust shuts up a factory and throws its employes out upon the world, that is perfectly right according to Republican logic, but if the consumers demand the right to buy at lower prices, then we hear earnest objections from gentlemen upon the other side. They tell us that the effect of this legislation will not be to reduce the price, that the tariff has reduced the price. I ask them why it is that people who manufacture this article are so anxious to continue a system which they say reduces the price of that which they have to sell? We have listened too long to the men who levy these charges upon the farmers and who continually assert that they are the only friends of the farmer. It is too much like the parable of the fox, who, when the farmer undertook to build a fence around his chicken house, said: "You go about your business; we foxes will take care of the chickens; we are used to that sort of thing; we understand the chicken business; you can do something else." [Laughter.]

Mr. Speaker, the farmer has been allowing these men to attend to this business for him long enough, but he has now come to the point where he is going to attend to it himself, and gentlemen who represent farming constituencies upon this floor will have something more than child's play on their hands when they go back and undertake to explain to their constituents why it is that they are willing to refuse even the benefit of 1 cent an acre to this oppressed class. I do not care to consume more time. I demand the yeas and nays upon the motion to suspend the rules and pass this bill. Let us so vote that we can defend our action before our constituents. [Applause on the Democratic side.]

The SPEAKER. The question is on the motion of the gentleman from Nebraska [Mr. BRYAN] to suspend the rules and pass the bill.

Mr. COVERT. Mr. Speaker, is an amendment in order?

The SPEAKER. It is not. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 47, not voting 98; as follows:

YEAS—183.

Abbott,	Capehart,	Elliott,	Johnson, Ohio
Alexander,	Caruth,	Ellis,	Jolley,
Allen,	Castle,	English,	Jones,
Babbitt,	Catchings,	Enloe,	Kem,
Bacon,	Cate,	Epes,	Kilgore,
Bailey,	Cauley,	Everett,	Kribbs,
Baker,	Chipman,	Forney,	Kyle,
Barwig,	Clarke, Ala.	Fowler,	Lagan,
Beeman,	Cobb, Ala.	Fyan,	Laue,
Beltzhoover,	Cobb, Mo.	Gantz,	Lanham,
Blanchard,	Cockran,	Geary,	Lapham,
Bland,	Compton,	Gillespie,	Lawson, Va.
Blount,	Coolidge,	Goodnight,	Layton,
Boatner,	Cox, N. Y.	Gorman,	Lester, Va.
Branch,	Cox, Tenn.	Grady,	Lester, Ga.
Brawley,	Craig, Pa.	Greenleaf,	Lewis,
Breckinridge, Ky.	Crain, Tex.	Hall,	Livingston,
Brickner,	Crawford,	Hallowell,	Lockwood,
Broderick,	Crosby,	Halvorson,	Long,
Brookshire,	Culberson,	Hamilton,	Lynch,
Brown,	Cummings,	Hatch,	Mallory,
Brunner,	Daniel,	Haynes, Ohio	Martin,
Bryan,	Davis,	Heard,	McAleer,
Buchanan, Va.	De Armond,	Hemphill,	McClellan,
Bullock,	De Forest,	Henderson, N. C.	McCreary,
Busey,	Dixon,	Herbert,	McGann,
Butler,	Dockery,	Hoar,	McKaig,
Bynum,	Donovan,	Holman,	McRae,
Byrns,	Durborow,	Hooker, Miss.	Meredith,
Caminetti,	Edmunds,	Houk, Ohio	Meyer,

Miller,	Patton,	Snow,	Watson,
Montgomery,	Paynter,	Sperry,	Wadock,
Moore,	Pearson,	Springer,	Wheeler, Ala.
Moses,	Pickler,	Stackhouse,	Wheeler, Mich.
Mutchler,	Price,	Stevens,	White,
Newberry,	Rayner,	Stewart, Ill.	Whiting,
Oates,	Reilly,	Stewart, Tex.	Wilke,
O'Ferrall,	Richardson,	Stockdale,	Willcox,
O'Neil, Mass.	Robertson, La.	Stone, Ky.	Williams, Mass.
O'Neil, Mo.	Rockwell,	Stout,	Williams, N. C.
Otis,	Sayers,	Tarsney,	Wilson, W. Va.
Outhwaite,	Scott,	Terry,	Winn,
Owens,	Seerley,	Tillman,	Wise,
Page, H. I.	Shively,	Tracey,	Wolverton,
Patterson, Tenn.	Simpson,	Tucker,	Yountans,
Pattison, Ohio	Snodgrass,	Van Horn,	

NAYS—47.

Atkinson,	Dalzell,	Hooker, N. Y.	Scull,
Belknap,	Dingley,	Hull,	Shonk,
Bergen,	Flick,	Lodge,	Stephenson,
Bingham,	Funston,	Loud,	Stone, W. A.
Boutelle,	Griswold,	O'Neil, Pa.	Storer,
Bowers,	Grout,	Payne,	Sweet,
Cadmus,	Harmer,	Powers,	Taylor, E. B.
Clark, Wyo.	Haugen,	Raines,	Taylor, V. A.
Coburn,	Henderson, Iowa	Randall,	Townsend,
Covert,	Henderson, Ill.	Ray,	Wadsworth,
Curtis,	Hermann,	Reed,	Walker,
Cutting,	Hitt,	Reyburn,	

NOT VOTING—33.

Alderson,	Coombs,	Ketcham,	Rusk,
Amerman,	Cooper,	Lawson, Ga.	Russell,
Andrew,	Cowles,	Lind,	Sanford,
Arnold,	Dickerson,	Little,	Shell,
Bankhead,	Doan,	Magner,	Smith,
Bartine,	Dolliver,	Mansur,	Stahnecker,
Belden,	Dungan,	McDonald,	Stone, C. W.
Bentley,	Dunphy,	McKeighan,	Stump,
Bowman,	Enochs,	McKinney,	Taylor, Ill.
Breckinridge, Ark.	Fellows,	McMillin,	Taylor, Tenn.
Bretz,	Fitch,	Milliken,	Taylor, J. D.
Brosius,	Fithian,	Mitchell,	Turner,
Buchanan, N. J.	Forman,	Morse,	Turpin,
Bunn,	Geissenhainer,	Norton,	Warner,
Bunting,	Hare,	O'Donnell,	Warwick,
Burrows,	Harries,	Page, Md.	Washington,
Bushnell,	Harter,	Parrett,	Waugh,
Cable,	Hayes, Iowa	Peel,	Williams, Ill.
Caldwell,	Hopkins, Pa.	Pendleton,	Wilson, Ky.
Campbell,	Hopkins, Ill.	Perkins,	Wilson, Wash.
Cheatham,	Houk, Tenn.	Pierce,	Wilson, Mo.
Chaplin,	Huff,	Post,	Wright,
Clancy,	Johnson, Ind.	Quackenbush,	
Clover,	Johnson, N. Dak.	Rife,	
Cogswell,	Johnstone, S. C.	Robinson, Pa.	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

Mr. ANDREW (before the result of the vote was announced). Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in the Hall of the House, and did he fail to hear his name called?

Mr. ANDREW. I was not in during the second roll call.

The SPEAKER. The Chair can not entertain the request.

The following pairs were announced:

Until further notice:

Mr. MANSUR with Mr. TAYLOR of Tennessee.
 Mr. PARRETT with Mr. WAUGH.
 Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.
 Mr. ALDERSON with Mr. DOLLIVER.
 Mr. TURNER with Mr. BARTINE.
 Mr. PEEL with Mr. WILSON of Washington.
 Mr. PENDLETON with Mr. SMITH of Illinois.
 Mr. NORTON with Mr. SHONK.
 Mr. McMILLIN with Mr. BURROWS.
 Mr. McKEIGHAN with Mr. BROSIUS.
 Mr. LAWSON of Georgia with Mr. HOUK of Tennessee.
 Mr. BUNN with Mr. BELDEN.
 Mr. HARE with Mr. JOSEPH D. TAYLOR.
 Mr. BANKHEAD with Mr. MILLIKEN.
 Mr. BENTLEY with Mr. ROBINSON of Pennsylvania.
 Mr. WASHINGTON with Mr. O'DONNELL.
 Mr. GEISSENHAINER with Mr. WRIGHT.
 Mr. BOWMAN with Mr. TAYLOR of Illinois.
 Mr. DICKERSON with Mr. WILSON of Kentucky.
 Mr. JOHNSTONE of South Carolina with Mr. SANFORD.
 Mr. WILSON of Missouri with Mr. HUFF.
 Mr. STAHLNECKER with Mr. CHEATHAM.
 Mr. STUMP with Mr. MORSE.
 Mr. BUNTING with Mr. PERKINS.
 Mr. COWLES with Mr. DOAN.
 Mr. CAMPBELL with Mr. KETCHAM.
 Mr. BRETZ with Mr. BRODERICK, except on the binding-twine bill.
 Mr. HARRIES with Mr. JOLLEY, except on the binding-twine bill and river and harbor bill.
 For this day:
 Mr. McKINNEY with Mr. CHARLES W. STONE.
 Mr. RUSK with Mr. RUSSELL.

Mr. AMERMAN with Mr. RIFE.

Mr. PIERCE with Mr. LIND, for two weeks from April 30.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7, inclusive.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until the 7th instant.

Mr. ENOCHS with Mr. DUNGAN, until the 4th instant, inclusive.

Mr. HUFF. Mr. Speaker, I observe that I am paired with the gentleman from Missouri [Mr. WILSON]. If he were here I would vote "no."

Mr. PIERCE. I am paired with the gentleman from Minnesota [Mr. LIND]. If he were present I would vote in the affirmative on this question.

Mr. BRYAN. My colleague Mr. McKEIGHAN is paired, and desires me to state that if he were present he would vote "aye" on this motion.

Mr. JOLLEY. Mr. Speaker, the pair which has been read between the gentleman from Minnesota [Mr. HARRIES] and myself, refers to all other bills except this and the river and harbor bill.

Mr. O'NEILL of Missouri. Mr. Speaker, the gentleman from Tennessee [Mr. McMILLIN] is absent from the House to-day in consequence of the death of his brother.

The result of the vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. McMILLIN, indefinitely, on account of the death of his brother.

EXPENSES OF TREATY WITH GREAT BRITAIN.

Mr. BLOUNT. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 8503) making appropriations for expenses that may be incurred under the treaty between the United States and Great Britain, concluded at Washington, February 23, and April 18, 1892.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to fulfill the stipulations contained in the treaties between the United States and Great Britain, signed on the 23rd day of February and the 18th day of April, 1892, in relation to the tribunal of arbitration at Paris.

SEC. 2. That the sum hereby appropriated, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of State, with the approval of the President of the United States.

The SPEAKER. Is a second demanded?

There being no second demanded, the question was taken on the motion to suspend the rules and pass the bill.

The SPEAKER. In the opinion of the Chair, two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

MILITARY POST, HELENA, MONT.

Mr. DIXON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5108) to establish a military post at or near the city of Helena, in Lewis and Clarke County, in the State of Montana.

The bill was read, as follows:

Be it enacted, etc., That upon the transfer and conveyance to the United States of a good and sufficient title to not less than 1,000 acres of land, without cost to the United States, situated at or near the city of Helena, in the county of Lewis and Clarke and State of Montana, and on or near a railroad, and constituting an eligible and suitable site for an army post, and to be approved and accepted by the Secretary of War for that purpose, then and thereupon there shall be, and is hereby established and located on said land a United States army post of such character and capacity as the Secretary of War shall direct and approve.

SEC. 2. That for the purpose of defraying the expenses of locating said army post as aforesaid, and of constructing barracks, quarters, hospitals, kitchens, mess halls, stables, storehouses, magazines, defenses, and other necessary and suitable improvements and buildings, there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$100,000, or so much thereof as may be necessary, the same to be drawn from the Treasury and applied to said purposes under direction of the Secretary of War: *Provided,* That no part of said sum hereby appropriated shall be expended until the aforesaid tract of land shall have been conveyed to and accepted by the United States.

The SPEAKER. Is a second demanded?

Mr. BUTLER and Mr. HOLMAN demanded a second.

Mr. DIXON. I ask unanimous consent that a second be considered as ordered.

Mr. BUTLER. I object.

The SPEAKER appointed Mr. BUTLER and Mr. DIXON as tellers.

The House divided; and the tellers reported—ayes 160, noes 8. So a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from Montana [Mr. DIXON] in support of the bill and the gentleman from Iowa [Mr. BUTLER] in opposition to it.

Mr. DIXON. I yield the time to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. OUTHWAITE. Mr. Speaker, the object of this bill is

briefly this: In 1887 there was established what is known as Fort Custer, in the State of Montana. That post is 33 miles from any line of railroad. It is becoming so dilapidated that it is necessary to have extensive repairs made. The General of the Army, two other generals, and the Secretary of War have recommended the abandonment of Fort Custer, and have recommended the establishment of another post to which the troops and munitions of war from Fort Custer may be sent. They have selected Helena, in the State of Montana, because of its peculiarly desirable location. It is situated on two great railroad lines from the east to the west. It is situated within 120 miles of the Canadian border, on a railway line running north, and there is also a railway line running south from this point. It is also situated on this side of the great range of the Rocky Mountains.

But, Mr. Speaker, I desire to call the attention of the House particularly to the difference in cost between articles purchased at the present post and at Helena if this change shall be made. I hold in my hand a table that will show the difference between the expense in one year's time of certain articles and provisions necessarily used at Fort Custer and the price at which they could have been obtained at Helena had that been the post instead. During the last year the cost of oak wood at Fort Custer was \$14 per cord and the total amount paid out on that account was \$43,200. The cost of 1,750,000 pounds of oats, at \$1.74 per bushel, was \$30,450, and the cost of 1,700 tons of hay, at \$16.85, was \$28,645, or a total of \$102,295. The same articles, at the market rates prevailing in the city of Helena, could have been obtained last year for \$62,850, and there would have been a net saving to the Government in one year on these necessary articles used in that fort of \$60,000.

Mr. OATES. Will the gentleman state the estimated cost of locating the barracks at this point?

Mr. OUTHWAITE. The estimate submitted is \$300,000; the bill is for an appropriation of \$100,000. There is in this bill a provision which the War Department is now making in all such cases where the community desires or expects the establishment of a military post, and it is this, and I wish the attention of the House to it, because it is a very valuable consideration. That provision is that there shall be 1,000 acres of land at or near the city of Helena, to be donated to the Government for this purpose.

Mr. LANHAM. What disposition is made of the land now in use?

Mr. OUTHWAITE. Fort Custer is to be sold. The lands are part of an Indian reservation. These lands which are to be donated are estimated variously at from \$25 an acre up to \$40 an acre. Taking \$30 as the fair average, there is to be donated to this Government \$30,000 worth of land toward the establishment of this post.

Mr. BAILEY. What makes that land valuable? Is it valuable for farming purposes?

Mr. OUTHWAITE. It is valuable for farming purposes partly, and the other thing that makes it valuable is its proximity to a large and growing city.

Mr. BAILEY. Then I ask the gentleman from Ohio what wisdom there is in withdrawing valuable lands from people who need them, and in devoting them to military purposes?

Mr. OUTHWAITE. If there was any dearth of farming lands out in that extensive Northwest there might be some such objection to it.

Mr. BAILEY. But there must be a dearth, if they are worth \$25 an acre.

Mr. OUTHWAITE. Oh, no; that is not an excessive value for lands near a city that is growing as rapidly as Helena is. Then there is this further proposition, that if we do not abandon Fort Custer, we must repair it; and it is estimated that it will take \$45,000 to repair Fort Custer, because of its remoteness from the railroad. The carrying of the materials 33 miles from the railroad by teams necessarily makes them very expensive.

Mr. LANHAM. Can the gentleman give any estimate as to the value of the present site of Fort Custer and as to what the land can be sold at?

Mr. OUTHWAITE. I can not. I do not know that. The greater portion of it I believe belongs to an Indian reservation.

Mr. BUTLER. I yield ten minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, the gentleman from Ohio and myself do not differ except on one or two matters. Fort Custer is in a fairly good condition. I was there but a few years ago, and spent some time there as a member of a committee of the House. It is in fairly good condition, but would require, I have no doubt, some repairs to be made in a short time. The statement of the gentleman from Ohio is, of course, correct, that being some thirty-odd miles from a railroad, some of the supplies are materially more expensive; but this is offset somewhat by the fact that the teaming is performed by the Crow Indians, as

has been the policy of our Government with reference to that fort and other forts and reservations, and this has been a good school of education to them. Still, that should not be taken materially into the account.

One item mentioned by my friend here to make up the excessive cost of furnishing supplies, over what it would be at Helena, struck me very forcibly, and that was the item of hay. There are in that region of country very fine bodies of prairie pasture land, some of the finest in the country, and I do not see how it would be possible that hay should be more expensive there than at Helena. On the contrary I should suppose it would be cheaper.

Mr. OUTHWAITE. This statement is from Gen. Merritt, in charge of that fort, and I suppose he states the matter correctly.

Mr. HOLMAN. I take it for granted there has been some mistake about that. Of course I feel very confident that hay would be more cheaply obtained right in the midst of it than it would be at an important town like Helena. But these are merely incidental matters, in the discussion of which I do not care to occupy the time of the House.

The main objection to this bill is this: Admitting that it is well enough to abandon Fort Custer and establish a new fort near Helena; admitting that, then what? This bill proposes to appropriate for the present year \$100,000, out of \$300,000, the estimated cost of the post.

Mr. OUTHWAITE. There is no estimate of that kind except that the bill as it passed the Senate was for \$300,000.

Mr. HOLMAN. I take it for granted that \$300,000 is the estimated cost, because it came from the Senate with that appropriation in it; but it is now a bill appropriating \$100,000. The gentleman will observe that up to this time we have not got any title at all to any land for the purpose of making a site for this fort. We will pass at this session of Congress, as we did in the last Congress, more or less building bills to authorize the construction of public buildings, but the bills will not carry appropriations; and this, if gentlemen will reflect, is for manifest reasons.

These appropriations ought to go in a single bill and should go in the sundry civil bill, so that a member can see at a glance what amount of money has been appropriated for the expenses of our Government. Now, we have placed in the sundry civil bill \$300,000 for fortifications, and we propose to increase that amount somewhat, though not materially, and we propose to add to that a provision that the money so appropriated may be used, as far as may be found necessary during the present coming fiscal year, in commencing the work at Helena and at Little Rock, Ark.

We have already passed a bill establishing a fort at Little Rock. It bore an appropriation of \$75,000. That was the limitation, so far as I am informed. I said to the gentleman having charge of that bill, the gentleman from Arkansas [Mr. TERRY], that I did not think that appropriation should be made in that bill. I had no objection to the bill passing, authorizing the Government to receive the conveyance of the thousand acres from the State of Arkansas; that the title should be perfected in the United States, and that a provision ultimately should be made for the erection of the fort. On that suggestion the gentleman consented to strike out the \$75,000 in the bill; so that it passed, authorizing the Government to accept the title to the thousand acres of land, and providing for the erection of a fortification at that point. Now, I ask the gentleman to place these two places on the same footing.

Mr. OUTHWAITE. Now, right there; do you not know they are on a radically different footing. At the outset, do you not know that Little Rock gets a fortress worth \$70,000 for this thousand acres at Little Rock?

Mr. HOLMAN. They stand on the same footing exactly as to the principle involved; that is to say, in both cases the Government is to accept the title to a thousand acres of land from the respective States; but in the case of Arkansas we have there, I believe, 30 acres of land at the old post, and we propose to do with that as we have done in hundreds of other cases, to give that piece of land to the city of Little Rock for a public park. So that that is the only difference. We give Helena nothing. We just take from them the conveyance to the thousand acres of land and agree to erect a fort thereon. In the case of Little Rock we accept this thousand acres, and on the perfection of the title in the Government we grant to them the old fort as a public park, and propose ultimately to erect a fort at that point.

Now, I think the appropriation should not be made at this time, and it ought not to be made until the title is vested in the United States in this thousand acres of land. Whenever the State of Montana shall have vested in our Government a title to a thousand acres of land, and Arkansas shall have done the same thing, then I am perfectly willing that an appropriate appropriation shall be made. And I repeat what I have already said, that we have in the sundry civil appropriation bill, a bill

which is already on your Calendar, an appropriation of \$300,000 for the purpose of erecting forts, and for the purpose of avoiding any misapprehension as to how that money shall be expended, there is a provision expressly authorizing the Secretary of War to use such sums as may be necessary for the erection of the forts which I have named. There has been a third mentioned, in Vermont, I believe, that was reported favorably.

Mr. OUTHWAITE. Yes.

Mr. HOLMAN. I am perfectly willing that the authority should be given to accept the donation. Let the acceptance of the donation be taken as a declaration of the purpose of Congress to authorize the construction of a fort, and let the appropriation come in in regular course on a regular appropriation bill.

Mr. WILSON of Washington. The gentleman has said that he was perfectly willing, after the land had been donated by the city of Helena and of Little Rock, Ark., to make an appropriation after the title had been vested in the United States. Would not the gentleman extend his consent one line further? We are seeking the acceptance of the Government of a thousand acres of land at Spokane for the same purpose. Now, when we can get the title vested in the United States in that land, does the gentleman state that he is willing to let us have an appropriation?

Mr. HOLMAN. I think these military gentlemen are getting away beyond what is necessary in the erection and maintenance of these fortifications. I concede it is well enough to consolidate these forts, which would make the places better for the officers and their families. I think they should be thrown together in larger posts. Gentlemen must bear in mind that Fort Custer was erected for the purpose of overawing the Crow Indians, and Custer is on the line or border of that Indian reservation.

Mr. HULL. Does the gentleman say that it is the design of the Army to overawe the Crow Indians?

Mr. HOLMAN. No; but I have seen so many representations on the part of our public officers of this kind that I think you could always find something to complain of, and I believe that it will be found after you erect the fort at Helena that it will be well to keep a small force at Fort Custer, so that they may have a supervision of the Indians that may be in that immediate vicinity.

However, I put it on the other ground. I ask my friend from Ohio, in the interest of good legislation, of fair legislation, to put the Montana bill upon the same footing as the Arkansas bill.

Mr. OUTHWAITE. We can not do that; because Little Rock gets a tract of land worth \$70,000, and we have no such tract to cede here.

Mr. HOLMAN. Oh, this is not a matter of dicker between the United States and these localities. These are supposed to be strategic points. I do not think these posts are necessary, but of course on that subject I yield my views to the heads of the Department. However, if the posts are necessary they should both stand on the same footing. You have passed one of these bills already and it has passed the Senate and been approved by the President. Now, I ask my friend, in the interest of fair legislation, to put this on the same footing as the other, with the understanding that the appropriation in the sundry civil bill shall be sufficient and shall contain a provision that when the title is acquired whatever money is necessary may be expended from that appropriation to commence the construction of these buildings.

I think that in common fairness you ought to agree to do this. That matter of appropriation did not go to my friend's committee, and, in the natural course of things, it ought not to have gone there. I have often tried to explain heretofore, and I think every gentleman understands, that it is very desirable to keep these appropriations together, especially if you intend to have economy. We put these separate bills through here without reference to what has been done in other portions of our legislation, and we are rapidly coming to the point when every one of us should pause and consider the state of our appropriations. We have indulged heretofore in an ardent hope that a record would be made by this Congress of which every member, whether Democratic or Republican, would be proud—proud that in the present exigency in our affairs there had been severe economy practiced.

But how can you expect to have severe economy when every bill that comes in here bears an appropriation, and when you draw upon the public Treasury in that unsystematic way, instead of grouping your appropriations together so that you can see on the face of one bill the whole amount of money that is disbursed for a given line of public service? I do not like to antagonize a bill coming from the Committee on Military Affairs, one of the most intelligent of all our committees, one of the most vigilant in guarding the public interests, a body composed of gentlemen every one of whom is eminently fit to occupy a position upon so important a committee; but I appeal to the chairman of that committee to allow proper legislation to take place

in this instance, to the end that when we come to foot up our bills we shall not turn pale at the record that we have been making.

Mr. OUTHWAITE. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes left.

Mr. OUTHWAITE. Mr. Speaker, I thought this bill was fair legislation. The gentleman from Indiana [Mr. HOLMAN] has informed the House that his committee are going to recommend an appropriation in the sundry civil bill for the benefit of the War Department, for the repair of posts, to the amount of \$300,000.

Mr. HOLMAN. Oh, no, not in that way. The terms are general.

Mr. OUTHWAITE. The appropriation that he is thus offering to the House and the country is not one-half as large as is necessary for that purpose, not one-half as large as is necessary to take care of and properly repair the old posts, so that there certainly would not be a cent of it that could be used for the benefit of any new post. So much for that proposition. Now, this bill contains substantially one proposition which the gentleman suggests I ought to accept. It is embodied in this provision of the bill:

Provided, That no part of said sum hereby appropriated shall be expended until the aforesaid tract of land shall have been conveyed to and accepted by the United States.

Mr. HOLMAN. But it makes the appropriation.

Mr. OUTHWAITE. What difference does that make if the money is not to be expended until the title is acquired?

Mr. HOLMAN. You will see that by and by.

Mr. OUTHWAITE. What difference does it make if this bill does say that the money is appropriated, when there is a proviso that none of it shall be expended until the title has become vested in the Government? Now, the gentleman makes a proposition as a business man that this House shall pass this bill without offering any inducement whatever to anybody to contribute this 1,000 acres of land. You would not find a citizen of Helena so blind as to contribute any portion of this 1,000 acres with the understanding that no military post was to be established there until some subsequent Congress might appropriate the money. The bill as it stands offers an inducement to contribute the land by making the appropriation, and that is the difference between the bill and the gentleman's proposition.

The gentleman appeals to us to put this bill on the same footing with the Little Rock bill, and I wish to point out the difference between the two cases. In the case of Little Rock the United States had a tract of land inside the city limits which was worth \$70,000, which was donated to that city by the terms of that bill. Yes, the Little Rock bill disposed of Government property of the value of \$70,000. It does not make any difference whether it is money or property given in exchange for the lands for future use, the bill conveyed to the city of Little Rock \$70,000 worth of Government property as an inducement to furnish the 1,000 acres of land.

Now, the gentleman from Indiana says, let us put these two posts on an equality. How can you do it? There is no disposition anywhere to make a discrimination against one in favor of the other; but how can you put the two on an equality? There is no property at Helena to be ceded to the city in consideration of their furnishing this 1,000 acres of land.

The gentleman does not question the propriety of establishing a post at Helena. He could not well do that, because he has too much consideration and respect for the officials whose duty it is to investigate these things and decide upon them.

Mr. HOLMAN. Yes; but there is no hurry about this matter.

Mr. OUTHWAITE. No one wishes to hurry. The location of a post at Helena is not a new idea. The War Department and the General of the Army have had under consideration for some time the establishment of a post at this peculiarly well-fitted location, this peculiarly strong strategic position, this position to which transportation is of easy access, and where the competition with regard to transportation is so strong that the United States Government would get much benefit from such competition.

Now, all there is in the opposition is this: The gentleman from Indiana wishes us to attempt to do something which will be almost a nullity. He proposes that we take away the inducement of the citizens of Montana to contribute this 1,000 acres of land, and then expect them to donate it to the Government. If you do that you might as well not pass the bill at all.

Mr. HOLMAN. Is not your bill perfect without the appropriation, just as much so as a public-building bill?

Mr. OUTHWAITE. In that form there is no inducement to the citizens of Helena or to the State of Montana to furnish a single foot of ground. In public-building bills we buy the ground. There might come in another House even more economical than this in which someone might want to put this off still further

than the gentleman wants to put it off. And so this post would not be established, although the War Department and three generals of the Army, as I have said, have recommended the abandonment of Fort Custer, have disapproved paying out \$45,000 to repair that fort, and recommend the location of a new post at a point where, as I have said, the Government will save in one year \$60,000 in the cost of transportation, while at the same time the post will be placed at a point from which troops can be sent in several directions upon several lines of railway. At Fort Custer they can only be sent over a wagon road 33 miles to a single railroad line.

Upon this state of facts the Committee on Military Affairs unanimously—and I thank the gentleman from Indiana for his high complacency to the intelligence, vigilance, and public spirit of that committee—the committee, after three careful examinations, after having before them two of these generals and questioning them, after investigating the matter thoroughly, decided that the post ought to be established at the point here proposed and that this bill ought to go through.

[Here the hammer fell.]

The question being taken on the motion to suspend the rules and pass the bill,

The SPEAKER said: The ayes seem to have it.

Mr. HOLMAN. I call for a division.

The question being again taken, there were—ayes 143, noes 13. Mr. HOLMAN. I think that on a question involving \$100,000 we should have a quorum.

Mr. OUTHWAITE. I hope the gentleman will not insist on a quorum. A quorum is sometimes hard to get in this House.

Mr. BROWN. We will get one now, if we can.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Indiana [Mr. HOLMAN] will take their places as tellers.

Mr. HOLMAN (after a pause). Mr. Speaker, I will not insist further on the point of no quorum.

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

RECORDS OF VOLUNTEER ARMIES, ETC.

Mr. BELKNAP. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes.

Be it enacted, etc., That the division organized by the Secretary of War in his office for the preservation and custody of the records of the volunteer armies under the name of the record and pension division is hereby established as now organized, and shall hereafter be known as the Record and Pension Office of the War Department; and the President is hereby authorized to select an officer of the Army whom he may consider to be especially well qualified for the performance of the duties hereinafter specified, and, by and with the advice and consent of the Senate, to appoint him in the Army to be chief of said office, who shall have the rank, pay, and allowances of a colonel, and shall, under the Secretary of War, have charge of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected herewith; and all laws or parts of laws inconsistent with the terms of this act are hereby repealed.

Mr. PATTON. I demand a second.

Mr. BELKNAP. I ask unanimous consent that a second be considered as ordered.

Mr. DOCKERY. I hope the gentleman from Indiana [Mr. PATTON] will consent to that.

The SPEAKER. Is there objection?

Mr. PATTON. I object.

The SPEAKER. The gentleman from Indiana [Mr. PATTON] and the gentleman from Michigan [Mr. BELKNAP] will act as tellers.

The House again divided; and the tellers reported—ayes 155, noes 17.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. BELKNAP] to control the time allowed for debate in favor of the bill and the gentleman from Indiana [Mr. PATTON] to control the time against it.

Mr. BELKNAP. I reserve my time.

The SPEAKER. The gentleman from Indiana [Mr. PATTON] is recognized. [A pause.]

Mr. DOCKERY. If no member desires to discuss this bill I hope we shall have a vote. [Cries of "Vote!" "Vote!"]

Mr. PATTON. Mr. Speaker, we want to be heard on this question. I yield to the gentleman from Iowa [Mr. BUTLER] whatever time he wants.

Mr. BUTLER. Two or three minutes.

The SPEAKER. The gentleman from Iowa will proceed.

Mr. BUTLER. Mr. Speaker, I am opposed to the principle embodied in this bill of making any civil office necessarily to be filled by a regular army officer. If this bill shall pass it will become illegal for any man from civil life to be appointed the head of the department created. I can conceive of no condition of

things under which such appointment ought to be compulsory. I do not doubt that there are men in the Regular Army who can fill the place creditably and well; but that does not carry with it the thought that men from civil life, or from the volunteer service can not fill it equally well and satisfactorily. That is the first basis of objection to the bill, and I earnestly object to seeing any law passed by Congress whereby any man or particular set of men must be eligible to certain things of a civil nature when the class of men so specified have been educated almost entirely as military men. It is a wrong principle to establish in a Government like this.

But, sir, there is another reason why I object to this bill, and that is that every one who supports the bill declares that it is in the interest of Maj. Ainsworth. Now, whether that be true or not the bill remains objectionable. If it be true, then it is a fact that this same man has been already promoted ahead of his time, in comparison with other regular army officers, by ten or twelve years, and this is another promotion still ahead of the men serving twelve or fifteen years longer in the same line of the service. If it is not in the interest of Maj. Ainsworth, it is objectionable on the ground I have stated, namely, that it is made necessary that the office shall be filled by a colonel of the regular Army.

Mr. PICKLER. I would like to ask the gentleman a question before he takes his seat.

Mr. BUTLER. If I have time I will be glad to yield to the gentleman.

Mr. PICKLER. I am a little on the fence about this bill myself; but I wish to ask the gentleman from Iowa if a few weeks ago he did not vote to make all of the Indian agents out of military officers?

Mr. BUTLER. Of course I did. But that is in no sense of the word a comparison with this bill nor to the principles involved in the civil service. Those officials were not the heads of bureaus or anything of the kind. They were merely ministerial agents established on the frontier among the Indians, whose duties consisted in looking after Government property and taking care of the Indians on the particular reservation. In such cases the services of a military man in time of trouble would become very essential to the Government.

But this office, at present in question, is purely a civil office, located in Washington, having nothing to do with trouble with the Indians, or any other hostile power, in time of war, or anything of that kind—solely a civil office.

Mr. PICKLER. I agree with the gentleman, and hope that the bill will be amended so as not to compel the appointment of a military officer.

Mr. BUTLER. If it were an appointment on the frontier, where Indians are to be dealt with, it would be an excuse for the suggestion made in the bill, and would offer some reason for making the appointment of a military man. But here is a civil department in the city of Washington, far away from trouble, where no question as to military necessity can apply, and hence I claim that the bill has not the merit of necessity, and is not in harmony with our institutions. It should not pass.

Mr. CURTIS. Will the gentleman allow me—

Mr. BUTLER. I believe my time has expired.

Mr. PATTON. Mr. Chairman, I am satisfied that if there was a true understanding of this bill, the members present would not support it. I am satisfied that it is not understood, and I desire to have a report which I made on a House bill, a duplicate of this, a minority report in the Military Committee, read for the information of the House. I send it up and ask its reading.

Mr. BRECKINRIDGE of Kentucky. While this report is being sent up will the gentleman allow me to ask whether it is possible to have the bill so amended as to make this gentleman the permanent head of the Bureau of Pensions? Take him away altogether from this particular office and make him the permanent head of that Bureau. I can not vote for this bill, but I would like to support the other.

Mr. OUTHWAITE. Well, this is in the same general, good direction.

Mr. BRECKINRIDGE of Kentucky. Does the gentleman think the suggestion I have made could be carried out? [Laughter.]

Mr. OUTHWAITE. I understand not.

Mr. PICKLER. The office of Commissioner of Pensions is well filled by the present incumbent.

Mr. BOWERS. Not as well filled as Ainsworth's is.

Mr. PATTON. I ask to have the report read.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6483) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes, reported it back with the recommendation that the bill do pass, and submit statements and arguments in support of same. Not being able to concur in this report, I beg leave to submit the following amendments and reasons therefor.

In line 9, after the word "select," strike out all up to and including the word "Army" and insert the following: "a person."

In line 12, after the word "to," strike out the word "appoint," and insert the word "place," and in the same line strike out the following words: "the Army to be chief," and insert in place thereof the word "charge."

Strike out all of line 13, and in line 17 strike out all after the word "there-with," including also all of line 18, and insert the following:

"For which he shall be paid an annual salary of \$4,000, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

The reasons for the amendments may be stated in brief as follows:

(1) It is not thought that this Bureau should be established in such a way as to make it illegal for its chief to be appointed from civil life, any more than bureaus in other Departments of the Government.

(2) It appears to be the understanding that the present occupant, Maj. Ainsworth, is to be appointed under the provisions of the bill as chief, with the rank of colonel. This promotion would be manifestly unjust to many army officers who are, to say the least, equally meritorious, having served faithfully in line, as soldiers and officers should serve.

It appears from the Army Register that out of the twenty-five majors of infantry all but six made their first appearance upon the military stage in 1861, and of the six exceptions five were appointed in 1862, and, on the other hand, Maj. Ainsworth was appointed into the medical department of the Army with the rank of first lieutenant in 1874, from twelve to thirteen years after those of his rank as now rated above. Five years later he was made a captain, and a little more than two years later he was raised to the rank of major. This last promotion dates from February 27, 1892; and now, before he has been accustomed to his new emblems of rank, it is concluded by some of his friends that promotion by one grade at a time is entirely too slow, and he should save the time and expense of uniforming with the rank of lieutenant-colonel, and with one stride land in the place and rank of a full-fledged colonel.

While all this has been going on, his duties, which may have been important and well performed, have been but little more than clerical. The effect of such a line of promotion, in view of the injustice practiced upon officers in these discriminations, can not fail to have a bad effect on the officers who have suffered by it. The discipline and effectiveness of the Army requires that a regular line of promotion should be practiced and adhered to except for good cause.

By the provisions of this amended bill it is in the power of the President to appoint an army officer as the chief of the proposed bureau, if he so desires, but there is no cause given for his promotion on account of the performance of the duties of that office.

All of which is respectfully submitted.

D. H. PATTON.

BILL AS AMENDED.

A bill to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the division organized by the Secretary of War in his office for the preservation and custody of the records of the volunteer armies, under the name of the Record and Pension Division, is hereby established as now organized and shall hereafter be known as the Record and Pension Office of the War Department; and the President is hereby authorized to select a person whom he may consider to be especially well qualified for the performance of the duties hereinafter specified and, by and with the advice and consent of the Senate, to place him in charge of said office, and shall, under the Secretary of War, have charge of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith; for which he shall be paid an annual salary of \$4,000, which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. PATTON. Now, Mr. Chairman, I understand the bill is in reference to Mr. Ainsworth, who has only had his rank as major since February last. He entered the Army in 1874 as first lieutenant and now occupies the rank of major, and it is proposed here to establish a bureau in which only an officer with the rank of colonel is entitled to preside, the object being to place Maj. Ainsworth over that department with the rank of colonel and in this way to give him the promotion from major to colonel and at the same time make a civilian ineligible to preside as the head of that bureau.

Now, I oppose it not only on the ground of the injustice to the line officers of the Army who are passed over by this promotion, but on account of the fact that it establishes a position which a person from civil life is ineligible to occupy. Now, this report which has just been read is really a substitute for the bill. It establishes the bureau just as it is asked to be established, but it does away with the authority given the President to appoint a major, and to make him a colonel in order to do it. Now, if this substitute is adopted in the place of the bill, everything will go on just the same. The major no doubt will be appointed, and his duties will be performed in the same manner, but he will not be promoted to be a colonel. I think that if this subject is properly understood, the House will see that the substitute embraces the proper action to take.

I will yield to the gentleman from Indiana [Mr. WAUGH].

Mr. WAUGH. Mr. Speaker, I have no objection in the world to the establishment of this bureau; but I am in favor of the amendment. This is a civil office, and there is no reason in the world which can be shown here why any one of 65,000,000 of Americans should not be eligible to that office.

Mr. PICKLER. That is right.

Mr. WAUGH. And I want gentlemen to be careful how they vote on this question. The precedent is a wrong one, elevating an army officer, not for conduct in the line of duty, upon the field, or for military services, but for civil service. Why, if you adopt the rule of promoting regular army officers for civil service, you will have all the army officers abandoning field service and

coming here to Washington to seek civil positions; for through them they will hope to get promotions that they can not get in the field.

I am in favor of the amendment; and I want to say that the Fifty-second Congress can do no more manly act, if this selection is to be made from a class, than to select that man from the great volunteer army, and one of the men who helped to make that record.

Mr. OUTHWAITE. There is nothing in the bill to prevent that selection.

Mr. BELKNAP. I yield to the gentleman from Alabama [Mr. WHEELER].

Mr. WHEELER of Alabama. Mr. Speaker, this is a bill which has engaged attention in the House and Senate for the last four years. The purpose of it is to make permanent a bureau which already exists, and in order to carry out the purposes of that bureau it has been deemed important by all those who have considered the question, not only Congress, but the Secretary of War, the preceding Secretary as well as the present one, that this should be placed under an officer who will remain permanently in charge of it. Now, it is said that the purpose is to appoint Maj. Ainsworth to the office. This no doubt is true. Maj. Ainsworth has shown most remarkable ability in caring for and arranging the records of the volunteer soldiers of all our armies.

Mr. SIMPSON. Will the gentleman allow me a question?

Mr. WHEELER of Alabama. Yes.

Mr. SIMPSON. Will not the effect of this be to establish a permanent bureau?

Mr. WHEELER of Alabama. The bureau is already established, and has been in existence a great many years. It has been known as a division or bureau. It was organized by the Secretary of War in his office for the preservation and custody of the records of the volunteer armies.

Mr. SIMPSON. If it is already established, why do you wish to establish it again? It reminds me of the saying of the poet, that "Twice he slew the slain." [Laughter.] I understand that it will establish a new and permanent bureau.

Mr. WHEELER of Alabama. It will make permanent a bureau already existing, and this bill proposes to sanction this organization by law and to provide that it shall hereafter be known as the record and pension office of the War Department.

Mr. SIMPSON. For the purpose of giving places to some more political deadheads.

Mr. WHEELER of Alabama. The gentleman is very much mistaken. So far from making political deadheads, the purpose of this bill is to as far as possible separate the pension business from political interference. The Secretary of War, Mr. Elkins, recommends the passage of the bill for this very reason. In his letter to Congress, dated March 1, Secretary Elkins says:

The chief of this office should not be a partisan; he should be a man of the highest character and purest integrity, beyond the reach of political pressure and not subject to change.

It is for the purpose of preserving the records of our volunteer armies of all our wars. They commenced with the records of the volunteers of the war of 1861-'65—

Mr. SIMPSON. I understand from the reading of the bill, if the gentleman will allow me, that this makes it a separate bureau, while it is now a bureau of the War Department only.

Mr. WHEELER of Alabama. It will still be under the War Department. It makes no change in that regard. Maj. Ainsworth has proceeded with the arrangement of the record of the soldiers of the war of 1861-'65, and has arranged the rolls of the soldiers of the Indian wars and the war of 1812, and now he is going back to the rolls of the soldiers of the Revolution.

The bill itself states that the officer appointed shall, under the Secretary of War, have charge of the military and hospital records. Gen. Schofield, in his letter of February 29, 1892, in referring to this bill, says:

I have the honor to report that this duty of the preservation and use of the records of the volunteer armies has of late years assumed very great importance. The business has been systematized in the War Department by the creation of the record and pension division, necessary steps taken to secure the preservation of these invaluable records and their prompt use for all legitimate purposes, without incurring the danger that before existed of their final destruction.

And in further referring to the subject, the general says:

The importance of this duty, in my judgment, fully justifies the creation of a permanent office in the War Department properly styled "The record and pension office," and the selection by the President of a competent officer, who, under permanent appointment, shall have the custody of those records. The rank of colonel would be an entirely appropriate rank for the officer in charge of this important duty.

Mr. WAUGH. Why is it that we want an army officer?

Mr. WHEELER of Alabama. Because it is important to have it permanent; and your own Secretary of War, Mr. Elkins, states that the chief of this bureau should not be a partisan. We do not want a partisan in charge of records which involve the honor, the integrity, and the history of the soldiers who

fought for this country and who have so assisted to make it the great country it is to-day. I will read from Secretary Elkins's letter of March 1, to which I have just referred. Mr. Elkins says:

Large experience is needed in dealing with the intricate and complicated details of the work, and if the office was held by uncertain tenure, much delay and confusion would result. So it is necessary that an officer of the Army be permanently in charge who shall be directly responsible to the Secretary of War as provided in the bill.

In order to show the absolute necessity of the bureau being permanently established I will read from the report of Secretary Proctor, in 1889:

The muster rolls are in a deplorable condition, dropping to pieces from time and use, and the record evidence they contain, of such great value to the public as well as to individuals, would soon have been hopelessly lost. The completion of the card-index system, however, will be pushed rapidly, and it promises to solve not only the question of the most expeditious and economical use of the rolls, but their preservation as well, as they will not then need to be used except in extraordinary cases. I have felt justified in going into the details of this work somewhat on account of its importance and its peculiar interest to the veterans of the war.

But, in further reply to the gentleman from Indiana [Mr. WAUGH], I call his attention to the fact that Secretary Elkins positively states that this bureau should be in charge of an officer of the Army. I again read from his letter to Congress of March 1:

An officer of the Army should be in charge of the office. It deals entirely with the records of volunteers of all wars. It has in its keeping records affecting the reputations of the living and the dead, and papers of the greatest value in guarding the doors of the Treasury against false and fraudulent claims.

A MEMBER. What assurance have we that the President will appoint Maj. Ainsworth?

Mr. WHEELER of Alabama. I do not think there is a particle of doubt upon that question. In his last annual message the President said:

The great work done in the record and pension division of the War Department by Maj. Ainsworth, of the Medical Corps, and the clerks under him, is entitled to honorable mention. Taking up the work with nearly 41,000 cases behind, he closed the last fiscal year without a single case left over, though the new cases had increased 52 per cent in number over the previous year by reason of the pension legislation of the last Congress.

I will also call attention to the fact that under Maj. Ainsworth's management the expense of doing this work has been reduced to one-half the cost of similar work under persons who are not connected with the Army.

Mr. WILSON of Washington. Will the gentleman yield to me for just one question? Now, I see that several gentlemen here, who are opposing the appointment of this officer, were extremely anxious to have Indian agents appointed from the Army. Can there be any serious objection to having an army officer take charge of the records of the Army?

Mr. WHEELER of Alabama. The same arguments which were used in the advocacy of appointing officers of the Army as Indian agents would apply with much greater force here. In order to give the bureau its full value, it must have a permanent head; and as these records refer alone to the Army, there are many reasons why they should be in charge of an army officer.

Mr. STOCKDALE. Does the gentleman think that it is a proper course to go into the Army and pick out an officer and promote him by legislation?

Mr. WHEELER of Alabama. The bill only provides that the President is authorized to select an officer of the Army whom he may consider to be especially well qualified for the performance of the duties specified, and by and with the advice and consent of the Senate to appoint him in the Army to be chief of said office. I will read again from the report or letter of the Secretary of War:

He should be a man of the highest character and purest integrity, beyond the reach of political pressure.

Mr. STOCKDALE. And there are not many below him to whom that would apply.

Mr. WHEELER of Alabama. I am glad to be able to say that with some exceptions officers of the Army are men of very high character and very high integrity. I think the words used by the Secretary would apply very generally.

Mr. WAUGH. Do not many such men exist out of the Regular Army?

Mr. WHEELER of Alabama. Yes, many, very many millions of such men.

Mr. SNODGRASS. Did not I understand the gentleman from Alabama to say in his argument that this is already a permanent department? I understand it is simply a division; and this bill undertakes to make it a permanent division?

Mr. WHEELER of Alabama. It is already established; it is not a new bureau.

Mr. SNODGRASS. It is simply a division now.

Mr. WHEELER of Alabama. I do not think it has been called a division, but that is not important. The Secretary of War in

his communications refers to it as a bureau, and especially informs us it is not a new bureau. In his letter of March 1 he says:

The record and pension office of the War Department is not a new bureau. The organization already exists by order of the Secretary of War, and the proposed legislation gives permanence to that organization.

It is very seldom that a measure is presented to Congress with such universal commendation as the one now before us. It is in the line of economy and efficient administration of very important duties.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BELKNAP. I yield now to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Speaker, I earnestly hope that this bill will receive the favorable action of this House. After nine years' connection, more or less, with this great division of the Government, I feel it a privilege to be permitted to say a few words in support of this measure.

The system which that gentleman has inaugurated is a discovery, an invention, and he has manifested a genius which deserves much of his country. Evidence recently taken before the Committee on Appropriations shows that within the next calendar year at least one hundred clerks can be dispensed with in that division, and probably more.

Mr. DOCKERY. About six hundred, if my colleague will permit me to correct him in that respect.

Mr. HENDERSON of Iowa. I did not so recollect it. [Cries of "That is right!"]

Well, six hundred; better still. Maj. Ainsworth himself did not give the exact number; but any increase of the expenses growing out of this legislation will be as a drop in the bucket to what will be saved by the efforts of this officer of the Government.

Mr. BAILEY. Will the gentleman allow me a question?

Mr. HENDERSON of Iowa. Our Government is equipped with able men, and I do not reflect on any of them when I say that I know no officer of the Government who is his superior, and I can name but few that are his equal. The work of the Government has been expedited to a degree that I can not name, and the soldiers of the Government interested in the prompt execution of the law owe him a debt of gratitude of which this bill can not be any evidence.

I have nothing more to add, Mr. Speaker, but to say that from close observation of his work, and from great familiarity with it, it is a tribute which I hope will be paid to this splendid officer.

Mr. BELKNAP. I now yield to the gentleman from Ohio [Mr. OUTHWAITE] two minutes.

Mr. OUTHWAITE. Mr. Speaker, the first objection made to this bill, is that it provides that the appointment shall be made from the officers of the Army. There is another portion of the bill which is objected to, and that is that this is a promotion in connection with the Army; but, if that provision were not in the bill it would still be open to the objection of providing for an additional officer. As it is, it provides something similar to what is provided for in many institutions, that is an officer is to have rank and allowances as colonel. So it is with the officer who has charge of the public buildings and grounds.

This bill contains no intimation whatever as to the particular officer who shall be appointed. It leaves that in the control of the President, but it requires that the one who is appointed shall have such qualifications as are usually found in an officer of the Army. Why? To deal with records that are peculiarly army records, to deal with matters which, if there should be any expert at all required, are matters for an expert to deal with. The Engineer Commissioner of the District of Columbia is a captain, but he has the rank and pay of a major, and there are several other instances to which I might refer. This is the report of the whole of the House Committee on Military Affairs, with the exception of the gentleman from Indiana. It is a report upon a bill that has passed the Senate because gentlemen understand that it is the Senate bill that is before them. This is the unanimous report of the House Military Committee, with one exception, in favor of the passage of the Senate bill.

Mr. O'NEILL of Missouri. Mr. Speaker, I want to add one word to what has been said. This is a deserved tribute to an officer whose extraordinary skill and genius furnish the most marvelously rapid service that is furnished by any Department of the Government. By the passage of this bill Congress means to compliment Maj. F. C. Ainsworth, and in doing so perhaps its action in thus complimenting him may have some reflex influence upon the other Departments.

Mr. PATTON. Mr. Speaker, I ask unanimous consent that this discussion be continued for twenty minutes.

Several members objected.

Mr. BELKNAP. Mr. Speaker, I yield one minute to the gentleman from Vermont [Mr. GROUT].

Mr. GROUT. Mr. Speaker, the gentleman from Indiana [Mr. WAUGH] complains of this bill because it does not permit the appointment of a volunteer officer, and on Friday evening last he read some resolutions of the Grand Army of his State, so that he may perhaps feel instructed by those resolutions. Now, to relieve his mind I will read a dispatch from the assistant adjutant-general of the department of the Grand Army of the Republic in Indiana, which is addressed to George D. Davis, Washington, D. C., and is as follows:

The resolutions were indefinitely postponed.

To put the matter briefly, I will say that a dispatch of inquiry concerning these resolutions was sent to this officer. Evidently the gentleman [Mr. WAUGH] has been misinformed as to the action taken by the Grand Army of the Republic in the State of Indiana in reference to this subject.

Mr. WAUGH. I will simply say, Mr. Speaker, that the information I received was from the adjutant-general of the State inclosing the resolution to me direct.

Mr. BELKNAP. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has three minutes left.

Mr. BELKNAP. I yield one minute to the gentleman from Iowa [Mr. HULL].

Mr. HULL. Mr. Speaker, I simply want to say that as a volunteer I would stand as strongly for the rights of the volunteer officers and soldiers as either of the gentlemen from Indiana; but, sir, this House, without regard to party, recognizes the man who should have this position without his name being mentioned in the bill. He has earned it by a service to the volunteer soldiers of this country which far exceeds in value that rendered by any other man since the close of the war. I hope this bill will pass by such a vote as to show all public officers that Congress appreciates good work, whether in the Army or out of it. One word more: This is a division of the War Department, where it is peculiarly appropriate that a regular army officer should be detailed for duty.

Mr. BELKNAP. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. STONE].

Mr. STONE of Kentucky. Mr. Speaker, I want to say, in behalf of the officer in charge of this division, that it is the best organized, best conducted service in the Government of the United States at Washington. There is no trouble in finding there the record of any soldier who had a record in the Federal Army. The records that are now in the War Department are being rapidly destroyed, but Maj. Ainsworth has organized a system by which the records are being perfectly preserved and, as has been said here, there will be a very large force of clerks discharged within a year.

Mr. PATTON. Admitting all that you say, do you think that is a sufficient reason for promoting this officer to a colonelcy?

Mr. STONE of Kentucky. I do, sir. I think it is a sufficient reason why Maj. Ainsworth should be promoted, and I go further. I go further than this bill goes, because I would name Maj. Ainsworth in the bill, and by legislation would put him in charge of that division.

Mr. PATTON. This bill amounts to the same thing.

Mr. SNODGRASS. I want to ask the gentleman from Kentucky a question. If the bill passes and this division is made permanent, has the gentleman any security that Maj. Ainsworth will be appointed to the position?

Mr. STONE of Kentucky. Oh, no.

[Here the hammer fell.]

The SPEAKER (having put the question on the motion to suspend the rules and pass the bill). The ayes seem to have it.

Mr. PATTON. I demand the yeas and nays.

The yeas and nays were not ordered; only 14 voting in favor thereof.

Mr. PATTON. I demand a division.

The question being again taken, there were—yeas 156, nays 15. So (two-thirds having voted in favor thereof) the motion was agreed to, and the bill was passed. [Applause.]

EXPUNGING OF REMARKS OF MR. WALKER.

Mr. RICHARDSON. I ask unanimous consent that the resolution reported by the Committee on Printing with reference to the remarks of the gentleman from Massachusetts [Mr. WALKER] be postponed for two weeks from to-day.

There being no objection, it was ordered accordingly.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole for the purpose of further considering the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. OATES in the chair) and resumed the consideration of the bill (H. R. 7624) making appro-

priations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893.

The Clerk (resuming the reading of the bill) read as follows:

China: Consul at Amoy, \$3,000; consul at Canton, \$3,000; consul at Chin Kiang, \$3,000; consul at Fuchau, \$3,000; consul at Hankow, \$3,000; consul at Tientsin, \$3,000; \$18,000.

Mr. BLOUNT. I move an amendment simply to correct an error in spelling.

The Clerk read as follows:

In line 15, on page 11, strike out "Fuchau" and insert "Foo Chow."

The amendment was agreed to.

Mr. BLOUNT. An amendment was offered by the gentleman from Michigan [Mr. CHIPMAN] which, by unanimous consent, went over until to-day. I ask that, if it be agreeable to the gentleman from Michigan, action on that amendment be delayed until we have progressed further with the bill.

Mr. CHIPMAN. My colleague [Mr. BURROWS] has requested me to let the matter be continued, and I accede to that request.

The CHAIRMAN. The amendment will be passed over informally if there be no objection.

There was no objection.

Mr. DOCKERY. I ask the Chairman of the Committee on Foreign Affairs [Mr. BLOUNT] whether the paragraph relating to the International Union of American Republics has been passed over?

Mr. BLOUNT. It has been.

Mr. DOCKERY. To be returned to hereafter with the right of amendment?

Mr. BLOUNT. Yes, sir.

Mr. HITT. I move to amend by inserting after line 17 on page 11—

Colombia: Consul at Colon, \$3,000.

Mr. Chairman, the effect of this amendment, if adopted, will be to continue the salary of our consul at Colon at the present rate. The bill proposes to reduce this salary \$500. The reason why it should be continued at the present figure is that the duties of the office are important and the post is one difficult to fill with a competent man. Colon is one of the most pestilential places on earth. The climate is so perilous that the duty of a consul there is in degree of danger like that of a soldier in time of war. That region is the birthplace and the home of the yellow fever; there the Chagres fever rages, and many an American has lain down and died from being exposed to the pernicious influence of that climate in the brief transit across the Isthmus.

During the last twenty-five years eight of our consuls have died there. One died during the present season. Since this bill has been pending in the House the President has been obliged to find a new officer. The post is one of much importance. It is a point through which the whole current of our countrymen going to the western coast of South America must pass. It is a shipping post of importance where a large number of our seamen need the services of the consul. The care and protection required by our countrymen at this post, the duties demanded of the consul as shipping commissioner, and all the manifold duties with respect to mariners, the number of men whose welfare and whose lives fall under his care, make it a place of importance.

It is a naval station. Added to the ordinary duties of a consul he has those of a dispatch agency. He receives the mails and distributes them for the western coast. He is compelled at night to meet the incoming steamer, going out in the noxious night air for that purpose. It requires a large expenditure for these extra duties. The officer there has earnestly and repeatedly appealed to the Department for an allowance of money beyond what could be given him under the present law and the regulations of the Department, so closely was he pressed for money; and yet this officer is selected for reduction.

Mr. BLOUNT. Mr. Chairman, I do not want to take up a great deal more time in the discussion of this bill, for I think the principle on which it is based has been thoroughly communicated to the House in the debate which has preceded the present discussion. I simply wish to call the attention of the House to the facts connected with this matter. The fees collected here are \$1,519, and the salary proposed to be paid is \$2,500. He gets a good deal more than all of the fees collected.

As to being an unhealthy place in which to live, it is only necessary to say that it is never vacant, and I imagine if some person was sent there from a section not liable to yellow fever we would have less trouble or death. We can not change the health of a place no matter what amount of salary we may give, and we have no trouble whatever in getting the position filled.

I ask for a vote.

The question being taken on the amendment of Mr. HITT, it was rejected.

Mr. HITT. I now offer a further amendment, which I send to the desk.

The Clerk read as follows:

On page 11, after line 17, insert:
"Chile: Consul at Valparaiso, \$3,000."

Mr. HITT. Valparaiso is reduced in the bill in the same manner as the last port mentioned. It is the place of most movement of our ships, most frequented by them on the west coast of South America, and, of course, many of our seamen are there every year, and they need the care and services of a consular officer. It is an office kept busy; some invoice business as shown by the invoice fees, \$236.50; but the work is mostly connected with our shipping interests, and the important work of the consul is mainly in that line. His post and Callas have been considered the most important ones on that coast, and certainly ought not to be reduced. Last year, 1891, 30 American vessels arrived there; 497 seamen arrived; 533 departed; 112 were discharged; 2 deserted, and 2 died; the fees were \$185.36; and there were 172 seamen in port at the end of the last quarter.

Without further remark I submit the amendment.

Mr. BLOUNT. Mr. Chairman, I again call attention to the effort that is made to increase these salaries, and to the exact condition of this consulate and the business done. The fees collected here are only \$236.50. We propose to pay him \$2,500. So far as the duties to our shipping are concerned they are not and can not be very onerous. Of course, the duties are important; but we propose to pay this sum of \$2,500 which, I think, is an ample compensation. I ask for a vote.

The question being taken on the amendment of Mr. HITT, it was rejected.

Mr. HITT. I offer a further amendment.

The Clerk read as follows:

On page 11, line 17, insert:
"Cuba: Consul at Matanzas, \$3,000."

Mr. HITT. Matanzas, in Cuba, is a place with which we have a very extensive trade. The shipments are large. It is a place where our own ships are found in large numbers. There were 194 American vessels entered the port of Matanzas during the year 1891. There were 315 seamen in port from the last quarter; 2,592 of our seamen arrived at that port; 21 shipped; 12 discharged; 4 deserted; 377 in port at the end of the quarter. It is a place where the Spanish language and Spanish law prevail, and the embarrassments arising to our ships carrying cargoes there by the arbitrary infliction of fines upon shipmasters, owing to the complications of the Spanish law, keep them always in trouble. The consul, whose work in the protection and care of these vessels and their masters and seamen is not shown in a report of fees collected, for he gets none for these services, ought to be a man of wide knowledge, prompt in action, intelligent, and upright.

A ship may be fined three-fourths of the value of the cargo. The fines and exactions by the local officers have in many cases been a heavy burden to masters. All these things tend to discourage our trade, and must be met by the constant vigilance and care of a skillful, active, and thoroughly informed officer.

We should not have at such an important post a cheap or low-priced man, where the climate is not inviting, where the cost of living is high, where it is disagreeable to his family, and where the commerce with his country is very large.

Mr. BLOUNT. Mr. Chairman, just a word. This officer collected in the matter of fees in the first three quarters of the year \$472.50. One quarter is not yet reported, and he will get a proportion of that. We give him a salary of \$2,500. So far as the number of seamen is concerned, that is not an indication of the number of cases at all, and as a general rule the service rendered to the vessels is not a very intricate matter. I think we could get a person who understood Spanish to perform the duties of that position for \$2,500 very easily.

The amendment was disagreed to.

The Clerk read as follows:

Ecuador: Consul at Ecuador, \$3,000.

Mr. BLOUNT. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend line 18, page 11, by striking out the whole of said line.

Mr. BLOUNT. Mr. Chairman, I will merely say that this is a committee amendment, to correct a clerical error. It provides for a consul-general who has already been provided for in another place.

The amendment was agreed to.

The Clerk read as follows:

Consul at Frankfort, \$3,000.

Mr. BLOUNT. I offer the amendment which I send to the Clerk's desk. It is simply clerical.

The Clerk read as follows:

Amend line 23, page 11, by striking out the whole of said line.

The CHAIRMAN. Does the gentleman from Georgia wish to discuss the amendment?

Mr. BLOUNT. It is an amendment agreed to by the committee and it is clerical in its character.

The amendment was agreed to.

The Clerk read as follows:

Great Britain: Consul at Belfast, \$3,000.

Mr. HITT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 11, line 24, insert "Consul at Demerara, \$3,000."

Mr. HITT. Mr. Chairman, the amendment restores the salary to what it now is and has been for a long time. Demerara is a South American port of importance, the chief place of British Guiana, important both for exports from the United States and imports into the United States from that colony. It is a place where our own vessels run. The distance is not great across the Spanish Main. During three quarters of last year 59 American vessels arrived; 504 seamen; 14 were discharged; 57 were shipped; 36 deserted; fees, \$920; 74 seamen remained in port. The commerce is large. The invoice fees, which the gentleman from Georgia always refers to, and which were \$1,139 last year, do not show the amount of duty performed, imposed on behalf of our own vessels. These fees are merely for invoices which he verifies.

The post is an unattractive one, in an unhealthy tropical climate, that no man who belonged to this part of the world or was born to our climate would desire to live in—no man in any way fit to fulfill the duties of the place. I have no doubt that men could be obtained there who would accept the post for \$300 a year, perhaps for \$100. The natives down there are people who are idle at less rates than that; but they are utterly unfit, and a man who would be obtained at a lower rate would not fulfill the duties to be performed. He has an important trust as a sentinel of the Treasury, to watch and verify the invoices of goods sent here in very large volume. The protection of our citizens and our seamen is a grave duty, and I think the position should be continued at its present salary.

Mr. DINGLEY. I will ask the gentleman if the salary he proposes is not the same as that consul has had for a great many years?

Mr. HITT. The same salary.

Mr. DINGLEY. The same as under President Cleveland.

Mr. HITT. Yes; the same for many years. I simply propose to let it remain as it is.

Mr. BLOUNT. Mr. Chairman, the salary we propose is \$2,500. The fees collected are \$1,139. My friend says fifty vessels go there. Conceding that to be true, the service rendered to those vessels is not a matter that takes up such a vast amount of time or of labor, and I think the committee have recommended full compensation for the work done.

So far as the Administration of Mr. Cleveland is concerned we never had the power to make such reductions in the House. Legislation on appropriation bills was not permitted, and they were left as they had always been. In this House we have the right to legislate on appropriation bills, and we are exercising it.

Mr. DINGLEY. It would have been very easy to introduce a bill for that purpose, but I do not remember of any bill being introduced when you had the House.

Mr. BLOUNT. I do not know, as I had no connection with the committee at that time. It might have been done, and it might not. I think, possibly, that there was some such bill reported from the Committee on Foreign Affairs. But that makes no matter. I do not care what there was done in Mr. Cleveland's time. I think the salaries we are recommending are sufficient.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HITT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Great Britain: Consul at Belfast, \$3,000; consul at Glasgow, \$3,000; consul at Bradford, \$3,000; consul at Manchester, \$3,000; consul at Ottawa, \$3,000; \$15,000.

Mr. BLOUNT. I offer an amendment to that paragraph.

The Clerk read as follows:

Strike out "consul at Ottawa \$3,000," in line 2 on page 12, and in the third line strike out "fifteen" and insert "twelve."

Mr. BLOUNT. There is no objection to that.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Consul at St. Petersburg, \$3,000.

Mr. BLOUNT. I send up a similar amendment to that line.

The Clerk read as follows:

On page 12, line 5, strike out the whole of said line.

Mr. BLOUNT. It is a mere matter of the correction of a clerical error in the bill.

The amendment was agreed to.

The Clerk read as follows:

Italy: Consul at Rome, \$3,000.

Mr. BLOUNT. I send up an amendment for that line also.

The Clerk read as follows:

Amend line 6, page 12, by striking out the whole line.

The amendment was agreed to.

The Clerk read as follows:

Navigators Island: Consul at Apia, \$3,000.

Mr. BLOUNT. I send up another amendment.

The Clerk read as follows:

Amend page 12, lines 9 and 10, by striking out the whole of said lines.

Mr. BLOUNT. That is a clerical error, Mr. Chairman.

There was no objection, and the amendment was agreed to.

Mr. HITT. Mr. Chairman, I offer an amendment. On page 12, after line 12, insert:

Uruguay: Consul at Montevideo, \$3,000.

Mr. Chairman, the city of Montevideo is the port for the greater part of that whole Republic, and the consul—

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the eleventh and twelfth lines have not been reached.

Mr. BLOUNT. Mr. Chairman, I have an amendment.

Mr. HITT. I will wait until the chairman has offered the amendment he desires to offer for the consulate Constantinople.

Mr. BLOUNT. Mr. Chairman, I send up an amendment to correct a clerical error.

The Clerk read as follows:

Amend page 12, at line 12, by striking out the whole of said line.

The amendment was agreed to.

Mr. HITT. I propose an amendment to come in at line 12, on page 12:

Uruguay: Consul at Montevideo, \$3,000.

That consul is one who has to perform all kinds of consular duty. There are many American citizens there, and especially merchants engaged in extending our trade; and he has to protect them. It is a large, growing, and prosperous city, and nearly all of the commerce of that Republic passes through it. Why, small as our foreign commerce is, seventeen of our ships visited that port during the last year, with all that that implies, the duty and labor that it brought to the consul.

The trade there runs up into millions. For one quarter of 1891 alone their exports to the United States were \$876,696, and when a trade is so great as that, and a useful consul is doing what he can to promote it, it is wise to continue him in the good work. He is a valuable man, and gentlemen who have looked over the monthly reports from the consular bureau, which are distributed to us for our constituents, must have observed the interesting accounts of all the forms of trade in that country in which we can enlarge our business. Such an officer is useful to his country and its commerce. This is the only salaried consular officer we have for all that Republic of Uruguay, and it ought to be continued with just the same compensation as now.

Mr. COOMBS. What is the salary now?

Mr. HITT. The present salary is \$3,000. By the bill it would be made \$2,500. By the amendment it would be continued at the present rate. The fees collected at Montevideo are considerable, but if all the fees were put down, including that class that were collected before the passage of the Dingley act, but are not now, the aggregate would be very formidable. At present they are upon invoices only, and amount to but \$890.

Mr. BLOUNT. Mr. Chairman, the salary proposed by the committee is \$2,500. The contingent expenses which the consul is allowed amount to \$888.51. He is allowed also \$400 for clerk hire. His fees are only \$897.50, which indicates not quite so large a commerce there as one would perhaps infer from the statement of my friend from Illinois. I know that we have a number of vessels going down there, and if it had not been for the passage of the Dingley bill there would have been an increase in the fees in that direction. But when you come to consider that out of nearly a million dollars in fees collected there has been a loss of only \$80,000 in all, you see that the fees can not amount to a very large matter in this case.

Mr. COOMBS. The present salary is how much?

Mr. BLOUNT. Three thousand dollars. By the bill it is made \$2,500.

Mr. COOMBS. Montevideo is a very large port.

Mr. BLOUNT. I do not know how large the port is, but the figures I have been reading are from the official reports.

Mr. COOMBS. I know, but they do not tell much.

Mr. BLOUNT. Perhaps not; but that is somewhat strange, as we have a man there whose special business it is to make these reports, a man who is said to be a very fine officer. My friend from Illinois has just eulogized him highly.

Mr. HITT. I will say that my remark in relation to this officer was based wholly upon his reports. I do not even know his name.

Mr. COOMBS. Mr. Chairman, the market of Montevideo is one of the most active markets in South America—

Mr. BLOUNT. Before the gentleman proceeds I desire to say that the salary of this officer before the Dingley act passed was \$2,000, and now we are proposing to make it \$2,500—

Mr. COOMBS. Mr. Chairman, I was about to say that the port of Montevideo is one of the most important in South America. I have been doing business there myself for thirty years. Through that port we supply the back part of the Empire of Brazil with agricultural implements, tools, and articles of that kind, and the time is not far distant when we shall supply Bolivia through the port of Montevideo. I do not know of any point where a consul can do the commerce of the United States more good than at Montevideo or Buenos Ayres.

Mr. MALLORY. Do the figures which the gentleman from Georgia [Mr. BLOUNT] has given show the number of vessels sailing from Montevideo to the United States? I know that the number of vessels arriving there is stated, but do the figures show the number of vessels that come from there?

Mr. BLOUNT. No, sir; the report does not show that.

Mr. MALLORY. Montevideo is a port of call, and a great many more vessels come from there to this country than go there from here.

Mr. BLOUNT. I have no doubt of that, but still, with all that, the duties of the post are not very onerous.

Mr. MALLORY. I agree with the gentleman from New York, that this is one of the most important ports in South America, perhaps the most important, not excepting Buenos Ayres.

Mr. BLOUNT. It is very important, undoubtedly.

Mr. COOMBS. It is a gold port, and while Buenos Ayres has been year after year convulsed with financial disaster, Montevideo has always maintained its equilibrium. It is a favorite port for merchants to deal. The annual business of my house there is at least \$400,000, and I am but one of a large number who export goods to that market. It is not only the goods that are consumed in Uruguay that go there, but also the goods that are destined for the back part of the Empire of Brazil; and we are now opening up a trade with Bolivia from the Atlantic coast.

Mr. SIMPSON. What does the gentleman mean when he speaks of a "gold port"?

Mr. COOMBS. I mean that its finances are always in good order.

Mr. BLOUNT. Mr. Chairman, I call attention to the fact that in 1884, before the Dingley bill passed, when all this business was done upon fees that was paid into the Treasury, the fees were less than the salary that we are proposing in this bill, and the salary then was only \$2,000. I think the best test in a matter of this kind is not the opinion of gentlemen who happen to deal there as merchants, but the official reports of the consular office, which are the very highest evidence that can be obtained.

Mr. HITT. Mr. Chairman, in reply to what has been said here I will say that our exports to Uruguay have been increasing. In 1878 we sold her \$1,016,000 and bought of her \$1,133,000. In 1881 we bought \$1,003,000 and sold her \$1,314,000—a good year for our import trade. In 1889 we sold her \$3,411,000 and bought \$1,441,000. This is a quarter where our trade has been increasing of late. It is active now and I think that a wise lawmaker, such as the chairman of a great committee ought to be, would not desire to take any step that would tend to discourage this enlargement of American commerce. I submit a tabular statement showing the American shipping there for the year 1891:

MONTEVIDEO.

	March.	June.	Septem-ber.	Decem-ber.	Total.
Vessels arriving	4	1	5	7	17
Vessels departing	0	4	4	6	14
Seamen in port for last quarter ..	0	36	15	24	75
Seamen arriving	36	15	55	82	188
Seamen shipped	0	2	20	3	25
Seamen deceased	0	1	0	0	1
Seamen discharged	0	3	5	0	8
Seamen deserted	0	0	10	5	15
Seamen departed	0	35	51	79	165
Seamen in port at end of quarter ..	33	15	24	25	100
Fees received	\$180.00	\$150.50	\$207.00	\$283.50	\$821.00

The question being taken on the amendment of Mr. HITT, it was rejected.

The Clerk read as follows:

Total, \$81,000.

Mr. BLOUNT. I move to amend the line just read (line 13 on page 12) by striking out "81" and inserting "60."

The amendment was agreed to.

The Clerk read as follows:

Germany: Consul at Aix-la-Chapelle, \$2,500; consul at Annaberg, \$2,500; consul at Brunswick, \$2,500; consul at Bremen, \$2,500; consul at Chemnitz, \$2,500; consul at Hamburg, \$2,500; consul at Mayence, \$2,500.

Great Britain: Consul at Birmingham, \$2,500; consul at Demerara, \$2,500; consul at Dundee, \$2,500; consul at Dresden, \$2,500; consul at Huddersfield, \$2,500; consul at Kingston, Jamaica, \$2,500; consul at Nuevo Laredo, \$2,500; consul at Nottingham, \$2,500; consul at Sheffield, \$2,500; consul at Tunstall, \$2,500.

Mr. BLOUNT. I move to amend by inserting before the words "consul at Hamburg" the words "consul at Dresden, \$2,500," and striking out the latter words in lines 17 and 18 on the same page.

The amendment was agreed to.

Mr. BLOUNT. I move to amend by striking out, in lines 20 and 21, page 13, the words "consul at Nuevo Laredo, \$2,500."

The amendment was agreed to.

Mr. HITT. I move to amend by adding to the pending paragraph the following:

Consul at Athens, \$2,500.

Mr. Chairman, by this bill the salary of our consul at Athens is diminished \$500. The chairman of the committee [Mr. BLOUNT], in his speech during the general debate, intimated that he had selected this place for the reduction, because, from the smallness of the fees collected, it is apparently one of small trade. He was correct in assuming that the volume of trade is not great. Athens is not a manufacturing town; it is not a commercial city; but there is an intellectual commerce with Athens that distinguishes it from other cities. It is a place to which our countrymen go in large numbers, sojourning there a longer or a shorter time; and the Americans who go there are a class entitled to our highest respect for their motives and their character.

The duties of a consul in the first instance—the highest duties—are the protection and care of his countrymen, especially in lands where law is not administered with the same regularity and certainty as it is in countries like the United States and Great Britain. The civilization of the Orient is primitive. Much of Greece is a region of insecurity, and the consul's care is sought by almost every traveler. This statement is one to be noted. Few travelers from the United States passing through an English or a French city have any occasion to call upon the consul; but in the East they almost always go to the consul for guidance, for protection against loss, or against infringement of their rights.

This is what consuls were originally sent out for. There are few fees collected from invoices, and the hasty reformer and economist who only knows the fee standard of course selects such a post at once for reduction; but the duties of a consul are far wider in scope and higher in importance in protecting the rights of American citizens and caring for his country, its interests and honor, than in merely verifying the documents of trade. This celebrated city is the convergent point of travel to the Orient. It is dear to Americans. It is attractive to a free people as the ancient seat of free government. It is the birthplace of our best and noblest thought, associated with our early studies, with every man's reading, with the best instruments of man's culture. Our people know of it as soon as they know anything in life, and they love not only the immortal Athens of antiquity, but the Athens of to-day.

In Athens there is an archaeological school supported by contributions from the people of the United States, with a corps of professors and resident students. There is an interest felt among our people everywhere in the affairs of that famous little region of which we learn from the very beginnings of our education. The present consul is a distinguished and able man, who worthily discharges duties which are delicate and sometimes difficult, and which are incessant.

During the long, burning season of summer he is compelled by the meagerness of his income to remain always at his post. I understand he has not left it since years ago when he went there, for he has not had the money to get out of town even during the burning heat of midsummer.

We should not cut this post down. It is our only salaried consular office in all Greece—the only American officer in the kingdom. The minister has two other countries to attend to and he is often not at Athens; and in his absence for a portion of the year the diplomatic duties devolve in large part upon the consul.

Mr. BLOUNT. Mr. Chairman, if there is in this bill a reduction which in my judgment is justified by the circumstances of the case it is that proposed at Athens. The salary under the present law is \$2,500. The committee propose that this officer be paid

\$2,000. The State Department is allowing him \$541.78 for contingent expenses—I can not see why—and his fees are \$8; that is all. So far as his duties as a consul are concerned they are summed up in the words "eighty dollars." Yet the gentleman claims that we ought to make his salary over \$2,000.

Mr. HITT. At Piræus the amount of the fees is \$202.

Mr. BLOUNT. That is an agency, and the work is done by another person.

Mr. HITT. But the agent there is appointed and employed by the consul, the place being actually in sight.

Mr. BLOUNT. That does not make any difference. The work actually performed by this consul yields in fees \$8. The consular agent is appointed by authority of law; the consul is authorized to appoint him, and collections are made through these agents. There are two more places where there is an agency under this consul, and nothing done.

Mr. PICKLER. The gentleman from Illinois asserts that his duties are incessant and in the interest of our American citizens.

Mr. BLOUNT. I understand my friend from Illinois to say so, but they are not duties that belong to him as a consul. It is true that people of wealth and leisure are in the habit of traveling a great deal in Europe, and they resort, many of them, to Athens. But the fact that there have been American citizens who have endowed literary institutions there, and made any other investments, either in the arts or in institutions of learning, has nothing whatever to do with the consular service. It does not devolve on us to make provision to meet the requirements of such questions as that. It is not in the line of a consular and diplomatic appropriation bill. That is not what the bill is provided for.

Why, Mr. Chairman, if we are to provide someone at these different points to tell these people of leisure and wealth where they will find the best hotel, or make suggestions to them about their baggage, or the best route to take to this or that point in Europe, I say if that is the purpose of our consular service, I concede that these gentlemen ought to have perhaps more pay. And if that is the object of the consular service I submit that there are places where there are no consuls at all, and we ought to see to it that there is somebody there for the purpose of meeting just such requirements as these.

Mr. DOLLIVER. Mr. Chairman, I beg the indulgence of the committee for a few moments. If I understand the logic of my friend from Georgia, the chairman of the Committee on Foreign Affairs, he proposes to reduce these salaries because of the absence of the ordinary commercial and consular business at this point.

Mr. BLOUNT. The want of any business known to the law. Mr. DOLLIVER. The consulate at Athens was not created for the mere purpose of carrying on our commercial relations with that city, but for the larger purpose of giving as far as practicable the conveniences of life to American travelers in that favorite capital.

I happen to know that the reason the Secretary of State patched out the meager salary now drawn by Dr. Manatt was because the State Department has not only recognized his efficiency in that service, but it has been furnished with information which would be ample and conclusive to any man who examines it that no man can live and support his family in any respectable manner there upon a salary of less than \$2,500 a year. This man is one of the most famous scholars of our age.

Mr. BLOUNT. Is he from Iowa?

Mr. DOLLIVER. No, sir; he is the ex-chancellor of the University of Nebraska. He is the most thoroughly qualified and equipped Greek scholar in the world at this time. He speaks fluently the language of Greece. He has been of the greatest use to our citizens, especially the students of our colleges who have had the opportunity of visiting that country and familiarizing themselves with its history and its literature. His efforts in this direction have won him the regard and admiration not only of the casual American traveler, but of our most distinguished fellow citizens sojourning in Athens. I hold in my hand an extract from a speech made in that city by our greatest popular orator, Mr. Chauncey M. Depew, in which he said:

We rejoice that on this classic spot and with this rare environment we find our country represented by a consul who is both a scholar and a gentleman, whose standing, learning, and enthusiasm are in harmony and touch with the priceless treasures for mankind held in this ancient treasury of the choicest gifts from the gods to mortals.

I think, Mr. Chairman, that this man, who stands in some sense as the representative of American culture at the capital of old Greece, ought not to be starved out by this committee. The committee ought to give our consul at Athens at least the meager allowance that is necessary to support his family in comfort, and if the committee is not ready to do that, we had better abolish the office altogether.

Mr. PICKLER. He probably left a better salary to go there.

Mr. DOLLIVER. Undoubtedly. [Cries of "Vote!" "Vote!"

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. BOUTELLE. I ask a division.

Mr. SIMPSON. I object; it is too late.

Mr. BOUTELLE. But I call for a division.

The CHAIRMAN. If there be no objection, the vote will be taken over again by a division.

The committee divided; and there were—ayes 36, yeas 82.

So the amendment was rejected.

Mr. HITT. Now, Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

On page 13, after line 23, insert:

"Consul at Victoria, \$2,500."

Mr. HITT. Mr. Chairman, Victoria is a port just north of Washington on our west coast, and it does a large business of quick interchange with San Francisco and all the ports on that coast. The imports the year before last were \$4,387,000, and the exports \$5,636,000. It is a very important position, and even judging it by the standard which the gentleman from Georgia sets up, which I do not admit is conclusive, the large volume of trade ought to entitle this consul to an increase. But there is a discretionary and especial duty with which he has been charged by the Department and the Secretary of the Treasury for some time in watching the coast and interior, suppressing smuggling especially, which is extensive, which requires vigilance. This is very important to the Treasury—fully as important as correctness in invoices.

More than that, Victoria is the place from which the sealing fleet that has been preying upon our seals in Bering Sea sets out, and that officer, in all the recent negotiations, has been charged with extra and with gravely important duties; and his reports, as many of you have seen in recent months, attracted the attention of the whole country. In the arbitration which is approaching, the information which will be required of this officer will be of the gravest importance, and he should be a man worthy of a fair salary.

Mr. BLOUNT. Mr. Chairman, this is about on a par with the others, and I will not take up the time in debating it. The salary proposed by the committee is \$2,000. The fees only show \$1,594, and in addition to that the State Department has allowed him for contingent expenses \$729.29 and \$640 for clerk hire. I think we are allowing a pretty good amount to that place.

The amendment was rejected.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 13, after line 23, insert:

"Consul at Leith, \$2,500."

Mr. HITT. Mr. Chairman, Leith is the port of Edinburgh. A great many Americans are there. Many of them belong to the class of our people who have means, some, in fact, are wealthy people—the class whom the gentleman from Georgia [Mr. BLOUNT] evidently thinks should be excepted from those Americans entitled to a consul's protection. Those people may not require a high-priced consul to wait upon them, but there are a great many people in this country of an excellent class, not rich at all, who have come from Scotland, who have business in reference to estates and interests there, and who, when they return to their mother country temporarily, often require the aid of a consul; it is the proper duty of the Government to have an officer to care for its citizens and their interests.

There is also large trade there. Our own ships go there in considerable numbers. The shipping fees, which would have been turned in, amount to \$2,847, or more than the salary; but by reason of the law they are not received by the consul. The exports to the United States from that port alone the last year, I have returns, were nearly \$900,000. It is an important business, and a respectable man ought to be there and he ought to be paid in a respectable fashion.

Mr. BLOUNT. Mr. Chairman, we pay this person by our bill, \$2,000. He collects \$1,941, and the State Department allow him in addition to his salary \$1,062.08 for contingent expenses, and for clerk-hire \$640.

I wish to say that this is a part of Great Britain, and the United States has in Great Britain thirty-two consuls while Great Britain has in the United States nine consular officers. If you look over the map of Europe you will find that we are exceeding all the first-class nations in the matter of our consular service. We are spreading it everywhere. There is more indication of extravagance in that regard by this country than by any country in Europe. I shall take occasion hereafter, if these efforts are persisted in, to make an exhibit showing how enormous our consular service is compared with the service of European countries.

Mr. DOCKERY. This man is now paid \$3,200 to collect \$1,900.

Mr. HITT. Mr. Chairman, the gentleman would appreciate the need which an American consul has for clerk hire above a British consul, if he would remember that the invoices are quadruplicate, and the papers are voluminous, while the British consul, that being a free-trade country, has very little in the way of such clerical duties to perform in protecting his country against frauds on the tariff. The contingent expenses allowed by the Department are themselves proof that the officer had to have this aid in order to accomplish the extensive work with which he was charged, and instead of it being a payment to him, it is only an indication of the greater volume of business at the office. The man ought to be of a character commensurate with the position and responsibilities.

Mr. BLOUNT. I will get away from a free trade country. I will go to Germany. We have twenty-one consuls there, three commercial agents, and fifteen consular agents. Great Britain has in Germany fifteen consuls. I am satisfied that the compensation is full and ample, and I think the committee are also satisfied of that fact.

The amendment was rejected.

The Clerk read as follows:

Spanish Dominions: Consul at Matanzas, \$2,500.

Mr. HITT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 14, line 4, insert "consul at Cienfuegos, \$2,500."

Mr. HITT. Mr. Chairman, Cienfuegos, Cuba, is a port from which we are making large importations. The fees collected last year on all the invoices were \$1,300. We have also a large number of our seamen there who need the care of the consul; and as I made some explanation awhile ago of the complexities over which the consul is required to watch, such as the masters of vessels are liable to in Cuban ports or places where the Spanish law or usages prevail, I will not repeat it.

Perhaps I should add, these complex Spanish laws and regulations enable the petty officials, who have little or no salary, to wring their pay from strangers in fines, exactions, and personal contributions. And vessels entering those ports are forced to employ this man, that man, and a third man, what may be utterly superfluous, but it is a part of the system practiced. If a master of a ship fails in one of these items of requirements under the Spanish law or in a petty particular in his papers, the ship is seized and fined by the Spanish officer who is in charge of the port. Now, to look after the interests of our trade there is a duty which requires an intelligent and watchful officer. These troubles that I speak of arise chiefly in the matter of cargoes of exports from the United States to Cuba.

Mr. BLOUNT. Mr. Chairman, the salary that is proposed is \$2,200 and the fees are \$1,292.50, besides there is an allowance of \$638.04 of contingent expenses and \$400 for clerk hire.

The amendment was rejected.

The Clerk read as follows:

Spanish dominions, consul at Matanzas, \$2,500.

Mr. HITT. Mr. Chairman, I offer an amendment there.

The Clerk read as follows:

On page 14, after line 4, insert:

"Consul at Santiago de Cuba, \$2,500."

Mr. HITT. Mr. Chairman, this is a port to which we send a great variety of articles under the conditions which I have just explained. The volume of our purchases from that port last year was almost exactly \$6,000,000, and over that trade this officer was charged with the duty of watching that there be no losses in the national revenues from that vast sum of commerce. His duty is also to inform the merchants of this country of opportunities for enlarging the trade in Cuba through that port, and to protect and promote in every way the interests of our Cuban trade.

Mr. BLOUNT. Mr. Chairman, the amount allowed this officer for contingent expenses was \$919.30, for clerk hire \$400, the fees collected were \$1,400 with proposed salary of \$2,500. We propose a salary of \$2,000, which is in the neighborhood of nearly \$3,500, with the fees added to it.

The amendment was rejected.

The Clerk read as follows:

Total, \$80,000.

Mr. BLOUNT. I desire to make an amendment there.

The Clerk read as follows:

Amend line 11, page 14, by striking out "eighty thousand dollars," and inserting, "seventy-seven thousand seven hundred and fifty dollars."

Mr. BLOUNT. That is the correct total, Mr. Chairman.

The amendment was agreed to.

The Clerk read as follows:

Africa: Consul at Tangiers, \$2,000.

Mr. BLOUNT. I desire to offer an amendment there. The amendment was read, as follows:

Amend page 14, line 16, by striking out the whole of said line.

Mr. BLOUNT. This is a clerical error.

The amendment was agreed to.

The Clerk read as follows:

Colombia: Consul at Barranquilla, \$2,000.

Mr. HITT. I desire to offer an amendment there.

The Clerk read as follows:

On page 14, after line 18, insert:

"Costa Rica: Consul at San José, \$2,000."

Mr. HITT. Mr. Chairman, this post at Costa Rica is of considerable importance. Mr. Secretary Bayard established it after inquiry. There is no great amount of trade there, but it is the capital of the country; we have no minister there, and the work of the consul is very often of a somewhat diplomatic character. There are very large investments of American capital there, especially in mines, and these investments are safer and are more valuable by having an officer there to represent the American authority and American law.

The amendment was rejected.

The Clerk read as follows:

Great Britain: Consul at Cardiff, \$2,000; consul at Chatham, \$2,000; consul at Cork, \$2,000; consul at Dublin, \$2,000; consul at Leeds, \$2,000; consul at Dumfermline, \$2,000; consul at Hamilton, Ontario, \$2,000; consul at Leith, \$2,000; consul at Port Stanley and St. Thomas, \$2,000; consul at Sherbrook, \$2,000; consul at Toronto, \$2,000; consul at St. John, New Brunswick, \$2,000; consul at Sidney, \$2,000; consul at Victoria, \$2,000.

Mr. BLOUNT. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 15, line 3, amend by inserting after "Great Britain" the following: "Consul at Belize (British Honduras), \$2,000."

The amendment was agreed to.

Mr. BLOUNT. I move to amend on page 15, line 15, by striking out the whole of the line reading, "Honduras, Belize, \$2,000."

The amendment was agreed to.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 15, after line 15, insert:

"Consul at Tegucigalpa, \$2,000."

Mr. HITT. By another part of this bill we have removed the minister from that city, the capital of Honduras. By this part of the bill we lower the salary of the consul. That is economy gone mad. There are large American interests there. The duties of the consul will be greatly increased in importance by the absence of a minister. Our trade with that country has been recently advancing with rapidity. We hope it will continue to enlarge, and I trust that the compensation of an officer whose duties have just been widened and made more responsible by this House, will not be reduced—in other words, that we shall not accompany an increase of duty with a diminution of pay. Our people have recently gone into that country with large investments, especially in mining properties, some in plantations, and they are entitled to some consideration.

Mr. BLOUNT. Only a word, Mr. Chairman. We propose to give this officer \$1,500, and he is allowed by the State Department for contingent expenses \$383.44, while all the business he has done is \$38.78.

Mr. DOCKERY. That is what the gentleman from Illinois calls "economy gone mad."

Mr. BLOUNT. Whether the salary of this officer is \$1,500 or \$2,000 does not affect his ability to look after the American interests to which the gentleman from Illinois refers. Why, sir, in the whole of Honduras there are only 351,400 people.

The amendment was rejected.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 15, after line 13, insert:

"Consul at Port Louis, Mauritius, \$2,000."

Mr. HITT. This amendment is to keep the salary at Port Louis as it stands. This place is on the island of Mauritius, in the Indian Ocean. It is a refitting port for seamen. We used to have another on another island, Mahé, but that post has been abolished for reasons of economy, and if this one is cut off there will be no place in those seas for refitting of American vessels where there is a consul and shipping commissioner.

There are no commercial fees reported at this point, and none other, for the simple reason that under the Dingley act the fees for service to vessels are no longer paid by the vessels. The services for which fees were formerly charged are now rendered gratuitously by a salaried consul. The vessels going to Port Louis are chiefly the whaling fleet. If that fleet went down there for a single season, as they have sometimes done, and the fees

that were allowed under the old law were collected, the consul would collect in a single year more than the equivalent of two years' salary at this rate.

Mr. BLOUNT. Mr. Chairman, we propose to give this official \$1,500 for \$32.50 worth of work. That is the amount of fees that he has collected.

Mr. BURROWS. Does that measure the importance of the port?

Mr. BLOUNT. He may render some service to vessels, but, as I said before, that would cut a very small figure even before the Dingley act.

The amendment was rejected.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 15, after line 13, insert: Consul at Nassau (New Providence) \$2,000.

Mr. HITT. This is a port where many of our vessels go. By a recent return which I have before me I see that in a single month fourteen ships with 487 sailors called at that port. There is not a great deal of commerce in imports and exports, but there is a great deal of work connected with vessels. The chairman of the committee seems to think that that kind of work is mere recreation and that there is very little of it anyhow. If he had to perform the duties connected with one, two, or three vessels in a day, if he had to look after the interests of seamen, with all their multitudinous affairs, he would soon discover that there is very little time for recreation at a seaport which is frequented by American vessels. I will not repeat what I have already said upon other amendments, but will submit this for the usual action of the committee.

Mr. BLOUNT. The official fees at this place are \$905.55. This officer relieved during the year twenty-five sailors; he furnished board and lodging amounting to \$198.26; clothing \$5.50; medical aid \$26; other expenses \$27.41. So you can see what he has been doing in relation to our sailors. I do not think I underestimate at all the work done. It is impossible for me to take up the various services provided by the Consular Regulations; but suffice it to say that an examination of those regulations does not indicate that the duties of this consul are at all complex or laborious.

The amendment was rejected.

The Clerk read as follows:

Madagascar: Tamatave, \$2,000; San Juan del Norte, \$2,000.

Mr. BLOUNT. I move to amend by striking out in the clause just read the words, "San Juan del Norte, \$2,000." This is simply to correct an error in the print, these words being repeated in another place.

The amendment was agreed to.

The Clerk read as follows:

Russia: Odessa, \$2,000.

Mr. HITT. I move to amend by inserting after the paragraph just read the following:

Salvador: Consul at San Salvador, \$2,000.

This is the amount this officer is now paid. The bill proposes to cut him down to \$1,500. This is a place to which we are sending an increasing volume of exports, especially of farm products. In 1890 we sent there \$208,000 worth of flour, \$120,000 worth of manufactured cotton, \$95,000 worth of firearms (they seem to be a warlike people), \$113,000 worth of manufactured iron, and \$140,000 worth of other manufactured goods. We imported from there nearly a million and a half dollars' worth of goods, of which I will not recite particulars. Trade so important as this requires a consul of the \$2,000 grade; and this salary ought to be continued.

Mr. SMITH of Illinois. How much does it cost the consul to get there?

Mr. HITT. The expenses of a consul going with his family would of course be very much larger than if he were only paying his own passage. When these officers go out they generally try to make some special arrangement. I think the expense of a single individual in reaching that port would be about \$120 to \$180 depending on the accommodations or class on the steamers. If the officer should take his whole family it would cost him several times that amount. I may add (if any one takes the slightest interest in the personal welfare of a consul) that this is a place where he has to purchase nearly everything he uses, or else take it out with him.

Mr. SMITH of Illinois. Then the expenses of a consul going there with his family and residing there are almost as much as his salary.

Mr. HITT. To establish himself there costs him a large sum, about a year's salary to go and establish himself.

Mr. BLOUNT. The only information I have of this matter is official, coming from the Department. By this information it appears that this officer collects no fees at all. He has agents at Acapulco, La Libertad, and La Union, where the fees col-

lected are respectively \$597, \$715, and \$150. He is allowed \$506.19 for his contingent expenses. His "salary while receiving instructions and in transit" is \$258.50. This is what he receives before doing a single thing in the way of work. He may be around Washington, or he may be on his way to his post; but he is allowed this sum before he gets to work at all.

My friend from Illinois says the transportation is something like \$150 for the officer and each member of his family. I do not think that in fixing salaries of consuls or any other officers of the Government, we intend to take in the "sisters, and the cousins, and the aunts."

Mr. HITT. That would be a fit rule in reform and economy like this—make him go without his family. As to the fees received, the report is not that there are no fees, but that there is "no report received" of the fees.

Mr. BLOUNT. As the consul is required to report the fees, the presumption, in the absence of any return, is that there are no fees. For three quarters no fees have been reported.

The question being taken on the amendment of Mr. HITT, it was rejected.

Mr. HITT. I wish to offer another amendment here.

The Clerk read as follows:

On page 16, after line 3, insert:
"Consul at San Juan, Puerto Rico, \$2,000."

Mr. HITT. Here is in brief a statement giving the salary as now paid, the proposed salary, and the imports to the United States, as well as the exports for 1889 and 1890:

San Juan, Puerto Rico.

Salary, \$2,000; proposed salary, \$1,500.

	1889.
United States imports from Puerto Rico:	
Brown sugar.....	\$2,966,232
Molasses.....	804,391
United States exports to Puerto Rico:	
Flour.....	638,210
Meal, dairy products.....	631,622
Wood and manufactures.....	311,804

	1890.
Imports from Puerto Rico.....	4,653,626
Exports to Puerto Rico.....	2,247,700
Total exports, 1889, \$10,181,291; imports, \$10,198,006.	

Puerto Rico is included in the reciprocity agreement with Spain. The trade will be greatly increased thereby. Is not that a commerce of respectable volume, requiring a respectable officer? Is that the way to save \$500, by cutting down the consul at such a port in a tropical climate?

Mr. BLOUNT. If there are no duties on sugar to be collected hereafter, the invoices and the duties of the consul will be decreased enormously, and even now the fees are only \$301.50. I presume that there will be little left for him to do except to draw his salary.

The question being taken on the amendment, it was rejected.

Mr. HITT. I offer another amendment on page 16, to come in after line 5.

The Clerk read as follows:

Turkish Dominions: Consul at Beirut, \$2,000.

Mr. HITT. Beirut is a consular post in Turkey where the consul is also a judge. It is a place where there is an American college, known as the Roberts College. It is the great center of the missionary interest in that region of the world. It is not very important as to commerce, although it sent to the United States in 1887 \$521,500 worth of products; but its greater importance is the utility and efficiency of a consul in protecting American interests and American citizens in Asiatic Turkey.

The commercial importance of Beirut and Jerusalem, as to which I shall offer an amendment later on, is no indication of the importance of consular officers in preserving American interests and protecting citizens of the United States in Asiatic Turkey. We need at that place a man above reproach, and we can not get him at the proposed salary. We need a man who has knowledge of legal rules and judicial procedure, who can properly, wisely, and justly discharge the duties of a judge who has jurisdiction over the lives and liberty and property of our people, and who has the care of our mariners and our trade.

Mr. BLOUNT. The fees here are \$197.40. There are no vessels that can get to the port, and there is nothing for the consul to do in that regard.

The question being taken on the amendment, it was rejected.

Mr. BLOUNT. I move to amend the total on page 16, in line 7, to strike out \$90,000 and insert \$84,000.

The amendment was adopted.

Mr. HITT. I have a further amendment which I wish to offer. The Clerk read as follows:

On page 16, after line 5, insert:
"Turkish dominions: Consul at Jerusalem, \$2,000."

[Cries of "Vote!" "Vote!"]

Mr. HITT. I shall occupy the attention of the committee but a moment with this amendment. I do not wish to discuss it. This proposes to make the salary what it is now by law. It is exactly a parallel case with Beirut. I suppose nearly all Americans know something of where Jerusalem is, and how many of our countrymen go there and are entitled to protection in a Turkish country, almost as many as are traveling in a winding way to the New Jerusalem.

Mr. BLOUNT. The fees here are \$51.50 and there is scarcely any commerce with the United States.

The amendment was rejected.

The Clerk read as follows:

Class six, at \$1,500 per annum.

Mr. BLOUNT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. OATES, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the diplomatic and consular appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 577) for the relief of W. H. Ward;

A bill (S. 453) granting a pension to Eliza Conroy;

A bill (S. 520) granting an increase of pension to Oliver P. Goodwin;

A bill (S. 789) for the relief of Warren Hall;

A bill (S. 1140) for the relief of John C. Smith, Milton Evans, and others;

A bill (S. 1143) granting a pension to Mary A. Wise;

A bill (S. 1279) for the correction of the military record of Wilhelm Spiegelburg;

A bill (S. 1348) for the issue of ordnance stores and supplies to the State of Nebraska to replace similar stores destroyed by fire;

A bill (S. 1535) to increase the pension of Andrew J. Monroe;

A bill (S. 1777) for the erection of a public building at Selma, Ala.;

A bill (S. 1975) for the protection of livery-stable keepers and other persons keeping horses at livery within the District of Columbia;

A bill (S. 2007) for a public building at Altoona, Pa., and appropriating money therefor;

A bill (S. 2087) for the relief of Charles Fletcher, alias James H. Mitchell;

A bill (S. 2092) to fix the price of lands entered under the desert land laws;

A bill (S. 2161) to provide for and to punish the crime of perjury before the United States local land offices;

A bill (S. 2481) to place Dunbar R. Ransom on the retired list of the Army;

A bill (S. 2575) to provide for the sale of certain lots in the District of Columbia; and

A bill (S. 2605) granting a pension to Mrs. Adelia New, of Indianapolis, Ind.

It also announced that the Senate had passed, without amendment, the bill (H. R. 5444) to amend an act entitled "An act to incorporate The National Union Insurance Company of Washington," approved February 14, 1865.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. ROCKWELL, leave was granted to withdraw from the files of the House the papers in the case of Isaac Samuels, Fifty-first Congress, there being no adverse report thereon.

LEAVE TO PRINT TESTIMONY.

The SPEAKER. The Committee on Reform in the Civil Service ask leave to have printed some testimony taken before that committee. Without objection, that leave will be granted.

There was no objection, and it was so ordered.

REPRINT OF THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOLMAN. Mr. Speaker, I wish to ask permission to have the bill making appropriations for the sundry civil service of the Government reprinted.

There was no objection, and it was so ordered.

Mr. BLOUNT and Mr. WILSON of West Virginia moved that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until to-morrow at 12 o'clock meridian.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from

the consideration of the following bill; which was re-referred as follows:

A bill (H. R. 2053) for the relief of Frederick Englehardt—the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 8502) to repeal sections 3412 and 3413 of the Revised Statutes of the United States and all other laws which provide for a tax of 10 per cent on circulation of all other than national banks, and for other purposes—to the Committee on Ways and Means.

By Mr. CRAIN of Texas: A bill (H. R. 8504) providing that no electric light or telephone company shall maintain overhead wires in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 8505) pensioning soldiers who served in the Indian wars—to the Committee on Pensions.

By Mr. BRODERICK: A bill (H. R. 8506) for the relief of widows and minors of pensioners, and those entitled to pensions under the general pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. TERRY: A bill (H. R. 8507) to put in force in the Indian Territory and Oklahoma Territory the law of the State of Arkansas, entitled "An act to regulate the rates of charges for the carriage of passengers by railroads," approved April 4, 1887—to the Committee on the Territories.

By Mr. DE ARMOND: A bill (H. R. 8530) to provide for filling the offices of Commissioner of Pensions and Deputy Commissioner of Pensions with army officers, and for other purposes—to the Committee on Military Affairs.

By Mr. CUMMINGS: A bill (H. R. 8531) providing for leave of absence for members of the Grand Army of the Republic in Government employ in the District of Columbia during the encampment of the Grand Army of the Republic in Washington, in September, 1892—to the Committee on Revision of the Laws.

By Mr. COVERT: A bill (H. R. 8532) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor—to the Committee on Merchant Marine and Fisheries.

By Mr. DE ARMOND: Joint resolution (H. Res. 124) proposing an amendment to the Constitution to provide for the election of President and Vice-President by the people of the several States—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. DINGLEY: A bill (H. R. 8508) for the relief of Joseph Ayatt—to the Committee on Military Affairs.

By Mr. HATCH: A bill (H. R. 8509) for the relief of John W. Dodson—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 8510) for the relief of George W. McKinney—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: A bill (H. R. 8511) granting an increase of pension to Francis A. Large—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8512) granting an increase of pension to William F. Pickerill from twenty to fifty dollars per month—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 8513) for the relief of John W. Youman—to the Committee on Claims.

By Mr. LODGE: A bill (H. R. 8514) for the relief of Michael Niland—to the Committee on Military Affairs.

By Mr. O'DONNELL: A bill (H. R. 8515) granting a pension to Emily Reik—to the Committee on Invalid Pensions.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 8516) for the relief of the heirs of Martin Dubs, deceased, of Philadelphia, Pa.—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 8517) for the relief of M. A. Gober, administrator of Joseph T. Abernathy, deceased, of Fayette County, Tenn., as found due by the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. PATTISON of Ohio: A bill (H. R. 8518) to authorize the Commissioner of the General Land Office to issue a patent for Mace Clements' survey, No. 386, in the Virginia military district of Ohio—to the Committee on the Public Lands.

Also, a bill (H. R. 8519) for the removal of a charge of desertion against William D. Bangs—to the Committee on Naval Affairs.

By Mr. POWERS: A bill (H. R. 8520) granting a pension to Alma D. Simpson—to the Committee on Invalid Pensions.

By Mr. SHONK: A bill (H. R. 8521) to remove the charge of

desertion from the record of George H. Williams, late a bugler of Company H, Eleventh Pennsylvania Cavalry, etc.—to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 8522) to grant an honorable discharge to Stephen G. Fishbeck—to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 8523) for the relief of James S. Parker, of Parker, Colo.—to the Committee on Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8524) for the relief of David C. Williams—to the Committee on War Claims.

Also, a bill (H. R. 8525) for the relief of B. F. Andrews—to the Committee on War Claims.

Also, a bill (H. R. 8526) for the relief of J. A. Letsinger—to the Committee on War Claims.

Also, a bill (H. R. 8527) for the relief of W. W. Peersons—to the Committee on War Claims.

By Mr. WILSON of West Virginia: A bill (H. R. 8528) granting a pension to Dr. D. S. Pinnell—to the Committee on Invalid Pensions.

By Mr. TRACEY: A bill (H. R. 8529) increasing the pension of Catherine S. Lawrence—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Two petitions, one of Leach & Green, of Boston, Mass., the other of Cockran & Shurtleff, protesting against the passage of House bill No. 5682—to the Committee on Ways and Means.

By Mr. BACON: Petition of Charles Backman, to accompany House bill 7932—to the Committee on Claims.

By Mr. BEEMAN: Petition of citizens of Neshoba County, Miss., praying the passage of the Washburn-Hatch antioption bill—to the Committee on Agriculture.

By Mr. BELKNAP: Petition of J. F. Hutt and 17 others, citizens of Kent County, Mich.—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOVER: Two petitions of Calvary Presbyterian Church of York, Pa., and Christ Evangelical Church, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, five petitions of citizens of Pennsylvania, as follows: Cumberland County, West Fairview, Cumberland County, and West Fairview, and Cumberland County, all in favor of amendments to immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of Grand Army Post, No. 83, of York, Pa., asking for the passage of a law giving private soldiers' evidence the same consideration as that of an officer—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Petition of Mrs. S. W. Hogan and 12 others, of Louisiana, opposing the passage of any bill or resolution to close the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. BOWERS: Petition of 100 citizens of San Diego, Cal., for aid to the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. BRECKINRIDGE of Kentucky: Petition of the president and faculty of Kentucky University, Lexington, Ky., that the World's Fair be not opened on Sunday, that no liquor be allowed to be sold on premises, etc.—to the Select Committee on the Columbian Exposition.

By Mr. BROOKSHIRE: Letter containing the resolution by the department encampment of Indiana, Grand Army of the Republic, against the correction of the records of certain soldiers—to the Committee on Military Affairs.

By Mr. BRUNNER: Papers in the matter of Mary A. McElfatrik, sister of Isaiah C. McElfatrik, deceased, late captain of Company E, 30th Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of B. F. Leitsworth and others, of Van Buren County, in favor of the Washburn-Hatch antioption bills—to the Committee on Agriculture.

By Mr. CARUTH: Papers to accompany House bill 6847, to increase the pension of John Mattock—to the Committee on Pensions.

By Mr. CAUSEY: Petition of Edward Adams and 20 others of Delaware, for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. CHAPIN: Memorial and petition of Henry J. Fink and others, for the passage of a proposed amendment known as Article XVI of the Constitution, prohibiting the establishment of any religion, etc.—to the Committee on the Judiciary.

By Mr. CHIPMAN: Two petitions of churches of Michigan,

as follows: Mount Hope Congregational and Memorial Presbyterian Church, for Sunday closing of the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel Scotten & Co., for the repeal of laws relative to free leaf tobacco—to the Committee on Ways and Means.

By Mr. COBB of Missouri: Petition of George F. Smith and others, favoring passage of House bill 186, placing unused postage stamps on the free list—to the Committee on Ways and Means.

By Mr. CRAIN of Texas: Petition of citizens of Corpus Christi, Tex., against the closing of the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. CURTIS: Petition of citizens of New York, in favor of a proposed form of sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of Frick Brothers, of Pittsburg, Pa., against the passage of House bill 5682, relating to surgical instruments—to the Committee on Ways and Means.

Also, petition of sundry citizens of Allegheny County, Pa., in favor of an amendment to the immigration and naturalization laws—to the Committee on the Judiciary.

By Mr. DAVIS: Petition of citizens of Massachusetts, asking for the investigation of the slums of large cities—to the Committee on Labor.

Also, petition of citizens of Massachusetts, asking for the restriction of indiscriminate immigration to the United States and the prohibition of Chinese immigration to this country—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Massachusetts, asking that United States Senators be elected by a direct vote of the people—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of the State of Washington, asking that Lewis River in that State be properly surveyed with a view to clearing the said river of snags—to the Committee on Rivers and Harbors.

Also, petition of citizens of South Dakota, asking for restriction of immigration and prohibition of Chinese immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of South Dakota, asking that United States Senators shall be elected by a direct vote of the people—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. FYAN: Protest of Farmers and Laborers' Union No. 2918 and citizens of McDonald County, Mo., against passage of the Brosius lard bill and for a general pure-food law—to the Committee on Agriculture.

Also, protest of Farmers and Laborers' Union No. 3999 and citizens of Christian County, Mo., against the Brosius lard bill, H. R. 395, and praying for a general pure-food law—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of citizens of Linn County, Iowa, asking the closing of the Columbian Exposition on Sunday and that the sale of liquors on the grounds be prohibited—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Linn County, Iowa, asking for closing of the Columbian Exposition on Sunday and prohibition of sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Gillman, Marshall County, Iowa, asking that the Columbian Exposition be kept open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of Christ Evangelical Lutheran Church, of Galion, Crawford County, Ohio, against the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the First Baptist Church of Mount Vernon, Ohio, for the closing of the World's Fair on the Sabbath and the prohibiting of the sale of liquors on its premises—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Four protests of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, two petitions of citizens of Missouri, for a law regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. HAYNES of Ohio: Two petitions, one of the First Presbyterian Church of Milan, Erie County, Ohio, and the other of Congregational Church of Sandusky, against the opening of the World's Fair on Sunday, and sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. HAUGEN: Protest of the Chamber of Commerce of Milwaukee, Wis., against House bill 7843, defining options and futures and imposing a tax thereon, etc.—to the Committee on Agriculture.

By Mr. HEARD: Protest of Farmers and Laborers' Union, No. 104, and citizens of Saline County, Mo., against passage of the Brosius lard bill, H. R. 395, and praying for a general pure-food law—to the Committee on Agriculture.

Also, petition of citizens of St. Louis, Mo., in favor of passage of House bill 319, to exempt improvements on land in the District of Columbia from taxation—to the Committee on the District of Columbia.

By Mr. HERMANN: Petition of citizens of Oregon to keep open the World's Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition and resolution of 59 members of the German Presbyterian Church, Galena, Ill., favoring Sunday closing and liquor prohibition as condition of appropriation for the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HOUK of Ohio: Petition of resident members of the Woman's Missionary Society of the Presbyterian Church of the United States and other citizens, 75 in number, of Kuttawa, Lyon County, Ky., in favor of closing the Columbian Exposition on Sunday, and against the sale of intoxicating liquors on the grounds—to the Select Committee on the Columbian Exposition.

Also, three petitions of churches in Ohio, as follows: of the Methodist Episcopal Church of West Chester, of 200 members; the Zion Methodist Episcopal Church of Warren County, of 36 members, and the Dayton Presbytery, composed of 41 members and 67 elders, present and representing 42 churches of 20,000 adherents, all in favor of Sunday closing of the World's Columbian Exposition, and prohibiting the sale of intoxicating liquors thereat—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Petitions of the New Florence United Presbyterian Church, representing 150 persons residing at New Florence, Pa., and community; West Fairfield United Presbyterian Church, representing 200 persons residing at West Fairfield and community, and from nine churches of Kittanning, Pa., representing 1,000 persons, relative to the closing of the World's Fair on the Sabbath, the sale of liquors within the exhibition, and the management of the art department—to the Select Committee on the Columbian Exposition.

Also, petitions of Morning Star Council, No. 308, Order of United American Mechanics, representing 54 citizens; of Watersonville Council, No. 576, Junior Order of United American Mechanics, representing 118 citizens; of Bryan Council, No. 335, Junior Order of United American Mechanics, representing 50 citizens; of Kimmel Council, No. 622, Junior Order of United American Mechanics, representing 37 citizens; of Logan Council, No. 145, Junior Order of United American Mechanics, representing 70 citizens; of Security Council, No. —, representing 51 citizens; of Scottsdale Council, No. 102, Junior Order of United American Mechanics, representing 75 citizens; of Corsica Council, No. 403, Order of United American Mechanics, representing 56 citizens; of Webster Council, No. 382, Order of United American Mechanics, representing 70 citizens; and of Iron Council, No. 337, Order of United American Mechanics, relative to a bill to amend the naturalization laws, as agreed upon and reported by the Judiciary Committee of the House of Representatives—to the Committee on the Judiciary.

By Mr. LAYTON: Resolutions of the Trinity Methodist Episcopal Church of Ohio, asking Congress to deny appropriations to the World's Fair unless its managers will guaranty that it shall be closed on Sunday and that no intoxicating liquors shall be sold thereat—to the Select Committee on the Columbian Exposition.

Also, protest of the Chamber of Commerce of Milwaukee, Wis., against the Hatch anti-option bill—to the Committee on Agriculture.

By Mr. LODGE: Seventeen petitions of citizens of New York, as follows: Nine petitions of the State of New York, for certain restrictions in immigration; three petitions of New York City, for the same; one petition of New York and vicinity, for the same; three petitions of New York, for certain restrictions on immigration and for the restriction of suffrage to citizens; one petition of citizens of Suspension Bridge, N. Y., and vicinity, for certain restriction on immigration; one petition of John Darling and others, of Millville, Mass., for the same; and two petitions of New York and New Jersey, for the same—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the general court of Massachusetts, relative to the establishment of a life-saving station at City Point, South Boston—to the Committee on Interstate and Foreign Commerce.

By Mr. LOCKWOOD: Petition of soldiers and sailors, in favor of preserving and marking battle lines at Gettysburg, from Post No. 232, Grand Army of the Republic, New York—to the Committee on Military Affairs.

By Mr. McALEER: Three protests by manufacturers of surgi-

cal and electrical instruments of Philadelphia, against the passage of House bill 5682—to the Committee on Ways and Means.

By Mr. MCRAE: Petition of Robert James and 27 others, of Arkansas, asking for the passage of the antioption bill—to the Committee on Agriculture.

By Mr. MEREDITH: Petition of citizens of Virginia, protesting against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Remonstrances of many firms of surgical and electrical manufactories of Philadelphia, against the passage of House bill 5682, which proposes to place articles made by them on the free list—to the Committee on Ways and Means.

Also, protest of the Chamber of Commerce of the city of Milwaukee, against the passage of the antioption bill—to the Committee on Agriculture.

By Mr. PATTISON of Ohio: Petition of churches of Ohio, as follows: The First Presbyterian Church, of 400, and the Baptist Church, of nearly 400, of Greenfield; the Methodist Episcopal Church, of 701 members, of Greenfield, and the United Presbyterian Church, of 860 members, of Greenfield, all against opening the World's Fair on Sunday and selling intoxicating liquors therein—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph Gayman and others of John Ball Post, No. 493, Grand Army of the Republic, Department of Ohio, asking that the battle lines of Gettysburg, Pa., be properly marked—to the Committee on Military Affairs.

Also, petition of Rev. Henry Witham and others, of Ripley, Ohio, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAGE of Rhode Island: Petition of James A. Tefft and 22 others, of Peace Dale, R. I., in regard to closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of Guilford Grange, No. 524, to pass a law to prevent gambling in farm products—to the Committee on Agriculture.

Also, petition by the same body, to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. SHONK: Two petitions, one of Wilksbarre, Pa., and the other of Foster Township, Luzerne County, Pa., for an amendment to the Constitution of the United States, providing that no State shall pass any law respecting an establishment of religion—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of Local Union No. 65, United Association of Journeymen Plumbers, etc., Decatur, Ill.—to the Select Committee on the Columbian Exposition.

By Mr. SMITH of Illinois: Three petitions of the Twentieth Congressional district of Illinois, containing 146 signatures, requesting an investigation into the slum population of cities—to the Committee on Labor.

Also, three petitions of the same district, containing 98 signatures, requesting legislation against Chinese immigration—to the Select Committee on Immigration and Naturalization.

Also, three petitions of the same district, favoring the adoption of an amendment to the Constitution providing for the election of United States Senators by direct vote of the people—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

Also, protest of Farmers' Mutual Benefit Association, No. 334, of Union County, Ill., against the passage of the Brosius lard bill, H. R. 395, and praying for a general pure-food law—to the Committee on Agriculture.

Also, petition of John Monks and 58 others, employés in cordage works in the Sixth district of Massachusetts, for the retention of the duty on binding-twine—to the Committee on Ways and Means.

By Mr. STEWARD of Illinois: Petition of Henry J. Lucke and 21 others, of Will County, Ill., for regulating speculation in farm products—to the Committee on Agriculture.

By Mr. WILLIAM A. STONE: Petition of the Presbyterian Society of Our Young People, of the United Presbyterian Church, Allegheny Presbytery, for closing the World's Fair on Sunday, etc.—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Memorial of the Spence Brothers Company, of Cincinnati, for repeal of the free-leaf section of the revenue law of 1890—to the Committee on Ways and Means.

By Mr. TOWNSEND: Petition and claim of James S. Parker, postmaster at Parker, Colo., for moneys paid out in carrying the United States mails from the post-office to and from the Denver, Texas and Fort Worth Railroad station; to accompany bill—to the Committee on Claims.

Also, protest of the Seventh-Day Adventist Church of Denver, Colo., against the passage of any bill to close the World's Fair on Sunday or in any way to commit the Government to re-

ligious legislation—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of Grange, No. 137, of New York, favoring the passage of an act making certain issues of money full legal tender—to the Committee on Banking and Currency.

Also, petition of Bethlehem Grange, No. 137, of New York, favoring an act to prevent dealing in options—to the Committee on Agriculture.

Also, petition of 437 residents of Watervliet, N. Y., and resolutions of the Farmers' League, of Watervliet, favoring the establishment of the free-delivery system in the town of Watervliet, N. Y.—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN HORN: Petition of the American Bible Society Classes of Schoharie County, N. Y., against the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. WEADOCK: Petition of Sophia Kagwaich, for relief—to the Committee on Invalid Pensions.

By Mr. WEVER: Petition of citizens of Saranac, Franklin County, N. Y., in relation to closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHITE: Petition of Holmstead & Co., of Des Moines, Iowa, for the passage of the antioption bill—to the Committee on Agriculture.

By Mr. WHITING: Petition of Alice Parker and 40 other residents of St. Clair County, Mich., against the Congress of the United States committing the United States Government to a union of religion and state in the passage of any bill or resolution closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of West Virginia: Petition of John D. Harper, of Pendleton County, praying for the reference of his claim to the Court of Claims under act of March 3, 1853—to the Committee on War Claims.

By Mr. WINN: Claim of Delila A. McEver, widow of Joseph McEver, of Company I, Fifth Regiment of United States Infantry Volunteers, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of Mary J. Hix, minor child of Joseph N. Hyde, for relief—to the Committee on War Claims.

By Mr. WISE: An act by the General Assembly of Virginia to authorize the board of supervisors of the county of Henrico to consent to the use of the public highways by the United States in constructing and maintaining a roadway along the Old Turnpike, to accompany House bill 8480—to the Committee on Military Affairs.

Also, resolution of Chamber of Commerce of Richmond, Va., in favor of passage of Senate bill 1282, relative to pilotage—to the Committee on Interstate and Foreign Commerce.

By Mr. WOLVERTON: Two petitions of sundry citizens of Sugar Loaf Township, Columbia County, Pa., in favor of House bill 395, defining pure lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition of Numidia Grange, No. 857, of Pennsylvania, in favor of House bill 395, defining lard, and in favor of a tax thereon—to the Committee on Ways and Means.

SENATE.

TUESDAY, May 3, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, submitting, in response to a resolution of the Senate, information relative to the extension of the free delivery system to rural communities, with list of offices where the experiment has been tried, comments of the postmasters at those places as to the working of the system, and 258 newspaper clippings, all strongly indorsing the proposed extension and testifying to the success of the experiments thus far made: which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

DISTRICT THEATER LICENSES.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 28th ultimo, certain information relative to action taken by them in regard to building regulations in the District of Columbia with reference to

places of public amusement; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of T. P. Thomas and 35 other members of the Christian Endeavor Society of the Welsh C. M. Church of Mankato, Minn., and petitions collected by thirty churches in Ohio, praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Edwin M. Parsons and 12 other citizens of the United States, praying for the establishment of courts on Indian reservations; which was referred to the Committee on the Judiciary.

He also presented the petition of F. H. Coar and 43 other citizens of West Springfield, Mass., praying for the passage of Senate bill 254, extending the privileges of the free delivery of mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES presented the petition of Abraham L. Richards, Charles F. Fitz, and sundry other citizens of Watertown, Mass., praying that an appropriation of not less than \$150,000 be made for the enlargement and improvement of the Watertown (Mass.) Arsenal in conformity with the estimates of the War Department; which was referred to the Committee on Appropriations.

Mr. ALDRICH presented a petition of citizens of Bristol, R. I., praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of East Providence, R. I., praying for the adoption of a constitutional amendment prohibiting the States from enacting any religious or sectarian laws; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Woman's Christian Temperance Union of Rhode Island, praying for the passage of legislation prohibiting the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Kickemuit, Moosup Valley, Nooseneck, Primrose, Union, Cumberland Hill, Rocky Hill, Summit, and Conanicut Granges, Patrons of Husbandry of Rhode Island:

Petitions praying for the enactment of legislation for the encouragement of silk culture—ordered to lie on the table.

Petitions praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petitions praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petitions praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petitions praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Petitions praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—to the Committee on Finance.

Mr. WHITE presented a memorial of members of the Sabbath-school at Marthaville, La., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CALL presented the petition of James T. Lewton and other citizens of Deland, Fla., praying for the adoption of an amendment to the Constitution prohibiting any State from passing laws touching the establishment of religion, etc.; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of the First Congregational Church of Fairmount, Ind., praying that no further aid be given to the World's Columbian Exposition by the Congress of the United States unless the Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Young People's Society of Christian Endeavor, of Terre Haute, Ind., praying that the World's Columbian Exposition be closed on Sunday and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Cheyenne, Wyo., praying for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. KYLE presented the memorial of Dennis Hawley and 22 other members of the Seventh-Day Adventist Church of Moody

County, S. Dak., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Miller, and St. Lawrence, S. Dak., and a petition of sundry citizens of Hyde County, S. Dak., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

Mr. GORMAN presented a petition of the governor of Maryland, the mayor of Baltimore City, and the principal shipbuilders and vessel-owners of Baltimore, and a petition of certain ship-owners and masters of vessels of Baltimore, praying for the passage of the bill for the transfer of the Revenue Cutter Service to the naval establishment; which were ordered to lie on the table.

He also presented the petition of Henrietta A. Lewis, widow of the late Capt. R. F. K. Lewis, United States Navy, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Washington County, Md., praying for the passage of House bill 401, relative to immigration; which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of 8 clergymen of Auburn, Me., praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the East Maine Conference of the Methodist Episcopal Church, remonstrating against the passage of the Geary bill, excluding Chinese; which was ordered to lie on the table.

Mr. DIXON presented the memorial of James A. Tefle and 21 other citizens of Rhode Island, remonstrating against a commitment of the United States Government to a union of religion and the state by the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented petitions of Millbrook Council, No. 658; Ardmore Council, No. 169; Washington Council; Darlington Council, No. 286; Roaring Brook Council, No. 650; Allegheny Council, No. 112; Logan Council, No. 145; Limestone Council, No. 330, representing 1,140 members of the American Defense Association of Pennsylvania; a petition of 60 citizens of South Bethlehem, Pa.; a petition of 35 citizens of Philadelphia, Pa., and a petition of 512 citizens of Mount Airy, Pa., all praying for the passage of the bill to amend the naturalization laws; which were referred to the Committee on the Judiciary.

He also presented a petition of 16 religious bodies of the State of Pennsylvania, praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of 24 citizens of Chester County, Pa., remonstrating against the passage of the Faulkner-Caine bills to provide home rule for Utah Territory; which was referred to the Committee on Territories.

Mr. STOCKBRIDGE presented the memorial of J. B. Shepard and 19 other citizens of Michigan, remonstrating against a commitment of the United States Government to a union of religion and the State by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a petition of sundry citizens of Kansas, praying that an appropriation of \$5,000,000 be made for the World's Columbian Exposition, provided it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GALLINGER presented the memorial of Elgin G. Farnsworth and 41 other citizens, of New Hampshire, remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. McPHERSON presented the memorial of E. Storms and 9 other members of the Seventh-Day Adventist Church of Paterson, N. J.; the memorial of Thomas Burk and 9 other citizens, of Freehold, N. J.; and the memorial of E. Layton and 10 other members of the Seventh-Day Adventist Church of Branchville,

N. J., remonstrating against the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. RANSOM presented two memorials of the faculty and students of Davidson College, North Carolina, remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Presbytery of Mecklenburg, Synod of North Carolina, remonstrating against any appropriation for the World's Columbian Exposition except on condition that it be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MITCHELL. I present two petitions, one from the Corvallis Board of Trade, and the other from the Albany Board of Trade, in the State of Oregon, setting forth the importance of a harbor at Yaquina, in Oregon, and praying Congress to make the appropriation necessary.

Mr. FRYE. For mercy's sake, is Oregon asking for anything more in the river and harbor bill?

Mr. MITCHELL. Oregon will be sure not to ask for anything more than she is entitled to, I will tell the Senator from Maine; and whether we get that or not depends a good deal on my friend from Maine.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Commerce.

Mr. MITCHELL presented a petition of the Chamber of Commerce, of Portland, Oregon, praying for the early connection of the Post-Office Department with the telegraphic and telephone business of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Daniel Hoeller, and other citizens of Jackson County, Oregon, praying for the passage of the Washburn-Hatch antioption bills; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented the memorial of A. E. Rideout and sundry other citizens of Douglas County, Ill., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HIGGINS presented a petition of the Farmers' Institute of Kent County, Del., praying for the passage of legislation for the immediate repeal of all duties upon sugar of whatever grade and kind; which was referred to the Committee on Finance.

Mr. MORRILL presented a petition of the Christian Church of West Randolph, Vt., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be conducted according to the American standard of purity; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present the petition of Alexander Shields, late a soldier of the regular Army, asking for an honorable discharge, accompanied by a copy of the court-martial proceedings drumming him out of the service. I move that the petition and record be referred to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILSON, from the Committee on the Judiciary, to whom was referred the bill (S. 1551) to amend section 707 of the Revised Statutes, reported it without amendment.

Mr. KENNA. I am directed by the Committee on Foreign Relations to report an amendment to the bill making appropriations for the diplomatic and consular service of the United States, and to ask in connection with the proposed amendment that the accompanying document be printed.

The VICE-PRESIDENT. The amendment, with the accompanying papers, will be referred to the Committee on Appropriations and printed.

Mr. DAWES. The Committee on Indian Affairs, to whom was referred the message of the President, with the letter of the Secretary of the Interior, accompanied by a report by the Puyallup Indian Commission, have instructed me to report an original bill, which I ask may be read the first and second times and placed on the Calendar.

The bill (S. 3056) giving the consent of Congress to the removal by the Legislature of the State of Washington of the restrictions upon the power of alienation of a portion of the lands in the Puyallup Indian reservation upon certain conditions therein contained was read twice by its title.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 2073) granting a pension to Mrs. Jennie Y. Wade, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2638) granting a pension to W. W. Harlee, reported it without amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, who were instructed by resolution of the Senate of March 3, 1891, "to ascertain in every practicable way, and to report from time to time to the Senate, the effect of the tariff laws upon the imports and exports, the growth, development, production, and prices of agricultural and manufactured articles at home and abroad, and upon wages, domestic and foreign," submitted a report in part thereon, and moved that it be printed and recommitted to the Committee on Finance; which was agreed to.

REPORT ON PRODUCTION OF PRECIOUS METALS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That there be printed of the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year of 1891 6,000 extra copies, of which 1,000 copies shall be for the Senate, 2,000 copies for the House, and 3,000 copies for the Director of the Mint.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6005) to place binding-twine on the free list;

A bill (H. R. 7023) to encourage American shipbuilding;

A bill (H. R. 7296) granting pensions to the survivors of the Indian war of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war; and

A bill (H. R. 8503) making appropriations for expenses that may be incurred under the treaties between the United States and Great Britain concluded at Washington February 29 and April 18, 1892.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation, in the State of Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. FRYE introduced a bill (S. 3049) for the relief of Peter Dalot, late a private, Company I, Fifth United States Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3050) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882; which was read twice by its title, and, with accompanying papers, referred to the Committee on Commerce.

Mr. GALLINGER introduced a bill (S. 3051) granting a pension to Julia A. Hill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3052) granting a pension to Nettie H. Seaver; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3053) for the relief of the Western Miami tribal Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 3054) granting a pension to E. C. Curtis; which was read twice by its title.

Mr. COCKRELL. In connection with the bill I desire to present the petitions of E. C. Curtis, and the affidavits of Dr. W. M. Lennox, Dr. R. Bowie Cowan, and Dr. S. F. Arthur, and separate affidavits of J. M. Lennox and T. S. Hoffman, and letters from the Pension Office and from the War Department to accompany the petition. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WHITE introduced a bill (S. 3055) for the relief of the estate of Marcus Walker, deceased, late of Franklin, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. HISCOCK introduced a bill (S. 3057) to increase the pension of Ferdinand Shaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3058) for the relief of William

Hancock, administrator; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GRAY introduced a bill (S. 3059) for the relief of the Old Dominion Steamship Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a joint resolution (S. R. 81) to print with certain additions the last map of the United States published by the Interior Department; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENT TO A BILL.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERNATIONAL MONETARY CONFERENCE.

Mr. MORGAN. I wish to call up the message of the President of the United States on the subject of bimetalism, which has been sent to the Senate.

The VICE-PRESIDENT. Is there further morning business?

Mr. DOLPH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon rise to morning business?

Mr. DOLPH. If the morning business is concluded, I rise to a privileged motion. I did not hear the suggestion of the Senator from Alabama.

Mr. MORGAN. I wish to call up—

Mr. DOLPH. I wish to call up the conference report on the Chinese exclusion bill.

Mr. MORGAN. I know what the Senator wishes to call up. I wish to call up the President's message on the subject of bimetalism with a view that the Senator from South Dakota [Mr. KYLE] may deliver some remarks of which I gave notice yesterday.

Mr. DOLPH. Mr. President, mine is a privileged motion—

Mr. MORGAN. I object to the consideration of the privileged question now. I am on the committee with the Senator from Oregon, and I think there is not quite so much pressure as that the Senator from South Dakota can not have the courtesy of a hearing before it is taken up. I move to proceed to the consideration of the message.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

Mr. DOLPH. What is the motion? I do not understand it. I have not been able to hear a word the Senator from Alabama has said except something about the Senator from South Dakota, and I do not yet know what he wishes to call up; there has been so much confusion in the Chamber.

Mr. MORGAN. I say this, I desire to call up the President's message with reference to an agreement between this and foreign countries on the subject of bimetalism with a view that the Senator from South Dakota [Mr. KYLE] shall have an opportunity to address the Senate, of which I gave notice yesterday.

Mr. DOLPH. Does the Senator desire that that shall precede action upon the conference report?

Mr. MORGAN. I do. It is bound to do it.

Mr. DOLPH. There are only three days more—

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama.

The motion was agreed to.

The VICE-PRESIDENT. The message will be stated.

The CHIEF CLERK. A message of the President of the United States in response to Senate resolution of April 23, 1892, relative to a proposed international conference on the subject of silver coinage.

FREE COINAGE OF SILVER AS RELATED TO AGRICULTURE.

Mr. KYLE. Mr. President, the people have an account to settle with the advocates of a gold basis, and they will not rest until their rights are restored. They have been robbed of their silver currency through no fault of their own, or of the majority of their representatives in Congress, but through the subtle cunning of the money power. This is the class who have never lost an opportunity to profit by the misfortunes of war. Not patriotic enough to defend their country at the front, they were content to "stay by the stuff" and mature plans by which to control our finances. They well knew that war meant debt; that debt meant bonds, and that through the manipulation of such securities there has always been a rich harvest for the broker and bondholder. The reconstruction days of the South were not half so important to them as the reconstruction of the finances. In funding and refunding the debt of the United States there are many mysterious proceedings which may never be satisfactorily explained.

But our so-called financiers were then fixing the policy which has proved ruinous during the past quarter of a century. In-

stead of paying off our war debt, as popular wisdom would have dictated, a policy chiefly beneficial to the bondholder seems to have been adopted. At the beginning of the war our national debt was but \$64,769,703. In 1866 the debt was \$2,773,236,173. In other words, the war had cost us something over two and a half billions of dollars. Let us see how this was manipulated in the interest of the bondholder. The late Senator Beck, on January 12, 1874, in a speech on this floor, revealed some very startling facts as to the sale of our 5 and 6 per cent bonds. These were purchasable with greenbacks, which were very much depreciated. I have collated a table showing the total profit to the bondholder in principal and interest from 1862 down to 1874, the time at which the speech was delivered:

Year.	Bonds sold.	Gold value.	Profit to holder.	Interest received.	Total profit.
5-20s sold:					
1862.....	\$60,982,450	\$44,030,640	\$16,951,801	\$11,187,188	\$28,139,989
1863.....	160,987,550	101,890,854	59,096,696	35,488,017	94,584,713
1864.....	381,292,250	139,697,636	191,594,613	114,956,768	306,551,381
1865.....	279,746,150	208,213,080	71,532,069	38,627,307	110,159,376
1866.....	124,914,400	88,591,773	36,322,627	17,431,556	53,754,183
1867.....	421,469,550	303,805,503	118,254,047	48,571,494	166,825,541
1868.....	425,443,800	312,626,326	112,617,474	40,542,288	153,159,762
6 percents sold.	195,139,550	123,957,410	72,182,140	26,115,724	98,297,864
Total profit.					1,012,537,203

This shows a total profit to the bondholder in the purchase of United States securities of over one thousand millions of dollars. I will digress for a moment to give the following facts about the war debt, taken from the Statistical Abstract of 1890:

We owed in 1866.....	\$2,783,000,000
We have paid on the principal.....	1,080,000,000
We have paid as interest.....	2,462,000,000
We have paid as premium on bonds.....	36,000,000
Total amount paid.....	3,578,000,000

Add to this the profit to bondholders of \$1,012,537,203, and we have a total of \$4,590,537,203. We have paid nearly five thousand millions toward the debt, and still \$1,545,996,591.61 remain to be paid. It will take more of wheat or cotton to extinguish the debt, than would have been required at the close of the war.

Had the debt been contracted to be paid in wheat it would have taken in 1866..... bushels.....	1,007,000,000
We have paid on the principal..... do.....	1,188,000,000
We have paid as interest..... do.....	2,225,000,000
We have paid as premium on bonds..... do.....	50,400,000
Total amount paid..... do.....	3,463,400,000
We yet owe..... do.....	2,156,250,000

Total..... do.....	5,619,650,000
Deducting amount due in 1866..... do.....	1,007,000,000
Amount consumed by interest and payment on principal..... do.....	4,612,650,000
Had debt been contracted to be paid in cotton it would have taken in 1867..... pounds.....	7,022,000,000

We have paid on the principal..... do.....	10,800,000,000
As interest..... do.....	24,622,000,000
As premiums on bonds..... do.....	360,000,000
Total paid..... do.....	35,782,000,000
We yet owe..... do.....	16,930,000,000

Total..... do.....	52,710,000,000
Deduct amount due in 1867..... do.....	7,092,000,000
Amount consumed by interest and payment on principal..... do.....	45,618,000,000

This drain, Mr. President, has been from the pockets of the taxpayers of the country, while bonds have gone untaxed. And, according to our present policy, it will yet require several thousand millions to liquidate our indebtedness. But the bondholders were but just beginning their systematic plundering when they made the purchase of these securities. A war is a bonanza to security holders, and seldom in history have they failed to take advantage of it. English capitalists saw the opportunity at the close of the Napoleonic wars and demonetized silver in 1816. Germany followed in 1872, at the close of the Franco-Prussian war, and France in 1874. The purpose of our brokers, coached by English financiers, seems to have been to secure the final payment of the war bonds in gold coin; at any rate it has so turned out. The first official act, March 18, 1869, of President Grant, was to sign a bill making the bonds payable in coin of the country. There were many vigorous opponents of this measure, among them Thaddeus Stevens of Pennsylvania, Morton of Indiana, and the present Senator from Ohio, who used these words in a speech in this Chamber, February, 27, 1867:

Equity and justice are amply satisfied if we redeem these bonds at the end of five years in the same kind of money of the same intrinsic value it had at the time they were issued. Gentlemen may reason about this matter over and over again and they can not come to any other conclusion, at least that has been my conclusion after the most careful consideration. Senators are sometimes in the habit, in order to defeat the argument of an antagonist, of

saying that this was repudiation. Why, sir, every citizen of the United States has conformed his business to the legal-tender clause. He has collected and paid his debts accordingly.

But the bondholder was not only not satisfied with legal-tender payment, but wanted the coin payment limited to gold. By the demonetization of silver, gold alone remained the lawful coin and his long-cherished hopes were realized.

Before a French monetary commission in 1869, Count Walowski said:

The sum total of the precious metals is reckoned at 50 milliards, one-half gold and one-half silver. If by a stroke of the pen they suppress one of these metals in the monetary service they double the demand for the other metal, to the ruin of all debtors.

It seems to have been a concerted plan of European and American financiers to increase the value of their holdings. It is as if the holder of the world's supply of cloth had clandestinely forced upon the people a shorter yardstick in order to double the number of yards in his possession. England had already taken this step; but Germany, Italy, Holland, Norway, Sweden, Denmark, and the United States were using silver. When by demonetization of silver this vast population came to a gold basis, the demand for gold was more than doubled, while the supply had fallen off very perceptibly. Mr. Moreton Frewen, an able English writer on economic subjects, in an address at Easton Lodge, October 4, 1889, says:

The national debts of Europe had all been contracted in silver and could have been properly liquidated in silver. Suddenly, and without a word of warning, every contract in Europe was violated by the closure of every mint to silver. Still, it is only when we pass on to the deed done at Washington that the silver question emerges as the biggest and the best-planned financial coup of the century. The whole affair was a vast "job," and I believe that any grand jury would find a true bill on the evidence that comes to us from America.

There is perhaps no legislation of the United States Congress which has been criticised during twenty-five years so bitterly as the act of 1873. The farmer, the laborer, the merchant, everybody discusses it. Politicians are wondering at the sudden uprising which has occurred among the people, by which a new party as wide as the nation has been formed; and why both old parties are in the toils. Let me say, Mr. President, that these are the people who have waited a score of years for remedial legislation, and who are now taking the reins into their own hands. They have been deceived by pretentious platforms and Sibylline declarations until patience is exhausted. They want to know in whose interests the currency is being manipulated, as it is clearly seen that at every move in financial policy the eye of the Administration has turned toward New York and Europe.

There is no doubt in my mind that the inception of the demonetization of silver occurred in the monetary councils of Europe and was transmitted to friends (for they are all friends) on this side of the water. English agents doubtless came to the United States as lobbyists before the committees of Congress. From the report of Mr. Hooper, chairman of the committee in charge of this bill, I quote the following:

Mr. Ernest Seyd, of London, a distinguished writer and bullionist, who is now here, has given great attention to the subject of mint and coinage. After having examined the first draft of this bill he made various sensible suggestions, which the committee adopted and embodied in the bill.

Mr. MORGAN. That was the act of 1873.

Mr. KYLE. The act of 1873. Little did the toiling millions at work on the farm and in the shop dream that plans were being devised by the financiers of the East to rob them of the currency bequeathed to them by the founders of the Republic. The act of 1873, Mr. President, was conceived and brought forth in darkness. The originators of it well knew that it would never pass if brought into the arena of open discussion. It went through by stealth. Little attention was called to it; and the majority of this body were in ignorance as to the scope of the act. The title bore no suggestion of such a change. The very wording of it is such as to divert attention from it: "An act revising and amending the laws relating to the mints, assay office, and coinage laws of the United States."

No suggestion at all of demonetizing the silver dollar. Section 15 reads:

That the silver coin of the United States shall be a trade dollar, a half dollar or 50-cent piece, a quarter dollar or 25-cent piece, a dime or 10-cent piece; and the weight of the trade dollar shall be 420 grains Troy; the weight of the half dollar shall be 12 grammes and one-half gramme. * * * And said coins shall be a legal tender at their nominal value, for any amount not exceeding \$5 in any one payment.

SEC. 17. That no other coins, either of gold, silver, or minor coinage, shall hereafter be issued from the mint, other than those of the denominations, standards, and weights herein set forth.

Had the bill stated in words of clear meaning that the standard dollar is hereby demonetized, it never would have passed and become a law. The section was either not read, or being read was not comprehended. The Senator from Ohio [Mr. SHERMAN] on calling up this bill used these words:

I rise for the purpose of moving that the Senate proceed to the consideration of the mint bill. I will state that this bill will not probably consume any more time than the time consumed in reading it. It is a matter of vital interest to the Government, and I am informed by officers of the Govern-

ment that it should pass promptly. The amendments reported by the Committee on Finance present the points of difference between the two Houses, and they can go to a committee of conference without having a controversy here in the Senate about them.

It is difficult to find members of either House at that time who knew that silver was to be demonetized. I doubt if a score in either House knew the full scope of the bill.

Gen. Garfield, in a speech made at Springfield, Ohio, during the fall of 1877, said:

Perhaps I ought to be ashamed to say so, but it is the truth to say that, I at the time being the chairman of the Committee on Appropriations, and having my hands overfull during all that time with work, I never read the bill. I took it upon the faith of a prominent Democrat and a prominent Republican, and I do not know that I voted at all. There was no call of the yeas and nays, and nobody opposed that bill that I know of. It was put through as dozens of bills are, as my friend and I know, in Congress, on the faith of the report of the chairman of the committee; and therefore I tell you, because it is the truth, that I have no knowledge about it.—*Congressional Record*, volume 7, part 1, Forty-fifth Congress, second session, page 989.

On February 15, 1878, the following colloquy between Senator Blaine and Senator VORHEES took place:

Mr. VORHEES. I want to ask my friend from Maine, whom I am glad to designate in that way, whether I may call him as one more witness to the fact that it was not generally known whether silver was demonetized. Did he know, as Speaker of the House, presiding at the time, that the silver dollar was demonetized in the bill to which he alludes?

Mr. BLAINE. I did not know anything that was in the bill at all. As I have before said little was known or cared on the subject. [Laughter.] And now I should like to exchange questions with the Senator from Indiana, who was then on the floor and whose business it was, far more than mine, to know, because by the designation of the House I was to put questions and the Senator from Indiana, then on the floor of the House with his power as a debater, was to unfold them to the House. Did he know?

Mr. VORHEES. I very frankly say that I did not.—*Ibid*, page 1063.

Mr. HOLMAN, in a speech delivered in the House of Representatives July 13, 1876, said:

I have before me the record of the proceedings of this House on the passage of that measure, a record which no man can read without being convinced that the measure and the method of its passage through this House was a "colossal swindle." I assert that the measure never had the sanction of this House, and it does not possess the moral force of law.

Senator Beck, in a speech made in the Senate, January 10, 1878, said:

It (the bill demonetizing silver) never was understood by either House of Congress. I say that with a full knowledge of the facts. No newspaper reporter—and they are the most vigilant men I ever saw in obtaining information—discovered that it had been done.—*Congressional Record*, volume 7, part 1, Forty-fifth Congress, second session, page 290.

When President Grant, on January 14, 1875, signed the resumption act, he sent a message to Congress urging the establishment of mints at Chicago, St. Louis, and Omaha, to coin silver for purposes of resumption, not knowing that he had signed an act demonetizing the silver dollar. Much less were the people informed, through the press or otherwise, that the silver dollar was to be demonetized.

Mr. President, the people generally give notice when a law is obnoxious, or when they wish a bad law repealed. In what papers had this law of eighty years' standing been discussed? How many county newspapers had declared against the old-fashioned dollar? How many journals had published interviews from leading men upon the subject? How many county, State, or national conventions had passed resolutions declaring that it was unsafe longer to maintain a silver standard? These are the ways in which the people express themselves; and it seems to me that so important a measure as changing a standard which had been in use from the beginning of the Republic should have been discussed around the fireside of every intelligent citizen of the Union. But no, Mr. President, it was known to an interested few only in England and the money centers of the United States. And now that the disastrous effects of the change are felt all over the nation, party fealty is such that it will be a Herculean task to secure a return to free coinage of silver, which it is safe to say three-fourths of our population desire.

Free coinage, Mr. President, is nothing new or unheard of. One might suppose from the bitter discussions on the platform and by the press that it was some untried, dangerous policy. The people seemingly forget that we had no other policy until a few years ago. Ever since the founding of our Government till 1873, a period of eighty-three years, the United States Mint would take any man's silver and turn it into dollars at Government expense; and every piece of money of 371½ grains of fine silver was a measuring unit for the commodities of commerce. Our fathers adopted the Spanish milled dollar as their monetary unit, which continued to act as such during the unparalleled growth of our nation up to 1873. The amount of fine silver has not varied. The amount of pure gold in the gold dollar was changed by the acts of 1834 and 1837. But the silver dollar remained stationary.

It was always substantially at a par with gold, and in 1873 commanded a premium of 3 cents. It was the poor man's money, entering into all the small transactions of commercial life. Gold was the money of the rich, who looked upon the poor man's dol-

lar with jealous eye, because he could not corner or control it. No one found fault with bimetalism except the money kings, and it was at their instance that the change to a gold basis was broached. Millionaires were of slow growth in those days, and it was impossible to bridle the patience of those who had once scented the possibility of rich gains from a rise in gold bullion. What cared they as to any inconvenience or disaster which might arise to the mass of the people by the change from a bimetallic to a gold basis? The wrecking policy of contraction had been entered upon already, and the additional decrease of two or three hundred millions in the money volume and the payment of obligations according to a gold standard would add no great additional burden.

The subject of finance has been so intimately associated for the past twenty years with the condition of agriculture, Mr. President, that the discussion of the one involves the discussion of the other. The dark picture of our farming interest is a logical sequence to the act of demonetization, and also furnishes ample reason for a return to free coinage and a bimetallic standard.

In 1868, Count Wolowski, of France, in discussing the conditions which might arise from the demonetization of silver, made the following prediction:

One of the principal difficulties in this period of general depression will be that the people will look for its causes in all possible directions. The advocates of the gold standard will offer all possible fantastic and groundless excuses and reasons of a secondary nature only, and the real cause, the demonetization of silver, will be overlooked until the perspicuity of the phenomena and dire necessity shall force thinking men to point it out. Throughout the world a decline in prices will follow, injurious alike to owners of real property and the laboring classes, and advantageous only, and unjustly so, to the holders of State bonds and similar securities.

We are now living in the day foretold by Count Wolowski, and it is my purpose to-day to picture the condition of agriculture as related to the manipulation of the currency. I hold in my hand, Mr. President, a little map called the "Jones chart," which notes the variations in the prices of wheat, cotton, and silver from 1871 to 1892. The coincidence is most remarkable. I have prepared from this map a table which will show clearly the association between these products. When silver has approached par the price of these commodities has correspondingly risen, and vice versa.

Table giving coincidences between prices of silver, wheat, and cotton from 1871 to 1892.

Year.	Silver, per ounce.	Wheat, per bushel.	Cotton, per pound.	Remarks.
1872	\$1.32	\$1.29½	\$0.21	
1873	1.29	1.17	.17½	
1874	1.27	1.05	.16½	
1875	1.24	1.07	.15½	
1876	1.14	1.05	.12	Stringency in money market.
1877	1.19	1.39	.11½	Corner in wheat.
1878	1.12	.95	.11	Money panic.
1879	1.11½	1.07	.11½	Bland act and short wheat crops.
1880	1.14	1.00	.12½	
1881	1.13	1.19	.12½	Short wheat crops in this country.
1882	1.12	1.15	.11½	Wheat cornered.
1883	1.11	1.02	.10	
1884	1.10½	.83	.10½	
1885	1.05	.83	.10½	
1886	.98½	.77	.09½	
1887	1.00	.81	.10½	
1888	.94½	.90	.10½	
1889	.95	.92½	.10½	
1890	1.09	.92	.11½	Act of July 14, 1890.
1891	1.01½	1.01	.08½	

It is incredible that such coincidences should occur for so long a term of years without some foundation in fact, and, though it may be difficult to explain local fluctuations, the general coincidence is explainable through the manipulation of the money market in relation to silver. It has become an axiom of commerce that the market price of American cotton and wheat varies with the market price of silver bullion in the European markets, and the European price of imported wheat varies directly as the silver-bullion market. It only remained therefore for us to examine a chart of market reports for twenty years to confirm the impressions already formed from the operations of commercial laws.

Free coinage of silver, Mr. President, affects directly, not indirectly, the products of the American farmer. A gold standard puts us at a disadvantage in the European market for wheat and cotton, while free coinage will materially relieve us of the sharp competition of Russia and the silver-using districts of Asia. Russia uses silver when she can get it. In India the rupee is the coin of commerce, and that country alone consumes annually fifty millions of silver, forty millions coming from the United States. Russia exports to England 100,000,000 bushels of wheat. India exports to European markets 50,000,000 bushels of wheat and about 1,000,000 bales of cotton. In the year 1890-'91 the United

States exported to Europe 3,750,443 bales of cotton and 55,131,948 bushels of wheat.

The price of Asiatic bills of exchange therefore cuts an important figure in the transaction in the European market. With American free coinage of silver and the consequent depreciation of silver bullion from \$1.29 to 90 cents per ounce the Bank of England and the English grain merchant will convert our silver into rupees for the Indian trade. At the present time England buys 32 cents' worth of our bullion and converts it into a rupee worth 48 cents, and which purchases from the Hindoo 48 cents' worth of wheat.

England's policy, Mr. President, is self-protection. Self first, with a disposition to crowd to the wall every nation which competes with her in commerce. Her policy is retaliatory towards the United States. At the same time she wrests every penny possible from her colonial and tributary subjects. Though she swells her millions by coining cheap bullion into rupees and purchases therewith the Indian wheat and cotton, yet the Indian farmer is none the richer. On the other hand, when the Hindoo is forced to pay his \$75,000,000 tribute to England in the way of rents and interest on bonds and stocks he must buy gold with his silver rated at European bullion value. England may be able to dictate such disastrous bargains with a tributary nation, but why she should be able to make us a tool to accomplish her ends I can not see. She says to us, "Demonetize your silver in order that I may be able to purchase cheap bullion, and by this give the Asiatic nations the European wheat and cotton markets."

Now, Mr. President, England objects to free coinage of silver in America because she knows as well as we that silver would at once go to par, and that means to her 43 cents in the rupee, instead of 32 cents. The price of wheat in the European market being \$1, for instance, it would seem at first thought that the odds were all in favor of the American exporter, seeing that the Indian exporter must pay twice the freight and present a poorer quality of wheat. But as India wants the silver, and the Indian shipper can take the gold dollar and make a second trade in cheap silver bullion before returning to India, it is plain to be seen that he has an advantage over the American shipper. And whereas the Indian shipper may have paid under the present arrangement 3 rupees (or \$1.41) for wheat, come to England and sold it for 100 cents in gold, and with the gold bought enough silver bullion to make 4 rupees (or \$1.92), thereby clearing one rupee on each bushel, he must with Asiatic exchange at par pay the Indian producer less for his products, in which event the field will be left clear for the American exporter.

Now, here is the syllogism as applied to the exportation of our agricultural products:

1. Our prices for cotton and wheat are regulated largely by the European market.
2. East India and the United States are competitors for that market.
3. Considering quality of grain and price of freight, other things being equal, the market is ours.
4. If Asiatic bills of exchange, however, fall below par, the East Indian has the advantage of us.
5. Demonetization of silver in the United States has furnished cheap silver bullion and hence lowered Asiatic exchange.
6. Free coinage of silver would bring it to a par with gold, and also raise Asiatic exchange to par.
7. Therefore, free coinage of silver restores to our farmers the European market, with no unjust competition from Asiatic silver nations.

The objections raised to the free coinage of silver, Mr. President, seem puerile, and only such as the creditor class of citizens have always raised. The threatened deluge of foreign silver has frightened many an advocate of the white metal. But the European ratio between the two metals being 15½ to 1, and in India 15 to 1, while in the United States it is 16 to 1—in other words, an ounce of silver in America being worth only \$1.29, while in Europe \$1.33, and in India \$1.37—it is hardly probable that the current would turn this way. But suppose for a moment that the junk-dealer of France would come across with his shipload of old silver, expecting that every 70 cents' worth of it could be turned at the mint into a dollar. He can get for his bullion either silver coin or paper. He can get no gold unless we choose to give it to him, and he is left to one of two alternatives, either to take his silver back or invest it in American industries, in which case he becomes a promoter of our welfare. But such statements of the press are all bugaboo, and affect only the ignorant and the timid.

If Europe had twice the silver she has there could be no such danger; but she has not the silver and can not get it, except from silver-producing America. Before many generations have gone by there will not be gold enough to supply the arts, and resort must be had to silver. There is not, Mr. President, gold enough in the world to meet the demands of commerce, which has been

growing during the present century out of all proportion to the metal basis at present adopted by England, Germany, France, and the United States.

The United Kingdom has one hundred and seven millions of silver, or \$2.81 per capita; France has seven hundred millions of silver, or \$17 per capita; Germany has about two hundred and twenty millions of silver, or \$4.44 per capita. This is all in use as subsidiary coin. India, China, and other Asiatic nations are the grave of silver. They receive all they can get, but do not give up a dollar. Russia, Austria, and Italy have dispensed with silver. And when we have gone over the world there is not an ounce which can be spared for the purpose of flooding the United States with a debased coin. It is needed by this and all nations to broaden the metallic base of the mountain of paper current in our business transactions.

It was predicted by financiers during the discussion fourteen years ago that gold would leave the country. I believe statistics show that gold came into the country. It was a scare with no basis in reason, nor has there yet been a valid reason advanced why gold should have left. If so, it has evidently proven fallacious. According to the testimony of gold men we are now coining about all the silver offered or that we can use, and yet we are not troubled about gold fleeing the country. It stands to reason that gold will not leave us without cause, and never under any circumstances unless the American gets the best end of the bargain. It may go to Europe, because, on account of the extraordinary prices of American products, it is more profitable to purchase abroad than at home. In case of a possible famine in the United States, silver as well as gold must go to purchase needed supplies. But with a balance of trade in our favor constantly increasing, and possessing the vast quantity of products which Europe is compelled to buy, we need not fear but that every ship which goes laden with American products will return with European gold.

The net excess of gold bullion exports over imports for 1891 was \$66,706,984, a large portion of which was paid as interest on English mining, land, and railroad securities. But this, according to the views of gold men, is a contribution to American development, and is bound to occur under the present law as well as under free coinage. So that the sum total of complaint and argument against free coinage of silver is not that silver will flood us, or that gold will leave us, but the "inconvenience" which might arise to a class of security-holders who have built large hopes upon an appreciated gold market. But has there not been time since the silver discussion began to adjust business for the change? How much warning was given when farm property was to be depreciated in value by the demonetization of silver? The argument used by gold men in 1873, that time would adjust the "inconveniences" for the debtor, can now be turned with very good propriety, seeing that bondholders are well able to endure the slight depreciation in gold securities.

The present condition of agriculture, Mr. President, is closely connected with an ample and flexible volume of currency. It is not claimed that free coinage of silver will largely increase the volume of currency. But with our rapidly increasing population we shall need \$500,000,000 during the next ten years in order to insure us an additional \$10 per capita. It is claimed, however, that free coinage of silver, by bringing the metal to a par with gold, will unlock the currency now hoarded for purposes of speculation and promote free circulation. But we are asked to consult New York as to whether the country needs a larger or more flexible volume.

They scorn the people's complaints as long as the supply is ample enough for their needs. It matters not that the people from the Allegheny Mountains, west through the fertile valleys of Illinois, Mississippi, and Missouri, rise up regardless of party lines and demand more money. They are guilty of not asking permission of the sages of finance who are supposed to keep their fingers on the public pulse and to know within a 10-cent piece how much is for their good. I should rather remark, who keep their finger on the Treasury purse strings and carefully watch how much a suffering people will endure. The great mass of our population, industrious, frugal, honest; the farmer, the mechanic, the laborer, the merchant, the wealth-producers of the nation, ask for a greater volume of money.

But modern lexicons are apparently not comprehensive enough to supply modern journalists with material by which to characterize these common people, who even modestly assert their right to think upon finance. The people are a common herd apparently, whose duty it is to perform the daily labor by which the nation grows without a murmur of dissent or a question as to whether their representatives adopt a wise policy or not. It is the pride of our free government that the people rule; but it seems to-day, Mr. President, to be a question in Congress as to who are the people, whether New York or the Mississippi Valley; whether New England or the vast South; whether a few

corporations or the masses. To whom is our ear turned when bills are considered touching the disbursement of the taxes which the people pay into the Treasury? To the interest of a few privileged classes or to the vast multitude of the poor? Whether it be gambling in futures, or free coinage of silver, or any popular demand, gilt-edged petitions from boards of trade, chambers of commerce all over the country are poured in upon us.

But for every one of these come the crumpled petitions representing a thousand farmers, written with the soiled, stiffened hand wearied with his daily task. Whose interests should be consulted? To whom should we listen? To the agriculturist not more, I would say, than to other classes; but the demand is for justice and fair play. The people demand a volume of currency sufficient to transact the business of the country, and that it shall increase in volume proportionately with the increase of business and the increase of population.

But we are met by the banker who tells us at one time that there is an abundance of money and at another that the volume of currency has but little to do with business prosperity. Even the Secretary of the Treasury has sent out a carefully prepared report to show that we have a larger circulation than at any previous period for thirty years; that the per capita circulation is now \$24. It is not my purpose to go into the discussion of this matter at length. It may be time enough for that when secretaries and politicians agree. Secretary Windom's report for 1889 as to the volume of money in circulation placed side by side with that of Secretary Foster, for the years from 1878 to 1889, show the following differences:

Year.	Windom.	Foster.	Difference.
1878	\$805,793,808	\$729,132,034	\$75,661,773
1879	862,579,754	818,631,793	43,947,961
1880	1,022,033,685	973,382,228	48,650,457
1881	1,147,892,435	1,114,238,119	23,654,316
1882	1,188,752,363	1,174,290,419	14,461,944
1883	1,230,650,032	1,203,305,096	27,344,936
1884	1,251,569,924	1,243,925,969	7,643,955
1885	1,286,620,871	1,292,508,615	5,937,544
1886	1,264,889,561	1,252,700,525	12,149,036
1887	1,353,485,690	1,317,539,143	35,946,547
1888	1,384,340,280	1,372,180,870	12,159,410
1889	1,405,018,000	1,280,361,649	24,656,351

Again, Mr. Foster's statement as to the volume of currency in circulation on July 1, 1890, was \$1,429,251,270. Six months afterwards, when there should have been more money, in response to a resolution of the Senate, Mr. Nettleton, Assistant Secretary, gave the volume as \$1,037,912,728, a difference of \$391,338,542.

In making the estimates from 1865 to the present time, very few officials have taken account of the heavy reserves held in banks, nor the large amount of currency hoarded, lost, mutilated, or destroyed, which according to good authorities very materially decreases the amount of per capita for any given year.

From the Philosophy of Price, I present a statement of the volume of currency with such deductions made.

Year.	Population.	Circulation.	Per capita.
1854	25,090,860	\$444,689,000	\$17.04
1855	23,891,021	426,052,000	15.81
1856	27,796,730	435,748,000	15.68
1857	28,890,805	454,799,000	15.79
1858	29,766,846	395,208,000	13.27
1859	30,610,096	468,306,000	15.28
1860	31,443,321	482,102,000	15.33
1861	31,443,321	497,588,453	15.73
1862	24,000,000	544,786,208	22.69
1863	24,500,000	1,043,610,415	42.58
1864	25,000,000	968,059,995	38.72
1865	26,000,000	1,639,127,386	70.77
1866	35,819,281	1,863,409,216	52.01
1867	36,289,502	1,350,949,218	37.51
1868	37,016,949	794,756,112	21.47
1869	37,779,800	730,705,638	19.34
1870	38,558,371	691,028,377	18.70
1871	39,750,073	670,344,147	16.89
1872	40,978,007	661,641,363	16.14
1873	42,245,110	662,896,762	15.45
1874	43,550,756	632,032,773	14.51
1875	44,896,705	630,427,609	14.04
1876	46,284,344	620,316,970	13.40
1877	47,714,829	586,328,074	12.28
1878	48,955,306	549,540,087	11.23
1879	50,155,783	534,421,248	10.65
1880	51,690,456	528,524,267	10.23
1881	53,210,269	610,632,433	11.48
1882	54,806,577	657,404,084	11.97
1883	56,550,714	648,205,895	11.48
1884	58,144,235	591,476,978	10.17
1885	59,888,562	533,405,001	8.90
1886	61,685,218	470,574,361	7.63
1887	63,535,774	423,452,221	6.67
1888	65,000,000	398,719,212	6.10
1890	66,000,000	306,999,982	4.72

This is in the main verified by a table published in the Chicago Inter-Ocean in 1878:

Year.	Currency.	Popula- tion.	Per capita.
1865	\$1,651,282,373	34,819,581	\$47.42
1866	1,803,702,726	35,527,143	50.76
1867	1,330,414,677	36,289,502	36.68
1868	817,199,773	37,016,940	22.05
1869	750,025,989	37,779,805	19.80
1870	740,039,179	38,588,300	19.20
1871	734,244,714	39,750,073	18.47
1872	736,340,913	40,978,607	17.90
1873	733,291,749	42,245,110	17.48
1874	729,931,589	43,550,736	17.89
1875	728,176,250	44,896,705	17.35
1876	735,358,832	46,284,344	15.89
1877	696,443,394	47,714,829	14.40

The 7.30 three-year notes, whose circulation as currency is most scouted, were outstanding on the 1st of September, 1885, to the amount of \$830,000,000, every dollar of which was legal tender for its face value under the terms of the law "to the same extent as United States notes."

From a speech made in this Hall by the late Senator Plumb, in June, 1890, I quote the following:

Let us see, therefore, how much money is available for actual use among the people. From the total of \$1,560,000,000, arrived at as above, must be first deducted an average of \$350,000,000, which the Treasury always keeps on hand, and about which something has heretofore been said in the debate on this bill. That leaves as the maximum which by any possibility can be used \$1,210,000,000.

There ought, in fairness, to be deducted from this \$150,000,000, error in estimate of gold in the country, which would reduce the money outside the Treasury to \$1,060,000,000. From this is to be subtracted the \$700,000,000 kept as a reserve (in the banks), as before computed, leaving a balance of but \$360,000,000 which is available for delivery or other use in the transactions of the business of all the people, or a trifle over \$8 per capita. But the force of my argument is not materially weakened by conceding the gold coin to be as estimated by the Treasury Department, which would leave in actual circulation \$700,000,000. In order to make up this amount all doubt must be resolved in favor of the Treasury and against the people, both the doubt as to the lost and destroyed notes and that as to the gold supply. If I was deciding this case upon what I consider the best evidence, I would be bound to say that I believed the money in actual circulation did not much, if at all, exceed \$500,000,000.

Upon this narrow foundation has been built the enormous structure of credit of which I have spoken. It is the greatest of the kind that was ever built, because it was built by the best people that ever built anything. Over \$200,000,000 of debts, the enormous and widely extended business of 65,000,000 of people, all rest upon and must be served by a volume of currency which must seem to the most veteran financier as absolutely and dangerously small.

These opinions are corroborated by the statements of other men prominent as students of finance. There is plainly an inadequate volume of currency and business is depressed. Being the tool or medium by which transactions are made, business can not be carried on without an adequate supply any more than freight can be moved in a given time without an adequate supply of cars. Our heavy crops of the Northwest are dependent for removal upon the volume of money. If there be a scarcity, stagnation ensues and prices fall.

But in addition to an increased volume of currency there must be provided some means to make it flexible enough to meet what might be called the emergencies of commerce. It so happens that a large bulk of the labor product of the South and West is turned on the market in a very few months, thus doubling or trebling the volume of wealth and business, while the volume of currency remains the same. The money volume during the summer is all used in the lines of trade, so that when the emergency of moving large crops of grain is sprung upon us business men are cramped. Interest goes up and prices of agricultural products go down.

Secretary Windom, in his speech of January 31, 1891, before the New York Board of Trade, so well stated this that I quote:

The ideal financial system would be one that should furnish just enough absolutely sound currency to meet the legitimate wants of trade and no more, and that should have enough elasticity of volume (flexibility) to adjust itself to the various necessities of these people. Could such a circulating medium (flexible) be secured, the gravest commercial disasters which threaten our future might be avoided. These disasters have always come when unusual activity in business has caused an abnormal demand for money, as in autumn, for the moving of our immense crops. There will always be great danger at those times under any cast-iron system of currency, such as we now have.

Had it not been for the peculiar condition which enabled the United States to disburse over \$75,000,000 in about two and one-half months last autumn, I am firmly convinced that the stringency in August and September would have resulted in a widespread financial ruin.

Flexibility of volume, therefore, is all-important to every interest of our country outside of the money centers; and some method must be devised by which the currency can at stated times be materially increased, and then diminished again after agricultural products are moved. Farmers are not so set upon the subtreasury plan but that they are willing to give it up if we provide something better that will answer the same ends. By the present system all legitimate business pursuits are at the mercy of the kings of finance, who are always satisfied with a nonelastic and inadequate volume of money.

The money power of the United States, Mr. President, are not the first to discover the rich harvest in store through contraction of the currency. Sir Archibald Alison, the historian, in reviewing past history sees between the lines the operations of the financier, and says:

The two great events in the history of mankind have been brought about by a successive contraction and expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed to slavery, to heathenism, and to moral corruption, was, in reality, brought about by a decline in the silver and gold mines of Spain and Greece. And as if Providence intended to reveal in the clearest manner possible the influence of this mighty agent in human affairs, the restoration of mankind from the ruin this cause had produced was owing to the directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails to cross the Atlantic he bore mankind and its fortunes in his bark. The annual supply of the precious metals—of money—for the use of the globe was trebled; before a century had passed the price of every species of produce was quadrupled. The weight of debt and taxation insensibly wore off under the influence of that prodigious increase; in the renovation of industry society was changed, the weight of feudalism cast off, and the rights of man established.

Substantiating this view, I quote from the scholarly report of the United States Monetary Commission of 1877:

Primarily, then, prices must have been entirely controlled by the volume of money unaffected by credit. There can never occur a universal fall in prices and a general withdrawal of credits without a preceding decrease in the volume of money. As the volume of money shrinks, prices fall. When money is decreasing in volume, prices have no bottom, except a receding one, and they are inexorably ruled by the volume of money. In the whole history of the world every great and general fall in prices has been preceded by a decrease in the volume of money. At the Christian era the metallic money of the Roman Empire amounted to \$1,800,000,000. At the end of the fifteenth century it had shrunk to \$300,000,000. During this period a most extraordinary and baleful change took place in the condition of the world. Population dwindled and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded condition of serfdom and misery.

The disintegration of society was almost complete. The conditions of life were so hard that individual selfishness was the only instinct consistent with self-preservation. All public spirit, all generous emotions, all noble aspirations of man shriveled and disappeared as the volume of money shrunk and prices fell. That the Dark Ages were caused by decreasing money and falling prices and that the recovery therefrom and the comparative prosperity which followed the discovery of America were due to the increasing supply of the precious metals and rising prices will not seem surprising or unreasonable when the noble functions of money are considered. Money is the great instrument of association, the very power of social organism, the vitalizing force of industry and as essential to its existence as oxygen is to animal life. Without money civilization could not have had a beginning; with a diminishing supply it must languish, and, unless relieved, finally perish.

The history of finance during our brief life as a nation fully confirms the economic position taken by these eminent students. Since Jefferson and Jackson sounded the first note of warning against banking corporations, we have seen the fruits of delegating the control of the volume of the currency to selfish individuals.

The effect of contracting the currency since the war is a picture of darkness and desolation. I will not trace the course of the juggernaut car in its twenty-five years of destructive progress; the wrecked homes, the broken hearts, and business stagnation are within the memory of all present. Here is a picture of the business failures and devastation wrought during a quarter of a century:

Year.	Number.	Liabilities.
1864	495	\$8,579,000
1865	520	17,625,000
1866	632	47,333,000
1867	2,780	96,666,000
1868	2,608	63,694,000
1869	2,799	75,054,000
1870	3,551	88,242,000
1871	2,915	85,252,000
1872	4,069	121,036,000
1873	5,183	228,499,000
1874	5,830	155,230,000
1875	7,740	201,000,000
1876	9,092	191,117,000
1877	8,872	100,069,000
1878	10,478	234,483,132
1879	5,358	96,149,653
1880	4,735	65,752,000
1881	5,582	81,155,932
1882	6,738	102,000,000
1883	9,184	172,874,172
1884	10,968	226,343,427
1885	11,211	267,340,264
1886	12,292	229,288,228
1887	12,042	335,121,888
1888	13,348	247,659,956
Total	140,061	3,633,102,082

The above table will not agree with Bradstreet, because he does not include failures for less than \$10,000. I have included all in the table given, and have added a per cent for failures compromised or settled. This constitutes the sequel to the financial policy of this Government for the past twenty-five years. Do we not want a change?

I present another picture of depreciation in agricultural products as the result of contraction:

Calendar year.	Total production.	Total area of crops.	Total value of crops.
	<i>Bushels.</i>	<i>Acres.</i>	
1867.....	1,329,729,400	65,636,444	\$1,284,037,300
1868.....	1,450,789,000	66,715,525	1,110,500,583
1869.....	1,491,612,109	69,457,762	1,101,884,188
1870.....	1,639,027,000	69,254,018	967,429,008
1871.....	1,638,776,100	65,061,951	911,845,441
1872.....	1,664,231,600	68,280,197	874,694,459
1873.....	1,538,892,891	74,112,137	919,217,373
1874.....	1,454,180,200	80,051,289	1,015,530,570
1875.....	2,032,235,300	86,863,178	1,030,277,069
1876.....	1,963,422,100	93,920,519	935,008,844
1877.....	2,178,534,646	93,150,286	1,035,571,079
1878.....	2,302,254,950	100,936,290	913,975,920
1879.....	2,437,482,300	102,290,950	1,234,127,719
1880.....	2,718,123,501	120,926,286	1,361,497,704
1881.....	2,066,029,570	123,388,070	1,470,967,200
1882.....	2,609,394,496	126,568,529	1,469,693,393
1883.....	2,629,319,088	130,633,556	1,280,765,937
1884.....	2,992,880,000	136,292,766	1,184,311,520
1885.....	3,015,439,000	135,876,080	1,143,146,750
1886.....	2,842,579,000	141,839,656	1,182,161,910
1887.....	2,690,457,000	141,821,315	1,204,289,370

Especially attention is called to the above table of recapitulation. It shows that in 1867, 65,636,000 acres in cultivation produced 1,329,729,000 bushels of all kinds of grain, which sold for \$1,284,000,000; while in 1887, twenty years subsequent, 141,821,000 acres produced 2,690,457,000 bushels, which sold for only \$1,204,289,000. That is, the product for 1867, from less than one-half as many acres and half the amount, brought the farmer \$79,711,000 more. It is impossible to charge this wholesale destruction of values to overproduction. It was a want of ability to purchase, caused by a shrinking volume of currency, and nothing else. In 1867 we had \$52 per capita of population, in 1887 we had less than \$7.

The opinion of these statesmen and economists is, that if a currency of \$2,000,000,000 (for 30,000,000 of people) be reduced to less than \$1,000,000,000 for a population of 60,000,000, so that we have but one-quarter as much money as formerly, disaster is bound to overtake all lines of business except that of the money lender.

The hundreds of thousands of debt assumed by farmers before contraction had to be paid under the specie programme. Thousands of brave men sank under the load of mortgage in despair. From a leading journal I note the following:

At the close of the war of the rebellion we had \$2,000,000,000 of debt-paying medium, and but few debts. Under the contraction policy, inaugurated in 1866, about \$1,300,000,000 was destroyed. So debts created on a basis of \$2,000,000,000 had to be paid when the volume was reduced to \$700,000,000. This was a wholesale robbery of labor, and it was brought about strictly according to law. What shall we think of such lawmakers?

In a speech delivered in this Chamber March 17, 1874, Gen. Logan referred to contraction as follows:

I will give the following tables, showing the amount of currency in circulation in the year 1865 and 1866:

	1865.	
National-bank notes.....	\$171,321,903	
Legal-tender and other notes.....	698,918,800	
State-bank notes.....	58,000,000	
Seven-thirty notes.....	830,000,000	
	1,758,240,703	
	1866.	
National-bank notes.....	\$230,253,813	
State-bank notes.....	9,748,025	
Legal-tender and other notes.....	608,870,825	
Seven-thirties.....	830,000,000	
	1,738,872,668	

Since which time contraction has gone on until the whole amount of currency of every kind now outstanding is only \$742,000,000.

At the same time he quoted the following from the Chicago Inter-Ocean with approval:

Slavery is only another name for greed. The black man was not held in bondage for the mere pleasure of ownership, but that the white man might subsist in idleness off his labor. On the strength of this supreme greed of a few thousand owners of black men all the millions of the white men of the South were wrought up to a fury of passion, pressing them forward to the sacrifice of their lives and fortunes on the altar of a false cause. What is the situation to-day? The same battle is being waged in a different field, with different weapons. In the national Senate Chamber a bitter contest is in progress by the representatives of the moneyed aristocracy on the one hand and by the representatives of the masses of the people on the other. The proposition on the part of the capitalists is to grasp and firmly hold the largest possible percentage of the profits of all the labor of the country. They want high rates of interest whereby they may tax traffic, and low rates of wages whereby they may tax labor.

By contracting the currency they secure both of these objects, for they force traffic to supplicate the banks for loans and drive labor to beggary; and as the necessities of merchants render more pressing their importunities for loans the rate of interest is advanced to cover the increased risk, and as the demand for labor declines the price also declines. On the other hand, the proposition of the people, those who live by labor and traffic, is to extend the volume of currency, thereby cheapening money, and so stimulating manufacturing and other industries into such activity as will insure employment to the laboring classes at remunerative rates of wages. No contest was ever more clearly defined. At no time in the history of our country, not even in

the history of the rebellion, has it been more evident that the interests of the many clash with those of the few.

The condition thus described has not materially improved.

The VICE-PRESIDENT. The Senator will please address the Chair.

Mr. MORGAN. Mr. President, the Senator from South Dakota is compelled, in order to engage the attention of the few Senators who are disposed to listen to him, even to turn his back upon the Chair. There are persons in the gallery who desire to hear this very able argument, if Senators on the floor will permit them to do it, but they seem disposed not to do it.

Now, Mr. President, I insist upon silence, because hereafter, when the country comes to answer this able argument that is now being made, there will be very profound silence in this Chamber and many of the seats that are vacant now will be vacant then by the direction of the people after they have made answer to this argument.

The VICE-PRESIDENT. The Senate will be in order.

Mr. KYLE. I beg pardon for turning my back to the Chair, but when, in the heat of my argument, I found my audience behind me, I turned my back instinctively upon the Chair.

For twenty years the course of prosperity has been towards the home of wealth, while 48 per cent of our population, the agricultural class, have been striving against hope to relieve themselves from an oppression the cause of which was to them mysterious. To our credit be it said that we are still an agricultural nation. May the day be far distant when this class shall cease to be an intelligent, independent, moral, directing force in our political affairs. Shall we refuse to know why these people are oppressed? Shall we blind our eyes to the fact that only about \$17,000,000,000 of the \$63,000,000,000 of our wealth is taxed, and that the farmer pays taxes on the largest share of it? Evidently some of the remaining 52 per cent of our population manage to escape paying taxes on all their property.

The oppressed and overtaxed farmers call to us for help. Our mortgage history is a tale of woe and suffering. The Goths and Vandals swooping down upon ancient Rome were not more ruthless or destructive than are the organized moneyed forces of this country. Despite the rosy tinge given to American farming by the Senator from Oregon [Mr. DOLPH] in a late speech, the Mississippi and Missouri Valleys, the garden spot of agriculture, have been under the load of mortgage for twenty years, and the future looks dark. Complete data upon this subject can not yet be furnished by the Census Department, but the following from the National Economist has been substantiated by many writers:

After a careful examination of all obtainable statistics bearing upon farm mortgages, we have selected the tables of the Michigan bureau of labor as a basis for calculations. We make that choice, first, because the system of collecting was fair and intelligent; second, because the estimates were made from actual figures; third, Michigan farmers are in a situation, so far as commercial relations and natural resources are concerned, to be as independent and as free from debt as any of her sister States. If after a fair investigation we find a large per cent of farms mortgaged in Michigan, we may look for an equal, if not greater, per cent in all the remaining agricultural States.

We wish to present the true condition as nearly as possible. After full consideration we give the following:

11 Northwestern States and Territories.....	\$2,043,300,000
13 Southern States.....	648,600,000
11 Pacific States and Territories.....	118,000,000
New England and Atlantic States.....	273,672,000

Total mortgage indebtedness..... 3,083,572,000

To explain these burdensome debts as an evidence of prosperity is to display gross ignorance of the situation. It is customary I know to speak of a growing West and the need of capital for development; but that does not explain the omnipresent mortgage in the older States. The cause is often attributed to the extravagance of the modern farmer. That he wishes to ride in a carriage when his fathers were content with the wagon. Who, I ask, has a better right to a carriage than the farmer? The prosperity of a country is largely indicated by the percentage of farmers who own their own homes and who enjoy something of the comforts and pleasures of life. In our country, however, thirty years have brought us far towards the condition of the European farmer. Here is an interesting table as showing our drift from a nation of home-owners to a nation of tenants:

Farm tenancy in 1890 and 1880.

States and counties.	Families hiring farms, 1890.	Families hiring farms, 1880.
KANSAS.		
Chase.....	35.69	19.23
Clay.....	30.16	13.67
Dickinson.....	33.18	13.08
Geary.....	29.66	15.38
McPherson.....	32.73	10.75
Marion.....	30.73	17.66
Morris.....	37.69	19.22

Farm tenancy in 1890 and 1891—Continued.

States and counties.	Families hiring farms, 1890.	Families hiring farms, 1891.
KANSAS—continued.		
Ottawa.....	Per cent. 36.86	Per cent. 9.53
Riley.....	23.55	15.83
Saline.....	30.65	12.44
Ten counties.....	33.25	13.13
(68.38 per cent above farms are encumbered.)		
OHIO.		
Adams.....	37.79	18.40
Brown.....	32.19	17.50
Butler.....	41.33	30.48
Clermont.....	36.46	21.80
Clinton.....	38.34	23.92
Greene.....	39.28	28.27
Hamilton.....	39.52	33.51
Highland.....	31.44	16.85
Preble.....	37.68	30.49
Warren.....	40.68	29.89
Ten counties.....	37.10	24.96
VIRGINIA.		
Page.....	12	12
Rockingham.....	15	11
Shenandoah.....	14	6
Frederick.....	27	19
Loudoun.....	33	28
Five counties.....	20.20	15.20
NEW YORK.		
Columbia.....	25	21
Dutchess.....	27	19
Orange.....	27	22
Fulton.....	20	14
Oneida.....	23	18
Steuben.....	21	14
Cortland.....	27	21
Genesee.....	22	16
Eight counties.....	24	18.12
MASSACHUSETTS.		
Barnstable.....	7	5
Bristol.....	19	9
Dukes.....	10	11
Franklin.....	10	7
Hampden.....	16	8
Hampshire.....	12	6
Nantucket.....	25	2
Norfolk.....	20	7
Plymouth.....	10	4
Worcester.....	13	8
Ten counties.....	14.20	6.70
RHODE ISLAND.		
Kent.....	24	19
Bristol.....	26	14
Newport.....	23	24
Washington.....	20	21
Four counties.....	23.25	19.50
MAINE.		
Androscoggin.....	7	3
Cumberland.....	8	3
Franklin.....	7	2
Kennebec.....	8	2
Oxford.....	7	3
Sagadahoc.....	7	2
Six counties.....	7.33	2.50

We might as well meet and face the facts as they are. The voice of the people means something. The agriculturists may be ignorant of many things, but they know when there is an unjust discrimination against them.

The situation to-day, Mr. President, is anomalous. We occupy the favored spot on earth in wealth of resources. Everything that is needed for the supply of man is ours. We are just in our infancy, and in that formative period of development when labor should be most richly rewarded. We have grown from a handful of people to sixty-three millions. Our wealth of eight thousand millions in 1850, and thirty thousand millions in 1870, has now reached the almost incomprehensible figure of sixty-three thousand millions. And yet we look upon the sad picture of a depressed industry, with two million laborers tramping as beggars, while women and children in rags are perishing for the necessities of life. There are reasons for these things. The poor are not all victims of ignorance, shiftlessness, and vice. They are rather victims of an economic condition.

It is an economic law that the prosperity of a nation consists not so much in the accumulation of wealth as in the proper distribution of it. Our gain of eighteen thousand millions in a decade makes us the envy of the world. But where has it gone? There seem to have been millions flowing by a steady stream into the

pockets of the favored few, while the masses are left with a bare existence. The farmer is denying himself and yet runs in debt. How is it with the day laborer? According to the labor reports of Massachusetts the average yearly wages for the employed for 1886, averaging forty lines of industry, was \$395.89. For 1887, \$396.14, or about \$1.02 per day.

In a speech delivered in Congress May 16, 1888, Hon. Benjamin Butterworth made the following statements in regard to the income of farms in some of the States:

States.	Per year.	Per day.
Ohio.....	\$394.00	\$1.08
Georgia.....	155.00	.42
Mississippi.....	379.00	.74
Illinois.....	476.00	1.30
Alabama.....	149.00	.41
Wisconsin.....	375.00	1.02

The average income of the farmers of the United States is less than \$1 a day counting three hundred and sixty-five days in a year. Mr. Butterworth also stated the average income of mechanics and laborers in different cities:

Cities.	Per year.	Per day.
Cincinnati.....	\$258.00	\$0.93
Lowell, Mass.....	231.00	.80
Chicago.....	436.00	1.20
St. Louis.....	424.00	1.17
Philadelphia.....	340.75	.95
Lawrence, Mass.....	331.75	.90
Richmond, Va.....	214.00	.60
Augusta, Ga.....	257.00	.70
Louisville, Ky.....	334.00	.93

This is not a very good showing for the remuneration of productive labor.

How far removed from starving is this? I well know the answer with reference to this, as applied to the modern farmer and day laborer, that never in the history of this or any other country has this class been so well paid. Barring certain skilled workmen, wages are low enough now. But it must be remembered that more money is used by the laborer than ever before. Time was when the farmer produced his wearing apparel and every article of food. That day has passed. The mechanic once kept his garden and other helps of a domestic kind. That day is past. He now pays cash for every article consumed by the family. It is safe to say that the demands upon the laborer are double what they were in the early days, and therefore the conclusion that his condition is not materially improved.

But how has the millionaire flourished? In 1860 there were but very few millionaires in our country. Now there are over thirty-two thousand. The matter is commented on by the Christian Union, of New York, as follows:

Mr. Vanderbilt's aggregate wealth is estimated at \$201,000,000, and there are fourteen States which separately return less property, real and personal, than this one fortune. He owns one two-hundred-and-eighteenth part of the wealth of the nation. The great estates of Rome, in the time of the Cæsars, and of France, in the time of the Bourbons, rivaled those of the United States of to-day; but both nations were on their way to a frenzy of revolution, not in spite of their wealth, but, in some true sense, because of it.—*Christian Union*, 1894.

In the November Forum, 1889, Thomas G. Shearman gives the following startling table showing the concentration of wealth in the hands of the few.

Families.	Worth.
70.....	\$2,625,000,000
90.....	1,025,000,000
180.....	1,440,000,000
135.....	968,000,000
360.....	1,656,000,000
1,755.....	4,036,000,000
6,000.....	7,500,000,000
7,000.....	4,550,000,000
11,000.....	4,125,000,000
14,000.....	3,220,000,000
16,500.....	2,722,000,000
59,000.....	5,000,000,000
75,000.....	4,500,000,000
200,000.....	4,000,000,000
1,000,000.....	3,500,000,000
2,000,000.....	4,000,000,000
9,629,000.....	7,215,000,000
13,002,000.....	62,082,000,000

Now let us put them into four great classes:

Families.	Worth.
182,000.....	\$12,367,000,000
1,200,000.....	7,500,000,000
2,500,000.....	5,200,000,000
9,120,000.....	6,015,000,000
13,002,000.....	62,082,000,000

How the immortal Webster would stare at such figures!
He once spoke of this threatening evil in this manner:

The freest government can not long endure where the tendency of the law is to create a rapid accumulation of property in the hands of the few, and to render the masses of the people poor and dependent.

Further comment is unnecessary to show the violation of just economic laws as applied to individuals. But the injustice is equally noticeable when applied to States. It is manifestly unjust that the population of one State should be compelled to "make bricks without straw" in order that the product of their labor should be used to build up the wealth of another State, even though the steady drain of wealth should be in accordance with law. I have taken the pains to figure out from the late census reports some facts upon this point, showing how the manufacturing States have been favored.

During the past decade fifteen States, comprising the great agricultural belt south of us and as far west as Texas, with a population of 22,000,000, produced in round numbers but \$1,496,000,000 of wealth.

Nine of the richest States of the Mississippi Valley, with a population of 19,000,000, were able to produce in ten years only fourteen hundred and eighty-three millions of wealth, while the six New England States, with but four and a half millions of people, produced nine hundred and six millions of wealth. Massachusetts alone, with two millions of people, produced five hundred and sixty-nine millions of wealth in ten years, while Indiana, with the same population, produced but fifty-five millions. This goes to show that either New England is a rustler or else the hard-earned dollars of the agricultural States have contributed to her wealth.

One more example taken from S. S. King's compilation from the census report of 1890: Ten Southern States, taken with five of the best States of the Mississippi Valley, show the following facts:

Square miles of area	776,480
Population in 1880	19,996,827
Assessed valuation	\$3,965,169,502

Now compare these figures with the single State of New York:

Square miles of area	49,170
Population	5,082,871
Assessed valuation	\$2,651,940,006

Now, here are the deductions:

The fifteen States here have sixteen times the territory and better soil; they have four times the population with which to produce wealth; they have one and a half times the capital in assessed valuation; and yet the fifteen States gained in wealth during ten years only \$1,117,188,213, while New York alone gained \$1,123,385,932, or six millions more than the fifteen States.

I present also the report of the Comptroller of the Currency upon the distribution of loanable funds, together with some comments by Mr. N. A. Dunning, in the National Economist. On page 234 of this report is the following table:

Table showing, by States and Territories, the population of each on June 1, 1891, and the aggregate capital of national and State banks, loan and trust companies, and savings and private banks in the United States on June 30, 1891, and the average of these per capita of population.

States and Territories.	Population June 1, 1891.	All banks.	
		Capital, etc.	Average per capita.
Maine	663,000	\$81,253,098	\$122.55
New Hampshire	379,000	95,225,832	253.89
Vermont	333,000	40,981,914	123.07
Massachusetts	2,299,000	742,651,224	323.02
Rhode Island	352,000	127,120,389	361.15
Connecticut	764,000	199,953,331	261.72
New York	6,110,000	1,663,604,173	272.27
New Jersey	1,484,000	119,766,779	80.70
Pennsylvania	5,382,000	546,337,053	101.50
Delaware	170,000	14,986,050	87.56
Maryland	1,048,000	101,096,200	96.46
District of Columbia	236,000	20,146,171	85.37
Virginia	1,670,000	42,131,055	25.23
West Virginia	773,000	14,113,894	18.26
North Carolina	1,638,000	10,602,746	6.47
South Carolina	1,165,000	14,556,233	12.49
Georgia	1,867,000	22,882,049	12.14
Florida	405,000	8,485,766	20.95
Alabama	1,538,000	14,900,568	9.69
Mississippi	1,309,000	11,754,338	8.98
Louisiana	1,137,000	35,138,019	30.90
Texas	2,304,000	65,070,737	28.24
Arkansas	1,161,000	7,607,971	6.55
Kentucky	1,870,000	86,078,682	46.03
Tennessee	1,773,000	42,835,237	24.03
Ohio	3,720,000	220,297,961	59.22
Indiana	2,213,000	71,753,885	32.42
Illinois	3,899,000	271,513,188	69.61
Michigan	2,139,000	124,332,290	58.12
Wisconsin	1,728,000	91,828,490	53.14
Iowa	1,935,000	111,961,211	57.87
Minnesota	1,360,000	102,482,170	75.35
Missouri	2,734,000	164,047,045	60.00

Population, aggregate capital of national and State banks, etc.—Continued.

States and Territories.	Population June 1, 1891.	All banks.	
		Capital, etc.	Average per capita.
Kansas	1,448,000	\$53,896,588	\$37.22
Nebraska	1,148,000	69,333,620	60.39
Colorado	440,000	40,480,478	92.00
Nevada	44,000	1,176,791	26.75
California	1,241,000	271,189,235	218.00
Oregon	333,000	17,878,204	53.69
Arizona	61,000	1,272,356	20.86
North Dakota	193,000	8,985,308	46.56
South Dakota	341,000	11,669,101	34.22
Idaho	93,000	2,588,258	27.83
Montana	145,000	20,277,490	139.85
New Mexico	157,000	4,415,963	28.12
Indian Territory	181,300	282,954	1.56
Oklahoma	115,000	480,347	4.18
Utah	214,000	15,358,062	71.77
Washington	375,000	27,859,317	74.29
Wyoming	66,000	5,373,750	81.42
Total	64,156,300	5,840,438,191	91.03

A glance at the tables submitted will show that the Eastern States are enjoying the benefits of a per capita of loanable funds ranging from \$80.70 in New Jersey to \$361.72 in Rhode Island, while the Southern States have only \$6.56 in Arkansas to \$30.90 in Louisiana. This inequality becomes more marked as the statistics of loans and currency are considered, which will be brought out further on. Its such an extent has this inequitable condition of congestion in the East and depletion in the South and West obtained as to attract the attention of many who have heretofore doubted its existence, and may lead to a thorough awakening of public interest in the matter.

It will be noticed that out of the gross amount of loanable funds aggregating \$5,840,438,191, the eleven Eastern States control \$3,737,812,013, or nearly 64 per cent, while the eleven Southern States have only \$197,041,996, or a little over 3 per cent, and the remaining twenty-seven States and Territories have \$1,905,584,182, or about 33 per cent.

The eleven Eastern States, with an area of 117,062,640 acres of land, hold \$3,737,812,191 in loanable funds, while the eleven Southern States, with 479,995,758 acres, has but \$197,041,996. Reduced to an average gives the eleven Eastern States \$31.93 and the eleven Southern States less than 4 cents per acre. These figures will be met with the statement that the East needs more money than the South, which under present conditions, is no doubt true, and because it is, furnishes one of the best reasons for a change.

That the financial system as now practiced tends to intensify this situation to the detriment of other sections is apparent to all who will give it even a partial examination. To eliminate the necessity for the West and South going to the East for money to carry on or encourage production, is one of the greatest questions before the American people.

These instances can be multiplied *ad libitum*. A depressed agriculture has rapidly driven the population from the rural districts to the cities. According to Census Bulletin 52, in 1880 but 22.57 per cent of the population lived in cities of 8,000 and more. In 1890 this had increased to 29.12 per cent, a gain of 6.55 per cent. Whereas the increase the previous decade had been but 1.64 per cent. The question is, Can these vast agricultural regions of the South and West afford the constant drain both of population and money tribute to the great commercial and manufacturing centers? By what law is this draining process carried on? It is enough to say that it is carried on in violation of the most fundamental laws of economics as applied to a well-governed and prosperous nation. It is a one-sided game. It is all contribution and no return except in this, that when we have once impoverished ourselves, the wealth once centralized, is loaned back to us at exorbitant rates of interest, a rate which in all our Western States no farming interests can afford, I care not how prosperous.

This, Mr. President, is not the cry of a small class of disgruntled, selfish farmers and laboring men. It is the voice of the best class of the Republic. None more loyal, without a trace of the spirit of envy or vengeance. Here is their declaration of grievances as set forth in the preamble of the platform of the greatest labor convention of the age, at St. Louis on the 22d of February:

THE PEOPLE'S PARTY PLATFORM.

This, the first great labor conference of the United States and of the world, representing all divisions of urban and rural organized industry assembled in national congress, invoking upon its action the blessing and protection of Almighty God, puts forth to and for the producers of the nation this declaration of union and independence.

The conditions which surround us best justify our cooperation. We meet in the midst of a nation brought to the verge of moral, political, and material ruin. Corruption dominates the ballot box, the Legislatures, the Congress, and touches even the ermine of the bench. The people are demoralized. Many of the States have been compelled to isolate the voters at the polling places in order to prevent universal intimidation or bribery.

The newspapers are subsidized or muzzled; public opinion silenced; business prostrated; our homes covered with mortgages; labor impoverished and the land concentrating into the hands of capitalists. The urban workmen are denied the right of organization for self-protection, imported pauperized labor beats down their wages; a hireling standing army unrecognized by our laws, is established to shoot them down and they are rapidly degenerating to European conditions. The fruits of the toil of millions are boldly stolen to build up colossal fortunes unprecedented in the history of the world, while their possessors despite the Republic and endanger liberty. From the same prolific womb of governmental injustice we breed the two great classes, paupers and millionaires.

The national power to create the money is appropriated to enrich the bondholders. Silver, which has been accepted as coin since the dawn of his-

tory, has been demonetized to add to the purchasing power of gold by decreasing the value of all forms of property, as well as human labor, and the supply of currency is purposely abridged to fatten usurers, bankrupt enterprises, and enslave industry. A vast conspiracy against mankind has been organized on two continents and is taking possession of the world. If not met and overthrown at once it forebodes terrible social convulsions, the destruction of civilization, or the establishment of an absolute despotism.

In this crisis of human affairs the intelligent working peoples' producers of the United States have come together here in the interests of peace, order, and society, to aid in prosperity and justice.

PLATFORM ADOPTED AT ST. LOUIS FEBRUARY 22, 1892.

Finance.

First. We demand a national currency safe, sound, and flexible, issued by the General Government only, a full legal tender for all debts, public and private; and that without the use of banking corporations a just, equitable, and efficient means of distribution direct to the people at a tax not to exceed 2 per cent be provided, as set forth in the subtreasury plan of the Farmers' Alliance, or some better system; also, by payments in discharge of its obligations for public improvements.

- a. We demand free and unlimited coinage of silver.
- b. We demand that the amount of the circulating medium be speedily increased to not less than \$50 per capita.
- c. We demand a graduated income tax.
- d. We believe that the money of the country should be kept as much as possible in the hands of the people; and hence we demand all national and State revenue shall be limited to the necessary expenses of the Government economically and honestly administered.
- e. We demand that postal savings banks be established by the Government for the safe deposit of the earnings of the people and to facilitate exchange.

Land.

Second. The land, including all the natural resources of wealth, is the heritage of all the people and should not be monopolized for speculative purposes, and alien ownership of land should be prohibited. All land now held by railroads and other corporations in excess of their actual needs, and all lands now owned by aliens, should be reclaimed by the Government and held for actual settlers only.

Transportation.

Third. Transportation being a means of exchange and a public necessity, the Government should own and operate the railroads in the interest of the people.

a. The telegraph and telephone, like the post-office system, being a necessity for transmission of news should be owned and operated by the Government in the interest of the people.

We are confronted with earnest appeals of statesmen and party leaders to refrain from independent political action. We are pointed to history to witness the folly of such a course; that it means political suicide to those who embark, with no possible hope of successful reform. But at the same moment when the money question, dear to the people's hearts, is brought to the consideration of Congress, its enemies in one party stigmatize it as a maniacal craze. While its supposed friends in the other, upon the ground of expediency, quietly lay it to rest. We are told plainly by the action of the House within the last month, that we can expect no relief from Congress, and that both parties will nominate as chief executive a man who is unfriendly to silver. We can get, they say, no relief from a third party. Now, between the two, may I ask where the people are to come in?

With all due respect to the sagely advice of such leaders, let me say that the people are not placed in such a dilemma; and that if relief be not granted, such a combination will be formed as will relegate one or the other of the old parties to the position of third in the race.

These people do not determine upon independent action unless compelled to do so. There is no glory in meeting the malicious and revengeful attacks of the partisan press consequent upon such action. And there is not a citizen of the great South and West to-day who would not unite in the chorus of gratitude, were he informed that relief from his burdens had been granted by either of the existing parties.

There is no desire for class legislation so-called, but only for justice and fair play. Can it be that the people's representatives, separated long years from their constituents, have forgotten their needs? The people are long-suffering. They are not unreasonable. Let us not turn a deaf ear to their petitions, but by just and humane laws usher in a day of prosperity for the laboring man that shall make this Republic conspicuous among the nations of the world.

Mr. MORGAN. Mr. President, I ask that the message of the President may still remain on the table. I propose to call it up myself hereafter and deliver some remarks on it.

The VICE-PRESIDENT. The message will be laid on the table, if there be no objection. The Chair hears none, and it is so ordered.

CHINESE EXCLUSION.

The VICE-PRESIDENT. The Chair lays before the Senate the report of the committee of conference, which was submitted yesterday, on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States. The question is on agreeing to the report.

Mr. PLATT. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, as published in yesterday's RECORD.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The question is on concurring in the conference report.

Mr. SHERMAN. Mr. President, though a member of the conference committee, I was not able to get the consent of my own judgment to sign this report. I simply wish to state very briefly the reasons why I did not do it.

I was very willing to provide for any legislation necessary to continue in force the existing restrictions against Chinese laborers coming to this country. The Senate bill did this, I thought, very broadly. It continued in force the old laws. It provided some penal sections to punish Chinamen coming into the country in opposition to the law, especially through Canada.

I look upon the introduction of Chinese laborers through Canada as not only an insult to our country, but it seems to me an almost designed insult by the Canadian authorities to allow a class of people who are forbidden by our laws to come here, to enter a port right on our border. They are charged \$50 for the privilege of landing on Canadian soil with the privilege to enter our country in violation of our laws. It is not courteous treatment by the Canadian authorities, and it is incidents like this which tend to create excitement all along the border and which some time or other will no doubt be the cause of great difficulty, because unfriendly legislation of that kind constantly repeated must tend to create irritation.

Mr. COCKRELL. Is there any provision made in the bill which has been reported from the conference committee in regard to Chinese being shipped in here from Canada?

Mr. SHERMAN. There was such a provision in the Senate bill, and it is retained in the conference report. The Senate bill provided certain penalties in regard to the attempt of Chinese laborers to come into our country without the right to do it.

Mr. COCKRELL. There ought to be an express provision. We can certainly stop them from coming in from Canada.

Mr. MORGAN. There is a provision of that kind, and I supposed that that print of the bill was on the table of Senators. It should be here. It was ordered to be printed yesterday.

Mr. SHERMAN. I have a copy here, which I intend to read.

Mr. COCKRELL. We have not any copy of it here.

Mr. SHERMAN. I have a copy of the conference report, which I will refer to in a moment.

Mr. COKE. I have no copy of the conference report here, but—

Mr. DOLPH. It was printed in the RECORD, and is on the tables of Senators.

Mr. COKE. I should like a statement of the changes made by the conference committee in the bill as it passed the Senate.

Mr. MORGAN. The Senator will find the conference report in the RECORD of this morning.

Mr. SHERMAN. I think I can state that there are no changes made in the Senate bill. So far as the Senate bill is concerned it is a part of the conference report. It is substantially the same, with some slight amendment.

Mr. MORGAN. Only one sentence has been changed.

Mr. SHERMAN. Yes, one or two sentences.

Mr. MORGAN. But one.

Mr. SHERMAN. But there is no material change.

Mr. PLATT. If the Senator will permit me, what is the change?

Mr. SHERMAN. I will state it all.

Mr. PLATT. I should like to ask the Senator from Ohio what the change of from six months to a year refers to in some penalty?

Mr. DOLPH. That is the imprisonment before deporting them. Not exceeding six months it was, and now it is not exceeding one year, so that for a second wrongful coming they may be punished to the extent of a year, but it may be one day or one year, not exceeding one year. It is in the fourth section of the Senate bill.

Mr. SHERMAN. It is only a change in the penalty.

Now, the objection I have to this measure is in the addition that has been made to the Senate bill, the provision of the House bill or something like it, which provides for a certificate to be taken out by every Chinaman lawfully in this country, here under virtue of our treaty and by our laws; that they shall be compelled to take a certificate of residence within one year; that they must apply to the collector of internal revenue of their respective districts within one year after the passage of this act for a certificate of residence. Then it provides:

And any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his dep-

ties, United States marshal or his deputies and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

This inaugurates in our system of government a new departure, one I believe never before practiced, although it was suggested in conference that some such rules had been adopted in the old slavery times to secure the peaceful and quiet condition of society.

Mr. MORGAN. It was also suggested that we act daily upon the same rule in regard to the Indian tribes on reservations.

Mr. SHERMAN. That is upon very different ground. The Indians are in our country, they are confined to reservations, and treaties have been made, and those treaties require them to stay on their reservations. So we are simply enforcing the treaties.

Mr. PLATT. They do not have to get certificates or be punished.

Mr. SHERMAN. No, but here is the case: If we propose now to prescribe by law, to be carried out within one year, that, say, nearly 200,000 people—I do not know that there are so many—

Mr. PLATT. One hundred and ten thousand.

Mr. SHERMAN. One hundred and ten thousand it is said; but then it was stated by gentlemen in debate here that there are 200,000 Chinamen in this country. I do not know how many there are; but that many Chinese persons must apply to our officers to get a certificate and to prove their right to obtain that certificate, and they must hold it and have it and possess it at all times as an evidence of their right to stay in this country. So we should have one hundred or two hundred thousand people, nearly all men who have to make a living by their daily labor, scattered through our country, mostly employed in the humbler occupations of life, armed with their certificates, liable to be called upon by any collector of customs or his officers, by any internal-revenue collector, by any marshal, by any officer of the United States to show that certificate, and unless he can show it or prove its loss—a thing very difficult to be done, for he must make certain proof by one white witness, although very few white men can distinguish Chinamen unless they are acquainted with them—he is liable to be deported abroad to the country from which he came or to China. The burden of proof rests upon him to show that he was here at the time of the passage of this law. He does not stand like an ordinary person presumed to be entitled to all rights and privileges, but he must prove himself the affirmative.

Mr. MORGAN. That is the law now.

Mr. SHERMAN. He must prove in the affirmative that he is entitled to stay here, and then he must produce his certificate.

Mr. MORGAN. He has to do it now.

Mr. SHERMAN. There is no certificate required now.

Mr. MORGAN. When he wants to come back here.

Mr. ALLISON. What proof must he produce to get the certificate?

Mr. SHERMAN. I will read it again. I read that portion of it, but I will read it again. It is a certificate of character:

Whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Mr. ALLISON. What proof is necessary in order to secure the certificate in the first instance? Is his presence here presumptive evidence of his right to a certificate?

Mr. PLATT. He must prove it by one credible white witness.

Mr. SHERMAN. That does not answer the Senator from Iowa.

I will read the first part of section 6, as to the first certificate:

And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence.

"For a certificate of residence"—

and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply, or—

It does not prescribe the kind of evidence which is necessary.

Mr. MITCHELL. It is all left by the bill, I infer, to regulations to be prescribed by the Secretary of the Treasury. The act itself does not specify them.

Mr. SHERMAN. The next section provides for regulations by the Secretary of the Treasury; so that practically it is left to the Secretary of the Treasury through the collector of internal revenue.

Mr. KENNA. Will the Senator from Ohio allow me to make an inquiry at that point?

Mr. SHERMAN. Certainly.

Mr. KENNA. Suppose on an application for a certificate the application be denied, is there any provision in the proposed amendment to meet that emergency?

Mr. SHERMAN. None; I have read the whole of it.

Mr. KENNA. If the application has been made, no matter if the party has been a resident here for an indefinite number of years?

Mr. SHERMAN. The Secretary of the Treasury makes the regulations. There is no provision in the law itself as to what proof shall be required of the person upon making his first application. In case of the loss of his certificate then the proof required is prescribed.

Mr. KENNA. I understand that; but he makes his application in the first instance, and if that be denied, he has no further remedy.

Mr. SHERMAN. I do not see that there is any chance for an appeal. The regulations of the Treasury Department would be the final law. If the Secretary of the Treasury or his subordinate should deny the certificate, I do not know how the Chinese laborer can get it, and he must therefore disappear within a year. Now, this is as to the proof.

Here is the treaty. We have a treaty with China, and have been in our history heretofore a treaty-observing nation, although in what is called the Scott law we did violate the treaty in an important particular. That law is continued. It seems to have been acquiesced in in a certain kind of way. At any rate it has not led to the breaking off of diplomatic relations.

Now, whether this exceptional legislation, strange as it may appear, never before introduced into our country, except in the possible cases I have mentioned, is in violation of the treaty, is the real question and the real doubt upon which I stand. I care nothing about the exclusion of Chinese laborers from our country, because I believe their habits are inconsistent with our civilization, and, as soon as we can get rid of them properly, according to the treaty, I am perfectly willing to do so. The question is now whether in the face of the language that I will read to the Senate it is our right—not our power, but our right according to the treaty—to make this exceptional legislation for people who are now here under existing law. Article I of the treaty of 1880 provides that:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

In violation of that article of the treaty we expressly provide that these people shall only have the right to remain here upon applying, on certain terms and conditions, for a certificate; that if they lose their certificate they are not to be governed by the laws as to other persons; they are here ticket-of-leave men. Precisely as under the Australian law a convict is allowed to go at large upon a ticket of leave, these people are allowed to go at large and earn their livelihood, but they must have this ticket of leave in their possession. And this is the legislation that is supposed to be in harmony and consistent with the treaty! That is the question. Now, let us go a little further.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants. And Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord; and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

We have agreed by this treaty not only that we would not discriminate against them in our legislation, but that we would permit these laborers to remain in the position of persons "of the most favored nation." I will read this clause again:

And Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Mr. MITCHELL. If the Senator will allow me, I desire to suggest to the chairman of the Committee on Foreign Relations that the very bill he has reported from his committee and which was incorporated into the House bill as a substitute for the House bill, contravenes in the most direct and positive manner the very provision of the treaty the Senator has read.

Mr. SHERMAN. I have already said that. So far as I am concerned I am not responsible, because I did not vote for it; but I have said that the United States has already violated this treaty. Is that any reason why you should violate it in another way and in a more offensive way?

Mr. MITCHELL. It is the same, it seems to me.

Mr. SHERMAN. No, it is not; it is very different. That was a case where we denied the right of a Chinaman who lived in this country and had gone back to China to return here. Under the treaty he had a right to come and go, but we denied that right. He has also the right here to enjoy all the privileges, rights, and immunities of citizens of the most favored nation, of Englishmen, Frenchmen, Germans, and all other countries. Would we, in our country, adopt a system as to our German immigrants who are born in Germany, and as to the English, Irish, Scotch, and French who come here, which would put them under the ticket-of-leave plan, and require them to show their certificates wherever they went to any officer who might demand it at any time whatever, upon the penalty of being deported to the land from which they came? Yet we do this against the Chinese.

Now, I do not think that that is in harmony with the treaty. Those who believe that we have a right to trample upon this treaty, as a matter of course can vote for this report without any compunction. They may say that we are tired of Chinese immigration here, and we may do what we please to exclude the Chinese; but with my feeling about the regard and obligation of these treaties I do not feel at liberty to do so. That is about all I have to say.

Here is Article III of the treaty of 1880:

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Here is a treaty by which China, the most populous nation in the world, agreed that the United States may exclude the class of people of Chinese that we do not want here, making a discrimination against them among all the nations of the world. But it is done upon certain terms and conditions, that in respect to those who are now here they shall be treated as all other peoples are treated; that no discrimination shall be made against them; that no mark of distinction shall be put upon them. By the terms of this bill, I think that the treaty is violated, and I for one do not propose to vote for the conference report on that ground.

Mr. DOLPH. Mr. President, I have never been a radical on the question of Chinese immigration.

The PRESIDING OFFICER. The Senator from Oregon will for a moment suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be announced.

The CHIEF CLERK. A resolution of Mr. JONES of Arkansas, relative to the President's message of February 18, 1892.

Mr. DOLPH. That I suppose will be temporarily laid aside. This question is privileged.

Mr. COCKRELL. Let the unfinished business be informally laid aside.

The PRESIDING OFFICER. The unfinished business will be informally laid aside. The Senator from Oregon will proceed on the conference report.

Mr. DOLPH. I had a great many misgivings about the Scott bill. It is not necessary now to recount the circumstance under which that measure was acted upon in the Senate. I feel a good deal about that bill, as many others have expressed themselves here, that it not only violated the treaty but was a great injustice to many Chinese persons who had come to this country under the treaty and departed from it with their certificates, leaving their business and business connections here, and who were entitled to return on those certificates, which were by that act declared void, and they were kept out of the United States. How many there were of this class I do not know. I have heard it claimed that there were some thirty thousand.

Mr. JONES of Arkansas. I should like to make an inquiry. I did not understand the request of the Senator from Oregon about laying aside the regular order.

Mr. DOLPH. I suggested that, this being a privileged question, I supposed the regular order would be laid aside temporarily until this question is disposed of; that is all.

Mr. CULLOM. This is a conference report.

Mr. DOLPH. This being a conference report. But the Scott bill became a law with my vote in the Senate, and the Senate has declared by a large majority vote that it will not attempt to disturb it. The bill reported by me early in the session from the Committee on Foreign Relations provided "That all laws now in force regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act." That continues the Scott law. Even if that law should be repealed now, the injustice which was done to many of the Chinese who

were out on certificates could not be remedied. The bill reported by the committee, and which was adopted as a substitute for the House bill, also provided in section 2:

That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country.

It then provided that if a tax or license is required of such Chinaman before he can enter such other country he shall be deported to China. The third section provided that a Chinese person arrested for being unlawfully in the country should have the affirmative to establish his right to remain. The only amendment of that section by the conference report is the insertion of the words "or the acts hereby extended;" so that the first clause of section 3 will read:

That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended, etc.

That was an omission in the draft of the section, and it was very properly inserted. The fourth section provided that when a Chinese person, after being convicted and deported from this country, returned and was again convicted, before he was again deported he should be punished by imprisonment for not exceeding six months. That has been amended so as to provide that any Chinese person who comes into this country in violation of the law may be punished not exceeding one year by imprisonment before he is deported, leaving it to the discretion of the court whether it shall be a month or a year, or a day or a year. The reason for that is that the punishment for a violation of the law by Chinese laborers seeking to enter now is very inadequate. It is simply that the Chinaman shall be deported from the country without cost to him, at the expense of the United States, and that he shall be taken back to China.

There may be cases, undoubtedly have been cases, and would be cases if the law is not changed, in which a Chinese person simply crosses the line, comes into the United States from Canada for the purpose of being sent back to China at the expense of the United States. It will be seen that that is a very inadequate penalty, and the committee of conference thought best to change the section so as to provide that a Chinese laborer might be imprisoned for the first violation. That is no unusual or unreasonable punishment for a willful violation of our laws. The fact is that the violations of our laws by Chinese laborers seeking to come into the United States are all willful. They all know precisely what they are doing. They know they are violating the law and doing an unlawful act.

The only other provision which at all affects the rights of the Chinese is the provision requiring Chinese laborers to obtain certificates. The Senate will see, in the first place, that the requirement for certificates is only on the part of Chinese laborers. We have not touched the question as to who are merchants, as to what other Chinese persons are entitled to be or remain in the United States or to come into the United States. We have only undertaken to provide some regulation by which the coming of Chinese laborers from the Canadian border and from the Mexican border into the United States can be prevented. We now have a right to exclude these Chinese laborers; the treaty gave us that right; we have legislated that they shall be excluded, and we find that it is impossible to exclude them with a land boundary line of 3,000 miles between the Canadian Dominion and the United States and our extended boundary line between Mexico and the United States. It is impossible to have a Government officer at every point along that line, and if existing laws are to be executed at all it is necessary to have some means of distinguishing between Chinese laborers who are lawfully here and Chinese laborers who come unlawfully into the United States.

The only difficulty in my mind about this provision has been as to how it would be received by the Chinese Government, and whether it would still further add to the dissatisfaction of the Chinese Government; but I have no question about its being within the treaty. I have no question about this provision for certificates being necessary in order to enable the United States to keep out Chinese laborers who are not entitled to come here under existing laws and under the treaty. In this provision the objectionable features of the similar provision in the House bill have been removed as far as possible. Practically this proposed amendment treats all Chinese laborers in the United States at the passage of this act or who shall apply for a certificate within a year as being rightfully, at least presumptively rightfully, in the United States, although the language of the provision is that they shall be Chinese laborers within the United States at the passage of the act, entitled to remain.

The only ground upon which any certificate could be refused would be that the officer before whom the application was made

had evidence to show that the Chinese laborer had come into the United States since the passage of the act and was therefore not within the United States at the time of the passage of the act and for that reason not entitled to remain. It is not likely that any certificate would wrongfully be refused on that ground, and if it were there is no doubt at all that means could be found to secure the issuing of the certificate. We have left the minor matters to be provided for by the regulations of the Secretary of the Treasury.

I think this provision is as much in the interest of Chinese laborers in the United States to-day and entitled to remain, as it is in the interest of the United States to enable them to keep out Chinese laborers who are not entitled to come in. Any Chinese laborer now in the United States is liable to be arrested to-day on a claim that he has wrongfully come into the United States from Canada or from Mexico or from some other country and is not entitled to remain in the United States; and he is liable to be tried on that charge before a judge or before a commissioner, and anybody maliciously or otherwise may cause his arrest and the trial of that question. But if he had a certificate duly issued in legal form he would be exempt from any interruption and annoyance of that kind. So the certificate would really be a benefit to him. It would be an evidence of his right to be in the United States and to remain in the United States, which he could carry with him at all times.

So the conference committee have inserted a provision that Chinese persons in the United States other than Chinese laborers may—not making it imperative upon them—but may apply if they choose for such certificates as evidence of their right to remain here, which shall be issued to them without charge.

Mr. GEORGE. I should like to call the attention of the Senator to the fact that this provision requires the certificate to be issued by the internal revenue collector.

Mr. DOLPH. Or, of course, through some deputy.

Mr. GEORGE. It does not say anything about a deputy. The internal revenue collector in the district in which I reside would live 500 miles from the Chinese person seeking the certificate.

Mr. DOLPH. The amendment requires the Secretary of the Treasury to make such regulations as will enable certificates to be issued convenient to the applicant.

Mr. GEORGE. The certificates have to be issued by the internal revenue collector.

Mr. DOLPH. They are to be signed by him. They need not necessarily be delivered by him.

Mr. GEORGE. Why was not provision made that they may be issued by the clerk of a court?

Mr. DOLPH. That matter was discussed. I suggested putting in deputies; the conferees were opposed to that, but I secured another provision which was satisfactory to me and under which I think there will be no injustice done. As to the issuing of these certificates, in the first place I say the power to require them to be obtained is not a violation of the treaty. Some system of this kind is necessary to enable the United States to keep out those Chinese laborers not entitled to come in, to distinguish between those who are rightfully here and those who are not rightfully here; and therefore I think we are not violating the treaty by making such a provision. If I thought so, I would not vote for the bill, because I would not consent to any further legislation that I thought was a violation of the treaty.

Then I think, as I say, that it is quite as beneficial to the Chinese laborers themselves that they shall have these certificates as evidence of their right to be and remain in the United States undisturbed as it is to the United States to enable them to prevent the coming of Chinese into this country.

The only other question is as to what provisions are necessary to secure the issuing of these certificates and to create no hardship or injustice to the Chinese laborers here. We have provided that they shall be issued without charge to the applicant. We have given the applicants one year in which to secure them. We have provided that the Secretary of the Treasury shall make such regulations as will provide for the issuing of certificates convenient to the applicants.

We have made the provision as liberal as possible. Instead of allowing one of these Chinese laborers who were in the United States at the time of the passage of the act to be brought up from spite by anybody, we provide that he may be arrested by certain officials, and instead of allowing him to be tried before any local commissioner in any county, we say he shall be brought before a United States judge, who it is presumed will not in his decision be governed by prejudice, but will undertake to do what is the proper and right thing to be done under the circumstances. Then we provide that if brought up at the expiration of a year, if he has neglected the duty of getting this certificate, and if he shall show that by reason of accident, sickness, or unavoidable cause he has not a certificate, and does show by one white witness that he was here at the time the act was passed and was en-

titled to a certificate, the certificate shall be issued to him. Then we provide that if he has had a certificate and is arrested and alleges he has lost it, the case shall be delayed and he shall have an opportunity to send and get a duplicate of it.

Mr. COKE. Will the Senator permit me to make a suggestion?

Mr. DOLPH. Certainly.

Mr. COKE. I suggest that as it requires one credible white witness the requirements will exclude from the witness box a very large number of citizens of the United States who are not white. I desire to ask if it was the intention to exclude them?

Mr. DOLPH. I think the intention of the conference committee was to provide a witness who should not be a Chinese witness. I presume that was it; the use of the word white was accidental. It was copied from the House bill, but I do not think any harm can arise from this provision, because all the Chinese in this country are employed by white people. If they are employed as servants there will always be some white person who can identify them. If they are employed upon public works or in large bodies, then they are always connected with some Chinese company; they are registered; the company knows just who they are, what they are doing, and what wages they are receiving, and has an interest in their wages.

Mr. KENNA. I ask the Senator if the language of the bill would not exclude the colored population as witnesses?

Mr. DOLPH. I say it was not the intention to exclude colored persons, but to provide that one witness should be some other witness than another Chinese laborer.

Mr. KENNA. I do not ask if that was the intention; I ask if that is not the express meaning of the proposed statute?

Mr. DOLPH. It would exclude colored witnesses; there is no question about that.

I do not care to say anything more about this report, and I would have preferred myself the Senate bill without amendment. I have agreed to these amendments of it, because I think they are not in violation of the treaty. They are not any serious hardship upon the Chinese. The provision will really be beneficial to the Chinese laborers, giving them a certificate as evidence of their right to remain in this country.

Now, my friend from Ohio [Mr. SHERMAN] says we are introducing something new; that we are requiring something of the Chinese we do not require of people of other countries. Well, we introduced something new when we provided that Chinese laborers should be prevented from coming to this country. There was the innovation. If we should provide that Italian laborers or certain classes of Italians should not come to this country, it would probably be found necessary that we should give those who are here and were entitled to be here some evidence of their right to remain here in order that we might distinguish them from those who had not a right to come. I say the departure was when we undertook to exclude Chinese laborers, not in attempting to give them evidence of the right to remain or requiring them to procure evidence of the right to remain here in order that we may distinguish them from those who have not a right to come. We have discriminated against Chinese laborers. We have entered into a treaty that we might exclude them from the United States. We have legislated for their exclusion from the United States. Having done that, it is necessary for us to adopt some practical means to determine what Chinese laborers here are rightfully entitled to remain, and the necessity for this legislation arises from previous legislation and previous treaty stipulations.

I have not a doubt in the world that there will not be a Chinaman in the United States who will not understand within sixty days after this act is passed what is necessary. I do not believe at the end of the year there will be any Chinese laborers in the United States found without a certificate. As I said before, they come to this country by some arrangement with Chinese companies, the Six Companies. They are registered here by them; they are hired out by them; their wages are collected by them; their money is deposited with them, and their connection is such that the Chinese companies will at once see that the clients of their companies, the Chinamen who are attached to their companies, take the necessary steps to obtain the certificate.

While making the provision as liberal as possible, of course the committee were desirous that they should not make it so liberal that frauds could be practiced and those obtain certificates who are not entitled to them, and the certificates used to bring other persons into the United States.

This report is the agreement of the conference committee, and I hope it will be adopted, as but two days more remain for any legislation on the subject. I suppose on the morning of the 6th the present legislation will expire.

Mr. MORGAN. Mr. President, the bill that came over from the House of Representatives failed to notice the distinction be-

tween Chinese laborers and other classes of Chinese whose right of admission into this country was provided for in distinct articles of the treaty of 1880. That bill, as I understand it, and I think everybody understands it the same way, applied equally to Chinese laborers and to Chinese scholars and merchants coming into this country.

The Senate Committee on Foreign Relations offered a substitute, which was merely an extension of the laws now on the statute books without any amendment or improvement or alteration at all. Several amendments were passed upon here in the Senate, rather *pro forma*, however, but doubtless for the purpose of bringing the subjects before the conference committee. When the Senate passed the bill, it did not wait for the usual formula of sending it to the other House for the purpose of ascertaining what the other House would say about our amendments, but we immediately asked for a committee of conference. The other House acceded to that request, and the bill went at once to a committee of conference.

So in the other House there was no chance at all offered, nor did the Senate tender to the House any opportunity really, of debating those amendments which were brought into the Senate by various Senators, or of debating our propositions. The papers are here, and we are acting now regularly on the order of the Senate upon this conference report. That would not have been the case, however, if we had not insisted upon our amendments and asked for a conference in this body, which carried the subject before this committee of conference.

I felt authorized, therefore, as a member of that committee, to have a full and free conference upon the whole subject of the legislation upon the Chinese question as far as it has been suggested by amendments offered in the Senate to the substitute which we passed, and so far also as it was suggested in the bill which had passed the House, which we rejected because it had those repugnant points which constituted the real issue between the two Houses which the conference committee of the two Houses were required to act upon. So we acted upon the whole question. The House concurred in the action taken by the Senate with a very few verbal changes which the Senate committee themselves all, I believe, insisted upon, for the purpose of making the legislation as it now exists on this subject on the statute book a little more explicit, definite, and easy of understanding. Thereupon, the House brought forward several proposition. For what purpose? Not for the purpose of including Chinese scholars or merchants within the purview of our legislation at all, but for the purpose of making legislation with regard to Chinese laborers more specific and more beneficial to the people of the United States. This report now predicated upon that idea, adopting the Senate substitute with the amendments I have suggested, is in conformity with the existing treaty with China as far at least as the present law is in conformity with the existing treaty, and maintains a distinction between Chinese laborers and Chinese merchants and scholars in article 1 and article 2 of the treaty of 1880, and perhaps article 3.

Now, Mr. President, what is the state of the law as to the right of Chinese laborers to come into this country? That we have adopted again; we have acted exactly in concert with the view of the Senate upon that proposition; we have adopted all the existing law, and we have added something to it. The state of the law, as I understand it, is that a Chinese laborer may still come to the United States, but that, after having been here and gone away, when he wants to return to the United States he is prohibited. The act which amended the previous act on that subject, the Scott act, prohibited the issue of certificates authorizing the return. There can not be said to be anything in the treaty between the United States and China which permits the free ingress and egress of Chinese laborers to this country according to their will and pleasure. In that respect the Chinese laborer is discriminated against in the treaty itself. I will read now to show that I am correct about that.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

That is one class. See how broad the powers are of the Government of the United States, with the consent of the Chinese Government expressly stated in article 1 of the treaty of 1880.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded

all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

The House of Representatives did not respect the second provision, but undertook to include all Chinamen within the same provision that applied to Chinese laborers. To that the Senate dissented, and the conference committee bring in a report here which establishes the vote of the Senate upon that proposition.

Now, as to what amounts to an absolute prohibition of the introduction of Chinese laborers into this country, of course the courts must pass upon the law which we enact, to say whether or not it is an absolute and perpetual prohibition in law that we may enact. We have not intended nor indeed have we enacted any law for the perpetual prohibition of the coming of Chinese laborers into this country, but we have enacted laws for the suspension of their coming, and, inasmuch as there is no definite time fixed in the treaty which shall be considered reasonable as the time for the suspension, our will on that subject has to be observed, and Congress has the right to express it, and has done so in laws that are now on the statute book. Now, then, how far may we go in this matter of suspension? We may go to the extent of prohibiting Chinese laborers from coming here if they "endanger the good order of the said country or of any locality within the territory thereof."

That is a question that Congress must settle, and it depends upon the character of the people who come here. If they endanger the good order of this country or of any particular locality thereof, and we have the right to judge of that. It does not depend upon whether our people are going to treat them well or treat them ill, or whether they have a prejudice against them or whether they have not, but if they have got a prejudice against them, this treaty does not propose to break it down by any means.

The Senator from Ohio [Mr. SHERMAN] mentioned Frenchmen and Englishmen as presenting a somewhat parallel case to the Chinamen. How can the Senator afford to make such a remark as that in regard to the parallelism between these races, when the treaty itself expressly puts it in our power to suspend their coming here for any time that we see proper, and puts it in our power to protect our country against them as a class—not as individuals merely, but as a class—because they may endanger the peace and good order of the country or any particular locality thereof?

Mr. SHERMAN. If the Senator will allow me, my remark applied only to the third clause there, which expressly gives to these Chinese laborers the same rights, privileges, and immunities as citizens or subjects of the most favored nation. I spoke, therefore, of Englishmen and Frenchmen and the people of other countries as furnishing the guide of the immunities and privileges that were meant to be granted by this treaty to Chinamen.

Mr. MORGAN. Mr. President, the Senator was never more mistaken in his life, if he was ever mistaken in his life at all—

Mr. SHERMAN. Often.

Mr. MORGAN. Than in the quotation of this treaty.

Mr. SHERMAN. Read the third paragraph.

Mr. MORGAN. I read the third article:

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

But what are they entitled to by the treaty?

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights—

That is, the treaty rights given now—

all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Now, the Chinese laborer has not any of that privilege at all. The Chinese laborer is excluded from that privilege by the express terms of this treaty. Of course, when he is here the Government engages that he shall be treated with ordinary humanity, as it engages that everybody else shall be treated with ordinary humanity, because this is not a barbarous government, and we confess that in this treaty, if a confession of it was necessary at all. But I maintain that upon the law of the United States as it stood on the day of the enactment by the Senate of this bill no alteration has been made except an alteration which makes the law a little more particular in its expression to remove some doubts about it.

Then the committee, having got on this basis, and being entirely in accord with the treaty and entirely in accord with the public policy as pronounced in our laws, went on to add some provisions to this bill for the purpose of enabling the Government of the United States, with less expense and with more cer-

tainty, to control the immigration of Chinese laborers into this country, because this statute we report here now, this act we propose that Congress shall adopt, is confined entirely in its operations to Chinese laborers. We have the right under article 1 of the treaty of 1880 to regulate, limit, or suspend the coming or residence of Chinese laborers in the United States, as, for instance, we could set apart for them, as we have for the Indians, a territory or reservation, where they should not break out to contaminate our people, if we chose to do it. We have as much power over them to colonize them in reservations as we have over the Indians. Perhaps we can not force them on any particular State of the American Union against its consent, but wherever Congress has exclusive jurisdiction it may limit and regulate not merely the coming but the residence of the Chinese.

The Chinese are now here to about the number of 200,000. That is just about the number of our Indian population. The Indians have been here for ages. They were the owners of this country in its primeval state; they have been savages, though they are now taking on the habiliments of civilization with wonderful rapidity and grace and success. We deal with them, though they were the original sovereign lords of this country, sometimes as prisoners of war, but always as prisoners, confining them to their reservations, prohibiting the white people from trading with them, regulating their contracts, preventing them from leaving their reservations, and when they have escaped from the reservations we send our bodies of troops after them to capture them by military force and take them back—an act of war really, done by the military.

We treat them according to the exigencies of the situation for the purpose of maintaining the peace and good order of this country and for the purpose, as far as we can, of benefiting these Indians by civilization; but when the Chinaman comes here he is not as good a man as the Indian; he never was, and never can be; he has not got it in him. We reserve to ourselves the right by treaty to deal with him, as we do not have the right and never had the right and have never pretended to assert the right in respect to any other people in the world. Our powers guaranteed by the treaty with China with their express consent are very peculiar and very broad. The fact is that they are discretionary, within the limits of this sphere where we may properly act in respect of them.

Now, we say to these Chinamen who have come over here, "We can not distinguish between you and another Chinaman that came in yesterday from the British Possessions or from Mexico; we have no means of identifying you; we find, after long experience and patient effort that you are positively not to be relied upon when testifying upon the stand in court." It is too great a challenge upon human credulity to require any judge or magistrate to believe what a Chinaman swears in the interest of himself or another Chinaman. That is the experience of our people. Is that to be set aside in legislating in regard to them? Are we to say that, after all, a man should be allowed to testify and he ought to be believed? We do not say that he shall not testify in his own behalf and he shall not have Chinese witnesses, but that he shall have one person of another race known to us to identify him, and, if he has been here in accordance with the treaty and has not come in surreptitiously from the British Possessions or from Mexico or from any other part of the world, he can always have his witness. There is no trouble about that at all.

Now, then, in regard to the ticket of leave that the Senator from Ohio seems to be so sensitive about, that a man in the United States shall go about with a ticket of leave in his pocket—Why, when the Indian chiefs come down here to consult with the Government they first have to get leave from the Department of the Interior to come and consult with the Government of the United States or to see the President, the Great Father. This Indian baby is not allowed to see his Great Father unless he has got leave obtained beforehand, and he may be pursued as a renegade from his reservation if he dares to come here even to exercise the sacred right of petition to his Great Father. The Indian does not feel ashamed to have that permission. The Chinaman need not feel ashamed to have that permission.

Why, in China, Mr. President, a man has to take out a license to beg. He gets it from the Imperial Government, and begging is done in China by certain families and certain classes of people who regard it as a very important privilege, and no other man is allowed to beg except one who has got a license to beg. The Chinaman gets a ticket of leave to beg in China. Is he going to be disgraced in the United States by having a ticket of leave which identifies him as a man who is entitled to the benefits and privileges of this treaty and of enjoying the blessings of this great country, even in the moderate degree which a Chinaman can enjoy them? I do not see anything in that which is sentimental in the proper sense of the word. I think it is a misapplication of sentiment by the Senator from Ohio.

No, sir; as the Senator from Oregon [Mr. DOLPH] well remarked, there can not be a better protection for an honest Chinaman—if there are such, and I suppose there are—for a Chinese laborer in the United States than to have had himself identified by the proper judicial functionary or other functionary described in this bill as a man who had come here in pursuance of the treaty, and was entitled to remain here. When he has that he can go from Alabama to Maine or from Florida to the State of Washington without the fear of being interrupted by anybody, because when he holds that paper no private individual can arrest him or make complaint against him. He can only be arrested, after he gets that paper, by the action of some qualified Government officer. That is a very great privilege and benefit, and a great security to a Chinaman. He is not liable to be called in question in every county or every State he may choose to visit after he gets to the United States. It gives him a large liberty of circulation, and a cheap one. Being a cheap coin he circulates freely, I believe, but not exactly to the exclusion of everybody else.

What is there in that which ought to lead us to reject this proposition of the House? The House said, "unless you make a provision of law of this kind we can not keep the Chinaman out; you may station upon the frontier of the British Possessions and Mexico more men than we can afford to pay, and yet the Chinese will evade them and come in here, and after they have got in here, you might as well undertake to identify the first grasshopper that jumps over the Kansas line in the West as a Chinaman." You can not do it. We have tried photographs, certificates, descriptions, and all manner of things, but we can not do it.

There must be something done now to eliminate from the body of the Chinese who are here those who have a right to remain and those who have not, and send those who have not the right to remain under our existing laws, not changed at all, back to China. That is considered by some as a very great hardship. I do not know why a man should object to being sent home, unless he wants to be sent somewhere else. If you send them to the British Possessions they will charge \$50 head-money for every one sent there. If you send them to Mexico they will not stay there. The climate is so rarified upon the great table plains of Mexico that the Chinaman can not work there, and the coast lands are so little cultivated or so little improved that there is very little for the Chinaman to do, and Mexico is not a favorite country for them to resort to; otherwise they would find employment and stay there, and would not come here.

So, our legislation in regard to the Chinaman is not very peculiar after all. He is a peculiar sort of man. The Hawaiian Government prohibits him from going there amongst the aborigines. A man can not go from China, and now from Japan, unless he comes by the command of the Hawaiian Government, and the Hawaiian Government ascertains how much labor is necessary to be performed and sends to its consul a list of the subscribers to the roll of laborers that are required, and says to him "Go and get so many and send them here to us." They are brought to the Hawaiian Government and they are inspected, and when inspected and found to be all right, not to have the leprosy or some other thing of that sort, they are doled out amongst the subscribers to this roll as laborers, and allowed to stay so many years.

Every single one of the Polynesian group of islands and all the Australian system exclude Chinese absolutely, excepting the Fiji Islands—I do not know whether they want to eat them down there or not. The people of the great southern Pacific commonwealths, as we may call them, have laws that forbid the Chinese to come in. The people in the British possessions permit them to come there, because, when they get tired of them, Great Britain does not halt much about a matter of that kind, but she treats them like she does the Hindoos, or these black people in an island down there virtually under her jurisdiction, harnesses them up and sends them off to some other place. Great Britain makes a tremendous splutter and outburst against slavery and the slave trade, and yet practices it every day in the year in one form or another. Great Britain was at the foundation of the coolie importation that distressed our people so that we had to enact statutes against their coming here before we ever had a treaty with China on that subject at all.

Now, I ask what harm have we done, what new impediment have we imposed upon the Chinaman in regard to his coming here? None at all. We say simply that a roll shall be made, each man shall be described on that roll, a certificate shall be given to him, and he shall have a year within which to obtain it, and then we provide that the Secretary of the Treasury shall make regulations so as to make the registration of these Chinamen, their reenrolment, and certificates to be given to them. That is a matter of convenience. The Senator from Mississippi [Mr. GEORGE] said sometimes it was 500 miles from some points in his State to where an internal-revenue collector could be found.

The same holds good with regard to the district courts, per-

haps. I know it does. But a Chinaman who has come 20,000 miles to get a foothold in the United States need not complain much about having a year within which to go 500 miles to get his certificate. Then the Secretary of the Treasury must make regulations to make it convenient for the Chinaman to do it. He must sign the certificate. Why so? If you did not require the collector of internal revenue, some responsible man, to sign these certificates, and make a register of them in his office, you should find that deputy marshals and deputy collectors, and the like, would be selling them from \$50 to \$100 apiece to Chinamen all over the country. That regulation was put in to protect the Chinaman and ourselves against the abuse of the law.

Why did we require the Secretary of the Treasury to make regulations? So that it shall be conveniently done and the application shall be conveniently made; and whenever that application results in a certificate it must be signed by the collector of internal revenue. Then we have a responsible man to account to us for what he has been doing, and no other certificate will do. I concur fully with the Senator from Oregon that it is a provision in favor of the Chinaman which confirms and settles and fixes his right in a definite way, so that nobody is going to dispute it afterwards.

Now, we found this state of affairs in the committee—

Mr. ALLISON. Before the Senator leaves this question, I will state frankly one matter that troubles me respecting this particular provision. Must not the Chinaman affirmatively show before the collector of internal revenue that he was in the United States at the time these several laws were passed, and is not that a judicial function?

Mr. MORGAN. We could not conveniently change that without going back and recasting the statutes upon the book having made provision for that, but we thought, inasmuch as there had been various judicial decisions upon this question, we had better let it stand just at that, that we would not undertake to recast the statutes, and we could not and did not do it without providing for cases of an exceptional character.

There is more than that in this matter. We are trying to prevent four or five thousand Chinamen from landing in four or five days, who are hovering about and trying to break in like the boomers. We do not want to have the Pacific coast boomed by Chinamen, and we have left the matter in such form as that Congress can go on with deliberation and improve these laws. That committee could not undertake to do what the Senate had declined to do, formulate entirely a new system of laws upon this question.

That was one of the very points we had in the Committee on Foreign Relations, that we had legislated and there had been a judicial ascertainment of the rights of the Chinese and the Government upon the statutes as they stand, and therefore we would not undertake, as the House undertook, to make an entirely new system, *de novo*, but that we would take the system as it stood and we would adopt it to that extent—the Senate said for ten years and the House Committee insisted, as I was about to state, that the system was a failure, that there were thousands of cases, perhaps running up to the tens of thousands of cases, where Chinese had been questioned as to their right to land in the United States and where bail had been taken by the judges or magistrates in advance of the hearing of the question of the right, and that the dockets became so choked as that they could not handle the question at all. The bail given was straw bail, for it might be Chinese or not, and the law proved ineffectual for the want of certain provisions regulating the conduct of the judiciary.

We took the ground, and it is ground that holds good throughout the United States and England, that upon the doctrine of habeas corpus, that is to say, the writ issues to the man who has the custody of the party petitioning, and he remains the custodian, bringing the body of the man before the court to answer to the accusation, and he remains the custodian unless the court sees proper to change it. Acting upon that now, we say this: The court shall not change the custody of the Chinaman on board his ship so as to make it necessary under our system of jurisprudence to admit the man to bail pending the investigation. We prohibit that. We leave the man exactly where he was when he arrived within the waters, we will say, of San Francisco Bay, and had never put his foot upon land. His right has been questioned in San Francisco by the collector of customs or some one else, and the collector of customs says: "I can not permit you to land here; I will not permit you to land upon this coast at all." Thereupon the Chinaman sues out a writ of habeas corpus.

What does he say? Not that he is in the custody of the United States, but that he is in the custody of the captain of that ship, and must be obedient to his order. The writ, therefore, runs to the captain of the ship, "Bring your man here and let us see whether he is entitled to land or not under the laws of the United States." When he comes before the magistrate he asks

for bail, and the magistrate says, "No, I shall not admit you to bail at all; I shall not change your custody; go back to your ship; you are not suffering any; you are as well off as you were on the voyage; go back and remain there until we can decide this question." There is nothing unlawful, nothing uncommon, nothing strange or unusual about that proceeding. That is exactly in conformity to the practice of the common law in England and in this country.

But what effect does it have upon the captain of the ship before he loads up his ship on a speculative voyage? There being thousands of Chinamen ready to rush in over our borders, he will be very careful to know whether he has got them on board his ship, and when he gets in the bay of San Francisco, if he is not permitted to land them he has a very large contract on his hands to take care of them. There is no provision in this bill that will have so direct and excellent an effect upon Chinese illegal immigration as that. It meets the evil so far as that is concerned.

That having been met, then we have the only other difficulty as to Chinamen coming in, not on the ship where we can stop them, but breaking over the line of Mexico or British Columbia. That we provide for in the certificate.

The question is raised here whether we do not put a criminal attitude upon a Chinaman the moment he undertakes to land in the United States and compel him to move out of it. Yes, we do. The treaty does that when the treaty limits his right to come here, and does not give him the full right and privilege of landing on our shores. He comes claiming a privilege, but not having it under the treaty absolutely, and he must show that he falls within the meaning of the treaty and of those laws that we have passed to carry the treaty into execution.

In doing that the onus of proof is always upon him, and that is all that we require of him now when he is found here, having come in some way or other, we do not know how or when or where. We say to him, "Establish your right to be here at the time of the passage of this act, and, if need be, and if the courts so hold, at the time of the passage of a former act—the Scott law—establish your right to be here according to the judgment of the court, but you must establish that." It is not for the Government to show that he has come here improperly, for, if the Government had that duty imposed upon it we never should be able to discharge it with any justice or equity.

Mr. ALLISON. Does he not need to establish that before the collector of internal revenue if the collector of internal revenue says he is not here properly?

Mr. MORGAN. Well, we can confer quasi judicial powers upon any executive officer who has it in charge to execute a treaty with foreign people. It is not a question of the application of our laws to a crime defined in our statutes, for the coming here of a Chinaman is not a crime within the meaning of our statutes. It is a prohibition upon his coming, and we have a perfect right to confide the decision of that question to an executive officer as well as to a judicial officer.

Mr. GRAY. May I ask what trouble there would be practically in committing that duty to a United States commissioner or to a district judge even?

Mr. MORGAN. The difficulty in that case would be this: A United States commissioner of course has no such jurisdiction.

Mr. GRAY. We can confer it upon him.

Mr. MORGAN. We can confer it upon him, and if we did it would be as a judicial officer, and he would have to exercise his jurisdiction in a judicial way. The Chinamen under our Constitution would have the right to come in and demand a trial by jury, and we should never get through.

This is not, Mr. President, the execution of any feature of our system of jurisprudence. It is a mere feature of our system of political relations with foreign countries. That is all. I want to keep it within that purview; because I do not want the Chinaman to come here and claim the benefit of the Constitution of the United States, indictment by grand jury, trial by jury and all that. I do not want that, and I have no doubt at all about our right to do it.

We have the right to entrust this power of excluding them to the collector of customs at the port of San Francisco or to any collector of internal revenue or any person upon whom we choose to confer this authority and who belongs to the executive branch of the Government, for he is merely executing the law after all. He may have to decide what a man's rights are under it, but that is a political question, and always was and always will be as between us and people who are seeking our shores.

Mr. President, it is about time that the people of the United States had begun to understand this matter, for there is an influx of population into this country from other quarters that we have got to handle, and we can not help it. We already exclude diseased people, criminal classes, paupers, and the like. When they come to our shores we do not wait to have a man tried by

jury here to see whether or not he is diseased, or whether he is a criminal, or a pauper. We give to the Commissioner of Immigration the right to say, "Go back home on that ship." We have absolutely, unequivocally, and unappealably the right to do that, and we are obliged to do it.

As to these foreign immigrants, or intruders, if you please to call them such—and I do—if we are to come down to extending to them all the rights, privileges, and benefits of American citizenship we may do very wrong.

Mr. GRAY. May I ask the Senator whether, under the terms of the conference of power upon the United States Commissioner, it would necessarily involve the right to a Chinaman of trial by jury?

Mr. MORGAN. Well, if we make his coming here a criminal offense and withhold a certificate, as we did once in the case of a lawyer in Missouri and one in Arkansas, and punish him in that way, without giving him the right of trial by jury, we deny to him a privilege guaranteed under our Constitution to every human being, provided he is in a shape to avail himself of it.

Mr. GRAY. We do not bring him before a commissioner charged with an offense, but to ascertain what his status is under the treaty and under the laws of the United States, precisely—if the Senator will pardon me for a moment—as we confer upon judges of the United States district courts and other courts, the right to grant naturalization to an alien.

Mr. MORGAN. Mr. President, I have had an experience with United States commissioners which satisfies me that they ought not to be intrusted with high judicial powers. I could take the Senator's mind back over the records of my own State that would show him that the man who is least to be trusted of any United States official is a commissioner of the United States circuit court.

Taking now the facts of the case as proving what I say, I do not find in United States commissioners any particular guaranty of fidelity either in the method of their appointment or anything else connected with the administration of the laws of the United States. They are, I think, a sort of abnormal class, and it would have been very much better if the Government of the United States never had one, but had allowed the local justices of the peace in the different States to do what they have done many times with the sanction of the Supreme Court of the United States—take into consideration offenses and offenders against the laws of the United States. They are a class of officials appointed by the circuit judges, who very often do not know anything about the men they appoint, who go wandering over the country collecting fees from the people and making cases.

There have been ten thousand cases made in Alabama for the mere sake of getting the Committee on Appropriations here or the Department of the Treasury to make allowances to them. Millions of dollars have been taken from the country by these people, and I am not in favor of it. I would not depart from the method prescribed in this bill for the mere sake of getting the case within the jurisdiction of a United States commissioner. I might as well say any other class you may mention, but not for them.

We have got just as good a set of officers in the internal-revenue service as we can get, but those officers have not any judicial power. Applications may be made to this class of officers, but the collector has to pass upon them.

I think this is a good bill. I think it a very much better bill than we passed through the Senate. No harsh hand is laid upon the Chinese in what the House is contending for. Why do we have it to do? Because the House has resolved that there must be some relief.

While back I was a little doubtful whether or not, after all, the people of the Pacific coast wanted as much relief as they have been claiming here. But my doubts are all removed. As a Southern man I could see why they did not want these Chinese. We have had troubles with a foreign race in my own State, God knows. I may not be able to outlive it, nor my great-grandchildren perhaps. I do not want to see the country involved in strife with a nation with which we can not mingle on a plane of social equality. I want to keep the Chinese out of the country, and the more I have heard from the members of the House of Representatives and Senators from the Pacific coast the better have I been convinced that we ought to do something, and do all we can with a decent respect for the treaty obligations we have with China, to keep these people in check, to control them.

We are not responsible for the morals of the Chinamen who come here, or for their manners, or for anything connected with them. They come here in such shape that we have to deal with them by laws that would not be applicable to our own people—laws that are very similar to those which are applied to the Indian people of this country.

Mr. DAWES. Mr. President, I find it impossible to come to any other conclusion than that the provision under discussion here is in direct conflict with our treaty obligations to China,

and therefore, however much I may desire to go with the Senator from Alabama [Mr. MORGAN] in securing proper legislation that will restrain or diminish the evil we all admit, it seems to me it is so plain a path through the modifications of our treaty to accomplish more efficiently the end we all have in view, that I can not myself vote for this report.

When we impose a duty upon a Chinaman here that we impose upon no other foreigner here, when we do not treat him as we do other foreigners, and when we attach to the nonperformance of a duty a penalty, and require him to depart from the country unless he performs that duty which we attach to no other foreigner, I do not see how anybody can say that we suffer him to come and go of his own free will.

Mr. MORGAN. He has not that right under the treaty either as a scholar or as a merchant.

Mr. DAWES. The language of the treaty is in these words:

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Mr. MORGAN. That is after they come in here.

Mr. DAWES. It seems to me that when we subject citizens of another nation to carrying about in their pockets certificates and descriptions or tags that shall contain their names and a description of their persons, very much as we in Massachusetts place tags upon some animals, we violate this provision that exempts everybody else from that indignity, if you may call it such. And when we attach a provision that if they do not do that they shall be sent out of the country I am quite sure they do not come and go freely. That is my objection to this provision.

I see the need of a remedy in this respect. I believe that the State Department and the Chinese representatives can sit down in a moment and relieve us of any unnecessary obligation to treat these men just as we do others. But we are bound to treat them, as I understand, just as we treat other citizens and subjects of foreign nations; and I always contend that we are just as much bound to our hurt as to our advantage.

I do not desire to debate this question in the Senate, but I think the yeas and nays should be taken, and I move that they be ordered on this question.

Mr. VEST. Mr. President, I want to say a word in reply to the Senator from Massachusetts.

Mr. DAWES. I make that motion.

The VICE-PRESIDENT. The Senator from Massachusetts demands the yeas and nays, and unless objection be made they will be ordered.

Mr. VEST. We have no laws upon our statute books applying to immigrants that are domiciled in the United States such as apply to the Chinese. In our legislation we have always treated people as *sui generis*, and I am not troubled with the argument made here in regard to the violation of treaties. The Government of China recognizes the fact that there is a necessity for precaution on the part of the people of the United States.

I had occasion when this bill was pending in the Senate to allude to a communication in the North American Review from our late minister to China, Mr. Young, and I see that he has supplemented it since with another communication in the same periodical, in which he asserts that the Chinese Government had no sort of argument to make against the people of the United States taking care of themselves against the enormous population of that country which threatens to flood our shores, and that all that the Government of China requires is that the Chinese shall be treated respectfully in that legislation, that they shall be consulted in regard to it; but they recognize the danger, and it has already come, not from the Government of China, but as my friend in front of me has said, by the greed and avarice of English merchants who organize companies for the purpose of making money out of the transportation of these people to the United States.

No such state of things has ever existed in regard to any other people as between those of the United States and China. I happen—and it is very pertinent in this discussion—to find on my table a copy of this morning's New York World which contains an exemplification of the feeling of these people in regard to coming to the United States and the danger that threatens the people of the Pacific coast. Here is the article, headed "Two off-smuggled Chinamen." The article is illustrated by their photographs, and one of them is named Chu Ah Lin, and the other is named Chu Lin. The article goes on to say that upon being arrested by the police they had with them their \$50 certificates for going into Canada, but they persisted in coming back into this country, and this was their second arrest. One

part of the article is quite amusing and very significant. The inspector who made the arrest says:

We had an amusing case of the same kind at Buffalo a few months ago. We caught a Chinaman who had been smuggled in, and put him on the ferry-boat that plies between Buffalo and Fort Erie, Canada. He had no head-tax certificate, and claimed that he had no money. When he got to the Canadian shore the authorities told him he could not land until he gave up \$50. He was ferried back to the American shore, and the authorities there would not let him land. He traveled back and forth across the river all day long. By night he was sick of it and produced \$50 from a belt around his waist and turned himself loose on Canada.

That is the sort of population that comes here from abroad, people that come here without a single sympathy with the American people or with the objects of our Government, and who persist, in the face of all the legislation that we can enact, in forcing themselves unlawfully into our community.

I have no disposition to violate treaties, Mr. President, but I believe that self-preservation is the first law of nations as well as of individuals, and I believe the evidence to be overwhelming that, unless some such legislation as is now pending before us, and even more stringent, shall be enacted, we shall witness in this country an inundation of these people so enormous and so terrible that legislation at last may be too late.

Mr. FRYE. Mr. President, I simply want to present another picture in contrast to the one given by the Senator from Missouri [Mr. VEST] from the newspaper.

I stopped at Rock Springs one day for a few hours to visit the mines. After the visit at the mines I went down into the lower part of the town. There I found that there were a few Chinamen, about a hundred—peaceable, quiet, well behaved, cleanly people. I found there were two companies of United States infantry stationed there. The fact that there were two companies of infantry stationed at Rock Springs, hardly a town in itself, excited my curiosity, and I made inquiry of the captain or the major in command. He said that it was necessary to keep those troops there to protect the lives of those quiet, unoffending Chinamen from a horde of unnaturalized Poles and Hungarians who worked in the mines.

Mr. DAWES. And Finns.

Mr. PLATT. Mr. President, when this matter was under discussion before in the Senate I gave my reasons why I could not vote for the bill as it was then presented to the Senate, because it was admitted that the Scott exclusion act, as it is called, was a violation of the treaty, because we were taunted with having voted for that act when it was a violation of the treaty, and because I did not wish by extending the provisions of that act for another ten years to violate the treaty again. That would be conclusive upon me as to what vote I should cast upon the report of this conference committee. But there are other things in the report of the conference committee which I think would induce me to vote against it even if the original objection to the act were not sufficient.

I think that section 6 means practically that all Chinamen in the United States must leave within a year or be imprisoned, and after that time sent back to China by the authorities of the United States. It does indeed provide for certificates for Chinese laborers, and we are told by the committee that that is for their benefit and their protection. But who can get one of these certificates? How many certificates are likely to be granted under this act? In the first place, it says:

And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence.

So that no Chinese laborer can obtain from the collector of internal revenue in his district a certificate of residence unless he is entitled to remain in the United States; and as laws have been in force since 1882 making it unlawful for Chinese laborers to come to the United States, it follows that no one is entitled to this certificate unless he has been in the United States prior to 1882; and the burden of proof in all these cases rests upon him. So when a Chinese laborer goes for a certificate of residence to the collector of internal revenue, he must prove to the satisfaction of the collector of internal revenue that he was in the United States prior to 1882. That will be very difficult to prove.

If the person who wants the certificate is in Connecticut or Ohio, his proof that he was in the United States prior to 1882 will probably be in the State of California. It will be practically impossible for most persons entitled to remain here to prove that they are so entitled to remain here, because it will be practically impossible for them to get evidence which will show that they were here prior to 1882.

So section 5—and the Senate ought to understand it—means that practically all the Chinamen within the United States must leave within a year; that if they fail to do so, they are to be imprisoned by the court before whom they are taken, and then sent out of the country at the expense of the United States.

I think that is a very great injustice to those who are entitled to remain here. I do not know how many there are, but very few, probably, compared with the whole number. But it has no reference to what their condition is here; what their condition as to family or property is. Unless they can prove by evidence satisfactory to the collector of internal revenue that they came here before 1882 and, having departed, only came back according to law, they have got to leave their possessions, leave their property, and if they have families—and some of them have—they will have to leave their families within a year. It amounts practically to an assertion that all the Chinamen must depart within a year. I do not think that is necessary, Mr. President.

I am ready to go to all lengths that I believe are necessary to prevent undue immigration of Chinese laborers and to have those who are in the country go out of it as occasion may require, and thus finally determine practically the residence of Chinese laborers in this country. But, as I said when this matter was before the Senate on a former occasion, I do not think this is necessary. I believe that the number of Chinese laborers in this country is being steadily diminished from year to year. I have no doubt about it. The records of the Census Office show it, and all this talk of their coming over the borders—and I have no doubt they are—does not answer the argument derived from the census reports that more are going back to China than are coming in from China. It is not right to frame laws which are harsh and unjust, and, as the Senator from Massachusetts [Mr. DAWES] has shown, violative of treaty obligations, for the purpose of ridding ourselves at no distant day of this evil.

Mr. DOLPH. The yeas and nays having been ordered, I move a call of the Senate.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dolph,	Mitchell,	Sawyer,
Bate,	Felton,	Morgan,	Sherman,
Berry,	Frye,	Morrill,	Shoup,
Call,	George,	Palmer,	Stanford,
Cameron,	Gray,	Peffer,	Stewart,
Chandler,	Hansbrough,	Perkins,	Stockbridge,
Cockrell,	Harris,	Platt,	Turpie,
Coke,	Higgins,	Power,	Vest,
Colquitt,	Hiscock,	Pugh,	Walthall,
Cullom,	Jones, Ark.	Quay,	Warren,
Dawes,	Kyle,	Ransom,	Wilson.
Dixon,	Manderson,	Sanders,	

The VICE-PRESIDENT. Forty-seven Senators having responded to their names, a quorum is present.

Mr. CALL. Mr. President, I wish to put myself upon record as opposed, not only to this report of the committee of conference, but to the principles upon which this bill in its original shape is founded.

The Senator from Massachusetts [Mr. DAWES] has furnished a conclusive argument to show that there is no necessity for this legislation, either to limit, restrict, or prevent the migration of Chinese here. If it be true that the Government of China is opposed to the emigration of those people from its borders, what remains but to have a treaty with China absolutely prohibiting all kinds of Chinese coming here and fixing the details of the methods by which they shall be excluded or punished if they come? That is certainly true if the Chinese Government are opposed to their coming here.

But I have another objection. There can be no question that this new bill is in absolute violation of rights of the Chinese who are here under the former treaty. There is no doubt that the judicial power of the United States by the Constitution is extended to every Chinaman who is here under the protection of that treaty. Now, for an act of Congress to say that Chinamen shall not have that protection according to the terms of that treaty, is beyond the power of Congress in my judgment. To say that an alien who comes here and claims the right to come under any treaty, whether he possesses it or not, shall be denied bail when taken before a United States court for the purpose of investigating that question, is unquestionably an act of barbarous legislation in respect to the people of any country whatever.

If it be necessary, why not make a treaty with China that any of her people who come here claiming the protection of our laws and the obligations of a treaty, shall be placed in prison and held in arrest pending a judicial inquiry before the proper constitutional tribunal as to their right to admission here?

These are some of my reasons for opposing this legislation. I believe that the people of China have a place in the world, in its civilization, and in its future progress. I believe their labor might be utilized in the construction of the great transcontinental lines of railroad that are soon to be built on this hemisphere. I believe that the system which has been alluded to here as obtaining in the Hawaiian Islands might be introduced with propriety here in order to prevent any competition between Chinese labor and American. What is to prevent us by treaty with China

from doing what the Hawaiian Islands do when there is a necessity for that kind of labor here?

Mr. President, I think that this legislation is ill-advised and unnecessary, and that it is greatly detrimental to the interests of all that section of the country which is known as the cotton-producing region. I believe this legislation to-day will involve the loss of hundreds of millions of dollars to the already ruined cotton interests of the South.

The VICE-PRESIDENT. The roll will be called.

Mr. PALMER. What is the question?

The VICE-PRESIDENT. The question is upon agreeing to the report of the conference committee.

Mr. PALMER. Before I am called upon to vote I should like to be allowed to say a few words.

The VICE-PRESIDENT. There has been no response to the roll call, and the Senator from Illinois is in order.

Mr. PALMER. I should like to be allowed to state the reasons why I can not vote in favor of the adoption of the report of the committee. One reason has been presented by the Senator from Florida [Mr. CALL], and that is that the bill provides that a Chinaman arrested and taken before a court shall not be admitted to bail. If it were absolutely certain that the Chinaman's case could be disposed of within a few hours, that might not strike me so offensively; but how long the delay may be we do not know.

Mr. DOLPH. Will the Senator from Illinois allow me?

The VICE-PRESIDENT. Does the Senator from Illinois yield?

Mr. PALMER. Yes.

Mr. DOLPH. I think the Senator from Illinois is in error in supposing that a Chinaman is arrested and carried before a magistrate. That is not the case. I never knew in any practice that I have been familiar with where a writ of habeas corpus was allowed in such a case. The party is either kept in custody himself, or remanded to the place from which he came, until the case is decided. It is only in cases where the Chinaman before he comes into this country applies for a writ of habeas corpus.

Mr. PALMER. I am very much obliged to the Senator from Oregon, because his explanation seems not to be consistent with the language of the report. If I had been left to judge of its meaning without the explanation of the Senator from Oregon, my opinion would be as it was before I heard his explanation. Still, there may be some doubt about that. This is the language of section 5:

That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly, without unnecessary delay.

I supposed that there were two classes, at least, of Chinamen embraced in this language: Chinamen passing from the country and seeking to return and having a right to return, and the other class would be those coming into the country for the first time. I had supposed that this provision applied to both those classes—to Chinamen who had the right to come back and whose right was undisputed, and to Chinamen who had no right to come back. It occurred to me that in such cases it was excessively hard that a man should not be allowed to come or remain, for in any event it is a mere misdemeanor. Certainly the time will never arrive when to come into the United States will be regarded as a felony *per se*. To refuse permission to come here to one who offers adequate and sufficient bail, and who can remain personally, taking all the chances of an immediate or a remote hearing, seems to me unnecessarily harsh. It is not consistent with what I understand to be one of the fundamental principles of justice that exists in China, America, and everywhere where God reigns.

The next objection I have to the bill is found in this clause:

And it shall be the duty of all Chinese laborers within the limits of the United States, at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective district, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge.

I had supposed that the principle which requires that no man shall be arrested except upon an affidavit or indictment charging guilt or probable cause was a principle of universal justice. I had never imagined a time would come in this country when our condition would render it necessary to place it within the discretion, the absolute discretion, of that horde of officers, more or less, all or any of them, to arrest any human being. I am not talking about citizens; I am talking about men—arresting them without execution, without charge, without responsibility. Why, sir, think of it for a moment! A man is in the country—a China-

man, it is true—and any one of these numerous classes of officers may, without warrant, proceed to take him by the collar and take him before some judicial officer, and then the burden of proof is thrown upon him; and then the act merely provides that if he shall show, the burden being upon him, that some accident had happened and that he could not obtain his certificate, if he pays the costs, he may be discharged.

Mr. President, is there any necessity for thus violating sound principles? If the act provided that any person or officer might, by making an affidavit before a judicial officer, cause a warrant to be issued for the arrest of this man—I emphasize the word "man," because these are natural rights, that a man shall not be imprisoned without probable cause, to be determined by certain judicial persons—it might not be so objectionable. But there can be no necessity, I think, for the violation of these sound principles.

I have listened with a great deal of interest to the old story of these gentlemen from the Pacific coast. I sympathize with them, and I will do anything to help them except to do that which I believe to be essentially wrong and unjust.

Mr. HISCOCK. Mr. President, I shall not offer a word on this subject, except to say that I have no sympathy with the argument that is made here that the law, as it is administered and applied to criminals in our own country under the guarantees of our Constitution, is not good enough for the Chinese here. As I understand the treaty between this Government and the Chinese Government we may suspend absolutely the immigration of Chinese laborers to this country.

It is accepted as the policy of both governments that that may be done. I suppose that fundamentally we have the right—and I call the attention of the Senator from Illinois [Mr. PALMER] to that fact—we have the right to make precisely the same laws, establish the same rules and regulations in respect to the immigration of foreigners that we have in respect to the importation of foreign manufactured goods, and we do not put them under our criminal laws. We have the right to establish those regulations which will absolutely prohibit their landing here, and if they escape those regulations we have the right to make a seizure, as we would in the case of smuggled goods.

Mr. PALMER. Mr. President—

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. HISCOCK. I do.

Mr. PALMER. If the Senator from New York will allow me, I should like to know if the Senator means to assert that we have the same power over a human being coming to this country that we have over inanimate things that may be imported? Is that the theory?

Mr. HISCOCK. I make that assertion.

Mr. PALMER. That we might destroy—

Mr. HISCOCK. Oh, no; not to the point of destruction. I confine myself to the laws of humanity. But they may be equally stringent. I am not talking about destroying people or anything of the kind. There is such a thing, of course, in arguing any question as making an illustration that is absurd—the *argumentum ad absurdum*.

We have legislated upon that line in our immigration laws in respect to the return of thieves, of vagrants, of paupers, people who come here under contract in respect to their labor. Such cases are covered by restrictions or covered by provisions of statutes equally severe with these, and we had the fundamental and constitutional right to enact those laws.

Now, sir, I would not, I think, argue in favor of going to that extreme, so far as this great nation is concerned, except that by treaty obligation it is the recognized policy of the two nations that we should. We have insisted upon the right to do it; China has conceded that we may do it, and, in my judgment, under the provisions of this bill the importation of Chinese laborers will cease.

But I do not believe that it is good policy to enact a system of laws that will invite attempts at the evasion of those laws. I think that is unwise. I have been opposed to any bill or law which should encroach upon the reservation or guarantees of the treaty in respect to those who might come here. But in respect to the people that China said we might prohibit landing upon our shores, conceded that we might do it, entered into a solemn convention that we might do it—in respect to these people I am in favor of passing laws which will not be barbarous, which will not permit us to seize and kill them—oh, no, but within the laws of civilized nations, in respect to their humanity, preserving their life, their health, and all that, within the principle that is adopted by civilized people, in respect to reserving the rights of those who violate law, to adopt legislation that will prohibit them coming here during that period of time for which we propose to suspend their coming to this country.

To me, sir, it does not seem quite the thing to provide that a

Chinese laborer coming here is either to be indicted or to be subjected to a long investigation, to give bail and to have thrown around him those provisions of law which from their very cumbersomeness involve in their execution an invitation to attempt to evade the law and violate its provisions. So far as the Chinese laborers who are here are concerned I am in favor of there being an investigation in reference to each particular case that will develop the fact whether he is here lawfully or not. But I do not believe that it is necessary that we should construct a law upon that palladium of our liberties, the grand jury, or the right to bail, or any of the provisions which have been accustomed to be enacted in respect to criminals, either in regard to delay or punishment, and as sometimes the people think to defeat it, inviting, as it often does, summary punishment at the hands of the people.

I do not believe any provision of that kind is necessary in this case. We should provide for the maintenance of their liberties, their health, and their condition as when they landed here. We should make provisions that are as summary as in respect to smuggled goods, but equally effective in searching and bringing out the truth. I am unwilling, for one, to recognize the principle that they are under the provisions of our Constitution in respect to their rights of trial. We took a step in the right direction, in my judgment, when we passed the immigration law, and the power with which the Treasury Department was vested there is a far more severe and far more effective one than is contained in the provisions of the report of the conference committee.

The VICE-PRESIDENT. The roll will be called on concurring in the report of the conference committee.

The Secretary proceeded to call the roll.

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present I should vote "nay," but as he is absent I will withhold my vote unless some arrangement for a transfer of pairs can be made later on.

Mr. PUGH (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. HOAR].

Mr. QUAY (when his name was called). I am paired with the junior Senator from West Virginia [Mr. FAULKNER].

Mr. STOCKBRIDGE (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. TURPIE (when his name was called). I am paired with the senior Senator from Minnesota [Mr. DAVIS]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. COKE (after having voted in the negative). I am paired with the Senator from Nebraska [Mr. PADDOCK]. If he has not voted I desire to withdraw my vote.

The VICE-PRESIDENT. He has not voted.

Mr. COKE. Then I withdraw my vote.

Mr. HARRIS. I desire to inquire if the Senator from Vermont [Mr. MORRILL] is recorded as voting.

The VICE-PRESIDENT. He is not.

Mr. HARRIS. I am paired with that Senator, and therefore withhold my vote.

Mr. BERLEY. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. CALL (after having voted in the negative). I am paired with the Senator from Vermont [Mr. PROCTOR], but I understood from him that he would vote "nay" on this question. With that understanding I will allow my vote to stand.

Mr. DOLPH. I should like to suggest to Senators that if we are to get a quorum on this vote there will have to be some transfers of pairs. I think if that be done we can get a quorum. Many Senators appear to be paired.

Mr. CALL. Unless Senators on the other side of the Chamber know that the Senator from Vermont [Mr. PROCTOR] would vote in the affirmative on this question, I will allow my vote to stand.

Mr. PASCO. I am paired with the Senator from North Dakota [Mr. CASEY]. In his absence I withhold my vote.

Mr. HANSBROUGH. I desire to state that my colleague [Mr. CASEY] is absent, owing to illness.

Mr. WARREN. I wish to announce that my colleague [Mr. CAREY] is absent and is paired with the Senator from South Carolina [Mr. IRBY].

Mr. GALLINGER. I will inquire if the junior Senator from Texas [Mr. MILLS] has voted.

The VICE-PRESIDENT. He has not.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS] and withhold my vote.

Mr. MANDERSON. I am paired with the Senator from Ken-

tucky [Mr. BLACKBURN]. I believe he has not voted upon this call. Am I right?

The VICE-PRESIDENT. He has not voted.

Mr. MANDERSON. I therefore withhold my vote. My colleague [Mr. PADDOCK] is unavoidably detained from the Chamber to-day, and is paired with the Senator from Texas [Mr. COKE].

Mr. PLATT. The Senator from Alabama [Mr. PUGH] is paired with the Senator from Massachusetts [Mr. HOAR]. I am paired with the Senator from Virginia [Mr. BARBOUR]. If convenient to the Senator from Alabama we will allow the Senator from Virginia [Mr. BARBOUR] and the Senator from Massachusetts [Mr. HOAR] to stand paired, and we will vote.

Mr. PUGH. That is agreeable.

Mr. PLATT. I vote "nay."

Mr. PUGH. I vote "nay."

Mr. PLATT. That would hardly do.

Mr. HARRIS. If the Senator from Connecticut wants to make a pair with a gentleman on the other side, I am paired with the Senator from Vermont [Mr. MORRILL]. I am willing to transfer pairs with him, and I will vote "yea," to suit him.

Mr. PLATT. I will make that transfer.

Mr. HARRIS. I vote "yea."

Mr. PUGH (after having voted in the negative). I withdraw my vote.

Mr. STOCKBRIDGE. I am advised that my pair would vote "yea" on this question, and I therefore vote "yea."

Mr. GALLINGER. I understand that the Senator from Alabama [Mr. PUGH] is paired with the Senator from Massachusetts [Mr. HOAR]. I suggest that the Senator from Texas [Mr. MILLS], with whom I am paired, may stand paired with the Senator from Massachusetts [Mr. HOAR]. That will enable the Senator from Alabama and myself to vote, if that is agreeable.

Mr. PUGH. All right.

Mr. GALLINGER. I vote "yea."

Mr. PUGH. I vote "nay."

Mr. SAWYER. I am paired with my colleague [Mr. VILAS], but I have a right to vote to make a quorum.

The VICE-PRESIDENT. A quorum has voted.

The result was announced—yeas 30, nays 15; as follows:

YEAS—30.			
Allen,	Gorman,	Peffer,	Stanford,
Allison,	Hansbrough,	Perkins,	Stockbridge,
Chandler,	Harris,	Power,	Vest,
Cockrell,	Hiscock,	Ransom,	Walthall,
Cullom,	Jones, Ark.,	Sanders,	Warren,
Dolph,	McPherson,	Shoup,	White,
Felton,	Mitchell,	Squire,	
Gallinger,	Morgan,	Stewart,	
NAYS—15.			
Bate,	Dixon,	Higgins,	Pugh,
Call,	Frye,	Kyle,	Sherman,
Colquitt,	George,	Palmer,	Wilson,
Dawes,	Gray,	Platt,	
NOT VOTING—43.			
Aldrich,	Coke,	Hoar,	Proctor,
Barbour,	Daniel,	Irby,	Quay,
Berry,	Davis,	Jones, Nev.,	Sawyer,
Blackburn,	Dubois,	Kenna,	Teller,
Blodgett,	Faulkner,	McMillan,	Turpie,
Brice,	Gibson, Md.,	Manderson,	Vance,
Butler,	Gibson, La.,	Mills,	Vilas,
Cameron,	Gordon,	Morrill,	Voorhees,
Carey,	Hale,	Paddock,	Washburn,
Carlisle,	Hawley,	Pasco,	Wolcott,
Casey,	Hill,	Pettigrew,	

So the report was concurred in.

VISITORS TO NAVAL ACADEMY.

The VICE-PRESIDENT. The Chair will state that the Senator from Vermont [Mr. PROCTOR] desires to be excused from serving on the Board of Visitors at the annual examinations of cadets at the Naval Academy. With the consent of the Senate the resignation will be accepted and the Chair will appoint the Senator from Michigan [Mr. STOCKBRIDGE] to serve in his place.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 6005) to place binding-twine on the freelist—to the Committee on Finance.

The bill (H. R. 7023) to encourage American shipbuilding—to the Committee on Commerce.

The bill (H. R. 7296) granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war—to the Committee on Pensions.

The bill (H. R. 8503) making appropriations for expenses that may be incurred under the treaties between the United States and Great Britain concluded at Washington February 29 and April 18, 1892—to the Committee on Appropriations.

CHEYENNE AND ARAPAHOE RESERVATION.

The VICE-PRESIDENT. The Senate resumes the consideration of the unfinished business.

The Senate resumed the consideration of the resolution reported by Mr. JONES of Arkansas, from the Committee on Indian Affairs, relative to the President's message upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw nations for their interests in the Cheyenne and Arapahoe Reservation.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 4, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 3, 1892.

PROMOTIONS IN THE ARMY.

Infantry arm.

Lieut. Col. John C. Bates, Twentieth Infantry, to be colonel, April 25, 1892, vice Wheaton, Second Infantry, who vacates his line commission on accepting commission as brigadier-general.

Maj. Evan Miles, Twenty-fifth Infantry, to be lieutenant-colonel, April 25, 1892, vice Bates, Twentieth Infantry, promoted.

Capt. Chambers McKibbin, Fifteenth Infantry, to be major, April 25, 1892, vice Miles, Twenty-fifth Infantry, promoted.

First Lieut. Thomas F. Davis, Fifteenth Infantry, to be captain, April 25, 1892, vice McKibbin, Fifteenth Infantry, promoted.

Second Lieut. Samuel E. Smiley, Eighth Infantry, to be first lieutenant, April 25, 1892, vice Davis, Fifteenth Infantry, promoted.

CONFIRMATION.

Executive nomination confirmed by the Senate May 3, 1892.

CONSUL.

William W. Ashby, of Virginia, to be consul of the United States at Colon (Aspinwall).

HOUSE OF REPRESENTATIVES.

TUESDAY, May 3, 1892.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

OCEAN MAIL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Postmaster-General submitting an estimate of appropriation for ocean mail service now under contract for the fiscal year ending June 30, 1893; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CERTAIN REQUISITIONS, TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to resolution of March 18, 1892, calling for information relative to amount of requisitions for payments in the various Departments for which warrants and drafts were not issued prior to March 1, 1892.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLOVER for one day, on account of sickness.

METHODIST CHURCH, POINT PLEASANT, W. VA.

Mr. CAPEHART. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4860) for the relief of the Methodist Church of Point Pleasant, W. Va.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SIMPSON. I object.

FORTIFICATIONS APPROPRIATION BILL.

Mr. BRECKINRIDGE of Kentucky, from the Committee on Appropriations, reported favorably a bill (H. R. 8533) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for

trial and service, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

OCEAN MAIL SERVICE.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD and referred to the Committee on the Post-Office and Post-Roads certain resolutions which I send to the Clerk's desk.

There was no objection, and it was so ordered.

The resolutions are as follows:

Whereas in pursuance of an act entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," which act was approved March 1, 1891, which act authorizes the honorable Postmaster-General to enter into contracts for a term of not less than five nor more than ten years with American citizens for the carrying of mails on American steamships between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the Postmaster-General entered into a contract with the Pacific Mail Steamship Company, in accordance with schedule No. 44, in the advertisement for proposals to bidders, dated July 15, 1891, issued by the Postmaster-General, which schedule is as follows:

"OCEAN MAIL LETTINGS.

"Notice to bidders.

"POST-OFFICE DEPARTMENT, Washington, D. C., July 15, 1891.

"In accordance with the provisions of an act of Congress, approved March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports and to promote commerce,' proposals will be received at the Post-Office Department, in the city of Washington, until 3 o'clock p. m., on Monday, the 25th day of October, 1891, for conveying the mails of the United States by means of steamships described in said act, between the several ports of the United States and the several ports in foreign countries which are specifically named in the schedule of routes published herewith.

"Proposals are invited for service on said routes, under contracts for ten years each, except where otherwise particularly specified, which shall commence within three years from the date of the execution of the contract, and at one of the periods named below, to-wit:

"First. Two months from execution of contract.

"Second. Four months from execution of contract.

"Third. Six months from execution of contract.

"Fourth. Twelve months from execution of contract.

"Fifth. Eighteen months from execution of contract.

"Sixth. Twenty-four months from execution of contract.

"Seventh. Thirty months from execution of contract.

"Eighth. Thirty-six months from execution of contract.

"Preference will be given, all other things being equal, to the proposal which names the earliest date for the commencement of the service.

"Under the law the right is reserved to the Postmaster-General to reject all bids not, in his opinion, reasonable for the attainment of the purposes contemplated by the act.

"SCHEDULE OF ROUTES ON THE PACIFIC OCEAN.

"No. 44.—'O. M. S.' From San Francisco to Panama, touching twice each month, going and returning, at the following ports: San Diego, Cal., Mazatlan, San Blas, Manzanillo, Acapulco, Port Angel, Salina Cruz, Tonala, San Benito, Ocos, Champerico, San José, Acajutla, La Libertad, La Union, Amapala, Corinto, San Juan, and Punta Arenas.

"Three times a month, thirty-six trips a year, time sixteen days, in vessels of the fourth class, for the first three years, and the remaining seven years once a week, fifty-two trips per year, time fifteen days and a half, the increased service to be performed in vessels of the third class, the bid to specify the rate for each class.

"B and required with bid, \$12,000." And

Whereas it is notorious that the said Pacific Mail Steamship Company has for a term of years received, and is now receiving a large subsidy from transcontinental railroad companies to enable said roads to charge exorbitant rates for transporting passengers and freight, which contracts are contrary to public policy; and

Whereas by reason of said contracts said Pacific Mail Steamship Company persistently and contemptuously refuses to accord the only American port at which it has contracted to call the ordinary facilities which as a common carrier it is bound to furnish to passengers and shippers of freight and which facilities it freely accords all Mexican and Central American ports, thereby discouraging and repressing instead of promoting commerce; and

Whereas the said Pacific Mail Steamship Company grossly, unjustly, and unlawfully discriminates against the said American port of San Diego, by refusing to receive or deliver freight at said port, or to receive and transport passengers except at exorbitant rates; and

Whereas the said Pacific Mail Steamship Company has from the beginning of service under said contract to the present time deliberately and persistently violated the spirit and letter of the act under which said contract was entered into; and

Whereas it is an insult and an outrage upon the people of the United States that the said Pacific Mail Steamship Company, which receives a large subsidy from other corporations for the purpose of maintaining a grievous monopoly and to maintain exorbitant rates of fares and freight, should receive an additional subsidy from the Government of the United States, while violating the law under which it received the subsidy, while discouraging and repressing commerce, while denying privileges to American citizens at an American port which it freely accords to foreigners in foreign ports: Therefore,

Be it resolved, That the further continuance of said contract with the Pacific Mail Steamship Company for the said route from San Francisco to Panama is against public policy; that the service is not and has not been performed by the said company in accordance with the spirit or letter of the law under which said contract purports to have been made; that the contract should therefore be annulled, and the Postmaster-General is hereby requested to take the necessary steps to have the said contract set aside and annulled.

JESSE C. TAYLOR.

Mr. COX of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby au-

thorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion now standing on said rolls and records against Jesse C. Taylor, late of Company E, Sixth Tennessee Cavalry.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WATSON. I object.

Subsequently,

Mr. WATSON said:

Mr. Speaker, on the explanation made to me by the gentleman from Tennessee [Mr. COX] I withdraw the objection.

The SPEAKER. Is there further objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The question being taken on the passage of the bill, the Speaker announced that the "ayes" seemed to have it.

On a division (demanded by Mr. BAILEY) there were—ayes 77, noes none.

Mr. BAILEY. No quorum.

The SPEAKER. The gentleman from Texas [Mr. BAILEY] makes the point that no quorum has voted, and the Chair will appoint as tellers the gentleman from Tennessee [Mr. COX] and the gentleman from Texas [Mr. BAILEY].

The tellers reported—ayes 167.

Mr. BAILEY. Mr. Speaker, 167 members having voted in the affirmative, I withdraw my point.

The SPEAKER. The point being withdrawn, the ayes have it; and the bill is passed.

On motion of Mr. COX of Tennessee a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent to dispense with the call of the committees for reports, and that committees having reports to make may file them with the Clerk.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole for the purpose of further considering the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. OATES in the Chair).

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the diplomatic and consular appropriation bill, and the Clerk will read the next paragraph.

The Clerk read as follows:

Caroline Islands: Consul at Ponape, \$1,500.

Mr. BLOUNT. Mr. Chairman, I send an amendment to the Clerk's desk.

The Clerk read as follows:

Amend lines 15 and 16, on page 16, by striking out all of said lines.

Mr. BLOUNT. Mr. Chairman, in this case there are no fees, and the Government refuses exequatur to the American consul, and therefore he can not perform the duties. It is simply surplusage.

Mr. HITT. Mr. Chairman, that amendment, I think, is a proper one. That office is useless; there is no officer, and there can be none under present circumstances.

The amendment was agreed to.

The Clerk read as follows:

France and dominions: Consul at Cognac, \$1,500.

Mr. HITT. I move an amendment on page 16, after line 21, by inserting the amendment I send to the Clerk's desk.

The Clerk read as follows:

Consuls at Guadaloupe and Martinique, \$1,500 each.

Mr. HITT. I make that motion in order to retain these positions at the present pay, instead of reducing them to \$1,000. From the port of Martinique, in the French West Indies, a very large amount of sugar and liquors is exported to the United States. The imports, consisting of fish, rice, and cotton, from Martinique were \$4,500,000 in 1887, and the exports were \$4,200,000.

At Guadaloupe a similar state of things exists, and a reduction of that consulate at this time would result in an inferior service. The trade is first with France, then very largely with the United States. The imports in 1887 were a little less than \$3,000,000, and the exports upwards of \$4,000,000. Offices of such impor-

tance ought to be maintained at a salary of \$1,500. The fees received for invoices are small and do not fairly indicate the amount of our commerce, as in the sugar trade one invoice may cover a cargo of \$100,000 value.

Mr. BLOUNT. Mr. Chairman, at Guadaloupe the report shows that the fees collected were \$144, at Martinique \$233.95. I will not repeat the argument I have made as to what these fees express in the way of business.

The question was taken on the amendment, and the Chairman announced that the ayes seemed to have it.

Mr. BLOUNT. I ask for a division, and I hope gentlemen will vote, as the failure to vote simply delays business.

The question was taken; and there were—ayes 21, noes 76; so the amendment was rejected.

The Clerk read as follows:

Great Britain and dominions: Consuls at Amherstburg, Antigua; Auckland; Barbados; Bermuda; Bristol; Brockville (Ontario); Cape Town; Charlottetown; Clifton; Cooktown; Port Erie; Guelph; Kingston, Canada; London (Canada); Malta; Morrisburg; Munich; Nassau; New Providence; Newcastle-on-Tyne; Pictou; Port Hope; Port Louis (Mauritius); Port Sarnia; Prescott; Quebec; Southampton; St. Helena; St. Johns (Quebec); Stratford (Ontario); Three Rivers; Wallaceburg; Windsor (Ontario); Winnipeg; Woodstock; Yarmouth, at \$1,500 each, \$54,000.

Mr. HITT. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 17, after line 10, insert: "Consuls at Gibraltar; Ceylon (India); Goodrich (Canada); Port Stanley (Falkland Islands), and St. Stephens (Canada), \$1,500 each."

Mr. HITT. Mr. Chairman, I put these five posts in one amendment to save time, and it would, if adopted, prevent cutting them down.

Gibraltar is reduced by the bill from \$1,500 to \$1,000, which makes it a trading post. The consul there is a man widely known, Mr. Horatio J. Sprague, who has occupied it since 1848, and on several occasions he has rendered services of singular value to his country. The meager salary has not been sufficient to pay his actual expenses, and he has pieced them out from his own resources. The importance of that office is not to be measured by the fees for invoices. He has long furnished to the Bureau of Naval Intelligence information of every vessel passing inward and outward through the Straits of Gibraltar. The Bureau of Naval Intelligence in confidential reports has testified to the great value of his services. At critical times that office has been made virtually a dispatch agency, and was charged with duties of the gravest character, transmitting the orders of the South American squadron and the Mediterranean reserve. A sample of this occurred very recently when the Chilean complication required the transfer of naval forces.

I will not detail with the lists of vessels of our Navy stopping there, showing what the importance of the place is to our Navy and other ships which touch at Gibraltar. The trade is not extensive, but the business, especially that which concerns the public affairs of the country, is important.

Goodrich, Canada, is reduced by the bill from \$1,500 to \$1,000. It is the only harbor of refuge on the east shore of Lake Huron, the only place where an American vessel in distress can find relief or safety on that coast from Toronto to the peninsula of Sault Ste. Marie. The Canadian Government has expended largely on the harbor there. There is an extensive trade in lumber, salt, and agricultural products shipped to the United States. The consul at this place also relieves seamen and gives information to the immigrants to the United States. Mr. R. S. Chilton, the consul, is one of the best of our officers, and has been over forty years in the service. When a consul's salary is reduced to one thousand he is allowed by the law to trade, and naturally the consul would invest what capital he had in supplying the real or imaginary wants of distressed American seamen. It is evident what abuses this can lead to. For such a post and for the work to be done there \$1,500 is not too much.

As to Port Stanley, it is a very difficult place to get to, far away on the Falkland Islands, in the southern hemisphere, and the consul appointed has to expend nearly a year's salary to carry himself and his family and to establish himself there. With a salary of but \$1,000 we can not get an American citizen to perform the duties, for there are few fees and it is a dreary, uninviting place to live.

St. Stephens, in Canada, now paid \$1,500, the bill would reduce to \$1,000, with the right to trade. This office was raised from a feed commercial agency to a salaried consulate at the suggestion of the Secretary of the Treasury to prevent frauds in the importation of lumber. The proposed reduction of the salary will put the office again in the trading class and defeat the object attained by raising it from a feed to a salaried basis.

Mr. BUTLER. Mr. Chairman, I rise to a point of order. I desire to hear what the gentleman from Illinois [Mr. HITT] is saying, but the gentlemen around me seem to object, and I wish the Chair would require them to be still. [Laughter.]

The CHAIRMAN. The point of order is well taken. The committee will be in order.

Mr. HITT. Mr. Chairman, I will repeat the last remark I made, which was that at the post of St. Stephens, in Canada, the salary is reduced by this bill from \$1,500 to \$1,000, and my amendment proposes to put it back to \$1,500, for the reason that a consul who receives a salary of \$1,000 or less is allowed to trade, and formerly when this office was paid by fees only, the irregularities and frauds perpetrated in the lumber trade there were so large and continuous that the Treasury Department asked to have the compensation raised or made direct in a salary, instead of fees, in order to stop all temptation to frauds upon the revenue.

The gentleman from Georgia proposes now to put this salary down to \$1,000, which will permit the consul to trade, and may lead to a resumption of the disorderly and, to our revenues, losing system which prevailed before; and as the often-avowed purpose of this bill is economy, it certainly is as good economy to save a large amount to the Treasury in one way by letting the office alone as the Treasury Department want it, rather than make a show of saving a small sum \$500 of salary by cutting down the officer and changing the character of the office.

Ceylon is distant just half way round the world. It is a place of call for ships and there is a commerce with the United States so large that the officers collected and remitted \$830 in fees last year. It costs a great deal for a man with his family to merely go there, and no allowance is made to him for that purpose. It is a fearfully hot country and trying to live in. The business is so large that we ought to have an American there, and you can not get one fit for the duties at \$1,000.

Mr. BLOUNT. Mr. Chairman, the first place in the gentleman's list is Gibraltar, where the fees are only \$400. Our consul, as I am informed, has lived at that place for a long time, is a man of means, and has a palatial residence. The business at that point, as indicated by the report of the fifth auditor, is exceedingly small, and if the compensation proposed in the bill is not satisfactory to the present consul, I apprehend there will be no difficulty in getting some one else to do the work at that rate. Goderich is the next place mentioned in the amendment. At that point the fees are only \$285.50, and the business of the office is not large.

Mr. ALLEN. The gentleman from Illinois [Mr. HITT] makes the point that if you reduce the St. Stephens man's salary to \$1,000 he will have a right to trade.

Mr. BLOUNT. The \$1,000-salary consuls and the fee consuls are allowed to engage in trade. The objection to that is that it is supposed to disqualify them in some measure for rendering the most efficient service to the Government.

Mr. ALLEN. Could not you put this salary at a thousand and one dollars, so as to relieve the gentleman from the necessity of engaging in trade? [Laughter.]

Mr. BLOUNT. We might do that, but I think the bill is right as it stands. Mr. Chairman, similar observations to those which I have made upon these cases are applicable to all the posts in the gentleman's amendment. Our consular system is more extensive than that of other nations. We seem to go forward in an unsystematic and reckless way, establishing consulates all over the earth. You had an instance this morning where there was not a dollar of business, and the Government refused to give the consul an *exequatur*. I repeat that we have more consulates than the other great nations.

France has twenty consular officers in the United States; the United States has thirty-four consular officers in France. Germany has in the United States twenty-two consular officers; the United States has forty-four in Germany. Italy has in the United States twenty-one consular officers; the United States has in Italy thirty-one. So we see that we are needlessly extending our consular system all over the world, far beyond what is found necessary by other nations. Whether it is (as gentlemen see fit to call her) free-trade England, or protective Germany, or protective France, or Austro-Hungary, or Italy, we go beyond them all in this respect. As I said in the outset, the fact is that we are not in the habit of examining critically this consular service of ours until it becomes somewhat sick, and then when we touch it for the purpose of reform, we are "destroying the American consular system," extravagant as it is.

Mr. McCREARY. I wish to ask the gentleman from Georgia a question. Is it not true that for many years, except one year, our consular system has paid more into the Treasury than it has taken out, and that, therefore, excepting that one year, the system has never been any expense to the Government?

Mr. BLOUNT. My friend from Kentucky asks me if it is not true that the consular system has paid expenses except for one year. I think he is incorrect in his assumption. On page 18 of this report it appears that in 1891 the expenditures exceeded the fees. Previous to that the figures run along somewhat in line

with the gentleman's statement, but in 1886 the fees were considerably less than the expenditures. In 1885 the fees were \$791,305 and the expenditures were \$870,000. During several years the expenditures have exceeded the receipts.

It appears that at present our receipts are falling below the expenditures; and it is with this condition that we are to deal. The Fifth Auditor says:

The expenditures for the consular service have exceeded the receipts for the first time since 1886. The expenses show an increase of \$63,112 and the fees a falling off of \$61,000, making a difference of \$124,000.

So that in the mere matter of paying expenses we are in a worse shape than we have been for a long period. But I do not care to pursue that matter, as I have specifically referred to these several items.

Mr. McCREARY. The reason for my question to the gentleman from Georgia a few minutes ago was that I had before me a statement furnished by the State Department, a statement which has been made up with care and is reliable, showing the receipts for the consular service for 1887, 1888, 1889, and 1890. In those years (I am not now speaking of 1891) there was a surplus of receipts amounting to \$119,122. So that the consular service from 1887 to 1890, as I stated, was not only self-sustaining but actually paid a surplus into the Treasury of \$119,122.

Mr. BLOUNT. Mr. Chairman, there is no disagreement between the gentleman and myself in regard to this matter. He asked me whether this service had not always paid more in the way of fees than had been expended. My answer was in the negative. Now, I have cases right under my eyes. In 1885 the expenditures exceeded the receipts; in 1886 the expenditures exceeded the receipts, and in 1887 the expenditures exceeded the receipts. This statement comes from the officer in charge of the Consular Bureau.

Mr. McCREARY. The statement furnished me by the State Department shows that in 1887, instead of there being a deficit, there was a surplus of receipts amounting to \$31,717.

Mr. BLOUNT. My statement was erroneous as to that year, but otherwise it was correct.

Mr. McCREARY. I wish to make only a single remark. I understood my colleague on the committee, the gentleman from Georgia, to say that the tendency of the consular service is toward increased cost, and that in this respect the service is not progressing now as well as it ought to progress. But these figures show that in the last five years our consular service has been improving so rapidly that there has been a surplus of over \$100,000 after paying necessary expenses. When a showing of that kind can be made I think the service is improving and progressing.

Mr. BLOUNT. In response to the statement just made by the gentleman I will read again from the last report of the Fifth Auditor, showing the present condition of this service:

The expenditures for the consular service have exceeded the receipts for the first time since 1886. The expenses show an increase of \$63,112, and the fees a falling off of \$61,000, making a difference of \$124,000.

Mr. McCREARY. To what year does the gentleman refer?

Mr. BLOUNT. Eighteen hundred and ninety-one, the last fiscal year.

Mr. McCREARY. I said that that was the only year in the last six years when the expenditures have exceeded the receipts.

Mr. BLOUNT. And, Mr. Chairman, my statement was based on the present condition. We are dealing with the present.

Mr. HITT. There was change of law which occurred at the time when this change in the receipts took place and caused it, making for the time a deficit by cutting off receipts largely, all of which has been overcome since by the growth of the system and the trade.

Mr. BLOUNT. In reply to that, I want to say that the same Auditor's report states:

About seven-eighths of the increase in the expenses occurred in the "contingent expenses, United States consulates," and "allowance for clerks of consulates."

That is my answer to the gentleman's statement.

The question being taken, the amendment of Mr. HITT was rejected.

The Clerk read as follows:

Paraguay: consul at Asuncion, \$1,500.

Mr. HITT. Mr. Chairman, I move to amend by inserting after the paragraph just read the following:

Portuguese dominions: Consuls at Fayal (Azores) and Funchal (Madeira), \$1,500.

Mr. Chairman, at Funchal there is a large commerce in Madeira wine, which is dutiable at a high rate. The consul is now salaried at \$1,500, so that he can not trade. If he is an honest man (and it is believed he can always secure a respectable man for \$1,500) he can be trusted to see that the invoices give true values. But by this bill he is reduced to \$1,000, which puts him in the class of consuls who are allowed to trade.

Under this provision he will at once enter into trade and prob-

ably become a member of a wine exporting house; it will then be a part of his duty to certify the invoices of the house of which he is a member, those invoices covering the wines sold to America by his own firm, and dutiable at a very high rate. Every cent lower at which he allows them to be invoiced there will determine the duty they will have to pay in New York; and will be so much money right into his own pocket. It will be his interest to neglect the interest of the Government. He will also be in a position to see all the papers connected with the trade of rival houses; and in this way, instead of being interested to encourage merchants and promote trade with the United States it will be his highest interest under the provision of this bill to get advantage of rivals and discourage them, and thus destroy our trade.

There is another class of duties with which a consul is charged and for which a consul, before the modern revenue duties arose, was originally appointed—the protection of his countrymen. That place is the resort of Americans, many of whom are sent there by physicians—sick people. They ought to have a consul within reach.

Next, as to Fayal, on the Azores Islands, which I have included in the amendment. This is a post of peculiar conditions, and Congress passed an act in 1875 authorizing this officer to enter into trade, because it was impossible to get a man to serve there unless some inducement beyond what we were willing to pay as a salary was afforded to him by the law. This is chiefly a port for refitting ships, and no fees of consequence are collected by the consul. There is no considerable trade of the ordinary kind there, but it was long ago deemed necessary to have some officer established there to look after the interest of American ships stopping at that port—the whaling fleet and trading ships.

Mr. BLOUNT. Mr. Chairman, at this place the trade is of little consequence to this country. I speak now of Funchal. The fees collected there last year were only \$140, and nothing was done for the relief of the seamen. At Fayal the fees amounted to only \$158, and twelve seamen were relieved.

Much stress continues to be laid on the idea that in all of these places it is necessary that there shall be a sufficient salary to place the official in charge outside of that provision of the law which allows consuls to trade, on the ground that, as has been so often stated, it is a temptation to rascality on the part of the official to get in connection with some establishment engaged in business, shipping from that point.

Mr. HITT. If the gentleman from Georgia will excuse me, I wish to state that he is not exactly accurate in that statement. I did not state that the consul was necessarily engaged in rascality, but I said that the tendency of the trading privilege was to make it his interest to do that which was contrary to the interest of the Government.

Mr. BLOUNT. Very well, taking the gentleman's statement for it, and adopting that view of the situation, I do not believe there is any danger, as a general rule, in that direction. Sometimes such instances have occurred, but the same thing might be said in connection with persons who are not permitted to trade, who have the highest salary, for their conduct is in some instances unsustainable. If I saw fit I might read among this bill in some of the important salaries from important sources assaults upon consuls; but I have not deemed it proper to do so here, because the official can not be present to answer for himself. Why, sir, we have always had certain consuls, where the conditions were similar—the fees being small—engaged in trade. Other governments permit the same thing in this country. There is nothing singular about it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Illinois.

The amendment was rejected.

The Clerk read as follows:

Salvador: Consul at San Salvador, \$1,500.
Spain: Consuls at Barcelona, Cadiz, Denia, and Malaga, at \$1,500 each.
\$6,000; consuls at Santo Domingo, Sagua La Grande, and San Juan, Puerto Rico, \$1,500 each.

Mr. BLOUNT. Mr. Chairman I offer an amendment to this.

The Clerk read as follows:

Amend, on page 18, by inserting between lines 2 and 3 the following:

"Santo Domingo: Consul at Santo Domingo, \$1,500."

And by striking out from line 5 the words "Santo Domingo."

The amendment was adopted.

Mr. HITT. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 18, line 6, insert:

"Consul at Cardenas, \$1,500."

Mr. HITT. Mr. Chairman, that post is one where the commerce is very much larger than the fees, to which the gentleman from Georgia resorts in support of his peculiar view of business, would indicate. I think there were only about one hundred and eighty invoices certified there last year; but some of them covered more than \$100,000. The trade is a large one, and

the difficulties of a consul's duty to these regions I spoke of once before in this debate and will not repeat it now.

A MEMBER. What is the special difficulty?

Mr. HITT. It is the general condition which prevails in regard to trade in Spanish ports where Spanish laws and Spanish customs prevail, the annoyances and vexations that occur to our ships by the complex and severe regulations and the need of a prompt, skillful, intelligent consul, familiar with the Spanish language and laws to protect and extricate them from fines and delays.

This consul is in a port where there is a great trade in American bottoms. There were near 2,400 American seamen arriving there last year and as many departing—139 American vessels. That involves a long list of constant duties. He ships and discharges seamen. He has the custody and certification of the ship's papers in every case. He hunts up deserters. He has the custody of effects of deceased seamen. He has to settle all disputes among crews, extra wages, and many other duties. The gentleman from Georgia has so repeatedly replied to this by citing the small number of seamen relieved, that he must think that means much. In fact it is one of the smallest items.

I do not like to consume the time of the committee, but will say briefly that this is the fact. Since the passage of the Dingley bill the consul no longer collects from ships fees for services to shipping, but is required when he expends money to relieve poor Jack in sickness or disaster or trouble of any kind to account for that money. The small sums which he so pays out and which are charged to the Government have no connection with that long list of services, the fees for which he used to collect sometimes amounting to fifteen hundred and I have known it to reach twenty-five hundred dollars in a single office.

For these services to seamen he is not now required to collect fees from ships or seamen, but they are charged to the Government and subsequently in the accounting offices credited to the Government, so that it balances, and it is a mere matter of book-keeping. None of this work appears in the printed reports the gentleman is consulting, nor has since the Dingley bill went into operation. The only part he finds there of all this service is the relief of seamen, which still appears because there is public money laid out and accounted for. It may be \$20, while the fees swept away for services still required would be \$1,500.

Under the new law he is compelled to do all of that service gratuitously which otherwise would appear in the list of fees. Does not this show, Mr. Chairman, how little reliance is to be placed on the number of seamen relieved as a standard of work done? There are many duties which he performs which do not appear there at all. It is asking a good deal of a respectable American to go with his family to that unhealthy climate, live on \$1,000 a year, and do all this.

Mr. BLOUNT. Mr. Chairman, I have endeavored to answer the argument which the gentleman from Illinois [Mr. HITT] attempts to make in reference to the fees that are lost under the McKinley bill, and have stated over and over again that throughout the whole world the whole thing does not amount to \$80,000; but if the gentleman's energy, when he comes to this matter of repeating over and over again as he has just now done, is to be taken for aught, you would think that it involves half the expense of the consular service. Now, at this place the fees are only \$447.50, and he is allowed \$541.79 for contingent expenses. The salary of \$1,000 is ample, I have no doubt, to secure a person to do the little work there is to do, and that \$540 worth of invoicing.

Mr. Chairman, these things are stated as though they were a matter of wonderful toil. Here comes in a purchaser of goods with an invoice, stating the price paid and various other items required to be stated by him in his invoice and declaration. There are blanks for it, and then the certificate of the officer thereon, and if there are duplicates, why the making of them is a matter of a few minutes. There are clerks to aid the consul in all these matters, and doubtless these things in a large number of instances are already prepared for the officer to put his name to them.

The amendment was rejected.

The Clerk read as follows:

Total, \$117,000.

Mr. BLOUNT. Mr. Chairman, I send up the following amendment, simply to change the total to make it correspond.

The amendment was read, as follows:

Amend line 18, page 18, by striking out "one hundred and seventeen thousand" and inserting "one hundred and fifteen thousand five hundred."

The amendment was agreed to.

The Clerk read as follows:

Africa: Consul at Mozambique, \$1,000.

Mr. BLOUNT. Mr. Chairman, I send up an amendment. This is to be stricken out here and put in somewhere else.

The Clerk read as follows:

Amend page 18, line 21, by striking out the whole of said line

Mr. BLOUNT. There is no objection to that. The place comes in in another part of the bill.

The amendment was agreed to.

The Clerk read as follows:

Belgium: Consul at Ghent, \$1,000.

Mr. HITT. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 18, after line 22, insert: "Brazil: Consul at Rio Grande do Sul, \$1,000."

Mr. HITT. Mr. Chairman, that post is one where the trade is so considerable that the consul ought to be an American. We imported a good deal from there last year. We sold to them about \$400,000 worth of goods in 1889, and about \$340,000 worth in 1890. If no salary is given at all we can not get an American to fill the post. And he ought to be paid at least \$1,000. The fees are too small to induce an American to go there. If that is the sole compensation, and so this bill provides, the post will be vacant or it must be filled by some merchant there.

Mr. BLOUNT. I have simply to say that there were but \$380 worth of fees, which amount indicates the trade at that point that requires invoicing.

The amendment was rejected.

The Clerk read as follows:

France and dominions: Consuls at Guadeloupe and Martinique, \$1,000 each; \$2,000; consul at Gore Dakar (Africa), \$1,000; consul at Nantes, \$1,000; consul at Nice, \$1,000; consul at Tahiti (Society Islands), \$1,000.

Mr. BLOUNT. I offer the following amendment:

The amendment was read, as follows:

Amend page 19, line 2, by striking out the words "Consul at Gore Dakar (Africa), \$1,000."

Mr. BLOUNT. This is a clerical error which needs correction.

The amendment was agreed to.

The Clerk read as follows:

Great Britain and dominions: Consul at Ceylon, \$1,000; consul at Gibraltar, \$1,000; consul at Goderich, \$1,000; consul at Port Stanley, \$1,000; consul at Sierra Leone, \$1,000; consul at St. Stephen, \$1,000; consul at Turks Island, \$1,000; consul at Windsor, Nova Scotia, \$1,000.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 19, after line 13, insert:

"Consuls at Bombay, Gaspé Basin, and Levuka, \$1,000 each."

Mr. HITT. Mr. Chairman, these posts are now salaried at \$1,000. The bill cuts them off from all salary and they will keep the fees as their whole compensation. The reasons for that amendment are these: The consul at Bombay ought to be an American. By cutting off his salary and making it a fee consulate we can not get an American to take it for the sum of \$330, the amount of the fees, all of which go to an unsalaried consul. There are other duties besides certifying invoices that are important. It is a place for the refitting of American ships in the Indian Ocean, and that duty makes no showing in the fees. This small sum of fees would be a sufficient inducement to lead an English or other foreign merchant there to take the place. I have spoken of the disadvantage to our trade in having citizens of a rival nation made the officer to watch and promote our trade. The truth is that by the policy of this part of the bill you are making our foreign service a service of foreigners.

A word of the other posts in the amendment before yielding the floor to the chairman. Gaspé Basin is a dreary, chilly place, away on the inhospitable northeast coast, where there are no fees of consequence, but it is an important point for mariners, especially for fishermen, and it will be important until this fishery question is settled. The State Department at one time advised that it be dropped, but it resumed its importance as a point for watching fraudulent importations of dutiable fish. That consul is a valuable officer in preventing this smuggling. Smuggling of this kind goes on still, but this officer saves a great deal to the Government. That is his special value.

Ordinarily the duty has been merely to relieve fishermen and to care for them, especially in case of shipwreck, which is frequent on that stormy coast. If this salary is taken away and the fees are left as the sole compensation, the office will be given to a man who will almost certainly be in business, who is not an American, and the business he will be in will probably be connected with the fishing interest, as that is the chief business there.

There is the point. The only man who will take this office for the fees, if this bill passes, will be a British subject, in the fishing interest, and his duty will be to fill an office which the Treasury Department ask to have kept there as a special outpost to prevent fraud on our tariff law by the importation of dutiable fish from that place.

Mr. HERMANN. The gentleman speaks about the question of appointing foreigners. Is it because of the limited salaries paid for consuls?

Mr. HITT. No foreigner is appointed to an American consulate where the Department can induce an American citizen to take the place; but, if it be in a remote part of the world, and the pay small, at a place where it is not desirable or very expensive to live, no American can be found who will go there and hold it, and in that case, either the office must remain vacant and useless, or the Department must search for the best man obtainable, some respectable foreigner who will discharge the duties; and, undoubtedly, the men of most importance in that town are probably British subjects, for it is in the British dominions, and the man is most likely to be a man engaged in these fishing interests, for it is the prevailing interest.

Mr. HERMANN. In such an event, would it not even be better to have no consul or vice-consul there than to have one under such a system; would it not be better for our commercial interests?

Mr. HITT. There are duties which a consul ought to be there to perform; and in the desire to protect the American citizen in the best way practicable, with the meager resources at command, there has always been an effort on the part of the Executive to have officers everywhere at which we have consulates. Foreigners are taken where it is not practicable to get an American; we want somebody to whom Americans can look who will assume charge of American interests, hence it is better to have a foreigner than none at all.

Mr. HERMANN. It is rather un-American in doctrine.

Mr. HITT. It is a bad doctrine and a bad practice. Secretary Freylinghuysen sent a very full report here recommending something like the British system, in which fees and foreigners have been long ago tried and found unsatisfactory. He proposed a classified list with compensation fixed at such amounts as would lead Americans to fill almost all the posts. But Congress has seen fit to adopt the old system, as was believed to be agreeable to the public sentiment; and so we have a serviceslender in number and but half organized which has been very good and very effective, but meagerly paid. The effect of the present bill will be to lower it in character and numbers, make it less effective, and fill a considerable number of our consulates with foreigners.

Levuka is included in the amendment. That is a point in the Fiji Islands, where we have now a joint commission, British and American, passing upon land questions involving large amounts. If this consulate has the salary cut off, there will be no American who will hold it, and there again the American consul will probably be a British subject, or we will have none at all; and that, too, at a moment when we have a commission sitting there settling disputes between the British Government and our own, and between British subjects and American citizens. The officer, if we have one at all, who will be there to protect our rights and who should vigilantly watch the interests of our citizens will be a British subject with allegiance to the very government with which we are contending. This is the way to reform the service!

Mr. BLOUNT. Mr. Chairman, my friend speaks of this bill adopting a system of putting foreigners in office. There are ten of these places reduced throughout the whole service. He says no good American will go there to those places if you reduce the compensation to the fee. Well, now, if any one would go from here to those countries for a \$1,000 salary, I should not think he would be a very important man in any business sense, anyway; and I take it for granted that the small duties that are to be done there, could be done by some person who had some other business, even if he happened to be a foreigner.

Now I happen to have before me the recommendations to which I have heretofore referred, made in the Forty-fourth Congress for the reduction of forty-four consulates to compensation by fees, that recommendation being based on the report of Mr. Keim, who had made a special inspection of all our consulates at the instance of Gen. Grant. This action which we propose is nothing novel.

The amendment was rejected.

The Clerk read as follows:

Mexico: Consul at Matamoras, \$1,000.

Mr. HITT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 19, after line 18, insert:

"Consul at Guaymas, \$1,000."

Mr. HITT. Mr. Chairman, I will not detain the committee with any other amendment beyond this, and I think that the voting down of this amendment, as it will be voted down, will be the crowning achievement in this long series of rejections.

I ask the gentleman from Indiana [Mr. HOLMAN], whom I see before me, to kindly give me his attention while I explain this one more amendment I propose to a bill framed, it is said, in accordance with his ideas of economy and the retrenchment of expenditures. The salary of the consul at Guaymas is now \$1,000,

and this bill proposes to cut off that salary. Guaymas is a port on the western coast of Mexico, much frequented, where three lines of steamers touch. The salary being cut off, the fees will, by the law, go to the consul. The fees for invoice work there are not great, say \$250; but there is another kind of fees, far greater than that, if his salary of \$1,000 is cut off and it is made a feed office by this bill.

Under the Dingley act all fees for services rendered to ships and mariners by consuls receiving only fees and without salaries are to be paid by the Government to these feed consuls. In no case do the ships and seamen pay them. If the services are rendered by a salaried consul he gets none of the fees for this or anything else; the service is rendered gratis. In this case of Guaymas the salary is proposed to be cut off, so that the consul will, by the law, receive and keep all the fees, the limit being \$2,500, and the Government will have to pay them. That is the sort of retrenchment that is proposed. Will these fees go above \$1,000? Yes, over and over again. Every time a steamer or other American vessel comes into that port the consul will get \$1 for every seaman shipped; \$1 for every seaman discharged; a cent a ton for filing the ship's papers of every vessel that comes into port, and so on.

In the long list of details in the Consular Regulations there are ten other fees for services to shipping which a nonsalaried consul is entitled to collect. All these fees are denied to the salaried officer; he can keep nothing beyond his salary of fees actually collected. But an unsalaried officer charges all these fees, and they are allowed and paid to him by the Government. Where the consul is salaried he gets nothing out of these fees for services to ships; it is a mere matter of charging and crediting the Government both ways. But where the consul gets no salary, he sends his account for these fees to the Treasury and they are allowed him under the law. Then, what will be the limit upon this man from whom you are taking away a salary of \$1,000? Fee consuls by the law may retain the fees up to \$2,500. This bill, therefore, will change the income of this officer from \$1,000 a year to \$2,500 a year income direct, and after that there is \$500 for rent, and then for clerk hire whatever the Department will allow.

Do you know how large a sum those fees will amount to in all? I mentioned the three lines of steamers passing and repassing constantly. Up to the fourth entry of a ship at that port he gets the full amount of the fee that I have mentioned for filing papers; for services to seamen no matter how often. Now, this is a port where the great frequency of entries and the multitude of sailors will make such an aggregate of fees that this officer will probably and almost certainly draw the maximum allowed under the law. Col. Alexander Willard is now our consul there. He is holding the office and performing all this service for \$1,000 a year, because he is the agent of the steamers, and he is the man who ought to wish health and long life to the distinguished chairman of the Committee on Foreign Affairs for adding at least \$1,500 if not \$2,000 to the income of that consulate.

Mr. BLOUNT. Mr. Chairman, if there was any way of ascertaining with accuracy the facts alleged to exist by my friend from Illinois, I would take great pleasure in giving them consideration in fixing the compensation of this office, but the gentleman can not support his statements by any official data. I think there have already been some railroads built to that point. At all events the growth of commerce in connection with this port, which the gentleman anticipates, has not yet been demonstrated, so I think his conjectures as to the enormous amount of fees that will be collected there are without substantial foundation.

I know very well that if my friend from Indiana [Mr. HOLMAN] were to accept absolutely the statements of my friend from Illinois he would probably object to the change proposed in the bill, but when we look at the tabular statement showing the trade at this port we find no such conditions indicated as my friend from Illinois seems to think exist there. It is possible that in the future there will be a great development of trade at that point, and whenever it comes I shall be in favor of rearranging the salary. Whenever I find that at a given time there is no trade, or that there is a large amount of trade at a given point, I am in favor of adjusting the compensation with reference to the facts as they exist. I repeat that in this case there are no official data to support the statement of my friend from Illinois.

Mr. HITT. I should add, perhaps, that there is no official published statement of the accounts of consuls of services in detail to ships; they are in their accounts. It is a notorious fact, which any journal on the Pacific coast will show to the gentleman, that these steamers touch at this place; and the gentleman can examine the statute governing these fees. Therefore he has to perform a simple sum in addition in order to reach exactly the result I have given.

Mr. BLOUNT. Mr. Chairman, it would take me a long time

to figure out the result, unless I knew how often the steamers stop there. There is information to be had in reference to the vessels entering every port of the world. Everything which my friend says he can not find in this case I will undertake to find for him. I have had occasion to do that sort of thing heretofore; and there is no difficulty in finding in the consular reports statements in regard to the vessels entering and clearing, as well as in other matters of interest in respect to trade.

Mr. HITT. Except that of the essential matter—the service rendered to seaman—no account is published now of the fees for those services. That is a matter embraced in the accounts of individual officers, sent in manuscript to the Treasury Department. The printed tabulated reports to which the gentleman refers show the arrivals and departures. The computation which I suggested the gentleman might readily make would be based upon the great number of vessels that must enter this port, the number of seamen who go there, and the fees that will be collected from the Government and retained by a consul who has no salary. Those are the elements of the problem. But the solution is not a happy one for the theory of this economy and retrenchment bill.

The CHAIRMAN (having put the question on the amendment of Mr. HITT). The noes seem to have it.

Mr. HITT. I call for a division.

The question being again taken, there were—ayes 26, noes 65. So the amendment was rejected.

The Clerk read as follows:

Portuguese Dominions: Consuls at Funchal and Fayal, \$1,000 each, \$2,000.

Mr. BLOUNT. I move the amendment which I send to the desk.

The Clerk read as follows:

After "Fayal" insert "and Mozambique," and in the following line strike out "two" and insert "three," so as to read "\$3,000."

The amendment was agreed to.

The Clerk read as follows:

Total, \$27,000.

Mr. BLOUNT. I move to amend by striking out "seven" and inserting "six," so as to read, "\$26,000."

The amendment was agreed to.

The Clerk read as follows:

Salaries of consular officers not citizens of the United States, \$10,000.

Mr. BLOUNT. I move to amend by striking out the lines just read and inserting the following:

The salary of a consular officer not a citizen of the United States shall be paid out of the amount specifically appropriated for salary at the consular office to which the alien officer is attached or appointed.

The amendment was agreed to.

The Clerk read as follows:

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State, at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than \$500 to be allowed to any one consulate in any one fiscal year: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated: *And provided further*, That out of the amount hereby appropriated the Secretary of State may make such allowance as may to him seem proper to any interpreter for clerical services in addition to his pay as interpreter, \$35,000.

Mr. BLOUNT. I move to amend at the end of the paragraph just read by striking out "\$35,000" and inserting "\$20,000."

The amendment was agreed to.

The Clerk read as follows:

Total, \$100,700.

Mr. BLOUNT. I move to amend so as to read, "Total, \$85,700."

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. BLOUNT. There is an amendment pending which was proposed by the gentleman from Michigan [Mr. CHIPMAN] to the paragraph under the head "Emergencies arising in the diplomatic and consular service." I now call up that amendment and ask a vote upon it.

The CHAIRMAN. The Clerk will read the paragraph and also the amendment.

The Clerk read as follows:

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirements of section 291 of the Revised Statutes, \$60,000, or so much thereof as may be necessary.

The amendment of Mr. CHIPMAN was read, as follows:

Add to the paragraph just read the following:

"*Provided*, That no part of the sum hereby appropriated shall be paid to any foreign power in settlement of any claim of said power against the United States."

The question being taken on agreeing to the amendment, three were on a division (called for by Mr. DINGLEY)—ayes 51, noes 23. So the amendment was adopted.

Mr. BLOUNT. I now ask that we return to the other paragraph which was passed over—the paragraph in regard to the Continental Railway Commission.

The Clerk read as follows:

CONTINENTAL RAILWAY COMMISSION.

Payment of the share of the United States of the expense of a preliminary survey for a continental railway, as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000.

Mr. BLOUNT. I move to amend by striking out, in the first line of the paragraph just read, the word "commission" and inserting "survey."

The amendment was agreed to.

Mr. BLOUNT. I now move to amend by striking out the whole of this paragraph.

Mr. Chairman, I move to strike out this provision appropriating \$65,000 for continuing the survey of the Intercontinental Railroad, for several reasons, some of which I have already stated to the committee in general debate. I wish now further to call the attention of the committee to the very meager consideration given to this question at the first session of the Fifty-first Congress, when this appropriation of \$65,000 was made on the consular and diplomatic bill. The House passed that appropriation bill without any provision of this kind embodied in it. On the return of the bill from the Senate there were many amendments, and amongst them was a provision for this survey, and the creation of the commission, etc.

The gentleman from Illinois [Mr. HITT] asked unanimous consent that the diplomatic and consular appropriation bill be taken up, the amendments of the Senate nonconcurring in, and that the House ask a conference thereon. To this the gentleman from Indiana [Mr. HOLMAN] made objection. Mr. HITT suggested that there would be a saving of time, and that he was anxious to get the bill in conference. I have the debate before me, but will only refer to one or two extracts from it. Mr. HOLMAN said:

I wish to inquire of the gentleman from Illinois whether the committee are unanimous in their opposition to these various amendments?

He was eager to know whether the nonconcurrence proposed was a mere *pro forma* matter, or whether the committee were disposed to make issue on the various amendments of the Senate. Mr. HITT replied:

The committee framed the bill, which was sent to the Senate, and upon that bill the committee were unanimous. They desire to consider carefully these amendments, but what conclusions they will reach upon them I can not say. I move to nonconcur in order that we may consider them.

Then, later, a conference report was made by the conferees appointed under the order of the House, which was requested by Mr. HITT; and in this report, amongst other things agreed to on the part of the committee of conference—and I may say in this connection that most of the Senate amendments which the House formally nonconcurred in were agreed to by the conference and reported back to the House by the gentleman from Illinois [Mr. HITT]—but amongst the other things agreed to was this intercontinental railway project. The matter was brought up for immediate action in the House.

The gentleman from Indiana [Mr. HOLMAN], the gentleman from Tennessee [Mr. McMILLIN], and a gentleman then from Arkansas, Judge Rogers, commenced a struggle to have the bill lay over until the next day, until there could be an opportunity to examine its provisions. The struggle continued for a long while. I have no time to read the colloquy in connection therewith, but an effort was made to adjourn the House, and that was voted down by the majority side. Several votes were taken. Gentlemen of the minority side of the House—the Democratic side then—abstained from voting in order to force the matter to go over, and it was finally brought to an issue by the Speaker counting a quorum, and in that way the House was brought first to the consideration of this \$65,000 appropriation.

Mr. HOLMAN. That was the first appropriation?

Mr. BLOUNT. That was the first appropriation, and the survey was commenced in that manner, the record disclosing the fact that the report was adopted with the great majority of the Democrats in the House protesting against such action until they could have an opportunity to examine all the questions involved.

So, Mr. Chairman, I think that the majority side of this House have never had any opportunity to consider this question.

[Here the hammer fell.]

Mr. McCREARY. I ask that the time of the gentleman from Georgia may be extended.

Mr. BLOUNT. I move to strike out the last word.

The CHAIRMAN. The Chair will state that the debate on this paragraph, unless objection be made, will be considered as applying to the motion of the gentleman from Georgia, and will not require *pro forma* amendments.

Mr. BLOUNT. But the five-minute rule will obtain?

The CHAIRMAN. Yes; but the Chair will not require *pro forma* amendments.

Mr. COOMBS. I suggest that the gentleman from Georgia have all the time he wants and that there be a liberal time on the other side.

Mr. BLANCHARD. I will have to object to that in the interest of the consideration of the river and harbor bill.

Mr. HOLMAN. But the sundry civil bill is next on the Calendar.

Mr. HOOKER of Mississippi. It will be in the interest of every other bill to let this vote be taken, for we are going to have time, either by consent or the *pro forma* amendments, to discuss it.

Mr. BLOUNT. I am not disposed to insist on any considerable time to discuss the matter. The gentleman from Kentucky, Governor McCREARY, my friend from Mississippi, Mr. HOOKER, and myself differing on this subject, have already presented to the House the features as they present themselves to our minds, and it does not seem that the matter would need very much further elaboration. I think I can discuss in a very short period the real question before the House.

Now, my friend from Kentucky, and my friend from Mississippi [Gen. HOOKER] assume that this is nothing more than a mere matter of survey of a road in Central and South America. I take the ground, sir, that it is a great deal more. The Pan-American Congress adopted a report containing fifteen sections, and I call your special attention to this matter. I shall not have time to read all the sections, but will read those that provide for this survey. That is provided in the first section, and then there are various other sections agreed to. Among them I will read section—

Ninth. That the construction, management, and operation of the line should be at the expense of, the concessionaires or of the persons to whom they subcontract the work or transfer their rights with all due formalities, the consent of the respective governments being first obtained.

Tenth. That all materials necessary for the construction and operation of the railroad should be exempt from import duties, subject to such regulations as may be necessary to prevent the abuse of this privilege.

Eleventh. That all personal and real property of the railroad employed in its construction and operation should be exempt from all taxation, either national, provincial (State), or municipal.

Twelfth. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guaranties of a minimum of interest.

Thirteenth. That the salaries of the commission, as well as the expenses incident to the preliminary and final surveys, should be assumed by all the nations accepting, in proportion to population according to the latest official census, or, in the absence of a census, by agreement between their several governments.

Fourteenth. That the railroad should be declared forever neutral for the purpose of securing freedom of traffic.

Now, here, Mr. Speaker, is a scheme for the construction of a road in South America, and as Mr. Blaine says, it contains a guaranty of a protection of the concessionaires, which is absolutely necessary to the successful building and running of this road and to invite persons to invest in it. Unless this Government in connection with the other governments should guarantee the rights of the concessionaires, their land grants, their guaranties of interest, the neutrality of the road, and the various other rights herein contained, people would not invest at all; but the moment the great arm of these United States was thrown around this scheme, investors would say "we shall have that power at our back and our investments are secure." Mr. Blaine fully appreciated what this meant when he sent his communication to Congress asking for provision for the commission and for the survey.

Mr. COX of Tennessee. Will the gentleman from Georgia allow me to call his attention to a point right there?

Mr. BLOUNT. Yes.

Mr. COX of Tennessee. Under that negotiation in which the neutrality of the road seems to have been agreed to by these parties did the United States obligate herself to protect this neutrality?

Mr. BLOUNT. Yes.

Mr. COX of Tennessee (continuing). Suppose that neutrality was to be violated by any of these South American countries; then would it be the duty of the United States to protect that neutrality?

Mr. BLOUNT. If we carried out the scheme contained herein we would be bound to do it, in my opinion.

Mr. HOLMAN. There is no doubt of it.

Mr. BLOUNT. And the Secretary says:

On this subject a very important feature of the report, to which I especially direct your attention—

And I invite the attention of the House to it.

will be found in the international declarations that the line of the proposed railway shall be forever neutral territory; that the material necessary for the construction and operations of the road shall be admitted free of customs dues, and that its property and revenues shall be always exempt from all forms of taxation. This guaranty, having all the force of a treaty—

Mr. HOLMAN. A guaranty.

Mr. BLOUNT. A guaranty, having all the force of a treaty—will stimulate private and public confidence, and thus lead to the investment of capital that might otherwise be reluctant and distrustful.

Now, Mr. Chairman, I want to call attention just here to the fact that according to the letter from the Secretary of State on February 23, only five of these fourteen countries have made any contribution at all. We have appropriated twice \$65,000, paying our part twice. This work is going on at the instance almost exclusively of the United States, and it is a very significant fact that, while we are claiming that we propose to render such great service toward the development of South America, the appropriations necessary to consummate this work are withheld by most of these governments. I could not understand this at first, until an officer connected with the commission on yesterday came to me and said, "They are suspicious, and that is the reason they do not make the appropriations. Give us the money and let us go on with the survey and we will work this thing out of them after awhile."

Now, Mr. Chairman, here is this great Republic, forcing its way here, claiming to do it by virtue of an agreement, and most of the nations are withholding their financial coöperation, we making two appropriations and proposing to go on with a third. Now, it will be said that we have appropriated \$130,000, that the survey is perhaps two-thirds completed, and that we should complete it. Every dollar of this \$130,000 that has been expended down there has been expended without advisement on the part of the lower branch of the American Congress. The party now in the majority in this House has never until this hour had the opportunity to place its stamp of disapproval upon a scheme which proposes to connect this Government with a railroad in South America, with enforcing the demands of railroad concessionaires against these Republics, and perhaps implicating us in complications which may finally terminate in a war of conquest.

[Here the hammer fell.]

Mr. McCREARY. Mr. Chairman, I addressed the House at some length on this paragraph of the bill when we had general debate on the diplomatic and consular appropriation bill, and I only desire now to call the attention of members to certain important points connected with this appropriation, and also to remove if I can the alarm which seems to fill my friend from Georgia [Mr. BLOUNT].

I hope I will have the attention of the committee on this point. I desire to state that the appropriation of \$65,000, which the chairman of the Committee on Foreign Affairs is now moving to strike out of the bill he reported, had the indorsement of every member of the Committee on Foreign Affairs who was present, and has never been opposed in this House by any member except the gentleman from Georgia. He reported this bill favorably, without any minority report, and now he stands in the attitude of asking us to strike out an important paragraph in the bill which he reported favorably to the House of Representatives. This paragraph, which makes an appropriation of \$65,000, was carefully considered by the Committee on Foreign Affairs, and every member of that committee finally voted in favor of directing the chairman to report it favorably to the House.

Now, Mr. Chairman, let us see what this Trojan horse is that causes the gentleman from Georgia so much alarm. The language of it is as follows:

CONTINENTAL RAILWAY SURVEY.

Payment of the share of the United States of the expense of a preliminary survey for a continental railway, as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000.

I ask the members of the House of Representatives to stand by the Committee on Foreign Affairs and vote down the motion to strike out this paragraph, first, because the Committee on Foreign Affairs, except the chairman of the committee, after the most careful consideration and examination, indorsed the appropriation and directed that it be reported in the bill; secondly, I ask the members of this House to let this paragraph remain in the bill, because this preliminary survey to ascertain whether it is feasible to connect the United States with all the republics of Central and Southern America is about two-thirds completed. The report of the chief executive officer connected with the preliminary survey shows that the work is now about two-thirds finished. Congress has twice appropriated \$65,000 as the part of the United States to make this preliminary survey, and now, when we need only \$65,000 more to complete the survey, for the first time, opposition is raised in the House of Representatives.

Mr. CULBERSON. Will the gentleman allow me to ask him a question?

Mr. McCREARY. There was opposition in the last Congress to the passage of the diplomatic and consular appropriation bill, but no special opposition to the appropriation for making the preliminary survey. It is well known to members why we delayed all bills. I spoke more than two hours on the diplomatic

and consular appropriation bill in the last Congress. It was our design to get time, and the diplomatic and consular appropriation bill was finally passed in the House of Representatives with an appropriation just like the one the gentleman from Georgia now moves to strike out.

Mr. BLOUNT. Not exactly.

Mr. McCREARY. It passed the House of Representatives with about 100 voting in favor of it, and a few votes against it. What will be the effect if we fail now to make this appropriation?

[Here the hammer fell.]

Mr. BLOUNT. I ask that the gentleman from Kentucky be allowed to proceed for five minutes.

There was no objection.

Mr. McCREARY. If we now fail to make this appropriation, and it becomes necessary to abandon the work, the instruments, the animals, and the equipments with which three surveying corps are now working will be sold at a sacrifice and the loss upon these animals, equipments, and instruments will amount perhaps to half as much as we now ask in this bill.

I ask, for another reason, that we pass this appropriation. South of this Republic are 50,000,000 people who desire more intimate commercial union and more intimate social relations with us than they have heretofore enjoyed. They have modeled their governments after ours and they are earnestly pleading for broader trade relations with us and greater communication by land. They had last year \$998,000,000 worth of trade.

Four-fifths of that trade went to England, Germany, and France, and only one-fifth to the United States. We ought to have it all. Mr. Chairman, this is not a proposition to build a railroad. It is merely a proposition for the United States to furnish \$65,000, the amount which this Government solemnly agreed to furnish when the International American Conference was held in this city, and I ask the members of this House to adopt the paragraph in this bill appropriating this \$65,000, because they are in honor bound to stand by the agreement which was made when the International Conference was held and which we have upheld for nearly two years.

Mr. ELLIS. If it is not intended to have us go on and build the railroad, why should we make the survey? Why should not the people who are to build the road make the survey?

Mr. McCREARY. I will explain that. The attitude of the matter now is the same as if there were half a dozen counties lying side by side in a rough country, and the people desiring to have a railroad built should unite to pay the cost of making a preliminary survey to determine whether the enterprise is feasible or not. In such a case each county contributes money to make the preliminary survey, knowing that as soon as the work is shown to be feasible the money to build the road will be furnished by the capitalists or syndicates who are always on the lookout for such investments.

The gentleman from Georgia [Mr. BLOUNT] intimated that there is a subsidy in the proposed appropriation. He is very late in coming to that conclusion, after two appropriations have been made for the preliminary survey. I call the attention of my friend from Georgia to the resolution adopted by the national Democratic convention in 1884. That convention declared that it favored "an American continental policy based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America," and the Republican national convention adopted a similar resolution. Following these resolutions came the act of 1888, authorizing the Pan-American Congress, passed by the Congress of the United States without a dissenting vote, and approved by Mr. Cleveland, who was then President. In the first paragraph of that act is the following statement in reference to the purposes of the International American Conference:

For considering questions relating to the improvement of business intercourse and means of direct communication between said countries.

Meaning the United States and the countries of Central and South America.

When the members of the International American Conference assembled they made an agreement looking to the carrying out of the purpose stated in the first paragraph of the act of Congress to which I have referred.

Mr. BLOUNT. Will the gentleman permit a question?

Mr. McCREARY. Yes, sir.

Mr. BLOUNT. I will ask the gentleman if that conference did not take up the question of reciprocity treaties, and whether they did not make a failure all along that line?

Mr. McCREARY. They probably took up that question and did make a failure, but that has nothing to do with the present question.

Mr. BLOUNT. I understood my friend to be stating what the Congress assembled for.

Mr. McCREARY. The Conference assembled to consider eight topics, and the first one reported upon was the first men-

tioned in the paragraph of the act approved by President Cleveland and the first mentioned in the invitation sent out by Secretary Bayard to the countries south of us, to wit, questions relating to the improvement of business intercourse and means of direct communication between the countries of the western hemisphere, and the Conference agreed that a preliminary survey should be commenced immediately to ascertain if it was feasible to build a railroad in Central and South America that would connect all the countries of the three Americas. It was also declared in the ninth clause of the agreement

That the construction, management, and operation of railways should be at the expense of the concessionaires or the persons to whom they sublet the work or transfer their rights with all due formalities, the consent of the respective governments being first obtained.

As the railroads of the United States are already built to the Mexican border, this shows that there is nothing whatever in this provision that pledges the United States to furnish one dollar for the construction of the railroad.

[Here the hammer fell.]

On motion by Mr. BLOUNT, by unanimous consent, the time of Mr. McCREARY was extended for five minutes longer.

Mr. McCREARY. Our railroads are already built in the direction of Mexico. We have three lines crossing the border between Texas and Mexico at El Paso, at Eagle Pass, and at Laredo. Mexico has undertaken to do her part in the construction of the great continental railroad; she says she will build all of the line that runs through her territory. The Argentine Republic has announced that she will build all of the railroad that passes through that Republic. She has already built 980 miles of road and the Republic of Mexico has completed a road from the Texas border to her capital, and is rapidly pushing it toward Guatemala. There is nothing whatever in the paragraph of the pending bill to pledge us to any subsidy. I have stood in my place in this House for seven years and fought subsidies. I am against subsidies now, and if I believed there was anything in this bill that committed our Government to furnishing money for the construction of this road I would be against it.

Mr. Chairman, the United States in the International American Conference pledged itself to contribute \$65,000 per annum until the preliminary survey was finished and thereby induced the other republics to agree to contribute their money and now I hold that we have no right to cancel our agreement. We can finish the work in another year. Two-thirds of it is now done, and with one more appropriation we can complete the survey.

Mr. HOLMAN. What is the evidence that the Government of the United States pledged itself to pay any specific sum of money toward this survey or that any other State promised to pay any part of the expense?

Mr. McCREARY. I thought I had already answered that question; but, if the committee will give me time, I will go over it again. As I have already stated, the Congress of the United States passed what was known as the law "to authorize the President of the United States to invite the several governments of the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil, to join the United States in a conference to be held at Washington, in the United States, at such time as the President may deem proper in the year 1889, for the purpose of discussing and recommending for adoption to their respective governments, some plan of arbitration for the settlement of disagreements or disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse and means of direct communication between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all, and secure more extensive markets for the products of each of said countries."

When the Congress of the United States passed that act, which was approved by President Cleveland, invitations were sent out by Mr. Bayard, as Secretary of State, inviting those countries to come here for that purpose. They sent delegates to meet ours in the International American Conference, which agreed upon this preliminary survey and agreed that each country should furnish a sum of money equivalent to \$1,000 for each million of inhabitants, our share being \$65,000 per annum. Now, when the United States furnished money twice and when the other countries are furnishing their respective amounts, I say there is an implied contract from which we can not now honorably retire.

But we have put in this bill a saving clause, which I am in favor of. It was alleged by the gentleman from Georgia that these other countries had not been as prompt to raise money as we have. Therefore, it has been provided in this bill that we are not to pay the appropriation of \$65,000 until all the other countries pay the respective amounts which they promised to pay. It is true that a few of them have not yet paid their respective quotas, and therefore this provision has been inserted.

[Here the hammer fell.]

Mr. BLOUNT. I hope my friend will be allowed five minutes more to continue his remarks.

Mr. HOLMAN. I trust there will be no objection. There was no objection.

Mr. HOLMAN. My friend from Kentucky does not answer my question at all. I have looked in vain through the proceedings in reference to this matter to find any engagement on the part of any of these States to pay anything; and I find no agreement on the part of the United States to pay \$65,000.

Mr. McCREARY. Let the gentleman read the act of Congress, and then read the agreement made by our commissioners in the International American Conference, and then read the action of Congress appropriating \$65,000 on two occasions for the purpose of carrying out this agreement; and if he then does not regard this as a contract, I am unable to convince his mind.

Mr. HOLMAN. Where is the agreement? I have looked in vain for it. I find no such agreement. I find discussion, but no agreement.

Mr. McCREARY. I submit that we should also look at this as a matter of business. We have appropriated \$130,000 towards this preliminary survey. I call the attention of members to the letter of the executive officer of the Continental Railroad, which is as follows:

INTERCONTINENTAL RAILWAY COMMISSION.
Washington, D. C. April 29, 1892.

DEAR SIR: In accordance with your request of yesterday I have the honor to submit the following, which gives the status of our work up to the latest reports received from the parties in the field:

The survey in Guatemala has been finished. Three lines have been examined each of which shows the practicability of constructing a railroad from the Mexican boundary to the frontier of Salvador at a cost which will insure the railroads being self-supporting from their local traffic alone.

In South America one corps has surveyed the country from Quito, Ecuador, to Antioquia, Colombia, a distance of 800 miles. The engineer in charge reports that the railroad through that section is perfectly feasible at a cost of \$32,000 per mile for road-bed, masonry, and bridges, involving no gradient exceeding 3½ per cent and no curvature greater than 14°. Our third corps has surveyed the line from Quito, Ecuador, to Cerro de Pasco, Peru (a distance of over 800 miles), where it arrived on the 8th instant. This section has also been reported perfectly feasible for a railroad.

It is very gratifying to inform you that such important and valuable results have been attained in so short a time and at comparatively such a small cost. To sum up, the feasibility of a continental railroad over the greater part of the main line in South America, namely, the 1,600 miles already surveyed by our engineers, has been demonstrated.

As the distance from the southern boundary of Costa Rica via Quito, Cerro de Pasco, and Cuzco to Puno, on the frontier of Bolivia, is 2,400 miles, of which 372 miles are either covered by existing railroads or under contract to be completed in two years, there are only 500 miles more to be surveyed in South America and about 800 miles in Central America to determine the feasibility of a railroad and to insure the selection of the best route. This portion, with that in Central America requiring attention, can be finished within a year, if the requisite appropriation should be obtained, since two-thirds of the main line have already been surveyed.

A failure to appropriate would necessitate a cessation of the work by the end of the present fiscal year, the recall of the parties from the field with unfinished tasks, at a sacrifice in the way of an enforced sale of animals, instruments and equipments, in short an abandonment of the entire project without an opportunity to collate and publish the valuable information obtained.

Very respectfully,

R. M. G. BROWN, Executive Officer.

HON. JAMES B. McCREARY,
House of Representatives, Washington, D. C.

Mr. Chairman, it is clear to my mind, as a business proposition, that we ought now to appropriate \$65,000 rather than let the work stop, rather than sell out equipments, animals, and instruments now being used in the survey, rather than stop when no report has been made of the work by the three corps of engineers that are in the field. The necessity for the appropriation is so clear to my mind that I think it must be clear to all the members of this House. It was discussed freely in the Committee on Foreign Affairs, having under consideration the diplomatic and consular appropriation bill, and the committee voted unanimously, with one exception, in favor of putting in this paragraph, with nobody voting against it except the gentleman from Georgia.

Mr. PATTERSON of Tennessee. Mr. Chairman, if I comprehend this matter, the International Conference, composed of representatives of the Argentine Republic, Colombia, Ecuador, Paraguay, Peru, Venezuela, Salvador, Mexico, and the United States, agree upon the survey and construction of an international railway extending from this country through Mexico and Central and South America. It is now proposed to appropriate an additional sum of \$65,000 towards paying the cost of surveying the route. I oppose this measure for several reasons. I oppose it because the agreement has not been complied with by at least some of the parties to it.

Mr. McCREARY. Will the gentleman allow me to interrupt him a moment?

Mr. PATTERSON of Tennessee. I will hear the gentleman.

Mr. McCREARY. I desire to ask my friend from Tennessee if he has noticed that the paragraph in the appropriation bill provides that we are not to pay any of this money until all of these other republics have paid the amount of their assessments?

Mr. PATTERSON of Tennessee. I have noticed that paragraph in the bill; but the fact remains that some of the parties to this agreement, as I have already stated, have not complied with its terms.

But, Mr. Chairman, I oppose this measure for the further reason that it is a scheme which not only contemplates the survey of the route, but the construction of the railroad itself. I oppose it because it is projected on the assumption that it is to receive concessions—land grants and subsidies—and is to be exempt from taxation for all time to come. I oppose it, sir, because it is a plan to find an outlet for the sale of our manufactured goods, which, by reason of the protective policy, have been excluded from the other countries of the world, while at the same time the burdens of the Government have been placed upon the shoulders of the consumers of this country, and our commerce has been restricted, embarrassed, and crippled with those nations to which we must look to find a market for the products of the American farm.

I oppose this measure, sir, for the further reason that the survey or construction of a railroad through Mexico, Central and South America, by the aid of this Government, is not within the scope of its objects and purposes. I oppose it because it is not governmental in its nature, but simply a business enterprise. It is not within the purview of the Constitution, but a mere adventure to make money. There is not a member on this side of the Chamber who would vote a dollar to survey or construct a line of railroad anywhere within the limits of the United States. Then for what reason will a Democrat vote to survey or construct a railroad through Central America? There is not a member on this side of the Chamber who would vote a land grant or a subsidy to a railroad situated within our own territorial limits. Then I ask by what process of logic will a Democrat find his way to the conclusion that he can support a scheme which contemplates land grants and subsidies to a railroad situated in South America?

Mr. McCREARY. Will my friend allow me to interrupt him for the purpose of asking a question? Is there anything in this bill that looks to any appropriation on the part of this Government for the construction of a railroad or the donation of land for that purpose?

Mr. BLOUNT. You will most likely find an answer to that by looking at the language of the report. It is set forth by the Committee on Foreign Affairs.

Mr. PATTERSON of Tennessee. I will reply to the gentleman's question by saying that I am not basing this argument on the face of the bill which is now before us, but upon the agreement of these parties as set forth in the report of the chairman of the committee. The twelfth subdivision of the agreement of the International Conference is as follows:

That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of lands or guarantees of a minimum of interest.

Mr. McCREARY. Now, I ask the gentleman to read the names of the persons signed to that proposition.

Mr. PATTERSON of Tennessee. No, I will not take the time to read them. It is not necessary for my argument.

Mr. McCREARY. Then, let me ask the gentleman from Tennessee this question: If sixteen gentlemen from Central and South America do not sign that, and I ask him further if they do not build railroads down there by means of land grants?

Mr. BUTLER. May I ask the gentleman from Kentucky if the names of H. G. Davis and Andrew Carnegie do not also appear as signing this document?

Mr. McCREARY. They do and fourteen or fifteen South Americans.

Mr. BUTLER. Well, they are Americans.

Mr. BLOUNT. They prepared the report.

Mr. PATTERSON of Tennessee. Mr. Chairman, I have not been taught to believe that our Government was instituted for the development or for the accomplishment of enterprises such as this. Its glory is not made manifest in the construction of railroads, a subsidized commerce, the pomp of an army, the splendor of a navy, or the glitter of diplomats in foreign courts; but in the dignity, the virtue, the courage, the enterprise, the matchless energy, intelligence, and individuality of its citizens. That spirit which in our brief history has leveled forests, bridged rivers, built cities, and interlaced like a mesh the vast area of the Republic with railroads and telegraph lines—

[Here the hammer fell.]

Mr. LANHAM. I ask unanimous consent that the gentleman may be permitted to proceed for five minutes longer.

Mr. PATTERSON of Tennessee. I shall only want a moment. There was no objection.

Mr. PATTERSON of Tennessee. That spirit, Mr. Chairman, which has erected colleges, fostered the development of the arts, advanced science, and promoted Christianity; that spirit which has astonished the world and blessed mankind by its achievements, is not the result of governmental aid, control, or interference, but it is the inspiration of liberty, made manifest in the grand march of a free people in their progress to the highest intellectual, moral, and material development yet known to the

race. It will in the fullness of time, when the exigencies of civilization and commerce demand it, construct the interoceanic canal and the intercontinental railway without governmental surveys, land grants, subsidies, or exemptions.

Mr. COOMBS. Mr. Chairman, I hesitate to oppose my plain speech to the eloquent periods of the gentleman who has just taken his seat, and I should not venture to do so only that I believe that he labors under a misconception of the situation when he claims that the amount herein to be appropriated is in any sense a subsidy.

The grounds which the gentleman takes in his argument against subsidies are high and virtuous grounds and meet my hearty approval.

Before I was a member of this body, and while accorded the privileges of the floor as a member elect, I made my position in relation to them plain to members by opposing the bill which was at that time before the House.

But this contribution towards the expenses of a survey of the territory of our neighboring republics and in concert with them is a temporary expedient resorted to for the purpose of indicating to private enterprise when railroads may be built advantageously, an effort to hasten up by joint effort the development of countries which are the natural friends, allies, and customers of our own. As we increase the surplus of our production it is a question of the first importance to our agricultural and manufacturing interests that these countries shall as quickly as possible become consumers of that surplus.

Every million of dollars that we add to our exports furnishes labor and sustenance to about 12,500 of our people. The nine hundred and fifty-two millions of our exports supports one out of every six of our population. Our population and our productions are increasing with marvelous rapidity and we must resort to unusual means to find consumers if we would avoid suffering on the part of our laborers and ruinously low prices for our producers.

In no direction can we look for a better market for our staple agricultural productions than we will find in the Central American Republics; theirs are the products of tropical and semitropical climes, and they need the wheat and other products of the temperate zone.

They are now comparatively small consumers because their products can not find a market except at too great an expense for transportation. If through the information given by these explorative surveys private enterprise constructs roads which will carry their productions to the world's markets, they will very quickly become consumers on a liberal scale. If this result is brought about by our assistance and coöperation, nothing will be more natural than that they should look to us for their supplies; the very friendship evolved by the joint effect will go far to accomplish that result.

I do not say that private enterprise would not in time make these explorations and open up the various countries to commerce. All that I claim is that by this concert of action which we ourselves invited we will hasten that opening by a generation.

Already some wonderful results have been achieved and I point to one in particular, the discovery of the fact that it is feasible to build a railroad at small expense from Antioquia through the Cauca Valley to Quito, and this is but one of the problems that have been solved.

Gentlemen have expressed fears that in doing this we are committing ourselves to a policy of national railroad building and subsidies. This point has been so thoroughly covered by the gentleman from Kentucky that it is unnecessary for me to consume any of your time in repeating it.

So far nothing of the kind has been proposed or even hinted at. How could we as a nation become owners of a road the first link of which is on Mexican soil and owned by private owners?

As to grants of land and relief from taxation, how can they apply to us when not a foot of the roads are on our soil? There can be no other interpretation, and it has never been hinted until this discussion was opened, but that those clauses referred exclusively to the countries through which the roads were to be built, and were given as a voluntary concession upon their part in order to hasten their construction.

I believe, Mr. Chairman, that the Congress of the Latin nations of this continent which was convened by our invitation and suggestion was a wise measure. It sought to bring the family of republics upon this continent nearer together. It was the natural outcome of the great Monroe doctrine. We realized that in order to be consistent we must cultivate closer and more helpful relations, having by our attitude prevented European nations from assuming that relation.

In furtherance of that idea certain things were decided upon and the faith of each solemnly pledged. I ask you, sir, in what attitude shall we stand towards them, in what estimation shall

we be held if we, the first of all, cancel those agreements? Will it tend to increase their friendship or respect for us? Will it increase our respect for ourselves?

Will they in future trust to the good faith of a people which so easily forgets its obligations voluntarily assumed? Can we in the future blame them, if, refusing to trust to our professions, so belied by our actions, they, turn their eyes to Europe.

I can not, sir, understand the shortsighted policy which will at this stage of the enterprise, when everything is auspicious, when results so satisfactory to all have been accomplished, and when the end is so near abandon it, under circumstances so discreditable to ourselves, and so destructive to our interests.

No portion of our people have a more lively interest in this matter than the gentlemen from agricultural States, and if they would look upon it in its true light, they would insist that the amount appropriated by the committee (\$65,000) should stand—

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I wish to call the attention of the committee to the fact that this is the first opportunity the Democratic members of this House as representatives of the Democratic party have ever had to consider this measure. It is here that this measure begins, so far as the Democratic party is concerned. This side of the House is in no sense responsible for what has occurred. If there should be on us a responsibility for this measure, if we are to be led into this thoroughly unamerican policy by committing our country to entangling alliances with those nations of Central and South America, and with the granting of subsidies, the beginning will be with us here to-day, when this measure shall pass, if it does pass the House, and go to the Senate for the certain approval of that body. Up to this day the Democratic party has no responsibility for this scheme of subsidy. Will we to-day commit the Democratic party to this policy?

Gentlemen of course are not deceived as to the effect of the act of the Fiftieth Congress. It simply proposed a conference between the United States, Mexico, and the Central and South American states and islands lying in the two oceans on either side of the coast of South America; but in the issuing of that invitation, following out the policy which has ever controlled the Democratic party in our foreign relations, Mr. Bayard, then Secretary of State, made use of the following language:

I have to call your attention, your particular attention, to the scope and object of the conference suggested, which, as will be observed, is consultative and recommendatory only. The proposed conference will be wholly without power to bind any of the parties thereto.

This was the call made under the act of 1890. This is the call upon which this conference was held.

Now, sir, there has been a departure, and my friend from Kentucky [Mr. McCREARY] must observe the fact, as I have again to say, a very grave departure, and one much more significant than would be any further departure, even that by which we would be solemnly committed to carry out the provision made in the eighth section of the agreement reported by the conference—the construction of the railway in Central and South America.

Now, sir, starting out from that beginning, up to this time the Democratic party as represented in this House is in no sense nor in any form committed to this policy. If it shall be committed to it in the future it will be by the act of Democratic members to-day agreeing to this appropriation of this \$65,000 in aiding to complete this survey. But before I leave that point I want to say further that by every parliamentary method and compelling five consecutive roll calls the Democratic members of the House in the Fifty-first Congress struggled to obtain even a hearing on the appropriation of the first \$65,000; and it was forced through the House by a count of the House, in defiance of all fairness and of all sense of justice. So that, gentlemen, this point in the agreement was carried out by legislation against which Democrats were protesting solemnly from the beginning.

So I say, again, as far as we are concerned, now is the beginning of responsibility, if any shall be assumed. Now is the beginning of the responsibility which will rest upon the Democratic members of this House if this scheme is finally carried out.

Gentlemen, what is the purport and meaning of this scheme as developed under the auspices of this Administration. Let us see. I call gentlemen's attention to just a few specific facts as to what is intended. I wish to call attention only to the eighth, twelfth, and fifteenth provisions in the agreement made by Henry G. Davis and Andrew Carnegie, pretending to act upon the part of the United States, assuming to act for the American people and the American Government, and those other gentlemen who signed the agreement for certain South American states. Now, gentlemen, I hope that it will not be overlooked that up to the time the paper was signed, not one word had been said, either by your Secretary of State or by Congress, which intimated that these gentlemen were authorized to execute an agreement in relation to this railway and for any other purpose, yet what will be found

to be the ultimate expression of the opinion of our present Secretary of State, Mr. Blaine?

Now, let us see what these three propositions are:

8. That in case the results of the survey demonstrate the practicability and the advisability of the railroad, proposals for the construction of either the whole line or of sections thereof shall be solicited.

Mark the language! Then comes another:

12. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guaranties of the minimum of interest.

Can anything be clearer than that? Can those who shall succeed us here, when a proposition is brought forward to appropriate money to construct this railroad with high guaranties by the United States—for if it is ever constructed under this agreement it will be by the United States—can they then pretend that there was ever any misapprehension as to the basis upon which the matter proceeded?

Mr. McCREARY. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Yes, sir.

Mr. McCREARY. The gentleman states that if this road is ever constructed, it will be constructed by us.

Mr. HOLMAN. Yes, sir. I think so.

Mr. McCREARY. I wish to ask the gentleman whether the Argentine Republic has not already constructed 982 miles of this railroad up to the Bolivian line, and whether Mexico has not constructed over 1,000 miles?

Mr. HOLMAN. I am not talking about any railroad already constructed; I am talking about the road that is to be constructed.

Mr. BLOUNT. The road to which the gentleman from Kentucky refers was all constructed before this survey.

Mr. HOLMAN. Yes, that was all built before the survey was made. I have reference now only to this survey and the road for which the survey is made and which is yet to be constructed.

Mr. McCREARY. I want to ask the gentleman further whether 387 miles of this road have not been finished with the last year and 1,800 miles of it put under construction?

Mr. HOLMAN. That has nothing at all to do with this matter. I make no answer except this: If so large a portion of the road is already constructed, why can you not rely upon those nations and private enterprise to complete the balance? [Applause on the Democratic side.] Now, if this measure passes and both parties are thereby committed to this policy, this will not be the last time that this unfortunate paragraph will be read in this House and rung in the ears of our successors; this paragraph which says that "the execution of a work of such magnitude deserves to be further encouraged by subsidies, grants of land, or guaranties of the minimum of interest." Who drew up that paper which it is proposed to ratify by the act of the Democratic party? Who drew it up? Two men, professing to act for you and for the American people, Henry G. Davis and Andrew Carnegie. Will you ratify their unauthorized act?

Mr. McCREARY. Read the other names.

Mr. HOLMAN. I am speaking of those for whom the gentleman claims that we are responsible. I have read those. We are not responsible for the others, the representatives of Central and South American States. Now, Mr. Chairman, one step further—and I ask the serious attention of the gentleman from Kentucky [Mr. McCREARY] to this matter. Let us see what is the interpretation put by this Administration upon the paper—the alleged agreement—from which I have read. Mr. Blaine, Secretary of State, says:

A very important feature of the report to which I specially direct your attention will be found in the international declaration—

He calls the agreement an "international declaration"—

that the line of the proposed railway shall be forever neutral territory; that the materials necessary for the construction and operation of the road shall be admitted free of customs duty, and that its property and revenue shall be always exempt from all forms of taxation. This guaranty—

Does my friend from Kentucky misapprehend the meaning of that word "guaranty" used by the Secretary of State in interpreting this act?

this guaranty having all the force of a treaty.

That is the language of your Secretary of State.

Mr. COOMBS. I will ask the gentleman if that does not mean the guaranty that the road passing through those South American countries shall be free from taxation by them?

Mr. HOLMAN. The language of the Secretary of State is, "This guaranty having all the force of a treaty." Does not my friend see that if any part of the paper has the force of a treaty the whole of it has?

Mr. COOMBS. It does not apply to us. There is not a mile of the proposed road that is to be within our territory. We can not make any guaranty of that kind, because we will not have any control of it.

Mr. HOLMAN. "This guaranty having all the force of a treaty"—guaranty of what?

Mr. COOMBS. A guaranty that the line of the road and its property in those South American countries shall not be taxed.

Mr. HOLMAN. A guaranty of the minimum amount of interest, a guaranty of subsidy, a guaranty of land grants.

Mr. COOMBS [emphatically]. That language does not affect us one iota.

Mr. HOLMAN. My friend must not get excited over this matter. [Laughter.] I know that when these great schemes are on hand gentlemen are apt to have their interest and feelings aroused. They naturally beget an active interest in the measures. I remember seeing it when the Union Pacific bill was passed here at the dead hour of the night. Yet my friend is pleasant and good natured about it.

Mr. SIMPSON. All these schemes have found somebody to support them.

Mr. COOMBS. We want to make a market for our agricultural products.

Mr. HOLMAN. You want to make a market for our agricultural products! Does my friend expect anybody to adopt that view of this project? Do they not raise at the other end of this continent the same products that we do?

Mr. COOMBS. Not through all Central America.

Mr. HOLMAN. Is not the Argentine Republic sending thousands of bushels of wheat abroad? Has it not a climate similar to our own? This project would simply open up facilities for the Argentine Republic to reach the markets that we desire to reach.

Mr. COOMBS. The Argentine Republic would not be affected by this line. It is on the other side of the mountains.

Mr. BLOUNT. I insist that the gentleman from Indiana be permitted to proceed without interruption.

Mr. HOLMAN. Now, Mr. Chairman, one other point. I have not been able to get my friend from Kentucky to answer my question, by what agreement have the States south of us, alleged to be involved in this matter, made themselves responsible for one dollar of the cost of this survey? Let us see.

Mr. MCCREARY. Do you want an answer?

Mr. HOLMAN. Not now; I will yield a little later.

[Here the hammer fell.]

Mr. BLOUNT. I hope my friend from Indiana will be allowed to continue five minutes longer. He has been interrupted a good deal.

There was no objection.

Mr. HOLMAN. I wish to call attention to the fact that, as shown by this record, there is no agreement upon our part to pay a dollar, or on the part of anybody else.

Mr. MCCREARY. Upon whose part?

Mr. HOLMAN. Upon the part of the United States.

Mr. MCCREARY. Do you want an answer to that question?

Mr. HOLMAN. If you will read—

Mr. MCCREARY. The gentleman asked me a question. Will he stop long enough to allow me to answer it?

Mr. HOLMAN. I will not, unless my friend—

Mr. MCCREARY. You ought not ask me a question unless you will give time to have it answered. I can answer it.

Mr. HOLMAN. I have heretofore asked the question twice; this is the third time.

Mr. MCCREARY. I am ready to answer it.

Mr. HOLMAN. I will try to answer it myself. I will answer it by reading instead of by arguing.

It was resolved—

This was the last meeting, as I understand, of this Conference.

A MEMBER. From what page are you reading?

Mr. HOLMAN. Page 63.

It was resolved to request the delegates of the countries that have accepted the recommendations of the Pan-American Conference respecting the Intercontinental Railway to communicate with their respective governments in regard to the payment into the United States Treasury of the proportion agreed upon by each of them towards meeting the expenses of the intercontinental railway commission, it being necessary that the committee on finance know the amount that can be depended upon.

"This committee wishes also to inform the delegates—

This refers to the money for the survey—

"This committee wishes also to inform the delegates of the commission that the Government of the United States, in addition to \$65,000, the amount of its appropriation towards this fund for the present year, appropriated an equal amount for the coming year. It would consequently seem advisable—

Very mild—

"and important—

That is better—

"that the other countries act in the same manner, in order that the progress of the work of the commission might proceed accordingly.

"The meeting was then adjourned, subject to the call of the chairman."

"In this connection the chairman of this committee stated that in regard to the manner of inviting the other governments to pay their quota of the fund into the United States Treasury the delegates should act accordingly to their own judgment.

Now, let us see what their action was.

Mr. Guirola desired to have a better understanding as to the exact agreement come to by the countries in regard to this "quota." His notion was that the money to be paid by each government in proportion to its population was to be paid but once, although he was entirely satisfied that this amount would be inadequate for the carrying out of the work of this commission. His country was willing to do all that would be deemed necessary, and thought the other countries would do likewise.

As there was no positive understanding upon this question, Mr. Parraga believed that it would be advisable to establish an approximate estimate of the cost of the projected preliminary work and obtain accordingly the necessary appropriations from the government.

This point being fully discussed, it was resolved, on motion of Mr. Rengifo, that the committee on surveys be requested to prepare a report in regard to the approximate cost of the projected work, in order that the question of procuring money may be discussed with better knowledge at the next meeting.

There, gentlemen, ends any pretense of agreement on the part of the United States or these other States to furnish any portion of this fund for the survey. It was left in abeyance. But I refer to proceedings further on. When the Argentine Republic was reached, inasmuch as they had already constructed an extensive railway system in their country, they declined to have anything to do with this. That is the great republic at the other end of this great hemisphere—

Mr. COOMBS. The other side of the mountains.

Mr. HOLMAN. A country with a climate similar to our own and producing similar products. They thought it was enough to tax their people for matters within their own country, without going into foreign countries to find objects upon which to expend taxes drawn from their people. Further on we find the action of the little Republic of Uruguay; and it is from these smaller republics that a great government like ours may sometimes learn a sublime lesson of justice. When that little republic was appealed to, this is the language of their spokesman:

The Republic could not, in justice, tax its citizens twice for the same cause, neither could the Government recommend the payment for what has already once been paid. It would be as natural to contribute pro rata to the cost of surveys to be made in corresponding parts as it would be unequitable under the pretext of future studies, to pay for surveys already made.

Mr. COOMBS. The gentleman will allow me to point out that Uruguay and Buenos Ayres and the Argentine Republic could have no part in this project, because they are on the other side of the Cordilleras.

Mr. BLOUNT. They were, however, allowed to vote upon it.

Mr. HOLMAN. Certainly. They were parties to this agreement.

There is another fact to which I wish to call attention. Our people are to be burdened with taxation to carry on this foreign scheme—to encourage this policy so much in conflict with the spirit of our Government and the advice of our most illustrious men, Washington and his immediate successors having warned the people against "entangling alliances" with any foreign power.

Let us see, Mr. Chairman, how we have drifted along in this matter, how eager gentlemen unconsciously have shown themselves to impose taxes upon our people, to use their money in foreign enterprises, when other nations are more cautious and more provident in the care of their own people. How much have we paid on this account? Two appropriations of \$65,000, or \$130,000 in all, and, if this report contains all the information we have, gentlemen, all of these other countries together paying only \$8,028.12.

Mr. COOMBS. Twenty-three thousand five hundred and eighty-four dollars.

Mr. BLOUNT. The gentleman from Indiana reads from the report of the Secretary of State, which is embodied in the report of the Committee on Foreign Affairs.

Mr. COOMBS. Well, here is a later report than that.

Mr. HOLMAN. I admit that there is another item here which gentlemen may possibly take into their calculation. We find that Chile has paid \$3,028.12, Colombia \$4,000, Costa Rica \$1,000. That is all of the actual cash paid. But there is another item here.

Brazil, in process of collection, \$15,000.

"Process of collection." That means, gentlemen, that the matter is under diplomatic investigation, that Brazil is being requested by our Minister of State to pay the money, and that it is "in process of collection."

Mr. MCCREARY. I know the gentleman desires to be accurate in his statement. Will he not permit me—

Mr. HOLMAN. Not now. I say, Mr. Chairman, that in the face of this you have gone on and appropriated \$130,000, and now wish to appropriate \$65,000 more, and there have been \$8,028.12 collected from all of these other nations combined.

Mr. MCCREARY. I know the gentleman wants to be fair.

Mr. HOLMAN. Certainly.

Mr. MCCREARY. I want to read to him the report from the State Department.

Mr. HOLMAN. I will yield to the gentleman presently.

I say, Mr. Chairman, this is a matter of sixty-four millions of people in this country appropriating \$130,000, against on the other hand an appropriation by some fifty millions of people of the other nations of only \$8,028 for this alleged international purpose, when the whole money is to be spent on their soil.

Mr. MCCREARY. The gentleman is wrong in his calculation. I have in my hand a letter from the Department of State of April 15 in response to a telegram which I sent asking for information, and find that the amounts contributed towards the intercontinental railway survey to be as follows: Chile, \$3,028.12; the United States of Colombia paid August 20, \$4,000; Costa Rica, \$1,000, and Brazil \$15,000. Brazil has now paid that amount, so that about \$24,000 have been paid.

Mr. COOMBS. Brazil has paid the \$15,000.

Mr. BLOUNT. Yes, made one payment, and we are asked now to make the third.

Mr. COOMBS. But that one payment includes two years.

Mr. MCCREARY. In addition to that Bolivia has paid \$2,000, and Ecuador and Nicaragua \$2,000, or \$1,000 each.

Mr. HOLMAN. So, then, Brazil has now paid her first quota. That results, when all is told, in showing that they have paid, assuming these corrections to be included, to this fund to which you have appropriated \$130,000 the sum of a little more than \$23,000 on the part of a population of 50,000,000 of people.

Mr. MCCREARY. Why, Brazil alone has paid \$15,000.

Mr. COX of Tennessee. But that, I understand, is for two years.

Mr. BLOUNT. And Brazil has 15,000,000 of population, it should be remembered.

Mr. HOLMAN. I correct myself here. Brazil's \$15,000 is to be added to the \$8,028.12. This will cover the whole amount paid into this fund by these South American republics, assuming the statement of my friend from Kentucky [Mr. MCCREARY] to be correct, which I of course do.

Now, Mr. Chairman, I close with this reiteration of what I have already said to the House, that until now you gentlemen on this side of the House, and the party which you represent, have been in no shape, manner, or form, by your action in connection with this matter, responsible for what has been already done here. Your responsibility begins now, and need I say that if you appropriate this \$65,000 to ratify what has transpired in the light of the interpretation placed upon this agreement by the Secretary of State, Mr. Blaine, you do it with your eyes open, understanding fully the responsibility that it imposes? Need I say beyond that, that in my humble judgment you will irrevocably commit the Democratic party, so far as your action could do it, to that line of policy denounced by the Democratic party through its whole history unless it shall rise up and indignantly reject your action.

Mr. COX of Tennessee. Will the gentleman yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. COX of Tennessee. The question I would like to ask is for the purpose of obtaining your views as to how we are going to guarantee the neutrality of a railroad which exists in a foreign country?

Mr. HOLMAN. Why it is the easiest thing in the world. You simply tax your people to raise an army and send them down to these nations of Central and South America to protect the road. [Laughter.]

Mr. COX of Tennessee. Well, that is the only way that I could see to do it.

Mr. HOLMAN. Your action here in adopting this proposition would be a guaranty on your part, because you are legislating in full view of the interpretation the Secretary of State has put upon this question. I ask you, gentlemen, can you, when the injustice to your country and to the traditions of your party of this measure so clearly appears—can you say that you are justified in giving this measure your support? You vote, gentlemen, for or against this appropriation of \$65,000 with a full knowledge of all of the facts, and I appeal to you in behalf of the Democratic party, with its unwavering policy, its history and traditions of a hundred years, that it shall not suffer at our hands in this House, thereby irreparably injuring the best interests of our Government. [Applause.]

Mr. O'NEILL of Missouri. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Missouri [Mr. O'NEILL] rise to oppose the amendment?

Mr. O'NEILL of Missouri. I rise for the purpose of speaking on the pending question.

The CHAIRMAN. Which side?

Mr. O'NEILL of Missouri. I am in favor of the report of the committee.

The CHAIRMAN. The gentleman will proceed.

Mr. O'NEILL of Missouri. I thought the Chairman was going

to ask me on which political side, and it would have been a difficult matter to say, after the appeals that I have heard made to members of the Democratic party to stand by its traditions and its history. It is pretty hard to tell what is Democracy, if you are to judge by the statements of certain members of the party. It is a broad party, having many peculiar elements in it with an omnibus clause for the general welfare that embraces us all. I find here in the Democratic platform of 1884 the following words:

We favor an American continental policy, based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America, but entangling alliances with none.

Mr. HOLMAN. This measure proposes entangling alliances.

Mr. O'NEILL of Missouri. I was a member of the Fiftieth Congress, in a Democratic House, and that House conceived the idea of the Pan-American Congress. The bill being presented, I believe, by the gentleman from Kentucky [Mr. MCCREARY]. It became a law, and that congress held its meetings under the auspices of a Democratic national administration.

Mr. MCCREARY. Approved by President Cleveland.

Mr. O'NEILL of Missouri. The bill was approved by President Cleveland.

Mr. MCCREARY. And Secretary Bayard sent out the invitation.

Mr. O'NEILL of Missouri. And the invitations were sent out by Secretary Bayard.

Mr. HOLMAN. Did that include this railroad survey?

Mr. O'NEILL of Missouri. My dear friend, if a railroad through the three Americas should logically result from that convention, would you object to it?

Mr. HOLMAN. Yes, I should.

Mr. O'NEILL of Missouri. You would object to a railroad. You would prefer the old ox team, I suppose?

Mr. HOLMAN. Greatly, greatly. [Laughter on the Republican side.]

Mr. O'NEILL of Missouri. Well, fortunately for the country the Democratic party is a progressive party. It is a party which, in spite of some of its members, is bound to keep up with the procession, and those members have either got to keep up or fall out of line, one or the other. They can not read us out of the party because we are a little ahead of them, because we prefer modern thoughts, modern inventions, and recognize the events of to-day. [Applause on the Republican side.]

Now, I come from a section of the country that is vitally interested in this question of building a railroad through Central and South America. I come from the West—from the queen city of the West—the city of St. Louis. I have the honor to be a representative in part of that magnificent city, and I know the people of my city are a unit without regard to party in appealing to Congress and saying: "Do all in your power toward bringing about the happy union with these people of Central and South America. We want to deal with them. We want to bring them closer to us in the bonds of commercial union and of brotherhood."

This is free America, North, Central, and South, and we are all one, aiming in the same direction; and there is no grander inspiration to-day than taking the engines of to-day's civilization, your railways, and penetrating through that section, bringing commerce to those people and to us, and letting us deal with them as brothers. We will get the lion's share of the trade. We will divert to the United States the hundred and more million dollars of trade they now annually send to England. The manufacturers of this country will pour their products into those countries, and in return it will receive their products. In Mexico to-day what has been the result of the introduction of these railroads?

Mr. MCCREARY. The trade has been quadrupled.

Mr. O'NEILL of Missouri. I have had the pleasure of visiting portions of that country, and there you will find branches of every American enterprise represented, branches of your workshops and factories dealing with them directly. Let us stop this small five-cent way of doing business. [Applause on the Republican side.] Let us rise to the dignity of a nation, and a nation that Central and South America to-day looks to with pride; they will feel that here is a nation that has the strength and courage to defend not alone our own liberties, but their liberties if necessary, and to perpetuate on American soil free institutions in America, whether North, Central, or South. [Applause.]

Mr. REED. Those sentiments are very beautiful, but they are not Democratic. [Laughter.]

Mr. HOOKER of Mississippi. Mr. Chairman, I desire to say a word on the question before the committee. It has been urged by the gentleman from Indiana [Mr. HOLMAN] in favor of the motion made by the chairman of the committee to strike out the appropriation for the continuation of this survey in Central and South America, that we have had no understanding that we were to make any appropriation on the part of this Government.

In the remarks which I had the honor to make to the House the other day, and which I will not now recur to, because I wish to discuss this upon the simple motion made by the gentleman from Georgia [Mr. BLOUNT], I demonstrated by the publication of the law itself that this appropriation of \$65,000 made by a former Congress, and proposed to be made again by this, was simply an appropriation made by the Committee on Foreign Affairs of the House of Representatives in accordance with existing law. We passed the act when the gentlemen from Indiana and Georgia were in the Congress calling this Pan-American Congress into existence, and we appropriated \$75,000 to pay its expenses.

Delegates were sent from Mexico and from every other one of the Central and Southern American republics. They came here at our invitation and held this conference with us; and among other subject-matters that were brought to their attention was the feasibility of connecting the three Americas together by a line of railway. Everybody conceded that if that were practicable it was a matter greatly to be desired in the interest of North America, Mexico, Central, and South America. There was no difference of opinion upon that question, and we have always been of the opinion that we ought to draw close the lines of commercial relations and friendly relations between our own and the sister republics lying in Central and South America.

This opinion has been expressed by both political parties as being a desideratum, something very much to be wished for by all. The question then arose before that conference, How shall we ascertain the fact of the feasibility of connecting the three Americas by a railway? The answer was plain and evident: it was the only answer that could be made. The instrument of the engineer alone can demonstrate the feasibility of constructing this longitudinal railroad, extending from North America, through Mexico to Central America and South America.

The question then arose before the Commission in Washington, How can we best ascertain the fact, and see certainly whether upon the sides of the Andes we can construct a railway? A great many said it could not be done; and that was said when the proposition was under consideration as to whether we could construct a railroad across the Rocky Mountains. Everybody was contending that it was impossible. Then the great Senator from Missouri [Mr. Benton] said to the doubting people of that day: "Yes; you can build it"; and when he was asked, "Which line will you go?" he said: "Follow the steps of the great engineer of the forest, the buffalo, who always crosses the mountain at the lowest dip and nearest the water." They did it, and you have that fact accomplished which was thought to be impossible, a railroad running through the Sierra Nevadas and terminating on the Pacific coast. So the question arose as to the feasibility of the construction of this road; and they said we will try it by a preliminary survey.

The gentleman from Indiana wants to know what was this agreement. "We will agree that we shall pay for this preliminary survey so much for every million of population, to furnish the sums which will be ample to equip this preliminary survey party, and send them to make their reports to all the governments concerned in it."

The gentleman was very careful to read some portions of this matter, but not the other. We want a free, full, and fair consideration of this whole matter, and if it is susceptible of the construction that is placed upon it by the gentleman from Georgia [Mr. BLOUNT] and the gentleman from Indiana [Mr. HOLMAN] then you ought not to vote for it; but I think I can demonstrate that there is no such objection, as they seem to believe, on account of the agreement made in this Pan-American Conference.

[Here the hammer fell.]

Mr. MCCREARY. I ask unanimous consent that the gentleman from Mississippi be allowed to proceed for five minutes more.

There was no objection.

Mr. HOOKER of Mississippi. I thank the committee.

The thirteenth section of the agreement of the Pan-American Conference on that subject, relating to the survey, makes this provision:

That the salaries of the commission, as well as the expense incident to the preliminary and final surveys, shall be assumed by all the nations accepting, in proportion to population, according to the latest official census, or in the absence of a census by agreement with the other several governments.

Now, it was ascertained upon that basis, according to the census of 1880, that the share of the United States would be \$65,000 per annum until the survey was completed. We have made two appropriations of \$65,000, and this report of the Committee on Foreign Affairs proposes simply another appropriation of \$65,000. It was said by the gentleman from Indiana [Mr. HOLMAN] that these other governments had not paid their proportion. Why, by this letter, dated April 16 of this year, from the Secretary of

State, it is shown that the various Governments of Chile, Colombia, Costa Rica, and Brazil have actually paid \$23,028.12 of their quota on the amount to be paid by them for carrying on this survey.

Mr. BLOUNT. What about the other ten?

Mr. HOOKER of Mississippi. The gentleman asks, "What about the other ten?" Why, by your own bill you have expressly provided that not a dollar of the \$65,000 shall be expended unless all the other Central and South American nations pay their amounts, so that we guarded your bill better than you thought.

Mr. MCCREARY. Is it not true that the Argentine Republic declined to contribute money, but agreed to build the railway through her entire territory?

Mr. HOOKER of Mississippi. Undoubtedly so.

Mr. MCCREARY. And is it not also true that Mexico declined to contribute money on the ground that she was building a railroad through her territory?

Mr. HOOKER of Mississippi. Yes; and that she had already largely completed it. Now, Mr. Chairman, this provision, which is for the carrying out of a portion of that agreement, in which my friend from Indiana seems to see a treaty by which we are bound to build this road—

Mr. HOLMAN. Mr. Blaine says so.

Mr. HOOKER of Mississippi. Well, I do not agree with that construction. I do not agree with your construction or with the construction of any gentleman who takes that view. The language of the agreement does not justify it. The gentleman from Indiana is simply imagining something which does not exist, and which the very terms of the agreement show does not exist. If the gentleman will refer to the ninth paragraph he will find this:

That the construction, management, and operation of the line should be at the expense of the concessionaires, or of the persons to whom they sublet the work or transfer their rights with due formalities, the consent of the respective governments being obtained.

So it will be seen that there can not by possibility be any call upon the Government of the United States for the construction of the railway through these Central and South American countries. Who are to be the conceders? Only the Central and South American Republics. The Government of the United States can not be called upon to concede an acre of land or to subscribe one dollar in bonds or in any other form.

Why? Simply because the lines of road through the United States which are to be regarded as part of the line are already completed and in operation, and the parts of the line that remain to be constructed are all in Central and South America. It is clear, therefore, that the Central and South American countries are the ones who are to make the concessions of land or subsidy, whatever they may be, and not the United States. And, Mr. Chairman, we have guarded this bill (the majority of the committee agreeing) by providing that not one dollar of this \$65,000 shall be available until the Central and South American Governments shall have paid their quotas.

[Here the hammer fell.]

Mr. HITT was recognized, and yielded his time to Mr. HOOKER of Mississippi.

Mr. HEARD. Will the gentleman from Mississippi permit me to ask him a question?

Mr. HOOKER of Mississippi. Certainly, sir.

Mr. HEARD. The gentleman states that our agreement as to this survey has been consummated with the exception of this payment—that this will complete our contribution.

Mr. HOOKER of Mississippi. Undoubtedly. We have a corps of engineers in the field there now, with an officer of the United States at the head of them, who are investigating and reporting upon the feasibility of the construction of the line, and a single appropriation more of \$65,000 on the part of the United States, with the contributions of the Central and South American Republics, will be sufficient to complete the work. That is shown by the report.

Now, Mr. Chairman, it may be said, and it has been said by the gentleman from Indiana [Mr. HOLMAN], that those countries have not contributed all that they agreed to contribute. Admitting that, we guard this appropriation by providing that if they do not pay their contributions this money shall not be available. Thus our action is made a spur to them, so that if they really want this road built, of which they are to be the principal beneficiaries on account of the undeveloped condition of their territory, they will be all the more likely to come forward and contribute their quotas.

Mr. HEARD. In other words, this is an inducement to them.

Mr. HOOKER of Mississippi. It is an inducement to them to pay their share. This provision has received the approbation of the whole committee and it is simply carrying out the agreement made in terms.

Mr. SNODGRASS. Under this agreement the United States

agree that this road shall be neutral. Now, suppose that Mexico and any of the other nations down there should become engaged in war, would they, or either of them, be allowed under that provision to ship troops over this road, or would not the United States be bound, under this guaranty, to interfere to prevent the Government of Mexico, or of any of these countries, from shipping provisions, munitions of war, or troops over the road, and would we not thus be involved in their struggles?

Mr. HOOKER of Mississippi. Not at all. The idea is that when this railway is constructed, whoever may construct it, it shall be neutral territory to this extent, that there shall not be any obstruction interposed to the transportation of freight or passengers through these countries. That is all. The object is to secure this road as a neutral road under all the mutations and changes which may occur in Central and South America. Now, the proposition is to strike from the bill the provision which has been put in by the committee to carry out in good faith our agreement. Sir, shall it be said that it is not important to North America, to Central and South America, and to Mexico, to demonstrate by the actual alignment made of this road along the sides of the Andes that such a thing is feasible?

It is a great enterprise in which we take no more and no other interest than simply to demonstrate to the capitalists of the world, whether they come from across the water or are within our own borders, that such a railroad is feasible. We are not committed to the appropriation of one dollar. We are not committed to subscribing a single dollar in bonds or otherwise. We could not give land if we wanted to, because there is not an acre of American soil over which this railroad will pass. I say, therefore, the objections to this proposition do not rest upon tenable grounds. [Here the hammer fell.]

Mr. BAKER. Mr. Chairman, I may be strangely deluded, but I have been taught to believe that Republicanism and Democracy are both opposed to subsidies. Yet, from the course assumed by this debate I find there is in this House a very strong party in favor of subsidies. Now, I may be singularly constituted; but I am internally, externally, and eternally opposed to subsidies. [Applause.] Such being the case I feel like raising my voice at this time against our putting our hands into the Treasury of the United States and paying out the money collected from the hard earnings of the people in order to create a subsidy or to prepare for a subsidy. Believing such a proposition to be anti-Republican, anti-Democratic, anti-American, and contrary to the best interests of all or nearly all classes of the people of this country, I feel it my duty to oppose the proposition.

What is proposed to be accomplished? It is proposed to investigate whether a certain route be practicable or impracticable for the construction of a railroad to a section of country in which a railroad, if it be built, can not pay, taking into consideration the entire trade that we have to-day with the South American and Central American States, 1 per cent interest on the cost of building the road. Our experience has been that, in order to make our trade with the South American States prosperous and successful, we have had to subsidize to a certain extent the shipping interests of this country. Now, if you will look at the amount of trade we are doing with the South American States, if you will consider our shipping interests with that country, which, as I understand, have been subsidized to a certain extent, you will find that the building of this road, even if a practicable route be found, could not possibly pay 1 per cent on the amount of trade that we have with those countries.

Mr. COOMBS. How do you make those figures?

Mr. BAKER. I have simply here the statement—

Mr. COOMBS. Please give us the figures; it is easy to make statements.

Mr. BAKER. I hope the gentleman will not interrupt me.

[Here the hammer fell.]

[In the absence of objection, Mr. BAKER was permitted to proceed.]

Mr. BAKER. I will allow the gentleman to make the figures and give the demonstration, and I will give him a part of my time that he may do so. I have figured far enough to know that my statements are true, taking into consideration our entire trade with those countries.

In the next place, could the railroad which we may construct in those South American states compete with the shipping interests of this country, even if the route be a practicable one, even if the road were built—even if the interests of trade demanded apparently that it should be built? Let us ask ourselves that question. Capital is very wary. Men never invest their money except upon a strong probability of realizing a fair return on their investment. Private individuals are not willing to invest money in this survey.

The man who stands at the head of this interest is, I understand, one who has been subsidized by the Congress of the United States to the extent of a million and a half of dollars an-

nually for the last twenty-five or thirty years; and he asks now that we put our hands into the Treasury of the United States and vote \$65,000 toward making this survey in order to ascertain whether a practicable route can be found for building a railroad connecting this country with the South American States. They tell us that a certain amount of railroad has already been built in these Southern States; yet if you will turn to page 43 of this report you will find that those roads will not be directly in line with this road, but it is proposed to use existing lines as far as possible.

Mr. Chairman, I do not wish to occupy further time, but I do hope there is in this land a class of men who will say to the Congress of the United States, "Stay thy hand in the subsidies thou art creating and which are oppressing the millions in order to build up classes in this country." [Applause.]

Mr. KYLE. Mr. Chairman, at the beginning of this session of Congress when resolutions were solemnly adopted by members of this House, with every indication of an earnest purpose to carry them out, against subsidies, I was encouraged to believe that the day for subsidies by this Government was at an end. But, sir, before this Congress is near through with its session, we find a proposition presented here for appropriating \$65,000 of the people's money for what purpose? Gentlemen, I appeal to you to call a halt right here. I ask each and every one of you to present, to ask yourself the question, for what am I voting this money; where is it going?

Mr. Chairman, the idea of subsidizing railroads has become obnoxious to our people. We hear the cry going up all over our land against it. There is not a Democrat on this floor to-day who would have the temerity to stand here and to propose to vote a subsidy to a railroad in our own country. But what is the proposition here? It is to vote a subsidy to aid in the survey of a railroad—not in America—it has not even that much merit—but a survey of an imaginary route in South America and these other countries.

I ask you, sir, upon what sort of a pretext can any Democrat on this floor justify himself in that course before his constituents after having voted for the resolution that we passed here early in this session? I ask how can any man justify himself now who supports this measure? It is said that we have already begun the work and we ought to carry it on. In reply to that my judgment is that it was wrong in the beginning and we are only intensifying the wrong to continue the work. It is time to stop now before we go further.

And not only that, Mr. Chairman, but I ask you and these gentlemen to put the question squarely to yourselves. Gentlemen, is it right? Predicated on this bed rock, and tested according to this idea of fairness and justice, is it right that the money of the American people shall be appropriated to any such purpose as we contemplate here? I doubt not, sir, that the mere statement of the question carries with it the negative of that idea. What, take money out of the pockets of our own people, who are already to-day being taxed beyond their capacity to pay, as I think I can truthfully assert, take their money and vote it to be used in surveying a route for a railroad in South America!

Are you dealing justly by the constituencies who sent you here when you engage in such business as that? Where is your warrant for it? Under the Constitution, do you think you will be justified in such action? Do you think that you are conscientiously and properly discharging the high trusts confided to you when you engage in such an enterprise? Do you think this right at any time, but especially when you hear a cry coming up from all parts of the land, from Maine to California, amongst the agricultural people, who are telling you that you are already taxing them beyond their capacity to pay?

Where is this thing to stop? Can you not stop with your subsidies in America? Can you not be contented with having voted away all the immense domain of this country? Can you not be content with having subsidized the steamships, and having voted the money of the people to railroads, without now seeking to enlarge your boundaries and go into foreign countries and take the money from your own impoverished citizens and vote it to construct railroads for their benefit? [Applause on the Democratic side.]

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Georgia. [Cries of "Vote!" "Vote!"]

Mr. BUTLER. Mr. Chairman, this question is one that can not be decided by excitement or undue enthusiasm. It is a cold proposition and ought to be weighed and considered in that manner.

Mr. HOUK of Ohio. A very cool proposition.

Mr. BUTLER. There is no question in the mind of any member of this House that the time never has been when the railroads, mile for mile, could compete with water transportation. That time has never been. There is no point on the eastern or

northern seacoasts of South America but that is nearer to us by water than by rail. There is no point on the western coast of South America but is nearer to the United States, nearer to the harbor of San Francisco, than it is by rail, and we can not build a railroad through Central America and South America to compete mile for mile with the water transportation we have already, so that there will be no lessening of transportation, and no advantage to be gained in that way.

Furthermore, Mr. Chairman, even the new markets that it opens up, it having to pass through the interior region of Central and South America, will be agricultural markets, and will therefore create more open and direct competition with the agricultural interests of this country, rather than with the manufacturing or other interests. Furthermore, let me ask, if it were possible that it could be built, is this the way to do it? When this report was first made Secretary Blaine made a report to the President, in which he said that our share of the assessment for the surveys would be \$65,000. We have paid that sum twice over, and still they come back and ask us for \$65,000 more. The whole of it was to be but \$65,000 originally, and we have paid \$130,000 already, and now they want \$65,000 more. Where is it to end?

The gentleman from Mississippi [Mr. HOOKER] says that we have guarded it about with a provision that these other nations must pay their proportion first. But we have already paid twice, and they have not paid once. The whole amount that they have paid is only \$24,000, paid by all of them combined, and we have paid our own assessment twice, a total of \$130,000, and we are called upon for a third payment now, when one payment was to suffice in the beginning.

The gentleman from Missouri [Mr. O'NEILL] made an eloquent argument trying to drive us into the idea that this must be a grand and not a 5-cent country. Every time any attempt is made here in America to loot the Treasury we are appealed to to sustain our national pride; and this appeal is made simply for the purpose of fooling the people and making them willing to submit to robbery under the hope that the great American eagle can thus soar a little higher than it might under other circumstances. [Applause on the Democratic side.]

[Here the hammer fell.]

The CHAIRMAN. The question is on the motion of the gentleman from Georgia—

Mr. McCREARY. Mr. Chairman, I shall not occupy the attention of the House but a few moments. I feel that certain arguments have been presented to the committee which should not pass unnoticed. It has been stated by the opponents of this appropriation that we are leading them on to subsidies and to Government aid in the construction of this railroad. There is nothing in this bill that seeks to appropriate one dollar for the purpose of constructing a railroad. The purpose of this bill is simply to appropriate \$65,000 more to finish the preliminary survey.

Mr. SCOTT. Would not that lead to an appropriation for the railroad?

Mr. McCREARY (continuing). That is all there is in it, and it does not lead to a subsidy. It does not lead to Government aid.

Mr. SNODGRASS. The \$65,000 itself is a subsidy.

Mr. McCREARY. It does nothing more than was done when officers of the United States Government were sent down to Nicaragua to make a survey to ascertain if the waters of the Atlantic and Pacific Oceans could be connected by a canal. The Government of the United States made an appropriation for that survey. We also sent officers to Panama to make a survey to ascertain whether it was feasible to construct a canal at Panama. The reports made by Sullivan and by Selfridge are interesting, and their work was paid for by the United States.

When we have nearly finished this survey, when we have appropriated \$130,000 for it, when \$65,000 more will finish that work, we are asked to abandon the work, we are asked to sell out the equipments, instruments, animals, etc., that the surveying corps have been using, and to lose by a forced sale nearly as much as the \$65,000 we are now asked to appropriate.

Mr. CARUTH. Will the gentleman allow me to ask him a question?

Mr. McCREARY. Yes.

Mr. CARUTH. Is it a fact, as claimed by the gentleman from Iowa [Mr. BUTLER], that the original estimate for making this survey was \$65,000?

Mr. McCREARY. It is not the fact. The estimate was \$65,000 per annum.

Mr. CARUTH. For how many years?

Mr. McCREARY. During the making of the survey.

Mr. SNODGRASS. For all time to come, and increasing annually.

Mr. McCREARY. This matter grew out of the holding of the International American Conference. A bill passed this House,

which was signed by President Cleveland, providing for "the consideration of questions relating to the improvement of business intercourse and means of direct communication between the countries of the western hemisphere."

When Mr. Bayard invited the delegations from the various Central and South American republics to come here, in the invitation he set forth the very language that I have read; and when the International American Conference assembled the first thing it did was to appoint a committee consisting of the two United States commissioners and fifteen gentlemen who represented the republics south of us to look into the subject of improved business intercourse and into the question of commercial union between the countries of the western hemisphere, and that committee reported an agreement, which has been read to-day by the gentleman from Indiana [Mr. HOLMAN].

That agreement does not pledge the United States to the payment of a dollar in aid of the construction of the railroad. The only pledge that that agreement put upon the United States was that the people of the United States would pay \$1,000 for every million of inhabitants that we had in the United States toward the preliminary survey, and the delegates from the other republics agreed that those various republics that were represented should pay \$1,000 for every million of inhabitants annually during the making of the survey.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BUTLER. I rise to a question of privilege.

Mr. MONTGOMERY. I wish to ask my colleague a question.

Mr. McCREARY. I would like to yield to my colleague [Mr. MONTGOMERY] to answer his question.

Mr. BUTLER. The gentleman from Kentucky was asked whether the statement I made regarding the first estimate of the cost of this survey was true, and he said it was not. That makes a straight question of veracity between us. I wish to answer his question. May I have the privilege?

Mr. McCREARY. Yes. I was not contradicting you, but denying the correctness of your information—

Mr. BUTLER. I read from the letter of James G. Blaine to the President, on page 44 of the report:

It is proposed that a survey to ascertain the best and most economical routes be made under the direction of an international commission, and that the expense be shared by the several nations of the hemisphere in proportion to their respective populations. The share of the United States is estimated to be \$65,000, and I would respectfully suggest the propriety of securing from Congress an appropriation for that purpose.

There is not a word about per annum in it, but it is a direct statement that \$65,000 is the estimated expense on the part of the United States.

Mr. McCREARY. My answer to the gentleman from Iowa—

Mr. BUTLER. Is this, that I told the truth.

Mr. McCREARY. The gentleman from Iowa [Mr. BUTLER] has read a letter written by Mr. Blaine.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CARUTH. I ask unanimous consent that it be extended. Several members objected.

Mr. McCREARY. I am anxious to answer the question of the gentleman from Iowa.

Mr. BUTLER. Mr. Chairman, I think the gentleman should have the privilege of answering. Of course, if he says anything new on the subject, I would like the same privilege.

Mr. McCREARY. The gentleman from Iowa has read from the letter of the Secretary of State [Mr. Blaine], and it contains exactly the language he referred to. If, however, he will look, as my colleague, the gentleman from Georgia, and other members of the Committee on Foreign Affairs know at the proceedings of the International American Conference, he will find that it was agreed that each country should pay until the work of making the preliminary survey was completed, an amount equivalent to \$1,000 per million of inhabitants. The Secretary of State may have thought that the work could be finished within one year, but he was mistaken in that.

I have here a statement of the chief officer of the international survey, in which he says one more appropriation will be sufficient to finish the preliminary survey of the continental railway; and, I say, as we have gone this far in this preliminary survey, and as it has been instrumental in leading capitalists already to invest their money, because about 1,800 miles of this line of railway have been put under contract within the last year, we should now go on and finish it.

Mr. SNODGRASS. Mr. Chairman, I rise to a point of order. The gentleman was allowed to proceed to answer that question, and that answer was made over my objection, and when the question was asked if any one objected, I objected; but the gentleman has consumed more time than any other member of this House on this debate, and was so courteous during that time that he would not allow me ask him a question.

The CHAIRMAN. The Chair did not hear the objection of the gentleman from Tennessee. The gentleman from Georgia is recognized.

Mr. BLOUNT. I only wish a few moments. I have stated already largely what I desire to say. I wish to call attention to the fact that it is alleged that the Government of the United States is obliged to make this appropriation of \$65,000 in this bill.

This would be the third appropriation made by this Government in pursuance of what the Pan-American Congress agreed ought to be the share of the United States. I want to invite attention to the utter failure of most of the other governments under this rule to make any contribution at all. The population of the republics south of us represented in that conference is estimated at 50,000,000. If, according to that rate, they had made their second contribution, they would have paid \$100,000, whereas we have paid \$130,000; if they had paid one-third, as we are invited to do, it would have been \$150,000, and we are now proceeding to make ours amount to \$195,000.

Mr. COOMBS. You are making—

Mr. BLOUNT. I am making a statement, and I will not be interrupted.

Gentlemen have said there were 50,000,000 in those countries, and I object to interrupting. Gentlemen have stated that Brazil had 7,000,000, and I call his attention to this partial report where it is said it had 15,000,000; and I do not want to be continually making corrections of this sort.

Now, Mr. Chairman, what have these republics done? They voted that they should pay \$1,000 on each million of population. Of the thirteen of them, four of them only, Chile, Colombia, Costa Rica, and Brazil, had made any payment at all. These four republics have paid \$23,000 instead of \$100,000 that should have been appropriated.

Mr. Chairman, I would like to know upon what principle of ethics gentlemen are insisting that we shall go on and pay our proportion when the other republics are absolutely refusing, save four. The engineers in connection with that board have been here within two days, and have stated that the reasons why these republics are not paying is because they distrusted the purpose of this movement of getting into their country. Why, the very appropriation to be made is for a preliminary survey, and they refuse to make that appropriation. Where, then, are gentlemen to go hereafter when the little contribution for the survey is not going to be paid for by them?

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. BLOUNT. I can not yield.

Mr. HOLMAN. Listen to this question.

Mr. BLOUNT. Very well; I will.

Mr. BUTLER. Will the gentleman permit a question?

Mr. BLOUNT. I will hear the gentleman's question?

Mr. BUTLER. Is not an appropriation in aid of a survey as much a subsidy as though it were in aid of building the road?

Mr. BLOUNT. It would seem so to my mind. I may not be very analytical about the matter, but that is my view.

Mr. MCCREARY. Did we not make an appropriation for a survey for the Nicaragua Canal?

Mr. BLOUNT. The gentleman has already reminded the House of that two or three times, but it is not a very fortunate reference for his side of this question, because people are here now attempting to get appropriations for that work. We have not got rid of that business yet. It is working now at the other end of this Capitol. Make this survey and Mr. Carnegie or some other enormous capitalist or syndicate of capitalists will be here using the making of this survey and the terms of this report of the committee as arguments for insisting that you are morally bound to go on and aid this work with land grants, with subsidies, with guarantees of interest, with protection to the concessionaires of all their rights of property, real and personal, that you are bound to guarantee the admission of the materials free of duty, that you are bound to guarantee the neutrality of the road—all these things will be insisted upon, for they are all parts of one great scheme.

Mr. HOLMAN. And it will be claimed that the Government is already committed to this policy and that its honor is involved.

Mr. BLOUNT. Mr. Chairman, it is idle to say that this appropriation of \$65,000 is all there is in this scheme. That is all the money there is in this bill for this purpose, but why not open your eyes and see the great movement that is operating in this report of the Pan-American Congress, this scheme looking forward to Government aid by land grants and by subsidies, looking forward to the participation of the various governments concerned in giving guarantees to this railroad corporation in South America, even to the extent of carrying the armies of the United States down there to enforce the rights of the concessionaires in those republics. [Applause on the Democratic side.]

The question was taken on the amendment of Mr. BLOUNT, and the Chairman declared that the yeas seemed to have it.

Mr. MCCREARY. Mr. Chairman, I ask that the motion be stated, that the paragraph in the bill sought to be stricken out be read, and then that the vote be taken.

The CHAIRMAN. The Clerk will read the paragraph, and then the amendment.

The Clerk read as follows:

CONTINENTAL RAILWAY SURVEY.

Payment of the share of the United States of the expense of a preliminary survey for a continental railway, as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000.

Amendment proposed by Mr. BLOUNT: Amend page 9, lines 12, 13, 14, 15, 16, 17, and 18, by striking out all of said lines.

Mr. MCCREARY. Mr. Chairman, I ask for a division on the amendment.

The committee divided; and there were—ayes 113, yeas 73.

So the amendment was adopted. [Applause on the Democratic side.]

The Clerk read as follows:

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of the American Republics, for the prompt collection and distribution of commercial information, as recommended by the International American Conference, \$25,000, to be available when the other nations mentioned by the International American Conference pay all their respective assessments. The sums contributed by the other American Republics for this purpose, when collected, shall be covered into the Treasury, \$25,000.

Mr. BLOUNT. Mr. Chairman, with the view of perfecting that paragraph I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 9, line 25, amend by striking out "The sums contributed;" also, by striking out lines 1, 2, and 3, on page 10.

The amendment was agreed to.

Mr. DOCKERY. I will ask the gentleman from Georgia whether it is his purpose to move to strike out this paragraph?

Mr. BLOUNT. It is.

Mr. DOCKERY. I have a proviso which I desire to offer as an amendment, but I do not care to offer it if the paragraph is to be stricken out.

Mr. BLOUNT. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend on page 9, lines 19, 20, 21, 22, 23, 24, and 25, by striking out all of said lines.

The question was taken on the amendment; and the Chairman declared that the yeas seemed to have it.

Mr. HOOKER of Mississippi. I ask for a division.

The committee divided; and there were—ayes 97, yeas 68.

So the amendment was agreed to.

Mr. BLOUNT. I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893, and had directed him to report the same to the House with sundry amendments.

Mr. BLOUNT. Mr. Speaker, I ask for the previous question on the bill and amendments.

The previous question was ordered.

Mr. HOOKER of Mississippi. I ask for a separate vote on two amendments: First, the amendment striking out the appropriation of \$65,000 for preliminary survey for a continental railway; and, second, the amendment striking out the appropriation of \$25,000 for the bureau of information.

The SPEAKER. If no further separate vote be desired the Chair will put the question on the remaining amendments in gross.

There being no objection, the amendments reported from the Committee of the Whole, excepting the two on which separate votes were demanded by Mr. HOOKER of Mississippi, were agreed to.

The SPEAKER. The Clerk will read the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Strike out the following:

"CONTINENTAL RAILWAY SURVEY.

"Payment of the share of the United States of the expense of a preliminary survey for a continental railway, as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments, \$65,000."

The SPEAKER (having put the question). The ayes seem to have it.

Mr. McCREARY. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 86, not voting 97; as follows:

YEAS—145.

Abbott,	Culberson,	Kyle,	Richardson,
Alexander,	Davis,	Lagan,	Robertson, La.
Allen,	De Armond,	Lane,	Rockwell,
Babbitt,	De Forest,	Lanham,	Sayers,
Bailey,	Dockery,	Lapham,	Scott,
Baker,	Donovan,	Lawson, Va.	Seerley,
Bartine,	Dungan,	Layton,	Shell,
Barwig,	Edmunds,	Lester, Va.	Shively,
Beeman,	Elliott,	Lester, Ga.	Simpson,
Bland,	Ellis,	Lewis,	Snodgrass,
Blount,	Enloe,	Livingston,	Snow,
Boatner,	Epes,	Long,	Stackhouse,
Branch,	Everett,	Mallory,	Stone, Ky.
Breckinridge, Ky.	Forney,	Martin,	Stout,
Brickner,	Fowler,	McClellan,	Tarsney,
Brookshire,	Funston,	McDonald,	Terry,
Brown,	Gann,	McKinney,	Tillman,
Brunner,	Gillespie,	McRae,	Tucker,
Bryan,	Goodnight,	Meredith,	Turpin,
Buchanan, Va.	Gorman,	Montgomery,	Van Horn,
Bullock,	Grady,	Moore,	Warner,
Busey,	Greenleaf,	Moses,	Watson,
Butler,	Hall,	Mutchler,	Weadock,
Bynum,	Hallowell,	Wheeler, Mich.	White,
Byrns,	Halvorson,	O'Ferrall,	Whiting,
Caminetti,	Hamilton,	O'Neill, Mass.	Wike,
Capehart,	Hatch,	Outhwaite,	Willcox,
Caruth,	Haynes, Ohio	Page, R. I.	Williams, Mass.
Castle,	Heard,	Parrett,	Williams, N. C.
Catchings,	Hemphill,	Winn,	Wise,
Cate,	Henderson, N. C.	Wolvertton,	Younmans,
Clarke, Ala.	Herbert,	Paynter,	
Cobb, Ala.	Holman,	Pearson,	
Coolidge,	Jones,	Pendleton,	
Cox, Tenn.	Kem,	Reilly,	
Crawford,	Kilgore,		
Crosby,	Kribbs,		

NAYS—86.

Andrew,	Crain, Tex.	Hull,	Shonk,
Atkinson,	Cummings,	Lockwood,	Smith,
Belknap,	Curtis,	Loud,	Sperry,
Bergen,	Dalzell,	Lynch,	Stephenson,
Bingham,	Daniell,	McAleer,	Stevens,
Blanchard,	Dingley,	McCreary,	Stewart, Ill.
Boutelle,	Dixon,	McKalg,	Stewart, Tex.
Bowers,	Durborow,	Stone, C. W.	Stone, W. A.
Brawley,	English,	Newberry,	Storer,
Brosius,	Fellows,	O'Neill, Pa.	Sweet,
Bushnell,	Griswold,	O'Neill, Mo.	Taylor, V. A.
Cadmus,	Grout,	Owens,	Townsend,
Caldwell,	Harmer,	Page, Md.	Tracy,
Chipman,	Harter,	Payne,	Wadsworth,
Clark, Wyo.	Haugen,	Perkins,	Walker,
Cobb, Mo.	Henderson, Ill.	Pickler,	Warwick,
Coburn,	Hitt,	Post,	Waugh,
Cockran,	Hoar,	Randall,	Wever,
Coombs,	Hooker, Miss.	Reed,	Wilson, W. Va.
Covert,	Hooker, N. Y.	Reyburn,	
Cox, N. Y.	Hopkins, Pa.	Rife,	
Craig, Pa.	Houk, Ohio	Scul,	

NOT VOTING—97.

Alderson,	Cooper,	Johnson, Ohio	Ray,
Amerman,	Cowles,	Johnstone, S. C.	Rayner,
Arnold,	Cutting,	Jolley,	Robinson, Pa.
Bacon,	Dickerson,	Ketcham,	Rusk,
Bankhead,	Doan,	Lawson, Ga.	Russell,
Belden,	Dolliver,	Lind,	Sanford,
Beltzhoover,	Dunphy,	Little,	Springer,
Bentley,	Enochs,	Lodge,	Stahlnecker,
Bowman,	Fitch,	Magner,	Stockdale,
Breckinridge, Ark.	Fithian,	Mansur,	Stump,
Bretz,	Flick,	McKelghan,	Taylor, Ill.
Broderick,	Forman,	McMillin,	Taylor, Tenn.
Buchanan, N. J.	Fyan,	Miller,	Taylor, E. B.
Bunn,	Geary,	Milliken,	Taylor, J. D.
Bunting,	Geissenhainer,	Mitchell,	Turner,
Burrows,	Hare,	Morse,	Washington,
Cable,	Harries,	Norton,	Wheeler, Ala.
Campbell,	Hayes, Iowa	O'Donnell,	Williams, Ill.
Causey,	Henderson, Iowa	Otis,	Wilson, Ky.
Cheatham,	Hermann,	Peel,	Wilson, Wash.
Chapin,	Hopkins, Ill.	Pierce,	Wilson, Mo.
Clancy,	Houk, Tenn.	Powers,	Wright,
Clover,	Huff,	Price,	
Cogswell,	Johnson, Ind.	Quackenbush,	
Compton,	Johnson, N. Dak.	Raines,	

So the amendment striking out the paragraph was agreed to.

Before the result of the vote was announced,

Mr. BROOKSHIRE said: I desire to state that my colleague, Mr. COOPER, has been kept away from the House yesterday and to-day by sickness.

The following pairs were announced:

Until further notice:

Mr. COWLES with Mr. DOAN.

Mr. AMERMAN with Mr. HENDERSON of Iowa.

Mr. HARE with Mr. JOSEPH D. TAYLOR.

Mr. STUMP with Mr. MORSE.

Mr. STAHLNECKER with Mr. CHEATHAM.

Mr. WILSON of Missouri with Mr. HUFF.

Mr. JOHNSTONE of South Carolina, with Mr. SANFORD.

Mr. BENTLEY with Mr. ROBINSON of Pennsylvania.

Mr. BOWMAN with Mr. TAYLOR of Illinois.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. BUNN with Mr. BELDEN.

Mr. LAWSON of Georgia with Mr. HOUK of Tennessee.

Mr. NORTON with Mr. SHONK.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. PEEL with Mr. WILSON of Washington.

Mr. TURNER with Mr. BARTINE.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. WASHINGTON with Mr. O'DONNELL.

Mr. DICKERSON with Mr. WILSON of Kentucky.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. McMILLIN with Mr. BURROWS.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. HARRIES with Mr. JOLLEY.

Mr. BRETZ with Mr. BRODERICK.

For this day:

Mr. RUSK with Mr. RUSSELL.

Mr. RAYNER with Mr. KETCHAM.

Mr. CAUSEY with Mr. LODGE.

Mr. ENOCHS with Mr. DUNGAN, until May 4, inclusive.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until the 7th of May, inclusive.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7, inclusive.

Mr. PIERCE with Mr. LIND, for two weeks, from April 30.

The result of the vote was announced as above stated.

On motion of Mr. BLOUNT, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Strike out on pages 19 and 20:

"INTERNATIONAL UNION OF AMERICAN REPUBLICS.

"Commercial Bureau of the American Republics, for the prompt collection and distribution of commercial information, as recommended by the International American Conference, to be available when the other nations mentioned by the International American Conference pay all their respective assessments. The sum contributed by the other American Republics for this purpose, when collected, shall be covered into the Treasury, \$25,000."

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOOKER of Mississippi. I demand a division.

Mr. BLOUNT. Let us have the yeas and nays:

The yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 143, not voting 110; as follows:

YEAS—75.

Babbitt,	Edmunds,	Lewis,	Sayers,
Bailey,	Elliott,	Livingston,	Seerley,
Baker,	Ellis,	Long,	Shell,
Beeman,	Everett,	Mallory,	Simpson,
Bland,	Geary,	Martin,	Snodgrass,
Blount,	Goodnight,	McKinney,	Snow,
Brookshire,	Grady,	McRae,	Stackhouse,
Bullock,	Hall,	Montgomery,	Stockdale,
Butler,	Halvorson,	Moses,	Stone, Ky.
Capehart,	Hamilton,	Oates,	Terry,
Catchings,	Henderson, N. C.	O'Ferrall,	Tillman,
Cate,	Holman,	O'Neill, Mass.	Watson,
Jones,	Kem,	Page, R. I.	Weadock,
Cox, Tenn.	Kilgore,	Parrett,	White,
Crawford,	Kyle,	Patterson, Tenn.	Whiting,
Davis,	Lane,	Paynter,	Wike,
De Armond,	Lester, Va.	Pendleton,	Winn,
Dockery,	Lester, Ga.	Richardson,	Wright,

NAYS—143.

Alexander,	Castle,	Funston,	Lockwood,
Andrew,	Chipman,	Gantz,	Loud,
Arnold,	Clark, Wyo.	Gillespie,	Lynch,
Atkinson,	Clarke, Ala.	Gorman,	McAleer,
Barwig,	Cobb, Mo.	Greenleaf,	McClellan,
Belknap,	Coburn,	Griswold,	McCreary,
Bergen,	Cockran,	Grout,	McDonald,
Bingham,	Coolidge,	Hallowell,	McGann,
Blanchard,	Coombs,	Harmer,	McKalg,
Boatner,	Covert,	Harter,	Meredith,
Boutelle,	Cox, N. Y.	Hatch,	Meyer,
Bowers,	Craig, Pa.	Haugen,	Moore,
Branch,	Crain, Tex.	Haynes, Ohio	Mutchler,
Brawley,	Crosby,	Heard,	Newberry,
Brickner,	Curtis,	Henderson, Ill.	O'Neill, Pa.
Brosius,	Dalzell,	Herbert,	O'Neill, Mo.
Brunner,	Daniell,	Hitt,	Outhwaite,
Bryan,	De Forest,	Hoar,	Owens,
Buchanan, Va.	Dingley,	Hooker, Miss.	Page, Md.
Bushnell,	Dixon,	Hooker, N. Y.	Patterson, Ohio
Bynum,	Dungan,	Hopkins, Pa.	Payne,
Byrns,	Durborow,	Houk, Ohio	Pearson,
Cadmus,	English,	Hull,	Perkins,
Caldwell,	Epes,	Kribbs,	Post,
Caminetti,	Fellows,	Lagan,	Price,
Caruth,	Forney,	Lapham,	Raines,
	Fowler,	Layton,	Ray,

Reed,
Riffe,
Robertson, La.
Scott,
Scull,
Shively,
Shook,
Smith,

Sperry,
Stephenson,
Stevens,
Stewart, Ill.
Stewart, Tex.
Stone, C. W.
Stone, W. A.
Storer,
Stout,

Sweet,
Tarsney,
Taylor, V. A.
Tracey,
Tucker,
Turpin,
Warner,
Warwick,
Waugh,

Wever,
Wheeler, Ala.
Wheeler, Mich.
Williams, Mass.
Wilson, W. Va.
Wise,
Wolverton,
Yountman.

NOT VOTING—119.

Abbott,
Alderson,
Allen,
Amerman,
Bacon,
Bankhead,
Bartine,
Belden,
Beltzhoover,
Bentley,
Bowman,
Breckinridge, Ark.
Bretz,
Broderick,
Buchanan, N. J.
Bunn,
Bunting,
Burrows,
Busey,
Cable,
Campbell,
Causery,
Cheatham,
Chapin,
Clapin,
Clover,
Coggswell,
Compton.

Cooper,
Cowles,
Culbertson,
Cummings,
Cutting,
Dickerson,
Doan,
Dolliver,
Donovan,
Dunphy,
Enloe,
Enoch,
Fitch,
Pithian,
Plick,
Forman,
Fyan,
Gessenhainer,
Hare,
Harries,
Hayes, Iowa
Hemphill,
Henderson, Iowa
Hermann,
Hopkins, Ill.
Houk, Tenn.
Huff,
Johnson, Ind.

Johnson, N. Dak.
Johnson, Ohio
Johnstone, S. C.
Jolley,
Ketcham,
Lanham,
Lawson, Va.
Lawson, Ga.
Lind,
Little,
Lodge,
Manser,
McKeighan,
McMillin,
Miller,
Milkken,
Mitchell,
Morse,
Norton,
O'Donnell,
Otis,
Peel,
Pickler,
Pierce,
Powers,
Quackenbush,
Randall.

Rayner,
Reyburn,
Robinson, Pa.
Rockwell,
Rusk,
Russell,
Sanford,
Springer,
Stahlnecker,
Stump,
Taylor, Ill.
Taylor, Tenn.
Taylor, E. B.
Taylor, J. D.
Townsend,
Turner,
Van Horn,
Wadsworth,
Walker,
Washington,
Willcox,
Williams, Ill.
Williams, N. C.
Wilson, Ky.
Wilson, Wash.
Wilson, Mo.

So the amendment was rejected.

The following additional pairs were announced:

Mr. CUMMINGS with Mr. REYBURN.

Mr. ROCKWELL with Mr. TOWNSEND.

Mr. ENLOE with Mr. PICKLER, on this vote.

The result of the vote was then announced as above recorded.

Mr. DOCKERY. Mr. Speaker, I desire at this time to proffer a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. The House having refused to agree to the recommendation of the Committee of the Whole to strike out the provision for the Commercial Bureau of American Republics, I ask unanimous consent to offer the following proviso to that paragraph at this time.

The SPEAKER. The proposition will be read subject to objection.

The Clerk read as follows:

On page 10, at the end of line 3, insert:

"Provided, That any person employed under, and paid a salary from, this appropriation, shall not receive therefrom as such salary a sum which, added to any amount paid to such person by the World's Columbian Exposition for services rendered to it, will make a total annual compensation in excess of \$5,000."

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. REED. What is this?

Mr. VINCENT A. TAYLOR. I object.

Mr. DOCKERY. Will the gentleman allow a statement before he objects?

Mr. BURROWS. Let us have the regular order, Mr. Speaker. Objection has been made.

Mr. DOCKERY. The officer in charge of this Bureau is receiving \$8,600— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time.

Mr. BLOUNT. I ask the previous question on the passage of the bill.

The previous question was ordered.

Mr. ENGLISH. I demand the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

On motion of Mr. BLOUNT, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CUMMINGS for one day—May 4—on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6185) "to ab-

solutely prohibit the coming of Chinese persons into the United States."

It also announced that the Senate had passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That there be printed the report of the Director of the Mint on the production of the precious metals in the United States for the calendar year 1891, 6,000 extra copies, of which 1,000 copies shall be for the Senate, 2,000 for the House, and 3,000 copies for the Director of the Mint.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk and referred to their appropriate Calendars as indicated below:

ESTABLISHMENT OF CIRCUIT COURTS OF APPEALS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with amendments the bill (S. 2729) to amend an act entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States," and for other purposes: which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back adversely the bill (S. 1615) to facilitate the disposition of causes in the Court of Claims; which was laid on the table, and the accompanying report ordered to be printed.

PENSIONS TO SOLDIERS AND SAILORS.

Mr. MARTIN, from the Committee on Invalid Pensions, reported back, in the nature of a substitute for Senate bill 1907, a bill (H. R. 5951) to amend section 3 of the act approved June 27, 1890, granting pensions to soldiers and sailors; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DONATION OF LAND TO THE CITY OF SIDNEY, NEBR.

Mr. MITCHELL, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5982) donating 20 acres of land from Fort Sidney military reservation to the city of Sidney, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PROCEEDS OF PUBLIC LANDS.

Mr. BYNUM, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 7322) to authorize and direct the Secretary of the Treasury to pay over certain moneys to the State of South Carolina, as prescribed by the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts established under the provisions of an act of Congress," approved July 2, 1892; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RATE OF PENSION FOR CERTAIN CASES OF DEAFNESS.

Mr. MCKINNEY, from the Committee on Invalid Pensions, reported back adversely the bill (S. 349) to increase the rate of pension for certain cases of deafness; which was laid on the table, and the accompanying report ordered to be printed.

PENSIONS OF CERTAIN SOLDIERS AND SAILORS.

Mr. MCKINNEY also, from the Committee on Invalid Pensions, reported back favorably a bill (S. 1910) to amend an act entitled "An act to increase the pensions of certain soldiers and sailors who are totally helpless from injuries received or from diseases contracted in the service of the United States," approved March 4, 1890; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIMITATION OF THE HOURS OF DAILY LABOR.

Mr. TARSNEY, from the Committee on Labor, reported back, as a substitute for bills H. R. 257, H. R. 276, and H. R. 442, the bill (H. R. 8537) relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia: which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bills numbered 257, 276, and 442 were laid on the table.

ARMY APPROPRIATION BILL.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to report back to the House the Army appropriation bill, and to ask unanimous consent that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE], chairman of the Committee on Military Affairs, presents the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes.

The SPEAKER. The gentleman asks unanimous consent to nonconcur in the Senate amendments, and to ask for a conference with the Senate on the disagreeing votes of the two Houses. Is there objection?

There was no objection, and it was so ordered.

Mr. HOLMAN and Mr. BLANCHARD moved that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House adjourned until tomorrow at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PATTON, from the Committee on Military Affairs: A bill (S. 318) for the relief of Joseph Johnson. (Report No. 1265.)

A bill (S. 337) to remove the charge of desertion standing against the name of Joseph G. Utter. (Report No. 1266.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 8534) to increase the pensions of the totally blind—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 8535) to equalize to some extent the burdens imposed upon the people by an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. DAVIS: A bill (H. R. 8536) to place salt, lumber, wood and manufactures of wood on the free list—to the Committee on Ways and Means.

By Mr. CARUTH: A bill (H. R. 8538) granting the right of way to the Kentucky and Indiana Bridge Company on and across the grounds of the Louisville and Portland Canal, the property of the Government of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: A bill (H. R. 8539) to provide for the construction of a public building at the city of Roseburg, Oregon—to the Committee on Public Buildings and Grounds.

By Mr. BLAND: A bill (H. R. 8540) to authorize national banking associations to loan money on real estate—to the Committee on Banking and Currency.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BACON: A bill (H. R. 8541) to relieve Thomas B. Pope of the charge of being absent without leave—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 8542) granting a pension to Lewis Gay—to the Committee on Pensions.

By Mr. CARUTH: A bill (H. R. 8543) for the relief of John D. Lanahan, late first Lieutenant of Company G, Fifteenth Regiment Kentucky Volunteers—to the Committee on Military Affairs.

By Mr. CAMINETTI: A bill (H. R. 8544) confirming entry by Hon. C. V. Gottschalk of certain lands in the State of California, in trust, as a town site for the benefit of the inhabitants of the town of Milton, county of Calaveras, in said State, and directing patent to issue for the same—to the Committee on the Public Lands.

By Mr. COCKRAN: A bill (H. R. 8545) granting an honorable discharge to Carl P. Larsen—to the Committee on Military Affairs.

By Mr. CRAWFORD: A bill (H. R. 8546) for the relief of S. T. Featherston, of North Carolina—to the Committee on War Claims.

By Mr. ELLIS: A bill (H. R. 8547) for the relief of Joshua G. Witty—to the Committee on War Claims.

Also, a bill (H. R. 8548) for the relief of George W. Smith—to the Committee on War Claims.

By Mr. LAYTON: A bill (H. R. 8549) for the relief of Della and Emma Miller—to the Committee on Pensions.

By Mr. MOSES: A bill (H. R. 8550) to increase the pension of

W. H. Philpot, a pensioner of the Mexican war—to the Committee on Pensions.

By Mr. SHONK: A bill (H. R. 8551) for the relief of William Hancock, administrator—to the Committee on War Claims.

By Mr. CHARLES W. STONE: A bill (H. R. 8552) to pension Edith S. Read, widow of Ogden B. Read, late captain of Company F, Eleventh Infantry, United States Army—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8553) for the relief of Richard W. Johnson—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Petition of citizens of Butler County, Mo., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELKNAP: Petition of A. Straclin and 60 other citizens of Ionia, Mich., for free delivery of mails in country districts—to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOVER: Petition of St. Paul's Reformed Church of Mechanicsburg, Pa., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRECKINRIDGE of Kentucky: Petition of J. M. Davis, W. E. Bates, and A. K. Lair, and others, of Scott County, Ky., concerning the closing of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. McDowell, A. A. Delong, Hamilton Scott, and others, of Lexington, Ky., for an amendment to the Constitution of the United States prohibiting the States from enacting any laws establishing a religion, etc.—to the Committee on the Judiciary.

Also, petition of E. Drain and various other citizens of Henry County, Ky., asking legislation against fictitious sales of farm products—to the Committee on Agriculture.

Also, petition of various citizens of Minorsville, of Long Lick, and of Paynes Depot, Scott County, asking an increase of compensation for fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. BURROWS: Petition of the Seventh-Day Adventists of Almeha, Van Buren County, Mich., against the passage of any bill or resolution to close the World's Fair on Sunday, and for other purposes—to the Select Committee on the Columbian Exposition.

By Mr. BUTLER: Petition from Iowa Homestead, praying for the passage of the Hatch option bill—to the Committee on Agriculture.

By Mr. BYRNS: Protest of Farmers and Laborers' Union, of Madison County, Mo., against the passage of the Brosius lard bill (H. R. 335), and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. COX of New York: Petition of soldiers and sailors of Post No. 626, Grand Army of the Republic, Department of New York, in favor of marking the battle lines of Gettysburg—to the Committee on Military Affairs.

By Mr. CRAIG of Pennsylvania: Petition of 20 citizens of Washington County, Pa., representing the First Presbyterian Church of Cannonsburg, in favor of making it a condition of any appropriation to the World's Fair that no intoxicating liquor be sold on its grounds—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian Church of Claysville, Pa., representing 500 persons, in favor of closing the World's Fair on the Sabbath, in accordance with the law of God, the rights of man, and the precedents of our American history—to the Select Committee on the Columbian Exposition.

Also, petition and resolutions of the Presbyterian Church of Pigeon Creek, Pa., in favor of voting no appropriation to the World's Fair unless its gates are closed on the Sabbath day and the sale of intoxicating liquor is prohibited on its grounds—to the Select Committee on the Columbian Exposition.

Also, petition of 63 citizens of Waynesburg, Pa., and vicinity, in favor of an amendment to the Constitution, prohibiting any State from passing any law concerning an establishment of religion—to the Committee on the Judiciary.

By Mr. CUTTING: Resolution of the San Francisco Chamber of Commerce, to secure favorable action of Congress to the end of accomplishing national legislation granting to the States and Territories needful to irrigation all lands now part of the public domain—to the Select Committee on Irrigation of Arid Lands in the United States.

Also, petition of the San Francisco Chamber of Commerce, to amend the interstate commerce laws—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Francisco Chamber of Commerce, protesting against the suspension of naval construction by the United States Government—to the Committee on Naval Affairs.

Also, resolution of the San Francisco Chamber of Commerce, to secure efficient telegraph and telephone service—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of an amendment to the immigration and naturalization laws—to the Committee on the Judiciary.

Also, petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of an amendment to the Constitution to prohibit States from passing any law establishing any religion—to the Committee on the Judiciary.

Also, petition of R. & W. Jenkinson, tobacco manufacturers, of Pittsburgh, Pa., in favor of the repeal of the free-leaf section of existing law—to the Committee on Ways and Means.

Also, petition of Beulah Presbyterian Church, Allegheny County, Pa., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of firms in Allegheny County, Pa., in favor of the adoption of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. DAVIS: Two petitions, one of citizens of Kansas, the other of Colorado, asking that United States Senators be elected by direct vote of the people—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of citizens of Kansas, asking for the investigation of the slums of cities—to the Committee on Labor.

Also, petition of citizens of Kansas, asking that indiscriminate immigration be restricted; and that Chinese immigration be prohibited—to the Select Committee on Immigration and Naturalization.

By Mr. DONOVAN: Twenty petitions of granges of Ohio, as follows: Aetna, No. 310; Fulton, No. 217; Jackson, No. 1238; Flat Rock, No. 592; Paulding, No. 332; Damascus, No. 216; Springfield, No. 499; Ottokee, No. 273; Harrison, No. 150; Elm Grove, No. 644; Gorham, No. 392; Fairview, No. 1334; Washington, No. 619; Benton, No. 1380; Howe, No. 417; Mill Creek, No. 646; Northwest, No. 413; St. Joseph, No. 1082; Enterprise, No. 472; Latty, No. 621, and Live Oak, No. 781, all for prohibiting contracts discrediting legal-tender currency—to the Committee on Coinage, Weights and Measures.

Also, thirteen petitions of the same granges of Ohio, as follows: Aetna, Jackson, Flat Rock, Paulding, Springfield, Elm Grove, Fairview, Howe, Mill Creek, Northwest, St. Joseph, Enterprise, and Live Oak, for the passage of House bill, No. 395—to the Committee on Ways and Means.

Also, fifteen petitions of the same granges, as follows: Fulton, Flat Rock, Paulding, Damascus, Springfield, Ottokee, Elm Grove, Gorham, Howe, Mill Creek, Northwest, St. Joseph, Enterprise, Latty, and Live Oak, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, seventeen petitions of the same granges, to prevent gambling in farm products; sixteen of the same granges, for the encouragement of silk culture; sixteen of the same granges, to prevent gambling in farm products; three of the same granges, to prevent the adulteration of foods and drugs—to the Committee on Agriculture.

Also, three petitions as follows: Joseph Roth Post, No. 402, Grand Army of the Republic, Department of Ohio; Thomas J. May Post, No. 703, and George Douglas Post, No. 183, all to preserve and properly mark the battle lines at Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of the Woman's Christian Temperance Union, of Defiance, Ohio, to prevent the sale of intoxicating liquors at the Columbian Exposition, to close the same on Sundays, and to secure management of the art department therein according to the American standard of purity in art—to the Select Committee on the Columbian Exposition.

Also, petition of Charles E. Slocum and 94 other citizens of Defiance, Ohio, in favor of the proposed sixteenth amendment of the Constitution of the United States—to the Committee on the Judiciary.

Also, two petitions of the National Woman's Christian Temperance Union of Ohio, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GEISSENHAIN: Petition of Barry Post, No. 27, Grand Army of the Republic, Department of New Jersey, requesting legislation by Congress for preserving and properly marking the battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. HARTER: Petition of the Methodist Episcopal Church of Loudonville, Ohio, against the opening of the Columbian Exposition on Sunday, and that the sale of liquors be prohibited on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Resolutions of the Peoria Board of Trade, of Peoria, Ill., adopted in open session, regarding the trading in options, etc.—to the Committee on Agriculture.

By Mr. HAYNES of Ohio: Petition of the Young Men's Christian Association of Toledo, Ohio, for the passage of House bills providing for a revision of the postal laws and correction of an unjust discrimination against elevating literature in favor of that which is demoralizing—to the Committee on the Post-Office and Post-Roads.

By Mr. HENDERSON of Iowa: Affidavits, petitions, and letters, in relation to the condition of William F. Pickerille, and asking an increase of pension from \$20 to \$50 a month—to the Committee on Invalid Pensions.

Also, petition of citizens of Laporte City, Iowa, asking for an increase of pension to Francis A. Large—to the Committee on Invalid Pensions.

Also, three petitions, one of Butler County, Iowa, the second of Blaine Alliance, No. 2036, Dows, Iowa; the third of 39 citizens of Wright County, urging the passage of the antioption bill—to the Committee on Agriculture.

Also, paper from Rev. G. J. Findley, Goldfield, Iowa, asking Congress to prevent the opening of the World's Columbian Exposition on the Sabbath day—to the Select Committee on the Columbian Exposition.

By Mr. HOPKINS of Pennsylvania: Petition of Lamar Grange, No. 274, of Pennsylvania, for prohibiting contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition by the same grange, to prohibit gambling in farm products—to the Committee on Agriculture.

Also, petition by the same grange, in favor of free delivery of rural mails—to the Select Committee on the Columbian Exposition.

Also, petition of Lamar Grange, No. 274, of the State of Pennsylvania, for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Ways and Means.

Also, petition by the same body, to encourage silk culture—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of Rev. Edward A. Collier, pastor, and the elders and deacons of the Reformed Church at Kinderhook, N. Y., that the World's Columbian Exposition be closed to visitors on the Lord's Day—to the Select Committee on the Columbian Exposition.

Also, petition of Hoffman & Co., tobacco dealers at Red Hook, N. Y., for the repeal of the free-leaf sections of the revenue act of 1890—to the Committee on Ways and Means.

By Mr. LAYTON: Petition of the Methodist Episcopal Church of Spencerville, Ohio, protesting against appropriations for the World's Fair unless its management will guarantee that it shall be closed on Sunday and that no intoxicating liquors shall be sold thereat—to the Select Committee on the Columbian Exposition.

Also, protest of 9 members of the Seventh-Day Adventists of Bellfontaine, Logan County, Ohio, against Congress committing the United States Government to a union of religion and state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of the Montana irrigation convention, asking the Government to aid in the development of arid lands by irrigation—to the Select Committee on Irrigation of Arid Lands in the United States.

By Mr. LIVINGSTON: Petition of the Wage Workers' Political Alliance of the District of Columbia, to change the system of taxation, and for other purposes—to the Committee on Ways and Means.

By Mr. LOCKWOOD: Two petitions, one of W. C. Raab and others, farmers of Wyoming County, N. Y., the other of farmers of Wyoming, for the reduction of duties on barley—to the Committee on Ways and Means.

By Mr. LODGE: Petition of John Monks and 58 others, employed in cordage works in the Sixth district of Massachusetts, for the retention of the duty on binding-twine—to the Committee on Ways and Means.

By Mr. MCKINNEY: Petition of Journeymen Stonecutters' Association of the Eastern, Middle, and Atlantic States and District of Columbia, in favor of a law prohibiting the employment of convicts on any Federal Government building—to the Committee on Labor.

By Mr. O'DONNELL: Petition of Emily Reik, of Coldwater, Branch County, Mich., and 9 others, praying that pension be

granted to said Emily Reik—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of J. M. Wells Post, Grand Army of the Republic, Columbus, Ohio, for the marking of the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of the Presbyterian Church of Central College, Ohio, to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Borror and others, for the passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. POST: Two petitions, one of Charter Oak Grange, No. 1685, of Illinois, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

Also, petition by the same grange, to encourage silk culture—to the Committee on Agriculture.

By Mr. POWERS: Remonstrance of T. H. Purdon and others, of Rutland, Vt., against legislation closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAINES: Petition of George D. Fox, of East Bloomfield, N. Y., in favor of the Washburn-Hatch anti-option bills—to the Committee on Agriculture.

Also, petition of the Baptist Church, of Steuben County, N. Y., against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbytery of Steuben, N. Y., against the granting in Alaska of licenses to dealers in liquor—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RAY: Petition of Asa O. Gallup, in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. RAYNER (by request): Two petitions of citizens of Baltimore, Md., for the repeal of the free-leaf sections of the revenue act of 1890—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of J. W. Slauson and others, for bill to prohibit the manufacture and sale of cigarettes—to the Committee on Ways and Means.

Also, petition of Junius Grange, No. 54, of New York, in behalf of the Hatch option bill—to the Committee on Agriculture.

Also, petition by the same grange, in behalf of a pure-food law—to the Committee on Agriculture.

Also, petition by the same grange, in behalf of pure food—to the Committee on Ways and Means.

By Mr. SNOW: Protest of Farmers' Alliance and Industrial Union, No. 340, and citizens of Livingston County, Ill., against the passage of the Brosius lard bill (H. R. 395), and praying for a general pure-food law—to the Committee on Agriculture.

By Mr. STOUT: Three petitions of citizens of Michigan, as follows: George P. Bailly and others, of Bunker Hill; R. D. Dean, of Clyde, and L. Brown, of Clio, all in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WAUGH: Petition of citizens of the Ninth Congressional district of Indiana, asking that no exposition or exhibition, for whose support appropriations are made by Congress, be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution passed by the North Indiana Annual Conference of the Methodist Episcopal Church, asking Congress to investigate and ascertain the amount of alcoholic liquors made in this country, how much pauperism, crime, and misery are caused thereby, and for the passage of such laws as will suppress the improper use of liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WILSON of West Virginia: Two petitions of congregations of Methodist Episcopal Churches of West Virginia, as follows: The church of Newburg of 85 members, and the church of Ringwood of 220 members, both against opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. E. Bowen and 14 members of the Seventh-Day Adventists Church of Newburg, W. Va., against any interference of Congress for or against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. YOUNG: Three petitions of the Seventh-Day Adventists of Minnesota, one of Waseca County, the second of St. Johns County, and the third of Kalamazoo County, all against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Lott, and others of Branch County, Mich., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

SENATE.

WEDNESDAY, May 4, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FAULKNER presented a petition of the Morgantown (W. Va.) Methodist Episcopal Church; a petition of sundry churches of Lumberport, W. Va.; a petition of the Presbytery of Winchester, Va., and a petition of the Methodist Episcopal Church of Newburg, W. Va., praying for the closing of the World's Columbian Exposition on the Sabbath, and the prohibition of the sale of intoxicants on the grounds thereof; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Miss Annie Barthell and Lillie Shroyer, of Taylor County, West Virginia, remonstrating against legislation by Congress to close the World's Columbian Exposition on Sunday; which was referred to the Committee on Quadro-Centennial (Select).

Mr. DAWES presented a memorial of sundry citizens of Lowell, Mass., remonstrating against the opening of the World's Columbian Exposition on Sunday where United States funds are expended; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of the Swedish Evangelical Church of Knoxville; Middle Creek Presbyterian Church of Winnebago County; Stonington and Willowdale Methodist Episcopal churches of Stonington; Presbyterian churches of Waltham; Methodist Episcopal Church of Mt. Carmel; Zion's Evangelical Lutheran Church of Mt. Carmel; Methodist Episcopal churches of Pana, Bluff Springs, Leaf River, Napanset, Marshall County, Champaign Circuit, Dwight, Lawn Ridge, Bunker Hill; Presbyterian churches of Harvard, Clayton, Paris, Waterman, Piper City, and Waynesville; Baptist churches of Woodstock, Mattoon, and Ashley; Martins Prairie Church of Greene County; Silver Spring Church of Stephenson County; Evangelical Lutheran Church of Mt. Carroll, and the Congregational church of Harvard, all in the State of Illinois, praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL presented the memorial of C. J. Dasher and other citizens of Livingston County, Mo., remonstrating against the passage of any legislation looking to the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition adopted at a meeting of the Presbyterian Church of Columbia, Mo., on the 29th of April, 1892, signed by "F. W. Sneed, committee," praying for legislation to prevent the opening of the Columbian Exposition on Sunday, and that the sale of intoxicants be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COKE presented a memorial of sundry citizens of Bartlett, Tex., remonstrating against committing the Government of the United States to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, etc.; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. RANSOM presented the petition of Rev. W. S. Bowman and other ministers, of Charlotte and Mecklenburg Counties, in the State of North Carolina, praying that the World's Columbian Exposition be closed on Sunday and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a memorial of the Seventh-Day Adventist Church of San Jose, Cal., and a memorial of the Seventh-Day Adventist Church of San Francisco, Cal., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Typographical Union, Car and Coach Painters' Union, Iron Molders' Union, Upholsterers' Union, Horse Collar Makers' Union, Tin, Sheet Iron, and Cornice Workers' Union, Bricklayers' Union, Boiler-makers' Union, Blacksmiths' Union, Sandstone Cutters' Union, Spring-makers' Union, Bakers' Union, Brewery Workmen's Union, Electric Street Car Employes Union, Newspaper Writers' Union, and Laborers' Union of Sacramento, Cal., praying for the passage of legislation for the absolute exclusion of the Chinese; which were ordered to lie on the table.

Mr. TURPIE presented memorials of the Methodist Episcopal churches of Inwood charge, North Indiana Conference, Liberty, Charlestown, Pleasantville, Morristown charge, Elizabeth, Cro-

thersville, Worthington, Thorntown, and Quincy, Ind.; of the Baptist churches of Acton and Galveston, Ind.; of the Plymouth Congregational Church, of Fort Wayne, Ind.; of the Evangelical Lutheran St. Peter's Congregation, of Olean, Ind.; of the representatives of the Antioch, Concord, Flat Rock, Massillon, Marquardt, Monroeville, Allen, and Adams Counties (Ind.) churches; of the Presbyterian churches of Rising Sun, Indianapolis, Rockville, and Idaville, Ind., remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BUTLER presented the memorial of J. A. Huger, Mitchell King, J. A. Huger, jr., and a number of other rice planters, twenty odd, in the neighborhood of Savannah, Ga., remonstrating against the incorporation in the river and harbor bill of the provision for increasing the depth of the Savannah River, which, the memorialists say, is likely to work great damage and injury to their rice lands, and they pray Congress to put such provision in the bill as will protect them against the injury resulting from these improvements. I move that the memorial, with the accompanying letter, be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PASCO presented a petition of the Farmers' Alliance of Manatee and Liberty Counties, Fla., praying for the passage of legislation for the repeal or amendment of the navigation laws; which was referred to the Committee on Commerce.

He also presented the petition of James Rogers, and 20 other citizens of Crestview, Fla., praying for the adoption by Congress of a national alphabet; which was referred to the Committee on Education and Labor.

Mr. MANDERSON presented a petition of the Second Presbyterian Church of Omaha, Nebr., praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of sundry citizens of Nebraska, remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CHANDLER presented the memorial of Frank W. Mace and 20 other citizens of Amherst, N. H., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any way committing the Government to a course of religious legislation, which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Crystal Lake Grange, Patrons of Husbandry, of New Hampshire:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration in food and drugs—ordered to lie on the table.

Petition praying for the passage of a bill making certain issues of money full legal tender in payment of all debts—referred to the Committee on Finance.

Mr. PADDOCK presented the petition of A. M. Mosley and 35 other citizens of Montgomery County, Ala., praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a petition of the Presbytery of Niobrara, representing 41 churches in Northern Nebraska, and a petition of the Second Presbyterian Church of Omaha, Nebr., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of William Haverland and 6 other citizens of Elgin, Nebr., and the memorial of N. S. Brooks and 17 other citizens of Oxford, Nebr., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented a petition of the Methodist Episcopal Church of Quincy, Mich.; a petition of the First Methodist Episcopal Church of Constantine, Mich.; a petition of the Methodist Episcopal Church of Carleton, Mich.; a petition of the First Baptist Church of Chelsea, Mich.; a petition of the First Baptist Church of Plainwell, Mich.; a petition of the United Presbyterian Church of Martin, Mich.; a petition of the

Methodist Episcopal Church of Ada, Mich.; a petition of the First Methodist Episcopal Church of Flowerville, Mich.; a petition of the Baptist Church of Deckerville, Mich.; a petition of the Methodist Episcopal Church of Pinconning, Mich.; a petition of the Methodist Episcopal Church of St. Helens, Mich.; a petition of the First Baptist Church of Tecumseh, Mich., and a petition of the Congregational Church of Highland, Mich., praying Congress to refuse to give any further aid or assistance to the World's Columbian Exposition unless the exhibition be closed on Sunday and the sale of intoxicants be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a petition of citizens and officers of the State Assembly, Knights of Labor, of Washington, praying for the passage of legislation requiring the use of automatic couplers and power brakes on all railroads operating within the United States; which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of four Congregational churches of Sandusky, Ohio; a petition of 33 citizens of Plain, Ohio; a petition of fourteen Methodist Episcopal churches of Monroe County, Ohio; a petition of five Lutheran churches of Findlay, Ohio; a petition of eleven Baptist churches of Richmond, Ohio, and a petition of seventeen Presbyterian churches of the State of Ohio, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of 90 citizens of Huron County, Ohio, remonstrating against Congress taking any action relative to the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of the E. M. Hessler Surgical Instrument Company, of Cleveland, Ohio, and other manufacturers of surgical instruments, remonstrating against the passage of House bill No. 5682; which was referred to the Committee on Finance.

He also presented a petition of 120 citizens of Jefferson County, Ohio, praying for the passage of House bill 401, relative to the immigration and importation of aliens under contract or agreement to perform labor; which was referred to the Committee on Immigration.

Mr. BRICE presented a memorial of the Methodist Episcopal Church of High Hill, Ohio; a memorial of the Free Baptist Church of Marion, Ohio; a memorial of the Methodist Episcopal and Free Baptist churches of Larue, Ohio; a memorial of the Methodist Episcopal Church of Minerva, Ohio; a memorial of the Methodist Episcopal Church of Prospect, Ohio; a memorial of the Congregational Church of Wakeman, Ohio; a memorial of the Methodist Episcopal Church of Cambridge, Ohio; a memorial of the Reformed Church of Stands and Sixteen of Stark County, Ohio; a memorial of the Baptist Church of Geneva, Ohio; a memorial of the Wayne Presbyterian Church of Wooster, Ohio; a memorial of the Methodist Episcopal Church of Donnelsville, Ohio; a memorial of the Methodist Episcopal Church of North Benton, Ohio; a memorial of the Trinity Reformed Church of Thornville, Ohio; a memorial of the First Congregational Church of Painesville, Ohio; a memorial of the Presbyterian Church of Rushville, Ohio; a memorial of the First Methodist Episcopal Church of New Philadelphia, Ohio; a memorial of the Methodist Episcopal Church of Jefferson, Ohio; a memorial of the Reformed and Lutheran churches of Stoutsville, Ohio; a memorial of the Woodland Avenue Methodist Episcopal Church of Cleveland, Ohio; a memorial of the Evangelical Lutheran Church of Washingtonville, Ohio; a memorial of the congregations of Pike, Berlin, and Amity churches of Knox County, Ohio; a memorial of the North Hill Church of Akron, Ohio; a memorial of the Goshen and Damascus Methodist and Episcopal churches of Goshen, Ohio; a memorial of the Methodist, Congregational, and Disciples churches of Edinburg, Ohio; a memorial of the St. John's Lutheran Church of Woodview, Ohio; a memorial of the Salem Lutheran Church of Belleville, Ohio; a memorial of the Rootstown and Randolph churches of Rootstown, Ohio; a memorial of the Methodist Episcopal Church of Spencerville, Ohio; a memorial of the Presbyterian Church of Central College, Ohio; a memorial of the Evangelical Lutheran Church of Dysons, Ohio; a memorial of thirty-six churches in Northwestern Ohio; a memorial of the Methodist Episcopal Church of Steubenville, Ohio; a memorial of the West Bethesda Presbyterian Church of West Bethesda, Ohio; a memorial of the Zion Baptist Church of Lebanon, Ohio; a memorial of the Scoville Avenue Methodist Episcopal Church of Cleveland, Ohio; a memorial of the First Congregational Church of Bucksville, Ohio; a memorial of the Swedish Congregational Church of Sweden, Ohio; a memorial of the Grace

Methodist Episcopal Church of Springfield, Ohio; a memorial of the Third Baptist Church of Cincinnati, Ohio; a memorial of the First Presbyterian Church of Van Wert, Ohio; a memorial of the Methodist Episcopal Church of Bucksville, Ohio; a memorial of the African Methodist Episcopal Church of Springfield, Ohio; a memorial of the Circuit churches in Antioch, Ohio; a memorial of the Methodist Episcopal Church of Urbana, Ohio; a memorial of the Second Presbyterian Church of Massillon, Ohio; a memorial of the First Methodist Episcopal Church of Cleveland, Ohio; a memorial of the Wiley Methodist Episcopal Church of Springfield, Ohio; a memorial of St. Stephen's Protestant Episcopal Church of Hamilton County, Ohio; a memorial of Brighton Chapel of Cincinnati, Ohio; a memorial of the First Presbyterian Church of Ada, Ohio; a memorial of the East Baptist Church of Lebanon, Ohio; a memorial of the Methodist Episcopal Church of Shiloh, Ohio; a memorial of the Trinity Lutheran Church of Canton, Ohio; a memorial of the Methodist Episcopal Church of Scio, Ohio; a memorial of the Christ Evangelical Lutheran Church of Galion, Ohio; a memorial of the First Baptist Church of Marietta, Ohio; a memorial of the Second Presbyterian Church of Springfield, Ohio; a memorial of the Methodist Episcopal Church of Bristolville, Ohio; a memorial of the Baptist Church of Medina, Ohio; a memorial of the Baptist Church of Colebrook, Ohio; a memorial of the First Baptist Church of Mount Vernon, Ohio; a memorial of the First Presbyterian Church of Milan, Ohio; a memorial of the Methodist Episcopal Church of Nelsonville, Ohio; a memorial of the Methodist Episcopal Church of Uhrichsville, Ohio; a memorial of the Methodist Episcopal Church of St. Clairsville, Ohio; a memorial of the Woman's Missionary Society of the Sugar Run United Presbyterian Congregation of Union County, Ohio; a memorial of the Presbytery of Athens, Synod of Ohio; a memorial of sundry citizens of Oxford, Ohio; a memorial of the Evangelical Alliance, representing all the Evangelical churches in Cincinnati, Ohio; a memorial of the Congregational Church of Sandusky, Ohio; a memorial of the Methodist Episcopal Church of Loudonville, Ohio; a memorial of the Lutheran Church of Arcadia, Ohio; a memorial of the Methodist Episcopal Church of Tontogany, Ohio; a memorial of the Youngstown (Ohio) District Epworth League; a memorial of the Perry County (Ohio) Sabbath Association; a memorial of the First Presbytery of Ohio; a memorial of the First Methodist Episcopal Church of Van Wert, Ohio; a memorial of the Protestant Episcopal Grace Church of Toledo, Ohio; a memorial of the Presbyterian Church of Fletcher, Ohio; a memorial of the Buffalo Presbyterian Church of Cumberland, Ohio; a memorial of the English Lutheran Church of Carey, Ohio; a memorial of the Fifth Lutheran Church of Springfield, Ohio; a memorial of the Third Presbyterian Church of Springfield, Ohio; a memorial of the First Congregational Church of Springfield, Ohio; a memorial of the Third Lutheran Church of Springfield, Ohio; a memorial of the First Baptist Church of Springfield, Ohio; a memorial of the First Presbyterian Church of Leipsic, Ohio; a memorial of the First Baptist Church of Kenton, Ohio; a memorial of the First Presbyterian Church of Mount Pleasant, Ohio; a memorial of the Methodist Episcopal Church of Cardington, Ohio; a memorial of the Union Baptist Church of Lebanon, Ohio; a memorial of the Methodist Episcopal Church of Gibsonburg, Ohio; a memorial of the First English Lutheran Church of Wapakoneta, Ohio; a memorial of the First Presbyterian Church of Sidney, Ohio; a memorial of the Methodist Episcopal Church of Ashland, Ohio; a memorial of the Howard Methodist Episcopal Church of Findlay, Ohio; a memorial of the Methodist Episcopal Church of Port Clinton, Ohio; a memorial of the Methodist Episcopal Church of Bellecenter, Ohio; a memorial of the Methodist Episcopal Church of McConnelsville, Ohio; a memorial of the Mayflower Congregational Church of Columbus, Ohio; a memorial of the First Presbyterian Church of Weston, Ohio; a memorial of the Methodist Episcopal Church of Jackson, Ohio; a memorial of the First Congregational Church of Lorain, Ohio; a memorial of the English Lutheran Church of Tippecanoe City, Ohio; a memorial of the St. Paul's and Mount Olive Lutheran Churches of Belleville and Hastings, Ohio; a memorial of the Lagonda Avenue Congregational Church of Springfield, Ohio; a memorial of the Methodist Episcopal Church of Perry, Ohio; a memorial of the Methodist Episcopal Church of Arcadia, Ohio; a memorial of the Methodist Episcopal Church of Bedford, Ohio; a memorial of the Methodist Episcopal Church of Huntington, Ohio; a memorial of the Twinsburg Congregational Church of Ohio; a memorial of the First Presbyterian Church of Marion, Ohio; a memorial of the Bristolville Congregational Church of Bristolville, Ohio; a memorial of the First Congregational Church of Windham, Ohio; a memorial of the Union Baptist Church of Cincinnati, Ohio; a memorial of the Belleville Methodist Episcopal Church of Belleville, Ohio; a memorial of the First Presbyterian Church of Xenia, Ohio; a memorial of the First Pres-

byterian Church of Athens, Ohio; a memorial of the Methodist Episcopal Church of Convoy, Ohio; a memorial of the St. Paul Methodist Episcopal Church of Springfield, Ohio; a memorial of the Trenton Presbyterian Church of Condit, Ohio; a memorial of the Methodist Episcopal Church of Nova Ashland, Ohio; a memorial of the Methodist Episcopal Church of Mentor, Ohio; a memorial of the Methodist Episcopal Church of Lynchburg, Ohio; a memorial of the Presbyterian Church of Marseilles, Ohio; a memorial of the Methodist Episcopal Church of Vienna, Ohio; a memorial of the Methodist Episcopal Church of Canal Dover, Ohio; a memorial of the Methodist Episcopal Church of Nashville, Ohio; a memorial of the First Baptist Church of Painesville, Ohio; a memorial of the Congregational Church of Norwalk, Ohio; a memorial of the Regular Baptist Church of Cambridge, Ohio; a memorial of the Presbyterian Church of New Lexington, Ohio; a memorial of the First Methodist Episcopal Church of Steubenville, Ohio; a memorial of the St. Paul's Methodist Episcopal Church of Defiance, Ohio, and a memorial of the Methodist Episcopal Church of Penfield, Ohio, remonstrating against any further financial aid being given to the World's Columbian Exposition by Congress unless the same shall be closed on Sunday and the sale of intoxicating liquors prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Francis A. Fields, late captain Eleventh Regiment, United States Infantry, praying that he be placed on the retired list of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Berlin Heights Grange, No. 345, Patrons of Husbandry, of Ohio, and a petition of Smithfield Grange, No. 676, Patrons of Husbandry, of Ohio, praying for the passage of House bill No. 395, defining lard and imposing a tax thereon; which were ordered to lie on the table.

He also presented a petition of Berlin Heights Grange, No. 345, Patrons of Husbandry, of Ohio, and a petition of Smithfield Grange, No. 676, Patrons of Husbandry, of Ohio, praying for legislation for the encouragement of silk culture; which were ordered to lie on the table.

He also presented a petition of Berlin Heights Grange, No. 345, Patrons of Husbandry, of Ohio; a petition of Smithfield Grange, No. 676, Patrons of Husbandry, of Ohio; a petition of Convoy Grange No. 153, Patrons of Husbandry, of Ohio, and a petition of 125 citizens of Sandusky County, Ohio, praying for the passage of legislation for the regulation of speculation in fictitious farm products; which was referred to the Committee on the Judiciary.

He also presented a petition of Berlin Heights Grange, No. 345, Patrons of Husbandry, of Ohio, and a petition of Smithfield Grange, No. 676, Patrons of Husbandry, of Ohio, praying for the passage of a law prohibiting contracts discrediting legal-tender currency; which was referred to the Committee on Finance.

He also presented a petition of Berlin Heights Grange, No. 345, Patrons of Industry, of Ohio, and a petition of Smithfield Grange No. 676, Patrons of Husbandry, of Ohio, praying for the free delivery of mails in rural districts; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union, No. 219, of Canton, Ohio, praying for the passage of House bill No. 257, constituting eight hours a day's work; which was referred to the Committee on Education and Labor.

He also presented a petition of Convoy Grange, No. 153, Patrons of Husbandry, of Ohio, praying for the passage of legislation to prevent the adulteration of food and drugs; which was ordered to lie on the table.

He also presented the petition of C. W. Harshman, in behalf of a number of other citizens of Charlestown, Ohio, praying Congress to make no further appropriation for the World's Columbian Exposition except on condition that the Exhibition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Chillicothe (Ohio) Board of Trade, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of Roberts Post, No. 672, Grand Army of the Republic, of Poplar, Ohio, remonstrating against the passage of any legislation for the free coinage of silver; which was ordered to lie on the table.

He also presented the memorial of B. B. Francis and 20 other members of the Seventh-Day Adventist Church of Licking County, Ohio; the memorial of 46 citizens of Reedsville, Ohio, and the memorial of 56 members of the Seventh-Day Adventist Church of Henry County, Ohio, remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way

committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented sundry petitions collected by the National Woman's Christian Temperance Union of Ohio, containing 223 individual signatures, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON presented a petition of sundry citizens of Pennsylvania, praying for the repeal of section 3519 of the Revised Statutes authorizing the Postmaster-General to have return requests printed on envelopes; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 2472) for the relief of Thomas G. Corbin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 262) for the relief of Jabez Burchard, reported it without amendment, and submitted a report thereon.

Mr. GIBSON of Louisiana. I am instructed by the Committee on Naval Affairs to report the following amendment to the bill making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, to come in on page 13, line 16, after the words "eight hundred."

Naval reservation, Algiers, La.: Toward the construction of a dry dock at Algiers, La., in accordance with the recommendation of the two commissions, and for the purchase of such land as is shown by the report of said commissions to be necessary for this purpose in addition to the present Government reservation, \$250,000; and the Secretary of the Navy is hereby authorized to make a contract for the construction of the said dry dock, the cost thereof not to exceed \$840,000.

I move that the amendment be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CHANDLER, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DOLPH. By direction of the Committee on Foreign Relations I report back favorably an amendment to the bill (H. R. 7520) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes. The amendment increases the proposed appropriation for executing the Chinese exclusion act from \$50,000 to \$100,000. I move that it be referred to the Committee on Appropriations, and printed.

The motion was agreed to.

Mr. MCPHERSON, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1044) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry;

A bill (H. R. 5108) to establish a military post at or near the city of Helena, in Lewis and Clarke County, in the State of Montana; and

A bill (H. R. 7557) to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, with certain modifications, and to make appropriations to carry into effect the same.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 3060) granting a pension to Isabella W. Newkirk; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3061) to pension Edith S. Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 3062) for the relief of Mary A. Swift; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. PASCO introduced a bill (S. 3063) granting a pension to E. A. Tucker, of Pasco County, Fla.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas (by request) introduced a bill (S. 3064) for the relief of Holliday S. Ravell; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3065) for the relief of the estate of William B. Pool, late of Jefferson County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PADDOCK introduced a bill (S. 3066) to amend the third paragraph of section 4693 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. CASEY, it was

Ordered, That James W. Foley have leave to withdraw his papers and petition from the files of the Senate, subject to the rules.

DISTRICT BUILDING PERMITS.

Mr. HARRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the first amendment and agree to the same with an amendment, namely, strike out the words "the first session of;" so as to read: "That the Commissioners of the District of Columbia are hereby instructed not to issue any more permits for buildings intended for human habitation, in alleys less than 40 feet in width in the District of Columbia during the Fifty-second Congress."

That the House recede from its disagreement to the second amendment and agree to the same, namely: Strike out the words "until further provided for by Congress," and add the words "and that all such permits heretofore granted on alleys less than the width aforesaid, shall be revoked where construction shall not already have been actually begun."

E. O. WOLCOTT,

JAMES McMILLAN,

ISHAM G. HARRIS,

Conferees on the part of the Senate.

J. R. FELLOWS,

JNO. T. HEARD,

WM. COGSWELL,

Conferees on the part of the House.

The report was concurred in.

DISTRICT PUBLIC SCHOOLS.

Mr. GALLINGER. I offer a resolution for which I ask immediate consideration.

The resolution was read, as follows:

Whereas complaint is made that the public schools of the District of Columbia are unable to prepare students to pass the admission examination for Harvard College, the requirements for which are readily met by high schools of the best grade: Therefore,

Resolved, That the Committee on Education and Labor be instructed to make a careful inquiry into the matter and to report the result to the Senate at as early a day as possible.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. I should like to know if any serious complaints have been made of the character stated in the resolution.

Mr. GALLINGER. I will state for the information of the Senator from Missouri that I hold in my hand a letter from the secretary of Harvard University, which I will read:

HARVARD UNIVERSITY, Cambridge, May 2, 1892.

DEAR SIR: I have recently received a letter from Washington complaining that the public schools of the District of Columbia are unable to prepare students to pass the admission examinations for Harvard College. I send you by this mail a copy of the Harvard University Catalogue for this year, and call your attention to the admission requirements as stated on pages 152-158. These requirements are readily met by high schools of the best grade in various parts of the country, and I think you may be interested to know that competent judges in Washington are dissatisfied with the present school requirements in the District.

Yours, very truly,

FRANK BOLLES, *Secretary.*

Hon. JACOB H. GALLINGER.

I know nothing whatever of this matter from personal knowledge, but if there are serious complaints made against the public schools in this District, schools which ought to be above the average of the high schools in the country because they have greater facilities by way of libraries and otherwise for instructing their pupils, it seems to me that an inquiry as to the facts would be in order and I trust it will be made.

Mr. COCKRELL. I ask the Senator to read the first part of the letter again. I did not catch what it was. There is so much conversation in the Senate Chamber that it is very difficult to distinguish the many voices.

Mr. GALLINGER. The secretary of Harvard University says:

I have recently received a letter from Washington complaining that the public schools of the District of Columbia are unable to prepare students to pass the admission examinations for Harvard College.

Then he afterwards says—

Mr. COCKRELL. That is what I wanted to get, simply as to the information from Washington. I do not know as to the precise requirements in the catalogue of studies here in the high schools and at Harvard. I know, however, a number of students who have graduated in the high schools here have passed a satisfactory examination and are at Harvard College now.

Mr. CULLOM. Yes, that is the case.

Mr. COCKRELL. Still it will do no harm to make an inquiry under the resolution.

Mr. GALLINGER. As I state, I have no personal knowledge or feeling in the matter, but I think no harm will come from an inquiry.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. COCKRELL subsequently said: I should like to suggest to the Senator from New Hampshire that probably the resolution in reference to the District schools ought to go to the Committee on the District of Columbia. They have more direct jurisdiction of the matter.

Mr. GALLINGER. I have no objection.

Mr. COCKRELL. I think that would be a better reference.

Mr. HARRIS. The District Committee has absolute control over the subject-matter of the resolution.

The VICE-PRESIDENT. If there be no objection the vote by which the resolution was passed will be regarded as reconsidered, and the resolution will be referred to the Committee on the District of Columbia. The Chair hears no objection, and it is so ordered.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles and referred to the Committee on Military Affairs:

The bill (H. R. 1044) to correct the military record of Jesse C. Taylor, Sixth Tennessee Cavalry; and

The bill (H. R. 5108) to establish a military post at or near the city of Helena, in Lewis and Clarke County, in the State of Montana.

The bill (H. R. 7557) to ratify and confirm an agreement with the Indians residing on the Colville Reservation, in the State of Washington, with certain modifications, and to make appropriations to carry into effect the same, was read twice by its title, and referred to the Committee on Indian Affairs.

PUBLIC BUILDING AT M'KEESPORT, PA.

The VICE-PRESIDENT. If there be no further morning business, that order is closed, and the Calendar under Rule VIII is in order.

Mr. QUAY. I ask the Senate to proceed to the consideration of the bill (S. 1915) to provide for the purchase of a site and the erection of a public building thereon at McKeesport, in the State of Pennsylvania.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in line 13, after the words "one hundred thousand dollars," to insert "which sum is hereby appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PILOTAGE ON AMERICAN COASTWISE VESSELS.

Mr. COCKRELL. The regular order.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 1282) exempting American coastwise sailing vessels piloted by their licensed masters or by a United States pilot from the obligation to pay State pilots for services not rendered, was announced as first in order on the Calendar.

Mr. BUTLER. That is a very important bill, and I trust it will not be called up for consideration under Rule VIII.

Mr. FRYE. It was passed over a day or two ago on the suggestion of the Senator from Missouri [Mr. COCKRELL], and I gave notice that immediately after the conclusion of the present unfinished business I should ask the Senate to take it up for consideration, not of course in the morning hour and not under Rule VIII.

Mr. BUTLER. I have been necessarily absent from the Senate for the last four days, and I was not aware of the fact that the bill was coming up. I shall therefore ask that it go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place.

Mr. FRYE. Let it retain its place on the Calendar. I have already given notice that on the conclusion of the unfinished business I shall move that the Senate proceed to its consideration. That will not be under Rule VIII.

Mr. BUTLER. I should like very much, if it would be entirely convenient to the Senator, that the bill might go over for a day or two. I have not had an opportunity to examine some papers.

Mr. FRYE. It will go over for a day at any rate, because the unfinished business will occupy that time.

WITNESSES BEFORE DISTRICT TRIAL BOARDS.

The bill (H. R. 6295) to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. CALL. I should like very much if the Senator who reported the bill from the committee would submit some explanation of the necessity for it. It is a bill imposing severe pains and penalties upon persons for not attending court here, I understand, and we ought to know something about it.

Mr. PERKINS. The report is not lengthy, and perhaps will give the information that the Senator and Senate desire.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report (submitted by Mr. PERKINS March 21, 1892), as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 6295) entitled "An act to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes," after having considered the same, make a favorable report to the Senate, for the reasons set forth in the following letter from the District Commissioners:

"COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

"Washington, February 19, 1892.

"SIR: The Commissioners of the District of Columbia transmit herewith draft of a bill 'to punish false swearing before the trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes,' and request that you will be kind enough to urge its early presentation and enactment. Testimony frequently given before the police and fire department trial boards indicates a lack of due appreciation of the obligation of an oath, while the immunity from punishment in the premises begets an impression of security in misrepresentation and evasion, which is prejudicial to the discipline of both of those departments.

"Very respectfully,

"J. W. DOUGLASS,

"President of the Board of Commissioners of the District of Columbia.

"Senator JAMES McMILLAN,

"Chairman Senate Committee on the District of Columbia."

Mr. PERKINS. I will state in addition that the Commissioners are of the opinion that under existing law there is no provision for the punishment of false swearing in these courts of an inferior order in this District. The Committee on the District of Columbia of the Senate, upon investigating the matter, were disposed to think the same and to concur in the opinion of the District Commissioners, and hence thought it was best to report favorably the bill, which was prepared in the office of the District Commissioners or of the District attorney and recommended to the Senate for favorable consideration. We thought there ought to be some provision of law for punishing offenses of that character.

The bill was passed.

SOLDIERS' HOME IN KANSAS.

Mr. PEPPER. I ask consent to call up the bill (S. 2140) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein named for homes of old soldiers and their families, etc., which was passed over yesterday without prejudice.

Mr. COCKRELL. I should like to ask that that bill be laid over, unless the Senator can give me some information which I have not had time, since it was passed over yesterday, to look up. I was under the impression that we had already given one military reservation in the State of Kansas for a soldiers' home, and I wanted to look and see if we had not done so. I know we have established in the State of Kansas a volunteer soldiers' home at Leavenworth, supported by the National Government. It would seem probably at first blush that it would be unimportant to the Senate whether a State home was established or not; but when we consider that we already have thirteen State homes and that one-half of all the expenditure in those State homes is paid out of the United States Treasury and amounts to over a million and a half dollars a year, we see that we are just as much interested in the State homes as in the national homes. I hope the Senator will not call up the bill this morning, unless he knows definitely that there has been no such previous bill passed.

Mr. PEPPER. The bill as it has been reported to the Senate contains an amendment proposed by the Committee on Public Lands. The committee have very carefully examined the measure and there is no objection made to the amendment of the committee, which provides simply that the use of a small portion only of the tract may be ceded to the State of Kansas, reserving the fee in the Government, and for the purpose of a soldiers' home, to be provided and maintained wholly at the State expense, so that the Government will be at no expense whatever.

Mr. COCKRELL. Now, one moment. Does the Senator sup-

pose that the State of Kansas, represented by two distinguished Senators as it is, would permit every other State home in the United States to have half of its expenses paid by the General Government and those two Senators not ask the Senate to pay one-half that expense? There is no use in thinking that the State of Kansas is going to maintain this home at its own expense when no other State is doing it. That will not bear investigation.

Mr. PEPPER. The Senator knows that the people of Kansas are somewhat peculiar in that respect and in some others.

Mr. COCKRELL. I have no doubt of it.

Mr. PEPPER. We are asking no appropriation whatever from the Government. We are asking simply the use of a portion of the land which the Government is not now using to be used for a soldiers' home at our own expense, and the remainder of the land to be opened to homestead settlement. The Senator from Oregon [Mr. DOLPH], the chairman of the Committee on Public Lands, is familiar with the history of the case, and I shall be pleased to have him make a statement for the information of the Senator from Missouri.

Mr. DOLPH. The bill as introduced by the Senator from Kansas proposed to provide that the whole of this military reservation shall be given to the State of Kansas. It is a small reservation. I think it embraces either 5,000 or 7,000 acres of land. Upon examination we found that at the last session the bill had been reported by the then chairman of the committee, the late Senator Plumb, in the shape in which the committee now report it.

Mr. PADDOCK. The bill was originally introduced by him.

Mr. DOLPH. The bill was originally introduced by him. The bill as introduced by him proposed to give more land to the State than the committee determined should be given to it. I do not understand that the question of appropriation made by the General Government to support State homes is at all involved in this case.

Mr. COCKRELL. As a matter of course it is. If the Senator will permit me, I want the question answered positively, when we are paying one-half of all the expenses of all the other State homes, will the State of Kansas sit back and pay all the expenses of this home without asking the Government to pay half its expenses? We know that it is absolutely ridiculous to expect any State to do it.

Mr. DOLPH. It is not a question of legal right. It is not a question of present law. It is a mere supposition as to what the State of Kansas may do when she has provided a home for disabled soldiers. The Senator will understand that in this bill Congress is not authorizing the State of Kansas to erect and maintain a soldiers' home which shall be supported in part by the General Government. The State of Kansas may go anywhere and buy land, if it does not possess it to-day, and erect a soldiers' home.

All that is done by this is merely to make a grant of a few acres of land that are eligibly situated for a soldiers' home to the State of Kansas. It does not involve the question of expense to the General Government at all. If the State of Kansas does not use it for that purpose it reverts to the United States. Certainly it does not involve a question of any expense to the General Government to support homes, and we can not prevent the State of Kansas from erecting a soldiers' home if we tried. It is the privilege of the State of Kansas to erect as many institutions of that kind as it chooses, and it may appropriate money from its treasury to purchase the ground. Everything that is proposed to be done here by Congress is simply to give the use of a few acres of ground to the State of Kansas to aid in this matter, and if it is not used for that purpose it comes back to the General Government.

Mr. PERKINS. Mr. President, I agree with the Senator from Missouri [Mr. COCKRELL] that in the event this bill should become a law and the State of Kansas should erect on these lands a soldiers' home we shall be no less modest than the other States of the Union and shall want such assistance as is granted to like institutions in other States.

Mr. COCKRELL. That is manly, and that is just.

Mr. PERKINS. I have not any doubt that that will be so, but I desire to suggest to the Senator from Missouri that it does not seem to me that it is a good objection to this bill to say that there is already a national home in the State of Kansas. It is true that at Leavenworth, in the State of Kansas, there is a National Soldiers' Home, open to the State of Missouri and open to all the States in that region of country, as it has been to Kansas, and there are no more Kansas inmates in that soldiers' home in proportion to population than there are from the adjacent States of the country.

Mr. COCKRELL. That is right. Now, will the Senator answer whether Congress has donated any lands heretofore to Kansas for a State home? I may be mistaken, but I think that

heretofore a bill passed the Senate granting a military reservation to Kansas for a State home. Whether it ever became a law or not I do not know, and that is what I wish the Senator to answer.

Mr. BERRY. I will state to the Senator that this is the same bill that passed the Senate during the last Congress.

Mr. PERKINS. I was going to suggest in that connection that it is true that this bill, or substantially this bill, in the early days of the present session, was reported by the Committee on Public Lands and passed the Senate; but subsequently information was brought to the Senators from the State which induced my colleague to introduce this bill, which has been amended somewhat by the committee. As presented in the present form this bill is more satisfactory to the delegation from the State than the bill which passed this body heretofore in the early days of this session. That bill I believe is pending in the House. If this bill passes that bill will not be called up for consideration.

Mr. COCKRELL. Is this the same military reservation?

Mr. PERKINS. The same military reservation, the Fort Hays military reservation, in the State of Kansas.

It does seem to me, as suggested before, that because we have a national home in our State we ought not to be precluded from receiving such privileges as may be granted to other States.

This reservation is no longer needed by the Government of the United States, and it is no longer used for military purposes. There are buildings there which were constructed at the expense of the Government that are valuable for the purpose proposed by this bill. They are standing there idle and unoccupied. There is a custodian paid by the Government of the United States at this time to take care of and preserve this property. There is no reason, in my judgment, why this bill should not receive the favorable consideration of this body, and why we should not be permitted as a State to utilize this property and to create there a soldiers' home.

It is but fair that I should say in this connection that Kansas has more ex-Union soldiers in proportion to population than any other State in this Union. They went there from all the States in the Union in the early days of the settlement of our State. It seemed to be an inviting field for those who were discharged from the military ranks of the Government; they settled there by thousands, and the State is anxious to make some provision for them.

This is an eligible, a beautiful, and healthy site, and if this bill passes I believe the State will make ample provision for the poor and the unfortunate. To that extent it will assist the Government in providing for them, and to that extent will relieve the Government of their maintenance and support.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That there is hereby granted to the State of Kansas the right to occupy, improve, and control for the purposes of a soldiers' home, to be established and maintained thereon by said State, two sections and one-half of the lands embraced within the Fort Hays military reservation, to include the buildings located thereon, and to be selected by the governor of the State of Kansas according to legal subdivisions and contiguous, on condition that said State, shall, within two years, establish such home, at which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, and under such rules and regulations as said State may provide; and there is likewise granted to said State from said reservation, to be selected by the governor, two and one-half sections of land to embrace the timber on the reservation, such selections to be made to correspond to the legal subdivisions and to adjoin the first-named tract. Said last-named tract is granted for the purpose and upon condition that the State of Kansas shall make of the same and maintain thereon a public park, and shall fully protect from destruction and damage said timber: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and dispose of the said lands whenever it shall appear that the State of Kansas has ceased to use the same for such public purpose.

SEC. 2. That all the remainder of said reservation after said selections have been made shall be open to settlement under the homestead laws only: *Provided*, That no entry shall embrace more than 80 acres.

Mr. PADDOCK. Mr. President, there is an error, I think, in the statement that this bill passed during the present session of Congress. It passed in the last Congress.

Mr. PERKINS. It passed the Senate.

Mr. PADDOCK. It passed the Senate at the last Congress, but has not been passed in this Congress.

Mr. PERKINS. I was of the opinion that the bill passed in December before my appointment, but it may be that I am in error in relation to that.

Mr. COCKRELL. As Kansas comes in for this bill now, frankly admitting the situation, and not under the false pretense that it is not going to impose any burdens on the Government, I shall not oppose the bill any further.

Mr. PALMER. Mr. President, this bill in its present form looks toward an experiment that has interested almost every

man who has felt concerned in the proper care of the class of persons named in the bill.

The United States, in the first instance, established homes where men were isolated. It also established soldiers' orphan homes where the children were isolated. It has always been thought that an experiment that would authorize any of the States to collect and employ and educate the families of certain classes of soldiers and sailors would be a wise experiment, and probably lead to the solution of the difficulty which we have all experienced. We have a large orphan home in Illinois. I have felt always the embarrassment of separating these children from their parents and from home associations and caring for them in the sort of semimilitary way that is necessary to be employed in governing them in the homes.

At Dayton, where there are many thousands of soldiers, I had the honor for several years of being one of the managers of the National Home. I found a difficulty almost incurable in the separation of soldiers from their families and from home associations. When I saw this proposition to lend to the State of Kansas—for, after all, it is no absolute gift, unless Congress shall hereafter, for reasons that may subsequently occur, choose to convert it into a gift, it is a loan of the land in this bill to the State of Kansas—that the State may with its own resources make the experiment of bringing soldiers, decrepit old men and their families, to a home where home life can be enjoyed by these old men. I know of but very few things more pitiful than the necessity that separates an old man, an old soldier, from his family, and in order to enjoy the benevolence of the Government to abandon the care of all those whose care would be so precious to him. In this proposition an opportunity is given to the State of Kansas to make the experiment of caring for these old men and their old wives and bringing them together, and in that way promote the happiness of all.

I understand this thing may be carried very much too far, but it seems to me this bill meets the exact point to which we have already been looking as an experiment.

As to the State of Kansas, it has in it relatively more soldiers than any other two States, I think, in the Union. I went over not long ago on the sad errand of conducting the remains of a late Kansas Senator to his home, and at different points in Kansas I found a number of old associates and a number of men who had come to the State that was actually surprising. They will grow old like other men; they will be objects of care like other men, and the State of Kansas will have a very large burden thrown upon it, no matter what the Government may do.

But I wanted to say merely that I regard this as a loan of land that the Government no longer needs, and that it shall be for the State of Kansas to make this experiment in which old men, at least, are so deeply interested, of bringing the old soldier, decrepit as he is, to this home that Kansas will provide and bring with him the children, if there are any who are still objects of care, and there are decrepit children of these old men who will cling to them for life. I know of instances where these old soldiers have decrepit children who have been by nature rendered incapable of self-help and self-care.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PALMER. I am very glad to hear it has, for I needed some such check to bring me to a conclusion. [Laughter.]

Mr. ALLISON. I do not understand that this bill provides any special plan such as suggested by the Senator from Illinois.

Mr. PALMER. My time has expired, but I understood the matter in the way I have stated.

Mr. ALLISON. I do not understand that this soldiers' home is to be established in any other way than the ordinary soldiers' homes, except that dependent mothers, widows, etc., may be admitted there.

But I do not rise to make any observation respecting the character of this home. I wish, however, a little information respecting the Fort Hays military reservation. I should like to ask the Senator in charge of this bill what is the extent of the Fort Hays military reservation?

Mr. PEPPER. Five or six thousand acres, I think. I have forgotten the exact number.

Mr. DOLPH. I think it is about 7,000 acres.

Mr. PADDOCK. All the land there is not proposed to be donated by the bill.

Mr. DOLPH. It gives five sections, or about 3,000 acres.

Mr. ALLISON. I only desired to get some information in regard to it.

Mr. PEPPER. I have forgotten the exact number of acres contained in the entire reservation, but it is somewhere about five or six thousand acres, as my memory is impressed.

Mr. PERKINS. Between six and seven thousand acres, I think.

Mr. PEPPER. Between six and seven thousand acres, but

the bill does not propose to give the use of more than a small portion, two or three sections.

Mr. COCKRELL. Two and a half sections.

Mr. DOLPH. Two and a half sections of timber land merely for a park.

Mr. COCKRELL. Five sections altogether, or about 3,200 acres.

Mr. ALLISON. I notice that section 2 of the substitute provides that the remainder of this land shall be opened to homestead settlement. It seems to me that that is hardly a fair provision respecting this land, situated as it is in the very heart of the State of Kansas, to allow this small tract to be opened to homestead settlement.

The custom is, I believe, with these military reservations to have them sold. I should be glad if the Senators who have charge of this bill would state some reason why this remnant of lands should be left open to homestead settlement only. Why should it not be sold and the proceeds paid into the Treasury?

Mr. PADDOCK. Under the act of 1884 abandoned military reservations are surveyed, appraised, and sold for cash at public sale under the old rules of sale.

Mr. ALLISON. So I understand.

Mr. PADDOCK. But the practice has been, and the rule has been well established here during the past two or three Congresses, to turn these lands over to homestead settlement, as all other lands are now disposed of under that rule. A number of bills have been passed turning over abandoned military reservations to homestead settlement. That rule seems to have been pretty well established in quite a number of cases similar to this.

Mr. ALLISON. I can very readily see why that would be a proper rule in uninhabited regions or regions where the lands were not specially valuable; but it is manifest that these are valuable lands.

Mr. DOLPH. I have not understood that they were anything more than ordinary agricultural lands, but they may be a little more valuable than more remote lands. The homestead claim is reduced to not exceeding 80 acres to each person, reduced one-half the ordinary homestead claim.

I do not understand that this is near a city or village, or near to a town, or that the land is valuable for any other purpose than for agriculture. The committee so understood, and I think that must be the case, because the bill was thoroughly discussed by the late Senator Plumb. These lands are understood to be only agricultural lands.

In the case of lands that are especially valuable for town-site purposes, or being near a large city, or if there is any reason why they should not be sold as agricultural lands, they are taken out of the operations of the general law, but in all these outlying military reservations in recent years we have reported separate bills putting them under the operation of the homestead law, sometimes giving persons who are in possession a prior right.

Mr. ALLISON. I do not object to the bill, but my understanding was that these lands are very valuable. If, as the Senator now says, they are not, I do not wish to interfere with the bill.

Mr. DAWES. Can a homesteader obtain 160 acres of this land without paying anything?

Mr. PERKINS. Eighty acres only can be obtained by any one person under the provisions of this bill.

Mr. DAWES. We have for the last two or three years compelled every homesteader who goes on the poorest part of an Indian reservation, on all that land in the Indian Territory and all up in the Northwest, to pay a dollar and a half an acre. Now, here is land in the heart of Kansas. I do not know how good it is, but I do not believe there is an acre in all Kansas that is not worth five times as much as the average acres on the Cherokee Outlet, and yet we compel the homesteader in all this region to pay a dollar and a half an acre for the land.

I do not know anything about the merits of this bill, but I do not see why a homesteader, since we have adopted that rule, should not be compelled, without regard to the quality of the land, if he desires it for a homestead, to pay a dollar and a half an acre for it and give him four years to pay it in.

Mr. DOLPH. The homestead law does not require any payment whatever, unless the homesteader commutes, as the law now stands, at the expiration of two and a half years. It used to be at the expiration of six months' residence and cultivation. The homesteader may commute and pay a dollar and a quarter an acre and get his title. If he does not do that, he has to wait five years to get his title. That is the general provision of the homestead law, and the pending bill puts the land referred to under that law.

Mr. DAWES. I know that is the general homestead law, but it seemed to Congress to be wise, and the homestead law in that respect has been modified as to all the lands opened from the

Indian reservations, amounting in the last three years to 20,000,000 acres.

Mr. DOLPH. These are exceptions to the general rule. There are special enactments for the disposition of lands ceded by the Indians to the Government, and the reservations are sold upon the basis of the treaty, which requires a certain amount to be paid to the Indians for the land. The object of legislation requiring payment, I suppose, is to reimburse the General Government for the money paid to the Indians; but the homestead law itself requires no payment if the homesteader lives five years on his land before getting his title. If he chooses to commute after a partial residence, then he has to pay for the land.

Mr. PADDOCK. We can not afford to be quite as generous with other people's land as we can with our own. The Indians own their land, and therefore we have to account to them for it.

Mr. PERKINS. Mr. President, I desire to say briefly to the Senator from Iowa [Mr. ALLISON] and the Senator from Massachusetts [Mr. DAWES] that these adjacent lands were entered, as a rule, under the homestead law or under the commuted provision of the homestead law. Under the provisions of this bill the settlers who take possession of this land will be treated as settlers on the adjacent lands are treated with the exception that in this case settlers are limited to 80 acres each.

It is true, as suggested by the Senator from Massachusetts, that under the provisions of the bill to ratify the agreement with the Cherokee Indians, we propose to charge the settlers \$1.50 an acre, but that is to reimburse the Government. The Government is proposing to buy those lands from the Cherokee Indians, and to reimburse the Government we propose to charge the settlers \$1.50 an acre. The settlers recently located in the Cheyenne and Arapahoe Reservation in Kansas are required to pay to the Government \$1.50 an acre to reimburse the Government for what it paid to the Indians. In the Sac and Fox and Iowa Agencies in Oklahoma, and in the Seminole lands, and the Creek lands, we only charge the settlers \$1.25 an acre, and we only charge the settlers away up in Dakota \$1.25 an acre.

Mr. DAWES. The Senator is mistaken about that.

Mr. PERKINS. I think not.

Mr. DAWES. It is true that when Oklahoma Territory was established the public lands opened at that time were opened at \$1.25 an acre, but since then I have no knowledge of an acre having been opened. I know we purchased 3,000,000 acres of the Crows last year at 30 cents an acre, and every settler upon that land is obliged to give \$1.50 an acre. If the Senator desires to say that there is an acre of land in Kansas that is not worth three times as much as that land up there is I would not have it reported.

Mr. PERKINS. I think myself this land is more valuable than some of the Indian land that has been opened up for settlement; but, as has been stated, that land has been reserved by the Government from its general domain. The Government is not buying this land; the Government is making no expenditure, and Congress, if this bill passes, opens the land which has been retained heretofore from settlement under the provisions of the homestead law, as has been suggested.

The VICE-PRESIDENT. The time of the Senator from Massachusetts [Mr. DAWES] has expired. The Senator from Kansas is speaking by consent of the Senator from Massachusetts.

Mr. PERKINS. I will take the floor in my own right, then.

The VICE-PRESIDENT. The Senator has already occupied his full time under the rule.

Mr. CALL. I should like to ask the Senator from Kansas if I understand this reservation to be 3,500 acres?

Mr. PERKINS. Between six and seven thousand acres.

Mr. CALL. And that is to be opened for settlement under the homestead law?

Mr. PERKINS. Under the homestead law, except 3,200 acres, which are to be given to the State of Kansas under the provisions of this bill.

Mr. CALL. Three thousand two hundred acres?

Mr. PERKINS. The use of 3,200 acres by the provisions of this bill is to be given to the State of Kansas for the purpose of this home. The remainder of the reservation is to be opened to settlement under the homestead law. Settlers, however, are limited to 80 acres each.

Mr. CALL. Will the Senator allow me to ask him what is the necessity to the soldiers' home of 3,200 acres of land—what use would it be?

Mr. PERKINS. Two sections and a half are reserved for a park by the provisions of this bill—timber land. It was thought wise that that should be preserved; and under the provisions of this bill it is to be preserved; the timber is not to be destroyed, it is not to be cut down. The land is simply loaned to the State of Kansas for the purpose of a park, and two sections and a half given for the use of the home proper.

The VICE-PRESIDENT. The question is on the amendment reported by the committee in the nature of a substitute.

Mr. CALL. I ask if there is any length of time for the loan of the land?

Mr. PERKINS. Only that when it ceases to be used for the purpose proposed by the bill, or in the event that it is not used for that purpose, it reverts to the Government.

Mr. ALLISON. I move to strike out the second section of the amendment reported by the committee.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 2 of the amendment, as follows:

SEC. 2. That all the remainder of said reservation after said selections have been made shall be opened to settlement under the homestead laws only: *Provided*, That no entry shall embrace more than 80 acres.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the committee.

Mr. ALLISON. I desire to say a word upon my amendment. Here is a donation to the State of Kansas for the use of one-half of a reservation of 7,000 acres, and we are told that this land will revert to the Government of the United States when the State of Kansas ceases to use it for a soldiers' home, the remaining 3,200 acres to be opened to settlement under the homestead law. The theory of homestead settlement is that all the lands of the United States are open to all the people of the United States for such settlement. Now, I venture the assertion that these lands are worth \$10 an acre; they certainly will be worth that much after this law passes, and probably twice that much. It is certain that only a few people in the immediate neighborhood of these lands, probably not 10 miles distant, will gather in there and take up the lands.

If any Senator can give me a reason why this little residuum of these lands should be given away to the people who happen to be in that neighborhood I may be disposed to vote for this second section, but I should say that if this land is to be given to the State of Kansas for the purpose of establishing a home, we had better give the whole 7,000 acres for this purpose than to allow a few people who may live in the immediate neighborhood of Fort Hays to grab this land under the homestead law.

Mr. JONES of Arkansas. I should like to ask the Senator from Iowa a question for information.

The VICE-PRESIDENT. Does the Senator from Iowa yield?

Mr. ALLISON. I do.

Mr. JONES of Arkansas. I do not understand the effect of the amendment offered by the Senator from Iowa, and I should be glad to have him explain it to the Senate. I am not familiar with these laws, and my impressions are favorable to his view of the case, but I do not understand how these lands will become subject to sale if the Senator's amendment should prevail. I should be glad if he would explain that to the Senate.

Mr. ALLISON. If section 2 is struck out, the remainder of these lands will be subject to future disposition, unless there is some general law whereby they can be sold. They will remain the lands of the Government of the United States until we authorize their sale. If this donation is given upon the idea that at any time these lands shall revert to the United States, why not give the whole of it, with these buildings and this beautiful and lovely park, to be decorated and ornamented by the State of Kansas, and why not enlarge and amplify it, and give the entire 7,000 acres, instead of the 3,500?

My point is that if we are to dispose of the whole of this land, we had better give it all to the State of Kansas for this purpose. The State can utilize it very well in many ways, by cultivating it for the use of these old soldiers and in other ways, rather than to allow a few people who live in the neighborhood of Fort Hays to grab this land to the extent of 80 acres each and and sell immediately at \$20 an acre.

Mr. BUTLER. The Senator from Iowa does not suppose that any portion of this land will ever be returned to the United States Government, does he?

Mr. ALLISON. I was laboring under that pleasant delusion after the statements made by the Senators from Kansas. I may be mistaken about that, but, if not, let us give the whole of it to Kansas.

Mr. BUTLER. If there is an instance in the history of the Government where anything has come back to the United States I fail to remember it. Perhaps the Senator from Iowa may.

Mr. ALLISON. I do not remember any special instance of it. Mr. JONES of Arkansas. My inquiry was addressed to the Senator from Iowa in good faith. I had an impression that if his amendment should prevail, under the law as it stands, these lands would be sold at public sale to the highest bidder, perhaps, in some way as prescribed by law.

Mr. PADDOCK. As I stated awhile ago, there is a provision

in the act of 1884 regulating the sale of land in military reservations.

Mr. JONES of Arkansas. Then I should like to know why it would not be a proper thing for these lands to be disposed of under the operations of that general law.

Mr. McPHERSON. What is the general law?

Mr. PADDOCK. The act provides for the survey, appraisal, and public sale of the lands.

Mr. BUTLER. To the highest bidder.

Mr. PADDOCK. The rule which has obtained in recent years in respect to the sale of public lands in remote sections was by special acts to set them aside for homestead settlement. That rule has been observed by Congress for several years. The lands covered by this bill are no better than other lands in that region of country which are subject to homestead settlement. I venture to say that these lands are no more valuable than other unoccupied lands within 20 miles of them.

Mr. COCKRELL. Let me ask if the rule which the Senator refers to about the change of the law of 1884, which required improvements and the lands to be appraised and then sold at public sale to the highest bidder—if the change to the homestead policy in regard to reservations has not been confined to those reservations which are in a wild and unsettled country and are no more valuable than the adjoining lands? Has that principle of the homestead law ever been applied to a valuable reservation such as that down near St. Louis, the Jefferson Barracks, or any of those reservations which are worth thousands of dollars?

Mr. PADDOCK. This land is in the newer section of Kansas. The rule I have referred to was applied to the lands in the newer sections of Kansas, Nebraska, Wyoming, etc. A few Congresses ago, I think so early as the Forty-sixth Congress, a special act was passed authorizing the sale of the Fort Kearney military reservation in our State. The land was as good land as that referred to in this bill. There were settlements not very remote from the reservation, and the lands possibly might have been sold at public sale at some advance above a dollar and a quarter or even two dollars and a half an acre. They might have reached that price, but under the general principle that lands shall be disposed of to actual settlers to be improved for the purpose of developing the country and enriching it by cultivation it was concluded not to take that course with that tract.

Mr. JONES of Arkansas. I should like to ask a question.

The VICE-PRESIDENT. The time of the Senator from Arkansas has expired under the rule.

Mr. JONES of Arkansas. I wanted to ask a question, Mr. President, and rose for the purpose, but I believe the Senator has occupied the whole of my five minutes' time and I can not ask the question. When some other Senator takes the floor, I shall endeavor to ask my question in his time.

Mr. PADDOCK. I beg the Senator's pardon. I did not know I was occupying his time.

Mr. CULLOM. I have not risen to make a speech. As I understand it, if the amendment of the Senator from Iowa prevails, it strikes out the second section of the bill, and out of the consideration in connection with the bill one-half of the land, or whatever it may be included in this reservation, so that 3,000 or 3,500 acres of land remain in the possession and ownership of the Government of the United States, to be disposed of hereafter as the Government may see proper to dispose of it.

Mr. DOLPH. To be appraised and sold under existing law.

Mr. CULLOM. To be appraised and sold under existing law. In my judgment, the best thing to do is to strike out that section, and I think the friends of this bill are not particularly opposing that view of it. I hope it will be disposed of in that way.

Mr. PERKINS. No, we are not opposed to it.

Mr. CULLOM. The Senator from Kansas states that he has no objection to it.

Mr. PADDOCK. There is no real objection to it.

Mr. PEPPER. We have no sort of objection to striking out section 2. The bill as originally presented proposed that Congress grant to the State of Kansas the use of the entire reservation for the purpose of establishing and maintaining by the State a home on the lands, but the Committee on Public Lands saw proper to amend it by giving the State the use of only a portion of the reservation, and it is section 2 of that amendment which the Senator from Iowa proposes to strike out. That would leave us, by a proper amending of section 1, just where we were in the beginning, granting to the State the use of the entire reservation. I am not at all satisfied but that the Senator's view is entirely correct and that it would be better to keep the reservation in one body, because the bill as originally drawn did not propose to part with the fee, with the title to the land, but to retain it in the United States.

Mr. DOLPH. I will state to the Senator from Kansas that the Committee on Public Lands would not consent to that without a re-reference of the bill.

Mr. PEPPER. I will only state to the Senator that so far as the people of Kansas are concerned and the Senators representing the State upon this floor, we are not tenacious about retaining the second section in the bill at all. That is the point we make.

Mr. DOLPH. Then let it be stricken out.

Mr. PEPPER. If the section is stricken out, it will keep the reservation in a body, so that when the final disposition of it is to be made it will be in one body and can then be governed by the general law regulating such matters or by a special act.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to strike out section 2 of the committee's amendment.

Mr. CALL. Mr. President, as far as I am concerned I shall never give a vote in this body for the withdrawal of public lands from the policy to which they have been dedicated by the action of Congress as free homes for the people of the United States who will occupy and cultivate them. I believe that policy is absolutely necessary to the preservation of this Government.

But where lands have been improved and a special value given to them, as in the immediate vicinity of a city, they can no longer be said to be taken for agricultural purposes or for the purposes of occupation and cultivation. In this case, it seems to me, the Government having made a reservation for military purposes and built upon it substantial buildings, it would not be right to give this increased value under the guise of enabling some person to occupy and cultivate it for agricultural purposes. It would be a violation of that policy. Therefore I think the amendment of the Senator from Iowa is a proper one.

Mr. McPHERSON. Mr. President, I wish to ask the Senator from Iowa, whose position I think is very correct in regard to this matter, if section 2 be stricken out, which appears to be a direction with respect to the disposition of the residue of the lands, will it not be necessary, in lieu of section 2, to provide some special authorization in the act for the survey and disposition of these lands under the general law which has been heretofore quoted?

Mr. ALLISON. I understand not from the chairman of the Committee on Public Lands. I understand the remainder of these lands will continue in their present condition without any change whatever.

Mr. JONES of Arkansas. I understand the chairman of the Committee on Public Lands to say that in case the amendment of the Senator from Iowa prevails, these lands would then become subject to sale under the general law, which provides for their appraisal and sale. I should be glad to know if I understood the Senator correctly?

Mr. DOLPH. There is such a law in force. I do not know how promptly sales are made under it, but when a reservation is abandoned for military purposes and the lands are agricultural lands and not specially valuable, the rule has been for Congress to pass special laws directing how they shall be disposed of and providing that they shall be disposed of under the homestead law only. Now, if it is supposed that these lands are or will become specially valuable by the erection of this home, taking one-half the reservation for that purpose, I see no reason why they should not be appraised and sold.

Mr. JONES of Arkansas. But the question I had in my mind was, by the operations of the law alone, if the amendment of the Senator from Iowa is adopted, whether these lands will become subject to sale under the provisions of that general law without additional legislation?

Mr. DOLPH. They may be sold under that law without additional legislation.

Mr. JONES of Arkansas. It seems to me that would be entirely satisfactory.

Mr. PADDOCK. And turned over to the General Land Office.

Mr. PALMER. I have no disposition to interfere with this bill except to know about its present status and form, but it occurs to me that the proposition of the Senator from Iowa is an exceedingly proper one. If these lands should be disposed of under the homestead law, they would be gobbled up by somebody in the neighborhood.

Now, I suggest to the gentlemen who have charge of this bill that the second section be stricken out, and that the words "two sections and one-half," in line 6 of section 1, and the words "in line 8, "and to be selected by the governor of the State of Kansas according to legal subdivisions and contiguous," be stricken out, so that the whole body of the land be transferred or loaned to the State of Kansas for the purpose of a soldiers' home.

Mr. DOLPH. The Senate Committee on Public Lands could not assent to that, and would have to oppose the passage of the bill if that proposed amendment should be adopted.

Mr. PEPPER. I ask permission to make a statement to the Senator from Illinois.

Mr. PALMER. I shall be glad to hear the Senator.

Mr. PEPPER. I wish to state for the information of the Senator from Illinois further, that the motion made by the Senator from Iowa to strike out the second section of the bill, is entirely satisfactory to those of us who represent the State of Kansas, and we shall make no further objection nor shall we propose to amend the bill in any other way.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DOLPH. I think the title should be amended so as to read: "A bill granting to the State of Kansas the right to occupy, improve, and control, for the purposes of a soldiers' home, certain lands in that State."

The committee amendment simply grants the right to use the land.

Mr. PERKINS. There is no objection to that.

Mr. PEPPER. That will be satisfactory.

The VICE-PRESIDENT. The title will be so amended in the absence of objection.

ADDITIONAL LAND DISTRICT IN MONTANA.

The bill (S. 878) creating two additional land districts in the State of Montana was considered as in Committee of the Whole. The first section provides that all that portion of the State of Montana commencing at a point on the southern boundary of the State of Montana where the range line between ranges 2 and 3 east of the principal meridian will, when extended, intersect the same, and running thence north along said range line to the first standard parallel south; thence west on said standard parallel to the point where the range line between ranges 2 and 3 west of the principal meridian intersects the same; thence north along said range line between ranges 2 and 3 west of the principal meridian to the base line; thence with said base line to a point where the same, when extended, will intersect the main divide of the Rocky Mountains; thence southerly, following the main divide of the Rocky Mountains, to the boundary line between Idaho and Montana; thence with the boundary between Montana and Idaho to the place of beginning, be constituted a new land district, to be called the southern land district, and the land office for the district shall be located at the town of Dillon, in the State of Montana.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was to strike out section 2, as follows:

SEC. 2. That all that portion of the State of Montana bounded and described as follows: Commencing at the northeast corner of the State of Montana, and running thence south on the line between the States of Montana and North Dakota to the south boundary of the Fort Buford military reservation, as declared by Executive order of August 18, 1898; thence west to the Missouri River; thence westerly along said river to the point where the range line between ranges 12 and 13 east of the principal meridian intersects said river; thence south along said range line, between ranges 12 and 13 east, to the fifth standard parallel north; thence west along said standard parallel to the Montana principal meridian; thence north with the line of said meridian, when extended, to the north boundary of the State of Montana; thence east with said north boundary of the State to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the northern land district, and the land office for said district shall be located at the town of Fort Benton, in said State of Montana.

The amendment was agreed to.

The next amendment was, in section (3) 2, after the word "appoint," to strike out "registers and receivers" and insert "a register and receiver;" so as to make the section read:

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and receiver for such land districts, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices of said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SANDERS. The title should be changed, so as to read: "A bill creating an additional land district in the State of Montana."

The VICE-PRESIDENT. That modification of the title will be made in the absence of objection.

TOWN OF FERRON, UTAH.

The bill (H. R. 1080) for the relief of the inhabitants of the town of Ferron, County of Emery, Territory of Utah, was considered as in Committee of the Whole. It authorizes the pro-

bate judge of Emery County, Territory of Utah, to enter in trust for the inhabitants of the town of Ferron, for town-site purposes, section 16, in township 20 south, of range 7 east, Salt Lake meridian, subject to the provisions of sections 2387, 2388, and 2389 of the Revised Statutes of the United States relating to town sites.

Upon the passage of this act the Territory of Utah, through its proper officer, shall be authorized to select as indemnity for said land, and in full satisfaction thereof, and for the purpose stated in section 1946 of the Revised Statutes of the United States, one section of the public lands at any land office in the Territory, the selection to be made in a body, according to legal subdivisions.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report (submitted by Mr. CAREY, March 21, 1892):

The Committee on Public Lands, to whom was referred the bill (H. R. 1080) for the relief of the inhabitants of the town of Ferron, county of Emery, Territory of Utah, submit the following report:

The section of land referred to in the bill is already occupied in part by the town of Ferron, this school section being the only land surrounding or adjoining the town that is suitable for town-site purposes. The land on the north and west of the town is too hilly and broken, and that on the east is swampy.

Houses have been built, irrigation ditches constructed, town lots and gardens improved, and streets laid out on the land in question under the belief that Congress would grant the relief sought by this bill. Congress has heretofore passed similar bills for the relief of towns built on school sections.

The committee recommend that the bill pass.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. SANDERS. I should like to have that bill reported at length again.

The VICE-PRESIDENT. The bill has been read at length. It will be again read.

The Secretary read the bill.

Mr. PLATT. Mr. President, I should like a little explanation of this bill. I desire to inquire why, if this school section, which is near a town, is to be sold, the schools should not have the benefit of what it brings; why the school fund should not derive the advantage of the sale, and why the authorities of the Territory should be compelled to select, in lieu of it, a section somewhere, which probably might not be one-tenth of the value of the present school section?

Mr. DOLPH. To the State the school lands are granted, for the Territory the school lands are reserved. They are not granted until the Territories are admitted as States of the Union. It seems that here is a town so located in a cañon around the mountains that the only available land for a town site is a section that is reserved for schools. As stated in the report, the town is already built upon the school section, and it is proposed to authorize the county judge to enter the section under the town-site law, under which the lands are sold to the occupants or conveyed to the occupants for the benefit of the town, as really no money comes to the General Government, and to allow the Territory to select another section in lieu of the present section from lands that are already reserved to the Territory. The selection will be only to reserve that section for the Territory when admitted as a State.

Mr. SANDERS. I am not satisfied with the explanation. In the first place, as to the size of this town, whether 640 acres is an appropriate quantity of land, we are not advised by anything in the report of the committee. While it is true, as the chairman of the Committee on Public Lands says, that these lands are simply reserved from sale and are not granted to the Territory, it is just as competent for the Congress of the United States to provide that that section of land shall be sold to occupants for a price that it will bring under the town-site laws, or otherwise, and that that money shall go to the schools of Utah.

I see in the bill a despoilment of the common-school fund of the future State of Utah. I think the circumstances are such that we have a right to interfere with it, and I think that the money which it brings should either be given to the Territory of Utah to be used for its common schools, or that it should be reserved until the Territory of Utah is admitted as a State.

It is idle to say that there is any hope of selecting a section of land which shall be equal in value to the one upon which a town is built. My own observation of these matters in the Territories of the West is that, whenever a school section becomes valuable, all sorts of excuses are made to withdraw it from the future school fund of the State into which the Territory may be organized, to divert the values from that fund and to try to satisfy the general conviction which prevails, that these schools are entitled to that which we have promised them by offering them something in lieu thereof.

I do not desire any action upon this matter in the absence of the member of the committee who made the report, the Senator

from Wyoming [Mr. CAREY], and I suggest that it go over, without prejudice to its place on the Calendar, for consideration when he shall return.

Mr. WARREN. Mr. President, I trust the Senator will not urge his objection. The school sections in the Territories are reserved in the manner explained by the chairman of the Committee on Public Lands. There is a law providing for town sites, so that a town in a Territory, and I presume in a State, can make entry and receive certain lands. The towns do not pay any amount of money for the lands. It is in the nature of a homestead. So, were these lands not school lands, the Government would receive no payment of consequence for them. The inhabitants receive the land without price, except what the necessary expenditures, legal or otherwise, may be in securing it.

Here is a case where a growing town is situated between the hills in a canyon, and the only direction which it can properly grow is out over the school section.

There are reasons why Congress in its wisdom has not seen fit heretofore to give statehood to the Territory of Utah. Those reasons will probably prevail for some time. The only way in which the growth of this town can be provided for is under some arrangement whereby this school section can be made available. This piece of land would be given almost free were it not school land for the town. There is no reason, in my judgment, why a piece of school land should not be disposed of in the same manner and the settlers receive the benefit, provided the Territory or the State reimburses itself by further selection of school land, as it can do under the statute.

I simply ask if the bill does go over that it may go over without prejudice, so that my colleague may take care of it. I believe, however, if the Senator from Montana would reflect a moment he would see that to postpone action on the bill is a very severe hardship. The town is desirous of getting title and securing not only the present settlers, but further settlers. I do not believe we ought to interpose any objection that may retard the growth of any portion of this country, especially of the West, and more especially of the Territories.

Mr. SANDERS. I should like to inquire of the Senator if he knows where in Utah this town is located?

Mr. WARREN. I can not describe it as to metes and bounds.

Mr. SANDERS. In what vicinity? I am somewhat familiar with that Territory, but this town is new to me.

Mr. WARREN. The subject is new to me as to the town, except as to the explanations I have received. The subject of the town-site law and the troubles of new town-sites that are located on school lands I am very familiar with, because I have lived for more than twenty years in a town where the most valuable portion is yet a part of the school section.

Mr. SANDERS. Mr. President, I do not still feel like surrendering my objection to this kind of legislation. In the State which I have the honor in part to represent, I know of an instance which, I should judge, was very like unto this, where, immediately adjacent to the town, and in fact, for that matter, cornering into it, there is a school section. This occurred while it was a Territory. No doubt it would have been gratifying to a great many gentlemen if they could have had the reservation of that section removed, and the future State of Montana mocked by an offer to give them something in lieu of it—"reimburse them," is the language used by the honorable Senator from Wyoming—but it would take a great many sections of land such as they could select to actually reimburse them for the value of that section.

I am not undertaking to make any objection which shall interfere with the growth of the alleged town of Ferron, or that shall put in peril any squatters' rights or any ultimate title that they may obtain. As to those towns, however, that are so entered, the laws require that the occupants of these lots shall pay a certain amount per lot, which goes, more or less of it, to the payment of the expense of entering the land. Now, there is not any pretense whatever that these 640 acres of land, which is a piece of land a mile square, is occupied as a town. It is said there are some buildings upon it, that there are irrigating ditches upon it, that there are gardens upon it.

For one, I do not feel, as being to some extent the guardian of the future educational fund of the State of Utah, in which all the people of the United States feel, if possible, a profounder interest than they do in any other educational fund in the United States, like giving away this mile square of land because it is valuable and because it is desirable, remitting the future State of Utah to the selection of a piece of ground because it is not equally valuable.

I say it is competent, if it is wise, to prepare such a bill as that those people who shall move upon this town site and shall select a lot 42 by 150 feet, I believe is what is provided in the act, can get a title, but whatever amount they pay should certainly be reserved for this school fund. If it be true that nothing

is paid except what is expended for the entry of the lot, then the balance of that section, which will be contiguous to the town, ought to be reserved and ought to be owned by the State of Utah, when it shall be created, for the use and benefit of its common schools.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator desire the bill to go over?

Mr. SANDERS. I do.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. WARREN. I understand the bill retains its place on the Calendar.

The PRESIDING OFFICER. The bill retains its place on the Calendar. It is passed over without prejudice.

ORDER OF BUSINESS.

Mr. SHERMAN. I ask the unanimous consent of the Senate that the Calendar shall be proceeded with to-day under the five-minute rule.

Mr. CULLOM. All day?

Mr. SHERMAN. Until the adjournment.

The PRESIDING OFFICER. The Senator from Ohio asks the unanimous consent of the Senate that during the remainder of the day the Calendar may be proceeded with under Rule VIII, not displacing, however, the unfinished business, as the Chair understands.

Mr. SHERMAN. Leaving all the orders stand as they are.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be adopted.

Mr. JONES of Arkansas. In view of the fact that the Senate will devote to-day to the Calendar, I ask that the present unfinished business may, by unanimous consent, be taken up to-morrow immediately after the conclusion of the morning business and proceeded with during the day.

The PRESIDING OFFICER. The Senator from Arkansas asks the unanimous consent of the Senate that the unfinished business may be taken up to-morrow morning at the conclusion of the routine business and proceeded with during the day. Is there objection? The Chair hears none, and that will be considered the order of the Senate.

PUBLIC LANDS IN ALABAMA.

The bill (S. 1696) to further provide for the disposal of certain lands in the State of Alabama was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 3, before the word "public," to strike out "proceeds of the sales of the;" in line 4, after the word "now," to insert "remaining;" in line 5, before the word "under," to strike out "and are required to be sold;" in line 8, after the date "1883," to strike out "and any rents, issues, and profits that may accrue therefrom under the provisions of this act;" in line 10, after the word "hereby," to strike out "set apart" and insert "granted;" in line 11, after the word "Alabama," to strike out "as a fund;" in the same line, before the word "exclusively," to strike out "employed" and insert "applied;" in line 16, after the words "production of," to insert "coke;" in the same line, after the word "thereof," strike out "and" and insert "to be used;" in line 18, after the word "Alabama," to strike out "in" and insert "for;" in the same line, before the word "industrial," to insert "such;" in line 19, before the word "shall," to strike out "fund" and insert "lands;" and in line 20, after the word "applied," to insert "to the foregoing trusts;" so as to make the section read:

That the public lands in the State of Alabama which are now remaining subject to sale under the provisions of "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, are hereby granted to the State of Alabama to be applied exclusively in promoting technical education in any school, college, or university that the Legislature of Alabama shall designate, in the branches of learning connected with the mining of coal, and iron ore, and the production of coke, iron and steel, and the manufacture thereof, to be used in the discretion of the Legislature of Alabama for the promotion of such industrial education in that State. Said lands shall be under the control of the General Assembly of Alabama, and shall be applied to the foregoing trusts and administered under the laws of said State.

The amendment was agreed to.

The next amendment was, to strike out section 2, as follows:

SEC. 2. That the lands in said act mentioned shall be sold, in accordance with the provisions thereof, at such times and in such quantities and legal subdivisions as may, from time to time, be designated by the governor of the State of Alabama, and the Legislature of Alabama shall have authority to select and set apart any of said lands for the purpose of being leased to miners, the rental or royalty to be paid into the treasury of the State of Alabama for the purpose declared in the first section of this act, and the proceeds of any sales of said lands, made as herein provided, less the expenses of selling the same, shall, from time to time, be paid, under the direction of the Secretary of the Interior, to the proper officer of the State of Alabama authorized by law to receive and receipt for the same.

The amendment was agreed to.

Mr. CALL. I shall not oppose the passage of this bill, but I

wish to state for myself that I believe every withdrawal of the public lands of this country from the use and occupation of the people upon the condition of cultivation for free homesteads, is a wrong policy and a great injury to the country. I should prefer myself that, in the first instance, all wild land should be subject to the sole condition of occupation for free homes by the families of the American people, subject to the condition of cultivation and residence alone.

The bill was reported to the Senate as amended.

Mr. CHANDLER. I suppose this bill is one which has been on the Calendar for some time and substantially the same bill which was upon the Calendar in the last Congress.

Mr. MORGAN. This is the third time it has been reported.

Mr. CHANDLER. I will ask the Senator, first, whether the amendments which have just been adopted are those which are contained in the bill as printed and now upon the Calendar?

Mr. MORGAN. Yes.

Mr. CHANDLER. So that the bill now before the Senate reads exactly as the bill was reported from the committee?

Mr. MORGAN. Yes.

Mr. CHANDLER. I should like to have the Senator make a statement concerning these lands, showing us in what quantity land is being granted to Alabama by this bill, and why the United States should make this donation?

Mr. MORGAN. Mr. President, the report of the committee, which I will ask the Secretary to read, contains a full statement upon those propositions.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report (submitted by Mr. MORGAN, March 22, 1892):

The Committee on Public Lands, to whom was referred the bill (S. 1695) "to further provide for the disposal of certain lands in the State of Alabama," have examined the same, and respectfully report the same to the Senate, with certain amendments, and recommend its passage.

Before the development of coal and iron production in what is termed the mineral district of Alabama, the public lands had been offered at sale at \$1.25 per acre. After that these lands were offered at a rate as low as 25 cents an acre, and were kept on the market at that price for several years without being disposed of. They are located in a country that is not useful for agricultural purposes, except in small, detached parcels along the small streams flowing from hills of 300 to 1,000 feet above their beds. The result has been that few of these lands have been or ever will be taken up for agricultural purposes, either at the public sales or by private entry or under the homestead laws.

When, on the 3d day of March, 1873, the coal lands in the several States were withdrawn from private entry and from the operation of the homestead laws by act of Congress, and were included in a new system of laws for the disposal of coal lands in the public domain at \$10 and \$20 per acre, only a few persons were residing on any of these lands in Alabama as homestead or preemption claimants.

Prior to the passage of the coal-land laws (Rev. Stats., secs. 2347 to 2352) land grants were made and confirmed to certain railroads located through or near to the coal district in Alabama. These grants included large bodies of the best coal lands in that region, and private capital had taken up, for speculation chiefly, all of the great coal fields in Alabama except the small remnant of detached parcels of land covered by this bill.

The act of March 3, 1883, dealt with this remnant of the coal fields, still in the ownership of the United States, and put them all on the basis of ordinary agricultural lands as to the manner of their disposal. The rights of all homesteaders and preemption claimants who were residing on those lands at the date of that act were saved to them and their claims, made in good faith, were confirmed. So that every homesteader and preemption claimant who resided on any of said land at the date of said act of March 3, 1883, had its title placed under the protection afforded by the homestead and preemption law.

Prior to the passage of said act the Department of the Interior, Mr. Schurz being Secretary, sent out Mr. Winter, a geological expert, to examine the coal regions of Alabama, and to designate the lands of the United States in that region that were to be classed as coal lands. His examination and designation of the coal lands in Alabama was reported by him to the General Land Office, in which report he designated, chiefly by townships and ranges, the coal lands of that region, and made and filed in the General Land Office maps which he prepared, on which such designations were noted.

Those lands described in Winter's maps were entered upon the tract books of the General Land Office, and are the same that were included in said act of March 3, 1883. The identification of the lands which were thus designated and reported by Winter as coal lands was rendered certain and accurate on the books of the General Land Office. After the passage of the act of March 3, 1883, Congress granted to the University of Alabama about 40,000 acres of land, which were located on the area that was described and designated as coal lands by said Winter, and the General Land Office in making up to Alabama a deficiency of acreage in the sixteenth sections reserved to the State for township schools allotted to those purposes about 40,000 acres, which allotments have been confirmed, and include together about 80,000 acres, all of which are marked on the tract books of the General Land Office.

After deducting the lands so granted to the University of Alabama, and allotted to the sixteenth sections that were less in size than 640 acres, there remains about 200,000 acres that will be disposed of by this bill, if it should become a law, less the amount that may be included in grants to railroad companies.

These lands were proclaimed for sale under the provisions of the act of Congress approved March 3, 1883, by the President, and were advertised in handbills, copies of which were appended to this report.

These offerings for public sale were withdrawn and the sales were postponed indefinitely by the order of the President.

No reason has yet appeared for this refusal to obey the plain mandate of the law, and the lands remain in their wild state and without yielding anything to anybody. Not only are they utterly useless as they stand, but they embarrass the full and proper development of mines that are near them, or by which they are surrounded. They are in bodies too small and too detached to be available for the purposes of mining, except by companies operating coal mines near to them. They would be of little value, if any, to any other person or corporation, and no private owner would undertake to hold them against the larger mining enterprises operating in their vicinity.

The State of Alabama, as the owner of these parcels of land, in trust, and

not subject to taxation, can hold them until their fair value can be obtained, either by leasing or selling them to adjacent proprietors. In this way alone can it be expected, reasonably, that these lands can ever be of any real value to any persons except the holders of large bodies of coal lands contiguous to them. And in this way a fund can be raised that will probably increase every year for a great number of years, which the State of Alabama, as required by this bill, will faithfully apply to the purposes therein declared.

It is a just and wise policy to use the remnant of these lands for the education of the children of the mining and industrial classes who will occupy this mineral region and will bring its great wealth into the channels of commerce, through their skill and personal toil. This is a natural resource for these wise and benevolent purposes that Congress should not deny to the miners and producers of the metals that abound in the mineral regions of Alabama, where the products of agriculture are meager and there is no other important inducement to labor except in the mines and furnaces. Education in respect of these industries will contribute greatly to the improvement of the people living in that country and will promote the welfare of the whole country.

No. 902.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of an act of Congress of March 3, 1883, I, Grover Cleveland, President of the United States of America, do hereby declare and make known that a public sale of valuable Government lands will be held at the land office in Montgomery, in the State of Alabama, on Thursday, March 11, 1886, at which time will be offered a portion of the lands not previously disposed of that were reported to the General Land Office prior to the passage of the act as containing coal or iron, in the undermentioned townships and parts of townships, viz:

North of the base line and east of the St. Stephens meridian:

Township 21, ranges 9 and 10.

South of the base line and west of the Huntsville meridian:

Township 22, ranges 5, 8, and 9.

Township 21, ranges 2, 3, 4, 5, 6, 7, 8, 9, and 10.

Township 20, ranges 2, 3, 4, 5, 6, 7, 8, 10, and 11.

Township 19, ranges 3, 4, 5, 6, 7, 8, 9, 10, and 11.

Townships 18 and 17, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

Township 16, ranges 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

Township 15, ranges 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.

South of the base line and east of the Huntsville meridian:

Townships 21 and 15, range 1.

Township 18, ranges 2, 3, and 5.

Township 17, range 3.

Townships 16, 14, and 13, ranges 3 and 9.

Lands appropriated by law for the use of schools, military, or other purposes, or reserved for railroad purposes, will be excluded from sale. The offering of the above lands will be commenced on the day appointed, and will proceed in the order in which they are tabulated until the whole have been offered and the sales thus closed, but the sale shall not be kept open longer than two weeks, and no private entry for any of said lands will be admitted until the day after the close of the public offering.

All lands will be disposed of at not less than the minimum price of \$1.25 per acre.

Lists of sectional subdivisions are in the hands of the district officers, and will be open for examination by those desiring to purchase.

Given under my hand, at the city of Washington, this 28th day of November, A. D. 1885.

GROVER CLEVELAND.

By the President:

WM. A. J. SPARKS.

Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.

Washington, D. C., Dec. 26, 1885.

POSTPONEMENT.

By order of the President, of December 19, 1885, the above sale is postponed to Thursday, April 22, 1886.

WM. A. J. SPARKS, Commissioner.

No. 903.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of an act of Congress of March 3, 1883, I, Grover Cleveland, President of the United States of America, do hereby declare and make known that a public sale of valuable Government lands will be held at the land office at Huntsville, in the State of Alabama, on Thursday, March 25, 1886, at which time will be offered a portion of the lands not previously disposed of that were reported to the General Land Office prior to the passage of the act as containing coal or iron in the undermentioned townships and parts of townships, viz:

South of the base line and west of the Huntsville meridian:

Township 14, ranges 2, 3, 6, 7, 8, 9, 10, and 11.

Township 13, ranges 7, 8, 9, 10, and 11.

Township 12, ranges 7, 8, 9, 10, and 11.

Township 11, ranges 8, 9, and 10.

Township 8, ranges 9 and 10.

South of the base line and east of the Huntsville meridian:

Township 13, ranges 1, 3, and 4.

Township 12, ranges 1 and 10.

Township 10, ranges 5 and 7.

Townships 9 and 8, range 7.

Township 7, range 8.

Township 6, range 9.

Townships 5 and 4, range 10.

Lands appropriated by law for the use of schools, military, or other purposes, or reserved for railroad purposes, will be excluded from the sale. The offering of the above lands will be commenced on the day appointed, and will proceed in the order in which they are tabulated until the whole have been offered and the sales thus closed, but the sale shall not be kept open longer than two weeks, and no private entry for any of said lands will be admitted until the day after the close of the public offering.

All lands will be disposed of at not less than the minimum price of \$1.25 per acre.

Lists of sectional subdivisions are in the hands of the district officers, and will be open for examination by those desiring to purchase.

Given under my hand, at the city of Washington, this 28th day of November, A. D. 1885.

GROVER CLEVELAND.

By the President:

WM. A. J. SPARKS.

Commissioner of the General Land Office.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished busi-

ness, which is the resolution of the Senator from Arkansas [Mr. JONES] relative to President's message upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw Nations for their interests in the Cheyenne and Arapahoe Reservation. By the order of the Senate the unfinished business is to be laid aside to-day, to be taken up to-morrow at the conclusion of the routine morning business.

Mr. CHANDLER. I notice by the reading of the report that President Cleveland offered these lands for sale, and, after advertisement, they were withdrawn. The report says these offerings at public sale were withdrawn and the sales were postponed indefinitely by order of the President. But the report gives no statement of the reasons why the attempt to realize money and put it into the Treasury of the United States was abandoned.

I am not myself averse to making donations of remnants of the public lands in the States to those States, and do not think there is any injustice in doing so. I certainly have no illiberality in my own mind in that connection; but the question necessarily comes up, as it seems to me from glancing at the bill and the report, whether or not this final closing out of all the public lands in the State of Alabama by donating them to that State for educational purposes will not be followed by requests that similar donations shall be made to all the remaining States, certainly to all the remaining States which have within their borders only the remnants of public lands. The question certainly arises in my mind, as to which I need enlightenment, how far we shall go in this direction and where we shall stop. Does this bill follow others of a similar character, or is it the precursor of bills of a similar character which we shall be asked to pass?

This bill was reported from the Committee on Public Lands by the Senator from Alabama [Mr. MORGAN], in whose State these lands are located, I assume, with the concurrence of all the members of the committee. But here seems to have been a decision made that an attempt on the part of the President to realize the cash value of these lands and put it in the Treasury should be abandoned, and in the place of that effort comes this proposition to donate all the lands to the State of Alabama in order that the State may use the proceeds of the lands for the promotion of industrial education.

I am not prepared to say that I shall vote against the bill, though I know there are Senators who have been disposed to oppose it. One Senator in particular I remember, who opposes the bill, is now absent. Certainly I should like a statement from the Senator, reiterating my request and perhaps interrupting him in the statement he was about to make, indicating how far this proposition as to Alabama may require us to go in the case of other States.

Mr. MORGAN. Mr. President, the report which has just been read, if any attention has been paid to it at all, gives a complete history of the legislation upon the subject of these remnants or fragments of coal lands remaining undisposed of in Alabama. In five minutes' time I would not undertake to go over that again. I trust the Senate has observed what has been said in the report.

In reply to the question of the Senator from New Hampshire, this bill has neither a precursor nor will it have a successor. It is a bill which stands entirely upon its own foundation, aside from and disconnected with every other scheme of legislation in the world that I have ever heard of or dreamed of. It is made necessary by the fact that these lands have been put in a very peculiar attitude or condition by the legislation of Congress, which did not at the time receive my entire assent.

The Senate has noticed first of all that while Mr. Schurz was Secretary of the Interior, in order to execute the provisions of the coal-land laws of the United States he sent a geological expert there for the purpose of defining and reporting to him what lands fell within the operation of those laws that had not theretofore been disposed of. He made a list of them and filed it in the Department of the Interior, and that list has been followed by the proclamations of the President offering these lands for sale. Those proclamations were put in for the sake of a perfect identity of the land. The area included in Mr. Winter's exploration was not a large one as compared with the whole body of the coal fields for the reason that he took the idea, it may be correct or it may be incorrect, but he took the idea, however, that the available coal lands in that part of the State of Alabama were confined to an area that was about one-third of the entire coal measures, as they are called.

Mr. Winter made his report, in which he designated the lands still remaining in the hands of the United States Government as coal lands and others that were agricultural lands. They were little patches of land about on the small streams and down in the dales produced by the opposition of the high hills, upon which there have been settlements by different small farmers. They had not taken out, many of them, homestead entries or any

other entries for these lands at the time that legislation was proposed here, under an act which I have before me, to make a disposition of the coal lands in Alabama.

The question that was presented to Congress in a bill that I had the honor to introduce here, I believe (and in the other House it was introduced by one of my colleagues from Alabama), was whether the coal lands which had not been taken up, those belonging to the Government of the United States, should remain under the general coal-land laws of the country or should be regarded as they had been in Kansas, Missouri, Michigan, and several other States, as agricultural lands for purposes of public disposition.

These lands had first of all been offered for sale at public sale at \$1.25 an acre at Huntsville, then the land district. After that the graduating act came in, and it provided that certain lands that had remained for such a length of time on the market unsold should be sold at 25 cents an acre, that others which had remained a still longer time should be sold at 15 cents an acre, and others a still longer time should be sold at 12½ cents an acre. These lands remained there. Although the knowledge of the existence of coal was common in the country no attention was paid to these lands. They were regarded as being entirely worthless because they were not in connection with transportation of any kind. They were remote from any water transportation, and there was not a railroad, I suppose, nearer than 200 miles of any part of them.

So these lands were not taken up except by men who went and squatted on them and did not pay anything for them at all. Nevertheless these men were homestead claimants, and when we asked the Congress of the United States to change the lands from the category of coal lands to agricultural lands we made provision in that act for the confirmation of the claim of every man who was then residing upon any of them and claiming a homestead right or qualified to claim a homestead right, thereby confirming the title not of a very large number but of all the settlers who were there and who had occupied these lands which were supposed to be agricultural or partially so.

The PRESIDING OFFICER. It is the duty of the Chair to inform the Senator from Alabama that he has spoken five minutes.

Mr. MORGAN. I knew that I would not be able to explain the bill in the time prescribed by the rule.

Mr. ALLISON. I am very much interested in the explanation of the Senator from Alabama, and if I can be accorded the floor I should like to ask him a question or two in respect to this matter.

Mr. MORGAN. I should be very glad to go on. I will say, if the Senator will allow me, that this is the third time the bill has been reported to the Senate. It has had very little opposition at all from anybody, and that opposition has been founded entirely upon mistaken ideas of the facts, and I have never been able to get it up.

The PRESIDING OFFICER. Does the Senator from Iowa desire to ask a question of the Senator from Alabama?

Mr. ALLISON. I hope the Senator will be allowed to go on.

Mr. CULLOM. By unanimous consent certainly he may be allowed to complete his statement.

Mr. MORGAN. I do not want to violate any rule, but it is the third time the bill was reported from the committee, and it has been done after the most scrutinizing examination.

Mr. CHANDLER. I ask unanimous consent that the Senator from Alabama may be allowed to proceed.

The PRESIDING OFFICER. If there is no objection the Senator from Alabama will be permitted to proceed.

Mr. MORGAN. I shall try to economize the time very closely in order to get the facts before the Senate.

Now then, we confirmed in the act which I have before me here the title of those settlers to this land. So that really disposes of all the class in respect of whom the Senator from New Hampshire feels any concern—the people who had gone there and for years had been gathering there to take up their little homestead entries, or whatever you might please to call them. They were squatter locations. That bill was presented here to take these lands out of the category of public lands, as has been done in the various other States, it being perfectly obvious that not one acre of them ever would sell, and no acre ever has sold, for either \$10 or \$20.

There is no chance to make any combination of the sort that is provided for in the coal-land laws upon these lands, because they are in scattered fragments lying about in this place and that and the other, not happening to have been taken up under the \$1.25 law, or the 25-cent law, or the 15-cent law, or the 12½-cent or any other law. They are mere fragments lying about that could not be used in respect of the provisions of the laws of the United States that control the disposal of the coal lands. So Alabama was relieved, as these other States had been, from the

operation of those laws in respect of this fragmentary portion of this general body of land. Now, here is the act:

That within the State of Alabama all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands.

That puts them all on the footing of agricultural lands. Now—

Provided, however, That all lands which have heretofore been reported to the General Land Office as containing coal and iron shall first be offered at public sale.

That provision was put in there by the Interior Department. They made a communication to the other House in which they insisted that the lands should be offered for public sale. Then I had not any idea in the world, no conception of an idea, that these lands could be made available for the purposes of education or anything else. I did not like that provision, but still it went into the bill. Now, the next proviso is as follows:

And provided further, That any bona fide entry under the provisions of the homestead law of lands within said State heretofore made may be patented without reference to an act approved May 10, 1872, entitled "An act to promote the development of the mining resources of the United States," in cases where the persons making application for such patents have in all other respects complied with the homestead law relating thereto.

Under that provision the Secretary of the Interior went on and confirmed a great number of entries. I say a great number, but that is not the fact, because there were not a great number of people there, but he confirmed all the entries in favor of these squatters exactly in conformity with what I wanted to be done, because I sympathize fully with the idea that the agriculturists shall have all the lands in the United States that are fit for agriculture, and I am in favor of the homestead laws; I have always been a warm advocate of it, and I was here in this bill.

Now, the land was brought into that condition. The President of the United States issued his proclamation to sell these lands. After the proclamation was issued, by the intervention of some person whom I have never been able to trace out, that proclamation was withdrawn. I went to Mr. Lamar, who was then Secretary of the Interior, and asked him the reason for it. He could not assign any reason. I asked him for any opposition or suggestion that might have been made by any private person against the sale. There were none on the record. Twice I have called on the Administration then in power and the Administration now in power for information of any complaint or objection made by any person to the sale of these lands, and I have the official answer here from the Interior Department that there has been no complaint; that no objection has been lodged against it at all.

I have stood with my eyes open and my mouth open wondering how it could be that a law of that kind, peremptory in its character, should be refused execution by the Department of the Interior, and why President Cleveland had ever seen proper to withdraw his proclamation, and I am as ignorant to-day of the causes of it as the Senator from New Hampshire.

Mr. CHANDLER. Is it not to be inferred that there was no sale because there were no offers for the land? Is not that the natural solution of it? The lands were offered for sale. They could not have been sold without buyers.

Mr. MORGAN. They were not offered. The proclamation was withdrawn before the sale.

Mr. CHANDLER. They were not actually put up?

Mr. MORGAN. No.

Mr. CHANDLER. Yet I understand the Senator to say that no persons have complained that they did not have an opportunity to buy so far as he can learn by inquiry.

Mr. MORGAN. No persons complained that they had no opportunity to buy that I have ever heard of.

Mr. CHANDLER. When the Senator says the plain provision of the law was not complied with he means that the law required the question as to whether there were purchasers should have been decided by an actual offering?

Mr. MORGAN. As a matter of course; and the President of the United States made his proclamation providing for the sale, and then before the sale took place withdrew the proclamation.

Mr. CHANDLER. Now, I will ask the Senator if there had been persons who desired to buy would they not have made their wishes known either by complaint to the Interior Department or in some way?

Mr. MORGAN. That is more than I know, whether they would or not. I suppose they would not have known anything about the President's intention to withdraw the proclamation. I do not wish to be unfair or unjust to anybody in the world about this matter, but I know from statements made to me by a distinguished capitalist in that country that a combination had been formed to buy all of these coal lands at the sum of \$1,000,000. They intended to go in and buy up these lands, and why did they want them? Not because independently the lands are worth anything to them or to anybody else or are of any great account, but because they lay adjacent to properties which they had already compassed and included in large schemes of pur-

chase. The President may have got ear of that; I do not know. I said nothing about it, although I would have said something about it if that sale had gone on.

From that time to this I have been watchful to see who it was who was thus interrupting the laws of the United States for the sale of these lands. I found that I could not get an administration to act upon it, but I could not find out who was objecting and who was interposing these objections. I could not move at all. There occurred to me then a thought, and it is a very favorite thought with me, that these fragmentary lands can be taken by the State of Alabama and held on to, the markets for them watched, and the necessities of these large mining proprietors observed, and that the State can work out of these lands a fund for the education of the children of miners there who have no other fund to be derived from an agricultural or any other source that we can contribute or that anybody else can contribute to their education.

Certain gentlemen and ladies in the city of Birmingham have started on their own private account a technical establishment, which has not yet been organized, but to which the subscriptions, I understand, of good money are \$250,000, for the benefit of the horde of children of miners who have gone there to settle. I wish to say in behalf of those miners in Alabama that we have been very careful, very prudent, I think very wise, in selecting and locating upon all the lands in that country the very best class of mining population that we could find. We did not want to have the uproar of strikes and difficulties which occur among people who are imported merely to work a few days and then perhaps go away. We wanted permanent settlers; and so it has turned out that there has never been a strike in the coal mines of Alabama amounting to more than ten or twelve hours at one or two smaller mines. The business of coal mining there has gone along profitably to the miner as well as to all concerned, and certainly with great benefit to the general community.

Now, they are raising their children. They are poor men; they are hard-working men. I maintain that a school of technology, a simple plain school of instruction in mining, engineering, and in the properties of coal and coke, in chemistry, and the like of that, can be and will be maintained out of the fund that I propose to devote to it in this bill, which will furnish to the children of these miners the only opportunity they can ever have to acquire a scientific knowledge of the business in which they are brought up and in which their fathers have made a living for them, and to which they are dedicated by the laws of society. So my heart has been very earnestly set upon this, and I have been watching these lands to see what harpy, what scoundrel might interfere here for the purpose of taking them up and putting them in his pocket so as to deprive these children of these blessings and benefactions.

Three times the Committee on Public Lands, fully informed by printed reports and by testimony brought before them of the whole situation, have recommended this bill, with some little variations in the phraseology and method of disposal. But when the case came up at the last session of Congress the then Senator from Vermont, Mr. Edmunds, made objection that perhaps the bill had not sufficient definiteness to describe the lands. So I put in here the proclamation of the President to leave no doubt about it. There can not be any doubt about the description. Then it was suggested also that the State of Alabama, instead of having all this right to sell and lease and the like of that and come here for patents, should receive the lands by a straight donation in trust that the State would apply them to the purposes of technical education in that quarter of the country.

Now, you may refuse to pass my bill, but then you have got to do one of two things. You have got to sell these lands and let them pass into the hands of these large corporations, or else you have got to repeal the proviso in the act of 1883 and let the lands go under homestead entry, for the law of homestead entry is all the law we have now for their disposal. If you repeal it there will not be a homestead entry in that country, unless it is some entryman that will be put down there for the purpose of capturing the land by a big syndicate. There will not be one single honest homestead entry for agricultural purposes in that region, but the men who have already very large mining interests there will take Tom, Dick, and Harry, as they have done, and put them up in goods' box shelters, in shanties, so as to get the first call on the lands whenever the law could be repealed. It will take a long time to repeal that law, to get it out of the way. That will not be done in a great many years, if it is ever done at all; but I claim that these lands ought now to be dedicated to this purpose of education. You can not show that the Government of the United States will ever realize \$10,000 or \$5,000 from the sale of these lands in the shape that they are in now.

There is nobody but myself responsible for this measure whom I know anything about. I have not conferred with any of my colleagues anywhere; I have not even conferred with the people

down there, except that they have a very lively and cordial approbation of the course I am taking in regard to it, for they know perfectly well that if the bill I have before the Senate now does not succeed those lands will become merely a fund to attract the attention of speculators. The men who formed that million-dollar syndicate will come along and purchase the lands and drive off all other purchasers, if they are sold under the statute, or if they are homesteaded they will merely plant their stakes about, put in one man, and another, and another, as they have done heretofore, having scoured the very purlieus of the large cities of Alabama for the purpose of getting the very worst characters there that they could hire to go upon these lands under the pretense of calling them homesteaders.

So, Mr. President, I trust that the Senate of the United States will pass this bill and let us dispose of that little body of land. It is only a small body in a circumscribed area, and there can be no objection to the measure unless the objection is in the direction of trying to get these lands at last in the ownership of these big syndicates.

Mr. CHANDLER. Before the Senator sits down I should like to ask him a question. The bill provides for the donation to Alabama of the public lands now remaining subject to sale. Does that language interfere in any way with the rights of homesteaders and preemption claimants which were saved by the act of March 3, 1887?

Mr. MORGAN. It could not. All their entries have been confirmed.

Mr. CHANDLER. It saves them all?

Mr. MORGAN. It is perfect in that respect.

Mr. CHANDLER. Will the Senator state whether he thinks that the Legislature of Alabama in dealing with this subject in its discretion will be able to make proper headway against this band of speculators?

Mr. MORGAN. The band of speculators are trying to get the title. If you give the title to Alabama, of course they have made all the headway they can.

Mr. CHANDLER. They do not seem to have obtained it, but under the proclamation of the President the title of the land now is in the United States. We pass it to the State of Alabama, and then may not the Legislature of Alabama, having this discretion, be in some danger of being seduced into an improper disposition of the lands by these speculators? What is the plan of the Senator with reference to enabling the State of Alabama to realize money out of these lands for industrial education?

Mr. MORGAN. I am willing to trust my life, fortunes, character, and reputation, and that of my children, to the honor of the State of Alabama; and I think in doing that I can trust this little body of coal land to the people of that great Commonwealth for a fair disposition.

Mr. CHANDLER. I will ask the Senator how Alabama is going to get money out of it?

Mr. MORGAN. I propose to leave that to the Legislature. I think it will be several years before Alabama can realize much of the school fund out of it, but they will have to do it by waiting. As soon as speculators find the State has possession of the title, they will undertake to make arrangements for the purchase of these fragments which they want to add to their possessions, and the State will be there to protect itself and the heritage we propose to bestow upon them. It will be remembered that the Senator's State, New Hampshire, the great State of Texas, and all the original thirteen States of the Union got every foot of their public land when they came into the American Union. They came in with this enormous dowry of land, and we have got nothing except a few little reservations that we have been able to pick up here and there. While I have no complaint to make of Congress about it at all, when we come to a purpose of this sort I think the Senate ought to credit us with good faith, because the very object of bringing the measure here for consideration is the public education of a poor class of people who are unable to take care of themselves.

I do not think it is necessary that I should defend the State of Alabama in the past, or present, or prospective in regard to anything, but I will call the Senator's attention to one fact about the honor of Alabama. During the war we owed a public debt of about \$5,000,000 in London. We got the coin in the State of Alabama and we put it upon blockade runners, and every installment of that debt was met by gold coin shipped from the State of Alabama through the blockade to pay our debt. So I do not think that we are under the slightest possibility of impeachment as to public integrity. We may have done some very unwise things and all that, but so far as the public integrity of the Legislature and State of Alabama is concerned, its character certainly is as high as any Commonwealth in the American Union.

Mr. CHANDLER. The Senator will not understand me as undertaking to impeach the honor of the Legislature of Alabama; but I thought it was quite right, inasmuch as the inducement

offered by this bill for the grant of these lands by the United States is the expectation that they will be useful in promoting industrial education in Alabama, to ask the Senator, whether he succeeds in his expectation or not, how he hopes to realize any considerable sum of money from these lands which have been so useless in the hands of the United States.

Mr. MORGAN. The Senator from Missouri [Mr. VEST] has just informed me that his State took the coal lands that we conceded to her under a similar law and sold them out, and put the money in the treasury for the benefit of the common school fund. No complaint has been made against any State, and need not be. There will not be any occasion. It is not a very large fund. I will say to the Senator from New Hampshire that my idea about it is that the State will find bidders for these lands in small parcels from the different large syndicates whose lands abut against them. As is well known, you can not establish a coal mine at all except upon a large area of land.

You can not establish a coal mine upon a quarter section or a half section of land. You have got to drive shafts and all that sort of thing, and it would be utterly futile to expend a great amount of money when you have no coal area of more than a quarter section or half section. It requires section upon section to induce men to put their money into such a scheme. Here are these little pieces of land they could not get hold of, lying around them in different locations in the coal field, and the State of Alabama of course will be able to realize from these lands by selling them in parcels to these larger bodies of men as they want them. They want them and would like to gain the whole of them, and perhaps they would be willing to give a good deal of money if they could get them all into one possession. If a club could be formed to buy them all up and then speculate upon them these large holders would have very great advantage, and I do not want that to be done.

I think I have explained the bill, Mr. President.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH J. WAGGONER.

The bill (S. 1708) for the relief of Mrs. Sarah J. Waggoner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah J. Waggoner, widow of Louis C. Waggoner, late a corporal in Capt. John E. Crouch's Company, Regiment of Tennessee Volunteer Infantry, Florida war, of 1839, and pay her a pension of \$25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUARTEL LOT IN MONTEREY, CAL.

Mr. COCKRELL. Order of Business 465, Senate bill 2599, was passed over yesterday at my instance. I ask that it be now considered.

The bill (S. 2599) releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot, in the city of Monterey, Cal., was considered as in Committee of the Whole.

Mr. COCKRELL. Yesterday I proposed an amendment and called the attention of the Senator from Oregon [Mr. DOLPH] to it, who reported the bill. Now, I propose an amendment, to strike out all after the word "Monterey" in line 7 and insert. It will leave the bill just in the form it was in the last Congress when it was passed by the Senate.

The PRESIDING OFFICER. The Secretary will report the amendment moved by the Senator from Missouri.

The SECRETARY. It is proposed to strike out all after the word "Monterey," in line 7, in the following words:

That the city of Monterey, Cal., is hereby designated as the trustee of the original grant made by the Mexican Government of pueblo lands to the pueblo of Monterey, as the successor of said pueblo, to hold the same in trust for the uses and purposes of the original grant, and confirmation is hereby made to said city of said lands as patented November 19, 1891.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CENTENNIAL MEMORIAL.

Mr. CULLOM. By request I offer a concurrent resolution for reference to the Committee on the Library. I think the Senator from Indiana [Mr. VOORHEES] was to have done so, but he is not here.

The concurrent resolution was read and referred to the Committee on the Library, as follows:

Resolved by the Senate (the House of Representatives concurring). That the sanction of Congress is hereby given to the acceptance by the President of the United States, for preservation in the archives of the executive department, of one copy of the "State edition" of a memorial entitled "The Administrators of the United States Government at the Beginning of its Second Century," in accordance with the terms of the contract executed September 4, 1891, between the World's Columbian Exposition and James D. McBride.

COURTS IN OKLAHOMA TERRITORY.

The PRESIDING OFFICER. The Calendar will be proceeded with.

The bill (S. 2240) to extend the jurisdiction of courts in Oklahoma Territory over certain classes of crimes, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 3, after the words "courts of," to strike out "said" and insert "the;" in the same line, after the word "Territory," to insert "of Oklahoma;" and in line 4, after the word "any," to strike out "case of murder, assault with intent to kill, assault with intent to do bodily harm, assault and battery, rape, assault with intent to commit a rape, robbery, arson, and larceny," and insert "crime;" so as to make the section read:

That the jurisdiction of the courts of the Territory of Oklahoma shall extend to any crime committed within the body of said Territory, or in any lands or reservations attached to said Territory for judicial purposes, and it shall not be any defense that the offense was committed by an Indian upon another Indian of the same or any other tribe.

The amendment was agreed to.

The next amendment was, to strike out section 2, in the following words:

SEC. 2. That when such offense is committed on an Indian reservation or other public lands of the United States not opened to settlement (not merely reserved for public uses) the prosecution shall be in the name of the United States of America, and the expenses shall be paid by the United States.

The amendment was agreed to.

Mr. VEST. I move to strike out the first section of the bill as amended down to the word "crime," in line 7, and to insert:

That the courts of the Territory of Oklahoma shall hereafter have exclusive jurisdiction of all crimes—

Changing the word "crime" to "crimes."

Mr. CALL. Does that leave the body of the section as it now stands?

Mr. VEST. It will leave the bill as it is. The way the bill reads now it extends the jurisdiction—

to any crime committed within the body of said Territory, or in any lands or reservations attached to said Territory for judicial purposes.

Mr. COKE. I will ask the Senator if he proposes that this court shall take the jurisdiction now exercised by outside courts?

Mr. VEST. It of course will take that jurisdiction.

Mr. COKE. Of all the outside courts?

Mr. VEST. The effect of the amendment would be to give exclusive jurisdiction to the courts of Oklahoma Territory over all crimes committed within that Territory and the reservations which are attached to it for judicial purposes.

Mr. President, I have had occasion repeatedly to express my opinion on this subject, and I undertake to say now that no valid argument can be made against this amendment at all. On the other hand, every argument that is possible it seems to me is in favor of the amendment as proposed.

I wish to call the attention of the Senate to just one single fact. I have before me the report of the Attorney-General of the expenses of the different judicial districts of the United States for the year 1891. That is the last report made. In the great city of New York, which is in the southern district of New York, there being three districts in the State, the expenses of the Federal courts during 1891 were \$39,365.88. In the eastern district of Texas, where the Federal court at Paris has jurisdiction over the Indian Territory under the law of Congress, the expenses for 1891 were \$205,220.49, more than \$150,000 in excess of the expenses in the great city of the country. Not only that, but in the western district of Arkansas, where the Federal court at Fort Smith has jurisdiction over the Indian Territory, the expenses for 1891 were \$48,277.04, or \$9,000 in excess of the expenses of the Federal courts in the city of New York.

In the district of Kansas, where the Federal court has jurisdiction over the Indian Territory, the expenses for 1891 were \$22,777.90. In the eastern district of Missouri, where is located the great city of St. Louis, the expenses were only \$19,237.50 for the same time. In Illinois, for the northern district, where the great city of Chicago is located, the expenses of the Federal courts for

the same year were \$9,052.63. In Pennsylvania, for the eastern district, where the great city of Philadelphia is located, the expenses of the courts for the same time were \$12,058.44, or \$10,000 less than the court in Kansas, nearly \$195,000 less than the district in Texas where the court with Federal jurisdiction over the Indian Territory is located, and \$36,000 less than the expenses of the court for the western district of Arkansas.

Mr. COCKRELL. And that additional expense has been incurred under the claim to get good jurors?

Mr. VEST. As my colleague suggests, the argument that has heretofore been made as overwhelming in favor of this extraordinary anomaly of jurisdiction in making outside courts in the States have the jurisdiction to drag these Indians away and try them before alien juries was that you could not get a jury of sufficient intelligence in the Indian Territory. I have here on my desk a letter from the late governor of Oklahoma Territory in which he states that there is not the slightest difficulty about obtaining juries. I have also a letter from the present judge of the court there, a citizen of my own State, who says that the juries in Oklahoma Territory compare now favorably with those in any of the adjacent States. The great complaint made by the Indians now is that there are too many white men among them, that railroads have been constructed there. The natural and irresistible overflow of population from the adjoining States has rendered the jury system there equal to that in any of the States of the Union, I might say certainly equal to that in any of the States in the West and South.

Mr. President, either in the line of economy or in that broader and more extensive view of the question which involves the civilization of the Indian why should we drag these Indians out of the Territory? After giving them a governor, a court, a judge, a clerk, and a marshal why should we drag them out and try them before white juries in communities where they have never been, thrown into jail without friends, with all the prejudices of a frontier against them? And then we say to them, forsooth, imitate us and learn our civilization and obey our laws!

It seems to me that if there were any argument in the world that could induce those Indians to rebel against the Government it would be the treatment we have imposed upon them in this coercive process. I have labored incessantly for nearly fifteen years in the Senate to do away with this outrage, but the local influences have always defeated it. There are the saloon-keepers, the tavern-keepers, and the storekeepers in Fort Smith, and Paris, and the town in Kansas where the court is held, all of whom are a close corporation to defeat any such legislation. They want prisoners brought there, and witnesses brought there, and attorneys brought there in order to put money in their pockets. They care no more for the Indians than for so many bales of goods that are to be used for commercial purposes.

The PRESIDING OFFICER. The Senator's time has expired. The amendment of the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out all of the first section down to and including the word "crime," in line 7, in the following words:

That the jurisdiction of the courts of the Territory of Oklahoma shall extend to any crime.

And to insert:

That the courts of the Territory of Oklahoma shall hereafter have exclusive jurisdiction of all crimes.

So as to make the bill read:

That the courts of the Territory of Oklahoma shall hereafter have exclusive jurisdiction of all crimes committed within the body of said Territory, or in any lands or reservations attached to said Territory for judicial purposes; and it shall not be any defense that the offense was committed by an Indian upon another Indian of the same or any other tribe.

Mr. CULLOM. This bill comes from the Committee on Indian Affairs. I see that the chairman of that committee is not present.

Mr. COCKRELL. The Senator who reported the bill is in his seat. The Senator from Alabama [Mr. MORGAN] reported the bill from the Committee on Indian Affairs.

Mr. CULLOM. Then I have nothing further to say. I thought probably the bill was reported by either the Senator from Connecticut [Mr. PLATT] or the Senator from Arkansas [Mr. JONES]. I see neither of those Senators present.

Mr. MORGAN. The bill came from the Committee on Indian Affairs. I will say to the Senator, by way of the Committee on the Judiciary. It was referred to that committee first and they sent it to us.

Mr. CULLOM. I agree with the Senator from Missouri [Mr. VEST].

Mr. MORGAN. I do, too.

Mr. CULLOM. I think this bill ought to be passed. There certainly has been an unnecessary expense incurred and a great outrage committed upon those Indians in the manner in which justice has been administered there.

Mr. VEST. I ask the indulgence of the Senate for a minute or two, in order to explain the status of the legislation now on the subject.

The PRESIDING OFFICER. If there be no objection, the Senator from Missouri may proceed. The Chair hears none.

Mr. VEST. The first act which passed Congress, and which I had the honor to introduce, is Public Act No. 98, "An act to establish a United States court in the Indian Territory, and for other purposes," which was reported from the Committee on the Judiciary by myself, passed the Senate, was amended in the other House, and afterwards put in its present form by a committee of conference. The jurisdiction of the court which was established in the Indian Territory—and that was the first court ever established there—is defined in the following language:

SEC. 5. That the court hereby established shall have exclusive original jurisdiction over all offenses against the laws of the United States committed within the Indian Territory as in this act defined, not punishable by death or by imprisonment at hard labor.

SEC. 6. That the court hereby established shall have jurisdiction in all civil cases between citizens of the United States who are residents of the Indian Territory, or between citizens of the United States or of any State or Territory therein, and any citizen of or person or persons residing or found in the Indian Territory, and when the value of the thing in controversy or damages or money claimed shall amount to \$100 or more.

That was the extent of the jurisdiction which I could obtain for this court in conference, for I was one of the conferees. It will be noticed that this is somewhat upon the line of the jurisdiction conferred upon the Federal courts generally by the judiciary act of 1789. Afterwards, when we passed the Oklahoma bill, as it was called, an amendment was made to the judicial jurisdiction in the following language:

And the jurisdiction of the United States court established under and by virtue of an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes"—

From which I have just read—

approved March 1, 1889, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory except cases over which the tribal courts have exclusive jurisdiction; and in all cases on contracts entered into by citizens of any tribe, etc.

Sections 34 and 35 of the same act are as follows:

SEC. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of Title XXVIII, chapters 3 and 4, of the Revised Statutes of the United States in said Territory, except the offenses defined and embraced in sections 2142 and 2143: *Provided*, That as to the violations of the provisions of section 2139 of said Revised Statutes, the jurisdiction of said court in the Indian Territory shall be concurrent with the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas: *Provided*, That all violations of said chapters 3 and 4 prior to the passage of this act shall be prosecuted in the said United States courts, respectively, the same as if this act had not been passed.

SEC. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter 4, Title LXX, of the Revised Statutes of the United States entitled "Crimes against justice," in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory: *Provided*, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not been passed.

These are the only acts in regard to jurisdiction, civil and criminal, in the Indian Territory, and it can be stated in one sentence that the result of all of it was that the jurisdiction over the higher classes of felonies was given to the outside courts, namely, at Paris, at Fort Smith, and in Kansas, giving to the court in the Indian Territory which we established originally, by the act from which I have first read, jurisdiction over offenses for manslaughter in the second degree down. In other words, you can take an Indian, when his life is at stake, and drag him over to Fort Smith and try him before an Arkansas jury, or take him to Paris, in Texas, and try him before a Texas jury, or carry him to Kansas and try him before a Kansas jury, and that is called giving a man a right to trial by a jury of his peers!

If that man, however, has stolen a horse, or if he has cut timber on the public land, or if he has been guilty of manslaughter in the second or third degree, you can then indict him and try him at Muskogee, in the Indian Territory. This is the splendid example of judicial justice which we hold out to those Indians when we ask them to accept our civilization and fit themselves to become citizens of the United States!

Mr. CULLOM. The proposition of the Senator from Missouri is to try them for all offenses at Muskogee before whatever court is there?

Mr. VEST. My proposition—and it is the only one which is based upon absolutely equal justice—is to try these Indians in the court in the Indian Territory which we established and to which we gave jurisdiction over that Territory.

Mr. CULLOM. I have always believed that to be right, but we have never been able to succeed in changing the law heretofore.

Mr. VEST. Not one single argument, in my judgment, can be made against it. The juries are just as good there as you can find anywhere. We have a United States judge appointed there.

Mr. PERKINS. If the Senator will permit a suggestion, I think the reason why this jurisdiction was not conferred upon the courts in the Indian Territory when we considered the bill from which the Senator has read, was upon the theory that competent juries could not be obtained in the Territory.

Mr. VEST. I know that was the reason assigned.

Mr. PERKINS. And it was thought necessary to go to these States to get competent jurors; I think the experiences of that court have demonstrated the error of that position.

Mr. VEST. Entirely. The governor of the Territory, the judge of the Territory, and everyone who has lived in the vicinity of that Territory knows that you can get just as good juries there as you can in Missouri, Arkansas, Texas, or any other State. Just as good juries can be obtained there now. I pass through the Indian Territory two or three times every year, and all the evidences of civilization are found along the line of the railroad.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. COKE. I think perhaps it would be better to have the bill go over than to attempt to dispose of it under the five-minute rule. There are several Senators who are interested in it who are not present, and I should like to have them present when it is disposed of.

Mr. MORGAN. Before that order is taken, however, I should like to say a word about the bill, if the Senate will indulge me. The attorney-general of Oklahoma Territory came before the Committee on Indian Affairs after the bill had been before the Judiciary Committee and the Senate had then referred it to the Committee on Indian Affairs, and he said it was impossible for him to administer the law in that country so as to protect human life and human property in their present conditions; that certain reservations had been made of jurisdiction in certain cases in favor of the Federal courts at Paris, Tex., at Fort Smith, Ark., and at Fort Scott, Kans., as I remember, and it made a divided power; that the Indians for one character of offenses in Oklahoma were triable by the Oklahoma Territorial laws, and for other offenses they were triable by the laws of Kansas, and so on.

Now, the proposition was this, which is exactly in line with what the Senator from Missouri proposes in his amendment and which I think is really expressed in the bill itself, though I make no objection to his amendment—the proposition was that Oklahoma being a Territory like all other Territories, and these Indians being about all of them to become citizens of the United States under agreements either then pending or actually consummated, the jurisdiction of the Oklahoma courts should extend equally over all classes of citizenship, negroes, Indians, white people, Chinamen, and everybody else, so as to complete the jurisdictional power of Oklahoma Territory. The committee thought that it was a correct proposition and reported this bill, and while I admit that the Senator from Missouri has made it a little more definite in its expression, at the same time I have no objection to his amendment at all. It carries out the idea of the committee.

Since that time the title to these lands has been extinguished by contracts. Not all of them have been ratified and confirmed as yet by the Congress of the United States, but they will all be, and the Indians come then upon the footing of citizenship of the United States as completely as any of us. That being true, I do not see any reason at all why for any offense that an Indian may commit against another Indian (for that is the class of offenses which are now cognizable outside, I understand, or for any other offenses the party should be carried away from his Territorial government).

I reported a bill the other day from the Committee on Indian Affairs to create a new county out of eight Indian tribes up in the northeastern corner of the Indian Territory, bounded on the east by Missouri and on the north by Kansas, with the full consent of all of them. They will enter the Territory of Oklahoma, if that bill is passed, under the title of the county of Cayuga, and it will be a most admirable county in respect of its citizenship, enlightenment, prosperity, industry, good order, and everything of that kind. If we pass the bill which the committee have recommended those Indians will be brought right in under the laws of Oklahoma just as if they were all white people, and there is no reason at all why the government of the Territory of Oklahoma should not dispose of all the property rights and other personal rights of an Indian just as well as it should dispose of the rights of a white man, or a negro, or any person else.

So I fully concur with the amendment of the Senator from Missouri, and I am very sorry that the Senator from Texas thinks it best that the bill shall go over. However, as he objects, of course I can not resist the objection.

The PRESIDING OFFICER. Does the Chair understand the Senator from Texas to object to the further consideration of the bill?

Mr. COKE. I ask that it may go over.

Mr. COCKRELL. Without prejudice, retaining its place on this Calendar.

Mr. COKE. Without prejudice.

Mr. MORGAN. Very good.

The PRESIDING OFFICER. The Senator from Texas objects to the further consideration of the bill. It will retain its place on the Calendar, going over without prejudice.

OSAGE RIVER BRIDGE.

The bill (H. R. 5354) to authorize the construction of a bridge across the Osage River between the town of Warsaw and the mouth of Turkey Creek, in Benton County, Mo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE AT QUINCY, N. DAK.

The bill (S. 2334) to authorize the construction of a bridge across the Red River of the North at Quincy, N. Dak., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 1, after the words "as a," to strike out "high span" and insert "high;" in line 2, after the word "bridge," to strike out "and shall contain" and insert "with;" in the same line, after the word "span," to insert "or spans;" in line 3, after the word "dimensions," to insert "and location;" in line 4, after the word "span," to insert "or spans;" and in the same line, after the word "shall," to strike out "be maintained on the main channel of the river at an accessible and navigable point" and insert "have a clear headroom of 36 feet above the high-water plane of 1882;" so as to read:

That said bridge shall be constructed as a high bridge, with a span or spans of such dimensions and location as the Secretary of War shall prescribe, which said span or spans shall have a clear head room of 36 feet above the high-water plane of 1882, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river.

The amendment was agreed to.

The next amendment was, in section 4, line 5, after the word "county," to strike out "or;" in line 11, after the word "at," to strike out "all" and insert "average low and highwater," and in line 19, after the word "be," to insert "commenced or;" so as to make the section read:

That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said county commissioners shall submit to the Secretary of War, for his examination and approval, a design and drawing of the said bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at average low and high water stages, with the sounding, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

The PRESIDING OFFICER (Mr. PLATT in the chair). The word "of" is omitted in the print in line 7. The word will be inserted. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTIFICIAL STONE PAVEMENT PATENTS.

The bill (S. 716) for the relief of the owners of the Schillinger patents was considered as in Committee of the Whole. It proposes to confer jurisdiction on the Court of Claims to hear and determine the claims of John J. Schillinger, and his assignees and their licensees, for compensation for the use of the patented inventions of John J. Schillinger in the laying of the artificial stone pavements in and about the Capitol grounds, under the direction of the Architect of the Capitol, between October 11, 1875, and October 18, 1881.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHARLOTTESVILLE, VA.

The bill (S. 795) to provide for the erection of a public building at Charlottesville, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KLAMATH RIVER INDIAN RESERVATION LANDS.

The bill (H. R. 38) to provide for the disposition and sale of lands known as the Klamath River Indian Reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That all of the lands embraced in what was Klamath River Reservation, in the State of California, as set apart and reserved under authority of law by an Executive order dated November 16, 1855, are hereby declared to be subject to settlement, entry, and purchase under the laws of the United States granting homestead and preemption rights and authorizing the sale of mineral and timber lands: *Provided*, That any Indian now located upon said reservation may, at any time within one year from the passage of this act, apply to the Secretary of the Interior for an allotment of land for himself, and, if the head of a family, for the members of his family, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," and, if found entitled thereto, shall have the same allotted as provided in said act or any act amendatory thereof. And the Secretary of the Interior may reserve from settlement, entry, or purchase any tract or tracts of land upon which any village or settlement of Indians is now located, and may set apart the same for the permanent use and occupation of said village or settlement of Indians. And any person entitled to the benefits of the homestead laws of the United States who has in good faith prior to the passage of this act, made actual settlement upon any lands within said reservation not allotted under the foregoing proviso and not reserved for the permanent use and occupation of any village or settlement of Indians, with the intent to enter the same under the homestead laws shall have the preferred right, at the expiration of said period of one year, to enter and acquire title to the land so settled upon, not exceeding 160 acres, upon the payment thereof of \$1.25 an acre, and such settler shall have three months after public notice given that such lands are subject to entry within which to file in the proper land office his application therefor; and in case of conflicting claims between settlers the land shall be awarded to the settler first in order of time: *Provided*, That any portion of said land more valuable for its mineral deposits than for agricultural purposes, or for its timber, shall be entered only under the law authorizing the entry and sale of timber or mineral lands: *And provided further*, That the heirs of any deceased settler shall succeed to the rights of such settler under this act: *Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children.

Mr. COCKRELL. The Senator who reported the bill, I see, is not present, and there is a point or two in it that it may be necessary to have him present to explain.

Mr. FELTON. I think I can explain it to the Senator's satisfaction.

Mr. COCKRELL. There is no written report with the bill. Therefore we can ascertain nothing except what is upon the face of it. The whole House bill has been stricken out and an amendment proposed as a substitute by the Senate committee, and there is some difference between them. I should like to know how much land there is in the reservation and how many Indians are upon the reservation. The substitute has a provision in it which authorizes the Indians to make a selection of land in severalty, and the allotment is to be made to them. How long are the lands to be reserved under the bill in order to give the Indians an opportunity to make that selection? There is not a particle of a provision in the bill to that effect, as I understand it.

Mr. FELTON. It must be made within a year.

Mr. COCKRELL. The Indian has a year within which to make his selection of the land, and what is to become of the land prior to that time? When the year has expired there will not be a foot of land upon which he can make the selection. There is no land reserved by the provisions of the bill, and it will be disposed of if it is worth anything. As we know, the pressure to enter upon all these reservations is very great. I should like to have some explanation of these things before action upon the bill.

Mr. FELTON. This bill passed the other House and came to the Senate. It was objectionable in that form to the chairman of the Committee on Indian Affairs and to the chairman of the subcommittee which considered it. As the Senator is aware, committees usually do not move without getting a recommendation from the appropriate Department, and the committee in this case had the recommendation of the Interior Department to draw the bill as it is reported. The bill is entirely satisfactory to the chairman of the Committee on Indian Affairs, and to the Senator from South Dakota [Mr. PETTIGREW], who reported it.

The facts of the case are these: The Klamath Indian Reservation was set apart by a proclamation of the President some twenty years ago, I think. I am not positive about the time. It never has been used as an Indian reservation.

Mr. COCKRELL. What is the size of it?

Mr. FELTON. It is about 20 miles long, and I suppose 2 or 3 miles wide. The tortuous, steep bank of the river forms almost all of it. There is an Indian reservation within 20 miles of the river, where these Indians can go if they want to

do so. The number is variously estimated at from 40 to 60 Indians. Practically they have no business. They are peculiar Indians. They are creatures of their environment. They are as mild as they may be.

The bill makes provision for them to select allotments in severalty; and if they have Indian villages, which they have not, it allows them to retain those, and it gives them a year's time within which to make selections.

Mr. COCKRELL. Right in that connection, suppose all the lands are taken up in three months after the Indian reservation is opened, what will the Indians then have to select from after they have come to the conclusion to make a selection? There is the material point in the bill.

Mr. FELTON. The point is simply this. There are now a great many settlers upon that land. It is not practically an Indian reservation. It never has been used for that purpose. The provisions of the bill open the land to settlers after providing, as I before stated, in regard to the Indians, and lands more valuable for timber or mineral deposits shall be entered under the timber act and the mineral land laws. Of the arable lands I would not undertake to say just how many acres there are, but I do not think there are 1,000 acres on the whole margin of that river. A few of these Indians live at the mouth of the river, I understand, fishing and hunting and working for the white people. They are nomadic Indians.

I can say to the Senator that this bill has had the scrutiny of the Interior Department and been approved by it. It has had the scrutiny and approval of the distinguished Senator from Massachusetts [Mr. DAWES], who is always alive to the interests of the Indians. I can see no reason why the bill should not be passed, and these lands allowed to be entered for the use of settlers. All the money that comes from the sale of the lands the bill provides shall be used for the purpose of taking care of these Indians.

Mr. COCKRELL. I understand that, but if there is any expectation that an Indian will take an allotment and make a selection of it, I see no provision to reserve the land. If the land is worth anything at all, as a matter of course the very moment it is opened it will be taken up, and then if an Indian wants to take land there will be nothing to take.

Mr. FELTON. The Indian has one year within which to make his selection.

Mr. COCKRELL. But there is not an acre of land reserved from settlement and cultivation out of which he can take it after that time. He must take it as quickly as it is opened or he will have no chance.

Mr. FELTON. I say he has an entire year within which to make the selection.

Mr. COCKRELL. The Senator does not seem to catch the point. He has a year within which to select, but these lands are to be opened upon the passage of the bill to settlement. Suppose every acre of land is taken inside of thirty days and at the end of six months an Indian wants to select a piece for allotment in severalty, how is he going to do it? It has not been reserved. There is no provision for reserving it. There is no restriction upon it, but it is opened to settlement immediately upon the passage of the bill, and there will be nothing for the Indians to select.

Mr. FELTON. I will frankly say that I do not think there is an Indian out of the forty or fifty who are there who will ever take an allotment.

Mr. COCKRELL. That is what I am trying to get at, because if there are any Indians there who are going to make any selections of land in severalty this bill does not protect them at all.

Mr. FELTON. The whole matter was carefully considered by the committee, and there is no doubt but that the Indians will have ample opportunity to make their selections if they so desire.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FELTON. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PETTIGREW, Mr. DAWES, and Mr. JONES of Arkansas were appointed.

NATIONAL NEW HAVEN BANK.

The bill (S. 234) for the relief of the National New Haven Bank of the State of Connecticut was considered as in Committee of

the Whole. It proposes to pay the National Bank of New Haven \$3,519.15.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CAMERON. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate do now adjourn. [Putting the question.]

Mr. CAMERON. I move a call of the Senate. There is no quorum here.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich.	Daniel.	Manderson.	Ransom.
Allen.	Dolph.	Mitchell.	Squire.
Albion.	Felton.	Morgan.	Stewart.
Bate.	Frye.	Paddock.	Stockbridge.
Berry.	George.	Palmer.	Turpie.
Brice.	Gray.	Pasco.	Vest.
Butler.	Hansbrough.	Peffer.	Walshall.
Call.	Harris.	Perkins.	Warren.
Casey.	Higgins.	Platt.	White.
Chandler.	Hill.	Power.	Wilson.
Cockrell.	Jones, Ark.	Proctor.	
Coke.	Kyle.	Pugh.	
Cullom.	McPherson.	Quay.	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The question recurs on the motion made by the Senator from Pennsylvania that the Senate do now adjourn.

Mr. CHANDLER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. PLATT's name was called). The present occupant of the chair is paired with the Senator from Virginia [Mr. BARBOUR].

Mr. TURPIE (when his name was called). I am paired generally with the senior Senator from Minnesota [Mr. DAVIS], who is absent. I will therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. I do not know how he would vote. If he were present I should vote "nay."

The roll call was concluded.

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. MORRILL], who is absent, and being absent I suppose he is in favor of adjourning. I vote "yea."

The result was announced—yeas 21, nays 25; as follows:

YEAS—21.			
Aldrich.	Cockrell.	Jones, Ark.	Quay.
Bate.	Daniel.	Kyle.	Ransom.
Berry.	George.	McPherson.	Stewart.
Brice.	Harris.	Morgan.	
Butler.	Higgins.	Palmer.	
Cameron.	Hill.	Perkins.	

NAYS—25.			
Allen.	Dolph.	Power.	Stockbridge.
Albion.	Frye.	Proctor.	Vest.
Casey.	Gray.	Pugh.	Warren.
Chandler.	Mitchell.	Sanders.	White.
Coke.	Paddock.	Sawyer.	
Cullom.	Pasco.	Shoup.	
	Peffer.	Squire.	

NOT VOTING—42.			
Barbour.	Felton.	Irby.	Teller.
Blackburn.	Gallinger.	Jones, Nev.	Turpie.
Blodgett.	Gibson, La.	Kenna.	Vance.
Carey.	Gibson, Md.	McMillan.	Vilas.
Carlisle.	Gordon.	Manderson.	Voorhees.
Colquitt.	Gorman.	Mills.	Walshall.
Davis.	Hale.	Morrill.	Washburn.
Dawes.	Hansbrough.	Pettigrew.	Wilson.
Dixon.	Hawley.	Platt.	Wolcott.
Dubois.	Hiscock.	Sherman.	
Faulkner.	Hoar.	Stanford.	

So the Senate refused to adjourn.

TELEPHONE LINE ON VIRGINIA COAST.

Mr. FRYE. The bill (H. R. 7727) to authorize the construction of a telephone line on the coast of Virginia, from Cape Charles to Assateague Island, in aid of the preservation of life and property, is Order of Business 592 on the Calendar. The Department is very desirous that that bill shall become a law, if it is passed at all, so that a contract may be made immediately for the building of this telephone line. It is a telephone line between seven life-saving stations in Virginia. There is no communication between them now, and there were seventeen disasters there the last season. I ask unanimous consent that that bill may be acted upon.

Mr. BATE. I call for the regular order. I object.

The PRESIDING OFFICER. The Senator from Tennessee objects to the request of the Senator from Maine.

Mr. BATE. Let us go on with the Calendar in order.

The PRESIDING OFFICER. The next bill on the Calendar will be proceeded with.

MARIA S. WHITNEY.

The bill (S. 817) granting a pension to Maria S. Whitney, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws;" in line 6, after the word "Whitney," to strike out "as mother" and insert "stepmother;" and in line 8, at the end of the bill, to add the words "at the rate of \$12 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Maria S. Whitney, stepmother of John M. Whitney, late acting assistant surgeon United States Navy, at the rate of \$12 per month.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. Does the Senator desire to postpone action on the amendments of the committee?

Mr. COCKRELL. Let the report be read first.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report submitted by Mr. GALLINGER March 23, 1892, as follows:

The Committee on Pensions, to whom was referred the bill (S. 817) granting a pension to Maria S. Whitney, have examined the same and report:

A similar bill passed the Senate during the second session of the Fifty-first Congress, but was not reached for consideration in the House. The main facts are that claimant married the father of John M. Whitney in the year 1854, at which time the son was 11 years of age. She cared for him as a mother until he enlisted in 1862. He was a member of a Massachusetts cavalry regiment, and subsequently hospital steward and acting assistant surgeon, his last duty being on the steamer Norwich. While acting in that capacity he was drowned August 16, 1864, in the St. Johns River, Florida.

The testimony shows that soldier contributed to the support of his father and stepmother, and also that claimant is destitute and advanced in years. Being a stepmother she can not secure pension through the regular channel, and as a necessity comes to Congress. The claim seems meritorious in every particular, and your committee recommend the passage of the bill, with the following amendments:

In lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws;" in line 6, strike out the words "as mother" and substitute the word "stepmother," and add to the bill the words "at the rate of \$12 per month."

The PRESIDING OFFICER. The question is on agreeing to the amendments proposed by the committee.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DABNEY, SIMMONS & CO.

Mr. ALLEN. I ask unanimous consent that the order by which the bill (S. 1426) for the relief of Dabney, Simmons & Co., of Boston, Mass., was indefinitely postponed be reconsidered, and that the bill be placed on the Calendar.

The PRESIDING OFFICER. Has the bill been once on the Calendar?

Mr. ALLEN. It has not. It was adversely reported by the Committee on Claims and indefinitely postponed.

The PRESIDING OFFICER. When was it reported?

Mr. ALLEN. It was reported April 27, 1892.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that the vote by which the bill indicated by him was indefinitely postponed on the 27th day of April be reconsidered, and that the bill be placed on the Calendar with the adverse report of the committee. Is there objection? The Chair hears none, and it is so ordered. The next bill on the Calendar will be proceeded with.

ABIGAIL L. FINNEY.

The bill (S. 1356) granting a pension to Abigail L. Finney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "Abigail" and insert "Abigail;" and in the same line, to add the words "dependent mother of Sylvester P. Finney, late of Company E, Tenth New York Heavy Artillery;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abigail L. Finney, dependent mother of Sylvester P. Finney, late of Company E, Tenth New York Heavy Artillery.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Abigail L. Finney."

D. D. T. FARNSWORTH.

The bill (S. 2465) for the relief of D. D. T. Farnsworth, of Upshur County, W. Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, before the word "dollars," to strike out "one thousand two hundred" and insert "one hundred and seventy-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$176 to D. D. T. Farnsworth, of Buckhannon, Upshur County, W. Va., in full satisfaction for use and destruction of property by the Federal Army during the war of the rebellion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 145) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc., was considered as in Committee of the Whole. It proposes to confer jurisdiction on the Court of Claims to hear and enter up judgment, as if it had original jurisdiction of the case, on the claim of the Citizens' Bank of Louisiana, with interest thereon, against the United States, growing out of the seizure and covering into the Treasury of the United States of certain moneys of that bank by Gen. B. F. Butler, commanding the United States forces in Louisiana 1862.

Mr. COCKRELL. In line 6 I move to strike out the words "with interest thereon."

Mr. WHITE. Those words were left in by mistake.

Mr. COCKRELL. I am glad to know it, because I hoped the committee were not proposing to deviate from the rule.

Mr. CAMERON. Mr. President, I do not think there is a quorum present.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. Under the rule the roll will be called.

The Secretary called the roll.

Mr. JONES of Arkansas. It being evident that no quorum is present, I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair thinks that that motion is not in order until it is determined from the roll call whether a quorum is present.

The following Senators answered to their names:

Aldrich,	Felton,	Morgan,	Ransom,
Allison,	Frye,	Padlock,	Sanders,
Bate,	George,	Palmer,	Sawyer,
Berry,	Gray,	Pasco,	Shoup,
Butler,	Harris,	Peffer,	Stewart,
Call,	Jones, Ark.	Perkins,	Stockbridge,
Chandler,	Kyle,	Platt,	Turpie,
Cockrell,	McPherson,	Power,	Vest,
Coke,	Manderson,	Proctor,	Warren,
Daniel,	Mills,	Pugh,	White,
Dolph,	Mitchell,	Quay,	Wilson,

The PRESIDING OFFICER. Forty-four Senators, not a quorum, have answered to their names.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. DOLPH. On that I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate adjourn, on which motion the Senator from Oregon demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when Mr. CAREY's name was called). I wish to announce that my colleague [Mr. CAREY] is absent from the city. He is paired with the Senator from South Carolina [Mr. IRBY].

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote if present, and I therefore abstain from voting.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Rhode Island [Mr. DIXON].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present I should vote "nay."

The roll call was concluded.

Mr. MILLS (after having voted in the negative). Is the Senator from New Hampshire [Mr. GALLINGER] recorded as voting?

The PRESIDING OFFICER. He is not recorded.

Mr. MILLS. Then I withdraw my vote, as I am paired with that Senator.

Mr. TURPIE. I am paired with the senior Senator from Minnesota [Mr. DAVIS], and therefore withhold my vote.

The result was announced—yeas 19, nays 26; as follows:

YEAS—19.			
Barbour,	Daniel,	McPherson,	Ransom,
Berry,	George,	Morgan,	Squire,
Butler,	Gorman,	Palmer,	Stewart,
Cameron,	Harris,	Pasco,	Vest.
Cockrell,	Hill,	Pugh,	
NAYS—26.			
Aldrich,	Coke,	Mitchell,	Sanders,
Allen,	Cullom,	Paddock,	Sawyer,
Allison,	Dolph,	Peffer,	Shoup,
Bate,	Felton,	Perkins,	Stockbridge,
Call,	Frye,	Platt,	Warren.
Casey,	Gray,	Power,	
Chandler,	Kyle,	Proctor,	
NOT VOTING—43.			
Blackburn,	Gallinger,	Jones, Ark.	Teller,
Blodgett,	Gibson, La.	Jones, Nev.	Turpie,
Brice,	Gibson, Md.	Kenna,	Vance,
Carey,	Gordon,	McMillan,	Vilas,
Carlisle,	Hale,	Manderson,	Voorhees,
Colquitt,	Hansbrough,	Mills,	Walshall,
Davis,	Hawley,	Morrill,	Washburn,
Dawes,	Higgins,	Pettigrew,	White,
Dixon,	Hiscock,	Quay,	Wilson,
Dubois,	Hoar,	Sherman,	Wolcott.
Faulkner,	Irby,	Stanford,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Missouri [Mr. COCKRELL] to the bill under consideration.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 5, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 4, 1892.

UNITED STATES ATTORNEY.

Ferdinand B. Earhart, of Louisiana, to be attorney of the United States for the eastern district of Louisiana, vice William Grant resigned.

CONSUL.

Richard Lambert, of San Francisco, Cal., to be consul of the United States at Mazatlan, to which office he was appointed during the last recess of the Senate, vice Edward G. Kelton, resigned.

PROMOTIONS IN THE ARMY.

Infantry arm.

First Lieut. Daniel H. Brush, Seventeenth Infantry, to be captain, May 2, 1892, vice Howe, Seventeenth Infantry, retired from active service.

Second Lieut. Daniel B. Devore, Twenty-third Infantry, to be first lieutenant, May 2, 1892, vice Brush, Seventeenth Infantry, promoted.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 4, 1892.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL ROOM SPACE, ADJUTANT-GENERAL'S OFFICE.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Adjutant-General, representing the necessity for additional room space for his office, to accommodate the division of military information as reorganized and enlarged, and recommending that the request be complied with; ordered to be printed, and referred to the Committee on Appropriations.

URGENT DEFICIENCY, SUPREME COURT, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Attorney-General, transmitting a petition signed by the criers and bailiffs of the supreme court of the District of Columbia, and recommending that an urgent deficiency appropriation be made covering this subject-matter; ordered to be printed, and referred to the Committee on Appropriations.

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SENATE BILLS REFERRED.

The SPEAKER. There are quite a number of Senate bills that came over day before yesterday, the titles of which have been printed in the RECORD. If there be no objection, the Chair will refer them without having them separately read at the Clerk's desk.

There was no objection.

The bills and references are as follows:

A bill (S. 453) granting a pension to Eliza Conroy—to the Committee on Invalid Pensions.

A bill (S. 520) granting an increase of pension to Oliver P. Goodwin—to the Committee on Pensions.

A bill (S. 789) for the relief of Warren Hall—to the Committee on Claims.

A bill (S. 1140) for the relief of John C. Smith, Milton Evans, and others—to the Committee on the Public Lands.

A bill (S. 1143) granting a pension to Mary A. Wise—to the Committee on Invalid Pensions.

A bill (S. 1279) for the correction of the military record of Wilhelm Spiegelburg—to the Committee on Military Affairs.

A bill (S. 1348) for the issue of ordnance stores and supplies to the State of Nebraska to replace similar stores destroyed by fire—to the Committee on the Militia.

A bill (S. 1535) to increase the pension of Andrew J. Monro—to the Committee on Invalid Pensions.

A bill (S. 1777) for the erection of a public building at Selma, Ala.—to the Committee on Public Buildings and Grounds.

A bill (S. 1975) for the protection of livery-stable keepers and other persons keeping horses at livery within the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 2067) for a public building at Altoona, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

A bill (S. 2087) for the relief of Charles Fletcher, alias James H. Mitchell—to the Committee on Military Affairs.

A bill (S. 2092) to fix the price of lands entered under the desert-land laws—to the Committee on the Public Lands.

A bill (S. 2161) to provide for and to punish the crime of perjury before the United States local land offices—to the Committee on the Judiciary.

A bill (S. 2481) to place Dunbar R. Ransom on the retired list of the Army—to the Committee on Military Affairs.

A bill (S. 2575) to provide for the sale of certain lots in the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 2605) granting a pension to Mrs. Adelia New, of Indianapolis, Ind.—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROCKWELL, for ten days, on account of important business.

NEMIAH GARRISON, ASSIGNEE.

Mr. WINN. I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (H. R. 3508) for the relief of Nemiah Garrison, assignee of Moses Perkins. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Nemiah Garrison, a citizen of the State of Georgia, the sum of \$750, out of any money in the Treasury not otherwise appropriated, in accordance with the judgment of the Court of Claims in the case of Nemiah Garrison, assignee of Moses Perkins vs. The United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Mr. Speaker, I would like to have some explanation of it. The report, I suppose, accompanies the bill.

Mr. WINN. Certainly.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 3508) for the relief of Nemiah Garrison, assignee of Moses Perkins, submit the following report:

This claim was submitted to the Fiftieth Congress and a report was made thereon by the Committee on Claims. As the investigations of your committee have led them to substantially the same results as those arrived at by the committee of the Fiftieth Congress, it is deemed unnecessary to recapitulate the facts. A copy of the report in the Fiftieth Congress is attached hereto for information and made a part of this report.

Your committee recommend that the bill do pass.

[House Report No. 610, Fiftieth Congress, first session.]

The Committee on Claims have considered House bill No. 7109, for the relief of the executor or administrator of the estate of Nemiah Garrison, assignee of Moses Perkins, and recommend that it do pass, with the following amendment: Strike out the words "with interest," in line 7.

This matter received the favorable consideration of the Committee on Claims in the Forty-fifth Congress. The following report from that committee is adopted and made part hereof:

"The Committee on Claims, to whom was referred the bill H. R. 936, have had the same under consideration, and present the following report thereon: "The facts upon which this claim are based were investigated and deter-

mined by the Court of Claims, which rendered judgment against the United States on the 23d day of March, A. D. 1890, as fully appears by a report of the proceedings had in said court made to the first session of the Thirty-sixth Congress (Report Court of Claims No. 252). A copy of the opinion of said court in the case is hereto attached and made part of this report."

Your committee report back said bill, with an amendment, as follows, viz: In line 7, strike out the words "with interest;" and, thus amended, recommend its passage.

Mr. BURROWS. Do I understand this was passed upon by the Committee on War Claims?

Mr. WINN. Yes?

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed was accordingly read the third time, and passed.

On motion of Mr. WINN, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

Mr. WISE. I am instructed by the Committee on Interstate and Foreign Commerce to report back the bill S. 1295, and to ask that the committee be discharged from the further consideration of it, and that it be referred to the Committee on Rivers and Harbors.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico, at the mouth of Ropes Pass, in the State of Texas.

The SPEAKER. The gentleman from Virginia [Mr. WISE] asks that the Committee on Interstate and Foreign Commerce be discharged from the further consideration of this bill, and that it be referred to the Committee on Rivers and Harbors. Is there objection?

There was no objection, and it was so ordered.

CHINESE EXCLUSION.

Mr. GEARY. I have a conference report which I wish to present. I send it to the Clerk's desk, and move that it be adopted; and upon that I move the previous question.

The SPEAKER. The conference report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 6185, having met, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

In section 3, line 2, after the word "act," insert the words "or the acts hereby extended."

In section 4, line 2, after the word "descent," strike out the word "once."

In section 4, after the words "United States," in line 3, strike out all down to the word "shall," in line 6.

In section 4, line 7, strike out the words "six months" and insert in lieu thereof "one year."

Add new sections as follows:

"SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly, without unnecessary delay.

"SEC. 6. And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as heretofore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the costs. Should it appear that said Chinaman had procured a certificate, which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the costs of said arrest and trial shall be in the discretion of the court. And any Chinese person other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.

"SEC. 7. That immediately after the passage of this act, the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms, and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants. Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

"SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such cer-

tificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$1,000, or imprisoned in the penitentiary for a term of not more than five years.

"SEC. 9. The Secretary of the Treasury may authorize the payment of such compensation in the nature of fees to the collectors of internal revenue, for services performed under the provisions of this act, in addition to salaries now allowed by law, as he shall deem necessary, not exceeding the sum of \$1 for each certificate issued."

And the House agree to the amendment of the Senate to the title so as to read as follows: "An act to prohibit the coming of Chinese persons into the United States."

T. J. GEARY.

J. LOGAN CHIPMAN.

Managers on the part of the House of Representatives.

J. N. DOLPH.

JOHN T. MORGAN.

Managers on the part of the Senate.

The statement of the conferees on the part of the House was read, as follows:

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on H. R. 6185 make the following statement to accompany the report of the conferees of the two Houses.

The first amendment merely makes more certain the laws to be continued in force.

The second amendment provides for the punishment of those who attempt to violate the law the first time instead of for the second offense.

The third amendment increases the limit of punishment from six months to one year.

The other amendments explain themselves.

T. J. GEARY.

J. LOGAN CHIPMAN.

Managers on part of House.

The SPEAKER. The gentleman from California demands the previous question upon the adoption of the report.

Mr. HOOKER of Mississippi. Mr. Speaker, I hope we shall have some discussion of this matter, or some explanation of the report greater than this small fragment that has been read. I do not understand, and I take it for granted a great many members do not understand, precisely the effect of the report. Therefore I think we ought to have some discussion upon the report. It is a very important matter, one which was very fully discussed when Senator DOLPH made the report in the Senate, and it is one of importance to the House, and it is a question upon which the House ought to pass more deliberately than it did the bill as it originally passed through the House. I think there ought to be a full explanation of the changes that have been made by the committee of conference. I hope the motion for the previous question will be voted down. We passed the former bill under the spur of the previous question, and passed it without the House understanding it.

The SPEAKER. The question is not debatable.

The question was taken on ordering the previous question, and the Speaker announced that the "ayes" seemed to have it.

Mr. HOOKER of Mississippi. I demand a division.

The House divided, and there were—ayes 97, noes 17.

So the previous question was ordered.

The SPEAKER put the question on the adoption of the conference report.

Mr. HITT. Is there no debate upon this question after the previous question has been ordered?

The SPEAKER. There is, if gentlemen desire it, fifteen minutes on either side.

Mr. HITT. I think there ought to be some explanation of this report.

The SPEAKER. The Chair recognizes the gentleman from Illinois.

Mr. HITT. I shall oppose the adoption of the report. I hope the gentleman from California [Mr. GEARY] who brings in the report is willing to explain it so that an intelligent man watching him closely can get some understanding of the bill, whatever it be, contained or implied in this conference report.

Mr. GEARY. It depends upon the degree of intelligence possessed.

Mr. Speaker, this bill, as it has been reported back by the committee of conference, provides for the continuance of the existing law upon this subject, with the addition of a few amendments agreed to by the Senate, and which are intended to make more effective the operation of the existing law. It is not the House bill. All those drastic features that some gentlemen found so much fault with have been eliminated by the Senate. The Senate has agreed to this report, and we are anxious to get the bill through, because the law expires the day after to-morrow.

Mr. HITT. The statement of the gentleman throws very little light upon the bill. A very close search of a series of several obscure documents is required in order to learn the meaning of this conference report. In the first place, it is the House bill amended by the Senate by the substitution of a bill continuing the existing exclusion laws. To that the committee of conference have made a series of verbal and important amendments in different parts of that Senate bill. Added to that are a series of

provisions which are wholly new, and which are added by the conference committee.

The Senate bill continuing the existing law, as an original proposition, would to me be objectionable, especially since the decision of the Supreme Court declaring that the existing law contravened the treaty. But I recognize the circumstances that are around us, the urgent need of prompt action, and the wish of the Pacific States that there should be exclusion legislation, and I would assent to continuing the present stringent laws, with the precautions suggested by the Treasury Department, in order to make the exclusion of Chinese laborers more effective.

It is gratifying to know that we do not to-day have to vote upon a measure that openly, defiantly, and insultingly violated faith as did the House bill.

The measure as at present reported, in so far as it continues the existing law, does in some degree trench upon the treaty, as touching merchants, for instance; and it is with some hesitation that I assent to that; but in view of the fact that it has not brought a rupture in our relations with China, and the earnest desire I feel to take every step that we can as men of honor, representing a nation of truth and courage to do what is right, I will go to the last limit possible within those conditions in legislation to exclude Chinese laborers. But here is a new provision added, which could have been stated very simply by the gentleman from California had he wished to.

It compels every man in this country who is a Chinese laborer to go to the collector of internal revenue, prove his title to remain in the country, and apply for a certificate—a pass, a sort of ticket of leave. To obtain it he must himself prove his whole case; he is assumed to be not entitled to it; the burden of proof is all upon him. The rule of all free countries and all civil laws is reversed. He must prove residence here through a long series of years, back to the date of enactment of the whole series of stringent laws since the treaty of 1880. He must find the witnesses in different places where he may have worked or resided, and one witness must be a white man. Even colored men are not admitted as credible witnesses. Everyone can understand how difficult, how almost impossible it is to make out such a long and costly line of proof, especially to a laboring man. This he must prove affirmatively or he can not get a certificate. If he is not granted a certificate, and we can readily see how officers on the Pacific coast would be glad to refuse it, he is arrested, imprisoned six months or less, and then expelled from the country. If he obtains it he must carry it around with him or be liable instantly and always to arrest, imprisonment, and deportation like a convict. It is proposed to have 100,000, or, some gentlemen assert, 200,000, men in our country ticketed, tagged, almost branded—the old slavery days returned.

Never before in a free country was there such a system of tagging a man, like a dog to be caught by the police and examined, and if this tag or collar is not all right taken to the pound or drowned or shot. Never before was it applied by a free people to a human being, with the exception (which we can never refer to with pride) of the sad days of slavery and the ticket of leave given to convicts allowed to go out awhile from the penitentiary, and the deported convicts at Botany Bay, who had to have a ticket of leave. But here are more than 100,000 men, innocent of offense, who must obtain this certificate, this ticket of leave, and carry it around with them in a free country!

Is that the treatment due to a great body of men to whom we have solemnly promised, in the treaty pledge of our national faith, that they shall have all the rights, immunities, and privileges of citizens and subjects of the most favored nation? The treaty by which we are bound says in article 2, "Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation." Who rises here to propose labeling an Englishman or German when he goes through this country, or else make him liable to arrest, imprisonment, and expulsion?

By one of these amendments which the gentleman did not explain, the Chinese laborer who is here and has been, not the one returning to the United States in violation of law, and who has not been able to get a certificate and is so adjudged not entitled to remain, shall be imprisoned at hard labor for a period not exceeding six months and thereafter removed from the United States. This is our treatment of the most favored nation; this is our rule to measure the meaning of those words in our treaties. Is this the treatment we would permit any other people to inflict upon Americans entitled in that country by treaty to all the privileges and immunities and rights of the most favored nation?

Think of the difficulty, the danger of failure and imprisonment to these laborers who may have been here many years, in obtaining the ticket or certificate they are condemned to get or go to

jail. Remember the storm of public opinion that this poor creature must meet when he goes before an officer, not to meet a charge of offense by answering the proof against him, the right of freemen in all Christian lands, but as one assumed to be violating law, and compelled, with the burden of proof upon him, to prove that he is entitled, by residence established under this long series of laws, to remain in this country—laws that we have contrived with all the skill that lawyers could command to narrow his rights under the treaty and make his position difficult.

By this bill it is made his duty to go and hunt up a collector of internal revenue, 500 miles away in some cases, apply for a certificate of residence, prove his case, and if he gets his certificate, carry it about always to save him from new torment. How easy for him to fail to make out his whole case and the officer refuse the certificate, especially if the public opinion of the community is strongly against him, for we know well the effect of public opinion upon an officer who is not judicial. That officer refusing the certificate, the man has but one thing to do—to fly or go to prison. And this in the face of our solemn pledge in a treaty! Can the oath of a man ever bind with more obligation than a treaty which one nation makes with another?

An additional objection to this proposed bill is, it will prevent our making a new treaty. It will irritate the Chinese Government to be thus dealt with, paltering with our pledges in the past, and harrying Chinese subjects when we have promised in the third article of the treaty that—

The Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

Already, by the act of October 1, 1888, we have pressed hard upon the rights of China as guaranteed in the treaty, while claiming all that is therein guaranteed to us.

Our relations with China to-day are strained; there has been an earnest, emphatic protest filed by the Chinese minister with the Secretary of State against the act now in force, but there has been no rupture. Now, on the top of that, we take over a hundred thousand subjects of the Chinese Empire and tag them like dogs, or mark them for imprisonment and punishment unless they can prove this right to residence, so hard to prove under the present laws, and put upon them the burden of proof.

By a new and defective treaty we can stop all Chinese laborers coming, but we will not succeed in making treaties by breaking treaties. I plead for national faith, I speak for the honor of my country. I entreat you, gentlemen, to keep that plighted word, that solemn promise which is the oath of our country: to observe the obligations of a treaty which the other side has kept, and still keeps though we have already pressed hard upon it. If we would abstain from this system of irritating legislation just before elections—for then it always comes up—and approach China in the spirit in which she has treated us, this burden and trouble of Chinese laborers could soon be removed, the very source stopped, and the whole of this unwelcome immigration prevented by the hearty coöperation of China, which we could secure by a new agreement.

But we have strained relations already. The better plan to prevent a threatened inundation of Chinamen of which gentlemen speak is not to construct a dam in this vicious method and at the expense of truth and self-respect, but go to the source and stop it there effectively and forever. We can readily arrange with the Chinese Government for an efficient system, officers of that country and our own coöperating there to prevent any laborer from coming from that empire to the United States. They have often indicated that, approached in a right spirit, they are willing to aid in discouraging emigration and avoid the troublesome questions to which it has given rise. They would do it if we would only treat them with half-way courtesy. They agreed to the Bayard treaty to keep out all laborers, and it would have gone into force but for the insulting demand upon them to ratify within forty-eight hours, as if they were under a bombardment. A general besieging a doomed city could not have been more imperious. Now we add to the embarrassment already surrounding the State Department in any effort to settle this question of excluding Chinese laborers by a bill which so plainly violates our promises that none can vote for it or mention that vote without a blush.

I reserve the remainder of my time.

Mr. CHIPMAN addressed the Chair.

The SPEAKER. The gentleman from California [Mr. GEARY] controls the time in favor of the report.

Mr. GEARY. We reserve that time.

The SPEAKER. The question is upon agreeing to the report.

Mr. HOOKER of Mississippi. I want to speak upon it.

The SPEAKER. But the gentleman has not the floor.

Mr. HOOKER of Mississippi. Have the fifteen minutes on our side been consumed?

The SPEAKER. The gentleman from Illinois [Mr. HITT] has reserved five minutes.

Mr. HOOKER of Mississippi. I hope the gentleman will grant that time to me.

Mr. HITT. I will; but I think the other side should be heard first.

Mr. HOOKER of Mississippi. The gentleman from Michigan [Mr. CHIPMAN] wants to speak on the same side as the gentleman from California; there is no reason why I might not proceed now.

The SPEAKER. The question is on agreeing to the report.

Mr. HOOKER of Mississippi. Mr. Speaker—

The SPEAKER. The gentleman from Mississippi will proceed.

Mr. HOOKER of Mississippi. Mr. Speaker, there are a few features in this report which I want the House to understand. I do not know that we shall be able to get anything like an intelligent decision of this question; because, I must confess, that from the reading of the report of the House conferees as to the matters agreed to between them and the Senate conferees I am not able to understand the exact purport of the agreement. It may be that there are gentlemen of greater acumen than myself who have been able to catch the purport of this agreement from this imperfect and insignificant report—insignificant I mean in respect to its brevity and in respect to its failure to explain the purpose and effect of the bill as now submitted.

If I caught correctly the significance of this report, it embraces in the first place an agreement of the Senate and House conferees upon a provision that when a party is arrested for violation of this act the writ of habeas corpus shall be denied. I have never known a time in the history of this country when that writ was ever denied.

Mr. GEARY. Will the gentleman allow me to ask a question?

Mr. HOOKER of Mississippi. No, sir; you have time of your own; you can make any explanation you wish in your own time. You have called the previous question and limited debate on this matter, as you did when the matter was last before the House.

I say there has never been a time in the history of this country when the writ of habeas corpus has been denied—I mean denied in its entire extent. There has never been a time even in the days of slavery when the humblest slave charged with any offense had not the right to be released upon bail, if the offense was of such a character as to be bailable. This bill, as I understand, virtually denies the writ of habeas corpus, because it clothes the judge with the power of imprisoning the party without bail. Such a thing has never been known in the history of American jurisprudence. You may get glory in this Democratic House of Representatives by putting such a measure upon the statute book. I want to record my vote against it.

There is another feature of the measure as now embraced in this report. It is in absolute violation of the first and second articles of the treaty made with China in 1880. Article 1 of that treaty provides:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

These are the stipulations of the treaty. Thus it will be seen that the right to exclude Chinese laborers was not denied. It was exercised by our Government in the law which was passed providing exclusion for a term of ten years. That law is about to expire; and this bill proposes to continue it, but couples with it provisions denying the right to bail and the writ of habeas corpus to a party arrested under this law.

I want to call attention also to the third article of this treaty:

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

This article provides that Chinese, whether laborers or others, shall be protected to the utmost extent of the power of the United States; it pledges our Government to exercise its entire power to insure such protection. Are you going to repudiate that article by denying to the subjects of the Chinese Empire the right to bail and the right to the writ of habeas corpus as allowed by the general law? Such legislation is in flagrant violation of this treaty.

But this bill embraces another provision novel in American jurisprudence. It proposes that Chinese now in this country shall by application to certain officers named in the bill get what is known in the penal colony of Australia as a "ticket of leave" which they shall always carry with them and always be able to present. That is what every Chinaman in this country under the provisions of this bill will have to procure and produce, a ticket, which he would be able to show, or be subject to arrest by any officer of the Treasury Department or of the Interior Department or any marshal of the United States. I protest against it.

[Here the hammer fell.]

Mr. GEARY. Mr. Speaker, the argument of the gentleman from Mississippi is unfortunately based on a false premise. There is nothing contained in this bill that in any way, shape, or form suspends the right of habeas corpus, nor is there anything in the bill that has been prohibited by the common law.

Mr. HITT. It denies the right of bail.

Mr. GEARY. It does not. The gentleman is entirely mistaken. It does not in any case deny that right where it was ever recognized before in this country. It only changes the time when the bail may be given.

Mr. BUSHNELL. Does not it change the universal rule of the presumption of innocence, and make every man presumably guilty until he himself proves to the contrary?

Mr. GEARY. I will answer the gentleman as I proceed.

I say in response to the gentleman from Mississippi that this has always been the practice in habeas corpus proceedings. We apply to the court in the first instance for the writ, and the writ is issued, directing the body of the person to be produced before the court. After the bringing in of the person, and after the hearing has been begun, if the court sees fit to admit the person to bail pending the continuation of the proceedings, it may do so. But you can not find a single instance in any of the legal proceedings in this country, when the indorsement of the court appears on the paper directing the body of the person to be produced in court, where the bail was allowed before the proceedings in court had actually begun by the presence of the person produced under the writ. That has been the practice in the courts in California.

As soon as the writ issued bail was taken and the individual was not necessarily brought before the court, and when afterwards proceedings were had, under the writ, the individual was not to be found, and a worthless bail bond was all that was left in his stead. But I assert that you can not find an instance in the proceedings and practice of any court where bail was permitted before the body of the prisoner was produced.

Now, Mr. Speaker, all that we say in this bill is that you shall not take this bail bond in the first instance; and nothing is contained in the bill to deny the right of the court to admit the person to bail after the examination has begun. There is not a lawyer in this body who does not know that that has been the practice of the courts in habeas corpus proceedings ever since our courts were organized.

Now, my friend has asked a question in regard to the presumption of innocence. I answer him there is nothing new in this. Our internal-revenue law does precisely the same thing. It says, for instance, that every person who engages in the business of selling liquors or dealing in tobacco must first obtain a license, but when we arrest a man for a violation of the revenue laws the burden of proof is on him to establish his right to deal in these articles, and is not on the people to prove him guilty. This bill is precisely similar. It simply requires another individual to produce a license in the shape of a certificate.

Now, Mr. Speaker, we gave away everything in the House bill that was attempted in the shape of legislation here because it was thought to be too radical. This bill proposes simply to stop all the leaks in existing law and leaves the revision of the system to some other Congress. We must have some law in regard to the matter or otherwise all of the Chinamen now waiting on the frontier to come in will come the day after to-morrow, that being the last day; and rather than allow the lapse of time before proper legislation can be had, and in order to check the incoming of these people who are waiting to cross the lines, the people on the Pacific coast have been compelled to accept this law.

Mr. BUSHNELL. Why not extend the law as it now exists?

Mr. GEARY. Because, my friend, we tried for ten years to enforce that law, and our experience in that direction on the Pacific coast proves how defective it is and what radical changes are necessary.

Mr. BUSHNELL. We gave you money enough to enforce it.

Mr. GEARY. We do not want your money. You can take all the money and the Chinese too. We do not want either. [Laughter and applause.]

[Here the hammer fell.]

The SPEAKER. The time for debate having expired, the

question is on agreeing to the report of the conference committee.

The question was taken; and on a division (called for by Mr. HOOKER of Mississippi) there were—ayes 134, noes 33.

Mr. HOOKER of Mississippi. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 27, not voting 115; as follows:

YEAS—186.

Abbott,	Crosby,	Lawson, Va.	Sayers,
Alexander,	Cutting,	Layton,	Scott,
Babbitt,	Daniel,	Lester, Va.	Seeliey,
Bailey,	Davis,	Lester, Ga.	Shell,
Baker,	De Armond,	Lewis,	Shively,
Barwig,	De Forest,	Livingston,	Simpson,
Blanchard,	Dixon,	Lockwood,	Snodgrass,
Bland,	Dockery,	Long,	Snow,
Blount,	Dolliver,	Loud,	Sperry,
Boatner,	Dungan,	Mallory,	Stackhouse,
Bowers,	Durborow,	Martin,	Stephenson,
Branch,	Edmunds,	McAleer,	Stevens,
Brawley,	Elliot,	McClellan,	Steward, Ill.
Breckinridge, Ky.	Ellis,	McCreary,	Stewart, Tex.
Brickner,	Enloe,	McDonald,	Stockdale,
Broderick,	Everett,	McGinn,	Stone, W. A.
Brookshire,	Forney,	McKinney,	Stone, Ky.
Brown,	Fowler,	McRae,	Stout,
Brunner,	Funston,	Meredith,	Sweet,
Bryan,	Gantz,	Meyer,	Tarsney,
Buchanan, Va.	Geary,	Mitchell,	Taylor, V. A.
Busey,	Gillespie,	Montgomery,	Terry,
Butler,	Goodnight,	Moore,	Tillman,
Bynum,	Gorman,	Moses,	Townsend,
Byrns,	Greenleaf,	Mutcher,	Tracey,
Cadmus,	Hallowell,	Newberry,	Tucker,
Caldwell,	Halvorson,	O'Ferrail,	Van Horn,
Caminetti,	Hamilton,	O'Neill, Mass.	Walker,
Campbell,	Harmer,	O'Neill, Pa.	Warner,
Capehart,	Hatch,	Otis,	Watson,
Caruth,	Haynes, Ohio	Owens,	Weadock,
Castle,	Heard,	Page, R. I.	Wever,
Catchings,	Henderson, N. C.	Patterson, Tenn.	Wheeler, Ala.
Cate,	Hermann,	Patton,	Wheeler, Mich.
Chipman,	Holman,	Paynter,	White,
Clark, Wyo.	Hopkins, Pa.	Pearson,	Whiting,
Clarke, Ala.	Huff,	Pendleton,	Wilke,
Clover,	Jones,	Post,	Willcox,
Cobb, Ala.	Kem,	Price,	Williams, Mass.
Cobb, Mo.	Ketcham,	Raines,	Williams, N. C.
Cockran,	Kilgore,	Randall,	Wilson, Wash.
Cooper,	Kribbs,	Ray,	Wilson, W. Va.
Covert,	Kyle,	Reilly,	Winn,
Cox, Tenn.	Lagan,	Richardson,	Wise,
Crain, Tex.	Lane,	Robertson, La.	Younts,
Crawford,	Lanham,	Rockwell,	

NAYS—27.

Andrew,	Coolidge,	Hitt,
Beeman,	Cox, N. Y.	Hoar,
Belknap,	Craig, Pa.	Hooker, Miss.
Beltzhoover,	Culberson,	Miller,
Brosius,	Curtis,	Powers,
Bushnell,	English,	Storer,
Coburn,	Eppe,	

NOT VOTING—115.

Alderson,	Cummings,	Johnstone, S. C.	Reynolds,
Allen,	Dalzell,	Jolley,	Rife,
Amernan,	Dickerson,	Lawson, Ga.	Robinson, Pa.
Arnold,	Dingley,	Lind,	Rusk,
Atkinson,	Doan,	Little,	Russell,
Bacon,	Donovan,	Lodge,	Sanford,
Bankhead,	Dunphy,	Lynch,	Seull,
Bartine,	Enochs,	Magner,	Shonk,
Belden,	Enoch,	Mansur,	Smith,
Bentley,	Fellows,	McKaig,	Springer,
Bergen,	Fitch,	McKeighan,	Stahlnecker,
Boutelle,	Fithian,	McMillin,	Stone, C. W.
Bowman,	Fluck,	Milliken,	Stump,
Breckinridge, Ark.	Forman,	Morse,	Taylor, Ill.
Bretz,	Fyan,	Norton,	Taylor, Tenn.
Buchanan, N. J.	Geissenhainer,	Oates,	Taylor, E. B.
Bullock,	Hall,	O'Donnell,	Taylor, J. D.
Bunn,	Hare,	O'Neill, Mo.	Turner,
Bunting,	Harries,	Outwaite,	Turpin,
Burrows,	Hayes, Iowa	Page, Md.	Wadsworth,
Cable,	Henderson, Iowa	Pattison, Ohio	Warwick,
Causey,	Henderson, Ill.	Payne,	Washington,
Cheatham,	Hooker, N. Y.	Peel,	Waugh,
Chapin,	Hopkins, Ill.	Perkins,	Williams, Ill.
Clancy,	Houk, Ohio	Pickler,	Wilson, Ky.
Cogswell,	Hull,	Pierce,	Wilson, Mo.
Compton,	Johnson, Ind.	Quackenbush,	Wolverton,
Coombs,	Johnson, N. Dak.	Rayner,	Wright,
Cowles,	Johnson, Ohio	Reed,	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. COWLES with Mr. DOAN.

Mr. AMERMAN with Mr. HENDERSON of Iowa.

Mr. HARE with Mr. JOSEPH D. TAYLOR.

Mr. STUMP with Mr. MORSE.

Mr. STAHLNECKER with Mr. CHEATHAM.

Mr. WILSON of Missouri with Mr. HUFF.

Mr. JOHNSTONE of South Carolina with Mr. SANFORD.

Mr. BENTLEY with Mr. ROBINSON of Pennsylvania.

Mr. BOWMAN with Mr. TAYLOR of Illinois.

Mr. GEISSENHAINER with Mr. WRIGHT.

Mr. BUNN with Mr. BELDEN.

Mr. LAWSON of Georgia with Mr. HOUK of Tennessee.

Mr. ALDERSON with Mr. DOLLIVER.

Mr. PEEL with Mr. WILSON of Washington.

Mr. TURNER with Mr. BARTINE.

Mr. BRECKINRIDGE of Arkansas with Mr. COGSWELL.

Mr. WASHINGTON with Mr. O'DONNELL.

Mr. DICKERSON with Mr. WILSON of Kentucky.

Mr. BANKHEAD with Mr. MILLIKEN.

Mr. McMILLIN with Mr. BURROWS.

Mr. MANSUR with Mr. TAYLOR of Tennessee.

Mr. HARRIES with Mr. JOLLEY.

Mr. BRETZ with Mr. BRODERICK.

Mr. BUNTING with Mr. PERKINS.

Mr. SPRINGER with Mr. REED.

Mr. GILLESPIE with Mr. CHARLES W. STONE.

Mr. TURPIN with Mr. PICKLER.

Mr. ENOCHS with Mr. DUNGAN, until May 4, inclusive.

Mr. FITHIAN with Mr. HOPKINS of Illinois, until the 7th of May, inclusive.

Mr. JOHNSON of North Dakota with Mr. WILLIAMS of Illinois, until May 7, inclusive.

Mr. PIERCE with Mr. LIND, for two weeks, from April 30.

For this day:

Mr. CUMMINGS with Mr. HOOKER of New York.

Mr. MCKAIG with Mr. SHONK.

Mr. COMPTON with Mr. BUCHANAN of New Jersey.

Mr. NORTON with Mr. DINGLEY.

Mr. RUSK with Mr. RUSSELL.

On this vote:

Mr. OUTHWAITE with Mr. BERGEN.

Mr. RAYNER with Mr. LODGE.

Mr. HUFF. Mr. Speaker, I am paired with the gentleman from Missouri [Mr. WILSON] on political questions, but this not being a question of that character, I have taken the liberty to vote.

Mr. WILSON of Washington. Mr. Speaker, I am paired with the gentleman from Arkansas [Mr. PEEL], but on this question it was understood that I was to have the privilege of voting aye, as he would also vote aye.

The result of the vote was then announced as above recorded.

On motion of Mr. GEARY, a motion to reconsider the last vote was laid upon the table.

BUILDINGS IN ALLEYS, DISTRICT OF COLUMBIA.

Mr. FELLOWS. Mr. Speaker, I rise for the purpose of presenting a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution (H. Res. 118) "to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the first amendment and agree to the same with an amendment, namely: Strike out the words "the first session of," so as to read "that the Commissioners of the District of Columbia are hereby instructed not to issue any more permits for buildings intended for human habitation in alleys less than 40 feet in width, in the District of Columbia, during the Fifty-second Congress."

That the House recede from its disagreement to the second amendment and agree to the same, namely: Strike out the words "until further provided for by Congress," and add the words "and that all such permits heretofore granted on alleys less than the width aforesaid shall be revoked where construction shall not already have been actually begun."

J. R. FELLOWS.

JOHN T. HEARD.

W. COGSWELL.

Conferees on the part of the House.

E. O. WOLCOTT.

JAMES McMILLAN.

ISHAM G. HARRIS.

Conferees on the part of the Senate.

The SPEAKER. The Clerk will read the statement.

The statement of the managers on the part of the House was read, as follows:

STATEMENT.

The resolution as reported by the conference committee provides for the suspension of granting permits for houses on alleys less than 40 feet wide, during the present Congress; also for the revocation of all permits where work has not actually begun. The object is to bring about a stay on the part of the Commissioners of the District, until Congress has had opportunity to legislate fully on the subject of alleys, which legislation is now in progress.

J. R. FELLOWS.

JNO. T. HEARD.

WM. COGSWELL.

Conferees on the part of the House.

Mr. FELLOWS. I move the adoption of the report, and on that I demand the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. FELLOWS, a motion to reconsider the last vote was laid on the table.

AMERICAN SHIPBUILDING.

Mr. SNODGRASS. Mr. Speaker, I have a privileged resolution which I desire to have read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas a bill entitled "A bill to encourage American shipbuilding was passed by this House on the 24 day of May, under the suspension of the rules without proper explanation and under a misapprehension as to its provisions at the time, the House was led to believe that the ships mentioned in said bill did not come within the provisions of the act approved March 3, 1891, granting subsidies to American ships; upon examination, said bill gives these ships all the rights and privileges of vessels of the United States so far as subsidies are concerned: Therefore,

Be it resolved, That the Senate be requested to return said bill to the House for reconsideration.

Mr. COCKRAN. I object to the consideration of that resolution.

The SPEAKER. The gentleman from Tennessee [Mr. SNODGRASS], as the Chair understands, claims that this is a privileged resolution. The Chair will hear the gentleman on that question.

Mr. SNODGRASS. Mr. Speaker, upon this question I think that the resolution is privileged. I do not believe that this House, if it commits a mistake and acts upon premises that are not well founded, or if members are imposed upon by the action of any of its members and passes a measure that they do not understand—

Mr. COCKRAN. I rise to a question of order.

Mr. SNODGRASS. And would not otherwise pass—

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. I want to know if it is in order for a member to insinuate in this House that any member has imposed upon his fellow members.

Mr. SNODGRASS. The gentleman from New York is very sensitive. There is nothing in what I have said that can be considered in that light.

Mr. COCKRAN. The gentleman is very much mistaken if he thinks that anything that he could say would in the slightest degree affect me. I am speaking now for the dignity of the House.

Mr. SNODGRASS. The House will take care of itself.

The SPEAKER. The Chair understood the gentleman to only suppose a case.

Mr. SNODGRASS. As I said, the House will take care of its own dignity and integrity, and this is what I am proposing it shall do.

Now, Mr. Speaker, when this bill was presented to this House there was a statement made, and from that statement the members upon this floor, I am satisfied, concluded that the only thing to be granted to these ships was the right to be registered; that the ships, being foreign built, whenever they should be owned by American citizens they should have a right to be registered and receive the protection of the United States, and not a dollar was to be carried by the bill. But on investigation I find that after they become the property of American citizens and have been registered they will be entitled to all the rights and privileges of American vessels in so far as the subsidy clause in the act of 1891 is concerned.

Mr. LOUD. Do you not know that the right to registry carries all with it?

Mr. SNODGRASS. I understood from the statement that they were permitted to sail under an American flag. Now I take it that this House, the Democratic members of it, and the Democratic party pledged against subsidies to ships, railroads, or corporations, if they had known the import and purpose of this bill, would never have passed it. I take it that it was passed under a misapprehension as to its provisions, and I take it for granted that this House can do no wrong without the right to correct it. For these reasons I believe this is a privileged resolution; that it ought to be passed by this House, and the bill recalled for further consideration. So far as I am concerned, I voted against the bill, and should have contested its passage in every way possible if I had had time and opportunity afforded me, and had known the purport and provisions of the outrageous measure.

The SPEAKER. The only question for the House to consider, is whether this is a privileged resolution, objection having been made to its present consideration. It does occur to the Chair that this resolution can have no privilege. There may be circumstances under which a resolution to recall a bill would be privileged. For an instance, that the clerks, in the enrollment of it, had committed an error, or there had been some action of that sort, making it necessary for the House to recall it; but this resolution, as the Chair understands it, contains the allegation that this bill ought not to have passed because the House did not understand it.

Mr. SNODGRASS. Mr. Speaker, I want to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SNODGRASS. Is it in order to move to reconsider the vote by which the bill was passed?

The SPEAKER. It is not; because the bill was passed under a suspension of the rules, which suspends all rules. Further than that, even if it had been, it is too late now to move to reconsider. A motion to reconsider is not in order when a bill has been passed under suspension of the rules, because the mere motion to suspend the rules and pass upon it suspends all other rules. Now, if there were any allegation of any error on the part of the Clerk, or anything of that sort, to make it necessary for the House to recall the bill, the Chair thinks it would be a matter of privilege; but where there is merely a question as to the propriety or impropriety of the passage of the bill the Chair does not think a resolution to recall the bill is privileged.

THE SUGAR TRUST.

Mr. GOODNIGHT. Mr. Speaker, I desire to present a privileged report from the Committee on the Judiciary.

The report was read, as follows:

Mr. SCOTT offered the following:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to furnish the House of Representatives with information in regard to said American Sugar Refining Company or sugar trust, and of prosecutions of said corporation for violation of the act mentioned herein, giving times at which and places where such prosecutions, if any, have been made.

Your Committee on the Judiciary having had under consideration the preamble and resolution submitted by Mr. SCOTT of Illinois, April 16, 1892, calling upon the Attorney-General of the United States for information respecting the sugar trust, respectfully recommend that the accompanying be passed as a substitute therefor, and that the original preamble and resolution lie on the table.

Substitute for preamble and resolution offered by Mr. SCOTT of Illinois, April 16, 1892.

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to furnish the House of Representatives with information as to whether the sugar trust or the American Sugar Refining Company, organized under the laws of New Jersey, has violated the provisions of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and whether prosecutions have been directed or instituted against said trust or corporation for such violations, and if so, when and where they were instituted.

The substitute was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. MCCREARY. Mr. Speaker, I would like to hear some explanation of this resolution.

Mr. GOODNIGHT. Mr. Speaker, as the resolution is reported unanimously by the committee, I did not suppose that any debate would be desired; but, as my colleague [Mr. MCCREARY] desires an explanation, and as the original resolution was introduced by the gentleman from Illinois [Mr. SCOTT], out of courtesy to him I will yield him ten minutes to explain the resolution.

Mr. SCOTT. Mr. Speaker, almost two years have passed since the enactment of the law referred to in the resolutions presented by me to the House and upon which the committee has just reported. This law was designed to prevent combinations of individuals and corporations to the detriment of the people. It made certain acts crimes. Section 2 of the anti-trust law makes the monopolizing or the attempt to monopolize by any person or persons of any part of the trade or commerce among the several States or foreign nations misdemeanors. It was stated that this law was to supplement the enforcement of the established rules of common and statute laws of the States in "dealing with combinations that affect injuriously the industrial liberty of the citizens of the United States."

The Federal courts were armed with power within constitutional limits to check and control the most dangerous combinations which have long threatened the estate, property, and people of the country. It does not seek to touch combinations except those that are unlawful, such as are declared by the several States to be against public policy and destructive of public interests. If their business be legitimate they can combine in any way, so that they do not combine to prevent competition. When a combination tends to advance the price to the consumer of any article necessary to the comfort and convenience of the people it is a substantial monopoly, injurious to the public, and by the rules of both common and civil law is null and void, and a just object of restraint by the courts. In most cases the individuals engaged in such monopoly should be punished as criminals.

It was clearly the intention of Congress, under the act of July 2, 1890, to enable the Federal courts to follow into the different States products transported from the State where manufactured. When any article of general commerce and necessary to the prosperity and welfare of the people, is taken from one State to another, it becomes the object of regulation by national legislation.

THE LITTLE ONES.

Since the enactment of this law, almost two years ago, little has been known of any attempt to prosecute the many gigantic trusts and combines throughout the country. A few sporadic efforts, in themselves insignificant, have appeared. These are the spool and bobbin trust, the retail coal dealers of East Tennessee, and a little medicine combine in Missouri.

Within the past few weeks something of an attempt to prosecute the whisky trust in the Federal courts of Massachusetts has been made. Beyond these information has not been had of any attempt to interfere with the illegal and unjust exactions of the many trusts that have been operated throughout the country.

THE SUGAR TRUST HAS ESCAPED.

Among the most prominent of these, Mr. Speaker, may be mentioned the American Sugar Refining Company, or the sugar trust, and the one alluded to in the resolutions now before the House. This is a gigantic corporation, embracing many millions of capital.

Mr. OATES. You refer now to the sugar trust.

Mr. SCOTT. I do. Its only purpose has been and is to destroy competition in sugar. Until within the last few months there have been a few refiners that have stood out against the trust and fought it. Prominent among these was Claus Spreckels, with refineries both in California and at Philadelphia. A few others have also stood with him in their fight against the combine.

ALL COMPETITION DESTROYED.

Since the 1st of January last the sugar trust has increased its capital \$25,000,000. With this the Spreckels and all other independent, competitive refineries have been purchased or brought completely under the control of the trust. It is said that Mr. Spreckels received between three and four million dollars that his Philadelphia refinery might be taken by the trust.

It is true that there are three refineries not absolutely owned by the trust, but these act in connection and in harmony with it. One at Boston, capacity 1,000 barrels; Claus Spreckels, California, 1,600 barrels, and Havemeyer & Elder's California American Refinery, 2,000 barrels. While these are not absolutely owned by the trust, they are as completely under its control as if they were. So that to-day the entire sugar product of the United States is wholly and absolutely controlled by the trust.

Mr. OATES. Is it not a fact that this sugar trust so completely controls the market that it is the purchaser of all the raw sugar in the United States?

Mr. SCOTT. Yes. Every pound of raw sugar bought, whether produced here or abroad, is bought by the trust and all the refined sugar sold passes through their hands and pays tribute to this conscienceless corporation. In increasing its capital it also provided for \$10,000,000 of 6 per cent bonds with which to operate the business and to silence the competition of any refinery which might hereafter make it interesting. Not only has the sugar trust succeeded in destroying all competition, but it has, at the same time, prepared the means for perpetually preventing competition.

The result of this has been to depress the price of all raw sugar and to largely increase the price of refined. Prior to this absorption of refineries and destruction of competition it was not believed by anyone at all well informed that the sugar trust or those engaged in refining sugar were not making large profits. On the contrary there was every evidence that sugar-refining was a most lucrative business. The present prices of raw sugar, 96¢ centrifugal, and refined, granulated, have been so adjusted by the trust that the net profits are 1½ cents per pound. The cost of refining does not exceed at the most five-eighths of a cent, and the best equipped refineries can produce it at one-half cent. This changed condition between raw and refined, made possible by the absorption by the trust of the outside refineries, has given them enormously increased profits.

ENORMOUS PROFITS.

There is a net increased profit of five-eighths cent per pound, or \$2.03 per barrel. On a minimum yearly production of 12,600,000 barrels this amounts to the enormous sum of over \$25,500,000, or a little more than the amount of the increased capital of the trust, employed to destroy competition.

Experts place the actual value of sugar-trust properties at \$35,000,000, so that the rate of profit on actual valuation is a little over 73 per cent. After paying 7 per cent on \$37,500,000 of preferred stock and 6 per cent interest on the \$10,000,000 of bonds, the above rate of profit would yield almost 60 per cent on the common stock.

Such enormous profits are only possible by giving exclusive and sole control of the market for this commodity, which is a necessity in every household in the land. At the time of the formation of the trust in 1887 the actual value of the establishments taken in was estimated to be about \$15,000,000. Additions since and changes made in the plans, in the opinion of experts, make

the property of the trust worth about \$35,000,000. The remainder of the \$50,000,000 capital, prior to the recent increase, represents undistributed earnings, good will, and plenty of water.

To illustrate the wonderful profit that is made by these refineries, mention may be made of the largest, that of Havemeyer & Elder's Sugar Refining Company, Brooklyn. It is estimated by good authority that the properties and equipments cost not to exceed \$4,000,000. Its capacity is 8,000 barrels per day, giving in one year of 300 days a production of 2,400,000 barrels, or 780,000,000 pounds. Even allowing a net profit of one-half cent per pound, the exact amount of tariff on refined sugar, it will be seen that the annual profit is the enormous sum of \$3,900,000, being almost, if not quite, 100 per cent on the cost of the works.

SUGAR SHOULD BE MADE FREE.

While it is well for the Department of Justice to prosecute this giant corporation for clear violations of the law, it is yet well to go a step further. This trust is perhaps easier to reach, evidence more accessible, and its operations more open than almost any other of the great competition-destroying combinations of the country. For this reason it has seemed singular that the Attorney-General has been content to proceed against the insignificant combines which I have named. He has appeared to regard it more criminal to corner whiskey and make it high than it is to increase largely the price of sugar to every family in the land. Much has been heard during the last year about free sugar under the McKinley law. It requires but a very casual examination to see that this is a mistake.

Sugar is a very highly protected article, as is easily shown by a slight inspection. The tariff on refined sugar, over No. 16 Dutch standard, is one-half cent per pound. No. 16 and under is free of duty and constitutes the raw materials for the trust. The natural protection, owing to transportation, insurance, and other charges to foreign sugar, amounts to about one-quarter of a cent, giving with the one-half cent duty almost total exclusion of foreign refined sugar.

The most effective way, and the one most desired by the people of the country to destroy the power of the trust, is to put sugar on the free list.

REFINING PROFITABLE WITHOUT PROTECTION.

It is very evident that sugar can be refined at a profit sufficient to meet all requirements of capital without any duty whatever. This has been admitted by Mr. Theodore A. Havemeyer, who was president of the original trust, and for many years has been the foremost refiner in the country. Before a committee of Congress he testified, and here is what he said:

Mr. TUCKER (speaking of the competition between the refining interests in this country and the English refining interests). Would you be able to compete in the business market if there was perfect free trade in sugar?

Mr. HAVEMEYER. We would beat them. We can refine sugar cheaper here than they can in England.

It is evident that sugar refining would be profitable without the tariff. Under the old law, allowing a drawback of 90 per cent of duty paid on any raw sugar refined and exported, large quantities were exported and sold in competition with the bountied sugar of Germany. It is also true that considerable quantities of refined sugar are being exported now in competition with sugar produced in England and Germany.

PRESENT TAX IS PROHIBITORY.

The present duty is almost prohibitory, as is shown by a statement from the Bureau of Statistics, which is as follows:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., April 30, 1892.

DEAR SIR: In reply to your inquiry of the 23d instant, I have the honor to inform you that the imports of sugar into the United States during the year ending March 31, last, were as follows:

	Quantity.	Value.
	Pounds.	Dollars.
Free of duty:		
Beet	614,775,181	16,914,647
Cane	3,235,080,334	98,875,782
Total free of duty	3,849,855,515	115,790,429
Dutiable	16,094,195	608,009

The number of pounds of dutiable sugar imported and entered for consumption during the year ending March 31, 1892, was 19,722,708, on which the duty collected amounted to \$105,520.

Very respectfully,

J. N. WHITNEY,
Acting Chief of Bureau,

HON. OWEN SCOTT, M. C.,
House of Representatives, Washington, D. C.

By this it will be seen that only a trifle over 16,000,000 pounds of dutiable sugar was imported during the year ending March 31 last, while the raw materials imported by the sugar refiners free of duty was almost 4,000,000,000 pounds. The reason given for retaining the present duty on sugar was to enable Mr.

Spreckels and other independent refiners to fight the trust. They urged that if they were to fight the trust and at the same time meet the competition of foreign refiners without any duties whatever they would be ruined. In justice to them the present tariff on sugar was retained that they might have some chance to maintain themselves against the then already powerful sugar trust.

It is doubtful whether anyone would have been willing to retain the present tariff on sugar if it had been believed that these independent refiners were only playing a deep game that they might make an enormous profit by selling out to the trust. It has been clearly shown that sugar can be refined free of duty profitably and that the present tariff is simply the means by which the trust is enabled to live and continue its oppressions. It is high time that this giant monopoly should be broken. Sugar should be put absolutely on the free list. Let the trust be compelled to compete with foreign sugar that many millions of dollars annually may be saved to the people of the country.

Mr. SIMPSON. Are the trust refineries not dividing their profits with American laborers?

Mr. SCOTT. They are not.

LABOR DOES NOT SHARE PROFITS.

It can not be claimed that the tariff on sugar or the trust is for the benefit of labor. The complete control of all the refineries by the trust has enabled them to limit production by closing down these great industries. The Spreckels Philadelphia Refinery has lately been closed and 650 men thrown out of employment. This was done to limit production in order that prices might be held up. It is very evident that the plan is to shut down other refineries and send other laborers on the streets to beg or to seek other employment. A great refinery in the city of St. Louis has been standing idle for years because it has been owned by the trust.

These things are true, not that there is any want of demand for sugar, but solely because to keep prices up production must be kept down. The refineries pay very low wages. The largest trust refinery pays 15 and 15½ cents per hour. The work is done by Hungarians and Poles, even Italians preferring as a matter of profit to peddle fruit on the streets.

The New York Press, one of the most ardent protection papers in the country, in speaking of the shutting down of the Spreckels Philadelphia refinery, said lately:

The suspension is not due to overproduction, for the market is active. It is caused solely by the determination of the trust to keep up prices. It is intimated that other refineries may soon close. Performances of this sort are likely to hasten the hour when the popular demand for more efficient public control of great monopolies will be irresistible.

PRESENT DUTY MORE THAN LABOR COST.

The tariff of one-half cent per pound is vastly more than the entire labor cost of producing refined sugar. The tribute paid to the trust in the present tariff has reduced rather than raised the wages of these workmen, since they must apply to but a single employer in the whole country. Whatever may be said regarding the tariff and labor in other directions, no one can for a moment pretend that this large duty, which enables the sugar trust to levy tribute upon the people of the United States, is in the interest of labor. On the other hand, it is directly antagonistic to it. It is not surprising, then, that there should be throughout the country this great demand for absolutely free sugar.

SHOULD ENFORCE THE LAW.

It certainly should be the policy of the Administration which claims credit for the enactment of the anti-trust law to give it a fair test. It owes it to the people of the country to protect them from the exactions of such great monopolies as the sugar trust. It surpasses comprehension that with all the evidence that is easily accessible, not only to the Government but to individuals, this prodigious extortioner should have been permitted for all this time to levy its tribute upon the people. It is said, with what truth I do not know, that within two days the Attorney-General has instructed the district attorney at Philadelphia to begin a civil proceeding, a suit in equity, attacking the validity of the contracts lately made by the trust in acquiring all competitive refineries. It will be seen that this came more than two weeks after the resolutions reported from the Judiciary Committee were introduced by me in this House and referred.

This disposition to bring to justice this violator of law came after it was generally known that the committee had agreed to report the resolution and that the same would be adopted by the House and presented to the Attorney-General. A criminal suit, as contemplated by the Sherman law, would have been far more effective than the present civil suit. It is not quite understood why the whisky and other trusts should be brought into court by indictment and the sugar trust should be given the slow-going route of a proceeding in equity. While this civil suit is dragging its weary length along through the many years it will take to

reach a hearing the trust will be amassing its millions out of the exactions it levies upon the people.

It is hoped, Mr. Speaker, that something may come from this which will bring relief; but the impatience of the country, of all parties, because of the disposition not to prosecute, has become so great that there can not be further concealment and suppression along these lines.

Mr. McCREARY. The gentleman's explanation ought to be satisfactory.

Mr. BURROWS. Will the gentleman from Illinois [Mr. SCOTT] allow me a question? Is this the unanimous report of the committee?

Mr. SCOTT. I think it is.

Mr. BURROWS. There is no division?

Mr. SCOTT. No division.

Mr. BURROWS. Are you conscious of any opposition to the resolution?

Mr. SCOTT. Does the gentleman rise to object?

Mr. BURROWS. I do not.

Mr. SCOTT. I thought he did. Objections usually come from that side when trusts are attacked.

Mr. BURROWS. Are you conscious of any opposition to the resolution? If not, what is this speech for? [Laughter.]

Mr. SCOTT. This speech is in response to a request from the gentleman from Kentucky [Mr. McCREARY] that an explanation be made. It is also fair to presume that the other side under the lead of the gentleman from Michigan [Mr. BURROWS] is ever ready to excuse and apologize for trusts and are opposed to any matter that attacks these legitimate results of the protective system. [Applause.]

Mr. BURROWS. Oh, no; the Republican party passed the law to suppress trusts.

Mr. SCOTT. Then we want to know why your party does not enforce this law. I have made my statement so that the gentleman from Michigan and others may understand why the Department of Justice should be called upon to state whether or not action has been taken against this trust. If during the last two years nothing has been done he should report that information to the House, so that the people may know how the matter stands.

Mr. BURROWS. The gentleman will allow me to say—

Mr. SCOTT. I decline to yield. My time is almost out.

This giant octopus, reaching out into every nook and corner of the land, drawing from the earnings of every laboring man, every one employed in any activity of life, should meet with swift and condign punishment. The very foundation upon which it stands should be withdrawn. Sugar should be made free of all duty, and those who have violated the law should be prosecuted until trusts will become universally unpopular as well as unprofitable. The people demand relief from these great aggregations of capital and greed. No better place to begin can be found than against this corporation. [Applause.]

Mr. GOODNIGHT. I now move the previous question.

Mr. EZRA B. TAYLOR. Will my colleague on the committee, the gentleman from Kentucky [Mr. GOODNIGHT], yield to me?

Mr. O'NEILL of Pennsylvania. I wish to ask the gentleman from Illinois—

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Ohio [Mr. EZRA B. TAYLOR]?

Mr. GOODNIGHT. How long?

Mr. EZRA B. TAYLOR. Five minutes.

Mr. GOODNIGHT. I yield to the gentleman for five minutes.

Mr. EZRA B. TAYLOR. Mr. Speaker, there was no opposition in the committee to this resolution, as I am informed, and there is none in the House. I wish to say, however, that the sugar trust, as was stated by the gentleman who has just taken his seat, was perfected within a month; and before this resolution was drawn—before, so far as I know, it was thought of—proceedings had been commenced by the Attorney-General for the purpose of dissolving that trust, commenced as soon as the evidence touching the contracts was known or could be ascertained. That is the fact, and that is the fact that gentlemen will ascertain when the answer comes to their resolution.

Now, there is nobody on this side of the House that I know of who is in favor of trusts, and I am satisfied that any statement to the contrary is made simply and solely for the purpose of creating political capital, a purpose that overrides in this House, as I understand it, every other consideration—merely political capital.

Mr. BYNUM. Will the gentleman yield for a question?

Mr. EZRA B. TAYLOR. Scarcely, in five minutes. Take your own time.

Mr. BYNUM. I simply wanted to correct that statement as to trusts.

Mr. EZRA B. TAYLOR. There is only one way under the theory of the gentlemen on the other side that these trusts can be affected, and it is in their hands. If the Republican party has

gone a great way in making sugar free, let the other side take the last half step and make it entirely free. If they are in earnest about this matter, let them do that, and they will receive help on this side of the House.

But I am standing here for a moment in addition to say that no man in this House or elsewhere can truthfully assert that any tariff, even an ordinary tariff, ever has any tendency to create trusts. The statement is made over and over again that the great trusts of this country are not protected; the whisky trust and the oil trust are not protected trusts; and the very home of trusts, where they exist in every agricultural community, is the free-trade country of England; and yet that fact is known to every man in this House, and statements will be made over and over again that I say are made for political capital and political objects solely. [Applause on the Republican side.]

Mr. GOODNIGHT. I yield two minutes to the gentleman from Missouri [Mr. O'NEILL].

Mr. O'NEILL of Missouri. Mr. Chairman, in my judgment the only way to reach the sugar trust effectively is for the Democratic Committee on Ways and Means of this House to report a bill putting refined sugar on the free list. [Applause on the Democratic side.] That is the common-sense way of reaching the subject. These investigations accomplish but little. The trusts are always willing to aid your desire for investigation, as they only result in procrastination and delay. In my district there stands one of the grandest refineries in the whole country idle for the past ten years and untenanted, while the owners are receiving an immense interest on the investment from the sugar barons. Let your Committee on Ways and Means report here a bill putting sugar on the free list. It is not a party question, for you will find that honest men of both parties will stand by such a bill in both Houses and it will become a law. [Applause.]

Mr. GOODNIGHT. Mr. Speaker, the gentleman from Ohio states that the sugar trust has only been consummated in the last few months. I think in that he is mistaken. My understanding is that this sugar trust has existed for several years, at least five; but it has been more perfectly consummated in the last few months, since Claus Spreckels and other of the sugar refiners have gone into the combine. They have been able to furnish a capital of \$35,000,000, and last year upon that capital earned over \$25,000,000, or a profit of 73 per cent per annum.

Mr. BOUTELLE. Did not the gentleman give the sugar trust a little too long a life when he said four or five years?

Mr. GOODNIGHT. I think not.

Mr. BOUTELLE. You must have done so, for that would indicate it existed under Cleveland's Administration, and that you know of course would have been impossible. [Laughter.]

Mr. GOODNIGHT. Well, I have no doubt that there were many bad things that existed under Cleveland's Administration. As great a reformer as was Mr. Cleveland, he could not in so short a time correct all the wrongs brought about by your unequal laws. But we hope to remedy all that in time.

I now demand the previous question.

Mr. BRECKINRIDGE of Kentucky. Will my colleague, before he demands the previous question, allow me to make an inquiry whether it would be now in order to move as an amendment, in the nature of a substitute for both resolutions, the following?

Resolved, That on and after June 30, 1892, all sugars imported into the United States shall be admitted free of duty.

If in order, it seems to me that if the gentleman is willing to accept that it will go to the bottom of the whole inquiry.

Mr. GOODNIGHT. I have no objection to the gentleman having it read for information, that it may go into the RECORD, but it is not germane and not in order. I should support such a measure properly reported, but think it can not come up in this way.

Mr. CATCHINGS. Let it be offered and voted on.

Mr. BRECKINRIDGE of Kentucky. Is it in order to offer it as an amendment in the nature of a proviso?

The SPEAKER. Does the gentleman from Kentucky withdraw the demand for the previous question?

Mr. HOLMAN. I hope the gentleman will do so.

Mr. GOODNIGHT. I can not withdraw the demand.

Mr. REED. Regular order.

Mr. BRECKINRIDGE of Kentucky. I desire to give notice if the previous question is not sustained I shall move the adoption of this amendment.

Mr. DOCKERY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOCKERY. In the event that the demand for the previous question is not sustained will the amendment of the gentleman from Kentucky be in order?

The SPEAKER. The Chair does not think it would.

Mr. BRECKINRIDGE of Kentucky. Then I will withdraw the suggestion.

The previous question was ordered, under the operation of which the report was adopted.

On motion of Mr. GOODNIGHT, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25 and March 2, 1889, and by act of Congress approved July 25, 1890.

A bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the consideration of a number of pension bills that came over from the last Friday night session.

Mr. BLANCHARD. I ask unanimous consent that those bills be passed over.

Mr. MARTIN. Giving notice that on to-morrow, at the expiration of the morning hour, I will ask for the consideration of these bills, I will not press them now.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] asks unanimous consent that these pension bills be passed over. Is there objection?

Mr. PICKLER. I object.

Mr. BLANCHARD. I have reached an understanding with the chairman of the Committee on Invalid Pensions with reference to these bills, and he agreed that they should go over until to-morrow. I hope that my friend from South Dakota [Mr. PICKLER] will agree to the understanding reached with the gentleman from Indiana [Mr. MARTIN].

Mr. PICKLER. I insist upon my objection.

The SPEAKER. The Clerk will report the first bill.

Mr. CARUTH. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARUTH. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARUTH. There were a number of these cases in the same condition on the Calendar, that have been there quite a while, and the action of the committee on last Friday evening put a number of other bills in the same condition. My inquiry is whether the first bill on the Calendar is not first in order?

The SPEAKER. The Chair directed the Clerk, in preparing the Calendar of these bills, to put them on in accordance with the time at which the previous question was ordered on their final passage. The operation of that was to put the bills that were reported last Friday evening ahead of the others, as the previous question was ordered on their final passage first.

Mr. CARUTH. Then the effect of that is that "the last shall be first."

The SPEAKER. That seems to be the effect of it. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 1338) granting a pension to Jennie B. Morris.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

The SPEAKER. Shall the bill pass?

Mr. KILGORE. Mr. Speaker—

The SPEAKER. The previous question was ordered, and no debate is in order.

Mr. KILGORE. My understanding is that the previous question was ordered, with the understanding that debate should be allowed if anybody wanted to make a speech.

The SPEAKER. If there was no debate before the previous question was ordered, then debate would be in order.

Mr. KILGORE. I want to make this inquiry: I understand that we have now before the House a bill upon which the Committee of the Whole has previously passed, and upon which the previous question has been ordered to its passage. Now, I do not care anything about debating this bill. I only want to know the status of these bills before the House.

The SPEAKER. The Chair can not hear the gentleman.

Mr. KILGORE. What I want to know is, if these are not a batch of bills which have been previously reported upon by the Committee of the Whole?

The SPEAKER. They are.

Mr. KILGORE. And upon which the previous question has been ordered?

The SPEAKER. That is correct.

Mr. KILGORE. Not only to their engrossment and third reading, but to their final passage?

The SPEAKER. That is correct, and by virtue of that order they come before the House.

Mr. KILGORE. And any member would have a right to make a speech upon any one of those bills under the rule.

The SPEAKER. That depends upon whether there has been any debate previously. The rule provides that where there has been no debate before the previous question is ordered, debate shall be in order; but where there has been debate the previous question cuts off all further debate.

Mr. HEARD. I think there was an agreement that there should be fifteen minutes' debate upon each bill.

Mr. KILGORE. The RECORD, I think, will show that the previous question was agreed to with the understanding that there should be debate.

The SPEAKER. Will the gentleman turn to that. The Chair is not so informed.

Mr. KILGORE. It is in the RECORD. I do not want to debate the bill, but I want any member of the House, who may desire to do so, to have the right.

Mr. DOCKERY. I think I can set the gentleman from Texas right as to the situation. As I remember, there was no debate asked or allowed upon the bills upon which the previous question was ordered a week ago last Friday night, but on last Friday evening, when the request was made for unanimous consent for the previous question to operate upon the passage of the bills, the gentleman from Texas did suggest that we ought to reserve the right of debate.

Mr. KILGORE. I think that appears in the RECORD.

Mr. DOCKERY. But the proposition was not formally submitted to the House.

Mr. KILGORE. That is in the RECORD. The RECORD will show what occurred.

Mr. BUSHNELL. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUSHNELL. My inquiry is whether the fact that there was some debate in Committee of the Whole will preclude debate upon that bill when it comes before the House?

The SPEAKER. The Chair understands that has always been the practice.

Mr. BUSHNELL. Well.

The SPEAKER. The question is on the final passage of the bill.

The question was taken, and the bill was passed.

The SPEAKER. The Clerk will report the next bill.

HARMON H. McELVEY.

The Clerk read as follows:

A bill (H. R. 5342) granting a pension to Harmon H. McElvey.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BAILEY. Do I understand the Chair to rule that there can be no debate on these bills?

The SPEAKER. The Chair stated that it depended upon whether there had been any debate in Committee of the Whole. If the point is made, the Chair will have the RECORD examined to see whether there was any debate in Committee of the Whole.

Mr. BAILEY. I desire to state that the previous question was ordered by unanimous consent, with the distinct understanding that debate would be permitted on them.

Mr. PICKLER. I think the gentleman from Texas is right.

The SPEAKER. No gentleman has expressed any desire to debate.

Mr. BAILEY. I do not want to debate the bill.

The SPEAKER. When any gentleman desires to speak the Chair will have the RECORD examined to see whether there has been any debate in Committee of the Whole.

Mr. BAILEY. I simply wanted to know whether it was competent to order the previous question with the privilege of debate. Do I understand the Chair to hold that debate is not in order on this bill?

The SPEAKER. The gentleman from Texas.

Mr. BAILEY. Am I recognized?

The SPEAKER. If no one objects the Chair does not.

Mr. BAILEY. I have no desire to discuss the bill, but I insist upon a ruling of the Chair, because it would determine my action hereafter in granting unanimous consent to order the previous question.

Mr. PICKLER. Then we do not want a decision.

Mr. BAILEY. I serve notice that hereafter I will object to it.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

The SPEAKER. The Clerk will report the next bill.

ELIZA M. BOATRIGHT.

The Clerk read as follows:

A bill (H. R. 5734) granting a pension to Eliza M. Boatright, the surviving widow of Alexander M. Boatright, who was a soldier in the Black Hawk war, with an amendment.

The amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be engrossed for a third reading.

Mr. OATES. I would like to hear the report read.

The SPEAKER. If there be no objection, the report will be read.

A MEMBER. I object.

The SPEAKER. Objection is made. The Chair will look to the RECORD to see whether there has been any debate on this bill. The Chair knows nothing of any agreement as to debate on these bills. The RECORD discloses no agreement, and the Journal discloses none.

Mr. BYNUM. These bills come from the Committee of the Whole. The rules, as I understand, do not apply to bills considered in Committee of the Whole, because there is—

The SPEAKER. The Chair does not hear the gentleman from Indiana, there is so much confusion.

Mr. BYNUM. All these bills were considered in Committee of the Whole, and of course there was debate there, if any debate was desired, and I do not understand the rule applies to bills considered in Committee of the Whole when they are reported to the House.

The SPEAKER. The Chair does not know whether there was any debate without looking into the RECORD to see whether there was debate or not.

Mr. BAILEY. The RECORD does show that there was an agreement.

The SPEAKER. The gentleman says that the RECORD shows that there was an agreement made. Nothing was agreed to as to debate.

Mr. BAILEY. As a matter of fact they did agree to it.

The SPEAKER. The gentleman says that the RECORD shows an agreement; will the gentleman read it?

Mr. BAILEY. The RECORD shows that Mr. KILGORE suggested "with the right of discussion."

The SPEAKER. Then what did the Chair suggest?

Mr. BAILEY. That it would be proper to have some understanding as to what time was to be allowed.

The SPEAKER. And none was had. The Clerk will read what took place, according to the RECORD.

Mr. OATES. Mr. Speaker, I take it for granted that the rule only applies to debate in the House and not in the Committee of the Whole. If there be debate in the House before the previous question is ordered, that would cut off debate after, because—

The SPEAKER. Will the gentleman furnish some authority for that proposition. The Chair is advised and believes, without having specially looked it up, that the rule has been that if debate has been had in Committee of the Whole there could not be any after the previous question was ordered.

Mr. OATES. There can be no previous question in Committee of the Whole; and therefore I do not think that point would lie in this case. It depends upon whether debate was had in the House before the previous question was ordered.

Mr. REED. The decisions have been uniform the other way.

Mr. BOUTELLE. Mr. Speaker, how could debate be had in the House upon a measure upon which the previous question had been ordered?

Mr. BAILEY. By unanimous consent.

Mr. BOUTELLE. It strikes me that the usage has been uniform, where a measure has been discussed in the Committee of the Whole and the previous question has been ordered and the measure has been reported to the House with the previous question pending, that debate has been held not to be in order.

Mr. BUSHNELL. The Committee of the Whole is not the House.

The SPEAKER. The Chair has not looked into the matter, but is advised and believes that when there has been debate in the Committee of the Whole no further debate is in order in the House after the previous question has been ordered. The rule provides that where there has been no previous debate, when the previous question is ordered there shall be thirty minutes' debate; but debate in Committee of the Whole has been held to be previous debate.

Mr. BOUTELLE. I think the Speaker is clearly right, and, according to my recollection, the only cases in which subsequent debate has been allowed in the House have been cases where there was an agreement for debate outside of the rules.

Mr. BUSHNELL. But how can it be said that the Committee of the Whole is the House?

The SPEAKER. The rule does not specify previous debate

in the House; it says where there has been "no previous debate."

Mr. BUSHNELL. Then, if there has been debate in the committee room, why would not that be "previous debate" under the rule, and cut off debate in the House?

Mr. BAILEY. This order was not made in Committee of the Whole; it was made in the House. I made the point that it was not in order for the House to order the previous question upon the passage of a bill at the same time it ordered it upon the engrossment and third reading, but the Chair held that it was competent for the House to do anything by unanimous consent. Then I suggested that I would make no objection provided there should be an opportunity for discussion, or rather the gentleman from Texas [Mr. KILGORE] made that suggestion, and that was agreed to. The gentleman from Mississippi [Mr. ALLEN] said that the House was discussing an important appropriation bill, and that it would not be proper to lay that aside for these private bills.

I then suggested that the chairman of the committee [Mr. MARTIN] could have these bills laid aside so as not to conflict with the appropriation bill, and remarked that he would undoubtedly consent to do that, and he did consent. Then the Chair asked whether there was objection to the request of the gentleman from Indiana. The gentleman [Mr. MARTIN] agreed to the suggestion embraced in the colloquy of the gentleman from Texas [Mr. KILGORE], the gentleman from Mississippi [Mr. ALLEN], and myself, and by unanimous consent it was agreed that the previous question should be ordered on engrossment, third reading, and final passage of these bills, with the right to debate.

The SPEAKER. The Chair must, of course, be bound by the RECORD. The Chair desires to dispose of this question and he must be bound by the RECORD unless by unanimous consent.

Mr. BAILEY. Then the Chair decides that there can be no debate.

The SPEAKER. The Chair will have the proceedings read so that the House can see just what took place according to the RECORD.

Mr. WILSON of Washington. Mr. Speaker, does it make any difference how the previous question has been reached so long as it has been reached?

The SPEAKER. Not at all. The Clerk will read what took place:

The Clerk read as follows:

The SPEAKER. The Chair will submit the request. The gentleman from Indiana asks unanimous consent that on all bills that have been reported from the Committee of the Whole on Friday night sessions of the House the previous question be considered as ordered to the engrossment, third reading, and final passage of the bills.

Mr. KILGORE. With the right of discussion.

The SPEAKER. The gentleman better have some understanding as to what time is to be allowed.

Mr. ALLEN. I have no objection, but I wish to state that this all means time being taken up in the House. We have some appropriation bills pending that we think it very important the House should dispose of, and I am opposed to putting all this Friday night business ahead of the day business in the House to-morrow.

Mr. BAILEY. As I understand, if the request should be granted to-night, the House to-morrow, by unanimous consent, could lay these bills aside. I suppose the chairman of the Committee on Invalid Pensions would be perfectly willing to do that.

Mr. MARTIN. I would be willing to let them be laid aside by unanimous consent.

Mr. BAILEY. Then I will ask the chairman of the committee to consent to that.

Mr. MARTIN. I will do it very cheerfully.

The SPEAKER. Is there objection to the request of the gentleman from Indiana. [After a pause.] The Chair hears none: and the order will be entered in the Journal.

The SPEAKER. The House will see that the gentleman from Texas [Mr. KILGORE] did make the suggestion that debate should be permitted upon these bills. It might have been the purpose of the House to agree to that suggestion, as some gentlemen who were present say it was, but the RECORD fails to disclose that agreement. The Chair suggested that there had better be some agreement about the time, and that seems to have been the last that was said upon that point. Now, of course, the Chair desires to carry out the wishes of the House as expressed at that time. This, however, seems to be a question that is arising only theoretically, because the Chair has not heard anybody express a desire to debate.

Mr. HEARD. I desire to say that the gentleman from Indiana [Mr. MARTIN], the chairman of the Committee on Invalid Pensions, has carried out his agreement. He was willing that these bills be laid aside by unanimous consent; but the gentleman from South Dakota has objected. As nobody, however, wants to debate the question, why not go on now and dispose of these bills?

Mr. PICKLER. I beg the gentleman's pardon. I objected only to the proposition of the gentleman from Louisiana for unanimous consent to put this order further aside.

Mr. HEARD. That is exactly what the agreement was. In Committee of the Whole the gentleman from Mississippi [Mr. ALLEN] suggested that, in view of the pendency of the appropri-

ation bills, these bills should be laid aside, so as not to interrupt the consideration of the appropriation bills. The gentleman from Indiana [Mr. MARTIN] assented to that being done by unanimous consent; unanimous consent was asked, and the gentleman from South Dakota objected, as I understand.

Mr. PICKLER. There was no appropriation bill mentioned at all. No one raised any question in regard to the appropriation bills. The river and harbor bill was not thought of at that time.

The SPEAKER. The Chair will state what seems to be an equitable and just disposition of this matter. From the statements of the gentleman from Texas, the gentleman from New York, and other gentlemen, this order was evidently made with the condition, as they understood, that there should be debate. If, therefore, any gentleman wishes to debate any bill submitted, the Chair will ask unanimous consent that he be permitted to do so, believing this to have been really the intention of the parties who made this agreement.

Mr. DOCKERY. That is right.

Mr. OATES. I do not care to have any debate; but I asked awhile ago that the report in this case be read, and objection was made.

The SPEAKER. The reading of the report is in the nature of debate.

Mr. OATES. I know it is, but I would like to have the report read in order that we may know what we are voting upon.

The SPEAKER. How much time does the gentleman desire?

Mr. OATES. No time, except such as the reading of the report may occupy.

The SPEAKER. Without objection, the report will be read.

Mr. RICHARDSON. My only objection to the reading of the report is that I do not wish to have it inserted again in the RECORD. It was printed in last Friday night's proceedings.

Mr. OATES. Does my friend from Tennessee read all that is in the RECORD?

Mr. RICHARDSON. I was present and heard this report read. What I object to is having the report published twice in the RECORD. I have no objection otherwise.

The SPEAKER. The Clerk will read the report.

The report, as already published, was read.

The SPEAKER. The question is on the passage of the bill.

Mr. BAILEY. Mr. Speaker, I desire to discuss this bill.

The SPEAKER. The gentleman from Texas will proceed.

Mr. MARTIN. I raise the point of order that under the rule or order the gentleman has no right to debate the bill; and I wish to be permitted to say—

The SPEAKER. The Chair thinks there was an understanding—at least a private understanding according to the statement of the gentleman, and the Chair himself was present—

Mr. MARTIN. Let me say further that I make this objection not because I desire to cut off debate, but simply that there may be a ruling so that we may hereafter know just what understanding to make. The gentleman from Texas [Mr. BAILEY] has stated his recollection, which is exactly in accordance with my own, as to what occurred on last Friday night.

Mr. BAILEY. Now, Mr. Speaker, I desire—

The SPEAKER. The Chair will state—

Mr. BUSHNELL. On the point of order I wish to say—

Mr. BAILEY. I have the floor—

The SPEAKER. The Chair will hear the gentleman from Wisconsin [Mr. BUSHNELL].

Mr. BUSHNELL. I raise the point of order, if it can be done pending the point already raised—

The SPEAKER. The Chair can not entertain a second point of order while one is already pending.

Mr. BUSHNELL. I wish to say in that my judgment the understanding arrived at in the Committee of the Whole last Friday night, that there should be no debate on these bills, or that the previous question should be ordered, does not go to the extent of precluding the House from the opportunity of finding out what these several bills are that we are now to vote upon.

The SPEAKER. The gentleman is mistaken in his premises. This was done in the House, and not in Committee of the Whole. These bills were reported to the House from the Committee of the Whole and the agreement was made in the House.

As to the question of discussion, the Chair not only has his own recollection, but is supported by the statement of other gentlemen, that the gentleman from Texas did make a suggestion in reference to debate upon each of these bills, and the Chair called attention to the fact that there should be some agreement as to time, but none was made. The Chair thinks, therefore, that the unanimous consent which was given for ordering the previous question on the final passage of these bills, which could not have been otherwise ordered, carried with it also an implied understanding that there should be debate if desired.

Mr. BUSHNELL. I shall insist then, Mr. Speaker, that in the

calling up of these bills any member shall be entitled to have the report read if he desires.

The SPEAKER. Undoubtedly. That is in the nature of debate.

Mr. BUSHNELL. To that extent I understand we have the right to debate.

The SPEAKER. Why, the Chair has just ruled that the right to debate exists if insisted upon.

Mr. BUSHNELL. I understand the Chair to hold that that is by unanimous consent. But if the Chair rules that debate is admissible under the agreement heretofore made, I am satisfied.

The SPEAKER. The Chair has made the ruling as distinctly as he could, but of course can not be responsible for the gentleman's failure to understand it.

Mr. BAILEY. Mr. Speaker, while the point of order which was made was purely theoretical, yet it is of practical value, because it was made for the purpose of enabling us to understand how to act with reference to these matters hereafter. It has frequently happened that there are many bills reported from the Committee of the Whole on which we are perfectly willing that the previous question shall be ordered if the ordering of the previous question can carry it with an agreement that there may be debate, so that in the event that a further investigation of them shall show them without merit we shall have opportunity of discussing and opposing them. If, however, this agreement for the previous question can not carry the right of discussion, I for one will refuse hereafter to agree to unanimous consent that the previous question should be ordered even to the engrossment and third reading of the bill.

The SPEAKER. The first question is on ordering the bill to be engrossed and read the third time.

Mr. KILGORE. There is an amendment reported to this bill by the Committee of the Whole.

The SPEAKER. The amendment has already been agreed to by the House, as the Chair is informed, which was to strike out "fifteen" and insert "twelve."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

MARY GATLIN.

The next business reported from the Committee of the Whole was the bill (H. R. 5364) granting a pension to Mary Gatlin.

Mr. BUSHNELL. I ask for the reading of the bill and also the report.

The bill and report were read at length.

Mr. BUTLER. Mr. Speaker, I want to say a single word, not perhaps exactly applicable to this bill, but in this line. Every one of these reports and bills has been printed in the RECORD, and if there is any member present who wants to see them, or to read them, he can find them by searching the RECORD back to the last Friday night session. I want to suggest further that if members who are calling for the reading of the bills and reports had been here at the Friday night sessions they would have heard them read and heard the discussion upon them. We can save time by having our RECORD open and looking a little back at the last night session as these bills are reached. [Cries of "Vote!" "Vote!"]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole, were severally considered, ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

The bill (H. R. 5363) granting a pension to David C. Barrow;

The bill (H. R. 5383) to increase the pension of Aaron V. Hamilton, late member of Fremont's battalion, Mexican war; and,

The bill (H. R. 5330) for the relief of Frederick Meredith, late soldier in the Indian war of 1832.

JAMES H. THOMPSON.

The next business reported from the Committee of the Whole was the bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson, with an amendment.

The amendment recommended by the committee was adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ABRAM GROAT.

The next business reported from the Committee of the Whole was the bill (H. R. 2430) for the relief of Abram Groat, with an amendment.

The bill was considered.

The amendment recommended by the committee was adopted, and the bill as amended was ordered to be engrossed and read a

third time; and being engrossed, it was accordingly read the third time, and passed.

ANNA MORGAN BURNS.

The next business reported from the Committee of the Whole was the bill (H. R. 7146) to pension Anna Morgan Burns, with an amendment.

Mr. BUSHNELL. I ask for the reading of the report in that case.

The report was read at length.

The amendment recommended by the committee was adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DAVID REED.

The next business reported from the Committee of the Whole was the bill (H. R. 7123) granting an increase of pension to David Reed, with an amendment.

Mr. BUSHNELL. Let the report be read.

The report was read.

The amendment recommended by the Committee of the Whole was adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JAMES McCAMMON.

The next bill reported from the Committee of the Whole was the bill (H. R. 4302) granting a pension to James McCammon.

The SPEAKER. This bill has already been ordered to be engrossed and read a third time. The question is on the passage of the bill.

The bill was passed.

ROBERT CASEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 1292) for the relief of Robert Casey.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

JEROME H. BIDDLE.

The next bill reported from the Committee of the Whole was the bill (H. R. 3310) for the relief of Jerome H. Biddle.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

JAMES E. GRAY.

The next bill reported from the Committee of the Whole was the bill (H. R. 1727) to remove charge of desertion against James E. Gray.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

CHESTER F. GROUT.

The next bill reported from the Committee of the Whole was the bill (H. R. 1336) granting an honorable discharge to Chester F. Grout.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read third time; and being engrossed, was accordingly read the third time, and passed.

JOAN VAN FOSSEN.

The next bill reported from the Committee of the Whole was the bill (H. R. 1662) removing the charge of desertion against Joan Van Fossen.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

WILLIAM A. BIRCH.

The next bill reported from the Committee of the Whole was the bill (H. R. 4043) granting an increase of pension to William A. Birch.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

JANE A. WARD.

The next bill reported from the Committee of the Whole was the bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward.

Mr. BUSHNELL. I call for the reading of the report on that bill.

The Clerk began the reading of the report.

During the reading

Mr. BUSHNELL said: Mr. Speaker, having heard so much of the report, I will withdraw the demand for the further reading. The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

AARON J. OLIVER.

The next bill reported from the Committee of the Whole was the bill (H. R. 2049) for the relief of Aaron J. Oliver.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

MARGARET CHRISTIEN.

The next bill reported from the Committee of the Whole was the bill (H. R. 4886) to pension Margaret, mother of Leon Christien.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

NOAH STALEY.

The next bill reported from the Committee of the Whole was the bill (H. R. 2496) granting a pension to Noah Staley.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

ELIZABETH R. CRAWFORD.

The next bill reported from the Committee of the Whole was the bill (H. R. 3838) to pension Elizabeth R. Crawford, widow of C. A. Crawford, soldier in Creek war of 1836.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

ANDREW J. JONES.

The next bill reported from the Committee of the Whole was the bill (H. R. 3123) to pension Andrew J. Jones for services in the Indian wars.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DAVID L. TRUOX.

The next bill reported from the Committee of the Whole was the bill (H. R. 2902) for the relief of David L. Truox.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

LUCY HASKELL.

The next bill reported from the Committee of the Whole was the bill (H. R. 5602) granting a pension to Lucy Haskell, mother by adoption of John Haskell.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BUSHNELL. I call for the reading of the report on that bill.

The report was read.

Mr. BUSHNELL. I desire to say that in my judgment that bill ought not to pass. It does not appear from the report of the committee what the ability of this woman's husband now is, and it does not appear but that he is amply able to support her. The committee do not seem to have made any inquiry about that at all. I remember that when that bill was up before the committee the question was asked as to that, and it was not answered; and it does further appear in my judgment that under existing laws, if that adopted child were put in precisely the place of the woman's own child, this pension could not be granted. It does not appear that she was dependent upon him for support, maintenance, or assistance.

The SPEAKER. The question is on the passage of the bill. The bill was passed.

MARY JEWETT TELFORD.

The next bill reported from the Committee of the Whole was the bill (H. R. 5021) granting a pension to Mary Jewett Telford, an army nurse, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY ISABELLA HUTCHISON.

The next bill reported from the Committee of the Whole was

the bill (H. R. 5377) granting a pension to Mary Isabella Hutchison, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MISS ADA BOODGER, OF LOCKPORT, N. Y.

The next bill reported from the Committee of the Whole was the bill (H. R. 5766) granting a pension to Miss Ada Boodger, of Lockport, N. Y., with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM S. WOODWARD.

The next bill reported from the Committee of the Whole was the bill (H. R. 2,98) granting a pension to William S. Woodward, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. WHITE.

The next bill reported from the Committee of the Whole was the bill (H. R. 3767) granting an increase of pension to George W. White, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

OBE SUTHERLAND.

The next bill reported from the Committee of the Whole was the bill (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States Army, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Without objection the several motions to reconsider will be entered, and a motion to lay on the table the motions to reconsider on each of these bills will be agreed to.

There was no objection, and it was so ordered.

Mr. RICHARDSON. Mr. Speaker, in several instances the reports in these cases have been read to-day. These same reports were read when the bills were considered, and were printed in the RECORD. I want to ask that these reports be not again inserted to-day, as there is no use of reprinting them and reinserting them in the RECORD after having been once published.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? The Chair hears none.

APPOINTMENT OF CONFEREES.

The SPEAKER announced as conferees on the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, Mr. OUTHWAITE, Mr. MITCHELL, and Mr. BELKNAP.

REPRINT OF A REPORT.

The SPEAKER. The Committee on Public Buildings and Grounds requests leave to have printed 2,000 copies of Report No. 1078, as to the erection of public buildings. It seems to be only two or three pages. If there be no objection that order will be made.

There was no objection, and it was so ordered.

LINEAL PROMOTION IN THE ARMY.

Mr. OUTHWAITE. Mr. Speaker, I am directed by the Committee on Military Affairs to ask nonconcurrence in the Senate amendments to the bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry, and ask for a committee of conference.

The SPEAKER. The Chair will submit the request of the gentleman, but the Clerk will first report the title of the bill.

The Clerk read as follows:

A bill (H. R. 328) establishing lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army.

The SPEAKER. This is a House bill with Senate amendments, and the gentleman from Ohio asks unanimous consent to nonconcur in the Senate amendments and ask for a conference on the disagreeing votes of the two Houses. Is there objection?

Mr. BRECKINRIDGE of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE of Kentucky. If objection be made, what will be the course of the bill?

The SPEAKER. The bill would have to take its place on the Calendar.

Mr. BRECKINRIDGE of Kentucky. Would it go back to the Committee on Military Affairs?

Mr. OUTHWAITE. This is the unanimous report of the Committee on Military Affairs.

The SPEAKER. It is reported from that committee, and it would go upon the Calendar.

Mr. BRECKINRIDGE of Kentucky. Then anyone who wants to defeat the bill would only have to object so as to get it on the Calendar.

The SPEAKER. That looks like a reasonable proposition. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none. The Chair will appoint as conferees the gentleman from Ohio [Mr. OUTHWAITE], the gentleman from Alabama [Mr. WHEELER], and the gentleman from Iowa [Mr. HULL].

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I believe it is in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation and revenue bills.

The SPEAKER. The first thing in order would be to dispense with the morning hour for the call of committees for reports.

Mr. HOLMAN. I ask that that be done.

The SPEAKER. The gentleman from Indiana asks unanimous consent that gentlemen having reports may file them with the Clerk. Is there objection? [After a pause.] The Chair hears none.

Mr. MUTCHLER. I beg the gentleman from Indiana to yield to me for just two minutes to offer a resolution. It will not take a minute.

Mr. HOLMAN. Well.

READING RAILROAD COMPANY AND LEHIGH VALLEY RAILROAD COMPANY.

Mr. MUTCHLER. I offer for consideration the resolution which I send to the desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for present consideration of a resolution which the Clerk will report, after which the Chair will ask if there be objection.

The Clerk read as follows:

Whereas by the law of the United States, approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," it is provided that every person who shall monopolize or attempt to monopolize, or combine, or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States, or with foreign nations, is declared to be guilty of a misdemeanor, and upon conviction thereof be subject to fine and imprisonment; and

Whereas it is alleged that the Reading Railroad Company, a corporation organized under the laws of the State of Pennsylvania, has combined with the Lehigh Valley Railroad Company, a corporation organized under the laws of said State, with the Central Railroad Company of New Jersey, a corporation organized under the laws of the State of New Jersey, and with certain other corporations engaged in the production of anthracite coal, for the purpose of monopolizing the anthracite coal trade: Therefore,

Be it resolved, That the Attorney-General of the United States be, and he is hereby, requested to inform the House whether any information has been furnished the Department of Justice on this subject of such a character as will authorize him to institute proceedings under the law referred to against the persons who, it is alleged, have combined in violation of said law, and if such information has been received at the Department of Justice to communicate the same to the House, if not incompatible with the public interest in respect thereof.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. REED. I do not see why these things should not take the regular course.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will report the first bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 7530) making appropriations for sundry civil expenses for the Government for the fiscal year ending June 30, 1893, and for other purposes.

Mr. BLANCHARD. Mr. Chairman, I move, under clause 4 of Rule XXIII, that that bill be laid aside; my reason being that I propose to move to take up the river and harbor bill instead of the sundry civil bill.

The CHAIRMAN. The motion is not open to debate.

Mr. HOLMAN. But the gentleman from Louisiana has indulged in some debate.

Mr. REED. Regular order.

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that I have the same length of time that the gentleman from Louisiana [Mr. BLANCHARD] has had without objection.

Mr. REED. Regular order.

Mr. HOLMAN. I ask unanimous consent that I may be allowed as much time as the gentleman from Louisiana has occupied.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is not in order. Debate is not in order, and as soon as the gentleman from Louisiana [Mr. BLANCHARD] began to make a statement the Chair called him to order.

Mr. HOLMAN. Not until he had made his statement.

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana.

Mr. BURROWS. Mr. Chairman, I do not understand that there is any motion to be put. The gentleman from Louisiana asks that the bill the title of which has been read by the Clerk be passed over, and I have not heard any objection to it.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] objected.

Mr. HOLMAN. I should think I did object. [Laughter.]

The CHAIRMAN. The committee will rise and the Chair will report to the House under the rule.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the first general appropriation bill upon the Calendar, the sundry civil appropriation bill, and that the gentleman from Louisiana [Mr. BLANCHARD] had moved that the bill be laid aside, to which objection had been made by the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER. The gentleman from Missouri, Chairman of the Committee of the Whole, reports that the committee, on the call of the Calendar, having reached the sundry civil appropriation bill, objection was made to its present consideration, whereupon the committee rose and directed its Chairman to report that fact to the House; and the question now is, Shall that bill be laid aside?

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that three minutes be allowed for a statement of the reasons why the motion of the gentleman from Louisiana should not prevail.

Mr. CATCHINGS. I object.

The SPEAKER. Objection is made.

Mr. HOLMAN. Who objected? No gentleman rose to object.

The SPEAKER. The gentleman from Mississippi [Mr. CATCHINGS] objected. The question is, Shall this bill be laid aside for the present?

The question was taken; and the Speaker declared the ayes, seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 122, noes 48.

Mr. HOLMAN. Mr. Speaker, I do not call for the yeas and nays, because I do not wish to consume the time.

The SPEAKER. The ayes have it, and the House instructs the committee to lay aside the sundry civil appropriation bill. The committee will resume its session.

The Committee of the Whole accordingly resumed its session, Mr. HATCH in the chair.

The CHAIRMAN. The Clerk will report the next general appropriation bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 7820) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BLANCHARD rose.

Mr. HOLMAN. Mr. Chairman, I believe the river and harbor bill is not one of the general appropriation bills within the meaning of the rule. It has always been held that it was not.

Mr. BLANCHARD. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] makes that point, the quickest way to get over the difficulty will be for the Clerk to go on down the Calendar until he reaches what are general appropriation bills, and I will ask the committee to lay them all aside, and after that is done the river and harbor bill can come up under the rule.

The CHAIRMAN. The Chair has instructed the Clerk to read the title of the next general appropriation bill on the Calendar. If there are no other general appropriation bills on the Calendar—

Mr. HOLMAN. There are two regular appropriation bills on the Calendar.

The CHAIRMAN. The Chair will have the bills reported by their titles under the rule.

The Clerk read as follows:

A bill (H. R. 3609) making appropriation and provision for the construction of a United States revenue cutter for service in the harbor of San Francisco, State of California.

Mr. BOUTELLE. That is not a general appropriation bill.

Mr. BLANCHARD. I ask unanimous consent that that bill be laid aside—

Mr. PICKLER. I object.

Mr. BURROWS. That is not a general appropriation bill.

The CHAIRMAN. The gentleman from Michigan is right. This is not a general appropriation bill.

Mr. HOLMAN. The next general appropriation bill is the post-office bill. [A pause.]

Mr. WILSON of Washington. What is the business before the House?

The CHAIRMAN. The Chair will state to the gentleman that the House has resolved itself into Committee of the Whole on the state of the Union—

Mr. WILSON of Washington. For the consideration of what?

The CHAIRMAN. General appropriation bills, and as soon as the first bill can be found it will be read by its title. [A pause.]

Mr. BLANCHARD. It seems that the Clerk can not find any appropriation bill upon the Calendar, and I submit that the next business in order after general appropriation bills is other appropriation bills—

The CHAIRMAN. The Chair will state to the gentleman that there is simply an oversight in not having the bills here. A messenger has been sent to the Clerk's office for them.

Mr. HOLMAN. I will furnish the Clerk with the title of the next bill. It is on page 9 of the Calendar—a bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1893.

The CHAIRMAN. The Clerk will read the title of the next general appropriation bill.

The Clerk read as follows:

A bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1893.

Mr. BLANCHARD. I ask that that bill be laid aside.

The CHAIRMAN. The gentleman from Louisiana asks that this bill be laid aside.

Mr. HOLMAN. I believe under the rule when there is objection to the consideration of a bill the committee rises and the question is submitted to the House.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read clause 4 of Rule XXIII, as follows:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to passing over any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana that this bill be laid aside?

Mr. HOLMAN. I submit to the Chair that under the rule the gentleman simply objects to the consideration of this appropriation bill.

Mr. BLANCHARD. Oh, no; the gentleman is mistaken.

Mr. HOLMAN. Well, I object to the bill being laid aside. The House ought certainly to act upon these appropriation bills.

The CHAIRMAN. Objection being made, the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the House being in Committee of the Whole for the consideration of general appropriation bills, the committee had reached upon the Calendar the post-office appropriation bill; that Mr. BLANCHARD had asked that the bill be laid aside, whereupon objection was made; and the matter was now reported to the House for its action.

The SPEAKER. The question under the rule is, Shall this bill be laid aside in Committee of the Whole for the present? [A pause.] The ayes seem to have it.

Mr. BUTLER. I call for a division.

The question being again taken, there were—ayes 122, noes 27.

Mr. BUTLER. No quorum.

The SPEAKER appointed as tellers Mr. BLANCHARD and Mr. BUTLER.

The House again divided; and the tellers reported—ayes 152, noes 24.

So the Committee of the Whole was directed to pass over the bill.

The Committee of the Whole resumed its session.

The CHAIRMAN. The Clerk will report the next general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 8533) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. BLANCHARD. I ask unanimous consent that that bill be passed over for the present.

Mr. BUTLER. I object.

The CHAIRMAN. Objection being made, the Committee of the Whole will rise and report the objection to the House.

The Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having reached in the consideration of general appropriation bills the fortifications bill, objection was made to passing it over, whereupon the committee rose and he reported the same to the House.

The SPEAKER. The question is, Will the House direct the Committee of the Whole to pass over the fortifications bill?

Mr. BOUTELLE. Mr. Speaker, is there not some way that we can get at this thing in bulk, and save this seesawing back and forth from the House to the committee?

The SPEAKER. The Chair does not know of any.

Mr. BOUTELLE. Then we have to go back into the House again each time we reach one of these bills and seesaw backwards and forwards?

The SPEAKER. The Chair would not call it seesawing. [Laughter.]

Mr. BOUTELLE. Well, would it not be in order to make some omnibus motion to cover all of these cases?

The SPEAKER. The Chair thinks not.

Mr. REED. The system does not permit it.

The SPEAKER. The question is, Will the House direct the committee to lay aside the fortifications bill?

The question was taken; and on a division, demanded by Mr. BUTLER, there were—ayes 156, noes 21.

So the committee was directed to lay aside the bill.

The Committee of the Whole resumed its sitting.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The Chair is informed that there is no other general appropriation bill on the Calendar, and the Clerk will report the river and harbor bill, which, under the rule, is next in order.

Mr. HOLMAN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. Is there anything in the rule that gives that bill priority over current measures on the Calendar?

Mr. BLANCHARD. Why, certainly.

The CHAIRMAN. The Chair did not understand the question of the gentleman from Indiana.

Mr. HOLMAN. I ask if the rule gives that particular measure priority over other bills on the Calendar?

Mr. BOUTELLE. Why, we went into Committee of the Whole to consider general appropriation bills.

The CHAIRMAN. The Clerk will read clause 4 of Rule XXIII. The Chair thinks that there can be no question about the matter.

The Clerk read as follows:

4. In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, etc.

The CHAIRMAN. The Chair thinks it is very clear that general appropriation bills are first in order, and after they have been considered or laid aside the river and harbor bill is next in order under this rule, the House having resolved to lay aside all these other bills. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7830) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BLANCHARD. Mr. Chairman, I ask unanimous consent that the first formal reading of this bill be dispensed with. It will have to be read in detail for amendments later on, under the five-minute rule, and nothing can be gained by reading it now in full.

Mr. HOLMAN. Mr. Chairman, this would seem to be a good moment to determine upon the amount of general debate. There is one portion of this bill I think that will give rise to some discussion. How much time does the gentleman suggest?

Mr. BLANCHARD. I will state in reply to the gentleman that it has not been my purpose, in opening the general discussion, to ask the House just at present to place any limit upon it. After awhile, when the general debate shall have run on for a time, and we can ascertain what the temper of the House is in respect to it, I then propose to ascertain how much time the House desires to give to the general discussion of the bill.

The CHAIRMAN. The Chair will state that as far as the request of the gentleman from Louisiana is concerned it will not affect the order of general debate. Is there objection to the request?

Mr. PICKLER. I object. I think that during the reading of this bill I may be able to ascertain why 1,700 miles of the Missouri River get no appropriation.

The Clerk began the reading of the bill.

During the reading

The CHAIRMAN said: The Chair requests the attention of gentlemen. The Sergeant-at-Arms will please request gentlemen who are standing in the aisles to be seated. The gentleman from South Dakota [Mr. PICKLER] has demanded the reading of the bill, and evidently wants to hear it, and the Chair will see that he has an opportunity to hear it.

Mr. RAY. Let him take a copy and read it himself.

The Clerk resumed the reading of the bill.

Having proceeded for some time

Mr. WILSON of Washington said: Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. That has been asked, and the gentleman from South Dakota [Mr. PICKLER] objected. Unless the gentleman from South Dakota will withdraw his objection—

Mr. WILSON of Washington. I understood that I could ask unanimous consent after some little time had elapsed, and that if he did not renew his objection we could dispense with the further reading of the bill. I understood that to be a parliamentary proceeding. If the Chair overrules me—

The CHAIRMAN. Unless the gentleman from South Dakota withdraws his objection the bill will have to be read.

Mr. WILSON of Washington. Do I understand the Chair to rule that unanimous consent can not be asked at any time during the reading of the bill?

The CHAIRMAN. The Chair does not so hold, and the Chair would stop the reading of the bill at any time if the gentleman would state that the gentleman from South Dakota withdraws his objection.

Mr. WILSON of Washington. Then I have to state that, in asking unanimous consent, do I? It is a queer parliamentary situation.

The CHAIRMAN. The Clerk will proceed.

The Clerk proceeded with the reading of the bill.

Subsequently,

Mr. PICKLER said: Mr. Chairman, at the urgent solicitation of a great many gentlemen, I withdraw my objection.

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] withdraws his objection to the request that the first reading of the bill be dispensed with. Is there further objection? There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Louisiana [Mr. BLANCHARD].

Mr. HOLMAN. I hope that we may now have some understanding as to general debate.

Mr. BLANCHARD. I understand the gentleman from Indiana [Mr. HOLMAN] desires that the remainder of this afternoon be devoted to general debate. I hope there will be no objection to that.

Mr. HOLMAN. It is possible that gentlemen may not wish to occupy that time. I hope we may have an understanding limiting the general debate so that it may close to-day.

Mr. BLANCHARD. Then I ask that general debate end with the session of this day.

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] asks unanimous consent that all general debate upon this bill end with the session of to-day. Is there objection?

Mr. PICKLER and Mr. SEERLEY objected.

The CHAIRMAN. Objection is made by the gentleman from South Dakota and the gentleman from Iowa. The Chair will recognize the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. Mr. Chairman, under the general heads of agriculture, mining, manufacturing, and transportation is included the far greater part of the aggregate wealth of our country and, indeed, of all countries. The first three give birth in practical form to those commodities, the exchange of which constitutes commerce; and the last is the instrumentality or means through which this exchange is effected.

The three great questions affecting the industrial world, more perhaps to-day than ever before in the history of the world, questions which lie at the very foundations of the industrial fabric itself, which are closely interwoven in that complex organization called government, and on which depends the wellbeing of society itself, are finance, production, and transportation, and according as these questions are more or less wisely handled and solved, is a people's advancement in progress and prosperity.

The bill under consideration deals directly with one of these questions and indirectly affects them all. The popular demand for cheap transportation for the products of our farms and mines and manufactories is the foundation upon which the bill rests,

is that which called it into being, and is alike its excuse and justification.

The development of our water ways, Mr. Chairman, should be made, not only because the water way furnishes the cheapest possible form of transportation, but also because it is the greatest possible regulator of railway rates. If the bill under consideration tends to cheapen transportation in any degree adequate to the amount of money it carries, then it would seem to be the part of wisdom on the part of Congress to enact the measure into law.

This bill, Mr. Chairman, carries an aggregate amount of \$21,290,975, and is based upon estimates submitted by the War Department aggregating, for old or unfinished projects and projects that are new, in the sense that never before have they been appropriated for, about \$70,000,000. In addition, there were a number of new projects, some seventy odd in number, that were not considered by the committee at all, though reported favorably by the War Department, upon surveys ordered in the last river and harbor act.

The last river and harbor act, Mr. Chairman, contained orders for surveys in number about two hundred and twenty-five. Of that number the War Department reported as worthy of improvement, ninety. Of this ninety, within the limits of a \$21,000,000 bill, the Committee on Rivers and Harbors found it impossible to provide for more than some twenty or twenty-five. So that if we take the new projects reported favorably, but which we found ourselves unable to consider, and add the estimates for them to the estimates for the old projects and for the new ones which we did consider, there were before the committee estimates aggregating at least \$85,000,000; and the problem presented to the committee was to make twenty-one million go into eighty-five million with the quotient of general satisfaction—a problem which I think you will agree with me was a somewhat difficult one to solve.

The last river and harbor act, approved September 19, 1890, carried \$24,981,295, or \$3,690,320 more than the present bill carries. In the bill we are now considering the sum of \$14,365,979 has been recommended for the improvement of rivers and other water-way channels, and \$6,799,996 for the improvement of harbors and for breakwaters, etc.

It would not be amiss, Mr. Chairman, at this time to give to the House a statement of what this Government has done in all the past in the way of river and harbor appropriations. The total amount of appropriations for rivers and harbors has been, all told, \$204,137,649.

These appropriations began in Jefferson's Administration, in 1800, with \$25,000 appropriated for the improvement of a stream in my own State of Louisiana. The sum of \$14,699,745 was expended for river and harbor improvements prior to 1860. Between 1860 and 1870 the amount expended was \$12,789,182; between 1870 and 1880, \$68,035,656; between 1880 and 1890, inclusive, \$108,613,066, or only \$204,000,000 in less than a century.

France, with but little more than one-half of our population and one-seventeenth of our territorial area, has, since 1814, appropriated for the construction of her canals and for the improvement of her rivers and harbors, \$650,000,000; and, in addition to that, she has expended upon railways the enormous sum of \$700,000,000.

And yet, Mr. Chairman, borrowing the illustration of Mr. S. A. Thompson, of Duluth, who appeared before the River and Harbor Committee, if our State of Texas could be made into a circular sea and France made into a circular island and placed in the center of this sea there would be a strip of ocean 100 miles wide all around France. And yet that little country has expended \$1,350,000,000 on her canals and railways and rivers and harbors, while we have been expending \$214,000,000 upon our rivers and harbors. France paid Germany one billion and sixty millions in gold as a war indemnity, yet in a few years the French people were more prosperous than those of Germany. Their incomparable system of transportation facilities by wagon, rail, and water had much to do with it.

The Dominion of Canada, in proportion to her population and resources, has expended enormously more than the United States in developing both rail and water ways. With less than one-twelfth of our population, she has expended on the lakes and the St. Lawrence River \$54,596,180, and, besides this, she has built and equipped 1,217 miles of railway at a cost of \$54,557,579. In England \$60,000,000 are now being expended to connect the city of Manchester with the sea at Liverpool.

With these examples of river and harbor appropriations by other countries—and they might be multiplied in number—I propose now to call attention to some figures and observations upon the question of transportation by water which I gather from the census of 1890. The Census Bulletin No. 179, dated the 26th of April of this year—and gentlemen will see by the date that the bulletin is only a few days old—contains statistics of transportation by water in the United States, and shows the extent

of the transportation fleet of this country at the close of the year 1889. This transportation fleet, and the vast interests it represents, are directly benefited by the appropriations which this bill carries.

Now, this transportation fleet, as shown by the census report, numbered at the close of 1889 25,540 steamers, sailing vessels, and unrigged craft, whose gross tonnage was 7,633,676 tons, and whose estimated commercial value was \$215,069,296.

This statement, it is important to observe, excludes the many thousands of vessels operating on our canals. It also excludes the vessels engaged in the fishing industry, of which there is a fleet numbering nearly 7,000, as shown by the report of the Commissioner of Navigation.

It also excludes the thousands of vessels coming under the head of pleasure craft. It includes only such vessels engaged in industry of transportation as are of American ownership, and (with the exception of some of the unrigged) only such as are registered in the ports of the United States. It excludes hundreds and perhaps thousands of vessels (mainly unrigged), which, though not registered, are nevertheless engaged in the transportation business.

Since 1881 the registration of barges and such other craft as have no motive power of their own has not been insisted on, except in the infrequent cases of those engaged in the carriage of bonded goods.

The statement from the census report also excludes the many vessels not of American ownership which navigate our waters, carrying passengers and freight.

Now it will be seen that, excluding all our fishing vessels, which number 7,000, excluding all the vessels coming under the head of pleasure craft, excluding all vessels not owned by Americans, excluding also all vessels that are not registered in some one of our ports, and taking only those vessels engaged in the transportation industry of the country which are of American ownership and are registered in American ports, they aggregate in value \$215,000,000.

Table No. 2 of this census report presents some large figures, showing that during the year ended December 31, 1889, the freight movement by the whole of the operating American mercantile fleet amounted to no less than 172,110,423 tons of all commodities. Table 3 shows that the number of persons of all classes employed to make up the ordinary crews of all operating vessels of the United States, exclusive of pleasure craft on the Atlantic and Gulf coasts, during 1889, number 106,436, and that the total amount paid in wages was no less than \$36,867,305. There are eleven tables accompanying the report, but I will only print with my remarks the first three, as follows.

TABLE 1.—EQUIPMENT.—Statement showing number, tonnage, and value of all steamers, sailing vessels, and unrigged craft registered in all the ports of the United States on December 31, 1889, given by the great geographical divisions.

Geographical divisions.	Total.			Steam vessels.		
	Num-ber.	Long. tons.	Value.	Num-ber.	Long. tons.	Value.
Atlantic coast.....	12,453	2,794,440	\$123,874,177	2,713	793,571	\$70,593,090
Gulf of Mexico.....	1,008	77,562	3,851,270	230	45,591	2,951,450
Pacific coast.....	1,842	441,939	23,067,370	531	170,503	15,526,455
Great Lakes.....	2,784	926,355	48,941,474	1,489	569,949	41,193,324
Mississippi Valley	7,453	2,393,380	15,335,005	1,114	210,772	10,539,251
Total.....	25,540	7,633,676	215,069,296	6,067	1,820,386	140,813,570

Geographical divisions.	Sailing vessels.			Unrigged.		
	Num-ber.	Long. tons.	Value.	Num-ber.	Long. tons.	Value.
Atlantic coast.....	6,490	1,383,108	\$45,545,357	3,250	617,761	\$7,735,730
Gulf of Mexico.....	613	17,249	788,110	175	14,722	101,710
Pacific coast.....	828	208,080	6,715,570	489	63,356	835,345
Great Lakes.....	987	187,006	4,275,650	308	139,400	3,472,500
Mississippi Valley	.....	.....	.....	6,339	3,182,608	4,795,751
Total.....	8,912	1,795,443	57,324,087	10,561	4,017,847	16,931,039

TABLE 2.—FREIGHT TRAFFIC.—Statement showing the freight movement in tons by all classes of United States commercial craft operating during the year ended December 31, 1889.

Geographical divisions.	Total all craft.	By steam-ers.	By sailing vessels.	On unrigged craft.
Atlantic coast.....	77,507,626	28,778,341	28,283,401	10,535,884
Gulf of Mexico.....	2,864,956	1,455,450	1,350,526	49,980
Pacific coast.....	8,818,363	5,741,940	2,761,826	314,597
Great Lakes.....	53,424,432	20,181,483	19,302,949	13,940,000
Mississippi Valley.....	29,405,046	10,345,504	.....	19,059,542
Total.....	172,110,423	66,502,718	61,707,702	43,900,003

TABLE 3.—CREWS AND WAGES.—Statement showing the total number of persons of all classes employed to make up the ordinary crews of all operating vessels of the United States during the year ending December 31, 1889.

Geographical divisions.	Total all craft.		Steamers and un-rigged.		Sailing vessels.	
	No. of em-ployés.	Amount of wages paid.	No. of em-ployés.	Amount of wages paid.	No. of em-ployés.	Amount of wages paid.
Atlantic coast.....	*34,850	*18,892,190	23,174	10,358,426	31,685	8,503,773
Gulf of Mexico.....	*3,891	*1,215,744	2,479	880,743	1,412	335,001
Pacific coast.....	15,890	6,127,701	9,750	3,682,062	6,059	2,445,639
Great Lakes.....	15,881	5,322,790	11,309	3,891,601	4,572	1,431,188
Mississippi Valley	15,996	5,338,832	15,966	5,338,862	.....	.....
Total.....	*106,436	*36,867,305	62,708	\$24,151,694	43,728	12,715,611

* Exclusive of pleasure craft on the Atlantic coast and Gulf of Mexico.

Mr. Chairman, perhaps the most important feature of this bill is the extent to which it goes in authorizing continuing work upon the larger of our river and harbor projects of improvement. The bill puts under what is called "the contract system" ten of the largest projects of river and harbor improvement now in progress in the United States. These projects are the following: Point Judith harbor of refuge, on the New England coast; Charleston Harbor, S. C.; Savannah, Ga.; Mobile, Ala.; Humboldt, Cal.; Hudson River, New York; Columbia River, Oregon; what is called the 20 and 21-foot channel through the shallows of the connecting waters of the Great Lakes, and the Mississippi River. The appropriations which the bill itself carries for these ten projects of river and harbor improvements, which are put under the contract system, aggregate \$6,560,000.

Now we authorize the Secretary of War, in the case of each of these ten projects, to make a contract for the completion of the work. The aggregate amount of which the bill authorizes the expenditure, outside of what the bill itself carries, is \$26,702,321.

Mr. Chairman, this contract system is somewhat of a new departure in river and harbor improvement. This, it is true, is not the first time that the system has been entered upon. The river and harbor act which became a law in 1890 contained an authorization to the Secretary of War to put under the contract system, looking to their completion, the great works going on in the harbors of Baltimore, Galveston, and Philadelphia, and that at the Sault St. Marie, and at Hav Lake Channel.

That was the first time this system was embarked upon, and so satisfactory has it been found in its operation that the Committee on Rivers and Harbors, in framing this appropriation bill, concluded to extend the system, believing that it is the true solution of river and harbor improvement. It does away with the old dribble system of appropriation, which was wasteful in the extreme. This contract system, it is believed, attains the desired end in the shortest time and at the minimum of expense. Attention is invited to the following letter and statement furnished me by the Chief of Engineers, showing the saving to the Government by the application of this system to the five projects authorized in the last bill:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., March 30, 1892.

SIR: In compliance with your oral request I inclose a statement of the percentages of saving at the various river and harbor works upon which continuing contracts have been authorized by Congress, as compared with the annual contract system of preceding years or with the original estimates.

Very respectfully, your obedient servant,
THOS. LINCOLN CASEY,
Brigadier-General, Chief of Engineers.

HON. NEWTON C. BLANCHARD,
Chairman of Committee on Rivers and Harbors,
House of Representatives.

St. Marys Lock and Canal.—Only the contracts for the excavation of the lock and contracts for the masonry of the lock have been made, but in these contracts alone there has been a saving of some 15 per cent of the estimated cost. Amount of saving, \$768,000.

At the Hay Lake Channel the work, estimated to cost \$2,659,115, will be completed upon the execution of the existing contracts, and fully \$900,000 within the estimate, a saving of one-third, or 33 per cent.

At Galveston it is believed the continuous contract for the construction of the jetties has resulted in the saving of some 10 per cent of the original estimates, saving by this method \$700,000.

Baltimore Harbor.—The price in the continuing contract is 15 per cent less than the average prices paid in the past ten years under the system of annual contracts, saving by this method \$94,500.

Philadelphia Harbor.—The price under the continuing contract is only 33 per cent of the average price which during the past ten years has been paid on the Delaware for similar dredging under annual contracts.

Mr. Chairman, it was this exhibition of economical results which induced the Committee on Rivers and Harbors to extend this system of continuing work. Let me illustrate the great benefits to be derived by the system. Here, for instance, is a project of improvement, like the proposed waterway channel on the Great Lakes, to get 20 and 21 feet of water from the cities of

Duluth and Chicago to Buffalo, the work being estimated to cost \$3,500,000.

We appropriate in this bill \$500,000 for this project. But we go further and authorize the Secretary of War to make a contract for the completion of the work—one single contract. Heretofore, under the old dribble system of appropriations for rivers and harbors, coming once every two years, the Secretary of War was limited in making contracts to the amount of money appropriated in the bill for the particular project of improvement.

But now, still taking this project on the Great Lakes by way of an illustration, he may make a contract not only for the \$500,000 which this bill carries for that work, but he is also authorized by the terms of the bill to enter into a contract for the completion of the whole project; and we expect that under this authorization it will cost less to complete the work than it was originally estimated for by the engineer in charge.

I believe from the investigation I have been able to make that if this contract system, commenced in the last river and harbor bill and continued in this one, had been adopted by this Government some ten or twelve years ago there would have been a saving in the amount of money expended for river and harbor improvements from 1880 down to the present time of at least \$20,000,000. I repeat, if we had as far back as 1880 authorized contracts to be made for the larger projects of river and harbor improvement, as we do now, that the aggregate of the amounts appropriated for river and harbor improvements from that time to this would have exhibited a saving of not less than \$20,000,000.

I have dwelt upon this feature of the bill at considerable length, because I have understood that it is this provision which is likely to be most vigorously opposed on this floor. We have selected only the larger of the river and harbor projects of improvements to put under the contract system. I would like to have gone farther and put all of the more important projects of improvement under this system. But we did not dare to go that far as yet. We had only commenced on this system in the last river and harbor act, and it had not yet developed enough to justify going that far.

Mr. SAYERS. Will it interrupt the gentleman to ask him a question just here?

Mr. BLANCHARD. Not at all.

Mr. SAYERS. Will the gentleman from Louisiana be kind enough to state whether the contracts which are authorized by this bill are limited as to the maximum amount to be applied to each improvement?

Mr. BLANCHARD. I am glad my friend from Texas asks that question. Every one of these ten projects, which are placed under the contract system by this bill, is limited in the amount that can be expended for its completion. For instance, the River and Harbor Committee had before it information to show just exactly how much it would require to complete the works at Mobile, at Charleston, and elsewhere, and we appropriated for each of the contract places a given sum of money, and then authorized the contract to be made for the completion of the entire work not to exceed in the aggregate the amount which the engineers reported to us would be required to complete the same.

Mr. SAYERS. Then another question, if the gentleman will allow me. Do these provisions also put any restrictions upon the amount of expenditure for each year?

Mr. BLANCHARD. I will answer the gentleman—

Mr. SAYERS. The question I mean to ask is this: Is the chief of engineers to be allowed to make a contract for the expenditure of any amount of money that he may consider necessary to complete the work during any particular year?

Mr. BLANCHARD. I will state to the gentleman from Texas that there is no limit placed upon nine of these contracts as to the amount that may be expended in any one particular year. We authorize the Secretary of War to make the contracts. Take the harbor of refuge on the New England coast, for instance, the Point Judith Harbor. It will require, according to the estimate of the engineers, \$1,175,000 to complete that work. Now, we appropriate in this bill \$100,000 for continuing the work, and we authorize the Secretary of War to make additional contracts to complete it. The amount necessary to complete it, over and above what the bill carries for the work, is \$1,075,000, but we do not place a limit as to how much of that can be expended in any one year.

We authorize the Secretary of War to make a contract for its completion. We expect this to take from three to four years, and the Secretary of War is expected to report to the next session of Congress how much money he will require for that project to meet the payments under the contract for the fiscal year succeeding the one for which appropriations are made in the present bill.

Mr. DOCKERY. Will the gentleman allow me to ask him a question? Do I understand him to say that of the entire author-

ization, amounting in this bill to some twenty-seven millions of dollars, contracts might be made under which the entire sum could be expended during the coming fiscal year?

Mr. BLANCHARD. No, sir, I do not intend the gentleman to understand me in that way. I said all of these but one. Now, take the Mississippi River. That is the one I have reference to. From St. Paul to the mouth of the river, more than twenty-two hundred miles, no one can tell how much it is going to cost to improve such a river. Therefore, when we come to authorize continuing work upon the Mississippi River, we limit it to sixteen millions in all, of which this bill carries four millions, the other twelve millions to be expended in annual installments of four millions each for three years, this bill carrying four millions for the coming fiscal year. The last Congress appropriated for the Mississippi River more than \$5,000,000.

This bill carries only \$4,000,000, and limits the amount to be expended to the same amount annually for three years additionally. But not so with the contracts authorized for the harbors and for the Hudson and Columbia Rivers and the Great Lakes. While no limit as to annual expenditure is placed here the committee was satisfied the work at each would run through at least three years, perhaps four. Such is the case as to the projects put under the contract system in the last river and harbor act.

Mr. SAYERS. Will the gentleman please state to the committee how much will be left of the entire amount to be contracted for after deducting the Mississippi contract, which, I believe, he has stated amounts to \$16,000,000? I simply ask for information.

Mr. BLANCHARD. If my friend from Texas [Mr. SAYERS] will allow me, I stated that this bill carries for these projects that are placed under the contract system \$6,560,000, and we authorize an additional expenditure of \$26,702,321 more, making in all \$33,262,321 which the bill carries and authorizes. Now, if you take out the amount for the Mississippi River it is \$17,262,321.

Mr. SAYERS. Seventeen millions applied to the other works? Mr. BLANCHARD. Yes, including what this bill itself appropriates.

Now, Mr. Chairman, I wish to call attention to some matters showing the beneficial results which flow from the improvement of our rivers and harbors. I propose to do it by taking the average freight rate for 1890 upon the railway system of the United States, and then the average freight rate for 1890 for the commerce carried upon the Great Lakes. The average rate of charges for freight received by all the railways in the United States for the year 1890 was 9.22 mills per ton per mile, and at that rate the transportation by rail of the lake cargoes would have cost \$169,647,132.

Now, the average rate on all freights carried upon the Great Lakes in 1890 was about 1.2 mills per ton per mile against the railway rate of 9.22 mills per ton per mile, making the total cost of water transportation on the Great Lakes \$22,619,000, equal to an economy over the cost of transporting the same freight by rail of \$147,027,514. In other words, if the cargoes transported on the Great Lakes in 1890 had been compelled to be carried by the railway system of the United States it would have cost \$147,000,000 more to carry it by the railway system than it costs to carry it by water. It has been demonstrated that \$1 can be made to do on the Great Lakes what it would cost \$26 to do on the best railway in the United States. The best steamships on our Great Lakes maintain a faster average rate of speed per hour than is maintained by any railroad on freight trains.

Mr. HERBERT. Is that the average rate of freight vessels or of all vessels?

Mr. BLANCHARD. I mean the average rate on the best steamships plying on the lakes.

Now, take the water way known as the Sault St. Marie and Hay Lake Channel, connecting Lake Superior with Lake Huron. The Government of the United States has been for many years and is now engaged in making large expenditures there in order to afford better facilities for passing the falls of the St. Marys River than we have heretofore had. The Government has there now, and has operated for years, one of the largest locks for the passage of boats up and down that there is in the world.

Note the increase of commerce passing through that single canal and lock, as shown by the following table, since 1885:

Valuation for—		Valuation based on estimates of 1885.	
1885	.....	\$53,413,472.13	
1886	.....	69,080,071.95	
1887	.....	79,031,737.78	
1888	.....	82,156,019.97	
1889	.....	83,732,527.15	
1890	.....	102,214,948.70	
1891	.....	128,178,208.51	
Canal was open to navigation during season of 1890, 228 days; 1891, 225 days.			

Mr. Chairman, that refers only to the commerce on Lake Su-

terior; and yet it is much larger in volume than the international commerce that goes through the Suez Canal. Take another part of these Great Lakes. Take the Detroit River, where the Government has been expending and is now expending large sums of money. The statement is even more remarkable. The tonnage passing through Detroit River in the two hundred and thirty-four days of navigation in 1889 amounted to 36,203,606 tons, 10,000,000 tons more than the entries and clearances of all the seaports of the United States put together and 3,000,000 tons more than the combined foreign and coastwise shipping of the great commercial ports of Liverpool and London.

The freight tonnage in and out of New York Harbor in 1889 was 11,051,236 tons, and the freight and tonnage in and out of all the seaports of the United States in that year was 26,983,315 tons. At Liverpool in 1890 there entered and cleared freight tonnage aggregating 14,175,200 tons, and at London 19,245,417 tons. We thus get an idea of the vast commerce floating on this great inland water way, known as the Great Lakes, justifying fully the past and proposed expenditures of the Government for their improvement. It is a showing of commerce, I submit, Mr. Chairman, that justifies not only the amount which this bill carries for every project upon the Great Lakes, but it would justify ten times the amount.

Take the Mississippi River and its tributaries, constituting the next greatest inland system of water way on earth, a system aggregating more than 16,000 miles of navigable water way. On the Mississippi River and its navigable tributaries in the year 1890 there were 7,455 craft of all kinds, with a tonnage of 3,393,379. These vessels had an aggregate value of \$15,335,000. Now, this fleet, operating upon the Mississippi River and its tributaries, carried in 1890 31,050,058 tons of freight of all kinds, of a valuation of \$93,174,150, or a total valuation of cargoes and vessels amounting to \$107,509,150.

In the same year there were transported upon the Mississippi River and its tributaries 10,858,894 passengers, of whom, and from all causes, only 195 were lost.

Mr. Chairman, I wish to call attention to another of our great water ways, and of the freight and passenger traffic accommodated upon it—the Hudson River. I have spoken of the Great Lakes and the Mississippi River system of water ways. Now, take the Hudson River—one of the projects placed under the contract system in this bill. The total tonnage of all kinds on the Hudson River during 1890, exclusive of the tonnage which came into the Hudson River from the canals which connect with the lakes, was 15,033,309 tons. I have not the figures showing the tonnage which came into it from the lakes, but it is very large. The Hudson River was a highway for freight during the year of 1890, aggregating twenty odd million tons; and there was carried upon the river in the same year 5,000,000 passengers.

In 1890 the freight rate on a bushel of corn between Chicago and Buffalo was 1.9 cents per bushel; in 1871, nineteen years before that, it was $7\frac{1}{2}$ cents a bushel; in 1859 it was 15 $\frac{1}{2}$ cents a bushel. So that by the improvement of this great water way, freights have decreased from 15 $\frac{1}{2}$ cents a bushel for the transportation of corn between Chicago and Buffalo in 1859 to $7\frac{1}{2}$ cents a bushel in 1871, and to 1.9 cents a bushel in 1890. The average season rate on coal from Buffalo to Duluth and Superior in 1890 was 39.4 cents per ton. In 1891, a year later, it was 31.8 cents per ton. From November 10, 1891, to the close of the navigation on the lakes, coal was carried from Buffalo to Duluth, 1,000 miles, for 10 cents a ton. In 1891 the rate on coal by lake from Buffalo to Chicago during almost the entire season was from 40 to 60 cents per ton, and the freight season rate was 56 cents per ton.

In 1887 the average rate was \$1.05 per ton. In 1867 it cost \$4.25 per ton on an average to carry iron ore from Escanaba to Lake Erie; in 1870 the same service cost \$2.50; in 1889 the rate was \$1.13, and in 1891 it was 82 cents. These figures are furnished me by Mr. C. H. Keep, of Buffalo, the secretary of the Lake Carrier's Association.

[Here the hammer fell.]

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana [Mr. BLANCHARD] be permitted to continue his remarks without limit.

There was no objection, and it was so ordered.

Mr. BLANCHARD. Mr. Chairman, I will not take up much more of the time of the committee with this statistical information. I have a large amount of it here which I ask leave to incorporate in my speech as it will be printed in the RECORD.

There was no objection.

Mr. SIMPSON. If the gentleman will permit me, I wish to call his attention to the fact that the water competition has brought down the railroad rates for freight, and in that way has saved the people many million dollars besides what he has stated.

Mr. BLANCHARD. I was coming to that. The saving of which I have spoken is the difference between the cost of trans-

portation by water and what would have been the cost of transportation by land. That is, if the Great Lakes had not been there and this enormous traffic had had to be carried by rail, it would have cost, at the present average rate of railway freight transportation, \$140,000,000 more than it actually cost to carry it by water.

But my friend from Kansas [Mr. SIMPSON] is entirely correct when he says that these figures do not represent the total saving to the American people resulting from the existence of this water way. They represent only a tithe of the saving, because this water way known as the Great Lakes, penetrating from tide water at the mouth of the St. Lawrence, or from tide water at the mouth of the Hudson and through the Hudson and the canals—penetrating from tide water more than 1,400 miles into the interior of the country, comes into competition for the carriage of this immense volume of freight with the railroads that penetrate that country, and this competition by water regulates the cost of transportation by railroad. And, by reason of that competition, there is a much greater saving than the actual difference between the cost of transportation by water and the cost of transportation by rail.

Mr. PICKLER. Does not the same rule apply to the great rivers?

Mr. BLANCHARD. The same rule exactly. I have shown that there were carried upon the Mississippi River and its tributaries in 1890 more than \$31,000,000 worth of freight of an aggregate value of more than \$90,000,000, and the same saving results in the transportation of freight upon our rivers in proportion as upon the Great Lakes. I believe, however, that we have not yet reached upon any of our great rivers as low a rate of transportation as the rate upon the Great Lakes. We find that the deeper we get the channels in our water ways the cheaper is the transportation of freight.

Mr. CATCHINGS. If the gentleman will permit me I will state that the difference is only five-tenths of a mill per ton per mile between the rate of transportation on the lakes and the rate on the Mississippi River.

Mr. BLANCHARD. I was not aware the difference was so small. The fact that we have been enabled to bring down freight rates upon the Great Lakes to as low as 1.2 mills per ton per mile is an argument justifying the appropriation in the bill for the deep-water channel of 20 and 21 feet from Chicago and Duluth to Buffalo, and the figures cited by the gentleman from Mississippi [Mr. CATCHINGS] in regard to transportation rates upon the Mississippi River system of water ways are an argument justifying the wisdom of the committee in placing in this bill the provision for the continuing work upon the Mississippi River under the contract system.

Mr. WHITING. The gentleman has stated that last year the freight rate on iron ore from Escanaba to Lake Erie ports was 82 cents per ton.

Mr. BLANCHARD. Yes, sir.

Mr. WHITING. I see that this year charters are made and ore is being carried at 55 cents per ton, and yet there has not been any deepening of the channels between the lakes in the mean time. Therefore I draw the conclusion that it is not entirely by deepening of the channels that the freight rates are lowered.

Mr. BLANCHARD. Mr. Chairman, through the shallows in the connecting water ways of the lakes the Government of the United States has been engaged every year for years in deepening the channels. Last year and the year before that work was going on, and the gentleman from Michigan [Mr. WHITING] is mistaken when he says that a deepening of those channels has not taken place between 1890 and the present time.

Mr. WHITING. Ah, I did not state that at all. I simply stated that the 82-cent rate of last year had been followed by the 55-cent rate of this year, without any change being made in the channels in the mean time.

Mr. BLANCHARD. But the gentleman must recollect that the river and harbor bill which passed in September, 1890, carried appropriations for deepening those channels. For instance, the Grosse Point channel, the St. Clair Flats canals, the Detroit River channel, and work at those points has been going on in the working season since then.

Mr. WHITING. Exactly; and the water is shallower to-day than it has been since 1886.

Mr. HOUK of Ohio. That only shows the necessity for further appropriations.

Mr. BLANCHARD. I have no knowledge, Mr. Chairman, that there is any shoaling of the water in any of those channels at the present time beyond what existed last year and the year before. On the contrary, Gen. Poe, the engineer officer in charge of that portion of the work, reports satisfactory results in all the operations that he has been engaged in, and those have been operations looking to securing additional depths in the channels.

Mr. SIMPSON. And I would call the attention of the gentleman to the fact that the great difficulty heretofore has been not so much in the channels as in the depth of water in the different harbors. The deepening of the water in the harbors has justified the building of a larger class of vessels, and that has had a tendency to lower freight rates.

Mr. BLANCHARD. The remarkable lowering in freight rates from the figures which prevailed in past years upon the lakes and upon the Mississippi River results from the fact, as shown by gentlemen who appeared before the River and Harbor Committee, and who have made this subject a study, and as is shown also by the engineers' reports—this remarkable saving, I say, results more largely from the fact that vessels of greater draft and larger carrying capacity can pass through the channels.

Mr. SIMPSON. I would also call attention to another fact which will throw some light upon this question. I understand that this year navigation has opened earlier than usual, and every man who has any knowledge of the lakes understands that a long season always brings down freights, while a short season raises them.

Mr. BLANCHARD. Mr. Chairman, I do not desire to take up any more of the time of the committee in this general discussion, and unless some gentleman wishes to ask me further questions upon this subject I will yield the floor and give way to some gentleman who may desire to address the committee on the river and harbor bill.

Mr. REILLY. I only want to ask the gentleman a question. I suppose nobody would question the wisdom and propriety of making these appropriations for the improvement of our great water ways, but I wish to ask the gentleman whether he desires the House to understand that all this reduction in freight rates is to be attributed exclusively to the work of improvement that has been carried on at Government expense?

Mr. BLANCHARD. Mr. Chairman, if the gentleman from Pennsylvania understood me to even intimate any such thing as that he greatly misunderstood me.

Mr. REILLY. You gave the figures, and I did not know but what you wished to leave the House under that impression.

Mr. BLANCHARD. Not at all. Everybody knows that there are other considerations entering into this question of cheapening transportation. What I am contending for is that the improvement of our water ways is one of the chief factors in the problem of securing cheaper transportation.

Mr. REILLY. I agree to that.

Mr. BLANCHARD. And I think that no one can gainsay that the greater the improvement in our rivers and harbors in the sense of making them afford better facilities for free access to them, and from them, and over them, and through them, for vessels engaged in the transportation business, the greater will be the reduction in the cost of freight transportation.

Mr. CATCHINGS. Will the gentleman permit me to ask him a question?

Mr. BLANCHARD. Certainly.

Mr. CATCHINGS. Somewhat in response to the suggestion of the gentleman from Pennsylvania [Mr. REILLY], I will ask the chairman whether it is not a fact that the existing system of grain transportation on the Mississippi River is largely traceable to the improvement of that river in its channels and at its mouth by the General Government? Prior to the opening of the mouth of the Mississippi by the Eads jetties and the improvement of the channel of the river at Lake Providence and at Plum Point was there any such thing known as the transportation of grain on any considerable scale on the Mississippi River?

Mr. BLANCHARD. There was not. The great work at the mouth of the Mississippi done by Capt. Eads, under a contract given him by Congress, resulted in deepening the South Pass of that river from 8 feet to a depth of 30 feet, and in opening the Mississippi River as a great highway of commerce for the transportation of grain to the sea and to foreign countries.

There is now a very considerable percentage of grain raised in the West going down the Mississippi River and finding its way to the ocean through that great highway of commerce.

When the Mississippi River Commission undertook its work in 1881 there were forty bars from Cairo to the mouth of the river to be removed; and a bar on the Mississippi River, Mr. Chairman, I would have the committee understand, is not a mile or so of shoal water, but it means 20 to 40 miles of shoal water. The Mississippi River Commission has deepened eight of these bars, so that where there were 5 or 5½ feet formerly at low water on the bars they have now 8 feet upon them, admitting barges—because this transportation of grain on the Mississippi River is in fleets of barges conducted by a single tug—admitting barges of large draft to pass where, before the improvement inaugurated by the Mississippi River Commission began, these barges of considerable draft could not be used because of shoal water. And so it is that the chief factor in this question of

cheapening transportation is the improvement of our rivers and harbors.

Mr. BUTLER. Will the gentleman yield now for a question? Mr. BLANCHARD. Certainly.

Mr. BUTLER. I wish to get the gentleman's attention to one feature in connection with this matter, which is troubling me a little, and I think in the general debate it ought to be touched upon, though perhaps it would more properly come in under the five-minutes' debate. There may be no particular question in regard to the great water ways of the country, but I would like some gentleman familiar with the subject to give us some information in reference to the improvements of rivers and creeks which are scattered throughout this bill, but which I have been unable to find on the map in my possession. I want to know what they have to do, if anything, with the great water ways of the country?

Mr. BROWN. And the cheapening of transportation.

Mr. BUTLER. And the cheapening of transportation. The map I have may not be a good one; and I should be glad to have some light on the subject.

Mr. BLANCHARD. Very likely your map was defective.

Mr. BUTLER. It is the best map I can find.

Mr. BLANCHARD. Or perhaps the gentleman himself did not conduct his investigation far enough.

Mr. BUTLER. Well, I did the best I could with the material at hand.

Mr. BLANCHARD. Mr. Chairman, if the gentleman was seeking information touching these streams, and had come into the committee room, we could have furnished him with maps showing the position of every one of the streams named in this bill.

Mr. BUTLER. I do not doubt it.

Mr. BLANCHARD. Now, from my own experience, which has been somewhat lengthy in this House, in dealing with river and harbor appropriations, I am led to believe that if you consider the aggregate of good accomplished in the way of cheapening transportation by improving the smaller rivers and streams of the country, concerning which the gentleman from Iowa finds fault, it would amount perhaps to more in the aggregate than the saving by any one of the larger systems of transportation by water, like the Great Lakes, for instance.

Mr. BUTLER. That is the very point I would like to hear the gentleman upon, and that was the purpose of my question.

Mr. CLARKE of Alabama. Will the gentleman from Louisiana permit me a suggestion? There was a statement by the Chief of Engineers, Gen. Casey, before the River and Harbor Committee two years ago upon this very point. He was questioned by the committee as to the results to be obtained by the improvement of these smaller streams. He stated that at the request of President Cleveland he had made a careful examination of the river and harbor bill—I do not recollect what year.

Mr. BLANCHARD. He referred to the bill of the Fiftieth Congress.

Mr. CLARKE of Alabama. Well that he examined the river and harbor bill of the Fiftieth Congress in that connection, and was thoroughly satisfied that there was a larger proportion of benefit resulting to the people from the improvement of the smaller streams, in the aggregate, than from the larger. He said that they were generally for the benefit of a people, a community, or a section of the country that had no other mode of transporting their products, and the articles they consumed, and that the percentage in his judgment was larger than that arising from the more important streams.

Mr. BLANCHARD. I wish to say further to the gentleman from Iowa that these smaller streams, all of which flow into some larger stream, and constitute with the larger stream a system of water transportation, that where we appropriated \$5,000 or \$10,000 or \$15,000 or \$20,000, or perhaps less than \$5,000, to remove obstructions or otherwise improve, there has been a showing made in the engineer's report touching the commerce to be benefited by such expenditure justifying the appropriation. In many instances the smaller streams—some of them are called creeks that may be navigable for 50, 60, or 100 miles, some are called bayous, like in my own State, navigable 250 miles—that carry millions of dollars of commerce annually, and perhaps get an appropriation in every river and harbor bill amounting to from five to ten thousand dollars to remove snags or other obstructions from the channel.

Mr. BUTLER. I wish to state to the gentleman from Louisiana that my question was asked in perfect good faith and not in any spirit of captiousness, but in order to direct the general discussion to these smaller streams, because I am absolutely ignorant on that point. I therefore asked the question in good faith, and for the purpose of receiving information.

Mr. HERMANN. If the gentleman will permit me, I desire to state that in almost every instance the testimony is that where

an appropriation has been made and expended upon these small streams it has been followed by a reduction of freight exceeding the amount of the appropriation.

Mr. BLANCHARD. Mr. Chairman, in very many cases these small streams penetrate a country that is deficient in rail transportation. A stream may run 60, 70, or 80 miles, along which there is a settlement of people engaged in farming. Perhaps there is no railroad in that country at all, and this stream is the only highway that these people have for the transportation of their products to market; or, if there be a railroad, perhaps crossing the river or paralleling it, this stream that we appropriate a few thousand dollars for to remove obstructions or to make some improvement upon it comes into direct competition with the railroad and regulates the rates of freight upon it.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

Mr. BLANCHARD. Yes.

Mr. WILLIAM A. STONE. I want to ask if in your long experience on this committee you have ever learned of a stream upon which there has been an appropriation expended for its improvement that the commerce has not been largely increased and improved? Is it not universally so in all cases?

Mr. BLANCHARD. That is true. Why, on the line of the statement made by the gentleman from Oregon [Mr. HERMANN], take the case of Bayou Bartholomew, in the district of my friend [Mr. BOATNER] here, steamboats come from St. Louis to points on that river, bringing Western produce there, and carrying down from that country thousands of bales of cotton to find a market in the city of New Orleans. There are no railroads there. This stream, and others like it, navigable for from 75 to 150 miles, are the highways upon which people living on them or near them depend to get their cotton to market and their supplies from market.

Now, when we come to consider the bill under the five-minute rule, if gentlemen think there are small streams appropriated for or small harbors appropriated for in the bill where the appropriations are not justified, let them point them out, and if we can not from the engineer's report justify the expenditure by showing a sufficient volume of commerce to be benefited by such appropriation, or other reason for the appropriation, let it be stricken out.

This tirade that is heard in the newspapers in certain sections of the country against the smaller appropriations in the bill is unjust, and it results from a want of a sufficient knowledge on the part of those who write such articles of the subject they treat of.

I thank the House for its attention.

Mr. HAUGEN. If the gentleman desires to move that the committee rise, I will yield for that purpose. It is nearly 5 o'clock.

Mr. BLANCHARD. I desire to surrender the floor, and if any gentleman wishes to take it he can do so.

Mr. HAUGEN. I desire a little time.

Mr. BLANCHARD. I would suggest to my friend from Wisconsin [Mr. HAUGEN] that we go on with this discussion for half an hour longer.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin.

Mr. HAUGEN. Mr. Chairman, having had the honor of serving my State for five years in the capacity of railroad commissioner, my mind has naturally been led to some study and consideration of the question of transportation rates. I know something about the difficulties that beset a public official supposed to exercise some wholesome restraint upon the immense interests represented by the railways, without having been invested with the necessary authority to enforce his orders.

This is a bill designed to cheapen transportation. It is an indirect effort to cheapen rates by enlarging the channels and thus lessening the friction of freight in transit. Directly it affects water transportation only, but indirectly its influence will radiate to the whole transportation system of the country.

The people are interested in this measure in the effect it will exercise upon the price of the articles they sell and purchase.

We are all influenced mostly by our immediate surroundings. To many who do not live upon one of the water ways directly mentioned in this bill it may seem that the appropriation of \$21,000,000 is a wastefulness indefensible. They do not see that it affects the cost of every article of consumption they enjoy. The railroad rate seems to them the only rate from which they suffer, and is the only tax of transportation which they ask to be relieved from.

There are numerous inconsistencies in our legislation, but I know of none more striking than the efforts made to build up a merchant marine and the appropriations made for that laudable purpose, while at the same time we are permitting railroads to cut the rates to points enjoying water communication. In the

northern portion of the country this means that the railroads can fix any rate they choose during the close of navigation in winter, and thereby recoup any loss suffered by cutting rates in summer, in order to cripple and destroy their competitors in the lake or river carrying trade. Every improvement of our water ways has cheapened the cost of transportation. And the water-competition is about the only influence that has given us cheaper rates.

And there is no good reason why the railroads should be permitted to adopt ruinously low rates for the very purpose of destroying a growing commerce which we are all anxious to aid and build up.

I recall that until within a very few years past the railway rates from Chicago to interior points in Wisconsin remained exactly what they were in 1872. Whether they have been lowered within the last three or four years I do not know. But as you went further towards the north and approached a point where the competing influence of lake transportation from Chicago to Lake Superior made itself felt the rate was much lower, although the distance carried was multiplied several times.

I believe it would be well to give to the shipowner that traffic which naturally belongs to him, and that there should be no exception to or suspension permitted of the long and short haul clause of the interstate-commerce law. Let us encourage that system of transportation that is open to all competitors, and to which we owe every lowering of rates.

Mr. Chairman, I look upon the bill now before us as one of the most important measures that will be considered by this Congress. It carries with it more reduction of taxation than the most enthusiastic tariff reformer ever saw in his brightest visions.

I desire, sir, to substitute the word "transportation" for "tariff," and then I am ready to adopt the current phrase that "transportation is a tax." Not only is transportation a tax, but it is the heaviest tax imposed upon the American people, and it is a tax which is left almost entirely untouched by Congress or by the States, so far as regulation is concerned. It goes on increasing from year to year, the iron web of the transportation companies weaving itself about the enterprise, the skill, and the genius of our people. Industry, frugality, and business acumen go down before favoritism and discrimination extended or withheld by the railway companies.

That this power of unequal taxation should so long have been left untouched and unembarrassed to the sweet will of private enterprise is astounding. But the magnitude of the question seems to have appalled both political parties.

During the last year reported in Poor's Manual the taxes paid by the people of the United States to railroad companies amounted to \$1,086,040,207, while for the last fiscal year the "tariff taxes," which have caused our friends on the other side so much sleepless anxiety, amounted to only \$219,522,205.

The latter was for the support of government, collected by it. The former was collected without supervision or control on the part of any governmental agency, and went into the pockets of private persons or corporations, and was too frequently levied without regard to equality.

It is only necessary to refer to the charges that railway men constantly prefer against each other to prove that discrimination in rates and violations of the law are so frequent as to be the rule rather than the exception. They come together and solemnly agree upon a schedule of rates which is to be open and inviolate, and they do not cross the threshold of the council-room before they are planning to avoid it. There is no such absolute want of good faith in any business in the country as is found among the railway men of to-day. Why this is so is certainly beyond comprehension, unless it be that the system under which they are working has in it some defect demoralizing to its agents. I think we may look for that cause in the secret-rate system which has prevailed. Under it has grown up a system of deception and fraud, practiced by the rival roads, not only upon each other, but upon the shipper as well. Each shipper has been assured that he is the special favorite, and an expert in thus misleading those with whom he deals has stood the best chances of promotion.

No one denies the necessity of railroads or the service they render in promoting a higher civilization. They enter the desert and penetrate the forest in advance of settlement and make both inhabitable. But, having done this, they go still further. They pry into the affairs of every community and of every individual enterprise, and nothing can succeed unless the railway company or its officers are taken into the deal. That is practically what the secret rate amounts to. It is based not upon the value of the service performed, but upon what the shipper can afford to pay.

Whoever is so unfortunate as not to have the favored rate may as well close his doors, if his business is such as to make it de-

pendent upon railway transportation. Many a man possessed of capital, skill, energy, and honest ambition has had the deadly sword of discrimination inserted under his fifth rib, the courteous railroad official meanwhile asking him: "Art thou in health, my brother?"

I do not claim, Mr. Chairman, that railway men are any worse than other men. Nor are they any better. Their faults and shortcomings are due to the vicious system under which they work. And that system has grown and expanded to such an extent that, without aid from legislation, they are, even if ever so well disposed, absolutely helpless. Considering themselves specialists, they naturally resent what they consider outside interference with a business which they, frequently honestly, believe themselves alone competent to manage, while their every attempt to control it only adds evidence of their impotency.

They point to past legislation as proof of their assertion that the legislative power can not successfully grapple with the railway question. If legislation has had some degree of success in controlling and equalizing rates, as I believe it has, no thanks are due the railroads, for they have at all times interposed every obstacle for the purpose of making such legislation odious.

But it is not individual discrimination alone of which complaint can justly be made. The most far-reaching evil is unquestionably that discrimination which affects communities—cities and villages. If any danger to our institutions lurks anywhere it is in our large centers of population, the breeding place of crime, discontent, and anarchy. And still the direct result of past railway methods has been to drive population (by driving all manufacturing enterprise) away from local points into a few large centers. The rate has been such that it has been impossible to conduct any manufacturing outside of the charmed circles laid down by the omnipotent maker of rate schedules.

Cities have been built up, not upon natural advantages of location, but solely and alone upon railroad favoritism. Other localities more favorably situated as to natural advantages and resources, failing to secure the advantage of discrimination in rates, remain obscure villages.

To place such enormous powers, for good or for evil, in any agency not responsible to the people seems an anomaly in our development. The results have been what might be naturally expected, high development in a few favored spots at the expense of the remainder of the country.

But we are told that competition will regulate all this and result finally in just and equitable rates. Competition is absolutely impossible in railway management. The railway is a public highway, but, unlike other highways, it is controlled by one individual, or what is the same thing, by one corporation.

The fact that two railways serve the same community does not change this. Where competition is limited to so few competing forces, as the railway service necessarily must be outside of a few large centers, combination, or an understanding as to rates, will take the place of competition. As has been truly said: Where combination is possible, competition is impossible.

But the very character of these great agencies is such that they should not be asked to compete.

It would be just as sensible to impose upon the community the unnecessary tax of maintaining two highways side by side as to impose upon it the injustice of maintaining two railroads where one is amply sufficient to meet the public requirements. They are too expensive luxuries to maintain in idleness. By giving to one traffic which does not exceed its capacity the Government might well prescribe rates, and protecting its legitimate traffic, that rate could be materially reduced.

It would be just as sensible for a farmer to keep two spans of horses to cultivate a farm requiring only one to do the work well, on the idea that competition between the two teams would cheapen the service, as it is to think that by encumbering a community with unnecessary railroads the cost of transportation will be cheapened.

Control of construction and of rates would be a benefit not only to the community, but to railway investors.

The effect of transportation rates is so far-reaching, it enters so largely into every comfort and necessity of our existence, that it ought to be the first thought of Government to so regulate it as to secure the most healthful and equal development.

A prominent railroad man has recently discussed this question of secret rates and discriminations so ably and impartially and with such a fund of information in his possession that I desire to read a couple of paragraphs from his pen. I read from the thirty-first page of a book written by the late president of the Chicago, St. Paul and Kansas City Railroad Company, Mr. A. B. Stickney, of St. Paul, Minn. He says, speaking of the assumed power of railroads:

This power, like a government, has authority to make tariffs and enforce their collection. It claims a right which no civilized government claims,

and no sovereign has dared to exercise for centuries, of rebating a portion of its tariff, and thus discriminating between its subjects in the collection of its revenues. It is safe to say that if the Congress of the United States should enact a law which established on any commodity one impost duty for the city of New York and a different duty for other cities, or one duty for one firm and another duty for another firm, no matter how slight the difference, the people would resort to arms, if need be, rather than submit.

Railway transportation, under present conditions, is to the industrial world what the atmosphere is to the physical world, it pervades and is essential to all industries. As in the physical world no man or beast, no plant or shrub, can refuse to breathe the air without death ensuing, so in the industrial world no industry and no human being can refuse railway transportation except under similar penalties. It pervades every article of commerce. When one buys food, clothing, or fuel, he buys railway transportation. When he builds houses, or stores, or manufacturing establishments, churches, or schoolhouses, he buys railway transportation. When he buys horses and carriages, jewels or statuary, paintings or books, theater tickets or lecture tickets, or indulges in the luxury of doctors or lawyers, he pays for railway transportation.

Who would consent that a few men should have the power to dictate upon what terms the air should be breathed? It is idle to talk about railway transportation being a mere article of commerce, owned by the company, "who, as such owner, may sell it or not, as it may see fit, or, if it elects to sell, may demand such price as it chooses or can obtain." It is nonsense to call that merchandise which no one can refuse to purchase.

And Mr. Stickney argues that legislative control of ratemaking is absolutely essential, not only for the good of the community, but for the protection of those who invest in railroad property. And why not? We place banks under public inspection for the protection of depositors and stockholders. Why should not this immense interest, representing investments amounting to \$11,000,000,000, be subject to some supervision?

Mr. Stickney, from whose book I have quoted, argues that no adequate relief or control can emanate from State legislation; that the entire railway system of the country is so interwoven that the Federal Government is the only power that can consistently and effectively legislate on the subject. He has collected numerous decisions of courts to sustain his position that the Federal Government has the authority, under the Constitution, to enact such legislation. Upon that subject I will not enter during the short time allotted to me, but refer gentlemen to the excellent work from which I have quoted.

I am, Mr. Chairman, a firm believer in the interstate-commerce law. I think it a step, although but a short one, in the right direction. It has frequently been violated, and seems to need many and radical amendments. But I believe as firmly as I believe anything that the time is not far distant when the people will demand legislation that will take hold of these vast powers with a firmer grip and stamp out the dishonesty which has grown up under a system where the success of private enterprise has been made to depend entirely or largely upon getting on the friendly side of some railroad official.

The rate should be fixed, and once fixed should remain stable for, say, six months or a year, so that a merchant in Wisconsin laying in his stock of goods in Chicago will be able to know that his neighbor will not secure a secret lower rate on his later purchases, and that the open rate shall not be changed except at stated well-known periods.

Transportation enters too largely into the cost of articles of consumption to permit it to become the shuttlecock of the mere whim of any man or set of men: men perhaps interested more in ruining a rival than in serving the community, or even the investors whose confidence they enjoy.

The possibility of a secret rate is demoralizing alike to the railway official and to the shipper. Intrigue becomes more essential to success than business sagacity and foresight. It is an interference with the natural law of competition which railroad men so freely invoke when it is proposed to curtail their assumed powers.

But what is the remedy for this evil?

Railway men are jealous of their supposed or assumed prerogatives. They never yield their usurped powers without a struggle. Commissioners of an advisory character merely do not reach the root of the evil.

Do away with the idea that transportation is an article of commerce which the owner can sell or dispose of at pleasure. How can that be merchandise which, like the air we breathe, is indispensable? Are the American people unable to solve this difficulty? To admit that is to admit that self-government is a failure. The solution may not be without difficulties, but the very seriousness of the situation ought to make us meet the question with firmness; not in a vindictive spirit towards railroads, but in an honest endeavor to wrest from them the governmental powers they hold by usurpation, and to restore them to the people from whom alone they flow.

The United States alone of the leading nations of the world has stood by listlessly indifferent while this concentration of wealth and power and political influence has taken possession of the business development of the country. Is this the only country which lacks the inherent strength necessary to secure equality between its citizens?

Mr. Stickney proposes, and I adopt his plan as that of an ex-

port and as the most feasible and effective that has come to my notice, to create a governmental department with a secretary at its head, and to invest it with sufficient power to, temporarily at least, take possession of a road, as a receiver would under an order of the courts, where violations or disregard of the law, or of the rates prepared by it are persisted in. Rates should be fixed as to terminal charges, which would not need to vary materially in the different parts of the country. The charge for the haul to be open and definite, based upon what experience shows to be the actual cost of carrying, the charge per mile to decrease with the increase of distance. To determine the distance of shipment he would apply a rule to an accurate chart, basing the charge upon the air-line distance. He would make the system as simple and the method to arrive at results as direct as possible.

The effort being to make discrimination impossible, the rates must be open, equal to all, and permanent.

The Senate committee, treating of this subject some years ago, said:

Competition has been looked upon as a safeguard against extortion, but experience has shown that it is no safeguard against discrimination. It can not accomplish both purposes, but, on the contrary, where it prevents extortion it produces discrimination.

Competition does not prevent discrimination, for the evil is most conspicuous where and when competition is most active.

Commenting on the inconsistent attitude of past efforts at legislation, Mr. Stickney says, page 141:

The admitted evils of discriminating and ever-fluctuating rates are growths which have afflicted the railway problem from its earliest years. Their roots now spread through the whole system and to pluck them out requires the courage to attack the seat of the disease and apply the specific, or the knife, as may be required. It is evident that the actual rates constitute the heart of this disease; therefore, whoever has the courage to make schedules or specific rates (not maximum or minimum rates) which are free from extortion or unjust discrimination and are just alike to the shipper and to the railway, and at the same time has

THE POWER TO ENFORCE THEM.

and does enforce them, will completely remedy the disease. It is also evident that there is no other remedy. There can be no doubt that Congress has the power or that it can create a commission or commissions endowed with the requisite power. The interstate law recognizes the necessities of the case, but instead of making schedules, it contented itself with impotently enacting in general and somewhat ambiguous terms, that somebody else should make them, namely, the railway officials who, unfortunately, know no more about it and wholly lack the necessary power to enforce the schedules when made.

Cowardice has been the bane of this class of legislation from its inception. Legislatures have been cowardly, commissioners have been cowardly, and the companies have been cowardly.

Sir, I have a distinct recollection of the dire predictions of some leading Western railroad men as to what the effect would be of the enactment of the interstate-commerce law.

At the time of its enactment the open rate on wheat and flour from Minneapolis to Chicago was 10 cents per hundred. The "transit rate," so called, was $7\frac{1}{2}$ cents.

At the same time the same companies were charging from intermediate points on their lines in Western Wisconsin and in Minnesota to Chicago 18 cents. If any loss was suffered at the competitive point it was made up from the higher rate at local points in Western Wisconsin and in Minnesota, where there never was any competition.

When the law took effect, the Minneapolis rate to Chicago was immediately raised to 18 cents, and a general denunciation of the new act followed from the shipper, and in fact from everybody in St. Paul and Minneapolis. It looked as if the railway men had won their point, and that it would be impossible to enforce it. They had won with the beneficiaries of their former discriminations.

But the wheat and flour trade instantly almost sought new channels, and Chicago, St. Paul, and Minneapolis, and the railway companies as well, in order to keep the grain of the Northwest from seeking the nearest outlet to cheap water transportation at the west end of Lake Superior, had to modify their rates. They reduced the rate to about the old figure. They were compelled to do it or abandon the grain-carrying trade to Chicago. Had it not been for the proximity of Lake Superior, I have no doubt but the 18-cent rate would have been maintained much longer.

Now, what was the result at local points in Wisconsin and Minnesota? Why, under the clause which provides that no more shall be charged for the shorter than for the longer haul over the same line in the same direction, every local station on these through lines received the benefit of the competitive rate from St. Paul and Minneapolis to Chicago. At many places in my district it meant a saving of 5 cents or more on every bushel of wheat shipped to Chicago. You can never make those people believe that rates should not be subject to Government control. I desire to call attention to this, as it has been so frequently charged here that no one has been benefited by the enactment of that law. The law is all right if enforced. I regret that it is possible to evade it, and that the commission lacks the requisite power to enforce its orders.

There is no doubt in my mind but that the great increase in lake traffic is directly due to the interstate-commerce law. It gave effect to the natural law that transportation will, when unimpeded, seek the cheapest channel, that it will move in the direction where there is the least resistance.

From the very date almost of the passage of that law we may count the growth and development of the cities at the head of Lake Superior and the marvelous increase of commerce from those points.

Superior, now a city of 30,000 inhabitants, was then a mere village. It shipped last season from its port 19,667,487 bushels of wheat. Duluth shipped 14,993,749, and the two together beat Chicago by 3,883,176 bushels. No place in the world comes up to the head of Lake Superior in the amount of grain shipped. Superior and Duluth have taken the pennant from Chicago forever in the grain trade.

There was also shipped last year from Superior 1,600,000 barrels of flour, 4,000,000 pounds of wool, besides other merchandise, ore, lumber, etc.

The largest dry dock on the lakes has been built here to take care of the vessels engaged in this commerce.

There was launched at Superior last year nine steel vessels of the whaleback pattern, built for freighting purposes, and there are now on the stocks ten more soon to be launched. One of these I see by the papers was launched on Saturday last.

More vessels are being built in this five-year-old town each year than at any other place in the country.

In 1886, the year before the passage of the interstate-commerce law, 316 vessels of an average tonnage of 889 tons entered the harbor of Superior. In 1891 the number had increased to 1,610, and the average tonnage had increased to 1,282. There are no more enterprising cities anywhere than those cities at the head of Lake Superior. They are getting in part the large traffic which must seek its outlet by this grandest and cheapest of nature's highways, the Great Lake system. And why not give them every encouragement to reduce still further this tax of transportation to and from the wheat fields of Northern Wisconsin, Minnesota, the two Dakotas, and the corn fields of Iowa, Nebraska, and Kansas, and all the country to the west of them. This same argument of cheap water transportation applies equally to the Mississippi River and other water ways of the country, differing only in degree.

The average rate per ton per mile on all railroads in the United States was during the last year reported 9.3 mills, something less than 1 cent per ton per mile.

During the last season of navigation on the lakes the average rate per ton per mile by lake was not over $1\frac{1}{4}$ mills. The gentleman from Louisiana [Mr. BLANCHARD] has just told us that in 1890 it was 1.3 mills. I give you the rate for 1891, showing a still lower rate. In other words, the cost of transportation by the lakes is only about one-eighth of what it is by rail. The railroads charge as much for carrying a ton 1 mile as the lake vessels charge for carrying it 8 miles.

This is what has built up the lake traffic, and this is the only security the Great West has that it will be emancipated from railway rates to the seaboard.

It has been estimated on comparisons made between lake and rail rates that Lake Superior alone saved to the people of the Northwest in 1891 over \$153,000,000 in freight rates. And still the great economist of this House opposes the paltry sum of \$5,000,000, which this bill carries for the entire lake system. This is truly a penny wise and pound foolish policy.

Much of the freight that now goes by lake could not be moved at all by rail. This would mean fewer comforts and a scantier supply of the necessities of life to those benefited by this cheap transportation.

The traffic of the lakes is a surprise to those not familiar with it.

Comparing it with the Suez Canal we find that in 1890 there passed through the Sault St. Marie Canal, at the outlet of Lake Superior, 10,557 vessels having a net registered tonnage of 8,454,435 tons, while the Suez Canal during the same year shows only 3,389 vessels of a net registered tonnage of 6,890,014 tons.

Nearly three times as many vessels and over 1,500,000 more tons of freight went through the Sault Canal during the seven and a half months it was open to navigation than passed through the Suez during the twelve months.

The entries and clearances in New York in 1889 represented 11,051,236 tons, and the entries and clearances in all the seaports in the United States represented 26,983,315 tons. The entries and clearances from London and Liverpool during that year were 33,430,617 tons. The entries and clearances on the Great Lakes in the same year were, according to the United States census, 27,700,000 tons; and in 1890 the total freight traffic of the Great Lakes was 33,303,324 tons, exceeding by 6,000,000 the combined entries and clearances of all the seaports of the United States, Atlantic, Gulf, and Pacific, and equaling the combined entries

and clearances, both coastwise and foreign, of London and Liverpool, the great commercial centers of the world.

These shipments embraced 9,000,000 tons of iron ore, 5,000,000 tons of grain and flour, 8,000,000 tons of lumber and forest products, 7,000,000 tons of coal, and 4,500,000 tons of miscellaneous freight. This was carried by a floating equipment of 2,784 vessels, having a carrying capacity of 1,254,275 tons and a commercial value of \$48,809,750.

Of the total tonnage of shipping built in the United States during the year ending June 30, 1889, 5 per cent was built on the Western rivers, 8 per cent was built on the Pacific coast, 41 per cent on the Atlantic coast, and 46 per cent was built on the Great Lakes, the Great Lakes again leading all others.

A wise and fairly liberal system of improvements will still further reduce the cost of transportation on the Great Lakes.

The whaleback, cheap in construction and operation, is the great invention of the age in shipbuilding. With a much larger freight capacity it draws less water than the old style of ships.

What the West needs more than anything else is a continuous water way to the sea. Our material interests are dependent upon the early completion of the new and deeper canal at the Sault. A 21-foot canal there and a corresponding deepening of the channels between the lakes will result in an ultimate reduction of freights to possibly one-half of the present figures. And an American canal at Niagara Falls is the *sine qua non* to the perfection of this system of navigation.

With modern appliances no railroad can compete with this rate. The lake traffic has come to stay and it deserves all the consideration of liberal statesmanship. Reaching as this highway does into the very heart of the continent, the swarming millions of future generations will witness upon its bosom navies such as the world has never dreamed of, and its cities will rival in population, energy, and prosperity the largest cities of the world.

The forced diversion of traffic from this route has been in direct violation of every natural law. Restore it to its natural channel, remove the possibility of railroad discrimination, give every interest free scope to compete, and the largest fresh-water system on the globe will return to the American people manifold yearly all the expenses required to keep it in serviceable condition. [Applause.]

Mr. BLANCHARD. Mr. Chairman, I ask that general debate be considered as closed on the bill.

The CHAIRMAN. The gentleman from Louisiana asks that all general debate may be considered as closed. Is there objection?

Mr. BAILEY. I know it is not competent for the Committee of the Whole to grant leave to print, but if the gentleman from Louisiana [Mr. BLANCHARD] will give me his assurance that he will not object to my obtaining leave to print extracts from the messages of the Democratic Presidents up to 1857 vetoing river and harbor bills, I shall make no objection.

Mr. BLANCHARD. I am perfectly willing.

Mr. BURROWS. I think that better be determined in the House.

Mr. BAILEY. I do not ask that it be determined here, because I know it can not be.

Mr. DOCKERY. It can by unanimous consent.

Mr. BURROWS. Leave to print is a very important matter.

The CHAIRMAN. The Chair will state to the gentleman from Louisiana that three gentlemen have notified the Chair that they desire to be recognized in opposition to the bill. The Chair does not see but one of them present. The Chair thinks it is fair that he should state this fact to the gentleman from Louisiana. Is there objection to the request of the gentleman from Louisiana?

Mr. BUTLER. In view of the fact that several gentlemen have stated that they desire to be heard on the bill, I object.

The CHAIRMAN. The gentleman from Iowa objects.

Mr. BLANCHARD. I move that the committee do now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7820) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

CHINESE EXCLUSION BILL.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled the bill (H. R. 6185) to prohibit the coming of Chinese persons into the United States; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LAYTON, until the 15th instant, on account of important business.

To Mr. COVERT, until the 10th instant, on account of important business.

LEAVE TO PRINT.

By unanimous consent, leave was granted to the Committee on Banking and Currency to print testimony taken before that committee in the investigation of the Keystone Spring Garden National Bank.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in alleys in the District of Columbia.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5354) to authorize the construction of a bridge across the Osage River between the town of Warsaw and the mouth of Turkey Creek, in Benton County, Mo.; and

A bill (H. R. 6295) to punish false swearing before trial boards of the Metropolitan police force and fire department of the District of Columbia, and for other purposes.

It also announced that the Senate had passed with amendments the bill (H. R. 38) to provide for the disposition and sale of lands known as the Klamath River Indian Reservation, asked a conference with the House on the bill and amendments, and had appointed Mr. PETTIGREW, Mr. DAVES, and Mr. JONES of Arkansas, as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. BLANCHARD. Mr. Speaker, I desire to give notice that to-morrow morning I will move to limit discussion on the river and harbor bill. I now move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WINN, from the Committee on War Claims: A resolution referring the bill (H. R. 5367) for the relief of James C. Lipscomb to the Court of Claims. (Report No. 1268.)

By Mr. SCOTT, from the Committee on War Claims: A resolution referring the bill (H. R. 2510) for the relief of Jacob J. Talbot to the Court of Claims. (Report No. 1269.)

A resolution referring the bills (H. R. 2030, 2032, 4514, and 6234) for the relief of the estates of Charles Northrop and S. H. De Bevoise, Asa B. Ayers, estates of Clairborne De Loach and August Heberlein to the Court of Claims. (Report No. 1270.)

A resolution referring the bills (H. R. 7266, 7382, 7384, 7385, 7386, 7387, 7388, 7389, 7786, 7870, 7880, 7920, 7965, 6216, and 7383) for the relief of John McMurtrey, Vincent Armistead, Francis Wilkes, Cassa Simpson, William R. Beckham; the estate of James L. Holland, deceased; John Jones; Martha J. Peeden, administratrix of Haywood Peeden; Julius B. Litten, A. O. Williamson, Matthew N. Grimmert, William Baugh, Joseph B. Johnson, John Wyttinger, and Mary N. Westmoreland to the Court of Claims. (Report No. 1271.)

A resolution referring the bills (H. R. 2951, 7246, 7548, 7735, 1997, 7864, 8025, 7604, 4514) for the relief of the estate of J. M. Campbell, Jesse L. Brandt, Louisa E. McLean, Mary Jane Hubbard; the estate of H. S. Simmons, deceased; Samuel Hayes, deceased; William A. Franklin, executor of J. B. Franklin; deceased; Holsten Female College, and R. D. Jordan, guardian of the heirs of Claiborne De Loach, deceased, to the Court of Claims. (Report No. 1272.)

By Mr. CADMUS, from the Committee on War Claims: A bill (H. R. 8134) for the relief of Charles Candy. (Report No. 1273.)

By Mr. COBB, of Missouri, from the same committee: A bill (H. R. 8086) to carry out the findings of the Court of Claims in the case of Archibald C. Legg, deceased, against the United States. (Report No. 1274.)

By Mr. ENLOE, from the same committee:

A bill (H. R. 4458) for the relief of Stephen McNamara. (Report No. 1275.)

A resolution referring the bill (H. R. 5198 and 2864) for the relief of the estate of A. Underwood. (Report No. 1276.)

A bill (H. R. 5468) for the relief of John M. Hamm. (Report No. 1277.)

A resolution referring the bill (H. R. 2013) for the relief of the legal representatives of Richard F. Wassen, deceased, and a joint resolution (H. Res. 111) authorizing John C. Sanders, administrator of B. Lillard, deceased, of Tennessee, to present their claims to the Court of Claims. (Report No. 1278.)

A resolution referring the bills (H. R. 752, 3232, 685, 678, 679) for the relief of Emily Deitrich, M. T. Hickman, E. Lemell, Hugh Montgomery, deceased; Jean Delille; John J. Martin, heir of Joseph Martin, deceased; Caroline L. Wolfson, widow of Jacob A. Wolfson, to the Court of Claims. (Report No. 1279.)

A resolution referring the bills (H. R. 1855, 6158, 6514, 3287, 6513, 4387, 4228, 6516) for the relief William H. Noland, S. R. Timberlake, John A. Farley; the estate of James C. Anderson, deceased; Mrs. W. A. Scott, L. E. Black, L. J. Lawrence, T. J. Walker, and E. C. Oakley, administrator of W. H. Neal, to the Court of Claims. (Report No. 1280.)

A resolution referring the bills (H. R. 3551, 2031, 3413, 1920, 1452, 2574, 3286, 3566, 3361, 2000, 4764, 6911, and 3913) for the relief of James Rather, James C. Hoover, John M. Holt, Humboldt Female College, A. M. Brown, W. F. Garrett, the estate of Jane Newell, Jesse L. Branch, Isaac Easterly, John Leiper, Elizabeth J. Cleveland, the estate of H. C. Singleton, and Daniel Kaylor—to the Court of Claims. (Report No. 1281.)

By COBB of Missouri, from the same committee:

A bill (H. R. 7031) for the relief of Sarah Coleman and Florence Coleman. (Report No. 1282.)

A resolution referring the bill (H. R. 1171) for the relief of Simeon Gilbreath to the Court of Claims. (Report No. 1283.)

By Mr. BULLOCK, from the Committee on Claims: A bill (H. R. 3675) for the relief of W. T. Scott, and others. (Report No. 1284.)

By Mr. ROCKWELL, from the Committee on Military Affairs: A bill (H. R. 4348) to correct the record of William Wilson. (Report No. 1285.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

A bill (H. R. 8399) to remove the charge of desertion from Edward Quinlan—to the Committee on Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 2181) for the relief of Robert B. Gregory—to the Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 6928) for the relief of Susan Elizabeth Laughren—to the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8554) to repeal the tax on currency issued by the authority of the States—to the Committee on Ways and Means.

By Mr. CURTIS: A bill (H. R. 8555) for the erection of a reformatory and house of detention for women and girls charged with and convicted of crimes and misdemeanors in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WHITING (by request): A bill (H. R. 8556) to amend section 25 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

By Mr. BOWERS: A resolution relating to the continuance of the contract with the Pacific Mail Steamship Company for the route from San Francisco to Panama—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BURROWS: A bill (H. R. 8557) for the relief of John G. Todd—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 8558) for the relief of Emily Murdock, administratrix—to the Committee on War Claims.

By Mr. BRICKNER: A bill (H. R. 8559) for the relief of Henry W. Chapman, administrator—to the Committee on Claims.

By Mr. CHIPMAN: A bill (H. R. 8560) for the relief of Hiram Parker—to the Committee on Invalid Pensions.

By Mr. CAPEHART: A bill (H. R. 8561) for the relief of David P. Roush—to the Committee on War Claims.

Also, a bill (H. R. 8562) for the relief of F. F. Morris—to the Committee on War Claims.

By Mr. CRAIG of Pennsylvania: A bill (H. R. 8563) granting a pension to Mary A. Freeman—to the Committee on Pensions.

By Mr. CROSBY: A bill (H. R. 8564) restoring Julia L. Roberts, late Julia L. Doty, to the pension roll—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 8565) for the relief of John McNeill, late teamster Company H, Sixteenth Regiment New York Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 8566) granting a pension to Eli G. Fleming, captain Company F, Fifth Tennessee Volunteer Cavalry—to the Committee on Invalid Pensions.

By Mr. DANIELL: A bill (H. R. 8567) for the recognition of Henry O. Kent as colonel of Seventeenth New Hampshire Volunteers—to the Committee on Military Affairs.

By Mr. HENDERSON of Illinois: A bill (H. R. 8568) granting an increase of pension to John Sterling—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 8569) for the relief of Isaiah Quemann—to the Committee on Invalid Pensions.

By Mr. PAYNTER: A bill (H. R. 8570) for relief of B. F. Royse—to the Committee on Military Affairs.

Also, a bill (H. R. 8571) to increase the pension of Laura A. Letterman—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 8572) for the relief of William H. Lytle, of Murfreesboro, Rutherford County, Tenn.—to the Committee on War Claims.

By Mr. TARSNEY: A bill (H. R. 8573) granting a pension to Mrs. Fanny Dowd—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 8574) granting an honorable discharge to James C. Jennings—to the Committee on Military Affairs.

Also, a bill (H. R. 8575) granting an honorable discharge to Humphrey Sheen—to the Committee on Military Affairs.

By Mr. TURPIN: A bill (H. R. 8576) for the relief of Mrs. S. F. Prestridge, of Selma, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELDEN: Three petitions of Oran Grange, 618, of New York, one for legislation to prevent gambling in farm products, known as dealing in options and futures, the second for legislation to prevent the adulteration of food and drugs, and the third for the passage of House bill 395, defining lard and imposing a tax thereon—to the Committee on Agriculture.

Also, petition of E. S. Lane and 11 others, of Cortlandville, N. Y., against any legislation by Congress on Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the same grange, for the passage of an act making certain issues of money full legal tender in payment of all debts—to the Committee on Coinage, Weights, and Measures.

By Mr. BELKNAP: Two petitions, one of the First Baptist Church of Plainwell, Mich., and the other of the United Presbyterian Church of Martin, Mich., both for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BERGEN: Petition of the Presbytery of West Jersey, against the desecration of the Sabbath by the Columbian Exposition and sale of intoxicating liquors within its grounds—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOVER: Three petitions of churches of Pennsylvania, as follows: Pine Grove Presbyterian, of York County; the United Presbyterian, of Newville, and the Center Presbyterian, of New Park, all against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BINGHAM: Petition of citizens of Philadelphia, of Tasker Methodist Episcopal Church, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUCHANAN of Virginia: Claim of Robert R. Doss, of Newcastle, Craig County, Va., for \$450, to accompany House bill 710—to the Committee on War Claims.

Also, papers to accompany bill for the relief of William Paxton—to the Committee on War Claims.

By Mr. BURROWS: Petition of Daily Grange, No. 162, Patrons of Husbandry, of Cass County, Mich., for regulating speculation in fictitious farm products—to the Committee on Agriculture.

By Mr. BUSEY: Petition of A. E. Rideout and 27 others, of Tuscola, Ill., against the passage of any bill or resolution to close

the World's Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. BYNUM: Two remonstrances of citizens of Indiana, one of T. C. Archer and 60 other citizens of Madison County; the other of R. H. Sparkes and 40 others, both against any legislation by Congress on the subject of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BYRNS: Papers to accompany House bill 7034—to the Committee on Military Affairs.

By Mr. CHIPMAN: Petition of Banner Tobacco Company, for change of law relative to free leaf tobacco—to the Committee on Ways and Means.

By Mr. CRAIG of Pennsylvania: Resolutions of the United Presbyterian Church of Piglin Creek, Washington, Pa., representing 152 members, in favor of granting no appropriation to the World's Fair except on condition that its gates are closed on the Sabbath day and that no intoxicating liquor shall be sold on its grounds—to the Select Committee on the Columbian Exposition.

Also, petition and resolution of Mount Prospect Presbyterian Church, of Hickory, Pa., representing 700 members, in favor of making no appropriation to the World's Fair except on condition that its gates are closed on the Sabbath day and that no intoxicating liquor shall be sold on its grounds—to the Select Committee on the Columbian Exposition.

Mr. CRAIN of Texas: Protest of citizens of Graham, Tex., against the passage of House bill 4843—to the Committee on Agriculture.

By Mr. CURTIS: Petition of E. E. Ward and others, of Pamela, N. Y., asking that a copy of the daily RECORD be sent to the postmaster at that place—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lyman Tuppe and others, of St. Lawrence County, N. Y., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of the Reformed Church of Brad-dock, Pa., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. DE ARMOND: Four protest of Farmers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Ways and Means.

Also (by request), petition of William Flynn and others, against House bill 2699, known as the Hatch bill—to the Committee on Agriculture.

By Mr. DIXON: Petition of Choteau County, Mont., for the establishment of a land office at the town of Chinook, in said county—to the Committee on the Public Lands.

Also, petition of B. M. Raymond, superintendent of Diamond R. Mining Company, of Neihart, of Montana, in favor of the metric system of Weights and Measures—to the Committee on Coinage, Weights and Measures.

By Mr. DURBOROW: Petition of Susan M. Phillips, of Hills-boro, N. J., for the adoption of certain modes of spelling for Congress and the Departments—to the Committee on Printing.

Also, petition of A. W. Freeman and others, in regard to certain conditions before any more appropriations are made by Congress for the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. EDMUNDS: Four petitions of citizens of Lynchburg, Va., for the repeal of the free-leaf section of internal revenue laws—to the Committee on Ways and Means.

By Mr. EVERETT: Papers in the claim of William Steadmen, of Barton County, Ga.—to the Committee on War Claims.

By Mr. FLICK: Three petitions of citizens of Iowa, as follows: Ola Van Gilder and others, of Russell; of Robert Hood and others, of Blanchard, and L. K. Wills and others, of Farragut, all against opening the World's Fair on Sunday and against the sale of intoxicating liquors on the Exposition grounds—to the Select Committee on the Columbian Exposition.

Also, petition of N. J. Johnson and others, of Osceola, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GEARY: Two petitions of the Seventh-Day Adventist Church of Woodland, Yolo County, Cal., against the passage of any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GRISWOLD: Two petitions of citizens of Crawford County, Pa., in favor of a pure-lard law—to the Committee on Agriculture.

By Mr. HALVORSON: Petition of 13 members of Emory Option Post, No. 105, Grand Army of the Republic, Department of Minnesota, in favor of a bill introduced by Representative WHEELER, for the purpose of preserving and properly marking the battle lines of Gettysburg, Pa.—to the Committee on Military Affairs.

Also, petition of 24 citizens of Ortonville, Minn., first, protesting against the landing of a certain class of immigrants; second, the submission to the people of an amendment to the Constitution of the United States for a vote thereon as follows: No State shall grant the right of suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, three petitions of citizens of Minnesota, one of R. W. Croskey and others, of Verudale, Wadena County; the second of James B. Wynn and others, of Wrightstown, Otter Tail County; the third of G. L. Budd and others, of West Union, Todd County, Minn., all protesting against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAMILTON: Petition of citizens of Linn County, Iowa, asking for the closing of the Columbian Exposition on Sunday and that the sale of liquors be prohibited—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of the Presbyterian Church of Crestline, Ohio, to have the World's Fair closed on the Sabbath and to prohibit the sale of intoxicating drinks—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Illinois: Protest of the Farmers' Alliance and Industrial Union of Henry County, Ill., against the passage of the Brosius lard bill (H. R. 395) and praying for the passage of a general pure-food law—to the Committee on Agriculture.

Also, preamble and resolution of the Congregational Church of Buda, Ill., against any appropriation for the World's Columbian Exposition unless the same shall be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HEMPHILL: Petition of citizens of Philadelphia, Pa., members of the Fourth United Presbyterian Church, against opening of the Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Two petitions, one of the Methodist Episcopal Church of Leaf River, Ill., and the other of Middle Creek Church, Winnebago, for Sunday closing of the World's Fair and against liquor selling—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Resolutions of the Parnassus (Pa.) Methodist Episcopal Church, representing 90 members; Emanuel Reformed Church of Manor Dale, Pa., representing 300 members, and the First Presbyterian Church of Kittanning, Pa., representing 410 members, requesting that no further aid and assistance be given to the World's Columbian Exposition unless the managers give an unequivocal and positive guaranty that it will remain closed on Sundays, and also on further condition that the sale of all intoxicating liquors shall be strictly and entirely prohibited on every part of the grounds and in all buildings used for and by the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition and resolution of Greensburg Council, No. 82, Junior Order United American Mechanics, of Greensburg, Pa., and citizens of Scottdale and vicinity, Pennsylvania, favoring the passage of House bill 401—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Scottdale, Pa., favoring the passage of laws by any State prohibiting the free exercise of religion—to the Committee on the Judiciary.

By Mr. KEM: Petition of citizens of Nebraska, asking for the passage of House bill 129—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, asking that Congress do not pass a bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Nebraska, asking that the World's Fair be closed on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, asking that no action be taken by Congress to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Petition of E. N. Morison & Co. and 15 others, members of the Baltimore Stock Exchange, for the speedy passage of the bill to provide for an international ratio between gold and silver and to suspend the purchase of silver bullion and the issue of Treasury notes thereon, as provided by the act of July 14, 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. MANSUR: Four protests of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. PENDLETON: Two petitions of citizens of Wheeling, W. Va., for the passage of House bill 401—to the Committee on the Judiciary.

By Mr. POWERS (by request): Remonstrance of Raymond and others, of Stowe, Lamoille County, Vt., against legislation

closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Lewis Gay, for relief—to the Committee on Pensions.

By Mr. POST: Three petitions of Oak Grove Grange, No. 942, of Illinois—one to prevent the adulteration of food and drugs, the second for the prevention of gambling in farm products, and the third for the adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395—to the Committee on Ways and Means.

By Mr. RAINES: Petition of the Presbytery of Steuben, N. Y., opposing the sale of intoxicating liquors on the grounds during the Exhibition—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of Prof. A. H. Knopp, of Afton, N. Y., in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of citizens of Smithville, Chenango County, N. Y., for a law regulating speculation in farm products—to the Committee on Agriculture.

By Mr. REILLY: Petition of citizens of Shenandoah, Pa., in favor of an amendment to the Constitution of the United States to be known as the sixteenth amendment—to the Committee on the Judiciary.

Also, two resolutions, one of the English Baptist Church of Minersville, Pa., and the other of the Methodist Episcopal Church of the same place, opposing opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REYBURN: Petition of citizens of Philadelphia, in favor of an amendment to the Constitution prohibiting an established religion—to the Committee on the Judiciary.

By Mr. ROCKWELL: Petition of the principal and faculty of Union High School of Groton, N. Y., in behalf of the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. SEERLEY: Petition of labor organizations of Keokuk, Iowa, asking change in immigration laws—to the Committee on Labor.

By Mr. SHONK: Petition of 72 citizens of Mountain Top, Ashley, White Haven, Weisport, and Luzerne Counties, Pa., for an amendment to the Constitution of the United States providing that no State shall pass any law respecting an establishment of religion or prohibiting the free exercise thereof—to the Committee on the Judiciary.

By Mr. SPERRY: Three petitions of Seymour Grange, No. 91, of Connecticut; one to prevent gambling in farm products, the second to encourage silk culture, and the third to prevent adulteration of food and drugs—to the Committee on Agriculture.

Also, petition by the same grange, for the passage of House bill 395—to the Committee on Ways and Means.

Also, petition by the same grange, for prohibiting contract discrediting legal-tender currency—to the Committee on Banking and Currency.

Also, petition of the same grange, for free delivery of rural mails—to the Committee on the Post-Office and Post-Roads.

By Mr. STEVENS: Memorial of Black Brothers Tobacco Company, of Cincinnati, to repeal the free-leaf section of the tariff laws—to the Committee on Ways and Means.

By Mr. WILLIAM A. STONE: Two petitions of citizens of Allegheny County, Pa., for the passage of House bill 401, restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WEVER: Two petitions, one of P. F. Burke, principal of Port Henry Union School Academy, in relation to the metric system of weights and measures; and the other of the superintendent of schools at Plattsburg, in favor of the exclusive use of the metric system in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Seventh-Day Adventist Church of North Creek, N. Y., against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WIKE: Protest of Peter Retre and 80 others of Nebo and vicinity, in Pike County, Ill., against the union of government or state with religionists in the prohibition of the opening of the exhibition of the World's Fair upon the Sabbath day—to the Select Committee on the Columbian Exposition.

Also, protest of the Farmers' Alliance and Industrial Union of Brown County, Ill., against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. WILLIAMS of North Carolina: Three petitions of citizens of North Carolina, one of Robert Harriss & Brother, of

Reidsville, the second of E. D. Winstead & Co., of Milton, and the third of W. A. Whitaker, of Winston, N. C., for putting leaf tobacco on the revenue list—to the Committee on Ways and Means.

By Mr. WILSON of Washington: Two petitions of citizens of the State of Washington, one of 29 citizens, the other of 31 citizens, praying the passage of the antioption bill—to the Committee on Agriculture.

By Mr. WISE: Petition relative to the sale of leaf tobacco for consumption free of tax—to the Committee on Ways and Means.

By Mr. WOLVERTON: Petition of Winnidia Grange, No. 857, of Pennsylvania, for the encouragement of silk culture—to the Committee on Agriculture.

By Mr. YOUNG: Petition of Seventh-Day Adventists of the county of Shiawassee, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

THURSDAY, May 5, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward;

A bill (H. R. 1276) to pension Adeline Alexander;

A bill (H. R. 1292) for the relief of Robert Casey;

A bill (H. R. 1336) granting an honorable discharge to Chester F. Grant;

A bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris;

A bill (H. R. 1662) removing the charge of desertion against John Van Fossen;

A bill (H. R. 1727) to remove the charge of desertion against James E. Gray;

A bill (H. R. 2049) for the relief of Aaron J. Oliver;

A bill (H. R. 2430) for the relief of Abram Groat;

A bill (H. R. 2496) granting a pension to Noah Staley;

A bill (H. R. 2902) for the relief of David L. Truex;

A bill (H. R. 3123) to pension Andrew J. Jones for services in the Indian wars;

A bill (H. R. 3310) for the relief of Jerome H. Biddle;

A bill (H. R. 3508) for the relief of Nemiah Garrison, assignee of Moses Perkins;

A bill (H. R. 3838) to pension Elizabeth R. Crawford, widow of C. A. Crawford, soldier in Creek war of 1836;

A bill (H. R. 4043) granting an increase of pension to William A. Birch;

A bill (H. R. 4302) granting a pension to James McCammon;

A bill (H. R. 4886) to pension Margaret, mother of Leon, Christian;

A bill (H. R. 5330) for the relief of Frederick Meredith, late a soldier in the Indian war of 1832;

A bill (H. R. 5342) granting a pension to Harmon H. McElvey;

A bill (H. R. 5363) granting a pension to David C. Barrow;

A bill (H. R. 5364) granting a pension to Mary Gatlin;

A bill (H. R. 5383) to increase the pension of Aaron V. Hamilton, late a member of Fremont's Battalion, Mexican war;

A bill (H. R. 5602) granting a pension to Lucy Haskell, mother, by adoption, of John Haskell;

A bill (H. R. 5734) granting a pension to Eliza M. Boatright, the surviving widow of Alexander M. Boatright, who was a soldier in the Black Hawk war;

A bill (H. R. 7123) granting an increase of pension to David Reed;

A bill (H. R. 7146) to pension Anna Morgan Burns; and

A bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes or the two Houses on the following bill and joint resolution:

A bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States; and

A joint resolution (H. Res. 118) to suspend the issue of permits to erect dwelling houses in the alleys in the District of Columbia.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6923) making

appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OUTHWAITE, Mr. MITCHELL, and Mr. BELKNAP managers of the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OUTHWAITE, Mr. WHEELER of Alabama, and Mr. HULL managers of the conference on the part of the House.

The message further announced that the Senate had passed the bill (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States volunteer Army, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 2305) to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes;

A bill (S. 3022) authorizing the Leavenworth and Platte County Bridge Company to sell, transfer, and assign to the Leavenworth Terminal Railway and Bridge Company the rights and franchises as granted by acts of Congress approved February 25 and March 2, 1889, and by act of Congress approved July 25, 1890; and

A bill (H. R. 6185) to prohibit the coming of Chinese persons into the United States.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a bill submitted by the Commissioner of Indian Affairs proposing an amendment to the act providing for the sale of the remainder of the reservation of the confederated Otoe and Missouria Indians in Nebraska and Kansas, and for other purposes; and also a letter from the Commissioner of Indian Affairs in support of such bill; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitted in response to a resolution of the 19th ultimo, in regard to the Georgetown and Tennallytown Railway Company; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Ambrose Fuller and 22 other citizens of Attica, N. Y., and the petition of H. W. Drilling and 22 other citizens of Attica and Bennington, N. Y., praying for the passage of the Washburn-Hatch antioption bills; which were referred to the Committee on the Judiciary.

Mr. TURPIE presented memorials of the Methodist Episcopal churches of Rochester, Ind., Peru, Ind., New Palestine, Ind., Goodland, Ind., Morocco, Ind., Pleasantville, Ind., Francisville, Ind.; Presbyterian churches of Charlestown, Ind., Crawfordsville, Ind., Rockfield, Ind., Rock Creek, Ind., Warsaw, Ind.; Evangelical Lutheran churches of Fountain County, Ind., and Richmond, Ind.; and Baptist Church of Napoleon, Ind., praying that no further assistance be given the World's Columbian Exposition by Congress unless the same be closed on Sunday and the sale of intoxicants be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BATE. I present the petition of Orville Yerger and 10 other veterans of the Mexican war, citizens of Tennessee, praying for the passage of legislation by Congress for an increase of pension to the veterans of that war. There were a great many of them, but there are few in number left. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BATE presented a memorial of the Wholesale Grocers' Association of Memphis, Tenn., remonstrating against the discontinuance of the present service to Newport News, Va., after July 1 next by the United States and Brazil Mail Steamship Company; which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Silk Culture Association of the United States, praying that an appropriation of \$10,000 per annum for three years be made by Congress for the promotion of the silk-culture interest in the United States; which was ordered to lie on the table.

Mr. BUTLER. I present a memorial, signed by Mrs. J. B. Bonner, president, and Mrs. A. M. Lamber, vice-president, of Due West, S. C., and a number of other ladies of that place, remonstrating against the opening of the World's Columbian Exposition on Sunday. The memorial is also signed by the King's Daughters of Pelzer, S. C., of which Miss Lillian Baker is president, and by the King's Daughters of Williamston, S. C., of which Miss Olive McKelvey is president. I move that the memorial be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. FAULKNER presented a petition of the Presbyterian Church of Falling Waters, W. Va., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of the Block Brothers Tobacco Company, of Wheeling, W. Va., praying for the repeal of the "free-leaf" provision of the revenue law of 1890 relative to the sale of tobacco; which was referred to the Committee on Finance.

He also presented a petition of the Methodist Episcopal Church of Smith, W. Va., and a petition of the Methodist Episcopal Church of Rowlesburg, W. Va., praying for the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented the memorial of Charles A. Butler and other members of the Seventh-Day Adventist Church of Worcester, Mass., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of the Methodist Episcopal churches of Effingham, Elvaston, Pawnee, Murphysboro, Irving, Dunlap, Monmouth, Cullom and Kempton, Edwardsville, Preemption, Bureau County, Bradford, and Eureka; of the Presbyterian churches of Greenfield, Elvaston, Heisman, and Jerseyville; of the United Presbyterian churches of Smithville and Morea; of the Baptist churches of Bunker Hill and Rock Island; of the Methodist and Congregational churches of Clifton, Ashburn, and Turner; of the Methodist Church of Milton; of the Grace Lutheran Church of Springfield; of the Congregational Church of Toulon; of the Congregational Sabbath School of Plymouth; of the Presbyterian churches of Knoxville and Clarence; of the South Henderson Church of Henderson County; of the United Presbyterian Church of Olena, and of the Baptist Church of Franklin County, all in the State of Illinois, praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Seventh-Day Adventist Church of Westfield, Ill., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO presented a memorial of the faculty of the John B. Stetson University of De Land, Fla., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented a memorial of 43 citizens of Ohio, remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of three Presbyterian churches of Ohio; of nine Methodist Episcopal churches of Ohio; of five Baptist churches of Ohio; of three Reformed churches of Ohio, and a petition of the Youngstown District Epworth League, praying that the World's Columbian Exposition be closed on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SAWYER presented a memorial of 180 citizens of Stevens Point, Wis., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON presented petitions of the Evangelical Lutheran Church of Milroy, Pa.; the Reformed Church of Duncannon, Pa.; the First Baptist Church of Allentown, Pa.; the Reformed Church of Turbotville, Pa.; the Emanuel Church of Manor Dale, Pa.; Grace Church of Harmony, Pa.; St. John Church of Cessna, Pa.; the First Presbyterian Church of Mount Carmel, Pa.; the First Presbyterian of Glenfield, Pa.; the Presbyterian Church of Millinburg, Pa.; the Lutheran Church of Rebersburg, Pa.; the Simpson Methodist Episcopal Church

of Erie, Pa.; the First Presbyterian Church of Corry, Pa.; the Parnassus Church of Parnassus, Pa.; the Mount Prospect Church of Hickory, Pa.; the Mount Zion Church of Shippenville, Pa.; the Presbyterian Church of Pittsfield, Pa.; the Presbyterian Church of Pigeon Creek, Pa.; the United Presbyterian Church of Espeyville, Pa.; the Presbyterian Church of Plains, Pa.; the Presbyterian Church of Pine Grove, Pa.; the St. John Church of Easton, Pa.; the Methodist Episcopal Church of Lancaster, Pa.; the Presbyterian Church of Bart, Pa.; the St. Paul Church of York, Pa.; the First Baptist Church of Canton, Pa.; the St. John Church of Lancaster, Pa.; the Zion Church of Pottstown, Pa.; the Presbyterian Church of New Park, Pa.; the Reformed Church of St. Clairsville, Pa.; the St. John Church of Williamsport, Pa.; the Reformed Church of Shamokin, Pa.; the Presbyterian Church of Lower Marsh Creek, Pa.; the Presbyterian Church of Berwyn, Pa.; the Union Presbyterian Church of West Fairfield, Pa., and the Trinity Church of Lancaster, Pa., remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented the memorial of W. C. Taylor and 32 other citizens of Michigan, remonstrating against any religious legislation by Congress relative to the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of the Baptist churches of Oxford, Dexter, Cedar Springs, Saline, and Quincy, Mich.; of the Methodist Episcopal churches of Harmonia, Parma, Leslie, Rockland, Vicksburg, Bancroft, and Breckenridge, Mich.; of the Congregational churches of New Baltimore, Imlay City, Bancroft, and Breckenridge, Mich.; of the Presbyterian Church of Breckenridge, Mich., and of the Norwegian Lutheran Church of Ludington, Mich., remonstrating against any appropriation for the World's Columbian Exposition by Congress unless the Exhibition be closed on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented petitions of the Edwards Congregational Church of Davenport, Iowa; of the United Presbyterian Church of De Witt, Iowa; of the Baptist Church of Toledo, Iowa; of the First Baptist Church of Vinton, Iowa; of the Baptist Church of Waverly, Iowa, and a petition of the Congregationalist Church of Mount Pleasant, Iowa, praying that the World's Columbian Exposition be closed on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MORRILL. I present a memorial of citizens of East Hardwick, Vt., remonstrating against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday or in any other way to commit the Government to a course of religious legislation. It is clear that this question is a mixed one. If the World's Fair should be closed on Sunday it would virtually exclude all the workmen in Chicago from any reasonable opportunity to visit it. I move that the memorial be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. PADDOCK presented the petition of John Galloyle and W. R. Cook, as a committee for 175 members of the Methodist Episcopal Church of Falls City, Nebr., and a petition of 397 members of the Women's Missionary Society of the United Presbyterian Church of Omaha, Nebr., praying that the World's Columbian Exposition be closed on Sunday, that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of I. U. Kite and 22 other citizens, of Seward, Nebr., and the memorial of John Dunbar and 80 other citizens of Dunbar, Nebr., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HAWLEY presented the petition of William H. Wiley and 13 other citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. WALTHALL presented a memorial of the Cotton Exchange of Columbus, Miss., remonstrating against the passage of the Hatch bill relative to dealings in futures; which was referred to the Committee on the Judiciary.

Mr. PETTIGREW presented the memorial of S. B. Whitney

and 23 other members of the Seventh-Day Adventist Church of Bridgewater, S. Dak., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLISON presented a memorial of sundry citizens of Osceola, Iowa, and a memorial of sundry members of the Seventh-Day Adventist Church of Gilman, Iowa, remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Baptist Church of Toledo, Iowa; of the United Presbyterian Church of De Witt, Iowa; of the Edwards Congregational Church, of Davenport, Iowa; of the Baptist Church of Waverly, Iowa; of the Congregationalist Church of Mount Pleasant, Iowa, and a petition of the First Baptist Church of Vinton, Iowa, praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present the petition of the Addison-Tinsley Tobacco Company, the Major and Mackey Tobacco Company, of Louisiana, Mo., and the petition of William G. Hills, of St. Louis, Mo., in regard to the removal of the tax from leaf tobacco and asking legislation in the interest of the manufacturers. I move that the petitions be referred to the Committee on Finance for consideration as an amendment to some of the tariff bills which have been referred to that committee and which it is to be hoped they will report back to the Senate at a very early day.

The motion was agreed to.

Mr. COCKRELL presented petitions of the Akron, Martinville, and New Hampshire Presbyterian churches, of Harrison County, Mo.; of the Methodist Episcopal Church of Plattsburg, Mo.; of the Presbyterian Church of Neosho, Mo.; of the Lafayette Park Presbyterian Church, of St. Louis, Mo.; of the First Presbyterian Church of Rolla, Mo.; of the Methodist Episcopal Church of Centralia, Mo., and a petition of the Desoto Methodist Episcopal Church of Desoto, Mo., praying that the World's Columbian Exposition be closed on Sunday and the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of William Beddoe and sundry other citizens of Rolla County, Mo., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GALLINGER presented the memorial of Maria S. Freeto and other citizens of Sullivan County, N. H., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MANDERSON presented a petition of the Methodist Episcopal Church of Carleton, Nebr., and a petition of the Methodist Episcopal Church of Falls City, Nebr., praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented petitions of the United Presbyterian Church of Greensburg, Pa.; of the faculty and students of the Western Theological Seminary of Allegheny, Pa.; of the Congregational Church of Mount Pleasant, Pa.; a petition of 17 religious congregations, representing 3,260 citizens of Pennsylvania, and the petition of Rev. M. M. Wilson, pastor of the Presbyterian Church of Homestead, Pa., praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of 27 citizens of Pittsburg, Pa.; of 23 citizens of Philadelphia, Pa.; of 22 citizens of Allegheny, Pa.; of 13 citizens of Wilkesbarre, Pa.; of 23 citizens of Emsworth, Pa.; of 9 citizens of Beaver, Pa.; of 86 citizens of Pittsburg, Pa.; of 65 citizens of Waynesburg, Pa.; of 56 citizens of Springtown, Pa., and a petition of 89 members of the Seventh-Day Adventist Church of Montrose, Pa., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented five petitions of Lamar Grange, No. 274, and six petitions of Dawson Grange, No. 419, Patrons of Husbandry, of Pennsylvania, praying for the free delivery of mails in rural districts; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John S. Walter, late second lieutenant Company H, Thirteenth Regiment Pennsylvania Volunteer Cavalry, praying for the passage of legislation for his relief; which was referred to the Committee on Military Affairs.

He also presented a petition of 79 citizens of Hickory, Pa.; the petition of H. P. Aston, representing 200 citizens of Philadelphia, Pa., and the petition of Rev. W. P. Fulton and 98 other citizens of Philadelphia, representing the Ninth Presbyterian Church, praying that an appropriation of \$5,000,000 be made by Congress for the World's Columbian Exposition, provided the exhibition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Society of Our Young People of the United Presbyterian Church of Allegheny, Pa., praying that the World's Columbian Exposition be closed on Sunday; that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 165 citizens of Claysville, Pa., and a petition of the Synod of the Reformed Presbyterian Church of Pittsburgh, Pa., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 99 citizens of Osceola, Pa.; a petition of the Evangelical Lutheran Church of Mount Pleasant, Pa., indorsed by 98 members; a petition of the Reformed Church of Mount Pleasant, Pa., indorsed by 175 members, and a petition of 354 citizens of West Newton, Pa., praying that no exposition or exhibition where United States funds are expended shall be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the petition of Albert Oss, late of Company B, Eleventh Regiment New Jersey Volunteers, praying to be awarded a gold medal for gallant services in the field, submitted a report thereon, and asked to be discharged from its further consideration, and that leave be granted to withdraw the petition and papers from the files of the Senate; which was agreed to.

Mr. QUAY, from the Committee on Commerce, to whom was referred the bill (S. 894) authorizing the Secretary of War to cause a survey to be made for a ship canal connecting the waters of Lake Erie and the Ohio River, reported it with amendments.

He also, from the Committee on the Library, reported two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SANDERS, from the Committee on Claims, to whom was referred the bill (S. 1698) for the relief of Thomas F. Rowland, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 649) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, to report it with an amendment and to submit a report thereon. This is what is known as the 4th of July claims bill. It is a very short one, but the Senate committee has amended it in an important respect.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1198) for the relief of James Bridger or his legal representatives, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 583) for the relief of Daniel W. Perkins, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

- A bill (S. 2750) for the relief of S. E. Gittings, administrator;
- A bill (S. 2668) for the relief of Thomas B. Reed;
- A bill (S. 2836) for the relief of Hannah B. Crosman, executrix;
- A bill (S. 2883) for the relief of Katharine B. Montgomery, administratrix;
- A bill (S. 2908) for the relief of Charles Candy; and
- A bill (S. 2950) for the relief of the legal representatives of Samuel Woods.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 130) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1510) for the relief of Jacob Barr, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PERKINS, from the Committee on the District of Columbia, to whom was referred the bill (S. 3042) to provide for leave of absence to certain members of the Grand Army of the Republic during the encampment of the Grand Army of the Republic in the city of Washington, D. C., during the month of September, 1892, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Civil Service and Retrenchment; which was agreed to.

Mr. MILLS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2828) for the relief of L. M. Garrett, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (H. R. 5640) to increase the pension of Cassie A. Davis, reported it without amendment, and submitted a report thereon.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by him to the sundry civil appropriation bill providing for the purchase of a site for a public building in Allegheny City, Pa., reported it with amendments, and submitted a report thereon; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY POST AT HELENA, MONT.

Mr. HAWLEY. I ask the attention of Senators to the bill that passed the Senate to establish a new military post at Helena, Mont. The other House sent here a bill precisely like the one the Senate passed with the sole exception that it reduced the appropriation from \$300,000 to \$100,000. I report back from the Committee on Military Affairs the bill (H. R. 5108) to establish a military post at or near the city of Helena, in Lewis and Clarke County, in the State of Montana, and I ask the Senate now to permit the consideration of this House bill. The Committee on Military Affairs has instructed me to ask its passage notwithstanding the reduction.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SANDERS. I move to amend the bill by striking out "\$100,000" and inserting "\$200,000."

Mr. HAWLEY. I respect the Senator's desire to get the larger sum, but the Committee on Military Affairs is unanimous in thinking that we had better accept the reduction made by the other House, because next winter will be coming very soon, and next December, if an additional appropriation is needed, even before the expiration of the next fiscal year, it can be made. This sum of \$100,000 is quite sufficient to begin with. I will make another suggestion, that if we make an alteration in the bill now nobody knows when we can get the bill through.

The VICE-PRESIDENT. The amendment moved by the Senator from Montana will be stated.

The CHIEF CLERK. In line 7 of section 2, before the word "hundred," strike out the word "one" and insert the word "two;" so as to read: "the sum of \$200,000."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

Mr. SANDERS. Mr. President, I wish to say a single word in reference to this amendment. The Committee on Military Affairs, I am advised, are unanimous that for the sake of obtaining this legislation it is wise to accept this reduction. As I am not so particularly concerned about the legislation as I am about acquiring the benefits to be derived from the legislation, it occurs to me that such legislation had better be passed as will insure the establishment of a military post at that place.

It is provided in the bill that the citizens of Montana in that vicinity shall themselves make a contribution to the United States varying in amounts. I presume I might say, from \$50 to \$100,000, a free gift to the United States, and in consideration of that gift it is proposed to establish there an essential and necessary military post, there not being any partnership in the ownership of it between the people who make the contribution of the land and the Government that makes the contribution of the improvements, the Government taking them all. It occurs to me that that kind of a trade, while entirely creditable to the

gentlemen of the Military Committee if they can succeed in making it, does not promise absolute success. It does not seem to me to be fair. Nobody pretends that a military post of any value, such as is needed by the Army, such as is required for its necessities, can be established for the sum of money which is proposed in the House bill.

For my part, I do not think that the Committee on Military Affairs ought to have contented themselves with the proposition that the United States should appropriate \$100,000 and the citizens \$100,000, and that the Government should take the entire property, that too being a matter of public utility and not of any considerable local consequence. Four or five military posts in that vicinity have been abolished. It is proposed to abolish one other, so that this is simply a change of military posts. It is also proposed, I believe, to reduce the size of one, it having been found utterly unfitted to accommodate so large a body of troops as it originally did accommodate, by reason of the drying up of streams that originally supplied it with water.

I regret very much that the Committee on Military Affairs are of the opinion that \$100,000 is at all adequate for this post, and I hope \$200,000 is the minimum that will be appropriated.

Mr. VEST. Mr. President, there is nothing coercive about this legislation upon the citizens of Helena, Mont. If they do not choose to make this donation of land, that is the end of the matter. It was a proposition made by them, and one about which I know they are very solicitous. It is no secret, open or otherwise, that the location of a post in a Western town or city is of the very greatest advantage to the community. It is not proper or necessary to go into details to show how it is.

The Senator from Montana must be aware of the fact (and if he is not I think I can state to him with absolute certainty) that the bill must pass in this shape to become a law, and if it is not passed in this shape it will not become a law. This \$100,000 is the very limit to which the House of Representatives will go; and there are exigencies in the public expenditure at this time which will result in the absolute defeat of the measure if it does not go through the Senate now without amendment.

Mr. COCKRELL. If this bill is to lead to any protracted discussion I must object to its further consideration and let it be placed on the Calendar.

Mr. HAWLEY. I hope the Senator will withhold objection for a moment. I do not think it will be discussed any longer.

Mr. COCKRELL. If the discussion can be ended without further debate I shall not object.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. SANDERS].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORTS OF SUPERIOR AND ASHLAND, WIS.

Mr. SAWYER. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 6788) to establish supports of entry and delivery at Superior, Wis., and at Ashland, Wis., in the Superior collection district of Michigan and Wisconsin, to report it without amendment. I ask immediate action upon the bill. It is a very short bill, and it is recommended by the Treasury Department and reported favorably by the committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. QUAY, from the Committee on the Library, presented the annual report of the Librarian of Congress for the calendar year 1891, and submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the annual report of the Librarian of Congress, for the calendar year 1891, be printed, and that 500 extra copies, with covers, be printed for distribution by the Librarian.

LIST OF MERCHANT VESSELS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 75) authorizing the printing of 2,000 copies of the Twenty-third Annual List of Merchant Vessels of the United States, for the year ending June 30, 1891, to report it back adversely, and I move its indefinite postponement.

The motion was agreed to.

Mr. MANDERSON. I am directed by the same committee to report a concurrent resolution, it being the same subject-matter with the joint resolution just disposed of, and I ask for its present consideration.

The concurrent resolution was considered, by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed for distribution by the Bureau of Navigation of the Treasury Department 2,000 copies of the Twenty-third Annual List of Merchant Vessels of the United States, for the year ending June 30, 1891, as prepared by the Commissioner of Navigation.

CATTLE AND DAIRY FARMING.

Mr. MANDERSON. From the Committee on Printing I report back favorably, with amendments, a concurrent resolution for reprinting House Executive Document No. 51, and I ask for its present consideration.

The VICE-PRESIDENT. The concurrent resolution will be read.

The CHIEF CLERK. As proposed to be amended, the concurrent resolution reads:

Resolved by the Senate (the House of Representatives concurring), That there be reprinted 5,000 copies of House Executive Document No. 51, of the first session of the Forty-ninth Congress, on cattle and dairy farming, of which number 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the Committee on Printing.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

EXPENSES UNDER TREATIES WITH GREAT BRITAIN.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 8503) making appropriations for expenses that may be incurred under the treaties between the United States and Great Britain, concluded at Washington, February 29 and April 18, 1892, to report it without amendment favorably, and as it is a matter of pressing importance, I ask unanimous consent that the bill may be now considered.

Mr. JONES of Arkansas. I wish to ask if it will take much time?

Mr. ALLISON. It will take about a minute and a half, I will say to the Senator from Arkansas.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$150,000 to enable the President to fulfill the stipulations contained in the treaties between the United States and Great Britain signed on the 29th day of February and the 18th day of April, 1892, in relation to the tribunal of arbitration at Paris.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3067) granting the right of way to the Kentucky and Indiana Bridge Company on and across the grounds of the Louisville and Portland Canal, the property of the Government of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. STOCKBRIDGE introduced a bill (S. 3068) to increase the appropriation for the public building at Lansing, Mich.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PEPPER introduced a bill (S. 3069) granting a pension of \$72 a month to Isaiah Queman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 3070) fixing the time and providing for holding general elections in the Territory of Oklahoma, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. SANDERS introduced a bill (S. 3071) reserving easements for common highways in the arid States and Territories; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. QUAY introduced a bill (S. 3072) granting a pension to Maria Barton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3073) for the relief of John S. Walter; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3074) to donate to the town of Tampa, in Florida, the Fort Brooke military reservation, for the benefit of free schools, and other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 3075) for the relief of Maj. Gen. George S. Greene; which was read twice by its title, and referred to the Committee on Military Affairs.

POWDER BOATS IN NEW YORK HARBOR.

Mr. MCPHERSON submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Treasury be directed to remove at once all powder boats used for the storage of powder now lying in the harbor of New York; and that hereafter no boats of this description shall be allowed in said harbor, except boats in transitu or those engaged in transferring army and navy supplies of powder.

Mr. MCPHERSON. I ask for the present consideration of the resolution.

Mr. CHANDLER. I ask that the resolution may go over until to-morrow.

The VICE-PRESIDENT. Objection being made, the resolution will go over.

ARMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. STEWART, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. STEWART, Mr. ALLISON, and Mr. BLACKBURN.

OBE SUTHERLAND.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States volunteer army, which was in the last line of the bill to strike out "\$50" and insert "\$20."

Mr. VEST. I move that the Senate refuse to concur in the amendment of the House of Representatives and ask for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. VEST, and Mr. SHOUP were appointed.

ORDER OF BUSINESS.

The VICE-PRESIDENT. If there is no further morning business that order is closed.

Mr. PLATT. There was an agreement for the order of business this morning after the routine business.

Mr. QUAY. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania rise to morning business?

Mr. QUAY. No, sir.

The VICE-PRESIDENT. By unanimous consent, at the conclusion of the morning business, the resolution submitted by the Senator from Arkansas [Mr. JONES] was to be taken up.

Mr. QUAY. I ask the Senator from Arkansas to yield the floor to me for the purpose of having a public-building bill passed.

Mr. PLATT. Let the pending resolution be laid before the Senate.

Mr. JONES of Arkansas. Yes, let the regular order be laid before the Senate.

The VICE-PRESIDENT. The regular order will be stated.

The CHIEF CLERK. A resolution, by Mr. JONES of Arkansas, relative to the President's message of February 18, 1892, upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw Nations for their interests in the Cheyenne and Arapahoe Reservations.

Mr. PLATT. I desire to be heard on this resolution, but I have no objection to yielding temporarily for the passage of the bill indicated by the Senator from Pennsylvania.

Mr. JONES of Arkansas. I wish to say that the Senator from Missouri [Mr. VEST] tells me there is a bridge bill that is pressing in its nature, and he has asked me to yield to him also. I will yield to the Senator from Pennsylvania and to the Senator from Missouri, but I hope Senators will not insist upon taking up further time.

ARMY PROMOTIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry,

and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. HAWLEY. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. COCKRELL, and Mr. MANDERSON were appointed.

PUBLIC BUILDING AT WASHINGTON, PA.

Mr. QUAY. With the consent of the Senator from Arkansas [Mr. JONES], I now ask that the Senate proceed to the consideration of Senate bill 1916.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1916) to provide for the erection of a public building at Washington, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT DE WITT, MO.

Mr. VEST. With the consent of the Senator from Arkansas [Mr. JONES], I ask the Senate to proceed to the consideration of Order of Business 533, House bill 250, for the construction of a bridge over the Missouri River. The parties are waiting for the passage of the bill and want to commence work.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 250) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post-road.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 4, line 10, after the word "telegraph," to insert "and telephone;" so as to make the section read:

SEC. 4. That any bridge constructed under this act shall be a lawful structure and shall be known as a post-road, and the same is hereby declared to be a post-road, over which no higher charge shall be made for the transmission of mails, troops, and munitions of war of the Government of the United States or for passenger or freight passing over the same than the rate per mile charged for their transportation over the railroad or public highways leading to the said bridge, and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies. The United States shall have also the right of way over said bridge for postal-telegraph purposes.

The amendment was agreed to.

The next amendment was, in section 6, line 17, after the word "adopted," to insert "and paid for;" in the same line, after the word "company," to insert "or its successors and assigns;" and in line 22, before the word "made," to strike out "authorized or;" so as to make the section read:

SEC. 6. That the said railway company, before entering upon the construction of said bridge, shall submit to the Secretary of War plans and drawings of said structure, together with a map of the location thereof for 1 mile above and 1 mile below said location, giving the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current of said river at all stages of the water, showing also the bed of the river and the channel with such other and further information as the Secretary of War may require, which said drawings and other information aforesaid shall be examined by him, and if he shall approve the same he shall so notify the said railway company of such approval, and thereupon said company may proceed to the erection of said bridge. The Secretary of War may make such alterations in such plans as he may deem necessary to the better protection of navigation, and such alterations shall be adopted and paid for by the said railway company or its successors and assigns. The said railway company may at any time make any alterations deemed advisable to be made in said bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be made.

The amendment was agreed to.

The next amendment was, in section 7, line 9, after the word "said," to strike out "railway" and insert "company or its successors and assigns;" so as to make the section read:

SEC. 7. That the said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts under it both by day and night. There shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Light-House Board, and such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of said company or its successors and assigns, in order the more effectually to preserve the free navigation of said river, or the said structure shall be altogether removed, if in the judgment of the Secretary of War the public good may require such removal, and without expense or charge to the United States.

The amendment was agreed to.

The next amendment was, in section 8, line 3, after the word "within" where it first occurs, to strike out "one year" and insert "two years;" in the same line, after the word "within" where it occurs the second time, to strike out "three" and insert "four;" and in line 4, after the word "date," to strike out "thereof" and insert "of the approval of this act;" so as to make the section read:

SEC. 8. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHEYENNE AND ARAPAHOE RESERVATION.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business which was assigned for this hour, being the resolution submitted by the Senator from Arkansas [Mr. JONES] relative to President's message upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw nations for their interests in the Cheyenne and Arapahoe Reservation.

Mr. PLATT. Mr. President, I regret very much that I am compelled to differ with the majority of the Committee on Indian Affairs in relation to the resolution which has been reported from that committee, advising the Senate that there is no occasion to interfere with the execution of the law appropriating nearly \$3,000,000 for the payment of a claim of the Choctaw and Chickasaw Indians. I believe it is the first time that I have disagreed with that committee during my somewhat extended service upon it, but as my views are very clear and the conclusion which I have reached by a somewhat careful examination of the facts seems to me to be sound, I think that I need not apologize to the Senate if I take a little time to explain the reasons of my disagreement.

As the construction of the act making the appropriation may be important, I ask that the Secretary read that portion of section 15 of the Indian appropriation act of 1891 which relates to this matter.

The Secretary read as follows:

And the sum of \$2,901,450 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw Nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order: said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapahoe Indians, said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw Nations of Indians, which was concluded April 23, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,393,160 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation; this appropriation to be immediately available and to become operative upon the execution by the duly appointed delegates of said respective nations specially authorized thereto by law of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Griener County, which is now in dispute) in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw Nations of Indians in and to the tract of country to which said releases and conveyances shall apply.

Mr. PLATT. Mr. President, it seems a misfortune that a question of this sort should ever come before the Senate of the United States. Its place is in the courts, and the place where it should be finally determined is the Supreme Court of the United States. The argument which is made either in favor of or against the allowance of such a claim as this, is an argument which must deal with treaties and titles, and the construction of treaties with reference to titles; and to argue such a question to an inattentive Senate seems almost a travesty.

Before proceeding with the argument I desire to call attention to the lands which are said by the appropriation act to have been "ceded in trust" to the United States. By the treaty of 1830, made between the United States and the Choctaw Indians—the Chickasaws then having no rights whatever in this property—all the lands between what is now the western boundary of the State of Arkansas, lying between the Canadian River and the Red River, and extending as far west as the one hundredth meridian, were ceded to the Choctaw Nation.

As I said, the Chickasaws then were not a part of the Choctaw Nation and had nothing in common with them. By the treaty of 1837 the Chickasaws acquired certain rights with the Choctaws, a right in all their lands. At that time a district was established by the treaty called the Chickasaw district, which took the western portion of these lands which had been ceded to the Choctaws in 1830, extending from a line about midway between the ninety-sixth and ninety-seventh meridians of longitude west to the one hundredth meridian.

In 1855 a treaty was made between the United States and the Choctaw and Chickasaw Indians, by which the Chickasaw district, which had been established, extending from a line between the ninety-sixth and ninety-seventh meridians to the one hun-

dredth meridian, was reduced and the western limit of the Chickasaw district was then fixed at the meridian of 98°, and all the lands between the ninety-eighth and one hundredth meridians were leased to the United States for a certain specified purpose, which was to settle Indians upon them.

Things went on in that way until 1866, after the rebellion, when another treaty was made between the Choctaws and Chickasaws on the one hand and the United States on the other, by which the leased lands, as they were called, lying between the ninety-eighth and the one hundredth meridian, were ceded to the United States; that is, the remaining title of the Choctaws and Chickasaws in those lands was ceded to the United States. After that the United States located certain Indians upon these lands.

In 1867, by a treaty, the Kiowas, Comanches, and Apaches were limited to the southern portion of the leased lands. By Executive order in 1869, the Cheyennes and Arapahoes were located north of the Kiowas, Comanches, and Apaches, occupying all the lands north of the Kiowa Reservation and south of the Canadian River between the ninety-eighth and the one hundredth meridians.

Afterwards, in 1872, the Wichitas, by an unratified agreement, were placed on a portion of the land to which the Cheyennes and Arapahoes had been assigned by Executive order. The Cheyennes and Arapahoes were negotiated with last year to relinquish the lands upon which they had been placed by Executive order, and the agreement with them was ratified in the same Indian appropriation bill which contains this appropriation for the Choctaws and Chickasaws. With the understanding that that would be ratified, the Chickasaws and Choctaws came forward and claimed to be paid for these lands which had thus been occupied by the Cheyennes and Arapahoes, and the appropriation proposed to pay them at \$1.25 an acre, practically, for all these lands.

Now, Mr. President, let us inquire how this matter comes up before the present session of Congress, the appropriation having been made at the last session. It comes by a message of the President of the United States, who informs Congress that the appropriation having been made and conferring upon him a discretion to approve the releases and conveyances which were required of the Choctaws and Chickasaws, he found, when he came to examine the matter, certain things which he thought the attention of Congress ought to be directed to, and he calls attention to those matters which go directly, first, to the question of whether any appropriation should have been made, and, second, to the question whether this appropriation which was made was a proper appropriation, whether it was of the proper amount, if anything was to be paid to these Indians, and the report of the Indian Committee puts the present Senate in the position, if it adopts it, of saying that the original appropriation was right and proper and just. It is a reaffirmance of the original appropriation and of the grounds upon which it was claimed; and as from the time this matter was first proposed to Congress I have been of the opinion that the Choctaw and Chickasaw Indians had no claim either in law or strict equity for any payment whatever, I can not agree to the resolution reported by the committee nor the reasons of the report sustaining that resolution.

When the President came to consider this question upon the report of the Secretary of the Interior, the first thing that he found was that a law had been passed by the Choctaw council contracting out three-fourths of the amount which might be recovered by the Choctaws to certain delegates to be appointed under the law to present the matter to Congress.

Mr. JONES of Arkansas. One-fourth.

Mr. PLATT. One-fourth. Did I say three-fourths?

Mr. JONES of Arkansas. The Senator said "three-fourths."

Mr. PLATT. Then it was a slip of the tongue. I meant one-fourth—and that the amount which was to go to these three delegates was something over \$500,000.

Mr. McPHERSON. As compensation?

Mr. PLATT. As compensation. The Choctaw council had passed a law directing one-quarter of the recovery to be paid to these delegates for presenting the matter to Congress, and the appropriation act itself is so drawn that those delegates can collect it if they have the authority of the Choctaw Nation, for the amount is to be paid "at such times and in such sums as directed and required by the legislative authority of the Choctaw Nation."

In passing I may say that the council passed a law authorizing these delegates to draw one-fourth of the amount from the Treasury.

The President found also by an affidavit—and I trust I shall not be criticised by the Senator who makes this report for calling it an affidavit, although the President is somewhat criticised in the report for speaking of it as an affidavit—a statement, at least, of one of the delegates who was appointed to present this matter to Congress, Mr. Robert J. Ward, that he secured the

confirmation of himself and other delegates by giving the notes of the delegation to senators enough in the Choctaw council to secure their confirmation, the notes amounting in all to about \$82,500, I believe. That matter was laid before the President, the affidavit or statement being dated as early as April 4, 1891.

The President then discovered that the Choctaw Nation had undertaken to divide this amount of three-fourths that was coming to them simply among the full-bloods of the nation, excluding from any participation in it anybody who was less than full blood. His attention was also called to the fact that the freedmen, who had been domiciled among them, and who have all the rights of Choctaw citizens, were, by this act of distribution excluded from any participation in the distribution. If I can find it here, I should like to read it.

Mr. McPHERSON. Will the Senator please tell the Senate what he means by the term "freedmen," as applied to these Indian tribes?

Mr. PLATT. The Choctaws had had slaves, and in 1866 slavery was abolished. By the treaty of 1866, which I shall come to after awhile, and as a result of that treaty, the freedmen were received into their nation and they were given lands and made citizens. I suppose slavery may have been abolished by the emancipation, but the Choctaw treaty contained an article to the effect that slavery among them was forever abolished—the freedmen were those who had been slaves to the Choctaws.

I have the affidavit which Mr. Ward made in relation to the method of his appointment. It is signed on the 7th day of January, 1892, his original statement having been signed and acknowledged before the Indian agent in April, immediately after the passage of this act; but it seems that somebody else besides the committee had probably criticised him because he did not swear to it; and so he makes this affidavit:

I, R. J. Ward, having been duly sworn, on my oath depose and say: In 1889 I was nominated by the principal chief as a delegate to secure the values of the leased district. I was very ambitious to be on this delegation, and George Thibault, United States citizen, of Paris, Tex., worked a scheme up on me by which he got certain senators to refuse to confirm me unless I would secure a subcontract for them. I knew I could not do this, and I met the devil with fire and agreed to their blackmailing terms by giving them promises to pay, and signed the names of the delegation without the knowledge or consent of H. C. Harris or J. S. Standley, and they have never confirmed such promises as far as I know, and I have never talked to them about it for obvious reasons. I went to the chief, W. N. Jones, in 1890, when this matter was up, and told him the plain truth. A mean trick was worked up on me, and my ambition yielded to the temptation to defeat them by this trick in return. The Choctaw general council in contracting with the delegation of 1889 the percentage fixed were not influenced in any way except by the consideration of the probable difficulties alone. The promises I made were in reference to my confirmation alone. Standley and Harris are entirely innocent of any knowledge or connection with this matter. I told various people what the facts were, and, among others, Mr. Leo E. Bennett, United States Indian agent. I think he wrote down what I said to him, and I signed it.

R. J. WARD.

This day personally appeared before me Robert J. Ward, to me well known, who having been duly sworn to tell the truth, the whole truth, and nothing but the truth, declared the above statement to be the truth and signed the same in my presence.

Given under my hand this 7th day of January, 1892.

I. C. PARKER,

United States District Judge.

I hereby certify that the within is a true and literal copy of the original. In witness whereof I hereunto attach my name and seal.

[SEAL.]

ROBERT L. OWEN,

United States Commissioner.

The President having ascertained these facts, that a quarter of the Choctaw recovery was to go to men of this character, at least one of them—I say nothing as to the other delegates—and one of them admitting that he secured his confirmation in this manner, that an act having been passed excluding all but full-bloods and excluding the negro freedmen who had become citizens from participation in this money, took occasion to examine the grounds on which this appropriation was made, and some sharp criticism, as it seems to me, has been made of the President for doing so.

Mr. JONES of Arkansas. If the Senator will permit me, I hardly think he means to be understood as saying that this act excluded all Indians except full-bloods. It said "Indians by blood," as I remember it.

Mr. PLATT. I do not know that I can turn now to the document which refers to that.

Mr. JONES of Arkansas. That is immaterial. I do not wish to interrupt the Senator.

Mr. PLATT. That is immaterial, as the Senator says; but it certainly does exclude the freedmen, who have been adopted by the Choctaw Nation under the circumstances which I have referred to from any participation in this recovery.

The President, therefore, having these facts before him in reference to the way in which the appropriation was obtained or sought to be obtained, and in reference to the way in which a distribution was to be made, as I remarked, examined the ground upon which the appropriation was made, examined the claims of the Indians, and came to the conclusion that

they had no claim, or, if they had a claim, that it had been largely swelled above what justice or equity would fix as its amount. Thereupon he thought it was his duty to call the attention of Congress to it, in which I agree with the President, and I do not think that any criticism upon him for having declined to approve any releases or conveyances submitted to him—and I do not know that any have been finally submitted to him—leaves him open to any criticism whatever. Indeed, I think it was the plain duty of the President if he found that there was anything suggesting fraud in the prosecution of this claim before Congress, suggesting the payment of a large portion of it as an unconscionable fee to attorneys, anything erroneous in the descriptions, or anything inequitable in the claim, to call the attention of Congress to it. It is also the duty of Congress to heed his message when he calls the attention of Congress to it.

If the President under those circumstances, believing, on an examination, that the claim was inequitable or unfounded or too much in amount, or that there was any suggestion of fraud in its prosecution, had failed to call the attention of Congress to it, I apprehend that he would have been open to criticism. There is nothing in this appropriation which compels the President to accept any releases or conveyances, and, as he says in his message, the whole subject was open to him. He says:

But as a duty was devolved upon me by the section quoted, viz. the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

I was glad to hear the Senator from Illinois [Mr. PALMER] say that in his judgment the President had done precisely what the President should have done under those circumstances.

In examining this case, the attention of the President of the United States was attracted to the averment in this appropriation act to this effect:

Said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw Nations of Indians, which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year.

That is the basis on which this claim rests.

The President of the United States came to the conclusion, as advised by the Secretary of the Interior also, that these lands were not ceded in trust by the treaty of 1866, but that the conveyance and cession of that treaty was absolute, imposing no trust upon the United States. In other words, the whole ground of the claim is cut out, unless it can be maintained that the United States in 1866 took only a trust estate in those lands. If not, these Indians have no claim against the United States either in law or in strict equity. If, by the treaty of 1866, the Indians ceded to the United States all the interest which they had in those lands and the United States took an absolute title in them, then there is no reason why they should be paid either much or little for the lands.

Therefore, I propose to examine the question upon which the appropriation was founded: and that is, whether by the treaty of 1866 a trust estate only in these lands was conveyed to the United States. To do this it will be necessary to go back to former treaties. I do not propose at present, however, to go back to the treaty of 1830—I shall have something to say about the earlier treaty before I conclude—because the treaty of 1830 established the limits of the Choctaw territory, because all treaties prior to 1830 were by the treaty of 1830 declared to be null and void, and the treaty of 1830 to be the only treaty existing between the Choctaw Nation and the United States; because in the very title of the treaty it was proclaimed to be "a treaty of friendship, of cession, and of limits." That treaty fixed the western boundary of the Choctaw territory and possessions at the one hundredth meridian. So I say that the treaty of 1830 was a full, final settlement of any claim which the Indians might have had to any territory west of the meridian of longitude 100°. The circumstances under which that treaty was negotiated show that it must have been so.

The question of whether the Cherokee Nation or the Choctaw Nation had any rights as against the State governments within the States where their territory lay east of the Mississippi River was then under consideration by the Supreme Court of the United States. It arose in this way: A white man named Worcester, a citizen of Vermont, went into Georgia and into the limits of the Cherokee lands in Georgia. Georgia had passed a law that no man should reside within those limits except by permission of the State of Georgia, claiming that the Cherokee Indians had no right there independent of the State of Georgia. Worcester had been arrested; he had been convicted under the law of Georgia; he had been sentenced to four years' imprisonment. He brought his case to the Supreme Court of the United States, and it was pending there at the time the treaty of 1830 with the Choctaws and Chickasaws was considered. It was believed that this State had the right to impose conditions upon the Indians,

and the State of Mississippi had taken the same ground which the State of Georgia had, and the President of the United States had told the Choctaws and Chickasaws that he could not protect them in the State of Mississippi as against that State and the authorities of that State, and that, if they stayed in the State of Mississippi they must submit to become citizens of that State; that if they wanted to preserve their rights as an independent nation they must move westward into a Territory where the power of the United States was supreme and where it did not conflict with the power of a State. So whatever claim there may have been that there was any right of the Choctaws to any land west of the one hundredth meridian was given up by this treaty of 1830.

The Choctaws got more from that treaty than they gave, if they gave up any claim. They got for the first time in the history of the United States a guaranty by the Government of the United States of their independence, of their autonomy, of their right of self-government in this same treaty.

It is interesting to note some of the statements which were made to the Choctaws by the Secretary of War, Mr. Eaton, and by Andrew Jackson, then President of the United States, as to the circumstances under which they were called upon to make this treaty; and I quote from a document which accompanies this treaty of 1830 a portion of the talk to the Cherokees by the Secretary of War. He says:

The experience of the past has abundantly shown that you can not reside peaceably where you are. The laws of Mississippi, subjecting you to a different government than you have been accustomed to, and which will restrict you to the usages and customs and rule to which your white brothers conform, are already extended over you. This your Great Father can not prevent, and repeatedly he has told you so. Are you prepared to submit to this state of things, and to become citizens, for such must be the case? If you are so prepared then it is unnecessary to say more or to speak to you further on the subject. These matters have been discussed already long enough, and it is high time there should be an end to the argument and a decision had, whether you will remain where you are, surrounded by the whites and made subject to their laws, or peaceably remove to the West, there to live on your own soil, under your own ancient usages and customs, and free from those interruptions which now on every side beset you. One or the other you must resolve upon. Further delay is not only unnecessary, but it is attended with hazard to your best interest.

I quote also from the talk of the commissioners to negotiate this treaty, called the treaty of Dancing Rabbit Creek, to the Choctaw chiefs, a single sentence with reference to a question which I shall discuss later, and that is, whether the payment which was made in 1855 of \$800,000 had any reference to any land west of the one hundredth meridian. This is what the commissioners say:

Brothers, in 1830, by a treaty made with you at Doaks Stand by your present Great Father, an extensive and fine country was given to you for the use of your people. It was a gift to you; for the country you ceded to the United States was fully paid for.

So that whatever may have been intended as to boundaries and limits in 1820, the land ceded to them by that treaty was a gift by the United States to the Indians, and nothing that they have ever paid for, and they were distinctly told at the time of making the treaty of 1820 that that was the case.

In 1830, then, the treaty made the limit of their boundary on the west the one hundredth meridian. This treaty of 1830 made the boundary the source of the Canadian River if in the limits of the United States, or those limits if the source of the river was not in the United States, and the limit of the United States was in fact the one hundredth meridian.

I repeat that all other treaties were declared by article first to be null and void. I read it:

And that this may be considered the treaty existing between the parties, all other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void.

I read article 2:

The United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee-simple to them and their descendants—

I call attention to this language:

to insure to them while they shall exist as a nation and live on it—

"While they shall exist as a nation and live on it," and no longer—

beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeable to the treaty, made and concluded at Washington City in the year 1825.

That refers to the eastern boundary between Arkansas and this Territory.

The grant to be executed as soon as the present treaty shall be ratified.

How can it be claimed that after the establishment of the boundaries of their tract by this treaty there was left in the Choctaws any interest in lands west of the one hundredth meridian or any right to reimbursement for any land west of the one hundredth

meridian is beyond my comprehension to understand. Nothing but the urgent necessities to find some basis on which to base a \$10,000,000 claim against the Government of the United States can explain it.

Mr. JONES of Arkansas. Is it not distinctly recited as one of the considerations in the treaty?

Mr. PLATT. What?

Mr. JONES of Arkansas. The payment of \$800,000 for the land.

Mr. PLATT. I have not come to that treaty yet. I will show, when I come to that treaty, that the \$800,000 had nothing whatever to do with the relinquishment of the lands west of the one hundredth meridian, and I will show it, I think, so clearly that even the Senator from Arkansas will see that I am right.

I am speaking now of the fact that wherever the western boundary of this Choctaw country may have been by the treaty of 1820 it was with the full understanding of the Indians and for a consideration, which was a guaranty to them of an independent government by the United States, which it was supposed they could not maintain in Mississippi; settled for all time that the western boundary of their country should be the limit of the United States, and that limit was the meridian of 100°. They took a deed making their western boundary the limit of the United States. I have a copy of that deed here. It is dated 1842. So that as late as 1842 John Tyler, President, and Daniel Webster, Secretary of State, in carrying out the provisions of this treaty of 1830, when it was stated that the grant was to be executed as soon as the present treaty was ratified—but it seems to have been delayed for twelve years—they took a deed, and by that deed they must be held again to have acceded to the proposition that their western boundary was the one hundredth meridian. The description here I read. It refers to the treaty and says what the treaty provided. This is the patent:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 28, 1892.

I, Thomas H. Carter, Commissioner of the General Land Office, do hereby certify that the annexed copy of a patent, dated March 23, 1892, in favor of the Choctaw Nation, is a true and literal exemplification from the records of this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

THOMAS H. CARTER,
Commissioner of General Land Office.

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Whereas, by the second article of the treaty begun and held at Dancing Rabbit Creek, on the 15th day of September, in the year of our Lord 1830 (as ratified by the Senate of the United States, on the 24th February, 1831), by the commissioners on the part of the United States, and the mingoes, chiefs, captains, and warriors of the Choctaw Nation, on the part of said nation, it is provided that "the United States, under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple, to them and their descendants, to inure to them while they shall exist as a nation and live on it: Beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian fork, if in the limits of the United States, or to those limits; thence due south to Red River, and down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeable to the treaty made and concluded at Washington City in the year 1825."

Now know ye, that the United States of America, in consideration of the premises, and in execution of the agreement and stipulations in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi," to have and to hold the same with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "in fee simple, to them and their descendants, to inure to them, while they shall exist as a nation and live on it," liable to no transfer or alienation, except to the United States or with their consent.

In testimony whereof I, John Tyler, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the 23d day of March, in the year of Lord 1842, and of the Independence of the United States the sixty-sixth.

[L. S.]

By the President.

JOHN TYLER.

DANIEL WEBSTER.

Secretary of State.

JOHN C. SPENCER.

Secretary of War.

T. HARTLEY CRAWFORD.

Commissioner of Indian Affairs.

Recorded volume 1, page 43.

J. WILLIAMSON.

Recorder of the General Land Office.

Executed in the Bureau of Topographical Engineers.

JOHN J. ABERT.

Colonel, Corps Topographical Engineers.

Twelve years after that treaty they accepted this deed, which, in conformance with the treaty, fixed their western boundary at the one hundredth meridian as the limits of the United States.

Things remained in that way until 1855, except that in the mean time the Chickasaws obtained a right in the Choctaw lands. In the consideration of whether this appropriation is just and

legal or equitable or not, it must be borne in mind that in 1830 the Chickasaws had no rights whatever, that all negotiations prior to 1837 were made with the Choctaws alone, and that no treaty was made between the United States and the consolidated Choctaws and Chickasaws until 1855.

In 1837, by a treaty which was proclaimed March 24, 1837, between the Choctaws and Chickasaws and assented to by the United States—

It is agreed by the Choctaws that the Chickasaws shall have the privilege of forming a district within the limits of their country, to be held on the same terms that the Choctaws now hold it, except the right of disposing of it (which is held in common with the Choctaws and Chickasaws), to be called the Chickasaw district of the Choctaw Nation, to have an equal representation in their general council, and to be placed on an equal footing in every other respect with any of the other districts of said nation, except a voice in the management of the consideration which is given for these rights and privileges, and the Chickasaw people to be entitled to all the rights and privileges of Choctaws with the exception of participating in the Choctaw annuities, and the consideration to be paid for these rights and privileges, and to be subject to the same laws to which the Choctaws are.

I shall recur to this again, because the language utterly forbids the proposition made by the majority of the committee that the Chickasaws, by this treaty, obtained an interest in this shadowy claim for reimbursement, which is set up for the relinquishment of lands west of the one hundredth meridian by the Choctaws. The language of this shows that the Chickasaws, as a nation, were obtaining an interest in lands only, and the Chickasaw people were obtaining the right to all the privileges and immunities of the Choctaw people. There is not a word in it showing that they supposed that they purchased or obtained any right in the claims which the Choctaw government might have against the United States.

I say in 1837 the Chickasaws became associated with the Choctaws. Nothing more was done in the way of treaties until 1855. Then a new district for the Chickasaws was created, as I showed when I commenced my remarks. The lands lying between the one hundredth meridian on the west and the ninety-eighth meridian on the east were leased to the United States, and the Chickasaws were remitted to a district lying east of the ninety-eighth meridian.

Now, it is said, in order to create a supposed equity in behalf of this claim, that the Government never paid anything for the lands in question. It is necessary to maintain that in order to carry out the idea of a trust estate in the United States. It is necessary to maintain that in order to found any basis whatever upon which this claim can be sustained. So it is attempted to show that the Government never paid anything for these lands.

Now, let us refer to the treaty of 1855 between the United States and the Choctaws and Chickasaws. It is to be found in United States Statutes at Large, the eleventh volume, page 611.

Article 1 reaffirms and reasserts the boundaries of this country as established and defined by the treaty of 1830, except that it refers to the one hundredth meridian, instead of a line drawn due south from the source of the Canadian River, if within the limits of the United States, or the limits of the United States if the source of the river should not be within those limits. I will read that:

Article 1. The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, viz:

They do not differ from the boundaries in the treaty of 1830—

Beginning at a point on the Arkansas River 100 paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses the said river, and running thence due south to Red River; thence up Red River to the point where the meridian of 100° west longitude crosses the same; thence north along said meridian to the main Canadian River; thence down said river to its junction with the Arkansas; thence down said river to the place of beginning.

Article 2 provides a new district for the Chickasaws, and provides that the remainder of the country that is east of the Chickasaw district shall constitute the Choctaw district. It again reaffirms the right of self-government in the Choctaws and Chickasaws so far as compatible with the Constitution of the United States—this is article 7—but it confines their jurisdiction to the Chickasaw and Choctaw "districts," removing the districts of the Chickasaws from what are called the "leased lands," to wit, the district west of meridian 98°, and promises to remove all intruders from the Choctaw and Chickasaw "districts," not from the leased lands west of 98°. Then, by article 9, there was this cession to the United States, a relinquishment by the Choctaws, a lease by the Choctaws and Chickasaws. I will read article 9:

The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude, and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude, for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein; excluding, however, all the Indians of New Mexico, and also those whose usual ranges at present are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas, which Indians shall be subject to the exclusive control of the United States, under such rules and regulations not inconsistent with the rights and interests of

the Choctaws and Chickasaws as may, from time to time, be prescribed by the President for their government: *Provided, however,* The territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

Why was that last clause inserted? Because by the treaty of 1830 they would otherwise have parted absolutely with their lands when they made this lease. By that treaty the lands ceded inured to them only so long as they should live upon the land. They held title to their land under the treaty of 1830 only so long as they should live upon it. When they should voluntarily abandon living upon it the title was to cease, to revert to the United States, and they would no longer have any interest whatever in it. So that clause was put there manifestly for the purpose of retaining the interest in the land which existed after the lease had been made, for the lease was no less than a full and absolute cession of the title of the land. It was perpetual, however. Never in history thereafter could they occupy it if the Government chose to use it for the purpose mentioned in the lease; and if Senators say that it was intended that the Government should use perpetually this Indian Territory for the occupation of the Indians, then they must admit that the Choctaw and Chickasaw Indians in 1855 supposed that they perpetually gave up any use or occupation of their lands. The consideration paid by the Government was \$800,000, which appears in the next article of the treaty, article 10:

In consideration of the foregoing relinquishment and lease, and as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of \$600,000 and to the Chickasaws the sum of \$200,000, in such manner as their general councils shall respectively direct.

It becomes necessary, in order to found this claim upon any basis whatever, for those representing the claim to argue that that \$800,000 was not paid as the consideration for this lease. How do they attempt to make that out? It seems to have been overlooked that the Choctaws and Chickasaws together owned these lands so leased—the lands between the ninety-eighth and one hundredth meridians—that it had been theretofore determined, that although the treaty said nothing as to the proportion in which they held the lands as between themselves, they held them, the Choctaws three-fourths and the Chickasaws one-fourth; and the Government, in stipulating to pay this \$800,000, divided it according to the proportion in which the Indians held these lands, stipulating to pay \$600,000, three-quarters of it, to the Choctaws and \$200,000, one-quarter of it, to the Chickasaws. If any evidence were needed beyond the fact that here were 7,713,000 acres of land leased to the Government perpetually, if any other evidence were needed that the consideration which the Government paid was for the lease, the fact that the payment was divided according to the proportion in which these different tribes of Indians owned the lands would be conclusive. It is a matter not alluded to in the report of the committee. It may well be left out from the report of the committee; for the argument which is drawn from the fact that this \$800,000 was divided by the Government between the Choctaws and Chickasaws in proportion to their ownership in the leased lands is unanswerable.

I may as well, perhaps, at this point of my argument as at any other, advert to the claim which is made and the grounds upon which the claim is made, that none of this \$800,000 was applied to payments for the lease of these lands. As I said, that claim seems to me preposterous, that these Indians, without a consideration moving to them, without a dollar being paid to them, without anything else in the treaty to act or to be regarded as a consideration, should have leased 7,713,000 acres of land to the Government for all time, for nothing—for that is the position which those who favor this claim must maintain, or the claim falls.

But it is said—I am not going back over all this matter of 1820, for it was too thoroughly explained by the Senator from Iowa [Mr. ALLISON] to need repetition—it is said that by the treaty of 1820, which, when the treaty of 1830 was negotiated, the Indians were told gave them lands without consideration, the western boundary of the tract was fixed as far west as the source of the Red River. In the treaty of 1820 the western boundary is spoken of as a line drawn south from the source of the Canadian to the Red River, but such a line will not touch the Red River, will not come within 100 miles of it. In the then imperfectly understood geographical condition of the country it was supposed that the source of the Red River was further west than the source of the Canadian River. It turns out now, with fuller geographical knowledge, that the source of the Canadian River is not only west of the present limits of the State of Texas, but is half way across New Mexico. Neither the Government nor the Indians at that time understood where the source of the Canadian River was.

I do not believe, after a careful examination, that there was any intention on the part of the Government by the treaty of 1820 to convey to the Indians any land west of the one hundredth meridian. Why do I say this? Because the treaty of 1830 was

adopted by both parties as the western limit of the land which the Government did convey to the Indians; because from 1820 to 1855 there never was a claim made by the Choctaw Indians that they were entitled to reimbursement for lands west of the one hundredth meridian. I think I may state that with emphasis. If for twenty-five years after the treaty of 1830, until the treaty of 1855, there had ever been a claim made by the Choctaw Nation that they were entitled to any lands west of the one hundredth meridian, or that lands had been ceded to them by the United States west of the one hundredth meridian and taken away from them and given to Spain, it would have been brought forward in this case.

The attorneys in this case have ransacked treaties, ransacked history, and ransacked maps; they have found everything bearing upon the case and not bearing upon the case, and yet no man has discovered that in all these twenty-five years the Choctaw Nation ever made a claim for lands west of the one hundredth meridian, or for reimbursement for lands west of the one hundredth meridian. But this report, in order to maintain the claim that this \$800,000 was not paid as a consideration for the lease of these lands, sets up the theory that, although the Choctaws in 1830, it being their own matter and the Chickasaws having nothing to do with it, assented to the one hundredth meridian as the western boundary of their territory, yet they still had a right to reimbursement, and that when the Chickasaws came in by agreement with them by the treaty of 1837, they came in also and participated in their right of reimbursement.

As I said before, when I read the treaty of 1837—and I am not going to read it again—the language of that treaty precludes the idea that they had obtained any right in any claim for reimbursement, and the history of Congress and the Journals of Congress and the record of Congressional proceedings show that from 1837 up to 1855 the Choctaws were making all sorts of claims against the United States, presenting memorial after memorial and collecting claims out of the United States for various matters, and the Chickasaws did not participate in them, showing conclusively that they never obtained and never claimed to have obtained any right to participate in any claim which the Choctaws might have against the United States.

However that may be, the Choctaws never made a claim for any reimbursement. Now, they say that because this clause appears in article 9 of the treaty of 1855—

The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude.

Therefore it is to be assumed that this whole \$800,000 was paid for that relinquishment. Where were the Chickasaws, and for what were they paid the sum of \$200,000? I have shown that they obtained no interest in that claim, if there was one. I have shown that the claim was never made from 1830 to 1855 by the Choctaws, and they were not modest about making claims against the Government during that time either, or collecting them. I have shown that the Chickasaws joined with the Choctaws in a lease of 7,713,000 acres of land, which they say is worth ten million dollars, and I do not know but they say, it was then, parting with it for all time if the Government used it for the purposes specified in the lease, and yet the claim is made that the whole \$800,000 was really paid to the Choctaws alone for the relinquishment of some right to reimbursement, because in 1820 there was some lands with an uncertain western boundary given to the Choctaws by the United States, which perhaps lay west of the one hundredth meridian.

Remember that by the treaty of 1837 the Chickasaws acquired a one-fourth right to all the lands of the Choctaws, so that if the Choctaws really had any interest in lands west of 100°, the Chickasaws should have joined in the relinquishment. Mr. President, the supporters of a claim against the United States are driven to hard straits when it is attempted to rest it upon an argument of this kind.

So, by the treaty of 1855, the Indians parted with a portion of the Chickasaw "district," parted with the right of exercising the power of government over the portion of territory between the ninety-eighth and one hundredth meridians, reserved the right of the Choctaws and Chickasaws to settle upon it only in order that their title need not by the terms of said lease absolutely end, because they held it only as long as they continued to live upon it.

In 1866 another treaty was made with them, and it becomes necessary not only to deny that the \$300,000, which I have been speaking of, was paid in 1855 for the lease, but also to deny that the sum of \$300,000, which was the consideration expressed in the treaty of 1866, was paid for the further cession of all the remaining interest of the Indians in this land.

However, I wish to state generally before I consider the language of that treaty, that, in my judgment, no construction of the treaty can be had which does not point conclusively to the

fact that the Indians at that time understood, and that the Government understood that the Indians were thereby parting with all the title to this property which remained in them after the perpetual lease executed in 1855. This is denied in the report, and it is largely upon this treaty of 1866 that the claim is made, which must be maintained, or the reason for this appropriation falls to the ground, that the United States never acquired a complete title to the lands between 98° and 100°, but that the same were only "ceded in trust."

It is admitted in the report, it is admitted in every document which has ever emanated from the Interior Department that the language of the treaty of 1866 conveys an absolute estate to the United States in these lands. It is sought to get away from the force of the absolute cession, so far as language is concerned, by saying there were three other treaties negotiated at the same time, in which the cessions were for the purpose of enabling the Government to settle friendly Indians upon lands to which those treaties related. To meet this contention it is necessary, perhaps, to refer to those treaties. I wish, first, however, to read the language of the treaty of 1866. Mind, this was after the rebellion. Anyone who looks at the proceedings of the treaty council will see that during the twelve days that that council was in session nothing was talked about except the treaty of allegiance to the Government. The terms of the treaty were not discussed in council, except so far as related to the treaty of allegiance and loyalty, and a treaty was first drawn up with these tribes, which was called the treaty of allegiance, and was signed there, but the treaties which related to their lands were signed subsequently.

Article 3 of the treaty of 1866 between the Choctaw and Chickasaw Indians and the United States, to be found in volume 14 of the Statutes at Large, page 769, says—remember that the lands to which this alludes had been leased in 1855 perpetually:

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district.

How do you get away from that language? "The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree of west longitude." It is a perversion both of language and of fact to say that the \$300,000 was not paid for obtaining the remaining title of the Indians in these lands. How is it attempted to break the force of it? Why, as I said before, there were three other treaties negotiated at the same time, they were negotiated by the same commissioners, and they were negotiated upon the same propositions, submitted to the different tribes of Indians, and, being so negotiated, it is claimed that it follows, as a matter of course, that the United States obtained by the cession in each treaty the same sort of estate.

Mr. President, if it were true that the Cherokees, the Seminoles, and the Creeks, and the Choctaws and the Chickasaws, all held their lands, which were the subject of those treaties, by the same title and the United States had no different title, had no title in any of them, then there would be some force in the argument, but, in order to maintain that argument, it must be shown that the existing circumstances were the same with reference to all these tribes.

What was the condition? The Cherokees claimed title to the Outlet, which on the map lies just south of the State of Kansas. The Cherokees, in their treaty of 1866, made no cession to the Government of the Outlet lands. They made a cession of land, a narrow strip in the State of Kansas, which had been part of the Outlet, but which by mistake, had been included in the boundaries of the State of Kansas, and they made a cession of 800,000 acres of neutral lands, as they were called in the State of Kansas; but they made no cession whatever of their Outlet lands to the Government. The Cherokee Indians made an agreement with the Government that it might settle friendly Indians upon the lands west of the ninety-sixth meridian upon consideration that they should be paid for the lands on which such Indians settled. The Government got no title, did not get a trust title even from the Cherokees. That treaty made the Government the agent of the Cherokee Nation to sell its lands in the Outlet to friendly Indians; that is all.

Now, the argument that is made in support of the idea that all these treaties must have conveyed the same title goes to the effect of saying that nothing was conveyed by the other treaties or by the Choctaw and Chickasaw treaty because nothing was conveyed to the Government by the Cherokee treaty as to the Outlet. I repeat that the agreement in that treaty simply made the Government the agent of the Cherokees to sell their lands west of the ninety-sixth meridian to certain Indians, and to fix the price itself, or by appraisement, which should be paid to the Cherokees by such friendly Indians. There was no cession in the Cherokee treaty.

Then there were treaties between the Creeks and the Semi-

nolles with the United States. The Creeks had a strip of land which they held by patent, lying, I believe, next south of the Cinnarun River and between that and the North Fork of the Canadian River. Either that was their domain or it was the domain of the Seminoles—I may get them mixed—which had been conveyed to them by patent, which they had never parted with, on which the Government had not the right to locate an Indian prior to the treaty of 1866. The Creeks made a treaty in which it was stated specifically that the object of the treaty, the purpose of it was to convey to the United States the right to locate friendly Indians upon the Creek lands, and also freedmen, because that is important in another view of this case. I turn to the Creek treaty for the purpose of quoting the language showing what sort of an estate was there conveyed. In the preamble of that treaty of 1866 it is recited:

Whereas in view of said liabilities the United States require of the Creeks a portion of their land whereon to settle other Indians.

That is recited in the preamble. There is no such recital in the preamble of the treaty with the Choctaws and Chickasaws. Article 3 of the Creek treaty says:

In compliance with the desire of the United States to locate other Indians and freedmen thereon the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain.

Plainly by the language a trust estate only, to sell to other Indians and to settle freedmen upon. Nobody doubts that. It is in the bond. No other construction can be placed upon it.

Now, let us go to the Seminole treaty. The Seminoles had land lying between the North Fork of the Canadian River and the main Canadian River. They held it, I think, by a patented title; at any rate their title was unquestioned. What does the preamble of the Seminole treaty say:

Whereas the United States in view of said treaty of the Seminole Nation with the enemies of the Government of the United States, and the consequent liability of said Seminole Nation, and in view of its urgent necessities for more lands in the Indian Territory, requires a cession by said Seminole Nation of part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate lands for them:

Now, therefore, etc.—

Article 3 reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek Nation under the provisions of article first, treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., August 7, 1856.

So these three treaties, other than the Choctaw and Chickasaw treaty, the one with the Cherokees in which there was no cession, but in which there is an agreement which made the United States the agent of the Cherokee Indians to sell the lands to other Indians, the treaty with the Creeks, which, on the face of it expressed the estate which was conveyed, that is, an estate for the purpose of settling other Indians and freedmen upon it, the treaty with the Seminoles, where the same language was used and the cession was stated to be in compliance with the desire of the United States to locate other Indians, differ entirely in language and intent from the treaty made with the Choctaws and Chickasaws. The United States had no interest whatever in the lands either of the Cherokees, the Creeks, or the Seminoles. These tribes held them in fee simple; they had never leased them; they had never given the United States any right in or over them, and the only right that the United States obtained by the treaties was to put other Indians and freedmen on the lands described in them.

Now, turn once more to the language of the treaty of 1866 with the Choctaws and Chickasaws. Not a word is said about the desire of the United States to put other Indians on these lands or to put different Indians on these lands: it is not mentioned in the treaty.

ART. 3. The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of 98° west longitude, known as the leased district.

I want some one to explain that language to me. If it was intended that only the same title should be conveyed to the Government by each of these four treaties, I want some one to tell me why the words which showed that as to the other three treaties the Government was only taking a trust estate and obtaining the right to settle friendly Indians upon the lands, were not only carefully excluded from this treaty with the Choctaws and Chickasaws, but it was expressly stated therein that the cession was for the sum of \$300,000 to be paid. It can not be explained upon any other theory than that the Government understood and the Indians understood that they were parting with their last vestige of title in these leased lands, that they were surrendering the right to live upon them, and that, even without a cession, their title to these lands would expire when they surrendered the right to live upon them.

I may as well notice right here as anywhere else another in-

genious claim of the committee to try to avoid the force of this second payment for these lands, for if the Government paid \$1,000,000 for these 7,713,000 acres of leased lands, it paid what was then understood to be full value. I want to dwell on that, because there has been an endeavor to convey the idea that the Government was getting these lands without paying for them. The Senator from Alabama [Mr. MORGAN], in discussing another bill here yesterday, told us that Government lands in Alabama had been offered for sale at public auction at the maximum price of a dollar and a quarter an acre, and then, under the graduated act, at 50 cents an acre, and 25 cents an acre, and 12½ cents an acre. I am glad to be reminded that there was a law of the United States in existence at the time these treaties were made by which the public lands of the United States within the limit of settlement within agricultural districts were sold at public auction at the minimum price of 12½ cents an acre.

Why, Mr. President, there was not a railroad, I venture to say, within at least 500 miles of these lands when these treaties were made, and if the \$500,000 and the \$300,000 were paid for them, it amounts to more than 12½ cents an acre. I think to about 14 cents an acre for these lands.

In 1863 I went to Omaha. Omaha was 300 miles west of the terminus of a railroad then. I remember that some gentleman drove me out a few miles west of the city of Omaha into that magnificent prairie country and showed me a tract of several thousand acres of land which he said had been bought at public sale by a United States Senator—I think it was Senator Yulee, but I am not quite sure about that—at 15 cents an acre. Yet they tell us that the Government must pay these Indians something more, because 14 cents an acre back in 1855 and 1866, when in the early period there certainly was not a railroad within 500 miles of these lands, was an insufficient price.

I do not wonder that they see the necessity of trying to show that this \$800,000 was paid for something else besides the lease of these lands and the \$300,000 for something else beside the final cession of the remaining interest in them. What is the argument to show that the \$300,000 was not paid for that? There was, it is true, a mixed consideration for the \$300,000; it was that, in addition to the cession, the Indians agreed that they would receive some Kansas Indians into their lands east of the ninety-sixth and ninety-eighth meridian. I am uncertain which, and can not now find the article in the treaty. It is immaterial whether it was 96° or 98°. They agreed to receive certain Kansas Indians in their home country, and article 46 of this treaty, which does not seem to have been discovered by the committee when it made its report, stating that this \$300,000 was not for the benefit of the Choctaws and Chickasaws, but was for the benefit of the freedmen, says:

Of the moneys stipulated to be paid to the Choctaws and Chickasaws under this treaty for the cession of the leased district, and the admission of the Kansas Indians among them, the sum of \$150,000 shall be advanced and paid to the Choctaws, and \$50,000 to the Chickasaws.

Will the Senator who made this report tell me, after the reading of this, that the \$300,000 was not paid for the cession of these lands in 1866, but that it was a sum which was set apart for the benefit of the freedmen, when the treaty itself says it was for the cession of the land and the admission of the Kansas Indians among them, that is, in their home country?

Mr. CHANDLER. Is that the treaty of 1866?

Mr. PLATT. That is the treaty of 1866, which conveyed the final title which the Indians had to these premises and which is alluded to in the appropriation act, which appropriation act asserts that the lands were only "ceded in trust." As I said in the first instance, that must be maintained or this appropriation falls.

Now, I want to allude for a moment to this claim that the \$300,000 was for the benefit of the freedmen and not paid, as the treaty says it was, for the cession and for the agreement of the Indians to receive Kansas Indians into their home country. They never did, by the way, receive the Kansas Indians into their home country; other arrangements were made, and they never became incorporated with the Choctaws or Chickasaws.

In order that the Choctaws and Chickasaws might perform their duty and do the right thing, the just thing, the honorable thing, the fair thing by their slaves who were acknowledged by this treaty to have been liberated, the \$200,000 was to be withheld for two years, remaining at interest however for them during that time at 5 per cent. It was withheld as a guaranty that they should do their duty by the freedmen.

Mr. MORGAN. What was that duty?

Mr. PLATT. To receive them into their own country as citizens and to give them all the privileges of citizens, and 40 acres of land.

Mr. MORGAN. To receive them as Indians when they were not.

Mr. PLATT. It was to give them the right of citizenship

among the Indians. Of course they could not receive them as Indians when they were not.

Mr. MORGAN. If I understand it it was an effort to dragoon those Indians to receive those negroes into their families and homes on terms of equality with them in blood.

Mr. PLATT. They did do it.

Mr. ALLISON. It expressly excluded the idea of the negroes having any interest in the lands.

Mr. PLATT. Except the 40 acres.

Mr. ALLISON. But I mean any common property.

Mr. PLATT. The argument has been made here (and I may not pursue this thing consecutively) that the Government obtained in 1866 a right to locate these freedmen upon these leased lands. Of course, if the Government got the title to the lands they had such right, but there was no such thing stated in the treaty or in the cession. There was no obligation upon the Government, if they removed these freedmen from the Choctaw and Chickasaw country, to locate them upon these lands. There was no assent given by the Indians that they should be located on these lands.

If the Government were forced by the neglect of the Choctaws and Chickasaws to do the right thing by these freedmen, if they were forced to remove them, the language of the treaty carefully excludes the idea that they must remove them to this leased land. It expressly gives to the Government the right to remove them where they please and in the manner they please.

The third article, relating to what the Choctaws and Chickasaws were to do in order to obtain the \$300,000, is as follows:

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent, in trust for the said nations, until the Legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in annuities, moneys, and public domain claimed by, or belonging to, said nations, respectively; and also to give to such persons who were resident as aforesaid and their descendants 40 acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations the said sum of \$300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of \$100 per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually do remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the Legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper; the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of \$300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

It will be noticed that this article provides that if they should not receive the freedmen as citizens, if they should not give them the 40 acres of land within two years, then the \$300,000 should "be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper; the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove."

There is no stipulation whatever that the Government should place them on the leased lands. On the contrary, when you consider the fact that they obtained from the Creeks and the Seminoles the right to locate freedmen upon the lands which they obtained from them it shows that the intention of the Government, and it is well known that the intention of the Government was, if they had to remove them at all, to remove them up to the Oklahoma country and not to these leased lands. Yet in order to make out the claim that here was a trust estate only ceded the committee think it is necessary to maintain that the Government acquired by that cession of 1866 only the right to put the freedmen on these lands if they had to remove them from the Choctaw and Chickasaw Nations and to put some tribes of Indians on the lands other than those which it had been stipulated in 1855 might be located thereon.

Mr. President, I remember in riding through a rural town in my State coming across a little building where the village mechanic lived, and where he did everything that a New England village mechanic does—all sorts of mechanical work. The building had a very peculiar sign that I have never forgotten and which comes to my mind now as I see the ingenuity with which it is sought to torture and twist the facts in this case in order

to maintain this appropriation. That sign up over the door on that little shop was this: "All sorts of Twisting and Turning done here." I undertake to say that no man cognizant of the facts can take the report of the committee and read it without being conscious that facts are being distorted and twisted for the purpose of maintaining this claim. This \$300,000 was paid, I believe, exclusively for the lease. I do not believe at the time when there was a nominal quitclaim and relinquishment by the Choctaws of land west of the one hundredth meridian that it was esteemed by them or the Government to have any value. It had never been alluded to for twenty-five years, and when this \$300,000 was paid it was paid for the final conveyance; and it is a desperate case which brings anyone to the necessity of saying that payments made in the ordinary way in consideration of a lease and in consideration of a cession, after all had nothing to do with either.

Great stress has been laid upon one or two other points. It is said, and I have alluded to that argument, that because all these treaties were negotiated at the same time it must follow that they all conveyed the same kind of estate. I have shown that was impossible. That argument fails. But it is said by the committee that these treaties were negotiated upon the basis of certain propositions that were made by the treaty commissioners to the Indians. Let me see if I can find in the report the exact claim.

The report quotes from a letter from the Indian Office in 1890, signed by the Assistant Commissioner, which I shall refer to hereafter, the propositions on which these treaties were negotiated. It does not quote them accurately, which, however, would not be important except in view of the construction which it is attempted to give to one of the propositions. The committee are not to blame for it, because the Commissioner of Indian Affairs, who was one of the treaty commissioners, in his annual report stated it, not quoting it exactly. They quote:

Mr. DAWES. On what page of the report?

Mr. PLATT. In the report, on page 12, the committee quote three of the propositions:

Fifth. A part of the Indian country to be set apart to be purchased for the use of such Indians from Kansas and elsewhere as the Government may desire to colonize therein.

Not much stress was laid on this, for by the treaty of 1866 it appears that provision did not relate to the lands ceded by this treaty. That provision, relating to the Indians from Kansas, was met by the Choctaws and Chickasaws agreeing to receive them into their home country, and that is practically what they were required to do.

Sixth—

None of these are quoted accurately—

Sixth. That the policy of the Government to unite all the tribes of this region into one consolidated government should be accepted.

Now, I want to show how that was when it was presented to the Indians:

Sixth. It is the policy of the Government, unless other arrangements be made, that all the said nations and tribes in the Indian Territory be formed into one consolidated government, after the plan proposed by the Senate of the United States in a bill for organizing the Indian Territory.

The committee say that because that was one of the propositions on which these treaties were negotiated therefore you can not get away from the idea that a trust estate only was conveyed by this cession. If they had any reference to lands at all it would be pretty important; but note the difference in the proposition which was actually submitted to the Indians and the proposition which it is said was submitted to the Indians, because in the proposition which was actually submitted to the Indians and which it is attempted here to show had some reference to the title which the Government should get in these lands they would have been told that unless "other arrangements were made" by the Government all the nations and tribes in the Indian Territory were to be formed into one consolidated government, etc.

If this proposition could by any means be held to relate to any land, then the argument would fall, because by the very terms of it the Indians would have been told that "other arrangements" might be made by the Government with reference to the land. But the truth is that the sixth proposition had no reference whatever to lands; and here again I say that the committee are driven to desperate straits when they rely upon the acceptance of this proposition by the Indians as in any way controlling the Government title or the nature of the estate which the Government received by the sale.

What was that proposition? We shall have to go back a little to history. It was well stated perhaps, so that I need not refer to it, by the Senator from Iowa [Mr. ALLISON] the other day. But he did not allude to the fact that just about that time two bills had been introduced into the Senate of the United States, one by Senator Ramsay, of Minnesota, which looked, not to the control of lands, but to the establishment of a political organization. And why were the Indians required to consent to that?

Because as the matter stood they had independent organizations. They had the right of self-government. They depended upon no outside government; they made their own laws; they enforced their own laws; they had their own courts.

What was the proposition of the United States Senate?

That in all this country called the Indian Territory, as shown there, all included in that map [indicating], embracing the five civilized nations, there should be one consolidated Indian government, of which the governor should be appointed by the President, and should be a white man, and Mr. Cooley, the man who negotiated this treaty, departed a little from the Senate bill and included in all these treaties in the plan for the Government that the Commissioner of Indian Affairs should be the governor of the new territory. He wanted to magnify his office a little. That was not in the original plan as the bills were proposed in the Senate. The idea was that these five nations, with their independent governments, should consent that there should be one consolidated Indian government in that Territory, to which they should send delegates, and where the other Indian tribes, sending delegates, should have equal rights with them in the political organization.

Mr. DAWES. If they did not make some other arrangement.

Mr. PLATT. If they did not make some other arrangement. Now, that related not to lands. I want to repeat it. It does not in any way affect and can not be held to affect the tenure of the United States to those lands. It related to a political organization. There was to be another one up in the Sioux Nation somewhere.

Mr. ALLISON. In the Dakotas.

Mr. PLATT. One in the Dakotas and one in the Indian Territory. It was the idea of the Government that we would have two Indian governments. The Government felt then that it was an anomaly that here should be five governments or four governments within the Government of the United States and over which the Government of the United States had no control. It wanted to obviate that, and these Indians having all been in rebellion it proposed, before it took them back, before it gave them any rights, that they should assent to the surrender of some of their independence and some of their rights of self-government and be welded into one consolidated Indian government, over which the United States should have some control and over which the President should appoint a governor.

Will any Senator who concurs in this report tell me what that had to do with the title which the United States took to these lands, and in the face of this explicit language of the treaty? I think I have disposed of that, Mr. President.

Now, there is only one other claim made, so far as I recollect, upon which the argument is founded that it must have been only a trust estate which the Government took in these lands, and that was upon the seventh proposition. What was that?

Seventh. No white person, except officers, agents, and employes of the Government, or of any internal improvement company authorized by the Government, will be permitted to reside in the Territory, unless formally incorporated with some tribe according to the usage of the band.

They say that shows that the Government would not have the right to let white people go on the lands ceded to it. At first blush there is something in the claim, but it disappears when you refer to the manner in which it was incorporated in the treaty; and that is alluded to by the President in his message. The President discovered things which this committee had never thought of when this appropriation was recommended by them and passed. When you come to look at the treaty and that article in the treaty which follows out that proposition you will find that the language is used with care so as to exclude these leased lands from that obligation.

It is somewhat remarkable that in all the treaties negotiated at that time the Choctaw and Chickasaw treaty is the only one in which there is any allusion to this seventh proposition, and it is fair to presume, and the conclusion is inevitable, that it was put in there so that it might be limited not to apply to these lands but only to apply to what might be called the home country of the Choctaws and Chickasaws. I will turn to that article, and it is the only one, as I say, in all these treaties, if I am not mistaken, that refers to this.

By article 43 of the treaty of 1866 the United States included a provision which showed just what the understanding of the parties was with reference to this thing. It is an article which shows just what the understanding of the parties was with reference to this seventh proposition as relating to these lands. It does not happen to be in any of the other treaties. It was thought necessary to put it in to show that it referred only to the home country of the Choctaws and Chickasaws and not to the lands the title to which had been conveyed to the United States at that time.

Article 43.—

And it is worth while to look at this a little carefully—

The United States promise and agree that no white person, except officers,

agents, and employes of the Government, and of any internal improvement company, or persons traveling through, or temporarily sojourning in the—

It will be observed that the language of the seventh proposition is used down to this point—

in the said nations, or either of them, shall be permitted to go into said territory—

And "territory" with a little t, not a large t, to show that the Indian Territory was not meant, the word "nations" having been referred to showing what "territory" was meant—

unless formally incorporated and naturalized by the joint action of the authorities of both nations into one of the said nations of Choctaws and Chickasaws, according to their laws, customs, or usages—

I stop the reading right here to say that it is admitted and relied upon that by the treaty of 1866 the Choctaws and Chickasaws had divested themselves of their right to go on the ceded district at all, and that shows that this article can not refer to the leased district, but refers only to the home lands. The rest of the article shows the same thing—

but this article is not to be construed to affect parties heretofore adopted, or to prevent the employment temporarily of white persons who are teachers, mechanics, or skilled in agriculture—

What were they required in that district for? They were only required in the home districts where the Choctaws and Chickasaws had the right to live—

or to prevent the legislative authorities of the respective nations from authorizing such works of internal improvement as they may deem essential to the welfare and prosperity of the community, or be taken to interfere with or invalidate any action which has heretofore been had in this connection by either of the said nations.

What becomes of the claim that a trust estate only was conveyed here, because this seventh proposition was understood by the Indians to mean that the United States were not to be allowed to settle any white people within these leased lands, when the article of the treaty especially limits that guaranty that no white people should be permitted to occupy the territory, by its very language, to the home country of the Choctaws and Chickasaws and not to the leased district?

Mr. President, I have adverted to every argument that has been made here to show that there was a trust estate only; first, the monstrous argument that the \$1,100,000 which the Government has paid for these lands, more, I venture to say, than it could have obtained for any lands so far remote from a railroad by public sale in the days when it paid it, was not paid for the lands at all, but for something else; second, that four treaties having been negotiated at the same time, two of them conveying a trust estate only and stated to be so in the treaty, it must be understood that the same title was conveyed by each; and, third, that these propositions upon which the treaty was based in some way contain a guaranty of the United States that they would not put white men on the lands leased and ceded. Neither of them are tenable. Neither of them would be or could be argued before the Supreme Court of the United States.

One of the propositions I have referred to was not enough thought of by one of these tribes when presenting its memorial to include. That was the sixth. I desire to turn to the memorial of the Chickasaws, where they do not think that either the fifth or the sixth are of consequence enough to incorporate in their argument. Yet this committee, to prove the statement in the appropriation that these lands were lands which were "ceded in trust" to the Government, have thought necessary to go further than the Chickasaws go and rely upon the fifth and sixth propositions which were made to the Indians.

The Chickasaw memorial, page 5, has a line of asterisks in the quotation taken from Mr. Belt's letter, where the fifth and sixth propositions occur in that letter, and rely only upon the seventh proposition, which they emphasize to show that no white person was to be permitted in this territory. I have shown by the treaty what the understanding between the United States and the Indians was, and that the only guaranty was that white people should not be admitted into the home country of the Choctaws and Chickasaws, and that it had nothing whatever to do with these lands.

I repeat the statement with which I opened this case—that there is neither in law nor strict equity any basis for the claim that one dollar should be paid to these Choctaw and Chickasaw Indians for anything relating to the use of these lands by the Government. I do not believe that the Choctaw and Chickasaw Indians themselves, up to the time when we began to pay their neighbors for some lands to which they held altogether a different title, and which everybody concedes was a trust estate, ever supposed that they could obtain anything more from the Government on account of these lands.

The Creeks and Seminoles held their lands prior to the treaties of 1866 by an absolute title under a patent of the United States. They only consented by those treaties that the Government might settle friendly Indians and freedmen upon them; and when in 1889 we wanted to open those lands for settlement we negotiated with them for the further right, for the same

right to be conveyed to us by them in 1869 which was conveyed by the Choctaws and Chickasaws by the treaty of 1855; and then when the Choctaws and Chickasaws saw that their neighbors, the Creeks and Seminoles, were getting a million or two dollars each out of the Government they began to try to see if there was not some way in which they could make a claim against the Government on some basis. There is nothing in the history of our dealings with these tribes from 1830 to this date which shows that they ever supposed they had a claim or could make a claim upon the Government after 1866 for anything further than was then paid for their final cession, whatever the Government might do with these lands.

That is where I stand, Mr. President, but I should not be doing justice to this case if I omitted to call the attention of the Senate to the fact that those persons who believe that there is a claim here have, as it seems to me, swelled that claim beyond what law or justice or equity or decency would allow.

I agree, Mr. President, that some things have been said by the Indian Office, which look as if that office had considered that these Indians had reserved some rights in these lands under the treaty of 1866. But I desire to say this about that: That with the exception of the letter of Mr. Belt, Assistant Indian Commissioner, of September 13, 1890, there never has been any separate or independent opinion given with regard to the title which the Government obtained.

The statements which have been made on behalf of the Indian Office have been with reference to the general subject of the title of the Government to lands in the Indian Territory, and whether they were open to settlement, most of them about the time when it began to be claimed in Kansas that the Oklahoma lands were open to settlement. The Indian Office and Interior Department were called upon to make a statement on that subject. And yet I say that, with the exception of the letter of Mr. Belt of September 13, 1890, it was manifest that no attention was ever paid to this question of what title the Government acquired in and to the lands leased and ceded by the Choctaws and Chickasaws.

It is true that the president of the commissioners who negotiated this treaty of 1866, he being Commissioner of Indian Affairs, in his report of that year used a sentence which has been from that day to the present referred to in statements from the Indian Office, and which would seem to indicate that the Indian Office supposed that there was some remnant of title left in the Indians. I will read it, because it is claimed as an important admission. It will be found on page 204 of the report of the Secretary of the Interior for 1865-'66. Speaking of the whole transaction he says:

With the Choctaws and Chickasaws a treaty was agreed upon upon the basis of the seven propositions heretofore stated, and in addition to which those tribes agreed to a thorough and friendly union among their own people and forgetfulness of past differences; to the opening of the "leased lands" to the settlement of any tribes whom the Government of the United States may desire to place thereon; and to the cession of one-third of their remaining area for the same purpose; the United States to restore these tribes to their rights forfeited by the rebellion. This treaty, after its approval by the councils of the Choctaws and Chickasaws, is to be signed in this city by three delegates from each nation sent here for that purpose.

The treaty of 1866 had not been signed at the time of this report. Of course if the Government got its full title, it got the right to settle other Indians on these lands, and that is the only explanation which can be given of the language of the president of these treaty commissioners, who in making it was extremely careful to distinguish this treaty in language and effect from all the other treaties which he made on that occasion.

I regret, Mr. President, to take so much of the time of the Senate, but yet there is \$6,000,000 behind, and in addition to this, \$3,000,000; and, as reaffirmance of the ground upon which this appropriation was made, commits this Government to the future payment of \$6,000,000 more. I think it may be well to put these facts on record, so that if the question comes up again it will not be necessary to hunt and search and investigate to find the facts in relation to this matter.

I have spoken of what is claimed to be an admission of the president of the treaty commissioners, because I do not wish to conceal or omit or overlook anything which by any possibility can be claimed to argue against my position. Now, it is also said that the Secretary of the Interior, Mr. Schurz, in a document, not considering this treaty specifically, but considering the general question of whether any or all lands in the Indian Territory, not occupied by the five civilized tribes were open to settlement or not, made an expression to the effect that the trust was not extinguished. He says this:

The lands ceded by the Choctaws and Chickasaws were, by article 9 of the treaty of June 22, 1855, leased to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein.

That is not a correct statement of the purpose for which it was leased, because there were certain Indian tribes that they might

not put on it. This statement of Mr. Schurz is that they might put any Indians on it. Then he continues:

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust.

Mr. Schurz was not a lawyer, or he never would have said that, because when he says that the treaty of 1866 was a direct purchase, but did not extinguish the trust, he has expressed a legal contradiction in terms. Either the one or the other was not true. Either it was an extinguishment of the trust or it was not a direct purchase.

Then the next person relied upon as having entertained an opinion different to the one which I have expressed was Mr. Holcomb, who was a law clerk in the General Land Office, and as a law clerk in the Land Office of the Interior Department happened to be acting as Land Commissioner.

Speaking of this general subject, whether or not the people in Kansas could go down and settle on the vacant lands in Oklahoma, whether those lands were open to settlement, he alludes incidentally to the Choctaws and Chickasaws, and says:

The Choctaw and Chickasaw cessions of April 28, 1866 (14 Stats., 769), was, by the tenth section thereof, made subject to the conditions of the compact of June 22, 1855 (11 Stats., 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

Now, Mr. President, let us turn to the tenth article of the treaty of 1866, because in 1855 there was a limitation upon the right of the Government to use the lands expressed in article 9 of the treaty of 1855, viz: the purpose of the Government to locate thereon certain specified tribes of Indians. Article 10 of the treaty of 1866, which they seek to make use of here to show that some understanding continued after the treaty of 1866, notwithstanding the express terms of the treaty, is as follows:

ARTICLE X.

The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion, and in force at that time, not inconsistent herewith.

But it is absolutely inconsistent with the cession of 1866, made without condition and without stipulation, that article 9 of the treaty of 1855 should remain in force as to the lands so ceded.

Mr. Holcomb goes a little further, and he says this with reference to the treaty of 1866:

The lands embraced in the Choctaw and Chickasaw cessions were also included in a definite district established by the stipulations of the treaty of 1855, pursuant to the act of Congress of May 23, 1850, the United States engaging, by the seventh article of said treaty, to remove and keep out from that district all intruders.

Now, by the treaty of 1855 a new district was established for the Chickasaws which did not embrace these leased lands at all, but the lands farther east—they giving up by the treaty of 1855 lands between 98° and 100°, and making their district east of 98°. The seventh article of the treaty of 1855, which the law clerk and Acting Commissioner of the Land Office says obliges the Government to keep white intruders out of these leased lands, in its terms refers to other lands and does not embrace these leased lands.

I refer to this in order to show in what a cursory way this subject has been treated by the Indian Office and the Land Office, whereby the people who claim that there was only a trust estate ceded derive some little comfort.

I want to put into these remarks of mine the entire letter of Mr. Belt, Assistant Commissioner of Indian Affairs, of September 13, 1890, for he is the only person connected with the Indian Office who has ever treated this subject alone.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 13, 1890.

SIR: I am in receipt, by your reference for report, of letter of August 21, 1890, from Hon. S. W. PEEL, of the Committee on Indian Affairs, House of Representatives, in which he incloses a memorial of the Choctaw Nation relative to the claim of that nation for compensation for the relinquishment of its rights in certain lands west of the ninety-eighth degree of longitude, in the Indian Territory, which were ceded by the third article of the treaty of 1866 (14 Stats., 769), and a copy of Senate bill 4049, entitled "A bill to fully execute article 3 of the treaty between the United States and the Choctaw Nation of Indians, concluded on the 28th day of April, 1866," by which it is proposed to pay in the proportion of three-fourths to the Choctaw Nation and one-fourth to the Chickasaw Nation of Indians, for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands ceded in trust by article 3 of the treaty between the United States and said nations of Indians, except the land within Greer County, so called, the sum of \$7,752,088.53.

In reply, I have to say that, although the original title of the Choctaws to this land is not brought in question by Mr. PEEL's letter, yet to fully discuss the present status of the lands for which it is proposed to pay the Choctaw and Chickasaw people, a brief history of the manner in which these nations became possessed of the lands and character of the title by which it was held, as well as the terms of the subsequent cessions thereof, etc., will be necessary to a full understanding of the matter.

By the treaty of October 18, 1820 (7 Stats. 210), with the Choctaws, who were then living in Mississippi and Alabama, the United States, in consideration of the cession by the said Choctaws of their land in those States (Mississippi and Alabama), ceded to the said nation a tract of country west of the Mississippi, "situate between the Arkansas and Red River, and bounded as follows: Beginning on the Arkansas River, where the lower boundary line of

the Cherokee strikes the same; thence up the Arkansas to the Canadian Fork, and up the same to its source; thence due south to the Red River; thence down Red River, 3 miles below the mouth of Little River, which empties itself into Red River on the north side; thence a direct line to beginning."

Subsequently, in 1835 (7 Stats., 234), a treaty was negotiated with the Choctaws by which a part of the land on the east, ceded in the treaty above referred to, was retroceded to the United States, it having been ascertained that settlements by citizens of the United States had been made on that portion of the grant.

In 1839 a treaty was made with the Choctaws (7 Stats., 332), by which the Choctaw country was again defined, in terms, etc., as follows:

"ARTICLE II. The United States under a grant specially to be made by the President of the United States, shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a nation and live on it, beginning near Fort Smith where the Arkansas boundary crosses the Arkansas River, running thence to the source of the Canadian Fork; if in the limits of the United States, or to these limits; thence due south to Red River, and thence down Red River to the west boundary of the Territory of Arkansas; thence north along that line to the beginning. The boundary of the same to be agreeably to the treaty made and concluded at Washington City in the year 1825; the grant to be executed so soon as the present treaty shall be ratified.

By article 3 of the same treaty, the Choctaws ceded to the United States all of the lands owned by them east of the Mississippi River. In accordance with this treaty a patent, dated March 23, 1842, was issued, conveying the title provided for to the Choctaw Nation.

By a convention and agreement between the Choctaws and Chickasaws, January 17, 1837, which was approved by the Senate February 25, and by the President March 24, 1837 (11 Stats. 573), it was agreed that the Chickasaws should have the privilege of forming a district within the limits of the Choctaw country, to be held on the same terms as the Choctaws held it, except the right of disposing of it, which was to be held in common with the Choctaws and Chickasaws.

This district was to be known as the Chickasaw district of the Choctaw Nation, and to be entitled to equal representation in the general council, and to be placed on an equal footing in every other respect with any of the other districts of the Choctaw Nation, except that it should not have a voice in the management of the consideration which was given for the rights and privileges granted to the Chickasaws. The Chickasaws reserved to themselves the sole right and privilege of controlling and managing the residue of their funds, as far as was consistent with the treaty between those people and the United States, and making such regulations and electing such officers for that purpose as they might think proper.

In 1855 the necessity for the readjustment of the relation between the Chickasaws and Choctaws became apparent, and a treaty (11 Stats., 611) was negotiated by which those nations were permitted to establish separate governments for their internal affairs, and the Chickasaw district of the Choctaw Nation came to be known as the Chickasaw Nation. The right of disposing of any of the lands granted to the Choctaws originally by the treaty of 1839, however, remained in common with the Choctaws and Chickasaws. Articles 9 and 10 of that treaty are in words as follows:

"ARTICLE 9. The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude; and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein; excluding, however, all the Indians of New Mexico, and also those whose usual ranges at present are north of the Arkansas River, and whose permanent locations are north of the Canadian River, but including those bands whose permanent ranges are south of the Canadian, or between it and the Arkansas; which Indians shall be subject to the exclusive control of the United States, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, as may from time to time be prescribed by the President for their government: *Provided, however*, That the territory so leased shall remain open to settlement by Choctaws and Chickasaws as heretofore.

"ART. 10. In consideration of the foregoing relinquishment and lease, and, as soon as practicable after the ratification of this convention, the United States will pay to the Choctaws the sum of \$300,000, and to the Chickasaws the sum of \$300,000, in such manner as their general councils shall respectively direct."

The district thus leased by the United States from the Choctaw and Chickasaw Indians, west of the ninety-eighth meridian, comprised (exclusive of the disputed lands known as Greer County) about 6,201,863 acres. It is for these lands that the Choctaws now claim a right to compensation.

By article 3 of the Choctaw and Chickasaw treaty of April 23, 1855 (14 Stats., 799), it is provided that "the Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree of west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent, in trust for the said nations, until the Legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively, etc."

In this connection, it may be pertinent to notice the words employed and made use of in the treaties negotiated about the same time with each of the other tribes, so far as cession of portions of their territory was concerned. In the treaty with the Cherokees, of 1866, (14 Stats., 799), the Cherokee Indians agreed (article 16) that "The United States may settle friendly Indians in any part of the Cherokee country west of the ninety-sixth degree, to be taken in a compact form, in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled; the boundary of each of said districts to be distinctly marked, and the land conveyed in fee simple to each of said tribes to be held in common, or by their members in severalty, as the United States may decide. * * * The Cherokee Nation to retain the right of possession and jurisdiction over all of said country west of ninety-sixth degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of such districts thus sold and occupied."

In the treaty with the Creeks, in 1866 (14 Stats., 735) those Indians agreed (article 3) that "In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek

Nation; and in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre, amounting to \$975,168, in the manner hereinafter provided," etc.

In the treaty with the Seminoles, in 1866 (14 Stats., 755), those Indians agreed (article 3) that: "In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek Nation under the provisions of article 1, treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., August 7, 1856. In consideration of said grant and cession of their lands, estimated at 2,169,090 acres, the United States agree to pay said Seminole Nation the sum of \$253,392, said purchase being at the rate of 15 cents per acre."

It will be seen that in the treaties with the Cherokees, Creeks, and Seminoles, the purposes for which the ceded lands were to be used are specifically set out, while the cession made by the Choctaws and Chickasaws was without reservation or condition expressed, so far as the words of the treaty are concerned, as to the purposes to which the United States intended to devote the country so ceded.

The Choctaw delegation, notwithstanding the absence of expressed conditions in the treaty, assert that "this cession (cession of 1866) was made as a trust for the sole and only purpose of providing homes for friendly Indians at a nominal cost to the Government, who had the responsibility of their care;" that "the tenth and forty-fifth articles of the treaty of 1866 reenacted the former guaranties that this country should not be subject to homestead settlement, nor included within the limits of a State or Territory;" that "it was not only understood by the Choctaws and Chickasaws, but it was so understood and has been continuously since, without known exception, so construed by the officers of the United States."

In support of this latter allegation they refer to several letters from the Secretary of the Interior, covering dates from 1879 to 1893, and to action taken by Presidents Hayes and Arthur.

In order that these expressions of opinion may be properly understood, reference is made to the subject-matter of the correspondence containing them, and the questions under consideration at the time.

In a letter addressed by the Secretary of the Interior (Mr. Schurz) to the Secretary of War, May 1, 1879, answering a request for a reference to the laws and statutes of the United States which declare the Indian Territory under its present boundaries to be Indian country, so as to subject it to the intercourse laws, and make it lawful to expel intruders therefrom by military force if necessary, under section 2147 of the Revised Statutes, the following statements appear after a recital of the laws and treaties on the subject:

"The title acquired by the Government by the treaties of 1866, was secured in pursuance and furtherance of the same purpose of Indian settlement which was the foundation of the original scheme. That purpose was the removal of Indian tribes from the limits of the political State and Territorial organizations and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects.

"That purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made 'in compliance with the desire of the United States to locate other Indians and freedmen thereon.' These words must be held to create a trust equivalent to what would have been imposed had the language been 'for the purpose of locating Indians and freedmen thereon.'

"The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 23, 1855, leased 'to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein.'

The treaty of 1856 substituted a direct purchase for the lease, but did not extinguish or alter the trust. In 1869 the Cheyennes and Arapahoes were located by Executive order; the Wichitas being already upon a portion of the same prior to the purchase. The Executive order of August 10, 1869, for the Cheyennes and Arapahoes, also covers all that portion of the Creek and Seminole lands west of the ninety-eighth meridian and south of the Cimarron River.

"It will thus be seen that the 'Indian country' as defined by statute, embraces the whole Indian Territory. No part of it has been brought under the operation of general laws or made subject to settlement as public lands. It is attached as 'Indian country' for the enforcement of the intercourse laws alone, to the western district of Arkansas, by section 533, of the Revised Statutes. It is expressly named as 'Indian country' in the act of March 3, 1875, to establish the boundary between the State of Arkansas and the Indian country, 'which recognizes the proper closing of the surveys of the public lands upon its boundaries as originally marked.'

This question was also discussed and similar views were expressed thereon in a letter of April 25, 1879, addressed by the Secretary of the Interior to this office, on the subject of complaints on behalf of the Cherokees and Creeks of attempted settlement by white persons within portions of the Indian Territory. In that letter the Secretary also said:

"The whole Indian Territory has been regarded as Indian country, subject to no State or Territorial laws, and excepted from judicial process, except under special enactments provided for a limited and restricted jurisdiction. * * * It may be further stated that no part of the said Territory remains free from appropriation, either to a direct trust assumed by treaty or by reservations for tribes thereon under Executive order, except that portion claimed by the State of Texas, and lying between the Red River and the North Fork of the same.

By Executive order of August 10, 1869, the United States settled the Cheyenne and Arapahoe tribes of Indians on a reservation in the Indian Territory, of which about 2,489,160 acres lie within what was formerly the Choctaw and Chickasaw 'leased district,' by an unratified agreement of October 19, 1872, with the Wichita, Caddo, and other bands of Indians, and the treaty of July 4, 1866 (14 Stats., 794), with the Delawares, the said Wichita and affiliated bands were located on a reservation, within the said 'leased district,' containing 743,610 acres; and by the treaty of October 21, 1877 (15 Stats., 581), the Kiowa and Arapahoe Reservation, containing 2,968,840 acres, was established for the use of those Indians and the Apaches. These three reservations comprise all the lands formerly known as the Choctaw and Chickasaw leased district, except that portion which is in dispute between the United States and the State of Texas, known as Greer County.

"These lands are now occupied by the Indians located thereon, as above stated, and therefore have been appropriated by the Government to the purposes for which the Indians themselves understood them to be ceded."

Letters are referred to by the delegates as bearing on this subject as follows:

Hon. S. J. Kirkwood, Secretary of the Interior, February 17, 1883 (should be 1882); Hon. N. C. McFarland, Commissioner of the General Land Office, April 25, 1881; and Hon. C. W. Holcomb, Acting Commissioner of the General Land Office, April 25, 1881.

These letters may all be found in Senate Executive Document No. 111, Forty-seventh Congress, first session. Those of Secretary Kirkwood and Commissioner McFarland are mere letters of transmittal, forwarding, in compliance with a Senate resolution to the Senate a copy of the report of the Acting Commissioner (C. W. Holcomb) of the General Land Office, in reference to the right of occupation by settlers of any portion of the Indian Territory. In that report reference is made to the various treaties and agreements made by Indian tribes affecting the title of lands in the Indian Territory, after which the following statements pertinent to the case now under consideration are found:

"The lands reconveyed to the United States by the foregoing treaties are therefore held subject to the trust named. They can be appropriated only to the uses specified, and to those uses only by the United States, and then only in the manner provided for by law. Miscellaneous immigration even by the intended beneficiaries would be unauthorized and illegal.

"The Choctaw and Chickasaw cession of April 23, 1866 (14 Stats., 769), was by the tenth section thereof made subject to the conditions of the compact of June 22, 1855 (11 Stats., 613), by the ninth article of which it was stipulated that the lands should be appropriated for the permanent settlement of such tribes or bands of Indians as the United States might desire to locate thereon.

"The lands embraced in the Choctaw and Chickasaw cession were also included in a definite district established by the stipulations of the treaty of 1885, pursuant to the act of Congress of May 28, 1890, the United States re-energizing by the seventh article of said treaty to remove and keep out from that district all intruders.

"The title of the United States to lands in the Indian Territory is, as heretofore shown, subject to specific trusts, and it is not within the lawful power of either the legislative or executive departments of the Government to annihilate such trusts, or to avoid the obligations arising thereunder.

"Such trusts are for the benefit of Indian tribes and Indian freedmen. The 'freedmen of the United States' are not comprehended within the policy or intention of the treaty provisions, and said lands have accordingly not been purchased for the use and occupation of the colored people of any of the States."

In a letter of Secretary Teller to the President *pro tempore* of the Senate, dated February 4, 1884, replying to a resolution on the subject, his views were expressed with general reference to the lands in the Indian Territory, as follows:

"None of the land or general laws of the United States have been extended to any part of the Indian Territory, except as to crimes and punishments and other provisions regulated by the intercourse acts.

"This being the case, no portion of the lands within the Indian Territory is subject to entry under the land laws of the United States, and no portion can be made subject to such entry by the action of the Executive in the present status of said lands.

"Those lands were acquired by treaties with the various Indian nations or tribes in that Territory in 1866, to be held for Indian purposes and to some extent for the settlement of the former slaves of some of said nations or portions thereof.

"Such are the purposes for which said lands are now being used or held according to the common understanding of the objects of treaties by which they were acquired, and from these arise the necessity for or obligation to keep said lands in their present condition of occupancy or otherwise." (Senate Executive Document No. 109, Forty-eighth Congress, first session.)

Reference is made in the memorial to views expressed by Presidents Hayes and Arthur, Hon. H. M. Teller, Secretary of the Interior, and Hon. Hiram Price, Commissioner of Indian Affairs, on the subject of the alleged trust upon which the United States hold these lands. These may all be found in Senate Ex. Docs. Nos. 50-54, Forty-eighth Congress, second session. They are upon the subject of the threatened invasion by "Capt. Payne's Colony" of these unoccupied portions of the Indian Territory acquired from the Creek and Seminole Indians.

A consensus of those views is expressed in the letter of President Arthur of January 27, 1885, transmitting a reply to Senate resolution, wherein he states that "Until the existing status of these lands shall have been changed by agreement with the Indians interested or in some other manner, as may be determined by Congress, the treaties heretofore made with the Indians should be maintained, and the power of the Government to the extent necessary should be exercised to keep off intruders and all unauthorized persons."

The provisions of article 3 of the Choctaw and Chickasaw treaty of 1866, if taken alone and according to their legal meaning and effect, can only be considered as conveying to the United States all the right, title, and interest owned or possessed by the Choctaw and Chickasaw Indians to the lands ceded thereby, without condition or reservation.

The courts, however, have laid down certain rules for the construction of Indian treaties, and no reason is found for not applying those rules in the consideration of this case.

In *Worcester* against the State of Georgia (6 Peters, 515) the United States Supreme Court held that "the language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of more extended meaning than their plain import as connected with the tenor of the treaty they should be construed as used only in the latter sense. * * * How the words of the treaty were understood by these unlettered people rather than their critical meaning should form the rule of construction." And in *United States against Kagama* (118 U. S., 375) the court said:

"These Indian tribes are the wards of the United States; they are communities dependent on the United States; dependent largely for their daily food, dependent for their political right. * * * From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises a duty of protection, and with it the power. This has always been recognized by the Executive and by courts, and by this court whenever the question has arisen." Then in the case of the *Kansas Indians* (5 Wallace, 737) the court declared that "rules of interpretation favorable to the Indian tribes are to be adopted in construing our treaties with them."

In determining the extent of the title received by the United States from these Indians by the cession made in the third article of the treaty of 1866, it will be necessary to ascertain definitely what the Indians understood they were at that time parting with. To do this, reference is had to the condition of the Indians and the purposes of the Government, at the time that this treaty was made, with regard to these lands. The records of this office show that in 1865 a commission was appointed to negotiate with the Indians of the then southern superintendency, among them the Choctaws, Chickasaws, Creeks, Seminoles, and Cherokees, for the establishment of peace, all of those nations having to a more or less degree been guilty of a violation of their treaties with the United States prior to the war by their association and affiliation with the forces of the so-called Confederate States, and to make new treaties with these Indians by which they would again come under the protection of the United States.

A council was held between this commission and representatives of the

southern Indians at Fort Smith, Ark., in September, 1865, beginning on the 8th and ending on the 21st day of that month. On the 9th of September, 1865, the president of the commission, Hon. D. N. Cooley, who was also at that time Commissioner of Indian Affairs, addressed the council, in which he named the different nations and tribes who had violated their treaties by making treaties with the Government of the so-called Confederate States, as follows:

The Creek Nation, July 10, 1861; Choctaws and Chickasaws, July 12, 1861; Seminoles, August 1, 1861; Shawnees, Delawares, Wichitas, and affiliated tribes, August 12, 1861; the Comanches of the prairie, August 12, 1861; Great Osages, October 2, 1861; the Senecas and Shawnees, October 4, 1861; Quapaws, October 4, 1861; and the Cherokees, October 7, 1861, and declared that the President of the United States was anxious to renew the relations with these Indians which existed prior to the war; that as the representatives of the President of the United States, the commission, for which he spoke, was empowered to enter into new treaties with the proper delegates of the tribes located within the Indian Territory, and others above named, living west and north of Indian Territory; that such treaties must contain substantially the following stipulations, viz:

First. Each tribe must enter into a treaty for permanent peace and amity with themselves, each nation and tribe, and the United States.

Second. Those settled in the Indian Territory must bind themselves, when called upon by the Government, to aid in compelling the Indians of the plains to maintain peaceful relations with each other, with the Indians in the Territory, and with the United States.

Third. The institution of slavery, which has existed among several of the tribes, must be forthwith abolished, and measures taken for the unconditional emancipation of all persons held in bondage, and for their incorporation into the tribes on an equal footing with the original members or suitably provided for.

Fourth. A stipulation in the treaties that slavery or involuntary servitude shall never exist in the tribe or nation, except in punishment of crime.

Fifth. A portion of the lands hitherto owned and occupied by you must be set apart for the friendly tribes now in Kansas and elsewhere, on such terms as may be agreed upon by the parties and approved by the Government, or such as may be fixed by the Government.

Sixth. It is the policy of the Government, unless other arrangements be made, that all the said nations and tribes in the Indian Territory be formed into one consolidated government, to aid in compelling the Indians of the United States in a bill for organizing the Indian Territory.

Seventh. No white person, except officers, agents, and employees of the Government, or of any internal improvement company authorized by the Government, will be permitted to reside in the Territory, unless formally incorporated with some tribe according to the usages of the band.

On September 11, 1865, in a letter addressed to the commissioners of the United States, the Choctaw delegates said:

"In answer, therefore, to your propositions to the several tribes of Indians, we say that the first, second, third, fourth, fifth, and sixth articles meet our approval," and submitted in lieu of the seventh proposition a proposition which provided that "No white person, except officers, agents, employees of the Government, or of any internal improvement company authorized by the Government of the United States; also, no person of African descent except our former slaves, or free persons of color who are now or have been residents of the Territory, will be permitted to reside in the Territory unless formally incorporated with some tribe according to the usages of the band."

Later, in the progress of the council, about the 18th of September, the commissioners of the southern factions of the Choctaw and Chickasaw tribes accepted the propositions suggested by the commissioners, and before the final adjournment of that council, the 21st of September, all of the delegates of the tribes represented signed a treaty of peace between themselves and the United States. (These proceedings will be found in the Annual Report of the Indian Bureau, 1885, page 165, etc.)

It will be observed that in each of the treaties made with each of the other civilized tribes, extracts from which are above given, the purpose for which the land was being ceded to the United States is specifically stated. No such purpose is stated in the treaty made about the same time with the Choctaws and Chickasaws.

It is possible that the commission, when it came to negotiate with the Choctaws and Chickasaws, may have omitted from the treaty with those Indians a similar condition and reservation regarding the purposes for which the lands were to be used, because of the fact that the United States had secured by a prior treaty a lease, which amounted to a permanent lease, of the lands in question for Indian purposes, for which, together with other considerations, it had paid the sum of \$800,000. Considering this fact, the commission negotiating the treaty may have considered the payment of the \$300,000 additional, as provided for in the treaty of 1866, a sufficient compensation for an absolute cession of all right, title, and interest that the Choctaws and Chickasaws had in and to the said "leased district."

This conclusion, however, can not be fairly reached when the record of the negotiations is fully considered, for we have already seen that these Indians accepted the terms proposed by the commission, upon which the treaties would be negotiated; and these very terms indicate the purpose for which the ceded lands were to be used. And it shows quite clearly that the Indians understood that they were parting with whatever right, title, and interest remained to them in the "leased district" to the United States to be used for the location and settlement of other Indians thereon.

The negotiations made about that time by the United States with Indian tribes show very conclusively that a policy had been carefully mapped out for the acquisition by the United States of the right to locate other Indians upon portions of the lands owned and occupied by the five civilized tribes in the Indian Territory.

I am inclined therefore to the opinion that the Choctaw and Chickasaw Indians have good ground for the claim that the United States took the lands ceded by them upon the trust to settle other Indians and freedmen thereon, as the policy upon which the negotiations were made clearly indicated its desire and purpose to do.

Admitting, however, the fact of a trust as the basis of their claim, I do not think that they have any ground upon which to demand payment for further compensation for the release and discharge of said lands from the alleged trust so long as the purposes of said alleged trust are observed and adhered to; that is, so long as the lands are occupied by Indians placed upon them by the United States. The Indians placed upon said lands, as heretofore shown, are still occupying them. No negotiations have been concluded with any of said occupying tribes for relinquishment of their right, title, and interest in and to said lands or any portion of them, nor has the United States appropriated any of said land to any other use, nor authorized the appropriation of any portion of them to any other use. In view of these facts it would seem that the basis of claim of the Choctaws and Chickasaws for further compensation for the lands, if valid, the claim itself is prematurely presented.

It is presumed, however, that the fact that negotiations have been authorized, and under the authority of law have been and are being pursued for cessions by the "Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, * * * to the United States of all their title, claim, or interest of every kind or character in and

to said lands" (25 Stats., 1005), has prompted the Choctaws and Chickasaws to bring forward this claim.

So far as this office is aware nothing is contained in the instructions given to the commission appointed to make those negotiations which would authorize or warrant it in negotiating with the Choctaws and Chickasaws covering this claim. This may account for its direct presentation to Congress.

The United States ought not to be expected to pay for the land at the present time more than its fair valuation, considering its status. It has located other Indians upon said land—the Kiowas, Comanches, Apaches, Wichitas and affiliated bands, and the Cheyennes and Arapahoes. Negotiations will no doubt be made with these Indians for the relinquishment of their right, title, and interest in and to the lands occupied by them, except so much as may be found necessary to be continued in a state of reservation for allotment or for homes for said Indians. To pay full value of the relinquished land to these occupying Indians, and also to pay full value to the Choctaws and Chickasaws in adjustment of their claim for release of the trust claimed by them to be upon the land, will be doing more than equity demands of the United States in settlement of these claims.

While there are clearly no words of limitation in the treaty of 1866 as to the use to which the ceded lands should be put by the United States, the history of the negotiation preceding and resulting in that treaty, and the subsequent treatment of the subject, quite clearly indicate that the Choctaws and Chickasaws have good grounds for claiming that they understood that the lands were to be used for the location of other Indians and freedmen thereon. If they have, as seems to be the case, an equitable claim, it is for Congress to determine what shall be the measure of allowance to be made for its adjustment in order to clear the lands of the incumbrance.

If anything is to be allowed, the settlement made with the Creeks and the Seminoles in 1869 of similar claims may assist in reaching a conclusion on this case. The amount allowed to the Creek Indians was \$2,380,857.10.

To show how this sum was reached, the following extract is made from the message of President Cleveland of February 5, 1889, to the Congress (see Senate Ex. Doc. No. 98, Fiftyeth Congress, second session):

"The unassigned lands must be those which are unsold, because not only is that the fair significance of the term, as used technically in conveyancing, but because the limiting condition in the Creek treaty was that the lands should be sold to, as well as used as homes for, other Indians.

	Acres.
The total quantity of lands in the western half of the Creek Nation, and which were ceded in 1866, is	3,402,428.88
The assigned lands as above defined are in three bodies—	
(1) The Seminole country, by the treaty of 1866	300,000.00
(2) The Sae and Fox Reservation, sold and conveyed by article 6 of the treaty of February 18, 1867 (15 Stats., 495), amounting to	479,668.05
(3) The Pawnee Reservation, granted by section 4 of the act of Congress of April 10, 1876 (19 Stats., 29), for which the Government received the price allowed the Creeks, 30 cents per acre	53,005.94
Making a total of assigned or sold lands of	732,673.99

And leaving as the total unassigned lands

"Of this total quantity of unassigned land, which is subject to the negotiations provided for under the law of 1855, there should be a further division made in considering the sum which ought fairly to be paid in discharge of the Creek claim thereto.

"I. In that part of these lands called the Oklahoma country no Indians have been allowed to reside by any action of the Government, nor has any execution been attempted of the limiting conditions of the cession of 1866.

"The quantity of these lands carefully computed from the surveys is 1,392,701.70 acres.

"II. The remainder of these unassigned lands has been appropriated, in some degree, to Indian uses, although still within the control of the Government.

"Thus, by three Executive orders, the following Indian reservations have been created:

	Acres.
(1) By President Grant, August 10, 1869, the reservation of the Cheyennes and Arapahoes, which embraces of this land	619,450.59
(2) By President Arthur, August 15, 1883, the reservation for the Kiowas, containing	228,417.67
(3) By President Arthur, August 15, 1883, the Kickapoo Reservation, embracing	206,465.61
(4) A tract set apart for the Pottawatomies by the treaty of February 27, 1867 (15 Stats., 531), followed by the act of May 23, 1872 (17 Stats., 159), by which individual allotments were authorized upon the tract, though but very few Indians have selected and paid for such allotments according to the provisions of that law. The entire quantity of the Pottawatomie Reservation is	222,716.32

This shows the quantity of lands unassigned but to some extent appropriated to Indian uses by the Government, amounting to 1,277,050.19

For the lands which are not only unassigned but are unoccupied, and which have been in no way appropriated, it appears clearly just and right that a price of at least \$1.25 should be allowed to the Creeks. They held more than the ordinary Indian title, for they had a patent in fee from the Government. The Osages of Kansas were allowed \$1.25 per acre upon giving up their reservation, and this land of the Creeks is reported, by those familiar with it, to be equal to any land in the country. Without regard to the present enhanced value of this land, and if reference be only had to the conditions when the cession was made, no less price ought to be paid for it than the ordinary Government price. Therefore, in this provisional agreement which has been made with the Creeks, the price of \$1.25 has been settled upon for such land, with the deduction of the 30 cents per acre which has already been paid by the Government therefor.

"As to the remainder of the unassigned lands, in view of the fact that some use has been made of them of the general character indicated by the treaty of 1866, and because some portion of them should be allotted to Indians under the general allotment act, and to cover the expenses of surveys and adjustments, a diminishment of 20 cents per acre has been acceded to. There is no difference in the character of the lands.

"Thus computing the unassigned and entirely unappropriated land, being the Oklahoma country, containing 1,392,701.70 acres, at 95 cents per acre, and the remainder which has been appropriated to the extent above stated, being 1,277,050.19 acres, at 75 cents per acre, the total price stipulated in the agreement has been reached—\$2,380,857.10."

In the case of the Seminoles, the Executive did not feel warranted to enter into any agreement for further compensation to them for the lands ceded by their treaty of 1866 because of absence of words in the treaty showing a legal obligation on the part of the Government to make such further compensa-

tion to them for said land. Their claim, however, was submitted for the consideration of the Congress by President Cleveland, on February 19, 1889, (See Senate Ex. Doc. 122, Fiftyeth Congress, second session.)

The letter of Secretary Vilas, set out in that document, after calling attention to the difference between the wording of the Creek treaty and that of the Seminole treaty, which can clearly be seen by examination of the quotation already made in this letter (p. 7), proceeds as follows:

"The Seminole treaty omitted, therefore, the words such as those underscored (italics) in the above extract from the Creek treaty, by which a condition subsequent, or a limitation to a use, was provided. A new conveyance or cession by the Seminole Nation would add nothing in law to the title which the United States already possesses. There is nothing, as it seems to me, in this condition of things which authorizes this Department, without legislation distinctly providing for it, to make any further agreement for additional compensation, even conditional.

"It is claimed, however, and perhaps with force, that the cession by the Seminoles was in fact made upon the same understanding, in support of which they refer to the words of recital above quoted, and aver in further proof that they have always so understood it, and that that understanding has been in some degree recognized by the act of 1885, which directed negotiations to be opened with them as well as with the Creeks and Cherokees, and otherwise. In view of this they ask that the whole matter be submitted to Congress with such recommendation as may be deemed proper, and express their willingness to abide by the decision and action of that body.

"There appears to be reason to suppose that the treaty was made with the expectation that the lands would be used as homes for other Indians and freedmen, and that the Seminoles have claimed that a failure to so use them gave them some right; but in the clear absence of any stipulation for that purpose I am unable to recognize any demand upon the Government or to fix upon any sum which might in generous consideration be granted them if any such action should be esteemed desirable or proper by the Congress."

The Congress, after careful consideration of the claim, made an appropriation of \$1,912,942.02 for the land, ascertained to contain 2,037,414.62 acres. (See sec. 12 of act approved March 2, 1890, 25 Stats., 1004.)

In ascertaining the sums of these payments, it appears that the land which had not been used to settle other Indians upon was rated at \$1.25 per acre, while those portions of the cession made by those two nations upon which other Indians had been located (not including the portions sold to other Indians) were rated at \$1.05 per acre. This is clearly shown by the quotation made from the President's message in relation to the Creek agreement.

Deductions were made from the sums reached by this computation of the amounts previously paid by the United States to these respective nations under the treaties of 1866, viz, 30 cents per acre to the Creeks and 15 cents per acre to the Seminoles.

Other Indians have been put in occupation of all of the lands comprised within the "leased district" ceded in 1866 by the Choctaws and Chickasaws (not including the disputed tract commonly known as Greer County), as follows:

	Acres.
The existing reservation occupied by the Cheyennes and Arapahoes and Apaches, under executive order of August 10, 1869, comprise within its limits of said "leased district"	2,489,160
The tract of land occupied by the Kiowas and Comanches, etc., under a treaty with them of October 21, 1867 (15 Stats., 581), is wholly within the said "leased district," and comprises	2,908,823
The tract occupied by the Delawares and Wichitas, Caddos, and affiliated bands under treaty of July 4, 1866 (14 Stats., 794), as to Delawares, and an unratified treaty of October 19, 1872, as to Wichitas, etc. (see I. O. Annual Report, 1872, p. 101), comprises a total area within the said "leased district" of	743,610

Total

Applying, therefore, to the whole quantity of that tract so occupied by other Indians the rate allowed to the Creeks and Seminoles for land similarly conditioned, the total sum will be for 6,201,633 acres, at \$1.05 per acre, \$6,511,714.65.

From this sum should be deducted whatever portion of the \$800,000 paid under the treaty of 1855 may be determined to have been the consideration for the lease of said land for the permanent purposes then made to the United States. There should also be deducted the \$300,000 allowed by the treaty of 1866 for the cession of said "leased district" so far as the sum has been paid to or disbursed for the interest of the Indians or their freedmen.

The condition of the \$300,000 fund is shown by the following extract from the annual report of this office for 1887, pages 62, 63:

"The account for both nations was stated as follows: From the \$300,000 should be deducted not only the \$300,000 appropriated and paid over immediately upon the proclamation of the treaty, but also the two years' interest on that \$300,000, which for some unknown reason was also appropriated.

Residue of \$300,000 unappropriated

Amount appropriated as interest on \$300,000 for year ending

June 10, 1867

Deduct amount of appropriation of interest for said year on

\$100,000

Leaving

Amount appropriated as interest on \$300,000 for year ending

June 10, 1868

Deduct amount of appropriation of interest for said year on

\$90,000

Leaving

From this amount should be deducted the sum appropriated by act

approved May 17, 1882

Leaving

to be paid the Choctaws and Chickasaws in case they adopted their freed-

men. Of this their three-fourths share, amounting to \$52,125, was appro-

priated and placed to the credit of the Choctaws.

"Inasmuch as the Chickasaws seem to have definitely decided not to adopt their freedmen, there remains of the \$300,000 \$17,375, which should be appropriated to assist those freedmen in removing from the Chickasaw country, and there should be recovered from the Chickasaws for the same purpose the \$55,125 which has been paid them, and to which they have no shadow of claim. This, with a sum of \$2,500, which has already been recovered from the Chickasaws and expended for the education of their freedmen, under the provisions of the act of May 17, 1882, quoted above, makes up the Chickasaw one-fourth of the \$300,000 named in the treaty."

In any adjustment that may be made of this claim the interests of the Chickasaw freedmen should be guarded and protected.

With return of the papers referred by the Department for report, I also inclose herewith printed briefs and arguments prepared on behalf of both the

Choctaws and Chickasaws in the matter of this claim. By each it is argued that no deduction should be made from the claim of any portion of the \$300,000 consideration for the cession made by the treaty of 1866. It is further argued on behalf of the Chickasaws that no deduction should be made on account of the \$800,000 paid as consideration for the cession and lease made by the treaty of 1855.

Notwithstanding that consideration was specifically stated to be in part for the lease of the district comprising the lands now under consideration, I do not think that these claims for exemption from deduction on those accounts are well founded. What deduction shall be made on those accounts is a matter for Congress to determine upon the facts in the case as herein presented.

Very respectfully, your obedient servant,

R. V. BELT, Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

Against Mr. R. V. Belt I put the present Secretary of the Interior, who advises the President that these lands were not ceded in trust; and I put against him the opinion of the President of the United States, a better lawyer than Mr. R. V. Belt, Assistant Commissioner of Indian Affairs, that these lands were not ceded in trust, and the President of the United States never delivers a legal opinion until he has examined the case and is ready to stand by it. Mr. Belt, taking up what had gone before, and seeing these loose statements which have been thrown out when other subjects were being considered and which I have shown must have been made without careful examination, speaks with a good deal of doubt upon the question whether these Indians have any claim against the Government, but he winds up his argument by saying:

I am inclined, therefore, to the opinion that the Choctaw and Chickasaw Indians have good grounds for the claim that the United States took the lands ceded by them upon the trust to settle other Indians and freedmen thereon, as the policy upon which the negotiations were made clearly indicated its desire and purpose to do.

Then he goes on to say further:

While there are clearly no words of limitation in the treaty of 1866 as to the use to which the ceded lands should be put by the United States, the history of the negotiations preceding and resulting in that treaty and the subsequent treatment of the subject quite clearly indicate that the Choctaws and Chickasaws have good ground for claiming that they understood that the lands were to be used for the location of other Indians and freedmen thereon.

I deny that conclusion, Mr. President. I have shown that that conclusion can not be correct. Then he goes on:

If they have, as seems to be the case, an equitable claim, it is for Congress to determine what shall be the measure of allowance to be made for its adjustment in order to clear the lands of the incumbrance.

There is an admission there that there is no legal claim, certainly. When he says: "If, as seems to be the case, they have an equitable claim," if he had been a lawyer he would have understood that he was saying that they had no legal title whatever in these lands, and that the United States had the full and complete interest.

This leads me, Mr. President, to consider whether the amount appropriated is just, right, and fair upon the theory that something ought to be paid to these Indians. But before I come to that, I want to call attention to the fact that in these laws which have been passed by the Choctaw Nation—and there are twelve or fifteen of them that have been passed with reference to the procurement of this appropriation and the distribution of it—the Choctaw people have taken occasion to repeat over and over again a statement which I have been unable to find any justification for in the record. For instance, here is an act on page 31 of the President's message in which it is recited that this treaty of 1866 was negotiated upon certain propositions, which I have commented upon, citing the fifth and seventh and leaving out the sixth, upon which so much stress is placed by the committee, from which act I make the following quotation:

And whereas on the further representation of the said board of the United States Commissioners that the lands west of the ninety-eighth degree of west longitude, on which the Choctaws and Chickasaws had still the right to settle, would all be needed for the use of friendly Indians and colonization of the negro freedmen in the Choctaw and Chickasaw Nations, unless otherwise adopted by the Choctaws and Chickasaws, the Choctaws and Chickasaws did, by the third article of the treaty of 1866, cede the land west of the ninety-eighth degree of west longitude to the United States in trust for the purposes aforesaid, and under the conditions of the existing laws and treaties of the United States hereinbefore mentioned.

Mr. President, I have read every word of the report of the council proceedings by which those treaties were negotiated, and there is not one word in the report of those council proceedings which will justify or excuse this statement in those Indian acts.

But, Mr. President, upon the ground that something ought in good conscience or generosity to be paid to these Indians, how much? This matter first came before Congress by a report in the House of Representatives in the last Congress. That report proceeded upon the basis of paying \$1.05 an acre. This appropriation proceeds upon the basis of paying \$1.25 an acre. That report, from the price of \$1.05 per acre to be paid for all these lands—for the bill included all the lands except Greer County—deducted the \$300,000, and said it ought to be deducted, and, if I am not mistaken, the chairman of the House Committee on Indian Affairs is now a member of this body, insisting that the \$300,000 shall not be deducted.

Here is the report of his committee, made by Mr. PEEL, and assented to, as I suppose, by every member of that House committee, in which it is said that \$300,000 ought to be deducted. The difference between the whole amount at \$1.05 an acre, and at \$1.25 an acre, as applying to that portion of the lands in question, is, if my figures are correct, \$520,000. How can the Senator, how can the Senate, after this matter has been settled by a committee of the House upon a basis of \$1.05 an acre, and the attention of the Senate is called to it by the President—how can the Senate sanction this extra \$520,000 which has crept into this appropriation upon the basis of \$1.25 an acre? And if they rely upon Mr. Belt, that is all that he says ought to be paid for it. He says, too, that \$300,000 ought to be deducted as well as the \$300,000 from the price of \$1.05 an acre, and I have, I think, conclusively shown that both sums should be deducted.

There is one other thing to which I desire to allude. It is a small matter of \$50,000 only, Mr. President, not very much. But upon the very basis and groundwork of that appropriation these Indians are not entitled to it. Very likely this Senate would be quite willing to vote it as an addition to the 25 per cent which the attorneys and delegates, one of whom admits that he bribed the senators of the Choctaw council in order to get his confirmations, are going to receive up on the payment of this claim. It is only \$50,000. It is a little matter. But upon the plain language of this appropriation it was \$50,000 too much. And yet the committee says there is no reason for action, sees no reason for the interference of the Senate.

Let the \$50,000 go. That is not worth while to talk about. I do not know that there is any use of considering a small matter of this sort; I do not know that we ought to dwell upon it. But the basis on which this claim is made up is stated here in this way:

Said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw Indians, which was concluded April 28, 1866, and proclaimed on the 19th day of August of the same year, and whereof there remains, after deducting allotments as provided by said agreement, a residue ascertained by survey to contain 2,333,160 acres.

Mr. Standley says he told Senator JONES, who prepared the amendment, that there were about six hundred Indians who would be entitled to allotments and who would take them.

Mr. JONES of Arkansas. He gave me a letter from the agent, who stated in that letter that he estimated the number of Indians at six hundred, and he thought that was the number.

Mr. PLATT. Perhaps I was not exactly accurate in saying he told you. The Senator from Arkansas is quite correct. Mr. Standley says:

I furnished that letter to Senator JONES of Arkansas, and upon their information he prepared the amendment to the Indian appropriation bill approved March 3, 1891, appropriating \$2,991,450 for the Choctaws and Chickasaws, which amount was arrived at in this way: The whole number of acres of said lands are 2,489,160. Estimating 160 acres for each one of the resident Indians or allottees, it made 96,000 acres to be reserved for allotment to the resident Indians. Deducting, then, 96,000 acres from 2,489,160, the whole number of acres, there will be found a residue of 2,393,160 acres, calculating which at \$1.25 per acre the amount of the said appropriation of \$2,991,450 will be obtained.

Mr. President, there were eight hundred and fifty Indians entitled to those allotments and who have obtained them, and that calls for just \$50,000 less than this appropriation on the basis on which it is stated in act of appropriation and on which the delegate says it was made up. I repeat, I do not suppose this little item of \$50,000 will be considered of any consequence. I suppose the Senate will follow the committee and say that although this is a plain gift on top of the \$2,900,000 to these Indians, it is not worth while for the Senate to spend any time to stop to consider it.

I notice, Mr. President, that the Senate very often spends all day in considering a question whether some claim of \$5,000 or \$10,000 ought to be paid, but when it comes to considering one of these Indian claims which has back of it the badges and evidences of fraud in its prosecution, such as this claim has, I do not suppose a little matter of \$50,000, which they clearly are not entitled to, will stand in the way of reaffirming this appropriation.

I desire, Mr. President, to put in the letter of the Secretary of the Interior, which I will not stop to read, showing that there are eight hundred and fifty allotments instead of six hundred, and this would make a difference of \$50,000.

DEPARTMENT OF THE INTERIOR, Washington, April 30, 1892.

SIR: At your request I have to report in connection with the matter presented to the Senate by the message of the President and now under discussion, as to the appropriation to Chickasaws and Choctaws dated June 30, 1891, that the allotments to the Cheyenne and Arapahoe Indians south of the Canadian River have been all made and are two hundred and fifty in excess of what was estimated when the amount appropriated was fixed. These amount to 40,000 acres, which, at \$1.25 per acre, amounts to \$50,000.

It appears that the calculation as to the amount of land to be paid for out of this appropriation was based upon an estimate that there were 600 Indians to receive allotments south of the river named. This was, at the time, a conjecture. It has turned out that there are 850 Indians who received al-

lotments there. This renders it definite and certain that the appropriation should have been, on the theory on which it was granted, at least \$50,000 less than it is.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. O. H. PLATT, *United States Senate.*

There is one other little matter in regard to which I suppose the Senate will not hesitate at all to follow the report of this committee, and say that for the reasons in this report there is no occasion to interfere with the action of the Executive on this appropriation. I do not suppose the fact that these attorneys, appointed in the way they were, will, when the Choctaws receive their share of this appropriation, put \$560,000 in their pockets, and, if Mr. Ward lives up to his contract, pay \$82,000 of that to the senators whom he bribed to vote for him—I do not suppose that will make any difference with the action of the Senate. But I turn to the statutes of last year and I find that it was provided when enacting the pension legislation of last session that if any attorney charges to a poor pensioner who has no opportunity to be heard in this Congress, more than the paltry sum of \$2 for procuring the passage of a special act increasing his pension, he is to be punished by \$500 fine and two years' imprisonment. There have been occasions when this Senate was willing to condemn such contracts with attorneys.

Now, Mr. President, taking the basis upon which the House committee proposed to settle this claim upon which Mr. Belt, the Assistant Commissioner, thought it fair to be settled, and there is \$520,000 to be deducted on account of the price per acre, besides \$50,000 more to be deducted, which together would make \$570,000. Mr. Belt says also that \$800,000 ought to be deducted. It does not all apply to these lands; about one-third of it does; it was paid for the lease of the whole; that would be about \$266,000 to be deducted on account of the land in question. The committee of the House said that the \$300,000 which was paid in 1866 ought to be deducted. It was not deducted by this appropriation of last year.

Say that one-third only of the amount paid the Choctaws, about \$200,000 out of the \$300,000, should be deducted on account of the lands in question, which are practically one-third of the leased lands so called. That would be \$66,000. Add this to the \$266,000 to be deducted on account of the payment of the \$800,000, and there is at least \$300,000 in addition to the \$520,000 for difference in price, and the \$50,000 for land, which confessedly should not be paid for, which ought to be deducted from the appropriation of \$2,991,450. If we are to pay these Indians who, in my judgment, have not the shadow of a claim to anything, then, on the basis, and the only basis which up to the date of that amendment to an appropriation bill brought in in the last closing hours of a busy session, and pushed through without opportunity for careful investigation, the most that anybody (the committee of the House, the Indian Bureau or anybody else) ever supposed they were entitled to, it would be nearly \$900,000 less than the appropriation which was actually made.

Mr. President, it is possible that I have omitted something, as I have spoken without notes, and if so I shall desire to insert it in my printed remarks in the RECORD.

It has been said that the Indians were justified in contracting one-fourth of this recovery to the delegates appointed because they had had great difficulty in getting their claims through Congress heretofore, and for the further reason that the Cherokee commission, which negotiated with the Cheyennes and Arapahoes and also with the Cherokees and with some other tribes to get the Government a full title to other lands, received secret instructions from the Secretary of the Interior not to treat with these Indians, and that therefore they had a right to assume that there was a hostility to their claim and that they had got to push it in Congress with a good deal of vigor, that it was a critical time and demanded prompt and vigorous action.

But, Mr. President, the Secretary of the Interior has sent me and desired me to present in this connection this telegram received from Judge Sayre, a member of the commission, by which it appears that the commission did hear the Choctaws and Chickasaws with reference to this claim. I will read it:

PONCA, IND. T., April 25, 1892.

TO SECRETARY OF THE INTERIOR, Washington, D. C.:

In December, 1889, Messrs. Owen and Stanley, representing the Choctaws, and it may be the Chickasaws, met the Cherokee Commission at Tahlequah to inquire about possible negotiations with those tribes for lands west of the ninety-eighth degree. The commission then told them that such negotiations would not be entered because the commission understood they had no claim or title, and the instructions did not authorize or direct it.

In January following Alfred M. Wilson and Warren G. Sayre, a majority of the commission being in Washington, said same parties, together with John C. Orrick, appeared before them and made elaborate written and oral arguments in the premises, a direct order being had from you to hear them. This hearing was continued for several days. The written briefs were left with commission after such direction from you to hear them, and after such hearing the commission never decided anything about it, but Mr. Owen asked said Sayre if he would object to the matter being taken directly before Congress. He was informed that he could use his own pleasure about it.

In the discussion before the commission suggestions and intimations were made to Owen, Stanley, and Orrick that might well lead them to the conclusion that the commission regarded their claim invalid, but that was never formally so decided as announced. Mr. Owen's assigned reasons for going before Congress was that it was getting well along in the session, and that the matter would probably have to be fought out there anyhow. A brief was at some time in the proceedings presented for the Chickasaws, purporting to be prepared by Hon. Halbert E. Paine. Mr. Paine, however, never appeared before the commission, nor is the writer certain that anyone ever assumed to speak for the Chickasaws.

The Cherokee Commission never had and never pretended to have any secret instructions in the premises. Governor Jerome was appointed a member of the commission in May, 1890, and, of course, had no part in these proceedings. Mr. Orrick, however, made an appointment with Governor Jerome by wire to meet him in Detroit and hear an argument in the premises. Governor Jerome attended at the appointed time and place, but Mr. Orrick failed to appear.

WARREN G. SAYRE.

In connection with that telegram I submit this letter from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR, Washington, April 30, 1892.

SIR: Having observed in the Congressional debate now in progress concerning the appropriation for the Choctaws and Chickasaws that it is intimated in the communication from the delegates of the Choctaws and Chickasaws that secret instructions were given to the commission not to hear their claim; and also having observed that members of the Senate are laboring under this impression, I beg leave to present a copy of report just made to me by Judge Sayre, a member of that commission, who has been on it during the whole progress of the negotiations with the Cheyennes and Arapahoes and who distinctly states that the Choctaws and Chickasaws were heard both orally and on brief, and that no secret instructions were given the commission.

I beg to assure you and to request you to state for me officially that there was no action on my part prohibiting any consideration by the commission of the claims of the Choctaws and Chickasaws, and as appears the claims were actually heard by the commission by my direction. The reason that the commission did not give an opinion in regard to the title, upon the argument presented, was because the delegates and attorneys having observed, it is possible, that the decision would be adverse to them, did not wait to have it rendered, and begged leave to present it to Congress and there the business with the commission dropped and that with Congress began.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. O. H. PLATT, *United States Senate.*

Mr. President, I do not know what the action of the Senate will be upon this matter. I know that I have discharged my duty, and that when in the future a new claim shall be made for \$6,000,000 more, if Greer County be included, there will at least be in the record of the proceedings of the Senate such a statement of the case that another Senate need not act ignorantly.

Mr. DAWES obtained the floor.

Mr. JONES of Arkansas. I ask permission, Mr. President, of the Senator from Massachusetts to put into the RECORD a letter which I desire to appear in connection with this matter. I applied to the Secretary of the Interior after the Senator from Connecticut [Mr. PLATT] had kindly shown me the telegram which he has just presented to the Senate, and asked him to furnish me a copy of the telegram which he sent to the Cherokee Commission and to which this telegram was a reply. I have in my hand his telegram and desire to read it to the Senate:

DEPARTMENT OF THE INTERIOR,
Washington, April 25, 1892.

Hon. D. H. JEROME,
Ponca, Ind. T.:

Did not the Choctaws and Chickasaws appear before your Commission and file argument, and were they not heard orally before you determined not to negotiate with these Indians?

"Senate committee reports against President's message on the three million appropriation, that you did not hear Choctaws and had secret instructions not to do so." Reply by telegram fully.

JOHN W. NOBLE, *Secretary.*

Now, I have in my hand a copy of the letter written by this Cherokee Commission to the governor of the Choctaw Nation. It is as follows:

UNITED STATES COMMISSION,
Tahlequah, Ind. T., November 26, 1889.

DEAR SIR: Referring to your letter of the 15th instant, and Judge Wilson's reply of the 20th, I have the honor to say to you, for the Commission, that as heretofore intimated, we will be glad to meet the Commissioners on the part of the Choctaws and Chickasaws immediately after the conclusion of pending negotiations with the present Cherokee councils.

This Commission has been unofficially informed that the Choctaw and Chickasaw Commission is authorized to negotiate regarding the lands west of the ninety-eighth meridian only.

It is proper to say to you that the United States claims that it has now full title to that land, and that we are not authorized to negotiate for such lands. This Commission hope that the Commission we are to meet will be authorized to open negotiations for the cession to the United States of the lands west of the ninety-sixth and east of the ninety-eighth degree.

This Commission, will however, hear at that time whatever your commission wish to present regarding lands west of the ninety-eighth degree.

You will be notified at the earliest possible day of the date of the arrival of this Commission at Atoka.

I have the honor to be, respectfully yours,

LUCIUS FAIRCHILD,
Chairman United States Commission.

Hon. B. F. SMALLWOOD,
Principal Chief, Choctaw Nation, Lehigh, Ind. T.

Here is a letter which shows upon its face that they had not met the Choctaw commissioners, a letter in which they distinctly say they are not authorized to treat for the land between the ninety-eighth and one hundredth meridians. I want that to ap-

pear in connection with the telegram read by the Senator from Connecticut.

Mr. Secretary Noble, in his telegram, and I should like to call attention to the fact, makes this statement:

Senate committee reports against President's message on the \$3,000,000, that you did not hear Choctaws and had secret instructions not to do so.

There was what is familiarly known as a compilation given to this Cherokee Commission by the Secretary of the Interior, or sent out under his order, in which the Secretary undertakes to give the status of the holdings of the different tribes in each nation. In that compilation he used this language about Greer County:

While that part of the Choctaw and Chickasaw country lying immediately west of the Kiowa and Comanche and Apache reservations, and between the Red River and the North Fork thereof and the State of Texas (marked No. 31 on the map), is not subject to negotiation, the Indian title thereto having been extinguished by the treaty of 1866 with those Indians, I deem it proper to give its status, as understood by this Department.

Now, when the Secretary, in a claim which included Greer County in the balance, claimed that the Indian title had been extinguished by the treaty of 1866, he in effect said that the Indian title to the balance of the country between 98 and 100 had been extinguished. These instructions were not public. They were not given to the public, and in proof of that I read a resolution adopted by the Senate December 19, 1889:

Resolved, That the Secretary of the Interior be directed to send to the Senate the compilation recently made in the Indian Bureau concerning the legal status of the Indians and lands located in the Indian Territory, and that he also, if not incompatible with the public interest, send to the Senate instructions issued to the Commission recently appointed pursuant to act of Congress to negotiate for the cession to the Government of lands west of the 96th degree in the Indian Territory.

Mr. Noble responded that it was inexpedient to send those instructions. He did not send the compilation, and it was not sent until some months afterwards the Senate adopted the following resolution:

Resolved, That the Secretary of the Interior be directed to send to the Senate the compilation recently made in the Indian Bureau concerning the legal status of the Indians and lands within the Indian Territory.

The response to this was dated March 12, 1890, and until that time this compilation was secret. Yet the Secretary of the Interior wires out to the commission in the Indian Territory to know if there were any secret orders in the hands of that commission, when it had taken two resolutions of the Senate to get it from the Secretary of the Interior to the Senate. He knew, of course, that these instructions were not public. If they were not public it seems to me they were secret. I do not see how this conclusion can be avoided.

Mr. President, I beg pardon of the Senate for taking up so much time, but it seemed to be so unfair that this sort of statements should go before the Senate, statements palpably not sustained by the record, that I could not help putting in the two points in direct contradiction of what had been stated, for the purpose of correcting the history given.

Mr. DAWES. Mr. President, it is exceedingly disagreeable to me to ask the Senate at this late hour to listen to further debate upon this question, and were it not for the pressure of time I should certainly ask the indulgence of the Senate and not go on to-night.

Mr. ALLISON. If the Senator from Massachusetts does not desire to proceed this evening, as this is a very important matter, and I for one would be very glad to hear the Senator, it seems to me we might lay aside the resolution for the time being and take up some other question, although I do not wish to interfere with the Senator from Arkansas who has charge of the matter.

Mr. DAWES. I leave the matter entirely with the Senator from Arkansas. I have listened with great interest to the Senator from Connecticut, and—

Mr. JONES of Arkansas. I will simply state the facts to the Senator from Massachusetts. I did not understand just what he said. To-morrow at 2 o'clock we have agreed to take up an order that we can not lay aside, and there will be no time, unless we go on with this matter, to dispose of the resolution for some days to come. To-morrow will be Friday and practically the last working day of this week. I think possibly the Senate may adjourn over for Saturday, and unless we can get through with this discussion to-day I do not see how it is possible for us to dispose of it for several days.

Mr. GEORGE. If the Senator will allow me, the Senator from Massachusetts says it is not agreeable to him to speak at this late hour of the day, and I think the privilege ought to be accorded to him to speak to-morrow if he wants to do so.

Mr. DAWES. It is more for the sake of the Senate than for myself that I make the suggestion.

Mr. JONES of Arkansas. So far as I am concerned, could not an arrangement be made to take the vote at a certain hour? I should like to ask if there is any objection to such an arrange-

ment. To-morrow at 2 o'clock we have a special order, as I have just stated. Could there be an agreement now made that to-morrow at half past 1 we shall take the vote on the pending resolution? We can take the matter up immediately after we get through with the routine business, and the Senator from Massachusetts will have ample time to make his remarks to-morrow. If there can be unanimous consent of the Senate to take the vote at half past 1 o'clock to-morrow I should be perfectly willing to have such an agreement.

Mr. CULLOM. There ought to be an understanding, if that is done, that the Senator from Massachusetts can proceed immediately after the routine business.

Mr. JONES of Arkansas. Yes, immediately after the routine business.

Mr. ALLISON. Of course I do not wish to interfere with the arrangement suggested, but I know there are one or two other Senators who desire to make observations on this subject. I do not think they will take very long.

Mr. COCKRELL. Why can they not proceed this evening?

Mr. JONES of Arkansas. They can go on this afternoon.

Mr. ALLISON. I do not see either of them present.

Mr. FRYE. We adjourned yesterday at about 4 o'clock. There is pressing business before the Senate, and now there is a proposition practically to adjourn at 4 o'clock to-day.

Mr. CULLOM. We need not adjourn now. The pending resolution can be informally laid aside, and the Senate can proceed to Calendar business, or whatever else it chooses.

Mr. COCKRELL. We can not do any business on the Calendar this evening.

Mr. JONES of Arkansas. It seems to me the discussion on the pending resolution can go on this afternoon.

Mr. DAWES. If the Senate has the patience and is not already wearied, I was about to say, if they had followed the Senator from Connecticut [Mr. PLATT] as closely as I did, I was afraid they would be, as I am, weary. The Senator's argument deserved close attention, and I endeavored myself to give it full attention, and it has had that effect upon me. If the Senate is not tired I can say what I have to say now.

Mr. JONES of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. DAWES. Certainly.

Mr. JONES of Arkansas. I ask unanimous consent that the debate shall proceed this afternoon until we adjourn; that to-morrow immediately after the routine business the Senator from Massachusetts shall be recognized as having the floor, and then let him proceed with his remarks; and that at half past 1 o'clock to-morrow we take the vote on the pending resolution.

The PRESIDING OFFICER. The Senate has heard the proposition of the Senator from Arkansas. Is there objection?

Mr. ALLISON. I shall object to that arrangement, I think, not on my own account, but on account of some other gentlemen who desire to be heard.

Mr. PERKINS. I should like to ask if they can not be heard this afternoon, and let the Senator from Massachusetts close the debate to-morrow morning?

Mr. ALLISON. I have already stated that the two Senators who have spoken to me are not in the Chamber at this moment, and I think it would be hardly just to them in their absence to make the arrangement suggested.

Mr. PERKINS. I had not heard that statement by the Senator.

Mr. ALLISON. I think the business of the Senate is not so pressing but that we can arrange to take the vote at an early day on this question.

Mr. JONES of Arkansas. I do not see how it is possible to take the vote before next week unless we agree to take it to-morrow at half past 1.

Mr. DAWES. I think, perhaps, if the Senate will indulge me, I had better say what I have to say to-night.

The PRESIDING OFFICER. There being objection, the Senator from Massachusetts will proceed.

Mr. JONES of Arkansas. Does the Senator from Iowa object to the arrangement?

The PRESIDING OFFICER. The Chair understands the Senator from Iowa to object.

Mr. ALLISON. I do not object to any reasonable arrangement respecting this matter. To-morrow is Friday, Saturday is another day, and Monday is another day. It seems to me that we should not, in a matter of this magnitude, at this hour of the day, when the Senator from Massachusetts desires, I take it, an hour or more at least, agree, as is suggested, that to-morrow at half past 1 we shall take a vote upon this question.

Mr. CULLOM. It can not be done.

Mr. ALLISON. Whilst I am perfectly willing that a reasonably early day shall be assigned for this purpose, I am not willing that that arrangement shall be made. I am willing to name any hour on Monday or any hour on Saturday when the vote shall be taken.

Mr. JONES of Arkansas. I am willing to accept any suggestion that the Senator may make in that line. I am perfectly willing to accept anything the Senator thinks is fair.

Mr. FRYE. If it is going over until next week what is the use to name any hour?

Mr. COCKRELL. Let us name an hour on Saturday, then.

Mr. PERKINS. We shall not probably have a session on Saturday.

Mr. ALLISON. I am perfectly willing to name any hour on Saturday.

Mr. PERKINS. I suggest 2 o'clock on Monday to the Senator from Arkansas who has charge of the resolution.

Mr. JONES of Arkansas. I am perfectly willing to agree to that, if it is satisfactory to other Senators.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the vote may be taken on the pending resolution at 2 o'clock on Monday next. Is there objection?

Mr. FRYE. I think that I should prefer very much that it should be at a later hour than that.

Mr. JONES of Arkansas. I am perfectly willing to fix any other hour on Monday the Senator may name.

Mr. FRYE. My impression is that I shall desire to occupy the first hour of Monday.

Mr. JONES of Arkansas. Would 3 o'clock be satisfactory?

Mr. ALLISON. I suggest to make it half past 4 o'clock on Monday.

Mr. FRYE. Make it half past 4 o'clock and I shall have no objection at all.

Mr. PERKINS. But the danger is that at half past 4 we shall not have a quorum, probably.

Mr. COCKRELL. Then say 4, or half past 3.

Mr. PERKINS. Half past 3 or 4 may do.

The PRESIDING OFFICER. Does the Senator from Arkansas modify his request?

Mr. JONES of Arkansas. I will accept the suggestion of the Senator from Kansas, and say 4 o'clock.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the vote be taken on the pending resolution at 4 o'clock on Monday. Is there objection?

Mr. MANDERSON. I should like to understand the full force of the unanimous consent. Is it a part of the understanding that the Senate will sit on Saturday?

Mr. PERKINS. No.

Mr. JONES of Arkansas. No, sir.

Mr. COCKRELL. There is no understanding about the interim.

Mr. MANDERSON. I do not want to commit myself to that proposition. If that is not embraced in the unanimous consent I shall not object.

Mr. ALLISON. There are Senators who desire to be heard on this question, and if we are to have only an hour to-morrow, then adjourn over on Saturday, and then have other matters intervene, as the Senator from Maine indicates, on Monday, I suggest a later hour, in order that if Senators desire to speak on this question they may have an opportunity to do so.

Mr. JONES of Arkansas. Then I accept the Senator's suggestion, and name half past 4 o'clock on Monday.

Mr. ALLISON. I will agree to that.

The PRESIDING OFFICER. Is there objection to the suggestion as modified, that the vote be taken on the pending resolution at half past 4 o'clock on Monday? The Chair hears none, and it is so ordered.

Mr. DAWES. I understand the resolution will be taken up to-morrow immediately after the routine business.

The PRESIDING OFFICER. That is understood to be part of the arrangement.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward;

A bill (H. R. 1276) to pension Adeline Alexander;

A bill (H. R. 1338) granting a pension to Mrs. Jennie B. Morris;

A bill (H. R. 2496) granting a pension to Noah Staley;

A bill (H. R. 2902) for the relief of David L. Truex;

A bill (H. R. 3123) to pension Andrew J. Jones, for services in the Indian wars;

A bill (H. R. 3838) to pension Elizabeth R. Crawford, widow of C. A. Crawford, soldier in Creek war of 1836;

A bill (H. R. 4043) granting an increase of pension to William A. Birch;

A bill (H. R. 4302) granting a pension to James McCammon;

A bill (H. R. 4886) to pension Margaret, mother of Leon, Christian;

A bill (H. R. 5330) for the relief of Frederick Meredith, late a soldier in the Indian war of 1832.

A bill (H. R. 5342) granting a pension to Harmon H. McElvey;

A bill (H. R. 5363) granting a pension to David C. Barrow;

A bill (H. R. 5364) granting a pension to Mary Gatlin;

A bill (H. R. 5383) to increase the pension of Aaron V. Hamilton, late a member of Frémont's battalion, Mexican war;

A bill (H. R. 5602) granting a pension to Lucy Haskell, mother, by adoption, of John Haskell;

A bill (H. R. 5734) granting a pension to Eliza M. Boatright, the surviving widow of Alexander M. Boatright, who was a soldier in the Black Hawk war;

A bill (H. R. 7123) granting an increase of pension to David Reed; and

A bill (H. R. 7146) to pension Anna Morgan Burns.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1292) for the relief of Robert Casey;

A bill (H. R. 1336) granting an honorable discharge to Chester F. Grant;

A bill (H. R. 1662) removing the charge of desertion against John Van Fossen;

A bill (H. R. 1727) to remove the charge of desertion against James E. Gray;

A bill (H. R. 2049) for the relief of Aaron J. Oliver;

A bill (H. R. 2430) for the relief of Abram Groat; and

A bill (H. R. 3310) for the relief of Jerome H. Biddle.

The bill (H. R. 3508) for the relief of Nemiah Garrison, assignee of Moses Perkins, was read twice by its title, and referred to the Committee on Claims; and

The bill (H. R. 7624) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1893, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 38) to provide for the disposition and sale of lands known as the Klamath River Indian Reservation; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLEN, Mr. ROCKWELL, and Mr. WILSON of Washington managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson;

A bill (H. R. 2398) granting a pension to William S. Woodward;

A bill (H. R. 3767) granting an increase of pension to George W. White;

A bill (H. R. 5021) granting a pension to Mary Jewett Telford, an army nurse;

A bill (H. R. 5377) granting a pension to Mary Isabella Hutchison; and

A bill (H. R. 5766) granting a pension to Miss Adda Boodger, of Lockport, N. Y.

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EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 6, 1892, at 12 o'clock, m.

NOMINATIONS.

Executive nominations received by the Senate May 5, 1892.

RECEIVER OF PUBLIC MONEYS.

George G. Lyon, of Seattle, Wash., to be receiver of public moneys at Seattle, Wash., vice Charles M. Ogden, resigned.

POSTMASTERS.

William Ingram, to be postmaster at Lincoln, in the county of Placer and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

John E. Davidson, to be postmaster at Quincy, in the county of Gadsden and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Daniel W. Turney, to be postmaster at Harvey, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Charles W. Ellison, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts, in the place of Charles W. Ellison, whose commission expired February 24, 1892.

Arthur W. Sheets, to be postmaster at Long Prairie, in the county of Todd and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Alba T. Fountain, to be postmaster at Cartersville, in the county of Jasper and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Joseph H. Saylor, to be postmaster at Hopkins, in the county of Nodaway and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

William O. Labagh, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of John Engel, whose commission expires May 22, 1892.

Charles B. Eddy, to be postmaster at Eddy, in the county of Eddy and Territory of New Mexico, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

John A. Ecker, to be postmaster at Fayetteville, in the county of Onondaga and State of New York, in the place of Howard H. Edwards, whose commission expires May 10, 1892.

Edgar D. Russell, to be postmaster at Ellenville, in the county of Ulster and State of New York, in the place of James B. Keeler, whose commission expires May 10, 1892.

Lewis R. Bland, to be postmaster at Birdsboro, in the county of Berks and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1891.

Henry C. Warfel, to be postmaster at Philipsburg, in the county of Center and State of Pennsylvania, in the place of Andrew B. Herd, whose commission expires May 15, 1892.

Edward J. Sawyer, to be postmaster at Bennettsville, in the county of Marlboro and State of South Carolina, in the place of Thomas L. Crosland, whose commission expires May 15, 1892.

Edmund G. Pendleton, to be postmaster at Sprague, in the county of Lincoln and State of Washington, in the place of Thomas F. Meagher, whose commission expired April 12, 1892.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 5, 1892.

CONSULS.

Dwight Moore, now vice-consul at Aden, Arabia, to be consul of the United States at that place.

Joseph A. Jones, of Massachusetts, now consul at Aden, Arabia, to be consul of the United States at Zanzibar.

COLLECTOR OF CUSTOMS.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 5, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

W. B. OWENS AND PETER TOWNSEND, DECEASED.

The SPEAKER laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the cases of the following-named persons against the United States: W. B. Owens and Peter Townsend, deceased; which was referred to the Committee on War Claims, and ordered to be printed.

A. C. P. SHOEMAKER AND DAVID STANDIFORD.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the cases of the following-named persons against the United States: A. C. P. Shoemaker, deceased, and David Standiford; which was referred to the Committee on War Claims, and ordered to be printed.

KLAMATH RIVER INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (H. R. 38) providing for the disposition and sale of lands known as the Klamath River Indian Reservation, with Senate amendments.

Mr. GEARY. Mr. Speaker, I move that the House nonconcur in the Senate amendments and agree to the conference requested by the Senate.

The SPEAKER. This is a House bill with Senate amendments. The gentleman from California moves to nonconcur in the Senate amendments and agree to the conference asked. Is there objection?

Mr. McMILLIN. What is the bill?

The SPEAKER. The Clerk will again report the title of the bill.

The title of the bill was again reported.

The SPEAKER. If there be no objection, the order will be made to nonconcur in the Senate amendments and agree to the conference asked.

There was no objection.

The SPEAKER. The Chair will appoint as conferees the gentleman from Mississippi, Mr. ALLEN, the gentleman from New York, Mr. ROCKWELL, and the gentleman from Washington, Mr. WILSON.

W. H. WARD.

The SPEAKER laid before the House the bill (S. 577) for the relief of W. H. Ward.

Mr. LOUD. Mr. Speaker, I ask unanimous consent for the present consideration of that Senate bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from California for the present consideration of this Senate bill?

Mr. BUTLER. I object. I think that the bill ought to go to a committee.

Mr. LOUD. The House committee have already reported a similar bill, which is now on the Calendar.

The SPEAKER. The gentleman from Iowa objects, and the bill will be referred to the Committee on Claims.

JAMES H. WILLBUR.

The SPEAKER laid before the House the bill (S. 466) authorizing the Secretary of the Treasury to adjust and settle the account of James H. Willbur with the United States and to pay said Willbur such sum of money as he may be justly and equitably entitled to.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent for the present consideration of that bill. A similar bill has been reported from the House Committee on Claims and is on the Calendar.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, I think the bill had better go to the committee. I demand the regular order.

Mr. CAMPBELL. I hope the gentleman will not insist upon his objection. A bill just like this has been unanimously reported by the House committee.

The SPEAKER. The regular order is demanded, which is equivalent to an objection.

Mr. CAMPBELL. I ask unanimous consent that the Senate bill lie on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. LOUD. I think the bill had better go where the other one went.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. BRECKINRIDGE of Arkansas, by unanimous consent, obtained indefinite leave of absence, on account of important business.

ORDER OF BUSINESS.

Mr. TERRY and Mr. WHEELER of Alabama addressed the Chair.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

Mr. LOUD. I withdraw the demand for the regular order.

Mr. SIMPSON. I renew the demand.

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent that the morning hour for the call of committees for reports be dispensed with, and that members having reports to present have leave to file them with the Clerk.

There was no objection, and it was so ordered.

CORRECTION OF THE CALENDAR.

Mr. O'FERRALL. Mr. Speaker, I desire to correct the Calendar. I find that the bill (H. R. 1824) "directing the Secretary of War to examine and settle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military services during the war of 1812," is upon the Private Calendar. I think that is an error, and that the bill ought to go to the Calendar of the Whole House on the state of the Union.

The SPEAKER. The gentleman is correct. The bill will be taken from the Private Calendar and referred to the Union Calendar.

CHANGE OF REFERENCE.

On motion of Mr. PATTERSON of Tennessee, by unanimous consent, the Committee on Interstate and Foreign Commerce was discharged from the further consideration of a petition from the Board of Trade and Transportation of New York, and it was referred to the Committee on Agriculture.

PRINTING.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal, one hour be assigned to the Committee on Printing to present reports relating to the printing of documents for Congress unless the committee can get through its business in less time.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. HOLMAN. Mr. Speaker, I hope that will be subject to the right of the general appropriation bills.

Mr. RICHARDSON. Mr. Speaker, no objection was made to my request that I heard.

The SPEAKER. The Chair did not hear any objection.

Mr. HOLMAN. I did not hear distinctly the announcement of the request.

The SPEAKER. What is the gentleman's suggestion?

Mr. HOLMAN. Simply that this should be subject to the right of general appropriation bills.

Mr. RICHARDSON. I ask for only one hour.

Mr. HOLMAN. I have no objection to one hour.

The SPEAKER. The order will be made.

RIVER AND HARBOR BILL.

Mr. BLANCHARD. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. For what purpose?

Mr. BLANCHARD. For the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair), and resumed the consideration of the bill (H. R. 7820) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BLANCHARD. Mr. Chairman, I desire to reach an understanding, if possible, in regard to the length of time to be consumed in further general discussion of this bill. I ask that general debate be limited to one hour.

Mr. HOLMAN. I have noticed in the list of gentlemen desiring to speak on this bill three or four names. I suggest, there-

fore, a limitation of two hours, with speeches limited to half an hour each.

Mr. BRECKINRIDGE of Kentucky. I want ten or twelve minutes. If I can get that time pledged to me, I suppose I need not care how many other gentleman may be cut out. [Laughter.]

Mr. BLANCHARD. I suggest to the gentleman from Indiana [Mr. HOLMAN] that we limit the debate to an hour and a half in fifteen-minute speeches.

Mr. HOLMAN. I wish to occupy a little more than fifteen minutes.

Mr. BLANCHARD. Well, the gentleman from Indiana suggests two hours, and I do not wish to be obstinate about the matter.

The CHAIRMAN. Unanimous consent is asked that general debate on this bill be closed in two hours.

Mr. ENOCHS. I object. This is a very important bill.

Mr. BLANCHARD. I move that the committee rise, my purpose being to ask the House to limit discussion on the bill.

Mr. ENOCHS. I withdraw my objection. The proposition is for two hours' general debate, I understand.

The CHAIRMAN. That is the proposition. Is there further objection? The Chair hears none, and it is so ordered.

Mr. BLANCHARD. May I ask, Mr. Chairman, whether this time is to be controlled by any member or by the Chair exclusively?

The CHAIRMAN. The Chair will say that some four gentlemen have had their names placed on the list, and the gentleman from Kentucky [Mr. BRECKINRIDGE], making a fifth, has indicated his wish to be recognized.

Mr. BLANCHARD. It is immaterial to me; I merely asked for information.

The CHAIRMAN. Three or four gentlemen have asked to be heard for or against the bill. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN], he being first on the list.

Mr. BLANCHARD. I understand, Mr. Chairman, that the time occupied by each gentleman is to be limited to half an hour. That was the suggestion of the gentleman from Indiana.

Mr. BUTLER. Is there any understanding by this arrangement as to how the two hours are to be divided? The affirmative of this proposition has already had two hours and a half, and the negative no time at all thus far. If these two hours are to be divided equally between the two sides it will make a total of three and a half hours for the affirmative and only one for the negative.

The CHAIRMAN. The Chair thinks the gentleman from Iowa is mistaken in his statement. About two minutes over two hours was occupied yesterday.

Mr. BUTLER. Well, say that two hours have already been occupied on the affirmative. Is the division of time to-day to be equal between the two sides, an hour apiece?

Mr. BRECKINRIDGE of Kentucky. There are gentlemen who wish to speak during the general debate, not in favor of the bill or against it, but upon some particular amendment.

The CHAIRMAN. The Chair thinks that the time occupied by the gentleman from Louisiana who reported the bill can hardly be considered as part of the general debate in dividing the time. Deducting the time occupied by that gentleman, the Chair will endeavor to divide the time as equally as practicable between those in favor of the bill and those against it. The gentleman from Louisiana, at the suggestion of the gentleman from Indiana, asks that under the present order no member shall occupy more than thirty minutes. Is there objection to that? The Chair hears none.

Mr. HOLMAN. Mr. Chairman, I do not expect to occupy half an hour; yet I wish to present a few views in regard to this bill. I approve of the general purpose of the bill; the improvement of rivers and harbors, which are of public concern, affecting the general commerce of the country, has my cordial approval. For that purpose I think a reasonable sum of money ought to be annually appropriated. So that I address myself to the pending measure as one favoring a wise and reasonable system of internal improvements. I think to the extent that I have named that policy has for many years been the policy of the Democratic party, although from 1850 down to about 1867 very little money was appropriated by either political party for works of internal improvement.

I had hoped, Mr. Chairman, in the preparation of this bill, notwithstanding the heavy pressure that is always brought to bear on the Committee on Rivers and Harbors for increased appropriations, that the general policy which has controlled the House during this present session would have been manifested at least to a reasonable extent in this bill. I regret very much that the contrary is true.

Every other bill reported to the House and every other bill prepared to be reported to the House, which covers all of the bills except three, one of which is already in a state of prepara-

tion, contains a material reduction of appropriations over those for the present current year, not to the extent we had hoped for by any means, but a moderate reduction. I apprehend that we will be all greatly disappointed, perhaps some grievously so, at the outcome of our appropriation bills, but still earnest efforts have been made for retrenchment.

We have reached so high a rate of expenditure, and the current appropriations made of recent years are so large that it is difficult to get down to what would have been deemed fair and reasonable a few years ago. This, however, is the only bill, and I call the attention of my friend from Louisiana to the fact that does not propose any reduction over the appropriations for the present current year. On the contrary, as will be seen, it involves a largely increased expenditure in the coming year and for the future.

Mr. BLANCHARD. My friend does not mean to assert that the aggregate carried by this bill is larger than the aggregate of the bill of September 19, 1890, surely?

Mr. HOLMAN. My language was that it involved a larger expenditure this year, and for the future—a larger expenditure than any preceding bill.

Mr. DOCKERY. It is \$1,317,030 larger than the last bill as it passed the House.

Mr. BLANCHARD. This bill covers nearly four millions less than the bill of 1890.

Mr. HOLMAN. Yes, as it became a law. My friend will not controvert my statement that it involves a much larger expenditure in future than any preceding bill. But we will see as I go on and call attention to some of the features of the bill.

This bill, as it comes to the House, is larger than it was at that stage in the last Congress, I mean as to direct appropriations, but it is immensely larger when you include the appropriations which are to be made hereafter in accordance with contracts which may be entered into under its provisions.

I do not wish to be understood as objecting to the general provisions of the bill except as to amounts appropriated. My district is located on the Ohio River, and I wish to show that I am speaking on this subject from the standpoint of one interested in river improvements.

The CHAIRMAN. The gentleman from Indiana will desist for a moment. Complaint is made that there is so much confusion on the floor that the gentleman can not be heard. The Chair desires to call the attention of the Doorkeeper and the Sergeant-at-Arms of the House to the rule which makes it the duty of these officers to maintain order in the rear of the seats, and the Chair desires to admonish the officers named that he will insist that the rule must be complied with.

Mr. HOLMAN. Mr. Chairman, the confusion is most likely occasioned by gentlemen who are improperly on the floor. I am certain that members themselves do not create the disturbance.

But I was saying, sir, that I represent a district lying along the Ohio River, largely interested in the matter of river improvements, a district running almost half way between the great cities of Cincinnati and Louisville, the most beautiful portion of the Ohio River, and, I think, the most beautiful region in the United States, and I represent a people largely concerned in the navigation of the Ohio and the Lower Mississippi, and who have been interested in those rivers for more than seventy-five years past.

I represent a district where there is no trouble about obtaining correct information as to the state of the navigation of the Mississippi River. Pilots and captains abound in that region of country who are far more familiar with the subject than your engineers, and are able to convey more practical information. So I rather speak from the standpoint of experience than from the reports made by the engineers in charge of these works.

But, Mr. Chairman, it is not so much to the appropriations actually made by the bill as to those which are authorized to be made that I raise objection, and to which I desire mainly to address my remarks. Let us see how we are progressing in this field of expenditure and determine if we can not retrench here a little, even if we may not retrench as much here as in the other great appropriation bills. I wish to present a statement of the appropriations authorized by the act of last Congress, and one fact which I hope I may be permitted to impress on the minds of this House is this, that never before in our history, if my reading is correct, has a bill passed Congress providing for the making of contracts in advance and involving future appropriations until the last Congress entered upon that system.

This policy was inaugurated at the first of last Congress, and one question I think this House should carefully consider is, whether it will adopt and continue this policy of the Fifty-first Congress in a matter that may run to such magnitude of expenditures by a process so easy under this system of contracts which are necessarily involved in the pending bill as to justly alarm

the country. Contracts were authorized in the river and harbor act, first session, Fifty-first Congress, as follows:

Galveston Harbor, Texas.....	\$6,200,000
St. Marys River.....	3,738,894
Hay Lake Channel.....	1,684,115
Philadelphia Harbor.....	3,800,000
Baltimore Harbor.....	700,000
	16,123,079
The act appropriated toward said contracts.....	2,840,000
	13,283,079
Last sundry civil act appropriated.....	1,951,200
Leaving yet to be provided for.....	11,331,779

Mr. CATCHINGS. Will the gentleman from Indiana allow a question in that connection?

Mr. HOLMAN. Certainly.

Mr. CATCHINGS. How much is the gross amount appropriated for these different places contained in the sundry civil bill reported by you at this session of Congress?

Mr. HOLMAN. That will come in the regular order.

Mr. CATCHINGS. Will you kindly answer my question?

Mr. HOLMAN. It will be a part of my statement.

Mr. CATCHINGS. You are going to state that?

Mr. HOLMAN. Oh, certainly, I am going to make a statement of the whole case. The act of the last Congress appropriated, on these contracts, \$2,840,000 in the river and harbor bill. I hope gentlemen will observe—for I do not wish to refer to it again—that when these contracts are authorized, the measure does not then remain with the River and Harbor Committee, but goes to the Committee on Appropriations, and the items appropriated become items in the sundry civil bill. This fact must always be borne in mind in determining how much is being appropriated for any given year. That left, of the five contracts to be executed, at the close of the last Congress, \$13,282,979. Of that the sum of \$2,840,000 was embraced in the river and harbor bill, but the last sundry civil bill carried \$1,951,200; leaving yet to be provided for \$11,331,770.

Now, the sundry civil bill of this year will appropriate on those contracts something less than \$1,000,000. The exact amount is \$814,000; the balance goes over. That is my answer to the gentleman from Mississippi [Mr. CATCHINGS]—\$814,000 for these five objects.

Mr. CATCHINGS. That would be about one-thirteenth of the amount for which the Government could contract.

Mr. HOLMAN. That is true as to appropriations in the sundry civil bill of this session.

Mr. O'NEILL of Pennsylvania. I wish to interrupt the gentleman for one moment to ask him if he will state in detail the appropriations for these five works in the sundry civil bill of this year in detail?

Mr. HOLMAN. I have not the statement before me, but they amount in the aggregate to something over \$814,000. The balance is simply postponed.

Mr. O'NEILL of Pennsylvania. I simply want to state here that the amount for the Philadelphia Harbor is about \$49,000.

Mr. HOLMAN. That results from the fact that there is such a large sum of money on hand.

Mr. O'NEILL of Pennsylvania. But still the gentleman makes an aggregate here and he does not state the details. I want that fact to appear for the credit of the Delaware River.

Mr. HOLMAN. The Delaware River is well provided for. The reason why the appropriation is not greater for the Delaware River is, that the appropriations already made for the current year are very large, and are not yet expended; and, under the advice of Gen. Casey, who has charge of the carrying out of those contracts, the amount was made substantially the sum named by the gentleman from Pennsylvania.

Mr. O'NEILL of Pennsylvania. Just one minute. I wish to state here, Mr. Chairman, that the gentleman from Louisiana, the chairman of the River and Harbor Committee [Mr. BLANCHARD], correctly stated yesterday that upon the contract for the work in the harbor of Philadelphia, 66 per cent will be saved by the system of contracting at one time for the entire work, as compared with the large expense of doing the work under single appropriations from year to year.

Mr. HOLMAN. We will see as to that later. There is \$3,800,000 to be expended at some time on the Philadelphia Harbor. That is all there is about it; and whether the appropriation is made for the current year or the next year is a matter of no consequence. It will have to be made, for there is a contract. It is going to be made, gentlemen, and it has to be made. When you authorize your Chief of Engineers to make a contract for the completion of a given work, of course Congress will make the appropriation. How can you avoid it?

Mr. TRACEY. What is the objection to it.

Mr. HOLMAN. How can you avoid it? As the gentleman from New York [Mr. TRACEY] suggests, it is a proper and necessary thing to be done, and for every dollar provided for in these five contracts authorized by the last Congress, involving \$16,122,979, and upwards, every dollar of that amount will be appropriated, as every gentleman knows, and must be appropriated. I suppose all of you Democrats, in your canvass of 1890, added that \$16,000,000 of liabilities created to the amount of money authorized and required to be appropriated by the Fifty-first Congress. And why not? It has created a liability as absolute and complete as a judgment lien upon real estate, and one which must be met.

Mr. CATCHINGS. May I ask my friend a question?

Mr. HOLMAN. If it is just a question—

Mr. CATCHINGS. If that \$13,000,000 was appropriated by the last Congress, why is it you have appropriated in the sundry civil bill \$900,000 of it this year?

Mr. HOLMAN. My friend is too excellent a lawyer, a gentleman of too admirable judgment, to ask such a question as that. [Laughter.] I have been saying all the time that it creates a liability that must be met, and no gentleman will pretend that Congress after authorizing a contract is going to go back upon it.

Ah, no, the last Congress was chargeable with that item of \$16,122,797 just as much as if that appropriation had been made, because it was to be made. You make part of it this year, and gentlemen, you will have to make part of it next year. But under this system you are not going to have a single river and harbor bill every two years. In my judgment this contract system will compel you to appropriate every current year.

Now, gentlemen, how about the present bill? I have stated what the last bill was. The specific appropriation of this bill amounts to \$21,290,975. There are contracts authorized to an extent that ought to arrest the attention of this House at the very threshold, and you will see how these will grow, and how immense they will become. The last Congress took the initiative step by appropriating \$16,000,000 and a fraction; and now you have reached in this bill \$26,702,321—\$26,000,000 already, on the very second bill ever brought into Congress, for carrying on this contract system, increasing the amount of the contracts to the extent of over \$9,000,000. What will it cost year after year, and years to come, especially if gentlemen allow it to enter into their minds that they will not be held responsible for it by their constituents.

Mr. BLANCHARD. Will the gentleman from Indiana [Mr. HOLMAN] permit me to ask him a question?

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. HOLMAN. Oh, certainly.

Mr. BLANCHARD. The gentleman objects to the contract system, does he not?

Mr. HOLMAN. Yes, sir.

Mr. BLANCHARD. I hold in my hand—

Mr. HOLMAN. I only yielded for a question.

Mr. BLANCHARD. I am going to ask you a question. I hold in my hand the sundry civil appropriation bill, and under the head of "building for the Library of Congress," I find this proviso:

Provided, That contracts may be entered into—

Mr. HOLMAN. I hope the gentleman will not consume my time.

Mr. BLANCHARD. I am asking you if you did not put into the sundry civil bill a provision for a contract?

Mr. HOLMAN. Yes.

Mr. BLANCHARD. Well, further, I want to ask you if you did not put in the sundry civil bill provisions for continuing contracts in identically the same language that is used in this bill for the making and continuing contracts?

Mr. HOLMAN. Yes, sir; I was coming to that much more fully. So this involves the expenditure in the coming year of \$21,290,975, and it authorizes and directs contracts to be made covering \$26,702,321. Now, that is \$47,993,296. Forty-seven millions! Equal to the entire cost of your Government only forty years ago.

Forty-seven millions! This is a large charge upon your Government to be made by a single bill if it become a law, as positive as an actual appropriation, as the contracts will be made, and of course they have got to be carried out. Are you prepared gentlemen, for that state of things? The gentleman from Louisiana [Mr. BLANCHARD] has called attention to the fact that under the advice of the Chief of Engineers—

Mr. BLANCHARD. We did it under his advice, too.

Mr. HOLMAN. I understand. (Continuing:) Two contracts have been made of this character—one with regard to the outer wall of the Library building, on account of the long period of time required in which to prepare the granite for the outer wall; second, the post-office building for this city; and, thirdly,

the contracts for the interior portion of the Library. I submit they do not stand upon the footing of this matter of appropriations for rivers and harbors. They stand upon a different footing.

Mr. CATCHINGS. What is the difference?

Mr. HOLMAN. They are structures that must be constructed. They are not a matter of experiment in any possible degree. They are buildings that must be erected; they are authorized by Congress, partially constructed, and their construction is a fixed fact. No question ever will be raised on this in this House or the other.

Mr. CASTLE. Will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. HOLMAN. For a question.

Mr. CASTLE. What is the difference between an appropriation for a building and the character of appropriations for a permanent construction like Sault St. Marie Canal?

Mr. HOLMAN. Now, there the gentleman puts a pertinent question which I ought to answer, and which I would really answer more fully if I had time. As to these two structures I have named they are buildings expressly and definitely provided for; but as to these contracts, which I shall name seriatim, they are in a very large measure experimental; the plan may be changed; Congress may hesitate to make the appropriation on account of insufficient money in the Treasury.

I say, Mr. Chairman, that the condition of the Treasury will have to be taken into account in all these great contracts you propose to authorize.

Now, gentlemen, on the basis of your bills as they stand before the House and before the Senate, with a fair estimate of the bills yet to be reported, only three in number, your appropriation will exceed your revenues as estimated by the Secretary of the Treasury, by over \$16,000,000. And yet we are proposing to mortgage the future with this enormous sum of \$47,000,000, contracts of two Congresses, for river and harbor improvements!

What are the works which are to be provided for under these contracts? They are as follows:

Contracts authorized for expenditures in addition to appropriations carried in river and harbor bill as reported to the House first session Fifty-second Congress.

Harbor of refuge, Point Judith, Rhode Island	\$1,075,000
Charleston (S. C.) Harbor	1,878,000
Savannah (Ga.) Harbor	2,792,000
Mobile (Ala.) Harbor	1,093,800
Humboldt (Cal.) Harbor	1,513,115
Hudson River, New York	2,197,906
Mississippi River (Upper)	4,500,000
Mississippi River (Lower)	7,500,000
Ship channel, Great Lakes	2,840,000
Canal, Columbia River, Oregon	1,310,500

	26,702,321
Specific appropriations in the bill	21,290,975
Total	47,993,296

Now, Mr. Speaker, let me call attention to the views of a gentleman somewhat well informed, I think, as to one of these items, the deep-water channel up North. I ask the Clerk to read the letter which I send to the desk. It is a communication addressed to the Hon. JUSTIN R. WHITING and myself, and is written by a gentleman said to be of high character, a resident of Port Huron, familiar with this subject.

The letter was read, as follows:

PORT HURON, MICH., March 30, 1892.

Hon. JUSTIN R. WHITING and Judge HOLMAN,
Washington, D. C.:

Your opposition to the 21-foot water channel is much admired in this district for several reasons. I consider it nothing more than a gigantic scheme to plunder the people of this nation of millions of dollars. The cut at the St. Clair flats has cost the Government, as near as I can recollect, the sum of \$2,000,000 and it is only three-fourths of a mile long. Now, to make a channel of 22 feet across Lake St. Clair, a distance of 30 miles, it would have to be with piers of wood or stone both sides, or the action of the waves would fill up the cut the dredges would make.

The cut would have to be 5 feet deep, as there is about 16 feet on an average through the lake at this time, so you will readily see that this canal would cost seventy-five millions, and should it be built of stone it would cost three hundred millions. Again at Pelee Point, in Lake Erie, there would be about 10 miles of piers and 5 feet of dredging, and at the "Soo" River there would have to be 50 miles of piers built to maintain a channel of 21 feet of water. At the foot of Lake Huron there would have to be about 3 miles of piers built to maintain this channel now before Congress. This 93 miles of wood piers, with the necessary dredging would cost two and one-half millions of dollars a mile, which amounts to the enormous sum of \$282,500,000, and after this fearful expenditure in five years it would not be worth the buttons on a soldier's coat for navigation of 21-foot vessels.

It would require two hundred millions more to dredge out the harbors for these 21-foot vessels, hence jobs or corruptions would be on all sides. Plunder and stealing would be the order of the day; men with small vessels would be hobbling off to the poorhouse on crutches, while greedy monopoly would be in its pristine glory for a few years only. Man must abide by the laws of nature, and she made these great lakes and rivers just as they should be, giving comfort to the rich and poor, democratic fashion, equal rights to all, special privileges to none. But owing to a class of men who have had control of the nation for a quarter of a century, these Jeffersonian ideas have been trampled under foot, class legislation has been all the rage, and they

have actually made the attempt to set aside nature's well-known laws, to make millions of one class, paupers and serfs of the balance of those who earn their bread by the sweat of their brow.

This demand for a 21-foot channel came from the monopolists, and when the millions are squandered, the channel of no use, they will hold up their hands in a stage actor's attitude and exclaim, "Who would have thought it!" I have been on and around these lakes for the last fifty-two years, have studied nature's laws on this subject, and know that a channel of 21 feet can not be maintained for three years through the lakes and rivers here in the West. The reason is that nature never intended such a channel, but actually put a dam of solid limestone below Detroit, known as the Lime Kiln Crossing, with 16 to 18 feet of water on the top of it, and these greedy gatherers of yellow dirt got the natural dam blown out with dynamite, at the expense of the people, and now their condition is worse than before the dam was removed.

It has caused the water at this port to fall 4 feet 6 inches, has affected all the harbors on the Great Lakes, made the obstructions in Lake St. Clair and the foot of Lake Huron, and in the face of these facts they now demand more of this kind of medicine. Any man with reason knows that more water will go through a 21-foot channel than will in a 16-foot cut, hence the water of the upper lakes has run away to the ocean, never to return and make the old-time depth of water. Should the 21-foot channel be built it would reduce the depth of water to 12 feet all through the artificial channels in three years after it was completed. Then what would become of the 21-foot crafts? I will tell you. They would ask Congress to appropriate \$1,000,000 to make a balloon to go to the planet Mars.

The honorable gentlemen will readily see that it is not possible to maintain a 21-foot channel where nature only intended 16 feet. The area of evaporation will not supply the amount of water to run through this huge channel, hence the water must go down and off to the ocean. The destruction of the dam at the Limekiln below Detroit proves this to be correct, and the demand for a 21-foot channel is a huge scheme to plunder the Treasury Department. I most respectfully ask that you gentlemen lay this matter before the proper committee, and show them the utter impossibility of making such a channel to last any length of time; and is only a wedge to plunder Uncle Sam's strong box of its contents under the hypocritical plea of benefiting navigation. Trusting you will lay this matter before Congress in the proper light.

I remain, your obedient servant,

W. E. LEONARD.

During the reading of the above letter the Chairman announced that Mr. HOLMAN's time had expired.

Mr. HOLMAN. I fear that the Chair has failed to deduct the time that was consumed in looking up a rule.

The CHAIRMAN. The Chair has not failed. The gentleman has consumed thirty minutes.

Mr. WATSON. I ask unanimous consent that the gentleman from Indiana [Mr. HOLMAN] be allowed to proceed and conclude his remarks.

Mr. CASTLE. If it is to be taken out of the general time I do not object, otherwise I do. Mr. Chairman, if the gentleman's time be extended will the extension be taken out of the general time?

The CHAIRMAN. The Chair will answer the gentleman as soon as he understands distinctly the request of the gentleman from Georgia.

Mr. WATSON. My request is for unanimous consent that the time of the gentleman from Indiana be extended indefinitely until he concludes his remarks.

Mr. HOLMAN. I desire only about ten or fifteen minutes.

Mr. BOATNER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana be extended for fifteen minutes, not to come out of the two hours allowed for general debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. CASTLE. If the extension is not to come out of the two hours I object.

Mr. BOATNER. My request was, Mr. Chairman, that the time of the gentleman from Indiana be extended for fifteen minutes, the extension not to come out of the general time.

Mr. CASTLE. I object. If that is done for the gentleman from Indiana it should be done for the other side also.

Mr. CASTLE subsequently withdrew his objection.

Mr. BLANCHARD. Mr. Chairman, I shall not object to this fifteen minutes' extension in addition to the two hours allowed for general debate, but I will not agree to any other or further extension.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana [Mr. BOATNER]?

There was no objection, and Mr. HOLMAN's time was extended for fifteen minutes.

Mr. HOLMAN. Now, Mr. Chairman, I ask the Clerk to read the remainder of the letter.

The Clerk resumed and completed the reading of the letter as above.

Mr. LOCKWOOD. Who is the author of that letter?

Mr. HOLMAN (to the Clerk). Read the name of the writer. The CLERK (reading). W. E. Leonard.

Mr. LOCKWOOD. Does the gentleman from Indiana know who the writer is?

Mr. HOLMAN. Not personally. I understand that he is a reputable citizen of Port Huron on Lake St. Clair.

Now, here in this letter you have this work, this deep-water channel, described by a gentleman who lives on its borders. I

know nothing of the fact; the letter speaks for itself. You are entering upon a system of improvements there to cost apparently less than \$3,000,000, but here you have the opinion of a man who lives right there upon the ground and who tells the character and the probable cost of the work.

Mr. CASTLE. I would like to ask the gentleman a question.

Mr. HOLMAN. I have only fifteen minutes, and I hope I shall not be asked to yield further.

Now, sir, it is said that the improvement of the Mississippi River, its revetments, etc., has passed the period of experiment. I have before me an exhaustive report (which it would be impossible to read now) made by a committee of the House to the Forty-second Congress.

Mr. CATCHINGS. What year?

Mr. HOLMAN. It was the year 1881-'82.

Mr. CATCHINGS. Was not that the second year after the work began?

Mr. HOLMAN. No, several years after.

Mr. CATCHINGS. Did not the work begin in 1880?

Mr. HOLMAN. A portion of the work at Plum Point was completed, a portion of the work at Lake Providence was completed, and a portion of the levee system below the mouth of the Red River had been entered upon; a large amount of money had been expended up to that time; and Congress appointed a committee to investigate the subject. I admit, now, that in a general way the majority of the committee, of which the gentleman from Michigan [Mr. BURROWS] was chairman, reported in favor of the system of levees as incidental to navigation. A minority of the committee reported in favor of the outlet system, believing that the levee system had no beneficial effect whatever upon navigation. There was one striking fact shown by that examination.

The trip from Cairo to the mouth of the jetties on the Gulf of Mexico was made at a low-water period, when a large number of pilots were going down from Pittsburg to examine the condition of the river. The committee had unusual facilities for obtaining the testimony of captains and pilots from Pittsburg to New Orleans and from St. Louis to New Orleans as to what was the proper method of improving that river. The sentiment was almost without exception, "You keep the river clear of snags and properly lighted; and the navigation is sufficient." The people of my State who are interested in the Ohio River—

Mr. CATCHINGS. May I ask the gentleman a question right here?

Mr. HOLMAN. I am only mentioning what the testimony was.

Mr. CATCHINGS. But in that connection, I know you want to state the case fairly, because you are a fair man; and I want to ask you a question. You have quoted the pilots of the Mississippi River as being adverse to the method now being pursued to improve that river—

Mr. HOLMAN. I did not say that.

Mr. CATCHINGS. Is it not a fact that all the owners of the great Anchor Line steamers which ply that river, and all the pilots engaged in the service, passed a resolution last year taking back all they had before said against this plan, and stating that they fully indorsed the method being pursued.

Mr. HOLMAN. My friend will not expect me to call him a fair man if he consumes all my time. I am not discussing what conventions may have said. I am saying what men have said who know all about the Mississippi River and the Ohio River. It is the Ohio River that is interested in this question as a question of navigation. That river furnishes the great body of the business on the Mississippi River from Cairo to the Gulf. My constituents have more interest in the question of navigation than have those of my friend from Mississippi or my friend from Louisiana. We are interested in the question of navigation, not in the question of levees.

Now, it will be seen how we are drifting. We started out on the theory of building levees simply for the purpose of aiding navigation. We have now reached the point of constructing levees for the protection of the land, and I can not help but wonder what would be the result of this policy if it should be entered upon. I hold in my hand a little correspondence which came to me a day or two ago, and which shows how we are drifting on this question of levees. His letter is as follows:

CLINTON, IND., April 22, 1892.

DEAR SIR: Before now you have received the news from the Democratic convention yesterday, so I shall say nothing but express to you my gratification at the success of our friend Matthews as the nominee for governor. I think it will greatly strengthen the ticket in the State, for Matthews has undoubtedly got the confidence of the farmers, and they have a large balance of power in the State. But enough of this.

My object in this letter is to try to enlist your aid in getting some assistance from the Government to help the construction of a levee from the high grounds on the south side of Raccoon Creek to Walker's Bluff, about 3 miles below Clinton, on the east side of the Wabash River, a distance of about 13 miles. We have already spent about \$24,000 on a levee between these two

points, which has given us protection as high as the highest banks on said line. But we find this is not sufficient, only protecting against a moderate risk. We think 4 feet more would give us permanent protection, which would cost about \$40,000. We are not able to do the work without some assistance. Could we get the aid I have asked for above, \$30,000, I think we could raise \$10,000 more.

This levee would protect about 5,000 acres as fertile land as lies in Indiana from the periodical overflows, against which an industrious people have been battling with poor success for many years. The sum we ask would be a mere trifle in comparison with appropriations that have been made for far less useful objects. Congress has made many liberal appropriations in aid of rivers and creeks not more worthy of aid than would be this we ask. We only ask aid to finish a work already half accomplished to save the work already begun, which we feel unable to complete.

Yours, truly,

Hon. E. V. BROOKSHIRE,
Washington City, D. C.

C. B. KNOWLES.

In this letter, dated Clinton, Ind., April 22, 1892, and addressed to my colleague, Mr. BROOKSHIRE, the writer requests that an appropriation of \$30,000 be made for the purpose of leveeing about 5,000 acres of land on a stream that empties into the Wabash. The letter is signed by C. B. Knowles, the editor of a newspaper, I think. He points out the fact that those 5,000 acres of land would be largely increased in value if protected by a levee.

Mr. CATCHINGS. Do you not think that, as an Indiana Representative, you ought to vote for that proposition?

Mr. HOLMAN. Well, I will not vote for it even if it is an Indiana measure, and yet I generally stand by my State. [Laughter.] To this letter my colleague sent the following reply:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 27, 1892.

MY DEAR SIR AND FRIEND: I am in receipt of your kind letter of the 22d instant, in which you suggest that the Federal Government be called on to help construct a levee from the high grounds on the south side of Raccoon Creek to Walker's Bluff, some 3 miles below Clinton, on the east side of the Wabash. You state that the levee, you think, will reclaim about 5,000 acres of fertile land.

Now, there are a great many Democrats who believe that under the Constitution no warrant can be found for appropriating the public money in a river and harbor bill for any other purpose except to improve the navigable water ways of the United States for purposes purely necessary to navigation. Of course it is quite apparent that if the United States should embark in a policy looking to the reclamation of overflowed tracts of land no one can predict the limit of expenditure.

While I would be very glad indeed to help your people it would no doubt be urged that the matter to which you have called my attention is a proper subject for consideration by the State, and for that reason I do not think that Congress as presently constituted would look upon such a proposition favorably.

Trusting that I have made myself understood, and that this will find you well.

I am, very respectfully, your obedient servant.

E. V. BROOKSHIRE.

Mr. C. B. KNOWLES, Clinton, Ind.

That is the point of that.

Mr. BOATNER. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. In a few moments; as soon as I finish this sentence. I have thought of this myself, in passing along this magnificent valley through which the Mississippi River flows on its way to the Gulf, one of the richest valleys on the globe, and through which I have often passed, as have most of the people in my region of country, I thought of this great question of the reclamation of these lands, whether it was a question that the whole people of the country should participate in, or only those who would reap the golden reward of claiming this world of wealth to the river. I examined the constitution of Louisiana; I looked at the subject from all sides.

I have stood on the doorsteps of my home on the Ohio River hills and seen on the north thousand of acres of land in the great Miami River, the most fertile bodies of land on the globe, a valley through which the line dividing Ohio and Indiana runs eastward, the great valley of Boone County, Ky.; southward the great Laughery Valley—hundreds of thousands of acres. I have seen often that whole magnificent region overflowed by the Ohio; and I asked myself the question, is Congress prepared to enter upon the policy of reclaiming these lands from occasional floods by levees at the expense of the whole people.

Mr. Chairman, let us see what the citizens of Louisiana themselves think on this question, and how far they regard themselves as justly bound as a State for the reclamation of the lands of the delta, and I call the attention of gentlemen to the views of the people of Louisiana. I read now from one of the articles in the constitution of the State:

The General Assembly may divide the State into levee districts and provide for the appointment or election of levee commissioners in said districts, who shall, in the method and manner to be provided by law, have supervision of the erection, repairs, and maintenance of levees in said districts; to that effect it may levy a tax, not to exceed 5 mills, on the taxable property situated within the alluvial portions of said district subject to overflow.

Now, it seems that the citizens of Louisiana and of New Orleans themselves do not recognize the justice and fairness of the whole people of the State bearing the burden of reclaiming from the floods these valuable possessions.

Mr. BOATNER. The gentleman is entirely in error, if he will allow me to make a correction.

Mr. HOLMAN. This it will be seen applies to the reclamation of the alluvial lands. Now, can our friends in Louisiana ask the whole people of the United States to appropriate money for this desirable object when they themselves limit such appropriations by a constitutional provision?

Mr. BOATNER. Will the gentleman from Indiana permit me to correct him?

Mr. HOLMAN. Certainly, if I am wrong.

Mr. BOATNER. That provision applies to the district levee tax. There is also a general levee tax assessed upon all the people of the State.

Mr. HOLMAN. I am glad my friend from Louisiana called attention to that fact, which illustrates the point to which I have referred.

A levee system—

I read now from a clause in the constitution of the State immediately preceding the one to which I referred a moment ago. I read article 213:

A levee system shall be maintained in the State and a tax not to exceed 1 mill may be levied annually on all property subject to taxation and shall be applied exclusively to the maintenance and repairs of levees.

Mr. BOATNER. So that the whole of the people of the State are taxed, as you see, for the levees.

Mr. HOLMAN. The whole of the people bear a tax of one mill, certainly not an oppressive tax, and a tax of five mills on the district subject to overflow, and that is the judgment of the people of Louisiana on that subject. These seem to be just constitutional provisions. That is the view taken of it by the citizens of your State, and that is the principle they apply, and yet you gentlemen are proposing that the whole people of the United States, of the mountains and the valleys, whether subject to overflow or not, shall contribute to the reclamation of the rich alluvial lands along the great river.

Mr. BOATNER. Will the gentleman allow me to call his attention to one feature of this bill?

Mr. HOLMAN. Certainly.

Mr. BOATNER. I find on page 43 a provision making an appropriation of \$13,000, which sum may be expended in completing the embankment on the south side of the Great Miami River near its junction with the Ohio River, to confine the waters of said Miami River in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio now obstructing navigation may be arrested.

I desire to ask the gentleman from Indiana if this point is not in his district; and if this appropriation, which we would call a levee, was not made at his request?

Mr. HOLMAN. Oh certainly. And I am glad that my friend read this. It shows that I am working for the navigation alone and not for the reclamation of lands. I am for improving the navigation of the river, and that paragraph so declares; and yet at the same time the appropriation would protect the neighboring town from disastrous floods, and I am glad the committee has inserted the provision.

Mr. BOATNER. Then I would like to ask the gentleman how many appropriations have been made for this same purpose before?

Mr. HOLMAN. Two or three, and all has been done for the improvement of navigation, and yet has greatly benefited the citizens of Lawrenceburg, in my district, often overwhelmed by disastrous floods. And I am not objecting to levees in aid of navigation; but I am objecting to levees for the reclamation of land.

Mr. CATCHINGS. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. CATCHINGS. I want to ask if Col. Merrett did not state that there was no bar there to be removed?

Mr. HOLMAN. Yes; but all the pilots assert that there is such a bar, a result of the deflection of the river in great floods.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. BAILEY. I ask unanimous consent that the gentleman be permitted to finish his remarks.

Mr. HOLMAN. I can not do that in justice to other gentlemen. I am just as much interested in getting ahead with this bill as anyone else.

The CHAIRMAN. The gentleman from Michigan [Mr. WHITING] is recognized.

Mr. WHITING. Mr. Chairman, I shall endeavor to show to this committee that there is a project in this bill carrying with it \$3,300,000, that I believe is premature and illadvised. If the project could be carried out as proposed, it would be very unfair to all the great interests on the lakes. The project that I refer to is the 21-foot channel from Duluth and Chicago to Buffalo, through the connecting of the waters of the Great Lakes. There are at present only two harbors on the Great Lakes that have 21 feet of water for the accommodation of commerce. All the

other harbors on Lake Huron and Lake Michigan have less than 21 feet of water.

Mr. BUSHNELL. Which are the two you speak of?

Mr. WHITING. I understand that Marquette, Lake Superior, has 21 feet, and that Buffalo, Lake Erie, has 21 feet. I also understand that this project was promoted by the railroad and elevator interests at Buffalo, and by parties at Duluth, who are dreaming of rivaling New York City and Baltimore as ports of export. They hope to boom their property. A convention was called and this matter was not given fair consideration, and as I say, it was hastily and prematurely brought before this Committee on Rivers and Harbors.

Mr. BLANCHARD. Will my friend yield for a question?

Mr. WHITING. Yes, sir.

Mr. BLANCHARD. Did not the Democratic State convention in Michigan on yesterday pass a resolution indorsing this very improvement?

Mr. BAILEY. And they voted down a free-silver resolution, too!

Mr. WHITING. I will say this in reply: The gentleman very well knows that very often a matter which is very little understood, like this, is inserted in a State platform by one man. The man who was instrumental in putting that into the platform is the one man who believes in a water way to the sea. In my opinion that is utterly out of the question. I have before me a bill and report on a ship canal to the sea. Why, anybody that gives that second consideration knows that great steamers with screw wheels, could not go through such a canal at over 2 or 3 miles an hour speed, and the time that it would consume would be more expensive and make a larger freight cost than is now entailed by the canal boats.

Mr. CASTLE. Mr. Chairman, I would like to ask the gentleman one short question?

The CHAIRMAN. Does the gentleman yield?

Mr. WHITING. Yes.

Mr. CASTLE. Is it not true that nine out of the eleven members of the Michigan delegation are in favor of this project and signed a paper to that effect?

Mr. HOLMAN. Signed a paper?

Mr. CASTLE. Yes.

Mr. WHITING. Indirectly. And this is the fact, and I state it here: I live upon the borders of the St. Clair River, and I think I am acquainted with as many vessel men, with as many vessel owners and captains as any member of this House, or perhaps any man in Michigan; and it is almost the universal opinion of vessel men of Michigan that the deepening of these channels at this time is not prudent, that there is a better way of accomplishing deep water if it is desired. I have before me the report of an interview with Commander George H. Coffin, United States Navy, which appeared in the Detroit Free Press, February 5, 1892. He was asked with reference to this project, and he said:

Yes, I have heard of the theory that a 21-foot channel and tidewater connection would lower the water in the lakes, and of the other theory that it would not. In my opinion the former view is correct. The great lakes constitute a vast receiving basin for thousands of streams which carry the rainfall of the country. Your present low stage of water is caused by lack of rain in the last few years. Now, I hold that a deeper channel without something to back the water up is going to still further lower the water in the lakes and their connecting passageways even to below the navigable depth of 12 feet. Invert a pitcher of water and the water runs over the spout and lip. Enlarge this spout and more water will run through, emptying the pitcher more quickly. The larger the channel to the ocean the more water will run through. Now, my idea is that this may be stopped by a dam and system of locks to hold the water back.

The boats may be taken through these locks as they are through the Sault Canal lock. There is no other way to get around the water question. The water that is allowed to flow unobstructed through a deep channel is going to empty the lakes to a certain depth, because it can not be supplied as fast as it runs out. With every year vast areas of timber forest are being laid bare and thousands of streams are drying up. These streams have all been feeders to the lakes. You can see, therefore, that the supply from that source is becoming exhausted and that no artificial means should be employed to still further empty the receiving basin.

"What do you think of the duplication of names of islands and points on the lakes; as, for instance, there are two islands carrying the name of Bois Blanc?"

"Oh, that is a matter which we leave to a special board for correction. The duplication of names creates a manner of confusion and bothers us exceedingly, but the names are being changed and the evil will in time be corrected."

Commanders Coffin, Woodward, and Wildes left for Buffalo last night. There Commander Woodward will leave them. At New York Commanders Coffin and Wildes separated, the former going to Washington and the latter to Portland.

Mr. SIMPSON. Will the gentleman allow me to ask him a question?

Mr. WHITING. Yes.

Mr. SIMPSON. I would like to ask the gentleman if, when they dug out the St. Clair Flats Canal from 9½ feet to 16 feet, it lowered the water in Lake Huron any?

Mr. WHITING. I think it did.

Mr. SIMPSON. There has never been any record of it.

Mr. WHITING. I will state in this connection what I understand from vessel men to be the fact, that three years ago they dug out what was called the Horse Shoe Shoals, just below Buffalo, where the current is 7½ miles an hour. They dredged that to a depth of 20 feet, and the next year Lake Erie fell, and the following year they found the Lime Kiln crossing too low, and they had to dredge that out, and the next year there was trouble at Grosse Point, and now they propose to put a canal through 21 feet in depth, connecting these lakes, which is a system of ditching still further, and which will still lower the level of these lakes, and leave every harbor along the lakes high and dry.

I wish to state to this House that Lake St. Clair to-day is 18 miles across, and only has a depth of 16 feet of water. There were 18 feet of water when Gen. Poe made that report. Two feet more at that time would have made 20 feet, but the water is now still lower. So if they dredge across Lake St. Clair 5 feet and do not wall it, one storm from the south west will fill it up, but if they do the work properly it will cost from \$50,000,000 to \$100,000,000 to give us this deep water. The proper way to secure deeper water is to build a dam below Tonawanda on the Niagara river. It is feasible and not very expensive. It has been reported by engineers that a dam can be made at a point below where the navigation ends.

Mr. LOCKWOOD. What engineer has ever reported in favor of damming the Niagara?

Mr. WHITING. This very engineer has.

Mr. LOCKWOOD. Where?

Mr. WHITING. He has not made a formal report, but he has reported that it can be done. When this item is reached I propose to offer an amendment which will provide for an examination by a committee, or by a board of engineers appointed by the Secretary of War, to investigate this matter and report upon it. It is premature to put this matter through now. When they come here and talk as they do, that all these benefits go to the farmer, it is all nonsense.

I do not disapprove of the river and harbor appropriations, and in the main they are right. I believe this committee has been industrious and just, and I approve of almost everything that they have done; but they can make mistakes like others. Now, they talk about the low rate of transportation, which was 4½ cents per hundred pounds last year by lake and canal, as though the benefit of that went to the farmer. It is not true. The railroads controlled 100,000,000 of the 135,000,000 bushels that went east. They charged 10 cents per hundred pounds, and when the tramp boats carried wheat for 1 cent a bushel from Chicago to Buffalo the elevator companies came in with their charge and made up the difference. So that while at one time the rate was 4½ cents by lake, instead of 1 cent, the average rail rate from Buffalo to New York was no less than that at the smaller rate.

The elevators at New York charge \$10.50 for a thousand bushels, and fifteen years ago they charged \$2.50. They now charge \$4.50 for shoveling. Fifteen years ago, when they had no steam shovels, they only charged \$2.50. It is the tramp boats and the smaller class of boats, carrying 2,000 tons and less, that come in and carry this wheat to Buffalo and there meet the canal, that are instrumental in regulating the freight rate. If you leave this matter to the boats that are connected with the railroads they will charge 15 cents next year, instead of 10, and you will have killed the goose that laid the golden egg.

Mr. CASTLE. Is it not true that the greatest amount of wheat that was hauled from Duluth to the East was hauled by the big steamers owned by the railway companies?

Mr. WHITING. I hardly think that is true.

Mr. CASTLE. Well, I know it is. Did not the sixteen big steamers owned by the Great Northern Railroad, and the whalback, owned by Mr. McDougal, haul 90 per cent of the wheat that was hauled?

Mr. WHITING. Not at all. There were hundreds and thousands of boats engaged in carrying wheat at the time. These boats that carry wheat at 1 cent a bushel were last year forced to do it. The railroads charter from Chicago and Duluth to the ports of export at 10 cents per hundred. The local charge from Buffalo east is 6½ cents, the elevator charges and other charges say 2½ cents, only leaving 1½ cents for the tramp boats. The company's boats got their share of the 10 cent charge; whatever is agreed upon, as it is only a matter of bookkeeping.

I say that it is a fact that seven-tenths of the vessel owners of the lakes do not want this bill to go through in this shape. They believe that it will lower the waters in the harbors bordering the Great Lakes. That it will further lower the waters in the lakes, and they do not believe that ought to be done. I hope that it may be postponed.

[Here the hammer fell.]

Mr. BRECKINRIDGE of Kentucky. Mr. Chairman, I desire to call the attention of the committee to a matter which is not particularly included in this bill, but which I hope to have put

into the bill by way of an amendment. In the river and harbor act of 1888, Congress undertook for the first time to regulate the mode by which bridges and other structures erected over navigable streams by the authority of the various States should be removed. Sections 9 and 10 of that act are as follows:

SEC. 9. That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable water ways of the United States is an obstruction to the free navigation of such waters, by reason of insufficient height, width of span, or otherwise, or where there is difficulty in passing the draw opening or the raft span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary to give notice to the persons or corporations owning or controlling such bridge to so alter the same as to render navigation through or under it free, easy, and unobstructed; and in giving such notice he shall prescribe in each case a reasonable time in which such alteration is to be made. If, at the end of such time, the alteration has not been made, the Secretary of War shall forthwith apprise the Attorney-General of the United States, whose duty it shall be to institute suit, in the name of the United States, without delay, in the circuit or district court of the United States for the circuit in which such bridge is located, which court is hereby invested with jurisdiction for this purpose, to recover from the owners or managers of such bridge the fines mentioned in the succeeding sections of this act.

SEC. 10. That whenever the owner or owners or manager or managers of any railroad or other bridge obstructing the free navigation of any navigable water way of the United States who shall willfully fail or refuse to remove the same, or to cause the necessary alterations to be made in the same so as to render navigation through or under it free, easy, and unobstructed to rafts, steamboats, or other water craft, after receiving notice to that effect from the Secretary of War and within the time prescribed by him, shall be subject to a fine as a penalty therefor of \$500 per month for the time he or they are in default, and the amount so recovered shall be placed to the credit of the improvement fund of the water way obstructed by such bridge.

This act, in the judgment of the committee, not proving efficient, an amendment was adopted in the last river and harbor appropriation bill making it much more stringent. That amendment is as follows:

SEC. 5. That section 10 of the river and harbor act of August 11, 1888, be amended and reenacted so as to read as follows:

That if the persons, corporation, or association owning or controlling any railroad or other bridge shall, after receiving notice to that effect as hereinbefore required from the Secretary of War, and within the time prescribed by him, willfully fail or refuse to remove the same, or to comply with the lawful order of the Secretary of War in the premises, such persons, corporation, or association shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$5,000; and every month such persons, corporation, or association shall remain in default in respect to the removal or alteration of such bridge shall be deemed a new offense, and subject the persons, corporation, or association so offending to the penalties above prescribed.

Now, there is a case arising in the State of Kentucky, in the city of Frankfort, which seems to me to illustrate how exceedingly dangerous such a general provision is and how very unjust it may be in its operation. In 1810, long before the United States Government undertook to take possession of the interior waters for the purpose of improving them, the State of Kentucky authorized the construction of a bridge over the Kentucky River to unite the two portions of the then town of Frankfort, the capital of the State.

By various enactments that bridge became the property of the city of Frankfort and of the county of Franklin, in which the capital is situated, and became a free bridge. As I have already said, it was erected many years before the Congress of the United States undertook to improve the interior waters. Indeed, the State of Kentucky itself built five locks and dams on that river under a system of internal improvements upon which it entered some fifty years ago.

This bridge, therefore, was a perfectly legal structure, and I doubt whether in any court it would now be held to be an obstruction. But, by the acts of Congress quoted above, the Secretary of War is made the sole judge as to whether it is an obstruction or not. Now, in such cases the Secretary of War refers the subject to the Chief of Engineers, and the Chief of Engineers intrusts it to some lieutenant who is learning the art of engineering by constructing improvements under the authority given by Congress with the appropriations which we here make. So that in point of fact a bridge erected some eighty years ago, erected under the authority of the State, owned altogether by the people, no corporation interested whatever, is now to be removed without any hearing before any judicial tribunal, and really upon the order of a lieutenant of engineers.

I desire to put into the RECORD a statement of the history of the bridge prepared by the citizens of Frankfort, together with a petition which they have sent me to present, and at the proper time I shall move that the cost of the alteration in the bridge shall be paid by the United States, or that such amendment shall be made in the bill as will give to these good people a chance to have the question tried by a judicial tribunal and not by the mere arbitrary action of an executive officer.

The Frankfort Bridge Company was incorporated under an act of the Kentucky Legislature in the year 1810, and under said act a toll bridge was erected in the city of Frankfort and operated until the year 1880, at which time an agreement was entered into between the city of Frankfort and the said bridge company to make said bridge free, and under said agreement the franchises, rights, stock, etc., were purchased by said city, and since that time the bridge has been free to all the traveling public. The State of Kentucky controlled the Kentucky River after said bridge was purchased by the

city and made free, and the transfer of the authority of the State to the United States Government of the river, locks, dams, tollhouses, etc., was made after said bridge was purchased and made free. The city paid \$19,000 for all the corporate rights and franchises of the said bridge company, and one-third interest in these rights and franchises was afterward transferred to the county of Franklin for valuable consideration. The Secretary of War, under an act of Congress, has given notice to the authorities of the city of Frankfort and county of Franklin that said bridge is an obstruction to the navigation of said river, and that it must be altered or changed by September 1, 1892.

The navigation of this stream has existed for fifty years or more, and said bridge was erected according to the requirements of the act of incorporation. All the rights and franchises of same are owned entirely by the county of Franklin and city of Frankfort and made free to the traveling public by them.

The Federal Government should appropriate a fund sufficient to pay for the old structure at its actual value, and to secure this we request our Representatives and Senators in Congress to have the river and harbor bill amended, appropriating at least \$50,000 to aid the city and county in reconstructing this bridge.

Given under our hands this 4th day of April, 1892.

Whereas the Secretary of War has given notice to the county of Franklin and city of Frankfort to alter or change the bridge on St. Clair street, crossing the Kentucky River, in Frankfort, Ky., so that it will not be an obstruction to the navigation of said river; and

Whereas said bridge was purchased and made free to the traveling public by the present owners; and

Whereas the citizens of this city and county believe the Federal Government should appropriate a sufficient sum of money to pay the city and county for the value of the present structure: Therefore,

Resolved, That it is the sense of this meeting of citizens and taxpayers of this city and county that our Senators and Representatives in Congress be requested to use all honorable means to secure aid from the Federal Government to reconstruct this bridge, and that a memorial be signed and transmitted to our Congressmen urging their request.

PAT. McDONALD,
HUGH RODMAN,
WASH. T. CRUTCHER,
R. K. MCCLURE,

Committee.

There is a class of bridges built over these interior rivers by railroad companies which do obstruct. As to those I have nothing to say; but the State of Kentucky long ago adopted what is now being attempted to be introduced in various other States, a system of admirable turnpikes, between which and the railroads I doubt very much whether the advantage to the neighborhood is not in favor of the turnpikes. It is the best system of roads, I presume, in America, and is second only to the magnificent system which exists in France and in certain other parts of Continental Europe. In connection with these turnpike bridges were built over the streams.

Now, the Congress of the United States substantially bankrupts several of these turnpike companies by requiring the removal of bridges built over the rivers many years ago, under authority of the Legislature of Kentucky, which at that time had sole control over the interior waters of the State, and it seems to me that this Congress ought to provide in some way that before such injustices shall be worked, and worked under the pretense of prejudice against railroad corporations, there shall be at least a hearing before some judicial tribunal. And that as to the bridge at Frankfort it is only just that the cost of alteration should be appropriated in this bill. To require the people of Frankfort and Franklin County to pay this sum is simply to mulct them in that amount over and above their ratable share of the taxes needed to meet these appropriations. They purchased the bridge many years after its erection in accordance with law, and this is practically a confiscation under the forms of law of their money.

That is all I desire to say on that subject.

Now, if I have a minute left, I want to say a word as to the contract system. I suppose I am entirely impartial in this matter, because the State of Kentucky does not get anything under the contract system. It seems to me to be a good system, but I think we ought to be fair and frank about it. We ought not to pretend that our bill carries only \$21,000,000, when it really carries \$47,000,000. Let us frankly say to the country that we have, in the exercise of our discretion, authorized the expenditure of \$46,000,000 or \$47,000,000 instead of \$21,000,000, and let us go to the country upon the proposition that it is a fair, just, and proper expenditure, and not upon any idea that we are an economical Congress, spending only \$21,000,000 for these objects.

Mr. BLANCHARD. In making the statement that this bill carries \$47,000,000 instead of \$21,000,000, does the gentleman mean to be understood to say that this bill appropriates more than \$21,000,000?

Mr. BRECKINRIDGE of Kentucky. My friend from Louisiana, by the question that he asks and the play upon words which he makes, illustrates what I mean. Do not let us play upon the expression "carries," or "appropriates," or "sets apart," or "makes an obligation," or any other phrase that a skillful phrase-maker may be able to construct. Let us frankly say, as is indubitably the fact, that the bill which the committee reports is a bill which in the end obliges the Treasury of the United States to pay \$47,000,000, for in dealing with a people like ours, with a treasury like ours, and in the name of a gov-

ernment like ours, the making of a contract is substantially the same as the appropriation of the money to pay the contract.

Therefore, I repeat, without saying whether these are the particular items which ought to have been selected, without undertaking to criticize them in the few minutes that I have left, or saying that I would undertake it if I had more time, that I think the Democratic party owes to the people who have entrusted it with control of this House to deal with them with absolute frankness. Let us say frankly that we do put upon the taxpayers of the country the burden of raising \$47,000,000 for objects for which we think it is just and fair to pledge our revenues to that extent. That, Mr. Chairman, is all that I desire to say.

Mr. LOCKWOOD. Mr. Chairman, I had intended to content myself by casting my vote in favor of this bill and remaining silent until the gentleman from Michigan [Mr. WHITING] saw fit to attack in the manner in which he has the appropriation carried in the bill for the deep water way on the lakes. His statements partake so much of fancy and imagination and have so little foundation in fact that it is impossible for me, in justice to the great commercial interests of this country, and especially in justice to the interests of those who are engaged in the commerce of the Great Lakes, to let them go unanswered.

The gentleman's first statement was that the project of a deep water way was asked for and had been advocated by the railroad interests and the elevating interests of Buffalo and other ports along the line of the lakes. That statement I have submitted to the chairman of the Committee on Rivers and Harbors, and I am informed by him that not a single person in any manner whatever connected with any of the interests named by the gentleman from Michigan has directly or indirectly appealed to the committee, or to any member of this House so far as he knows, in regard to the deep water way along the line of the lakes. And, sir, I stand here as one of the Representatives of the great commercial interests of the lakes, especially at the city of Buffalo, which is one of the great ports of the commerce of the lakes, and say that in not a single instance outside of the lakes vessel interest large and small alike and the commercial interest has the deep water way been suggested or spoken of except as it was connected with the general welfare and the general advancement and prosperity of the commercial interests of this great country.

The deep water way is in the interest of the people and cheap transportation and not in the interest of any railway, elevators, or corporations.

The commerce of the lakes is increasing annually in importance. It is greater now than the commerce upon any like water way in the world. The port of Buffalo is the largest receiving port of grain in the world. Its coal shipments are of great magnitude. The great Northwest is the beneficiary of cheap coal freights. All the people are interested in this appropriation.

The gentleman says further that the interests of the smaller vessels—the "tramp vessels" as he calls them—are all opposed to it; that this is the sentiment of seven-tenths of the vessel interests on the lake. Why have they not been before Congress? Why have they not come before this committee, at least some of them, and protested against the passage of this bill? Not one of them has been here. The fact is they favor this bill.

Now, as a plain business proposition, what are the facts in regard to transportation upon the lakes? The vessel-men have found it necessary, in order to compete with the railroads, in order to give cheap freights to the people of the Northwest and of the whole country bordering on and connecting with the lakes, to have larger vessels; and those vessels are engaged in carrying 90 per cent of the grain passing down the lakes. They carry 90 per cent of the coal also on their return trip. They are large vessels. They do this as a matter of business, in order to make the transportation as cheap as possible to the freight transporters of the country. They take the grain at Chicago, at Duluth, at Superior City, and bring it to Buffalo; then they carry back a load of coal. They do not enter into competition at all with the small vessel-owners whose craft stop at intermediate points along the line of the lake. They make without stoppage the trip from Duluth to Buffalo and from Buffalo back to Duluth or Chicago, or whatever other point it may be. They do not come into competition with the smaller vessels, but they do come as the great benefactors of the coal and bread consumers of the country, furnishing the transportation that affords to the farming interests of the Northwest the means of getting their wheat to the markets of the world at the cheapest possible price. And they come now and ask of Congress that this great improvement which has long been demanded and which is in the interest of every manufacturer and every agriculturist and every commercial man in this country may be made, so that vessels may go through safely and with despatch from one port to another.

One word only in addition. There has been from the beginning of this Congress to the present time a declaration daily put forth of the necessity of economy. I believe in the general proposition of economy; but I am opposed to that economy which deprives the people of this country of their just rights and their just dues in the matter of transportation, in matters that enter into the everyday life of the citizens of the country. And I say to you that the people of this country, the Democratic party of this country, care not how much money you spend on behalf of the commercial interests of this country, provided it is appropriated and expended in the interests of the people honestly and fairly. [Applause.]

This is not a question of economy; it is a question of generous, open-handed business, upon the same plane upon which any business man would deal with his own business. The people of this country will say "Amen" to the expenditure of any amount of money expended in that way and for such purposes. Thank God, the people of this country have not reached a point where a penny-wise and pound-foolish policy will receive their approval.

Mr. BAILEY. Then why did you abuse the Republicans for spending a billion dollars in the last Congress?

Mr. LOCKWOOD. I will say to the gentleman that I did not abuse them at all on that proposition. [Applause.]

Mr. BAILEY. Then I desire to say that it is not the first time the gentleman has been out of harmony with the Democratic party.

Mr. LOCKWOOD. I will say that I have been in harmony with the Democratic party ever since I was 12 years old, and I expect to be the rest of my life. But I am not in harmony with any party or with any set of men that refuse to make the necessary appropriations to carry on work which is for the general interest and welfare of all the people of the country, whether Democrats or Republicans. They demand economy, but not parsimony. [Renewed applause.]

Mr. BAILEY. Let me ask a further question. In 1860, when the Democratic party turned over the administration of the Government to the Republicans, the expenses of the Government were something over \$60,000,000 and our population 31,000,000. To-day our population is a little more than double, while our expenses have increased eight-fold. Now I desire to ask the gentleman to reconcile this for me: Democrats have always contended that as the population of the country increases you ought to decrease the per capita expenses; and we have arraigned the Republicans for not accomplishing such a reduction. Yet now from a New York Representative, as well as in an editorial from a New York newspaper, we have the novel instruction given to Democrats that it is commendable to make extravagant appropriations.

Mr. PICKLER (to Mr. BAILEY). What item would you strike out of the bill?

The CHAIRMAN. The gentleman from South Dakota [Mr. PICKLER] is not in order. The gentleman from New York is entitled to the floor.

Mr. LOCKWOOD. I will try to answer the question of the gentleman fairly and thoroughly.

The Democratic party, sir, in the olden time, and at all times, have found fault with appropriations and expenditures only because they claimed that they were not honestly and fairly made and expended. My criticism of the Fifty-first Congress was based upon unnecessary and improper appropriations—extravagance I always condemn. But the Democratic party of the great State of New York, and I believe of the whole country, with some slight exceptions, does not find any fault with expenditures that are made in the interest, and in the common interest, and for the welfare of the whole American people.

This country, sir, is marching with gigantic strides every year in prosperity and wealth, and the people, one and all, require each year as they advance more and more for their happiness, more and more for their comfort, and they ask of this Government such appropriations as will keep pace, step by step, with the march of progress, and with the spirit of advancement of the age. That is the demand of the Democratic party throughout the country, and that is the just and the proper demand of the whole American people. [Applause.]

[Here the hammer fell.]

[Mr. ENOCHS withholds his remarks for revision. See Appendix.]

The CHAIRMAN. The gentleman from Oregon [Mr. HERMANN] is recognized.

Mr. HERMANN. Mr. Chairman, if any objection can be made to the river and harbor bill, it must be upon the ground that it is insufficient in amount. In every other respect it can challenge the closest criticism. Those who are acquainted with the wants of the commerce of this great nation at the present time, and who have carefully examined the statistics of the country,

will agree, I think, that the sum which is appropriated in this bill, amounting to \$20,932,445, is not responsive to the urgent demand of the nation's commerce. It should have been at least \$40,000,000 or \$50,000,000.

In the next ten years it will be less difficult for Congress to pass a fifty-million-dollar bill than it is to-day a twenty-five-million-dollar bill, and to-day it is easier to pass a twenty-million-dollar bill than it was ten years ago to pass a bill appropriating \$10,000,000. If the last Congress was characterized as a billion-dollar Congress, it must not be forgotten that this has become to be a billion-dollar country, and in the next ten years it will be more and more in proportion a great and glorious nation among the nations of the earth.

Now, Mr. Chairman, let us look for a moment and observe the character of the estimates in this Congress, and those which were presented at the last. The estimates submitted to the Fifty-first Congress amounted to \$39,535,000. The allowances upon those estimates were \$20,932,445. The estimates to the Fifty-second Congress were \$69,814,954, and the allowances as the bill is reported to this House are \$21,290,975. The estimates to the Fifty-first Congress exceeded those to the Fifty-second by \$30,279,921, while the allowances of this Congress are only \$358,530 above those of the Fifty-first Congress. And yet some gentlemen speak of the extravagance of this bill.

Permit me to suggest that appropriations which are inadequate and insufficient are of themselves extravagant. It is not economy, as has been so fully shown in the reports of the various engineers of the Government, to appropriate amounts which are only a fraction of the sum necessary to complete an improvement. Ninety new projects were favorably reported to the committee from the Engineer Department, and of those ninety projects but twenty-five were adopted by the committee. The committee were impressed with the idea that in this Chamber there is even yet considerable opposition to liberal river and harbor appropriations, and therefore endeavored, timidly as I conceive, to make the limit of the bill satisfactory to the most conservative friends of water-way improvements. It should have been kept up to the high standard of the progressive demand of the people.

Public sentiment in this country has wonderfully changed within the last ten years. Of all the Representatives of this House who appeared before the Committee on Rivers and Harbors—and I assume that at least three-fourths of them appeared before the committee—it was the general judgment that this river and harbor bill should have been reported to this House for at least \$25,000,000, and many of them expressed the opinion that it should have been \$40,000,000, in order to give something like a reasonable per cent of the \$69,814,000, which was recommended by the Engineer Department as absolutely necessary for the proper improvement of the water ways of this country.

Look, if you please, and what are the expressions from the various party conventions of the country? Democratic, Republican, and third party, wherever they have expressed themselves in the South, the West, and in the Northwest, the expression has been in favor of liberal appropriations for rivers and harbors. And so it is all throughout our vast domain. Great changes, in the popular judgment, have occurred even within the last eight years. Many Representatives from the New England States who were defeated but a few years ago, because of their votes in favor of a river and harbor bill, would to-day be defeated because of their votes against it. Ridicule and burlesque were made use of to prejudice opinion by unfriendly allusions to items in the bill.

Even names of creeks and rivers were referred to for purposes of humor and merriment. Motives of individuals were traduced because of the support given by them to liberal river and harbor bills. The bills themselves were characterized as jobs, as bills containing individual speculative schemes, and so forth, and everything in that line was done in order to bring the bill into disrepute. Prospects for such navigable streams as that of New Town Creek were referred to laughingly; but when the reports came in it was found that even on New Town Creek, small as the name would indicate the commerce to be, the imports and exports of that water way amounted to \$22,045,745, and that 9,272 vessels were entering and departing every year.

Buttermilk Channel was another subject in the bill for considerable humor and wit, and, yet, when the commerce of Buttermilk Channel was examined into it was found that there were 3,958 vessels arriving and departing during each year. So of Otter Creek in Vermont, for which improvement only \$5,000 was allowed, many a jovial laugh went round the House, but Otter Creek disclosed a most creditable showing, with 48 ships arriving and departing each year, with freights decreasing and business rapidly increasing and tenfold more than was appropriated by the Government coming back to the people.

The result all over this country is the same, as was remarked yesterday with reference to what was being done on the smaller

ivers, and shows how far these appropriations go in reducing freights and inducing commerce. It was asserted that whenever an appropriation has been made and expended for these smaller places, the result shows a difference in freight rates which inure to the benefit of the consumer, the producer, and the shipper far more than equal, and sometimes doubling and trebling the amount of the appropriation under which the improvement was made; and so it is in regard to the aggregate commerce which immediately follows.

Take, as an instance of water-way benefits, the system upon the Great Lakes, which has been referred to by the chairman of the committee, where grain is now shipped from Chicago to Buffalo, over a thousand miles, for the insignificant sum of 1 cent a bushel; grain being sometimes carried from Duluth to Buffalo, about the same distance, for even less per bushel, whereas by rail the charge is thrice as much.

Coal is carried by water from Pittsburg, Pa., to New Orleans, 1,800 miles, for only \$1.35 a ton, and if a few obstructions were removed near the city of Pittsburg, it is said an additional reduction might be made of 25 cents per ton.

What this means to the millions of consumers of limited means, who always enjoy the first benefit of reduced rates in a cheapened market, they alone can best testify.

Look, if you please, to that remote but fertile portion of our vast country facing the Pacific Ocean, and especially upon the Pacific Northwest. In the States of Idaho, Washington, and Oregon, east of the Cascade Mountain range, it is estimated that 18,000,000 bushels of grain were produced in the last year. Now, it costs an average of 16½ cents a bushel to freight what is exported by rail alone over a distance not to exceed 300 miles, either to Portland or to Puget Sound, whereas if obstructions at two reaches in the Columbia River were overcome it is estimated this immense grain yield could be transported by water for 5 cents, or, at the most, 7 cents, from the farthest wheat fields of that magnificent country to the seashore or to deep water at The Dalles, where it could be loaded on ocean vessels and conveyed to any port of the world. When we realize that in the past year there was an exportable product of about 13,000,000 bushels of wheat and 9,000,000 pounds of wool, and that for the future there is an area of 12,000,000 acres adapted to wheat culture, we can conceive of the immense profits which are to inure to the producers of that vast region when an unobstructed and continuous navigation of the Columbia River shall be secured.

The results already accomplished to the people in the Columbia River Valley and a great area tributary to it are astonishing. The entrance to the Columbia was but a few years since the terror of the navigator. Injurious reports, too often exaggerated, were circulated among shippers over the world as to the dangers which lie in wait for every large ship which dared the crossing of the bar. Shipping was thus greatly deterred from entering and competing for the trade. Insurance was high, pilotage proportionately so, and freight rates amounted to a monopoly, since competition among large ships was not to be had. The market being mainly at Liverpool, and the long distance thither requiring the larger class of vessels, in order to leave any margin to the producer and shipper, was another obstacle which only deep water on the bar could remove.

Much of our grain exports went to San Francisco on smaller vessels, and was there transhipped on those of deep draft and conveyed to Europe. Oregon seldom received credit for much of this export, since it was accredited to California, from whence it finally cleared. In this way our producers paid \$2.50 and even \$4 per ton in excess of the rates to Europe paid by the California producer. All of these drawbacks and injustice, thanks to the policy of liberal water-way improvement and to generous appropriations by the General Government, are now overcome. The Columbia River bar is a thing of the past.

The mighty waters which ebb and flow over those treacherous sands are now confined within the strong headlands to the north and the 4½ miles of enduring jetty walls built by man and aided by nature on the south, and the great currents thus controlled within fixed and permanent bounds are made to do faithful and effective service in maintaining a deep and safe channel rather than producing one of insecurity and uncertainty. Before the improvement the depth was about 19 feet at low water, while now it has reached a depth of about 30 feet, the minimum sought to be obtained in the project of improvement. To-day the largest ships afloat can enter and depart without difficulty. Freights have been reduced, pilotage lowered, insurance decreased, and detentions prevented. It will be interesting to the world to learn the magnitude of the commerce which passes from this great river to swell the volume of our nation's exports.

IMPORTS AND EXPORTS.

Accompanying Maj. Handbury's report is a statement from Customs Collector Earhart, of Portland, showing the shipping

business of the port for the fiscal year ended June 30, 1891. Exports were \$5,254,957, imports \$1,214,515.33, and receipts \$613,829.80. During the year 276 vessels of 336,621 tons arrived, and 280 of 335,128 tons cleared. There is also a statement from the collector of customs of Astoria, giving the exports at \$835,488, imports \$110,885.43, duties collected \$41,477.39. During the year 719 vessels of 650,460 tons arrived, and 678 of 601,609 tons cleared.

There is also a statement from the Merchants' Exchange of Portland, showing that during the year ended June 30, 433 vessels of 459,247 tons crossed the Columbia River bar, inward bound, as compared with 451 vessels and 423,008 tons in 1889-'90; and 458 vessels of 448,909 tons crossed out, compared with 452 vessels and 426,004 tons last year. Appended is a comparative statement of principal exports for the past ten seasons:

WHEAT.

Seasons ending July 31—	Centals.	Value.
1882.....	4,142,819	\$6,677,418
1883.....	2,124,463	3,487,796
1884.....	2,588,750	4,189,978
1885.....	3,069,796	4,319,293
1886.....	5,321,486	5,582,646
1887.....	3,754,188	4,878,435
1888.....	4,462,371	5,293,397
1889.....	3,249,639	4,521,456
1890.....	2,096,509	2,631,101
June 30, 1890, to June 30, 1891.....	4,022,406	5,350,430

FLOUR.

Seasons ending July 31—	Barrels.	Value.
1882.....	929,991	\$2,853,702
1883.....	493,300	2,393,773
1884.....	553,380	2,502,141
1885.....	380,523	1,453,324
1886.....	541,632	2,013,585
1887.....	521,681	1,960,655
1888.....	644,471	2,302,006
1889.....	655,059	2,621,911
1890.....	523,432	1,978,006
June 30, 1890, to June 30, 1891.....	610,160	2,337,353

SALMON.

Seasons ending July 31—	Cases.	Value.
1882.....	501,325	\$2,538,931
1883.....	648,332	3,401,172
1884.....	548,144	2,662,118
1885.....	690,138	2,757,756
1886.....	577,497	2,821,402
1887.....	531,819	2,742,297
1888.....	461,336	2,707,912
1889.....	377,775	2,636,398
1890.....	494,017	3,213,145
June 30, 1890, to June 30, 1891.....	293,693	1,551,709

Appended are totals:

Year.	Foreign.	Domestic.	Total.
1882-'83.....	\$6,553,227	\$6,383,296	\$12,936,493
1883-'84.....	6,638,850	6,014,321	12,653,171
1884-'85.....	5,837,037	6,699,776	12,536,833
1885-'86.....	7,082,026	9,480,996	16,513,022
1886-'87.....	6,196,722	9,507,183	15,703,905
1887-'88.....	5,901,990	8,788,887	14,780,877
1888-'89.....	6,634,969	9,562,815	16,197,804
1889-'90.....	4,534,441	7,868,770	12,403,211
Totals.....	49,439,802	64,306,014	113,745,316
From June 30, 1890, to June 30, 1891.....	5,895,535	8,368,005	14,173,140

Where is the American who can not take pride in a review of such magnificent exhibits from that distant portion of the Republic, where but a few years ago the poet exclaimed:

Where rolls the Oregon and hears no sounds,
Save his own dashings.

Referring to still other benefits derived by our people from river and harbor appropriations, I could justly mention the Willamette River navigation, which from Eugene City to Portland has been greatly advantaged by annual work upon its bars and other obstructions, and which navigation has enabled the producer at all times to maintain such an equality of freight rates as to prevent unreasonable charges by the railways which flank the river on both sides. Then, there is the Yaquina Bay, which in this connection should be mentioned most strongly as one of the greatest equalizers of water-way transportation charges in the Pacific Northwest.

With this outlet to the ocean the grain fields and orchards and factories of the Willamette Valley are in daily communication by a line of railway. Five cents a bushel more for the farmers' products near its valley terminus is paid since completion, than ever before. Coos Bay, on the south, has reaped great benefits within even the past year by the energetic prosecution of its jetty work. Its lumber, coal, fruits, and manufactured products, which in 1890 were exported to the value of \$3,000,000, not only find quicker and more certain shipments than heretofore, but at lesser rates. The Coquille, though one of the smaller works which some gentlemen assail so venomously and with so little knowledge, shows one of the best of records. Since the commencement of deepening its entrance freights have been reduced from \$10 to \$2.50 per ton, and the commerce has increased from 500 tons of imports and exports to 5,000 tons, and is of the value of \$750,000 and rapidly becoming greater. That fertile region has grown to its present condition of prosperity as a result of these improvements.

Tillamook Bay, another important water way in my State, is now on the bill for a more thorough improvement than heretofore devised. The bay is 6 miles wide and 15 miles long, and the spruce, fir, and cedar timber of commercial value upon the bay and its tributaries is said to exceed 52,000,000,000 feet.

The Siuslaw River, with an estimated lumber product in its marvelous forests of commercial timber, has been selected for an elaborate system of jetty improvement and merits the most generous attention on the part of Congress. Freights, which are now \$6 per ton, will, when a deep and fixed channel is obtained, not exceed \$2.50 per ton. Within the watershed of the Siuslaw Valley there are at least sixty townships containing an aggregate of 17,280,000,000 feet of merchantable timber.

The Umpqua River, still another important stream, has an entrance deep and safe for all present commerce, but the upper river, at and below Scottsburg, has been undertaken for improvement, which is now in progress, and which, when completed, will enable steamers of reasonable draft to ascend at all stages of the tide, and by a reduction of freight rates encourage the producers to increase their annual output for the San Francisco markets.

The Nehalem River valley, which possesses some of the finest timber of the Pacific coast and estimated as it stands in the forests at 25,000,000,000 feet, and which also contains coal of superior quality, is also entitled to the attention of the Government. Upon surveys and estimates authorized the last Congress appropriated \$10,000 for the commencement of jetty work so as to deepen the existing channel of the river over the bar and thus admit of larger vessels and hence encourage the development of so much natural wealth, but I regret to say the local engineers, like many members on this floor, believe that to entitle a project to their favorable consideration and sympathy it must have considerable existing commerce to justify an expenditure of public money, seemingly forgetful of the fact that without a navigable outlet to the markets the natural wealth which exists in abundance can not be utilized, and hence must remain locked up from the world's commerce.

If in the judgment of the engineers the resources seeking development are such as to warrant encouragement by an improvement of the water way to the open seas, and thereby produce a profitable commerce to the people, they should not hesitate to recommend with earnestness such plan and such estimates of reasonable cost as will produce the desired end. It is hoped that it is not too late in this Congress to secure sufficient appropriation to commence active work at the Nehalem River. The present bill authorizes examinations, with a view to the improvement of navigation of the Nestucca, Coos, Chetco, and Alsea Rivers, in my State, and of the examination of the Rogue River, and for a lock and dam on the Yamhill River. The people upon these water ways are entitled to this consideration by the Government. Improvement of navigation upon these streams will stimulate the development of their varied resources, and open up to profitable commerce some of the most fertile portions of the Pacific coast. My constituents patiently hope, too, that the time will soon arrive when active operations will be commenced upon the Port Orford Breakwater upon the Pacific coast. Years ago the importance of this project was earnestly recommended by a board of engineers.

Everywhere the people are clamoring for cheaper transportation; for it is an established fact that water-way carriage is the cheapest transportation ever discovered. It is also recognized that the value of the crop in the hands of the producer is measured by the cost of transportation. Yes, these are nature's highways. They belong to the people—to the poor as well as to the rich—and they remain as a perpetual menace to all combinations which propose extortionate rates of carriage by land at all places near the water way. Land aid given to railways belong to the companies which own them; but every dollar expended for the nav-

igable water ways belong to the people. Year by year the country increases its appreciation of the value of the nation's rivers and harbors.

This appreciation is more observable in the present bill than ever before, as is seen in the policy pursued as to the system of placing the greater works under the contract system. This policy was first inaugurated in the bill of last Congress, and the excellent results already obtained has induced the present committee to enlarge upon this system. Experience has demonstrated that where the means are guaranteed and the work done in a shorter space of time, and with machinery of suitable capacity, and upon purchases of material on a large scale, the aggregate cost of the project is far less than under the present system. Foreign nations with centuries of experience adopt this method.

The contract of the Manchester Ship Canal in England is for \$28,002,500, and the Cherbourg Breakwater in France was contracted for \$13,372,000. The expenditure for the Manchester Canal alone exceeds what we are now allowing for the next two years for all the works of our great nation. In the case of the jetty work at the mouth of the Columbia River, funds were supplied in such liberal appropriations as to enable the Government to contract for much of the work, and the result shows a saving under the original estimate of \$1,847,500, and the whole project practically completed several years sooner than expected.

A great saving in time and money will be had by placing the Cascade Canal and locks on the Columbia under the contract system, and it is confidently hoped now that within two years will witness the completion of this great work, when, under the old policy, perhaps ten years would have elapsed, and then the cost would have greatly exceeded the most liberal estimates.

In the present works under contract the Chief of Engineers informs us that at Philadelphia the saving will reach the enormous sum of \$3,600,000; Galveston, \$700,000; Baltimore Harbor, \$94,500; Hay Lake Channel, \$900,000, and Sault St. Mary, \$768,000. In another Congress we can venture to take another progressive step forward and include other great works under this excellent system. Then the producers of the vast empire of the Upper Columbia River Valley will expect, as the commerce already there has a right to demand, that a permanent project for overcoming the obstructions above The Dalles will be authorized, and energetically prosecuted under contract until it shall be completed; and then will be opened to competition of transportation the proceeds of an acreage greater than some of the mighty empires of the Old World, but which, without such facilities for cheap transportation, must forever remain largely in its wild and neglected condition, only useful for pastoral purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERMANN. Mr. Chairman, I ask permission to extend my remarks in the RECORD.

Mr. CASTLE. I ask that the gentleman be permitted to extend his remarks in the RECORD.

There was no objection.

The CHAIRMAN. The gentleman from Mississippi [Mr. CATCHINGS] is now recognized for fifteen minutes.

Mr. CATCHINGS. Mr. Chairman, the provision in this bill authorizing the Secretary of War, in addition to the sums herein specifically appropriated for them, to make contracts for the completion of ten designated projects, to be appropriated for hereafter, though bitterly assailed by some gentlemen upon this floor, is in my judgment the most valuable and attractive feature in the whole bill. I have served upon the Committee on Rivers and Harbors for seven years, and during the whole of that time the impression has become more and more fixed upon my mind that some departure was required in the method of improving the rivers and harbors of this country. No man can read the reports of the engineers, yearly submitted to us, without reaching the conclusion that the system under which we have heretofore proceeded, has necessarily been wasteful and extravagant to a very considerable degree.

The trouble has been, Mr. Chairman, that we have not been able under that system of making appropriations for these works, to prosecute them continuously from year to year. Everybody knows, who knows anything upon the subject at all, that for years past we have only been able to pass a river and harbor appropriation bill once in two years. The result has been that at least for one-half of the time there has been a total suspension or cessation of these works, and the necessary consequence of that has been that contractors, understanding that they would only be able to work one-half time, and would be obliged to disband their forces, and incur the trouble and cost of reorganizing them again when another appropriation should be made, and that perhaps they would have to acquire a new plant to continue the work, when it should be, after a long suspension, resumed, have been unwilling to make contracts except at prices sufficiently high to compensate for the labor and annoyance and risk in-

involved. If they could have known beforehand that the work would have gone on continuously, they could have contracted for the whole of it, and arranged their plant and forces accordingly, and the Government would have let it at greatly reduced cost.

The best evidence of the truth of what I say, Mr. Chairman, is afforded by the result of the departure made by us in the last river and harbor bill, wherein four large works were placed under the contract system, which we propose by this bill to extend to ten other important works. We have the testimony of Gen. Casey, Chief of Engineers, that there will be an actual net saving of \$768,000 on the work at St. Mary's Lock and Canal, which is one of the four placed under contract by the last bill, simply because of the fact that the contractors doing, or providing material for, that work, which requires the organization and employment of a large force, the assembling of an enormous quantity of material, and the preparation and maintenance of an elaborate and expensive plant, seeing that they could cover the whole work by their contracts, and proceed with it without interruption, could afford to do it upon very much lower terms than under the old system.

On the work at the Hay Lake Channel, which is contiguous to St. Mary's Lock, there is a net saving to the Government of \$900,000 by reason of the contract system. When we come to the work at Galveston we have an actual cash saving of \$700,000. When we come to Baltimore Harbor, a much smaller work, there is a net saving of \$94,500; and when we come to the work in Philadelphia Harbor, Gen. Casey amazes us by telling us that they would be able to do the work at 33 1/2 per cent of the estimates submitted as the cost under the old plan. So, Mr. Chairman, on these four great works alone there has been a saving to the Government of over \$4,000,000 in money under the contract system, which we propose to extend to ten other important works by this bill, and experience more than justifies us in so doing.

Now, the gentleman from Indiana [Mr. HOLMAN] objects to this system, because he says that it pledges the Government to proceed with these works in the future until they are completed. Why, sir, nobody doubts that the Government will prosecute these works to completion, whether they are placed under the contract system or not. Even if there were no contracts provided for in this bill, the next river and harbor bill, and the next, and the next, would contain appropriations for the continuance of these works. There is nothing in that sort of argument, because the Government has undertaken the improvement of these rivers and these great harbors and will proceed with it from year to year until it is entirely finished.

So, Mr. Chairman, the question with which we are confronted is not whether we propose to bind the Government to the completion of these works, because the Government is already bound to their completion. Nobody doubts that the work of improving the St. Marys Canal, through which more commerce goes than passes the Suez Canal, would go on whether it is contracted for in advance of the appropriations or not; nobody doubts that the islands which have obstructed the harbor at Philadelphia would be removed whether the work was contracted for in advance of appropriations or not; nobody doubts that the improvement of the Mississippi River, the greatest, noblest, and most useful stream on the American continent, will go on until that river is made absolutely safe and sufficient for the purposes of Western and Southern commerce, whether it is done under the contract system proposed by this bill or not. So the only question is whether we shall prosecute these great and costly works in a business-like way and with a view to economy, instead of by the old, wasteful, extravagant method. I expect such magnificent results to follow this departure that in a few years from now every work of consequence will be put under this contract system.

I remember that a few years ago an appeal was made by the Supervising Architect of the Treasury that he should be allowed to make contracts for the entire construction of all public buildings under his supervision, whether appropriated for entirely or not, he stating that if allowed to do so he could construct them at a very much less cost than under the system then prevailing, which restricted his contracts to the sums already appropriated. Gentlemen will understand that we have not been in the habit, when authorizing the construction of a public building, of providing the whole sum needed; we would appropriate one-third, one-quarter, or one-half the total sum needed, as the case might be, leaving to future sessions of Congress to appropriate the remainder.

Under the old rule the Supervising Architect was only permitted to make a contract for the expenditure of the money actually appropriated, so that he would make a number of separate contracts during the construction of a single public building. But he discovered that if he were allowed to contract for the expenditure of the whole amount necessary, whether appropriated or not, a vast saving would be made. I remember, Mr. Chair-

man, as you do, that when that proposition came before this House my distinguished friend from Indiana [Mr. HOLMAN] arose here and opposed it, as he seems to oppose everything which is a step forward in government administration if an appropriation of money is demanded. But notwithstanding his protest we granted the authority sought by the Architect, and now the Secretary of the Treasury or the Supervising Architect makes contracts for the entire construction of buildings, whether the whole amount needed be appropriated or not. This policy has resulted in great saving to the Government. We are now simply applying that common-sense principle, so far as we can do so, to the work of river and harbor improvements. But inasmuch as it is something novel, we propose to proceed gradually until we are sure that our expectations will be realized.

I have no doubt, Mr. Chairman, that on the items placed in this bill under the contract system there will be a saving to the Government of not less than fifteen or twenty million dollars in the completion of these works. I have no sort of doubt about that.

The argument of my friend from Indiana [Mr. HOLMAN] that we have appropriated the \$26,000,000 needed to complete the works proposed to be put under the contract system needs no answer. Indeed, I answered his whole proposition, when, while he was speaking a few moments ago, I asked him this question, if the gross amount needed to complete the works placed under the contract system in the last bill was appropriated, by that bill, as claimed, why are we called upon in this Congress to make an appropriation in the sundry civil bill for the prosecution of those works? As a matter of course, Mr. Chairman, the last Congress did not make the gross appropriation. If it did, there would be no need to make further provision for those works in this Congress. I heard the charge made here then; and I protested against it. I told gentlemen they were making a statement not justified by the facts, which, if it had received the sanction of the House, would have hindered a most valuable departure in the system of river and harbor work.

Why, Mr. Chairman, nobody supposes that we are now appropriating \$46,000,000 for rivers and harbors, yet such is the fact if the bill appropriates the \$26,000,000 needed to complete the works put under the contract system. As a matter of fact, when this bill becomes a law, it will not carry more than twenty-three or twenty-four million dollars; and it by no means follows that the amounts authorized to be contracted for will come in hereafter for appropriation in as large sums relatively as they are named in this bill. For instance, out of the \$13,000,000 needed to complete the works placed under the contract system by the last bill, Congress is now called upon to appropriate only \$850,000—less than one-thirteenth of the whole sum. So, of this \$26,000,000 authorized to be placed under contract, it is doubtful if more than three or four million dollars will be demanded of Congress at the next session.

What I have said applies with peculiar force to the work being done on the Mississippi River. That work covers a vast section of the river stretching from Cairo to the Gulf, a distance of about 1,100 miles. Of course, I speak of the Lower Mississippi, though we, in fact, put the whole river from St. Paul to the Gulf under the contract system. The work there consists largely of bank revetments, for which there must be assembled great masses of stone, willows, poles, quantities of cordage, wire, rope, boats, barges, and a multitude of things required in making and sinking the mattresses with which caving banks are protected. Hundreds of employes are engaged to do the work. The sooner it is done the more cheaply it is done. If, for instance, the contractor for furnishing the stone used for riprap could know beforehand that for the next four years he could have the contract for providing all or a large part of the stone required, I have no doubt he would engage to supply it at one-half what it would otherwise cost. So it is with the levee work.

By the way, Mr. Chairman, I want to say that this bill does not, as charged by the gentleman from Indiana [Mr. HOLMAN], provide that levees shall be built for the purpose of protecting that country from overflow, without regard to the improvement of the navigation of the river. My friend, it would seem, can not argue this question fairly; he appears to be so warped, so biased, so prejudiced in his mind against this work, that it is utterly impossible for him, desirous as I am sure he is to be fair, to state the facts with regard to the improvement of the Mississippi River as they appear in the reports of the engineer in charge. Since I have been in this House there has never been a proposition made that this Government should construct levees solely for the purpose of protecting the Mississippi Valley from overflow. The engineers propose to aid in levee construction, because it is their opinion that unless the waters during the period of flood tides is confined within levees, the river can not be improved. That is the essential reason why the Govern-

ment has participated in the work of building levees. In this connection I wish to say that while the Government has contributed quite a large sum to the construction of levees, yet, as compared with that paid by the people living along the banks of the river, it is a very inconsiderable amount.

The people of my district, sir, have expended \$20 where the Government of the United States has expended \$1 in levees; and the same may be practically said with reference to the whole of this lower valley of the Mississippi. And yet the gentleman from Indiana, Judge HOLMAN, would seriously have this House believe that we are asking the Government to build these levees without any contribution from our own people, solely to protect them from overflows. Why, sir, if we depended upon the General Government alone to protect us from overflow I fear that we would all be compelled to move out of the Mississippi Valley. The Government has not expended enough money to build levees along one-tenth of the distance on one side of the river alone, whereas we have already leveed the river on both sides from Cairo to the Gulf, except the front known as St. Francis Basin. It is true that these levees are not as large or as strong as they should be; but we are daily expending our own money to enlarge and strengthen them, and the work is being pushed forward by our own people steadily. We have in my district, as an illustration of this, a large tax upon every bale of cotton which goes to maintain the levees. In addition to that we have an ad valorem tax of 17 mills or more for the same purpose; and so it goes. I say, sir, that if we had depended alone upon the General Government to build these levees, they would never have been built.

I will not undertake, sir, to exploit before this House the engineering features involved in this work on the Mississippi River. I have several times done so before. It is a most attractive subject to me. I have given to it a great deal of thoughtful attention. I presume that I understand the questions involved about as well as a layman can. I have lived on the river all of my life, and I have had personal observation of the work that has been done. I do not believe that there is any engineering work in this country which has surmounted such obstacles, which has achieved such promise and which has shown such wonderfully successful results as the engineering work along the Mississippi River. If you could see the Plum Point Reach as it was before this work began, and compare it with what it is to-day, as the result of the skillful treatment it has received, it would be a revelation to you, I am satisfied, Mr. Chairman, which would both gratify and startle you.

You would have found before this work commenced a vast expanse of shallow water impossible to navigate, dotted all over with towheads and filled with obstructions, where there now is a smooth, deep channel through which vessels pass and repass without difficulty at all hours of the day or night. If the Government should never expend another dollar upon the river the improvement of the navigation in that reach alone has repaid the people of this country tenfold.

The question was asked on yesterday during the debate on this bill by my friend from Pennsylvania [Mr. REILLY] whether the reduction in transportation charges throughout the country could be traced to the works of the Government in the improvement of river navigation. I wish to say to him that so far as the Mississippi River is concerned, or at least so far as the transportation upon it of grain and bulky products is concerned, that it is not only traceable to the improvement of the river, but it is absolutely owing to it. Until the Government opened the mouth of the river by means of the Eads jetties and had improved Plum Point and Lake Providence reaches of the river such a thing as carrying grain down the river was absolutely unknown, whereas last year we exported by way of New Orleans 18,000,000 bushels of wheat, at a saving in cost of transportation to the people who shipped it of nearly \$2,000,000.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, the gentleman from Indiana, Judge HOLMAN, in addressing himself to this bill, and in reference to the appropriation for the Mississippi River from Cairo to the Gulf, referred to a report made in 1880 or 1882 by a Congressional committee in favor of what is known as the outlet system for the Mississippi River, and beyond that undertook to argue that the appropriation of money for the construction of levees was against the real interests of the river and against the improvement of its navigation. He also stated that he had information from pilots and captains, and steamboatmen, whose names he did not give, that the best way to improve the navigation of the river was to pull out the snags and set up lights.

Now, while the distinguished gentleman has been always opposed to any appropriation for levees, it was not fair that he should call the attention of the House to this one single report without calling attention at the same time to the overwhelming weight of authority on the other side of the proposition.

In 1879 Congress created what is known as the Mississippi River Commission; it was composed of seven members, five of whom were required to be engineers and two civilians.

The board as at first constituted had among its members Mr. James B. Eads, than whom, I suppose, a more distinguished engineer has not lived in this generation. That board, thus constituted, from its first report, made in 1881, I think, down to its last, made last year, advocated exactly the contrary of what the gentleman calls attention to as the report of the Congressional committee. In their first report they said that the construction of levees was a most valuable auxiliary in rectifying the channel of the river and improving its navigation. They have stood by that report down to the present time.

The subject has been under investigation repeatedly before committees of this body and of the Senate, and the most distinguished engineers in the United States have, almost without exception, concurred in the opinion that the construction of levees which would confine the volume of the current of the river, was not only an aid in the improvement of the channel for the purposes of navigation, but was absolutely essential. Now I desire to call attention to what Mr. James B. Eads said upon this subject in connection with the first report of the Mississippi River Commission:

My views regarding the important agency of the levees in improving the low-water channel of the Mississippi River were not expressed in that report with a degree of emphasis which I then desired, and I am unwilling to commit myself now to any expression in the present report which in the slightest degree tends to throw a doubt upon the necessity of or to justify any further delay in the closing of these outlets. On the contrary, I deem it proper to urge with redoubled force the absolute necessity of their immediate closure.

From quotations hereinafter made from the previous report of the Commission it will be seen that it relies upon the increased volume of discharge for scouring more deeply the bed of the river and lowering its floods. The loss of its volume through outlets or crevasses is fully recognized in that report as the cause of the deposition of sedimentary matters in the bed of the river by which its flood surface is raised from year to year.

Observations made by the Commission plainly show that the effect of the present gaps in the levees has been to raise the flood line of the river many inches above any heights previously attained within the 700 miles in which they exist most numerous, between Natchez and the mouth of the Ohio River. Within this distance there have occurred during the last eighteen years innumerable crevasses, aggregating, in 1875, a length of about 100 miles, and throughout this part of the river the deposits have raised its bed so much as to greatly injure navigation, and to cause smaller floods to rise to heights never before attained.

This was the testimony of James B. Eads.

Lieut. Col. Suter, a member of the Mississippi River Commission and a distinguished officer of the United States Army, made these replies to questions propounded to him by a member of the Senate Committee which had this subject under investigation:

Senator GIBSON. You stated a moment ago in reply to a question by the chairman, that if you were improving the Mississippi River, even if it were running through a wilderness, if the country through which it ran were not people, you would still build levees on the banks.

Lieut. Col. SUTER. Yes, sir.

Senator GIBSON. Why do you hold that opinion?

Lieut. Col. SUTER. Because I consider that the improvement of the stream for navigable purposes without it is impossible.

Continuing, he says:

The CHAIRMAN. In other words, you think the levee is a part of your system as well as the jetties?

Lieut. Col. SUTER. Yes, sir.

The CHAIRMAN. You mean to say that these dikes and levees are necessary to preserve the channel of the river itself?

Lieut. Col. SUTER. Yes, sir.

The CHAIRMAN. Permanency of the channel?

Lieut. Col. SUTER. Yes, sir, that is my view.

Capt. Smith S. Leach, for twelve years in charge of work on the Mississippi River, expresses the same opinion.

Mr. Henry Flad, a member of the Mississippi River Commission and an eminent engineer, entertains the same opinion. He says:

The CHAIRMAN. So that your method would be by narrowing the channel to 3,000 or 3,500 feet and then by revetments on the banks?

Mr. FLAD. Yes, sir.

The CHAIRMAN. And levees outside of those?

Mr. FLAD. Yes, sir.

The CHAIRMAN. Wherever necessary?

Mr. FLAD. Yes, sir.

The CHAIRMAN. That you would require only for the purpose of navigation. What I mean to ask is this: Do you say that the interests of navigation require levees and revetments and the narrowing of the river, throwing out of consideration the question of protecting the people from overflows?

Mr. FLAD. I believe that the improvement of navigation demands the narrowing of the river, revetment of shores, and levees properly located and constructed.

The CHAIRMAN. So that if you were on the river undertaking alone to improve navigation, and disregarding the people living on the banks, you would still build levees?

Mr. FLAD. I would.

Mr. H. B. Richardson, chief engineer of the State of Louisiana, concurs in that testimony. He says:

Senator GIBSON. Will you be kind enough to state to the committee your opinion as to the proper means to treat the river, both for navigation and for the protection of the people living in the valley, and in that statement

you will discuss, of course, the jetty system, the outlet system, and the levee system?

Mr. RICHARDSON. I believe the plans of the Mississippi River Commission for the improvement of the navigation of the river are correct. I believe the bringing of the river to a somewhat uniform width must result in giving it a somewhat more uniform depth than it otherwise would have. The building of revetments for fixing the bank of the river in some one position, and the building of levees along its banks for retaining its flood waters I think are of greater importance than the channel works. You have had the river improvements so fully discussed, and I so fully agree with what has been said by the engineers who have discussed it, that I will not take up your time by saying anything more than that I generally concur and agree with them.

I wish to insert a report by a number of engineers who have had years and years of experience in the treatment of the Mississippi River, all of whom indorsed the opinions expressed by James B. Eads and the other engineers whose testimony I have cited. The report is as follows:

VICKSBURG, MISS., April 29, 1890.

To the Committee on Resolutions of the Mississippi Improvement and Levee Convention:

Your committee to whom was assigned the duty of preparing a statement on the subject of levees beg leave to submit the following:

The testimony of all engineers familiar with the subject is that there is no engineering difficulty in the way of restraining the floods of the Mississippi River through the agency of levees, and that this is the only agency through which that object can be accomplished. The levees, as they existed at the beginning of the recent flood, were admittedly too weak generally, in height and width, to stand an extraordinary high water, as was recognized and affirmed by all levee engineers.

The fundamental defect in the present system of levee building is that they have not been designed and constructed on engineering principles, in the most thorough manner, with the sole view to certain efficiency, as is the case in all other classes of engineering work; but it has always been a mere question of doing the best that could be done with an insufficient amount of money.

The great desideratum has been to pile up as much dirt as possible in the cheapest possible way, so as to cover the greatest extent of territory with the highest bank of earth obtainable with the means at hand. This consideration has precluded such treatment of the foundations as the character and service of the structures demanded, to which deficiency is attributed much of their failure to successfully resist the extraordinary pressure of this flood at various points. The disasters from the recent flood have been exaggerated and magnified beyond their true proportions by the sensational treatment which the subject has received, and which has tended to shake confidence in the efficiency of the levee system.

In confirmation of this attention is invited to the following facts: In 1882 the total number of crevasses in the levees was 284, aggregating 59.09 miles in width; in 1883 the number of crevasses was 224, with an aggregate width of 24.1 miles; in 1884 the crevasses numbered 294, aggregating 10.64 miles in width.

The result of crevasses enumerated during these three years was a general overflow of the Mississippi Delta. In the present flood, the dangers of which are nearly passed, the crevasses which have occurred number 23, aggregating about $\frac{1}{4}$ miles in width, in a total length of 1,109 miles of levees, or less than one half of 1 per cent of the total line of levees, notwithstanding that the present flood has exceeded those of the three years cited in the height attained at Memphis and at all points below, and has not been exceeded in duration.

This excess of height was, at Memphis 0.5 foot, at Helena 0.6 foot, at Sunflower Landing 1.3 feet, at Arkansas City 2.3 feet, at Greenville 1.7 feet, at Providence 3.1 feet, at Vicksburg 0.1 foot, at Natchez 0.8 foot, and at New Orleans 0.5 foot. The general result has been a large measure of protection afforded by the levees this year, notwithstanding the extraordinary character of the flood, which has never been enjoyed during previous high waters of considerable magnitude.

For example, in the Yazoo Basin between 80 and 85 per cent of its area is protected from overflow, there being only one crevasse of 280 feet in width, affecting a very small area, in 180 miles of levee extending from the upper extremity southward. There were other crevasses on this front below this locality. On the Tensas front are two reaches of continuous levee, being respectively 81 and 125 miles in length. The right bank below Red River has 180 miles of continuous unbroken levee, and the left bank has 209 miles with only one break. Of the territory dependent upon the last-named levees 75 per cent has been protected. The percentages of areas protected as above noted embrace all classes of lands subject to overflow; as the lands sought for cultivation are the more elevated portions, the percentage of their area protected is much greater.

From our knowledge of this subject we now feel justified in declaring that very great progress has been made during the past five years in the construction of a complete levee system by the joint efforts of the General Government and the riparian States, and also that the experience of the present flood has strongly added to our conviction that such a system presents the only solution of the protection of the alluvial valley from inundation in connection with the general improvement of the river. We unhesitatingly express our condemnation of all theories for the regulation of the Mississippi River and controlling its floods by the agency of "outlets." It is our conviction that such a system would prove destructive to all the interests which are sought to be conserved and improved in connection with the treatment of the Mississippi River.

We also state with thorough conviction and emphasis that the belief entertained by some that the effect of long confinement of the Mississippi River by levees will be to produce a permanent elevation of the river bed is a fallacious one, which is refuted by experience and contrary to all observation. We are familiar with all surveys that have been made of the Mississippi and with its present navigation, and declare that there is no evidence from either of these sources or elsewhere of progressive elevation of the bed of the Mississippi River from levees or other cause, except where caused by and immediately below outlets.

We submit the following information relating to expenditures upon the levees from the following sources:

By the United States Government, through the Mississippi River Commission, since 1882.....		\$3,018,601.50
The Mississippi levee boards, since 1882.....		3,088,745.74
State and levee districts of Louisiana, since 1869.....		15,255,827.13
Of which since 1882 about.....		5,000,000.00
Arkansas.....		340,417.00

The above do not include expenditures which have been made by counties, corporations, and individuals in several States. We estimate that further expenditure of \$10,000,000 by the General Government in cooperation

with the riparian States, if promptly applied, will suffice to complete a system of levees that will prove entirely effective to restrain all future floods of the Mississippi River.

B. M. HARROD, C. E.
J. H. WILLARD,
Capt. Engineers, U. S. A.
W. YOUNG,
Capt. Engineers, U. S. A.
S. W. FERGUSON, C. E.
HENRY B. RICHARDSON, C. E.
WM. STARLING, C. E.
T. G. DABNEY, C. E.
H. S. DOUGLAS, C. E.
ARTHUR HIDER, C. E.
H. BOLIVAR THOMPSON, C. E.
H. ST. L. COPPEE, C. E.
JOHN SMYTH, C. E.
HENRY GOODRICH, C. E.
JOHN EWENS, C. E.
GEORGE M. HELM, C. E.
HORACE MARSHALL, C. E.

Now, the gentleman from Indiana occupies the same position with reference to levee improvements that the Puritans did many years ago with respect to bear-baiting. He has not the slightest objection to the construction of levees, except that they may protect private property from overflow. In so far as they will aid in improving the navigation of the river he has no objection at all, but because they have the incidental effect of protecting the country from overflow they meet with his undying opposition. So it was with the Puritans. They had no objection at all to bear-baiting because it gave pain to the bear, but they seriously objected to it on account of the pleasure it gave to the spectators.

Now, Mr. Chairman, there is no money which the United States now spends or has ever spent which is so beneficent in effects as the appropriations which have been used partly in the construction of levees upon the Mississippi River. At this time there would be thousands of acres of valuable, fertile land, covered by water, carrying desolation and destruction to all classes of people but for the expenditure of money which the Congress of the United States has appropriated for the Mississippi River to improve its navigation, and incidentally protect these people from overflow.

The opinions of the gentlemen which I have cited, headed by Mr. Eads and followed by all his successors, adopted by the Mississippi River Commission, and held by many able engineers, is that the construction of levees is necessary to improve the channel and give ease and safety to the navigation of the river. Why, then, Mr. Chairman, if this be true—and there can be no reasonable doubt of it—the Congress of the United States is hardly doing its part by the riparian States, because the State of Louisiana had expended before the war not less than \$40,000,000 in the construction of such works. The State of Louisiana and her people have spent in the last four years not less than \$10,000,000 of their money for the construction of levees, which, according to the opinions of our ablest engineers, conduce to the improvement of the channel of the river and inures to the benefit of the whole country. All that Congress has ever been asked to do and all that Congress has ever done was to come to the relief of the States and communities and assist in the construction of such levees and improvements as were beyond the means of the State.

Now then, Mr. Chairman, there are a few cranks running at large who have got no more interest in the Mississippi Valley or in the navigation of the Mississippi River than I have in the valley of the Nile, who are telling us that the construction of levees on the banks of the river has a tendency to raise the bed of the river, and that after awhile the river will be running above the surface between artificial walls. I assert, without fear of successful contradiction, that that statement has no foundation either in theory or in fact. The unbroken testimony of the engineers and of residents upon the banks of the river, without exception, is that there is no foundation in fact for such a statement.

On the contrary, it is perfectly evident that the confinement of the river between its banks, or between artificial banks, known as levees, when the river rises above them has a tendency to scour out and deepen the channel; and it is only when the levees give way, and crevasses occur, that the channel becomes obstructed by the formation of bars, which are invariably found a short distance below the crevasses, or other causes which interrupt the flow of the current. This is not a subject of conjecture at all; it is a fact which has been established by official surveys. In 1870 what is known as the Bonnet Carré crevasses occurred just a few miles above New Orleans, and an immense volume of water was discharged through it.

The flow of the water was so great, and it swept out a channel so deep that one of the largest Mississippi steamboats was sucked into it, and got out with a great deal of difficulty. Under the theory that the outlets would relieve the river and carry off the

excess of water, that ought to have been the effect of this crevasse, but it had no such effect. It did not affect the river above or below to any appreciable extent, and when the water subsided it was found that the channel had filled up a little below this crevasse some 40 or 50 feet; in other words, that in one season the deposit just below this crevasse, the sediment, had filled up the the river for 40 or 50 feet.

Again in 1890 there was an immense crevasse above New Orleans at the Nita Plantation, which carried out an immense volume of water. Why if the theory had been correct that the outlet would relieve the river and bring it within its banks, that result would have followed then; but it did not do so; a large area of country was overflowed, ruin brought to its inhabitants, and desolation to many homes, but the river brimming full to the tops of the levees flowed on as if no crevasse had occurred. In other words, all this talk about outlets to relieve the river of the water that would go through the main channel rests upon the unsupported statements of people who have no interest in that river, except that they want the job of making some of these outlets. It is repudiated by everybody else. It was repudiated by the Mississippi River Commission, and it has been repudiated by very nearly all scientific men who have investigated and considered this great and once difficult problem.

I say, then, Mr. Chairman, in conclusion, that the money which is carried by this bill in aid of the construction of levees, or rather in aid of the improvement of the Mississippi River below Cairo, is the most beneficent appropriation made by this bill or that will be made by this Congress; because, in the first place, it subserves the purpose and object of improving the navigation of that great artery of commerce, which regulates freight rates throughout the West, which gives the West an easy and cheap egress for its products to the markets of the world, and because incidentally it protects from overflow a valley which is 1,000 miles long, and which is the richest and most fertile portion of this Union.

Incidentally, I say, this improvement gives protection to the homes of the rich and the poor, but it is peculiarly beneficent toward the poorer classes of people who cultivate the lands of that great valley, who are dependent upon their daily labor for support, who when inundations cover the valley have been for years forced to become objects of charity to the rest of the country, and to whose relief you have been frequently compelled to come. The beneficent effect of this appropriation is strikingly shown by what has taken place this year.

Here we have a very high stage of water, the country on either side of the river threatened with inundation, but the mud walls are all standing, the fields are smiling, the crops are being cultivated, and if these walls continue to stand the people of that valley will reap the full reward of their labors. But for the money which has been expended in this way we would now be confronted with reports of inundation and disaster, with reports of life and property imperiled or destroyed.

Therefore, Mr. Chairman, I repeat that there is no question about the propriety of this appropriation. It is the unanimous expression of those who have been intrusted with this great work that the construction of levees directly aids and in most cases is absolutely essential to the proper improvement of the Mississippi and to the obtaining of such a channel as will render that great river navigable at all times. This being the case, I sincerely trust that no gentleman will be prompted by any sentiment of false economy to vote to reduce the appropriations made by this bill, or to vote against the appropriation for the Mississippi River. [Applause.]

[Mr. CLARKE of Alabama withholds his remarks for revision. See Appendix.]

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CLARKE] has expired; the time fixed for general debate has also expired. The Clerk will now read the bill by paragraphs for amendment.

Mr. ENOCHS. I ask to extend my remarks in the RECORD.

Mr. HOLMAN. I hope that leave will be extended generally.

The CHAIRMAN. Does the gentleman make that request?

Mr. HOLMAN. Yes, sir, for those who have spoken.

The CHAIRMAN. The gentleman from Indiana supplements the request of the gentleman from Ohio [Mr. ENOCHS] by asking unanimous consent for general leave to extend remarks in the RECORD on this bill.

Mr. DINGLEY. For those gentlemen only who have spoken.

Mr. BUTLER. To whom will this leave extend, if granted?

The CHAIRMAN. Only to those gentlemen who have spoken.

Mr. HOLMAN. Some gentlemen request that general leave be granted. I hope there will be no objection to that.

The CHAIRMAN. To gentlemen who have spoken or to those also who shall speak hereafter.

Mr. HOLMAN. Generally.

The CHAIRMAN. The request of the gentleman from Indiana is that general leave be granted to print remarks in the RECORD on the pending bill.

Mr. DINGLEY. I object to that, but I am perfectly willing that gentlemen who have spoken may extend their remarks.

The CHAIRMAN. Then the Chair will submit the request of the gentleman from Ohio [Mr. ENOCHS] that he be allowed to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. HOLMAN. I ask the same privilege.

Mr. DINGLEY. Let the privilege be extended to all who have spoken in the general debate.

The CHAIRMAN. Does the gentleman from Maine make that request?

Mr. DINGLEY. I do.

The CHAIRMAN. The gentleman from Maine requests that all gentlemen who have addressed the committee on the pending bill be permitted to extend their remarks in the RECORD. Is there objection? The Chair hears none.

Mr. McMILLIN. I have no objection to consent being granted except that the Committee of the Whole can not make any order concerning the RECORD. I think it proper to make this remark.

The CHAIRMAN. The Clerk will report the bill by paragraphs.

The Clerk read as follows:

Improving Mooseabec Bar, Maine: Continuing improvement, \$15,000.

Mr. BUTLER. Mr. Chairman, I wish to call attention to this paragraph just read, lines 1 and 2, "for the improvement of Mooseabec Bar, Maine." I would like some one who knows the place to tell us where it is, what it is, to give us some explanation of it. I can not find it on any map, and have searched Johnson's Encyclopedia in vain. I am unable to find such a place as Mooseabec Bar.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. BUTLER. I move to strike it out, unless some explanation is given.

Mr. DINGLEY. I will state to the gentleman that this is a point on the coast of Maine in the course of the great coastwise commerce—

Mr. BUTLER. Near what bay or harbor?

Mr. DINGLEY. It is a point near Passamaquoddy Bay.

Mr. REED. Beyond Frenchman's Bay.

Mr. DINGLEY. It is an important point, as there is a great deal of shipping on that coast.

Mr. BUTLER. I withdraw the amendment.

The Clerk read as follows:

Improving harbor of refuge at Little Harbor, N. H.: Continuing improvement, \$30,000.

Mr. BUTLER. I would like to have an explanation of this item. Where is this harbor of refuge at Little Harbor; near what point? I do not desire to make a motion to strike it out if I can have some explanation of where it is and what it is.

Mr. BLANCHARD. I will inform the gentleman that the harbor of refuge at Little Harbor, N. H., is near the city of Portsmouth, on the New England coast. It is a project that has been under way for some years past. Repeated appropriations have been made for improving this harbor. In 1890, \$40,000 was appropriated for it, and we recommend in this bill for the continuation of the work there, the sum of \$30,000. It is needed to accommodate the shipping on that part of the New England coast, in times of storm. It is a worthy and meritorious project.

Mr. BUTLER. How much has been appropriated for this in the past?

Mr. BLANCHARD. There has been appropriated in the past \$70,000 for this harbor of refuge and the engineer reports that it will cost to complete it \$165,000 more.

The Clerk read as follows:

Improving harbor at Boston, Mass.: Continuing improvement \$145,000, of which \$10,000 may, in the discretion of the Secretary of War, be used in further prosecution of the work in Nantasket Beach Channel.

Mr. BLANCHARD. On behalf of the Committee on Rivers and Harbors, I offer an amendment to this part.

The Clerk read as follows:

On page 2, line 20, after the word "channel," add the following: "And \$25,000 in extending main ship channel from its termination at the southeast corner of Grand Junction wharf eastwardly towards Jeffreys Point."

Mr. BLANCHARD. This does not increase the appropriation. It merely directs that \$25,000 out of the \$145,000 shall be expended at a particular locality in the harbor of Boston.

The amendment was adopted.

The Clerk read as follows:

Improving harbor at Lynn, Mass.: Continuing improvement, \$10,000.

Mr. LODGE. Mr. Chairman, I offer the following amendment to that clause. It does not affect the appropriation and has the assent of the committee.

The Clerk read as follows:

Insert in line 22, page 2:

"Provided, That the whole or any portion of this appropriation may be expended on the western channel, in the discretion of the Secretary of War."

Mr. BLANCHARD. There is no objection to that amendment. The amendment was adopted.

The Clerk read as follows:

Improving harbor at Westport, Mass.: Completing improvement, \$1,000.

Mr. BUTLER. I would like to ask the gentleman where Westport is, and what is the necessity for this improvement?

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. BUTLER. If there is an explanation that is all I desire. If not, I move to strike it out.

Mr. BLANCHARD. I yield to the gentleman from Massachusetts [Mr. RANDALL] in whose district this town is located.

Mr. RANDALL. Mr. Chairman, I understand the gentleman from Iowa desires to know where the town of Westport is for which this appropriation is recommended.

Mr. BUTLER. What kind of a town, how much there is of it, and the necessity for this work.

Mr. RANDALL. It is a town in my district in the southwestern part of the State of Massachusetts near the dividing line between Massachusetts and Rhode Island. There is a river leading up to this town, which has a population of some two or three thousand inhabitants during the winter months, and which is largely increased in the town and suburbs, in summer. This appropriation is designed to keep open the mouth of the harbor, which fills up in winter, and which requires this outlet deepened to make it navigable for the yachts and other vessels entering and bringing in freight and other things in the summer time.

Mr. BUTLER. What is the traffic on the river?

Mr. RANDALL. Small vessels are there fitted for the whaling business, also the product of the surrounding farms, and large quantities of fish are carried out by vessels to meet the steamers from Providence and Newport to take them to the New York market.

Mr. BLANCHARD. In addition to that I will state that this \$1,000 completes a project that was begun two or three years ago, and that it is a place of sufficient importance to justify the expenditure of the \$1,000 incorporated in the bill.

Mr. BUTLER. Mr. Chairman, I do not ask for a vote on the amendment, but I withdraw it.

The Clerk read as follows:

Improving harbor at Newport, R. I.: Continuing improvement, \$10,000.

Mr. PAGE of Rhode Island. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

By Mr. PAGE of Rhode Island:

"On page 4, line 12, after the words 'Rhode Island,' insert the words 'including the removal of the spit at the south end of Goat Island.'"

Mr. BLANCHARD. The gentleman has submitted his amendment to me and there is no objection to it. It does not increase the appropriation.

The amendment was agreed to.

The Clerk read as follows:

Constructing harbor of refuge at Point Judith, Rhode Island: Continuing construction, \$100,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate \$1,075,000, exclusive of the amount herein and heretofore appropriated.

Mr. HOLMAN. Mr. Chairman, there are ten of these appropriations in the bill, involving the contract system, and I suggest that for the purposes of consideration they be taken together to save time; and I would like to suggest to the gentleman from Louisiana [Mr. BLANCHARD] and to the committee that they consent that these items be considered together, and that a vote be taken upon the whole ten combined—

Mr. BLANCHARD. In the House?

Mr. HOLMAN. In the House.

Mr. CATCHINGS. One vote on all ten.

Mr. BLANCHARD. Mr. Chairman, we will accommodate the gentleman from Indiana.

The CHAIRMAN. What is the request of the gentleman from Indiana? If he will repeat his proposition the Chair will state it.

Mr. HOLMAN. There are ten of these items altogether involving this general project of authorizing contracts to the amount of \$36,000,000. I ask that the subject be referred to the House, with the understanding that a vote shall be taken on all of them together in the House.

Mr. BLANCHARD. On all of them at one time. I agree to that.

Mr. HOLMAN. And it is well to agree in advance that the vote shall be by yeas and nays.

Mr. BLANCHARD. I have no objection to that either.

Mr. BUTLER. Mr. Chairman—

The CHAIRMAN. The Chair will first state the request of the gentleman from Indiana [Mr. HOLMAN]. The gentleman from Indiana asks unanimous consent that the ten provisions of the bill, known as the contract sections, may be passed over with the understanding that a vote shall be taken upon these sections in the House. Is there objection?

Mr. HOLMAN. And that the yeas and nays be considered as ordered in the House.

Mr. BLANCHARD. We agree to that.

The CHAIRMAN. Is there objection to the request?

Mr. BUTLER. Reserving the right to object, I wish to ask a question in regard to it.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. I would be willing to agree to that, if it were simply the question whether we are to have a contract system or not. That is the only thing that is alike in the ten different sections.

Mr. HOLMAN. Yes.

Mr. BUTLER. If that is the only thing to be voted upon, and we can contest in the committee here the question as to whether any particular work is a valuable one or not, I would be willing to agree to it; but I would like to ask something about this particular improvement. I am not questioning the advisability of a contract system if we are to do the work at all. I do not wish to yield to this request, and by that be shut out from the consideration of the particular questions involved in each item.

Mr. BLANCHARD. Mr. Chairman, this harbor of refuge at Point Judith, R. I., is intended to accommodate or to furnish a place of refuge for the very large number of vessels that sail along that dangerous coast. It was adopted in the river and harbor act of 1890, upon the petition of shippers and others in the State of New York and along the New England coast. It was a matter in which the gentleman from New York [Mr. CUMMINGS] took especial interest, representing the shipping interest of New York.

There is, perhaps, no thoroughfare in the United States where as many vessels pass backward and forward as along that particular point of the New England coast, and a harbor of refuge there would result in the saving of millions of dollars of property and in hundreds and perhaps thousands of lives which are endangered by storms that beset that coast. It is in the interest of humanity that this harbor of refuge is being constructed there.

Mr. BUTLER. Mr. Chairman, I am aware of the benefits that arise from harbors of refuge; but I find in the very next paragraph an improvement to the entrance of Point Judith Pond. Now, just a short distance from the point there is a pond or cove, and the question that arises in my mind is why it is necessary at that point to build a breakwater or harbor of refuge when within half a dozen miles there is a cove or pond which could be made a harbor of refuge by enlarging the mouth and deepening the entrance at a cost of less than \$1,200,000; yes, less than half of that amount.

Why should not the cove be improved and made a harbor of refuge rather than make it at this point, where it is now intended to make it, when it could be made at the other place at so much less cost? I would like that explained so as to make it clear to me.

Mr. CATCHINGS. Mr. Chairman—

Mr. PAGE of Rhode Island. I would like to say to the gentleman—

The CHAIRMAN. The Chair has recognized the gentleman from Mississippi [Mr. CATCHINGS].

Mr. CATCHINGS. I yield to the gentleman from Rhode Island. I did not know he was present. It is his work.

Mr. PAGE of Rhode Island. Mr. Chairman, I would like to say in reply to the gentleman from Iowa, in regard to this matter, that Point Judith Pond, where we seek to have the improvement made by this bill, is not of sufficient capacity to accommodate all the shipping that passes along this coast from New York running along the southern and eastern shores of New England; and there is a double purpose for the improvement at this place, which is not merely on account of making a harbor of refuge for vessels, but to improve a very large business interest also.

Here is a petition brought before the committee at this session of Congress signed by several hundred people, business people, of that community asking for this improvement which would accommodate a very large number of people, 24,000 in number, and an area of 292 square miles, with \$6,500,000 of value of domestic imports, \$3,400,000 of exports in this place, and it would increase the employment of from 300 to 400 men; there are several villages within the territory which would be benefited by this improvement, and forty-three post-offices.

Mr. BUTLER. Will the gentleman yield to me for a question.

Mr. PAGE of Rhode Island. Certainly.

Mr. BUTLER. I have no doubt that every one of these improvements is a benefit to the locality, so that there is no argument needed on that point; but the question I wish to ask is this: Is it necessary to improve a harbor of refuge at a point where it is going to benefit some business interests? Is it not wiser to make the harbor of refuge at the very cheapest place where it can be safely and effectively made; and as to this pond, which is not deep enough, will not the \$1,250,000, which is to be used at the point provided for in this bill, make the pond deep enough to accommodate the vessels just as well as the expenditure would at the other place? That is the point upon which I desire information.

Mr. PAGE of Rhode Island. No, sir; the breakwater will not. If the improvement were made at that place, it will not in any way benefit the business interests of the community; and the most important matter in this connection is the competition which will be raised between the commerce carried on by vessels and that carried on the railroad. They have to pay almost double and triple freight now to get their merchandise, lumber, and coal to this manufacturing place which can be accommodated by this harbor.

The CHAIRMAN. The Chair will state that this discussion is by unanimous consent. The question before the committee is not debatable. It is the proposition made by the gentleman from Indiana [Mr. HOLMAN], which the Chair will again state to the committee. The gentleman from Indiana asks unanimous consent that the clause which has just been read, and several other clauses, probably ten in number to be designated by the chairman of the Committee on Rivers and Harbors, shall be passed over informally, with the understanding that a vote shall be taken in the House in gross upon these sections, and a ye-and-nay vote agreed to. Is there objection?

Mr. BLANCHARD. I did not understand the gentleman from Indiana to ask that these various projects coming under the contract system, as they are termed, shall be passed over informally in the committee, but merely that a vote shall be taken upon them together in the House, and a ye-and-nay vote, at that, on that proposition. I do not agree to pass them over in committee.

The CHAIRMAN. The Chair simply meant by passing them over informally that they were passed with the consent of the committee, and with the agreement added to that expressed by the proposition of the gentleman from Indiana. Is there objection?

Mr. BRECKINRIDGE of Kentucky. Mr. Chairman, I rise to ask whether the agreement was that all ten of them are to be voted on in one ye-and-nay vote?

The CHAIRMAN. The request of the gentleman from Indiana is that the vote shall be taken in gross upon this contract clause.

Mr. BRECKINRIDGE of Kentucky. Is there no way by which those of us who may be in favor of most of these improvements, but whose judgment might be against one, may have an opportunity to vote that way?

Mr. HOLMAN. I hope the gentleman from Louisiana [Mr. BLANCHARD] will agree that if any gentleman desires a separate vote upon any one of these projects that he will have an opportunity to get that vote.

Mr. BRECKINRIDGE of Kentucky. There may be gentlemen of the committee who have no objection to the contract system, of which I am one, but who might think it would not be well to apply the contract system to all of these propositions.

Some of them may be items that we would gladly vote for, and others may be items that we would not like to vote for.

Mr. BLANCHARD. Mr. Chairman, I am willing to agree to the proposition submitted by the gentleman from Indiana [Mr. HOLMAN]. If gentlemen desire to object to it, it is their privilege. I ask for the regular order.

The CHAIRMAN. The Chair asks again, is there objection to the request of the gentleman from Indiana?

Mr. CAMINETTI. I object, unless consent is given to have a separate vote on each contract.

Mr. BLANCHARD. Regular order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Improving entrance to Point Judith Pond, west of Point Judith, R. I., \$7,500.

Mr. HOLMAN. Mr. Chairman, I desire to make a motion in reference to the preceding paragraph.

SWEARING IN OF A MEMBER.

The CHAIRMAN. The committee will rise informally for the purpose of swearing in a new member.

The committee accordingly rose; and the Speaker having resumed the chair,

Mr. McCREARY said: Mr. Speaker, I desire to announce that the Hon. Joseph M. Kendall has been regularly and duly elected a Representative in Congress from the Tenth Congressional district of Kentucky to fill the unexpired term of the Hon. John W. Kendall, deceased. I have here the certificate of election, which, I believe, is in regular form; Mr. Kendall, the member-elect, is here present, and I ask that the oath of office be now administered to him.

The SPEAKER. The Clerk will read the credentials.

The credentials were read at length.

Mr. KENDALL then appeared at the bar of the House and took the oath.

RIVER AND HARBOR BILL.

The Committee of the Whole resumed its session, Mr. HATCH in the chair.

Mr. HOLMAN. Mr. Chairman, I trust that the gentleman from California [Mr. CAMINETTI] will withdraw his objection to my proposition.

Mr. CAMINETTI. I withdraw the objection.

The CHAIRMAN. Is there further objection to the request of the gentleman from Indiana?

Mr. DINGLEY. What was the request, Mr. Chairman?

The CHAIRMAN. The Chair will again state it. The gentleman from Indiana [Mr. HOLMAN] asked unanimous consent that the paragraph in relation to the harbor of refuge at Point Judith and the subsequent paragraphs, known as the contract paragraphs, to be designated by the chairman of the Committee on Rivers and Harbors [Mr. BLANCHARD], shall be passed with the understanding that a vote shall be taken in the House upon those paragraphs in gross and that a yea-and-nay vote shall be had. Is there objection?

Mr. FITCH objected, but immediately withdrew the objection.

Mr. MONTGOMERY. Mr. Chairman, I think we are wasting time in this way.

The CHAIRMAN. Is there further objection to the request of the gentleman from Indiana?

Mr. O'NEILL of Missouri. I object.

Mr. BLANCHARD. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

The Clerk read as follows:

Improving entrance to Point Judith Pond, west of Point Judith, Rhode Island, \$7,500.

Mr. BLANCHARD. Mr. Chairman, in that paragraph there is a clerical error, to correct which I send up the amendment which I ask the Clerk to read.

The amendment was read, as follows:

Page 4, line 24, strike out "thousand," where it appears the second time, and insert "hundred."

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I desire to make a motion in reference to the paragraph in relation to the Point Judith harbor of refuge. In the confusion I did not have an opportunity to make the motion until the paragraph was passed.

The CHAIRMAN. The Chair will recognize the gentleman from Indiana for that purpose.

Mr. HOLMAN. Then I move to strike out the proviso beginning with and including the word "Provided," in line 16, down to and including line 22. I ask that the portion of the paragraph to which the motion to strike out applies be read again, so that it may be distinctly understood.

The Clerk read the amendment as follows:

Page 4, line 16, after the word "Provided" strike out all down to and including line 22, as follows:

"Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate, \$1,075,000, exclusive of the amount herein and heretofore appropriated."

Mr. HENDERSON of Illinois. Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Indiana [Mr. HOLMAN] if he desires to speak to his amendment.

Mr. HOLMAN. I do not.

Mr. HENDERSON of Illinois. Mr. Chairman, I did not have an opportunity to say anything when the committee was engaged in general debate on this bill, and, as this is the first item in the bill into which the contract system enters, I desire to make a very few remarks at this time.

When it was proposed in the last Congress that we should adopt this system of allowing the Secretary of War to enter into these contracts for the more important works of the country, it was very thoroughly discussed. It was insisted by the Chief of Engineers that if he could have this power conferred upon him it would result in very great saving to the country in the continuation of these public improvements. After full consultation in

the committee of conference (I may perhaps say this with propriety) the proposition was finally adopted and submitted to the House. I remember that my friend from Indiana [Mr. HOLMAN] then told me he thought this a very dangerous power. The actual facts, as has been stated, show that instead of its being a dangerous power it has resulted in very great economy in the expenditure of public money on these great works of improvement.

Last July I visited that great work at Sault Ste. Marie, a work now being constructed at an expense of several million dollars; and while I was there Gen. Poe informed myself and others who were present that the power to make these contracts for the purchase of material for the construction of that lock would result in a saving to the Government of probably about \$900,000. I did not know until recently that the saving on the Delaware River at Philadelphia in the great improvement now being made there would be so great; but it seems that even better results will be had there than at the Sault Ste. Marie.

The great trouble in regard to our system of improving our rivers and harbors has grown out of the inadequate appropriations which have been made from year to year. The wastefulness of the system heretofore pursued has been commented upon with very great justice. Some say it is inevitable. I am sorry to see that my friend from Indiana is disposed still to continue without improvement the old system of going on and making appropriations in small amounts. In England I am told whenever they undertake a public work they appropriate the full amount necessary to construct it. And I submit that that would be the true policy for any government to pursue. Not only would it be economical with reference to the expenditure of money, but it would also promote the public interest by giving the public the use of the improvement at a much earlier day.

[Here the hammer fell.]

Mr. HOLMAN. Perhaps the gentleman from Illinois [Mr. HENDERSON] would like more time.

Mr. HENDERSON of Illinois. I would like to proceed a few moments longer.

Mr. HOLMAN. I ask unanimous consent that the gentleman have five minutes more.

There was no objection.

Mr. HENDERSON of Illinois. Mr. Chairman, in this matter we are to consider not only the saving growing out of the contract which we authorize the Secretary of War to enter into, but also the advantage to the country in securing increased facilities at so much earlier a day.

Now, under this system we get the benefit, to some extent, of an annual appropriation. Heretofore we have only been able to pass river and harbor bills every two years; hence, the appropriations being but a small percentage of the estimates of the engineers, have generally been wholly insufficient. In this way, to the disgrace of the country, important works have failed to be properly carried on. Beyond all doubt, there will be under this new system a large saving in the annual expenditure of money on such great works as the St. Marys Canal lock, the improvement of the Hay Lake Channel, and the improvement of the Delaware River at Philadelphia, and, if you please, the improvements at the harbors of Galveston, Charleston, Savannah, and Mobile.

Now, what is the objection to this system? It does not commit the Government to anything but what the Government is already fairly committed to. Does anybody believe that if this contract system were rejected the Government would not go on under the old system and make appropriations every two years for the works at Savannah, Mobile, and other important works now embraced under the contract system? By this policy the Government is not committed to the expenditure of an additional dollar. All these works are important works; all of them have been entered upon by the Government. The Government is already fairly committed to their construction. Therefore it seems to me the better policy to say that we will go on and complete them at the earliest day practicable.

There is a limit to these expenditures. I do not believe that my friend from Indiana [Mr. HOLMAN], if he were called upon to-day to make these appropriations, would be unwilling to appropriate as much as the engineers or the Secretary of War really require for the purpose of going on with these works. I do not see any danger in this system. It appears to me, as I have remarked, to be in the interest of economy, in the interest of the commerce of the country, and in the interest of the people.

Mr. HOLMAN. Mr. Chairman, my friend from Illinois [Mr. HENDERSON] stands squarely by his own bantling; and he does it well.

Mr. HENDERSON of Illinois. I remind the gentleman that it was not my "bantling." I might be proud of it if it were.

Mr. HOLMAN. I think my friend is entitled to claim some honor indeed, especially if the scheme is a good one, although the provision now under discussion was put in the bill of last Congress by the conference committee or by the Senate.

Mr. HENDERSON of Illinois. It was put in in the Senate, not in the House.

Mr. HOLMAN. Well, my friend carried it through the House. My friend from Illinois, while standing by this policy, which originated in the last Congress, overlooks the fact that up to this time there has been no opportunity to tell whether it will produce a saving or not. His visit to the Sault Ste. Marie, where a very important work is in progress, certainly furnished no evidence as to the value of the system or its benefits or defects, because he was there, I presume, but a short time.

Mr. HENDERSON of Illinois. If the gentleman will allow me; can he say that, when the engineer in charge of the work there tells me that it will result in a saving of nearly \$1,000,000?

Mr. HOLMAN. Well, my friend's judgment on that point is just as valuable as the engineer's. It is a question of the capacity of the public Treasury to bear the drafts to be made upon it by such a system, as well as of the public necessity for the work.

Under that provision, gentlemen, you simply transfer the legislative power of appropriating the public money over to the Chief of Engineers and to the Secretary of War, and for any other purpose connected with the War Department than this the Constitution would come in which forbids Congress to appropriate money for war purposes beyond two years. Then Congress can not abdicate its power of appropriation for a longer period than two years. But here you put your public funds, if you have any in the Treasury, absolutely at the mercy of the Chief of Engineers and the Secretary of War to make such contracts as they please.

There will be another Congress before this \$26,000,000 will have been all expended. Do you gentlemen propose to bind that next Congress, when elected and fresh from the people? Do you propose to say, as in the case of the bounty on sugar and the subsidies to shipowners, that your successors shall be bound by contracts they did not authorize and that they can not evade, and that the public judgment shall be put at the mercy of this Congress to the extent of contracts you authorize and which may operate for years perhaps to come? Is that Democratic legislation, is it wise legislation, an abdication of your legislative powers and duties to control appropriations binding your successors; binding the people?

Why, Mr. Chairman, we have charged all over the country that it was almost cowardly to pass the bounty measure on sugar in the form in which it was passed—a permanent appropriation for a term of years—because it seemed to be and was an admission on the part of the Fifty-first Congress that they were not willing to trust the people, and abide by the determination of the people, in the succeeding elections of members to the House of Representatives. And yet you are here adopting the same principle, a principle which had never been adopted until the last Congress, a system which binds our successors and puts the public Treasury at the mercy of contracts made by the Secretary of War and the Chief of Engineers. Why, they may make contracts covering but one year, or for many years, and then the succeeding Congresses must meet the burden no matter what the drain on the public Treasury. Are you willing to do that?

Congress appropriates money for given improvements with reference to the condition of the Treasury, and the resources of the Government, as well as the public necessities. We virtually abdicate that power of controlling these amounts and put it under the control of a subordinate officer of the Government. I do not think that such a policy is either Republican or Democratic. It is anti-American. It is in some degree in conflict with the spirit of the Constitution, because each successive House of Representatives as the immediate representatives of the people has, and ought to have, the guardianship over the public Treasury and should not be bound by oppressive contracts authorized by their predecessors.

[Here the hammer fell.]

Mr. HENDERSON of Illinois. Does my friend desire a longer time?

Mr. HOLMAN. I should be glad to have a few minutes more.

Mr. HENDERSON of Illinois. I ask that the gentleman's time be extended for five minutes.

There was no objection.

Mr. HOLMAN. There may be, and I have no doubt that there would be, some saving in some instances if contracts were permitted which would run through a series of years, but in fact it will be an extravagant system.

Mr. HENDERSON of Illinois. Before the gentleman proceeds I want to ask him a question in connection with what he is saying. In what way does Congress abandon its right? In the first place the engineer goes to work and makes the survey of the proposed improvement, and he is required to submit it, with an explanation of the work, and Congress takes that report and acts upon it, determining whether it will or will not make the improvement. Congress has exercised this power on all occasions,

and all we say is that the Chief of Engineers, or the Secretary of War, may in the mean time make a contract which shall be provided for afterwards if Congress sees proper so to do. That is all there is of it.

Mr. HOLMAN. The report of the engineer and his estimates bind no one. This very paragraph answers the question thoroughly and illustrates the spirit of legislation heretofore on these measures of public improvement:

Constructing harbor of refuge at Point Judith, Rhode Island: Continuing construction, \$100,000.

There is a large appropriation out of the public Treasury. It is made not only with a view to the work to be performed, or the necessity of the service, but in regard to the condition of the public Treasury. You legislate here with all the facts before you, and make the appropriation direct; this of itself forces economy as the appropriation is made at the time.

But you go a step further here, and are proposing to go in debt and bind your successors, by permitting the Secretary of War to take contracts which will bind them, and contracts which shall continue during a time over which you have no control; the amount named in the law, and that only creating a limit on the Secretary of War. If that is not an abdication of the legislative power, and a deliberate effort to bind your successors, I do not know the meaning of language. Do you know what the condition of your Treasury is to be a year hence? Do you know what necessity or propriety may exist for pressing the construction of several of these works a year or two hence?

Has experience demonstrated to you what the exact cost will be? Do you know whether your Treasury can bear the burden of the contracts, involving many millions of dollars, years hence, while the works are in progress? Yet these contracts will meet your successors face to face and will demand fulfillment. There are at least three of these works as to which you can not tell, without further experience, whether further appropriations should be made or not, and yet you authorize a contract which will be binding upon your successors and from which they can not escape, and you do it in a manner that you would condemn if it had been attempted by your predecessors.

Does any gentleman on this side of the House doubt that Congress should have retained the power to have appropriated annually whatever it might deem necessary as a bounty for the sugar industry, or to the owners of ships, or to have wholly refused to make any appropriation? Do you approve of the policy that binds you and will bind your successors? And yet you are extending the rule of that extraordinary legislation here, so that when this bill becomes a law, if it becomes a law, you will have imposed a mortgage on your Treasury, binding your successors, of nearly \$37,000,000 under the last Congress, and this without any reference to the future condition of your Treasury, without any reference to the future need of the public service.

You have the right to appropriate public money; but I think you have no moral right to bind your successors and compel them to appropriate public money. You have no moral right to bind them, even if you have the constitutional power, and say that although a given appropriation may be in conflict with their judgment and in conflict with the judgment of all the people, yet that they shall appropriate, year after year, money to fulfill your contracts.

This Democratic House has never had the question before them before. You approach it now for the first time. The responsibility for the first time is upon you, to determine whether this is the proper kind of legislation to bind your successors or not.

Mr. WILLIAM A. STONE. Will the gentleman allow me to ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I would be glad to, but my time has expired.

Mr. BLANCHARD. Mr. Chairman—

Mr. WILLIAM A. STONE. I simply wish to ask one question.

The CHAIRMAN. The gentleman's time has expired, and the gentleman from Louisiana [Mr. BLANCHARD] is recognized.

Mr. BLANCHARD. Mr. Chairman, if the putting of certain works of river and harbor improvements under the contract system be violative of the spirit of the Constitution, if it be un-Democratic and un-American, and so utterly outrageous as claimed by the gentleman from Indiana, it is remarkable that he himself and his Committee on Appropriations, at this very session of Congress, have been guilty of this un-American conduct, this violation of the Constitution, this attempt to bind our successors in Congress, as he puts it. I hold in my hand his report on the sundry civil bill, and in it I find a contract, copied evidently word for word from the phraseology used in the river and harbor bill, for the contracts put in that measure. Under the head of appropriation for the Library building, in the sundry civil appropriation bill, I find the following:

That contracts may be entered into for the ironwork of stairs, roofs, and

dome, and marble finish for the halls, corridors, and rotunda, to be paid for as appropriations may from time to time be made by law.

If that is not exactly on all fours with the very proposition that the gentleman has moved to strike out from this bill, then I do not know what language means.

Again, I hold in my hand the report made by the gentleman from Kentucky [Mr. BRECKINRIDGE] on the fortifications appropriation bill, and in that bill I find a contract almost word for word the same as the one which the gentleman has moved to strike out. He says in his report:

In addition to the whole sum, \$2,412,376, appropriated by the bill for fortification construction, throughout authority is given to make contracts for certain works involving a further expenditure of \$1,376,600, to meet which appropriations will have to be made during the fiscal year 1894 and subsequent years.

And I am told by a member of that committee that that proposition was put in the fortifications bill at the instance of the gentleman from Indiana himself.

Mr. HOLMAN. Oh, no. [Laughter.] Who told you that?

Mr. BLANCHARD. A member of the committee.

Mr. HOLMAN. I think not. I think my friend is certainly mistaken about that.

Mr. BLANCHARD. Does the gentleman from Indiana say that that contract in the fortifications bill was not put there with his assent and concurrence?

Mr. HOLMAN. It was not put there with my consent or concurrence either. I am not in favor of that provision.

Mr. BLANCHARD. How about this one in the sundry civil appropriation bill?

Mr. HOLMAN. As to that, I expect the appropriations will be made by this Congress.

Mr. BLANCHARD. I trust when the contract clauses in the two bills I have referred to are reached in the consideration of those bills the gentleman from Indiana will at least have the consistency to move to strike them out, the same as he has done in the bill now before the House.

Mr. HOLMAN. I would not find it necessary to strike out any provision which I expect to see carried out during the present session of Congress.

Mr. BLANCHARD. I do not yield for a speech. This report from the Committee on Appropriations, which I have just read from, distinctly states that appropriations to meet the payments under the contracts authorized are to be made during the fiscal year 1894 and subsequent years.

And in the one in the sundry civil appropriation bill it says:

Payments under the contract are to be made as appropriations are made from time to time by law.

Now, is that not binding upon our successors as much as the similar provisions embodied in the river and harbor bill?

Mr. HOLMAN. It ought undoubtedly to bind this Congress.

Mr. BLANCHARD. It will bind every Congress until that work is completed.

Mr. HOLMAN. I expect that contract is to be completed by this very Congress—

Mr. BLANCHARD. I might make the same argument that perhaps this harbor of refuge at Point Judith may be completed during this Congress also. So there is no force in the reasoning.

Mr. BLOUNT. Will the gentleman from Louisiana yield to me for a question?

Mr. BLANCHARD. I yield for a question.

Mr. BLOUNT. I desired to ask as to the construction of this item. Suppose that—

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. HOLMAN. I hope the gentleman's time will be extended.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Louisiana be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BLOUNT. Suppose in the fiscal year 1894 no appropriation should be made by Congress, would this carry any obligation on the part of the Government? Does not each Congress have to appropriate the money needed under the contracts for the fiscal year for which it legislates?

Mr. BLANCHARD. Each Congress will undoubtedly have to appropriate the money needed to meet the payments under the contracts.

Mr. BLOUNT. Then, as I understand the gentleman, while a contract may be entered into, the amount expended is merely the amount which may be appropriated at each Congress.

Mr. BLANCHARD. This is not taking the matter out of the hands of future Congresses. It simply authorizes the Secretary of War to do that which economy and business sense directs every man to do when he undertakes the erection of a house. He makes a contract with a contractor to erect the house for him, the payments on that contract to be made from time to time as may be agreed upon in the instrument witnessing the contract.

Congress two years ago committed the Government to the

construction of a harbor of refuge at Point Judith by making an appropriation based upon a plan and estimates submitted by the engineers. I submit, Mr. Chairman, that the point made by the gentleman from Illinois [Mr. HENDERSON], that that was a commitment of the Government to the project, is entirely correct; and if put under the contract system now, it is merely carrying out the commitment then made. Congress now declares that "in the interest of economy and of sound business method we authorize the Secretary of War to make a contract to build this work," upon which the Government has already entered.

The gentleman from Indiana declares we are mortgaging the future; that we are pledging our successors of the Fifty-third, the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses, as the case may be. Well, Mr. Chairman, we are authorizing the Secretary of War to make this contract, leaving to our successors the duty of appropriating the money that may be needed to meet the payments under the contract. The Government was committed to it when the plan was adopted and the appropriation made in 1890.

And, Mr. Chairman, so satisfactory has been this system of continuing work, known as the contract system, in river and harbor matters, that the great committee presided over by the gentleman himself following in the line, and agreeing to the very principle, the business and economical principle involved in the "continuing work" system.

The CHAIRMAN. Debate upon the present amendment has been exhausted.

Mr. HOLMAN. I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to amend his amendment.

Mr. HOLMAN. Mr. Chairman, in opening my remarks in regard to this measure and the principle involved, a short time ago I stated the fact that Congress had authorized the Chief of Engineers to make a contract in advance for the outer walls of the Congressional Library building, and also for the erection of the Post-Office building now being constructed in this city, and that it was proposed the present year to confer upon the Chief of Engineers the power to make a contract for the construction of certain inner works in the public library.

I took occasion to say all that in advance of what my friend has called attention to, except as to the fortification bill, and on that his information was not correct. In the case of a public building it is a matter of public policy, for the reason that the erection of the building is a fixed fact, the amount involved not great, and there is no pretense of a contingency when the work would be abandoned, or that the state of the Treasury would not justify making a fair appropriation for them. There is no pretense of that kind. There are two questions here, involving the question of the mortgaging of your revenues in advance, and then as to the policy of such a procedure and of conferring such extraordinary power on a subordinate of your Government. There are two questions, and I wish to call the attention of gentlemen to both of them. You have the power to make appropriations in advance, but have you the moral right to compel your successors to make such appropriation.

By the adoption of this you will change your entire policy, and certainly not in the interest of economy. You will have an appropriation bill every year appropriating money to carry out these contracts, the sundry civil bill, and every other year your river and harbor bill. Will this lead to economy? Will your public officers invested with the enormous power of making these contracts likely retain the frugal views heretofore entertained? Will you hope for continued purity in the public service with these vast contracts growing in number and magnitude every year? All the evils of carrying great public enterprises on borrowed capital are involved in this policy. Money which Congress would not dare to appropriate outright will be readily pledged for the future.

These contracts will engender and hide extravagance. Appropriations for them are transferred at once, when made, to the Committee on Appropriations, and the estimates are made and sent to that committee, so that every successive year—not every two years, as heretofore, but every successive year—you will have on your sundry civil bill river and harbor appropriations, and this will not diminish your river and harbor bill proper. The transfer of \$814,000 to the sundry civil bill this year has not diminished the bill of my friend from Louisiana at all; on the contrary his bill goes up, so that you will have two committees at work, the one authorizing contracts and piling up obligations against your Treasury, and the other appropriating money to meet them.

Mr. HERMANN. Would not the people far prefer that the appropriations should be made annually under the contract system rather than that the old wasteful system should continue? In illustration of that—

Mr. HOLMAN. I do not yield for a speech. The gentleman has asked me a question and I want to answer it fairly. I say,

in reply to the gentleman, that as to economy you could not possibly adopt a system which would so run riot with the public money as the contract system, as experience up to this time shows, although this is only the second bill of the kind.

You can not adopt any system which will so rapidly squander the money in your Treasury as this contract system, piling up obligations to be met in the future; because upon that system your expenditures do not appear upon the face of your bill or the state of your Treasury, but appear only in the contracts that are made.

Mr. HERMANN. Take the case of Philadelphia Harbor, where the estimated cost was \$4,800,000 and the saving is \$3,600,000.

Mr. HOLMAN. I do not yield. I do not want my friend to take up my time. I understand very well all about that, and the facts will soon appear, but will not sustain my friend's views. That the engineers favor this system is very natural. I know that they want to have control of these matters. All public officers have that ambition. I do not blame the engineers, but I do blame Congress for transferring to them a power which it ought to retain in its own hands.

Mr. BUSHNELL. Mr. Chairman, I observe by this bill, and by the discussion which has been had, that the construction of this harbor of refuge was begun two years ago, and that the last Congress was the one which instituted this contract system. Now, it seems to me that there must have been some reason why the last Congress did not apply the contract system to this particular improvement, and I would like to have the chairman of the Committee on Rivers and Harbors, or some other gentleman familiar with the subject, state why the contract system was not applied, and whether the reasons that were sufficient then for refusing to apply that system to this improvement have lost their force.

Mr. BLANCHARD. I will state to my friend from Wisconsin that the last bill took five of the larger works only and placed them under the contract system—the Sault St. Marie lock and dam, the Hay Lake channel, and the harbors of Philadelphia, Baltimore and Galveston. That was the beginning of this contract system, and in beginning it Congress did not see proper to go beyond the five projects mentioned. I may add that the provisions for contracts in the last bill for the localities I have mentioned were Senate amendments to the House bill, agreed to in conference and adopted by both Houses.

Mr. BUSHNELL. I supposed there must have been some reason why the system was not applied. That explanation seems to me satisfactory. I understand further, with reference to the construction of this harbor of refuge, that the work has been surveyed and a careful estimate made, and that the appropriation is within the engineer's estimate.

Mr. BLANCHARD. A careful survey was made and the matter was reported as not only a worthy object, but a work of great necessity. A plan was submitted, we sat in judgment upon the plan and estimates submitted, and we adopted it; Congress ratified that action and made an appropriation to begin the work, and now this is merely authorizing the Secretary of War to complete the work, the expenditure being limited to the amount that the engineer says in his estimate will be sufficient for the purpose.

Mr. BUSHNELL. The principal point I desired to get information about was why the contract system had not been entered into by the last Congress in connection with this work.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I withdraw the *pro forma* amendment.

The CHAIRMAN. Then the question is on the amendment offered by the gentleman from Indiana to strike out the clause which the Clerk will read.

The Clerk read as follows:

Strike out the following, on page 4:
"Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may, from time to time, be made by law, not to exceed in the aggregate, \$1,075,000, exclusive of the amount herein and heretofore appropriated."

Mr. HOLMAN. That leaves in the \$100,000.
The amendment was rejected.

The Clerk proceeded to read the paragraph providing for improving Bridgeport Harbor, Connecticut.

Mr. BUTLER. Mr. Chairman, the Clerk has omitted one paragraph, lines 23 and 24.

The CHAIRMAN. The Chair will state that that paragraph was read and an amendment adopted.

Mr. BUTLER. And when it was read and after that amendment was made I rose and had an amendment to propose, but we went back to the paragraph providing for the harbor of refuge.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa. The Clerk will read the paragraph to which the gentleman refers.

The Clerk read as follows:

Improving entrance to Point Judith Pond, west of Point Judith, Rhode Island, seven thousand five thousand dollars.

Mr. BUTLER. I move to strike out lines 23 and 24. Mr. Chairman, I do not propose to take up much time on this bill. I think I can find the temper of this House here as well as anywhere; and when the vote on this question is taken, if it shows a determined purpose to carry through everything, I am going to keep still on this bill from now on. So gentlemen need not worry at what I do on this particular paragraph. [Laughter.]

In the discussion which arose on the previous paragraph the fact was brought out that the harbor of refuge proposed was regarded as very necessary, because Point Judith Pond, just west of there, could not be so improved as to admit any but the smaller craft. That was admitted in the debate. Now, I hold there is no necessity for improving a harbor or a pond when it is admitted at the outset that even at great expense it can not be made of sufficient depth to admit any but the smaller craft. This being the case, the improvement at Point Judith itself, which is to amount to one and a quarter million dollars in the aggregate, ought to be sufficient for that particular locality.

I understand, of course, that this pond borders upon a place where a great many people go in the summer; it is a very nice place on which to sail a little sailboat or to row a skiff. But I do not believe it to be the business of the Government to make improvements of this kind with any such view. I believe this appropriation to be absolutely unnecessary and not in harmony with the duties of this Government in regard to water improvements. Therefore I have moved to strike it out.

Mr. PAGE of Rhode Island. Mr. Chairman, if anything in this bill is necessary for the commercial interests of this country, this appropriation is equally necessary with any other; I except none. It is not for a harbor of refuge; it is not to accommodate the larger vessels. The State of Rhode Island receives no benefit from the great harbor of refuge at Point Judith. This appropriation is for the advancement of the commercial interests of the country.

The question being taken on the amendment of Mr. BUTLER, there were, on a division (called for by Mr. BUTLER)—ayes 24, noes 117.

Mr. BUTLER. Mr. Chairman, I wish to say that I am not going to make the point of "no quorum;" I would rather get through with this business and go to something else. [Laughter.]

The CHAIRMAN. The noes have it, and the amendment is rejected.

The Clerk read as follows:

Improving harbor at Oswego, N. Y.; continuing improvement \$30,000.

Mr. PAYNE. I move to amend so as to make this appropriation \$50,000 instead of \$30,000. I think the Committee on Rivers and Harbors must have overlooked the importance of the harbor of Oswego or must have made some mistake in estimating the amount that should be appropriated for it. This is the most important harbor on Lake Ontario; and the engineer reports that for the repair of the piers, the light-house pier especially, he needs \$25,000, to be expended at once. In addition to that, a storm on the lake three or four years ago made a break in the breakwater and pier. After consideration the engineer has concluded that it is best to leave that break, but that it is necessary to protect the ends of the pier adjoining the break; and there is needed for this purpose at least \$50,000 that should be appropriated at once. More than this, the engineer needs for the general repair of these piers (because being constructed of wood they last only about fifteen years) \$25,000.

I understand that the amount of the appropriation in the bill, \$30,000, was arrived at largely from the consideration of the fact that two years ago the bill carried but \$30,000 for Oswego. At that time, however, there was an unexpended balance of \$60,000, the engineer in charge of the improvement having been absent for nearly a year on sick leave. Now another engineer has come there; he has expended that balance in continuing the harbor improvement, so that there is but \$9,000 available, the report showing \$18,000 available at the time the report was made.

This is a very important harbor, not alone on account of the revenue received but by reason of the large amount of coal shipped from this port. I hope the chairman of the Committee on Rivers and Harbors or the committee itself will make no opposition to the very moderate increase asked on this item.

Mr. BLANCHARD. Mr. Chairman, I think this amendment ought not to be adopted. The Committee on Rivers and Harbors considered very carefully the demands of Oswego. One of the gentleman's colleagues is a member of the committee. We appropriated \$30,000 on an estimate of \$100,000—being about 33 per cent of the estimate—a much larger appropriation in proportion than many other places get.

It is as large an appropriation as was given in the bill which last became a law, though that bill was some \$4,000,000 greater in amount than the present bill. We have recommended a sub-

stantial appropriation for Oswego, and the same argument that the gentleman uses now, if it is sufficient to justify an increase of appropriation in this instance, would be sufficient to justify an increase in one hundred other places in the bill; and if that be done, Mr. Chairman, this bill would be \$35,000,000 instead of \$21,000,000.

I submit, therefore, that we have done fairly by Oswego Harbor within the limits of a twenty-one-million-dollar bill. We have taken as good care of it in proportion to the commerce there and the necessity of the work as any other places in the bill, and I hope the committee will reject the amendment.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word for the purpose of submitting another observation on this point.

I notice that the item immediately preceding this in the bill for the harbor of Ogdensburg, is \$40,000, which the committee have appropriated. The estimate for this work at Ogdensburg was only \$80,000, so that they have made an appropriation in this case of 50 per cent of the estimates. No emergency exists there such as I have pointed out at Oswego. The committee, however, can not adopt a cast-iron rule with percentages in these cases, but must take into consideration existing circumstances and facts, and when the engineer reports an emergency such as I have stated in this case—and I ought to have asked \$100,000 instead of \$50,000, and would have done so but for my extreme modesty—certainly the committee ought to allow the \$50,000 that the amendment proposes. It only adds \$20,000 to the bill, instead of twenty-five millions, as the chairman of the committee suggests, and I hope the amendment will prevail.

I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. PAYNE, it was rejected.

The Clerk read as follows:

Improving harbor at Charleston, including Sullivan Island and Mount Pleasant Shore, South Carolina: Continuing improvement, \$300,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,878,000, exclusive of the amount herein and heretofore appropriated.

Mr. HOLMAN. Mr. Chairman, I again ask the attention of the gentleman from Louisiana, and submit a request for unanimous consent that this paragraph and the succeeding paragraphs, eight in number, which authorize these contracts to be made, may be regarded as portions of the bill without further reading, and that in the House there shall be a vote upon them as a unit, and that it shall be taken by yeas and nays. It is an important question, and I should be very glad to determine it in this form.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent—

Mr. GEARY. I object.

The CHAIRMAN. Will the gentleman allow the Chair to submit the request to the committee? The gentleman from Indiana asks unanimous consent that the paragraph just read, and the succeeding paragraphs, authorizing contracts, may be considered as parts of the bill without further reading, with the understanding that a vote shall be taken in the House upon them in gross by yeas and nays. Is there objection?

Mr. GEARY. I object.

Mr. CATCHINGS. I demand the regular order.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

Improving Conneaut Harbor, Ohio: For relocation of channel and construction of new piers (Scheme B, of Engineer's report) \$25,000.

Mr. SIMPSON. Mr. Chairman, I move to strike out lines 7, 8, and 9 on page 14 of the bill, the paragraphs just read.

I would like to ask the chairman of the Committee on Rivers and Harbors what trade or commerce there is at Conneaut, Ohio. If there has ever been more than 3 feet of water there, if anything ever went in larger than a fishing boat, I never heard of it after twenty-three years of experience on the lakes.

Mr. BLANCHARD. May I ask the gentleman from Kansas when he was there last?

Mr. SIMPSON. I have not been there for a number of years. That was the reason I asked this information.

Mr. BLANCHARD. A good many changes have taken place since you were there. A railroad has been constructed to Conneaut from the coal fields in the interior of Pennsylvania, and a vast business is just beginning to be developed there. I may state from the investigation made of this harbor, and we took it under careful consideration, that it is going to be a rival, in the development of the commerce, to the adjacent ports of Fairport and Ashtabula, and when I tell you that Ashtabula is perhaps the second port upon Lake Erie, certainly third in the volume of commerce done, you will have some idea of the importance attaching to the harbor of Conneaut.

My colleague on the committee, Mr. STONE of Pennsylvania,

is more familiar with the development of business and commerce at that point than I am, and I refer the gentleman from Kansas to him for any additional information which he may seek on the subject.

Mr. SIMPSON. I am informed, Mr. Chairman, that there is no real business there at all, and that there is not likely to be. There are some gentlemen who have bought real estate there, which they would like to raise in value by a Government appropriation. It is natural, I suppose, that these men should want that money appropriated and distributed there in order to raise the value of their real estate; but I am satisfied that there is no necessity for spending any public money to build a harbor at Conneaut. As the chairman of the committee has said, Ashtabula is one of the great shipping ports on Lake Erie. It is not far from Conneaut, and it supplies the wants of that part of the State of Ohio. I am satisfied that this appropriation should be cut out of this bill.

Mr. WILLIAM A. STONE. Mr. Chairman, Conneaut Harbor is an old harbor, and for some years it has been neglected very much. There has been no appropriation for it for years, but it is a natural harbor. Recently a party of gentlemen have purchased—

Mr. SIMPSON. Will the gentleman please tell me how much water there is in that harbor?

Mr. WILLIAM A. STONE. Not enough to accommodate the gentlemen who wish to ship their coal there.

Mr. SIMPSON. Is there 4 feet of water over the bar?

Mr. WILLIAM A. STONE. There will be, as soon as this money is expended on it. It is because of the need for more water that the committee have recommended this appropriation.

Mr. SIMPSON. I know this to have been a harbor for at least thirty years, and they have never considered it worth while to expend any money on it. If that is so, how is it, after some gentlemen have bought some real estate there, that they suddenly discover it is a great harbor?

Mr. WILLIAM A. STONE. The real estate that has been purchased there is very insignificant. It is the coal fields lying immediately east of the harbor that have been purchased, and the fact that a railroad has been constructed to the harbor, that make the matter of importance.

Mr. SIMPSON. Does not the gentleman know that there is an outlet at Ashtabula and Cleveland from all the coal fields?

Mr. WILLIAM A. STONE. Not a natural outlet.

Mr. SIMPSON. Railroads already constructed?

Mr. WILLIAM A. STONE. And besides, at Ashtabula and Fairport the land is so controlled by the corporations already there that the gentlemen who own this coal can not get it to the water. Now, in order to utilize this coal and market it it has got to go to Conneaut Harbor. The railroad is already constructed, and unless this money is appropriated the ships can not go to the harbor and can not get the coal. It is absolutely necessary, in order to afford commercial facilities to that section of country, that this appropriation should be made. That is a natural harbor, and with a little money appropriated there it will become one of the best harbors on the lakes.

The motion of Mr. SIMPSON was rejected.

The Clerk read as follows:

Improving harbor at Grant Haven, Mich.: Continuing improvement, \$40,000.

Mr. CATCHINGS. I find in line 15, page 15, there is a typographical error which ought to be corrected. It should be "Grand Haven" instead of "Grant Haven."

The CHAIRMAN. Without objection the correction will be made.

There was no objection.

The Clerk read as follows:

Improving harbor at White River, Michigan: Continuing improvement, \$5,000.

Mr. BLANCHARD. Mr. Chairman, in lines 8 and 9, page 17, I wish to offer an amendment.

The amendment was read, as follows:

On page 17, line 8, strike out "River" and insert "Lake."

Mr. BLANCHARD. The only change is to make the paragraph read:

Improving harbor at White Lake, Michigan—

Instead of—

Improving harbor at White River, Michigan.

The change is made pursuant to a letter which I hold in my hand from Maj. Ludlow, the United States engineer in charge, who suggests the change.

The amendment was agreed to.

The Clerk read as follows:

Improving harbor at Manitowoc, Wis.: Continuing improvement and maintenance, \$18,000.

Mr. BLANCHARD. Mr. Chairman, I am instructed by the

Committee on Rivers and Harbors to move in the House to amend the appropriation for Manitowoc, Wis., by increasing the amount from \$18,000 to \$28,000, an increase of \$10,000. The committee based their action in recommending this increase upon certain letters from the Secretary of War and from Maj. Davis, the engineer in charge. I therefore move that "eighteen" be stricken out and "twenty-eight" inserted in lieu thereof.

Mr. PAYNE. Will the gentleman from Louisiana yield to me for a question?

Mr. BLANCHARD. Yes, sir.

Mr. PAYNE. I desire to ask whether an increase of this appropriation to 50 per cent would not make a further increase in the bill of \$10,000,000; and whether that is not a very dangerous precedent? [Laughter.]

Mr. BLANCHARD. The adoption of the amendment would increase the amount carried in this bill by \$10,000. It is based upon these letters of the engineer, which I will send up and have read. [Cries of "Oh, no!"] It is a peculiar case, I will state to the committee, and because it is such, the committee make the recommendation.

Mr. PAYNE. The gentleman from Louisiana need not have them read on my account. I presume it is necessary to have this increased appropriation of \$10,000. I only asked the question whether it would not increase the appropriation carried by the bill, and whether that was a dangerous precedent? Being satisfied that it is not a dangerous precedent, I withdraw any further objection. [Cries of "Vote!" "Vote!"]

Mr. BLANCHARD. Without taking time to read these letters, I will ask to have them printed in the RECORD, as a justification of this increase.

There was no objection.

The letters are as follows:

UNITED STATES ENGINEER OFFICE,
Washington, D. C., April 29, 1892.

GENERAL: I have the honor to submit the following report upon the letter of Hon. G. H. BRICKNER, of April 28, 1892, addressed to the honorable the Secretary of War and referred to me by indorsement of the Chief of Engineers, dated April 29, 1892. (2322 E. D., 1892.)

In my opinion it would not be good policy to expend the \$10,000 available for the breakwater for the reason stated in my annual report and quoted by Mr. BRICKNER "as a partially completed breakwater, without superstructure and lights, would be a dangerous obstruction," but I can see no reason why such \$10,000, being made available, could not be held until more money is appropriated for the same purpose in some future river and harbor bill.

Very respectfully, your obedient servant,

CHAS. E. L. B. DAVIS,
Major, Corps of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, United States Army, Washington, D. C.

WAR DEPARTMENT, Washington, April 30, 1892.

SIR: In reply to your letter of the 28th instant, referring to the appropriation in the river and harbor act for the improvement of Manitowoc Harbor, Wisconsin, and requesting to be advised whether in the opinion of this Department the sum available for this work, \$10,000, could be profitably expended upon it, in view of the recommendation of the engineer officer in charge of the improvement as contained in the report of the Chief of Engineers for 1891, volume 2, part 4, page 2546, Appendix LL, I have the honor to invite your attention to the inclosed copy of a report, dated the 29th instant, submitted through the Chief of Engineers from Maj. C. E. L. B. Davis, Corps of Engineers, upon the subject.

Very respectfully,

L. A. GRANT, Acting Secretary of War.

Hon. G. H. BRICKNER,
Chairman Committee on Expenditures in the Treasury Department,
House of Representatives.

UNITED STATES ENGINEER OFFICE,
601 EIGHTEENTH STREET N. W.,
Washington, D. C., May 3, 1892.

SIR: With regard to the improvement of Manitowoc Harbor, Wisconsin, a recommendation was made by me in my last annual report, that \$48,000 could be profitably expended during the fiscal year ending June 30, 1893, of which amount \$8,000 was for repairs and \$40,000 for the construction of an exterior breakwater.

The recommendation was made that, as a partially completed breakwater would be in the nature of an obstruction, the entire \$40,000 should be available at once so that the breakwater might be completed in one season. Should but \$30,000 be appropriated, however, I think the superstructure for the entire 400 feet might be built, and the superstructure completed afterwards, when more money should be available. A light could be maintained on a tripod on the end of the structure.

I think this arrangement would be better than building a portion of the breakwater—say 300 feet—up to the full height, as it will require the full 400 feet in order to afford any protection to the harbor from northeast storms.

Very respectfully,

CHAS. E. L. B. DAVIS,
Major, Corps of Engineers.

Hon. GEORGE H. BRICKNER,
House of Representatives, Washington, D. C.

The question was taken, and the amendment was agreed to.
The Clerk read as follows:

Improving harbor and bay at Humboldt, Cal.: Continuing Improvement, \$200,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,515,115, exclusive of the amount herein and heretofore appropriated.

Mr. CAMINETTI. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Strike out lines 13 to 21 inclusive, page 21, and insert:

Improving harbor and bay at Humboldt, Cal.: Continuing Improvement \$200,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on present project of improvement, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$765,015, exclusive of the amount herein and heretofore appropriated.

Mr. CAMINETTI. Mr. Chairman, if California is to be awarded a contract under this bill, in my judgment, according to the report of the engineers, and the great business and commercial interests of that State, it should be given to the rivers which afford transportation facilities to the great valleys of California, which yield two-thirds of the agricultural products thereof, and make San Francisco the fourth city in exports in this country.

I do not like to make an objection to an item for the purpose of making improvements in my State; but I believe it is due to the people of that State, it is due to the great farming interests of the Sacramento and San Joaquin Valleys, that I should make an effort for their consideration in this matter. My proposition, therefore, is that we divide the contract, giving one-half to Humboldt and the other half to these two great valleys in order that justice may be done to the interests that I in part represent; and it is for that purpose that I have introduced my amendment.

Mr. BRECKINRIDGE of Kentucky. Will the gentleman from California allow me to ask him a question?

Mr. CAMINETTI. Certainly.

Mr. BRECKINRIDGE of Kentucky. Does the gentleman's amendment go to the extent of taking the other half and putting it at the place indicated?

Mr. CAMINETTI. That can not be done at this time. My intention is, if this amendment is adopted, at the proper time, when the San Joaquin and Sacramento Rivers are reached, to offer an amendment providing that the \$750,000 be awarded for their improvement under the contract system.

Mr. BRECKINRIDGE of Kentucky. Then, I understand the effect of the amendment is not to take anything out of this bill that is given to California, but to scatter it a little more justly, as you think?

Mr. CAMINETTI. To divide it.

Mr. BRECKINRIDGE of Kentucky. And does the California delegation agree with the gentleman?

Mr. CAMINETTI. This part of the delegation does. [Laughter.]

Mr. GEARY. Mr. Chairman, I am only sorry for California to say that it is told of us that whenever one Californian is to get anything another one is always ready to take a knife to cut his throat with. That has been the experience with the delegation in the past. It seems to be the feeling of the delegation now. It seems a misfortune in this matter that my friend does not seem to understand the contract system. The contract system provides that the work shall be completed, and that the necessary contract to complete it may be entered into by the engineers up to the limit of cost deemed by them necessary.

Now, the gentleman knows that \$750,000 will not complete this work, but in his anxiety to try and get a contract for himself he is willing, not only to destroy Humboldt Harbor, but to destroy a harbor that he does not represent, and which I do represent, but to destroy the Sacramento River also. I have as much interest in the Sacramento River as any other member in this House, but I do not want the appropriation divided, because it would not only cut down one of the public improvements of California, but cut them all down; and therefore I hope the amendment will be defeated.

The CHAIRMAN. The time for debate on this amendment is exhausted.

Mr. CAMINETTI. Mr. Chairman, I have not taken up much of the time of the House during this session, and I hope I will be listened to for a few moments.

If the gentleman from California, or anyone else had suggested that any contract system was to be given to California and there had been an opportunity for consideration of it on the part of the delegation, then there might be something in the point the gentleman makes that the delegation is not a unit upon this question; but this is the first time I have had an opportunity to even consider the question. The subject was not presented by bill nor any suggestion from any quarter. So far as I know no member of the delegation, except the gentleman, had any notice of it until this bill was reported to the House.

I contend that in the matter of river and harbor improvements, or even in the matter of these contracts, if we are to award them to any particular section, we should award them to that locality where they will do the greatest good to the greatest number. The position which the gentleman has taken that I do not represent the Sacramento River is only in part correct, but that only shows all the more my disinterestedness in this matter. [Laughter.]

I am not here to represent the Sacramento River or any other river merely because it may be in my district. I contend that if you are going to give contracts to California you should give them to that section which represents the greatest commercial interests. I merely ask now that this contract be divided. It can be divided; so much can be spent upon the one and so much upon the other; and when this expenditure is concluded, if the public interest demands it, the work may be continued. I think I am making a reasonable and equitable request when I ask that \$750,000 of this money shall be expended upon the San Joaquin and the Sacramento Rivers. I hope this amendment will be agreed to.

The question was taken on the amendment of Mr. CAMINETTI, and the Chairman declared that the yeas seemed to have it.

Mr. CAMINETTI. I ask for a division.

The committee divided; and there were—ayes 54, yeas 82.

So the amendment was rejected.

The Clerk read as follows:

Improving Harrasackett River, Maine: Continuing improvement, \$10,000.

Mr. REED. Mr. Chairman, I move to amend, in the second line, on page 22, by striking out "ten" and substituting "sixteen," so that the appropriation will read: "\$16,000." I offer this amendment with the consent of the committee. There has been already an appropriation of \$10,000 for the improvement of that river, but in the opinion of the engineer it can not be used advantageously until a sufficient amount is added to it to complete the work, and it is thought that, with some modifications of the plan, the work can be completed for a total of \$26,000. Under ordinary circumstances I should think that my people ought to wait, but I happen to know that the condition of affairs in the town is such that at this particular time the appropriation will be very much more valuable than it can be at any time later. There is now a great deal of enterprise among the people and a disposition to make improvements which will be commensurate with the improvements made on the part of the United States.

The amendment was agreed to.

The Clerk read as follows:

Improving Shrewsbury River, New Jersey: Continuing improvement, 10,000, one-half of which shall be expended on the South Branch.

Mr. BLANCHARD. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Page 25, lines 8 and 9, strike out all after the word "dollars," in line 8, down to and including the word "Branch," in line 9.

Mr. BLANCHARD. The effect of this amendment, Mr. Chairman, is merely to strike out the provision requiring that one-half of this appropriation shall be expended on the south branch of the river. The amendment is offered upon the recommendation of the Chief of Engineers and of the local engineer in charge of the improvement.

The amendment was agreed to.

The Clerk read as follows:

Improving Great Kanawha River, West Virginia: continuing improvement, \$300,000.

Mr. CAPEHART. I move the amendment which I send to the desk.

The Clerk read as follows:

After line 6, page 29, insert:

"Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the system of locks and dams now under construction, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$400,000, exclusive of the amount herein and heretofore appropriated."

Mr. CAPEHART. Mr. Chairman, the Government began this work on the Great Kanawha River in 1875. Eight out of eleven in this system of locks and dams have been completed or are in process of construction at a cost of about one million and a half of dollars. The locks and dams already completed are practically useless until the completion of the remaining three. The estimate of the Engineer's Department for the completion of this work is \$600,000. Few, if any, of the improvements undertaken by the Government are of greater importance than this. It makes cheap coal—the cheapest in the United States—to 1,800 miles of country in the Ohio and Mississippi valleys. Coal is carried from Charleston on the Kanawha River to Cincinnati, at a cost of 25 cents per ton for freight; to Louisville for about 37½ to 40 cents per ton; to New Orleans, a distance of 1,800 miles, for \$1.25 per ton.

It is proposed, by this system of locks and dams, to make in the Kanawha River a permanent depth of water of 6 feet; and by reaching the mouth of the Kanawha, coal can be shipped down the Ohio more speedily by one hundred and thirty-five days, after these three additional locks and dams are completed, than can be done at present. The amendment I offer is similar to one which has been adopted with reference to ten or twelve other improvements. I hope the committee will see fit to agree to it.

Mr. BRECKINRIDGE of Kentucky. Will the gentleman state

how much money has already been expended by the Government on the Kanawha River?

Mr. CAPEHART. About a million and a half.

Mr. BRECKINRIDGE of Kentucky. How much is that per mile?

Mr. CAPEHART. I have not made any calculation as to that.

Mr. BRECKINRIDGE of Kentucky. Somewhere about \$20,000 to \$22,000 a mile.

Mr. CAPEHART. Perhaps so.

Mr. BRECKINRIDGE of Kentucky. About as much as it would cost to build a railroad.

Mr. CAPEHART. Yes, but this improvement, when completed, will be worth forty railroads. As an illustration of the benefits of the improvement, I would remind the gentleman that while his town of Lexington, Ky., is about the same distance from the mines on the Kanawha River as Cincinnati, yet the price of coal in Lexington, to which point it is carried by rail, is nearly always double the price in Cincinnati to which it is carried by water.

Mr. BRECKINRIDGE of Kentucky. We get our coal at about the same price as the people in Cincinnati.

Mr. CAPEHART. Oh, no; I think you are mistaken.

Mr. BRECKINRIDGE of Kentucky. Very nearly the same.

Mr. CAPEHART. That does not agree with my information. I was in a coal dealer's office in Lexington within a few months—

Mr. BRECKINRIDGE of Kentucky. Well, as my friend was a "stranger" in Lexington, it is possible the coal dealer was "taking him in." [Laughter.]

Mr. CAPEHART. I will only say that unless this expenditure be made for the purpose of completing this important improvement, the money already spent will be practically wasted.

Mr. BLANCHARD. Mr. Speaker, one of the great works of river and harbor improvement now going on, and which has been going on for some years, is that on the Great Kanawha River. More than ten years ago the Government of the United States commenced there the system of lock and dam construction in order to secure, the year round, slack-water navigation. About a million and a half of dollars has been expended by the Government on that river; and the expenditure has been productive of the most remarkable results in the development of the river as a highway of commerce.

In 1881, about the time when this system of lock and dam construction began, the coal and coke shipped upon the Great Kanawha River aggregated only 385,148 tons. Ten years later, in 1891, it had increased to 1,030,000 tons, showing an increase of 150 per cent in the commerce of the river in a period of ten years. This increase was brought about in the main by reason of the improvements made by the Government on the river. There is no more meritorious work of river improvement now going on than this. But it is approaching completion; \$670,000 will complete the work, and of that sum the bill appropriates \$200,000.

Now, that is sufficient, or nearly so, for the construction of one of the locks and dams. There is much of merit in the amendment which my friend from West Virginia offers, and the contract system upon this river can certainly be justified by the development of the commerce upon it; but the Committee on Rivers and Harbors did not see its way clearly to the incorporation of more than ten contracts for continuing work in the bill. We had to stop off just about where the Great Kanawha River would have come in had we put a larger number of projects under the contract system.

In view of the amount of money already expended on the river, and in view of the facilities which the river now possesses for the commerce which seeks it, I do not think, and the committee did not think, that there was any great necessity for including this particular project under that system. I therefore hope that the committee will reject the amendment of the gentleman from West Virginia.

Mr. ENOCHS. Mr. Chairman, I am quite familiar with this part of the Kanawha River sought to be improved, and I undertake to say that the money which has been already appropriated for the improvement of the navigation of that river has been of more benefit, or certainly of as much benefit, as any appropriation for improvements of rivers ever made by Congress. In fact, I may say that it has succeeded in developing a new country and one of the greatest coal countries in the world. As I understand the amendment of my friend from West Virginia, it will complete this improvement up to what is known as the Pools, or the Kanawha Falls. This is a mountainous region and, as I have said, there is in that region a wonderfully rich coal development.

It seems to me that one of the most appropriate things for Congress to do would be to put that upper part of the river under the contract system, and complete the entire work up to the Pools. It is but a short distance, and each one of these dams when completed creates a harbor for the storage of coal boats and barges. The commerce of the river has increased wonderfully in the last few years, and I hope the House will adopt the amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from West Virginia. The question was taken, and the Chairman decided that the amendment was rejected.

Mr. CAPEHART. I ask a division.

Mr. BUTLER. Let the amendment be reported.

The amendment was again read.

The question was taken; and on a division there were—ayes 11, noes 82.

Mr. PARRETT. I make the point that no quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted the Chair will appoint tellers.

Mr. PARRETT and Mr. BLANCHARD were appointed tellers.

Mr. BLANCHARD. I hope the gentleman will not insist on the point of a quorum.

Mr. PARRETT. I withdraw the point of order.

So no further count being demanded, the amendment was rejected.

The Clerk read as follows:

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, \$25,000, of which \$5,000 may, in the discretion of the Secretary of War, be used on that portion of the river between West Point and Franklin.

Mr. LESTER of Georgia. Mr. Chairman, I offer an amendment to this paragraph.

The Clerk read as follows:

Amend by striking out in the seventh and eighth lines the words "in the discretion of the Secretary of War;" and in line 7 strike out the word "may," and insert "are to be" so that it will read:
"Of which \$5,000 are to be used on that portion of the river between West Point and Franklin."

Mr. BLANCHARD. There is no objection to that amendment; it is merely a verbal change.

The amendment was adopted.

The Clerk read as follows:

Improving Apalachicola River, Florida: Continuing improvement, \$5,000. Mr. MALLORY. I offer an amendment to this paragraph of the bill, which I send to the desk.

The Clerk read as follows:

On page 33, line 18, after the word "Florida," insert:
"Including Lee Slough and its connection with Chipola River, and from said connection to the mouth of the Chipola River."

Mr. MALLORY. I will say to the chairman of the committee that this is the amendment which I submitted to him, which he authorized me to offer. It is to give the benefit of this \$5,000 to Lee Slough.

Mr. BLANCHARD. Will the gentleman mention the lines which he proposes to amend?

Mr. MALLORY. Line 18, page 33, after the word "Florida," to insert an amendment which makes that appropriation of \$5,000 apply to Lee Slough as well as to the Apalachicola River.

Mr. BLANCHARD. Is that slough tributary to the Apalachicola River?

Mr. MALLORY. It is really the main river; and if it were cleaned out the steamboats would all go down into the Chipola River and back into the Apalachicola River. The people all want it.

The amendment was agreed to.

The Clerk read as follows:

Improving Tallahatchee River, Mississippi: Continuing improvement, \$5,000.

Mr. KYLE. Mr. Chairman, I wish to offer an amendment to line 15, page 36. It is an amendment to provide that \$2,000 shall be used in the improvement of said river between the bridge at Panola, Miss., and the mouth of the Coldwater River, at the discretion of the Secretary of War.

Mr. BLANCHARD. I have no objection to the amendment. It is a verbal one and does not increase the amount. I would prefer to have the word "shall" stricken out and the word "may" inserted.

Mr. KYLE. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Line 15, after the word "dollars," insert: "of which amount \$2,000 may be used in the improvement of said river between the bridge at Panola, Miss., and the mouth of the Coldwater River, at the discretion of the Secretary of War."

The amendment was agreed to.

The Clerk read as follows:

Improving Bayou Lafourche, Louisiana: Continuing improvement, \$50,000.

Mr. PRICE. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

After the word "improvement," in line 6, page 39, insert "and removing obstructions."

Mr. BLANCHARD. This is merely a verbal amendment.

The amendment was agreed to.

The Clerk read as follows:

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, \$250,000, of which \$5,000 may be used, in the discretion of the Secretary of War, in the improvement of the river above the town of Burnside.

Mr. GOODNIGHT. I have an amendment which I wish to offer to line 9, page 41.

The amendment was read, as follows:

Amend, after line 9, on page 41:

"Ten thousand dollars of this appropriation may be used, in the discretion of the Secretary of War, in repairs on and clearing channel of the river between the Tennessee and Kentucky line and Burksville, Ky."

Mr. GOODNIGHT. Mr. Chairman, this appropriation provides that on the Cumberland River in Tennessee and Kentucky, for continuing improvements, \$250,000 may be expended. I apprehend that will all be expended upon works already in process of construction, and I believe that is the language of the bill—"continuing improvements." That is a long river. This bill provides for improvements upon that river in Tennessee and Kentucky. With the slight exception that \$5,000 of that fund may be expended upon the works above Burnside, no amount of it would or could be expended in Kentucky. I understand from parties interested in that navigation, that by the expenditure of a small amount of money in removing snags and in dredging the river from the Tennessee and Kentucky boundary up to Burksville in Kentucky, small craft might be run, so as to give a large amount of transportation; but if they are compelled to wait for the building of this dam and the slack water to extend to Burksville, Ky., they will probably wait a hundred years; and for that reason I offer this amendment, providing that in the discretion of the Secretary of War \$10,000 may be appropriated to remove snags and do some dredging. This is out of the sum appropriated, and does not increase the amount of the bill.

The majority of the committee, I think, would accede to this proposition; but the chairman, who is moved by good considerations I know, sees fit not to agree to it. I ask, however, that it be agreed to by the Committee of the Whole.

Mr. BLANCHARD. Mr. Chairman, I do not think this amendment ought to be agreed to. It was never authorized in the committee. The Cumberland River, from the city of Nashville up, is a river that the Government is endeavoring to improve by a system of slack-water navigation.

This \$250,000 is needed for the construction of one of the locks and dams needed on the river, and no part of it ought to be diverted to improving the river at the point suggested by my friend from Kentucky. The committee did authorize, and there was written into the bill authority to use \$5,000, in the discretion of the Secretary of War, for the improvement of the river above the town of Burnside; but I do not think that a sufficient showing has been made to justify the adoption of the amendment proposed by the gentleman from Kentucky.

Lock and dam construction can not proceed satisfactorily unless enough money is given to complete at least one lock at a time. Now, if we divert \$10,000 of this \$250,000 to that part of the river mentioned in the amendment of the gentleman, we just cripple to that extent the lock and dam construction upon the river. Now, in view—

Mr. GOODNIGHT. Will the gentleman allow me to ask him a question?

Mr. BLANCHARD. Certainly.

Mr. GOODNIGHT. I would like to ask the gentleman from Louisiana what good there can be in expending \$5,000 above the town of Burnside when it is absolutely impossible to get to Burnside? Now, the expenditure is one which may be comprised in the \$250,000 to be used below Burnside, so that it may be a proper charge if the Secretary of War sees fit, that they may be able to get to Burnside and use the \$5,000.

Mr. BLANCHARD. Now, the answer to that is very simple. Small boats can now go to that part of the river.

Mr. GOODNIGHT. Yes, probably three months in the year.

Mr. BLANCHARD. Well, the gentleman's colleague [Mr. WILSON]—I do not know whether he is on the floor or not—at whose instance that \$5,000 to be expended above the town of Burnside was placed in there, made the statement that small boats could navigate the Upper Cumberland River, and that by an expenditure of \$5,000 in the removal of certain rock ledges in the river, they could go above the town of Burnside; it was put in by the committee upon that showing made by the gentleman from Kentucky [Mr. WILSON].

That part of the river where the gentleman proposes to divert the \$10,000 of this appropriation and expend it is covered in the general language used in connection with this appropriation:

Improving of Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, \$250,000.

Now, I submit, Mr. Chairman, that the Engineer Department under this general and broad language can use a portion of this

\$250,000 if there be a public necessity for it on that part of the river covered by his amendment.

The objection to this amendment is, that it fetters the engineer. You tell him to expend that money there. There may be, in his judgment, no necessity for the expenditure. If there be any such necessity then the amendment is superfluous, because the engineer would, under the language of the appropriation, have discretion to expend it there.

Mr. GOODNIGHT. Did the gentleman notice the language of the amendment, which says: "If in his discretion;" it is not obligatory.

Mr. BLANCHARD. Well, Mr. Chairman, if there be one thing we have learned more than another in the River and Harbor Committee, it is that generally when we use the language employed by the gentleman, "May, in his discretion," expend money, the engineer construes it in the sense of meaning that it must be expended.

Mr. GOODNIGHT. Oh, my!

Mr. BLANCHARD. Well, the gentleman may shake his head; but I know that that construction is generally put upon it.

Mr. GOODNIGHT. I will leave it to your colleague on the committee.

Mr. BLANCHARD. My colleague is mistaken, like my friend from Kentucky. It is not desirable to adopt the amendment. The committee never authorized it, it never agreed to it, and I can not accept it.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Kentucky.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. GOODNIGHT. Division, Mr. Chairman.

The committee divided; and there were—ayes 35, noes 67.

Mr. GOODNIGHT. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky makes the point that no quorum has voted.

Mr. BLANCHARD. Mr. Chairman, in view of the desire of gentlemen that the committee rise, and in view of the further fact that the point of no quorum is made, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker (having resumed the chair, Mr. HATCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7820) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 6923) making appropriations for the support of the Army for the fiscal year ending June 30, 1893, and for other purposes, disagreed to by the House of Representatives, and had agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, Mr. ALLISON, and Mr. BLACKBURN as the conferees on the part of the Senate.

It also announced that the Senate had insisted upon its amendments to the bill (H. R. 328) to establish lineal promotion throughout the several lines of artillery, cavalry, and infantry of the Army, disagreed to by the House of Representatives, and had agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. MANDERSON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 250) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post road; in which concurrence was requested.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 8503) making appropriations for expenses that may be incurred under the treaties with Great Britain concluded at Washington, February 29 and April 18, 1892;

A bill (H. R. 6788) to establish a subport of entry and delivery at Superior, Wis., and at Ashland, Wis., in the Superior collection district of Michigan and Wisconsin; and

A bill (H. R. 5108) to establish a military post at or near the city of Helena, in Lewis and Clarke County, in the State of Montana.

It also announced that the Senate had passed bills of the following titles; in which concurrence was requested:

A bill (S. 716) for the relief of the owners of the Schillinger patents;

A bill (S. 2599) releasing the right, title, and interest of the

United States to the piece or parcel of land known as the cuartel lot to the city of Monterey, Cal.;

A bill (S. 2465) for the relief of D. D. T. Farnsworth, of Upshur County, W. Va.;

A bill (S. 2334) to authorize the construction of a bridge across the Red River of the North, at Quincy, N. Dak.;

A bill (S. 1916) to provide for the erection of a public building at Washington, Pa.;

A bill (S. 1915) to provide for the purchase of a site and the erection of a public building thereon at McKeesport, in the State of Pennsylvania;

A bill (S. 1708) for the relief of Mrs. Sarah J. Waggoner;

A bill (S. 1696) to further provide for the disposition of certain public lands in the State of Alabama;

A bill (S. 1356) granting a pension to Abigail L. Fumey;

A bill (S. 2140) to authorize the Secretary of the Interior to convey to the State of Kansas the use and control of certain lands therein for the purpose of a soldiers' home for old soldiers and their families;

A bill (S. 878) granting an additional land district in the State of Montana;

A bill (S. 817) granting a pension to Maria S. Whitney;

A bill (S. 795) to provide for the erection of a public building at Charlottesville, Va.;

A bill (S. 261) for the relief of the legal representatives and devisees of James W. Schaumburg; and

A bill (S. 234) for the relief of the National New Haven Bank, of the State of Connecticut.

It also announced that the Senate had passed the following concurrent resolution; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That there be reprinted 5,000 copies of House Executive Document No. 51, first session Forty-ninth Congress, on cattle and dairy farming, of which number 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House.

It also announced that the Senate had passed the following concurrent resolution; in which concurrence was requested:

Resolved by the Senate (the House of Representatives concurring). That there be printed for distribution by the Bureau of Navigation of the Treasury Department 2,000 copies of the twenty-third annual list of merchant vessels of the United States for the year ending June 30, 1890, as prepared by the Commissioner of Navigation.

It also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1379) to provide for a pension to Obe Sutherland, late a teamster in the Quartermaster's Department of the United States volunteer army, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. VEST, and Mr. SHOUP as conferees on the part of the Senate.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk and referred to their appropriate Calendars as indicated below:

PITWORTH, BRIGHTWOOD AND TACOMA RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. RICHARDSON, from the Committee on the District of Columbia, reported back, in the nature of a substitute for House bill 8196, the bill (H. R. 8579) to incorporate the Petworth, Brightwood and Tacoma Railway Company, of the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. OATES, from the Committee on the Judiciary, reported back adversely joint resolution (H. Res. 46), amending the Constitution of the United States, and providing for uniform laws on the subject of marriage and divorce; which was referred to the House Calendar, and the majority and minority reports ordered to be printed.

He also, from the Committee on the Judiciary, reported back adversely joint resolution (H. Res. 23), to amend the Constitution of the United States of America, empowering the Congress to pass uniform laws regulating marriage and divorce; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMENDMENT TO PENSION LAW.

Mr. JOLLEY, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who having participated in the rebellion have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1877; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OIL PAINTINGS FOR EXECUTIVE MANSION.

Mr. CUMMINGS, from the Committee on the Library, reported back with amendment the bill (H. R. 8477) authorizing the purchase of oil paintings for the Executive Mansion; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RESTORATION OF BOOKS OF THE BEAUFORT LIBRARY.

He also reported back favorably the joint resolution (H. Res. 36) for the restoration of the books of the Beaufort Library Society, of Beaufort, S. C.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ILWACO RAILWAY AND NAVIGATION COMPANY.

Mr. MITCHELL, from the Committee on Military Affairs, reported back favorably the bill (S. 213) granting a right of way across the Scarboro Hill military reservation to the Ilwaco Railway and Navigation Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BUILDINGS RENTED BY THE UNITED STATES IN THE DISTRICT OF COLUMBIA.

Mr. DINGLEY. I ask unanimous consent—

Mr. McMILLIN. I move that the House adjourn.

Mr. DOCKERY. I hope the gentleman will withdraw that motion for a moment.

Mr. McMILLIN. Very well, I withdraw it for a moment.

Mr. DINGLEY. I ask unanimous consent for the present consideration of a resolution which asks for information which the Committee on Appropriations desires to have.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to cause to be prepared and transmitted to the House of Representatives, for its information, a statement of the buildings rented within the District of Columbia for the use of the Government, the purposes for which they are rented, and the annual rental of each.

The resolution was adopted.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ENGLISH, for two days, on account of important business.

To Mr. BLAND, for two days, on account of important business.

To Mr. CAPEHART, for three days, on account of important business.

The House then, on motion of Mr. BLANCHARD (at 5 o'clock and 35 minutes p. m.), adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BELTZHOVER, from the same committee: A resolution referring the bill (H. R. 7535) for the relief of Lester P. Chester and Freeland Chester, and Lester P. Chester and Freeland Chester, executors of Thomas R. Chester, to the Court of Claims. (Report No. 1288.)

By Mr. DOLLIVER, from the Committee on War Claims: A bill (H. R. 8372) for the relief of the estate of John A. Rea, deceased. (Report No. 1287.)

Also, from the same committee: A bill (H. R. 8035) for the relief of Anna M. Urban, administratrix. (Report No. 1296.)

Also, from the same committee: A bill (H. R. 7536) for the relief of the legal representatives of John Lee. (Report No. 1298.)

By Mr. CADMUS, from the same committee: A bill (H. R. 7599) for the relief of Charles H. Peirce. (Report No. 1297.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 8362) for the relief of the estate of Benjamin F. Gibbs; and the same was referred to the Committee on Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. LIVINGSTON: A bill (H. R. 8577) to establish a new system of taxation, and for other purposes—to the Committee on Ways and Means.

By Mr. OUTHWAITE: A bill (H. R. 8578) to amend section 1212 of the Revised Statutes—to the Committee on Military Affairs.

By Mr. CRAIN of Texas: A bill (H. R. 8580) authorizing Aransas Harbor Terminal Railway Company to construct a bridge across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex.—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS: A bill (H. R. 8581) to provide for the collection, custody, and arrangement of the military records of the American Revolution and the war of 1812—to the Committee on Military Affairs.

By Mr. WILLCOX: A bill (H. R. 8582) to provide for the publication of the Eleventh Census—to the Committee on Printing.

By Mr. MILLER (by request): A bill (H. R. 8583) to prevent persons from enticing sailors to desert—to the Committee on Merchant Marine and Fisheries.

By Mr. HARVEY: A bill (H. R. 8584) to remove restrictions upon the taxation and alienation of the lands of certain Indians in Oklahoma Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. HERBERT: A bill (H. R. 8602) to authorize the construction of a bridge across the Mobile River by the Chicago, Mobile and Gulf Ports Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. CUTTING: A resolution for the consideration of H. R. 7318 on May 31, 1892—to the Committee on Rules.

By Mr. PATTERSON of Tennessee: A resolution to set apart days to consider bills reported by the Committee on Interstate and Foreign Commerce—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELKNAP: A bill (H. R. 8585) granting a pension to Flora J. Wheeler—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 8586) to remove the charge of desertion against the name of William Dailey—to the Committee on Military Affairs.

By Mr. COOMBS: A bill (H. R. 8587) to remove the charge of desertion from John Wesley Ploss—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 8588) for the relief of Margaret Judge—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 8589) granting a pension to Amelia T. Seywert—to the Committee on Invalid Pensions.

By Mr. MCKAIG: A bill (H. R. 8590) for the relief of Benjamin Smith, of Frederick County, Md.—to the Committee on War Claims.

By Mr. MEREDITH: A bill (H. R. 8591) increasing the pension of Mrs. Ann Atkinson—to the Committee on Pensions.

Also, a bill (H. R. 8592) for the relief of the trustees of the Mount Olivet Methodist Protestant Church, Alexandria County, Va., near Balls Cross Roads—to the Committee on War Claims.

By Mr. SMITH of Arizona: A bill (H. R. 8593) for the relief of A. E. De Corse and J. H. Taggart, doctors of medicine—to the Committee on Claims.

By Mr. SPRINGER: A bill (H. R. 8594) for the relief of the heirs of Peter De Haven—to the Committee on War Claims.

By Mr. WHEELER of Alabama: A bill (H. R. 8595) for the relief of Daniel Hindman, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8596) for the relief of William Moseley, jr., administrator of the estate of Mrs. Temperance Moseley—to the Committee on War Claims.

Also, a bill (H. R. 8597) for the relief of Emily Sharp, widow of Joseph Sharp, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8598) for the relief of Mrs. Levina Wesson, widow of John Wesson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8599) for the relief of James L. Northcut—to the Committee on Military Affairs.

By Mr. WHITING: A bill (H. R. 8600) for the relief of Henry Gallinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8601) for the relief of Benjamin J. Karrer—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ARNOLD: Protest of Farmers and Laborers' Union and citizens of Oregon County, Mo., against the passage of the Brosius lard bill, and for a general pure-food law—to the Committee on Ways and Means.

By Mr. BELKNAP: Petition of Adolph Schapp and 78 others,

citizens of Sebewa, Mich.—to the Select Committee on the Columbian Exposition.

Also, petition of Mr. C. Howe, for the Methodist Church, Ada, Mich.—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOVER: Petition of St. Paul's Lutheran Church of York, Pa., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOWERS: Petition of 19 farmers and millers of Los Angeles, Cal., favoring the Hatch anti-option bill—to the Committee on Agriculture.

Also, petition of 22 soldiers, for the erection of marks of battle lines at Gettysburg—to the Committee on Military Affairs.

Also, affidavit of Lewis Gay, for pension for himself—to the Committee on Pensions.

By Mr. BRECKINRIDGE of Kentucky: Petition of the First Presbyterian Church of Paris, Ky., asking that the Columbian Exposition be not opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRICKNER: Petition of soldiers and sailors from Gen. Lytle Post, No. 190, Grand Army of the Republic, Department of Wisconsin, in favor of preserving and marking battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. BURROWS: Petition in regard to a sixteenth amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Constantine, Mich., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CARUTH: Papers to accompany House bill 8543, for relief of John D. Lanham, Company G, Fifteenth Kentucky Volunteers—to the Committee on Military Affairs.

Also, petition of the Nal & Williams Tobacco Company, of Louisville, Ky., favoring an amendment to the internal-revenue law in regard to the sale of leaf tobacco—to the Committee on Ways and Means.

Also, petition of the Harry Weissenger Tobacco Company, of Louisville, Ky., for the same purpose—to the Committee on Ways and Means.

By Mr. CLOVER: Petition of citizens of McClure, Kans., against opening any exposition on Sunday where United States funds are used—to the Select Committee on the Columbian Exposition.

By Mr. COBB of Missouri: Petition of James Lindsay, to support his claim—to the Committee on War Claims.

By Mr. CRAIG of Pennsylvania: Four petitions of churches of Pennsylvania, as follows: The Presbyterian Church of West Alexander; the Presbyterian Church of Mount Pleasant, representing 205 members; the United Presbyterian Church of Houstonville, Washington County, representing 204 members, and the Presbyterian Church of Venice, Washington County, representing 210 members, all in favor of granting no appropriation to the World's Fair except on condition that its gates shall be closed on the Sabbath day, and that no intoxicating liquors shall be sold on its grounds or any of its buildings—to the Select Committee on the Columbian Exposition.

By Mr. FLITHIAN: Protest of Farmers' Mutual Benefit Association, No. 1139, of Jasper County, Ill., against the Brosius lard bill and for a general pure-food bill—to the Committee on Agriculture.

Also, protest of Farmers' Mutual Benefit Association, No. 520, of Wayne County, Ill., against the passage of the Brosius lard bill and for a pure-food law—to the Committee on Agriculture.

By Mr. FYAN: Protest of Farmers and Laborers' Union No. 1209 and citizens of Lawrence County, Mo., against the Brosius lard bill, H. R. 395, and for a general pure-food law—to the Committee on Ways and Means.

Also, protest of Farmers and Laborers' Union No. 1223 and citizens of Barry County, Mo., against the Brosius lard bill, H. R. 395, and favoring a general pure-food law—to the Committee on Ways and Means.

By Mr. GILLESPIE: Petition of William Thompson and others, asking for the passage of House bill 401, relating to immigration and naturalization—to the Select Committee on Immigration and Naturalization.

By Mr. HEARD: Protest of Farmers and Laborers' Union and citizens of Saline County, Mo., against the Brosius lard bill and for a general pure-food law—to the Committee on Ways and Means.

Also, protest of Farmers and Laborers' Union and citizens of Boone County, Mo., against the Brosius lard bill and for a general pure-food law—to the Committee on Ways and Means.

By Mr. HOOKER of New York: Petition of the Seventh-Day Adventist Church of Cattaraugus County, N. Y., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. A. Andrews Post, No. 287, Grand Army of the Republic, department of New York, for properly marking the battle lines at Gettysburg—to the Committee on Military Affairs.

Also, petition of Edward Maguire, in favor of the exclusive use of the metric system in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. KETCHAM: Petition of F. M. Herbs, tobacco-dealer at Hudson, N. Y., for the repeal of the free-leaf section of the revenue law of 1890—to the Committee on Coinage, Weights, and Measures.

Also, three petitions, one by Rev. A. Mattice, of Pine Plains, N. Y., the second by O. B. Sylvester, of Valatie Union School, of New York, and the third by James Winne, principal of High School, Poughkeepsie, N. Y., for the exclusive use after July 1, 1893, in the custom service of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LOGAN: Three petitions of citizens of Louisiana, remonstrating against the passage of House bill 395, concerning lard and lard compound, and similar measures, etc.—to the Committee on Ways and Means.

By Mr. LAYTON: Petition of the First Presbyterian Church of St. Marys, Ohio, protesting against any appropriation for the World's Fair by Congress unless the managers will guarantee that it shall be closed on Sunday; and that no intoxicating liquors shall be sold thereat—to the Select Committee on the Columbian Exposition.

Also, two petitions of Goshen Grange, No. 573, of Ohio, one urging the prompt passage of a law to prevent gambling in farm products and the other urging the prompt passage of a law to prevent the adulteration of food and drugs—to the Committee on Agriculture.

By Mr. LEWIS: Petition of citizens of Clay County, Miss., against the passage of the Brosius lard bill, H. R. 395—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Petition of Isaiah Quenian for pension—to the Committee on Invalid Pensions.

By Mr. LONG: Papers to accompany bill 4236, for relief of Thornton A. Washington—to the Committee on Invalid Pensions.

By Mr. MCCLELLAN: Petitions of Monroeville, Massillon, Margaret, Flat Rock, Concord, and Antioch, churches of Allen and Adams County, churches of Indiana, against furnishing any further assistance to the World's Columbian Exposition, unless the same be closed on Sundays and that the sale of intoxicating liquors be prohibited upon the grounds of the Exposition—to the Select Committee on the Columbian Exposition.

By Mr. MCKAIG: Petition of 17 citizens of Maryland, praying for a law subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Ways and Means.

By Mr. MEREDITH: Petition of S. S. Bradford, for the estate of Maria Gibson, deceased, late of Culpeper County, Va., for reference of her claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. MEYER: Four petitions of citizens of Louisiana, remonstrating against the passage of House bill 395, concerning lard and lard compound, and all similar measures, etc.—to the Committee on Ways and Means.

By Mr. MILLIKIN: Petition to properly mark battle lines at Gettysburg—to the Committee on Military Affairs.

By Mr. OWENS: Petition of residents of Newark, Ohio, asking for the passage of House bill 2699—to the Committee on Agriculture.

By Mr. OUTHWAITE: Petition of citizens of Columbus, Ohio, for the passage of a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Petition of A. S. Carvey, of Hardeman County, Tenn., praying for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of Theodore Higgs, of Hardeman County, Tenn., praying for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of L. B. Adams, administrator of estate of G. G. Adams, deceased, late of Hardeman County, Tenn.—to the Committee on War Claims.

Also, petition of Richard H. Jones, administrator of Daniel Heffner, of Montgomery County, Md.—to the Committee on War Claims.

Also, petition of Bailey Anderson, of Callaway County, Ky., for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of A. J. M. Thompson, of Caseyville, Ky., for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of John B. Walker, of Todd County, Ky., praying for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petition of John C. Waterfield, B. F. Zugg, and Clifford Woods, and 300 members of the Methodist Episcopal Church of Chilo, Clermont County, Ohio, against opening the World's Fair on Sunday and sale of intoxicating liquors therein—to the Select Committee on the Columbian Exposition.

Also, petition of D. O. Pearson, F. M. Swoope, and 125 members of the Methodist Episcopal Church of Georgetown, Ohio, against opening the World's Fair on Sunday and sale of intoxicating liquors therein—to the Select Committee on the Columbian Exposition.

By Mr. PATTISON of Ohio: Petition of R. S. Kirkpatrick, J. T. Hayslip, and 300 members of the United Presbyterian Church of Cherry Fork, Ohio, against opening the World's Fair on Sunday and sale of intoxicating liquors therein—to the Select Committee on the Columbian Exposition.

Also, petition of Star Grange, No. 1328, in favor of bill to prevent adulteration of food and drugs—to the Committee on Agriculture.

By Mr. PATTON: Papers to accompany House bill 6736, granting pension to Josiah Drummond, Company C, First Illinois Cavalry—to the Committee on Invalid Pensions.

By Mr. POST: Two petitions of Charter Oak Grange, Peoria County, Ill., one for legislation to prevent gambling in farm products, and the other for the pure-food bill—to the Committee on Agriculture.

Also, petition by the same grange, for the pure-lard bill—to the Committee on Ways and Means.

Also, petition by the same body, for legislation to prohibit contracts discrediting legal-tender currency—to the Committee on Banking and Currency.

By Mr. RAINES: Two petitions, one by Myron C. Plough, and the other by E. E. Cates, of New York, in favor of the exclusive use of the metric system in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. RANDALL: Petition of Merchant Tailors' Exchange of Boston, sustaining bankrupt law—to the Committee on the Judiciary.

By Mr. REILLY: Petition of the Standard Publishing Company and other printers and stationers of Schuylkill County, Pa., in favor of repeal of section 3915, Revised Statutes, authorizing the Postmaster-General to have return requests printed on envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Schuylkill County, Pa., in favor of House bill 401, relative to immigration—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition for relief of William H. Lytle, of Murfreesboro, Tenn.—to the Committee on War Claims.

By Mr. SCOTT: Petition of Waynesville and Elm Grove Presbyterian churches, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the First Baptist Church, Pierson, Ill., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of Central Congregational Association, Illinois, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCULL: Memorial of 77 citizens of Somerset County, Pa., in favor of House bill 401, relative to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SHONK: Petition of Henderson Gaylord, Council No. 316, Junior Order United American Mechanics, of Plymouth, Luzerne County, Pa. (29 members), praying for the passage of a bill amending the naturalization laws, etc.—to the Committee on the Judiciary.

By Mr. SPRINGER: Petition of heirs of Peter De Haven, that their claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STORER: Memorial of Bloch Brothers Tobacco Company, of Cincinnati, to repeal the free-leaf section of the tariff laws—to the Committee on Ways and Means.

By Mr. STUMP: Petition of citizens of Mount Washington, Md., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TARSNEY: Additional evidence in the claim of Mrs. Fanny Dowd—to the Committee on Invalid Pensions.

Also, eight petitions of Farmers and Laborers' Union of Missouri, against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of a general pure-food law—to the Committee on Agriculture.

By Mr. TOWNSEND: Petition of citizens of Highland, Colo., in favor of Senate bill 254, extending the privileges of free delivery of the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN HORN: Petition of J. Anthony Bassett, favoring the use of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. WILSON of Missouri: Protest of Farmers and Laborers' Union and citizens of Platt County, Mo., against passage of the Brosius lard bill, H. R. 395, and for a general pure-food bill—to the Committee on Ways and Means.

Also, protest of Farmers and Laborers' Union and citizens of Platte County, Mo., against passage of the Brosius lard bill, and for a general pure-food law—to the Committee on Agriculture.

By Mr. WILSON of West Virginia: Petition of the congregation of the Methodist Episcopal Church of Morgantown, W. Va., of 300 members, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. G. Fellows, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Two petitions relative to the sale of leaf tobacco for consumption free of tax—to the Committee on Ways and Means.

SENATE.

FRIDAY, May 6, 1892.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in response to a resolution of the 11th ultimo, directing him to transmit certain information relative to proposals for the construction of naval vessels on the shores of the Great Lakes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, submitting a draft of a bill authorizing the issue of patents to the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, of Kansas, and for the sale of their respective reservations in Kansas, and for other purposes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ADJOURNMENT TO MONDAY.

Mr. BUTLER. I move that when the Senate adjourn to-day it stand adjourned to meet on Monday next.

Mr. SHERMAN. I hope that motion will be deferred until a little later in the day.

Mr. BUTLER. If we defer it until after 2 o'clock the motion can not be made.

Mr. SHERMAN. I can only call for the yeas and nays on it at present. Perhaps I would not do so later on.

Mr. BUTLER. I make the motion.

The VICE-PRESIDENT. The question is on the motion made by the Senator from South Carolina, that when the Senate adjourn to-day it adjourn to meet on Monday next.

Mr. SHERMAN. On that I call for the yeas and nays.

Mr. BUTLER. I merely desire to state that after 2 o'clock the motion can not be made.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER].

The roll call was concluded.

Mr. McMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. KENNA (after having voted in the affirmative). I am paired with the Senator from Colorado [Mr. WOLCOTT]; but I have assumed that this is a vote on which he would not care to have the pair observed, and so I voted "yea." I will withdraw my vote if his colleague thinks I ought not to vote.

Mr. TELLER. I have no idea how my colleague would vote on this question.

Mr. KENNA. I withdraw my vote.

Mr. JONES of Arkansas. I am paired with the Senator from New York [Mr. HISCOCK], and therefore I did not vote; but as I presume he would vote "nay" if present, I will take the liberty of voting. I vote "nay."

The result was announced—yeas 33, nays 27; as follows:

YEAS—33.

Barbour,	Gibson, Md.	Palmer,	Vest,
Bate,	Gorman,	Pasco,	Voorhees,
Blackburn,	Gray,	Perkins,	Walthall,
Brice,	Harris,	Pettigrew,	Warren,
Butler,	Hill,	Quay,	Washburn,
Cameron,	Irby,	Ransom,	White.
Colquitt,	Kyle,	Stanford,	
Faulkner,	Manderson,	Stewart,	
Felton,	Morgan,	Turpie,	

NAYS—27.

Allen,
Allison,
Berry,
Call,
Casey,
Chandler,
Coke,

Cullom,
Dawes,
Dixon,
Dolph,
Frye,
George,
Hansbrough,

Hawley,
Jones, Ark.
Paddock,
Peffer,
Platt,
Power,
Proctor,

Sawyer,
Sherman,
Shoup,
Stockbridge,
Teller,
Wilson.

NOT VOTING—23.

Aldrich,
Bloodgett,
Carey,
Carlisle,
Cockrell,
Daniel,
Davis,

Dubois,
Gallinger,
Gibson, La.
Gordon,
Hale,
Higgins,
Hiscock,

Hoar,
Jones, Nev.
Kenna,
McMillan,
McPherson,
Mills,
Mitchell.

Morrill,
Pugh,
Sanders,
Squire,
Vance,
Wilcox,
Wolcott.

So the motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MORRILL presented a memorial of citizens of Pleasant Valley, Vt.; a memorial of citizens of Essex Junction, Vt., and a memorial of citizens of North Hyde, Vt., remonstrating against the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MANDERSON presented a memorial of 43 members of the Seventh-Day Adventist Church of Curtis, Nebr., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the First Presbyterian Church of Lincoln, Nebr.; a petition of the Presbyterian churches of Ord and Misa Valley, in Valley County, Nebr.; a petition of the Congregational Church of Cortland, Nebr., and a petition of the First Baptist Church of Cortland, Nebr., praying for the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented a memorial of 16 members of the Seventh-Day Adventist Church and 16 other citizens of Hamburg, Iowa, remonstrating against the union of church and state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Baptist Church of Pella, Iowa; a petition of the Evangelical Lutheran Church of Lisbon, Iowa, and a petition of the Berean Baptist Church of Council Bluffs, Iowa, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented a petition of the First Baptist Church of Cortland, Nebr.; petitions of the Presbyterian churches of Ord and Misa, Nebr., and a petition of the Congregational Church of Cortland, Nebr., praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Ezra Knapp and 79 other citizens of Meigs County, Ohio, praying for the passage of the so-called Wilson-Brosius compound-lard bill defining lard and imposing a tax on the manufacture of compound lard; which was ordered to lie on the table.

He also presented the memorial of E. F. Canfield and 22 other citizens of Chester, Nebr.; the memorial of Mrs. Sadie Lessenger and 7 other citizens of Stuart, Nebr., and the memorial of W. D. Chapman and 3 other citizens of Gretna, Nebr., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. McMILLAN presented a petition signed by the ice companies in the District of Columbia, praying for the passage of Senate bill 2994 to prevent the sale or delivery of ice within the District of Columbia on Sunday, and also praying for the early consideration of the bill by the Committee on the District of Columbia, and the privilege of being heard before that committee in behalf of the bill; which was referred to the Committee on the District of Columbia.

He also presented the petition of Rev. W. A. Bartlett, D. D., and other ministers of all denominations in the District of Columbia, praying for the passage of Senate bill 2994 to prevent the sale or delivery of ice within the District of Columbia on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Presbytery of Detroit, Mich., remonstrating against the passage of any legislation

granting a liquor-license system in Alaska; which was referred to the Committee on Territories.

He also presented a memorial of the Banner Tobacco Company, of Detroit, Mich., through its secretary and treasurer, B. F. Haxton, relative to the unrestricted sale of leaf tobacco; which was referred to the Committee on Finance.

He also presented the petition of J. N. Curtis and 20 other citizens of Butler, Mich.; the petition of Thomas Sinclair and 23 other citizens of Quincy, Mich., and the petition of A. M. Rossman and 32 other citizens of Butler, Litchfield, and Quincy, Mich., praying for the passage of legislation regulating speculation in fictitious farm products; which were referred to the Committee on the Judiciary.

He also presented the memorial of W. R. Evans and 21 other members of the Seventh-Day Adventist Church of Carson City, Mich., and the memorial of E. A. Sevy and 25 other members of the Seventh-Day Adventist Church of St. Johns, Mich., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the faculty and students of Olivet College, of Olivet, Mich., and the petition of W. H. Hall and 262 other citizens of Battle Creek, Mich., praying that the World's Columbian Exposition be closed on Sunday; that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Mrs. F. W. Mudgett and other members of the Seventh-Day Adventist Church of Adams, Mich.; the memorial of J. F. Hutt and 11 other members of the Seventh-Day Adventist Church of Kent City, Mich., and the memorial of James W. Wagner and 24 other members of the Seventh-Day Adventist Church, of Hazelton, Mich., remonstrating against the Government taking any action toward closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of the Methodist Episcopal churches of Fowlerville, Pinconning, St. Helen, Cambria, Constantine, Breckinridge and Wheeler, Ada, Vicksburg, Bancroft, Carleton, Quincy, Newaygo, Parma, Rockland, Leslie, Paris, Buchanan, Harmonia, Casnovia, and Augusta; the Congregational churches of Inlay City, Bronson, Highland Station, New Baltimore and White Cloud; the Baptist churches of Plainwell, Deckerville, Saline, Tecumseh, Chessee, Quincy, Oxford, Dexter, Cedar Springs, Williamston, Ortonville, and Reading; the Congregational and Presbyterian churches of Breckinridge and Emerson; of W. Brown and 36 other citizens of St. Louis; of the Presbyterian Church of Croswell and St. Martin; of the Fort Street Congregational Church of Detroit; of the United Presbyterian Church of Martin; of the Norwegian Evangelical Lutheran Church of Ludington, and of the Cass County Sunday School Association, all in the State of Michigan, remonstrating against the opening of the World's Columbian Exposition on Sunday, and the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of the Methodist Episcopal churches of St. Elmo, Odin, Sandoval, Mattoon, Clayton, Mason City, Colfax, Nokomis, Malden, and Camargo; of the Presbyterian churches of Pisgah, Milan, and Winnebago; of the English Lutheran churches of Princeton and Litchfield; of the Baptist churches of Pierson, Kickapoo, and Mendota; of the Lutheran Church of St. Elmo; of the Congregational and Methodist Episcopal churches of Kewanee; of the United Presbyterian Church of Clayton; of the Presbyterian and Methodist churches of La Rose, and of the Methodist Episcopal and Presbyterian churches of Rankin, all in the State of Illinois, praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Greenville, Ill., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Presbytery of the Mattoon (Ill.) Presbyterian Church, remonstrating against the sale of intoxicating liquors at the World's Columbian Exposition, and also against the substitution of the license system for prohibition in Alaska; which was referred to the Committee on Territories.

He also presented a petition of citizens of Edwards County, Ill., praying for the passage of the Washburn-Hatch anti-option bills; which was referred to the Committee on the Judiciary.

He also presented a petition of the Farmers' Mutual Benefit Association of Sangamon County, Ill., praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. BARBOUR presented a petition of Bland Brothers & Wright, of Petersburg, Va., and the petition of S. W. Venable, of Petersburg, Va., praying for a repeal of the "free-leaf tobacco" provision of the present tariff law; which were referred to the Committee on Finance.

Mr. HARRIS presented the petition of Sternberg & Son, tobacco manufacturers, of Memphis, Tenn., praying for a modification of the act of 1890, in reference to the internal-revenue tax upon leaf tobacco; which was referred to the Committee on Finance.

Mr. TURPIE presented a petition of the Brooklyn (N. Y.) Veteran Association, praying for the passage of legislation exempting veterans from competitive examination for promotion under the civil-service rules; which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Sixth Presbyterian Church of Indianapolis, Ind.; the Baptist Church of Mount Ayr, Ind.; the Lutheran Church of Hartford City, Ind.; and the Methodist Episcopal churches of New Waverly, Moores Hill, and South Whitley, Ind., praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VOORHEES. I present sundry petitions, forty, I believe, in number, from various churches of Indiana, praying that no further aid or assistance be given in the way of appropriations to the World's Columbian Exposition unless the managers give an unequivocal and positive guaranty that it shall remain closed on Sunday; and also on the further condition that the sale of all intoxicating liquors shall be strictly and entirely prohibited on every part of the grounds and in all the buildings used for and by the World's Columbian Exposition. I ask that the petitions be separately noted in the RECORD and appropriately referred.

The petitions were referred to the Committee on the Quadro-Centennial (Select) as follows:

A petition of the Port Fulton Methodist Episcopal Church, of Port Fulton, Ind.; a petition of the Methodist Episcopal Church of Moores Hill, Ind.; a petition of the Methodist Episcopal Church of New Waverly, Ind.; a petition of the Methodist Episcopal Church of Thomtown, Ind.; a petition of the Methodist Episcopal Church of Inwood charge, North Indiana Conference; a petition of the Quincy Methodist Episcopal Church of Indiana; a petition of the Methodist Episcopal Church of Elizabeth, Ind.; a petition of the Methodist Episcopal Church of Worthington, Ind.; a petition of the Methodist Episcopal Church of Crothersville, Ind.; a petition of the Methodist Episcopal Church of Morristown circuit, Ind.; a petition of the Pleasantville Methodist Episcopal Church of Indiana; a petition of the Methodist Episcopal Church of Liberty, Ind.; a petition of the Methodist Episcopal Church of Charlestown, Ind.; a petition of the Methodist Episcopal and Christian churches of Francisville charge, Ind.; a petition of the Methodist Episcopal Church of Peru, Ind.; a petition of the Methodist Episcopal Church of Morocco, Ind.; a petition of the Methodist Episcopal Church of Goodland, Ind.; a petition of the New Palestine Methodist Episcopal Church of Indiana; a petition of the Methodist Episcopal Church of Rockfort, Ind.; a petition of the Methodist Episcopal Church of South Whitley, Ind.; a petition of the Presbyterian Church of Rising Sun, Ind.; a petition of the Memorial Presbyterian Church of Rockville, Ind.; a petition of the United Presbyterian Church of Idaville, Ind.; a petition of the Memorial Presbyterian Church of Indianapolis, Ind.; a petition of the Presbyterian Church of Charlestown, Ind.; a petition of the First Presbyterian Church of Crawfordsville, Ind.; a petition of the First Presbyterian Church of Warsaw, Ind.; a petition of the Sixth Presbyterian Church of Indianapolis, Ind.; a petition of the First Baptist Church of Galveston, Ind.; a petition of the Baptist Church of Action, Ind.; a petition of the Baptist Church of Napoleon, Ind.; a petition of the South Street Baptist Church of Indianapolis, Ind.; a petition of the Evangelical Lutheran St. Peter's congregation of Olean, Ind.; a petition of St. Paul's Evangelical Lutheran Church of Richmond, Ind.; a petition of the Phannel Evangelical Lutheran Church of Fountain County, Ind.; a petition of the Plymouth Congregational Church of Fort Wayne, Ind.; a petition of the First Congregational Church of Fairmount, Ind.; a petition of the Lutheran Church of Hartford City, Ind.; a petition of the Antioch, Concord, Flat Rock, Marquardt, Massillon, and Monroeville churches of Indiana, and a petition of the Young People's Society of Christian Endeavor of Terre Haute, Ind.

Mr. VOORHEES. I also present the memorial of T. C. Achord and other members of the Seventh-Day Adventist Church of Madison County, Ind.; the memorial of B. F. Anderson and 85 other members of the Seventh-Day Adventist Church of Miami

County, Ind., and the memorial of R. H. Sparks and 44 other members of the Seventh-Day Adventist Church of Shelby County, Ind., as follows:

We, the undersigned citizens of the United States, respectfully but decidedly protest against the Congress of the United States committing the Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation.

I move that the memorials be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. COKE presented a petition of citizens of Waco, Tex., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of H. B. Finch and 18 other members of the Seventh-Day Adventist Church of Wills Point, Tex., remonstrating against Congress committing the United States Government to a union of religion and state by the passage of any legislation closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. BRICE presented a petition of 26 members of the Seventh-Day Adventist Church of Yellow Springs, Ohio, remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the First Presbyterian Church of Morrow; of the Fourth Street Presbyterian Church of Marietta; of the Baptist Church of Pomeroy; of the Second Lutheran Church of Springfield; of the Detroit Avenue Methodist Episcopal Church of Toledo; of the Baptist Church of Attica; of the First Presbyterian Church of Fredericktown; of the First Presbyterian Church of New Philadelphia; of the United Presbyterian Church of Cherry Run; of the United Presbyterian Church of Dean; of the Richwood and Fork Presbyterian Churches, of Richwood; of the Presbyterian Church of Pleasant Run; of the Methodist Episcopal Church of Centerville; of the Reformed Church of Somerset; of the First Presbyterian Church of St. Marys; of the Congregational Church of Cuyahoga Falls; of the United Presbyterian Church of Xenia; of the Methodist Episcopal Churches of West Union, Newton, Birmingham, and Youngstown; of the United Presbyterian Church of New Lisbon; of the Methodist Episcopal Churches of Mineral Ridge and Ohlton; of the Reformed Church of Alpha; of the Methodist Episcopal Church of Monroe; of the United Presbyterian Church of New California; of the Methodist Episcopal Church of Sparta; of the First Baptist Church of Van Wert; of the Baptist Church of Haskins; of the Baptist Church of Ostrander; of the First Baptist Church of St. Marys; of the First Baptist Church of Xenia; of the Clarke Street Methodist Episcopal Church of Toledo; of the Methodist Episcopal Church of Sylvania; of the United Presbyterian Church of Kenton; of the First English Lutheran Church of Findlay; of the Methodist Episcopal Church of Newport; of the Baptist Church of Harveysburg; of the Methodist Episcopal Church of Zanesfield; of the Lutheran Church of New Pittsburgh; of the Second Reformed German Church of Cleveland; of the Methodist Episcopal Church of Nottingham; of the Presbyterian Church of South Charleston; of the Methodist Episcopal Church of Oxford; of the Evangelical Lutheran Church of Plymouth; of the United Presbyterian Church of Londonderry; of the Welsh Union Church of Justus; of the Hendrysburg and Mount Olivet Churches, of Belmont County; of the Methodist Episcopal Church of Wilmot; and of the United Presbyterian Church of East Palestine, all in the State of Ohio, praying for the closing of the World's Columbian Exposition on Sunday and prohibiting the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. KYLE presented a memorial of citizens of Madison, S. Dak., remonstrating against Congress committing the United States Government to a union of religion and state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented two petitions signed by sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which were referred to the Committee on the Judiciary.

He also presented a petition of the United Presbyterian Church of Thornville, Ohio, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of 16 citizens of Girard County,

Ohio, members of the Seventh-Day Adventist Church, remonstrating against any legislation by Congress closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of sundry citizens of Missouri, remonstrating against the passage of any legislation by Congress closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented petitions of the Methodist Episcopal Church of DeSoto, Mo.; the Lafayette Park Presbyterian Church of St. Louis, Mo.; the Presbyterian churches of Neosho, Mo., Columbia, Mo., Rolla, Mo., Akron, Mo., Martinsville, Mo., Hampton, Mo.; of the St. James Methodist Church of Clinton, Mo.; of the Methodist Episcopal churches of Centralia and Plattsburg, Mo., and of the Evangelical Alliance of St. Louis, Mo., praying for the passage of legislation closing the World's Columbian Exposition on Sunday and prohibiting the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of John N. Gott & Son, of Boonville, Mo., praying for the repeal of the free leaf provision of the revenue law of 1890, relative to the tax on tobacco; which was referred to the Committee on Finance.

He also presented the memorial of F. De Forest and other citizens of St. Louis, Mo., remonstrating against any action by Congress closing the World's Columbian Exposition on Sunday, or in any other way committing the Government to a course of religious legislation; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a memorial of members of the Seventh-Day Adventist Church of Mount Coffin, Wash., remonstrating against the passage of any legislation by Congress closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Presbytery of Walla Walla, Wash., representing the Presbyterian Church in Southeast Washington, and the counties of Latah, Nez Perces, and Idaho, in Idaho, signed by Seth Cook, clerk, remonstrating against the passage of the bill now pending substituting the licensed-liquor system for prohibition in Alaska; which was referred to the Committee on Territories.

Mr. PETTIGREW presented a memorial of 12 members of the Seventh-Day Adventist Church and 68 other citizens of Brookings, S. Dak., remonstrating against the passage of any legislation by Congress closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO presented a petition of Washington County Alliance, Patrons of Husbandry, of Florida, praying for the passage of legislation emancipating the farming and industrial classes from the unjust taxation of organized capital; which was referred to the Committee on Finance.

Mr. COCKRELL presented a petition of the St. James Methodist Episcopal Church, Clinton, Henry County, Mo., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a petition of the First, Second, and Third Lutheran Churches of Ottawa, Kans., praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the following petitions of Oak Grange, Patrons of Husbandry, of Kansas:

Petition praying for the enactment of legislation to prevent gambling in farm products—referred to the Committee on the Judiciary.

Petition praying for the passage of House bill 395, defining lard and imposing a tax thereon—ordered to lie on the table.

Petition praying for the passage of a bill to prevent the adulteration of food and drugs—ordered to lie on the table.

Petition praying for the free delivery of mails in rural districts—referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE. I present the memorial of J. T. White and other members of the Seventh-Day Adventist Church of Robertson County, Tenn., in the following language:

We, the undersigned citizens of the United States, hereby respectfully but decidedly protest against the Congress of the United States committing the United States Government to a union of religion and the state in the passage of any bill or resolution to close the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation.

I move that the memorial be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. PROCTOR presented the memorial of F. S. Porter and 14 other members of the Seventh-Day Adventist Church of North-

field, Vt.; the memorial of M. M. Raymond and other members of the different organizations of Stowe, Vt., and the memorial of Mrs. C. M. Buck and sundry other citizens of Worcester, Vt., remonstrating against Congress committing the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday or in any other way committing the Government to a course of religious legislation; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented the memorial of R. W. Croskey and 84 other citizens of Verdale, Minn.; the memorial of C. S. Channing and other citizens of Irving, Minn.; and the memorial of Charles A. Crawford, and other citizens of Tomah, Minn., remonstrating against the passage of any legislation closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PALMER presented the petition of Leopold Schepp and 127 other citizens of New York, praying that Congress authorize the Secretary of the War to contract with Charles Stoughton for the completion of the Harlem River improvement, and for the entire work of the Harlem Kills Canal, in the State of New York; which was referred to the Committee on Commerce.

Mr. STOCKBRIDGE presented the petition of David Handshaw and 22 other citizens of Michigan, praying for the passage of legislation prohibiting gambling in farm products; which was referred to the Committee on the Judiciary.

He also presented the memorial of J. D. Schiller and 59 other citizens of Niles, Mich., remonstrating against the passage of any legislation by the States respecting an establishment of religion, etc.; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Congregational Church of Shelby, Mich.; a petition of the Franklin Street Presbyterian Church of Lansing, Mich.; a petition of the First Baptist Church of Reading, Mich.; a petition of the Baptist Church of Ortonville, Mich.; a petition of the Congregational Church of White Cloud, Mich.; a petition of the First Baptist Church of Williams-ton, Mich.; a petition of the First Methodist Episcopal Church of Buchanan, Mich.; a petition of the Methodist Episcopal Church of Paris, Mich.; a petition of the Fort Street Congregational Church of Detroit, Mich.; a petition of the First Presbyterian Church of Croswell, Mich.; a petition of the Presbyterian Church of Mount Pleasant, Mich.; a petition of the Baptist Church of Hartford, Mich., and a petition of the First Presbyterian Church of Evart, Mich., praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HISCOCK presented the memorial of William Boyd and sundry other citizens of Lisbon, N. Y., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Henry Schwahel and 118 other citizens of New York, praying Congress to authorize the Secretary of War to contract with Charles Stoughton for the completion of the Harlem improvement and the Harlem Kills Canal, in the State of New York; which was referred to the Committee on Commerce.

MONUMENT TO HEROES OF REVOLUTIONARY WAR.

Mr. GORMAN. I present a petition signed by Gen. Horace Porter, president, and Gen. James C. Cresap, secretary-general, of the National Society of the Sons of the American Revolution, held in the city of New York during the past month, representing, I understand, the descendants of those who took part in the American Revolution from thirty States in the Union. It is a short petition, stating facts, and praying Congress to aid in the construction of a monument in the city of Baltimore to the heroes of the Revolutionary war, 20,000 of whom were enlisted and served in the Army from Maryland alone. Much as I am opposed, as a rule, to having petitions or memorials printed in the RECORD, I ask that this petition may be read.

The VICE-PRESIDENT. Is there objection?

Mr. HARRIS. Where is the petition from?

Mr. GORMAN. It is from the Society of the Sons of the American Revolution, of which Gen. Horace Porter is president.

Mr. HARRIS. On what subject?

Mr. GORMAN. It prays Congress to appropriate a sum of money for the erection of a monument in Baltimore.

There being no objection, the petition was read, and referred to the Committee on the Library, as follows:

PETITION.

To the honorable the Senate and House of Representatives of the United States, Washington City, D. C.:

Whereas the Maryland Society of the Sons of the American Revolution, organized April 20, 1889, and duly incorporated under the laws of the State

of Maryland, are engaged at the present time in the laudable effort to erect in the State of Maryland a monument to all patriots of the said State who aided during the Revolutionary war to establish the independence of the said State and of these United States of America; and

Whereas Maryland furnished over 20,000 soldiers fully equipped and perfect in discipline to the Revolutionary army, troops that were distinguished for great bravery in the field, as shown:

First. At Fricks Mill Pond, Long Island, where 400 of the Maryland Regiment, under Maj. Gist, with fixed bayonets charged six different times Cornwallis's brigade of Regulars, and by their great gallantry saved the American Army, and caused Washington to exclaim, "Good God! what brave fellows I must this day lose."

Second. As shown when acting as rear guard in the defense of the retreat of the American Army from Long Island and from New York.

Third. As shown at Harlem Heights, when the First Regiment, Col. Griffith, and the Fourth Regiment, Col. Richardson. Regulars of the "Flying Camp," charged and carried with fixed bayonets the intrenchments of the British Regulars and drove them until recalled by Gen. Washington.

Fourth. As shown at Fort Washington, when Col. Moses Rawling's Regiment of Rifles, but 274 strong, resisted the six different charges of a body of 5,000 Hessians, killing and wounding over 600 of the enemy, and only retired from their post after the rest of the American Army had retreated from the field.

Fifth. As shown at Monmouth, where Lieut. Col. Ramsey's Maryland battalion and Col. Stewart's Regiment of Regulars saved the American Army.

Sixth. As shown at Cowpens, where the gallant Capt. John Eager Howard and his Maryland company saved a retreating army and turned defeat into a glorious victory.

Seventh. As shown at Germantown, Trenton, Eutaw Springs, and other battlefields of the Revolutionary war; and

Whereas the United States Government has made a number of liberal appropriations to Revolutionary monuments in other States, or else erected at its own cost the said monuments; and

Whereas nearly all of the over 20,000 heroes of Maryland rest in unknown and unmarked graves, and it is proper and right that their patriotism and great deeds be handed down to future generations, as the patriotism of the people is the safety of the state; and

Whereas the State of Maryland after the said war did by its firm stand against the claims made by the State of Virginia to sole ownership of the Western territory, preserve to the General Government the said territory now largely developed into great States of this National Confederacy, and did also cede for the purposes of the General Government the present District of Columbia, and did advance to aid in erection of proper buildings for the said General Government the sum of \$93,000, which money came in a very large measure from the same families that furnished their fathers and sons to the Revolutionary war; and

Whereas the said Maryland Society of the Sons of the American Revolution intend to apply to the Congress of the United States for the sum of \$40,000 to aid in the erection of the said Revolutionary monument; Therefore,

Be it resolved, First, that this national congress of the Sons of the American Revolution, composed of delegates from the different State organizations, do most heartily indorse the erection of the said monument by the Maryland Society, and ask that the active aid and influence of each and every member of the society throughout the United States be given to the enterprise.

Second, that this congress, by the signatures of its general officers hereto attached, petitions the Congress of the United States that the said appropriation of \$40,000 be granted the Maryland Society of the Sons of the American Revolution to aid in the erection of the said monument to all Maryland patriots of the Revolutionary war.

HORACE PORTER,
President-General,
JAMES C. CRESAP,
Lieutenant, U. S. Navy, Secretary-General,

CITY HALL, NEW YORK, April 30, 1892.

REPORTS OF COMMITTEES.

Mr. BLACKBURN, from the Committee on Naval Affairs, to whom was referred the bill (S. 823) allowing the pay of rear-admirals to commodores while acting as rear-admirals, reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2900) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge over and across the Corpus Christi Channel, known as the Morris and Cummings Ship Channel, in Aransas County, Tex., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2893) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta, Ark., reported it with amendments.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 3076) granting an increase of pension to Wells Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3077) granting an honorable discharge to David Patterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3078) granting an honorable discharge to Spencer D. Gleason; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3079) granting an honorable discharge to Timothy Way; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3080) supplementary to an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, and also to an act entitled

"An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 3081) to authorize the issue of a duplicate to Addison A. Hosmer of a certificate of location of certain land therein described, which has been lost or destroyed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. BARBOUR introduced a bill (S. 3082) for the relief of Sophia Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3083) granting a pension to Henry Stein; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 3084) granting a pension to Martha J. Griffith; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

HAMPTON INSTITUTE REPORT.

Mr. DAWES submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 3,000 extra copies of Executive Document No. 31, first session Fifty-second Congress, being report made by the Hampton Institute regarding its returned Indian students.

POWDER BOATS IN NEW YORK HARBOR.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution submitted yesterday by the Senator from New Jersey [Mr. MCPHERSON], which will be read.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Treasury be directed to remove at once all powder boats used for the storage of powder now lying in the harbor of New York; and that hereafter no boats of this description shall be allowed in said harbor, except boats in transit or those engaged in transferring army and navy supplies of powder.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

Mr. CHANDLER. Since yesterday I have investigated this subject. I find that there are no army or navy boats in the harbor used for the storage of powder. The only boats that come within the province of the resolution—

Mr. DAWES. Let me inquire how the resolution comes before the Senate?

Mr. MCPHERSON. I can not hear the Senator from New Hampshire.

Mr. CHANDLER. I waited for the Senator from Massachusetts.

Mr. DAWES. I understood that there was an arrangement for the order of business this morning.

The VICE-PRESIDENT. The resolution comes over from a previous day.

Mr. DAWES. Is it part of the morning business?

The VICE-PRESIDENT. The Chair laid the resolution before the Senate under the rule.

Mr. DAWES. Is it part of the morning business?

The VICE-PRESIDENT. It is morning business.

Mr. CHANDLER. There are no boats which would come within the purview of this resolution except mercantile powder boats. There are such boats moored in the harbor, and I suppose perhaps that is the safest place in which to keep powder in the vicinity of New York City. I think there is some reason to doubt whether it would be wise to prevent the storing of mercantile powder in those boats in that harbor, but I make no objection to the resolution if the Senator desires its passage, because before it passes the other House the owners of those harbor boats will have an opportunity to make themselves heard.

I desire to call the attention of the Senator, however, to the fact that this should be not a concurrent resolution but a joint resolution, because it is an act of legislation. It is an act directing the Secretary of the Treasury to remove the powder boats, and I do not suppose that that act of legislation can be performed by the two Houses by concurrent resolution; but if the Senator will change the resolution to a joint resolution, which will go

to the President in the ordinary method, I will make no further objection.

Mr. MCPHERSON. Very well; I have no objection to changing the form of the resolution.

Mr. HISCOCK. What is the resolution?

The VICE-PRESIDENT. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. HISCOCK. I should like to have the resolution go over.

The VICE-PRESIDENT. It has already gone over one day.

Mr. MCPHERSON. The resolution came over from yesterday.

Mr. HISCOCK. This is the first I have heard of the resolution, and I should like to ascertain something of the facts.

Mr. MCPHERSON. The facts are simply these: There has been complaint made to the Department by the boards of trade and commerce of Jersey City in the past few years with respect to the nearness of the powder boats that are moored in the harbor of New York and often in and about Bedloes Island and Ellis Island. Before Ellis Island was taken as an immigrant station it was used for the storage of powder; and when the Government took possession of that island the powder which had been stored there for the use of the Army and Navy and also for commercial purposes was stored upon boats in the harbor. At any hour of the day or night anybody who is familiar with that locality will see a hundred powder boats, both foreign and engaged in domestic trade, moored in and about the harbor. It was confessed by the Navy Department and the War Department that there had been hundreds of tons of powder stored on those boats. The people of Jersey City are very much afraid of it; and although the Ordnance Bureau of the Navy Department assured the people of Jersey City that two or three hundred tons of powder blown up in the harbor of New York would not injure anybody that does not satisfy their fears.

There are a great many places where the powder boats could be moored, up the Hudson River, if you please, somewhere along the shore, or down below the harbor in the Kills, or anywhere far removed from these populations.

I have repeatedly asked the Department to make a change. Last year we proposed an appropriation of money, one was offered here, for the purpose of providing a powder magazine for the Navy Department, and they have established themselves in the interior of New Jersey, something like 40 miles from the coast. They have purchased property alongside of the army magazine, which is somewhere up in the mountains of New Jersey, and there they manufacture and store their powder. There is train communication twenty times a day between the powder station and the coast, and powder can be transported on cars if it is to go on board a naval ship, or if it is to be used by the Army it can be put on board a boat and transferred immediately to the ship.

There is no necessity for storing powder in and about the harbor of New York. It is a menace all the time, and if some foreign ship, a merchant ship, if you please, or a naval ship, should come into the harbor and moor alongside a powder boat and by some accident there should be a collision, or a shock upon the boat should explode the powder, the effect would be serious: it would blow all the lot of craft out of the water. It is in close proximity to Bedloes Island, where the Statue of Liberty is erected, and it is a case of the most extreme negligence and carelessness of which I have any knowledge. It is the duty of Congress to simply say that some other place must be provided for storing these immense quantities of powder.

Mr. HISCOCK. Am I interrupting the Senator?

Mr. MCPHERSON. Not at all.

Mr. CHANDLER. If I may be allowed a moment, I should like to ask the Senator from New Jersey whether he understood my statement that there is no army or navy powder in the harbor; that these boats are all private boats for the storage of commercial powder? I have ascertained that fact since yesterday; so that it is not a case as against the army or navy powder boats, but only as against the few boats that are kept there for the storage of powder by private parties for commercial sale.

Mr. MCPHERSON. Then I want to ask the Senator from New Hampshire if that should be permitted? Why should not commercial powder be transported through the harbor in like manner as is the powder to be used for the Army and the Navy?

Mr. CHANDLER. That is a question—

Mr. MCPHERSON. It was confessed here about a year or a year and a half ago that the Navy did store powder on boats in the harbor and so did also the Army, but the occasion for doing that has now been entirely avoided by reason of the close proximity of the powder magazine in the State of New Jersey, some 30 or 40 miles from the coast, with direct rail communication. If the commercial boats in which the commercial powder is stored are moored in the harbor of New York the Secretary of the Treasury, having control of the police department of that

harbor under the revenue system, is perfectly qualified to see that they are removed.

Mr. HISCOCK. This resolution may be all right. I do not know whether it is or not. The condition of things depicted by the Senator from New Jersey has existed for years. The resolution, if it should pass, would not be effective, as it would be simply the direction of the Senate and not a law.

Mr. MCPHERSON. The Senator, then, is not aware of the fact that I have consented to change the form of the resolution and make it a joint resolution for that purpose?

Mr. HISCOCK. What I propose is that in any case, whether in this resolution or a joint resolution, it is always unusual, so unusual that there is scarcely a precedent for it, to pass a measure of this kind unless it has been acted upon and reported by a committee of the Senate. I do not care how speedy action is taken in investigating this question, the sooner a committee may report the better, but in my judgment it should go to a committee; and therefore I move its reference to the Committee on Commerce. I believe the Senator is a member of that committee. Let them report the facts and report a joint resolution. If this action should be justified or desirable, if a half of what the Senator has stated as justifying it is true, it certainly will meet no objection at my hands; but I think, as it interferes with the commerce of a great city and a great harbor, there should be a report upon the question. Therefore I move its reference to the Committee on Commerce.

Mr. MCPHERSON. Mr. President, a single word, if you please. If the Senator from New York had watched the reading of the resolution he would have found that I make no interference in the resolution with the operations of commerce. The resolution itself proceeds against the storing of powder in boats in the harbor of New York and using them for storage purposes. I have no objection to the resolution going to the Committee on Commerce.

Mr. HISCOCK. All right; let it go there.

Mr. MCPHERSON. I hope the committee will report it back at an early day.

Mr. HISCOCK. The sooner the better. I do not intend any obstruction of it.

The VICE-PRESIDENT. If there be no objection the resolution will be referred to the Committee on Commerce. It is so referred.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4636) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WHEELER of Alabama, Mr. NEWBERRY, and Mr. HULL managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States Army, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. SNOW, and Mr. CURTIS managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 250) to authorize the construction of a bridge across the Missouri River at DeWitt, Carroll County, Mo., and to establish it as a post road.

The message also announced that the House had passed the following resolution; in which it requested the concurrence of the Senate:

Resolved by the House of Representatives, (the Senate concurring.) That the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriation for the service of the Government for the fiscal year 1882, and for other purposes, be, and they are hereby, authorized to consider, and, if they deem the same to be necessary, to embrace in their agreement an appropriation for fees of witnesses in United States courts.

CHEYENNE AND ARAPAHOE RESERVATION.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business which was assigned for this hour, being the resolution submitted by the Senator from Arkansas [Mr. JONES] relative to President's message upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw Nations for their interests in the Cheyenne and Arapahoe Reservation. The Senator from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. DAWES. Mr. President, I voted for this resolution in committee, and as I propose to vote for it in the Senate, I desire to state very briefly the reasons which control my vote. Those reasons will not lead me to follow either the Senator

from Iowa [Mr. ALLISON] or the Senator from Connecticut [Mr. PLATT] over the large field which they so elaborately and ably traversed in opposition to this resolution. The reasons which govern my vote are not affected by the conclusions, whether sound or unsound, at which those Senators arrived.

When this matter was originally before the Senate for its action I opposed the legislation then proposed with what ability I had. Under the same circumstances I should oppose it again; but I then distinctly stated that I believed in the equity of the claim. I stated it in these words in answer to the Senator from Arkansas [Mr. JONES], who had charge of the measure:

The Senator from Arkansas knows that I admit the equity of this claim just as broad as he does, but I will state the difficulty standing in the way of putting it on here. The equity arises out of the fact that it was an implied promise on our part that we would take these lands and use them for friendly Indians, and now they say we are going to use them for white people, and the equity is the claim they have for that.

On two or three occasions during the debate I stated in different words my belief in the equity of this claim. The grounds upon which I based my belief about that equity itself further on in the debate I also stated. I am of that same opinion still. I did not think it wise to put that provision upon that bill, and I am of that opinion still; but the matter was otherwise decided by the Senate. It was enacted into a law that we should pay the Choctaws and Chickasaws this sum of money. The President of the United States, for reasons satisfactory to himself, and which, in my opinion, are not open to criticism, was prompted by what I believe was his duty with what evidence he had before him, saw fit to arrest the execution of this law, and to communicate to Congress the information which had come to him which led him to this action. I dispose of that in a single word, and that is that he was obliged, according to his sense of duty, to do as he did. He made no recommendation in this communication. He expressed but a suggestion upon two or three points which I shall consider in order by and by. That message was referred to the Committee on Indian Affairs. It was of such a character that it was impossible for the committee to make any other report than that they did except a report to repeal the law.

Under what conditions is the repeal of such a law justifiable? It is a law, not one that affects the principles of government in the administration of public affairs, but it is a law providing for the payment of a claim, a law passed under the circumstances to which I have alluded. It is not an ordinary question whether the execution of such a law shall be arrested by the Executive, and the next Congress repeal it. In my opinion, unusual conditions must exist to justify such a proceeding. In my service here and in the other House I have known but a single instance of the repeal of such a law. The senior Senator from Wisconsin [Mr. SAWYER] will recollect it, for he and I had something to do with the matter of that repeal.

In the last hours of a Congress a joint resolution was passed authorizing the reopening of accounts of a claimant for services which had already been adjusted and settled in the Department. It was understood at the time to be solely for the purpose of correcting a comparatively unimportant error of a few thousand dollars. It was passed without debate in either branch.

At the opening of the next session of Congress it came to the knowledge of members of the House that under that resolution there was about to be paid in that Department the sum of \$444,000; that an official of high standing in the Department itself had resigned his position there to accept the place of attorney for the prosecution of this claim in that Department, under what was understood to be an agreement that he should have for that service 33½ per cent of the amount allowed. Under those conditions the executive department was requested to suspend that payment. The matter was referred to the committee in each branch of Congress, and the report of those committees to repeal that law passed both Houses of Congress, I believe, unanimously. That is the only instance that I can call to mind of any proceeding analogous to that which we should be called upon to transact here if we proposed to repeal this law.

There are none of the conditions attending that transaction in this. This was passed, as I have said, after long debate. It had been referred previously to the Committees on Indian Affairs in both Houses of Congress; it had been reported upon favorably by the committee of the other branch; it had been pending in the Committee on Indian Affairs of this branch for some time, and able and high-minded counsel, who are above reproach in this country, appeared before that committee in behalf of the Chickasaws and argued the merits of the question. The Committee on Indian Affairs came to no conclusion upon the bill then pending, but recommended an amendment to the appropriation bill, which was brought into the Senate and referred to the Committee on Appropriations. It was there examined, and, though the Committee on Appropriations—I will not say by how large a majority—declined to put it upon the appropriation bill, it was offered as an amendment here in open Senate. As I said to a

member of the Committee on Indian Affairs, though I believed there was equity at the bottom of this claim, I opposed putting it upon the appropriation bill both in the Committee on Appropriations and here.

Every particle of evidence produced here on this question of repealing that appropriation was before each branch of Congress then; it was discussed at length and as long as anyone desired. There was difference of opinion in this body as to what was the force and effect of the evidence, just as there is here to-day; and yet this body and the other House by large majorities enacted that law. If anything can be regarded as *res adjudicata*, that ought to be. There are only in reference to such a claim, in my opinion, two elements which would justify a reversal in a subsequent Congress. One is the discovery and presentation of such new and uncontroverted evidence as shows the claim to be baseless. The other is that its enactment was procured by fraud. When a controversy has been once settled upon the evidence fairly, without fraud, and there is no new evidence to present, I submit that it is not proper for one Congress to try again the effect upon different minds of the same evidence and to reopen and retry such a case.

That is one reason why I was led to vote in committee that there was not sufficient reason, in the opinion of that committee, to interfere with the full execution of this law. What would justify it? Because my friend from Iowa or my friend from Connecticut believing, as they do, that there is no foundation for this, desire to reargue the same thing and see if they can not convince a new court which they failed and I failed to convince, does not seem to me to be sufficient.

Who brings the charge to the door of this claim that any fraud was practiced upon Congress? Who has said here in this debate that the conditions upon which this claim rests are any different to-day from what they were when Congress decided it? In the absence, therefore, of any other considerations, I should not deem it wise for this Congress to undertake to undo in this respect what was done by the last Congress.

I stated, as I have read, that I believed this claim rested in equity. I was unable, among other things, to say at that time what was a just and fair compensation in discharge of the equitable obligations incurred by the United States in the matter of taking this land and appropriating it to a use never thought of between the parties when they made their conveyance. Therefore I do not care to rest the vote I give solely upon what I believe to be sound ground, namely, that no one has presented any reason here for a reversal of the judgment which was not presented at the time it was in hearing.

The equity arises—

I stated at that time—

out of the fact that it was an implied promise on our part that we would take these lands and use them for friendly Indians, and now they say we are going to use them for white people, and the equity is the claim they have for that.

I stated then, Mr. President, that it was an implied promise, and the Senator from Connecticut claimed, while we held an absolute deed from these people, there was an implied promise that we would use these lands solely for the purpose of placing friendly Indians upon them. I then stated that the title was complete notwithstanding this implied promise and implied trust, and that it was in the power of the grantee to convey to a third person that title, and the grantor's only remedy was as between him and the grantee:

My argument with the Senator from Colorado, if I may dignify what I have said in that way, was this: The Senator intimated that they had a legal title, and therefore wherever we put this land they could rest it, holding the legal title. My claim is that we can dispose of this land as we please, but our equities with these Chickasaws and Choctaws remain just the same. We are bound in equity to indemnify them, whatever we do with the land.

I have stated over and over again that this is an equity between us and these Indians. The Senator says it follows the land. I say it does not follow the land for this reason: The Indians did not put it into their deed, but they gave us an absolute deed. Now, Mr. President, when they gave us an absolute deed our transactions with them were such that it placed us under an equitable obligation to them; but they can not attach that to the land, and whatever we do with the land the equitable obligation remains unimpaired.

Mr. President, it is precisely this case: My neighbor comes to me and says, "I want to buy that lot adjoining your house to put a church on." My neighbor and I have perfect confidence in each other, and I say "I will sell you that lot if you want it for that purpose; go and make the deed yourself." My neighbor goes and makes an absolute deed, honestly intending to hold that land for the purpose of erecting a church. Times change, however, and instead of erecting a church upon that land, he sells it to A. B., who erects a slaughterhouse upon it. There can be no question but what A. B. had the perfect title to that land and could erect a slaughterhouse upon it, but I have a claim in equity upon my neighbor to whom I sold it under the under-

standing between him and me that it was to be used for a church—a claim in equity upon him and not upon the land. Therefore it seems altogether unnecessary, if I may say so, for the learned Senator from Connecticut to spend the long time he did yesterday in a learned and elaborate argument to show that this absolute deed did not convey a trust. I was surprised that the learned Senator failed to point out the difference between an express trust and an implied one. An express trust, carried in the deed over to the grantee, follows the land, and can be enforced not only against the grantee but against the land itself.

Now, Mr. President, I admit, as I did a year ago, what the Senator says, that that was an absolute deed carrying no express trust in it; but does the argument stop there? Does the Senator not know that an implied trust, a trust resting upon the promises or understandings of the grantor and grantee, is just as much an obligation in equity as an express trust? The difference between the two is the difference between the man who has given his bond and the man who has given his word.

I let the Senator from Connecticut stand on his argument that there is no trust in this deed. I have never thought this claim rested upon any such ground as that. The question is not whether, because the Choctaws have not got our bond, they have no claim. The question is a higher one in the forum of good morals and equity, have they got our promise? If they have our promise, while we are at perfect liberty, having a complete grant of the lands, to dispose of them to white people if we choose, the question is whether we had any understanding with these Indians when they gave us that deed that we would not use the land for that purpose, but would use it for another. If we had no such understanding with the Indians, this claim has no foundation. If we did have such an understanding with them, this claim rests upon that obligation which exists between man and man, whether we have the bond or not to fulfill our engagements as they were understood between us at the time.

I put this claim upon that ground and no other. I am aware that the phraseology of the bill in its ordinary acceptance carries another item:

For all the right—

This is an appropriation—

For all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapahoe Indians under executive order; said lands lying south of the Canadian River, etc.

Said lands having been ceded in trust by article 3 of the treaty between the United States and the Choctaw and Chickasaw Nations of Indians.

Mr. President, if that phraseology had been this: "Said land was ceded under an implied trust by article 3 of the treaty," everything would have been cleared away in the disposition of this case, except what would be considered as a fair sum in compensation for the breach of that implied trust. Those who drew this clause very naturally fell into this language, because this language is found in all of the documents in the Interior Department from the beginning of this transaction down to the present time. There was no occasion in those documents to draw the line between an implied trust and an express trust, and the phrase was used indiscriminately. So when this amendment to the appropriation bill was drawn it followed that language. Properly it should have said "on account of that cession" or "under an implied trust."

If that strict legal requirement of language had been used there could have been no argument made here by the Senator from Connecticut, which evinced so much learning, in defense of the position with which he concluded that there was not a dollar due these Indians, clinging to and all the time shutting out from view this idea of the possibility of an implied trust, carrying with it, as between grantor and grantee, an equitable obligation binding as between them. The Senator argued as if he believed that the case fell when he satisfied the Senate that the United States had taken a deed absolute in form. If he is right then I ought not to argue here that there is any basis for this claim. But, Mr. President, I prefer—

Mr. GEORGE. I should like to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Massachusetts yield?

Mr. DAWES. Yes, sir.

Mr. GEORGE. When the Senator gets through with that part of his argument which relates to the trust existing at the time of the treaty of 1866, I ask him at that point in his argument to allow me to interrupt him a moment or two?

Mr. DAWES. I shall be very glad to be interrupted.

Mr. President, I would have conceded in the outset, if it would not have deprived the Senate of the learned argument of the Senator from Connecticut, that it was an absolute deed. There

is no question about it. This is the language of it, as plain as any deed ever drawn in Massachusetts or Connecticut:

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth meridian of west longitude, known as the leased district.

There is no limitation upon those words. It is an absolute grant, and it was unnecessary to show what followed from an absolute grant, that we had the power to appropriate it to any use we pleased.

Now, sir, what evidence exists that there was an implied trust? What evidence is there that the understanding between these parties was that we acquired that title for the purpose of putting friendly Indians on the land? If there is no satisfactory evidence that there did exist an implied trust, then this claim falls to the ground, for it can not rest on an express trust; and if there is no evidence of an implied trust, then it has no foundation.

The first evidence which I shall call to the attention of the Senate is the statement of the Senator from Connecticut himself. I summon the Senator from Connecticut himself to the stand to bear testimony that it was the understanding and belief of both parties when this deed was made, that this land was to be purchased for the purpose of placing friendly Indians upon it.

Mr. PLATT.—

On the first day of this debate—

Mr. PLATT. If the Senator will permit me, I will state just what I think was the condition under which this last conveyance or cession was made. I think both parties supposed that that land would always be used for an Indian government, but I do not think that the United States made any stipulation with the Indians that it would so use it. I think that was in contemplation of the parties.

So whatever language was used to obtain whatever was obtained from the Choctaw Indians at that time, it was obtained with the understanding of both parties—

Mr. PLATT. I beg the Senator's pardon. If he quotes me or summons me as his witness, he should use the exact words which I used—a supposition, not an understanding. They supposed, perhaps, that that was the fact. I think I did not use the word "understanding."

Mr. DAWES. That is a difference that should be located in Philadelphia. [Laughter.] "They supposed"—that is to say, they had it in their minds. What does the Senator think is the difference between "supposition" and "understanding?"

Mr. PLATT. I do not desire to interrupt the Senator. I shall, however, if he desires me to.

Mr. DAWES. If the Senator thinks we are trying the merits of this case between the United States and a band of Indians as we try a little trespass case in a justice's court in Massachusetts, either he or I have mistaken our duty here as legislators, and it is probably I—

Mr. PLATT. Shall I interrupt the Senator now?

Mr. DAWES. Not now. I read the Senator's words, and the Senator has put in his explanation.

The next evidence which I propose to call up in support of the idea that there was this implied trust, will be found on the eighteenth page of the report made to the House of Representatives in the last Congress. It is from the report of the Indian Commissioner of the year previous to the entering into this undertaking, and it is in these words:

After extolling area and fertility of Indian Territory, and suggesting as to the Cherokees, Creeks, Choctaws, and Chickasaws "that they should be required to receive within the limits of their country other tribes with whom they are on friendly terms," etc., the honorable Commissioner remarks:

"Under these circumstances I feel that I can not too strongly urge the importance of preserving the 'Indian country' for the use of Indians alone, and in all treaties or other arrangements which may hereinafter be made with its former owners, insisting upon, and, if need be, enforcing such terms as will secure ample homes within that country for all such tribes as from time to time it may be found practicable and expedient to remove thereto."

That was the plan of the Commissioner of Indian Affairs, communicated to the Executive the summer before he himself was appointed chairman of a commission to go down into that Territory and carry out these views. One would infer from that statement that he thought it would be a good deal of a concession to obtain from these Indians of the Indian Territory the right to settle other Indians there. There is nothing in it indicating that he had an idea that he could ever get from those Indians a concession to settle white people there. His end and purpose was to obtain from those Indians the large concession of permitting friendly Indians to rest there, and with that view proclaimed the Executive appointed him at the head of a commission and gave that commission these instructions. These instructions are the next evidence which I summon up here in support of the supposition which my distinguished friend from Connecticut says everybody then entertained.

These Indians had been in rebellion; they had broken their treaties, and this Commissioner thought it was a favorable opportunity when we made new treaties with them to get this con-

cession, and he was put at the head of a commission to go down there and try it, carrying with him these instructions:

First. Each tribe must enter into a treaty for permanent peace and amity with themselves, each nation and tribe, and the United States.

Third. The institution of slavery—

I need not read it all—

shall be abolished.

Fourth. A stipulation in the treaties that slavery * * * shall never exist in the tribe. * * *

Fifth. A portion of the lands hitherto owned and occupied by you must be set apart for the friendly tribes now in Kansas and elsewhere, on such terms as may be agreed upon by the parties and approved by the Government, or such as may be fixed by the Government.

That is one of the large concessions which you are instructed to demand in your negotiations.

Sixth. It is the policy of the Government, unless other arrangements be made, that all the said nations and tribes in the Indian Territory be formed into one consolidated government—

Wherever they may exist in that Territory, whether within what we now call the "Five Nations" or elsewhere, all the nations and tribes shall be gathered under one consolidated government—after the plan proposed by the Senate of the United States in a bill for organizing—

What?—

the Indian Territory.

Seventh. No white person, except officers, agents, and employés of the Government, or of any internal improvement company authorized by the Government, will be permitted to reside in the Territory, unless formally incorporated with some tribe according to the usages of the band.

Mr. President, the Senator from Connecticut thinks this does not mean anything. The sixth provision reads:

It is the policy of the Government, unless other arrangements be made, that all the said nations and tribes in the Indian Territory be formed into one consolidated government.

The Senator says that refers only to the Indians and not to the lands. That is so; but what follows? Is it not as clear as daylight that the object was to appropriate the Indian Territory to Indians under one government? They say so.

I did not interrupt the Senator, but I wanted to ask him what he supposed would have become of this negotiation if there had been an intimation that white people might be put on any of these lands whenever the United States chose? The Choctaws even objected to this seventh proposition because it was not strong enough. The seventh proposition is:

No white person, except officers, agents, and employés of the Government, or of any internal improvement company authorized by the Government, will be permitted to reside in the Territory, unless formally incorporated with some tribe according to the usages of the band.

On September 11, 1865, in a letter addressed to the commissioners of the United States, the Choctaw delegates said:

"In answer, therefore, to your propositions to the several tribes of Indians, we say that the first, second, third, fourth, fifth, and sixth articles meet our approval."

We will consent that the Indian Territory may, with all the tribes in it, be gathered under one consolidated government—and submitted in lieu of the seventh proposition a proposition which provided—

Just what they provided is in these words:—

that "No white person, except officers, agents, employés of the Government, or of any internal improvement company authorized by the Government of the United States; also, no person of African descent except our former slaves, or free persons of color who are now or have been residents of the Territory, will be permitted to reside in the Territory unless formally incorporated with some tribe according to the usages of the band."

The Indians wanted to carry it further and keep out the blacks. Suppose the commissioners had said, "We calculate to get this in such phraseology that we can put white people there; that is our intention;" the Senator from Connecticut would not contend for a moment that the Indians would have treated an hour after that.

But the Senator from Connecticut says that that has reference solely to the home territory, and he says that it is evident that it is because the Choctaws, when they came to make their treaty, went on, not only ceding this land, but they went on and incorporated, at great length and in great detail, into that treaty the idea of a government among themselves. In that provision for that local government so particular were they that no white man should come in there, even under their government, that they put it into the treaty there in that local government. The Senator from Connecticut shakes his head. Am I mistaken?

Mr. PLATT. I think so.

Mr. DAWES. They commence their provision for their local government in the thirty-first article and go into all the details, and then we come to the forty-third article. They made in this treaty the United States promise:

The United States promise and agree that no white person except officers, agents, and employés of the Government, and of any internal improvement company, or persons traveling through, or temporarily sojourning in, the said nations, or either of them, shall be permitted to go into said territory unless formally incorporated, etc.

And the Senator says that having put that provision in there

shows that that is all was meant in the instructions given to the commissioners when they went to negotiate with those tribes as to all their territory, and he finds some strength in the fact that in the books from which he read the word "territory" was printed with a little "t," showing that it had no reference to the Indian Territory, but to that part of the Territory which is the home government. Now, I am sorry to disturb the Senator, but the book I have, printed by the authority of Congress, has it printed with a big "T." The Senator has a book printed by authority of Congress which prints it with a little "t," and I have a book printed by authority of Congress in which it is printed with a big "T," and it is a pretty big thing anyway. If we turn to the instructions which the Senator says can not mean anything but the home government because territory is printed with a little "t," he will find that "Territory" in the instructions is printed with a big "T." Do not let us decide this question between these Indians and ourselves by such arguments.

These are not the only witnesses of what the understanding or supposition was when this deed was made. Mr. Secretary Schurz was called upon for an opinion in reference to this matter, and on the nineteenth page of this report he says:

By article 4 of the Creek treaty, etc.

He recites all those treaties.

By these treaties title was guaranteed to the several tribes, and it was provided that the lands should never be included within the territorial limits or jurisdiction of any State or Territory, but should remain subject to the intercourse laws, which laws have, as before stated, continued in force in all parts of the Territory to the present time.

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which was the foundation of the original scheme.

That purpose was the removal of Indian tribes from the limits of the political States and Territorial organizations, and their present permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in the area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects.

That purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon."

The land ceded by the Choctaws and Chickasaws were, by article 9 of the treaty of June 22, 1865, "leased—

That is a misdate.

leased to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein."

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust. In 1867 the Kiowas, Comanches, and Apaches were settled upon these lands by treaty. In 1869 the Cheyennes and Arapahoes were located by Executive order, the Wichitas being already upon a portion of the same prior to the purchase.

The Senator makes this broad and conclusive answer to this statement of Mr. Schurz, that he was not a lawyer, and that he would not have made that statement in that form if he had been a lawyer. Perhaps that is true. The Senator would not have made it, and I should not have made it in that form. The purchase did not extinguish the trust, because the trust was not created by the purchase. The trust existed and was implied, and, therefore, if Mr. Schurz had simply said that the implied trust remained the same notwithstanding this purchase he would have stated it with almost as much legal accuracy as the most learned Senator who has argued this case in the Senate Chamber. That was the true method of stating it. As a lawyer would state it, the trust implied accompanying this positive absolute conveyance was not changed by the conveyance.

Mr. President, I shall not be able, I regret to say, to conclude my remarks before the time arrives for the execution of the order of the Senate for to-day, and therefore, if the Senate does not object, I shall postpone until Monday what I may have occasion to say further upon this subject.

DEATH OF SENATOR EPHRAIM K. WILSON.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Senate will proceed to consider the special order, unanimously agreed to be taken up at this hour, on which the Chair recognizes the Senator from Maryland [Mr. GORMAN].

Mr. GORMAN. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The resolutions will be read. The Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Ephraim K. Wilson, late a Senator from the State of Maryland.

Resolved, That as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay proper tribute of regard to his high character and distinguished public services.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER. The question is on the adoption of the resolutions offered by the Senator from Maryland.

The resolutions were unanimously agreed to.

Mr. GORMAN. Mr. President, another of those solemn occasions which have so often of late painfully checked the proceedings of the Senate and turned our thoughts from the affairs of public life and the strifes of ambition to the serious future, brings us to-day in the presence of the grave, and makes it our duty to offer tributes of respect to the memory of a former associate, who for nearly six years enjoyed the unbroken confidence and esteem of this body.

My late colleague and friend, Ephraim King Wilson, was born at Snow Hill, Md., December 22, 1821, and died in this city February 24, 1891. He had thus almost completed the period allotted by the Psalmist as the limit of human life, when called to the dread account.

Like most public men who have attained national distinction, he had to struggle against adverse fortune, and to depend mainly on self-exertion for support and advancement. His father, an eminent lawyer, died when this son was a child, bequeathing to him a good name as his only inheritance. He attended school at his birthplace until the age of 15, and then moved to Philadelphia in the hope of pursuing his studies there and of permanently improving his condition.

Without means to attain the first object, he sought employment in a store and remained in that service for a year. The friendly aid of relatives induced him to return home, where he resumed the plan of education originally formed, at the local academies. In 1841, when 20 years old, he graduated with excellent repute at Jefferson College, Pennsylvania.

He taught school for six years in the academies where he had been a prominent pupil, and where his sterling qualities were greatly valued by the faculties of those institutions. During this time of struggling self-support he studied law and was admitted to the bar in 1848. But in the previous year, the people, who knew the worth of his character and the measure of his intellectual reach, elected him to represent them in the house of delegates as a starting step to his predicted eminence.

For twenty years he practiced law with success in a locality where the professional business was not large, and its rewards were limited as compared with that of the great cities. He served as an elector in 1852 on the Pierce and King ticket, when the Democrats achieved a notable victory over the Whigs of that day.

In 1869 he was chosen school examiner and treasurer of Worcester County, and in 1872 he was elected to the House of Representatives in the Forty-second Congress. Subsequently he became judge of the first judicial district of Maryland, and, for six years he won golden opinions for the manner and ability with which that high trust was administered.

On retiring from the bench he was elected to the Senate in 1884, and was reelected in 1890, but died a week before his second term would have begun.

In these different positions, held from early manhood to the close of a long and honorable career he always attracted the fullest trust of the people whom he served. Those who knew him best loved him most for the virtues which, early in life, had enlisted their sympathy and won their affection.

He made no claim to be a brilliant orator nor a showy statesman. On the contrary, he shrank from public parade of any kind; was of a retiring nature, and belonged to that valuable order of public men who, in Parliament and in Congress, do so much to shape legislation by wise counsel and temperate action. He was therefore strong in the committee room where measures are primarily considered, and where his investigations, judgment, and advice were always treated with deserved deference. His speeches before the Senate were arguments, clear, strong, and convincing, and never failed to give high evidence both of the manly sincerity of his convictions and the excellence of his intellectual ability.

Duty was the guide of his life, as conscience was his mentor. His convictions were strong because they rested on principles that rarely relaxed, and, if at all, only on changed conditions justifying the exception. No Senator was more profoundly impressed than he with the perils involved in the "force bill," nor was any more grateful for the patriotic and generous support from the other side which averted that threatened evil. He would have made any personal sacrifice to recognize their aid on that occasion.

His speech on that bill, treating the subject in its constitutional, legal, and political aspects, was a masterly exposition of every point, and placed him in the front of a debate which will pass into history as among the most memorable and important that ever engaged the best minds of the Senate.

His moral courage was of the highest purity and strength. An incurable malady had long warned him that the sword of the destroyer hung suspended by a hair over his head, and might fall at any unexpected moment. With the firm faith of a true Christian he accepted the doom without a murmur, trusting to

the mercy of God, and pursued his paths in private and public life calmly, as if no warning had been given.

My personal acquaintance with Mr. Wilson began twenty years ago, when he became a member of the Forty-second Congress. Residing in different parts of the State, our intercourse was limited until he entered the Senate in 1885. From that time forward, until he was summoned at the bar of Divine Justice, our relations were intimate and cordial, marked by a perfect reciprocal confidence, and without a jar to disturb an earnest friendship, which will always be preserved among my most cherished recollections.

An exemplary life of stern integrity, of sterling honor, and of sincere devotion to the cause of justice, under all conditions, furnish the noblest epitaph to embalm his memory.

When, in the order of Providence, our time comes to close these earthly scenes and to prepare for the everlasting future, as we all should strive to do, let us indulge the cheering hope of being welcomed, as he deserved to be, with "Well done, good and faithful servant."

Mr. WILSON. Mr. President, my personal acquaintance with Ephraim King Wilson is limited to the few years of his membership of this body. During that comparatively brief period I came to know him well. Our association was of such character as gave me definite knowledge of the man, and I found him one—

Who many a noble gift from Heaven possessed.

He was a good man. Can I say more of and for him than these few words express? They embrace all of duty, of conscience, of effort, of mindfulness of others, which evolve that character of human life which stamps with its approval those lines of Longfellow wherein he says:

There is no death! what seems so is transition:
This life of mortal breath
Is but a suburb of the life elysian,
Whose portal we call death.

As we now look upon the portal through which our honored and respected associate has gone from us, and recall the characteristics of the life which he passed in the field of mortal activities, we will not doubt that he now participates in joys which abound in the "life elysian."

He served his State and the nation in various public positions. At the early age of 26 years he was elected a member of the Maryland house of delegates. This fact bears testimony of the high esteem in which the community of which he was a member held him. Nor did his official conduct detract from the character and volume of that esteem. He served his State in both the legislative and judicial departments of its government. He also served the State and the nation in both branches of Congress. And the members of this body know that he was faithful to his trust and competent to discharge its duties. Conscience and duty were his constant companions. Hand in hand they walked with him. This was as he desired it should be, and their presence rounded out the perfection of the quiet contentment and peaceful satisfaction of his useful life.

This dominant trait in the character of Senator Wilson was not confined to the sphere of his public service. As a member of the community in which his home was situated it was ever present with him. Hence while his standard of personal and private conduct was of a high and exacting order, it was not void of a recognition of the element of weakness so often found in men. He recognized that men whose lives were not wholly in harmony with the standard which measured his own might still have done some deeds and effected some results which would make himself and all others of right tendencies their debtors. In such cases I feel quite sure that he would have been willing to apply the words of Whittier, in respect of Burns, and have said:

Let those who never erred forget
His worth, in vain bewailings;
Sweet soul of song!—I own my debt
Uncanceled by his failings!

Nor would this have lowered the high character of the standard which he had erected for the regulation of his own conduct. The more probable effect would have been to have drawn the attention of the erring ones to that better rule of life and of action presented by his standard, at the base of which Justice and Mercy joined hands. Many incidents in the life and experiences of our departed associate illustrative of the suggestion I have expressed might be cited, but I will let them rest where he planted them and with an assurance that I may with truth repeat in his case the words of another:

Man's works shall follow him.

In other lines of life than those I have indicated our departed brother gave abundant evidence that he was what I have called him—a good man. His domestic life presents a picture of beauty, love, tranquillity, and happiness upon which we may look and in very truth exclaim: "There is no place like home."

These descriptive words are few in number, but in comprehensive reach they are without limit in respect of all facts and tendencies which carry us towards a realization of the best conditions of society. If they could truthfully be applied to all of the shelters of domestic life in this land, the necessity for the enactment of regulative laws by the nation and the States would be greatly reduced. That this is not so is not the fault of the man to whose name we do honor to-day. He did his part. In his own case he succeeded. His example and efforts aided many others. He was not selfish. He wished well to all. He worked for what he deemed the good of all. While in some respects his judgment may have failed in its efforts to reach right conclusions it did not do so in respect of those domestic conditions which constitute home life. It would never have been deemed inappropriate by his neighbors for them to hear his domestic circle singing that soul-pleasing song, Sweet Home. And it may be truthfully said when that song and the conditions of the home in which it may be sung are in harmony peace and joy therein abound.

It may be said that such homes are effects, and that causes lie behind them. I will not dispute the correctness of this proposition. I prefer to admit that it is true, for the admission opens the door to an inquiry the results of which will support every assertion I have made concerning the life and ways of Senator Wilson. Why was he the kind of man I have described? Trace his life back to the home in which he was born and spent his childhood, and with which his youth and early manhood were connected, and there is found a chain of evidence of unbroken links connecting his sturdy excellence of character as we knew him with surroundings and influences ever present in the home of his parents. They were members of the Presbyterian Church, and religious thoughts, methods, and incentives to right action were always active in evolving the correct and admirable traits of character which we know Senator Wilson possessed, and which assured to him the respect and confidence of every member of this body who served with him during the years of his membership here.

The influences which I have named as ever present in the home of his parents failed not in their action upon him. Day by day he felt their ever-present force, and as the passing years moved him on to that period of life when he could appreciate the lesson which they evolved, he appropriated it unto himself as a rule of action, and obeyed it to the close of his life. He came to realize that—

The great Creator to revere
Must sure become the creature.

He took to himself the lesson which the conditions of the parental home life taught him with firm resolve:

Not for to hide it in a hedge,
Nor for a train attendant;
But for the glorious privilege
Of being independent.

To the practicalities and daily routine of his life he applied that lesson, and through all the years and experiences of his temporal journey it assured to him an independence of action which belongs only to those whose motives, actions, and lives are open books for all to read and understand. Such independence always gives happiness to its possessor, who is never weighted down by any secret which he fears may come to the knowledge of others. This character of independence accompanied Senator Wilson from the home of his childhood, where the religious teachings and influences of his parents prepared him for that journey of life which closed in the home of his own family, where like conditions were ever present. All along the journey of his life this element of strength accompanied him. In early home, in school, in private occupations, in the domestic circle, in public station, and in the presence of that messenger who summoned him to enter upon the life elysian this element of strength was ever with him. This proves that by him its presence was ever welcome; that his heart and mind were ever open to it.

Mr. President, we do but perform a duty by according formal recognition to the admirable traits of character ever present in the life of Senator Wilson. Let not our remembrances of him end with this day. We owe it to ourselves as well as to him that this shall not be. The lines of the years which measured his life do also encircle a field of reminiscences where we may gather facts, test principles, study motives, and learn how surely moral forces and religious influences tend to promote the best interests of the individual, the home, the family, and the community. We may do all of this and not sever contact with the actual facts of his personal experiences in life. And this but proves that all that I have said in respect of the high standard of his character, the facts, methods, influences, and motives which developed and established it, and the results which came to himself and others therefrom constitute but a true story of his life. This being the

case, I feel free to earnestly repeat the injunction I have heretofore uttered—let not remembrances of him end with this day. The lessons embraced in the lines of his life may be helpful to all who remain on Time's side of the portal through which he has passed from us to the life elysian. He has gone from us, but the lessons remain with us, and if studied and rightly used will give strength to all who advance towards the portal through which he has passed.

Mr. BERRY. Mr. President, when I came here in March, 1885, I met for the first time Hon. E. K. Wilson, who had a few days before taken his seat in this body as a Senator from the State of Maryland. He was then past the meridian of life, had served in the other House of Congress, and for many years as judge of the court in his State, and was in full possession of strong, vigorous, and well-cultivated intellectual powers. From that time until his death in February, 1891, I sat near him in this Chamber, and learned to know him intimately and well.

I know from the character of the man and from conversations had with him that the idea would have been peculiarly and especially disagreeable to him if he had thought that any Senator here would after his death overstate, embellish, or exaggerate in any way his abilities, his virtues, or his good qualities. I would not willingly disregard his wishes in this behalf, and yet it is difficult to speak of him as he was without seeming to exaggerate to those who did not know him well. Judge Wilson was peculiarly and in a marked degree a modest man, and I think in his own mind habitually, undervalued, and underestimated his powers and his abilities. He was a man of studious habits, and with strangers retiring in his disposition. He had read and thought much. He knew the history of his own and other countries well. He was an accurate and profound lawyer, and had made a special study of the Constitution of the United States.

He was thoroughly familiar with all of its clauses and sections, with the reasons given by its framers for their adoption, together with the rulings and decisions of the Supreme Court bearing upon each. And the speeches made by him here as to the powers and duties of Congress under the Constitution entitle him to rank with the ablest lawyers of the Senate. There is running through all of these speeches a purity of thought and purpose, a devotion to duty, a love of country, and an earnest desire for the happiness and prosperity of the people that show him to have been a patriot and a true man.

Judge Wilson was not a great leader of men, nor did he desire to be; he was too modest and unassuming for that; he did not possess that aggressiveness, that self-assertion, that inborn desire to control and direct the actions of others that is necessary to successful leadership. And yet the knowledge of men and their conduct, the quick perception of justice, of right and wrong, and firmness in adhering to principle were qualities that he possessed to an unusual degree. I have never known a more thoroughly honest man or a purer man in each and all of his acts, both public and private.

During the six years that I was associated with him I never knew him to do an act that a gentleman ought not to do, or that could justly be the subject of criticism; and when his mind and conscience were convinced that he was right, no persuasion and no influence could swerve or change him from his course. I distinctly remember a conversation I had with him shortly before his death. It was in regard to a bill pending here to which we were both strongly opposed. I asked him, in case it became necessary to defeat it, if he thought we would be justified in withholding our votes for the purpose of breaking a quorum, and he answered me in substance that he regarded the bill as a very bad one; that it would work great injury to the people of the country, and especially to the people of the Southern States; that he was bound to those people by many ties, and especially by the fact that his favorite brother had fallen in battle a soldier in the Southern army, and that there was no personal sacrifice that he would not make to serve them, or to prevent injury to the country in which they lived; but the Constitution required him as a Senator to vote if present, that he had sworn to obey it, and that he dared not violate his oath.

And this, Mr. President, was in keeping with his whole life and the principle upon which he acted in every case. Without any pretence and without parade of superior virtue he did the right as he saw the right. Judge Wilson lived for years in the constant expectation of sudden death; he knew that the disease from which he was suffering was liable to cause his death at any moment; he often spoke of it, not lightly or irreverently, nor in any gloomy or desponding way, but calmly and courageously, as a brave man would speak of something that could not be avoided, and that he was ready to meet without fear of the future, but that he hoped might be postponed for the sake of his wife and daughters, who were dependent upon him and to whom he was devotedly attached. Judge Wilson believed in the Chris-

tian religion with all the faith and confidence of a little child, or as he once said that he had no more doubt of its truth than he had that sooner or later death would come to us all.

Such is a simple statement of the life and character of the deceased Senator as it was impressed upon me. He was the highest and best type of the old-time Southern gentleman—brave, generous, open, direct, and unsuspicious, despising fraud, false pretense and double dealing of every character, full of charity for the faults and mistakes of others, always respectful and deferential to all womanhood, thoughtful and considerate of the feelings of all with whom he came in contact, devoted to his country, his home, and his family, he lived and died the true gentleman and the true man. As I stood by his deathbed in the presence of his weeping wife and daughter, I could but feel that it was impossible for any man to have been intimately associated with him, without having a higher and better opinion of his fellow-man, and without feeling also that for one who had done his duty so faithfully and well here, it could not be otherwise than well with him hereafter.

Mr. PLATT. Mr. President, an exacting and somewhat impatient public is disposed at times to criticize the Senate because on occasions when one of our members has deceased we pause for an hour and lay aside the intense work of Senatorial life to recall his virtues and to pay our tribute of respect to his memory. I think the Senate does well to pause. I think it is well at times to forget the intense, practical, utilitarian life which we live, and turn our thoughts to other features of life.

"Life" and "death" are the two most momentous words in our language. Their correspondents are the most momentous words in every language. Each is equally a mystery.

Life is a thing of daily experience. From the time when we first know that we live till we pass off the stage we are daily conscious of living. We enjoy life and cling to it. Death is not a matter of human experience. No man has experienced death. We only know that we shrink from it. It seems to me sometimes that these matters of life and death and their issues are of such transcendent importance, are of so much more consequence than the affairs of state, important as they are, that we do not think half enough of them.

I believe, then, it is well for the Senate to pause at times—to let a calm as of the holy Sabbath stillness steal over this room, where there is so much of contention and strife and struggle, that we may think upon what we are and what we are to be.

I cannot speak of the deceased Senator from the standpoint of an intimate personal friendship. Indeed, the associations of Senators here seldom result in close and intimate friendships. We all come to the Senate somewhat late in life; the Constitution prevents very young men from entering the Senate, and the ties of close personal friendship are not often formed after the years when men usually enter this body. And yet there is something growing out of our relations, something growing out of daily association in this Chamber, even if we do not see one another in the home, which I think leads us to appreciate a fellow Senator perhaps as much as in the case of intimate personal friendship outside of the Senate Chamber. We come intuitively, as it were, to know each other; and I think in no body in the world does a man pass for what he really is and in no other body is a man so well known by his associates and comrades as here in the Senate.

So I feel to-day that I have a right to speak a word in memory of the deceased; that I have a right to lay my tribute upon his grave; that I have a right to mingle my voice with the voices of those who were his more intimate personal friends.

He impressed me as being eminently a statesman, a gentleman of the olden time, a gentleman of the universal type, in the best sense of that word—a gentleman, one whose train of thought and expression reminded us of the times past, when this Government was in its infancy, and, sitting here to-day, I have thought that his appearance in the Senate Chamber was very much what we might expect if Samuel Chase and Charles Carroll of Carrollton, who signed the Declaration of Independence, or Luther Martin, who was so conspicuous in the Constitutional Convention, were permitted to come and take their seats in this Chamber.

He was a surviving representative and type of that class of men. He was simple, affable, courteous, dignified in his bearing, as he was faithful, earnest, and patriotic in his character. He was more than that—he was a Christian gentleman; and in these days, when men struggle for fame and position and for what are supposed to be the honors of this earthly life, it is well to remember that there is no honor higher than that of a Christian gentleman. He acted well his part, and we are told that "there all the honor lies."

He has gone from us, and I am sorry to say that when an associate departs from among us or from the walks of life we are apt to ask two questions about the deceased: Was he rich? As

the world measures riches, I do not know and I do not care. I know, whether he had pecuniary means and wealth or not, that he was rich in all those qualities of mind and heart which ennoble human nature; and that in that sense he was rich. Was he great? I do not know, because I do not know what constitutes greatness. I do not know by what standard we are to judge men when we call them great. I know that no man can be honored by a State like Maryland with a seat in this body and be reflected with unanimity who is not able and strong, and who has not earned in some way the confidence of the people whom he represents.

It is enough for me to know this about him. And I know, too, that it may well satisfy human ambition to be able to represent a State in this Chamber, and to so possess the confidence of one's constituents as to be thus reflected.

Greatness is often factitious, deceptive; it is often wrought out for men by various means. I know that the deceased Senator never struggled to be esteemed great. I know that he would never make use of any means to parade himself in his State or in the nation as a great man. I know that he had no desire for what is called a national reputation; that he was content if he were known and appreciated within the borders of the State where he was born and where, I have no doubt, he looked forward with pleasure, if one can be pleased with such prospect, to sleeping in its soil. Senators who knew him most fully have said to-day, in our hearing, that he was a good man, a pure man, an honest man. Are not these qualities after all the real essentials of true greatness?

He has left us. One Saturday afternoon, in the busiest and most intense period of our legislation, he left his seat, apparently as well as usual, and apparently with no notice that he was to be summoned away, and on the Tuesday following he was gone.

Has that life which so impressed itself upon us—for his life has impressed itself upon ours—ended? It is said that no man lives for himself, no true man lives entirely in himself, but also in the lives of others with whom he associates and upon whom he impresses his own character. Has that life ended? Hope says no. Faith adds its negative; reason convinces us that it is not ended. So we hope, we believe, and in the light of revelation we know, that the mortal life which was so developed and rounded out here has now begun its period of immortal development and growth, and that if we are true, as he was true, we may yet meet him, who has but gone away, in that other world where all strife and struggle shall cease, except the strife as to who may best perform the will of the Infinite Master.

Mr. GRAY. Mr. President, I came into this body on the same day with Judge Wilson, and though I had long known him by reputation, I had never met him before. Our acquaintance then begun ripened into a friendship which grew stronger with each succeeding year, and continued unbroken until that sad night when I stood beside his dying bed and witnessed through my tears the last expiring sigh which released his chafing spirit and marked the close of his honored and useful life.

It is not for me to dwell at length upon his character as developed in the State in which he lived and in the atmosphere of home and neighborly surroundings; but it is pleasant for me now to recall that my own State and the eastern shore of Maryland, where Judge Wilson passed his life, are essentially one community. The lower peninsula of Delaware and of the Eastern Shore counties of Maryland and Virginia is geographically unique. Its isolation before the days of modern transportation compelled a business and social intercourse which threw its people upon their own resources and produced a homogeneity of population, interests, and feeling that is largely observable down to the present day. Its people are the descendants of the original English settlers, with little or no foreign admixture since the war of the Revolution; and the sturdy virtues of the original stock have been preserved and strengthened under the opportunities presented by a fertile soil, abundant room, and free institutions.

Nowhere have the best traditions and instincts of the Anglo-Saxon race taken deeper root than in this region or more conspicuously borne their natural fruit of individual liberty protected by law, and of that developed capacity for self-government which has made possible the distinctive American commonwealth, and which remains the surest safeguard of its perpetuity.

Born of the best of this stock, Judge Wilson, by the inherited tendency of an honorable lineage, molded by such an environment, developed that beautiful and well-rounded character that it is our pride to speak of as typically American.

No truer representative of an intelligent, honest, and noble people ever held commission on this floor. With no alloy of selfishness or self-seeking to mar the fair proportions of his character, he seemed to avoid rather than seek the distinction of

public office, and the State that delighted to honor him, whether in high judicial station or as one of its representatives in one branch and the other of the Federal Congress, honored itself in so choosing him. High individual character must always be the most valued product of a free State, and on the other hand no contribution can be made by the citizen to the upbuilding of his State and the well-being of its society more valuable and enduring than the high character himself achieves by the practice of private and civic virtues. This contribution Judge Wilson made in full measure to his State and to the nation.

His was a rare combination of intellectual and moral strength. His opinions on public questions were not hastily formed, but were the result of careful and painstaking investigation, by a well-disciplined mind, and were vitalized by an earnest moral nature. Judge Wilson thought and reasoned honestly, and a certain intellectual integrity characterized his mental processes and gave an almost religious strength and fervor to his convictions. These he could not compromise, much less surrender.

It is not surprising that such a man should impress himself strongly on those with whom he came in contact. But Judge Wilson had a natural reserve, and was so free from anything like self-exploitation, that only those who became well acquainted with him and were honored with his friendship could fully appreciate the value of his counsel, and the wisdom that characterized his thoughtful utterances. His judgment on public questions was often sought by his party associates, and was freely and fearlessly though withal modestly given. His speeches were always carefully prepared, and were characterized by clearness of thought, logical presentation of the matter in hand, and a sincerity of conviction that was itself persuasive. He never failed to secure respectful attention from the members of this body, as well from those who differed as from those who agreed with him politically.

These speeches as they are preserved in the record of our debates will be an enduring monument to his broad statesmanship, and a valuable contribution to the political thought of our time. But their present effect was due to the high, sincere character that was behind them. Such a character is stronger always than speech. The latter is only one mode of expression of the former; but there are a hundred other ways, often unseen, in which character exerts its potent influence on the thoughts and actions of men. We all felt stronger and safer for Judge Wilson's presence among us. Low or unworthy conceptions of public duty could not assert themselves or thrive in the moral atmosphere that surrounded Judge Wilson. He was—

The still strong man in a blatant land—

So beautifully described in "In Memoriam."

If time permitted it would be pleasant to dwell upon those tender graces of his character which so endeared him to his friends and made friends of so many. The quiet, genial smile with which he greeted you, and the genuine courtesy of his manner, were the outward expression of an inward grace; with an unobtrusive consideration for others, and an unaffected suppression of self; with an unvaunted, but always present, though quiet courage, he filled the ideal of a Christian gentleman. Clear in his high office, conscientious in the discharge of every duty, with unclouded mind and unabated Christian fortitude, he calmly awaited the inevitable end that sooner or later must come to all. As we stood by his open grave in the old churchyard at Snow Hill, where we laid him to rest, in the soil of the State he loved so well and served so faithfully, the prayer of the Psalmist almost involuntarily rose to our lips, "Let me die the death of the righteous, and let my last end be like his."

Mr. MITCHELL. Mr. President, I respond with pleasure but in sorrow to the request of the friends of our late colleague to add a word of tribute to his memory.

When Ephraim K. Wilson, late a Senator from the State of Maryland, responded to the call of the Great Master, a good man in the broadest sense of that term, an able, efficient, and faithful Senator, passed to his rest.

It is perhaps a custom, which would doubtless be "more honored in the breach than the observance" to indulge in exaggerated eulogium on occasions like the present. While desiring to avoid subjecting myself to this criticism, I feel constrained to say it has never been my good fortune to become associated, either in public or private life, with a man more justly entitled to universal esteem, or more lovable in all respects, than was the late Senator Wilson. For six years I had the honor of being associated with him in the performance of the arduous duties of two important committees of the Senate—Claims and Post-Offices and Post-Roads.

The intimate official and personal association which this service together of necessity created, afforded ample opportunity to become thoroughly acquainted with our late colleague in the sev-

eral capacities of lawyer, judge, legislator, and private gentleman; and thus knowing him, no words of mine can appropriately or adequately express the high esteem with which I came to regard him long ere he was called to pay that greatest of all debts which nature and nature's God exact sooner or later of every individual of the human race.

Senator Wilson was in many respects, yes, I may say in all respects, a model man. Modest and retiring in disposition, courteous and kind in demeanor, he at all times, on all occasions, from all with whom he came in contact, compelled the very highest order of esteem and won universal respect. Firm in his convictions, deliberate in action, conscientious in the discharge of every duty, earnest and able in the advocacy of the right as he understood it, unsparing and even caustic in his denunciation of that which he believed to be wrong, he stood in all these respects a peer among the very best of his associates both within and without the Senate.

Judge Wilson was an able lawyer. There was nothing erratic in his mental make-up. He possessed that rare faculty of quickly noticing and accurately marking legal distinctions. He had a judicial mind. He readily comprehended and was quick to grasp the nature and scope of a legal proposition, and he seldom failed in accurately defining its boundaries, or in making correct application of the principle involved to the facts of the case in hand. He approached the investigation of a case with the utmost care, with scrupulous exactness, always bringing to bear upon it the most thorough research, and not until he had completely mastered every detail of both fact and law involved was he willing to define his position and rest his judgment. In the performance of official duty, industry, conscientiousness, and thoroughness were with him marked characteristics.

He was not an orator. His speeches in the Senate, while characterized by faultless diction and good literary taste, were not eloquent in phrase, but consisted rather of plain and accurate statement of facts and principles, followed by logical deductions and forceful arguments. His speeches were well calculated to carry conviction by reason of his faultless premises and correct reasoning. They were free, however, from any attempt at embellishment—to please the fancy or excite the imagination with the flowers of rhetoric.

He was a plain man of the older and better type. While in his daily life he was genial, companionable, and unostentatious, he was nevertheless always dignified in bearing, and in his intercourse with his fellow-men all the characteristics of the true Southern gentleman were always manifest. Well grounded in the current literature of the day, he was wholly free from the arts of the pedant.

He was an able and safe committeeman, a wise counsellor, an upright judge. As a member of the Committee on Claims, so great was the confidence reposed in him by his associates, both in respect of his legal ability to analyze and develop the real merits of a claim, and of his absolute impartiality as between claimant and the Government, that when he stated his conclusion it was, as a rule, accepted *nem. con.* And to-day if in the investigation of a case in that committee the statement is made that such case had at some prior time been examined and reported upon by the late Senator Wilson of Maryland, his report is immediately procured and his conclusions almost invariably adopted without further debate.

The State he has served so faithfully in the capacity of judge and legislator may in its past history have produced more eminent, more brilliant men, but in those great qualities of moral worth, integrity of purpose, and unflinching fidelity to every public and private trust, no one of them, however eminent, however brilliant, however good or great in all respects, is justly entitled to any more honorable mention or any more prominent place in the history of the State or nation. The captivating eloquence of a Winter Davis, the magic logic and surpassing power of argument of a Reverdy Johnson, may through the pages of history linger with matchless inspiration on the ears of future generations, to charm the fancy and incite the imagination of men; yet from those same historic pages is reflected the record of the genial, modest, noble life of our deceased colleague, which will live in history as one well worthy of imitation—a lesson to instruct, when the mere eloquence of words and the masterly logic of a great mind have lost their potentiality and wasted their power to charm.

In the death of the late Senator Wilson I confess having experienced a personal loss, and in sorrow I submit this brief but imperfect tribute to his memory. What a blessed satisfaction it must be to those who stood in closer relationship, bound to him by tender kindred ties, that the life that has gone out was so completely faultless, so free from all blemish, so pure, so exceptionally good! It is indeed with saddened hearts, moistened eyes, and inexpressible sorrow we take final earthly leave of a loved one as he stands on the brink of that dark and silent river; and

when the phantom boat with its muffled oars and unseen sails moves noiselessly out across its measureless waters, bearing such loved one to the hidden shore of that "undiscovered country, from whose bourne no traveler returns," the heart grows weary and life seems to us worse than death, and to us to die seems better than to live. But then it is when encompassed by this whirlwind of sorrow that the knowledge of the fact, if fortunately the fact it be, that the record of the life obscured is such an one as marks the career, both public and private, of our late colleague, comes to the rescue, the sun breaks through the rifted clouds and again we think it good to live.

An able lawyer, a faithful, practical, efficient legislator, an upright judge, a modest, unassuming, dignified private gentleman has preceded us in the journey to the tomb. But he has left a monument to his name and fame more enduring than marble shaft and imperishable as the stars—a monument builded by himself. It is the proud, the spotless record of a pure, active, unostentatious, and useful public and private life. Peace to the ashes of the distinguished dead! His life was gentle as a mother's love and pure as the mountain stream. His name will be revered and his virtues treasured in the minds and hearts of his countrymen, but by none with greater devotion and fidelity than those who knew him best.

Mr. PASCO. Mr. President, during the closing hours of the Fifty-first Congress two of our distinguished colleagues departed this life; one, after suffering for months from a lingering and painful disease, which had made his seat long vacant before the final summons came, the other, after a brief illness, previous to which he had been engaged with his usual assiduity in the daily discharge of his duties in this Chamber. They were both near the border line of the allotted time of man; Senator Hearst had passed over itsome six months before, and Senator Wilson would have crossed it before the completion of the year upon which he had entered. The exacting demands of public business so near the close of the session did not permit their surviving colleagues to notice these sad events immediately after their occurrence in the manner established and sanctioned by the time-honored practice of this body, and it has been deferred to the present session to pay the usual tributes to the memories of those whose terms were thus prematurely closed.

My intimacy and association with Senator Wilson during the few years I have been honored with a seat in the Senate justify me in taking a personal part in the exercises of this day, which has been set apart to pay fitting tributes to his memory, and my admiration and regard for him make it a pleasant privilege to speak of his excellent qualities, his many virtues, his recognized ability as a lawyer, his faithful devotion to his duties as a public officer.

When I first came here as a member of this body, more than four years ago, I was assigned to a seat that brought me very near to him. I also found myself associated with him upon one of the hard-working committees of the Senate, and in our daily association and the frequent discussions and consultations of the committee room we had excellent opportunities of forming correct opinions of one another, and our acquaintance gradually ripened into a mutual friendship.

He enjoyed the advantages of a liberal education, and after graduating at Jefferson College in Pennsylvania he studied and practiced law and for six years was judge of the circuit in which his home was included. His associates upon the Committee on Claims of this body will all bear testimony to the diligence with which he investigated matters committed to him for examination, the readiness with which he discerned the important points of a case, the clearness with which he stated his conclusions, the strength of argument with which he fortified these conclusions in the committee room, and, when it became necessary, on the floor of the Senate. Although one of the older members of the committee he shrank from no labor, he avoided no responsibility, and was seldom absent from the committee room when the time arrived for holding a meeting. And when important legal questions were discussed upon this floor he not infrequently submitted a prepared argument, which included the results of his study and investigation, and his colleagues, who were interested in the subject under discussion, always found it profitable and instructive to listen to his statement of the question and the conclusions he had reached.

The people of Maryland were fond of doing him honor. In addition to his judicial services he represented his county in the house of delegates, his district in the national House of Representatives, his State in the electoral college, and in 1885 he became a member of this body. He had already been elected to serve a second term when his life of usefulness was closed before the new term commenced. In all these official positions he sustained himself well and discharged his duties earnestly, faithfully, conscientiously, successfully.

In this busy world of Congressional life there are many and various fields of usefulness. Opportunities for distinction are afforded to men whose abilities and acquirements are altogether dissimilar and whose previous opportunities and attainments have been widely different. Some have made legislation their profession and are armed and equipped with a thorough knowledge of all its details. During a long experience in public life, they have assisted in making history and know the inside as well as the outside workings of the principal events which have transpired within their period of observation and action. Some have spent the best years of their lives upon some particular subject until they have really become experts and when matters come before us in which those subjects are involved, these specialists are in a position to render invaluable service to the country.

The large majority of our membership, however, in both Houses come from the ordinary walks of life, and most frequently without any special training for the duties to be discharged here. They come from the different professions, from manufacturing interests, agricultural pursuits, mining industries, banking institutions, and other places of industry and activity. But whatever his previous experience a career is open to each. Some have a fondness and capacity for work that is done directly under the eye of the public and very naturally a higher estimate is put upon their services than upon the services of those whose best work is done in shaping the business of the body in the committee room and in the daily social intercourse of Senators with one another.

The brilliant speech is discussed from one end of the country to the other; but the carefully prepared report, which disposes of some great subject and includes the result of weeks of labor, is quietly filed away in the document room after its results have been accepted and acted upon, and in the vast majority of cases it is never even read publicly before the Senate. But Senators know the great value of work of this sort, and we are better able to appreciate those by whom it is done than those are who only see the results and hear the public debates.

Much of Senator Wilson's work was done in this quiet, unobtrusive way, though he was ever ready to defend his views and opinions publicly when the occasion required. He always thoroughly mastered his subject, and his opponent could never present a phase of it that he had not studied and considered. But his best work was in preparing for his committee meetings and in his consultations with his associates in the committee room. During the six years of his service he examined many cases and subjects of very great importance, and left the results of his investigations among the printed reports of his committee, where they will remain among our permanent records as silent witnesses of his ability and industry. His mind was eminently judicial, and there was no pride of opinion in him to keep him from modifying his decision, even up to the last moment that he had control of a case, if his researches or the light of the conference room developed new facts or clearer views of the law.

It was in this quiet, unostentatious way that he went on in the discharge of his duties here, enjoying the esteem of his associates and the confidence of the people whose interests he represented.

I have stated that death came to him after only a short warning, but the visit was not unexpected. He had been looking for it for many months, and at one time felt so doubtful as to whether he would live to complete his first term that he seriously contemplated whether he should not decline a reelection. Some improvement in his symptoms, however, caused him to dismiss this idea from his mind; but he used to talk of his symptoms and premonitions to his associates calmly and evidently without mental disturbance. He felt at times that he could not be sure of a single day and that he might be stricken down at any moment.

But he was prepared for the change, and death had no terrors for him. His daily walk among us attested the sincerity of the religious faith he professed. There was no ostentation about his religion, but during his long life it bore fruit, which proved it to be genuine. He was truthful, kind-hearted, gentle, forbearing, free from malice and ill-will, generous and just. No one who associated with him could doubt his sincerity. His faith and his works were in entire harmony.

Senator Wilson was born at Snow Hill, on the eastern shore of Maryland. It is the county seat of Worcester County, a quiet little town, apart from the great lines of trade and travel, in the midst of an agricultural country, between the Atlantic and the Chesapeake. Here he grew up, and here his home life was spent among neighbors and family connections, who loved and respected him.

It is in such quiet sections of our country, where there are comparatively few changes in the population, that life is spent

most serenely. Men so situated do not hurry through the days of their usefulness in a mad rush for money and power and fame, and decay prematurely, but they grow old gradually, like the ripening grain, and enjoy the autumn of life with its mellowing tints.

I was a member of the committee that accompanied the remains of our departed friend to this peaceful home and saw on every side proofs of the high regard and respect in which he was held by all classes of his people. The coming of the funeral train had been announced by telegraph, and when we reached the section of country where he lived there were groups of people at every little station, white and black, who had collected to hear the particulars of his death and show their respect for "the Judge," as he was familiarly called.

When the burial services were held the morning after we reached Snow Hill, a large part of the population attended the funeral procession to the church where he had worshiped all his days, and the house was filled with an attentive congregation. We saw him laid at rest in the old-fashioned churchyard among the relatives and friends and neighbors who had gone before him to the life beyond.

This was the last of earth to him. But what a grand departure from earth's scenes. What a noble ending of a well-spent life was his. Faithful to every trust, enjoying the love of his family and neighbors, retaining to the last the confidence of the people of Maryland, he laid down life's burdens and cares and entered upon his eternal rest.

Well may the members of his family rejoice rather than sorrow as they contemplate his serene and peaceful and successful life, and his happy departure; well may the great State that gave him birth and honored him in his lifetime delight to do honor to his memory.

Mr. DIXON. Mr. President, a custom, grateful in observance and appropriate in ceremony, suspends the daily routine of the Senate, while the individual members of this body cease from labor.

This is not alone because an associate has been taken from his place, not alone because of sorrow, for "the air is full of farewells to the dying," but because a part is wanting of the prescribed means and appliances in the Government; because a break is made in the constitutional construction of the Senate. By the incident of death, a great State has been deprived of her constitutional representation here.

This, sir, it is that bids us pause while the tribute paid by the affectionate sorrow of those who here were his associates, to the memory of Ephraim K. Wilson, points to that place once so familiar to him, recalls that figure once so familiar to us, when day by day as health permitted with unobtrusive dignity he met the duties of his office. He was known in his place in the Senate as an unassuming man of strong intellect, sound judgment, scholarly attainment, careful and thorough in investigation. He did not often take part in debate, yet when he did address the Senate he was heard with deference by his colleagues, for all knew that his words were studied, that his sentiments were expressed after mature deliberation, and free from the bias of partisanship. Although he viewed the great questions of national import and administration in the light of his political affiliation, he would not allow his judgment to be perverted by party considerations nor permit his party allegiance to interfere with the continuance of the business of this body for the purpose of accomplishing a party advantage. Steadfast to his official obligations, constant in his service, his patriotism directed his partisanship.

Learned in the law, his knowledge, guided by sound judgment, brought him to conclusions in which his associates were apt to coincide when he had expressed the reasoning which led to his decision. Gifted with great mental power, trained by assiduous study, with rare perception, governed by a strict regard to the dictates of conscience in all things, he endeavored to do exact and equal justice.

His familiar friends knew that he was conscious of an infirmity that some day would loose the silver cord and break the pitcher at the fountain. Full well he knew that in his daily life he must avoid excitement, that he must shun the combat and live apart from strife if he would live out many days.

I first met Mr. Wilson at the beginning of the last Congress; we were assigned upon the same committee. In frequent meetings, the singular, almost feminine gentleness of his character, appealed to me; while, perhaps, disparity in years and strength moved him to tell me of himself, and of the care that he had exercised, made necessary by his ailment—an ever-present and impending shadow.

Others in more fitting diction than I could use have here recalled Mr. Wilson's service to his State and country; have told

how willingly the people of his State had honored him; of his career while arbitrating their disputes, as judge, and then bestowed the expression of their highest confidence by elevating him to be their Senator. Not once, for he was just about to enter on a second term of service in the Senate when the shadow rested, and in the moment of its resting a change had come, and Ephraim K. Wilson had "entered into converse with the mighty dead."

Mr. President, it is difficult to say what is the measure of a man. To the possession of great wealth some ascribe success; in the expression of popular applause some see the culmination of desire; the adulation paid to conquering heroes some think the highest aim of human ambition; while others who recall the day when that place—his place that had been—just across this Chamber, was draped with black, while on the outer doorway to this room in heavy folds was hung the emblem of our mourning, the conspicuous tokens that death had entered here, might think that this could measure what he was. But, when the supreme moment comes, and fading sight leaves sightless eyes, we do not measure men by such rude scales.

It is the custom when a member of this body dies, that some of his companions, appointed by the presiding officer, shall represent the Senate at the funeral. With others, I performed that service, and journeyed from the Capitol to Mr. Wilson's home. A company of mourners—for all were mourners—gathered in and round the church where Mr. Wilson in his life had met in worship with his friends. It seemed as if the whole community had gathered there to do him reverence.

Old men were in that company, whose whitened locks and feeble steps betokened that their separation from their friend would not be long; young men were there, and through their tears looked on the face of him who had been from their youth their counselor and friend; and children, too, had come in sorrow; and all were mourners; not because a Senator was dead, not because a leader of the people had passed away, but because their neighbor, their kind, true, noble-hearted friend had passed the "portal we call Death." And when the man of God arose a solemn silence fell upon the congregation, broken only by the preacher's voice as he rehearsed, in part, the story of Mr. Wilson's life, spoke of him as a friend, a neighbor, and a man, and bade the youth to emulate the virtues of the man who was their father's friend and theirs; spoke words of comfort to them, and, quoting from the word of Him who when on earth had said, "I am the resurrection and the life," told them they should not grieve as those who have no hope. Tenderly the friends of earlier years bore their dead friend into the little churchyard, called in ancient Saxon phrase "God's acre," and there committed his ashes to the earth and his spirit unto Him who gave it.

As we turned to leave that new-made grave, that little "chamber that faces toward the sunrise," I looked into the faces of his mourning friends, old men and young, and each one told how good he was, how gentle and how kind; how he had ministered to the wants of those in need, had sympathized with those who were distressed. The whole community had sought his counsel, and in perplexity had gone to him for aid; and as they told the story, into my mind came that old tale about the search for that rare face, cut strong, yet kind, against the sky. The rugged rocks set in the mountain side, so massive and so grand, when viewed from one position, show the form and feature of the human face. So, it seemed to me, I had viewed him. In his place here, the strong and sturdy mind, set in the structure of the Government; and when I viewed him there, that one position gave a new picture, and I beheld the kindest, gentlest phase of his whole character. There his greatness only made his character more gentle, there his fame but made his life more kind; and I saw the measure of that man in the sorrow of his friends.

We eulogize the dead, raise monuments to heroes, embalm the memory of statesmen in the archives of the nation. The eulogy is forgotten, the monument crumbles, the archives of nations are obliterated, but such a life as Mr. Wilson lived is a memorial time can not destroy; for, "each man makes his own stature, builds himself; virtue alone outbuilds the Pyramids; her monuments shall last when Egypt's fall."

Mr. GIBSON of Maryland. Mr. President, while the arrows of death which flew so thick and fast among the ranks of the Fifty-first Congress robbed the councils of our country of many from other States with whom it was our happy fortune to meet, those of us from the State which I have the honor, in part, to represent are called upon to-day to mourn the loss of a personal friend and colleague.

As a friend lamenting his death, and as a Senator of the United States, among the first and the earliest of my duties in this body, I to-day lay my tribute of respect upon the grave of my honored predecessor, the late Senator Ephraim K. Wilson.

Cox, Nutting, and Wilber of New York, Randall, Kelley, and Watson of Pennsylvania, Gay of Louisiana, Laird of Nebraska, Townshend of Illinois, Walker of Missouri, and Phelan of Tennessee, in the House; while Beck, Wilson, and Hearst in the Senate complete the dread list of those who fell victims to the grim reaper death.

As thus conspicuous, Mr. President, as was the Fifty-first Congress in the death of its members, it suffered no more serious loss than in the death of Senator Wilson.

The insatiate archer found no more shining mark than in him. In the city of Washington, at ten minutes past 10, on Tuesday night, February 24, 1891, Senator Wilson died of heart disease. He sank away without pain.

He was conscious almost to the last. When asked if he suffered any pain his lips moved in answer: "No."

He had for some time had a premonition of death. It seems, in talking to an associate—Senator BERRY of Arkansas—shortly before his death, he remarked: "I have heart disease, and fear it will carry me off like a flash some day."

I entered Congress with him in 1885, he having been elected to the Senate by the preceding Legislature, while I had just been elected to my first term in the House. I qualified as a member of the House when Congress first assembled, early in December, but he was unable to take the oath of office as a member of the Senate until the 19th of March following.

His delay in taking his seat in the Senate was due to his desperate illness, from the first attack of what, it seems, he felt himself was to be the fatal malady which would take him off sooner or later.

When he first appeared in the Senate—speaking of himself afterwards with reference to that period—he said: "I have often thought of the startled gesture of surprise my friends made when they first saw me—a pale, thin, haggard man, just arisen from a bed of dangerous and protracted illness! To me small, then, indeed, did the chances appear that I would live to serve in the Senate as long as I have."

That terrible form of heart disease known as *angina pectoris* had claimed him for its own, and for him there was never more of hope in this world. His friends—myself among the number—did not appreciate this fact; but he knew it, and we now realize that he appreciated it. "He knew that the angel of death had come near him before," and "wondered why he had stayed his dart."

As time drew on he recovered, apparently, his usual good health. His friends felt that the grand climacteric of his life had been reached and successfully passed, and were looking forward for him for a new lease of life of usefulness to his State and country. Alas, how little they knew.

For many weeks and months did he bear with silent solicitude and noble reticence the consciousness of a painful and fatal malady. "The specter of death had been ever with him, the unbidden guest at every feast, and the companion of every waking hour." He walked in the very valley of the shadow of death. And yet all the while he sought to have those about him infer that his eye had not grown dim, and that neither was his natural force abated.

Senator Wilson's life, from his youth up, was passed 'mid the scenes and associations of that beloved section of the State where he was born. He was never far away from "the brooks by which, in early life, he sported." He lived under the trees his fathers had planted, enjoyed their shade, and was nourished by their fruit.

While his life was not one of vicissitudes, it was not an uneventful one. He was born December 21, 1821, at Snow Hill, Worcester County, on the eastern shore of Maryland, a section of his State he was specially called to represent as a Senator of the United States.

After being admitted to the bar, in 1848, he opened a law office in his native town of Snow Hill. His faithfulness to all the duties of life, both public and private, soon brought him clients and a lucrative practice, furnishing him at the same time with passports to universal confidence and esteem.

He practiced law for twenty years, but the altercations of the profession and the excitement of the trial table were not congenial to his tastes, and we find him withdrawing from the bar, and, like Diocletian of old, retiring to the peaceful pursuits of agriculture upon his farm.

Without desiring it, in 1872 he was nominated and elected to Congress, and distinguished himself to an extent rarely attained in one term. Contrary to the practically unanimous demand of his constituents, he declined a renomination, and again retired to the indulgence of his quiet taste in farming and literary pursuits. He was not long, however, permitted to remain in retirement.

In the winter of 1878 he was appointed by the governor of Maryland as associate judge to fill an unexpired term. In the

following fall he was elected for a term of fifteen years as one of the associate justices of the first judicial circuit of Maryland.

He was elected to the United States Senate in January, 1884, to succeed Senator James B. Groome. His election to the United States Senate came as unexpectedly to him as did his election to the House of Representatives. But the Senate of the United States was to him, after all, the forum of his efforts, and its honorable commendation was the goal of his ambition. On January 15, 1890, he was elected for the term expiring March 4, 1897. Alas, that when his people commended this chalice of exultant satisfaction to his lips he should not be permitted to enjoy it! He never lived to enter upon his second term.

Judge Wilson was twice married. His first wife was Mary Dickerson, of Worcester County, who left him two children, a daughter, Ella, and a son, W. Sidney Wilson. This son was the "apple of his father's eye," a man of magnificent physique, pleasant address, happy social qualities, and of high position in his chosen profession of the law. He represented with honor and distinction his county in the house of delegates of Maryland, and was subsequently elected to the position of prosecuting attorney for his county, a position which he now holds with distinguished success.

In 1869 Judge Wilson married Miss Julia A. Knox, of Snow Hill. Four children blessed that marriage, two sons and two daughters. The sacred and tender relations of Judge Wilson's domestic life were of the happiest character. In early life he was united to the Presbyterian Church, and he died in the faith of his fathers. Within the sacred precincts of the churchyard of old "Makmie Church," in the restoration of which he took such a leading part, his remains lie buried.

I knew Senator Wilson well. I knew him in all the relations of life—social, professional, and political. In all of these he more than measured up to all the requirements of the positions in which those relations placed him. He was not an aggressive man in any sense. He was not wont to ride forth like a knight full-armed, with couched lance, to strike with pointed steel the shield of his adversary, challenging him to mortal combat, or with mighty mace or battle-axe cleave his way through the ranks of the opposition. He was not "a born leader of men," nor a "fighter" in the sense where blows were to be dealt and felt. He cared not to blaze a path for himself through unbroken forests, but preferred rather to follow where others had led, content to make broader the paths he trod, and smoother and brighter to travel because of his having traveled therein himself.

Yet he was not lacking in force of character. He had strong convictions on all questions of public policy, and had the courage of his convictions. While the tenor of his life was even and noiseless and without the dash and brilliancy that attracts attention, in the Senate of the United States he knew that he would meet with the best minds of his country in his day, and it was his pride not to shrink from contests with such, nor did he fail to measure up to all the requirements of statesmanship that every occasion demanded of him.

He was strong and unswerving in his party faith. As a Democrat, the principles of Jefferson were the rule and guide of his faith and practice, yet he could hardly be called a partisan. His political creed was, "That he serves his party best who serves his country best." As a statesman his views were always elevated and broad-gauged. The ends he aimed at were his God's and his country's.

But it was not in the world of politics that Judge Wilson found a congenial field for the fullest scope of his ability. As a lawyer Judge Wilson ranked high, not perhaps so much as a brilliant advocate as he did as a thorough lawyer. Cautious, painstaking, and laborious in the examination of every question presented to him for his judgment, he was always a safe counsellor and advisor. Yet it can scarcely be said of him that he was fond of his profession; the practice of the law was a business with him, hardly a labor of love.

He accepted public office as a duty, because he felt that his people called him to it, and that they did so because they had confidence in his integrity, intelligence, and industry, and to accept was his duty out of grateful regard for their confidence reposed in him.

It was in his position as a judge on the bench that Judge Wilson found his most congenial surroundings. His was a judicial mind. With a bearing the most dignified, he was always upright and above suspicion. He held the scales of justice with an even hand.

Judge Wilson typified, to an absolute degree, the exalted chivalry of the profession so grandly portrayed by the eloquent Senator from Indiana [Mr. VOORHEES], then a member of the House of Representatives, in his celebrated speech made in February, 1863, in the House of Representatives:

I belong, sir—

Said the eloquent Senator—

to a profession which is glorious in history. I rejoice that I have spent some of the days of my manhood in the study of a science in the adornment of which Erskine and Curran, Webster and Grimké spent their lives. The legal profession has had much to bear in the hostile criticisms provoked by an unworthy class who inhabit the vestibule of her temple and allure to their meshes the unwary pilgrims who seek her shrine for substantial relief. The artful trickery of ignoble minds has been assigned as an attribute of the profession of the law and its lower walks. That pestilential brood which swarms around the base of the pedestal of honorable fame has, to the casual observer, sanctioned such a view. But this is all unjust. There is an atmosphere near the sun in which the great jurists of twenty generations dwell; they have been the forerunners of legal liberty. They have never hung upon the skirts of governmental progress.

Other professions have formed technical barricades against the advance of popular freedom, and questioned the divinity of the people; but those who have drunk deep of the fountains of that "perfection of reason," English and American law, recognize the voice of the people as the voice of God. It is a matter of record that the legal profession has been the patient, the tolling, the inspired handmaiden of liberty. I pause, however, to inquire whether my brethren of the law have forgotten the examples of the past; whether the exalted chivalry of the profession is dead? Do you stand by power, or do you stand by the oppressed in destitution? Is your motto the scepter of exaggerated and bloated authority, or is it the farmer at the plow handle, in grand though humble demand for his rights as a free man under the Constitution? The mission of the law, as the chosen apostle of freedom, has always been to succor the oppressed, the feeble, the suffering, and the poor, and to minister, in the spirit of the great Master, to those whom Christ blessed upon the Mount of Olives.

It was in this atmosphere near the sun that lived and dwelt the honored subject of these remarks.

Of his distinguished services to his State and nation in the Senate of the United States it is not necessary that I should add to what my colleague has so well and fittingly recounted. Of his personal traits of character it were small worth for me to speak among those in this Chamber who knew him closely. Kind and courteous to all, dignified and unostentatious, slow to take offense and ready to forgive; too learned in those traits which make the gentleman to be otherwise than gentle; with a delicacy of regard for the feelings of others, and as sensitive as instinct, he moved in and out among his fellows as absolutely the impersonation of a gentleman of the old school as it has ever been my good fortune to observe.

He died surrounded by all the gentle ministries that make life worth living. Few men in public life have passed from earth away whose lives after the last page has been written will bear as close a scrutiny and have so little to hide and excuse, so much to commend, reflect upon, and take pattern by.

I saw him die! I watched his last feeble fleeting breath, and as awed I stood in that chamber of death, amid that awful stillness which is like unto nothing save the stillness of the breast when the spirit hath departed, breathing an inward prayer that "Heaven might rest the soul of my deceased friend," I could not fail to add the heartfelt invocation for myself that I might—

So live that when my summons should come to join
The innumerable caravan that moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death;
I might go, not like the quarry slave at night
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust, approach my grave
Like him who had but wrapped the drapery of his couch
About him and had disposed himself to pleasant dreams.

Mr. President, I ask for the adoption of the resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be read.
The Secretary read as follows:

Resolved, That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

The resolution was agreed to unanimously; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned, the adjournment being until Monday, May 9, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 6, 1892.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read, and after correction was approved.

EXPENSES OF UNITED STATES COURTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to the urgent necessity for additional appropriations, to defray the current expenses of the United States courts for the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF JUDGMENTS AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to an appropriation for the

payment of judgments and awards against the United States on account of damages caused by the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Appropriations, and ordered to be printed.

OTOE AND MISSOURIA INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a draft of a bill submitted by the Commissioner of Indian Affairs to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria Indians, in the States of Nebraska and Kansas, and for other purposes;" which was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House the following Senate concurrent resolutions; which were severally referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be reprinted 5,000 copies of House Document numbered 51, first session Forty-ninth Congress, on Cattle and Dairy Farming; of which number 2,000 copies shall be for the use of the Senate and 3,000 copies for the use of the House.

Resolved by the Senate (the House of Representatives concurring), That there be printed for distribution by the Bureau of Navigation of the Treasury Department, 2,000 copies of the twenty-third annual list of the Merchant Vessels of the United States, for the year ending June 30, 1891, as prepared by the Commissioner of Navigation.

BRIDGE AT DE WITT, MO.

The SPEAKER also laid before the House an act (H. R. 250) to authorize the construction of a bridge across the Missouri River at De Witt, Carroll County, Mo., and to establish it as a post route; with amendments of the Senate thereto.

Mr. HEARD. Mr. Speaker, that is a bill which was introduced by my colleague [Mr. MANSUR], who is now absent, and I ask unanimous consent that the amendments of the Senate be concurred in. The only material amendments are those extending for one year the time within which the construction may begin, and also extending for one year the time for the completion of the work. The other amendments are merely formal.

The amendments were read.

The SPEAKER. If there be no objection a vote will be taken on the Senate amendments in gross.

There was no objection, and the amendments were concurred in.

OBE SUTHERLAND.

The SPEAKER also laid before the House an act (S. 1379) to provide for a pension for Obe Sutherland, late a teamster in the Quartermaster's Department of the United States.

The SPEAKER. This is a Senate bill which was amended by the House. The Senate has nonconcurred in the House amendment and requests a conference.

Mr. DOCKERY. I ask that the House agree to the conference requested by the Senate.

The SPEAKER. In the absence of objection, the House will insist on its amendments and agree to the conference asked.

There was no objection.

ESTATE OF JAMES W. SCHAUMBURG.

The SPEAKER also laid before the House the bill (S. 261) for the relief of the legal representatives and devisees of James W. Schaumburg.

Mr. STONE of Kentucky. I ask unanimous consent that this bill be now put on its passage.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I think the bill ought to go to the appropriate committee, and I object to its present consideration.

Mr. STONE of Kentucky. This bill has been favorably reported in the House and Senate a number of times, and it has on different occasions been passed by each House. This claim ought to be paid without further delay.

Mr. KILGORE. I shall have to insist on the bill going to a committee.

Mr. STONE of Kentucky. I ask unanimous consent that the bill be allowed to remain on the Speaker's table.

Mr. KILGORE. As the bill in that position would be liable to be called up at any time, I object.

The SPEAKER. The bill will be referred to the Committee on War Claims.

Mr. KILGORE subsequently withdrew his objection; and there being no further objection, the bill was returned to the Speaker's table.

SENATE BILLS REFERRED.

The SPEAKER. There are on the Speaker's table a number of Senate bills, which, in the absence of objection, will be referred to appropriate committees, their titles being published in the RECORD, without detaining the House with reading them.

There was no objection; and Senate bills of the following titles

were respectively read a first and second time, and referred as indicated:

A bill (S. 2599) releasing the right, title and interest of the United States to the piece or parcel of land known as the cuartel lot to the city of Monterey, Cal.—to the Committee on the Public Lands.

A bill (S. 2465) for the relief of D. D. T. Farnsworth, of Upshur County, W. Va.—to the Committee on War Claims.

A bill (S. 2334) to authorize the construction of a bridge across the Red River of the North, at Quincy, N. Dak.—to the Committee on Interstate and Foreign Commerce.

A bill (S. 1916) to provide for the erection of a public building at Washington, Pa.—to the Committee on Public Buildings and Grounds.

A bill (S. 1915) to provide for the purchase of a site and the erection of a public building thereon at McKeesport, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

A bill (S. 1708) for the relief of Mrs. Sarah J. Waggoner—to the Committee on Pensions.

A bill (S. 1356) granting a pension to Abigail L. Finney—to the Committee on Invalid Pensions.

A bill (S. 2140) to authorize the Secretary of the Interior to convey to the State of Kansas the use and control of certain lands therein for the purpose of a soldiers' home for old soldiers and their families—to the Committee on Public Lands.

A bill (S. 878) granting an additional land district in the State of Montana—to the Committee on Public Lands.

A bill (S. 817) granting a pension to Maria S. Whitney—to the Committee on Invalid Pensions.

A bill (S. 795) to provide for the erection of a public building at Charlottesville, Va.—to the Committee on Public Buildings and Grounds.

A bill (S. 234) for the relief of the National New Haven Bank of the State of Connecticut—to the Committee on Claims.

MILITARY POST NEAR HELENA, MONT.

The Clerk having read the title of the bill (S. 1881) to establish a military post near the city of Helena, in Lewis and Clarke County, in the State of Montana.

The SPEAKER said: This bill was passed by the Senate some time ago and transmitted to the House. Since then the House has passed a bill for the same object, which the Senate has concurred in. If there be no objection, therefore, this bill of the Senate will be indefinitely postponed.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PAGE of Maryland, until Tuesday next, on account of a death in his family.

To Mr. DE FOREST, until Monday next, on account of important business.

To Mr. COOLIDGE, for two weeks, on account of important business.

FEES OF WITNESSES IN UNITED STATES COURTS.

Mr. SAYERS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives (the Senate concurring), That the conferees on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7818) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year 1892, and for other purposes, be, and they are hereby, authorized to consider, and if they deem the same to be necessary, to embrace in their agreement an appropriation for fees of witnesses in United States courts.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ORDER OF BUSINESS.

Mr. STONE of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry. Is not the regular order this morning the consideration of private business coming over from last Friday?

The SPEAKER. The first business in order is the call of committees for reports; after that private business will be in order unless the House should dispense with it by vote.

Mr. STONE of Kentucky. I ask that the call of committees for reports be dispensed with, and that the committees be permitted to file their reports with the Clerk.

There being no objection, it was ordered accordingly.

Mr. STONE of Kentucky. Would not the regular order now be the consideration of bills reported to the House last Friday from the Committee of the Whole on the Private Calendar?

The SPEAKER. This being Friday, if the gentleman demands the regular order, the Clerk will report such bills as were reported from the Committee of the Whole last Friday.

Mr. BLANCHARD. I rise to a parliamentary inquiry. The gentleman from Kentucky, as I understand, moves that the business on the Private Calendar be now taken up.

Mr. STONE of Kentucky. I am simply demanding the regular order.

Mr. BLANCHARD. Mr. Speaker, I ask whether a motion to lay aside the Private Calendar in order that the House may proceed to the consideration of the river and harbor bill is not in order?

The SPEAKER. Under the rules, Friday in every week is set apart for the consideration of private business unless otherwise determined by the House. It has been always held, as the Chair understands, that a motion to go into Committee of the Whole on the Private Calendar is in order under this rule, and that if the motion be voted down it is understood to be a determination by the House to dispense with private business for the day.

In this case the gentleman from Kentucky, calling up the private business, calls attention to a bill reported last Friday from the Committee of the Whole on the Private Calendar, which is now before the House. The Chair submits that perhaps the regular way to test the wish of the House as between public and private business would be to raise the question of consideration on this bill; and if the House should refuse to consider it, that might be understood to be a determination by the House to dispense with private business for the day. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1466) for the relief of the personal representatives and heirs of Henry H. and Charlotte K. Sibley.

Mr. BLANCHARD. Has the previous question been ordered on that bill, Mr. Speaker?

The SPEAKER. It has not.

Mr. BLANCHARD. And it is subject to be debated?

The SPEAKER. It is.

Mr. BLANCHARD. Then against it, Mr. Speaker, I am compelled to raise the question of consideration in the interest of further proceeding with the river and harbor appropriation bill.

The SPEAKER. The question is, Will the House proceed to consider the bill?

The question was taken; and on a division (demanded by Mr. STONE of Kentucky) there were—ayes 24, noes 111.

Mr. MEREDITH. No quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. TUCKER. I hope my colleague will not insist upon that.

Mr. MEREDITH. I withdraw the point of order.

Mr. BAILEY. I renew it.

The SPEAKER. The Chair will appoint as tellers the gentleman from Louisiana [Mr. BLANCHARD] and the gentleman from Texas [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, I understand that this is simply a question of consideration.

The SPEAKER. It is.

Mr. BAILEY. Then I withdraw the point of order.

So (no further count being demanded) the House refused to consider the said bill.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER of Alabama. Mr. Speaker, the gentleman yields to me a moment to make a request of the House.

I am directed by the Committee on Military Affairs to ask unanimous consent that the Military Academy appropriation bill be taken up, that the House nonconcur in the amendments of the Senate, and ask a conference on the disagreeing votes thereon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BLANCHARD. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of appropriation bills.

Pending a division on the motion to go into Committee of the Whole.

Mr. STONE of Kentucky said. Mr. Speaker, the gentleman from Illinois yields to me to make a request.

The SPEAKER. It can only be done now by unanimous consent pending the division.

Mr. STONE of Kentucky. I understand that. I wish to ask unanimous consent that to-morrow be set apart for the consideration of bills on the Private Calendar, and that the previous question be considered as ordered on the bill reported from the Committee of the Whole.

Mr. BURROWS. The previous question on what bill?

Mr. STONE of Kentucky. On the Sibley bill.

Mr. BURROWS. Oh, no.

Mr. HOLMAN. If it is not to interfere with appropriation bills I shall not object, but the order must be subject to appropriation bills.

Mr. STONE of Kentucky. If the river and harbor bill is out of the way—

The SPEAKER. Objection is made.

The motion of Mr. BLANCHARD was then agreed to, there being, on a division (called for by Mr. RICHARDSON)—ayes 136, noes 4.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of general appropriation bills, and the Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 7830) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday afternoon there was a division pending, when no quorum voted, on an amendment offered by the gentleman from Kentucky [Mr. GOODNIGHT]. The amendment will be again reported.

The Clerk read as follows:

Amend. after line 9, on page 41:

"Ten thousand dollars of this appropriation may be used, in the discretion of the Secretary of War, in repairs on and clearing channel of the river between the Tennessee and Kentucky line and Burkesville, Ky."

Mr. GOODNIGHT. Mr. Chairman, I had made the point yesterday afternoon that a quorum had failed to vote on the amendment offered by myself, and did so without any desire of interfering with the proceedings of the House. I wish now to withdraw the point of no quorum, and ask the gentleman from Louisiana if he will allow the amendment to be again voted upon?

Mr. BLANCHARD. In the committee?

Mr. GOODNIGHT. Yes, sir.

Mr. BLANCHARD. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment just read.

Mr. BOATNER. Mr. Chairman, it occurs to me that the amendment ought to be adopted. It does not increase the appropriation.

The CHAIRMAN. The Chair will state that debate on the amendment was exhausted when the committee rose.

Mr. BOATNER. Then I move to strike out the last word.

I was proceeding to say that I think the amendment should be adopted. It does not increase the appropriation; it does not make the expenditures in this particular part of the river mandatory, but leaves it to the discretion of the Secretary of War, by making a division of the appropriation possible. In all fairness it seems to me that it ought to be adopted.

I withdraw the *pro forma* amendment.

Mr. WASHINGTON. Mr. Chairman, the appropriation contained in the river and harbor bill for the improvement of the Cumberland River has been very carefully considered, and in order to carry out the plan of improvement in the Upper Cumberland, which was adopted and has been in progress since 1882 by the construction of locks and dams, the entire sum which has been given by the committee should remain as appropriated in this bill. To adopt the amendment suggested by my friend from Kentucky [Mr. GOODNIGHT] and divert eight or ten thousand dollars of these funds to the upper end of the river, 325 miles above the point at which the work is now in progress, is absolutely to throw away that much of the money. The old plan of improving the Upper Cumberland was the result of surveys made between 1871 and 1874. That plan was followed until about 1884, and the plan of improvements pursued under those surveys consisted in the construction of wing dams, the building of walls along the shallow places so as to confine the water at those points, and by narrowing the channel to lengthen the period of navigation. It also extended to the removal of snags, overhanging trees, and bowlders.

By contracting the channel at the head of sand bars the current of the river was made sufficient to scour out all movable sand and gravel. The local engineer reports that this class of work has been carried to the limit of its usefulness, and has recommended its discontinuance for the future. The plan of improvement now being carried out is that of constructing a series of locks and dams in the river from Nashville up to Point Burnside, a distance of 325 miles. If this is carried to completion the Cumberland between those points will be converted into a grand canal the full width of the river, ranging in depth from 4 to 40 feet. The whole number of locks required will be about twenty-three, at an estimated cost for each lock and dam of about \$250,000.

The River and Harbor Committee has given an amount just sufficient to construct one lock and dam. To some this may seem a small and to others an excessive appropriation. In my judg-

ment, when the amount carried by the whole bill is considered, the Cumberland River has received very fair treatment at the hands of the committee, but the whole sum should stand in the bill as reported to the House. None of it should be diverted from the project of constructing the locks and dams.

To divert any of this money will be to do an injury to the work now in progress, and can not be of any benefit to the people in that locality between Burnside and, say, the Tennessee State line, where it is proposed to expend the money included in the amendment offered by my friend from Kentucky [Mr. GOODNIGHT]. Therefore I hope the Committee of the Whole will indorse the action of the Committee on Rivers and Harbors, by whom this appropriation has been thoroughly considered. That committee had all the light before them, all the reports of the engineers, and all the information obtainable. The River and Harbor Committee understands the necessity of the improvement and the mode and manner and place in which this should be expended far better than the House can at this time be made to comprehend the subject in a debate under the five-minute rule on the sections of the bill. I sincerely hope the amendment will not be adopted.

Mr. McMILLIN. Mr. Chairman, I have the same interest in the improvement of the Cumberland River that my distinguished friend from Kentucky [Mr. GOODNIGHT] has, and it is not improper that I should state very briefly the nature of the improvement. I concur in what my colleague [Mr. WASHINGTON] has just said concerning the appropriation. If it would be more efficient in the improvement of the river to divert this fund as proposed by my friend from Kentucky [Mr. GOODNIGHT] I should favor it, and I think the committee would have favored it. I succeeded years ago in getting a system of improvements of the Upper Cumberland by locks and dams adopted. Therefore, as has been stated by my colleague [Mr. WASHINGTON], the system that has been adopted there and appropriated for, for some years past, provides for a system of locks and dams.

The old system, under which this expenditure would be made, if the amendment of my friend from Kentucky [Mr. GOODNIGHT] should prevail, has been abandoned, and I do not believe that the diversion of this \$10,000 from the system that is now in progress to the system that was heretofore in progress would subserve the best interests of the river. That my friend from Kentucky thinks so I doubt not, and that he honestly thinks so, I am equally certain; but that I am equally correct in this statement I have not the shadow of a doubt. Now, the \$10,000 could not be used under this amendment in furthering the general scheme. Every dollar that is expended on the new system in the lower river inures to the benefit of all the upper river as well, and every dollar of it tends to give a permanent improvement and one that can be utilized every day in the year.

The difference is between using the money under a system which at best can only give one hundred and twenty or one hundred and fifty days of navigation, and one which, when complete, will give navigation the year round. I do not think, therefore, the amendment should prevail. Further, it is said by the chairman that under the bill as reported any impediments or obstructions to navigation accidentally coming may be removed.

Mr. GOODNIGHT. Mr. Chairman, my colleagues from Tennessee seem to be very kindly disposed about this matter. They are perfectly willing to give Kentucky credit for the \$250,000 to be expended, provided that Tennessee gets all the money. This appropriation is for expenditures in Tennessee and Kentucky, but all the money is to be spent in Tennessee, and very near Nashville. I am as anxious that the permanent work go on as the gentleman from Tennessee can be, but the upper river should not be neglected. The gentleman from Tennessee [Mr. WASHINGTON] says that the point embraced by my amendment is some 300 miles above the improvement contemplated by the bill. That being true, if the people in Kentucky are bound to wait until all these dams are completed in order that they be benefited by slack water, they may live to be a hundred years old and fail to get the benefit of a dollar.

Now, the gentleman from Tennessee [Mr. McMILLIN] says that the old idea has been abandoned, and that the present system of damming has been adopted, and is the better. If that be true, then he need not fear the amendment, because it provides that \$10,000 may be expended, not that it must be expended, but that it "may be" expended, and only "may be" if the Secretary of War thinks it advisable. Why, if his argument be true there can be nothing in the amendment that will hurt him, because the Secretary of War, acting under the advice of the engineers, will certainly do what is best, and if he thinks it is not best it will not be done. Hence, I ask that the amendment be adopted.

The question was taken on the adoption of the amendment, and the Chairman announced that the yeas seemed to have it.

Mr. GOODNIGHT. I ask for a division, Mr. Chairman.

After the affirmative vote had been taken

Mr. GOODNIGHT said: No further count is demanded. So the amendment was rejected.

Mr. WILSON of Kentucky. Mr. Chairman, I desire to offer an amendment to the section under consideration.

The Clerk read as follows:

That \$10,000 may be used between Burkesville and the town of Burnside.

The CHAIRMAN. The gentleman will please indicate where the amendment shall come in.

Mr. WILSON of Kentucky. To come in at the close of the section under consideration; at the end of line 9, page 41.

Mr. BLANCHARD. I would like to hear that amendment reported again; there was so much confusion that I could not hear it.

The amendment was again reported.

Mr. WILSON of Kentucky. Mr. Chairman, this appropriation on page 41 for the benefit of the Cumberland River, under the provisions of the bill, will all be spent near the city of Nashville, and not a dollar of it will go to the State of Kentucky for improving the Cumberland River in that State unless the Secretary of War sees fit to use \$5,000 above Point Burnside. Burnside is the point where the Cincinnati Southern Railroad, running from Cincinnati to Chattanooga, crosses the Cumberland River, and is the head of navigation.

There are two lines of packets running on the Cumberland River—one from Burnside to Nashville and the other from Burnside to Burkesville. This appropriation is intended to improve the river above Burkesville—between that town and Burnside. It seems to me, from what I know about it, that some provision should be made for improving the river between those two points in order to improve the navigation of the river for these two packet lines. The appropriation, as it appears in the bill, is for the purpose of being expended in Tennessee in making slack-water navigation, and will be expended altogether at one point, unless this amendment be adopted. I have nothing further to say upon this point.

Mr. WASHINGTON. Mr. Chairman, I do not want to take up the time of the committee unnecessarily in discussing this amendment. This is practically the same amendment as that which has just been voted down by the committee. The only difference is that this defines the two points on the Upper Cumberland River between which this \$10,000 shall be expended. It is a stretch of river about a hundred miles in length. That part of the Upper Cumberland River is just as navigable now as any other part of the river between Nashville and Burkesville. About this time last year I went up through the gentleman's district upon a tour of inspection on a steamboat, all the way from Nashville to Burnside. When there is a fair tide of water the boats run from Nashville to Point Burnside three or four times a week, which, as the gentleman has stated, is a point about 325 miles above Nashville.

Mr. GOODNIGHT. If the gentleman does not mind, he may show that it is not necessary to have the \$250,000 appropriated.

Mr. WASHINGTON. Under existing law and as the bill is now, under the direction of the War Department, the engineer on the Upper Cumberland River has the right to remove snags and boulders and such other obstructions as may impede the navigation of this portion of the river, and to appropriate more money, to give a fixed sum of \$10,000 for the improvement of the part of the river the gentleman's amendment applies to, will work a great disadvantage to the locking and damming which has been prosecuted just as rapidly as the money appropriated will permit, and which will eventually give the gentleman and the people of the Upper Cumberland the same advantage it will give to the people along that portion of the river nearer to Nashville.

Mr. WILSON of Kentucky. Will the gentleman allow me to ask him a question?

Mr. WASHINGTON. Certainly.

Mr. WILSON of Kentucky. How long under your system of improving the Cumberland River will it take to make slack-water navigation between Burkesville and Burnside?

Mr. WASHINGTON. That depends entirely upon the amount of money appropriated by each river and harbor appropriation bill.

Mr. GOODNIGHT. Say, \$250,000.

Mr. WILSON of Kentucky. Say this amount every year.

Mr. WASHINGTON. If you get only \$250,000 each year, it will be twenty-three years; if you get \$250,000 every other year, it will be about forty-six years.

Mr. WILSON of Kentucky. When you and I will both be out of Congress.

Mr. WASHINGTON. Oh, yes, I have no doubt that even so popular a man as the gentleman from Kentucky and I also will be out of Congress long before this improvement is completed, and the places that know us now will know us no more forever, unless we can get the gentleman from Indiana, sitting behind

me, and whose desk is bedecked with flowers this morning, to withdraw his objection to the contract system and permit us to have the work done under a contract which will call for a regular annual expenditure. In that case we might be able to let out the work so as to finish it in twelve or fifteen years.

Mr. WILSON of Kentucky. What was the gentleman's object in making that trip up the Cumberland?

Mr. WASHINGTON. My object was to gather information as to the needs of the river, as to the kind of work that had been heretofore done upon it, as to the advantage of continuing the system of locks and dams, and to see for myself with what facility the river was at that time navigable for boats of the size and draft of the one in which we traveled, and to encourage the people along the river to join us in asking a larger appropriation.

Mr. WILSON of Kentucky. Why was the gentleman so solicitous about the matter?

Mr. WASHINGTON. Because I take the same interest in the improvement of the Cumberland River that my friend from Kentucky does, and that, I presume, every gentleman does who lives upon the waters that are tributary to the Cumberland.

Mr. WILSON of Kentucky. Does not my friend know that those two lines of packets of which I have spoken are absolutely necessary to the counties lying upon the river between those two points, and that that is the only way the people and the merchants of that part of the country have of reaching market? Does he not know that even the merchants who buy their goods at Cincinnati have them taken by rail to Point Burnside and shipped from there down the river?

Mr. WASHINGTON. I hope the gentleman's long question will not come out of my time.

The CHAIRMAN. It will come out of the time of the gentleman from Tennessee and his time has expired. [Laughter.]

Mr. WASHINGTON. Mr. Chairman, I move to strike out the last word, in order to answer the question of my friend from Kentucky as the answer may convey some information to the House. The gentleman's question (which I will not attempt to repeat because of its length) can be answered in this way: I do know that the free navigation of the Upper Cumberland is necessary to give a large population and a rich territory communication with the outside world. There are two separate lines of packets plying on the Upper Cumberland, one running from Nashville, not to Burkesville, but passing Burkesville and going nearly 100 miles beyond, up to Point Burnside, where the Cincinnati Southern Railroad crosses the Cumberland River, a distance from Nashville of 325 miles. Those boats run during six or eight months in the year.

When the dry season begins very early they can not run more than six months, but on a fair stage of water they can run eight months, and sometimes even as long as ten months. There is also another line of steamers running from Point Burnside down stream as far as Burkesville, a distance of about 100 miles, and back. Now, I admit that it is the gentleman's desire to have the river improved as much as possible for the benefit of his upper river boats, more, perhaps, than for the benefit of those that run from Nashville; but the Nashville boatmen are not complaining as to the expenditures heretofore made on that part of the river.

The boats that run from Nashville are larger than those that run from Burnside down, and the Nashville boats run just as many trips in proportion to the distance they travel as the other boats make between Point Burnside and Burkesville. There is no antagonism between the interests of my constituents and the interests of the gentleman's constituents. We all desire to improve this river; but I insist that at present the engineer in charge has ample power to keep open the channel between Burnside and Burkesville, and that is all we can hope to do until Congress can see its way clear to give us enough money to construct one or more of these locks or dams each year, beginning at both ends of the river.

Ever since I have been in this House I have endeavored to get a plan of that kind adopted, so as to give the upper part of the river the same advantages as the lower part, and to construct locks from Burnside down, as fast as from Nashville up, but the Committee on Rivers and Harbors has heretofore been unable to see its way clear to giving us money enough for that purpose, and to push the work that fast. Therefore, it has seemed best that we should commence at one end and build on until we get to the other, making the work continuous. That has been the decision of the Committee on Rivers and Harbors heretofore, and the House has stood by it, and I see no reason for departing from that line of action now. I hope, therefore, that the gentleman's amendment will be voted down for the same reasons that the amendment of his colleague from Kentucky was voted down.

Mr. WILSON of Kentucky. Mr. Chairman, I must differ from my colleague from Tennessee in his statement that the Nashville Packet Company is not objecting to the manner of

the expenditure of these appropriations. I received a letter from the president of that company, which I filed with the chairman of the Committee on Appropriations, complaining that there was nothing done by the Engineer Department to improve the navigation above the points that I have spoken of.

Mr. WASHINGTON. Does the gentleman remember the name of the writer of that letter?

Mr. WILSON of Kentucky. No, sir.

Mr. WASHINGTON. I would like to know it.

Mr. WILSON of Kentucky. I am not personally acquainted with the writer; I presume the gentleman does not doubt my statement.

Mr. WASHINGTON. I do not.

Mr. WILSON of Kentucky. I am willing the gentleman should see the letter. I left it with the chairman of the committee.

Mr. WASHINGTON. I am so familiar with the feeling of those men on this subject that I want to know which of them is complaining. None have complained to me.

Mr. WILSON of Kentucky. Perhaps they knew your opinion about these matters.

Now, Mr. Chairman, it seems to me very unjust that none of the money appropriated by this bill should be expended in the State of Kentucky. It is not strange, however, that the Representatives from Tennessee should attempt to gobble everything for the special benefit of their particular State, and they undertake to deceive the members of this House by the headlines to this section, "Improving Cumberland River, Tennessee and Kentucky," when not a dollar of the money is to be used in Kentucky.

What we want is that \$10,000 be put under the direction of the Secretary of War to be used, if he thinks proper, above Burkesville, between that point and where the Cincinnati Southern Railroad crosses the Cumberland River, in improving the river between those two points. It is just, it is right, that this should be done, and if the House does not do it it will not treat Kentucky fairly.

Mr. GOODNIGHT. Mr. Chairman, the gentleman from Tennessee [Mr. WASHINGTON] has said that the Committee on Rivers and Harbors has acted upon this question, and that its judgment ought to be respected inviolably. I want to say for the members of the Committee of the Whole House that the members of the River and Harbor Committee have agreed in writing that the amendment offered by me yesterday should be adopted by the House, at least all the Democratic members of the committee except the chairman and one other, assented to this agreement in writing; but when I applied to the chairman of the committee, and he declined to agree to it, I absolved the other gentlemen of the committee from that agreement, inasmuch as I did not want to cause any conflict among members of the committee; I did not go to Republican members of the committee for the reason that the chairman had not assented to the agreement. Hence, so far as the members of the committee are concerned, I think I am authorized to say that they have no objection to this proposition except the objection urged by the chairman. Of course I do not impugn his motives. He has his theory about these improvements; and he has, of course, some pride of parentage in regard to this bill. No doubt he dislikes to see its "symmetry" marred; but I have not the slightest doubt that it ought to be greatly changed, and I hope it will be before we are through. I think its symmetry will be greatly improved by very material changes.

Mr. STONE of Kentucky. Mr. Chairman, I move *pro forma* to amend the amendment by striking out the last word. I wish to add a word to what these gentlemen from Kentucky have already said in advocacy of this amendment. As to both of these gentlemen from Tennessee, I will say I have met them at Nashville in river conventions, held there for the purpose of forwarding the improvement of that river; and while we all agree very enthusiastically that it is the greatest river on the continent and drains the greatest valley in the universe, that it needs \$7,000,000 to improve it, and that this expenditure must ultimately be made—that the expenditure of \$7,000,000 will make this river navigable the year round—I do not agree with those gentlemen from Tennessee that the whole sum of money appropriated to that river should be expended for one particular locality.

Long years ago, when the people generally used to work the roads, as they do now in my district, by "warning in" the hands to do the work, the worst places were worked first, so that the roads might be opened to travel as soon as possible. But this committee, upheld by the gentlemen from Tennessee, who have the same interests in this matter that we have, propose to spend the whole appropriation upon the improvement of the river for a short distance. Now, we believe that by the expenditure of a small portion of this appropriation at this place the navigation can be improved where it is now so difficult—almost impassable by any craft—so that the stream may be navigable for a portion of the

year, and this can be done without materially reducing the amount appropriated in the bill upon works already commenced.

I can see no good reason why the House should refuse to adopt this amendment and expend at this place the small sum of money asked by my colleague [Mr. WILSON of Kentucky]. If the worst places in the Cumberland River are allowed to wait until the whole work be completed at places where work is already commenced, then at the rate appropriations are being made—\$250,000 a year—it must be a long time before our people will get relief. I hope the Committee of the Whole will adopt the amendment of my colleague and permit this small sum to be expended in the manner proposed. I will only say in conclusion that, while Kentucky and Tennessee have united in the effort to get this appropriation for the improvement of the entire river, we think the committee ought to be kind enough to divide fairly the sum appropriated between the two States.

Mr. WASHINGTON. Mr. Chairman—

Mr. BLANCHARD. Mr. Chairman, I hope we will have a vote on this amendment. I think the committee understands it thoroughly.

The CHAIRMAN. The first question will be on the *pro forma* amendment offered by the gentleman from Kentucky.

Mr. WILSON of Kentucky. I merely wish to say, Mr. Chairman, that my amendment does not make the appropriation larger than the bill provides for; but it prevents Tennessee from getting all of it and gives a little of it to the Kentucky end.

Mr. WASHINGTON. I believe I was recognized, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman in opposition to the *pro forma* amendment.

Mr. WASHINGTON. I wish to answer only a statement of my friend from Kentucky who represents the first district [Mr. STONE] who says that under the system of working the common roads prevailing in Kentucky they warn in the hands and work the worst places on the roads first so as to enable them to be traveled. I will state to him that the same system prevails in Tennessee as well as in Kentucky.

Mr. DICKERSON. It does not prevail in Kentucky now; we have good turnpikes.

Mr. WASHINGTON. And that same system has been pursued by the Government in improving the Cumberland River, an interstate river connecting the States of Kentucky and Tennessee. By reference to the reports of the engineers he will see that a considerable sum has been already expended, as I stated before, in improving the upper part of the Cumberland River under what is known as the system of wing dams. Under that system they took the worst places in the river to begin with. The engineer took the shallows and bars and by narrowing the channel of the river by the construction of wing dams running out into and parallel with the stream, they force the current to scour out the bottom by the increased volume of water, and this system forces the river to clear its own bed; to dig out its own channel. That system has been pursued to the extent of securing the greatest depth of water on the shoals that can be obtained by that process.

By that means the navigation of the Upper Cumberland has been lengthened from two to four months in the year; but the engineers report, as I have said before, that a further expenditure under that system is useless and would be a waste of money. All the engineer needs now, it will be observed, until the system of locks and dams is completed, which will eventually give slack-water navigation all the way from Nashville to Burnside, is the authority or discretion to use such money as may be necessary to take down overhanging trees here and there, to remove snags, and occasionally to take from the channel of the river a bowlder which may have rolled into the stream.

Mr. GOODNIGHT. Does not that authority exist now?

Mr. WASHINGTON. Certainly; I say it is implied if not expressed.

Mr. GOODNIGHT. If it is implied what objection is there to making it specific?

Mr. WASHINGTON. The engineer has the authority, and last year used his snag boat in the entire length of the river. He removed obstructions here and there. He put painted buoys on the wing dams at the upper and lower end, so that at high water, when the dam is covered and the water extends from bank to bank, these wooden buoys will be a guide to enable the boatmen to know exactly where to strike the channel between the wing dams.

The engineer has this authority and discretion already under this bill and under existing law, as was stated by the chairman of the committee on yesterday afternoon, and it is not necessary to make a specific appropriation of \$10,000, as proposed here, to do what he has already authority to do and which he can perform at a cost of not more than two or three thousand dollars.

My friend from the First district of Kentucky [Mr. STONE]

says that we have worked together for the improvement of this river; that we have met in the Nashville river conventions, where we agreed about the magnitude and importance of the Cumberland River, and that we have always worked in harmony for its improvement. That is entirely true, and I hope that we shall continue to do so in the future. My object is to guard the interest of the whole river. I am not selfish in this matter. I have been in the district of the gentleman at the mouth of the river, nearly 200 miles from my district, and examined the improvements going on there last year, not because I wanted to see what was going on in his district or pry into matters that did not concern me. I was and am, as a public servant, deeply interested, and so are my constituents interested, in keeping the mouth of the Cumberland River free of obstruction, as much so as my friend from Kentucky, in whose district the mouth of the river is situated. I went all over the sand bar which had almost closed the access to the Cumberland from the Ohio River. I walked over and examined the immense dike of wooden piles being constructed by the Government for the purpose of narrowing the Cumberland so as to force it to scour its own channel. In the last Congress I consented that the entire fund, except \$10,000, given by the committee on the Lower Cumberland—

The CHAIRMAN. The time of the gentleman has expired.

Mr. WASHINGTON. I ask the indulgence of the committee to finish the sentence.

I say I consented in the last Congress that the entire sum appropriated for the improvement of the Lower Cumberland, except \$10,000, should be expended in his district, at the mouth of the river, for I recognized the fact that if the mouth of the river was not kept open the Cumberland River boats could not make their way into the Ohio River, and would be bottled up in the Cumberland.

There is no selfishness in the objection I make to the amendment, but simply an earnest desire for the improvement of the river on a feasible and practicable plan.

Mr. STONE of Kentucky. I withdraw the *pro forma* amendment.

Mr. GOODNIGHT. Mr. Chairman—

Mr. BLANCHARD. Mr. Chairman, if there is to be further debate on this proposition I shall feel compelled to move that the committee rise to limit debate.

Mr. GOODNIGHT. Very well; if the gentleman thinks he can make any time on the bill in that way I have no objection.

I move to strike out the last word.

I wanted simply to refer to one contention of the gentleman from Tennessee, which was also made yesterday by the gentleman from Louisiana, which is, that under the provisions of this bill, as it now stands, the Secretary of War has the implied power to use any of this money, or so much as may be necessary, to clear out the channel of the river, remove the snags and obstructions that are found in it.

Now, Mr. Chairman, if the Secretary has the implied authority to do that, I would like gentlemen to assign some good reason why they object to giving him the express authority. I belong to that line of Democrats who believe in strict construction as nearly as may be, and not in implied powers.

Mr. WASHINGTON. Do you want your question answered?

Mr. GOODNIGHT. Yes.

Mr. WASHINGTON. Because, if the bill appropriates the money specifically for that purpose and no other, the Secretary of War has no authority to change it, or to use it anywhere else.

Mr. WILSON of Kentucky. It simply says "may be used."

Mr. WASHINGTON (continuing). But of a general appropriation, he has the right, in his discretion, to expend just as much as you gentlemen want expended, and the balance will be used in continuing the construction of locks and dams.

Mr. GOODNIGHT. That shows that the gentleman has misapprehended the amendment from the beginning until now. It does not say that it "shall" be appropriated for that or any other purpose, but it simply provides that the Secretary may do so if he sees fit, and that is the power which you say he has under the bill. Now, Mr. Chairman, having answered these objections, I am willing that the House shall vote on this proposition.

The CHAIRMAN. Does the gentleman withdraw the *pro forma* amendment?

Mr. GOODNIGHT. I do.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. WILSON].

The question being taken, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. GOODNIGHT) there were—ayes 68, noes 56.

Mr. BLANCHARD. Let us have tellers.

Mr. McMILLIN. If the gentleman from Louisiana [Mr. BLANCHARD] will allow me to make a suggestion, I wish to say that if this amendment is to be adopted at all, it ought to be in

the form offered by the gentleman from Kentucky [Mr. GOODNIGHT]. I am fairly familiar with the needs of the river, and of the two propositions his is decidedly the better.

The CHAIRMAN. The Chair will say that debate is not in order.

Mr. BLANCHARD. This amendment ought not to be adopted in any form, and I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 65, noes 83.

So the amendment was rejected.

APPOINTMENT OF CONFEREES.

The committee rose informally; and

The SPEAKER announced as conferees on the bill S. 1379, Mr. MARTIN, Mr. SNOW, and Mr. CURTIS; he also announced as conferees on the part of the House on the bill H. R. 4636, Mr. WHEELER of Alabama, Mr. NEWBERRY, and Mr. HULL.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its sitting.

The Clerk read as follows:

Improving Tennessee River below Chattanooga, Tenn.: Continuing improvement, \$500,000, of which \$25,000 may be used in continuing the work at Livingston Point, Kentucky.

Mr. WHEELER of Alabama. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "improvement," in line 1, page 42, strike out the word "five" and insert the word "eight."

Mr. WHEELER of Alabama. Mr. Chairman, the Chief Engineer and the Secretary of War recommended for this very important river, now the third in importance in the United States, \$2,000,000 as a sum that could with advantage be expended during the year covered by this bill. Since the beginning of this work for the improvement of the Tennessee River a change has taken place in the industrial condition of North Alabama and Southern Tennessee greater than has taken place in any other part of the world.

The consequent demand for cheap communication with the entire world has increased in proportion. Even without any transportation facilities except railroad communication, we have increased our exports of coal from 5,303 tons to more than a million tons; our exports of wood from \$2,000,000 to more than \$10,000,000, and our exports of iron and steel manufactures from \$76,000 to more than a million and a quarter. The prospect of a continued and rapid increase is made manifest by the remarkable condition in which that country is placed by the hand of Divine Providence. The report of the Commissioner of Labor, which has just been published, shows that the controverted question as to where iron can be most cheaply made is virtually settled to be in the State of Alabama.

The investigations show that at many places in the South iron is made for \$8.55 a ton, and in some favored localities in Alabama iron can be made as cheap as at any point in England, and by adopting the economies and perfect systems of the old manufacturing countries, there is no doubt but that iron and steel can be made cheaper in Alabama than at any other place, either in England or America. This is the character of country which asks for an outlet for its cheap iron to the entire world. That report, which I have before me, shows that notwithstanding iron can be made so cheaply in Alabama, yet the prices paid for labor in some of its furnaces and other iron industries of that State are, considering all conditions, as great, if not greater, than in any other place on the face of the earth.

I have a list here, taken from the report of the Commissioner of Labor, giving eight States, in which Alabama is reported as paying the highest wages in these industries. And yet the report goes on to say that notwithstanding that the peculiar situation and the peculiar advantages for the manufacture of iron enable the people of North Alabama to make iron more cheaply than it can be made in other localities. The report also says in addition that the labor in furnaces and factories of the South is of a most intelligent character, being almost entirely American, while in Pennsylvania a majority of the labor employed is foreign, German, French, Belgian, English, and Welsh.

Now, Mr. Chairman, I think when a country presents such favorable conditions for manufacturing, only requiring, as it does, cheap transportation for its products to the markets of the world, it ought at least to have an appropriation proportionate to that which is given to other important rivers. The imperative necessity of an early completion of this work is manifest. The reports to Congress clearly show that the best interests of the country demand prompt action in this matter. Notwithstanding the importance of this work to the coal and iron industries there are other interests which are equally involved. Every

industry and many of the people of all the Southern States and all the States bordering upon the Tennessee, the Ohio, the Mississippi, and the Missouri Rivers will be benefited when this great highway of commerce is opened for continuous navigation. I hope that everybody will vote for this amendment.

[Here the hammer fell.]

The amendment was again reported.

Mr. BLANCHARD. Mr. Chairman, I do not think this amendment, offered by my friend from Alabama [Mr. WHEELER], should prevail. While the Tennessee River is a very important water way, and while the improvement going on there is one of great public necessity, it is progressing already—

Mr. WHEELER of Alabama. Slowly.

Mr. BLANCHARD. Rapidly under the appropriations made heretofore by Congress, and will progress further under this amount in this bill.

The last river and harbor bill aggregated \$25,000,000, and gave \$450,000 to this reach of the Tennessee; and in this bill, although appropriating \$4,000,000 less money than the last river and harbor appropriation bill, we give an increase of \$50,000, or \$500,000.

Mr. WHEELER of Alabama. But double that amount was recommended; and when we consider the great development in North Alabama, mineral, manufacturing, and agricultural, the amount I ask can not be regarded as excessive. The half million proposed by the bill is a great disappointment to the friends of this great work.

Mr. BLANCHARD. And I submit it is quite enough for this stretch of the Tennessee River. [Cries of "Vote!" "Vote!"]

The amendment was rejected.

Mr. WHEELER of Alabama. Mr. Chairman, I offer another amendment without making any speech. I ask for \$600. I ask the chairman to allow me that, because it is not coming out of the appropriations of any other river. I beg him not to oppose that amendment. It is reasonable and really is quite necessary.

The Clerk read as follows:

After the word "improvement," in line 1, page 42, strike out the word "five" and insert the word "six."

The amendment was rejected.

Mr. WHEELER of Alabama. Mr. Chairman, here is another amendment.

The Clerk read as follows:

On page 42, lines 2 and 3, strike out the words "of which \$25,000 may be used in continuing the work at Livingston Point, Kentucky."

Mr. WHEELER of Alabama. Mr. Chairman, there is no connection between that work and the work on the Tennessee River. That work belongs to the Ohio River, and the appropriation, while it is very necessary, should be taken from the Ohio River appropriation; and I shall move to have that amendment put on in order that the appropriation may be taken from that appropriation. The work at Livingston Point is under the supervision of the officer who has control of the Ohio River. There is no more propriety in that proviso than there would be in making an appropriation for New York Harbor to say "provided a part of it shall be used to improve the harbor at San Francisco."

Now, where there is no connection between the plants on the Tennessee River and Livingston Point and where it is under different officers, I respectfully submit and beg of the House to agree with me in this matter. I beg the House will not insist upon a proviso that part of the appropriation for the Tennessee River shall be used for the Ohio River, which is hundreds of miles from the principle work on the Tennessee River, and, as I stated, is controlled by and is under another officer. I am unwilling to detain the House longer.

The amendment was rejected.

Mr. WHEELER of Alabama. Mr. Chairman, I have another amendment.

The Clerk read as follows:

Insert at the end of line 3, on page 42, the words:

"Provided, The amount can be spared from the improvement of the Tennessee River without impairing the improvement of that river."

Mr. WHEELER of Alabama. Now, Mr. Chairman, I trust that with that proviso the committee will agree to that amendment; it seems so manifestly unjust to take from one appropriation a portion of the amount to be put upon another one, which is not connected with it.

Mr. STONE of Kentucky. I just wish to say this: The gentleman says there is no connection between the two rivers. Why, how can there be any question of that when the two rivers run together?

The Clerk read as follows:

Improving Big Sandy River, near Louisa, Ky.: For movable dam in lieu of fixed dam, according to report and recommendation of Board of Engineers, dated November 10, 1891, and found in House Executive Document numbered 25, Fifty-second Congress, first session, \$50,000: *Provided*, That the balance on hand from former appropriations made for the fixed dam at that point is hereby made available for the movable dam herein provided for.

Mr. PAYNTER. Mr. Chairman, I desire to offer an amendment.

Amend by inserting between the last word at the end of the second line of page 43 and the first word of the third line, the words as follows, to wit:

"In addition to the said sum."

Mr. BLANCHARD. Read the paragraph as it would appear if amended.

The Clerk read as follows:

That "in addition to the said sum" the balance on hand from the former appropriation—

Mr. BLANCHARD. That is enough. I have no objection to that amendment.

The amendment was agreed to.

Mr. PAYNTER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out the words "fifty thousand dollars," in the second line, on page 43, and inserting in lieu thereof the words "seventy-six thousand dollars."

[Mr. PAYNTER addressed the House. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Improving Green River, Kentucky, above the mouth of the Big Barren River: For Lock No. 5, according to report and recommendation of Maj. D. W. Lockwood, Corps of Engineers, United States Army, submitted August 11, 1891, \$50,000, a part of which may be used, in the discretion of the Secretary of War, in repairs on existing locks in Green and Barren Rivers.

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out all of the paragraph after the word "dollars," in line 10, page 43.

Mr. MONTGOMERY. That amendment is consented to by the committee, and I suppose there will be no necessity of discussing it.

Mr. BLANCHARD. It does not change the amount, Mr. Chairman, and at the request of the gentleman from Kentucky, I accept the amendment.

The amendment was agreed to.

Mr. ELLIS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 43, at the end of line 10, amend by adding the following: "For rebuilding Lock No. 2 at Rumsey, McLean County, Ky., \$65,000."

Mr. ELLIS. Mr. Chairman, I know the strong inclination of the members of this House to follow the recommendations of the Committee on Rivers and Harbors, but I am satisfied that the attention of that committee has not been drawn to the rebuilding of the lock which this amendment proposes shall be reconstructed, and I ask the attention of the chairman of the committee and invite him to state the reasons, if any exist, why this amendment ought not to prevail.

Lock No. 2 on Green River, at Rumsey, Ky., is the very key to the slack-water navigation of Green and Barren and Rough Rivers, for which appropriations are made in this bill. Green River, by far the most important steam that lies wholly within the Commonwealth of Kentucky, was improved more than half a century ago by the State, at a cost of nearly a million of dollars. In 1888 the General Government bought out an unexpired lease which was controlled by a corporation known as the Green and Barren River Navigation Company, and since that time the stream has been under Federal control. It was deemed advisable that the navigation of Green River should be made free, in view of the extensive commerce conducted on it. The engineers have examined and reported upon the condition of the locks and dams upon this river since the Government has controlled it. There are four locks and four dams on Green River and one on Barren. The amendment which I have offered is a proposition to rebuild Lock No. 2, situated at Rumsey, Ky., which is about 50 miles above the mouth of the river.

This amendment is based upon the recommendation of the Chief of Engineers, who has reported that to repair this lock is impracticable. He reports that the lock ought to be rebuilt, and he assigns the reasons. Unless this lock is rebuilt navigation upon those rivers will be suspended. In this bill the committee have recommended an appropriation of \$15,000 for Rough River. That river empties into the Green River only 10 miles above where this lock is situated. In this bill an appropriation of \$50,000 is recommended for the construction of a lock above the mouth of Barren River, a fifth lock.

Now, I insist, as a plain business proposition, that it is not only folly, but worse than folly to make these appropriations if we propose to allow the lock, which is the very key to that whole system of navigation, to go to ruin. That the House may see precisely the merit of the proposition which I offer, I send to the Clerk's desk and ask to have read the report of the Chief of Engineers in reference to this lock.

The Clerk read as follows:

LOCK NO. 2, GREEN RIVER.

The lock walls here are in such condition that it has not been deemed expedient to attempt to repair them. The walls were not properly constructed in the first place. The land wall was made so thin that it commenced bulging out into the pit shortly after it was completed. It was dressed off to retain the normal width of the chamber, and even after the navigation company acquired control of the system the face had to be dressed off again. Finally, the earth was excavated from the rear of the wall, and cribs filled with stone built in behind, to which the wall was anchored back by tie rods and face plates. It is undercut and leaks badly, while the chamber wall is separated from the lower wing wall by a crack several inches wide at the top and extending from top to bottom of wall.

The river wall is also badly cracked, and Capt. Smallhouse, who was connected with the improvement of this river for years while the State had charge of it, and who was afterwards a member of the navigation company, being at one time its president, has told me that the backing was put in dry in the first place without mortar or grout. At the foot of the dam at one time several of the river face stones were knocked out, and he tells me that a large quantity of loose stones came out from the interior of the wall.

When the pit is filled water boils up under the river wall. It would be impossible to operate the lock were it not for the fact that about as much water leaks into the chamber through the land and head walls as goes out under the river wall. The navigation company was unable to pump out the chamber with a 13-inch pump.

I consider that this lock should be rebuilt, or rather that a new lock should be built on the river side of the old one, and I would recommend that the depth of water on the miter sills be increased to 6 or possibly 7 feet, so that the coal can be carried into the first pool and thence into the Ohio, where the water in that stream is sufficiently high. By building the new lock on the river side of the old one navigation need not be suspended, and the length of spill of the dam is great enough to permit this being done.

During the reading of the foregoing extract the time of Mr. ELLIS expired.

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent that my colleague be allowed to proceed with his remarks. There was no objection, and it was so ordered.

Mr. ELLIS. Now, Mr. Chairman, and gentlemen of the committee, you observe that this report of the chief of the engineers states that the repairing of that lock is not only impracticable but impossible. I call your attention now to another fact. The engineer recommends the building of a new lock, and states that this may be built in such a manner as not to check or interfere with the navigation of the stream. And unless an appropriation for this purpose is made, the dam there, according to the report of the engineer, will topple into the river and navigation will be indefinitely suspended.

I apprehend, Mr. Chairman, that these facts were not brought to the attention of the River and Harbor Committee; otherwise they could not have overlooked so important an item. The commerce upon this river is important. It is a river 300 miles in length, with only four locks, furnishing 200 miles of navigation. In 1891 the tonnage upon Green River was over 650,000 tons. Over a million logs were run out of that river, which found a market in the city of Evansville, just below the mouth of the river. Not only that, but it is almost the exclusive highway for a large section of agricultural country which is as fine as any in the Commonwealth of Kentucky. The Government got control of this stream at a comparatively small cost, a mere bagatelle, and now, having taken charge of it, I insist that they shall not allow the very basis upon which the navigation of those streams rests to go to ruin.

Moreover, Mr. Chairman, there is an appropriation recommended in this bill, as I have already suggested, for the Kentucky River of \$130,000. That river is not so important as Green River; it is not so long as Green River; it does not run through a country that begins to be comparable to the Green River country, either in the fertility of its soil or the magnificence of its timber and mineral resources. From the point where Green River flows into the Ohio, extending up the stream for 100 miles and on either side of the river, will be found the very finest agricultural lands in the State. The farmers in that region are thrifty and prosperous, and much of the products of their lands find an outlet and a market by means of this stream. Higher up coal, timber, and iron ore abound in supplies inexhaustible, and only await the employment of capital, which is already beginning to develop this section and to increase the commerce on this river throughout its entire length.

I am not complaining that my colleague [Mr. McCREARY] has obtained \$130,000 for the Kentucky River. He ought to have it; and in that connection I wish to say that the Green River rises in his district, and I think he ought to stand by Green River.

Mr. McCREARY. I think your amendment is correct. [Laughter.]

A MEMBER (to Mr. ELLIS). How much money do you ask? Mr. ELLIS. Sixty-five thousand dollars. I thank the gentleman for asking that question. The engineer reports that it will take \$128,000 to rebuild this lock. I have asked only half the amount estimated by the engineer, upon the idea that the work can go on now, and, as he says in his report, can go on without interfering with navigation. In view of the economical spirit exhibited sometimes on this side of the House, and in

which I share, I have thought I would be modest and ask for simply half the amount the engineer says it will take to complete this work.

In this connection, I call the attention of my friend from Indiana [Mr. HOLMAN] to the fact that this river goes into his State; and that this proposition affects Evansville. He is no doubt proud of that city as one of the greatest hardwood lumber markets in the world; and his people are clamorous for this appropriation, and I assume he will vote for it.

Why, Mr. Chairman, my county pays annually into the Federal Treasury more than \$500,000 in taxes. We are asking here simply \$65,000 to rebuild this lock, which is a source of convenience and profit not only to them, but to the whole adjacent country. I hope the committee will assent to my amendment, and that it will be adopted. It ought, as a plain business proposition, to be accepted by the chairman of the River and Harbors Committee, but whether he accepts it or not, I trust the House will sustain the amendment.

Mr. BROWN. Mr. Chairman, I attended the water-ways convention held at Evansville last fall. This lock on the Green River is 50 miles up from the mouth, the river emptying into the Ohio, as we all know. The condition of this lock was a subject that commanded very largely the attention of the convention at Evansville. From what I learned at that time, I am of opinion that this lock will not last much longer, and that it is much better economy for the Government to construct a new lock there than to attempt the repair of the present one.

Mr. ELLIS. The Chief of Engineers recommends that. Mr. BROWN. As suggested by my friend from Kentucky [Mr. ELLIS], that is the recommendation of the Chief of Engineers, who has given the subject very thorough examination.

I do not believe in anything but very careful expenditures of public money; nor do I believe that it is economy to withhold such expenditures where they are intended for a useful purpose. Such a purpose, I think, is the one in hand; and for that reason I shall vote for the amendment offered by my friend from Kentucky.

Mr. BLANCHARD. Mr. Chairman, I have always heard that the State of Kentucky is one of the greatest Commonwealths of the Union—

Mr. DICKERSON. Well, that is correct; there is no doubt about that.

Mr. BLANCHARD. That State has always been noted for its superb horses, for its beautiful women—not to speak of its gallant men; but I never heard until during the sessions of the River and Harbor Committee that there were so many streams in that State, each one of which was far more important than all the others put together, and each of which reaches the most magnificent coal fields in the known world. We were told by my friend from Kentucky, the ex-governor [Mr. McCREARY], that the Kentucky River is by far the most important stream in that State, and that it reaches the finest coal fields in the country.

We were told by my friend from Kentucky who sits over there [Mr. WILSON] and my other friend from Kentucky [Mr. MONTGOMERY] that there is no comparison between the Kentucky River on the one hand and the Green and Barren Rivers on the other, that the latter are far more important and reach coal fields far more extensive than the other. Then comes in the Big Sandy River, and my good-looking friend on my right [Mr. PAYNTER] stated that this is the greatest river in his State, and reaches by far the best portion of the coal fields of the State.

Mr. PAYNTER. I was correct.

Mr. BLANCHARD. And last we come to Licking River, and we were told that this is the greatest river in the State, reaching the most important part of the coal beds.

Now, Mr. Chairman, the Government is undertaking to improve all these rivers. All of them need improvement; all of them are worthy of improvement; and I doubt not that more money could be judiciously expended in their improvement than the sum which this bill appropriates for the purpose. But, Mr. Chairman, the same might be said of 200 other rivers in the United States. The estimates confronting the River and Harbor Committee aggregated for old and new projects, \$85,000,000. We appreciated that much more than the \$21,000,000, which this bill carries could be judiciously expended in river and harbor improvements; but we did not see our way clear to make the bill any larger than it is; and we had to apportion this \$21,000,000 on works for which \$85,000,000 had been estimated, so as to get as much advantage out of the appropriation as we could.

Now, I might agree with my friend that this matter—that this lock No. 2, on the Green River—should be rebuilt, but it is not an absolute necessity at this time.

Mr. ELLIS. Will the gentleman allow me a suggestion?

Mr. BLANCHARD. Certainly.

Mr. ELLIS. The Chief of Engineers states in his report that

the lock is in a dangerous condition, and that it will take more to repair it than to build a new one.

Mr. BLANCHARD. The situation, so far as the Green River is concerned, is simply this: In 1888 representations were made by the delegation from Kentucky, headed by my friend on the left—

Mr. ELLIS. I beg pardon, I was not here then.

Mr. BLANCHARD. Well, the gentleman's predecessor, that the locks, four in number, on the Green River and some other locks on the Barren River, a tributary of the Green, owned by the State of Kentucky, or by a corporation chartered under the laws of the State, should be acquired by the Government to relieve the commerce, which used these rivers as highways, from tolls and imposts. In looking into the matter, for I was then a member of the River and Harbor Committee, we found that these locks on the river had been permitted by the State, or the corporation owning them, to run down and were not kept in repair, some needing repair and others rebuilding; and the proposition was made that the Government should take them, not without expense, for we were asked to appropriate a sum which was estimated to be the present value of the works, and Congress heeding that demand made the appropriation, as I now remember, and paid the State of Kentucky, or the corporation, the estimated value of the same.

Mr. MONTGOMERY. The gentleman is in error in that. The Government did not pay the estimated value of the improvements, but simply an estimate of the value of the four or five years' unexpired lease which the corporation still had. They bought out the lease, but the State of Kentucky gave the locks and dams.

Mr. BLANCHARD. I was stating my recollection; but I may not be entirely accurate, and therefore I accept the statement of the gentleman from Kentucky, that instead of buying the locks and dams we bought the lease, amounting to a sum—

Mr. MONTGOMERY. One hundred and thirty-five thousand dollars.

Mr. BLANCHARD. Amounting to \$135,000, which the Government expended and got possession of the works on the river and relieved the commerce from the tolls and imposts placed upon it by this corporation.

Now, Mr. Chairman, we knew at the time that the day would come when these locks would have to be repaired, possibly rebuilt; but they have been going on using them, repairing some and using all of them, for the commerce which the river accommodates, up to this time; and the committee in considering this matter did not feel that just at this time there was an absolute necessity of rebuilding this Lock No. 2. They believe that it might be used for some time to come, and the report which the gentleman from Kentucky has had read, and which I hold in my hand, shows no such imperative necessity as has been urged upon this committee. I agree with him that the lock will have to be rebuilt after a while, but I believe from statements in the report touching the lock that it can well run for two years or longer without rebuilding.

[Here the hammer fell.]

Mr. ELLIS. If the gentleman desires further time, I ask unanimous consent that he may be permitted to proceed for five minutes longer.

There was no objection.

Mr. BLANCHARD. The engineer says, Mr. Chairman, this about it:

I consider that this lock should be rebuilt, or rather that a new lock should be built on the river side of the old one, and would recommend that the depth of water on the miter-sill be increased to 6 or possibly 7 feet.

If we had an unlimited amount of money to expend at this time in such improvement, this lock should be rebuilt. But inasmuch as we have not an unlimited amount of money to expend, and inasmuch as the lock can be used as it is for two years longer, and inasmuch as we appropriated in this bill at the earnest request of a portion of the Kentucky delegation a sum of money for a new lock on the Upper Green River, I submit that we have made a fair apportionment within the limits of a \$21,000,000 bill for the Green River and its tributary, the Barren River.

For these reasons I do not think the amendment should be adopted. In the next river and harbor bill, which will come two years later, \$128,000 can be appropriated to rebuild this lock and dam; but at this time the necessity is not so imperative as to demand its rebuilding in the present condition of the Treasury. They can get along with it; they are using it now, and we have no statement from any source that they may not continue to use it for two years longer.

Mr. PARRETT. I move to strike out the last word.

I want to say to the committee, Mr. Chairman, that I visited this lock in company with Col. Lockwood and the other members of the Engineer Corps last fall, and that upon investigation,

which was made thoroughly at that time, in my presence, these gentlemen then expressed the opinion that this lock could not well be repaired, and that it was dangerous to permit it to remain without either something being done or taking it away altogether and constructing a new one. And I want to say further that within the last forty-eight hours I have received information from Col. Lockwood, the engineer in chief, who expressed the opinion unequivocally that the lock at the present moment is in a dangerous condition and absolutely demands that something should be done. He recommends the doing of that which the gentleman from Kentucky seeks to have done by this amendment.

I also state to the committee that within the last five days I have been present at a meeting of the principal business men of the city of Evansville, where the danger is pressing upon them, and where the earnestness with which they ask to have something done in this matter could not well be told. We have there at the city of Evansville eight lines of packets. We have over sixty registered steamboats. We have the greatest hard-wood lumber market in the world, and a great proportion of this lumber must find its way to the mills through this channel. Stop this and you stop an enterprise which to-day is furnishing employment in the city of Evansville to more than fifteen hundred laboring men. And it is the opinion, as expressed within the last five days by Col. Lockwood, that an attempt to repair the old lock would result in a stoppage of the channel completely for at least eighteen months or two years.

I am therefore in full accord with the gentleman from Kentucky. I adopt every word he says, and I assert from personal knowledge that the coal fields of that section of Kentucky, the forests of that section of country, and the commodities of that section are unsurpassed by those of any other territory of the same size; that this river furnishes an outlet 200 miles in length, as aided by the present locks, and that it is one of the most important channels of trade, and that this amendment is one which I think this House ought not to vote down. I am not complaining of other amendments, but I say here in this presence that I have a full belief that there is not an item contained in that bill, from the beginning to the end, of such importance as the rebuilding of this lock at Rumsey.

[Here the hammer fell.]

Mr. GOODNIGHT. Mr. Chairman, with my friend from Indiana [Mr. PARRETT] I was at Evansville at the Western Water Ways Convention last fall, and on returning from that convention came by this particular lock No. 2, at Rumsey. In addition to the report of the engineer, I myself know that this lock is in very bad condition, as far as a layman's knowledge can go. The local engineer, Major Seibert, who was at the lock, also concurs entirely with and goes even further than the engineer in chief. That lock is badly broken, split from top to bottom, and there is a constant current under the land wall and out from the river wall, and if the gentleman from Louisiana [Mr. BLANCHARD] will read further in the report of the engineer he will find that the engineer himself says, on page 2440, part No. 4, that—

When the pit is filled water boils up under the river wall. It would be impossible to operate the lock were it not for the fact that about as much water leaks into the chamber through the land and head walls as goes out under the river wall.

That is, if there was not a constant stream running under you could not operate it at all. It seems to me that anybody must know that this makes it very dangerous. Major Lockwood has, within the last week, added a communication as stated by the gentleman from Indiana [Mr. PARRETT], and I am sure it is true, that the lock is very hazardous, and in this he agrees with the statement of the local engineer, Maj. Seibert, made to me. A few months ago the captain on the boat upon which I was locked through, stated to me that he was in constant dread every time he went through that lock. We went down under the lock as well as we could and saw the water boiling out under the wall in a perfect torrent. It is impossible for anyone to tell when that lock will collapse; and there is no guaranty of safety for any vessel going in or out of it.

Now, Mr. Chairman, as to the amount of the appropriation, I think the gentleman has not properly estimated. I do not, of course, reflect upon the committee, but it seems to me the committee has not properly measured the amount that should be appropriated for this river. The gentleman says they have appropriated \$50,000 for the river and tributaries. The \$50,000 has been for the Green River above the junction with the Barren River. He says they have given \$150,000 to Kentucky River—of this I do not complain.

I join with all that my colleague from Kentucky has said, that this ought to have been given; but that was given on the recommendation of the Chief of Engineers for \$500,000. That is, they gave 30 per cent. What did they give the Green River? It is a river that carries more trade than the Kentucky by half. Last

year the Kentucky carried something over 300,000 tonnage, while the Green River carried over 600,000 tonnage, and the year before carried over 900,000; about double the amount carried by Kentucky River last year, and nearly three times the amount of the year before last. There was a falling off on Green last year, because of the bad condition of the works and on account of excess of year before, on account of scarcity of water for seasons of two years before. The committee has given to Green River less than 10 per cent of the recommendation of the engineers. They recommend \$130,000 for the rebuilding of this dam, and I want to impress upon the House that that recommendation was made two years ago.

I went before the River and Harbor Committee then and asked that the appropriation be made, but I was put off until this year. They said: "Wait until next time and you can probably have it then." This time I came before the committee and asked for it, and they say: "Wait until two years from now," when the very foundation of the navigation upon that river is threatened with utter decay at any moment so that no transportation can be had; and we were put off with 10 per cent until two years more, 30 per cent being given to other rivers. As I say, \$150,000 is recommended for this dam, and \$400,000 recommended for building new works on Green River, making the recommendation of the engineers \$530,000, and the committee has given \$50,000, or less than 10 per cent of the recommendation.

Mr. ELLIS. I ask unanimous consent that the time of my colleague be extended.

Mr. GOODNIGHT. I will not trespass on the time of the committee.

Mr. BLANCHARD. Mr. Chairman, I rise for the purpose of making a correction in the statement of the gentleman—

Mr. GOODNIGHT. Will the gentleman allow me just a minute in which to correct a statement made by him. I know he wants to be right. In 1888 this river was not bought, nor its works. The State of Kentucky ceded these works to the nation, and got not one further therefor; but the State had previously leased it to the Green and Barren River Navigation Company. Its lease would have expired in a few years. The Government bought the franchise of about four years, and for this short lease paid \$135,000. The State of Kentucky gave, or donated, this work.

These works have cost the State of Kentucky over \$1,000,000, and if the Government should undertake to-day to rebuild the five locks and dams in that series it would cost the Government more than \$1,000,000. The Government has gotten it, paying the State nothing, paying the navigation company simply for the franchise \$135,000. It seems that we could afford to be reasonable, and protect the property by expending \$130,000 in rebuilding this lock, so as to perpetuate transportation. One hundred and thirty thousand dollars is not asked for at this time. Sixty-five thousand dollars will probably run it until another appropriation can be made by next Congress; and this House ought to be willing to give the amount asked. Now, sir, I can not see any difference in the continuation of an appropriation where all the work has been done and the expenses incurred by the Government, and where the work has been done by somebody else and given to the Government.

Why should any gentleman claim here that this river ought not to be entitled to aid by these appropriations, just as with other works? Why not give it to these works which have cost the Government nothing, but have been given to it by the State of Kentucky.

I understand from the local engineer, and I have no doubt that the statement is accurate, that there is a series of five dams, which give an extent of slack-water navigation greater than any other in the country. One of these pools is 60 miles long. Take the series of five dams and there are nearly an average of 50 miles in each pool; and there is no other series of works in the whole United States equal to it. Now, shall we allow that whole system to decay for the paltry sum of \$65,000, or shall we make this appropriation and save the system, and continue navigation.

Mr. BLANCHARD. Mr. Chairman, I wish to correct the gentleman from Kentucky in one statement he made, doubtlessly by inadvertence. He says there was by the estimate over \$400,000 recommended by the Chief of Engineers for the Green and Barren Rivers, as being the amount that could be profitably expended in the next fiscal year. He is mistaken about that. There is not one dollar of estimates made by the Chief of Engineers for work on the Green and Barren Rivers for the next fiscal year. My friend has mistaken the estimates of the local engineer for those of the Chief of Engineers. That is the difference.

Since the Government purchased the franchises on the Green and Barren Rivers the Government has made no appropriation for new works upon those rivers, or for repairs of the existing work. The Chief of Engineers and the Secretary of War never

make estimates recommending appropriations for new works in the sense of putting estimates for them in the Book of Estimates. They wait until Congress enters upon the work by adopting it, before estimates for continuing the work are put in the Book of Estimates.

Mr. GOODNIGHT. If the gentleman will allow me, I will state that I did not mean the Chief of Engineers, but should have said the local engineers.

Mr. BLANCHARD. We had before us the estimates of the local engineers for certain new work needed upon these rivers, and certain repairs to the existing works, and we placed \$50,000 in the bill for new work on the Green River.

Mr. GOODNIGHT. That is right.

Mr. BLANCHARD. Further, Mr. Chairman, I disagree with my friend in the statement that he makes that the Government of the United States received a donation very valuable to it in these locks and dams upon the Green and Barren Rivers when they were turned over to the Government. The Government, as I said before, had to pay \$135,000 for the lease franchise, and when the property was turned over to the Government these locks were run down very much and out of repair. Mr. Chairman, they were not valuable works of that character, were old and in such a condition that they had become a charge upon the State of Kentucky, and upon the corporation that operated them, and the burden of maintaining, repairing, and paying the running expenses of these locks was such that everybody concerned was only too glad to turn them over to the United States.

Mr. GOODNIGHT. If the gentleman will permit me, I will state that that has been the most paying stock in our section of country. There has not been a time for years when a dollar of it could be bought for less than \$2.

Mr. BLANCHARD. Everybody connected with the business—and the same is true of the works upon the Kentucky River which were turned over to the Government—everybody connected with them was only too anxious to dump these improvements on the Government, so that it might pay the running expenses of these locks and dams and provide for their repair and rebuilding when that should be necessary. I do not consider that there has been anything in the way of a donation to the Government in these cases. It was simply a case of asking the Government to take charge of something that was a burden to the people concerned and pay the expenses of running and repairing and rebuilding.

Mr. PARRETT. That was proposed because of the earnest desire of the people interested to have better service up the river.

Mr. GOODNIGHT. I believe the gentleman himself [Mr. BLANCHARD] was chairman of the Committee on Rivers and Harbors which recommended the purchase of these works from the Green and Barren River Navigation Company.

Mr. BLANCHARD. That is correct.

Mr. GOODNIGHT. If it was to be such a great burden to the Government, how could the gentleman reconcile himself to recommending the payment of \$135,000 for the franchise?

Mr. BLANCHARD. Oh, I did not intend to say that at all, and the gentleman has no right to infer from what I did say that I think that was not a proper thing for the Government to do. I believe the purchase was a proper thing. It relieved the commerce of those highways from burdens which previously they had to bear, and it clearly was proper for the Government to make those rivers free just as it has made free the Monongahela River in Pennsylvania and in West Virginia; but that the Government was given anything of value I deny entirely.

The Government took those works and assumed all the expenses connected with them, and what I deny is that there was in any sense a donation to the Government of anything of value. If those locks had not been there and the Government had been called upon to improve those rivers, it would undoubtedly have built the locks upon a different plan and a different scale from that on which they were built. The works were not such as the Government would have constructed; they were inadequate for the purposes for which they were used; but the Government took them and is making the most of them that is possible.

Now, Mr. Chairman, another point. We have heard the gentleman from Indiana [Mr. PARRETT] speak about his observation of these locks, and about having passed through there and inspected them; we have heard my friend from Kentucky [Mr. GOODNIGHT] tell us that he has inspected them, and that the rebuilding of this lock No. 2 is necessary; we have had my friend from Kentucky [Mr. ELLIS] tell about the necessity for rebuilding this lock.

Mr. Chairman, there is no doubt but that a great deal more money than the committee recommend to be appropriated could be advantageously expended upon this river; but that is true of two hundred and fifty other rivers which are in part provided for in this bill, and, within the limits of a \$21,000,000 river and harbor bill it is not possible to provide for them all according to their merits.

A MEMBER. Where is the necessity for confining the bill to \$21,000,000?

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

Mr. ELLIS. I renew the *pro forma* amendment, not for the purpose of detaining the House, because I want a vote on my proposition; but I wish to emphasize what I said in the beginning. The proposition now submitted is to rebuild this lock, which is indispensable to navigation on the Green, Rough, and Barren Rivers. Unless this is rebuilt, in the judgment of the engineer whose report has been read, navigation on those rivers will necessarily cease.

I call attention again to the fact that you have appropriated \$50,000 for lock No. 5, 150 miles above this lock. You have appropriated \$30,000 for Rough River, which empties into this river 10 miles above this lock. Now, as a plain, practical, business proposition, I ask this House whether or not you are going to throw away \$80,000 and suspend commerce on that river, or whether you will accept the recommendation of the engineer and make this appropriation, thereby straightening and perpetuating this whole system of navigation.

It is admitted by the chairman of the committee that since the Government has had control of this stream—now more than four years—it has not appropriated a dollar for it. The Government took charge of it, and ought to maintain commerce upon it; to do less is to violate the terms of the grant under which it acquired control of it. I insist, Mr. Chairman, that my amendment ought to prevail. I ask a vote upon it. I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. ELLIS to add at the end of line 10, page 43, the words, "For rebuilding lock No. 2 at Rumsey, McLain County, Ky., \$60,000,"

The CHAIRMAN said: The ayes seem to have it.

Mr. BLANCHARD. I call for a division.

The committee again divided; and there were—ayes 57, noes 56.

Mr. BLANCHARD. Let us have tellers.

Tellers were ordered; and Mr. BLANCHARD and Mr. ELLIS were appointed.

The committee again divided; and the tellers reported—ayes 61, noes 76.

So the amendment was rejected.

Mr. CARUTH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding after line 12, page 43, the words:
"Improving Salt River, Kentucky, by removing obstructions therein, \$3,000."

Mr. WASHINGTON. I wish to ask the gentleman from Kentucky a question; does he think that \$3,000 is enough for removing the obstructions in Salt River? [Laughter.]

Mr. CARUTH. I think it is, under the circumstances. This is a river very greatly navigated—probably more than any other river in the country. [Laughter.]

Now, when the gentleman from Louisiana [Mr. BLANCHARD] talks about the rivers in the State of Kentucky—when he refers to the Licking River, the Kentucky River, the Green and Barren Rivers, and even the Ohio River—he forgets the most important stream in that grand old Commonwealth, Salt River.

A MEMBER. How about the river Jordan?

Mr. CARUTH. This river rises just beyond my district, in the district represented by my friend, Judge MONTGOMERY.

A MEMBER. Are you interested in improving the navigation of Salt River?

Mr. CARUTH. I am. I propose to send a Republican up Salt River next fall, and I want him to have easy sailing.

A MEMBER. Can you do it?

Mr. CARUTH. I have done it three times already, and can do it again.

Mr. PAYNE. We have heard you make this same speech several times on this appropriation.

Mr. CARUTH. No; you have not. I would not be a bit surprised if the gentleman should be in pain himself this fall as he sails up this stream. [Laughter.]

Mr. WASHINGTON. Will it pay for the Government to spend \$3,000 for the sake of having you beat a Republican?

Mr. CARUTH. Now, Mr. Chairman, speaking seriously, the great difficulty in getting the House to consider properly this amendment arises from the fact that a great many people believe that Salt River is a myth. That is not so. This is a tributary of the Ohio River—an important tributary. There is considerable commerce upon this stream. And right at the mouth of that river are obstructions that ought to be removed in the interest of commerce, in order that the steamers from Louisville may go up and bring down the rich products of the fertile lands on both sides of that stream.

But not only that, Mr. Chairman; not only for the improvement of that commerce is this desirable, but also that the sailing of those persons who are forced to go up that stream may be made as smooth and pleasant and easy as possible under the circumstances. [Laughter.] While I believe in speaking all that is good of the dead, I believe also in doing no evil to the living that can possibly be helped. I am willing to back them up, to help them all along to the best of my ability; but when they are finally disposed of I desire to insure them as smooth and easy sailing as possible.

But the \$3,000 which is asked for this improvement is a mere bagatelle. I understand that twenty-one millions are covered by this bill.

A MEMBER. Twenty-three millions.

Mr. CARUTH. Well, twenty-three millions; all the more; and shall it go out to this country, shall it be known of all mankind throughout the length and breadth of this land of ours, North, East, South, and West, that out of \$23,000,000 of appropriations for the improvement of the rivers and harbors of this country not one dollar is given to that classic stream, Salt River? [Laughter and applause.] I say forbid it, my friends. Let the appropriation in this case be made, not only for this political commerce, but for the business commerce of Kentucky which uses that river.

Give me that \$3,000; it is a small sum to ask. Kentucky has come up appealing here and asked you a good deal of money; but up to this time I fail to see that my friend from Louisiana [Mr. BLANCHARD], the chairman of the Committee on Rivers and Harbors, has allowed a single solitary cent. If it were not for the fact that most of the people around me have "pork in this pot" I could obtain votes against the committee; but when I rally my hosts and ask them to come to the rescue of that grand old Commonwealth, Kentucky, and her water ways, they sit still in their seats because they are afraid of offending the distinguished gentleman from Louisiana. I congratulate him on his power and success. But here is a little sum. I only ask \$3,000. I have not asked a single cent more.

I do not purpose in this bill to offer another amendment to a single solitary line of the bill, but I ask you now in behalf of my district, in behalf of the commerce of the State of Kentucky, as well as of the defeated candidates for office all over the land, that all obstructions be taken out of Salt River and that the navigation be made as pleasant as possible under the circumstances. [Laughter and applause.]

Mr. BLANCHARD. Mr. Chairman, it is a sufficient answer, I desire to state, to the entertaining speech of my friend from Kentucky that there is no plan of improvement of the Salt River before the committee and no estimates for it.

Mr. CARUTH. I want to ask my friend whether or not I did not speak to him as chairman of the River and Harbor Committee in favor of improving the navigation of the Salt River?

Mr. BLANCHARD. Well, Mr. Chairman, so many gentlemen have spoken to me during the session about the improvement of various rivers that I do not recollect whether the gentleman from Kentucky did or not. But if he says he did, I do not gainsay his statement.

Mr. CARUTH. Why, of course I did.

Mr. BLANCHARD. I simply stated, sir, that there is nothing at all before the committee in the way of plans or estimates on which we could have acted in reference to Salt River.

Mr. CARUTH. Well, that is the very reason I asked to have it done here. [Laughter.]

Mr. BLANCHARD. I will state that some gentleman of the Kentucky delegation, I do not now remember who, has asked if I would accept an amendment proposing a preliminary examination and survey of the Salt River, and I have agreed to do so when the proper part of the bill is reached to let an amendment for the preliminary examination and survey be made, and if hereafter the object is believed to be feasible the plans and estimates can be prepared for the relief of that people.

Mr. CARUTH. Well, will you not get it finished by the November election? [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Kentucky unless it be withdrawn.

Mr. DE ARMOND. Mr. Chairman, there is one portion of the argument made by the gentleman from Kentucky [Mr. CARUTH] that has not received an answer, nor any consideration. So far as the material feature of it is concerned, it has been considered by the chairman of the Committee on Rivers and Harbors [Mr. BLANCHARD]. There is a suggestion in regard to the need of improvement for political purposes. Now, in view of the fact that our Republican friends during the last Congress did not make any appropriation for the improvement of Salt River, and in the ensuing autumnal voyages, successfully and without obstruction, reached its highest waters, I think it is hardly nec-

essary for us now on their account to make this appropriation. [Laughter.]

Mr. CARUTH. I thought you were going to make a speech in favor of the amendment.

Mr. DE ARMOND. No.

The question being taken on the amendment offered by Mr. CARUTH, the Chair announced that the yeas seemed to have it.

Mr. CARUTH demanded a division, but, pending the count, withdrew his demand.

The amendment was disagreed to.

Mr. CARUTH. I see they are afraid of Salt River. [Laughter.]

The Clerk read as follows:

Improving Ohio River, Ohio: Continuing improvement, \$350,000, of which sum \$13,000 may be expended in completing the embankment on the south side of the Great Miami River near its junction with the Ohio River, to confine the waters of said Miami River in great floods to the general course of its channel at or near the Ohio, to the end that the formation of the bar in the Ohio now obstructing navigation may be arrested; and of said sum \$30,000, or so much thereof as may be necessary, may be used in improving the navigation of the river at Mound City, Ill., and \$7,000 in completing the work at Shawneetown, Ill.

Mr. PARRETT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 16, page 43, strike out the word "three" and insert the word "four," and at the end of line 2, page 44, add: "And that \$100,000 of said appropriation, under the direction and discretion of the Secretary of War, may be expended in improving the river between Indiana Chute Fall and Cairo, Ill."

Mr. ENOCHS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ENOCHS. I presented an amendment to this entire section yesterday, and it has been pending, as I understand, ever since.

The CHAIRMAN. This item was not reached yesterday, and therefore it was not open to amendment.

Mr. ENOCHS. But I offered an amendment and stated that it would be pending, and desired to have it understood that when it was reached it would be in order. It has been pending since yesterday. In the general debate I offered it and spoke upon it.

The CHAIRMAN. The gentleman did not have the floor to offer an amendment yesterday, but the Chair will entertain the amendment at the proper time. The Chair does not understand that it matters whether it is offered before or after the amendment of the gentleman from Indiana.

Mr. ENOCHS. I certainly offered the amendment.

The CHAIRMAN. The gentleman will understand that the section was not open to amendment yesterday. This is the first time that an amendment could be offered to this section.

Mr. PARRETT. Mr. Chairman, I offer this amendment in good faith. The bill now carries \$350,000 for continuing improvement in the Ohio River, etc. The amendment proposes to increase that to \$450,000, and provides that of that extra sum \$100,000 shall be expended, under the direction of the Secretary of War, between the Indiana Chute Falls in Indiana and Cairo, Ill.

I want to suggest to the committee here that I do not understand what is the intention of the words "improving the Ohio River;" unless it relates to the improvement of the river exclusively within the bounds of the State of Ohio. If so, there are 500 miles and more of the Ohio River for which not a dollar can be used to keep the sand bars out of the way.

I want to say further, that I can not understand why these gentlemen wish to draw the line at points like this, when they have made such appropriations as I do not complain of, for the Mississippi River, both upper and lower. I do not see why it is that this great river, the Ohio, the greatest of all rivers in point of the reception of freight, a river 943 miles in length by the channel; a river that bears on its bosom more of the freight of the great Northwest by a considerable amount than any of the other rivers of the whole Mississippi Valley, should be thus neglected.

I mean to say that it receives in tonnage, as original freight, a greater amount than any of these other rivers; and I want to ask the chairman of the Committee on Rivers and Harbors [Mr. BLANCHARD] why it is that this pitiful amount of \$350,000 only has been set aside to this river? Why is it that justice, and, in my opinion, fair dealing has not been had in apportioning this \$21,000,000, if there was a line to be drawn beyond which they could go no further? I never heard of that line until I came upon this floor. Here are works of immense importance and necessity. Why improve the Lower Mississippi if you are going to block up or permit to be blocked up the great feeder of the Lower Mississippi, the point from which it receives its freight.

If by the neglect of the Ohio River you are going to drive this tonnage and this freight upon the railways, and break down competition in the transportation of the commodities of the country, what use have you for such improvements upon the

Mississippi River, unless it be to protect your lowlands from overflow. And as I understand, that is not the purpose of the Government; but the purpose of the Government in granting money upon river and harbor bills is for the improvement of the rivers and harbors.

[Here the hammer fell.]

Mr. STORER. Mr. Chairman, I desire to support the amendment offered by the gentleman from Indiana [Mr. PARRETT], and I only ask the House three minutes in which to do it. There are few people in this country who understand how important the Ohio River is in the way of its tonnage and its traffic. I do not believe there are many gentlemen in this House who know that the Ohio River carries nearly seven times as many vessels as the Missouri and all its tributaries and the Mississippi and all its tributaries combined.

I do not believe that many gentlemen of this House know that the yearly tonnage coming down the Ohio River is 33 per cent greater than that going in and coming out of the port of New York. I do not believe that many gentlemen of the House know that the Ohio River tonnage exceeds that of the whole of the rest of the Mississippi Valley put together, including the Missouri and other tributaries of the Mississippi River, except the Ohio. Now, I am not against improving the Mississippi River or the Missouri River, but I must say that Ohio has a right to demand for the river that is named after it a full and equal share in the benefit of this public distribution of wealth.

We carry on the Ohio River, Mr. Chairman, more tonnage in a year than goes in and out of the port of Liverpool, and we carry more upon it than goes on the Hudson River, and yet you have cut the recommendation of the engineers to less than half. I do not think it is right and fair. I for one had not the benefit of appearing before the committee. That may be my fault; it certainly has been my loss, and I ask gentlemen of this House, and the committee to yield, so that a reasonable amount may be added, under the recommendation of the engineers, to carry out the recommendation and the amendment offered by the gentleman from Indiana.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. STORER. Certainly.

Mr. BUTLER. I simply wanted to question the accuracy of one of the expressions which the gentleman made. I do not know whether it was purposely made or not. The gentleman called this river and harbor appropriation bill a bill for the "public distribution of wealth." Is that what it is for?

Mr. STORER. I was trying to make myself understandable even to the understanding of the gentleman from Iowa.

Mr. BUTLER. I understood it, and I think the gentleman stated it correctly.

Mr. BLANCHARD. Mr. Chairman, every gentleman on this floor will admit the importance of the Ohio River as one of the highways of commerce in this country. It, the Hudson, and the Mississippi River are the three rivers which accommodate the greatest volume of commerce, and stand next to the Great Lakes in this respect. It is true that more steamboats are credited to the Ohio River than to the Mississippi River proper. It is true that in the census report of 1890, touching the commerce on the Mississippi River and its tributaries, that the Ohio River is credited with a greater volume of commerce than the main channel of the Mississippi River is; but one important point in making up that statement, Mr. Chairman, was overlooked.

The census officials failed to credit the Mississippi River with any part of the commerce which originated on the Ohio River, came down it, and then used the Mississippi channel as a highway. They credited the Ohio River with all the commerce originating on it.

Mr. PARRETT. That is the way, I understand, its receipt and origin there.

Mr. BLANCHARD. Notwithstanding the fact that three-fourths perhaps of that commerce, certainly two-thirds of it, used also in the main channel of the Mississippi River, no part of that commerce was credited to the Mississippi River. So the statement of the census in that respect is entirely misleading—but that is immaterial.

Mr. PARRETT. My statement was, the receipt and origin of the shipments.

Mr. BLANCHARD. That is immaterial, Mr. Chairman. The Ohio River is one of the greatest rivers in our country, and should always have an adequate appropriation made for its improvement. But let us see. My friend is mistaken when he says that this bill only appropriates \$350,000 for the Ohio River.

Mr. PARRETT. I said for general purposes.

Mr. BLANCHARD. Mr. Chairman, the amount that this bill carries for the Ohio River, all told, instead of being \$350,000, is \$545,000. It carries in it four separate items: Improvement of the Ohio River, \$350,000; improving Ohio River at or near Beaver River in Pennsylvania, \$100,000; improvement of the

Ohio at the Falls of the Ohio near Louisville, Ky., \$60,000, and the improvement of what is called the Indiana Chute of the Ohio River, \$35,000, making a total of \$545,000 for this river.

Mr. PARRETT. Let me state to you, if it will not interrupt you—

Mr. BLANCHARD. Certainly.

Mr. PARRETT. That all of that money is spent before you reach the falls. Now, you leave 500 miles of that river without anything except \$6,000 or \$7,000 for the little town called Shawneetown.

Mr. BLANCHARD. Mr. Chairman, the last river and harbor bill, the bill of 1890, appropriated less for the Ohio River than this bill appropriates, and this bill is nearly \$4,000,000 smaller in amount than that bill. Now, let us see if the Ohio River had an inadequate amount appropriated for it in the last bill notwithstanding that amount was smaller than in this bill. I hold in my hand the report of the engineer, and I will read from page 288.

There was appropriated for the general service on the Ohio River in the bill of 1890 \$300,000. For the same reach of the Ohio River there is appropriated in this bill \$50,000 more. Here is a financial statement made by the engineer up to July 1, 1891, from which it appears that "of the unexpended appropriation made prior to 1890 they had on hand July 1, 1890, \$136,648. To that he adds the appropriation of \$300,000 made in the act of 1890. These two sums together foot up \$436,648, which was the amount on hand on the 19th of September, 1890, when the river and harbor bill last passed became a law. Of that amount on hand September 19, 1890, they had expended up to June 30, 1891, only \$119,590. To that the statement shows: Unexpended balance, \$317,057; outstanding liabilities, \$9,240; amount covered by uncompleted contracts, \$178,820. Leaving an available balance on July 1, 1891, of \$138,000.

Gentlemen say that the appropriation in this bill is not sufficient; yet it appears from this statement that a smaller appropriation made in the bill of 1890 was found to be quite sufficient.

Mr. ENOCHS. Is not that accounted for by the water being so high that the work could not be carried on?

Mr. BLANCHARD. I am just stating the facts as they exist. Now, Mr. Chairman, the Ohio River has not fared badly at the hands of Congress in the past, as will be shown by this statement which I read from the report of the Chief of Engineers:

The first appropriation for the improvement of the Ohio River was made in 1827, and the total sum thus far appropriated for "Ohio River" is \$5,790,000. This total includes the appropriations for the movable dams at Davis Island and Beaver, but it does not include the appropriations for "Falls of the Ohio." In addition to these direct appropriations, a portion of several combined appropriations for the Mississippi, Missouri, Ohio, and Arkansas Rivers, aggregating \$1,997,940.68, was expended on the Ohio River.

That is not too much; perhaps it is not enough; but I merely cite these figures to show that there has been no neglect of that river.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. PARRETT].

Mr. PARRETT. Mr. Chairman, I move to strike out the word "Ohio," after the word "River," in line 15, page 43. I make this motion for the purpose of eliciting an explanation of the reason for making this appropriation in this way—"Improving Ohio River, Ohio." The question in my mind is whether the name of the State inserted there after the word "River" is intended as a limitation upon the expenditure of this money.

Mr. BLANCHARD. The amendment of the gentleman from Indiana is correct. The word "Ohio" should be struck out.

The amendment of Mr. PARRETT was adopted.

Mr. REED. Mr. Chairman, I move to strike out all after the word "dollars," in line 16, on page 43, down to line 23. I should not, under ordinary circumstances, expect to prevail, even upon a slight matter like this, against the Committee on Rivers and Harbors; but I am quite sure that after I state the facts I shall have the powerful assistance of the gentleman from Indiana [Mr. HOLMAN], whose sense of economy will undoubtedly be such that he will not be willing to make the expenditure provided for in the language which I have asked to have erased from the bill. The committee will notice that the striking out of the words proposed saves this money for the general object of improving the Ohio River for purposes of navigation, which I know, from the speech the gentleman from Indiana [Mr. HOLMAN] made yesterday, is dear to his heart.

Upon looking at the map and the engineer's report I find what seems to me to be a very singular condition of things. An asseveration is made that a bar is forming in front of the Great Miami River in the Ohio, and that it is necessary to expend this money for the purpose of removing that bar to navigation. Therefore, a levee or dike is built for the purpose of increasing the flow of the Great Miami River; but, singularly enough, when you come to examine the construction you find that that levee

commences 2 miles from the bank of the river, and as it gradually approaches the town of Lawrenceburg (which it finally encircles) it reaches a distance of from 2½ to 2½ miles from the Miami River. It would seem as if this dike commenced a great way off for its purposes and continued a great way off in order to produce its results. [Laughter.] Between the dike and the river lies 2½ miles of rich bottom land which is always overflowed at any rise of the river.

In order to make this of sufficient height to protect the town of Lawrenceburg against great floods in the Ohio it would be necessary to expend some eight or ten million dollars. But I am quite sure the gentleman from Indiana would not permit such an expenditure of the public money for any such purpose; and when he discovers, as he does now from the statement I make, the location of that levee, he will undoubtedly help me to stop further expenditure upon it.

It is a very singular thing that this bottom land, instead of rising from the bank of the Miami, slopes downward, so that it will be perceived there is no possible way in which this embankment, constructed two miles or two miles and a half from the river, can have any tendency to increase the flow of the Miami, or to increase its scouring properties, or its ability to remove a bar from the Ohio River.

The sole object is, first, to conduct some railroad tracks out of the reach of the ordinary flood rise; and, second, to protect the town of Lawrenceburg. Now, those things have nothing to do with navigation; those things have nothing to do with the proper objects of a river and harbor bill. Therefore, I feel confident that I shall have the assistance of the gentleman from Indiana; and with that assistance I shall be able to convince the Committee on Rivers and Harbors of their duty in this matter, because they are not in the slightest degree to blame. This thing seems to have originated some time back. This provision seems to have been in an earlier river and harbor bill, for which probably this committee was not responsible; and it may have originated at a time when the gentleman from Indiana himself was not a member of the House; it may have occurred during that unfortunate period when we had not the benefit of his economic assistance in stopping such things. Now, I trust I shall have the assistance of the gentleman from Indiana.

[Here the hammer fell.]

Mr. HOLMAN. I hope the gentleman will have more time.

Mr. REED. Oh, no.

Mr. HOLMAN. Oh, I insist on it.

Mr. REED. Oh, no. I want the help of the gentleman from Indiana. His assistance is of more importance to this country than my having five minutes additional. [Laughter.]

Mr. HOLMAN. Mr. Chairman, the gentleman is as usual pleasant and funny; and we all laugh as a matter of course. Indeed, the pleasant face of the gentleman from Maine excites us to pleasant emotions. We are always glad to hear him talk; and he always talks very well.

Now, Mr. Chairman, a very simple statement will show that the Government engineer who has had this matter in charge has not made any great mistake.

It has been heralded around the Capitol during this forenoon that somebody was to be literally "chawed up" by the gentleman from Maine; all of us, of course, have been on the lookout, and I thought possibly it might be myself.

Mr. REED. Why, I notified the gentleman. "I thought possibly it might be myself!"

Mr. HOLMAN. No. After I heard the rumor I went to the gentleman and inquired whether he was after me. I had heard the report; it was rumored around even amongst the boys that there was to be a great onslaught, and I presume that most members here who have had anything to do with rivers and harbors were trembling in "their boots." I went to the gentleman and inquired what he was after? The suspense was becoming terrible. And he told me he was going to pitch into the little city of Lawrenceburg, Ind., or words to that effect. I do not pretend to quote him exactly.

Now, the gentleman is mistaken about one thing. I was present when the first appropriation was made for this object [laughter]; and it was made a number of years ago. If there is anything about it, the Chief of Engineers and the Representative from that district (Lawrenceburg is in my district, and I live on the Ohio River hills some miles below), and other persons connected with the public service and connected with this work are responsible for it.

From the statement made by the gentleman it would look as if the levee ought to be nearer to the Great Miami River. But that shows the gentleman's want of knowledge of the local geography. If he understood the geography of the Great Miami River, which, of course, he ought to know all about, he would know that a levee on the bank of that river would not stand against any great flood. You can not construct a levee there

strong enough, I think, for such a purpose without a great expenditure. If now it had happened that the levee had been constructed on the banks of the Miami River and had protected that vast body of land, the Great Miami Valley (the finest and most fertile body of land, perhaps, of equal extent north of the Great Delta), I should then have seen the point of the gentleman's remarks. For he knows very well that I have during this session of Congress, and at other sessions, steadily objected to the policy of the Government entering into great enterprises of constructing levees simply for the purpose of preventing the overflow of lands or for reclaiming lands from the floods. I have steadily maintained that Congress could appropriate money for the improvement of the navigation of rivers, and levees if necessary to aid in navigation, but not solely to protect lands from the floods. That is the position I take now; that is the position I have always taken. If, however, the improvement of navigation incidentally relieves the adjacent lands from overflow, that is a benefit which I am glad shall follow. So that if a considerable body of land in the Great Miami Valley has been incidentally included in the advantages which might accrue from the removal of the bar at the mouth of the river it would be a matter of congratulation, I think, to the people of the whole country; but the Great Miami Valley was not embraced in this levee; it would require millions of dollars to do that. I of course had nothing whatever to do with the location or construction of the work in question.

It was the Engineer department of the Government that determined on the location of the levee to control the course of the waters of the Great Miami in great floods. I presume that the engineer selected the most available and desirable location under the provisions of the law.

The appropriation was not imperative in the beginning. There have been three appropriations made for this work, one of \$18,750, one of \$15,000, and the other \$13,250. This proposed appropriation for the completion of the work so far as the Government is concerned is \$13,000. The language of each appropriation has been the sum (naming it) "may be expended," etc., for this work.

[Here the hammer fell.]

Mr. DOCKERY. I ask unanimous consent that the gentleman from Indiana may be allowed five minutes longer.

Mr. REED. I hope his time will be extended.

There was no objection.

Mr. HOLMAN. The engineer, for reasons that he could doubtless explain, but which I can not, thought proper to select the present site, about 2 miles below the mouth of the Miami River, for this levee. I presume the reason was that the spreading water, because the river is very wide in great floods, enabled the work to be safely located there, because being contracted somewhat above this point there is a tremendous force in the current, or because of work already done. The levee is just above the city of Lawrenceburg, and leaves of course the great valley subject to overflow, and it is often covered with water to the depth of 6 or 8 feet. The levee has nothing to do with the Miami Valley. That work has been in process of construction for several years, and, as I have said, three different appropriations were made for it.

Now, I can not for the life of me perceive what trouble there is in the matter. Col. Merrill furnished a statement when the matter was first before the committee, and when this first appropriation of \$18,750 was made; and he was of opinion that that bar could not be affected by confining the flood to the Miami River in its course to the Ohio, and was not caused by the great floods.

On the other hand, engineers just as competent and river men on the Ohio River have asserted time and time again that in great floods the Ohio River deflects to the north and turns up into the mouth of the Great Miami, as it were, pouring the great flood of the Ohio and Great Miami through the city of Lawrenceburg and into an ancient channel, and right below the point of deflection is where, it is asserted, the deposit occurs which forms the bar in question. In the judgment of the engineers, the line where the levee was constructed, which was to confine the waters of the Great Miami to their natural course and confining the great body of both rivers to their channels, was the best selection for that purpose, and that by confining the waters of the Great Miami to its natural course, as well as the Ohio, would prevent the enlargement of this bar that interfered with navigation and tend to its removal.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. HOLMAN. In a moment. And that the bar would gradually be removed by the natural erosion of the river itself. The correctness of that judgment is shown in this: This levee is not all the way round the town of Lawrenceburg, but on the north and east. It is constructed to the extent of reaching just below the upper point in the city of Lawrenceburg.

Mr. REED. Does it not surround Lawrenceburg?

Mr. HOLMAN. Not at all. Most of the work was constructed by the people themselves through an extended series of years at great expense. Gentlemen will remember that this is the city which excited the sympathy of the people of the United States in 1883 and 1884, when the whole city was overwhelmed by tremendous floods, the Ohio leaving its natural channel and with the Great Miami pouring in resistless force through the city, carrying universal ruin in their course. There was scarcely a town or a city in the United States that did not come forward promptly to the relief of that community. And yet this levee was not based on that ground. The movement was on foot before. But, as I have said, protection from flood was not the object of this improvement. It was made in the interests of the navigation of the Ohio River.

It was found, I am told, that in the last flood the bar did not increase with the deflection of the current, but that there was a gradual erosion or washing away of the bar. This bar has been a serious obstruction to navigation. I have seen, looking down at this point from the hilltop where I live, boat after boat aground at this point in former years. With this levee completed it is claimed that in time, even when the river is low, the navigation will be comparatively free. And I am sure that the river people of that whole region are thankful to Congress that these small appropriations are being made, year by year, for the purpose of securing through this levee better navigation of the river, and doing incidentally humane and beneficent service to the enterprising and intelligent people whose prosperity is assured when they shall feel safe from the overwhelming floods. They are rapidly by persistent energy recovering from the former disasters.

I now yield to the gentleman from Louisiana for a question.

Mr. BOATNER. I understand from the gentleman's argument that the levees are constructed for the purpose of concentrating the waters at that point and removing the bar by the action of the water itself?

Mr. HOLMAN. Yes, sir; or rather it prevents a deposit, and the bar will gradually wear away by the erosion of the current.

Mr. BOATNER. Why, then, will not the construction of levees on the Mississippi have the same effect upon sand bars forming in its channel? Why does the gentleman advocate levees on the Ohio, and object to levees for the same purpose on the Mississippi?

Mr. HOLMAN. I ask one minute in which to give my answer to that. The tendency of the testimony is that in the Mississippi River the deposit occurs as the river goes up. The washing does not happen until the river gets within its banks. That is the difference. With the hard, substantial banks of the Ohio the case is somewhat different. I hope that the House will make this appropriation in the interest of navigation of the Ohio River, even if it gives some protection incidentally to the enterprising people who have displayed for years unsurpassed energy in building up their city after overwhelming disaster.

Mr. REED. Mr. Chairman, the gentleman from Indiana has illustrated very thoroughly in his speech how good a reply can often be made without giving any facts or making any statements or producing any figures. By an earnestness of manner which is peculiar to him, I have no doubt the House is under the impression that somehow or other there is a defense in this matter, but I beg to assure the House that there is nothing of the sort. [Laughter.] It is a very simple affair, just as plain as can be. Here the Ohio River comes on its way, like that great aisle in front of the Chairman; the great Miami, like the aisle by the gentleman from Indiana, and the supposed bar being at the end of the gentleman's aisle; here where I stand would represent fairly well the place where the dike is. [Laughter.]

From the great Miami River the country slopes downward and not upward. Anybody can see that when the Ohio River is on what the river men call a "big high," the effect is simply to back up the water, to overflow these bottom lands; and instead of increasing the scouring properties of the swiftly flowing Miami, the dike absolutely stops it for 9 miles. And yet that is what the gentleman from Indiana supports, upon the ground that it helps navigation.

Now, of course the moral effect of this thing is that while the gentleman from Indiana [Mr. HOLMAN] is entitled to occupy a great eminence of virtue as being in favor of economy, retrenchment, and reform, yet I want to point out to this House that he has in him the redeeming fact that he is so human that when his district is involved these great principles are no more applicable to him than they are to the weakest of us. [Laughter.] Hence you see my idea here is to help us a little, so that we may not be consumed with envy of the gentleman from Indiana. It is the reason that we all have for pointing out the defects of those who are truly good. Now, in order to give the House an idea of what this situation actually is, I will read what the en-

gineer says about it. You will notice the guarded language of the Chief of Engineers. He says:

The river and harbor acts of 1890 and 1888 state—

He does not state it, but throws the responsibility of that statement on Congress, and hence what he says is almost in the nature of a sarcasm. The river and harbor acts state—

that the object of this work is to confine the waters of the Great Miami in great floods, to the end that the formation of the bar in the Ohio River, now forming and obstructing navigation, may be arrested.

In other words, just as if a great dike were built on Florida avenue, on the boundary of this city, away back from the river, in order to increase the navigable power of the Potomac River. [Laughter.] That is what it is.

Now, what do they actually do with this money when they get it? I am sure that the gentleman from Indiana [Mr. HOLMAN] is not intending to be a friend of corporations. And yet the act of 1890, allotting \$13,250 for the completion of the Grand Miami embankment, had a residue of \$10,000 additional, and they contracted with the Ohio and Mississippi Railroad Company where it crossed the line of the proposed levee. A contract for this purpose was made with the railroad company at 40 cents a cubic yard. Hence another great social duty which this embankment performs is to keep a railroad out of the wet. Now, I do not object to that, but I have no doubt the gentleman from Indiana does. [Laughter.] The next step in order was to extend the levee on the east side of the Ohio and Mississippi Railroad until it reached a point where the levee merged into the roadbed to be raised of the Cleveland, Cincinnati, Chicago and St. Louis Railroad.

Now, there is another railroad to be benefited by this particular appropriation. So that it seems the total effect of this is to protect the country more or less—not the town of Lawrenceburg. And notice how skillfully the gentleman put in the melancholy condition of the town of Lawrenceburg; how he drew upon your sympathy and tried to get behind that town. See how skillfully that was done. He also stated the fact here that the town of Lawrenceburg had built its own levee; and, consequently, this appropriation has nothing to do with saving from further disaster the inhabitants of that unfortunate town; and the only effect of it seems to be that it lifted two railroads in out of the wet. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. Moreover, if I may be allowed but one moment, the Engineer department, when they make their recommendation on page 2340 of the Report of the Chief of Engineers, do not make any specific appropriation for this purpose, do not recommend any further action. Now, there are facts for the House to consider.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. REED. Certainly.

Mr. BUTLER. Upon whose official plan and specification was this dike put where it is?

Mr. REED. I can not, for the life of me, say. [Laughter.]

Mr. BUTLER. I only asked that question as a basis for another. We have as an excuse for all these improvements in this bill the fact that the engineers have given plans and specifications and saying that they are recommended. Now, if this is a sample of the kind of plans and specifications they give us, I think I would be justified in voting against the bill in its entirety.

Mr. REED. Will the gentleman from Iowa permit me to say that his proposition is not practical. What I want to get at is this particular amendment; and if he attempts to spread it all over the bill he may find too large a force arrayed against him, which would not be desired. [Laughter.] I want to get at this sinful river and harbor bill in the way gentlemen say they would get at the "wicked tariff act"—gradually. [Laughter.]

Mr. BUTLER. Mr. Chairman, the gentleman has demonstrated what he said the gentleman from Indiana had exemplified before him—how easy it is to make an answer without stating any facts or figures or giving any reasons for his statement. A mere slur as to what kind of a force there is in favor of this river and harbor appropriation bill is not an answer. The question that I asked was upon whose plans and specifications this dike was built. Of course we know it was built on plans and specifications, and if this is the class of specifications we are asked to vote upon it is certainly proper to question some of the plans and specifications given; and it is no answer whatever to say that there are nine-tenths of the members of this House in favor of the river and harbor bill.

I know, as the gentleman knows, that men who are right are almost always in the minority in the beginning, but they bring to them afterwards a majority which approves principles that are right; and although I am in the minority to-day, and I know that I am in this case and have been on each feature of this bill, it is no answer to say that my position would involve a large op-

position and is not practical for that reason. I suppose the gentleman cares more for majorities than he does for truth and principle.

Mr. REED. Yes, that is a sad fact. [Laughter.]

Mr. HOLMAN. Mr. Chairman, I wish to say that I had not completed my answer to the gentleman from Louisiana [Mr. BOATNER]. I intended to have added when my time expired an answer to his question as to the effect of levees on the Mississippi River as producing a scouring effect upon the bottom, an erosion deepening the channel. I intended to have added this, that always when this question has been up, I have agreed to the policy of levees if necessary and proper to improve the navigation of the Mississippi River. I have contended that as a rule a levee had not that effect; but wherever in the judgment of the engineers the construction of levees was proper to benefit navigation they should be constructed. We of the Mississippi Valley all have an interest in the navigation of that great river, and if the dike or levee is necessary to improve the navigation, why of course an appropriation for that purpose should be made, or the general appropriation to improve navigation ought to be made applicable to that purpose, but not solely for the reclamation of lands.

One further fact as to the gentleman from Maine. I gathered from his statement that he had never been at Lawrenceburg, and that he was speaking about a matter he knew nothing about and has not taken time to study. He drew a diagram as remote from the case as it is possible for a gentleman of genius to devise, and we all know that he can devise a great many things—

Mr. REED. How far is it from the Great Miami River?

Mr. HOLMAN. I have said it was about 2 miles.

Mr. REED. Is it two miles and a half?

Mr. HOLMAN. I do not think it is 2 miles, but I put it at 2 miles in my statement. I do not know the exact distance.

Mr. REED. Then there is no mistake about that part of the diagram.

Mr. HOLMAN. It is far enough and near enough, I suppose, to accomplish its purpose. The levee was put at a place where the engineer in his judgment thought it would best accomplish the purpose. The expenditure of the money was subject to the action of the Secretary of War. In drawing up the provision originally I used the language as it occurs here, "And so much of the money for the Ohio River may be taken," leaving it in the discretion of the Secretary of War; and as a matter of course he would act entirely on the judgment of the Chief of Engineers.

Now, the fact is that the Great Miami River strikes the Ohio River nearly, I think, at a right angle, and, in view of that situation, the engineer would naturally seek a point where a levee would stand, and he selected the situation of the present levee, which was located, I think, on the track of the railroad to which the gentleman from Maine refers, where the city of Lawrenceburg had constructed years ago a partial levee. I did not say that the city of Lawrenceburg had surrounded itself with a dike. That is not correct.

The city has been engaged in this work more or less for perhaps fifty years, although it is a small city of only about 4,000 or 5,000 inhabitants. Its situation is somewhat similar, except as to the Miami River and change of currents in the Ohio in great floods to that of Shawneetown, Ill. The gentleman from Maine knew that an appropriation was made by this bill of \$7,000 for the levee at that town for it is in this same paragraph with the Great Miami provision—a levee fronting the river. He could not have overlooked this item in the bill for Shawneetown, Ill. Why does not the gentleman from Maine assail that? Is this matter personal with him? He must have known that there was an appropriation for Shawneetown immediately following this Great Miami provision to aid navigation and incidentally to protect that town.

Mr. REED. Is that an objection to my amendment as to this item?

Mr. HOLMAN. I am inquiring as to the spirit in which you are acting, sir. You did not see proper to move to strike out the item of the same general character following.

Mr. REED. You will do it, will you not, if you do not think this sort of appropriation is proper?

Mr. HOLMAN. I will not do it, sir, for the reason that I do not propose to imitate your example. I do not allow my conduct as a legislator to be controlled by personal considerations.

Mr. REED. I will give you the benefit of that statement.

Mr. HOLMAN. I would not move to strike out that appropriation because I do not know the facts. The gentleman from Maine may think it is eminently proper and dignified and becoming a member of Congress to move to strike out an appropriation about which he knows nothing. In the face of the action of the Government engineer, who has been superintending the expenditure in making this great Miami River improvement, or rather providing protection against the effects of its floods, the

gentleman from Maine denounces it as a mere cheat, a mere trick, as though the people of Indiana and of the community of Lawrenceburg, where this work is in progress, were base enough to ask public money for an improper purpose! If I were to assail a town in Maine, if I were to sneer at the misfortunes of its people, overwhelmed by the floods or overwhelmed with other misfortune, as you have sneered at the unfortunate people of Lawrenceburg who are to derive an incidental benefit from this work you could find no words sufficiently mean to express your condemnation and contempt. [Applause on the Democratic side.]

Mr. REED. Mr. Chairman, I must say that I am amazed at the gentleman from Indiana endeavoring to take refuge in the assertion that I have said anything unkind about the inhabitants of Lawrenceburg. This House knows to the contrary. And by that act we can mark the gentleman's present condition of mind, as also by another statement he has made, that he is never actuated by personal considerations in his legislation. I do not say that he is, but I do say that I have been in this House for fifteen years, and I have never yet seen him vote against an Indiana project. That is a matter of fact as to which this House can bear me witness.

Mr. HOLMAN. Oh, yes, you have, over and over again. You have seen me stand in this House for hours opposing the swamp-lands bill, which would largely inure to the benefit of Indiana, and there are other instances which I might name.

Mr. REED. Possibly the gentleman is right about that one bill, if that bill affected Indiana.

Mr. McRAE. No, he is not right as to the interest of Indiana.

Mr. REED. He is not right. I supposed not. That settles the matter in the only instance which the gentleman has mentioned. Now, the gentleman from Indiana has been kind enough to say to this House that I have talked about a subject that I did not know anything about.

Mr. HOLMAN. I said so on the strength of your statement of the situation.

Mr. REED. This House has listened to my statement of the facts connected with this case. It has also listened to the statement of facts made by the gentleman from Indiana, and I ask this House, and I ask even those gentlemen who applauded the gentleman from Indiana when he sat down, from whom did they get an idea of the real condition of things there? Did they get from him even the slightest definite idea of the conditions surrounding this levee business at that point? I ask those who applauded the gentleman from Indiana if they got any clear idea from his statement? Yet the gentleman says I do not know anything about the facts. I leave this House to judge. I have described the situation.

Mr. HOLMAN. Oh, no; you have not.

Mr. REED. The gentleman has not denied a fact that I have stated.

Mr. HOLMAN. I deny it now.

Mr. REED. He has admitted every item, and yet he says the total is not correct. He admits the distance of the levee from the river; he admits the character of the neighboring territory; he admits the effect of backing up the water there—

Mr. HOLMAN. I do not.

Mr. REED. He has admitted everything I have stated from first to last. I repeat, he admits every item, and yet he undertakes to dispute the total. That is his method of argument. And he appeals to you as if he had been personally attacked. He has not been. It is simply a plain showing of a transaction which has taken place in this river and harbor bill with which he was concerned; and I began this by asking his assistance to remove this thing which is contrary to his own principles and his own ideas. I am sorry to say I find him just like the rest of us—moved by local considerations. [Laughter.] I had hoped he would rise above them, and I still hope so, although now it is hoping against hope. [Laughter.]

Mr. HOLMAN. Mr. Chairman, a single word. Truth is a valuable commodity—one of the most valuable; indeed I do not know anything so valuable as truth. Yet the gentleman from Maine deliberately stands up in his place and says that I admit everything he states. I have had no occasion to make any admissions. I stated that this dike or levee was located by the engineer officer below the Miami River, in the neighborhood of 2 miles, for the reason, as I supposed—though I do not know personally the reason—that you can not construct a levee at any ordinary cost near the Miami River. The Great Miami comes down with tremendous force; it is a stream that rises rapidly and falls rapidly; and perhaps to avoid the expense of a costly levee the work was put farther down the valley instead of upon the banks of the river, or to take advantage of more favorable ground.

I have stated further—a fact which the gentleman entirely ignores—that I am informed experience confirms the theory upon

which this improvement was commenced, that instead of there being an increased deposit on this bar the navigable condition of the river has been improved, so that, as I understand, during the low water of last year boats were not impeded in passing from Louisville to Cincinnati, the stretch of the Ohio River having the largest amount of navigation. I speak of this from information only. I do not live in the neighborhood of the work.

I have mentioned the fact that in former years small appropriations have been made for this purpose; and this bill contains an appropriation of \$13,000 to complete the work. I ask the House to make that appropriation; and I assure gentlemen that no money is carried by this bill which will be more honestly and legitimately applied to public use, in my judgment, than this item of \$13,000 will be if you think proper to make the appropriation.

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman, with the quarrel between the gentleman from Maine and the gentleman from Indiana over this appropriation the Committee on Rivers and Harbors has nothing to do. But it is proper I should state why the appropriation which the gentleman from Maine has moved to strike out was incorporated in the bill.

The appropriations for the building of this embankment at the mouth of the Great Miami River commenced in 1886. An appropriation for this purpose was incorporated in the river and harbor bill of that year. It passed Congress without challenge. In 1888 another appropriation to continue the work was incorporated in the bill; and that passed Congress without challenge.

In 1890, when our friends on the other side controlled the House, still another appropriation was embodied in the river and harbor bill for this particular purpose; and that passed both Houses without challenge—

Mr. HOLMAN. It was challenged in the Senate.

Mr. BLANCHARD. But it became a law.

Mr. HOLMAN. Yes, sir.

Mr. BLANCHARD. Here were three appropriations which had been made for this work. When the Committee on Rivers and Harbors of this House had in preparation this bill my friend from Indiana appeared before us and made a statement that this work at the mouth of the Great Miami River, to which the Government had committed itself, was not yet completed; that it would take \$13,000 to complete the work; and he asked us to incorporate the appropriation in the bill to be taken out of the appropriation for the Ohio River, as had been done in previous bills.

The gentleman stated in the beginning, in 1886, when he appeared in behalf of the appropriation, again in 1888, and again in 1890, and again in 1892, that there was a bar formed at the mouth of the Ohio River—

Mr. HOLMAN. Just below.

Mr. BLANCHARD. And that it was believed this bar had resulted from the overflow of the Miami River and the consequent dispersion of the current; that if this overflow were prevented by confining the waters of the Great Miami River in time of flood, thereby augmenting the force of the current and the abrasive power of the water, this bar would be washed out. In support of that view he presented maps showing the location of the bar and the results of soundings there. This map and this statement of soundings were accompanied by a statement perhaps of an engineer (I do not know who) in writing, showing that this bar was still there; that this embankment had not yet been completed, and that this additional sum of \$13,000 was needed to complete this embankment to the end that this bar might be removed.

Now, on the Mississippi River we believe thoroughly in the principle of concentration of waters to scour out bars; and I am sorry to say that my friend from Indiana has not been in sympathy with that policy upon the Mississippi River, though he is in thorough sympathy with it when it comes to the Ohio River and the Great Miami River. The principle that we invoke upon the Mississippi River is identically the principle that he has invoked at the mouth of the Miami River. So we find him in the case of the Miami River upholding the principle, while in the case of the Mississippi River we find him in sympathy with Mr. Cowdon and other gentlemen who believe in the outlet theory, or dispersion of the waters.

[Here the hammer fell.]

Mr. REED. Can the gentleman from Louisiana inform me if he ever received any information as to the bar at the point indicated from the engineers or their reports?

Mr. BLANCHARD. I do not recollect any reports of the engineers relating to this bar. As I stated, we followed the law of former Congresses in making this appropriation; and thought if it was worthy of three appropriations, one in 1886 and one in 1888 and one in 1893, the small sum of \$13,000 to complete it would be sanctioned by this Congress.

Mr. REED. Then another question, with the gentleman's consent. Is this recommended by the engineers, this \$13,000?

Mr. BLANCHARD. Specifically not, by the reports before us on this question; but the justification of the committee in placing it lies in the fact that we merely are completing a work which three Congresses had appropriated for.

Mr. HOLMAN. I thought amongst the papers submitted to you was a statement or report from the engineer having charge of the work under Col. Merrill referring to this matter?

Mr. BLANCHARD. Well, as I stated formerly, there was a statement from an engineer accompanying the maps, a statement, too, of soundings there, and, as I am now informed by the gentleman from Indiana, it was from an engineer under Maj. Merrill, the local or subordinate engineer engaged in Government work on the Ohio under Col. Merrill.

Mr. REED. Does the gentleman remember what engineer? I am really curious to know the facts in reference to this matter and how it all came about.

Mr. BLANCHARD. I have stated all that the Committee on Rivers and Harbors of this Congress had before them.

Mr. HOLMAN. If the gentleman from Maine is anxious about the inquiry, let me say that before anything was done in regard to this matter, back in the year 1885, perhaps, I asked the House to make an appropriation of some money to make a preliminary survey or to put it in the list of work to be surveyed. That was done, and the survey was made as far back as 1885. Or I think the first appropriation was made in 1886. I have not examined the papers, but I take it that the work has been carried on under the recommendations of the engineers since that time.

Mr. REED. It is a matter that I would like to be informed about in some way.

Mr. RAINES. Mr. Chairman, I believe that this bill is one in which the House has at different times taken a very deep interest. I come from one of those districts which unfortunately has no "pork in this barrel," and consequently I have been rather a disinterested listener, desiring to form a candid judgment and vote as the thing seems to be right or wrong. I have observed closely the debate with that view.

I have been inclined to sympathize with the gentleman from Indiana [Mr. HOLMAN] in his effort at retrenchment and reform on this bill, and rather to criticize my friend from Maine, and more especially the gentleman from Missouri for the very bitter attack he made on the gentleman from Indiana yesterday. It is another illustration of the fate of reformers, their unfortunate fate.

There has been called to my attention, however, a statement from a Democratic newspaper in regard to the gentleman from Indiana, and in connection with these other assaults upon him I want to extend to him my sincere sympathy for these attacks made upon him by the gentleman from Maine and the gentleman from Missouri. I read in this newspaper extract—

Mr. HOLMAN. Before the gentleman proceeds will he excuse me to ask him a question?

Mr. RAINES. Certainly.

Mr. HOLMAN. My friend says that I was attacked on yesterday. I was not conscious of being attacked. The gentleman must have meant somebody else.

Mr. RAINES. There is no mistake about it, and the gentleman has my sympathy.

Mr. HOLMAN. Who made the attack on yesterday to which you refer?

Mr. RAINES. The gentleman from Missouri.

Mr. HOLMAN. I did not hear his remarks.

Mr. RAINES (reading):

There is no doubt now that Mr. HOLMAN of Indiana is one of those conscientious but limited obstructionists against whom the generous and enlightened sentiment of a community always has to make its most obdurate fight in any scheme of improvement or any effort to keep abreast of the advancing interests of the time.

In the debate on the naval appropriation bill he evinced all the stubborn pugnacity of the rural hardshell who opposes the introduction of the railroad, the macadamizing of the highway, and the proper lighting of the main street.

This estimable order of personage abounds in all insular communities, and he does more from a mistaken frugality and an eight-by-ten conservatism to hamper enterprise and worry intelligence than all the other latent forces in society.

Snatched from his environment to face the gigantic interests of the Republic, he brings the penny-wise sagacity of the village economist with him. He thrashes out great questions with an old-fashioned flail. No new international reaping machines for him. He spins his time-honored arguments with the jenny his grandmother used. He holds up the stocking in which his family have saved their dimes as the only American example for the United States Treasury. He objects to a navy for very much the same reason that he objected to painting his barn when at home: it costs too much. He insists that the Republic should do without store goods unless it can get them without paying cash for them. If the country wants a navy it should wait till it gets eggs enough to trade off for it. What does the country want with store goods, anyway, when there are salt pork and molasses in the house. "No, sir," says Mr. HOLMAN, "I am not one of those fellows who want a lock for their stable after the horse is stolen. I am one of those fellows who don't believe in having any horse at all. I believe in walking. You can't steal my horse if I don't have any."

That this kind of argument should continue to thrive in legislation after it has left the town pump is almost incredible in our day, but it does make a show of function in Congress in the person of Mr. HOLMAN, who represents in the lawmaking body that narrow penuriousness which was first nationalized and formulated by "Poor Richard," and which has since become a sort of religion in Vermont and Indiana among certain deacons who put 5 cents on the contribution plate and take 4 cents change off.

Historically these "forehanded" men have stood across the path of human progress everywhere with their pockets buttoned, and everywhere they have claimed some kind of pious superiority in being mean. They rose up when it was first proposed to light the public thoroughfares with gas and threatened the mephitic vengeance of heaven against the rash innovators; they fought the locomotive in favor of the canal boat; they have left their protest on record against the expense of public sewers; they stood manfully shoulder to shoulder in this city for the town pump and the public cistern against the introduction of Croton water.

They opposed the National Guard in favor of the trained band of their fathers, and they contrast to-day the sinful expense of an organized police against the pastoral serenity and cheapness of the leather-headed watchmen. They kept song out of the church for generations, because it was sinful to pay for a cottage organ. They delayed education because good teachers would no longer board around and eat salt pork and molasses. They shut beauty out of their private and public domain because it is a foolish waste of money.

Mr. HOLMAN, with his fist clinched on a quarter of a dollar, tells the American people that it doesn't want to protect itself, for it costs money to do so. The best protection for our coast and our commerce is to save up our pennies.

This argument may have some weight in Indiana, where patriotism can hide behind a row of States in case of invasion. It may be of no consequence that the country is unprotected. But it may be of some interest, even in Indiana, to know that the Democratic party is unprotected, so long as it has no better bulwark than Mr. HOLMAN's picaresque economy.—*Commercial Advertiser*, April 22.

[Cries of "Vote!" "Vote!"]

This is from a Democratic newspaper, gentlemen, and Democratic newspaper editorials should be interesting to you. Now, Mr. Chairman, between the attacks of a Democratic press in New York, the New York Commercial Advertiser, and the attack of his own friend and colleague from Missouri [Mr. O'NEILL], I want to say, and I think I speak for Republicans on this side when I say, that the gentleman from Indiana [Mr. HOLMAN] has our deepest sympathy.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Maine [Mr. REED].

Mr. O'NEILL of Missouri. Mr. Chairman, the gentleman from New York [Mr. RAINES] in his essay thought proper to refer to me. Now, during all my experience on this floor I have never made a personal attack on any member, and certainly I did not attack the gentleman from Indiana, and to that extent the gentleman from New York is in error in using my name in connection with his own attack.

Mr. RAINES. I did not make any attack.

Mr. O'NEILL of Missouri. I did criticize the attitude of certain members on this floor in regard to certain public questions, which I had a right to do; but I did not make any personal reference to the gentleman from Indiana, for whom I have the highest respect, nor would I.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine [Mr. REED].

The amendment was rejected.

Mr. PARRETT. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

That \$25,000 of the sum appropriated for continuing improvements on the Ohio River may be expended under the direction of the Secretary of War to protect the banks and confine the waters of the Ohio River to the present channel and to prevent any cut-off or change in the channel of said river at a point on the Kentucky side between the mouth of the Green River, in the State of Kentucky, and the city of Evansville, in the State of Indiana. And should the Secretary of War be unable to obtain such land along the bank of said river as may be necessary in the prosecution of such work, according to the plan and recommendation of Lieut. Col. Merrill in his report of September 19, 1890, upon reasonable terms, by agreement, purchase, or voluntary donation and conveyance, he is hereby authorized to apply to the circuit or the district court of the United States for the State of Kentucky, and in the name of the United States Institute and carry on proceedings to condemn such lands as may be necessary for the completion of such work, and in such proceedings said court shall be governed by the laws of the State of Kentucky so far as the same may be applicable to the subject of condemning private property for public use.

Mr. PARRETT. Mr. Chairman, as a result of two examinations made at the instance of resolutions that passed this House, one in 1886 and one in 1889, the engineers have recommended the work that is intended to be commenced by this sum as necessary, worthy, and proper. The city of Evansville stands just at the end of a peninsula. In time of flood the water crosses over this peninsula, and it is to prevent the water from making a new channel, by which great commercial interests of the city of Evansville would be injured, and the navigation of the river dangerously injured that this amendment is offered. I have sought to get an arrangement with the committee, and know that it is useless for me to press this amendment unless I can have their consent.

Mr. WILLIAM A. STONE. The difficulty with this amendment is that it diverts from the Ohio River money that is absolutely necessary to keep that river in condition, and to keep it navigable. The amount asked by the engineers for this purpose

was \$706,000. Only \$350,000 has been appropriated. Fifty thousand dollars of that has been applied to special purposes and that leaves only \$300,000. Now the estimate is as follows:

Low dams and dikes	\$600,000
Davis Island dam	11,500
Rock bar at mouth of Licking River	20,000
Dredging	20,000
Removal of rock reefs in channel	20,000
General administration, inspection, engineering, and contingencies	35,000
Total	706,500

The amendment, while it might otherwise be proper, diverts too much of the money which is absolutely necessary to keep this great river in condition, a river that is 1,000 miles in length, and that has more commerce upon it than any other river in the United States. If the gentleman's amendment had passed, increasing the amount of the appropriation, I would not have objected to it; but the purpose of this amendment is to take from the money appropriated this amount, which will leave too little to keep the river in condition to float this immense commerce, and therefore I am opposed to it and the committee are opposed to it.

Mr. PARRETT. Then, believing that it would be useless to submit this amendment, believing that I can get the amendment put in in the Senate or have a special bill passed for that particular purpose, it being a deserving object, I am inclined not to encumber this bill with it and will withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Rouge River, Michigan; completing improvement, \$11,690.

Mr. SIMPSON. I move to strike out the last word. I would like to ask the chairman of the committee what trade and commerce there is on Rouge River?

Mr. BLANCHARD. Mr. Chairman, the river Rouge, in the State of Michigan, flows into the Detroit River. The lower part of the river is within the limits of the city of Detroit, steamboats navigate it for several miles up, and there is much commerce on it. There are large mills and large manufacturing establishments upon it, and a turning basin was needed there. It is within the Congressional district of my friend from Michigan [Mr. CHIPMAN] who is more familiar with the subject than I am, and I will turn the gentleman from Kansas over to him for further information.

Mr. SIMPSON. It occurred to me that the river is not wide enough to turn a boat in, and it seems to me that the trade and commerce on that river would hardly be worth such an appropriation. I would be glad if the gentleman would explain the necessity for this appropriation.

Mr. CHIPMAN. I will tell my friend that since he sailed upon the lakes very great changes have occurred on the river Rouge, which flows into Detroit River below Fort Wayne, and is as large a river as the Chicago River was originally. The banks are lined with mills, gas works, pulp works, and other kinds of works. All the principal lines of railroad have come in there; the Exposition buildings are there.

Instead of asking that the channel be widened all the way up, there being plenty of depth of water inside, we have simply asked that the stream be widened at one point, in order that the largest vessels may be turned around. Vessels two or three hundred feet long can not clear it and have to be towed stern foremost down the river. We want a place where such vessels can be turned around. We might have been less modest and asked to improve the whole river, but we have only asked what is necessary. There are 40,000 people there now.

Mr. SIMPSON. I withdraw the amendment.

The Clerk read as follows:

Improving Mississippi River, from the mouth of the Ohio River to St. Paul, Minn.: Continuing improvement, \$1,500,000: *Provided*, That on and after passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$1,500,000 per annum for three years, commencing July 1, 1893: *And provided further*, That of the amount herein appropriated \$700,000 shall be expended from the mouth of the Ohio River to the mouth of the Missouri River, and \$800,000 from the mouth of the Missouri to St. Paul; and the amounts for which additional contracts are authorized to be entered into shall be expended in like proportion. The Secretary of War is hereby directed to pay, out of the sum allotted to the river between the mouth of the Missouri River and St. Paul, to M. J. Adams, \$5,000, in full of all claims and demands growing out of the test made by him of what is known as the Adams flume on the Upper Mississippi River, the said test having been authorized by Congress; and the Secretary of War may, in his discretion, use a portion of said sum of \$800,000, if necessary, to further protect the east bank of the river from erosion, and thus prevent the destruction of the embankment of the Say Island levee, and a further portion, in his discretion, in the rectification of the river at Clarksville, Mo., and in repair of harbors of refuge at Stockholm, Wis., and Lake City, Minn., on Lake Pepin.

Mr. HATCH. I offer an amendment.

The Clerk read as follows:

At the end of line 23, page 48, insert, as another proviso to the paragraph, the words:

"*Provided*, That the Secretary of War be, and he is hereby, authorized to pay out of said appropriation the value of work actually done by the Hannibal Ferry Company, not exceeding the sum of \$2,107.50, on the Mississippi River Government dike opposite Hannibal, Mo., during the months of September, October, and November, 1891."

Mr. HATCH. Mr. Chairman, I will simply explain to the committee that it does not increase the appropriation. This Government dike which was built as a part of the system of improving that portion of the river, had formed such a bar above it and below it that it was absolutely necessary that this work should be done at a time when there was no money appropriated for it, during the lowest water last fall. When an appeal was made to the officer in charge, Maj. Rufner, at Quincy, to do this work, after promising repeatedly to do it, he finally said that the funds in his hands were exhausted; and although it was important and ought to be done, he could not do it. The work was actually done by the Hannibal Ferry Company. It is part of the permanent improvements of the river. It is a Government work itself, and this is simply to authorize the Secretary of War, after investigation, to pay for the actual work done on that Government dike. I hope there will be no objection to it.

The amendment was agreed to.

Mr. BROWN. Mr. Chairman, I offer an amendment to the paragraph.

The Clerk read as follows:

Strike out on page 47 all after the word "dollars," in line 17, to the word "and" in the second line on page 48.

Mr. BROWN. Mr. Chairman, in offering this amendment I do not desire to be understood as being unfriendly to appropriations to the Mississippi River. I favor the largest possible appropriations to that river the public good will justify. Now, if I had my way about it I would make the subject of Government appropriations to the Mississippi River a separate and independent matter. I would not weigh down appropriations to that river with appropriations to the various creeks and points throughout the country that in my judgment are not legitimate subjects of Government aid. I would much more cheerfully vote for all the appropriations in this bill proposed for the Mississippi River if they stood alone than I would vote for them in connection with the other matters of appropriation in this bill.

The part of the paragraph in question which I move to strike out reads:

Provided, That on and after passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the systematic improvement of the Mississippi River between the points mentioned, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$1,500,000 per annum for three years, commencing July 1, 1893.

It will be seen, Mr. Chairman, that this language not only fastens this large charge upon the Government in cases where contracts are made, but also in cases where no contracts whatever exist. Again, there is no limitation in this bill from first to last directing what improvements or works shall be constructed, or where or in what manner they shall be constructed. In the other cases of contracts, the bill provides for some sort of specific plan or direction for the prosecution of the work, but there is none whatever in this case.

Mr. CATCHINGS. Will the gentleman permit an interruption for a moment?

Mr. BROWN. Yes, sir.

Mr. CATCHINGS. I think the gentleman is mistaken about that. The work in all these places is to be done in accordance with the plans and specifications of the local engineers in charge.

Mr. BROWN. There is no such statement in the bill.

Mr. CATCHINGS. Of course not.

Mr. BROWN. That may be the law. Whether it be or not my friend from Mississippi is better advised than I am.

Mr. CATCHINGS. I fear the gentleman does not understand me. Take, for instance, the Hudson River. There is nothing in the bill which specifies just what work shall be done there. Now, I understood the gentleman [Mr. BROWN] to say that there was, and that is the point on which I wish to correct him.

Mr. BROWN. My friend is talking about appropriations that are now available.

Mr. CATCHINGS. I am talking about the contract system. The Hudson River improvements are placed under the contract system by this bill.

Mr. BROWN. If the gentleman will be patient a moment I will show him that I am right about this matter, and that he is wrong. In every case where the appropriation is at once available the bill itself gives some specific direction as to how the work shall be prosecuted, but in the cases to which I refer in some instances it does, and in others it does not.

For instance, take Savannah, Ga.: the bill says that "con-

tracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the present project of improvement." In that case the "present project of improvement" contains the plans and specifications. So with Mobile, Ala., Charleston, S. C., the harbor of refuge in Rhode Island. In the case of improving the Hudson River, New York, the contract must be "to carry out the plan recommended by Board of Engineers, United States Army, dated October 1, 1891." In the case of the Lower Mississippi River the contract must be "to execute the work in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers."

In the case of the ship canal, the work must be done "to carry out the plans proposed by Gen. O. M. Poe, the army engineer, of the date January 20, 1891." In every case mentioned where the contract system is to be applied, except the case in hand, the bill gives specific directions as to how the work is to be done and places some one in charge of it. But not so with this case. This paragraph provides for the expenditure of \$4,500,000.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that my colleague be allowed five minutes more.

There was no objection, and it was so ordered.

Mr. BROWN. As I was saying, Mr. Chairman, there is contained in the language which this motion proposes to reach a provision for the expenditure of \$4,500,000, every dollar of which may be expended with or without contract; and I submit to this House whether that is a safe way to legislate. And the money may be expended without Congress having given any certain direction as to the course of the expenditure, or the plans to be followed in the work, or the character of the work to be prosecuted. This contract system, as it has been called, and I suppose properly called, embraces a good deal in this bill. The bill carries appropriations immediately available amounting to \$21,702,321. It fixes a liability upon the Government which must be met by future appropriations, commencing one year hence, of \$26,702,321.

This aggregate appropriation of \$26,000,000 applies to ten places, as follows: Harbor of refuge, Point Judith, R. I., \$1,075,000; Charleston (S. C.) Harbor, \$1,878,000; Savannah (Ga.) Harbor, \$2,792,000; Mobile (Ala.) Harbor, \$1,515,000; the Hudson River, New York, \$2,197,906; Upper Mississippi River, \$4,500,000; Lower Mississippi River, \$7,500,000; ship canal, Great Lakes, \$2,840,000; canal, Columbia River, Oregon, \$1,310,500; making a total exceeding \$47,000,000; nearly one-half of which must be appropriated now and the liabilities for the rest fixed to be paid annually. It does seem to me that this appropriation is extravagant, especially that portion of it which proposes to involve us in expenditures in the future.

The question being taken, the amendment of Mr. BROWN was rejected.

Mr. CASTLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 18, page 47, strike out "St. Paul," and insert in lieu thereof "Minneapolis."

Mr. CASTLE. Mr. Chairman, the effect of this amendment is to extend the improvements on the Mississippi River from the mouth of the Ohio to Minneapolis, instead of stopping at St. Paul, as proposed in the bill. My amendment conforms to the language which has been used in the appropriation made in the Fiftieth and Fifty-first Congresses; and I can see no good reason why the River and Harbor Committee should have made a change at this time.

Mr. BLANCHARD. I will state to my friend from Minnesota [Mr. CASTLE] that the work on the Mississippi River between the cities of St. Paul and Minneapolis is entirely different from that on the Mississippi River below St. Paul. Between Minneapolis and St. Paul the river is a series of rapids; and the character of the work is necessarily different. While it is true that in the bill of 1890—

Mr. CASTLE. And 1888 also.

Mr. BLANCHARD. Perhaps in 1888, too, we designated Minneapolis as the high point of the river to which the appropriation should extend, yet prior to that time the terminus had always been St. Paul. In 1888 and 1890, in order to do certain work between Minneapolis and St. Paul, we struck out St. Paul, which had been the former terminus of the work, and put in Minneapolis. But when we came to put under the contract system the stretch of the river from Cairo up, we concluded it was better to stop at St. Paul. From St. Paul down the work is all of one character, while from St. Paul to Minneapolis, which is as high as the work of improvement can be extended, there is required an altogether different character of work. That was the reason which influenced the committee, and I think the provision ought to stand as it has been reported. Whatever work may be needed

on the Mississippi between Minneapolis and St. Paul should be provided for in a separate appropriation, and I will remark, as I am reminded by my colleague on the committee [Mr. STEPHENSON], that there was on hand for the work between Minneapolis and St. Paul \$50,000 unexpended from a former appropriation, and for this reason we did not incorporate a specific appropriation in the bill for the work between Minneapolis and St. Paul.

The question being taken, the amendment of Mr. CASTLE was rejected.

The Clerk read as follows:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission: Continuing improvement, \$2,500,000, which sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, as approved by the Chief of Engineers, for the general improvement of the river, for the building of levees, and for surveys, including the survey from the Head of the Passes to the headwaters of the river, in such manner as in their opinion shall best improve navigation and promote the interests of commerce at all stages of the river: *Provided*, That on and after passage of this act additional contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry on continuously the plans of the Mississippi River Commission as aforesaid, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law not exceeding in the aggregate \$2,500,000 per annum for three years, commencing July 1, 1893.

Mr. O'NEILL of Missouri. The Clerk has been reading so rapidly, he may have passed the paragraph to which my amendment more directly applies. I desire to offer an amendment to come in at line 8, page 48.

Several MEMBERS. Too late.

Mr. BLANCHARD. I will say to my friend from Missouri [Mr. O'NEILL] that we have passed that paragraph and the succeeding one.

Mr. O'NEILL of Missouri. I have been waiting here to offer the amendment, and have been trying hard to keep up with the Clerk in his rapid reading. I hope the chairman of the committee will not be technical in this matter.

The CHAIRMAN. The Chair will state to the gentleman that not only has the paragraph commencing on page 43 been read some time ago, but amendments were offered to it and discussed. The amendment of the gentleman will not be in order except by unanimous consent.

Mr. O'NEILL of Missouri. I hope the chairman will not object.

Mr. BLANCHARD. I can not agree to going back.

Mr. O'NEILL of Missouri. Well, I will get the amendment offered; the gentleman will not gain anything.

Mr. BLANCHARD. I am simply pursuing a policy—

The CHAIRMAN. If the gentleman from Missouri asks unanimous consent the Chair will submit the request.

Mr. O'NEILL of Missouri. I will offer the amendment so as to come in at the end of the subdivision in regard to the Mississippi River.

The CHAIRMAN. The Clerk has finished reading the paragraph beginning with line 7, page 49, and ending with line 4, page 50.

Mr. O'NEILL of Missouri. Very well, I will offer the amendment at this place. It may involve some slight change in the language.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman, to come in at the end of line 4, page 50.

The Clerk read as follows:

Provided, That the Secretary of War is authorized to purchase or have constructed self-moving dredge boats of large capacity, at a cost not exceeding \$100,000, said sum to be taken from the appropriation for river improvement between the mouth of the Missouri and the Ohio Rivers, and said boats to be kept employed between said rivers in removing bars and other obstructions to navigation.

Mr. O'NEILL of Missouri. Now, Mr. Chairman, I ask the serious attention—

Mr. HOLMAN. Mr. Chairman, is that amendment germane?

The CHAIRMAN. Does the gentleman make a point of order?

Mr. HOLMAN. I do.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. I will reserve my point of order. It is that the amendment is not germane.

Mr. O'NEILL of Missouri. I do not like to have a point of that kind hanging over my head.

The CHAIRMAN. The gentleman from Indiana reserves a point of order.

[Mr. O'NEILL of Missouri withholds his remarks for revision. See Appendix.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. O'NEILL of Missouri) there were—ayes 23, noes 70.

So the amendment was rejected.

Mr. HOLMAN. Mr. Chairman, I move to add the following words to the paragraph just read.

The Clerk read as follows:

Provided further, That no money appropriated by the foregoing provision shall be expended in the construction of levees unless in the opinion of the Secretary of War such levees shall be necessary and proper to aid in improving the navigation of said river.

Mr. HOLMAN. I do not desire to discuss the amendment.

The amendment was rejected.

The Clerk read as follows:

For ship channel 20 and 21 feet in depth and a minimum width of 300 feet, in the shallows of the connecting waters of the Great Lakes between Chicago, Duluth, and Buffalo, \$500,000: *Provided*, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to carry out the plans proposed by Gen. O. M. Poe, Corps of Engineers, United States Army, dated January 20, 1891, and printed as House Executive Document No. 207, second session Fifty-first Congress, for such ship channel, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$2,840,000, exclusive of the amount herein appropriated.

Mr. WHITING. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 50 strike out lines 23 to 25, and on page 51 strike out lines 1 to 8, inclusive, and insert:

"The Secretary of War is hereby authorized to appoint a board of engineers to whom the report of Col. O. M. Poe, Corps of Engineers, United States Army, dated January 20, 1891, upon the subject of a 23-foot channel from Duluth and Buffalo through the Great Lakes and connecting waters, shall be referred. Said board of engineers shall make a thorough examination of said subject, and shall report what extent the said improvements will have on the general level of the water in the Great Lakes, and the harbors connected therewith, and also what sums of money will be required to deepen to 20 feet of navigable water the harbors of the Great Lakes system now under improvement by the General Government. Said board shall also report as to the practicability of raising the water level of the lakes and connecting harbors by damming the Niagara River."

Mr. WHITING. Mr. Chairman, I hope the committee will give this amendment consideration. There is no great demand or urgent necessity that this appropriation should carry at this time. No one can deny the fact that the freight rates of last season were lower than in any previous year, and the freight rates this year are lower than they were last year. The object of the bill is to secure low rates of transportation. I repeat that to-day the freight rates are lower than at any other time in the history of transportation upon the lakes, and I also claim that a majority of the vessel interests upon the lakes are not anxious that this work should be entered upon at this time. It was stated yesterday by the gentleman from Minnesota [Mr. CASTLE] that the railroads owned the vessels which carried 90 per cent of the grain.

Mr. CASTLE. The gentleman is in error. I did not state anything of the kind.

Mr. WHITING. That the railroad boats and the boats known as the whalebacks carried 90 per cent of the grain.

Mr. CASTLE. Nothing of the kind.

Mr. WHITING. You will find it in the RECORD of yesterday.

Mr. CASTLE. All right; go ahead.

Mr. WHITING. The gentleman from New York [Mr. LOCKWOOD] stated that the steamboat interests, in order to compete with the railroads, had built and completed and had now larger steamers to carry 90 per cent of the grain. One of these two statements is wrong. The fact is that both of them are wrong. The real fact is that the railroad companies, desiring to continue and increase the amount of their business over the railroads from Buffalo east, found it necessary to build large steamers. This, with the fact that they were very rapid steamers, enables them to make rates low enough to compete with the so-called tramp boats, which are those that are not owned by railroad companies. They wish to compete with them in carrying the grain to Buffalo, and to ship the grain by rail instead of by canal. Now, these large boats do not find water enough to load to their full depth.

Last year a number of these large boats unloaded part of their cargo at Port Huron. There is 21 feet of water until you pass the St. Clair River. They unloaded part of their cargoes there and went on their way. They loaded partially again and came back to where the Grand Trunk road enters the United States or crosses the St. Clair River, and there completed their cargo. So that this demand for this money comes to-day from the railroads at Buffalo. They want the Government to spend this money for them, and I claim that there is not another port on the lake besides Duluth and Buffalo that is asking for this great appropriation. You take all the harbors on Lake Erie, Fairport, Ashtabula, Cleveland, Black River, Huron, Sandusky, and Toledo, and none of those have 21 feet of water. At Cleveland there has been \$100,000 spent for a breakwater, and to-day the water is so low that the harbor inside the breakwater can not be used.

I do not see the propriety of appropriating over \$3,000,000 and starting upon the work at this time, making contracts for that

great work, when there has not been a demand from the vessel interests; and this House ought to appreciate the fact that it is never aggregated capital that gives low prices. It is the competition of the great number of small boats that go into Buffalo that, in connection with the Erie Canal, make the low rates. The railroads running from there east are anxious to cut off this competition. They build these large boats to do it. Last year a large amount of grain went into Georgian Bay ports. A large amount of grain stopped at Port Huron and went east by the Grand Trunk. There they have a 21-foot channel. The commerce can be carried on in that way, and all that this resolution asks is that a committee be appointed by the Secretary of War to investigate what this cost will be.

Some have estimated that the cost will be \$100,000,000, and that all these cities lying along the shores of the lakes will be damaged; that the value of property will be damaged. It is a quite common belief. The question was asked me yesterday, "Why did not these men protest?" There are very good reasons why they have not protested. The men that own the tramp boats, boats of 2,000 tons and less, appeal to the shippers of ore for their business, and if they oppose anything that the ore shippers want they are fearful that their propositions will not be accepted.

[Here the hammer fell.]

Mr. BUSHNELL. Mr. Chairman, I desire to say that this is a new appropriation, entering upon a new scheme for the improvement of navigation in the Great Lakes. The Northwest is desirous of having just as good facilities for water communication with the Atlantic coast as can be had; but for one I am not in favor of jumping into the middle of that pond of improvement until I know something more about how deep it is. We have in the last few paragraphs of this bill, including this one, provisions for money to be paid out of the public Treasury to the amount of \$15,340,000 for three schemes of improvement only. We ought to be a little careful how we launch out gold by the ton into these lakes without knowing whether or not we are going to have the benefits that are sought to be derived from the expenditure.

Now, I perceive that this bill refers to a report of an army engineer as the basis upon which the appropriation is recommended, one Gen. O. M. Poe.

I have procured that report, and it is far from satisfactory to me as a justification for entering upon this scheme of improvement. That engineer bases his ideas simply and solely upon the reason that the commerce will justify it; and he makes no survey, makes no pretense of giving such facts and figures as, it seems to me, every business man ought to know about as a justification for entering upon such a scheme.

I sincerely hope that I am wrong in this matter, and that the chairman of the committee or some other gentleman upon this floor can show to me that I am wrong; but it does appear just as I have stated, and in justification of my statement I desire to call the attention of the committee to these words of the engineer, on page 2 of his report:

I am of opinion that the waters referred to in the act are worthy of improvement by the General Government to the full depth named. This opinion is based upon the magnitude of the commerce using them.

That is all the basis he gives for it; "the magnitude of the commerce."

He goes on and estimates its cost, and tells us how much the cost would be to excavate to that depth at the foot of Lake Huron, and between Lake Huron and Lake Erie, and figures up the cost of the depth of 21 feet at \$3,339,567.96.

There is not in that report one word as to the fall of water from Lake Huron down through these improvements—the difference in altitude between Lakes Michigan and Huron and Erie, the rate of flow and volume of water, the extent of the reservoir, its capacity, and the effect of emptying it faster. It was stated on this floor yesterday that the deepening of the channels and the making of this depth of water for navigation would lower the upper lakes. If so, it might not improve navigation at all, and would surely injure all their harbors. It was said here yesterday, and not disputed, that there were only two ports on the lakes that vessels drawing that depth of water could now enter. Thus, it amounts to this, that it is for the benefit of two ports on the lakes, not one of them in the State of Wisconsin. These two ports are Buffalo and Marquette. We are asked to begin this scheme of improvement and authorize contracts for the expenditure of this vast sum of money, tons of gold, absolutely and literally, tons of gold to be poured into this scheme of improvement, without anybody knowing how much its completion to make it fair to all ports will cost.

[Here the hammer fell.]

Mr. BLANCHARD. Mr. Chairman—

Mr. BUSHNELL. Mr. Chairman, I ask that my time may be extended a few minutes.

Mr. BLANCHARD. I will not object to that; but I wish to

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